

UPDATE ON 2024



ITALY



COUNTRY REPORT

JULY 2025

Acknowledgements & Methodology

This 2024 update to the report was written by Caterina Bove, Matteo Astuti, Chiara Pigato and Giovanni Papotti, of the Association for Legal Studies on Immigration (ASGI), and edited by ECRE.

This report draws on practice by ASGI legal representatives across the different regions of Italy, as well as available statistical information and reports, case law and other publicly available sources.

The information in this report is up-to-date as of 31 December 2024, unless otherwise stated.

The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is coordinated by the European Council on Refugees and Exiles (ECRE). It follows a methodology developed by ECRE in 2012, which has been applied to the country reports in every annual publication cycle since then.

AIDA aims to provide up-to date information on asylum practice in 25 countries. This includes 19 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, SI) and 6 non-EU countries (Egypt, Serbia, Switzerland, Türkiye, Ukraine and the United Kingdom) which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org. The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.



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Glossary & List of Abbreviations

Decree Law	Regulatory act which provisionally enters into force but requires the enactment of a legislative act in order to have definitive force. This process is described as “implementation by law” (conversione in legge), and it is possible for the Decree Law to undergo amendments in the process of enactment of the law.
Foglio Notizie	Form containing the personal details of the person and the possibility of indicating, by ticking the relevant box, the reasons for his/her arrival in Italy, choosing between the existence of family ties, the need for work, the intention to seek asylum or “other”. It is not always translated in all its parts and it is likely to determine the legal status of the person concerned.
Fotosegnalamento	Taking of photographs and fingerprinting upon identification and registration of the asylum application
Nulla osta	Certification of the absence of impediments to contracting a marriage
Questore	Chief of the Provincial Police Office
Questura	Provincial Police Office
Verbalizzazione	Lodging of the asylum application through an official form entitled “C3”
ANCI	National Association of Italian Municipalities Associazione Nazionale Comuni Italiani
ASGI	Association for Legal Studies on Immigration Associazione per gli Studi Giuridici sull’Immigrazione
ASL	Local Health Board Azienda Sanitaria Locale
CAF	Fiscal Assistance Centre Centro assistenza fiscale
CARA	Centre for the Reception of Asylum Seekers Centro di accoglienza per richiedenti asilo
CAS	Emergency Accommodation Centre Centro di accoglienza straordinaria
CDA	Accommodation Centre for Migrants Centro di accoglienza
CIE	Identification and Expulsion Centre Centro di identificazione ed espulsione
CIR	Italian Council for Refugees Consiglio Italiano per i Rifugiati
CNDA	National Commission for the right to asylum Commissione Nazionale per il diritto di asilo
NAC	National Asylum Commission Commissione nazionale per il diritto di asilo
CPSA	First Aid and Reception Centre Centro di primo soccorso e accoglienza
CSM	High Judicial Council Consiglio Superiore della Magistratura
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ECRI	European Committee against Racism and Intolerance
EDAL	European Database of Asylum Law
EUAA	European Union Agency for Asylum
Fumus boni iuris	Requirement for the adoption of interim and precautionary measures in Italy, correspondent to the apparent validity of the claim
INAIL	National Institute for Insurance against Accidents at Work Istituto Nazionale Assicurazione Infortuni sul Lavoro
INPS	National Institute of Social Security Istituto Nazionale di Previdenza Sociale
IOM	International Organisation for Migration

ISEE	Equivalent Economic Situation Indicator Indicatore della situazione economica equivalente
L	Law Legge
LD	Legislative Decree Decreto Legislativo
MEDU	Doctors for Human Rights Medici per I diritti umani
MRCC	Maritime Rescue Coordination Centre
MSF	Médecins Sans Frontières
PD	Presidential Decree Decreto del Presidente della Repubblica
Periculum In Mora	requirement for the adoption of interim and precautionary measures in Italy, corresponding to the imminent risk of damage in the event of failure to adopt the requested measure
RDC	Income support Reddito di Cittadinanza
SIMM	Society of Migration Medicine Società Italiana di Medicina delle Migrazioni
SOPs	Standard Operating Procedures
SPRAR	System of protection for asylum seekers and refugees Sistema di protezione per richiedenti asilo e rifugiati
SIPROIMI	System of protection for beneficiaries of international protection and unaccompanied minors Sistema di protezione per titolari di protezione internazionale e minori stranieri non accompagnati
SAI	System of Accommodation and Integration – Sistema di accoglienza e integrazione
TEAM	European Health Insurance Card Tessera europea di assicurazione malattia
TUI	Consolidated Act on Immigration Testo unico sull'immigrazione
VESTANET	Registration database for asylum applications

Overview of statistical practice

Due to a lack of disaggregated public data on asylum applications, statistics have been collected through the Eurostat Database.

According to the database, a total of 158,605 applications were presented in 2024. Out of these, 151,120 (95.3%) were first-time applications, while 7,485 (4.7%) were subsequent application. 78,565 first-instance decisions were issued throughout the year; the overall protection rate (including special protection) at first instance stood at 35.9%.

Total final decisions issued in 2024 were 13,530, out of which 11,460 (84.7%) were positive decisions, while 2,070 (15.3%) were rejected. Most final decisions (10,095, 74.6% of the total) granted special protection to the applicant.

Applications and granting of protection status at first instance: figures for 2024

	Applicants in 2024 (1)	Pending applications at the end of 2024	Total decisions in 2024 (2)	Total rejection (3)	Refugee status	Subsidiary protection	Special protection* (4)
Total	158,605	207,285	78,565	50,375	6,000	10,730	11,455
Bangladesh	33,415		15,384	12,360	200	140	2,685
Peru	15,705		1,930	1,270	125	35	505
Pakistan	12,360		9,375	6,415	345	890	1,720
Egypt	11,956		6,995	6,030	80	20	870
Tunisia	10,055		5,420	4,635	225	40	520

Source: Eurostat, Migration and Asylum Database, available [here](#).

Note 1: “Applicants in year” refers to the total number of applicants, and not only to first-time applicants.

Note 2: Statistics on decisions cover the decisions taken throughout the year, regardless of whether they concern applications lodged that year or in previous years.

Note 3: Total rejections include inadmissibility decisions.

Note 4: Special protection is the humanitarian form of protection available in Italy. See [Content of Protection](#).

Applications and granting of protection status at first instance: rates for 2024

	Overall rejection rate	Overall protection rate (1)	Refugee rate	Subsidiary protection rate	Special protection rate
Total	64.1%	35.9%	7.6%	13.7%	14.6%
Bangladesh	80.3%	19.7%	1.3%	0.9%	17.5%
Peru	65.8%	34.2%	6.4%	1.8%	26%
Pakistan	68.4%	31.6%	3.7%	9.6%	18.3%
Egypt	86.2%	13.8%	1.1%	0.3%	12.4%
Tunisia	85.5%	14.5%	4.2%	0.7%	9.6%

Source of the percentages: Calculated by the authors of the report, based on Eurostat statistics as indicated in the table above.

Note 1: Rates include humanitarian protection.

Gender/age breakdown of the total number of applicants: 2024

	Men	Women
Number	128,295	30,310
Percentage	80.9%	19.1%

	Adults	Children	
		Accompanied	Unaccompanied
Number	145,770	10,805	2,030
Percentage	91.9%	6.8%	1.3%

Source: Eurostat, Migration and Asylum Database, available [here](#).

Overview of the legal framework

Main legislative acts on asylum procedures, reception conditions, detention and content of international protection

Note that the Decree Law (*decreto legge*) is a regulatory act which provisionally enters into force but requires the enactment of a legislative act (*legge*) in order to have definitive force. This process is described as “implementation by law” (*conversione in legge*), and it is possible for the Decree Law to undergo amendments in the process of enactment of the law. In the consolidated version of a Decree Law in the Official Gazette, amendments introduced during the *conversione in legge* process can be seen in bold.

Title (EN)	Original Title (IT)	Abbreviation	Web Link
Legislative Decree no. 286/1998 “Consolidated Act on provisions concerning the Immigration regulations and foreign national conditions norms”	Decreto legislativo 25 luglio 1998, n. 286 “Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero”	TUI	http://bit.ly/1PYQbyL (IT)
<i>Amended by:</i> Decree Law no. 13/2017, implemented by Law no. 46/2017	<i>Modificato:</i> Decreto Legge 17 febbraio 2017, n. 13, conversione in Legge di 13 aprile 2017, n. 46	Decree 13/2017 Law	https://bit.ly/2ltXe3Y (IT)
<i>Amended by:</i> Decree Law no. 113/2018, implemented by Law no. 132/2018	<i>Modificato:</i> Decreto Legge 4 ottobre 2018, n. 113, conversione in Legge di 1 dicembre 2018, n. 132	Decree 113/2018 Law	https://bit.ly/2G8Bh7W (IT)
<i>Amended by:</i> Law no. 238 /2021 Provisions to adequate to EU obligation - European Law	<i>Modificato:</i> LEGGE 23 dicembre 2021, n. 238, Disposizioni per l'adempimento degli obblighi derivanti dall'appartenenza dell'Italia all'Unione europea - Legge europea 2019-2020	LAW 238/2021	https://bit.ly/3ltJl5Z (IT)
Legislative Decree no. 251/2007 “Implementation of Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted”	Decreto legislativo 19 novembre 2007, n. 251 “Attuazione della direttiva 2004/83/CE recante norme minime sull'attribuzione, a cittadini di Paesi terzi o apolidi, della qualifica del rifugiato o di persona altrimenti bisognosa di protezione internazionale, nonché norme minime sul contenuto della protezione riconosciuta”	Qualification Decree	http://bit.ly/1FOscKM (IT)
<i>Amended by:</i> Legislative Decree no. 18/2014	<i>Modificato:</i> Decreto Legislativo 21 febbraio 2014, n. 18	LD 18/2014	http://bit.ly/1l0ioRw (IT)
<i>Amended by:</i> Legislative Decree 220/2017	<i>Modificato:</i> Decreto legislativo 22 dicembre 2017, n. 220	LD 220/17	http://bit.ly/2CJXJ3s (IT)

Legislative Decree no. 25/2008 "Implementation of Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status"	Decreto legislativo 28 gennaio 2008, n.25 "Attuazione della direttiva 2005/85/CE recante norme minime per le procedure applicate negli Stati membri ai fini del riconoscimento e della revoca dello status di rifugiato"	Procedure Decree	http://bit.ly/1PYQjOW (IT) https://bit.ly/2XbAeem (IT)
<i>Amended by:</i> Legislative Decree no. 142/2015	<i>Modificato:</i> Decreto legislativo n. 142/2015	Reception Decree	http://bit.ly/1Mn6i1M (IT)
<i>Amended by:</i> Decree Law no. 13/2017, implemented by Law no. 46/2017	<i>Modificato:</i> Decreto Legge 17 febbraio 2017, n. 13, convertito con modificazioni dalla Legge del 13 aprile 2017, n. 46	Decree Law 13/2017	https://bit.ly/2ltXe3Y (IT)
<i>Amended by:</i> Decree Law no. 113/2018, implemented by Law no. 132/2018	<i>Modificato:</i> Decreto Legge 4 ottobre 2018, n. 113, convertito con modificazioni dalla Legge del 1 dicembre 2018, n. 132	Decree Law 113/2018	https://bit.ly/2G8Bh7W (IT)
<i>Amended by</i> Decree Law no. 130/2020, Implemented by Law no. 173/2020	<i>Modificato</i> da Decreto Legge n. 130/2020, convertito con modificazioni dalla Legge 173/2020	Decree Law 130/2020 Law 173/2020	https://encr.pw/ntdAW . (IT)
<i>Amended by:</i> Law no. 238 /2021 Provisions to adequate to EU obligation - European Law	<i>Modificato:</i> LEGGE 23 dicembre 2021, n. 238, Disposizioni per l'adempimento degli obblighi derivanti dall'appartenenza dell'Italia all'Unione europea - Legge europea 2019-2020	Law 238/2021	https://bit.ly/3l7jl5Z (IT)
<i>Amended by</i> Decree Law 20/2023, Implemented by L. 50/2023	<i>Modificato:</i> Decreto Legge 20 Marzo 2023 convertito in L. 50/2023	Decree Law 20/2023 L. 50/2023 DL 133/23	http://bit.ly/3OICK9K (IT)
<i>Amended by</i> Decree Law 133/2023 Implemented by L. 176/2023	<i>Modificato:</i> Decreto legge 133/2023 convertito in L. 176/2023	Converted into L 176/2023	http://bit.ly/3UHF97z (IT)

Legislative Decree no. 142/2015 “Implementation of Directive 2013/33/EU on standards for the reception of asylum applicants and the Directive 2013/32/EU on common procedures for the recognition and revocation of the status of international protection.”	Decreto legislativo 18 agosto 2015, n. 142 “Attuazione della direttiva 2013/33/UE recante norme relative all'accoglienza dei richiedenti protezione internazionale, nonché della direttiva 2013/32/UE, recante procedure comuni ai fini del riconoscimento e della revoca dello <i>status</i> di protezione internazionale.”	Reception Decree	http://bit.ly/1Mn6i1M (IT)
<i>Amended by:</i> Legislative Decree 220/2017	<i>Modificato:</i> Decreto legislativo 22 dicembre 2017, n. 220	LD 220/2017	http://bit.ly/2CJXJ3s (IT)
<i>Amended by:</i> Decree Law no. 113/2018, implemented by Law no. 132/2018	<i>Modificato:</i> Decreto Legge 4 ottobre 2018, n. 113, convertito con modificazioni dalla Legge di 1 dicembre 2018, n. 132	Decree 113/2018 Law	https://bit.ly/2G8Bh7W (IT)
<i>Amended by</i> Decree Law no. 130/2020, Implemented by Law no. 173/2020	<i>Modificato</i> da Decreto Legge n. 130/2020, convertito con modificazioni dalla Legge 173/2020	Decree 130/2020 Law Law 173/2020	https://encr.pw/ntdAW . (IT)
<i>Amended by Decree Law 20/2023, Implemented by L. 50/2023</i>	<i>Modificato: Decreto Legge 20 Marzo 2023 convertito in L. 50/2023</i>	Decree 20/2023 Law L. 50/2023	http://bit.ly/3OICK9K (IT)
<i>Amended by Decree Law 145/2024, Implemented by L. 187/2024</i>	<i>Modificato: Decreto Legge 145 Ottobre 2024 convertito in L. 187/2024</i>	Decree 145/2024 Law L. 187/2024	http://bit.ly/4Im3uKI (IT)
Legislative Decree no. 150/2011 “Additional provisions to the Code of Civil Procedure concerning the reduction and simplification of cognition civil proceedings, under Article 54 of the law 18 June 2009, n. 69”	Decreto legislativo 1 Settembre 2011, n. 150 “Disposizioni complementari al codice di procedura civile in materia di riduzione e semplificazione dei procedimenti civili di cognizione, ai sensi dell'articolo 54 della legge 18 Giugno 2009, n. 69”	LD 150/2011	http://bit.ly/2jXfdog (IT)
Legislative Decree no. 24/2014 “Prevention and repression of trafficking in persons and protection of the victims”, implementing Directive 2011/36/EU”	Decreto legislativo 4 marzo 2014, n. 24 “Prevenzione e repressione della tratta di esseri umani e protezione delle vittime”, in attuazione alla direttiva 2011/36/UE, relativa	LD 24/2014	http://bit.ly/1FI2OsN (IT)

	alla prevenzione e alla repressione della tratta di esseri umani e alla protezione delle vittime”		
Law no. 47/2017 “Provisions on the protection of foreign unaccompanied minors”	Legge di 7 aprile 2017, n. 47 “Disposizioni in materia di misure di protezione dei minori stranieri non accompagnati”	L 47/2017	http://bit.ly/2sYgFd8 (IT)
Decree Law no. 20/2023 Urgent provisions on the legal entry of foreign workers and fight against irregular migration. Converted with amendments by Law 50 of 5 May 2023	Decreto Legge 20/2023 Disposizioni urgenti in materia di flussi di ingresso legale dei lavoratori stranieri e di prevenzione e contrasto all'immigrazione irregolare. Convertito con modificazioni dalla Legge 50 del 5 Maggio 2023.	DL 20/2023 L 50/2023	http://bit.ly/3OICK9K (IT)
Decree Law no 133/2023 Urgent provisions on immigration and international protection, as well as for security policy support and the functionality of the Ministry of the Interior. Converted into L. no. 176/2023	Decreto legge 133/2023 Disposizioni urgenti in materia di immigrazione e protezione internazionale, nonche' per il supporto alle politiche di sicurezza e la funzionalita' del Ministero dell'interno. Convertito con modificazioni dalla- Legge 176 del 1 dicembre 2023	DL 133/23 Converted into L 176/2023	http://bit.ly/3UHF97z (IT)

Main implementing decrees, guidelines and regulations on asylum procedures, reception conditions, detention and content of international protection

Title (EN)	Original Title (IT)	Abbreviation	Web Link
Presidential Decree no. 394/1999 "Regulation on norms implementing the consolidated act on provisions concerning the immigration regulations and foreign national conditions norms"	Decreto del Presidente della Repubblica del 31 agosto 1999, n. 394 "Regolamento recante norme di attuazione del testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero"	PD 394/1999	http://bit.ly/1M33qlX (IT)
<i>Amended by:</i> Presidential Decree no. 334/2004 "on immigration"	<i>Aggiornato con le modifiche apportate dal:</i> Decreto del Presidente della Repubblica 18 ottobre 2004, n. 334 "in materia di immigrazione"	PD 334/2004	http://bit.ly/1KxDnsk (IT)
Amended by: Presidential Decree no. 191/2022	Aggiornato con le modifiche apportate dal Decreto del Presidente della Repubblica 4 ottobre 2022 pubblicato in Gazzetta Ufficiale il 13 Dicembre 2022, recante misure di protezione dei minori stranieri non accompagnati.	PD 191/2022	http://bit.ly/3ZNB0NP (IT)
Presidential Decree no. 21/2015 on "Regulation on the procedures for the recognition and revocation of international protection"	Decreto del Presidente della Repubblica del 12 gennaio 2015 "Regolamento relativo alle procedure per il riconoscimento e la revoca della protezione internazionale a norma dell'articolo 38, comma 1, del decreto legislativo 28 gennaio 2008, n. 25."	PD 21/2015	http://bit.ly/1QjHx8R (IT)
CNDA Circular no. 6300 of 10 August 2017 on "Notifications of the acts and measures of the Territorial Commissions and of the National Commission for the right to asylum"	Circolare della Commissione Nazionale per il diritto d'asilo n. 6300 del 10 agosto 2017 "Notificazioni degli atti e dei provvedimenti delle commissioni territoriali e della Commissione Nazionale per il diritto d'asilo"	CNDA Circular 6300/2017	http://bit.ly/2FwCDZj (IT)
CNDA Circular no. 6425 of 21 August 2017, Request clarifications art. 26, (5) Legislative Decree no. 25/2008, as amended by law n. 47/2017	Circolare della Commissione nazionale per il diritto d'asilo n. 6425 del 21 agosto 2017, Richiesta chiarimenti art. 26, comma 5, d.lgs. n. 25/2008, come modificato dalla legge n. 47/2017	CNDA Circular 6425/2017	http://bit.ly/2Fn38Um (IT)

Ministry of Interior Circular no. 1 of 2 January 2019 “Decree Law 113/2018 implemented by Law 132/2018, applicable profiles”	Circolare del Ministero dell’Interno del 2 gennaio 2019, n. 1 “Decreto Legge 113/2018, convertito con modificazioni dalla legge 132/2018, profili applicativi”	Circular 1/2019	https://bit.ly/2Ghrloj (IT)
Ministry of Interior Circular of 14 January 2019 “Decree Law 113/2018 implemented by Law 132/2018, applicable profiles”	Circolare del Ministero dell’Interno del 14 gennaio 2019, “Decreto Legge 113/2018, convertito con modificazioni dalla legge 132/2018, profili applicativi”		https://bit.ly/2P7G5OZ (IT)
Ministry of Interior Decree, 5 August 2019, published on 7 September 2019, Identification of border or transit areas for the implementation of the accelerated procedure for the exam of international protection applications	Decreto del Ministero dell’Interno del 5 Agosto 2019, pubblicato sulla Gazzetta Ufficiale il 7 Settembre 2019, Individuazione delle zone di frontiera o di transito ai fini dell’attuazione della procedura accelerata di esame della richiesta di protezione internazionale.	MOI Decree 5 August 2019	https://bit.ly/3fzKFIY
Ministry of Interior Circular no. 10380 of 18 January 2019 “Decree Law 113/2018 implemented by Law 132/2018, applicable profiles”	Circolare del Ministero dell’Interno del 18 gennaio 2019, n. 10380 “Decreto Legge 113/2018, convertito con modificazioni dalla legge 132/2018, profili applicativi”	Circular 10380/2019	https://bit.ly/2VGH7UE (IT)
Ministry of Foreign Affairs Decree, 4 October 2019, <i>Identification of Safe Countries of origin, according to Article 2-bis of the Procedure Decree published on 7 October 2019 n.235.</i>	Ministero Degli Affari Esteri e della Cooperazione Internazionale, 4 Ottobre 2019, <i>Individuazione dei Paesi di origine sicuri, ai sensi dell’articolo 2-bis del decreto legislativo 28 gennaio 2008, n. 25, G.U. 7 ottobre 2019 n. 235.</i>	Ministry of Foreign Affairs Decree 4 October 2019	https://bit.ly/2yv5PB3
CNDA Circular no. 8864 of 28 October 2019- Safe countries of origin list Article 2 bis LD 25/2008: accelerate procedure Articles 28, 28 bis, 28 ter	Circolare della Commissione Nazionale per il diritto di asilo, Prot. 886 del 28 Ottobre 2019, Lista dei paesi di origine sicuri ex art. 2 bis d.lgs 25/2008; applicazione delle procedure accelerate ex art. 28, 28 bis 28 ter	CNDA Circular, no 8864 of 28 October 2019	https://bit.ly/3dweqlt
CNDA Circular no. 9004 of 31 October 2019, Safe countries of origin - transmission of country information files - accelerated procedure	Circolare della Commissione Nazionale per il diritto di asilo, Prot. 9004 del 31 ottobre 2019 – Lista dei paesi di origine sicuri- trasmissione “Schede Paesi” – procedura accelerata	CNDA Circular, no. 9004 of 31 October 2019	https://bit.ly/3cgmQ0b
Ministry Of Interior Department of Civil Liberties and Immigration, Circular n. 8560 16 October 2019,	Circolare del Ministero dell’Interno, Dipartimento delle Dipartimento Libertà Civili e Immigrazione n. 8560 del 16	MOI Circular 16 October 2019	https://bit.ly/2WbOvtI

implementation of the accelerated procedure ruled by Article 28 bis Procedure Decree	ottobre 2019, attuazione delle procedure accelerate ex art. 28 bis d.lgs 28 gennaio 2008, n. 25		
Mol Department of Public Security, Central Directorate of Immigration and Border Police, Circular n. 400/C/II Div. 18 October 2019, implementation of the accelerated procedure ruled by Article 28 bis Procedure Decree	Circolare del Ministero dell'Interno, Dipartimento di Pubblica Sicurezza, Direzione Centrale dell'Immigrazione e della Polizia delle Frontiere n. 400/C/II Div. del 18 ottobre 2019, "attuazione delle procedure accelerate ex art. 28 bis d.lgs 28 gennaio 2008, n. 25	MOI Circular 18 October 2019	https://bit.ly/2YK3LQ1
Decree of the Ministry of Interior, 18 November 2019, Modalities for local authorities to access funding from the National Fund for Asylum Policies and Services and guidelines for the functioning of the Protection System for International Protection Holders and for Unaccompanied Foreign Minors (Siproimi)	Decreto del Ministero dell'Interno del 18 Novembre 2019, Modalita' di accesso degli enti locali ai finanziamenti del Fondo nazionale per le politiche ed i servizi dell'asilo e di funzionamento del Sistema di protezione per titolari di protezione internazionale e per i minori stranieri non accompagnati (Siproimi)	Mol Decree 18 November 2019	https://bit.ly/35FVtud
Ministry of Interior, Central Directorate on Immigration and Border Police, no. 20185 of 10 March 2022, "Temporary protection measures in favour of people displaced from Ukraine following the military invasion of the Russian armed forces	Ministero dell'Interno, Direzione Centrale dell'Immigrazione e della Polizia delle Frontiere, n. 20185 del 10 marzo 2022, "Misure di protezione temporanea in favore delle persone sfollate dall'Ucraina a seguito dell'invasione militare delle forze armate russe.	Mol Circular no. 20185, 10 March 2022	
Head of Civil Protection Department Ordinance, no. 881 of 29 March 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	Ordinanza del Capo del Dipartimento della Protezione Civile, n. 881 del 29 marzo 2022, Ulteriori disposizioni urgenti di protezione civile per assicurare, sul territorio nazionale, l'accoglienza, il soccorso e l'assistenza alla popolazione in conseguenza degli accadimenti in atto nel territorio dell'Ucraina	Head of Civil Protection Ordinance, no. 881, 10 March 2022	https://bit.ly/3LH2VJ0
Prime Minister Decree of 28 March 2022, Measures of temporary protection for people coming from Ukraine due to the ongoing war events	Decreto del Presidente del Consiglio dei Ministri, Misure di protezione temporanea per le persone provenienti dall'Ucraina in conseguenza degli eventi bellici in corso	DPCM 28 March 2022	https://bit.ly/38Wxyfw

Overview of main changes since the previous report update

The previous report update was published in **July 2024**.

International protection

- ❖ **State of emergency:** The declaration of the State of Emergency due to numbers of migrants' arrivals has been extended during 2024 and most recently in October 2024 until April 2025.¹ The Regional Administrative Court of Lazio and then the Council of State rejected the appeal for access to the documentation justifying the declaration and extension of the state of emergency.

Asylum procedure

- ❖ **Key asylum statistics:** In 2024, 151,120 first asylum requests were registered in Italy, similar to 2023 when they were 136,836 but almost doubled compared to the 77,200 applications registered in 2022. In 2024, 78,565 first instance decisions were issued in Italy. Of these 6,000 (7%) were decisions granting a refugee status, 10,730 a subsidiary protection (13%) and 11,455 (14%) a national protection (protezione speciale).² Overall, the recognition rate stood at 35.9%, a small decrease compared to 2023 when it was 37%, but a significant decrease compared to 2022 when it was 47%.³ Total final decisions issued in 2024 were 13,530, out of which 11,460 (84.7%) were positive decisions, while 2,070 (15.3%) were rejected. Most final decisions (10,095, 74.6% of the total) granted special protection to the applicant. The main nationalities of applicants in 2024 were Bangladesh, Peru, Pakistan, Egypt and Tunisia.
- ❖ **Access to the asylum procedure:** Law Decree n. 145 of 11 October 2024 established that asylum applicants who irregularly entered or stayed in Italy and submitted an application for international protection, without valid justification, beyond the period of 90 days from the entry, will be subject to accelerated procedure.⁴ Law Decree 145/2024 also amended Article 23 bis Procedure Decree introducing a rule that allows to consider the asylum application implicitly withdrawn when:
 - a. The applicant who has lodged the asylum application, before being called for the interview in front of the Territorial commission, leaves the reception facilities without a justifiable reason (without giving an actual address) or escapes from detention in hotspots or CPR facilities.
 - b. The applicant does not attend the personal interview scheduled by the Territorial Commission and the notification of the hearing is carried out in accordance with the rules regulating notifications (including that in the case of not reachable persons).The law states that, in these cases, the Territorial Commission: 1) rejects the application if it deems it unfounded based on an adequate examination of the merits; or 2) suspends the exam when it believes it does not have sufficient evaluation elements. In this case, the applicant can request the reopening of the suspended proceedings only once within 9 months of the suspension. After this deadline, the proceeding is declared terminated. The application presented by the applicant following the rejection or termination of the implicitly withdrawn asylum application, is subjected to a preliminary examination of admissibility (pursuant to article 29, paragraph 1-bis Procedure Decree).

¹ According to the Civil Protection Code (Article 24 (3) of LD 1/2018) the duration of the state of national emergency cannot exceed 12 months and can be extended for no more than a further 12 months. Therefore, after April 2025, the already existing state of emergency cannot be extended but a new one can be declared.

² Eurostat, First instance decisions, available [here](#) .

³ Eurostat, Asylum applicants by type - annual aggregated data, available [here](#).

⁴ Article 15 quinquies LD 145/2024.

- ❖ **Access to the territory:** Italy's migration management landscape underwent significant legislative and operational transformations during 2024-2025, reflecting intensified externalization policies and heightened border enforcement measures. The most notable development was the operationalization of the Italy-Albania Protocol in October 2024, establishing extraterritorial processing centres that faced immediate judicial challenges when Italian courts consistently refused to validate migrant detentions, citing European Court of Justice jurisprudence on safe country designations. Concurrently, Law 15/2023's implementation continued to severely restrict NGO search and rescue operations, with systematic administrative detentions imposed on humanitarian vessels, though several courts suspended these measures as illegitimate. The reintroduction of border controls with Slovenia under Article 28 of the Schengen Border Code, initially justified by Middle Eastern security concerns but extended multiple times through June 2025, marked a significant shift toward internal border militarization. Additionally, the trilateral cooperation framework between Italy, Slovenia, and Croatia was formalized through a January 2025 Memorandum of Understanding, institutionalizing joint border patrols along the Balkan route while raising concerns about coordinated pushback operations and fundamental rights violations in the context of EU migration governance.
- ❖ **Safe countries list:** On 24 October 2024, the government issued DL 158/2024, which amended Article 2 bis of the Procedure decree to directly include the list of safe countries in the law. Some countries that were included in the previous list (i.e. Nigeria, Cameroon and Colombia), were deleted from the version that was introduced in the law. The list now includes: Albania, Algeria, Bangladesh, Bosnia-Herzegovina, Cape Verde, Ivory Coast, Egypt, Gambia, Georgia, Ghana, Kosovo, North Macedonia, Morocco, Montenegro, Peru, Senegal, Serbia, Sri Lanka and Tunisia. Following the CJEU decision of 4 October 2024 law no longer indicates that the designation of a safe country of origin can be done excluding some parts of the territory. However, it provides that the list of safe countries of origin can be done excluding some categories of persons.
- ❖ **Dublin:** In 2024, there were 7,926 total requests sent in the outgoing procedure, and 47 were the transfers, out of which: 3 for family procedure, 28 for humanitarian clause, Article 17(2), and 13 in the take back procedure. Regarding the incoming procedure, 24,217 requests (including both take charge and take back requests) were received by Italy, which marked a significant decrease when compared to the 35,563 incoming requests Italy received in 2023. The suspension of Dublin transfers due to the state of emergency continued throughout the year. This suspension did not totally affect the take charge procedure: 48 transfers were realised based on the family procedure and 68 based on the humanitarian clause (Article 17(2)).

Reception conditions

- ❖ **Accommodation:** The extension of the State of emergency allowed the derogation from the rules on calls for tenders for the assignment of the management of reception facilities and a wide use of direct awards.
- ❖ **Access to reception conditions:** Law 187/2024 introduced a priority criterion for access to reception facilities for people rescued at sea, making access to the reception of all other people (arrived by land, with autonomous disembarkations, Dublin return, etc.) subject to the availability of non-reserved places. The same law also introduced a hypothesis of exclusion from reception measures for those who, in the absence of justified reason, have entered Italy (irregularly) for more than 90 days without applying for international protection.
- ❖ **Reception capacity:** As of December 31, 2024, the reception facilities present in the country were divided among CAS (95,453), hotspots (461), government centres (3,724) and SAI (37,678). The capacity exceeded the number of asylum seekers present in the reception system. Despite this, many people were waiting for the assignment of the reception place.

- ❖ The Prefectures have shortened the time beneficiaries of international or national protection are allowed to remain in the reception system. Beneficiaries of a form of protection are now requested to leave accommodation a few days after receiving their status. In addition, onerous requests for reimbursement were sent for those who had exceeded the social allowance threshold (6,542.51 euros) for 2023 even slightly due to work income.

Detention of asylum seekers

- ❖ **Changes to the legal framework on detention:** The recent amendments set forth in Decree Law 145/2024 containing provisions on the management of migration flows and international protection, converted with amendments by Law 187/2024 and entered into force on 11 October 2024 and in the Decree-Law 37/2025, converted into Law 75/2025 of 23 May 2025 on urgent provisions to oppose irregular immigration, introduced important changes regarding detention.
- ❖ **The competence of the Courts of Appeal instead of the Courts for validating the detention of asylum seekers:** The recent amendment introduced by Article 16 of Decree-Law No. 145/2024, as amended by Law No. 187/2024, revoked the jurisdiction of the specialised sections of Courts on validations of the detention of applicants for international protection, including in cases of applicants subject to border procedures, applicants subject to Dublin procedures (by amending, respectively, arts. 6, 6-bis and 6-ter of Legislative Decree No. 142/2015) and asylum seekers subject to Dublin procedures (amending Arts. 142/2015 respectively) and asylum seekers who evade identification checks (Art. 10-ter of Legislative Decree 286/1998). In such cases, jurisdiction over the validations of detention orders is entrusted to the Court of Appeal, distorting and surpassing what was provided by Decree-Law 13/2017, converted into Law 46/2017, which had established specialised sections at the ordinary Courts of the place where the Courts of Appeal are located, with the aim of having magistrates with specific expertise.
- ❖ **The Gjader CPR in Albania and the increase of new hotspots:** With Decree-Law 37/2025, converted into Law 75/2025 of 23 May 2025, the Italian Government amended the law ratifying the Meloni - Rama Protocol (No. 37/2025 of 28 March), authorising the forced transfer to Albania of persons already detained in Italian CPRs, without any new validation by the Justice of the Peace. Over the last decade there has been a progressive weakening of the legal guarantees granted to migrants. However, the decision to allow the transfer to Albania of people already present on Italian territory and already detained in the CPRs represents a leap forward in migration policies, opening scenarios never seen before in the European context.

Content of international protection

- ❖ **SAI network:** As of 31 May 2025, the SAI network comprised 872 projects, 625 for adults ("ordinary" projects), 207 for unaccompanied minors and 40 for persons with mental distress or physical disabilities. The projects funded a total of 39,084 accommodation places. Of the SAI projects currently funded, 31,155 are ordinary places, 6,081 for unaccompanied minors, and 765 for people with mental distress or physical disabilities. By 31 May 2025, a total of 38,454 people are accommodated in this system.
- ❖ **Long-term residence:** In 2024, 4,456 beneficiaries of international protection obtained a long-term residence permit.
- ❖ **Naturalisation:** In 2024, 708 citizenships were granted to refugees.

Temporary protection

The information given hereafter constitutes a short summary of the annex on Temporary Protection to this report. For further information, see [Annex on Temporary Protection](#).

Temporary protection procedure

- ❖ **Key statistics on temporary protection:** in 2024, 16,885 permits for temporary protection were issued.
- ❖ **Scope of temporary protection:** The scope of TPD is not restricted compared to the Council Decision. However, people fleeing Ukraine are still required to show documentary evidence that they left the country after 24 February 2022 to access temporary protection. Temporary protection permits can currently be converted into work permits.
- ❖ **Documentary evidence:** The main issues concerning documentary evidence were still those related to the proof of having left Ukraine after 24 February 2022 (mainly by passport stamps).
- ❖ **Information provision:** On national territory and depending on the region or municipality, some organisations continued to provide information to people fleeing from Ukraine.

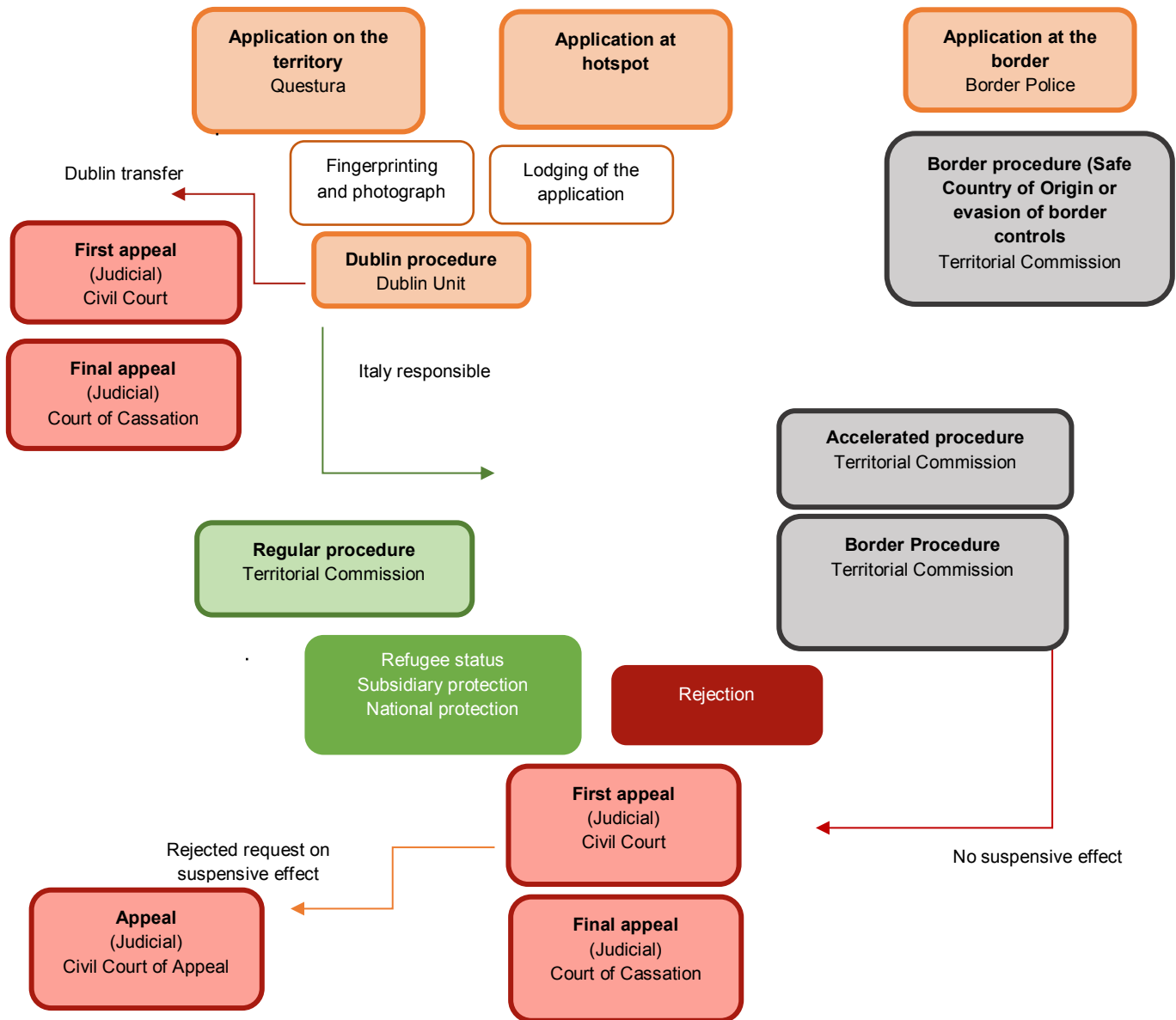
Content of temporary protection

- ❖ **Residence permit:** The validity of all the permits for temporary protection has been extended until 4 March 2026, but from 2024 the beneficiaries must send an application through the post office to renew the permit, and the extension is no longer automatic, as it was in previous years. In alternative, these permits are now convertible into work permits, if the beneficiaries meet the requirements provided by law.

Asylum Procedure

A. General

1. Flow chart



2. Types of procedures

Indicators: Types of Procedures

1. Which types of procedures exist in the country?

❖ Regular procedure:	☒ Yes	☐ No
▪ Prioritised examination: ⁵	☒ Yes	☐ No
▪ Fast-track processing: ⁶	☐ Yes	☒ No
❖ Dublin procedure:	☒ Yes	☐ No
❖ Admissibility procedure:	☒ Yes	☐ No
❖ Border procedure:	☒ Yes	☐ No
❖ Accelerated procedure: ⁷	☒ Yes	☐ No
❖ Other:	☒ Yes	☐ No
2. Are any of the procedures that are foreseen in the law, not being applied in practice?

☐ Yes	☒ No
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With the 2018 reform, the border procedure was established for applicants making an asylum application directly at the border or in transit areas after having been apprehended for having evaded or attempting to evade border controls. The border procedure also applies to asylum applicants who come from a designated [Safe Country of Origin](#). In these cases, the entire procedure can be carried out directly at the border or in the transit area.⁸ The border procedure has been applied since the issuance of the Ministry of Foreign Affairs Decree of 5 August 2019, published on 7 September 2019, which identifies the border and transit areas covered by the accelerated procedure.

3. List of authorities that intervene in each stage of the procedure

Stage of the procedure	Competent authority (EN)	Competent authority (IT)
Application ❖ At the border ❖ On the territory	Border Police Immigration Office, Police	Polizia di Frontiera Ufficio Immigrazione, Questura
Extraterritorial waters in case of transfer to Albania	Immigration Office, Police of Rome	Ufficio Immigrazione della Questura di Roma
Dublin	Dublin Unit, Ministry of Interior	Unità Dublino, Ministero dell'Interno
Refugee status determination	Territorial Commissions for the Recognition of International Protection	Commissioni Territoriali per il Riconoscimento della Protezione Internazionale
Appeal	Civil Court	Tribunale Civile
appeal against the rejection of suspensive effect	Civil Court of Appeal	Corte d'Appello Civile
Onward appeal	Court of Cassation	Corte di Cassazione
Subsequent application	Territorial Commissions for the Recognition of International Protection	Commissioni Territoriali per il Riconoscimento della Protezione Internazionale
Revocation / withdrawal	National Commission for Asylum	Commissione Nazionale per il diritto d'asilo

⁵ For applications likely to be well-founded or made by vulnerable applicants.

⁶ Accelerating the processing of specific caseloads as part of the regular procedure, without reducing procedural guarantees.

⁷ Entailing lower procedural safeguards, whether labelled as “accelerated procedure” in national law or not.

⁸ Article 28-bis(1-ter) Procedure Decree, as amended by Decree Law 113/2018 and by DL 20/2023 converted by L 50/2023.

4. Determining authority

Name in English	Number of Commissions	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision making in individual cases by the determining authority?
Territorial Commissions for International Protection	20 + 21 sub commissions	Ministry of Interior	☒ Yes ☐ No

The competent authorities to examine asylum applications and to take first instance decisions are the Territorial Commissions for the Recognition of International Protection (*Commissioni Territoriali per il Riconoscimento della Protezione Internazionale*), which are administrative bodies specialised in the field of asylum, under the Ministry of Interior. The Territorial Commissions are established under the responsibility of Prefectures.⁹ LD 220/2017, entering into force on 31 January 2018, reformed the functioning and composition of the Territorial Commissions.

4.1. Composition of Territorial Commissions

The law foresees the creation of 20 Territorial Commissions¹⁰ and up to 30 sub-Commissions across the national territory, to boost and improve the management of the increasing number of applications for international protection.¹¹ As of December 2024 there were 20 Territorial Commissions and 21 sub-Commissions across Italy.¹²

As amended by LD 220/2017, each Territorial Commission is composed at least by 6 members, in compliance with gender balance. These include:¹³

- ❖ 1 President, with prefectural experience, appointed by the Ministry of Interior;
- ❖ 1 expert in international protection and human rights, designated by UNHCR;
- ❖ 4 or more highly qualified administrative officials of the Ministry of Interior, appointed by periodic public tenders.¹⁴
- ❖ on a temporary basis, by workers with fixed-term employment contracts with adequate professionalism and by staff of the European Union Agency for Asylum, specially trained in the field of international protection by the Interior Administration, appointed by order of the Head of the Department for Civil Liberties and Immigration of the Ministry of the Interior, after consulting the National Commission.¹⁵

Decisions are taken by a panel made up of the president, the expert designated by UNHCR and two of the members with investigative duties assigned to the same Commission, including the member who carried out the interview.¹⁶

The Territorial Commissions may be supplemented, upon request of the President of the National Commission for the Right to Asylum (CNDA), by an official of the Ministry of Foreign Affairs when, in relation to particularly high number of asylum applications to be processed at the same time, it is necessary to acquire specific assessments of competence regarding the situation in the country of origin. Where necessary, the Commissions can also be chaired by prefectural career officials in retirement.¹⁷

⁹ Article 4(1) Procedure Decree, as amended by LD 220/2017.

¹⁰ Article 4(2) Procedure Decree.

¹¹ Article 4(2-bis) Procedure Decree.

¹² Ministero dell'Interno, Dipartimento per le libertà civili e l'immigrazione, Commissione Nazionale per il diritto di asilo, available in Italian at: <https://bit.ly/3iajZuc>.

¹³ Article 4(3) Procedure Decree, as amended by LD 220/2017.

¹⁴ Article 4(1-bis) Procedure Decree, inserted by LD 220/2017, citing Article 13 Decree Law 13/2017, followed by the appointment of 250 persons through public tender.

¹⁵ Article 4 (3) as amended by Article 15 - sexies (1 a) DL 145/2024 converted into L 187/2024.

¹⁶ Ibidem.

¹⁷ Article 4(3) Procedure Decree, as amended by LD 220/2017.

Before the appointment of the members of the Territorial Commissions, the absence of conflict of interests must be evaluated.¹⁸ For the President and the UNHCR representative, one or more substitutes are appointed. The assignment is valid for 3 years, renewable.¹⁹

Following the 2017 reform, interviews are conducted by officials of the Ministry of Interior and no longer by UNHCR. The decision-making sessions of the Commission consist of panel discussions composed by the President, the UNHCR-appointed expert and two of the administrative officers, including the one conducting the interview.²⁰ Under the Procedure Decree, the decision on the merits of the asylum claim must be taken at least by a simple majority of the Territorial Commission, namely 3 members; in the case of a tie, the President's vote prevails.²¹

In 2016, the CNDA adopted a Code of Conduct for the members of the Territorial Commissions, the interpreters and the personnel supporting them.²² The CNDA not only coordinates and provides guidance to the Territorial Commissions in carrying out their tasks but is also responsible for the revocation and cessation of international protection.²³

These bodies should be independent in taking individual decisions on asylum applications. However, considering that the Commissions are part of the Department of Civil Liberties and Immigration of the Ministry of Interior, several reports pointed to the fact they had received general instructions from the Ministry of Interior. Some examples are the instructions given for the grounds of inadmissibility, manifestly unfoundedness, use of border procedures.²⁴

4.2. Training and quality assurance

The law requires the CNDA to provide training and refresher courses to its members and Territorial Commissions' staff. Training is supposed to ensure that those who will consider and decide on asylum claims will consider the asylum applicant's personal and general circumstances, including the applicant's culture of origin or vulnerability. Since 2014, the CNDA has organised training courses based on the EUAA modules, in particular on "Inclusion", "Country of Origin Information" and "Interview Techniques". These training courses provide both an online study session and a two-day advanced analysis conducted at central level in Rome. In addition to these permanent trainings, courses on specific topics are also organised at the local level. By law, the National Commission should also provide training to interpreters to ensure appropriate communication between the applicant and the official who conducts the substantive interview.²⁵ However, in practice interpreters do not receive any specialised training. Some training courses on asylum issues are organised on *ad hoc* basis, but not regularly.

UNHCR takes part in the decisions, and any divergent opinion is noted in the minutes which can be accessed by the applicant and by their lawyer. In all cases, when there are divergent opinions (usually that of the UNHCR), the decision is indicated as taken by majority and not unanimously.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ Article 4(4) Procedure Decree.

²² Article 5(1-ter) Procedure Decree, available [here](#).

²³ Articles 13 and 14 PD 21/2015.

²⁴ Circulars from the Minister of Interior: circular of 30.10.2020 on interpretation of LD no. 130 of 2020 available at <https://bit.ly/3MPpyMQ>; and Circular of 08.01.21 available at <https://bit.ly/3q1Oozk>.

²⁵ Article 15 Procedure Decree.

5. Short overview of the asylum procedure

Throughout 2023, the support offered by the European Union Agency for Asylum (EUAA)²⁶ to the Italian Asylum Authorities continued at different stages of the procedure.

Italy has received operational support by the EASO/EUAA since 2013. The 2022-2024 operational plan was amended twice, with the latest amendment in March 2024 to reflect the changes in the operational context in light of “the increased pressure on the asylum and reception systems”.²⁷ In December 2024, at the request of the Italian authorities, the EUAA and Italy agreed on an operational plan for 2025, with continued support in asylum procedures, reception and temporary protection.²⁸

Throughout 2024, the EUAA deployed 352 experts in Italy,²⁹ mostly external experts (231) and temporary agency workers (89). The majority of the experts deployed were intermediate reception experts (59), intermediate asylum registration experts (42), intermediate asylum second instance support experts (30), asylum information provision expert officers (19), vulnerability expert officers (17), followed by other support staff (e.g., operations assistants, intermediate asylum quality assurance experts, asylum and/or reception intermediate legal experts, etc.).³⁰

As of 11 December 2024, there were 233 EUAA experts present in Italy, mostly intermediate reception experts (56), intermediate asylum registration experts (31), and intermediate asylum second instance support expert (18).³¹

Application

According to Italian law, there is no formal timeframe for making an asylum application. The intention to make an asylum application may be expressed orally by the applicant in their language with the assistance of a linguistic-cultural mediator.³² However, asylum seekers should make their application as soon as possible. Immigration legislation prescribes, as a rule, a deadline of 8 days from arrival in Italy for migrants to present themselves to the authorities.³³

According to the law introduced by DL 145/2024, an asylum application submitted - without justified reasons - more than 90 days from the irregular entry in Italy or from the start of the period of irregular stay, is channelled into the accelerated procedure and does not give access to accommodation if the applicant does not provide justified reasons for the delay.³⁴

The asylum application can be made either at the border police office or within the territory at the provincial Immigration Office (*Ufficio immigrazione*) of the Police (*Questura*), where fingerprinting and photographing (*fotosegnalamento*) are carried out. In case the asylum application is made at the border, the Border Police invites asylum applicants to present themselves at the Questura for formal registration. Police authorities cannot examine the merits of the asylum application. The law establishes that the lodging of the application should occur within 3 days from the expression of the will to apply – 6 days if the willingness is manifested at border – the time limit may be postponed up to 10 days in case of significant numbers.³⁵ In practice, however, these deadlines are rarely respected, and especially in big

²⁶ It should be noted that Regulation 2021/2023 entered into force on 19 January 2022, transforming EASO into the EU Agency for Asylum (EUAA).

²⁷ EUAA, *Operational Plan 2022-2024 agreed by the European Union Agency for Asylum and Italy – Amendment 2*, March 2024, available [here](#).

²⁸ EUAA, *Operational Plan 2025 agreed by the European Union Agency for Asylum and Italy*, December 2025, available [here](#).

²⁹ EUAA personnel numbers do not include deployed interpreters by the EUAA in support of asylum and reception activities.

³⁰ Information provided by the EUAA, 14 March 2025. In the figures above, the same persons may have been included under different profiles, if a change of profile took place in the course of 2024.

³¹ Information provided by the EUAA, 14 March 2025.

³² Article 3(1) PD 21/2015.

³³ Article 3(2) PD 21/2015.

³⁴ Article 15-quinquies (1) DL 145/2025 converted into L. 187/2024.

³⁵ Art. 26 Procedure Decree.

metropolitan areas such as Milan, Rome, and Naples, asylum applicants manage to lodge their applications only after some weeks or even a couple of months.

During the registration, the Questura asks the asylum applicant questions related to the Dublin Regulation and contacts the Dublin Unit of the Ministry of Interior to verify whether Italy is the Member State responsible for the examination of the asylum application. When there are doubts, the case is transmitted to the Dublin Unit and the person receives a permit that indicates “Dublin” or “richiesta asilo”. Upon renewal of the permit, if the Dublin unit concludes that Italy is responsible the person will receive the form to request an asylum permit. If the Dublin Unit outcome is negative, the person will be notified the Dublin Unit’s negative decision.

After the lodging (*verbalizzazione*) of the application, if no issues regarding the application of the Dublin Regulation arise, or once they are solved, the Questura sends the formal registration form and the documents concerning the asylum application to the Territorial Commissions or sub-Commissions for International Protection located throughout the national territory, the only authorities competent for the substantive asylum interview.³⁶ The asylum applicant is then notified by the Questura of the interview date before the Territorial Commission.

Regular procedure

According to the Procedure Decree,³⁷ a member of the Territorial Commission should interview the applicant within 30 days of having received the application, and the Commission should decide on its result in the 3 following working days.

The decision shall be taken following a panel discussion between all members of the Commission. Should the Territorial Commission be unable to take a decision in the time limit, or in case it finds itself in need of new elements, the examination procedure should be concluded within six months of the lodging of the application.

However, the Territorial Commission may extend the time limit for a period not exceeding a further nine months, where:

- (a) complex issues of fact and/or law are involved;
- (b) a large number of asylum applications are made simultaneously;
- (c) the delay can clearly be attributed to the failure of the applicant to comply with their obligations of cooperation.

By way of exception, in duly justified circumstances, the Territorial Commission may further exceed this time limit by three months where necessary to ensure an adequate and complete examination of the application for international protection.³⁸ In the light of the different possibilities of extension, the asylum procedure may last for a maximum period of 18 months.

According to ASGI’s experience, due to the large number of simultaneous applications, the time limits are never respected in practice, and the asylum applicant is generally not informed about the authorities exceeding the deadlines.

Prioritised and accelerated procedures

The Procedure Decree provides for an accelerated procedure and a prioritised procedure. The President of the Territorial Commission identifies the cases under the prioritised or accelerated procedure.³⁹

³⁶ Article 4 Procedure Decree, as amended by LD 220/2017.

³⁷ Article 27 Procedure Decree.

³⁸ Article 27 Procedure Decree.

³⁹ Article 28(1) Procedure Decree.

Border procedure

With the 2018 reform, confirmed by the 2020 reform, the border procedure was established for applicants making an asylum application directly at the border or in transit areas, after having been apprehended for having evaded or attempting to evade border controls. In this case, the entire procedure can be carried out directly at the border or in the transit area.⁴⁰

The reform introduced by L. 50 of 5 May 2023, which converted with amendments the DL 20/2023, allowed the authorities to carry out the border procedure for people coming from safe countries of origin making the application at the border or transit areas.⁴¹

People subject to the border procedure rescued by Italian ships in international waters were also subject from October 2024 to the procedure set out by the agreement between Italy and Albania according to which they were directly transferred to the hotspot and first accommodation centres under Italian jurisdiction created in Albania.⁴²

Border and transit areas for the accelerated examination of asylum applications were identified by ministerial decree of 5 August 2019,⁴³ and include areas in the provinces of Trieste and Gorizia (Balkan border); the provinces of Crotone, Cosenza, Matera, Lecce, Brindisi (southern coastal area); two areas in Sicily, one including the Provinces of Caltanissetta, Ragusa, Syracuse, Catania, Messina, the other including Trapani and Agrigento Provinces; and the Metropolitan city area of Cagliari (South Sardinia). The decree also instituted sections of the territorial commissions in charge to operate in these areas. The list of safe countries has been expanded to include additional countries through a Ministerial Decree of 7 May 2024. The additional countries included are Bangladesh, Cameroon, Colombia, Egypt, Peru and Sri Lanka.⁴⁴

However, after the CJEU decision issued on 4 October 2024,⁴⁵ clarifying that no countries with territorial exclusions could be kept on the list, through decree law 158/2024 a new safe countries of origin list was included directly in the Procedure Decree (Article 2 bis), deleting Colombia, Nigeria and Cameroon. Later, L. 187/2024, implementing DL 145/2024 and repealing DL 158/2024, confirmed the introduction of the new list in Article 2 bis of the Procedure Decree.

Appeal

Asylum applicants can appeal a negative decision issued by the Territorial Commission within 30 days before the competent Civil Court. Following Decree Law 13/2017, there are specialised court sections competent for examining asylum appeals.

In case of a negative decision on the merits, the applicant is recognized the right to stay on the national territory pending the appeal.

Applicants placed in detention facilities and applicants whose application is examined under the accelerated procedure, on the basis of Article 28-bis of the Procedure Decree, have only 15 days or 7 days to lodge an appeal,⁴⁶ and they can be recognized the right to stay pending the appeal only upon a separate request to the court.

⁴⁰ Article 28-bis(2) (b)) Procedure Decree, as amended by Decree Law 130/2020 and L 173/2020

⁴¹ Article 28 bis (b bis) introduced by L. 50/2023.

⁴² Article 3(2) L. 14/2024 ratifying the agreement taken by the Italian and Albanian Government, available at: bit.ly/44vBGfr.

⁴³ Available at: <https://bit.ly/3CJxWcm>.

⁴⁴ Ministry of Foreign Affairs and International Cooperation Decree, 7 May 2024, available at: <https://acesse.dev/8L1OU>.

⁴⁵ CJEU, C-406/22 decision of 4 October 2024.

⁴⁶ Article 35 bis Procedure Decree as amended by DL 145/2024 converted into L. 187/2024.

In case the suspensive effect is denied, an appeal can be submitted, within 5 days, to the Civil Court of Appeal, which should then decide whether to grant suspensive effect within 10 days. The filing of a complaint does not suspend the procedure.⁴⁷

After the entry into force of Decree Law 13/2017, the final decision of the civil court (first appeal) can only be challenged in law before the Court of Cassation (final appeal) within 30 days. Before the reform, the decision of the civil court could also be appealed in fact and law in front of the Court of Appeal, within 30 days of the notification of the decision.

Even if, according to rules introduced in 2017, proceedings before the civil courts should last a maximum of 4 months,⁴⁸ and 6 months before the Court of Cassation, the actual duration largely exceeds these terms, in some cases even tenfold.⁴⁹

Asylum and return

In case a negative decision is notified to an asylum applicant, it is linked to a return decision notified together with the rejection but, in most cases, rejected asylum seekers have the right to submit an appeal within 15 or 30 days and, when the appeal does not have automatic suspensive effect, they have the right to stay until the Court issues a decision on the suspension. After that, people are requested to provide evidence of having submitted an appeal and that the suspensive request was accepted.

B. Access to the procedure and registration

1. Access to the territory and push backs

Indicators: Access to the Territory

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? ☒ Yes ☐ No
2. Is there a border monitoring system in place? ☐ Yes ☒ No
3. Who is responsible for border monitoring? ☐ National authorities ☐ NGOs ☐ Other
4. How often is border monitoring carried out? ☐ Frequently ☐ Rarely ☐ Never

In 2024, according to MOI data,⁵⁰ 66,317 people disembarked in Italy, 91,334 less than the previous year, marking a 57.93% decrease in the number of disembarkations. Throughout 2024, Libya returned to being consistently the main departure point for migrants and refugees reaching Italy by sea. Data analysis⁵¹ shows that approximately 62.4% of all people who reached Italy through the sea had departed from Libyan shores, while Tunisia accounted for about 27% of departures. Libya's role as the primary departure point became particularly significant in the second half of the year, with peaks reaching 74% of total departures in November. Tunisia, which had started the year with a significant share of departures in January (52%), showed a gradual decrease in the following months, stabilizing at lower percentages. The remaining departures were mainly recorded from Turkey and Algeria, though these represented a much smaller proportion of the total flows. Based on the 2024 UNHCR fact sheets, approximately 6,800 people were detected entering Italy irregularly by land, primarily across the Italian border with Slovenia. The monthly data shows a relatively consistent pattern throughout the year, ranging from about 500 to 800 people per month, with a slight increase noted during the late summer and early autumn period. The main nationalities of those arriving through the land route were from Bangladesh, Syria, Türkiye, Pakistan,

⁴⁷ Article 35 bis (4 bis) Procedure Decree introduced by Article 17 DL 145/2024.

⁴⁸ Article 35 bis (13) (14) (15) Procedure Decree.

⁴⁹ See, in this sense and for an analysis of the functioning of the specialised court sections, L. Perilli, Le sezioni specializzate in materia di immigrazione a cinque anni dalla loro istituzione. Un'indagine sul campo, in *Diritto Immigrazione e Cittadinanza*, n. 1/2023, available in Italian at: <https://bit.ly/43fq6TS>.

⁵⁰ Cfr Ministry of Interior, Cruscotto statistico giornaliero available [here](#).

⁵¹ See UNHCR Operational Data Portal, available at <https://shorturl.at/kp2QC>.

Morocco, and Afghanistan. These arrivals were part of the broader Western Balkan route, with most people entering through Slovenia after traveling through various Balkan countries.⁵²

1.1. Arrivals by sea

As highlighted, in 2024, 66,317 persons disembarked in Italy,⁵³ a substantial decrease compared to 2023 (157,652) and to 2022 (105,131). Despite the decrease in the number of sea arrivals, in 2024, there were a total of 158,605 asylum applications.⁵⁴ The highest number of monthly sea arrivals was recorded in August, when 8,526 persons reached the Italian coasts.⁵⁵

The number of unaccompanied minors (Minori Stranieri Non Accompagnati – MSNA) reached 8,043, compared to 18,820 in 2023.⁵⁶

The main nationality of people disembarked was Bangladesh (13,779 in total), which represented a change compared to 2023, when most of the people disembarked were Guinean. The other most represented nationalities in terms of arrivals by sea in Italy were Syria (12,504), Tunisia (7,677) and Egypt (4,296). It is worth noting that, except for Syria (for which through a circular dated 10 December 2024, the National Asylum Commission, after an official declaration of the Italian Government,⁵⁷ requested the suspension of international protection recognition procedures pending verification of developments regarding the geopolitical situation), the other three nationalities are included in the list of safe countries of origin.

Italian authorities classify arrivals of migrants in a way that lacks transparency. As explained by Altreconomia,⁵⁸ the Italian authorities mostly consider rescue operations as “law enforcement” interceptions, disembarking most of the rescued people on the island of Lampedusa to increase the perception of a chronic emergency.

Furthermore, the approval of Decree Law 1/2023 converted into law 15/2023 has had a major impact on the effectiveness of SAR operations conducted by NGOs: as of July 2023, only 4.2% of rescue operations had been conducted by the civil society since January, while 68% had been operated by the public authority. If compared to 2022, the decrease of the capacity of SAR NGO is quite evident (they had conducted 15.2% of total operations).⁵⁹ By the end of 2023, only 8,904 people have been rescued by SAR NGOs, less than the 6% of the total number.⁶⁰ Once more, this data highlights how misguided the theories attributing a “pull factor” role to NGO vessels for what concerns departures from Libya are. Throughout 2024, similar data was not made available.

1.1.1. State rescue operations and shipwreck incidents

On 31 March 2020, the Sophia Operation, started in 2015, definitively ended and was replaced by the IRINI Operation, the main task of which is implementing the arms embargo against Libya imposed by the UN. A note published by the Chamber of Deputies states that since the end of the Sophia operation, in practice, vessels used for the purpose of rescuing people at sea in one of the main migratory routes no longer operate.⁶¹ In this regard, the study by the Senate Commission noted that, with the IRINI mission,

⁵² Ansa, Migrants: prefetto Trieste, si intensificano arrivi in Fvg, 28 February 2023, available at: bit.ly/41VNWmk.

⁵³ Ministry of Interior, *Cruscotto statistico giornaliero*, available in Italian at: <https://bit.ly/3HdUq7M>.

⁵⁴ Eurostat data, available at: <https://shorturl.at/HqM8O>.

⁵⁵ See UNHCR, Operational data portal, *Fact Sheet Italy/December 2023*, available at: <https://bit.ly/3usXryY>.

⁵⁶ Cfr Ministry of Interior, *Cruscotto statistico giornaliero* available at: <https://bit.ly/3HdUq7M>.

⁵⁷ EUNews, 9 December 2024, available at <https://shorturl.at/iRwdZ>.

⁵⁸ Altreconomia, “I dati che raccontano la guerra ai soccorsi nell’anno nero della strage di Cutro”, February 21 2024, available in Italian at <https://bit.ly/4ak0glk>;

⁵⁹ See SKY TG24, ‘Migranti e sbarchi, qual è il ruolo e il peso delle Ong sul totale dei salvataggi’, 27 September 2023, available in Italian at: <https://bit.ly/3T2zWWS>.

⁶⁰ Altreconomia, “I dati che raccontano la guerra ai soccorsi nell’anno nero della strage di Cutro”, February 21 2024, available in Italian at <https://bit.ly/4ak0glk>

⁶¹ Chamber of Deputies, ‘Emergenza COVID-19: le misure in materia di immigrazione’, 11 March 2021, available at: <https://bit.ly/2RsUUAA>.

the displacement of the intervention area would bring ships to extremely decentralised areas with respect to the routes of human traffickers and therefore the "search and rescue component" of the new operation should be strongly reduced compared to Sophia.⁶² The report of the Council of Europe Commissioner for human rights observed that the focus of the EUNAVFOR MED IRINI operations area was the eastern part of the Libyan Search and Rescue Region and the high seas between Greece and Egypt, strongly reducing the possibility of encountering refugees and migrants in distress at sea.⁶³

On 10 August 2020, the Court of Rome ordered a new investigation in a case in which it had already indicted two officers of the Italian coastguard and of the navy, for delay and failure to rescue in the shipwreck which occurred on 11 October 2013, and in which 286 people, including at least 60 minors, died at sea.⁶⁴ Despite six verbal communications between a doctor on-board and the Italian MRCC and the presence of various commercial ships in the vicinity of the distress area, the Italian authorities did not take responsibility for the coordination of the SAR operation, nor informed Maltese authorities (the SAR incident was taking place in Maltese SAR zone). The Coordination centre ordered the commercial ships to move away from the distress area, which in turn led to the death of the migrants onboard. A criminal procedure against the General Commander for the port Authority and the Chief of the branch of CINCNV control room, indicted for refusal of acts of duty (art. 328 penal code) and involuntary manslaughter (art. 589 penal code), was ongoing. On 15 December 2022, the Court of Rome took a final decision in this case. The Court dismissed the claim on the ground that it was statute barred, even if it recognised the criminal responsibilities of the indicted, highlighting that the attempt to avoid the obligation of coordination and assistance to search and rescue operations constitutes a reason for criminal accountability.⁶⁵ The case has previously been scrutinised by the UN Committee for Human Rights, that condemned Italy and Malta for the violation of art. 2 (par 3) and art. 6 of the ICCPR.⁶⁶

On 26 February 2023, nearby the Calabrian coast – precisely in Steccato di Cutro – a tragic shipwreck took place.⁶⁷ A boat originally departing from Izmir in Türkiye got stranded at a hundred fifty metres from the coast after a five-day journey and sank after attempting to land. The official number of deaths amounted to 94, including 35 minors; only 80 people survived, and around 15 people were missing.⁶⁸ From the morning of the shipwreck, what specifically happened was unclear. According to declarations released by the different authorities involved in the following days, an aerial Frontex asset was present on the scene the night before the tragedy and sent an alert to the Italian Finance and Coast Guard (*Guardia di Finanza* and *Guardia Costiera*) and the Italian Maritime Rescue Coordination Center to inform them that they had spotted a boat which according to thermal camera data appeared to carry several people and was lacking life vests. Apparently, *Guardia di Finanza* took the lead of the operation; this entailed, however, that the operation was classified as a law enforcement operation, in accordance with a practice established in 2019.⁶⁹ Around 2am, two patrol boats left Crotone and Taranto's harbours to reach the vessel but, due to the maritime conditions, were not able to do so. Up to this moment, the operation was still considered a law enforcement operation instead of a search and rescue one, even though the sea conditions had worsened and there were indicators of the presence of multiple people onboard. Around 3:40am, staff from the *Guardia di Finanza* reached out to the port authority (*Capitaneria*

⁶² Senate studies service, *Da Sophia A Irini: La Missione Militare Ue nel Mediterraneo cambia nome, e Priorità*, April 2020, available at: <https://bit.ly/2Rq68G4>.

⁶³ Council of Europe Commissioner for Human Rights, *A distress call for human rights: The widening gap in migrant protection in the Mediterranean*, March 2021, available at: <https://bit.ly/2QX5ikh>.

⁶⁴ Ansa, 'Naufragio bambini, due ufficiali a giudizio', 16 September 2019, available in Italian at: <https://bit.ly/3fBEFsM>; see also: Alarmphone, 'Left-to-Die Trial in Rome', 2 December 2019, available at: <https://bit.ly/2LeRHyn>; ECRE, 'Italy: Officials of the Italian Coast Guard Prosecuted for Shipwreck in 2013', 20 September 2019, available at: <https://bit.ly/3ckBunh>.

⁶⁵ ASGI, 'Strage di bambini dell'11 ottobre 2013: le responsabilità e la cronaca della tragedia nella sentenza sul naufragio', 5 January 2023, available in Italian at: <https://bit.ly/3WRnzeV>.

⁶⁶ OHCHR, 'Italy failed to rescue more than 200 migrants, UN Committee finds', 21 January 2021, available at: <https://bit.ly/3JsyqZu>.

⁶⁷ Al Jazeera, 'Mediterranean shipwreck: Stories of tragedy emerge after 62 drown', 27 February 2023, available at: <http://bit.ly/3LBRICw> and LaStampa, 'Naufragio di Cutro, la ricostruzione ora per ora di quello che è accaduto la notte del 26 febbraio', 17 March 2023, available in Italian at: <http://bit.ly/3n5QGia>.

⁶⁸ LaStampa, 'Cutro due mesi dopo: inchieste congelate e sette cadaveri ancora senza nome', 5 May 2023, available in Italian at: <https://bit.ly/3MTFcSP>.

⁶⁹ See: Altreconomia, 'Se i naufraghi nel Mediterraneo diventano 'persone intercettate in operazioni di polizia'. Le ricadute sui soccorsi', 8 October 2019, available in Italian at: <https://bit.ly/3dwtQ9p>.

di porto) of Reggio Calabria to ask if any vessel of the Coast guard was available but received a negative answer. After an emergency phone call made through a satellite phone, police authorities at land were informed about the emergency conditions of the boat and started patrolling the shores waiting for the boat to dock. A new emergency call from the fishermen on the shore reached the Coast guard around 4am; only at this stage was the operation classified as a search and rescue operation. An official declaration from the Ministry of Interior Matteo Piantedosi stated that the accident took place at 5:30am. The first rescue operation was carried out by some fishermen and personnel from the military force of *Carabinieri*, but the situation immediately appeared tragic.

On 9 March, ASGI and other 41 associations submitted a collective complaint/report to the Public Prosecutor Office in the form of a report, asking to open an extensive investigation aimed at ascertaining the public responsibilities of the authorities involved in the management of the operation.⁷⁰ Per recent press articles,⁷¹ six law enforcement officials will be charged for failure to assist persons in danger and culpable disaster with different levels of responsibility, which could lead to sentences of up to 12 years in prison. Furthermore, a report prepared by the Fundamental Rights Office of Frontex, which monitors the activities of the European Border Agency, published by Euractiv,⁷² points out that "the Italian authorities present in the Frontex monitoring room in Warsaw (an official from the coast guard and one from the Guardia di Finanza) considered as 'not of particular interest' the report in which the boat on which the migrants were travelling was spotted (hours before the shipwreck)." This contradicts the government stance that they did not receive any alerts from Frontex.⁷³ On 6 November 2024, the Public Prosecutor's Office of Crotone requested the indictment of six military personnel (four from the Guardia di Finanza and two from the Coast Guard) accused of failing to prevent the sinking of the caique. The investigation shed light on the alleged "inertia" and "omissions" on the night between February 25 and 26, 2023, which contributed to causing the massacre at sea.⁷⁴ The preliminary hearing, during which the judge will decide whether to proceed with the trial, was set to be held in March. The hearing has been postponed to May 12, awaiting the constitution of civil parties. During the hearing regarding the admission of civil parties to the proceedings, the judges granted civil party status to 88 out of 113 parties.⁷⁵

The prosecution of the alleged boat drivers has been carried out by the relevant prosecutors' offices. The Crotone prosecutor's office indicted five people for the crimes of aiding and abetting illegal immigration and death as a result of crime. On 8 February 2024, the judge for the preliminary hearing, following an abbreviated trial, sentenced two of the 5 boatmen, one of them to 20 years and a 3 million fine.⁷⁶ The other three defendants were convicted even though they were not identified as boat drivers but as individuals who played an active role in managing the passengers of the sunken caique, even if their responsibility for the shipwreck is not comparable to that of those who were driving the boat.⁷⁷ The Italian government and the Calabria Region also joined the trial as civil parties.⁷⁸

⁷⁰ See Watch the Med - Alarm Phone, 'Cutro shipwreck: Associations file a collective complaint with the Office of the Public Prosecutor', 10 March 2023, available at: <http://bit.ly/3Jw06uS> and ASGI, 'Naufragio Cutro: Associazioni depositano esposto collettivo in Procura', 9 March 2023, available in Italian at: <https://bit.ly/3LvHJcp>.

⁷¹ La Repubblica, 'Naufragio di Cutro, ufficiali a processo per mancato soccorso. Finanza e Capitaneria nel mirino', 15 February 2024, available in Italian at: <https://bit.ly/3uDv6pC>; L'Unità, 'Cosa è successo a Cutro e perché fu strage di Stato: chi pagherà per il mancato salvataggio', 16 February 2024, available at <https://bit.ly/3laWe28>.

⁷² Euractiv, 'Cutro: Italian authorities deemed migrant boat 'not of interest' before shipwreck', 30 January 2024, available at: <https://bit.ly/49x4yFk>.

⁷³ ANSA, 'Naufragio migranti, Meloni: "Nessun allarme da Frontex. Io non scappo, ora Cdm a Cutro"', 5 March 2023, available in Italian at: <https://bit.ly/3001aOi>.

⁷⁴ RaiNews.it, 'Naufragio di Cutro: la procura chiede il processo per il 6 militari indagati', November 6 2024, available in Italian at <https://shorturl.at/KiyN7>.

⁷⁵ ANSA, 'Naufragio Cutro: al processo ammesse 88 parti civili', May 29, 2025, available in Italian at <https://shorturl.at/2juXF>.

⁷⁶ La Repubblica, 'Cutro, prima sentenza per il naufragio: 20 anni e 3 milioni di multa allo scafista', 8 February 2024, available in Italian at: <https://bit.ly/3T65YBo>.

⁷⁷ Ansa, 'Condannati tre presunti scafisti della strage di Cutro', December 10, 2024, available in Italian at <https://shorturl.at/75CMT>.

⁷⁸ Il Fatto Quotidiano, 'Strage di migranti a Cutro, il governo si costituirà parte civile nei processi agli scafisti', 28 November 2023, available in Italian at: <https://bit.ly/3uwY1M6>.

ASGI and other CSOs also supported survivors and family members of the missing and deceased migrants in the identification of victims and the right to truth, reporting on the procedural errors in the management of the situation by public authorities and on the unlawful and inhumane treatment to which survivors were subjected both in term of reception conditions and access to legal information.⁷⁹

1.1.2. Obstacles to NGO search and rescue activities

The initial “closure of ports” policy

The so-called “closed ports” policy began with Decree 53/2019 (known as the “Security Decree bis” or “Decreto Sicurezza bis”), which was introduced during Matteo Salvini’s tenure as Minister of the Interior. This decree formalized the government’s approach to restricting access to Italian ports for vessels conducting search and rescue operations in the Mediterranean Sea, particularly those operated by NGOs. Law Decree 130/2020, as amended by Law 173/2020, repealed the provisions introduced by Decree 53/2019, introducing new regulations on ministerial powers to limit the transit or docking of SAR vessels. However, this regulatory framework has been significantly modified by Law Decree 1/2023 (converted into Law 15/2023), which established a new “Code of Conduct” for NGOs engaged in SAR activities, imposing more stringent obligations and new sanctions. The competencies of the Minister of the Interior and the Ministry of Infrastructure and Transport, which overlap in some cases, have been further specified compared to the previous legislation. For a more detailed and accurate description of the previous legal framework, please refer to earlier versions of the report.

It was under this legal framework that the Gregoretti case started. Involving government denial of disembarkation,⁸⁰ the former Minister of Interior, Matteo Salvini, faced a criminal trial, but in May 2021 the Court of Catania decided not to indict him for kidnapping.⁸¹ On 17 April 2021, the former Minister of Interior, Salvini, was indicted by the Court of Palermo for the kidnapping of 147 migrants aboard the Open Arms, kept aboard the ship for six days in August 2019. The trial started on 15 September 2021. In a hearing, confirmed having denied disembarkation and thus forcibly maintained 147 people aboard the ship.⁸² On 14 September 2024, the former Minister of Interior Matteo Salvini was charged with the crimes of kidnapping and refusal of official acts by the Public Prosecutor’s Office at the Court of Palermo.⁸³ On 20 December, the Court of Palermo announced the verdict: the former Minister of Interior was acquitted because “the fact does not exist.” The Public Prosecutor’s Office of Palermo had requested that Salvini be sentenced to six years in prison.⁸⁴

Search and seizures operations of NGO rescue boats

In December 2020, the Administrative Court for Sicily in Palermo, submitted a request for a preliminary ruling to the CJEU⁸⁵ regarding the applicability of Directive 2009/16/EC to ships primarily engaged in SAR activities. This request stemmed from an appeal filed by Sea Watch 4 against its detention in September 2020, after rescuing 354 people at sea in August 2020. Following the rescue and transfer of migrants to the Allegra ship in Palermo, the Ministry of Health imposed a 14-day quarantine for the crew and subsequent ship sanitization. After sanitization, the Port Authority of Palermo conducted a “port state control” inspection and detained the vessel, citing non-compliance with technical requirements,

⁷⁹ ASGI, ‘Naufragio di Cutro, ASGI: ritardi nell’attivazione dell’accoglienza per i superstiti’, 11 March 2023, available in Italian at: <https://bit.ly/3JsByTM>.

⁸⁰ By the end of July 2019, the Minister of the Interior forbade the landing of the people rescued by the Gregoretti Italian Coast Guard ship. Only after six days, on 31 July 2019, the 116 people were disembarked and transferred to the Pozzallo hotspot before being redistributed between France, Germany, Portugal, Luxembourg and Ireland. 50 people remained in Italy in charge of the Italian Episcopal Conference (CEI).

⁸¹ Ansa, ‘Gregoretti: Gup, non luogo a procedere per Salvini. Prosciolto perché ‘il fatto non sussiste’’, 15 May 2021, available at: <https://bit.ly/3oZysMh>.

⁸² Fanpage.it, ‘La difesa di Salvini al processo Open Arms: “Mie scelte condivise dal governo, poi Conte cambiò idea”’, January 12, 2024, available in Italian at <https://bit.ly/49G0VNh>.

⁸³ Questione Giustizia, ‘Le conclusioni del Pubblico Ministero di Palermo sul caso Open Arms’, available in Italian at <https://shorturl.at/Oplbv>.

⁸⁴ ADIF, ‘Sentenza Salvini/Open Arms: perchè le persone (r)esistono ed i fatti sussistono, secondo il principio di realtà’, December 21 2024, available in Italian at <https://shorturl.at/1lu01>.

⁸⁵ Administrative Court of Sicily, decision no. 2974 of 23 December 2020, available at: <https://bit.ly/3uldPvN>.

particularly that it was not equipped to systematically rescue large numbers of people at sea. The Administrative Court noted the absence of specific criteria in European, international, or domestic law for classifying private ships as SAR vessels. Initially, in March 2021, the Court accepted Sea Watch 4's request for suspension of the detention, recognizing the importance of NGO rescue operations, but this decision was later overturned by the High Administrative Court of Sicily following an appeal by the Minister of Interior.

Similar cases occur to the Geo Barents of Doctors Without Borders (MSF) in December 2021 and Sea-Watch; both had to wait a long time offshore before being assigned a safe landing place after complicated rescues. In January 2022, the Ocean Viking of SOS Méditerranée was blocked in Trapani after an 11-hour inspection by the Coast Guard for "malfunction of the on-board power supply" and "presence of flammable liquids stored in unsuitable premises of the ship" and then subjected to administrative detention.⁸⁶

In March 2021, the Public Prosecutor of Ragusa ordered the search and seizure against the Mar Jonio's tugboat, accused of aiding and abetting illegal immigration for taking refugees on board from the Etienne oil tanker on 11 September 2020 and having later accepted a donation from it.⁸⁷ In January 2022, another investigation against Mar Jonio concerning the rescue and transportation of 30 migrants in 2019 was archived by the Judge for preliminary Investigation (GIP) of Agrigento.⁸⁸

Finally, on 1 April 2022, the CJEU delivered its ruling (Case C-14/21)⁸⁹ with regards to SeaWatch 4 case, establishing several important principles:

1. Vessels classified by a flag State as ships intended for pleasure yachting, but systematically engaged in SAR activities, fall within the scope of Directive 2009/16/EC on port State control.
2. When determining whether such ships should undergo more detailed inspection, authorities must consider that they may carry more persons than those for which they are certified, as a result of fulfilling their duty to render assistance to persons in distress at sea.
3. However, port State authorities cannot require proof that these ships hold certificates other than those issued by the flag State or demand compliance with all requirements applicable to vessels in different categories.
4. Port State authorities retain the power to adopt detention measures or other restrictions when the safety of the ship, its crew or the persons rescued is at risk, but such measures must be suitable, necessary, and proportionate.

The CJEU ruling provided important clarification on the balance between legitimate safety concerns and the humanitarian mission of SAR vessels, establishing limits on how Member States can regulate NGO rescue ships while still ensuring maritime safety standards.

Reinstatement of the “closed ports” policy

By the end of 2022, after the appointment of the new government, the “closed ports” policy was reinstated. On 24 October 2022, the new Ministry of Interior, Matteo Piantedosi, issued a Directive (prot. 0070326)⁹⁰ denying access to Italian ports to the Ocean Viking and Humanity 1, ships which had been involved in SAR operations in the Mediterranean. The Italian government instructed the involved ships to refer to

⁸⁶ Altreconomia, 'Sbarchi, i numeri non tornano. E per il Viminale i naufraghi diventano “persone scortate”', 25 March 2022, available at: <https://bit.ly/3NsufwE>.

⁸⁷ Fanpage, 'Inchiesta su Mare Jonio, accusata di aver ricevuto soldi in cambio di un trasbordo di migranti', 1 March 2021, available at: <https://bit.ly/3eWWsLh>.

⁸⁸ Il Fatto quotidiano, 'Migranti, archiviata dal gip l'indagine sulla Mare Jonio che salvò 30 migranti', 28 January 2022, available at: <https://bit.ly/3t9NXyl>.

⁸⁹ Court of Justice of the European Union, Joined Cases C-14/21 and C-15/21 August 1, 2022, available at <https://shorturl.at/PkPxw>.

⁹⁰ Ministero dell'Interno, 'Direttiva Piantedosi su due navi Ong in navigazione nel Mediterraneo', 25 October 2022, available in Italian at: <https://bit.ly/3JQuZvB> and Infomigrants, 'New Italian interior minister says 'governing migration' priority', 25 October 2022, available at: <https://bit.ly/3ZZzRnU>.

their flag States (Norway and Germany) to be indicated a place of safety.⁹¹ On 4 November 2022, the government issued a decree allowing the Geo Barents and Humanity 1 ships to enter the territorial waters only with the purpose to disembark migrants in critical health conditions. The selective approach followed by the government failed due to the principles of international and maritime law which impose the duty to rescue people in distress and to grant a place of safety to the passengers.⁹² In particular, European institutions raised their concerns⁹³ and appeals were submitted to local Courts⁹⁴ with regards to the selective approach introduced by the Directive. The case was finally decided by the Civil Court of Catania on 6 February 2023. The court declared the decree unlawful, affirming that all rescued people had the right to reach safety ashore and seek asylum in Italy. This ruling rejected the government's designation of some migrants as "residual cargo" who had initially been prevented from disembarking.⁹⁵

2023 Law decree and law re. NGO search and rescue and disembarkation on Italian territory

Following the same purpose, i.e. to prevent disembarkation of migrants rescued at sea by hindering NGO's search and rescue activities, the government adopted the Law decree 1/2023 which was converted into Law 15/2023 on 24 February 2023. The new law⁹⁶ once again modifies the prerequisites for the exercise of the faculties attributed to the Government and, at the same time, introduces rules of conduct for vessels (and their captains) carrying out search and rescue activities at sea, and consequent sanctions for those deemed responsible for non-compliance or erroneous compliance with those rules or orders issued by the Government by means of a specific inter-ministerial measure. With regards to the prerequisites, it is foreseen that the Italian government could limit or deny the transit or staying in its territorial waters of NGO ships when one of the following conditions is not respected:

- a) the vessel systematically carrying out search and rescue activities has the authorisations issued by the authorities of the flag state and possesses the technical-nautical eligibility requirements for safe navigation;
- b) timely information is immediately provided to the rescued persons about the possibility of seeking international protection;
- c) the assignment of the port of disembarkation is requested in the immediacy of the event; and
- d) the port of disembarkation is reached without delay;
- e) complete and detailed information on the rescue operation is provided to the maritime or police authorities;
- f) the search and rescue strategy did not contribute to dangerous situations on board or prevent the port of landing from being reached in a timely manner.

In the practice of SAR operations conducted by NGO ships, most conditions imposed by the law decree are already fulfilled. Humanitarian vessels already immediately refer to the Maritime Rescue Coordination Centre (MRCC) to obtain support and indication with regards to a place of safety. Moreover, they always immediately inform maritime or police authorities. It is interesting to note that the Law decree, with reference to letter a) does not take into consideration the recent CJEU decision on the joined cases C-14/21 and C-15/21,⁹⁷ in which the Court stated that the disembarkation State cannot require different certifications from the ones of the flag State, nor more restrictive or different requirements than the ones provided for the International Conventions.

⁹¹ Guardian, 'Giorgia Meloni faces first migration test from two NGO rescue boats', 26 October 2022, available at: <http://bit.ly/3n5l63e>.

⁹² European Parliament Briefing, *Search and rescue efforts for Mediterranean migrants*, 24 October 2022, available at: <https://bit.ly/40lxPOq>.

⁹³ Infomigrants, 'EU Parliament chief: Don't forget solidarity toward migrants', 1 November 2022, available at <https://bit.ly/40lURVJ>.

⁹⁴ AlJazeera, 'Rescue charity to take Italy to court over migrant boats standoff', 7 November 2022, available at <http://bit.ly/3YZw6gl>.

⁹⁵ ASGI, 'Sbarco e domanda di asilo devono essere garantiti senza distinzioni. Commento all'ordinanza su SOS Humanity', 14 February 2023, available in Italian at: <https://bit.ly/40T6G6M>.

⁹⁶ For a legal analysis of the law, see ASGI, 'Una prima lettura di ASGI del Decreto Legge 1/2023 convertito in Legge', 16 March 2023, available in Italian at: <https://bit.ly/3n5gwmJ>.

⁹⁷ CJEU, Joined Cases C-14/21 and C-15/21, *Sea Watch eV v Ministero delle Infrastrutture e dei Trasporti and Others*, 1 August 2022, available at: <http://bit.ly/3Xp4QaM>.

Based on the previous observations, it can be inferred that the most evident aim of the law decree is to prevent, or at least significantly limit, the possibility for humanitarian vessels to dock on Italian territory, and consequently to prevent Italy to be the competent Country for international protection applications according to Regulation 2013/604. In this sense appear to have been designed letters d) and f), establishing that NGOs' vessels are required to reach without delay the place of safety and implement actions at sea that do not contribute to dangerous situations onboard. The clear consequence of this timely performance seems to imply the duty not to rescue other people than the ones already onboard and to forbid the trans-shipment from a humanitarian vessel to another. It is immediately clear the unlawfulness of this provision according to international customary law, the SOLAS Convention (art. 98) and to domestic law (art. 1113 - which introduces a specific type of offence for failure to render assistance in cases requested by Maritime Authorities - and 1158 – establishing sanctions for failure to assist ships or persons in distress - of the Navigation Code). In conclusion, the State must require the captain of the ship to provide for rescue assistance in case of shipwrecks or dangers for lives at sea. The most ambivalent requirement is the one referred to the obligation to provide information on international protection to people rescued while still on-board (let. b)). Such obligation cannot fall on the captain of a ship sailing under the flag of another State, as the relevant powers and duties are indicated by the national law of that State (Article 8 of the Code of Navigation R.D. 327/42); therefore, the Italian State cannot impose rules that go beyond the law of the flag State. Furthermore, in terms of access to the international protection procedure within a European Union member State, it has to be underlined that art. 4 of Directive 2013/32 established that each state shall appoint specific authorities responsible for examining applications for international protection, for dealing with cases subject to the Dublin Regulation or for refusing entry under border examination procedures. In the light of the above, Italy, according to Legislative decree 25/2008, appointed the Territorial Commissions for the evaluation of the applications (also for applications at the border), the Dublin Unit (at the Ministry of the Interior) for ascertaining the competence of the State according to the criteria of Regulation 604/2013 (Art. 3) and the border police or the police headquarters territorially competent for receiving applications (Art. 26). It clearly appears that the competence of Italian authorities is triggered only when the asylum seeker is on national territory, and would not apply to that of another State, as in the case of foreign-flagged vessels. In addition, one of the principles enshrined within the *Hirsi Jamaa vs. Italy's* decision was the necessity of an individual examination of the single cases by expert professionals, which cannot be the case of crew members of a humanitarian vessel. Taking the above into consideration, the attempt of the Italian government to introduce new principles and criteria in relation to the competence to examine international application appears to be conflicting with regards to domestic, European and international law.

Incidents related to Law 15/2023

The impact of Law 15/2023 started evident already from the first months of 2023, especially concerning search and rescue activity performed by NGO vessels. A non-exhaustive list of cases of administrative detention that occurred after the approval of the decree and the legal disputes that arose from it is reported:

- Geo Barents (23 February 2023): The vessel operated by Doctors Without Borders (MSF) received a custody administrative order lasting 20 days and a €10,000 fine after concluding a rescue operation on 17 February. The official reason provided was "not having shared some information not strictly related to the rescue activity." MSF filed an appeal against the administrative order,⁹⁸ which is still pending in front of the Court of Appeal of Rome.
- Louise Michel (25 March 2023): The vessel was seized after the accusation of obstructing search and rescue operations. Having been ordered to reach Trapani port after a first rescue operation, the boat instead conducted three further rescues, leading the Italian Coast Guard to accuse it of "obstruction to search and rescue activities." Legal proceedings followed, with the vessel's detention being upheld.⁹⁹

⁹⁸ Corriere della Sera, 'Migranti, Medici senza Frontiere: fermo di 20 giorni e multa da 10mila euro alla nave Geo Barents', 23 February 2023, available in Italian at: <http://bit.ly/3Ki0WvJ>.

⁹⁹ IlSussidiario.net, 'Ong Louise Michel, perché è stata sequestrata - Ha disobbedito alla Guardia Costiera', 29 March 2023, available in Italian at: <http://bit.ly/3ZS2Vwu>.

- Mare-Go and Sea-Eye 4 (2 June 2023): Italian authorities ordered the administrative detention of both vessels.¹⁰⁰ Mare-Go, after completing multiple rescues, headed to Lampedusa instead of the assigned port of Trapani, contravening the Coordination Centre's instructions. This resulted in a 20-day detention and fine. Sea-Eye 4 received the same measures after arriving at Ortona having conducted a double rescue, despite instructions to return to port after the first operation. Sea-Eye appealed the provision, and the case is still pending in front of the Court of Appeal.
- Aurora SAR (14 June and 21 August): Twice affected by similar detention provisions for non-compliance with disembarkation orders (disembarking in Lampedusa while the assigned port was Trapani).¹⁰¹ Two appeals were filed before the Civil Court of Palermo, but the court declared its lack of jurisdiction to decide on the case and transferred the proceedings to the Court of Cassation.
- Open Arms and Sea-Eye 4 (22 August):¹⁰² Both vessels received detention orders – Open Arms for delays in reaching Marina di Carrara, and Sea-Eye 4 for delays in requesting a port in Salerno. Both organizations filed complaints against these measures, and both procedures are still pending, one in front of The Court of Cassation.
- Mare Jonio and Sea-Eye 4 (October): Both received detention measures – Mare Jonio for delay in requesting a port of disembarkation, and Sea-Eye 4 for "having contributed to create a dangerous situation on board or preventing the ship from promptly reaching the port of disembarkation".¹⁰³ The Sea-Eye 4's disembarkation took place in Vibo Valentia on October 30 after a "complicated and tragic SAR operation." The NGO's lawyers filed an appeal against the administrative detention and the resulting sanction. On 6 December 2024, the Civil Court of Vibo Valentia ruled, declaring the administrative measures imposed against the NGO to be illegitimate.¹⁰⁴
- Ocean Viking (15 November and 30 December): Detained twice on similar grounds related to alleged dangerous situations or delayed arrivals at assigned ports. SOS Méditerranée filed appeals in both cases to challenge both the administrative detention and the fine. Both cases are still pending.
- Open Arms (21 January 2024): After concluding a SAR operation in Crotona, received administrative measures based on alleged non-compliance with instructions from the Libyan Coastguard. Legal challenges followed, but the case is still pending.¹⁰⁵
- Ocean Viking (9 February 2024): Received a 20-day detention order and fine for allegedly contributing "to creating any dangerous situation on board or preventing the ship from promptly reaching the port of disembarkation." SOS Méditerranée appealed this decision. On 20 February 2024, the Civil Court of Brindisi suspended the detention order, citing "the lack of competence of the head of the Italian administrative authority" and "the non-existence on the merits of the prerequisites for the application of Art. 1, paragraph 2 sexies, of d.l. 21 October 2022, no. 130." The court also recognized that the detention infringed on SOS Méditerranée's constitutional rights to freedom of expression and association.¹⁰⁶ The Court of Brindisi has referred the case to the Constitutional Court, questioning the constitutional legitimacy of Article 1, paragraph 2-sexies of Decree Law 130/2020 (as modified by Decree Law 1/2023), which imposes an automatic 20-day detention of vessels that do not follow instructions from maritime rescue authorities. The judge argues this provision violates several constitutional principles: the automatic nature of the sanction prevents judicial discretion (violating Article 3); the law's vague reference to Libyan authorities' orders lacks determinacy (violating Article 25); and enforcing Libyan instructions may

¹⁰⁰ ANSA, 'Due navi Ong disubbidiscono al decreto migranti, scattano i fermi', 2 June 2023, available in Italian at: <https://bit.ly/49kTJ9N>.

¹⁰¹ ANSA, 'Due navi Ong disubbidiscono al decreto migranti, scattano i fermi', 2 June 2023, available in Italian at: <https://bit.ly/49kTJ9N>.

¹⁰² SkyTG24, 'Migranti, tre navi Ong fermate per 20 giorni. Monta polemica sui soccorsi in mare', 23 August 2023, available in Italian at: <https://bit.ly/3UPomPX>.

¹⁰³ Sea-Eye, 'PREGNANT WOMAN FIGHTS FOR HER LIFE ON SEA-EYE 4 – ITALY SENDS NO HELP', 27 October 2023, available at: <https://bit.ly/4bE5N7o>.

¹⁰⁴ ASGI, "Tribunale di Vibo Valentia: le sanzioni alle navi della flotta civile sono illegittime", available in Italian at <https://shorturl.at/YjG4o>.

¹⁰⁵ SkyTG24, 'Migranti, fermo amministrativo per la Open Arms a Crotona', 21 January 2024, available in Italian at: <https://bit.ly/3UM9VME>.

¹⁰⁶ La Repubblica, 'Ong, giudice di Brindisi sospende il fermo amministrativo dell'Ocean Viking: 'Violato il diritto di esercitare attività di soccorso in mare'', 21 February 2024, available in Italian at: <https://bit.ly/42Mqf1M>.

violate international obligations as Libya is not considered a "safe port" (violating Articles 10 and 117).¹⁰⁷

- Sea-Eye 4: (7 March 2024); Administrative detention of SEA-EYE 4 for 60 days imposed by Italian authorities in Reggio Calabria based on the contested Decree Law No. 1/2023 and, in particular, as the related operations were allegedly carried out without the authorization and in disregard of the instructions of the Libyan Authority. The NGO filed an appeal against the decision and on 5 June 2024 the Court of Reggio Calabria, annulled the order.¹⁰⁸
- Humanity 1 (4 March 2024); The humanitarian vessel Humanity 1 conducted a rescue operation at sea during which the Libyan Coast Guard intervened. The ship continued with rescue operations despite the Libyan intervention, whose personnel were armed and even fired intimidating shots. Following this operation, Italian authorities imposed a twenty-day administrative detention on the vessel, claiming it had violated the instructions of the Libyan Coast Guard. The NGO filed an appeal in front of the Civil Court in Crotone. The Tribunal ruled on 26 June 2024 that the administrative detention of the Humanity 1 vessel was illegitimate, finding that the NGO had fulfilled its duty to rescue under international maritime law and that orders from the Libyan Coast Guard to cease rescue operations could not be considered legally binding, especially given Libya cannot be considered a "place of safety" under the Hamburg Convention.¹⁰⁹
- Geo Barents (26 August 2024); The Geo Barents rescue vessel operated by Médecins Sans Frontières (MSF) has been issued a 60-day detention order and a €3,330 fine after docking in Salerno with 191 migrants rescued in Libyan waters through five separate operations. Italian authorities implemented the measure, accusing the ship of violating the "Cutro Decree" by failing to properly communicate with maritime safety authorities during rescue operations. Among the rescued migrants were three women and 23 unaccompanied minors.¹¹⁰ On 11 September 2024, the Civil Court of Salerno issued an interim order suspending the 60-day administrative detention of the Geo Barents rescue vessel. The judge found the appeal had merit based on evidence suggesting the ship did not create any dangerous situations during rescue operations and had properly informed the Libyan Coast Guard, which merely asked the vessel to leave the area without providing specific instructions. The court also cited "imminent danger of serious and irreparable harm," as the detention would irreversibly prejudice the vessel's humanitarian mission.¹¹¹
- Geo Barents (23 September 2024): The Geo Barents vessel docked in Genoa carrying onboard 205 migrants rescued in two separate operations off the Libyan coast. The Italian Authorities contested the NGO did not comply with orders and issue a 60-days detention order for the vessel. The NGO appealed against the provision and received a positive interim decision.
- Mare Jonio (15 October 2024): The NGO vessel Mare Jonio docked at Porto Empedocle after the Italian Immigration Department assigned it as a safe port. The ship carried 58 migrants rescued in the Sicilian Channel. Initially, authorities had ordered the vessel to disembark the migrants in Naples, but the organisation Mediterranea Saving Humans contested this decision, arguing the route was too distant from their position. After requesting a closer port, they were redirected to Porto Empedocle. Before this approval, Italian authorities had sent two patrol boats to escort the Mare Jonio to Naples. The 58 rescued individuals were found in international waters within the Tunisian SAR zone following an alert from Alarm Phone.¹¹² The NGO has received a 20-day administrative detention order, which has been appealed by the organization's legal team. The case is still pending.

¹⁰⁷ ASGI, "Decreto Piantadosi contro le ONG: finalmente al vaglio della Corte Costituzionale la scelta del governo di punire chi svolge attività umanitaria", available in Italian at: <https://shorturl.at/9sFJX>.

¹⁰⁸ ASGI, "Illegittimo il fermo amministrativo di 60 giorni della Sea-Eye", available in Italian at <https://shorturl.at/y2cMI>.

¹⁰⁹ ASGI, "Tribunale di Crotone: illegittimo il fermo della Humanity 1", available in Italian at: <https://shorturl.at/BcYrt>.

¹¹⁰ Sky Tg24, "Migranti, multa e 60 giorni fermo per nave ong Geo Barents", August 26, 2024, available in Italian at <https://shorturl.at/i4Umx>.

¹¹¹ ASGI, "Tribunale di Salerno: no al fermo della Geo Barents", available in Italian at <https://shorturl.at/2JGeT>.

¹¹² ANSA, "A Porto Empedocle nave ong Mare Jonio con migranti", October 15, 2024, available in Italian at <https://shorturl.at/ZmxUH>.

1.1.3. Relations with third countries

1.1.3.1. Tunisia

Regarding the external sea borders with Tunisia, on 9 December 2020 the Italian Ministry of Foreign Affairs signed a technical agreement with the UN Office for Services and Projects (UNOPS) to support the North African country in border control activities and in fighting migrant trafficking.¹¹³ With at least 1,922 Tunisians repatriated in 2020 and 1,872 in 2021, Tunisia was the main destination for repatriation from Italy (73.5% of the total number of migrants repatriated).¹¹⁴

As of 26 October, according to FTDES (Tunisian Forum for social and economic rights) data for 2022, more than 29,000 migrants were intercepted at sea and 544 died. MRCC Tunisia independently manages coastal guard activities and search and rescue operations even if a Search and Rescue area has not been communicated to the IMO so far. Between 2020 and 2021, six projects funded by the Italian government through the so-called "Rewarding Fund for Repatriation Policies"¹¹⁵ have been implemented within the framework of actions aiming at strengthening borders and providing economical support to return. An estimated amount of 19 million Euro has been granted by Italy. In 2021, the project called "Support to border control and management of migratory influx to Tunisia" received a second tranche of 7 million euros, that will be assigned as a result of concrete results in border control activities. According to a journalistic enquiry, the Italian Ministry of Foreign Affairs appears to be effectively cooperating with UNOPS to obtain the assignment of funds aimed at requiring maintenance interventions for patrol boats.¹¹⁶

On July 16 2023, the European Union signed a Memorandum of Understanding with Tunisia.¹¹⁷ Migration management is one of the five pillars of the agreement: the EU pledges to provide an additional EUR 100 million to Tunisia to strengthen border management, search and rescue operations at sea, and "anti-trafficking" measures to reduce the number of arrivals from the country.¹¹⁸ Despite the official reasons for the deal including "countering the root causes of migration", the deal mainly risks resulting in preventing those seeking protection from accessing asylum.¹¹⁹ Despite its approval and the amount of resources deployed, a few weeks after the European Parliament expressed concerns about the effectiveness of the agreement.¹²⁰ Euractiv has recently updated on how funds have been allocated with regards to migration management in Tunisia.¹²¹

The consequences of Tunisia's racist policies and the outsourcing strategies advocated by the European Union, especially Italy, have become evident - and have been called out - in recent months.¹²² The departure prevention system has been combined with a process of expelling sub-Saharan people - either led by Tunisian authorities or with their tacit consent -, to Libya and Algeria.¹²³

¹¹³ See ASGI, Sciabaca Oruka, 'Strengthening the operational capacities of Tunisian authorities in monitoring the maritime borders: 8 million from the Rewarding Fund for Repatriation Policies', 13 April 2021, available at: <https://bit.ly/3MF4TKK>.

¹¹⁴ See ASGI, 'Sempre più politiche securitarie: lo studio sui rimpatri in Tunisia', 30 March 2022, available in Italian at: <https://bit.ly/3yvpns9>.

¹¹⁵ ASGI Sciabaca Oruka, 'Strengthening the operational capacities of Tunisian authorities in monitoring the maritime borders: 8 million from the Rewarding Fund for Repatriation Policies', 13 April 2021, available at: <https://bit.ly/3YY5ooO>.

¹¹⁶ See Irpi Media, 'Tunisia, il muro della Guardia costiera', available in Italian at: <http://bit.ly/3xaiQud>.

¹¹⁷ European Commission, 'The European Union and Tunisia: political agreement on a comprehensive partnership package', 16 July 2023, available at <https://bit.ly/3uM4KI9>.

¹¹⁸ Politico, 'EU finalizes migrant deal with Tunisia', 16 July 2023, available at <https://bit.ly/49mmCSI>.

¹¹⁹ The big wall - Action Aid, 'Memorandum Ue - Tunisia: l'Unione europea sottoscrive rastrellamenti, deportazioni illegali e violenze contro i migranti', 20 July 2023, available in Italian at: <https://bit.ly/4bGol1r>.

¹²⁰ European Parliament, 'EU-Tunisia Memorandum of Understanding', 11 September 2023, available at: <https://bit.ly/3wv1sDj>.

¹²¹ Euractiv, 'EU-Tunisia Memorandum of Understanding state of play', 25 January 2024, available at: <https://bit.ly/3l6kfrq>.

¹²² ASGI, "A un anno dall'inizio della crisi: continuano le violazioni dei diritti delle persone migranti in Tunisia", April 8, 2024, available in Italian at <https://shorturl.at/Crumc>.

¹²³ ASGI, "Sgombero e trasferimento forzato di richiedenti asilo e rifugiati subsahariani a Tunisi: Lettera aperta a OIM e UNHCR", 5 May 2024, available in Italian at <https://shorturl.at/YoWom>.

On 5 June, following the eviction on 3 May of around 500 migrants camped in front of the UNHCR and IOM offices in Tunis, a group of asylum seekers was transferred and abandoned by the police forces near the border with Algeria. Some people from the group filed an urgent appeal with the United Nations Human Rights Committee with the support of ASGI lawyers.¹²⁴

As reported by the inquiry “Desert Dumps” co-published by Lighthouse Reports,¹²⁵ the interplay between these two approaches - and the EU funding to the Tunisian authorities - has created a process that severely violates the basic rights of migrant individuals, who find themselves involved in trafficking networks that function through exceptionally brutal means and by being expelled to nations marked by racist practices, with the genuine danger of being deserted in the wilderness or entrusted to human smugglers. Similar conclusions were reached by a research project promoted by an anonymous collective of researchers with the support of Border Forensic, ASGI and On Borders that gathered several testimonies from sub-Saharan citizens abandoned in the desert or handed over to Libyan militias in the report “State Trafficking”¹²⁶ published on 25 January 2025. Efforts to call out the detrimental consequences of Tunisian (and, by implication, European) strategies were further advanced by various UN Special Rapporteurs through a collective press release dated 14 October 2024.¹²⁷

Regarding Italian funding to the Tunisian Coast Guard within the framework provided by the memorandum, in March 2024, several Italian associations, including ASGI, filed an appeal before the Administrative Court of Rome, asking the judge to assess the legitimacy of the acts by which the Ministry of the Interior ordered the transfer of new patrol boats to Tunisia. In May, there was an initial rejection decision by the Administrative Court of Rome, against which an appeal was made to the Council of State. After an initial precautionary decision through which the Council of State had suspended the delivery of some patrol boats, in July, the Council of State rejected the precautionary request with which civil society organizations asked for the suspension of the transfer of the patrol boats to the Tunisian National Guard, 2024.¹²⁸ On 16 January 2025 the appeal was definitively rejected.¹²⁹

1.1.3.2. Libya

Memorandum of Understanding and situation in Libya

On 2 February 2023, the Memorandum of Understanding between Italy and Libya was renewed for the second time after February 2020.¹³⁰ The agreement, originally signed by Italian Prime Minister Gentiloni and his Libyan counterpart Fayez El Serraj on 2 February 2017, aimed at strengthening cooperation on Libyan border management, “to ensure the reduction of illegal migration flows”. The agreement provides funding, equipment and technical support to the Libyan authorities, primarily the Libyan coastguard, for patrolling and rescuing boats in international waters. According to ASGI, this naval blockade policy should be balanced out through the creation of evacuation programmes from Libya through the UNHCR-managed resettlement mechanism¹³¹ and humanitarian corridors. Recent experience has shown the results of the blockade system, that led to the creation of the Libyan coastguard and its apparatus for managing SAR interventions. This is however not counter-balanced by an effective evacuation mechanism. The only functioning mechanism available for persons present in Libya are the voluntary return programmes coordinated by IOM; it should be noted that these programmes are proposed to

¹²⁴ ASGI, Tunisia, famiglie sudanesi scaricate al confine presentano ricorso al Comitato per i Diritti Umani delle Nazioni Unite, June 5, 2024, available in Italian at <https://shorturl.at/uh2Ez>.

¹²⁵ Lighthouse Reports, “Desert Dumps”, available at <https://shorturl.at/SqpZ7>.

¹²⁶ Border Forensic, “State Trafficking - Expulsion and sale of migrants from Tunisia to Libya”, 29 January 2025, available at <https://shorturl.at/fD8Gs>.

¹²⁷ United Nations - Office of the High Commissioner for Human Rights, “Tunisia: UN experts concerned over safety of migrants, refugees and victims of trafficking”, 14 October 2024, available at <https://shorturl.at/tC0N8>.

¹²⁸ ASGI, Motovedette alla Garde Nationale tunisina: urgente affrontare le responsabilità italiane per le violenze sulle persone migranti in Tunisia, 18 July 2024, available in Italian at <https://shorturl.at/kdy8G>.

¹²⁹ Council of State, 16 January 2025, decision no. 332/2025.

¹³⁰ *Memorandum d'intesa sulla cooperazione nel campo dello sviluppo, del contrasto all'immigrazione illegale, al traffico di esseri umani, al contrabbando e sul rafforzamento della sicurezza delle frontiere tra lo Stato della Libia e la Repubblica Italiana*, available on ASGI website at: <https://bit.ly/3l6ND8t>.

¹³¹ ASGI Sciabaca Oruka, *The Emergency Transit Mechanism (ETM) programme from Libya to Niger: an update as of December 2021*, available at: <https://bit.ly/3XdtTgS>.

vulnerable individuals who are not in a position to make a free choice about returning to their countries of origin.¹³² In fact, the Libyan migration management system has continued to be based on the systematic detention of foreigners, without any kind of administrative authorisation or judicial validation and protracted indefinitely under conditions of systematic torture and fundamental rights violations (see chapter on [Detention conditions](#)).¹³³

Evidence regarding the dramatic effects of this mechanism and policy has been reported by different institutions such, among others, IOM and UNHCR.¹³⁴ From a domestic perspective the Criminal Court of Trapani ruled that the bilateral agreement was in contrast with the Italian Constitution and international laws.¹³⁵ The Memorandum was heavily criticised by numerous associations including ASGI,¹³⁶ and the Council of Europe Commissioner for Human Rights.¹³⁷

On 9 of December 2022, the Special Representative for Libya of the UN Secretary General issued a report¹³⁸ highlighting that “many migrants and refugees continued to endure widespread human rights violations and faced serious humanitarian and protection concerns in Libya”. In the same report, the Special Representative mentioned that between January and 29 October 2022, a total of 19,308 individuals were intercepted and returned to Libya by the Libyan Coast Guard, while 1,286 were reported dead or missing at sea. The dramatic conditions of migrants and refugees in Libya has been as well highlighted by Mohamed Aujjar, head of the Fact-Finding Mission on Libya of the Human Rights Council, who defined migrant detention centres as “places of terrible and systematic abuse, that may amount to crimes against humanity”.¹³⁹

Furthermore, on 27 March 2023, the UN Independent Fact-Finding Mission issued a report expressing deep concern about the country's deteriorating human rights situation, highlighting that migrant, in particular, have been targeted and that there is overwhelming evidence that they have been systematically tortured. In particular, the press release¹⁴⁰ underlined that ‘there are reasonable grounds to believe migrants were enslaved in official detention centres well as “secret prisons,” and that rape as a crime against humanity was committed’.

On 3 June 2024 a report by the Office of the United Nations High Commissioner for Human Rights (OHCHR) was published. Covering the period from April 2023 to March 2024,¹⁴¹ the report sheds light on the dire situation faced by migrants, refugees, and asylum-seekers in Libya. The report documents gross and widespread human rights violations and abuses perpetrated by both State and non-State actors, particularly at borders and in arbitrary detention. In 2024, two significant events showcased the ongoing challenges and human rights concerns surrounding the treatment of migrants in Libya. In March 2024, a

¹³² ASGI Sciabaca Oruka, ‘Voluntary returns from Libya in the EU externalisation strategy: a critical analysis in the light of ASGI’s strategic litigation’, 2 February 2021, available at: <https://bit.ly/3Yujyhy>.

¹³³ OHCHR, *Report of the Independent Fact-Finding Mission on Libya*, 27 March 2023, available at <https://bit.ly/3RaqBJQ>.

¹³⁴ IOM and UNHCR Press Release, ‘IOM and UNHCR condemn the return of migrants and refugees to Libya’, 16 June 2021, available at: <https://bit.ly/414CAwZ>.

¹³⁵ Criminal Court of Trapani, sentence of 23 May 2019, available in Italian at: <https://bit.ly/3dutMHI>; According to article 80 of the Italian Constitution, political agreements can be signed only with Parliament’s authorisation. Furthermore, it is an agreement concluded with a party, the Libyan coastguard, repeatedly referred to as responsible for crimes against humanity. Therefore, the court found that the agreement violates the principle of non-refoulement.

¹³⁶ ASGI, ‘Memorandum Italia-Libia, lettera aperta del Tavolo Asilo alle istituzioni italiane: non rinnovatelo’, 30 October 2019, available in Italian at: <https://bit.ly/2Wik9Wi>.

¹³⁷ On 31 January 2020, the Council of Europe Commissioner for Human Rights, called on the Italian government to urgently suspend the ongoing cooperation activities with the Libyan Coast Guard which affect the repatriation of people intercepted at sea in Libya where they have suffered serious human rights violations, see: ASGI, ‘Il governo italiano deve sospendere ogni cooperazione con la Guardia Costiera libica’, 31 January 2020, available in Italian at: <https://bit.ly/2zmpaEy>.

¹³⁸ UNMSIL, *Report of the Secretary General*, 9 December 2022, available at: <https://bit.ly/3DFSaFh>.

¹³⁹ UN News ‘Libya detention centres remain places of violations and abuse’, 28 March 2022, available at: <http://bit.ly/3lbXCcW>.

¹⁴⁰ United Nations Human Rights Office of the High Commissioner, ‘Libya detention centres remain places of violations and abuse: experts’, 27 March 2023, available at: <https://bit.ly/3uMus9l>.

¹⁴¹ United Nation, Office of the High Commissioner for Human Rights, “Technical assistance and capacity-building to improve human rights in Libya”, 3 June 2024, available at <https://shorturl.at/Yk1HM>.

mass grave containing at least 65 bodies, presumed to be migrants, was discovered in South-Western Libya. This disturbing finding underscores the grave dangers and human rights abuses faced by migrants in the region. Furthermore, on 18 February 2024, the Italian Court of Cassation ruled¹⁴² that the facilitation of migrant and refugee interceptions by the Libyan Coast Guard was unlawful and might constitute collective refoulement, violating the European Convention on Human Rights. The court recognized that Libya is not a safe port of return for migrants and refugees. Throughout the reporting period, OHCHR, in cooperation with the United Nations Support Mission in Libya (UNSMIL), documented a consistent pattern of armed interceptions, forced returns without due process, and transfers to detention facilities where torture, ill-treatment, extrajudicial killings, trafficking, forced labour, and extortion were verified.

On 29 November 2024, in a case followed by Asgi together with JL Project, Alarm Phone and Sea-Watch, the Civil Court of Rome issued an interim measure ordering the Ministry of Foreign Affairs to issue a visa to a Sudanese citizen to allow his arrival in Italy for submitting an asylum application. After having been rescued by the merchant ship Vos Triton (flag of Gibraltar) in 2021, the Sudanese national had been forcibly transferred onto a Libyan patrol boat and brought back to Libya, the country from which he had fled with dozens of other people.

The Court recognised the responsibility of the Italian authorities for a pushback that occurred in international waters by two foreign ships on the basis of the constant support (or de facto coordination) provided by the MRCC Rome during the operations. The following hearing has been set for the 28 May 2025.¹⁴³ In the meanwhile the Sudanese man obtained the visa and arrived in Italy where he could submit an asylum request.¹⁴⁴

The discovery of two additional mass graves (nineteen bodies were discovered in Jakharrah, while at least 30 more were found in a mass grave in the Alkufra desert in the southeast) reported on 10 February 2025 has further confirmed the dramatic condition of the migrant population in Libya.¹⁴⁵

Italian funding to Libya

Since 2017, the Italian government, through the SIBMILL programme, has provided funding in the context of Libya.¹⁴⁶ For the funding of this programme, Italy planned to spend 44.5 million euros; to date, this has been exceeded, reaching an estimate of 56.5 million, of which 12 million were allocated to the IOM for the development of certain projects. Funds managed directly by Italy were used for support measures for the so-called Libyan Coast Guard, including technical instrumentation and training courses.

The funds for the MRCC come from SIBMILL (Integrated Border Control System in Libya) project coordinated by the Italian Ministry of the Interior since 2017 and linked to the Trust Fund for Africa, set up by the European Commission at the end of 2015, with the intended objective of "addressing the root causes of instability, forced displacement and irregular migration and to contribute to a better migration management". The Sibmmil project is divided into two phases: the first has a budget of 46.3 million euros, the second of 15 million.¹⁴⁷

Based on the approval of the MOI, Italy has since 2017 equipped Libya with naval units, supplied and financed the rehabilitation of several patrol boats and ensured the presence in Tripoli of an Italian naval unit (Nave Tremiti, Nave Capri, and then Nave Caprera)¹⁴⁸ to provide Libya with technical assistance and

¹⁴² For a broader description of the decision, read paragraph "Interception at sea, refoulement and following legal actions"

¹⁴³ Civil Court of Rome, interim measure of 29 November 2024.

¹⁴⁴ Domani, *Respinto in Libia, sbarca a Fiumicino su richiesta del tribunale: «Responsabilità dell'Italia»*, 24 March 2025, available [here](#).

¹⁴⁵ IOM Press Release, "IOM Deeply Alarmed by Mass Graves Found in Libya, Urges Action", 10 February 2025, available at: <https://shorturl.at/J96Pl>.

¹⁴⁶ For further details on these previous funding programmes, see AIDA, *Country report Italy*, available at: <https://bit.ly/49IG7tX>.

¹⁴⁷ Altreconomia, 'Nuovi affari dell'Italia sulla frontiera per respingere le persone in Libia', 1 February 2022, available in Italian at: <https://bit.ly/3F35IzE>.

¹⁴⁸ Analisi difesa, 'Nave Caprera ha sostituito la Capri nel porto di Tripoli', 4 April 2018, available in Italian at: <https://bit.ly/2SP6Hag>.

training.¹⁴⁹ Nave Capri and Caprera have also coordinated Libyan naval units in the tracking of boats at sea.¹⁵⁰

With regards to financial support, for the two-year period 2020-2021, the Ministry of Interior had foreseen an additional 1.2 million euros in naval supplies.¹⁵¹

As of December 2021, a new mobile "search and rescue" coordination centre (MRCC) was handed over to the Libyans. It was set up to be able to connect to the surface surveillance radar installed at the Abu Sitta naval base in Libyan territory (where Italian Navy assets are also moored). The small centre's official purpose is to "monitor" the Libyan "search and rescue" (SAR) area that Italy itself contributed to have established in 2017-2018 and recognised before the International Maritime Organization.

On the other hand, Italy has also provided funding to projects in Libya directly, including to the International Organisation for Migration. On July 2, 2021, the Directorate General for Italians Abroad and Migration Policies (DGIT) of the Ministry of Foreign Affairs and International Cooperation (MAECI) entered into an agreement with the International Organisation for Migration (IOM) whereby it committed to fund an intervention called "Multi-sectoral support for mobile vulnerable populations and communities in Libya" for 4 million euros (for its first phase). Many of the activities to be funded with this are geared towards local community and protection. Special attention is given to support activities to Libyan authorities inside detention centres and in SAR operations, and ultimately – especially in the last phase – engaging more frequently on Assisted Voluntary Return. As of 6 June 2023, EUR 16 million has been allocated and the programme is currently on phase 3, which is focused on AVR, while the second phase, to which EUR 8.5 million was allocated, mainly focused on the condition of the Detention Centres.¹⁵²

In relation to funding granted by the Italian government to Libya, in December 2024, following a FOIA request submitted by ASGI, data was made public¹⁵³ regarding the Assisted Voluntary Return projects funded by the Italian Ministry of Foreign Affairs and implemented by IOM between 2017 and 2025. ASGI is closely monitoring the issue of Italian government involvement in "voluntary" return programs from Libya and Tunisia as part of the opposition to externalization policies that lead to severe restriction of the fundamental rights of people in transit. ASGI argues that what has been presented as "voluntary returns" from Libya, funded by Italian cooperation, constitute human rights violations. Indeed, these returns violate the principle of non-refoulement and protection obligations toward minors and survivors of trafficking, torture, and gender-based violence. The UN Special Rapporteur on migrants' rights has highlighted that genuine voluntary returns require free, informed choice with valid alternatives and without coercion—conditions impossible to meet in Libya, where many returns occur from arbitrary detention facilities where individuals suffer torture and abuse.

Interception at sea, refoulement and following legal actions

The resulting effects of Italy's indirect pushbacks to Libya and the consequences on people suffering inhuman and cruel treatments are now being examined by the European Court of Human Rights in the case *S.S. and others v. Italy* concerning a rescue operation of the Sea Watch ship hindered in November 2017 by the Libyan coastguard through a patrol boat donated by Italy and with the coordination of the Italian MRCC.¹⁵⁴

¹⁴⁹ ASGI, 'ASGI chiede l'immediato annullamento del Memorandum con la Libia', 2 February 2020, available in Italian at: <https://bit.ly/2zlh1QB>.

¹⁵⁰ Altreconomia, 'Il grande inganno della Libia sicura e le tappe della regia italiana dei respingimenti delegati', 18 April 2019, available in Italian at: <https://bit.ly/35MIMgW>.

¹⁵¹ Altreconomia, 'L'Italia continua ad equipaggiare la Libia per respingere i migranti, il caso delle motovedette ricondotte a Tripoli', 2 March 2020, available in Italian at: <https://bit.ly/2SSmsNU>.

¹⁵² The Big Wall, 'L'esternalizzazione dei rimpatri dalla Libia in un imbuto umanitario', 9 February 2024, available in Italian at: <https://bit.ly/49mpEXm>.

¹⁵³ ASGI, "Rimpatri volontari dalla Libia: i finanziamenti italiani", December 6 2024, available in Italian at <https://shorturl.at/8shs4>.

¹⁵⁴ ECtHR, Application No. 21660/18, *S.S. and others v. Italy*, available at: <https://bit.ly/3dvkBGt>; the Third-party intervention by the Council of Europe Commissioner for Human Rights is available at: <https://bit.ly/35OFYjn>.

From January 2020 to September 2020, at least 9,000 people were tracked down by the Libyan coastguard and brought back to Libya.¹⁵⁵ According to data collected by IOM present at the landing sites in Libya, by the end of 2020, 12,000 people were intercepted and brought back by the Libyan authorities meaning that, in 2020, more than 42% of the people who attempted to leave Libya, have been brought back.¹⁵⁶ Confirming what was previously mentioned regarding the number of people returned to Libya, Amnesty International recently reported that “in 2021, the Libyan coastguards, with the support of Italy and the European Union, captured 32,425 refugees and migrants at sea and brought them back to Libya: by far the highest number recorded so far, three times higher than the previous year. 1,553 people died or disappeared at sea in the central Mediterranean in 2021”.¹⁵⁷ According to IOM data, from the beginning of 2023 up to 25 November 2023, 15,057 migrants were intercepted at sea and brought back to Libya after attempting to cross the Mediterranean Sea to reach Europe, while 957 died and 1,256 are missing.¹⁵⁸

According to data extracted from the three quarterly reports (Q1, Q2, and Q3 2024) of the IOM Displacement Tracking Matrix,¹⁵⁹ approximately 30,169 people departed from Libya to reach Italy by sea between January and September 2024. Regarding the tragic death toll, the central Mediterranean route confirms itself as the deadliest with a total of 1,237 migrants dead or missing in the first nine months of 2024: 384 people lost their lives in the first quarter, 481 in the second quarter, and 372 in the third quarter. These numbers represent a significant portion of the 2,686 total deaths recorded by IOM's Missing Migrants Project across all Mediterranean and Western African Atlantic routes during the same period. Infomigrants reports¹⁶⁰ that the number of migrants intercepted at sea and forcibly returned to Libya increased from 17,000 in 2023 to 20,839 in 2024, according to the UN migration agency IOM. In just the last week of November 2024, 255 people were returned to the Libyan coastal cities of Azzawya and Sirt, with 24 of them being children.

“Privatised pushbacks”

- ❖ On 18 December 2019, the Global Legal Action Network (GLAN) filed a complaint against Italy with the UN Human Rights Committee in the context of “privatised pushbacks”, consisting of requiring commercial ships to return refugees and other persons in need of protection to unsafe locations.¹⁶¹ However, the complaint was considered inadmissible by the Committee for failure to exhaust domestic remedies in Libya.
- ❖ In February 2021, five Eritrean citizens, with the support of the ASGI and Amnesty International, initiated a civil action to declare the illegality of the refoulement to Libya carried out on 2 July 2018 by the ship “Asso Ventinove” of the Augusta Offshore during an operation coordinated by the Italian authorities stationed in Libya and with the collaboration of the Libyan Coast Guard. On 26 June 2024, the Civil Court of Rome condemn the Ministries of Defence, Transport, the Presidency of the Council, the Captain of the Asso 29 and the shipowner Augusta Offshore to pay damages to the five plaintiffs who were taken back to Libya by the Italian merchant vessel. The Civil Court concluded in its judgment that the presence of Libyan border authorities and the existence of a Libyan SAR zone “cannot diminish the respect for international obligations by the Italian State, which has or should have had de facto control over the migrants” and that therefore it should have “taken the migrants to Italy, and not to Libya, regardless of Libyan instructions”.¹⁶² On 25

¹⁵⁵ Report of Fondazione Migrantes, *Il diritto d’asilo*, 2020.

¹⁵⁶ Form elaborated by IOM for the Ministry of Labour’s Monitoring report on unaccompanied minors, December 2020; see also the following report: <https://bit.ly/34nMePk>, 26.

¹⁵⁷ Amnesty International, *Cinque anni dal memorandum Italia-Libia: condizioni infernali per migranti e richiedenti asilo*, 31 January 2022, available at: <https://bit.ly/37Fq8gb>.

¹⁵⁸ IOM, *Libya Maritime update 25 November 2023*, available at: <https://bit.ly/49s3hja>.

¹⁵⁹ IOM Displacement Tracking Matrix, “Mixed migration flows to Europe”, available at: <https://shorturl.at/GmXaM>.

¹⁶⁰ InfoMigrants, “Libya’s coast guard has intercepted and returned nearly 21,000 migrants in 2024”, December 6, 2024, available at <https://shorturl.at/GjBdO>.

¹⁶¹ Communication to the United Nations Human Rights Committee in the case of SDG against Italy, available at: <https://bit.ly/41zJt7>.

¹⁶² ASGI, “Caso Asso 29, arriva a sentenza: La Libia non è un luogo sicuro dove condurre i migranti”, June 28, 2024, available in italian at <https://shorturl.at/jt4oR>.

December 2024 a Sudanese citizen, among the plaintiffs in the Asso 28 case, entered Italy with a visa in order to exercise his right to asylum in Italy.¹⁶³

- ❖ In June 2021, IOM and UNHCR, confirmed that over 270 migrants and refugees had been handed over to the Libyan Coast Guard by the ship “Vos Triton” and were subsequently taken into detention by the Libyan authorities. The two organisations reiterated that no one should be returned to Libya after being rescued at sea, as under international maritime law, rescued individuals should be disembarked at a place of safety.¹⁶⁴ A case was initially started due to a lack of transparency on a FOIA request submitted by the NGO Sea Watch, who had observed the dynamics of the pullbacks, coordinated by the Italian MRCC, through its aerial assets. Following two grades of administrative procedures, the Council of State confirmed the legality of the denial to access to the document required.¹⁶⁵ At the beginning of 2024, new evidence was handed over to the Italian Public Prosecutor Office in Rome by two Sudanese applicants involved in the Vos Triton pullbacks. The two Sudanese citizens are currently in Sudan and Libya provided the information with the support of ASGI, Comitato Nuovi Desaparecidos, Open Arms, Progetto Diritti, Sea Watch, Mediterranea, JI Project and Alarm Phone.¹⁶⁶
- ❖ In another case, on 14 October 2021, the criminal Court of Naples sentenced a commercial vessel captain, Asso28, to a one-year imprisonment, due to having returned migrants to Libya. On 30 July 2018, the vessel had intercepted a rubber dinghy with 101 people on board and, having taken on board a Libyan customs officer, the captain let him carry out the rescue and return operations to Libya of the migrants. The captain was acquitted of the charge of “disembarkation and arbitrary abandonment of persons”, pursuant to art. 1155 of the navigation code, and of “abandonment of minors” pursuant to art. 591 of the penal code. For the first time, the return to Libya led to the condemnation of a private boat.¹⁶⁷ The conviction of the ship’s captain was confirmed by the Court of Appeal of Naples on 10 November 2022. The Court confirmed the grounds of the first instance decision.¹⁶⁸ On 1 February 2024 the Court of Cassation¹⁶⁹ ruled on the appeal brought by the ship’s captain against the decision of the Naples Court of Appeals, upholding the final conviction of the captain of the vessel Asso 28. The Supreme Court, in upholding the convictions on the two charges, reiterated that Libya and the port of Tripoli cannot be considered places of safety given the serious and systematic human rights violations taking place in the country to the detriment of migrants.¹⁷⁰

1.1.3.3. Pushbacks at Adriatic ports

As monitored by ASGI, No Name Kitchen, Ambasciata dei Diritti di Ancona and Associazione SOS Diritti, refoulements continue to be carried out from Italy to Greece at Adriatic maritime borders, based on the bilateral agreement signed by the Italian and Greek government in 1999, which became operational in

¹⁶³ ASGI, “Respinto illegalmente nel 2018, A. arriva oggi in Italia con un visto di ingresso”, December 25, 2024, available in Italian at <https://shorturl.at/xJnti>.

¹⁶⁴ Available at: <https://bit.ly/3F96BBj>. See also ECRE, ‘Med: UN Condemnation of Returns to Unsafe Libya by Merchant Ship, Survivors Rescued in Maltese SAR Zone Accepted by Italy, Parliament President Urges EU Lead on Rescues at Sea’, 18 June 2021, available at: <https://bit.ly/3Jb1bap>.

¹⁶⁵ A reconstruction of the entire Vos Triton affair and the proceedings relating to “state secrets” can be found at the following link: <https://bit.ly/3KDPFGF>.

¹⁶⁶ L’Unità, ‘Stragi di naufraghi e respingimenti illegali, si muovono le Procure: esposto per la deportazione in Libia di 25 migranti’, 2 January 2024, available in Italian at: <https://bit.ly/4bUybm3>.

¹⁶⁷ ASGI, ‘Condanna di Asso 28, un precedente che può scardinare la prassi dei respingimenti in Libia’, 19 October 2021, available in Italian at: <https://bit.ly/3vHe5HF>. See also Infomigrants, ‘Ship captain sentenced to prison for returning migrants to Libya’, 15 October 2021, available at: <https://bit.ly/3vK0b7s>.

¹⁶⁸ ASGI, ‘Asso 28, la corte di appello di Napoli conferma: il respingimento verso la Libia è illegittimo’, 18 January 2023, available in Italian at: <https://bit.ly/3XYMA8Q>.

¹⁶⁹ Judgment No. 4557, full decision available in Italian at <https://bit.ly/3UPSJFW>.

¹⁷⁰ Avvenire, ‘Cassazione: «La Libia non è un porto sicuro». Reato obbedire ai guardacoste’, 16 February 2024, available in Italian at <https://bit.ly/4bYYJCG>.

2001, even if it was never ratified by the Italian Parliament.¹⁷¹ In 2022, readmissions and refoulements were still recorded also towards Albania.¹⁷²

As provided in the readmission agreement with Slovenia, the readmission agreement with Greece excludes the informal transfer between the two countries of illegally staying third-country nationals only of those recognised as refugees by the state requesting readmission.¹⁷³

Access to the asylum procedure and to information is very limited, and transfers or re-admissions are immediately executed to send foreign nationals back to Greece. On 18 January 2023, Lighthouse Reports, in collaboration with SRF, ARD Monitor, Al Jazeera, Domani and Solomon, published an online investigation on the illegal readmissions of asylum seekers to Greece that take place at the Adriatic seaports and the illegal detention to which third Country nationals undergo are subjected in unofficial places of detention on-board ships and ferries.¹⁷⁴ Despite the existence of a bilateral agreement between Italy and Greece, dated 1999, this procedure is adopted also to asylum seekers and minors.

In cases where the person can contact the network of NGOs operating at Adriatic ports, they generally managed to apply for asylum. In the others, the push back was carried out to the port of departure. According to the testimonies collected by the Network, if the ferry leaves immediately the person is kept on board. Otherwise, they are held in a police station inside the port and then taken back to the ferry.

On 7 February 2022, the Adriatic Ports Network sent a new communication to the Committee of Ministers of Europe,¹⁷⁵ requesting the continuation of the procedure to oversee the implementation of the *Sharifi* ruling, denouncing, contrary to the Government's claim in the Action Report of 15 December 2021, the persistence of illegitimate practices. The Government declared, instead, to have taken all necessary measures to prevent the recurrence of the alleged violations and to demonstrate compliance with the requirements of the ECtHR and called for the definitive closure of the procedure.¹⁷⁶ However, as the Network highlighted in its communication, the practices of illegitimacy persist and the rejections and readmissions of foreign nationals traced onboard ships or in the immediate landing area of the main Italian Adriatic ports continue. Readmissions and rejections also occur many hours after apprehension, as intercepted foreign nationals are held in transit areas, where no individual assessment is carried out by border police nor legal assistance is provided, or inside the ferries themselves, where migrants are detained in a condition of total invisibility. The testimonies collected report incidents of mistreatment and behaviour detrimental to personal dignity both during the tracing phase on board the ship or ashore, and during and at the end of readmission procedures, such as confiscation and destruction of personal belongings, forcing them to undress, and exposure to extreme temperatures. On 15 August 2021, an Afghan national and a Kurd from Iraq, despite their intention to seek asylum and the alert sent to the relevant authorities by the network, were readmitted to Greece; on 6 October 2021, a Kurdish citizen from Iraq was granted access to the territory and asylum claim, following the network's intervention that interrupted the readmission procedure already in place. In January 2022, a family with a minor in need of health care was turned away from the port of Bari, despite presenting relevant documentation attesting said health needs. From April to November 2022, the Network received 21 calls from nationals of different countries (i.e. Iraq, Türkiye, Afghanistan), mostly from Bari and Brindisi, while 1 was from Ancona. Most of them were adult men, two were unaccompanied minors. All these cases had a positive outcome, as access to the territory was ensured after an individual intervention.

In 2022, the network also received three reports of people already readmitted to Greece, without having the chance to intervene in order to halt the readmission procedure.

¹⁷¹ Available in Italian and Greek at: <https://bit.ly/3qHhuVf>.

¹⁷² According to Altreconomia FOIA, from January 2022 to 14 November, 1827 Third Country Nationals have been refouled from Bari, Brindisi, Ancona, Trieste to Albania. See Altreconomia, 'L'ossessione di respingere anche ai confini interni. Via terra e per mare' February 2023, available in Italian at: <https://bit.ly/3loKGtc>.

¹⁷³ Readmission agreement between Italy and Greece, Article 6.

¹⁷⁴ Lighthouse Reports, 'Detained below deck', 18 January 2023, available at: <http://bit.ly/3kgpOLp>.

¹⁷⁵ Available at: <https://bit.ly/3KQTUg1>.

¹⁷⁶ Available at: <https://bit.ly/3MMKzHf>.

The support provided by the network changes depending on the individual case, but generally the timing is quite tight and legal counselling is provided.

Through a F.O.I.A request sent to public administrations by Altreconomia, it has been made public that,¹⁷⁷ from 1 January 2022 to 14 November 2022, 1,917 third country nationals received a return order from the Border Police Office at the Adriatic ports cities and that 81 people were informally readmitted to Greece. Among these, 29 Afghan citizens, 15 Iraqi citizens and 11 Albanian citizens.

On 7 July 2023, the same practices that were reported by Lighthouse Reports (e.g, pushbacks at the Adriatic ports, obligation to undress, detention on ferries) were the subject of an important decision adopted by the Court of Rome.¹⁷⁸ The ruling reaffirmed the illegitimacy of the use of informal readmissions that take place at the Adriatic ports because they are adopted without the issuance of an individual measure, because they undermine the right of access to asylum because they lack appropriate information, and because they are adopted without a previous individual assessment of the concrete case. The present case is particularly significant because the applicant was an unaccompanied foreign minor, and an applicant for international protection in Greece, in possession of documentation certifying both of these facts. Nevertheless, the Italian authorities informally readmitted the applicant, forcing him to strip naked and be detained in a ferry compartment for many hours before being returned to the Greek authorities.¹⁷⁹ The decision, in addition to accounting for all the violations indicated, requires the Italian government to take the necessary steps to ensure the applicant's access to Italian territory, suggesting the issuance of a humanitarian visa under Article 25 of EC Regulation 810/2009 (Visa Regulation). No data for the year 2024 has been made public.

1.1.3.4. The Protocol between Italy and Albania

On 6 November 2023, the "Protocol between the Government of the Republic of Italy and the Council of Ministers of the Republic of Albania on Strengthening Cooperation in Migration Matters"¹⁸⁰ was signed in Rome. The official purpose is to strengthen bilateral cooperation between the states on the management of migratory flows from third countries, through the construction of two centres on Albanian territory under Italian jurisdiction, to which "migrants" who have had been admitted into to border or repatriation procedures will be assigned. The Protocol includes two Annexes, notably one detailing the expenses to be borne by the Italian government for the construction of the centres. The Albanian authorities offered up two areas within their territory to construct two detention centres during the spring of 2024, which will run for an initial period of 5 years. The Protocol envisages that the centres will have capacity to accommodate a maximum of 3,000 individuals at the same time. One centre has been built near the port of Shengjin, where disembarkation, identification, border procedures, and elements related to asylum procedure will take place; the second centre has been built in Gjader, where people deemed ineligible for asylum will be accommodated. The two centres are managed by the Italian authorities "in accordance with the relevant Italian and European legislation". They are under the exclusive jurisdiction of the Italian authorities and will have the sole purpose of carrying out border, asylum and return procedures in accordance with Italian and EU law. The Italian authorities are responsible for transfers to and from these centres, as well as for "maintaining security and order" within them. The Albanian authorities are instead responsible for ensuring "security and public order" at the external perimeter and during transfers to and from the detention centres. The Protocol assigns responsibility for ensuring the detention and "unauthorised exit" of individuals into Albanian territory (both during and after the completion of the procedures, and regardless of the outcome) to the Italian authorities.

¹⁷⁷ Altreconomia, 'L'ossessione di respingere anche ai confini interni. Via terra e per mare', 1 February 2023, available in Italian at: <http://bit.ly/3loKGtc>.

¹⁷⁸ Full decision in Italian, available at <https://bit.ly/4bMFgot>.

¹⁷⁹ For a broader description of the case, see ASGI Medea, 'Illegitimacy of informal pushbacks at Adriatic ports and humanitarian visa', 11 August 2023, available at: <https://bit.ly/48uzyVI>.

¹⁸⁰ The full text of the Protocol is available in Italian at: <https://bit.ly/3uGnzq5>. For a comprehensive analysis of the protocol, see CEPS, *The 2023 Italy-Albania Protocol on Extraterritorial Migration Management - A worst practice in migration and asylum policies*, 1 December 2023, available at <https://bit.ly/3wrPL0p>.

The European Commission response to the Protocol has been ambiguous. When asked about the legality of the Protocol, the Commission first told reporters that it had asked Italian authorities for more detailed information regarding the exact scope and expected impacts of the arrangement, and that ‘this must be done without prejudice to the asylum acquis’.¹⁸¹ In any case, the protocol raises many questions about its compatibility with European Union law¹⁸² and, more broadly, with international human rights law.¹⁸³

After an initial phase of apparent political unwillingness on the part of the government for parliamentary passage to approve the law ratifying the Protocol,¹⁸⁴ on 5 December 2023, the Council of Ministers approved the draft law ratifying the Protocol.¹⁸⁵ The text introduces a clause equating the Albanian areas provided for in the Protocol to the border or transit zones referred to in Legislative Decree No. 25 of January 28, 2008, in which expedited **border procedures** are carried out. These areas are equated with the hotspots and detention centres for repatriation provided for in the Immigration Consolidated Act (*Testo Unico Immigrazione*). On 13 December, the Albanian Constitutional Court was called to rule on the appeal filed on 6 December by 30 Members of Parliament, belonging to opposition parties, concerning the constitutionality of the Italy-Albania bilateral protocol. The Albanian legal system, in addition to the subsequent type of constitutionality review, also requires the Court a minor form of prior review of the compatibility of international agreements with the Constitution, prior to their ratification. On 29 January 2024, the Albanian Constitutional Court ruled that the agreement was compatible with the constitutional system.¹⁸⁶

The Italian Parliament ratified the Protocol through Law 14 of 21 February 2024.¹⁸⁷

The migrant detention facilities Italy built in Albania have been plagued by persistent delays and uncertainty. Originally slated to open on May 20, the launch date has been repeatedly pushed back: first to August 1, as announced by Prime Minister Giorgia Meloni during her June visit to Albania, then to August 10 according to various news outlets¹⁸⁸. After the postponement of three additional dates, the centres were finally declared operational on 11 October.¹⁸⁹

The first transfer procedure to Albania began on 14 October 2024.¹⁹⁰ Immediately, a series of logistical complexities became evident, including the duration of transfer operations, the number of transfers required, and the screening procedures, both health-related and for determining the nationalities of the individuals involved. On 16 October, four migrants had already been released after being brought to the port of Shengjin in Albania. Upon more thorough screening, two were found to be minors and two had health problems. These four were boarded onto the Italian navy ship *Libra* and sent back to Italy, to Brindisi, where they were transferred to a reception centre. On 18 October, the Court of Rome did not to validate the detention orders issued to twelve migrants of both Egyptian and Bangladeshi nationalities.

¹⁸¹ EU Observer, ‘EU unclear on legality of Italy-Albania deal to offshore asylum’, 7 November 2023, available at <https://bit.ly/4bLpXmW>.

¹⁸² SIDIBlog, ‘On the incompatibility of the Italy-Albania protocol with EU asylum law’, 15 November 2023, available at <https://bit.ly/3PhmwEf>.

¹⁸³ Questione Giustizia, ‘Profili di illegittimità del Protocollo Italia-Albania’, 28 November 2023, available in Italian at <https://bit.ly/4bOlec1>. ASGI, ‘L’analisi giuridica del Protocollo Italia – Albania’, 22 November 2023, available in Italian at <https://bit.ly/49FJrRP>.

¹⁸⁴ ASGI, ‘Accordo Italia-Albania, ASGI: è incostituzionale non sottoporlo al Parlamento’, 14 November 2023, available in Italian at <https://bit.ly/4c1MNjF>.

¹⁸⁵ Presidenza del Consiglio dei Ministri, Comunicato stampa del Consiglio dei Ministri n. 61, 5 December 2023, available in Italian at: <https://bit.ly/49l647A>; Sistema Penale, Il Disegno di legge di ratifica ed esecuzione del Protocollo tra Italia ed Albania in materia di immigrazione: analisi del progetto e questioni di legittimità, 28 December 2023, available in Italian at <https://bit.ly/3URu57T>.

¹⁸⁶ BalkanInsight, ‘Albanian Court Approves Deal with Italy on Processing Migrants’, 29 January 2024, available at <https://bit.ly/3STBXmX>.

¹⁸⁷ Senato della Repubblica, Giovedì 15 Febbraio 2024 - 159ª Seduta pubblica, 15 February 2024, available in Italian at: <https://bit.ly/3lclK7o>.

¹⁸⁸ Il Post, “L’organizzazione dei centri per migranti in Albania è un caos”, 18 August 2024, available in Italian at: <https://shorturl.at/71nBD> and EuroNews, “Opening of controversial Italian migrant centres delayed yet again”, August 1, 2024, available at: <https://shorturl.at/3c8b5>.

¹⁸⁹ InfoMigrants, ‘Italy’s migrant centers in Albania ready for operations’, 10 October 2024, available at: <https://shorturl.at/jBdzq>.

¹⁹⁰ The Guardian, ‘Italy sends first asylum seekers to Albania under controversial pact’, 15 October 2024, available at <https://shorturl.at/PQcZF>.

The court's decision was based on a European Court of Justice ruling, which determined that the migrants' countries of origin could not be considered safe. The European Court of Justice had explained that only countries without territorial safety exceptions could be included in the list of safe countries of origin,¹⁹¹ and according to the Court of Rome, this is not the case for either Egypt nor Bangladesh.¹⁹² The twelve migrants were brought to Italy, specifically to Brindisi to be transferred into the regular reception system.

The government's sharp and indignant response against the Court's decision came without delay. On 23 October, the Government approved Decree Law 158/2024, by which a new list of countries considered safe was included directly in the law.¹⁹³ Despite removing three countries for which the Foreign Ministry had indicated territorial safety exceptions, the list still designates countries such as Tunisia, Bangladesh, Egypt, the Ivory Coast, and Peru as safe. For these countries, the Ministry's own reports had noted exceptions for certain groups highlighting systematic violations of fundamental rights. These concerns prompted the Court of Bologna to submit a preliminary question to the European Court of Justice about the correctness of the procedure used to define the safe countries list, while the Catania Tribunal disapplied Decree Law 158/2024, invalidating the detention order of a person undergoing accelerated asylum review due to coming from a "safe" country, based on the evaluation that the 19 countries included in the list cannot be considered as safe, under current EU legal provisions, as there are exclusions for specific groups.¹⁹⁴

On 8 November 2024, following operations that had begun several days earlier and the approval of the decree law, the government transferred eight migrants to Albania, despite the pending case before the Court of Justice.¹⁹⁵ On 11 November, the Civil Court of Rome did not validate the detention of seven migrants ordering their release and return to Italy. This time, the judges also requested that the CJEU rule on the case. Initially, eight people from Egypt and Bangladesh had been selected for this transfer, but one was found to be vulnerable due to health issues and was then brought to Italy.¹⁹⁶

Through L. 187/2024, the competence to decide on administrative detentions (including those relating to the procedure in Albania) has been moved from the specialized sections on immigration of the courts of first instance to the courts of appeal.¹⁹⁷

On 31 January 2025, the Civil Court of Appeal of Rome did not validate the detention of 43 asylum applicants detained in Albania and requested a preliminary judgement to the Court of Justice of the European Union basing its decision on the same findings raised by the Court of Rome. On 25 February, the Court of Justice held a hearing on the referrals made by Italian judges concerning the concept of safe third country. The lawyers highlighted, among other things, five central issues:

- Judges must have authority to review and disapply "safe country" designations that violate EU criteria, as these designations trigger accelerated procedures with severe consequences for asylum seekers.
- Judicial assessment must focus on whether persecution or serious harm is consistently absent in a country, not on the formal designation procedure.
- EU Directive 2013/32 does not permit designating countries as "safe" while excluding certain vulnerable categories, as this undermines the harmonized European asylum system.
- Member States do not have discretion to create exceptions for certain groups in safe country designations without explicit EU legislative authorization.

¹⁹¹ InfoCuria Case-law, Case C-406/22 - Decision of the Grand Chamber, 4 October 2024, available at <https://shorturl.at/Moaj9>.

¹⁹² Questione Giustizia, "Nota ai provvedimenti di rigetto delle richieste di convalida dei trattenimenti disposti dalla Questura di Roma ai sensi del Protocollo Italia-Albania, emessi dal Tribunale di Roma, sezione specializzata nella protezione internazionale, il 18 ottobre 2024", available in Italian at <https://shorturl.at/7hpo4>.

¹⁹³ Article 2 bis Procedure Decree as amended by DL 158/2024, then repealed but L. 187/2024 converting DL 145/2024 included the amendment.

¹⁹⁴ ASGI, "La nuova "lista dei paesi sicuri" e lo svuotamento del diritto di asilo", November 5, 2024, available in Italian at: <https://shorturl.at/YmCSn>.

¹⁹⁵ Domani, "Migranti in rotta verso l'Albania, nuovo scontro con i magistrati in vista", November 6, 2024, available in Italian at <https://shorturl.at/KDCa0>.

¹⁹⁶ IlSole24ore, "Migranti Albania, uno è vulnerabile: già di ritorno in Italia. Attesa la decisione dei giudici sugli altri sette", 8 November 2024, available in Italian at <https://shorturl.at/m1bLv>.

¹⁹⁷ Article 16 Decree Law 145/2024, as amended by L. 187/2024 and amending Article 3 (1) lett. c) DL 13/2017.

- Using quantitative criteria to determine category exceptions is problematic due to the unclear definition of “category of person” and creates risks of improperly applying accelerated procedures.¹⁹⁸

On 10 April 2025, the General Advocate of the Court of Justice published their conclusions on the proceedings,¹⁹⁹ and the Court's decision is awaited in fall 2025.

However, on 28 March 2025, the Government issued the DL 37/2025, amending L 14/2024 ratifying the Protocol between Italy and Albania. The amendment introduced, among the categories of people who can be transferred to Albania, those who are already subject to detention measures validated or extended pursuant to Article 14 TUI due to their irregular stay and are thus detained in repatriation centres.

On 8 May 2025, through decision no. 17510/2025, the Criminal Court of Cassation overturned a ruling by the Civil Court of Appeal, which had refused to validate the detention of a foreign national. The individual had been detained with the authorisation of the competent Justice of the Peace and subsequently transferred to Albania under the provisions of the new DL 37/2025. After his transfer, he had submitted an asylum application. According to the Court of Appeal the areas in Albania where people can be transferred are equated to border or transit areas where it is only allowed the entry and stay of people destined for repatriation or border procedures and not that of those seeking asylum pursuant to art. 6 of the Reception Decree.

However, according to the Court of Cassation, since DL 37/2025 allowed the transfer to Albania from the CPRs present in Italy, and equates the Gjader center to the Italian CPRs, the same procedure carried out in CPRs applies there. Therefore, the Court annulled the decision of the Court of Appeal and sent the decision back to the latter on the basis of the principle of law according to which “Article 3 of L. 14/2024 does not prevent the application of the art. 6(3) of the Reception Decree in the event that a citizen detained in Gjader applies for asylum; therefore, detention at this centre is possible even after the submission of the asylum application because the centre is equivalent to the centres referred to in the art. 14 TUI” (CPRs).²⁰⁰

1.1.3.5. Attempt to criminalise migrants’ refusal to be returned to third countries

As reported in [2020 AIDA report](#), in June 2020 the Criminal Appeal Court of Palermo overturned the decision of the Criminal Court of Trapani that had acquitted two migrants rescued at sea by Vos Thalassa ship in 2018, who had rebelled aboard the ship threatening the captain and the crew once they realised that it was bringing them back to Libya. The judge had recognised they acted in self-defence, and that the act of bringing them back to Libya would have been a crime.²⁰¹ Instead, according to the Court of Appeal, the defendants had voluntarily placed themselves in a dangerous condition, having planned an extremely dangerous sea crossing and having then asked for help in order to be recovered from rescue boats. Consequently, according to the Court their violent and threatening conduct - aimed at preventing the crew of the Vos Thalassa from returning them to the Libyan Coast Guard - cannot be considered self-defence.²⁰²

Through Decision n. 15869/2022,²⁰³ adopted on 16 December 2021, and published on 26 April 2022, the Court of Cassation overturned the decision issued by the Court of Appeal of Palermo, reaffirming the

¹⁹⁸ Court de Justice de l'Union Européenne, “Press and media - Broadcasting of hearings”, 25 February 2025, available at <https://shorturl.at/48jyX>.

¹⁹⁹ InfoCuria Jurisprudence, “OPINION OF ADVOCATE GENERAL RICHARD DE LA TOUR delivered on 10 April 2025 - Joined Cases C-758/24 [Alace] and C-759/24 [Canpelli]”, available at <https://shorturl.at/a8iUy>.

²⁰⁰ Court of Cassation, decision no. 17510/2025 of 8 May 2025.

²⁰¹ Criminal Court of Trapani cited above. See: Diritto penale contemporaneo, La legittima difesa dei migranti e l'illegittimità dei respingimenti verso la Libia (caso Vos-Thalassa), Luca Masera, 24 June 2019, available in Italian at: <https://cutt.ly/7yv9bfe>; see also: EDAL, ‘Italy - Tribunale di Trapani - Office of the Judge for Preliminary Investigations (Piero Grillo)’, available at: <https://bit.ly/42CrUWO>.

²⁰² Criminal Court of Appeal of Palermo, Decision no. 1525/2020, of 3 June 2020, available at: <https://bit.ly/3vIWwFg>.

²⁰³ Decision available in Italian at: <https://bit.ly/3vzvZgz>.

principle that the migrants rescued at sea, asserting their right not to be refouled to Libya, were justified in resisting return procedures, as soon as their reaction to the risk of refoulement was proportionate and there were no proof of collusion with the traffickers.²⁰⁴

On 25 November 2022, the Criminal Court of Trieste acquitted a man accused of having provided false personal details to the authorities, to be registered as a minor. The Court recognised that the man was justified as he had acted in a state of necessity, to protect himself from the danger of serious harm that was the chain refoulement from Italy to Bosnia, which, in any case, he then suffered, being victim of inhuman treatment in Croatia, before being able to return to Italy and obtain refugee status.²⁰⁵

1.2. Arrivals by air

Different cooperatives are entrusted by public tender or other temporary contracts to provide information services in the main airports, directly by the local Prefectures.

At the Fiumicino airport of Rome, in 2021 and 2022, the ITC cooperative was in charge of informing and managing foreign people arriving at the air border wanting to seek asylum or who are Dublin returnees. As of 31 October 2022, 980 third country nationals were not granted access to the Italian territory at the airport borders, and only 105 asylum applications were lodged at air borders.²⁰⁶

At the Milan Malpensa airport, since 2020 the cooperative Ballafon is responsible for providing services to asylum seekers arriving at the air border. According to Inlimine ASGI's project FOIA, as of 31 October 2022, 909 third country nationals were not granted access to the Italian territory at Malpensa airport, while only 128 people were able to seek asylum at the airport. Among people refouled, according to the same information, it appears that persons coming from countries with critical security situations (such as Syria, Palestine, Democratic Republic of Congo or Pakistan) did not have access to the international protection procedure.²⁰⁷

On 20 June 2023, ASGI conducted a visit to the offices and transit area of Milano Malpensa Airport, in compliance with the Lazio Regional Administrative Court ruling No. 3392/2023. During the visit, the delegation had access to the places used for the stay of foreign nationals who receive refoulement orders. As of the date of the visit (June 20, 2023), there had been 546 refusals of entry since the beginning of 2023. The time spent in the transit area awaiting the execution of the refoulement was as follows:

- ❖ 313 persons were refused entry in less than 24 hours after being notified of the rejection order;
- ❖ 215 persons between 24 and 48 hours;
- ❖ 14 persons after a stay in the transit zone of about 48 hours;
- ❖ 3 persons after a stay of three days;
- ❖ 1 person from Santo Domingo (for whom, officials report, there are only two direct flights per week) after a stay of four days.

Similarly to the findings from a previous ASGI visit to Fiumicino Airport, the main critical issues identified include a failure to provide adequate safeguards for individuals at the airport, particularly due to insufficient information provision and in terms of identifying vulnerabilities, limited access to international protection, *de facto* detention practices by the police, and a lack of effective access to legal representation and communication with the outside world.²⁰⁸

²⁰⁴ Espresso, 'I migranti hanno il diritto di opporsi alla riconsegna in Libia»: storica sentenza della Cassazione', 17 December 2021, available in Italian at: <https://bit.ly/3t9BxNz>.

²⁰⁵ Criminal Court of Trieste, decision of 25 November 2022. See Altreconomia, 'Fingersi minore per sfuggire ai respingimenti italiani a catena fino in Bosnia non è reato', 28 February 2023, available at: <http://bit.ly/3J0LiPe>.

²⁰⁶ ASGI InLimine, 'La frontiera di Fiumicino: i riscontri della pubblica amministrazione', 10 November 2022, available in Italian at: <https://bit.ly/3I3RJGk>.

²⁰⁷ ASGI InLimine, 'La frontiera di Malpensa: alcuni riscontri dalla pubblica amministrazione', 13 November 2022, available in Italian at: <https://bit.ly/3k23MMf>.

²⁰⁸ ASGI InLimine, *La situazione emersa dal sopralluogo della Zona di transito internazionale dell'aeroporto di Milano Malpensa*, December 2023, available in Italian at: <https://bit.ly/3TaPmYV>.

Data obtained by ASGI following a FOIA request presented relevant information related to refusals of entry and asylum requests at both airports. The examination of migration management data from January 2024 to March 2025 reveals significant border control activities at Italy's primary international air entry points. Border authorities executed a total of 3,016 refusals of entry across Fiumicino (1,617) and Malpensa (1,399) airports. At Fiumicino, the predominant grounds for rejection were Article E violations (inadequate documentation substantiating purpose and conditions of stay, 624 cases), Article G violations (insufficient financial resources, 504 cases), and Article C violations (absence of valid visa or residence permit, 364 cases). Albanian nationals constituted the largest demographic subject to rejection measures (664 individuals: 270 at Fiumicino and 394 at Malpensa), followed by nationals of Moldova (228), Brazil (210), and Georgia (178). A pronounced disparity exists between rejection enforcement and international protection applications, with only 456 asylum requests registered during the corresponding period (328 at Fiumicino and 128 at Malpensa). At Fiumicino, Tunisian and Iranian nationals submitted the highest number of protection applications (26 and 25 respectively), while at Malpensa, Sri Lankan nationals predominated the asylum-seeking population (62 applications). The rejection-to-application ratio of approximately 6.6:1 raises substantive questions regarding protection mechanism accessibility at these strategic border control points, particularly considering that numerous rejections affected individuals originating from states experiencing documented conditions of socio-political instability or humanitarian crises.

Regarding litigation cases, on 14 October 2024, the Rome Civil Court ordered the Ministry of Interior to pay €5,500 compensation to a Congolese citizen who was unlawfully detained for six days (from 28 November to 4 December 2020) in the transit area of Rome Fiumicino Airport. In the judgment, the court recognized that the detention occurred without any judicial authorization, violating Article 13 of the Italian Constitution and Article 5 of the European Convention on Human Rights. The claimant, who was later granted subsidiary protection, had been deprived of personal freedom under degrading conditions (no hot shower, inability to use a phone, lack of sleeping materials) after presenting a counterfeit residence permit. The Court quantified the non-material damages at €1,000 per day, following criteria previously established by the Milan Court of Appeal in a 2018 ruling.²⁰⁹

1.3. Land borders

1.3.1. Arrivals at the Slovenian land border

By the end of August 2023, 13,700 migrants had entered through the Friuli Venezia Giulia region, according to the information released by the Minister of Interior in September 2023.²¹⁰ In 2022, 13,000 migrants coming from the border between the province of Trieste and Slovenia were traced by the Border Police of Trieste or spontaneously presented themselves to the authorities of the municipalities.²¹¹

In 2023, according to information collected by Asgi, only a few readmissions were carried out based on the Readmission Agreement signed by the Italian and Slovenian Governments in 1996,²¹² an agreement never ratified by the Italian Parliament, contrary to what Article 80 of Italian Constitution dictates for the ratification of international treaties that are of a political nature.²¹³

On 18 January 2021, the Civil Court of Rome declared that the informal readmission procedures were contrary to the law as, among other reasons, they violated the right to access the asylum procedure and were not in conformity with the Dublin Regulation. This decision was later partially overturned by the Civil Court of Rome which accepted the appeal submitted by the Mol as it considered that the applicant's

²⁰⁹ ASGI InLimine, "Risarcimento del danno per illegittima detenzione informale presso l'aeroporto di Roma Fiumicino", 2 December 2024, available in Italian at: <https://shorturl.at/gJQYy>.

²¹⁰ See Ansa, Migranti: Piantedosi, 13.700 ingressi dal Friuli quest'anno, 13 September 2023, available at: <https://encr.pw/Uj6Cn>.

²¹¹ Ansa, 'Migranti, il Prefetto di Trieste: si intensificano arrivi in FVG', 28 February 2023, available in Italian at: <http://bit.ly/41VNWmk>.

²¹² Readmission agreement between the Italian and Slovenian Government, available at: <https://bit.ly/3vwPuGF>.

²¹³ Italian Constitution, Article 80 states: 'Le Camere autorizzano con legge la ratifica dei trattati internazionali che sono di natura politica, o prevedono arbitrati o regolamenti giudiziari, o importano variazioni del territorio od oneri alle finanze o modificazioni di leggi.'

involvement in the procedure was not sufficiently demonstrated. However, the Court confirmed the illegitimacy of the readmission procedures, which was the basis of the motivation of the first court.²¹⁴ Following the Court of Rome decision of 18 January 2021, in 2021, only 6 people were readmitted to Slovenia. However, starting from 31 July 2021, mixed patrols involving Italian and Slovenian police resumed at the eastern Italian border for a total number of 10 monthly services, out of which 7 were carried out in Slovenia (Koper and Nova Gorica) and 3 in Italy (Trieste and Gorizia).²¹⁵

On several occasions in 2021, the Government outlined the imminent resumption of readmission procedures.²¹⁶ In January 2022, the Friuli Venezia Giulia Region announced that it had purchased, upon request of the Prefecture of Trieste, 65 camera traps, to be allocated to the border police and to be placed on the Italian-Slovenian border to intercept arrivals and act as a "technological wall".²¹⁷

During the summer and autumn of 2022, partly because of changed entry policies at the Bosnia Herzegovina-Croatia border and the political change of government in Slovenia, a major increase in the number of arrivals from the Balkan route was reported. Although no official data on entries is available, press articles pointed to increased interceptions of foreign nationals who are irregularly present.²¹⁸ The high number of new arrivals was also confirmed by the systematic difficulties faced by the Prefecture of Trieste and Gorizia in relation to granting reception measures for asylum applicants in the territory.²¹⁹ This situation has created obvious unease and led to a new intensification of police controls on the Slovenian side, starting from 2 September 2022.²²⁰ After national elections, more focus was put on enhancing border controls, and on 28 November, Interior Ministry Chief of Staff issued a directive calling on public administrations at the borders to intensify actions to curb arrivals.²²¹ NGOs, such as ASGI, ICS and the network Rivolti ai Balcani regarded it as a *de facto* reinstatement of informal readmissions,²²² which were previously declared illegitimate by the Rome Civil Court decision. On 6 December, the Undersecretary of the Ministry of Interior Emanuele Prisco, during a visit in Trieste, confirmed the political intention of the Government to re-start informal readmission at the border with Slovenia.²²³

In December 2022 informal readmissions re-started, but they did not involve asylum seekers. However, the Slovenian government refused many people that the Italian border police tried to send back. According to the information obtained by Altreconomia through a FOIA request, out of 190 readmission requests, only 23 were successful. The Slovenian Government did not dispute the validity of the agreement, but it claimed there was no evidence of the previous passage of those people from Slovenia.²²⁴

²¹⁴ Civil Court of Rome, decision of 3 May 2021, available at: <https://bit.ly/3KlswAZ>.

²¹⁵ Written response provided to the question made by the member of the Italian Parliament Riccardo Magi, signed by the undersecretary of the Ministry of the Interior, Nicola Molteni, on 13 October 2021, attached to the bulletin of Constitutional Affairs n. 5-06810.

²¹⁶ Rai news, "Stop ai cortei, sì alle riammissioni informali", dice il prefetto Vardè, 9 November 2021, available at: <https://bit.ly/3w6N9CS>.

²¹⁷ Il Gazzettino.it, 'Clandestini dai Balcani, il Friuli Venezia Giulia compra 65 fototrappole: "Un muro tecnologico"', 21 January 2022, available at: <https://bit.ly/3ILHC7v>.

²¹⁸ See Radio Capodistria 'In aumento i flussi di migranti fra Italia e Slovenia', 22 August 2022, available in Italian at: <http://bit.ly/3xWVOHW>.

²¹⁹ Rainews, 'Le strutture per l'accoglienza dei migranti a Trieste sono al collasso', available in Italian at <http://bit.ly/3ED2aQg>; ANSA, 'Migranti: Ics a Governo, non si violi accoglienza a Trieste', 23 October 2022, available in Italian at: <http://bit.ly/3SyAx0w>. For a more comprehensive collection of information related to people on the move present in Trieste, IRC, *Abandoned lives*, December 2022, available at: <https://bit.ly/3IbXulF>.

²²⁰ IlFriuli.it, 'Migranti, ripartono le pattuglie miste al confine', 6 September 2022, available in Italian at: <http://bit.ly/3IxupAZ>.

²²¹ Il fatto quotidiano, 'Migranti, il governo riattiva i respingimenti sul confine Sloveno. Erano stati dichiarati illegittimi dal tribunale di Roma nel 2021', 12 December 2022, available in Italian at: <http://bit.ly/3Z3wmfv>.

²²² MeltingPot Europa, 'Trieste, nuova direttiva Piantedosi: ripartono le riammissioni illegali in Slovenia', 9 December 2022, available in Italian at: <https://bit.ly/3YZQtdR> and Altreconomia, 'Sulla sconcertante ripresa delle "riammissioni informali" al confine italo-sloveno', 12 December 2022, available in Italian at: <http://bit.ly/3TSuniU>.

²²³ RAI - TGR Friuli Venezia Giulia, 'Il Governo ha deciso: tornano i respingimenti di migranti in Slovenia', 6 December 2022, available in Italian at: <http://bit.ly/3n8ZnZq>.

²²⁴ Altreconomia, 'Respingimenti alla frontiera con la Slovenia, i dati che smontano gli annunci del governo', 9 May 2023, available at: bit.ly/3Mr215M.

Beyond the intention to reactivate informal readmissions, following a parliamentary question on 13 September 2023, the Italian Ministry of the Interior confirmed that, as of September 2022, the Italian and Slovenian governments had given more structure to cross-border police cooperation actions. Thanks to these initiatives, the government declared that during 2023, bilateral operations prevented 1,900 foreign nationals from entering Italian territory.²²⁵ ASGI therefore presented a FOIA request to receive information about specific elements of this practice, and the Administration confirmed the direct involvement of Italian authorities in mixed patrols on Slovenian territory with powers of observation and information support, under the bilateral agreement on cross-border police cooperation of August 27, 2007, ratified by Law 60 of April 7, 2011.²²⁶ During a hearing before the Parliamentary Schengen Committee, Interior Minister Piantedosi also announced ‘the establishment of Mixed Brigades of Police Forces, based on the fruitful experience (...) gained with joint patrol services.’²²⁷ According to a 2 November 2023 news report, police coordination centres involving Italy, Slovenia and Croatia will also be set up in order to consolidate cooperation on countering irregular crossings. These developments fit into the general picture of increased patrolling of the territory, which had been confirmed through the news²²⁸ of the purchase of 65 photo traps mobile cameras to place in the border areas of Trieste and Gorizia province. From initial information collected by ASGI and Altreconomia the camera model GDPR WN-42CM branded Wilnex, cost 34,710 EUR, and the tool should exclusively be aimed at locating people crossing the border irregularly.

However, the latest and most relevant political change in border management at the Italo-Slovenian border had been the reintroduction of border controls according to art. 28 Regulation 2016/399 (Border Schengen Code).²²⁹ In particular, in a statement published on 18 October 2023,²³⁰ the Italian government announced that it had notified relevant European authorities and partners of the reintroduction of internal land border controls with Slovenia from 21 October 2023 to 30 October 2023 due to the increased threat of violence within the EU as a result of the escalating crisis in the Middle East and the risk of possible terrorist infiltration. According to the government, this picture would be ‘further aggravated by the constant migratory pressure on Italy’. Since then, the duration of the border controls has already been extended 5 times.²³¹ The Italian authorities have extended the controls twice during 2024, each time for a period of 6 months, until 18 December 2024. Currently, the controls remain in effect until 18 June 2025.

The Ministry of Interior announced that, thanks to the border controls, police had intercepted the arrival of 1,600 irregular people, made 76 arrests and denied entrance on the territory to almost 900 people.²³² Another risk factor at the Italian Slovenian border are chain pushbacks from Italy to Bosnia-Herzegovina. On this topic, the Civil Court of Rome, by a decision of 9 May 2023,²³³ once again condemned the Italian administration for practices of chain readmissions. The case concerned an action for compensation of the damage suffered by a Pakistani citizen, already recognised with international protection in Italy, during a previous readmission that sent him violently back to Bosnia Herzegovina. The Italian Court stated that ‘The illegitimacy inherent in the informal readmission operated by the Italian police authorities at the border between Italy and Slovenia, the inhuman and degrading treatment related to the chain readmission to Bosnia and Herzegovina, and the concomitant lack of access to the political asylum procedure determine a right to compensation for damages in the hands of the recipient of this procedure’. The Tribunal reiterated the illegitimacy of the readmission procedure implemented at Italy’s eastern border on

²²⁵ Camera dei Deputati, XIX LEGISLATURA - Resoconto stenografico dell’Assemblea - Seduta n. 161 di mercoledì 13 settembre 2023, available in Italian at: <https://bit.ly/4bQ37DI>.

²²⁶ FOIA reply from the Ministry of Interior Prot. 0102589 of October 25, 2023, available in Italian at <https://bit.ly/3OTrEOs>.

²²⁷ Ministero dell’Interno, ‘Comitato parlamentare Schengen, audizione del Ministro Piantedosi’, 7 November 2023, available in Italian at: <https://bit.ly/48uWSIR>.

²²⁸ Il Gazzettino, ‘Clandestini dai Balcani, il Friuli Venezia Giulia compra 65 fototrappole: «Un muro tecnologico»’, 21 January 2022, available in Italian at: <https://bit.ly/3zDbMb1>.

²²⁹ For a more detailed analysis of the reintroduction of border controls at the Italo-Slovenian border, see ASGI Medea, ‘Schengen Area: From Free Movement Zone to Labyrinth’, 20 November 2023, available at: <https://bit.ly/42UYcNH>.

²³⁰ Presidenza del Consiglio dei Ministri, ‘Reintroduzione dei controlli delle frontiere interne terrestri con la Slovenia, nota di Palazzo Chigi’, 18 October 2023, available in Italian at: <https://bit.ly/49IMQP8>.

²³¹ European Commission, ‘Temporary Reintroduction of Border Control’, available at: <https://bit.ly/3DmVntw>.

²³² Ministry of Interior, available at the Government webpage: <https://bit.ly/3TmsDK>.

²³³ Full decision Court of Rome N. R.G. 3938/2022 of May 9, 2023, available in Italian at <https://bit.ly/3wFks20>;

the basis of an agreement signed between Italy and Slovenia in 1996 that was never ratified by the Italian Parliament, as previously highlighted by the Court of Rome decision of 18 January 2021. This is the procedure that the Italian government, after suspending it following the January 2021 decision, had reinstated as of November 2022, albeit formally not with respect to those seeking international protection. Contrary to the appeal decision regarding the 18 January 2021 decision, the ruling also recognises the successful demonstration of facts at trial, through cooperation with Slovenian NGO PIC (Pravni center za varstvo človekovih pravic in okolja - Legal Centre for the Protection of Human Rights and the Environment),²³⁴ regarding the immediate chain of readmissions suffered by the claimant from Italy to Slovenia and from Slovenia to Croatia and then the claimant's presence in Bosnia.²³⁵

During a hearing before the Schengen Parliamentary Commission on 7 November 2023, Interior Minister Piantedosi announced “the establishment of mixed brigades of police forces, based on the productive experience (...) gained with joint patrol services”²³⁶. On 16 January 2024, a first trilateral meeting was held in Nova Gorica between the Interior Ministers of Italy, Slovenia, and Croatia, during which initial cooperation guidelines to combat irregular immigration along the Balkan route were defined by the three countries.²³⁷ On 14 October 2024, during the trilateral summit in Zaprešić (Croatia), the Interior Ministers of the three countries further discussed and defined the operational modalities of cross-border cooperation, agreeing on the need to formalize the agreements through a specific memorandum.²³⁸ On 20 January 2025, the Interior Ministers of the three countries met again in Nova Gorica to sign the Memorandum of Understanding on joint border patrols at the EU border.²³⁹ The agreement, as reported by official sources, provides for the implementation of joint patrols between the police forces of the three countries along the Balkan route, with the aim of:

- strengthening control of the European Union's external border;
- combating irregular migration flows;
- intensifying operational cooperation between the police forces of the three countries;
- implementing coordinated border surveillance measures.

The Memorandum is part of the broader framework of measures to strengthen controls at the EU's Croatian external border.

1.3.2. The situation at the French land borders

Refusals of entry and pushbacks

Since November 2015 and due to the reintroduction of border controls by France, many migrants attempting to cross the borders with France have been subject to rejection at the border, often with the use of violence. A detailed account of the situation at the borders in previous years is available in the previous updates of the [AIDA Report on Italy](#), and in the [AIDA Report on France](#).²⁴⁰

On 14 December 2020, mixed Italian-French patrols began to operate along the border of Ventimiglia with the task of patrolling the borders according to the provisions of bilateral police cooperation agreements based on the 1997 Chambéry agreements,²⁴¹ providing for joint actions and cooperation between Italian

²³⁴ More information on the organisation, available at: <https://bit.ly/3PkgfaT>.

²³⁵ ASGI Medea, Balkan route, evidence and testimonies confirm chain readmissions. Ministerial liability for compensation for damages, August 8, 2023, available at: <https://bit.ly/3OYCxyC>.

²³⁶ Ministero dell'Interno, “Comitato parlamentare Schengen, audizione del Ministro Piantedosi”, November 7 2023, available at <https://shorturl.at/MZvIZ>.

²³⁷ Radio Capodistria, “Niente di nuovo dal trilaterale dei Ministri degli interni sui pattugliamenti”, January 18, 2024, available at <https://shorturl.at/litfC>.

²³⁸ Ministero dell'Interno, “Trilaterale Italia, Slovenia, Croazia: Piantedosi incontra a Zaprešić gli omologhi Božinović e Poklukar”, October 14, 2024, available at <https://shorturl.at/IBHvY>.

²³⁹ Ministero dell'Interno, “A Nova Gorica incontro trilaterale tra i ministri dell'Interno di Italia, Slovenia e Croazia”, January 20, 2025, available at <https://shorturl.at/eETuk>.

²⁴⁰ AIDA, *Country Report Italy, 2017 Update*, March 2018, available at: <https://bit.ly/2Ga01zb>, 22-24.

²⁴¹ Riviera time, ‘Una ‘squadra mista’ italo-francese: parte da Ventimiglia il progetto pilota della Polizia di Frontiera’, 21 December 2020, available at: <https://bit.ly/3bd9bbM>.

and French police.²⁴² Police checks, which can be considered lawful in internal border areas only if conducted in a manner that police powers doesn't have an equivalent effect to border checks²⁴³, in practice only take place people of foreign appearance and systematically especially at Ventimiglia train station, where migrants are prevented from getting on the train platform so that they do not catch a train to France.²⁴⁴ This practice, started in 2020, is still widely implemented.

Regarding pushbacks, as reported by ASGI and other NGOs,²⁴⁵ people stopped at the border or on the train are taken to the San Luigi station, identified and given a "refusal of entry" (*refus d'entrée*). The rejection procedure is completed with the handing over of the concerned persons to the Italian police authorities who invite them to proceed on foot to the city of Ventimiglia. If the third country nationals are intercepted in border areas as defined by the bilateral readmission agreement, they are simply readmitted to Italy without any written decision.

Italian media have conducted interviews with migrants having been readmitted to Italy or blocked at the border, and with NGO operators at Ventimiglia. The migrants involved declared having been intercepted and sent back by French police, after substantial efforts to reach France. In 2021, NGO operators observed that about 60 people per day attempted to reach France, and only 10 usually succeeded, while all the others - including UAMs - were pushed back. Volunteers regret the closure of the Red Cross Ventimiglia Camp that served as a support point for all the people on the move.²⁴⁶ Notwithstanding the decision of the Court of Justice of the European Union in the cases C-368/20 and C-369/20²⁴⁷ in relation to the unlawfulness of prolonging internal border checks without new reasons that justify the reintroduction of such controls, the French Government has continued with the temporary reintroduction of border controls,²⁴⁸ without disruption, since 2015. The latest prolongation runs from 1 May 2025 to 31 October 2025. In May 2022, Anafé and other French CSOs, with the support of ASGI, submitted an appeal against the decision of the French government to prolong border checks at internal borders, but the French Council of State rejected the appeal on 27 July.²⁴⁹

However, The situation appeared to have slightly changed in the first weeks of 2024, with CSOs reporting a decrease in pushbacks and, among these reduced numbers of refusals of entry, decisions mostly in line with the bilateral agreements.²⁵⁰ This change can be explained in light of recent jurisprudence regarding the powers of Member State to issue refusal of entry provisions (*Refus d'entrée*) at its internal borders, when border controls have been reintroduced. In particular, the CJEU, with the decision *ADDE* (C-143/22) of 21 September 2023, reaffirmed the principle – already introduced in the *Affum* Case (C-47/15) – according to which the Return directive (2008/11/CE), which provides for the possibility of transferring a third-country national in an irregular condition intercepted in the border area if the two countries in question have signed bilateral readmission agreements, must be applied together with the Schengen Borders Code. This entails that, although in such a situation a Member State can still adopt a refusal of entry

²⁴² The text of the Agreement is available at: <https://bit.ly/39wdS2v>.

²⁴³ Article 23 of the Regulation 399/2016 (Schengen border Code).

²⁴⁴ Regarding ethnic profiling procedure carried out at Ventimiglia train station, ASGI Medea, *Submission to the Committee on the Elimination of Racial Discrimination Review of Italy - 110th Session Racial and ethnic profiling practices in police (border) checks and lack of accessible and effective remedy in Italy*, July 2023, available at: <https://bit.ly/3lct6rl>, 16-19.

²⁴⁵ ASGI, 'La situazione al confine tra Italia e Francia: effetti della pandemia e tendenze consolidate', 22 February 2021, available in Italian at: <https://bit.ly/2RDIdb9>; see also Medici Senza Frontiere, *Vietato passare - La sfida quotidiana delle persone in transito respinte e bloccate alla frontiera franco-italiana*, August 2023, available in Italian at: <https://bit.ly/3liO1ZO>; Stories in motion, *A Collaborative Research Report of Rights Violations at the Franco-Italian Border*, 1 June 2023, available at: <https://bit.ly/49lV8q8>; MEDU, *Rapporto sulla situazione umanitaria dei migranti in transito lungo la frontiera nord-ovest tra Italia e Francia*, October 2020, available at: <https://bit.ly/3y1SzgQ>.

²⁴⁶ La7, 'Ventimiglia, continuano i respingimenti francesi', 26 June 2021, available in Italian at: <https://bit.ly/3q7LTew>.

²⁴⁷ ASGI, 'EU Court of Justice – It is illegitimate to renew internal border controls on the basis of reasons already given', 23 May 2022, available in Italian at: <https://bit.ly/3R9JPiW>.

²⁴⁸ European Commission, *Temporary Reintroduction of Border Control*, available at: <http://bit.ly/3DmVntw>.

²⁴⁹ ASGI, 'The French Council of State ignores the principles on free Schengen circulation reaffirmed by the European Court of Justice', 29 July 2022, available in Italian at: <https://bit.ly/3kOeFI2>.

²⁵⁰ Il Fatto Quotidiano, 'Migranti, la Francia si piega al Consiglio di Stato: alla frontiera di Ventimiglia crollano i respingimenti. Attivisti: "Ma militarizzazione prosegue"', February 17, 2024, available in Italian at <https://bit.ly/4aXEsMz>.

decision, on the basis of the Schengen Borders Code, the removal must comply with the common standards and procedures of the Return directive, and thus also the procedures set out in the bilateral readmission agreement. The Return Directive does not allow Member States to exclude third country nationals from the scope of the directive in case of a refusal of entry at the internal border (contrary to the external border, where it is allowed), even in case of temporarily reintroduced border controls.²⁵¹ This CJEU preliminary reference was issued by the Court in the context of a French national court case, led by several NGOs challenging French legislation contained in the CESEDA (Code de l'entrée et de séjour des étrangers et du droit d'asile) on this topic, because it allowed the authorities to issue a refusal of entry decision in the context of temporarily reintroduced internal border controls under any circumstances. In light of the CJEU decision, the Council of State confirmed that, to comply with the Return directive, such refusal of entry decisions could only be taken at the internal borders with a view to the person concerned being re-admitted by the Member State from which they came, in application of an agreement existing on the date the Return directive came into force.

The effects of the Council of State's decision were particularly evident in the decline in readmission numbers recorded throughout 2024. A civic access request promoted by ASGI Medea project²⁵² revealed a notable drop in the number of people pushed back to Italy following interceptions by the French Border Police (PAF), at least regarding the Ventimiglia border crossing. Data on passive readmissions – cases in which Italy agrees to take back migrants rejected by France – show significantly higher figures: a total of 7,216 people, including 6,808 accepted and 408 rejected readmissions. The monthly distribution shows a significant increase during the middle months of the year, with peak numbers in August (959 readmissions) and September (851). The most represented countries of origin are Tunisia, Algeria, Morocco, and Eritrea, followed by countries from sub-Saharan Africa and the Middle East.

One route to France is through the Val di Susa, crossing the Bardonecchia and the Frejus mountain passes, on one side, or, on the other, through Oulx and Claviere leading to the Montgenèvre pass. MEDU,²⁵³ an organisation granting medical assistance to migrants at Oulx, has reported the death of migrants that tried to cross the border walking through the Alps, highlighting the increase in deaths of very young migrants or MSNA. Many NGOs signed an appeal consequently the death of migrants at this border.²⁵⁴

Among migrants' deaths at the French border is that of Blessing Matthews. The case concerned a young Nigerian woman, who was found dead on the 9 of May 2018 at Prelles Dam, in the municipality of Saint-Martin-de-Queyrières, at ten kilometres from Briançon. On the night between 6 and 7 May 2018, Blessing Matthews crossed the Alps from Claviere - Italy but was discovered by police agents who started chasing her nearby the village of La Vachette. In a desperate attempt not to be caught by police officers who had reached her at the edge of the river Durance, she fell into the water and drowned. With the support of the organisation Tous Migrant, Blessing's sister filed different legal actions to ascertain the responsibilities of the public authority, but all actions were dismissed both by the Tribunal of Gap and the Court of Appeal of Grenoble.²⁵⁵ Due to a counter investigation conducted by Border Forensic,²⁵⁶ the case was submitted to the Public Prosecutor in May 2022, but again dismissed. On 25 October 2022, an appeal on the case was presented to the European Court of Human Rights.²⁵⁷ On 18 January 2024, the ECtHR considered

²⁵¹ CJEU, *Reintroduction of border controls at internal borders: the 'Returns' Directive applies to any third-country national who has entered the territory of a Member State without fulfilling the conditions of entry, stay or residence*, 21 September 2023, Press release No. 145/23, available at: <https://bit.ly/3PLsLQC>.

²⁵² ASGI Medea, "I dati sulla situazione migratoria a Ventimiglia nel 2024: l'accesso civico del progetto Medea", 3 March 2025, available in Italian at <https://shorturl.at/arGgF>.

²⁵³ MEDU, 'Ancora critica la situazione dei migranti sulla rotta nord ovest delle Alpi', 4 February 2021, available at: <https://bit.ly/33u6GNZ>.

²⁵⁴ Medici per i diritti umani, 'Si ritorna a morire alla frontiera nord ovest delle Alpi', 4 February 2022, available in Italian at: <https://bit.ly/3KHwp9m>. See also ASGI, Medea project, *Confine italo-francese: una frontiera dove si continua a morire. Appello alle autorità*, 11 February 2022, available at: <https://bit.ly/3KzYFdE>.

²⁵⁵ Altreconomia, 'Le nuove prove sulla morte di Blessing Matthew al confine italo-francese', 1 June 2022, available in Italian at: <http://bit.ly/3DiZQ06>.

²⁵⁶ Border Forensic, 'The death of Blessing Matthews - a counter investigation on violence at the alpine frontier', available at: <http://bit.ly/3wzK25t>.

²⁵⁷ Border Forensic, '25.10.2022 - Death of Blessing Matthew: Facing impunity in France, we file an application before the European Court of Human Rights', available at: <http://bit.ly/3Df5a4L>.

the case inadmissible,²⁵⁸ alleging that the French authorities did what was reasonably necessary to be done.

Reception conditions at the Italian border

Regarding reception conditions on the Italian side of the border, from 2020 onwards, due to the pandemic, both transit areas (Ventimiglia and Oulx) were left totally or partially without accommodation facilities. On 31 July 2020, the Roja Camp in Ventimiglia, managed by the Italian Red Cross, was closed.²⁵⁹ Being the only formal place of accommodation for people in transit, its closure led to the proliferation of informal settlements and the occupation of public spaces to face the arrival of winter. Facilities provided by the local Caritas office are only able to guarantee a limited number of places for single parents and children. As the practice of pushbacks from France to Italy was systematically implemented in 2021, humanitarian conditions registered in the Italian towns nearby remained dramatic. No public response was given since the closure of the Roya centre.²⁶⁰ Hundreds of people were stranded in town without access to the most basic rights such as shelter and health care. The humanitarian crisis was handled only by NGOs, while local authorities seemed to criminalise the situation by introducing local rules against homeless people.²⁶¹

At the end of 2021, the imminent opening of a centre for people in transit was announced,²⁶² but, despite several public statements,²⁶³ there was no official action, and migrants continue living stranded under bridges with the only support of civil society organisations and volunteers.²⁶⁴ The public debate regarding the opening of a reception centre gained once more traction during the diplomatic crisis between the Italian and French governments. This had already started in late 2022²⁶⁵ but culminated in August and September 2023 with an intensification of border controls by the French authorities and, as a result, pushbacks. As a result of the increase in people with no shelter in the municipality, the city council of Ventimiglia offered to open a repatriation centre on its territory,²⁶⁶ but received no positive response from the government.²⁶⁷

In 2024, transit flows at the Italian border with France decreased. Organizations in the area published a report²⁶⁸ highlighting a decrease in numerical presence while also noting that several individuals continue to remain blocked in Ventimiglia, generating situations that remain difficult to manage in terms of support and reception.

Violence and court cases on the Italian side

On 9 May 2021, Moussa Balde, a 22-year-old boy, was attacked in the streets of Ventimiglia by three Italian men. After being hospitalised for a short period of time, Moussa was ordered to be confined at the CPR of Turin waiting to be deported. At the CPR he was placed in solitary confinement and was found

²⁵⁸ Mediapart, 'Mort de Blessing Matthew: la justice européenne ne permet pas de rouvrir le dossier', 18 January 2023, available in French at: <https://bit.ly/3UXccVy>.

²⁵⁹ Parole sul confine, 'Il Campo Roja di Ventimiglia ha definitivamente chiuso', 24 August 2020, available at: <https://bit.ly/3uFs7YE>.

²⁶⁰ See ASGI, Medea project, Ventimiglia, un territorio che resiste? October 2021, available at: <https://bit.ly/3vYAVdl>.

²⁶¹ Sanremo news, Ventimiglia: firmate stamattina dal Sindaco e subito operative le ordinanze anti degrado e alcol, 21 October 2021, available in Italian at: <https://bit.ly/3s3VXXv>.

²⁶² Stranieri in Italia, Il progetto. A Ventimiglia un centro di transito per accogliere i migranti, 26 November 2021, available at: <https://bit.ly/3vYoS02>.

²⁶³ Riviera24.it, Migranti a Ventimiglia, centro di transito: spunta di nuovo l'ipotesi Parco Roja, 4 April 2022, available in Italian at: <http://bit.ly/3JiY5Uw>, and Ansa, 'Migranti: a Ventimiglia sit-in bipartisan per riaprire centro', 16 November 2022, available in Italian at: <http://bit.ly/3HDCERO>.

²⁶⁴ Il Fatto Quotidiano, 'Nel limbo di Ventimiglia tra i migranti respinti dalla Francia e accampati al confine. Associazione: 'Serve centro di transito'', 25 December 2022, available in Italian at: <http://bit.ly/405tUGq>.

²⁶⁵ Euronews, 'The simmering migrant crisis at the French-Italian border', 29 December 2023, available at: <https://bit.ly/49ufwvE>.

²⁶⁶ RaiNews24-Tg Liguria, 'Cpr a Ventimiglia, l'apertura del ministro Piantedosi', 20 September 2023, available in Italian at: <https://bit.ly/3uUrXBK>.

²⁶⁷ ANSA, 'Piantedosi, un Cpr in Liguria ma non sarà a Ventimiglia', 2 October 2023, available in Italian at: <https://bit.ly/3Tb8B4P>.

²⁶⁸ Primalariviera.it, "Meno migranti, ma più problemi: ecco il report "Ventimiglia ai margini 2024", 20 March 2025, available in Italian at <https://shorturl.at/mJILy>.

dead on 23 May 2021.²⁶⁹ On 10 January 2023, the Criminal Court of Imperia convicted three Italian citizens for the aggression, specifically for aggravated injury due to the use of a blunt object.²⁷⁰ Regarding the responsibilities for the suicide of the young migrant, a criminal proceeding is still pending to ascertain whether it was caused by the lack of medical and psychological care provided to the victim and to his isolation. Indeed, after the confinement, competent authorities denied that Moussa Balde had been present in the CPR, preventing any kind of legal assistance and support. Moreover, despite the brutal aggression suffered in Ventimiglia, the managing authority of the centre decided to put him in isolation, in a separate building called “Ospitaletto” within the detention centre without any kind of human support even if in a critical psychological and physical condition. On October 2023, the Turin prosecutor's office sent to trial the facility's director and CPR doctor, charged with involuntary manslaughter, and a police inspector, for forgery and aiding and abetting.²⁷¹

On 29 October 2024, the investigating judge (GIP) of the Court of Turin accepted the request for indictment of the deputy director of the company managing the CPR and the doctor of the facility at the time of Moussa Balde's death. The indicted chief police inspector has plea-bargained for a one-year prison sentence.²⁷² On 12 February 2025 the trial began: defendants facing involuntary manslaughter charges are the centre's director working for Gepso (the company that won the management contract), and the doctor who ordered Balde's isolation in the facility's “Ospedaletto” (small hospital) section.²⁷³

The criminal proceeding against the NGO Baobab, accused of aiding illegal immigration for helping 9 asylum seekers buy train tickets to reach Ventimiglia after the eviction of an informal reception centre in Rome in 2016,²⁷⁴ was considered unfounded by the Criminal Court of Rome (Judge for the preliminary hearing, GUP) which acquitted the NGO in May 2022.²⁷⁵

The ECtHR on 16 November 2023 delivered its judgment regard the 2016 “border relief policy” practices. The application was submitted by four Sudanese applicants, which had since been granted international protection in Italy.²⁷⁶ The events of the case referred to the situation in Ventimiglia in 2016, when, according to the so called “border relief policy”,²⁷⁷ and the concurrent signature of the Memorandum of Understanding between Italy and Sudan for the repatriation of irregular migrants of 24 August 2016,²⁷⁸ the Italian authorities implemented a strategy of singling out Sudanese nationals, who were subjected to violent, inhumane and degrading methods of identification (confiscation of personal property, obligation to strip naked), forcibly transferred without being issued any order to the Taranto Hotspot (after a journey of nearly 1,200 km), re-identified and subjected to deportation procedures and concomitant removal order without being granted information or legal assistance. Within a few days the identified individuals were again transferred to Ventimiglia and then to Turin to be boarded without their knowledge to Khartoum. The four applicants managed by different circumstances not to be returned and to formalise asylum applications in CPR and obtain international protection. The Court declared that these practices constituted violations of art. 3 of the Convention (prohibition of inhuman and degrading treatments) with

²⁶⁹ See Black book on Pre-Removal Detention Centre (CPR): when EU denies the human, 23 September 2021, available at: <https://bit.ly/3vxhQAx>.

²⁷⁰ Il Fatto Quotidiano, ‘Moussa Balde, condannati a due anni gli autori del pestaggio. La famiglia del migrante: ‘Ora verità sulla sua morte in isolamento nel Cpr’, 10 January 2023 available in Italian at: <http://bit.ly/3HcKn2T>.

²⁷¹ TGR Piemonte, ‘CPR. Per il suicidio di Moussa Balde la Procura chiede tre rinvii a giudizio’, 25 October 2023, available in Italian at: <https://bit.ly/48rlZz>.

²⁷² Domani, “Due rinvii a giudizio per la morte di Moussa Balde nel Cpr di Torino nel 2021”, 29 October 2024, available in Italian at <https://shorturl.at/FoqJn>.

²⁷³ Il Manifesto, “Cpr di Torino, al via il processo per la morte di Moussa Balde”, 12 February 2025, available in Italian at <https://shorturl.at/hHXCO>.

²⁷⁴ Roma today, ‘Baobab, il presidente rischia fino a 18 anni per favoreggiamento dell'immigrazione clandestina’, 19 April 2022, available at: <https://bit.ly/3kp6qZ9>.

²⁷⁵ Ansa, ‘Migranti: assolto il presidente di Baobab’, 3 May 2022, available at: <https://bit.ly/39HDjy4>.

²⁷⁶ European Court of Human Rights, Applications No. 18911/17 and others, *A.E. and others vs Italy*, 16 November 2023, available at: <https://bit.ly/3SRhFKN>.

²⁷⁷ A more exhaustive illustration of the “border relief policy” and the subsequent forced transfers to Taranto Hotspot available in the report Hotspot leaks: dossier sulla frontiera di Taranto, prodotto dal progetto STAMP – Sostegno ai Transitanti, Accoglienza a Migranti e ai Profughi, available in Italian at: <https://bit.ly/49GXxly> and in Amnesty International, *Hotspot Italia: come le politiche dell'Unione Europea portano a violazioni dei diritti di rifugiati e migranti*, 3 November 2016, available in Italian at: <https://bit.ly/49K4XEg>.

²⁷⁸ A more exhaustive illustration of the MOU between Italy and Sudan is available on ASGI, ‘Memorandum d'Intesa Italia-Sudan: un'analisi giuridica’, 30 October 2017, available in Italian at: <https://bit.ly/3T9z42B>.

regards to the violations to which the applicants were exposed throughout the identification and transfer procedures, and of art. 5 §§ 1, 2 and 4 (right to liberty and security) due to the de facto detention to which the applicants were exposed.

1.4. Legal access to the territory

Under Italian Law, it is not possible to apply for international protection from abroad, nor is a specific visa provided for people in need of protection that need to access the country.

In consideration of specific humanitarian crises, such as the one in Afghanistan in 2021, the Italian Government implements a measure known as “humanitarian corridors”, subscribing agreements with international organisations such as UNHCR and IOM, as well as NGOs, to allow a certain amount of people in need of protection to legally access the country. Humanitarian corridors are however not regulated by law, but only by Protocols created between the Minister of Interior, the Ministry of Foreigners affair and selected organisations, to which the Ministry delegates operations and the power to select the applicants that will be admitted. No official procedure that applicants should follow to be selected for the corridors is established, nor is there a procedure to challenge non-admission to the list.

On 23 April 2021 such a protocol was signed with the Community of Sant'Egidio, the Waldensian table and the Federation of Evangelical Churches for the arrival of 500 people from Libya. According to data provided by the Community of Sant'Egidio, from February 2016 to May 2024, 7,226 people arrived through this mechanism – Syrians fleeing the war and refugees from the Horn of Africa and Gaza.²⁷⁹

In 2021 humanitarian corridors to admit 1,000 refugees hosted in Lebanon were renewed.

Humanitarian corridors for admissions from Jordan, Niger and Ethiopia were concluded as of May 2022. According to information collected by ASGI, of the 600 people admitted to access the corridors, 530 were actually included in the programme and arrived in Italy.

In 2023, 183 persons were resettled to Italy and 779 entered through humanitarian corridors. No person reached Italy after evacuation operations.²⁸⁰ According to information collected by ASGI, resettlement was conducted from Lebanon, Türkiye, Iran and Pakistan. Regarding evacuations, these were stopped in 2023 but in December 2023 a new agreement with Libya was signed and, in early 2024, a person was evacuated and reached Italy.

In 2021, in some selected cases of Afghans escaping from their country of origin after August 2021, the Ministry of Foreign Affairs allowed the persons involved to apply for a humanitarian visa to access the territory in application of Article 25 of the Visa Code EU Regulation 810/2009. This first corridor for Afghan nationals was established through a Memorandum of Understanding signed with the Italian government on 4 November 2021.²⁸¹ This agreement provided for the legal entry of Afghan citizens in need of international protection, coming from refugee camps in Pakistan, Iran or other countries. This initial agreement allowed for the arrival of 1,200 Afghans over two years (with a possible extension to 36 months).²⁸² That first corridor enabled 812 Afghan citizens (refugees in Pakistan, Iran and Turkey) to enter and be welcomed and integrated by various Italian associations. The new addendum, signed in April 2025,²⁸³ builds upon the agreement from November 2021 and involves collaboration between Italy's Ministries of the Interior and Foreign Affairs along with various associations including the Italian Episcopal Conference, the Community of Sant'Egidio, and other Church and international organizations.

²⁷⁹ See Sant'Egidio webpage at: bit.ly/3RhD1RI.

²⁸⁰ MOI, available at: bit.ly/3VfiQRT.

²⁸¹ Agenzia Fides, “EUROPE/ITALY - Humanitarian corridors from Afghanistan, a way to save lives”, 15 December 2021, available at <https://shorturl.at/iljdP>.

²⁸² InfoMigrants, “Italy: 1,200 Afghans to arrive with humanitarian corridors”, 8 November 2021, available at <https://shorturl.at/pziLD>.

²⁸³ Sant'Egidio, “Afghanistan: an agreement for new refugee entries with humanitarian corridors signed on April 7th”, 7 April 2025, available at <https://shorturl.at/sSqPY>.

Between 2021 and 2022, a total of 4,797 Afghans were evacuated by the Italian Government through the following operations: Operation “Aquila 1”, in June 2021 (involving 228 persons); Operation “Aquila Omnia”, between August and September 2021 (4,493 persons) Operation “Post Aquila” , September 2021, (16 persons); Operation Aquila Omnia BIS between November 2021 and December 2022 (60 persons).²⁸⁴

Regarding the issuance of entry visas for humanitarian reasons in situations of need for extraterritorial protection, on 22 November 2023 the Court of Rome upheld the appeal filed by an Iranian citizen, residing in Italy with a study permit, who, not yet meeting the requirements for family reunification, had asked the Italian Embassy in Iran for the issuance of an entry visa to allow her minor daughter, in serious danger, to reach her. The Italian Consular Representation never responded, making it necessary to file an urgent appeal. In this case, the applicant demonstrated the danger to which her daughter was exposed to in Iran, due to her sexual orientation, for having participated in anti-government demonstrations after the assassination of Masha Amini (September 2022) and for behaviours deemed contrary to government religious morality, so much so that on one occasion she was even reprimanded by the morality police. In terms of jurisdiction, the Court identified a solid link with the Italian State given the presence of the mother in Italy and in her right to protect her daughter, as well as in the right of the latter to live with her mother while escaping the very serious risks to which she is exposed in Iran, thus applying the principle of the best interests of the child referred to in the 1989 New York Convention, but also in the light of art. 8 ECHR and, last but not least, the right to family unity provided for in the Constitution. In the decision, the Judge also refers to art. 10, paragraph 3 of the Italian Constitution as the right to enter the national territory, leaving to the State to identify the instrument to allow entry.²⁸⁵

On 8 June 2023, the Civil Court of Rome ordered the Ministry of Foreign Affairs to issue a humanitarian visa to family where one of the applicants, requesting the visa together with his family, had lived in Italy for a long time, obtained a degree in law and, after his return to Afghanistan, attended other courses in Italy as an Afghan soldier in the context of cooperation with NATO forces, particularly with the Italian military. Regarding the power of attorney, significantly the Court applied the principles affirmed by the CJEU in the case C-1/23 PPU extending to the granting of the power of attorney what was assumed by the Court regarding the need for Member States to adopt flexible solutions that allow the submission of a request for reunification through remote means of communication and without personal appearance.²⁸⁶

In 2024, the Civil Court of Rome accepted the appeal presented by an Afghan refugee against the denial of family reunification with his adult son. The Court, taking into account that the conditions established by law for the reunification of an adult child were not met, nevertheless considered the application for a humanitarian visa worthy of acceptance. The Court valued the work carried out by the father (driver at the Italian embassy in Kabul) and the fact that his wife and other daughters also live in Italy. For this reason, the court accepted the request for a humanitarian visa presented by the father for his adult son who remained alone in Iran where he also risked repatriation to Afghanistan.²⁸⁷

2. Preliminary checks of third country nationals upon arrival

Indicators: Preliminary checks at the arrival point

1. Are there any checks that are applied systematically or regularly at the point of entry when a person enters the territory? ☒ Yes ☐ No
2. Is the person considered under law to have entered the territory during these checks? ☐ Yes ☐ No

²⁸⁴ Report to Senate of the Minister of Interior, Piantedosi, communicated to the Presidency on 29 November 2022, available at: bit.ly/3yV5brW, 12.

²⁸⁵ Civil Court of Rome, interim measure of 22 November 2023, procedure no. 52019/2023 available in Italian at: bit.ly/3VEhTaR.

²⁸⁶ Civil Court of Rome, decision of 8 June 2023, available [here](#).

²⁸⁷ Civil Court of Rome, decision of 14 July 2024, available [here](#).

According to Article 10 bis TUI, any national from a third country who enters or remains on national territory, in violation of the TUI provisions, is punished, after a criminal procedure, with a fine of 5,000 to 10,000 euros.

This rule does not apply to third country nationals receiving a rejection order pursuant to article 10, paragraph 1 of the TUI or to third country nationals identified during border police checks when they are leaving the national territory.

According to the same law, in the case of submission of an application for international protection, the procedure is suspended. Then, in case of recognition of international protection or in case of the issuance of a residence permit for national protection (special protection or of a protection granted pursuant to articles 18, 18-bis, 18-ter, 20-bis and 42-bis TUI and in the case of foreign minors for whom expulsion is prohibited, the judge pronounces a ruling of no place to proceed (Article 10 bis (6) TUI).

Normally, the check is conducted by the border police both at the sea border, the land border and the air border.

As explained in the previous paragraphs, the procedure upon arrival differs depending on whether it is a land border, a sea border, or a transit zone.

At the sea border, people are requested to fill the so-called “foglio notizie”, a document including information on the personal data and nationality of the person involved, as well as the reason of arrival. On the basis of the information provided, addressed to accommodation measures as asylum applicants or to repatriation centres (CPR) as irregular migrants. Irregular migrants can also receive a deferred rejection order according to Article 10 (2) TUI which applies to those who:

- entering the national territory evading border controls, are stopped at the entrance or immediately after;
- who, not having the requirements to enter, have been temporarily admitted to the territory due to emergency needs;
- found, also following search or rescue operations at sea, during surveillance activities at the external borders of the European Union, are taken to the border or transit areas (article 28-bis, paragraph 4, of the Procedures Decree)

This kind of rejection order can be appealed before the Justice of Peace (*Giudice di Pace*), rather than in front of a civil court.

At the land internal borders, [as Schengen controls have been provisionally restored](#), when foreigners are found by the border police, they can receive a Schengen rejection if they do not meet entry requirements and do not ask for asylum. Also, as detailed for the Slovenian border, readmission procedures could be applied.

At the air border, the airport police check the entry requirements and, if they are missing, can impose an immediate rejection which can be challenged before the competent Administrative Court according to Article 10 (1 and 1 bis) TUI. According to ASGI's experience, as the rejection order is generally not immediately notified, and persons are often de facto detained in transit zones for some days before receiving the order.

2.1 Hotspots

Hotspots legal framework

Being part of the European Commission's Agenda on Migration, the “hotspot” approach is generally described as providing “operational solutions for emergency situations” through a single place to swiftly process asylum applications, enforce return decisions and prosecute smuggling organisations through a platform of cooperation among the European Union Agency for Asylum (EUAA), Frontex, Europol and Eurojust. Although there is no precise definition of the “hotspot” approach, it has become a fundamental feature of the relocation procedures conducted from Italy and Greece until September 2017, in the framework of Council Decisions 2015/1523 and 2015/1601 of 14 and 22 September 2015 respectively.

This instrument enabled the relocation of more than 2,100 international protection applicants from Italy and Malta between 2019 and September 2021.²⁸⁸

Under the French six-month Council presidency, on 22 June 2022, twenty-one EU Member States and associated countries signed a declaration of solidarity, containing a mechanism for voluntary solidarity contributions, in the form of relocation or other types of contributions, particularly financial contributions.²⁸⁹ Italy was expected to be the main beneficiary of this mechanism, with approximately 3,500 asylum applicants expected to be relocated to the participating member states. Despite this, just 117 asylum applicants were relocated to third countries in 2022.²⁹⁰

The Consolidated Act on Immigration (TUI), as amended by L 46/2017, provides that foreigners apprehended for irregular crossing of the internal or external border or arrived in Italy after rescue at sea are directed to appropriate “crisis points” and at first reception centres. There, they are identified, registered and informed about the asylum procedure, the relocation programme and voluntary return.²⁹¹ Decree Law 113/2018 has subsequently introduced the possibility of detention of persons whose nationality cannot be determined for up to 30 days in suitable facilities set up in hotspots for identification reasons (see [Grounds for Detention](#)).²⁹²

The Standard Operating Procedures (SOPs) adopted in February 2016 and applying at hotspots also state that “where necessary, the use of force proportionate to overcoming objection, with full respect for the physical integrity and dignity of the person, is appropriate...”.²⁹³ The law also provides that the repeated refusal to undergo fingerprinting constitutes a risk of absconding and legitimises detention in CPR (see [Grounds for Detention](#)).²⁹⁴

The same law also introduced a [Border Procedure](#) that is automatically applicable in case a person makes the application for international protection directly at the border or in transit areas – both to be identified and indicated by decree of the Ministry of Interior – after being apprehended for evading or attempting to evade controls. In this case, the entire procedure can be carried out directly at the border or in the transit area.²⁹⁵

The Moi Decree issued on 5 August 2019 and published on 7 September 2019 identified among the transit and border areas those ones close to hotspots: Taranto, Messina and Agrigento (Lampedusa hotspot).²⁹⁶

Use of hotspots

There are thirteen operating hotspots,²⁹⁷ a number that has grown exponentially in the last two years and that has been certified by the Ministry of the Interior in February 2025, following a civic access request realised by ASGI.²⁹⁸

As of 31 May 2025, the hotspots hosted 12 people in Sicily and 78 in Calabria.²⁹⁹

²⁸⁸ EUAA, *Annual Asylum Report (2022)*, available at: <https://rb.gy/e1xyjt>.

²⁸⁹ Politiche dell'UE in materia di migrazione e asilo, Camera dei Deputati, Ufficio Rapporti con l'Unione Europea, available in Italian at: <https://rb.gy/uyozqo>.

²⁹⁰ Ministry of Interior, 'Accoglienza migranti, Piantedosi: «I Paesi di primo ingresso non possono da soli sopportare l'onere esclusivo nella gestione dei flussi»', 11 November 2022, available in Italian at: <https://rb.gy/k35ep>.

²⁹¹ Article 10-ter TUI, inserted by Decree Law 13/2017.

²⁹² Article 6(3-bis) Reception Decree, as amended by Decree Law 113/2018.

²⁹³ Ministry of Interior, *Standard Operating Procedures applicable to Italian hotspots*, February 2016, available at: <http://bit.ly/2kt9JBX>, para B.7.2.c.

²⁹⁴ Article 10-ter(3) TUI, inserted by Decree Law 13/2017.

²⁹⁵ Article 28-bis(2) (b) Procedure Decree, as amended by Decree Law 130/2020.

²⁹⁶ Moi Decree 5 August 2019, Article 2

²⁹⁷ Lampedusa, Pozzallo, Taranto, Messina, Crotone, Roccella Jonica, Reggio Calabria, Vibo Valentia, Porto Empedocle (two different centres), Catania, Augusta and Pantelleria.

²⁹⁸ Data shared on February 2025 by Moi after a Foia access request made by ASGI.

²⁹⁹ Ministry of Interior, *Cruscotto statistico giornaliero*, 31 May 2025, available in Italian [here](#).

The hotspot approach is used beyond hotspots centres. In October 2020, ASGI reported that the first line reception facility of Monastir, in Sardinia, was being used as a *de facto* detention facility; a further visit in April 2021 confirmed persisting critical issues.³⁰⁰ In 2021, ASGI reported many critical issues at the “new border” of Pantelleria, where migrants are also channelled in hotspot-like procedures.³⁰¹ The new inspection carried out by ASGI in May 2023 in Pantelleria confirmed the critical issues already reported in previous years (see [Place of Detention](#)).³⁰²

“Hotspots” managed by the competent authority have not required the construction and equipment of new reception facilities, operating instead from already existing ones.

In 2022, 55,135 persons entered the hotspots, compared to 44,242, in 2021, 28,884 in 2020, 7,757 in 2019 and 13,777 in 2018. The persons mainly originated from Tunisia (12,519), Bangladesh (11,237) and Egypt (8,660). 10,491 were children, of which 7,341 unaccompanied minors.³⁰³ As of 31 March 2023, 22,024 persons had been registered in Italian hotspots since the beginning of the year, of which 3,669 minors.³⁰⁴

The monitoring of hotspots by NGOs was particularly difficult in 2020 and 2021 due to the limitations in access to the structures, connected with the pandemic, that prevent access of external people to the facilities.³⁰⁵ In March 2022, ASGI’s delegation working on the InLimine Project visited Lampedusa’s hotspot, finding that overcrowding was so severe that people in the centre were forced to sleep on the ground due to the lack of available beds; the food provided resulted insufficient for the number of people hosted in the facility, and healthcare services were lacking; sanitary conditions were also below standard, thus compromising the protection of individual and collective health.³⁰⁶

The organisation also collected relevant data on hotspots at the beginning of 2022,³⁰⁷ based on which it filed urgent appeals to the European Court of Human Rights, demanding the immediate transfer from the Lampedusa hotspot of three family units; the Court issued interim measures ordering the Italian government to immediately transfer one of the family units.³⁰⁸

As highlighted in a recent report by ASGI and other organisations, due to contractual terms such as the express obligation of confidentiality, organisations active in the hotspots do not render public any information on critical issues that may arise in the implementation of the hotspot approach.³⁰⁹

Persons arriving at hotspots are classified as asylum seekers or economic migrants depending on a summary assessment, mainly carried out either by using questionnaires (*foglio notizie*) filled in by migrants at disembarkation,³¹⁰ or by orally asking questions relating to the reason why they have come to Italy. People are often classified just solely on the basis of their nationality. Migrants coming from countries

³⁰⁰ ASGI, Un resoconto della visita di ASGI al Centro di accoglienza di Monastir, April 2021, available in Italian at: <https://bit.ly/3CKQecX>.

³⁰¹ ASGI, La frontiera di Pantelleria: una sospensione del diritto. Report del sopralluogo giuridico di ASGI, June 2021, available in Italian at: <https://bit.ly/3tcSwyD>.

³⁰² ASGI, ‘Report e audio sul Punto di Crisi di Pantelleria: implicazioni sul diritto alla libertà personale’, October 2023, available in Italian at: <https://rb.gy/ajp1id>.

³⁰³ Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons, June 2023, available at: <https://rb.gy/r73ey6>.

³⁰⁴ Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons, June 2023, available at: <https://rb.gy/r73ey6>.

³⁰⁵ Borderline Sicilia, *La Sicilia non dimentica – La situazione dei migranti e dei rifugiati alle frontiere esterne dell’Europa*, March 2022, available at: <https://bit.ly/3MMMIrT>.

³⁰⁶ ASGI, Report Lampedusa 2022: le criticità, August 2022, available in Italian at: <https://rb.gy/litjw5>.

³⁰⁷ ASGI, L’hotspot di Lampedusa: alcuni riscontri dalla pubblica amministrazione, May 2022, available in Italian at: <https://rb.gy/bdh5l0>; see also ASGI, Report Lampedusa 2022: le criticità, August 2022, available in Italian at: <https://rb.gy/litjw5>.

³⁰⁸ ASGI, Diritti violati nell’ hotspot di Lampedusa: per la CEDU il trattamento è disumano e degradante solo per le famiglie con minori, November 2022, available in Italian at: <https://rb.gy/v0k8qw>.

³⁰⁹ ASGI et al., *Scenari di frontiera: il caso Lampedusa*, October 2018, available in Italian at: <https://bit.ly/2UoWKDu>. For an overview of critiques in previous years, see AIDA, Country Report Italy, 2017 Update, March 2018, 24-26.

³¹⁰ See the *foglio notizie* at: <http://bit.ly/1LXpUKv>.

informally considered as safe e.g. Tunisia are classified as economic migrants, prevented from accessing the asylum procedure (see [Registration](#)) and issued return decisions.³¹¹

According to the SOPs, all hotspots should guarantee *inter alia* “provision of information in a comprehensible language on current legislation on immigration and asylum”, as well as provision of accurate information on the functioning of the asylum procedure. In practice, however, concerns regarding access to information persisted in 2022, 2023 and 2024.

As reported in previous updates to this country report,³¹² as of 2019, an administrative practice was established following the disembarkation of foreign nationals aimed at restricting, preventing or revoking a previous manifestation of willingness to apply for asylum by signing an 'information sheet' or a second 'news sheet'. This signature led to the adoption of a deferred rejection decree and subsequent detention at a CPR.

Following two appeals to the Court of Cassation made within the ASGI In Limine project, the Court clearly stated that the compilation and signing of the second “foglio notizie” cannot affect the legal status of the foreign citizen as an applicant for international protection, resulting in the revocation or overcoming of the previously submitted application.³¹³

Recent Court of Cassation judgments³¹⁴ have clarified the need for adequate information at the time of disembarkation, which cannot be overcome by stereotypical phrases contained in the 'news sheet' or in refusal orders (see [Detention - Procedural safeguards](#)).

Other unlawful practices and violations were recorded in recent visits to the **Lampedusa** hotspot, notably the visit conducted in March 2022 by ASGI's delegation: legal information is not provided on an individual basis, but rather through a paper brochure delivered to the person without specific instructions being given. While waiting for the photo identification, groups of people stop in a designated area of the centre where, using two monitors other information is provided. These tools in the presence of the usual large number of people do not ensure adequate information as imposed by Article 3, Legislative Decree 142/2015.³¹⁵

The February 2023 visit revealed very bad reception conditions inside the facility, including a very serious overcrowding situation (there were almost 4,000 people for a capacity of 400), people forced to sleep on the floor, lack of food, no medical assistance, and bonfires set up to make up for the lack of heating.³¹⁶ All this led to the replacement of the managing body and the subsequent entrusting of the facility to the Italian Red Cross from May 2023. Despite the change in management, the critical issues that had emerged in previous years continue to be denounced by ASGI.³¹⁷ Concerns have been expressed in a 2021 document by “InLimine” on the lack of gender related measures in the hotspots, specifically regarding Lampedusa hotspot.³¹⁸

³¹¹ See ASGI, In Limine report Ombre in Frontiera, March 2020. available in Italian at: <https://bit.ly/3bYpTJF>.

³¹² AIDA, *Country Report Italy – Update on the year 2022*, May 2023, available at: <https://bit.ly/3PvO1cg>, 26-53.

³¹³ Court of Cassation, no. 18189/2020, available at: <https://bit.ly/3tuhZQN>; Court of Cassation decision no.18322/2020 available at: <https://bit.ly/3vV7d7O>.

³¹⁴ Civil Court of Cassazione, decision n. 32070/2023, 20 November 2023 and Civil Court of Cassazione, decision n.5797/2024, 5 March 2024.

³¹⁵ ASGI, Report Lampedusa 2022: le criticità, August 2022, available in Italian at: <https://rb.gy/litjw5>.

³¹⁶ CILD, *L’AFFARE CPR. Il profitto sulla pelle delle persone migranti*, June 2023, available in Italian at: <https://lc.cx/gY0Ueb>.

³¹⁷ ASGI, ‘Per l’implementazione della libertà di corrispondenza con il mondo esterno e predisposizione di una rete wi-fi presso l’Hotspot di Lampedusa: diverse organizzazioni scrivono alle autorità competenti’, March 2023, available in Italian at: <https://lc.cx/maYghO>; ASGI, La privazione della libertà personale nell’hotspot di Lampedusa: il riscontro delle autorità competenti, March 2023, available in Italian at: <https://lc.cx/gDj3y9>; ASGI, ‘The right to information in the Lampedusa hotspot: the responsibilities of UNHCR’, April 2023: <https://lc.cx/MnCT6a>; ASGI, ‘La Questura di Agrigento su ingressi e uscite dall’hotspot di Lampedusa’, May 2023, available in Italian at: <https://lc.cx/zmx60e>; ASGI, ‘La gestione dell’hotspot di Lampedusa: la Convenzione con la CRI’, July 2023, available in Italian at: <https://lc.cx/w2w1u6>.

³¹⁸ ASGI – InLimine, ‘A gender perspective on the Lampedusa Hotspot: the systematic and culpable violation of women’s rights’, 3 January 2022, available at: <https://bit.ly/3la6gOJ>.

In June 2023, a delegation of ASGI had access to the **Pozzallo** hotspot and found several problems including the absence of cultural mediators to support the procedures after entering the hotspot (e.g. during the compilation and signing of the so-called "foglio-notizie") and the duration of detention in the hotspot following the manifestation of an application for international protection, which on average was about 10 days but can reach several weeks as stated by some people in the hotspot.³¹⁹

Further critical issues were reported in the University of Bari's 2023 Report on the **Taranto** hotspot, which denounced the inadequacy of the legal information offered to persons entering the facility, the confusion between intelligence and investigative activities carried out during entry security checks, with potential repercussions on the rights of persons under investigation, the inadequate material reception conditions to guarantee privacy and the protection of persons in particularly vulnerable conditions (women and minors).³²⁰

ECtHR judgments

On 30 March 2023, the European Court of Human Rights published its judgement in the case *J.A. and Others v. Italy*, condemning Italy for violating Articles 3, 5 and 13 of its Convention. The facts of the case originated from the arrival of four Tunisian citizens who, in October 2017, had been rescued at sea and transferred to the hotspot on the island of Lampedusa, where they were kept in *de facto* detention for ten days. The applicants had not received any information regarding their legal status or right to seek asylum, and were held in conditions of extreme discomfort, sleeping in the open, with no respect of their privacy, without sufficient functioning toilets, as the number of people present in the hotspot exceeded its maximum capacity. Classified as irregular migrants through pre-identification and the 'information sheet' filled upon arrival, the four Tunisian citizens were forced to sign the notification of a deferred rejection decision, the meaning of which they did not understand, and were subsequently transferred to Palermo's airport and forcibly repatriated to Tunisia.

In the judgement, the Court condemned Italy and ruled that the conditions of overcrowding and lack of guarantees and services inside the Lampedusa hotspot constituted a violation of the prohibition of torture and inhuman and degrading treatment, as set out in article 3 of ECHR. On this point, the Court stated that the possible situation of contingent and frequent arrivals of foreign nationals on the island did not justify the degrading conditions in which the applicants were detained.

Since it was not possible for the applicants to leave the facility – except illegally through a hole in the fence of the centre at the time of the events – there was no full freedom of movement, with the result that the prolonged detention inside the hotspot in the absence of a legal basis constituted a violation of the right to liberty and security under article 5 of ECHR.

Lastly, the Court condemned Italy due to the lack of evidence that the applicants' individual circumstances were adequately taken into account or that they had the opportunity to defend themselves against the removal order. On this point, the Court noted that the signing of the notification of the return order and the completion of the information sheet are not sufficient elements to satisfy the guarantee provided by Article 4 protocol 4 ECHR prohibiting collective expulsions, thus violated by the Italian authorities.³²¹

In its decision of 23 November 2023 rendered in case no. 47287/17 (*A.T. and others v. Italy*),³²² the ECtHR condemned Italy for having unlawfully detained several unaccompanied foreign minors in the Taranto hotspot, for having used inhuman and degrading treatment in arranging their reception measures, for not having appointed a guardian nor having provided them with any information on the possibility of challenging this condition in court. The relevance of the decision is immediately perceptible in the current

³¹⁹ ASGI, 'Monitoraggio ASGI e Spazi Circolari a Pozzallo: hotspot, Contrada Cifali e il nuovo centro di trattenimento', 9 October 2023, available in Italian at: <https://lc.cx/2n5MBD>.

³²⁰ Università degli Studi di Bari, *Rapporto sul centro hotspot di Taranto*, Jean Monnet Working Paper 2/2023, October 2023, available in Italian at: <https://lc.cx/8otliD>.

³²¹ Case of *J.A. and Others v. Italy*, application n. 21329/2018, 30 March 2023, available at: <https://rb.gy/8uq8v>.

³²² ECtHR, No. 18911/17 and two others, *A.E. and others v. Italy*, 16 November 2023, available at: <https://bit.ly/3VtXyVY>.

context, in which previous repressive approaches have not been changed. At the time of the ruling's issuance, there were almost two hundred foreign minors *de facto* detained without any legal basis and without any judicial review inside the Taranto hotspot, some of them even since the previous month of August.³²³

Detention in hotspots per new law 50/2023

In 2023, Decree law 20/2023, converted into law 50/2023, introduced a new hypothesis for the detention of asylum seekers in hotspots, governed by new Article 6-bis of the Reception Decree. According to this provision, the applicant can be detained within a hotspot (or CPR) during the border procedure for the sole purpose of ascertaining their right to access the State's territory. According to the Law, detention may take place where the applicant has not presented a valid passport or other equivalent document or does not provide for suitable financial guarantee.³²⁴

On 14 September 2023, the expected MoI Decree³²⁵ regarding the financial guarantee was adopted. It detailed that:

- ❖ The financial guarantee consists of 4,938 euros;³²⁶
- ❖ It has to be paid in a single payment;
- ❖ It has to be paid directly by the person affected by the detention measure and not by third parties;
- ❖ It has to be paid via a bank guarantee;³²⁷
- ❖ It should be paid before the fingerprinting done according to Eurodac Regulation, and covers the entire border procedure, up to the decision on the suspensive request in case of appeal.³²⁸

The Decree states that, in case of absconding before the end of the procedure, the entire amount is definitively granted to the State.³²⁹

These procedures were first implemented at the end of September 2023. However, the Court of Catania rejected the Questore's request to validate a detention order based on this, ruling that the grounds of detention foreseen in national legislation were incompatible with EU law. According to the Court, Articles 8 and 9 Reception Conditions Directive, as interpreted by CJEU C-924/19 PPU and C-925/19 PPU, prevent Member States from detaining an applicant for international protection for the sole fact that they cannot meet their own needs; and detention cannot take place without the prior adoption of a reasoned decision ordering detention and without the necessity and proportionality of such a measure having been examined.³³⁰

This decision, together with others adopted on the same date by the Court of Catania, were challenged by the Ministry of the Interior before the Court of Cassation in United Chambers. The latter, by an interlocutory order, referred the matter to the CJEU for the purpose of verifying the compatibility of the domestic legislation relating to the fixed financial guarantee with Articles 8 and 9 of the Reception Conditions Directive.³³¹ The decision of the EU court is expected in the coming months.³³²

Among the legal changes introduced by Decree-Law 20/2023 is the new formulation of article 10-ter, par. 1-bis, of TUI, which is part of the provisions for the identification of third-country nationals found to be

³²³ ASGI, 'CEDU: minori stranieri detenuti illegalmente nell'hotspot di Taranto. ASGI: vanno ricollocati', 28 November 2023, available in Italian at: <https://lc.cx/VLycMg>.

³²⁴ Article 6 bis Reception Decree as amended by the DL 20/2023 converted into L. 50/2023.

³²⁵ MOI Decree issued on 14 September 2023, as provided by Article 6 bis (2) Reception Decree, available in Italian at: <https://bit.ly/3TWwL3p>.

³²⁶ MoI Decree 14 September 2023, Article 3 (1).

³²⁷ MoI Decree 14 September 2023, Article 3 (2).

³²⁸ MoI Decree 14 September 2023, Article 3 (3).

³²⁹ MoI Decree 14 September 2023, Article 4.

³³⁰ Civil Court of Catania, Decree of 29 September 2023, n. 4117/2023, on the proceeding n. 10459/2023, available in Italian at: <https://lc.cx/FFkoBp>; see also Questione Giustizia, Il giudice non convalida i trattenimenti di tre migranti tunisini disposti in base alla nuova disciplina delle procedure di frontiera, available in Italian at: <https://lc.cx/OsBUJH>.

³³¹ Court of Cassation, interlocutory order of 8 February 2024, decision n. 3562/2024, R.G. 20674/2023.

³³² The case is referenced at the CJEU level as Joined Cases C-104/24, C-105/24, the progress of which can be followed [here](#).

illegally present on the national territory or rescued during SAR operations at sea. The first paragraph of the article already provided for the operational procedures regarding detention within the hotspots of foreign nationals found illegally crossing the internal or external border or reaching national territory following rescue operations at sea. The same can be applied for rescue and first assistance within these centres, where the photo-dactyloscopic and signal data are then taken and where information on the right to asylum, on the relocation programme within other EU Member States and on the possibility of recourse to assisted voluntary return should be guaranteed.

The new paragraph 1-bis expands the possibility of using measures that would amount to *de facto* detention, providing that for the "optimal performance of the fulfilment of the tasks referred to in this Article, the third country nationals hosted at the crisis points referred to in paragraph 1 may be transferred to similar facilities on the national territory, for the performance of the activities referred to in the same paragraph" specifying that the identification of these facilities will be made in agreement with the Ministry of Justice.

3. Registration of the asylum application

Indicators: Registration

1. Are specific time limits laid down in law for making an application? ☒ Yes ☐ No
❖ If so, what is the time limit for making an application? 8 working days
2. Are specific time limits laid down in law for lodging an application? ☐ Yes ☒ No
❖ If so, what is the time limit for lodging an application?
3. Are making and lodging an application distinct stages in the law or in practice? ☒ Yes ☐ No
4. Is the authority with which the application is lodged also the authority responsible for its examination? ☐ Yes ☒ No
5. Can an application for international protection for international protection be lodged at embassies, consulates or other external representations? ☐ Yes ☒ No

The Procedures Decree provides that applications for international protection are made by non-EU citizens on the territory of the State, including at the border and in transit zones, and in the territorial waters.³³³

The Decree also provides for training for police authorities appropriate to their tasks and responsibilities.³³⁴

3.1. Making and registering the application (*fotosegnalamento*)

Under the Procedures Decree,³³⁵ the asylum claim can be made either at the Border Police upon arrival or at the Immigration Office (*Ufficio Immigrazione*) of the Police (*Questura*), if the applicant is already on the territory. The intention to seek international protection may be expressed orally or in writing by the person concerned in their own language with the help of a cultural mediator.³³⁶

PD 21/2015 provides that asylum seekers who express their wish to apply for international protection before Border Police authorities are requested to approach the competent *Questura* within 8 working days. Failure to comply with the 8-working-day time limit without justification results in deeming the persons as illegally staying on the territory.³³⁷ However, there is no provision for a time limit to make an asylum application before the *Questura* when the applicant is already on the territory.

³³³ Article 1 Procedure Decree, as amended by the Reception Decree.

³³⁴ Article 10(1-bis) Procedure Decree, as amended by the Reception Decree.

³³⁵ Article 6 Procedure Decree.

³³⁶ Article 3(1) PD 21/2015.

³³⁷ Article 3(2) PD 21/2015.

DL 145/2024 however provided that an asylum application made after 90 days from the irregular entry or from start of the period of irregular stay in Italy has to be channelled into an accelerated procedure, and that in this case applicants do not have access to accommodation measures unless they provide justified reasons for the delay.³³⁸

The law does not foresee any financial support for taking public transport to the competent Questura. In practice, NGOs working on the borders provide the train ticket for that journey on the basis of a specific agreement with the competent Prefecture. However, this support is not always guaranteed.

The procedure for the initial registration of the asylum application is the same at the border and at the Questura. The first step is the identification and registration process, which entails fingerprinting and photographing that can be carried out either at the border police or at the Questura. This procedure is called “*fotosegnalamento*”.

The Procedure Decree provides that the registration of the application shall be carried out within 3 working days from the expression of the intention to seek protection or within 6 working days in case the applicant has expressed such willingness before Border Police authorities. That time limit is extended to 10 working days in presence of a significant number of asylum applications due to consistent and tight arrivals of asylum applicants.³³⁹

Upon completion of the *fotosegnalamento*, the person receives an invitation (*invito*) to reappear before the Questura to lodge the asylum application.

DL 133/2023 introduced a scenario for the cancellation of the asylum request by introducing Article 6 (3 bis) to the Procedure Decree, according to which in the event asylum applicants do not present themselves at the police station for the verification of the identity declared and the formalisation of the asylum application, the previous expression of the will to seek asylum does not constitute an asylum application and the asylum procedure is not considered initiated.³⁴⁰

3.1.1.1. Lodging the application (*verbalizzazione*)

Fotosegnalamento is followed by a second step, consisting in the formal registration of the asylum application, which is carried out exclusively at the Questura within the national territory. The EUAA provides support in this process since 2017.

The formal registration of the application (*verbalizzazione or formalizzazione*) is conducted through the “C3” form (*Modello C3*).³⁴¹ The form is completed with the basic information regarding the applicant’s personal history, journey to reach Italy and reasons for fleeing their country of origin. This form is signed by the asylum applicant and sent to the Territorial Commission before the interview. Asylum applicants receive a copy of the C3 and copies of all other documents submitted to the police authorities.

With the completion of the C3, the formal stage of applying for international protection is concluded. The “*fotosegnalamento*” and the lodging of the international protection application do not always take place at the same time, especially in big cities, due to the high number of asylum application and the shortage of police staff. In practice, the formal registration might take place weeks (or months) after the asylum applicant made the asylum application. This delay still creates difficulties for asylum applicants who, in the meantime, might not have access to the reception system and the national health system, except for emergency health care.

³³⁸ Article 15-quinquies (1 and 2) DL 145/2024 converted with amendments in L. 187/2024, introducing article 28 bis (2 e bis) Procedure decree and Article 1 (2 bis) of Reception Decree.

³³⁹ Article 26(2-bis) Procedure Decree.

³⁴⁰ Article 6 (3 bis) Procedure Decree introduced by DL 133/2023 converted with amendments by L 176/2023.

³⁴¹ Verbale delle dichiarazioni degli stranieri che chiedono in Italia il riconoscimento dello status di rifugiato ai sensi della Convenzione di Ginevra, available in Italian at: <https://bit.ly/2UWOLx2>.

In 2024, the number of registrations carried out by the EUAA in Italy continued to increase significantly, with 30,513 applicants for international protection registered (20,197 in 2023). Of these, 73% related to the top 10 citizenships of applicants, mainly from Bangladesh (7,124), Peru (4,207), Egypt (2,269), Pakistan (2,131), Tunisia (1,662), Morocco (1,302), Sri Lanka (1,127) and India (1,002).³⁴²

The Reception Decree provides for the issuance of a “residence permit for asylum applicants” (*permesso di soggiorno per richiesta asilo*), valid for 6 months, renewable.³⁴³

3.1.1.2. Access to the procedure in practice

Reports of denial of access to the asylum procedure recorded by ASGI have continued since 2021, including in 2024. However, from the early months of 2022, in 2023 and 2024, the situation reached unprecedented critical levels.

When they prevent access to the procedure, Questure do not issue any document attesting the intention of the persons concerned to seek asylum. This exposes them to risks of arbitrary arrest and deportation. This problem mainly affects people who reach Questure autonomously, after entering in Italy by land or after independent disembarkations or when applying for asylum after staying on the national territory.

On 8 February 2024, the Ministry of Interior decided to stipulate an agreement with UNHCR in order to intervene on the timing of access to the asylum procedure and the reduction of the backlog relating to the number of applications to formalise.³⁴⁴

On 7 March 2025, ASGI - together with other NGOs such as Emergency, Lungo la Rotta Balcanica and the Italian Chamber of Immigration Lawyers (CADUS) - lodged two class actions³⁴⁵ before the Administrative Court of Veneto (TAR) against the Questure (Police headquarters) of two provinces in the Veneto region, Vicenza and Venice, accused of systematic delays in granting access to the international protection procedure, the average waiting time to apply for international protection in the two offices in 2024 being between 90 and 100 days (as directly indicated by the two Questure).³⁴⁶

The organizations used a tool - that of the public class action - that had previously been only seldomly used in immigration law. This tool serves to present to the competent court - in this case the Regional Administrative Court - a dysfunctional and inefficient practice of a Public Administration or of those who manage a service on behalf of it. The court is called to rule on the existence of a systematic violation of a deadline (as in this case) or other forms of non-compliance. If the court finds the violation exists, it can order the administration involved to remedy it, without incurring in greater costs or burdens for the State, but by working on greater efficiency in the use of resources. The class action does not provide for forms of compensation for damages for asylum seekers but is a tool that pushes the administration to work in compliance with the law. The action also aims at pointing out the structural nature of violations of terms and deadlines by the public administration, highlighting the issue on a national basis.

The first hearing is scheduled on 17 September 2025. Within the end of July 2025, other organizations or individuals suffering the same issues accessing the asylum procedure can add their own claims with a formal intervention in the two actions.

Since 2015³⁴⁷ and up to the present, the problem of delayed registrations also affected people who disembarked, as they had to face the so-called hotspot procedure, being channelled into the asylum procedure or a return procedure (being sent to a CPR) mainly depending on their nationality and on the base of a “foglio notizie” not translated in their language and fulfilled without an effective assistance from

³⁴² Information provided by the EUAA, 14 March 2025.

³⁴³ Article 4(1) Reception Decree.

³⁴⁴ Ministry of Interior note signed on 8 February 2024 which was reported to ASGI.

³⁴⁵ Action for the efficiency of the public administration, Legislative Decree n. 198/2009.

³⁴⁶ Data made available by Questure in response to FOIAs by ASGI. See also the report “Asilo, gli ostacoli per chi chiede rifugio. Lo studio pilota dell’ASGI in 55 questure italiane” available at: <https://bitly.cx/Y2Vdq>.

³⁴⁷ See ASGI, IL TRATTAMENTO RISERVATO AI MIGRANTI SBARCATI SULLE COSTE ITALIANE OBBLIGO DI IDENTIFICAZIONE E DI INFORMAZIONE NELL’APPROCCIO HOTSPOT, 2018, available [here](#).

cultural mediators. This continued to happen in 2024, and such practices were still reported mainly concerning Tunisian and Moroccan nationals.

In cases where, once in CPR, people managed to submit an asylum application, this was, with few exceptions, considered an instrumental application aimed at avoiding repatriation. Consequently, the detention order was validated as the application was considered as not genuine (see [detention](#)).

In 2020, the Court of Cassation reaffirmed the close connection between compliance with information obligations and the effectiveness of the right of access to the asylum procedure, both denied by the value attributed to the so-called “*foglio notizie*” or second “*foglio notizie*”, which are often distributed to foreign citizens who arrive at the border without a prior or contextual explanation on the meaning of their signature.³⁴⁸

In early 2024, the Court of Cassation expressed an important principle to better stress the importance of the information obligations as a guarantee of access and respect of the asylum rights. With a decision issued on 5 March 2024 the Court affirmed that “Pursuant to art. 10 ter TUI, complete and effective information on the international protection procedure must be ensured for all foreigners brought for rescue and first aid needs at the hotspots, (...) this obligation also exists in the case in which the foreigner has not expressed the need to request international protection, given that silence or any declaration incompatible with the desire to request it, which must in any case be clearly expressed and not in ambiguous formulas, cannot take on significance if it does not appear that the person has been fully informed in advance.” Also, it pointed out that it is not sufficient, in order to consider the fulfilment of the information obligation, that the rejection or detention decree generally indicates that the subject has been fully informed, if nothing appears on this matter from the *foglio notizie* or from other documents, or evidence offered by the administration; and in particular if nothing is apparent regarding the times and methods with which the information was administered, with specific regard to the language used, the presence of an interpreter or cultural mediator and this in order to allow a verification of the comprehensibility of the information provided.³⁴⁹

On 13 July 2023, the Supreme Court³⁵⁰ once again intervened on the timing of the registration of the asylum application stating that in compliance with the provisions of the art. 6, of Directive 2013/32/EU, the application for international protection must be registered within the terms established therein (three or six days depending on the office) and that the ten-day extension of the term, provided for by national legislation (last period of 'art. 26, paragraph 2-bis, Legislative Decree 25/2008, introduced by the national legislator with Legislative Decree 142/2015) must be applied only in the case of a high and proven number of applications following consistent and close arrivals.

People seeking protection are also affected by the readmission procedures, practices witnessed at the Slovenian border as well as in Adriatic ports (see above, [Pushbacks at Adriatic ports](#) and [Arrivals at the Slovenian land border](#)).

In 2023 as in 2022, there were numerous reports of cases in which access to the asylum procedure was hindered on even on national territory, and practices differed widely between different areas of the territory.

Due to the problems in registering one's asylum application in Milan, several associations together with ASGI sent a letter to UNHCR.³⁵¹

³⁴⁸ Court of Cassation, decision no. 18189/2020 dd. 25.6.2020.

³⁴⁹ Court of Cassation, decision no. 5797 of 5 March 2024.

³⁵⁰ Court of Cassation, order of. 13.7.2023 n. 20028, n. 20070, available at <https://l1nq.com/bJv7R>.

³⁵¹ See Milano, pericoloso e impossibile chiedere asilo. Le associazioni chiedono l'intervento dell'UNHCR, available [here](#).

Similarly, the high numbers affecting the Questura of Turin, including regarding the impossibility to formalise the asylum applications, lead ASGI to address the Police with a formal letter,³⁵² which was then followed by a highly participated-in public protest.³⁵³ Several months after the demonstration, no substantive change in the rules for submitting asylum applications has been registered.

Between May and June 2023, ASGI carried out monitoring through data collected by its members on 55 of the 107 Italian provinces.³⁵⁴ The outcome was that in 40 cities, asylum applicants cannot access the asylum procedure without an official address. In the period considered this was happening in:

- | | |
|--|---|
| ❖ Alessandria, Turin, Vercelli (Piedmont) | ❖ Cosenza, Reggio Calabria (Calabria) |
| ❖ Ancona, Pesaro Urbino (Marche) | ❖ Firenze, Grosseto (Tuscany) |
| ❖ Bari, Barletta-Andria-Trani, Lecce (Apulia), Taranto | ❖ Genoa, Savona (Liguria) |
| ❖ Bologna, Ferrara, Reggio Emilia, Modena, Ravenna, Parma (Emilia Romagna) | ❖ Naples, Salerno, Benevento (Campania) |
| ❖ Bozen (Trentino) | ❖ Palermo (Sicily) |
| ❖ Brescia, Cremona, Lecco, Milan, Varese | ❖ Perugia (Umbria) |
| ❖ Mantova (Lombardy) | ❖ Pescara (Abruzzo) |
| ❖ Campobasso (Molise) | ❖ Rome (Lazio) |
| | ❖ Sassari (Sardinia) |
| | ❖ Venice, Verona (Veneto) |

In other Questure, access to asylum was not allowed without a passport (3 cities) or because a limited number of new asylum requests are allowed every day (in 6 cities: they vary from 5 to a maximum of 15 people per day).

In 24 Questure, the period between the date of registration of the asylum application and formalisation lasts less than 6 months, in 18 Questure it takes more than 6 months and in 3 Questure more than a year. The Civil Court of Rome, on 31 July 2023, once again stated that "the Administration does not enjoy full discretionary power, but it is obliged to provide the necessary means to register the application within the times prescribed by the law, moreover, since the pandemic emergency which led to first eliminating and then significantly limiting access to offices has long been overcome".³⁵⁵

On 28 March 2023, the Civil Court of Milan upheld the urgent appeal submitted by an Egyptian asylum applicant who had tried several times to access the Questura and finally had expressed his intention to seek asylum through a certified mail sent by his lawyer. The Court ordered Questura to register his intention to seek asylum.³⁵⁶ As of April 2023 the Questura of Milan decided to allow access to the asylum procedure through a telematic system (Prenotafacile) which, however, requires the use of a passport or of an identification document.³⁵⁷ On 9 May 2023, the Civil Court of Milan upheld the urgent appeal submitted by another Egyptian asylum applicant ordering Questura to process his asylum request and evaluating the inadequacy of the Prenotafacile system as it was actually not allowing people to request an appointment.³⁵⁸

Later, the Questura of Milan decided to allow those who do not have passport to book an appointment through some organisations which declared to be available, such as ACLI.

In 2023, the Questure of Sassari and Siracusa declared asking people to submit legalised documents to prove the family bond among parents and children who are, otherwise, prevented from applying.

³⁵² See Asgi, Gravi violazioni di legge e inefficienze dell'Ufficio immigrazione della Questura di Torino 3 March 2023, available at <https://acesse.dev/u0aPT>.

³⁵³ See ASGI, 20 aprile 2023 – Presidio davanti alla Questura di Torino contro le prassi illegittime verso gli stranieri available at <https://l1nq.com/MmHs2>.

³⁵⁴ See ASGI "Mappatura delle prassi illegittime delle questure italiane Lo studio pilota di ASGI" report published on 15 April 2024, available in Italian at <https://encr.pw/nu9AJ>.

³⁵⁵ Civil Court of Rome, decision of 31 July 2023.

³⁵⁶ Civil Court of Milan, decision of 28 March 2023.

³⁵⁷ Information provided by the Questura available at: bit.ly/42QXP63.

³⁵⁸ Civil Court of Milan, decision of 9 May 2023.

Regarding the requests of evidence of family bonds, in 2022 some Questure - such as those of Caserta and Rome - started, as reported to ASGI, to ask for a DNA test to prove the family bond.

In 2023, as reported to ASGI, the Questura of Bologna refused to formalise an asylum request of a family lacking family documents.

The Civil Court of Rome, with a decision of 31 March 2023, ordered the immediate access to the asylum procedure for a Georgian citizen, deeming the new practice established in recent weeks by the Questura of Rome of setting appointments for the formalisation of the application months after the request did not comply with regulatory provisions.³⁵⁹

Moreover, on 24 March 2023, the Civil Court of Trieste ordered the Questura of Udine to register within 30 days the international protection request of a Nigerian woman, 62, who, since October 2022, was trying to obtain access to the asylum procedure but had only obtained an expulsion order.³⁶⁰

Also, with an important decision, the Civil Court of Bologna, on 18 January 2023, recognised the right to access the procedure to a group of asylum seekers who, helped by the CIAC association, since August 2022 were denied access to the procedure and accommodation lacking a domicile.³⁶¹

On 8 April 2024, the report “Attendere prego” from the International Rescue Committee Italy (IRC) Le Carbet, Mutuo Soccorso Milano, Naga ASGI and Intersos, was published confirming the difficulty in accessing the procedure existing in Milan and in others Italian provinces.³⁶²

In 2024 ASGI, together with the organisations Spazi Circolari, Progetto Diritti; ARCI; Libellula Italia; A Buon Diritto, Baobab Experience; and CILD, started a collective anti-discrimination lawsuit against the Ministry of the Interior due to the continued issues regarding access to the asylum procedure. After the lawsuit was lodged, the Questura of Rome adopted suitable tools to overcome the problem, allowing, without waiting days, to submit the asylum application. For this reason, on 7 October 2024 the Court closed the case as the matter of dispute ceased.³⁶³

Access to the procedure from detention

In practice, the possibility of accessing the asylum procedure inside a pre-removal detention centre (CPR) is limited due to the lack of appropriate legal information and assistance, and to administrative obstacles. According to the Reception Decree, people are informed about the possibility to seek international protection by the managing body of the centre.³⁶⁴

As recorded by ASGI, in 2024, as in previous years, in many cases people detained, who were not informed of the possibility and the way to ask for asylum, could not express this will even before the Judge of the Peace (Giudice di Pace) at the hearing to validate the detention. Only in some cases were they able to submit the asylum request thanks to their lawyers after the detention order had been issued. This was possible, however, mainly in the CPRs, such as that of Gradisca, where mobile phones are not seized.

Regarding the possibility to apply for asylum by applicants serving prison terms, ASGI has recorded significant difficulties still in 2024 (see chapter on [Detention of asylum applicants](#)).

On 14 October 2022, the Civil Court of Turin accepted the appeal lodged by an asylum applicant from Morocco who had obtained access to the asylum procedure just a few days before the end of his prison

³⁵⁹ Civil Court of Rome, Decision of 31 March 2023

³⁶⁰ Civil Court of Trieste, Decision of 24 March 2023

³⁶¹ See Meltingpot, I richiedenti asilo hanno diritto a documenti e accoglienza, January 2023, available at bit.ly/42MnRad.

³⁶² See the report “Attendere Prego”, 8 April 2024, gli ostacoli al riconoscimento della protezione internazionale in Italia, available at <https://acesse.dev/afr10>.

³⁶³ See Civil Court of Rome, decision of 7 October 2024, available [here](#).

³⁶⁴ Article 6(4) Reception Decree.

sentence. The Territorial Commission applied an accelerated procedure and evaluated the asylum request to be manifestly unfounded. Judging on the appeal presented by the applicant, the Court of Turin established that the applicant should be granted special protection, due to his long stay in Italy and to the family ties created in the country.³⁶⁵

C. Procedures

1. Regular procedure

1.1 General (scope, time limits)

Indicators: Regular Procedure: General

- | | |
|--|---|
| 1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance: | 33 days |
| 2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? | ☒ Yes ☐ No |
| 3. Backlog of pending cases at first instance as of 31 December 2024: | 207,285 |
| 4. Average length of the first instance procedure in 2024: | Not available |

According to the Procedure Decree, the Territorial Commission interviews the applicant within 30 days after having received the application and decides within the 3 following working days. When the Territorial Commission is unable to take a decision in this time limit and needs to acquire new elements, the examination procedure is concluded within 6 months of the lodging of the application. The Territorial Commission may extend the time limit for a period not exceeding a further 9 months, where:

- a. Complex issues of fact and/or law are involved;
- b. Large number of asylum applications are made simultaneously; or
- c. The delay can clearly be attributed to the failure of the applicant to comply with his or her obligations of cooperation.

Exceptionally and in duly justified circumstances, the Territorial Commission may further exceed this time limit by 3 months where necessary to ensure an adequate and complete examination of the application for international protection.³⁶⁶ In light of the different possibilities of extension, the asylum procedure may last for a maximum period of 18 months.

In practice, however, ASGI observed that the time limits for completing the regular procedure are not respected. The procedure usually takes much longer, considering on one hand that the competent determining authorities receive the asylum application only after the formal registration and the forwarding of the C3 form through the case database, Vestanet. On the other hand, the first instance procedure usually lasts several months, with delays in issuing a decision which vary between Territorial Commissions. In cities such as Rome, the entire procedure is generally longer and takes from 6 up to 12 months.

To address these issues, since 9 April 2025 the by the authorities involved in the asylum procedure started using the database 'SUA'. The latter include Vestanet (asylum procedures), Dublinet (Dublin procedure), SGA (accommodation system) and RVA (repatriation database), which will be closed. The implementation is creating several problems to develop the asylum procedure, and many police stations have communicated that they cannot complete the lodging procedure due to the malfunction of the system.

Statistics on the average duration of the procedure are not available.

³⁶⁵ Civil Court of Turin, decision of 14 October 2022.

³⁶⁶ Article 27(2)(3) Procedure Decree.

In 2024 151,120 first asylum requests were registered in Italy,³⁶⁷ similar to 2023 when they were 136,836 but almost doubled compared to the 77,200 applications registered in 2022.³⁶⁸

In 2024, 78,565 first instance decisions were issued in Italy. Of these 6,000 (7%) were decisions granting a refugee status, 10,730 subsidiary protection (13%) and 11,455 (14%) national protection (protezione speciale).³⁶⁹ Overall, the recognition rate stood at 35.9%, a small decrease compared to 2023 when it was 37%, but a significant decrease compared to 2022 when it was 47%.

Termination and notification

The DL 145/2024 has amended the Procedure Decree which previously stated that when the applicant, before having been interviewed, left the reception centre without any justification or absconded from a CPR or hotspot, the Territorial Commission should have suspended the examination of the application on the basis that the applicant is not reachable (*irreperibile*).³⁷⁰

The DL 145/2024 introduced a rule that allows to consider the asylum application implicitly withdrawn in such cases. According to the new Article 23 bis Procedure Decree this happens when:

- a) The applicant who has lodged the asylum application, before being called for the interview in front of the Territorial commission, leaves the reception facilities without a justifiable reason (without giving an actual address) or escapes from detention in hotspots or CPR facilities.
- b) The applicant does not attend the personal interview scheduled by the Territorial Commission and the notification of the hearing is carried out in accordance with the rules regulating notifications (including that in the case of not reachable persons)³⁷¹

In these cases, the Territorial Commission has two possibilities:

- 1) rejects the application if it deems it unfounded based on an adequate examination of the merits;
- 2) suspends the exam when it believes it does not have sufficient evaluation elements. In this case, the applicant can request the reopening of the suspended proceedings only once within 9 months of the suspension. After this deadline, the proceeding is declared terminated.³⁷²

The application presented by the applicant following the rejection or termination of the implicitly withdrawn asylum application, is subjected to a preliminary examination pursuant to article 29, paragraph 1-bis Procedure Decree. During the preliminary examination, the reasons given in support of the admissibility of the application are evaluated, including the reasons for the leaving the centre or failure to present themselves for the interview.³⁷³

According to ASGI, the law does not correctly implement art. 28 (2a) and b) of the Asylum Procedures Directive for two main reasons: first, the information included in the C3 (lodging of asylum application) should not allow to issue a rejection decision, as it is not sufficient to carry out an adequate examination of the case on its merits; secondly, the law makes no reference to a reasonable time limit or to the reasonable times required by the Directive to consider the application as implicitly withdrawn.

Furthermore, from a practical point of view, the procedure is made particularly problematic by the rules - and the way in which they are applied - envisaged for notifications which do not always guarantee effective knowledge for the asylum seeker.

In fact, Decree Law 13/2017 introduced a new procedure to notify interview appointments and decisions taken by the Territorial Commissions.³⁷⁴ The Procedures Decree provides for three different procedures

³⁶⁷ Eurostat, Asylum applicants by type - annual aggregated data, available [here](#).

³⁶⁸ Eurostat, Asylum applicants by type - annual aggregated data, available at: bit.ly/41jlZ7A.

³⁶⁹ Eurostat, First instance decisions, available [here](#).

³⁷⁰ Article 23-bis Procedure Decree before the reform.

³⁷¹ Article 28-bis (1) Procedure Decree which recalls notifications made pursuant article 11, paragraphs 3 or 3-bis, 3-ter.

³⁷² Article 28-bis (2,3) Procedure Decree.

³⁷³ Article 23- bis (5) Procedure Decree.

³⁷⁴ Article 11(3) Procedure Decree et seq, as amended by Article 6 Decree Law 13/2017 as amended by L 46/2017.

depending on whether the recipients of the notification are: (i) accommodated or detained; (ii) in private accommodation; or (iii) not reachable (*irreperibili*):

- a. **Accommodated or detained applicants:** Interviews and decisions can be notified by the managers of reception or detention centres, who then transmit the act to the asylum applicant for signature. The notification is considered to be carried out when the manager of the reception centre facility communicates it to the Territorial Commission through a certified email message indicating the date and time of notification. The law specifies that such communication must be immediate.³⁷⁵
- b. **Applicants in private accommodation:** The notification must be made to the last address communicated to the competent Questura. In this case, notifications are sent by postal service.³⁷⁶
- c. **Non-reachable applicants:** The interview summons or decision is sent by certified email from the Territorial Commission to the competent Questura, which keeps it at the disposal of the persons concerned for 20 days. After 20 days, the notification is considered to be completed, and a copy of the notified deed is made available for the applicant's collection at the Territorial Commission.³⁷⁷

Questure often place onerous conditions on the registration of a private address e.g. by requesting declarations of consent from the owners of the apartments where people are privately staying. Given those conditions, the law risks creating a presumption of legal knowledge of the act to be notified where there is none. The same risk exists for the Dublin returnees who had left Italy before receiving notification of the decision or of the interview appointment.

In practice, the new notification procedure created further problems, as Territorial Commissions were not promptly informed about accommodation transfers. Often, people moved from one reception centre to another found out about their appointment for the interview when the date scheduled by the Territorial Commission had already passed. In addition, many ASGI lawyers have experienced problems in notifications of privately housed asylum applicants, as notifications had often not been made.

Outcomes of the procedure

Even if the rules applicable are the same, the outcome of decisions may vary depending on the region. The absence of analytical territorial statistics, however, does not allow for a more detailed analysis in this respect.

There are eight possible outcomes to the regular procedure, following additions and substantial changes by Decree Law 113/2018 and Decree Law 130/2020. Under the amended Article 32 of the Procedures Decree, the Territorial Commission may decide to:

1. Grant refugee status.
2. Grant subsidiary protection.
3. Recommend to the Questura to issue a two-years "special protection" residence permit (see [National forms of protection](#)).

Decree Law 113/2018 abolished the status of humanitarian protection by repealing the provision of the TUI concerning the issuance of a residence permit on serious grounds, in particular of a humanitarian nature or resulting from constitutional or international obligations of the Italian State.³⁷⁸

³⁷⁵ Article 11(3) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

³⁷⁶ Article 11(3-bis) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

³⁷⁷ Article 11(3-ter) and (3-quater) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

³⁷⁸ Article 5(6) TUI was amended Decree Law 113/2018 but it has been again amended by Decree Law 130/2020 reintroducing the obligation to consider, before rejecting a permit to stay, constitutional and international obligations of the Italian State.

Decree Law 130/2020 made significant changes to the substance of the special protection and restored the obligations resulting from the constitutional or international obligations of the Italian State.³⁷⁹

Following the 2023 reform through Law 50/2023, special protection permits are now granted to persons who, according to the law, cannot be expelled or refouled.³⁸⁰ This covers cases where a person risks being persecuted for reasons of race, sex, sexual orientation and gender identity, language, citizenship, religion, political opinions, personal or social conditions, or may risk being sent back to another country where they are not protected from persecution.³⁸¹ It also covers cases where a person risks to be sent to a country where there are reasonable grounds to believe that they risk being subjected to torture or inhuman or degrading treatment. The law further specifies that special protection should be recognised also if the constitutional or international obligations referred to in Article 5 (6) TUI recur. The clarification, allows to grant special protection to those who, if expelled from Italy, would suffer a violation of fundamental rights recognized by the Constitution or deriving from European or international law. In particular, it is used to justify the recognition of such protection to protect private and family life pursuant to Article 8 of the ECHR.

Significantly, the decree law 20 of 10 March 2023, converted with amendments into Law 50 of 5 May 2023, cancelled the possibility to directly request this kind of permit to a Questura and to consider, in releasing such permits to stay, if there are good reasons to believe that the removal from the national territory involves a violation of the right to respect for his private and family life, unless that it is necessary for national security reasons, public order and safety as well as health protection.³⁸² Even if the amendment does not exclude the application of international and European guarantees, such as the application of Article 8 of ECHR, the new wording of the law has already lead, according to ASGI monitoring, to a significant limitation in the number of cases in which this form of protection is recognised.³⁸³ This was confirmed by the practice in 2024, as observed by ASGI.

Additionally, the DI 20/2023 and the conversion L. 50/2023 changed the provisions related to the renewal of this permit. These permits are still to be granted for two years and they are renewable but, according to the new law, beneficiaries are not able to transform them in work permits (see [Residence Permit](#)).³⁸⁴ The new provisions however do not apply to the procedures already pending as of 6 May 2023.³⁸⁵ The law also specifies that those titles which that had already been delivered at the time of entry into force of the Law 50/2023 directly from Questura would be renewed only once for a duration of one year. The law also specifies that they can be changed into work permits.³⁸⁶

However, during 2023 and still in early 2024, Questure denied the possibility to change special protection permits into work permits, declaring all the requests inadmissible because Article 6 TUI does not allow for the change anymore for those special protection permits issued by decision of Territorial Commissions as a result of an international protection request.³⁸⁷

Many Courts, both ordinary and administrative, upheld appeals filed in this regard, ruling that the transitional rule provided by Article 7 (3) DL 20/2023 must be applied uniformly, with no admissible difference between special protection permits issued directly by Questure and those issued by decision of Territorial Commissions, as the legal provision for their issuance is the same.

³⁷⁹ Article 5 (6) as amended by Decree Law 130/2020 and L. 173/2020.

³⁸⁰ Article 32(3) Procedure Decree, as amended by Decree Law 130/2020 and L. 173/2020.

³⁸¹ Articles 19(1) as amended by Decree Law 130/2020 and L. 173/2020.

³⁸² Article 19 (1.1) TUI as amended by DL 20/2023 converted into L. 50 of 5 May 2023.

³⁸³ According to Eurostat, humanitarian permits recognised in 2023 were 380 less than those granted in 2022 (see Eurostat data available at: <https://acesse.dev/II39P>). However, data must be read in conjunction with the fact the overall recognition rate is significantly decreased in 2023 passing from 47% in 2022 to 37%.

³⁸⁴ Article 32 of the Procedure Decree and 6 of the TUI both as amended by DL 20/2023 converted into L. 50/2023.

³⁸⁵ Article 7 (2) DL 20/2023.

³⁸⁶ Article 7 (3) DL 20/2023.

³⁸⁷ Article 7 DL 20/2023 cancelled the provision before included in lett. a) Article 6 (1 bis) which stated that special protection permits released according to Article 32 Procedure Decree (as an outcome of the asylum request) could be changed into work permits.

Recalling the transitory provision of Article 7 (3) DL 20/2023, by decision of 22 November 2023, the Administrative Court for Campania region upheld the interim request to suspend the effects of the rejection notified to an applicant by the Questura of Naples.³⁸⁸ The Administrative Court for Tuscany region³⁸⁹ and the Administrative Court for Piedmont³⁹⁰ region also decided in the same way. Some other administrative Courts, such as the one for Marche region³⁹¹ and Friuli Venezia Giulia Region,³⁹² instead of deciding only on the interim request, decided to uphold the entire appeal.

4. Recommend to the Questura to issue a permit to stay for health reasons.

According to Article 32 (3.1) of the Procedure Decree, in case of rejection of the application for international protection, the Territorial Commission recommends to Questura to issue a permit to stay for health reasons when conditions provided by Article 19 (2 d bis) TUI - as amended by L. 50/2023 - are met. Law 50/2023 has restricted the possibilities of obtaining this type of permit, providing that it can be issued in case of health conditions deriving from particularly serious pathologies (as before) but adding as a condition the inadequacy of treatment in the country of origin. The pathology has to cause significant damage to the health of the applicant, in case of return to the country of origin or provenance.³⁹³ The health conditions have to be ascertained through suitable documentation issued by a public health facility or by a doctor of the National Health Service.

The duration of health permits is linked to the time certified by the health certification, in any case not exceeding one year. They are renewable but not convertible into a work permit to stay. They are valid only on the national territory.

5. Inform the Public Prosecutor to the Juvenile Court to start the procedure to issue a permit to stay for assistance to minors.³⁹⁴

In cases where the application for international protection is not accepted, the Territorial Commission evaluates the existence of reasons that allow the Juvenile Court to issue a permit to minor's family members for reasons related to the psychophysical health and development of the minor who is in the Italian territory and informs the public Prosecutor at the competent Juvenile Court.

This permit is issued on a fixed-term and can be changed into a work permit to stay.³⁹⁵

6. Reject the asylum application as unfounded.
7. Reject the application as manifestly unfounded.³⁹⁶

According to the Article 28-ter of the Procedure Decree, an application can be deemed to be “manifestly unfounded” where the applicant.

- a. Has only raised issues unrelated to international protection;
- b. Comes from a [Safe Country of Origin](#);
- c. Has issued clearly inconsistent and contradictory or clearly false declarations, which contradict verified information on the country of origin;
- d. Has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to their identity and/or nationality that could have had a negative impact on the decision, or in bad faith has destroyed or disposed of an identity or travel document that would have helped establish their identity or nationality;

³⁸⁸ Administrative Court for Campania region, Interim decision of 22 November 2023, published on 23 November 2023, no. 02178/2023.

³⁸⁹ Administrative Court for Tuscany region, interim decision no. 24/2024 of 10 January 2024.

³⁹⁰ Administrative Court for Piedmont Interim decision no. 10/2024 of 12 January 2024.

³⁹¹ Administrative Court for Marche region, decision no. 00913/2023 of 28 December 2023

³⁹² Administrative Court for Friuli Venezia Giulia region, decision no. 87/2024 of 27 February 2024

³⁹³ Article 32 (3.1) Procedure Decree recalls the requirements referred to in Article 19 TUI (2) (d-bis) as amended by L. 50/2023 which excludes the expulsion or extradition of foreigners who are in such health serious conditions.

³⁹⁴ Article 32 (3.2) Procedure Decree introduced by Decree Law 130/2020 and L 173/2020 and referring to Article 31 (3) TUI.

³⁹⁵ Article 6 (1 bis) TUI introduced by Decree Law 130/2020 and L 173/2020.

³⁹⁶ Article 32(1)(b-bis) Procedure Decree, as amended by Decree Law 113/2018 and L 132/2018.

- e. Irregularly entered the territory, or irregularly prolonged their stay, and without justification, did not make an asylum application promptly;
- f. Refuses to comply with the obligation of being fingerprinted under the Eurodac Regulation;
- g. Is detained in a CPR for reasons of exclusion under Article 1F of the 1951 Convention, public order or security grounds, or there are reasonable grounds to believe that the application is lodged solely to delay or frustrate the execution of a removal order (see [Grounds for Detention](#)).³⁹⁷

DL 133/2023 extended the applicability of this provision to vulnerable people.³⁹⁸

- 8. Reject the application on the basis that an internal protection alternative is available.³⁹⁹

For the internal protection alternative to apply, it must be established that in a part of the country of origin the applicant has no well-founded fear of being persecuted or is not at real risk of suffering serious harm or has access to protection against persecution or serious harm. In addition, they must be able to safely and legally travel to that part of the country, gain admittance and reasonably be expected to settle there.

According to Article 32 (4) of the Procedure Decree, as amended by L 50/2023, in the event of rejection, withdrawal of the application and inadmissibility, the decision of the Territorial Commission shall also contain a certificate of the obligation to return and the prohibition of re-entry.⁴⁰⁰ This certificate produces the effects of the expulsion order⁴⁰¹ and must be challenged together with the appeal against the rejection of the international and special protection claim, without prejudice to the effects of suspension governed by the procedures decree.⁴⁰²

1.2 Prioritised examination and fast-track processing.

Article 28 of the Procedures Decree, significantly amended in 2020, provides that the President of the Territorial Commission, after a preliminary exam, identifies the cases to be processed under the prioritised procedure, when:

- a. The application is supposed to be well-founded;⁴⁰³
- b. The applicant is vulnerable, in particular if they are an unaccompanied child or a person in need of special procedural guarantees.
- c. The applicant comes from one of the countries identified by the CNDA that allow the omission of the personal interview when considering that there are sufficient grounds available to grant subsidiary protection. The competent Territorial Commission, before adopting such a decision, informs the applicant of the opportunity, within 3 days from the communication, to request a personal interview. In absence of such request, the Territorial Commission takes the decision.⁴⁰⁴

Following the reform, the law states that the President of the Territorial Commission makes a preliminary exam of the application but, in practice, the decision will still be taken on the basis of the documents already present in the asylum application file.

Practice shows that vulnerable applicants have more chances compared to other applicants - to benefit from the prioritised procedure, although this possibility is more effective when they are assisted by NGOs or they are identified as such at an early stage. With regard to victims of torture and extreme violence, the prioritised procedure is rarely applied, since these asylum applicants are not identified at an early stage by police authorities. In fact, torture survivors are usually only recognised as such in a later phase, thanks

³⁹⁷ Article 28-ter(g) Procedure Decree, citing Article 6(2)-(3) Reception Decree.

³⁹⁸ DL 133/2023 has repealed Article 28 ter (1 bis) According to Article 28 ter as reformed by Decree Law 130/2020 and L 173/2020 according to which the provision does not apply to people with special needs, referring to Article 17 Reception Decree.

³⁹⁹ Article 32(1)(b-ter) Procedure Decree, inserted by Decree Law 113/2018 and L 132/2018.

⁴⁰⁰ Article 32 (4) as amended by L. 50/2023 referring to Article 13 (13,14) of TUI.

⁴⁰¹ Article 13 TUI.

⁴⁰² Article 35 bis (3,4) Procedure Decree.

⁴⁰³ Before the reform the law stated that it applied to applications likely to be well founded.

⁴⁰⁴ Article 28(2) C Procedure Decree, as amended by Decree Law 130/2020 and L. 173/2020.

to NGOs providing them with legal and social assistance or during the personal interview by the determining authorities.

Regarding unaccompanied children, L 47/2017 has allowed a faster start of the procedure as it allows the manager of the reception centre to represent the child until the appointment of a guardian.⁴⁰⁵ That said, according to ASGI's experience, the prioritised procedure has not been widely applied to unaccompanied children.

1.3 Personal interview

Indicators: Regular Procedure: Personal Interview

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the regular procedure? ☒ Yes ☐ No
 - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision? ☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never
4. Can the asylum seeker request the interviewer and the interpreter to be of a specific gender? ☒ Yes ☐ No
 - ❖ If so, is this applied in practice, for interviews? ☐ Yes ☒ No

The Procedure Decree provides for a personal interview of each applicant, which is not public.⁴⁰⁶ During the personal interview the applicant can disclose exhaustively all elements supporting their asylum application.⁴⁰⁷

The Decree Law 130/2020, by amending Article 12 (1), provided for the possibility of hearings conducted by audio-visual means.⁴⁰⁸ From the information available as of April 2025, some Commissions have adopted such procedure, such as the one of Rome, Florence and Salerno.

On 12 December 2024, the Interministerial Directorial Decree of the Ministry of the Interior and the Ministry of Justice – setting out the technical specifications for making for making the video recording of the asylum seeker's interview available during the jurisdictional phase –, was published on the MOI website.⁴⁰⁹ The video recording is made through the S.IN.D.A.C.A system, (Information System for the documentation of the hearings of the Asylum Commissions), which allows to proceed with the video recording and transcription of the hearing minutes of each asylum applicant.

In practice, asylum applicants are systematically interviewed by the determining authorities. However, Article 12(2) of the Procedure Decree foresees the possibility to omit the personal interview where:

- (a) Determining authorities have enough elements to grant refugee status under the 1951 Refugee Convention without hearing the applicant; or
- (b) The applicant is recognised as unable or unfit to be interviewed, as certified by a public health unit or by a doctor working with the national health system. In this regard, the law provides that the personal interview can be postponed due to the health conditions of the applicant duly certified by a public health unit or by a doctor working with the national health system or for very serious reasons.⁴¹⁰ The applicant recognised as such is allowed to ask for the postponement of the personal interview through a specific request with the medical certificates.⁴¹¹

⁴⁰⁵ Article 6(3) L 47/2017.

⁴⁰⁶ Article 12(1) Procedure Decree; Article 13(1) Procedure Decree.

⁴⁰⁷ Article 13(1-bis) Procedure Decree, inserted by the Reception Decree.

⁴⁰⁸ Article 12 (1) as amended by Decree Law 130/2020 and L 173/2020.

⁴⁰⁹ Moi department of civil liberties and immigration, available [here](#).

⁴¹⁰ Article 12(3) Procedure Decree, as amended by the Reception Decree.

⁴¹¹ Article 5(4) PD 21/2015.

- (c) For applicants coming from those countries identified by the CNDA, when considering that there are sufficient grounds to grant them subsidiary protection.⁴¹² The competent Territorial Commission, before adopting such a decision, informs the applicant that they have the opportunity, within 3 days from the communication, to be admitted to the personal interview. In absence of such request, the Territorial Commission takes the decision to omit the interview. This provision is particularly worrying, considering that it derogates from the general rule that the personal interview also seeks to first verify whether the applicant is a refugee, and only if not, the conditions to grant subsidiary protection.

According to the amended Article 12(1-bis) of the Procedure Decree, the personal interview of the applicant takes place before the administrative officer assigned to the Territorial Commission, who then submits the case file to the other panel members in order to jointly take the decision. Upon request of the applicant, the President may decide to hold the interview him or herself or before the Commission. In practice, the interview is conducted by the officials appointed by the Ministry of Interior.

1.3.1. Interpretation

In the phases concerning the registration and the examination of the asylum claim, including the personal interview, applicants must receive, where necessary, the services of an interpreter in their language or in a language they understand. Where necessary, the documents produced by the applicant shall be translated.⁴¹³

At border points, however, these services may not always be available, depending on the language spoken by asylum applicants and the interpreters available locally. Given that the disembarkation of asylum applicants does not always take place at official border crossing points, where interpretation services are generally available, there may therefore be significant difficulties in promptly providing an adequate number of qualified interpreters able to cover different languages.

In practice, based on ASGI's observations, there are not enough interpreters available and qualified in working with asylum applicants during the asylum procedure. However, specific attention is given to interpreters ensuring translation services during the substantive interview by determining authorities. The Consortium of Interpreters and Translators (ITC), which provides this service, has drafted a Code of Conduct for interpreters.

1.3.2. Recording and report

The personal interview may be recorded. The recording is admissible as evidence in judicial appeals against the Territorial Commission's decision. Where the recording is transcribed, the signature of the transcript is not required by the applicant.⁴¹⁴ Following Decree Law 13/2017, implemented by L 46/2017, the law states that the interview has to be taped by audio-visual means and transcribed in Italian with the aid of automatic voice recognition systems.⁴¹⁵ The transcript of the interview is read out to the applicant by the interpreter and, following the reading, the necessary corrections are made by the interviewer together with the applicant.

All of the applicant's observations not included directly in the text of the transcript are included at the bottom of the document and signed by them. The transcript itself is signed only by the interviewer – or the President of the Commission – and by the interpreter.⁴¹⁶ The applicant does not sign the transcript and does not receive any copy of the videotape, but merely a copy of the transcript in Italian. A copy of the videotape and the transcript shall be saved for at least 3 years in an archive of the Ministry of Interior and

⁴¹² Article 12(2-bis) Procedure Decree, read in conjunction with Article 5(1-bis).

⁴¹³ Article 10(4) Procedure Decree, as amended by the Reception Decree.

⁴¹⁴ Article 14(2-bis) Procedure Decree, inserted by the Reception Decree.

⁴¹⁵ Article 14(1) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

⁴¹⁶ Article 14(2) Procedure Decree, as amended by Article 6 Decree Law 13/2017.

made available to the court in case of appeal. The applicant can only access the tape during the appeal,⁴¹⁷ meaning that it is not available at the time of drafting the appeal.

The applicant can formulate a reasoned request before the interview not to have the interview recorded. The Commission makes a final decision on this request.⁴¹⁸ This decision cannot be appealed.⁴¹⁹ When the interview cannot be videotaped for technical reasons or due to refusal of the applicant, the interview is transcribed in a report signed by the applicant.⁴²⁰

In 2019 and 2020, interviews were still never audio- or video-recorded due to a lack of necessary equipment and technical specifications. In the 2021 EASO Asylum Report, there is a mention of a pilot project for video and audio recording of the interview with the prior agreement of the applicants being implemented in Rome. However, after EASO left the Commissions, from the information gathered by practitioners, there were no follow-ups to the project.

In the experience of ASGI members, many Commissions received the technical material necessary for recording and transcribing the interview in 2021, but the system was not yet in use in most territorial commissions by the end of 2024.

This means that in practice after the interview a transcript is given to the applicant with the opportunity to make further comments and corrections before signing it and receiving the final report. The quality of this report varies depending on the interviewer and the Territorial Commission, which conducts the interview. Complaints on the quality of the transcripts are common.

1.4 Appeal

Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure?

☒ Yes	☐ No
☒ Judicial	☐ Administrative
☐ Yes	☒ Some grounds ☐ No
2. Average processing time for the appeal body to make a decision: Not available

1.4.1. Appeal before the Civil Court

The Procedure Decree provides for the possibility for the asylum applicant to appeal before the competent Civil Court (*Tribunale Civile*) against a decision issued by the Territorial Commissions rejecting the application, granting subsidiary protection instead of refugee status or requesting the issuance of a residence permit for special protection instead of granting international protection.⁴²¹

Specialised court sections

Decree Law 13/2017, implemented by L 46/2017, established specialised sections in the Civil Courts, responsible for immigration, asylum and free movement of EU citizens' cases.⁴²² Judges to be included in the specialised sections should be appointed on the basis of specific skills acquired through professional experience and training. EUAA and UNHCR are entrusted with training of judges, to be held at least annually during the first three years.⁴²³

⁴¹⁷ Article 14(5) Procedure Decree, as amended by Article 6 Decree Law 13/2017.

⁴¹⁸ Article 14(6-bis) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

⁴¹⁹ Article 14 (6 bis) Procedure Decree.

⁴²⁰ Article 14(7) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

⁴²¹ Articles 35(1) and 35-bis(1) Procedure Decree.

⁴²² Article 1 Decree Law 13/2017, as amended by L 46/2017.

⁴²³ Article 2(1) Decree Law 13/2017, as amended by L 46/2017.

The competence of the Court is determined on the basis of the location of the competent Territorial Commission, but also on the basis of the place where the applicant is accommodated (governmental reception centres, CAS, SAI and CPR).⁴²⁴

Rules for the lodging of appeals

The appeal must be lodged within 30 calendar days from the notification of the first instance decision and must be submitted by a lawyer.⁴²⁵

However, the time limit for lodging an appeal is 15 days for persons placed in CPR and in some cases 7 days for negative decisions taken under the [Accelerated Procedure](#).⁴²⁶

The appeal has automatic suspensive effect, except where:⁴²⁷

1. The applicant is detained in CPR or a hotspot;
2. The application is inadmissible;
3. The application is manifestly unfounded;
4. The application is submitted by a person coming from a safe country of origin;
5. The application is submitted after the applicant has been apprehended in an irregular stay on the national territory and for the sole purpose of avoiding an imminent removal;
6. The application is submitted by persons investigated or convicted for some of the crimes that may trigger to the exclusion of international protections pursuant to Article 28 -bis (1) (b) of the procedure decree.

More in general, the appeal does not have automatic suspensive effect when the application is rejected on some of the grounds for applying the [Accelerated Procedure](#). However, in those cases, the applicant can individually request a suspension of the return order from the competent judge. According to the new procedure set out by DL 145/2024, when the suspension request - to be included in the appeal - is present, the Ministry of Interior may file defence notes within 3 days of notification. In this case, the appellant can file a reply within the following 3 days. The judge decides on the suspension request within the following 5 days.

If the Ministry of the Interior does not avail itself of the right to file defence notes, the deadline for the decision starts from the expiry of the deadline established therein for their filing. When the request for suspension is accepted, the appellant is issued a residence permit for asylum request in the cases provided for in letters b), c) and d) of Article 35 bis (3) on the suspensive effect of the appeal.

A complaint against the decision on suspension can be submitted to the Court of Appeal within 5 days, starting from the communication of the decree by the clerk's office. The complaint is communicated, by the clerk's office, to the opposing party. The filing of the complaint does not suspend the executive effectiveness of the contested provision. The court of appeal, after hearing the parties, decides with an immediately executive decree, within ten days of the presentation of the complaint. The decree is communicated to the parties by the clerk's office. The suspension of procedural deadlines during the weekday period does not apply in such proceedings.

In practice, asylum applicants who file an appeal, in particular those who are held in CPR and those under the [Accelerated Procedure](#), face several obstacles. The time limit of 15 days (or 7 days for cases in which the border procedure is applied) for lodging an appeal in those cases concretely jeopardises the effectiveness of the right to appeal since it is too short to find a lawyer or request free legal assistance, and to prepare the hearing in an adequate manner. This short time limit for filing an appeal does not take due consideration of other factors that might come into play, such as the linguistic barriers between asylum applicants and lawyers, and the lack of knowledge of the legal system.

After the appeal is notified to the Ministry of Interior at the competent Territorial Commission, the Ministry may present submissions (defensive notes) within the next 20 days. The applicant can also present submissions within 20 days.⁴²⁸ The law also states that the competent Commission must submit within 20

⁴²⁴ Article 4(3) Decree Law 13/2017, as amended by L 46/2017.

⁴²⁵ Article 35-bis(2) Procedure Decree, as amended by Decree law 130/2020.

⁴²⁶ *Ibid.*

⁴²⁷ Article 35-bis(3) Procedure Decree as amended by Decree Law 130/2020 and by L. 50/2023.

⁴²⁸ Article 35-bis(7) and (12) Procedure Decree.

days from the notification of the appeal the video recording and transcript of the personal interview and the entire documentation obtained and used during the examination procedure, including country of origin information relating to the applicant.⁴²⁹

In application of EU NEXT Generation Project, D.L. 80 of June 2021 – as amended by conversion Law n. 113 of August 2021 – provided for the reinforcement of the Courts Office personnel, with the implementation of the “Judicial Office” (Ufficio del Processo), a support office for judges and Courts administrations to which law clerks shall be deployed for 3 years starting from February 2022. They are also deployed to support the judges assigned to the specialised sections on migration, with the objective of helping to reduce second instance backlog. According to an initial analysis, the UPP personnel provided substantial assistance to the specialised sections: they were tasked with identifying cases to be treated with priority; to carry out jurisprudential research and prepare models of decisions or motivation points; to catalogue decisions in databases; to research COI information and prepare the questions, together with EEUA personnel, in view of the applicant’s hearing. In some cases, the UPP staff also took the minutes of the hearing and supported the preparation of draft measures. In the court sections observed, these workers handled two to five cases a week.⁴³⁰

Hearing

According to the appeal procedure following Decree Law 13/2017, implemented by L 46/2017, oral hearings before the court sections are a residual option. The law states that, as a rule, judges shall decide the cases only by consulting the videotaped interview before the Territorial Commission. They shall invite the parties to the hearing only if they consider it essential to listen to the applicant, or they need to clarify some aspects or if they provide technical advice or the intake of evidence.⁴³¹ A hearing is also to be provided when the videotaping is not available or the appeal is based on elements not relied upon during the administrative procedure of first instance.⁴³²

Since the adoption of Decree Law 13/2017, ASGI has claimed that the use of video recorded interviews, potentially replacing asylum applicants’ hearings by the court, does not comply with the right to an effective remedy provided by Article 46 of the recast Asylum Procedures Directive, as an applicant’s statements are often the only elements on which the application is based. Therefore, there is no certainty that judges will watch the videos of the interviews, and in any case, they will not watch them with the assistance of interpreters to understand the actual extent of applicants’ statements.

Since 2017, given that Territorial Commissions did not proceed by video-recording interviews, some courts held oral hearings with asylum applicants, as set out in the law in case the interview is not video-recorded.⁴³³ However, as reported by Asgi members, many Civil Courts such as those of **Naples and Milan** interpreted the law as leaving discretion to the court to omit a hearing even if the videotape is not available.

In 2018, the Court of Cassation clarified that in such cases the oral hearing is mandatory and cannot be omitted,⁴³⁴ but the later established that it is not mandatory for the judge to interview the applicant, and the hearing can be limited to the apparition in Court of the lawyer.

Consequently, each specialised section has taken its own orientation regarding the need or not to hear the appellant again in cases where the law does not consider it mandatory.⁴³⁵

⁴²⁹ Article 35-bis(8) Procedure Decree.

⁴³⁰ L. Perilli, *Le sezioni specializzate in materia di immigrazione a cinque anni dalla loro istituzione. Un’indagine sul campo*, in *Diritto Immigrazione e Cittadinanza*, n. 1/2023, available in Italian at bit.ly/3mtqXRa.

⁴³¹ Article 35-bis Procedure Decree, introduced by Article 6(10) Decree Law 13/2017 and L 46/2017.

⁴³² Article 6(11) Decree Law 13/2017.

⁴³³ CSM, *Monitoraggio sezioni specializzate*, October 2018, 27-28.

⁴³⁴ Court of Cassation, 1st Section, Decision 28424/2018, 27 June 2018, available in Italian at: <https://bit.ly/2G6XwuS>; Decision 17717/2018, 5 July 2018, available in Italian at: <https://bit.ly/2GfMYeb>. See also: EDAL, Italy – Supreme Court of Cassation, 27 June 2018, no. 28424, available at: <https://bit.ly/36vKlAn>.

⁴³⁵ Art. 35-bis, (10) Procedure Decree

When the appellant is summoned to the hearing, the questions for the hearing are prepared by a researcher of the EUAA or UPP staff member assigned to the section, under the supervision of the judge.⁴³⁶

As reported by ASGI lawyers, far as cultural mediation in the hearing is concerned, only some courts allow the presence of cultural mediators provided by the EUAA, while others never use this service and rely on voluntary interpreters identified and brought by the appellant; others make use of the EUAA cultural mediators service only for cases with a high level of complexity.

From the beginning of 2023, the entry into force of the civil procedure reform (the so-called Cartabia reform) allowed the replacement of the hearing with written notes in each procedure.⁴³⁷

It is up to the judge in charge of the case to decide how to run the hearing, so different practices are observed even in the same Court. In any case, it is possible for the lawyer to require for the hearing to be held in presence, justifying the reasons for such a request.

Decision

As in previous years, in 2024 practitioners report to ASGI that decision-making at second instance is not consistent throughout the territory, and visible discrepancies can be observed regarding outcomes of appeals depending on the Court responsible. The absence of statistics concerning the outcome of second instance cases, however, does not allow to elaborate a detailed analysis regarding the issue.

The Civil Court can either reject the appeal or grant a form of protection to the asylum applicant. Under the law, the decision should be taken within 4 months.⁴³⁸

No statistics on the average length of international protection proceedings are available, but one analysis published by Ministry of Justice referring to the period between 1 January 2016 and 30 June 2020 provides some insights on the topic.⁴³⁹

According to what the Courts reported, in the first five years of operation of the specialised sections, the objective of the reasonable duration of international protection proceedings was not met, mostly due to a lack of resources. In fact, the number of proceedings for international protection was considerable: between 2017 and 2020, an average of over 49,500 cases were registered per year, representing around 20% of the total number of civil cases. Out of these, a decision was issued on around 32,800 proceedings per year.⁴⁴⁰

Consequently, ASGI lawyers registered an increase in the duration of the judicial procedure, with some Courts that since 2021 and still in 2024 schedule hearings even 4 years after the introduction of the case (e.g. Turin) and others leaving pending cases waiting for a hearing to be scheduled for over 3 years (e.g. Milan and Trieste).⁴⁴¹

According to Eurostat data, the total number of final decisions on asylum applications in 2024 was 13,530, out of which 2,070 were rejections.⁴⁴²

⁴³⁶ L. Perilli, mentioned available in Italian at: bit.ly/3mtqXRa.

⁴³⁷ Article 127-ter of the Code of Civil Procedure, introduced by Legislative Decree no. 149 of 10 October 2022.

⁴³⁸ Article 35-bis(13) Procedure Decree.

⁴³⁹ Ministry of Justice, Analisi procedimenti in materia di protezione internazionale, available in Italian at: <https://bit.ly/3CMzIcp>.

⁴⁴⁰ L. Perilli, Le sezioni specializzate in materia di immigrazione a cinque anni dalla loro istituzione. Un'indagine sul campo, in *Diritto Immigrazione e Cittadinanza*, n. 1/2023, available in Italian at: bit.ly/3mtqXRa.

⁴⁴¹ For the years 2021 and 2022 information are confirmed in the publication 'L. Minniti, 'L'ufficio per il processo nelle Sezioni distrettuali specializzate di immigrazione e protezione internazionale: una straordinaria occasione di innovazione a supporto della tutela dei diritti fondamentali degli stranieri', 28 October 2021, available at: <https://bit.ly/37VFUEi>.

⁴⁴² Eurostat, Final decisions on asylum applications, available at: bit.ly/41CRnPb.

1.4.2. Onward appeal

Decree Law 13/2017, implemented by L 46/2017, abolished the possibility to appeal a negative Civil Court decision before the Court of Appeal (*Corte d'Appello*). This provision applies to appeals lodged after 17 August 2017.

In case of a negative decision of the Court, the asylum applicant can only lodge an appeal before the Court of Cassation for matters of law within 30 days, compared to 60 days granted before the 2017 reform.⁴⁴³

The onward appeal is not automatically suspensive. Nevertheless, the Court of Justice of the European Union (CJEU) found in its *F.R.* judgement of 27 September 2018 that this provision complies with EU law as the recast Asylum Procedures Directive does not contain any provisions requiring a second level of jurisdiction against negative asylum decisions and therefore does not require any automatic suspensive effect for onward appeals.⁴⁴⁴

The request for suspensive effect is examined by the judge who rejected the appeal at Civil Court level and has to be submitted within 5 days from the notification of the appeal.⁴⁴⁵

The 2017 reform sparked strong reactions from NGOs,⁴⁴⁶ and even from some magistrates. Cancelling the possibility to appeal the Civil Court decisions at Court of Appeal, making the hearing of the applicant a mere residual option, further complicating access to free legal aid, reducing the time for appeal to the Court of Cassation, and entrusting the assessment of the request for suspensive effect of onward appeals to the same Civil Court judge who delivered the negative first appeal ruling, drastically reduces the judicial protection of asylum applicants. The Cassation Section of the Magistrates' National Association (*Associazione Nazionale Magistrati*) also highlighted the unreasonableness of the choice to abolish the second level of appeal, which is still provided for civil disputes of much lower value if compared to international protection cases, bearing in mind that the procedure before the Court of Cassation is essentially a written procedure.

The 2017 reform has had a visible impact on the caseload before the Court of Cassation. In the report on the administration of justice in 2020 published in 2021, the President of the Court underlined how the most recent problem in the activity of the Court of Cassation was the enormous increase in the number of petitions concerning international protection matters.

The number of petitions rose from 374 appeals in 2016 to 10,341 in 2019, decreasing again to 935 in 2020⁴⁴⁷ and 3,679 in 2021.⁴⁴⁸ However, in 2022 there was a substantial decrease, with 1,495 new cases registered.⁴⁴⁹

Regarding the outcomes, in 2022 the acceptance percentage rate of appeals related to international protection was lower than the general average (21.1% in 2022 compared to the general figure of 27.8%), while the figure of inadmissibility was extremely high, reaching 71.9% in 2022.⁴⁵⁰

In 2023, the report from the Court of Cassation did not include detailed information on international protection appeals.⁴⁵¹

⁴⁴³ Article 35-bis(13) Procedure Decree.

⁴⁴⁴ CJEU, Case C-422/2018 *F.R. v Ministero dell'interno – Commissione Territoriale per il riconoscimento della Protezione Internazionale presso la Prefettura U.T.G. di Milano*, Judgment of 27 September 2018, EDAL, available at: <https://bit.ly/2D1oGCE>.

⁴⁴⁵ Article 35-bis(13) Procedure Decree.

⁴⁴⁶ See ASGI and Magistratura Democratica, 'D.L. 13/2017, sempre più distanza tra giudici e cittadini stranieri', February 2017, available in Italian at: <http://bit.ly/2moJoWs>; Antigone, 'Il pacchetto Minniti calpesta i diritti', 12 February 2017, available in Italian at: <http://bit.ly/2l7pjUo>.

⁴⁴⁷ Court of Cassation, Report on the administration of justice in the year 2020, final remarks, 29 January 2021, available at: <https://bit.ly/3tEh7ZT>.

⁴⁴⁸ Court of Cassation report on administration of justice in the year 2021, available at: <https://bit.ly/3ycmqG1>.

⁴⁴⁹ Court of Cassation, report on administration of Justice in the year 2022, available at: bit.ly/3L5w2sn.

⁴⁵⁰ Ibid.

⁴⁵¹ Court of Cassation, report on administration of Justice in the year 2023, Available at <https://l1nq.com/IE4MP>.

The Court of Cassation ruling at United Sections, with decision n. 15177 published on 1 June 2021,⁴⁵² interpreted the provision concerning the power of attorney⁴⁵³ establishing that when bringing a case to the Court of Cassation, the lawyer has to expressly certify not only the client's signature on the specific power of attorney, but also that the date is posterior to the judgement appealed. The third Section of the Court, however, submitted a question regarding the constitutionality of the interpretation given to the provision by the United Sections to the Constitutional Court.⁴⁵⁴

The Constitutional Court, with Decision n. 13 of 2022, rejected the question and declared that said interpretation was in line with constitutional provisions.⁴⁵⁵

A direct effect of this provision was that, as mentioned, the inadmissibility decisions issued by the Court of Cassation in 2022 was very high and exceeded 70% of the total decisions.

In 2022, the Court of Cassation structured the collaboration with EUAA researchers in preparing periodic reviews of jurisprudence and started a collaboration with UNHCR relating to the circulation in Europe of most significant Italian rulings on international protection topics.⁴⁵⁶

In 2023, cooperation with the EUAA continued for the periodic review of jurisprudence on international protection.⁴⁵⁷

1.5 Legal assistance

Indicators: Regular Procedure: Legal Assistance

1. Do asylum seekers have access to free legal assistance at first instance in practice?

☐ Yes	☐ With difficulty	☒ No
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 - ❖ Does free legal assistance cover:

☐ Representation in interview
☐ Legal advice

2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?

☒ Yes	☐ With difficulty	☐ No
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 - ❖ Does free legal assistance cover

☒ Representation in courts
☒ Legal advice

1.5.1 Legal assistance at first instance

According to Article 16 of the Procedures Decree, asylum applicants may use legal assistance and representation during the first instance of the regular and prioritised procedure only at their own expenses.

In practice, asylum applicants are usually supported before and sometimes also during the personal interview by legal advisors or lawyers financed by NGOs or specialised assisting bodies where they work. Legal assistance provided by NGOs depends mainly on the availability of funds deriving from projects and public or private funding.

A distinction should be made between national public funds and those which are allocated by private foundations and associations. In particular, the main source of funds provided by the State is the National Fund for Asylum Policies and Services, financed by the Ministry of Interior. The Procedure Decree

⁴⁵² Court of Cassation, decision n. 15177 of June 2021, available in Italian at: <https://bit.ly/3Jf43TH>.

⁴⁵³ Art 35 bis c. 13 in the relevant part reads "The power of attorney for litigation for the proposition of the appeal for cassation must be conferred, under penalty of inadmissibility of the appeal, after the communication of the contested decree; to this end, the defender certifies the release date in his favour of the same power of attorney".

⁴⁵⁴ The III section Court of Cassation application is available – commented – at: <https://bit.ly/3tbN1jt>.

⁴⁵⁵ Constitutional Court, Decision n. 13 of 2022, available in Italian at: <https://bit.ly/36nS8Ec>.

⁴⁵⁶ Court of Cassation, report on administration of Justice in the year 2022, available at: bit.ly/3L5w2sn.

⁴⁵⁷ Court of Cassation, report on administration of Justice in the year 2023, Available at <https://11nq.com/IE4MP>., 124.

provides that the Ministry of Interior can establish specific agreements with UNHCR or other organisations with experience in assisting asylum applicants, with the aim of providing free information services on the asylum procedure as well on the revocation one and on the possibility to make a judicial appeal. These services are provided in addition to those ensured by the manager of the accommodation centres.⁴⁵⁸ However, a difference exists between first accommodation centres (CAS and governmental centres) and SAI system: for the first ones both the old tender specification schemes and the new ones published by Mol does no longer oblige to provide a legal information service independent from other areas of work; instead, currently legal information in CAS and governmental centres, the provision of legal counselling should be covered under the general area of social assistance, and overall left to the discretion of the managing body. Legal support is instead provided in SAI system (see [Forms and Levels of Material Reception Conditions](#)).

National funds are also allocated for providing information and legal counselling at official land, air, sea border points and in the places where migrants arrive by boat.⁴⁵⁹ In addition, some funds for financing legal counselling may also be provided from European projects / programmes or private foundations. However, it should be highlighted that these funds are not sufficient.

The lawyer or the legal advisor from specialised NGOs prepares asylum applicants for the personal interview before the determining authority, providing them with all necessary information about the procedure to follow, detailing which questions may be asked by the Territorial Commission members and supporting the asylum applicant in preparing to present relevant information concerning their personal account. Moreover, the lawyer or the legal advisor has a key role in gathering the information concerning the personal history of the applicant and country of origin information, and in drafting a report that, when necessary, is sent to the Territorial Commission, in particular with regard to vulnerable persons such as torture survivors. In this regard, the lawyer or the legal advisor may also inform the determining authorities of the fact that the asylum applicant is unfit or unable to undertake the personal interview so that the Commission may decide to omit or postpone it.

Lawyers may be present during the personal interview, but they do not play the same role as in a judicial hearing. The applicant has to respond to the questions and the lawyer may intervene to clarify some aspects of the statements made by the applicant.

Nevertheless, most asylum applicants go through the personal interview without the assistance of a lawyer since they cannot afford to pay for legal assistance and specialised NGOs have limited capacity due to lack of funds. Assistance during the administrative steps of the asylum procedure cannot be covered by free legal aid.

1.5.2 Legal assistance in appeals

With regard to the appeal phase, free state-funded legal aid (*patrocinio a spese dello Stato*), is provided by law to asylum applicants who declare an annual taxable income below a certain amount – in 2024 € 12,838 – and whose case is not deemed manifestly unfounded.⁴⁶⁰ Legal aid is therefore subject to a “means” and “merits” test.

The amount refers to the entire household and therefore includes the combined income off all cohabiting family members.

Lawyers or legal advisors intervening in international protection cases are not required to have followed any specific training.

Non-governmental organisations (NGOs) cannot provide legal assistance in the appeal procedure, as lawyers in Italy are not permitted to work as employees.

⁴⁵⁸ Article 10(2-bis) Procedure Decree.

⁴⁵⁹ Article 11(6) TUI.

⁴⁶⁰ Article 16(2) Procedure Decree.

Means test

The law specifies that in case of income acquired abroad, the foreigner needs a certification issued by the consular authorities of their country of origin.⁴⁶¹ However, the law prescribes that if the person is unable to obtain this documentation, they may alternatively provide a self-declaration of income.⁴⁶² Regarding asylum applicants, Article 8 PD 21/2015 clarifies that, in order to be admitted to free legal assistance, the applicant can present a self-declaration instead of the documents prescribed by Article 79 PD 115/2002.

Merits test

In addition, access to free legal assistance is also subject to a merits test by the competent Bar Association which assesses whether the asylum applicant's motivations for appealing are not manifestly unfounded.⁴⁶³ In the last years, including in 2024, no particular impediments were reported in accessing legal aid at this stage.

Moreover, it may occur that the applicant is initially granted free legal aid by a Bar Council but, as prescribed by law, the Court revokes the decision if it considers that the admission requirements assessed by the Bar Association are not fulfilled in the Court's view.⁴⁶⁴ The Court of Cassation has ruled that the withdrawal of legal aid may only be ordered after a concrete assessment of the circumstances of the case, fulfilling both criteria of being manifestly unfounded and gross negligence.⁴⁶⁵

LD 133/2023 has made access to free legal aid extremely difficult in cases related to subsequent applications, applications considered manifestly not founded and to decisions taken in accelerated procedures. Indeed, according to the new law, the judge has to withdraw free legal aid recognised to the applicant in case the Court ultimately rejects an appeal submitted against:

- ❖ a decision of inadmissibility related to a subsequent asylum request because no further evidence or elements were provided (Article 29);
- ❖ a decision of inadmissibility related to a subsequent asylum request considered to be submitted to avoid the execution of a removal order (article 29 bis procedure decree);
- ❖ a decision which rejects the asylum request as manifestly not founded.

However, in the decision, the judge can confirm granting of free legal aid explaining in the decision why the arguments brought with the appeal cannot be considered manifestly not founded.⁴⁶⁶

DL 133/2023 introduced other limits to the benefit of free legal aid. According to the law, the Court shall decide to cease free legal aid when:⁴⁶⁷

- ❖ It rejects the suspensive request included in an appeal submitted by an applicant coming from a safe country and who sought asylum directly at the border or in transit areas;
- ❖ It rejects the suspensive request included in an appeal submitted against a refusal taken by the Territorial Commission applying an accelerated procedure (Article 28 bis procedure decree), and the Questura informs the Court about the enforcement of the removal order before a final decision is taken. In these cases, the rules mentioned above on the limits to accessing free legal aid do

⁴⁶¹ Article 79(2) PD 115/2002.

⁴⁶² Article 94(2) PD 115/2002.

⁴⁶³ Article 126 PD 115/2002.

⁴⁶⁴ Article 136 PD 115/2002.

⁴⁶⁵ Court of Cassation, Decision 26661/2017, 10 November 2017.

⁴⁶⁶ Article 35-bis(17) Procedure Decree as amended by DL 133/2023, converted with amendments by L. 176/2023.

⁴⁶⁷ Article 35 bis / 17 bis) Procedure Decree introduced by DL 133/2023, converted with amendments by L. 176/2023.

not apply as the person is channelled in an accelerated procedure not due to reasons connected to their asylum claim, but rather for reasons of public security.⁴⁶⁸

The evaluation of the merits in order to grant legal aid at Cassation stage is generally stricter. A declaration of inadmissibility of the appeal constitutes reason to revoke legal aid. As many Cassation appeals are rejected on inadmissibility grounds, due to the formalism connected with such kind of proceedings, legal aid is often revoked once the case is rejected on these grounds.

Applicants who live in large cities have better chances to be assisted by specialised NGOs or legal advisors compared to those living in remote areas, where it is more difficult to find qualified lawyers specialised in asylum law. As discussed in the section on [Regular Procedure: Appeal](#), in the Italian legal system, the assistance of a lawyer is essential in the appeal phase.

2. Dublin

2.1 General

Dublin statistics: 1 January – 31 December 2024

Outgoing procedure				Incoming procedure			
	Requests	Accepted	Transfers		Requests	Accepted	Transfers
Total	7,926	n/a	47	Total	24,217	n/a	113

Outgoing Dublin requests by criterion: 2024			
Dublin III Regulation criterion	Request sent	Request accepted	Transfers
Take charge	1,648	n/a	34
Family unity*	8	n/a	3
Take charge" discretionary clause: Article 17 (1)	n/a	n/a	0
Take charge" humanitarian clause: Article 17(2)	n/a	n/a	28
Take back": Article 18 and 20(5)	6,278	n/a	13

*Dublin Unit refers to family unity procedure not specifying if it refers to Article 8, 9, 10 or 11.

⁴⁶⁸ This provision does not apply to the cases ruled by Article 28 bis (1 lett. b), related to applicants under a criminal procedure, and to applicants detained according to Article 6 (2, lett. a, b, c) of the Reception Decree. They correspond to the following cases; a) He or she falls under the exclusion clauses laid down in Article 1F of the 1951 Convention, following a decision of the CNDA; or under Article 12 (1, b, c) and under Article 16 of the Qualification Decree; b) Is issued an expulsion order on the basis that he or she constitutes a danger to public order or state security; c) the applicant may represent a danger for public order and security.

Incoming Dublin requests by criterion: 2024			
Dublin III Regulation criterion	Request sent	Request accepted	Transfers
Take charge	17,526	n/a	113
Family unity**	101	n/a	48
Take charge" discretionary clause: Article 17 (1)	n/a	n/a	0
Take charge" humanitarian clause: Article 17(2)	n/a	n/a	68
Take back": Article 18 and 20(5)	6,691	n/a	0

Source: Ministry of Interior, Dublin Unit.

*Transfers refers to the number of transfers implemented, not to the number of transfer decisions.

** Dublin Unit refers to family unity procedure not specifying if it refers to Article 8, 9, 10 or 11.

In 2024, there were 7,926 total requests sent in the outgoing procedure, and 47 were the transfers, out of which: 3 for family procedure, 28 for humanitarian clause, Article 17(2), and 13 in the take back procedure.

Regarding the incoming procedure, 24,217 requests (including both take charge and take back requests) were received by Italy, which marked a significant decrease when compared to the 35,563 incoming requests Italy received in 2023. Regarding transfers, it is relevant to note that no transfers took place in the take back procedure, probably due to the general suspension of transfers communicated by Italy to the other countries on 5 December 2022 and still maintained for 2024. It seems that this communication did not totally affect the take charge procedure: 48 transfers were realised based on the family procedure and 68 based on the humanitarian clause (Article 17(2)).⁴⁶⁹

On 5 December 2022, the Italian Dublin Unit issued a letter to other countries bound by the Dublin system, informing that from the following day incoming transfers to Italy would be suspended due to the absence of places in the reception system. Italy specified that the suspension would not affect the reunification procedures for minors.

In an August 2023 reply to a request from the Danish Refugee Appeals Board, the Italian authorities informed the Danish Immigration Service that the country was experiencing a significant increase in the number of asylum applicants in the country, which put the national reception system under pressure. On 8 September 2023, the Board submitted preliminary questions to the CJEU, requesting clarifications about the impact of a Member State (in this case Romania)'s temporary suspension of transfers on the six-month time limit under Article 29 of the Dublin Regulation.⁴⁷⁰ There is currently still no decision by the CJEU in the case.⁴⁷¹

The state of emergency in Italy was extended on 10 October 2024.⁴⁷²

⁴⁶⁹ Response of the Dublin Unit to the public access information request sent by ASGI.

⁴⁷⁰ See for reference: AIDA Dublin statistical update, available [here](#), pp. 22-23.

⁴⁷¹ The case is registered before the court as case C-560/23, Tang, and its progress can be checked [here](#).

⁴⁷² Delibera del Consiglio dei Ministri del 10 ottobre 2024 - Proroga dello stato di emergenza in conseguenza dell'eccezionale incremento dei flussi di persone migranti in ingresso sul territorio nazionale attraverso le rotte migratorie del Mediterraneo, published on 11 November 2024, available [here](#).

2.1.1. Application of the Dublin criteria

Family unity

The Dublin Unit tends to use circumstantial evidence for the purpose of establishing family unity such as photos, reports issued by the caseworkers, UNHCR's opinion on application of the Dublin Implementing Regulation, and any relevant information and declarations provided by the concerned persons and family members.

According to the information provided by the Ministry of Interior, in 2024, the number of incoming requests related to family unity were 101, and the realised transfers based on family criteria were 48. In the outgoing procedure, the requests related to family unity were 8 and the transfers were 3.⁴⁷³

Family unity involving unaccompanied minors

From 2019 to 2023, UNHCR Italy together with the social cooperative Cidas run the EFRIS European Family Reunion Innovative Strategies project with the aim of improving the effectiveness of family reunification procedures for unaccompanied foreign minor asylum applicants under the Dublin III Regulation.⁴⁷⁴ The project staff has drawn up and disseminated Guidelines for operators,⁴⁷⁵ containing operating procedure standards and best practices for family reunification of minors under the Dublin III Regulation and Multilingual information leaflets (in Pashto, Tigrinya, Italian, Urdu, Somali, Farsi, English, French, Arabic) aimed at providing unaccompanied minors with information on the right to family unity and on family reunification under the Dublin procedure.⁴⁷⁶

Article 2(2)(c) of Presidential Decree No. 231/2023 assigns the Ministry of Labour a coordinating and supporting role, working in collaboration with the competent authorities to facilitate the exchange of information aimed at identifying family members of unaccompanied foreign minors. This includes identification efforts in the minors' countries of origin or in third countries, through the conclusion of specific agreements with appropriate national and international bodies. As specified in the Ministry of Labour's report, this information is also used to assess the possibility a family reunification pursuant to Dublin Regulation.

Between 1 January 2024 to 30 June 2024, based on the requests received, the IOM was asked to carry out 64 family tracing investigations in the countries of origin of the minors or in third countries. These investigations mainly concerned minors from Tunisia, Albania, Kosovo, Egypt and Morocco.⁴⁷⁷

Outgoing procedure involving minors

According to the reports published by the Ministry of Labour,⁴⁷⁸ in 2024 only 5 minors asked to be reunited with family members present in other States, all of them between January and June 2024. 3 requests were based on Article 8 and 2 on Article 17(2).

3 minors requested reunification with a family member residing in France, 1 minor with a family member residing in Norway and one with a family member residing in Austria.

⁴⁷³ Response of the Dublin Unit to the public access information request sent by ASGI.

⁴⁷⁴ Project webpage, available at: <https://bit.ly/3kxuY24>.

⁴⁷⁵ Guidelines available at: <https://bit.ly/3vwqe34>.

⁴⁷⁶ Multilingual materials accessible and downloadable at: <https://bit.ly/3OS7P8I>.

⁴⁷⁷ Ministry of Labour, Monitoring six months report on unaccompanied foreign minors, 30 June 2024, available [here](#).

⁴⁷⁸ Ministry of Labour, Monitoring six months report on unaccompanied foreign minors, 31 December 2024, available [here](#); and Ministry of Labour, Monitoring six months report on unaccompanied foreign minors, 30 June 2024, available [here](#).

Regarding the degrees of kinship, 3 minors applied to be reunited with a parent, 1 minor with a sister and another with an aunt.⁴⁷⁹

Regarding the age of minors, 3 minors were between 14 and 17 years old, while 2 were under 14.

The breakdown of outgoing requests of unaccompanied children in 2024 was as follows:

Outgoing procedure of children under the Dublin family reunification in 2024	
Country requested	Number of requests
France	3
Norway	1
Austria	1

Source: Ministry of Labour, Monitoring report on unaccompanied foreign minors, 30 June 2024, available [here](#).

Incoming procedure involving minors

According to the reports published by the Ministry of Labour,⁴⁸⁰ 90 incoming requests involving minors were managed in 2024. Out of these, 78 were based on Articles 8 and 12 were based on the humanitarian clause (Article 17(2)). Out of the incoming requests based on Article 8, 33 minors were transferred to Italy. Out of the 90 requests, 86 incoming requests came from Greece. The remaining: 1 from Cyprus, 1 from Bulgaria, 1 from Croatia and 1 from Switzerland.

2.1.2. The discretionary clauses

For 2024, the Italian Dublin Unit, replying to a FOIA request submitted by ASGI, stated that ‘the discretionary clause (Article 17(1)) was never applied, neither in the outgoing procedure nor in the incoming procedure.

The humanitarian clause (Article 17(2)) was applied 28 times in the outgoing procedure (in 2 cases it involved minors) and 68 in the incoming procedure (in 12 cases it involved minors).

In 2021 and 2022, many Civil Courts – including that of Rome – suspended decisions related to the principle of *non-refoulement* pending the CJEU preliminary rulings on questions raised by some courts regarding Article 17 (1) of the Dublin Regulation. The Civil Courts of Rome and Florence had asked the CJEU to clarify if Courts are entitled to order the application of the sovereignty clause in cases where the non-refoulement principle could be violated because the applicant could be ultimately repatriated to their country of origin, considered unsafe. In both cases, the applicants were Afghan citizens who appealed against transfers to, respectively, Germany and Sweden, where their asylum application had already been rejected. They claimed that the execution of their transfer would expose them to irreparable damage because of the consequent repatriation to Afghanistan.⁴⁸¹

The CJEU published its judgement on 30 November 2023⁴⁸² and, recalling the principle of mutual trust, affirmed that the difference in the assessment by the requesting Member State, on the one hand, and the Member State responsible, on the other, regarding the existence of the conditions for protection, is not, in principle, relevant for the purposes of reviewing the validity of the transfer decision. Therefore, the Court

⁴⁷⁹ Ministry of Labour, Monitoring six months report on unaccompanied foreign minors, 30 June 2024, available [here](#).

⁴⁸⁰ Ministry of Labour, Monitoring six months report on unaccompanied foreign minors, 31 December 2024, available [here](#); and Ministry of Labour, Monitoring six months report on unaccompanied foreign minors, 30 June 2024, available [here](#).

⁴⁸¹ Court of Justice of the European Union joined cases, Case C-254/21 and C-297/21, together with Cases C-228/21, C-328/21 and C-315/21 on information obligations (Articles 4 and 5 of the Dublin Regulation).

⁴⁸² Court of Justice of European Union, *Ministero dell'Interno (Brochure commune - Refoulement indirect)*, joined cases, Case C-254/21 and C-297/21, together with Cases C-228/21, C-328/21 and C-315/21, available at: <https://bit.ly/3ThqbnN>.

observed that the Dublin III Regulation objectives 'preclude the court examining the transfer decision from carrying out a substantive assessment of the risk of refoulement in the event of return'.⁴⁸³

For this reason, the CJEU concluded that the Dublin Regulation and the Charter' must be interpreted as meaning that the court or tribunal of the requesting Member State, hearing an action challenging a transfer decision, cannot examine whether there is, in the requested Member State, a risk of infringement of the principle of *non-refoulement* to which the applicant for international protection would be exposed during his or her transfer to that Member State or thereafter where that court or tribunal does not find that there are, in the requested Member State, systemic flaws in the asylum procedure and in the reception conditions for applicants for international protection. Differences of opinion between the authorities and courts in the requesting Member State, on the one hand, and those of the requested Member State, on the other hand, as regards the interpretation of the material conditions for international protection do not establish the existence of systemic deficiencies.

On the other hand, with regard specifically to the sovereignty clause (Article 17(1) Dublin Regulation), the CJEU separates two hypotheses stating that:

- 1) 'Article 17(1) of the Dublin III Regulation, read in conjunction with Article 27 of that regulation and with Articles 4, 19 and 47 of the Charter, must be interpreted as not requiring the court or tribunal of the requesting Member State to declare that Member State responsible where it disagrees with the assessment of the requested Member State as to the risk of refoulement of the person concerned'; and that
- 2) Due to the optional nature of the provisions of Article 17(1) of the Dublin III Regulation, 'If there are no systemic flaws in the asylum procedure and in the reception conditions for applicants for international protection in the requested Member State during the transfer or thereafter, nor can the court or tribunal of the requesting Member State compel the latter to examine itself an application for international protection on the basis of Article 17(1) of the Dublin III Regulation on the ground that there is, according to that court or tribunal, a risk of infringement of the principle of non-refoulement in the requested Member State'.

As immediately highlighted by a legal study,⁴⁸⁴ there is no coincidence between the words used by Court for the two hypotheses set out regarding Article 17(1): the expressions "not requiring" and "cannot compel". This difference allows the Court to highlight the existence of the judge's ability to apply the clause. As this study highlights, the express reference to the judge - and not generically to the Member State - as the body that can arrange for the application of the clause is particularly relevant.

Following the CJEU decision, the civil courts started resuming the examination of the cases suspended pending this decision.

- ❖ The Civil Court of Bologna, on 20 February 2024, gave the Dublin Unit additional time to consider the possibility to apply the sovereignty clause due to the extraordinary circumstance of the long time passed waiting for the CJEU decision, postponing the court's decision to after the Dublin Unit's decision.⁴⁸⁵
- ❖ The Civil Court of Rome, considering the long duration of the procedure for determining the responsible State, due to the wait for the CJEU decision, decided to apply the sovereignty clause and declared the Italian responsibility to the exam of the asylum request of the applicant, also considering his integration in Italy.⁴⁸⁶
- ❖ The Civil Court of Trento, on 29 February 2024, decided to apply the sovereignty clause and established the Italian responsibility to examine the asylum request of the applicant. The Court took into account the long time spent in Italy by the applicant awaiting the Court's decision,

⁴⁸³ Ibid, par. 141.

⁴⁸⁴ See *Nel nome della fiducia reciproca! La Corte di Giustizia si pronuncia sul rischio di refoulement indiretto nei trasferimenti Dublin: l'unica (e sempre più restrittiva) eccezione delle carenze sistemiche e le (limitate) prerogative del giudice nazionale*, by Marcella Ferri, researcher in European Union Law at the Department of Law of the University of Florence, in Eurojus, Fascicolo n. 1 - 2024 available at: <https://bit.ly/3uVrXl6>.

⁴⁸⁵ Civil Court of Bologna, decision of 20 February 2024.

⁴⁸⁶ Civil Court of Rome, decision of 21 February 2024.

suspended awaiting the CJEU's decision, and his personal vulnerabilities which emerged during the appeal and had not been considered by the Italian government for the recognition of the complementary national protection, which could be recognised considering the applicant's origin from the Azad Kashmir (Bhimber, Pakistan).⁴⁸⁷

- ❖ On 11 March 2024, the Civil Court of Florence decided to recognise the importance of the applicant's social path by considering the elements for the recognition of national protection and therefore for the application of the discretionary clause referred to in art. 17 (1) of the Regulation.⁴⁸⁸ On 9 April 2025, the same Court upheld the appeal of an asylum applicant declaring Italy responsible for examining the application. The Court considered the long time spent waiting for the CJEU's decision during which the proceedings had been suspended, contrary to the speed requirements established by the regulation.⁴⁸⁹

The United Sections of the Court of Cassation, with the decision no. 935 of 2025, stated that the right to national protection can represent a reason for challenging the transfer decree adopted pursuant to the Dublin Regulation, and that the right to national protection is also one of the reasons on which the judge can order the State to exercise the discretionary clause (Article 17 (1) of the Dublin III Regulation).⁴⁹⁰

On 5 May 2025, the Court of Cassation, with decision no. 11713/2025 also highlighted that, in Italy, the national protection has to be ensured in case of expulsion there is a risk of persecution or risk of torture or inhuman treatment or when constitutional and international obligations in theme of fundamental human rights apply. Therefore, if the applicant has highlighted in the appeal reasons why he or she would be entitled to national protection, the judge can evaluate the tacit refusal by the State to exercise the sovereignty clause and evaluate whether this refusal constitutes a violation of the right to national protection.⁴⁹¹

2.2 Procedure

Indicators: Dublin: Procedure

1. Is the Dublin procedure applied by the authority responsible for examining asylum applications?
☐ Yes ☒ No
2. On average, how long does a transfer take after the responsible Member State has accepted responsibility?
 Not available

The staff of the Italian Dublin Unit significantly increased in 2018 and benefitted from the support of EASO personnel, mainly in relation to outgoing requests, family reunification and children.

Decree Law 113/2018 envisaged the creation of up to three new territorial peripheral units of the Dublin Unit, to be established by Decree of the Ministry of Interior in identified Prefectures.⁴⁹² However, no peripheral units have been implemented since 2020, including in 2024.

All asylum applicants are photographed and fingerprinted (*fotosegnalamento*) by Questure who systematically store their fingerprints in Eurodac. When there is a Eurodac hit, the police contact the Italian Dublin Unit within the Ministry of Interior. After the registration of the asylum application or after the lodging of the asylum application, on the basis of the information gathered and if it is considered that the Dublin Regulation should be applied, the Questura transmits the pertinent documents to the Dublin Unit which examines the criteria set out in the Dublin Regulation to identify the Member State responsible.

Since December 2017, a specific procedure has been implemented in Questure of **Friuli-Venezia Giulia** region, on the basis that most asylum applicants arriving in this region from Nordic countries or the Balkan route fall under the Dublin Regulation. ASGI has witnessed cases where the Questure fingerprinted persons seeking asylum in the region as persons in "irregular stay" ("Category 3") in the Eurodac

⁴⁸⁷ Civil Court of Trento, decision of 29 February 2024.

⁴⁸⁸ Civil Court of Florence, decision of 11 March 2024.

⁴⁸⁹ Civil Court of Florence, decision of 9 April 2025.

⁴⁹⁰ Court of Cassation, United Sections, decision no. 935 of 15 January 2025, available in Italian [here](#).

⁴⁹¹ Court of Cassation, decision no. 11713/2025 of 5 May 2025.

⁴⁹² Article 3(3) Procedure Decree, as amended by Article 11 Decree Law 113/2018.

database,⁴⁹³ instead of “applicants for international protection” (“Category 1”).⁴⁹⁴ The Dublin Unit therefore justified, even in court proceedings, the implementation of the Dublin transfer prior to the lodging of the application on the basis that no asylum application had been made; it should also be noted that “Category 3” fingerprints are not stored in the Eurodac database.⁴⁹⁵

Since 2020 and including 2024, this practice has not been recorded by ASGI.

In 2021, the Civil Court of Trieste and the Court of Cassation requested, pursuant to Article 267 of the TFEU, that the European Court of Justice give a preliminary ruling to clarify the scope of information obligations and the effects of their violation on judicial proceedings.⁴⁹⁶ The CJEU then published its judgement on 30 November 2023⁴⁹⁷ (see [Personal interview](#)).

2.2.1 Individualised guarantees

The Dublin Unit systematically issues outgoing requests to all countries where potential responsibility criteria are triggered. There are no reports of cases where the Dublin Unit has requested individual guarantees before proceeding with a transfer, even in the case of vulnerable persons.

In some cases, the Dublin Unit was not informed about vulnerability by Questura. This may be related to the fact that personal interviews provided by Article 5 of the Dublin regulation are not properly conducted or they are not conducted at all (see below [Personal interview](#)).

2.2.2 Transfers

In case another Member State is considered responsible under the Dublin Regulation, the asylum procedure in Italy is terminated.⁴⁹⁸ The Dublin Unit issues a decision that is transmitted to the applicant through the Questura, mentioning the country to which the asylum applicant will be returned and the modalities for appealing against the Dublin decision.⁴⁹⁹ Afterwards, the Questura arranges the transfer. The applicants must then present themselves at the place and date indicated by the Questura.

Where an appeal is lodged against the transfer decision, the six-month time limit for a transfer starts running from the rejection of the request for suspensive effect, otherwise from the court’s decision on the appeal itself if suspension had been requested and granted.⁵⁰⁰ Since the practical organisation of the transfer is up to the Questura, it is difficult to indicate the average time before a transfer is carried out. The length of the Dublin procedure depends on many factors, including the availability of means of transport, the personal condition of the person, whether the police need to accompany the person concerned etc. However, according to information collected by ASGI, the Questura manage to organise the transfer within 6 months only in a limited number of cases. Also, in case applicants abscond and do not present themselves for the transfer, the Italian authorities often ask the responsible Member State for an extension of the deadline up to 18 months, as envisaged under Article 29(2) of the Dublin Regulation.

In a case decided by the Civil Court of Trieste after the submission of an urgent appeal by an asylum applicant who was asked to present himself for the transfer to Romania 12 months after Romania’s acceptance of the take back request, the Court stated that the Questura of Trieste and the Italian Dublin Unit had unjustifiably considered the applicant unreachable and consequently applied the extension of

⁴⁹³ Article 17 Eurodac Regulation.

⁴⁹⁴ Article 9 Eurodac Regulation.

⁴⁹⁵ Article 17(3) Eurodac Regulation.

⁴⁹⁶ Court of Cassation, decision no. 8668 of 23 February - 29 March 2021.

⁴⁹⁷ Court of Justice of European Union, *Ministero dell’Interno (Brochure commune - Refoulement indirect)*, joined cases, Case C-254/21 and C-297/21, together with Cases C-228/21, C-328/21 and C-315/21, available at <https://bit.ly/3ThqbnN>.

⁴⁹⁸ Article 30(1) Procedure Decree.

⁴⁹⁹ Presently, even though L 46/2017 has recognised the jurisdiction of the Civil Court of Rome and stated that the appeal has to be lodged within 30 days, many decisions still direct people to appeal before the Administrative Court of Lazio within 60 days.

⁵⁰⁰ Article 3(3-octies) Procedure Decree, as amended by L 46/2017.

the terms allowed up to 18 months by Article 29(2) of the Dublin Regulation because the applicant, who was still accommodated in a reception centre, had missed only one appointment scheduled by the police station but not the previous ones or the subsequent ones. The Court, recalling the duty of cooperation of the asylum seeker who must communicate changes in the place of domicile, which had never changed in the specific case, and taking into account that the concept of unavailability is different from the concept of risk of absconding required by the Dublin Regulation as the latter requires a more onerous evidentiary burden, consisting in the unequivocal demonstration of the desire to escape searches by the authorities, declared that the Dublin procedure had to be considered closed 6 months after the take back acceptance from Romania and consequently the responsibility of the Italian State to examine the asylum application.⁵⁰¹

At the same time, the applicant was affected by a withdrawal of reception conditions due to failure to present himself for the transfer. The appeal before the Friuli Venezia Giulia Regional Administrative Court against the revocation is still pending as of April 2025.

The applicant usually waits for months without knowing if the Dublin procedure has started, to which country a request has been addressed and the criteria on which it has been laid down. In most cases, it is only thanks to the help of NGOs providing adequate information that asylum applicants are able to go through the whole Dublin procedure. When necessary, NGOs contact the authorities to obtain the required information.

According to the data published by the Ministry of Labour in 2017, the time period between a “take charge” request for unaccompanied children and its acceptance by the destination country was 35 days on average, while it was on average 46 days between the acceptance of the request and the actual transfer of unaccompanied children.⁵⁰² According to ASGI’s experience, the duration of the procedure is much longer in practice, and the procedure may last over one year. As previously mentioned, in 2021, more than half of the practices required more than a year for definition in the outgoing procedure. In 2022, 2023 and 2024 no significant changes were recorded in most cases.

Law 50/2023, which came into force on 5 May 2023 converting with amendments DL 20/2023, introduced the possibility to detain asylum applicants during the Dublin procedure.

The new Article 6-ter of the Reception Decree foresees the possibility to detain asylum applicants awaiting the Dublin transfer when there is a significant risk of absconding and unless alternative measures to detention can apply.⁵⁰³ The risk is assessed on a case-by-case basis and can be considered to exist when the applicant has escaped a first transfer attempt or when one of the following conditions occurs;

1. lack of a travel document;
2. lack of a reliable address;
3. failure to present to the authorities;
4. lack of financial resources;
5. systematic false declarations about personal data.

Detention cannot last beyond the time strictly necessary for the execution of the transfer. The detention validation decision allows a stay in the centre for a total period of six weeks. In the event of serious difficulties concerning the execution of the transfer, the judge, upon request from the Questore, can extend detention for a further 30 days, up to a maximum of further 12 days. Before the expiry of this term, the Questore can carry out the transfer by notifying the judge without delay.⁵⁰⁴

⁵⁰¹ Civil Court of Trieste, decision of 30 December 2024, available in Italian [here](#).

⁵⁰² Ministry of Labour, *I minori stranieri non accompagnati in Italia*, 31 December 2017, available in Italian at: <http://bit.ly/2FvU6Aj>, 14.

⁵⁰³ Article 6 ter (1) of the Reception Decree introduced by L. 50/2023 converting into law with amendments the DL 20/2023.

⁵⁰⁴ Article 6 ter (2 and 3) of the Reception Decree introduced by L. 50/2023 converting into law with amendments the DL 20/2023.

In a case decided on 19 August 2023 by the Civil Court of Trieste, the detention was validated by taking into account that the asylum applicant was “homeless, moving along the national territory without financial resources, and was the recipient of multiple criminal complaints”.⁵⁰⁵

In a case decided on 16 January 2025, the Court of Appeal of Trieste decided not to validate the detention of an asylum applicant who had already sought asylum in Belgium, as detention started even before a transfer request was issued and sent to Belgium. According to the Court the conditions laid down in Article 6 ter Reception Decree were not met.⁵⁰⁶

2.3 Personal interview

Indicators: Dublin: Personal Interview

☐ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the Dublin procedure?
☐ Yes ☒ No
❖ If so, are interpreters available in practice, for interviews? ☐ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

Except for the lodging of the asylum application by the competent Questura, personal interviews of asylum applicants are rarely envisaged during the Dublin procedure.

In 2021 and 2022, many Courts suspended Dublin transfers pending the CJEU’s preliminary rulings raised by Courts regarding information obligations. The Court of Cassation,⁵⁰⁷ the Civil Court of Trieste⁵⁰⁸ and the Civil Court of Milan⁵⁰⁹ had asked the CJEU to clarify if a violation of the information obligations foreseen by Articles 4 and 5 of the Dublin Regulation should always cause cancellation of the transfer or if such cancellation could be ordered only when the applicant proves how the fulfilment of the information obligations and consequently their participation in the procedure could have changed the procedure.⁵¹⁰ The CJEU decision started out by stating that the obligation to provide the information under Articles 4 and 5 of the Dublin III Regulation and Article 29 of the Eurodac Regulation “applies both in the context of a first application for international protection and a take charge procedure, under Article 20(1) and Article 21(1) of Regulation No 604/2013 respectively, as well as in the context of a subsequent application for international protection and a situation, as that covered by Article 17(1) of Regulation No 603/2013, capable of giving rise to take back procedures under Article 23(1) and Article 24(1) of Regulation No 604/2013”.

Then, the Court clarified the existence of different consequences in case of the infringement of Article 4 (common leaflet) or Article 5 (individual interview). According to the Court:

- ❖ A Dublin transfer decision should be annulled in case of an appeal calling into question the absence of the personal interview provided for in Article 5, unless the national legislation allows the person concerned, in the context of that appeal, to set out in person all their arguments against that decision at a hearing which complies with the conditions and safeguards laid down in the latter article, and those arguments do not have sufficient weight to alter that decision.
- ❖ In case on an appeal calling into question the violation of Article 4 (common leaflet not provided), the national court responsible for assessing the lawfulness of the transfer decision may order that the decision be annulled only if it considers, in the light of the factual and legal circumstances of the case, that the failure to provide the common leaflet, notwithstanding the fact that the personal

⁵⁰⁵ Civil Court of Trieste, decision of 19 August 2023.

⁵⁰⁶ Court of Appeal of Trieste, decision of 16 January 2025.

⁵⁰⁷ Case C-228/21.

⁵⁰⁸ Case C-328/21.

⁵⁰⁹ Case C-315/21.

⁵¹⁰ See also A. Di Pascale, Garanzie informative e partecipative del richiedente protezione internazionale e limiti al sindacato giurisdizionale nella procedura di ripresa in carico di cui al reg. (UE) n. 604/2013. Nota a margine dei rinvii pregiudiziali alla Corte di giustizia, in *Diritto Immigrazione e Cittadinanza*, Fascicolo 3/2021 available in Italian at: <https://bit.ly/3y5O9IC>.

interview has taken place, actually deprived that person of the possibility of putting forward their arguments, to the extent that the outcome of the administrative procedure in respect of that person could have been different.

In practice, this means that failure to provide the common leaflet cannot lead to the annulment of the transfer unless the appellant demonstrates how the absence of information concretely affected the Dublin procedure and altered it. Instead, the personal interview is considered an essential phase which, if omitted, must in any case be made up for during the trial by listening directly to the appellant. This, in the Italian context where the interview is often omitted or inconsistent and the court proceedings are mostly written, could take on an important meaning in pending and future trials.⁵¹¹

On 3 April 2024, the Court of Cassation, recalling the CJEU decision, stated that “where the specific information obligations are not fulfilled, in light of the hearing carried out and the information resulting from the allegations and productions of the administrative authority, burdened with proof, the transfer decision must be annulled”.⁵¹²

During 2024, some Civil Courts, such as the one of Bologna, ordered to listen to asylum applicants in cases where the information duties had been not fulfilled by Questure.

2.4 Appeal

Indicators: Dublin: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the Dublin procedure?

❖ If yes, is it

❖ If yes, is it suspensive

☒ Yes

☒ Judicial

☒ Yes

☐ No

☐ Administrative

☐ No

Asylum applicants are informed of the determination of the Dublin Unit concerning their “take charge” / “take back” by another Member State at the end of the procedure when they are notified through the Questura of the transfer decision. Asylum applicants may be informed of the possibility to lodge an appeal against this decision generally by specialised NGOs.

According to the Procedures Decree, an applicant may appeal the transfer decision before the Civil Court within 30 days of the notification of the transfer.⁵¹³

The assistance of a lawyer is necessary for the lodging of an appeal, but the applicant can apply for free legal aid.

Decree Law 13/2017, implemented by L 46/2017 designated the specialised section of the Civil Courts as competent to decide on appeals against transfer decisions.⁵¹⁴

- ❖ In case applicants are accommodated when notified about the transfer decision, territorial jurisdiction is determined based on where the centres are located and therefore fall within the specialised sections of the territorially competent Civil Courts.⁵¹⁵
- ❖ In case of appeals brought by people not accommodated at the time they were notified with the transfer decision, jurisdiction is that of the Civil Court of Rome.

Suspensive effect

⁵¹¹ Court of Justice of European Union, *Ministero dell'Interno (Brochure commune - Refoulement indirect)*, joined cases, Case C-254/21 and C-297/21, together with Cases C-228/21, C-328/21 and C-315/21, available at: <https://bit.ly/3ThqbnN>.

⁵¹² Court of Cassation, decision of 3 April 2024, no. 12162/2024. Similarly, see Court of Cassation, decision of 17 April 2024, available at <https://acesse.dev/ipbCH>.

⁵¹³ Article 3(3-ter) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

⁵¹⁴ Article 3(3-bis) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

⁵¹⁵ According to the rule provided in Article 4(3) Decree Law 13/2017, as amended by L 46/2017, this also applies to asylum appeals as it generally refers to “accommodated applicants”.

Article 3 of the Procedure Decree does not unequivocally provide that the transfer is suspended until the time limit for lodging an appeal expires. It states that the lodging of the appeal automatically suspends the transfer if an application for suspension is included in the appeal.⁵¹⁶ According to ASGI, this should be interpreted in the sense that transfers may be carried out only once the time limit for an appeal has elapsed without an appeal being filed or with an appeal not indicating a request for suspension. In practice, to ASGI's knowledge, in 2024, as in the previous five years, the Questure waited for the 30-day deadline for lodging the appeal to expire before proceeding with the organisation of the transfer.

According to the law, the Court should decide on the application for suspensive effect within 5 days and notify the parties of the decision. The parties then have 5 days to present submissions and 5 days to reply thereto. In this case, the Court must issue a new, final decision, confirming, modifying or revoking its previous decision.⁵¹⁷ In ASGI's experience, the Civil Courts have never complied with these deadlines since 2020, including in 2024.

The appeal procedure is mainly written. Within 10 days of the notification of the appeal, the Dublin Unit must file the documentation on which the transfer decision is based and, within the same time limit, may file its own submissions. In the following 10 days, the applicant can in turn make submissions.⁵¹⁸ The court will set a hearing only if it considers it useful for the purposes of the decision.⁵¹⁹

The decision must be taken within 60 days from the submission of the appeal and can only be appealed before the Court of Cassation within 30 days. The Court of Cassation should decide on the appeal within 2 months from the lodging of the onward appeal.

The appeal brought before the Court of Cassation has no suspensive effect and the law does not expressly provide for the possibility of requesting such a suspension. On 2 September 2022, the Civil Court of Rome accepted the urgent appeal submitted by an asylum applicant whose appeal against the Dublin transfer to Austria had been accepted in 2021 and who, after one year and half, was still waiting for Italy's declaration on having competence to examine his asylum request. The Civil Court rejected the arguments presented by the Dublin Unit, according to which the submission of an appeal before the Court of Cassation in the Dublin procedure would entail the automatic suspension of the procedure itself.⁵²⁰

2.5 Legal assistance

Indicators: Dublin: Legal Assistance

☐ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?

☐ Yes	☐ With difficulty	☒ No
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 - ❖ Does free legal assistance cover:

☐ Representation in interview
☐ Legal advice

2. Do asylum seekers have access to free legal assistance on appeal against a Dublin decision in practice?

☒ Yes	☐ With difficulty	☐ No
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 - ❖ Does free legal assistance cover

☐ Representation in courts
☐ Legal advice

The same law and practices described under the section on [Regular Procedure: Legal Assistance](#) apply to the Dublin procedure regarding legal assistance, including the merits and means tests.

⁵¹⁶ Article 3(3-quater) and (3-octies) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

⁵¹⁷ Article 3(3-quater) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

⁵¹⁸ Article 3(3-quinquies) and (3-sexies) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

⁵¹⁹ Article 3(3-septies) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

⁵²⁰ Civil Court of Rome, Decision of 2 September 2022, available at: [bit.ly/3KHoCMa](https://www.asgi.it/bit.ly/3KHoCMa).

2.6 Suspension of transfers

Indicators: Dublin: Suspension of Transfers

1. Are Dublin transfers systematically suspended as a matter of policy or jurisprudence to one or more countries? ☐ Yes ☒ No
❖ If yes, to which country or countries?

There is no official policy on systematic suspension of Dublin transfers to other countries.

As in the previous years, most asylum applicants concerned have submitted appeals, leading to transfers being suspended by the courts, while others have become untraceable.

In some cases, Courts annulled the transfers or suspended them, but all the decisions were based on an individual exam of the applicant's appeal.

Greece: Based on ASGI's observations, no Dublin transfers to Greece were carried out in 2020 and 2021, nor in 2022, 2023 and 2024.

Hungary: In late September 2016, the Council of State annulled a transfer to Hungary, defining it as an unsafe country for Dublin returns. The Council of State expressed concerns on the situation in Hungary, considering measures such as the planned construction of an "anti-immigrant wall" expressing the cultural and political climate of aversion to immigration and to the protection of refugees; the option of discontinuing an asylum application if the applicants leave their residence designated for more than 48 hours without permission and the extension of the detention period of asylum applicants.⁵²¹

Romania: in October 2022, the Civil Court of Rome annulled an applicant's transfer to Romania according to Article 3(2) of the Dublin Regulation and to Article 4 of the EU Charter of Fundamental Rights, considering the systemic deficiencies existing in that country. The Court observed that the country was already unprepared to accommodate asylum applicants before the Ukrainian crisis and that with the arrival of thousands of people from Ukraine the situation reached an extremely critical level.⁵²²

On 12 January 2023, the Civil Court of Rome annulled the transfer of an asylum applicant to Romania, on the basis of the Article 29 of the Regulation. According to the Court, the terms for the transfer (6 months) had to be considered expired since it could not apply the longer term of 18 months, valid according to the Dublin Unit, because the applicant could not be considered untraceable: indeed, according to the Court, there was no proof that the applicant had been searched for by the authorities. Moreover, the court confirmed its previous orientation, considering Romania unsafe, as according to the Court the Romanian reception system presents, today, critical issues due to the crisis originated by the war in Ukraine, with thousands of refugees and an exponential increase in requests for protection.⁵²³

On 1 July 2024, the Civil Court of Rome annulled the transfer on an asylum applicant to Romania, considering that, due the deficiencies in the accommodation system and in procedural guarantees, the transfer to Romania was in conflict with the art. 3(2) of the Dublin Regulation and with art. 4 of the Charter of Fundamental Rights of the European Union, not guaranteeing with certainty or, in any case, beyond any reasonable doubt, respect for the applicant's fundamental rights in that State.

Slovenia: on 21 February 2023, the Civil Court of Rome cancelled a transfer to Slovenia on the basis of Article 3(2) of the Dublin Regulation considering that, as reported by many NGOs and highlighted in the AIDA report, the country could not be considered a safe country due to the pushbacks and readmission practices, to the obstacles in accessing the asylum procedure, to the detention measures often applied to asylum applicants, to the detention conditions and to the obstacles for asylum applicants to be properly represented by lawyers during the asylum procedure.⁵²⁴

⁵²¹ Council of State, Decision 4004/2016, 27 September 2016, available in Italian at: <http://bit.ly/2kWIO1d>.

⁵²² Civil Court of Rome, Decision of 13 October 2022

⁵²³ Civil Court of Rome, Decision of 12 January 2023, available at: bit.ly/3lyzWaH.

⁵²⁴ Civil Court of Rome, Decision of 21 February 2023.

Germany: on 3 November 2022, the Civil Court of Bologna cancelled a transfer to Germany on the basis of Article 3(2) of the Dublin Regulation and Article 4 of the Charter, considering the transfer unsafe for the individual situation of the applicant, who was vulnerable because disabled and as a possible victim of trafficking for begging. The Court, recalling the jurisprudence of the CJEU related to the Article 4 of the Charter of Fundamental Rights of the European Union (CJEU 16.2.2017 C-587/16 PPU, C.K. v. Rep. Slovenia – CJEU 21.12.2011 C-411/10 and C-493/10 N.S. et al.) affirmed that even in the absence of serious reasons to consider that there are systemic deficiencies in the Member State responsible of the asylum application, the Dublin transfer of an asylum applicant can only be carried out in conditions in which it is excluded that the said transfer entails a risk of inhuman or degrading treatments. In this case, according to the Court, the psychophysical conditions of the applicant would have exposed him to a real and established risk of deterioration of his health, such as to constitute an inhuman and degrading treatment because the transfer in Germany would have stopped the social path – that he had started in Italy – of emancipation from the probable situation of exploitation in which he found himself since his departure from Nigeria, as well as the health care path also undertaken in Italy.⁵²⁵

Croatia: in early 2024, the Civil Court of Trieste adopted in two cases an interim measure to suspend two transfers to Croatia due to the possible violation of Article 3(2).⁵²⁶ Also, on 9 June 2023 the Civil Court of Turin annulled the transfer of an asylum applicant to Croatia in consideration of the violation of article 3(2) of the Dublin III Regulation in the part in which it states the impossibility to ‘transfer an applicant towards the Member State initially designated as responsible because there are reasonable grounds to believe that there are systemic deficiencies in the asylum procedure and in the reception conditions of applicants in that Member State which entails the risk of inhuman and degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union’.⁵²⁷

Austria: on 13 March 2024, the Civil Court of Rome annulled the transfer to Austria of an asylum applicant considering that the transfer would have violated Article 3(2) of the Dublin III Regulation because of the systemic deficiencies in the Austrian reception system and in the asylum procedure. The Court considered that, as underlined in the AIDA report, during 2022, in response to the increase in the number of asylum applicants in the country, Austria has changed the procedure for registering asylum applications which no longer takes place at the border but at the regional police offices. This led to long waits, inadequate reception conditions and the dispersion of asylum applicants.⁵²⁸

On 18 November 2024, the Court of Rome annulled a transfer to Austria, in application of the art. 17 of the Dublin Regulation, after having ascertained with multiple sources of information the serious systemic deficiencies in both the asylum and reception procedures in this Country.⁵²⁹

2.7 The situation of Dublin returnees

In 2024, Italy received 113 incoming Dublin transfers following take charge requests. No transfers were carried out based on take back procedures.

The low numbers are due to the fact that Italian authorities still claim the validity of the suspension of incoming transfers to be carried out pursuant to the declared state of emergency (see [Dublin procedure - General](#)).

Reception guarantees and practice

In February 2025, replying to ASGI's information request, the Ministry of Interior stated that “the accommodation system does not have places reserved for Dublin returnees who access the accommodation system at the same conditions as the other asylum applicants”.⁵³⁰

⁵²⁵ Civil Court of Bologna, Decision of 3 November 2022, available at: bit.ly/3m80szY.

⁵²⁶ Civil Court of Trieste, decision of 16 February 2024

⁵²⁷ Civil Court of Turin, decision of 9 June 2023.

⁵²⁸ Civil Court of Rome, decision of 13 March 2024.

⁵²⁹ Civil Court of Rome, decision of 18 November 2024, available in Italian [here](#).

⁵³⁰ Answer to the FOIA request, sent on February 2025.

The Ministry of Interior Circular of 14 January 2019 specified that Dublin returnees who had already applied for asylum prior to leaving Italy should be transferred by the competent Prefecture from the airport of arrival to the province where their application was lodged. If no prior asylum application had been lodged, they should be accommodated in the province of the airport of arrival. Family unity should always be maintained.⁵³¹

The circular does not clarify how the prefectures should facilitate the transfer of the asylum applicant. This circumstance may externally expose the Dublin returnee to face, on their own, the obstacles in accessing the asylum procedure at Questure, especially in the absence of a domicile (see [Registration of the asylum application](#)).

As better detailed in the following paragraph “Re-accessing the asylum procedure”, the laws 50/2023 and 187/2024 affected the right of Dublin returnees to re-access the asylum procedure.

Following the *Tarakhel v. Switzerland* ruling,⁵³² in practice the guarantees requested to Italy by other Member States were ensured mainly for families and vulnerable cases through a list of dedicated places in the SAI system (former Sprar/Siproimi system (see [Types of Accommodation](#)), communicated since June 2015 to other countries’ Dublin Units.⁵³³ However, after regaining access in 2020, since L. 50 of 5 May 2023, asylum applicants once again cannot access second line reception SAI,⁵³⁴ unless they meet the definition of vulnerable people per the Reception Decree, Article 17.⁵³⁵ Following LD 20/2023, there are much less mandatory services in first reception centres, CAS and temporary centres (see [Reception Conditions](#))

Below are some examples of the treatment of Dublin returnees to Italy:

- ❖ In December 2021, an Afghan citizen, evacuated from Afghanistan by the Italian authorities at the end of August, who was a Dublin returnee from France where he had applied for asylum, received an expulsion decree and was held in the CPR of Gradisca d’Isonzo for over a month without having access to asylum. Transferred by flight to Venice he was asked, at the airport, to fill the *foglio notizie* and, without any examination of his individual situation, was sent to the CPR. After having had access to the asylum procedure, his detention was not validated by the Civil Court of Trieste on 8 January 2022.⁵³⁶
- ❖ In 2022, the Civil Court of Trieste annulled the expulsion notified in August 2021 to an Iraqi asylum applicant who had already applied for asylum in Germany and had afterwards autonomously moved to Italy to join their partner. The Prefecture of Udine first accommodated him in a reception centre but, on the day scheduled for the formalisation of his asylum request (C3), notified him an expulsion order. According to the Court, there was no doubt that the man was an asylum applicant from the first moment he arrived in Italy also due to the content of the first “foglio notizie” he was asked to fulfil at his arrival in Tarvisio (on the Austrian border). In Udine, he was asked to fulfil a “second” foglio notizie where his intention to seek asylum was not further detailed. The applicant was not channelled in the Dublin procedure.⁵³⁷

⁵³¹ Ministry of Interior Circular of 14 January 2019, available in Italian at: <https://bit.ly/2P7G5OZ>.

⁵³² In a ruling concerning an Afghan family with 6 children who were initially hosted in a CARA in Bari before travelling to Austria and then Switzerland, the ECtHR found that Switzerland would have breached Article 3 ECHR if it had returned the family to Italy without having obtained individual guarantees by the Italian authorities on the adequacy of the specific conditions in which they would receive the applicants. The Court stated that it is “incumbent on the Swiss authorities to obtain assurances from their Italian counterparts that on their arrival in Italy the applicants will be received in facilities and in conditions adapted to the age of the children, and that the family will be kept together.”: ECtHR, *Tarakhel v. Switzerland*, Application No 29217/12, Judgement of 4 November 2014, para 120.

⁵³³ See e.g. Dublin Unit, Circular: Dublin Regulation Nr. 604/2013. Vulnerable cases. Family in SPRAR projects, 4 July 2018, available at: <https://bit.ly/2OwblGT>.

⁵³⁴ Article 5 ter L. 50/2023 converting into Law with amendments the Decree Law no. 20/2023 (the so-called “Cutro Decree”).

⁵³⁵ Article 17 Reception Decree to whom Article 9 of the Reception Decree as amended by L. 50/2023 refers.

⁵³⁶ Altreconomia, ‘La storia di Abdul, evacuato da Kabul e finito nel Cpr di Gradisca d’Isonzo’, 19 January 2022, available at: <https://bit.ly/3w62Av6>.

⁵³⁷ Civil Court of Trieste, Decision of 12 August 2022.

As regards the implementation of incoming transfers, only when Italy expressly recognises its responsibility under the Dublin Regulation, national authorities indicate the most convenient airport where Dublin returnees should be returned in order to easily reach the competent Questura, meaning the Questura of the area where the asylum procedure had been started or assigned. In other cases, where Italy becomes responsible by tacit acceptance of incoming requests, persons transferred to Italy from another Member State usually arrive at the main Italian airports such as **Rome Fiumicino Airport** and **Milan Malpensa Airport**. At the airport, the Border Police provides the person returned under the Dublin Regulation with an invitation letter (*verbale di invito*) indicating the competent Questura where they have to go.

Since 2021, the information desk for asylum applicants in Milan Malpensa is operated by the cooperative Ballafon.⁵³⁸ According to information provided by the Ballafon cooperative responding to the Foia request sent by ASGI (In Limine project), from February 2022 to November 2022, the asylum applicants that arrived at the Malpensa airport were sent to the cooperatives of the territorial reception system or to relatives, while most Dublin returnees were sent to the Questura of Varese to determine where they should go in Italy.⁵³⁹

In 2023, the Inlimine project was authorised to access the transit zone at the airport of Milano Malpensa by the Administrative Court of Rome.⁵⁴⁰ Regarding the operation of the office for assistance to asylum seekers and Dublin returnees, the report prepared after having accessed the transit zone underlines that the office is not manned and it is for most of the time closed. Even during service hours, the operator is in fact in another room, in proximity to the Police offices. People who want to contact the office can only ring the intercom located outside the door and ask the operator to reach them.

In 2024, the agreement between the Ballafon cooperative and the Prefettura of Milan is still operating.⁵⁴¹ At the Fiumicino airport of Rome, in 2022 the Prefecture of Rome entrusted the I.T.M. society (Interpreti Traduttori Mediatori) with informing and managing foreign people arriving at the air border who want to seek asylum or who are Dublin returnees.⁵⁴² According to the reply to the FOIA request, ITC is also in charge of organising a transport service from Fiumicino to the reception centres for the categories of people who, suffering from specific pathologies, are unable to independently use the train to Termini and/or Tiburtina.⁵⁴³

According to information provided by ITC, from February 2022 to October 2022, 1,121 Dublin returnees arrived at Fiumicino airport. Of these: 195 persons were sent to CAS centres; 18 to CPR; 497 were invited to present themselves to Questura to clarify their position on the national territory; 399 received an expulsion decision; 123 were left free to reach the national territory to find an accommodation; 41 were addressed to the social services.⁵⁴⁴

At Venice airport, Marco Polo, until January 2022 the cooperative Giuseppe Olivotti was responsible, per an agreement with the Prefecture of Venice, for arrivals of asylum applicants and Dublin returnees. It did not have a stable presence at the airport but ensured presence on call.

At the airport of Bologna, the cooperative Laimomo is responsible of informing Dublin returnees.

⁵³⁸ See ASGI, In Limine FOIA access, La frontiera di Malpensa: alcuni riscontri dalla pubblica amministrazione, 13 November 2022, available at: bit.ly/3UPzz15.

⁵³⁹ See ASGI; Ballafon relation on activities carried out from February to November 2022, available at: bit.ly/43JowdO.

⁵⁴⁰ Administrative Court of Lazio, decision no. 3392/2023. See ASGI, Inlimine, La situazione emersa dal sopralluogo della Zona di transito internazionale dell'aeroporto di Milano Malpensa, December 2023, available [here](#).

⁵⁴¹ Available [here](#).

⁵⁴² See ASGI, In Limine, La frontiera di Fiumicino: i riscontri della pubblica amministrazione, 10 November 2022, available at: bit.ly/3GZzbav.

⁵⁴³ See ASGI, In Limine FOIA request, ITC relation on activities carried out at Fiumicino airport, available at: bit.ly/43O8jUD.

⁵⁴⁴ See, ASGI In Limine, FOIA request, Detailed information on ITC activities, available at: bit.ly/43C4z8G.

It should be noted that if returnees used to live in asylum applicants' reception centres before leaving Italy, they could encounter problems upon their return in submitting a new accommodation request. In fact, due to their first departure and according to the rules provided for the [Withdrawal of Reception Conditions](#), the Prefecture could deny them access to the reception system.⁵⁴⁵

In January 2020, the Swiss Refugee Council published an update about their monitoring of the situation on reception conditions in Italy, also in relation to Dublin returnees, that generally confirms the findings of their previous monitoring.⁵⁴⁶ They further reported that in Italy until now there is no standardised, defined procedure in place for taking them (back) into the system.

Re-accessing the asylum procedure

Access to the asylum procedure is equally problematic, for Dublin returnees and for other applicants, as detailed under [Registration of the asylum application](#). Asylum applicants returned under the Dublin Regulation have to approach the Questura to obtain an appointment to lodge their claim. However, the delay for such an appointment reaches several months in most cases.⁵⁴⁷ The competent Questura is often located very far from the airport and asylum applicants have only a few days to reach it; reported cases refer of persons arriving in Milan, **Lombardy** and invited to appear before the Questura of Catania, **Sicily**. In addition, people are neither accompanied to the competent Questura nor informed of the most suitable means of transport thereto, adding further obstacles to reach the competent Questura within the required time. In some cases, however, people are provided with tickets from the Prefecture desk at **Milan Malpensa Airport**.

Moreover, generally, reports from civil society and NGOs confirmed the difficulty in accessing the asylum procedure in 2024.⁵⁴⁸ A monitoring report made by ASGI between May and June 2023 details illegitimate requirements set to grant access to the asylum procedure, such as the request to present an official address or being in possession of a passport⁵⁴⁹ (see [Access to procedure](#)).

In 2023 and 2024 two laws with the potential to affect the rights of Dublin returnees came into force: DL 133/2023 introduced the Article 6 (3 bis) according to which if the third country national citizens do not present themselves at the competent Questura for verification of their declared identity or for the formalisation of the asylum application, their expressed intention to seek asylum does not constitute an asylum application and the procedure is considered as never started; moreover, after L. 187/2024, Article 23 bis of the Procedure Decree rules the implicit withdrawal of the asylum application stating that, in case the asylum applicants leave the accommodation centre without a justified reason (and without updating the authorities on their address) or do not appear at the hearing before the Commission, the Commission can reject the application or suspend the procedure for 9 months, during which the applicants can request reopening only once. After these months the procedure is declared extinct.

Also, in case the asylum request had been not lodged, re-accessing the asylum procedure can be allowed, but a criminal procedure can be started if the applicant was notified an expulsion order and an entry-ban. In February 2025, the Criminal Court of Trieste acquitted a Bangladeshi citizen who had been prevented from accessing the asylum procedure in Udine and had applied for asylum in France before returning to Italy and submitting a new asylum application in the country. The Court held that the applicant had not

⁵⁴⁵ According to Articles 13 and 23(1) Reception Decree, the withdrawal of reception conditions can be decided when the asylum seeker leaves the centre without notifying the competent Prefecture. See also ASGI, *Il sistema Dublino e l'Italia, un rapporto in bilico*, March 2015.

⁵⁴⁶ Swiss Refugee Council, Reception conditions in Italy: Updated report on the situation of asylum seekers and beneficiaries of protection, in particular Dublin returnees, in Italy, January 2020, available at: <https://bit.ly/3cSzToZ>.

⁵⁴⁷ Danish Refugee Council and Swiss Refugee Council, *Mutual Trust is still not enough*, December 2018.

⁵⁴⁸ See the report "Attendere Prego", 8 April 2024, gli ostacoli al riconoscimento della protezione internazionale in Italia, from ASGI, International Rescue Committee Italy (IRC) Le Carbet, Mutuo Soccorso Milano, Naga ASGI and Intersos, available at <https://acesse.dev/afri0>.

⁵⁴⁹ See ASGI "Mappatura delle prassi illegittime delle questure italiane Lo studio pilota di ASGI" report published on 15 April 2024, available in Italian at <https://encr.pw/nu9AJ>.

violated the entry ban (art. 13(13) TUI) because he had been prevented from requesting asylum upon first access to Italy and because the Dublin Regulation should apply.⁵⁵⁰

Therefore, Dublin returnees face different situations depending on whether they had applied for asylum in Italy before moving on to another European country, and on whether the decision on their application by the Territorial Commission had already been taken.⁵⁵¹

The various situations can be summarised as follows:

- ❖ In “take charge” cases where the person had not applied for asylum during their initial transit or stay in Italy before moving on to another country,⁵⁵² they should be allowed to lodge an application under the regular procedure. However, the person could be considered an irregular migrant by the authorities and notified an expulsion order. In case they were already notified of an expulsion order and of an entry ban in Italy, the non-official return (meaning the return not based on agreements by the States) could lead to a criminal conviction based on Article 13(13) TUI.
- ❖ In “take back” cases where the person had already lodged an asylum application and absconded from the accommodation centre before being informed of the hearing for the personal interview, the Territorial Commission may have applied the implicit withdrawal procedure (See [Procedures](#)) therefore the Dublin returnee could be able to ask to re-open the asylum application if Commission had suspended it and 9 months have not passed or could find that his asylum application has been declared closed. The new application will be considered a [Subsequent Application](#) and the request will subject to the preliminary assessment of the President of the Territorial Commission who will also evaluate the reasons for absconding.⁵⁵³
- ❖ In take-back cases where the person had already lodged an asylum application and became unreachable while living in a private living place, the procedure could have been closed with a rejection due to the absence of the applicant. In this case the procedure cannot be reopened within 10 days proving justified reasons and the lack of knowledge of the convocation because DL 145/2024 repealed the law that provided for this possibility.⁵⁵⁴ The implicit withdrawal procedure could apply also in this case.⁵⁵⁵ Therefore, the applicant will have to submit a subsequent application.
- ❖ In take back cases when the person, being regularly convoked for the personal hearing, failed to present themselves to the appointment without giving any justified reason, the Territorial Commission could apply the implicit withdrawal procedure as well and new application will be considered a [Subsequent Application](#).
- ❖ In “take back” cases where the person’s asylum application in Italy has already been rejected by the Territorial Commission,⁵⁵⁶ if the applicant was notified of the decision and lodged no appeal, they may be issued an expulsion order and placed in a CPR upon re-entering Italy. According to the notification procedure (see [Regular Procedure: General](#)), the same could happen even in case the applicant had not been directly notified of the decision, since in case the applicant is deemed unreachable (*irreperibile*), the Territorial Commission notifies the decision by sending it to the competent Questura and notification is deemed to be complete within 20 days of the transmission of the decision to the Questura.⁵⁵⁷

⁵⁵⁰ Criminal Court of Trieste, decision no. 242/2025 of 19 February 2025.

⁵⁵¹ For more details, see ASGI, *Il sistema Dublino e l'Italia, un rapporto in bilico*, 2015, available in Italian at: <https://bit.ly/3IE3GrH>, 28.

⁵⁵² Article 13 Dublin III Regulation.

⁵⁵³ Article 23(bis) Procedure Decree as amended by D.L. 145/2024 converted with amendments into L. 187/2024
⁵⁵⁴ DL 145/2024 converted into L. 187/2024 repealed Article 12 (5) of the Procedure Decree.

⁵⁵⁵ Article 23(bis) Procedure Decree as amended by D.L. 145/2024 converted with amendments into L. 187/2024.

⁵⁵⁶ Article 18(1)(d) Dublin III Regulation.

⁵⁵⁷ Article 11(3-ter) and (3-quater) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L. 46/2017.

3. Admissibility procedure

3.1 General (scope, criteria, time limits)

Article 29 of the Procedures Decree sets out the grounds for inadmissibility. Decree Law 130/2020 amended Article 29-bis (introduced by Decree Law 113/2018 to the Procedures Decree), which sets out an additional inadmissibility ground (see ground 4). Decree Law 20/2023 amended Article 29 Procedures Decree and DL 133/2023 significantly amended Article 29 - bis of the Procedure Decree, applicable when a subsequent request is submitted during the execution of the removal order.

The Territorial Commission may declare an asylum application inadmissible where the applicant:

1. Has already been recognised refugee or subsidiary protection status⁵⁵⁸ by a state party according to the 1951 Refugee Convention and can still enjoy such projection;⁵⁵⁹
2. Has made a **Subsequent Application** after a decision has been taken by the Territorial Commission, without presenting new elements or new evidence concerning their personal condition or the situation in their country of origin which make it significantly more likely that the person will benefit from international protection, unless the applicant allege to have been unable – without fault - to present such elements or evidence at the previous application or during the appeal procedure.⁵⁶⁰
3. Has made a **Subsequent Application** during the execution of an imminent removal order (Article 29-bis).⁵⁶¹
4. Has made a **subsequent application** after the previous application was terminated by the Territorial Commission following the expiry of the 9 months' time limit from the suspension of the procedure when the asylum application was considered implicitly withdrawn (art.23 bis Procedure Decree as amended by D.L 145/2024).
5. Has made a subsequent application after the previous application had been rejected in case the implicit withdrawal of the asylum application applies, and the Territorial Commission considered to have enough elements to reject the asylum application and not to suspend the procedure (art.23 bis Procedure Decree as amended by D.L 145/2024).

The President of the Territorial Commission shall conduct a preliminary assessment of the admissibility of the application, to ascertain whether new relevant elements have emerged or have been submitted by the applicant to the granting of international protection and to evaluate whether the delay in the submission of such new elements or evidence can or cannot be attributed to the applicant's fault, who needs to provide specific evidence that it cannot be attributed to them.⁵⁶²

If the applicant has already been recognised as a refugee or subsidiary protection status holder in another country party to the 1951 Convention, the law provides that the President of the Territorial Commission shall set up a hearing of the applicant to evaluate the reasons given to support the admissibility of the application in the specific case.⁵⁶³

The application presented by the applicant following the rejection decision adopted pursuant to Article 23 (2) and the termination of the procedure pursuant to Article 23(3) in case the asylum application is considered implicitly withdrawn, is subjected to preliminary examination pursuant to article 29, paragraph 1-bis. During the preliminary examination, the reasons given in support of the admissibility of the application are evaluated, including the reasons for the abandonment of the facility or escape from detention or failure to appear for the interview in front of the territorial commission.⁵⁶⁴

⁵⁵⁸ Art. 29 (1)(a) as amended by Law 23 December 2021, n. 238 (in G.U. 17/01/2022, n.12) includes subsidiary protection holders.

⁵⁵⁹ Article 29(1)(a) Procedure Decree.

⁵⁶⁰ Article 29(1)(b) Procedure Decree as amended by L. 50/2023.

⁵⁶¹ Article 29-bis Procedure Decree, inserted by Article 9 Decree Law 113/2018 and L 132/2018, amended by Decree Law 130/2020 and L. 173/2020 and by DL 133/2023.

⁵⁶² Article 29(1-bis) Procedure Decree, as amended by L 50/2023.

⁵⁶³ Article 29 (1 bis) Procedure Decree as amended by L 50/2023.

⁵⁶⁴ Article 23 bis (5) Procedure Decree as amended by DL 145/2024.

Even if the law distinguishes the phases of the preliminary assessment, attributed to the President, and the decision, attributed to the Commission, in some cases the Presidents of the Territorial Commissions have taken the decisions of inadmissibility on their own. With an interim decision of 1st March 2024, the Civil Court of Trieste clarified that such decisions of inadmissibility have to be taken by the Territorial Commission and not by the President.⁵⁶⁵ In other cases, according to ASGI's experience, CT Presidents have omitted the preliminary assessment.

In case of a first subsequent application made during the execution of an imminent removal order, the Procedures Decree has been amended by DL 133/2023. According to Article 29 bis of the Procedure Decree law, the application must be immediately sent to the President of the competent Territorial Commission, who must conduct a preliminary assessment of the admissibility of the application, within three days, while assessing the risks of direct and indirect refoulement. The application is declared inadmissible in case no new elements have been added, pursuant to article 29, paragraph 1, letter b).

The exclusive role reserved for the President of the Territorial Commission, and not for the Territorial Commission itself, appears inconsistent with the Procedure Decree.⁵⁶⁶

ASGI is of the opinion that Article 29-bis of the Procedure Decree is likely to violate the recast Asylum Procedures Directive, as the lodging of a subsequent application for the sole purpose of delaying or frustrating removal is not among the grounds of inadmissibility in Article 33(2) of the Directive (see [Subsequent application](#)). The provision does not clarify which phase is considered the execution of an imminent removal order.⁵⁶⁷ Moreover, worryingly, the law provides that in the event of an application declared inadmissible, the applicant can be detained⁵⁶⁸ (see [Detention](#)).

More worryingly, DL 133/2023 amended Article 29 -bis introducing the paragraph 1-bis and giving specific power to the Head of Police Station to determine, except for the first subsequent application, if the asylum request is admissible.

The law now states that, in case the subsequent application is not the first one, where the applicant's detention has been already validated by the Judge of the Peace (Giudice di Pace), the Questore (Head of Police Station), after asking for an opinion from the President of the Territorial Commission where the removal is taking place, immediately proceeds with the preliminary assessment of the application and declares it inadmissible, allowing the execution of the removal order, when there are no new relevant elements for the recognition of international protection pursuant to article 29, paragraph 1, letter b), and no grounds to apply the expulsion bans referred to in article 19 TUI arise. When there are new elements relevant for the recognition of international protection or the ban on expulsion, the competent Territorial Commission proceeds with the further examination.⁵⁶⁹

No suspensive effect is recognised to the appeal including a suspensive request in case of a decision that declares inadmissible or rejects, for the second time, a further subsequent asylum application pursuant to article 29, (1) b), or declaring the asylum application inadmissible pursuant to article 29-bis of the Procedure Decree.⁵⁷⁰

⁵⁶⁵ Civil Court of Trieste, interim decision of 1 March 2024.

⁵⁶⁶ It appears not consistent with the provision of Articles 4, 28 and 29 of the Procedure Decree.

⁵⁶⁷ The Court of Cassation will rule on this issue following the order no. 11660/2020.

⁵⁶⁸ Article 6 (2, a bis) Reception Decree, as amended by Article 3 (3) Decree Law 130/2020 and L. 173/2020. According to Decree Law 130/2020 the provision applies in the limits of available places in CPRs.

⁵⁶⁹ Article 29-bis (1 bis) introduced by DL 133/2023, converted into L 176/2023.

⁵⁷⁰ Article 35 bis (4) Procedure Decree.

3.2 Personal interview

Indicators: Admissibility Procedure: Personal Interview

☐ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the admissibility procedure? Depending on the ground
 - ❖ If so, are questions limited to nationality, identity, travel route? ☐ Yes ☒ No
 - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☒ Rarely ☐ Never

The law does not distinguish between the interview conducted in the regular procedure and the one applicable in cases of inadmissibility. However, following Decree Law 133/2023 and following the amendments to the provisions regarding implicit withdrawal of the asylum application - which, according to ASGI, does not respect the Asylum Procedures Directive - it is possible to automatically dismiss [Subsequent applications](#) as inadmissible without an interview when the Territorial commission considers that no new evidence was presented (compared to the previous lodging of the asylum application or to the previous examination of the asylum claim).

3.3 Appeal

Indicators: Admissibility Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against an inadmissibility decision?
 - ☒ Yes ☐ No
 - ❖ If yes, is it ☒ Judicial ☐ Administrative
 - ❖ If yes, is it automatically suspensive ☐ Yes ☐ Some grounds ☒ No

For applications dismissed as inadmissible, the law provides for the possibility to submit an appeal to the specialised section of the competent Civil Court. The judicial procedure provided for [accelerated procedure](#) applies, which means that the time limit for appealing a negative decision is 15 days, and the appeal has no automatic suspensive effect.

Also, after the coming into force of L. 50/2023, the law provides that the submission of the appeal does not allow the applicant to legally remain in the national territory in case of appeals against decisions which refused or declared as inadmissible another subsequent application, after a first subsequent application had been refused or declared inadmissible. The same happens when the appeal is submitted against a decision issued on the base of Article 29 bis of the Procedure Decree (subsequent application made during the execution of an imminent removal order).⁵⁷¹

However, the decision of the United Civil Sections of the Court of Cassation of 29 April 2024, in a case related to a rejection of an application dismissed as manifestly unfounded due to the fact that the applicant came from a safe country of origin (See [Safe countries](#)), brought some changes in the Courts' examination of these applications. The Court stated that in case the accelerated procedure has not been respected by the Territorial Commission, the ordinary procedure will apply to the appeal, including the automatic suspensive effect.⁵⁷²

Following this decision, Civil Courts decided to apply the same principle to all cases where the deadlines of the accelerated procedure had been not respected: for instance, the Civil Court of Catania, on 2 May 2024, declared the measure of inadmissibility pursuant to Article 29 of Legislative Decree 25/2008 automatically suspended in application of the principle expressed by the United Sections of the Court of Cassation, considering that: "the same principle is applicable, by reason of the same ratio, also to the

⁵⁷¹ Article 35-bis(53) Procedure Decree, as amended by Decree Law 113/2018 and L 132/2018.

⁵⁷² Court of Cassation, United Civil Sections, Decision no. 11399/2024 of 29 April 2024, available in Italian [here](#).

present case, concerning a decree of inadmissibility following a subsequent application, adopted without observing the terms of art. 28 bis of the Legislative Decree 25/2008".⁵⁷³

3.4 Legal assistance

Indicators: Admissibility Procedure: Legal Assistance

☒ Same as regular procedure

7. Do asylum seekers have access to free legal assistance during admissibility procedures in practice? ☐ Yes ☐ With difficulty ☐ No
 ❖ Does free legal assistance cover: ☐ Representation in interview ☐ Legal advice
8. Do asylum seekers have access to free legal assistance on appeal against an inadmissibility decision in practice? ☐ Yes ☐ With difficulty ☐ No
 ❖ Does free legal assistance cover: ☐ Representation in courts ☐ Legal advice

The rules and criteria for legal assistance are the same as in the [Regular Procedure: Legal Assistance](#).

3.5 Suspension of returns for beneficiaries of protection in another Member State

According to ASGI's experience, Italy does not consider a protection granted by Greece as a safe protection, therefore it does not return people to this country and normally allows access to international protection procedure.

4. Border procedure (border and transit zones)

4.1 General (scope, time limits)

Indicators: Border Procedure: General

1. Do border authorities receive written instructions on the referral of asylum seekers to the competent authorities? ☒ Yes ☐ No
2. Where is the border procedure mostly carried out? ☐ Air border ☐ Land border ☒ Sea border
3. Can an application made at the border be examined in substance during a border procedure? ☒ Yes ☐ No
4. Is there a maximum time limit for a first instance decision laid down in the law? ☒ Yes ☐ No
 ❖ If yes, what is the maximum time limit? 9 days
5. Is the asylum seeker considered to have entered the national territory during the border procedure? ☐ Yes ☒ No

Decree Law 113/2018 amended the Procedure Decree introducing a border procedure applicable in border areas and transit zones. Decree Law 130/2020 and L 173/2020 – not changing the substance of the procedure – amended the legal provision.⁵⁷⁴ The law still refers to a Mol decree, which was issued on 5 August 2019 and published on 7 September 2019, for the definition and implementation of the procedure.⁵⁷⁵

⁵⁷³ Civil Court of Catania, interim decision of 2 May 2024, case no. 13099/2023.

⁵⁷⁴ Article 28-bis (2)(b) Procedure Decree, as amended by Decree Law 130/2020 and L 173/2020

⁵⁷⁵ Mol Decree, 5 August 2019, published on Gazzetta Ufficiale as of 7 September 2019: <https://bit.ly/3e8wXES>.

Areas where the border procedure can be applied

The MoI Decree designated the transit and border areas where the **accelerated procedure** applies.⁵⁷⁶ The decree does not provide any definition of a border and transit area; it only establishes that the border or transit areas are identified as those already existing in the following provinces:

1. Trieste and Gorizia in the north-east of the country;
2. Crotone, Cosenza, Matera, Taranto, Lecce and Brindisi in the south;
3. Caltanissetta, Ragusa, Siracusa, Catania, Messina, Trapani and Agrigento in Sicily;
4. Cagliari in Sardinia.⁵⁷⁷

Many of these areas correspond to hotspots (Taranto, Messina and Agrigento (Lampedusa hotspot), or places affected by sea landings, such as Cagliari, or by land arrivals, such as Trieste and Gorizia, or close to CPR (pre-removal detention centres) such as in Gorizia and Trieste, Brindisi, Trapani, Caltanissetta.

According to ASGI, the way in which the MoI Decree has been drafted adds other critical issues to the legal framework governing the border procedure. This is due to the fact that the provisions only generally refer to the "transit areas or border areas identified in those existing in the provinces" and does not clearly demarcate specific areas to this end, such as ports or airport areas or other places coinciding with physical borders with extra EU countries, seem to conflict with the rules of the European Union and therefore to be illegitimate.⁵⁷⁸

Out of the five Territorial Commissions foreseen by the amended Procedure Decree to examine asylum applications subject to the border procedure⁵⁷⁹ the MoI Decree created only two new sections of Territorial Commissions: Matera (section of Bari) and Ragusa (section of Syracuse), therefore assigning to the Territorial Commissions already competent for the border or transit areas the task of examining the related applications – where the conditions exist – with an accelerated procedure.

Under the border procedure, the entire examination of the asylum application can take place directly at the border area or in the transit zone.⁵⁸⁰

Grounds for the border procedure to be applied

The border procedure may be applied where the applicant makes an application directly at the designated border areas or transit zones after being apprehended for evading or attempting to evade controls. However, the circulars of 16 and 18 October 2019 (see *infra*) expressly excluded the application of the border procedure for attempting to avoid border controls to people rescued at sea following SAR operations and to those who spontaneously turn to the authorities to seek asylum without having been apprehended at the time of landing or immediately afterwards.

Law 50/2023 added the possibility to apply the border procedure to applicants making an application at the border or transit areas and coming from safe countries of origin.⁵⁸¹

Article 28-bis (6) of the Procedure Decree as amended by Decree Law 130/2020 and L. 173/2020 expressly excludes from accelerated procedures, including the border procedure:

- ❖ unaccompanied minors and
- ❖ people with special needs, who should coincide with vulnerable people as identified by Article 17 of the Reception Decree (see Accelerated procedure).

According to ASGI, the wording of the provision could allow for automatic application of accelerated border procedure to persons seeking asylum at the border as it makes its application solely contingent on the person having tried to evade controls. In this sense the provision does not comply with Article 43 the

⁵⁷⁶ Article 28 bis (1) (1-ter) and (1 – quater) of the Procedure Decree.

⁵⁷⁷ MoI Decree 5 August 2019, Article 2.

⁵⁷⁸ ASGI note, Le zone di transito e di frontiera, September 2019, available at: <https://bit.ly/3gmYOmX>.

⁵⁷⁹ Article 28 bis (4) Procedure Decree.

⁵⁸⁰ Article 28-bis(2)(2) Procedure Decree, as amended by Decree Law 130/2020.

⁵⁸¹ Article 28 bis (2 b) bis) of the Procedure Decree introduced by L. 50 of 5 May 2023 converting the DL 20/2023.

Asylum Procedures Directive, as the attempt to evade border controls is not included in the acceleration grounds laid down in Article 31(8) of the Directive which could lead to the application of a border procedure.

The border procedure under Article 28-bis(2)(b) of the Procedure Decree follows the rules of the 9-day [Accelerated Procedure](#). Upon receipt of the application, the Questura immediately transmits the necessary documentation to the Territorial Commission, which must take steps for the personal interview within 7 days of receiving the documentation. The decision must be taken within the following 2 days.⁵⁸²

However, when the procedure is done at the border, the procedure can be carried out directly at the border or in the transit zones and the Territorial Commission has to decide within 7 days of receiving the application.⁵⁸³

Use of detention

Asylum applicants channelled in the border procedure can now face detention according to the new provision laid down in Article 6 bis of the Reception Decree introduced by L. 50 of 5 May 2023.⁵⁸⁴ Detention can last a maximum of 4 weeks;⁵⁸⁵ it can apply only during the border procedure and up to the judicial decision on the suspensive effect in case of appeal.⁵⁸⁶

It can also apply only where the applicant lacks a passport and financial guarantees.⁵⁸⁷ On 14 September 2023, the Mol decree was issued and detailed the rules concerning the financial guarantee; the maximum amount that could be requested as financial guarantee was amended by a new decree of 10 May 2024⁵⁸⁸ (see [Hotspot](#)).

DL 145/2024 detailed that, in case of asylum applications at the border of persons apprehended for evading or attempting to evade controls or coming from safe countries of origin (articles 28 bis letters b and b bis), the applicant may not be detained but the same procedure referred to in article 28-bis, (2-bis, of the Procedure Decree applies. In case of appeal, article 35-ter of Procedure Decree applies.

The applicant receives a paper certifying his status (*attestato nominativo*) different from permit to stay.⁵⁸⁹

Rules on the implementation of the border procedure

In two circulars issued on 16 October 2019 and 18 October 2019,⁵⁹⁰ the Mol gave directives for the application of the border procedure and attached the specific C3 form to be used to register the asylum application in these cases.

In accordance with the time limits imposed by the procedure, the Circulars state that the application for international protection presented at the border and transit areas must be formalised by the competent Questura at the time of identification connected to the illegal entry. Also, even if the law provides that the President of the Territorial Commission is responsible for identifying cases for accelerated procedures on the basis of the documentation provided,⁵⁹¹ the Circulars establish that, following the formalisation, the Questura informs the competent Territorial Commission of the application of the border procedure and that the latter, via telephone, fixes the hearing date within 7 days.⁵⁹² The hearing date is immediately notified to the applicant together with the delivery of the C3.

⁵⁸² Article 28-bis(2) (b) Procedure Decree as amended by Decree Law 130/2020 and L 173/2020.

⁵⁸³ Article 28 bis (2- bis) Procedure Decree.

⁵⁸⁴ Article 6 bis Reception Decree introduced by L. 50 of 5 May 2023 converting the DL 20/2023.

⁵⁸⁵ Article 6 bis (3) Reception Decree introduced by L. 50 of 5 May 2023 converting the DL 20/2023.

⁵⁸⁶ Article 6 bis (1) Reception Decree introduced by L. 50 of 5 May 2023 converting the DL 20/2023.

⁵⁸⁷ Article 6 bis (2) Reception Decree introduced by L. 50 of 5 May 2023 converting the DL 20/2023.

⁵⁸⁸ Mol Decree of 10 May 2024, available [here](#).

⁵⁸⁹ Article 6 bis Reception Decree refers to Article 4 (2) Procedure Decree.

⁵⁹⁰ Mol Circular, 16 October 2019 available at: <https://bit.ly/3cYKrTs>; MOI Circular, 18 October 2019, available at: <https://bit.ly/3cZWXSX>.

⁵⁹¹ Article 28 (1 bis) Procedure decree.

⁵⁹² Pursuant to Article 28 bis (1-ter).

The circulars issued in 2019 authorised the establishment of “mobile units” within the territorial commissions in order to carry out the hearings at the border offices. The Circulars assure of the availability of accommodations for asylum applicants subject to the border procedure within the centres existing in the provinces identified as transit or border areas by the Mol decree 5 August 2019.

The Territorial Commission maintains the possibility of extending the duration of the procedure – during which the applicant would remain at the border or in the transit zone – to a maximum of 18 months to ensure an adequate examination of the application.⁵⁹³

The law provides for a specific information obligation to be carried out before the formalisation of the asylum application under the border procedure. The dedicated C3 merely indicates the application of the border procedure in Italian and the reasons why it is applied, also informing about the exclusion from the accelerated procedure for vulnerable people.

Use of the border procedure and relevant caselaw

Among the first cases of border procedure’s applications in Trieste, as of December 2019, three Pakistani asylum applicants have been subject to the accelerated procedure simply because they encountered police not far away from the Slovenian border.

After those cases, probably due to the implementation of readmissions to Slovenia, no more border procedures were applied to people coming from the eastern land border up to August 2023, when it was again applied to some Bangladesh and Pakistani asylum seekers, who were considered having avoided the border controls entering from the land border. The asylum applications were examined under the accelerated procedure applied because of the border procedure and the cases were denied as manifestly unfounded.

The Civil Court of Trieste upheld the suspensive requests included in the appeals and observed that, contrary to what the Territorial Commission of Trieste assumed in its decree, there is no legal provision imposing to deny as manifestly unfounded asylum applications under the border procedure.⁵⁹⁴

Regarding the maritime border, in 2020, the procedure was applied to some Tunisian citizens rescued at sea. That was not the case in 2021 and 2022. The situation changed due to the extension of the border procedure to people coming from safe countries of origin, as provided by the Procedure Decree as amended by the L. 50/2023 and, in general, due to the entry into force of this law.⁵⁹⁵

The aforementioned legislation was applied for the first time in September 2023 with a series of detentions adopted regarding asylum applicants from safe countries of origin. The Court of Catania refused to validate the detentions, as it decided to disapply the provision which allows detention during the border procedure in case of lack of financial guarantee as detailed in the MoI Decree of 14 September 2023, considering it incompatible with the Reception Directive. This led the Ministry of the Interior to challenge these decisions before the Court of Cassation, which, on 8 February 2024, made a preliminary reference to the Court of Justice of the European Union requesting to assess the compatibility of the new legislation with EU law. The decision of the Luxembourg Court is expected in the coming months (see [Access to procedure and registration, Hotspot](#)).

Between August and November 2024 there have been relevant rulings by the Courts competent to examine the border procedures of asylum seekers detained in the centres of Porto Empedocle, Pozzallo and Albania, which in many cases did not validate the detention. As discussed in previous sections of the report, in some cases the Courts, in the light of the incompatibility with European law of some aspects of

⁵⁹³ Article 28-bis(5) Procedure Decree, citing Article 27(3) and (3-bis).

⁵⁹⁴ Civil Court of Trieste, decree of 14 August 2023, case no. 3156/2023.

⁵⁹⁵ Article 28 bis (2 b) bis) of the Procedure Decree introduced by L. 50 of 5 May 2023 converting the DL 20/2023.

the border procedure regulations and of the list of safe countries of origin referred questions to the CJEU for a preliminary ruling under Article 267 TFEU.⁵⁹⁶ (see [Safe countries concept](#))

4.2 Personal interview

Indicators: Border Procedure: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the border procedure? ☐ Yes ☐ No
 - ❖ If so, are questions limited to nationality, identity, travel route? ☐ Yes ☐ No
 - ❖ If so, are interpreters available in practice, for interviews? ☐ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☐ Never

The same guarantees as those applied during the [Regular Procedure: Personal Interview](#) are applied.

4.3 Appeal

Indicators: Border Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the border procedure?
 - ☒ Yes ☐ No
 - ❖ If yes, is it ☒ Judicial ☐ Administrative
 - ❖ If yes, is it automatically suspensive ☐ Yes ☐ Some grounds ☒ No

An appeal against a negative decision in the border procedure has to be lodged before the competent Civil Court within 7 days.⁵⁹⁷ Article 35 ter (1) of the Procedure Decree provides that the filing of the appeal or request for suspension does not suspend the enforcement of the rejection and removal order. However, Article 35 ter (3) provides that, from the moment the appeal is lodged until the adoption of the decision on suspension, the appellant cannot be expelled or removed from the place in which they are detained.⁵⁹⁸

When an appeal is lodged, the Territorial Commission and the public prosecutor can file defence notes in the following 2 days. Within the same time, the Commission that adopted the decision is required to make available to the Court and to the applicant the minutes of the hearing or, where possible, the transcript of the video recording, as well as a copy of the application for international protection and all the documentation acquired during the examination procedure. Upon expiry of the deadline, a single judge decides on the appeal within 5 days.⁵⁹⁹

4.4 Legal assistance

Indicators: Border Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?
 - ☐ Yes ☐ With difficulty ☐ No
 - ❖ Does free legal assistance cover: ☐ Representation in interview ☐ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?
 - ☐ Yes ☐ With difficulty ☐ No
 - ❖ Does free legal assistance cover ☐ Representation in courts ☐ Legal advice

⁵⁹⁶ ASGI, 'Una raccolta della giurisprudenza nell'ambito delle procedure di frontiera attuate a Porto Empedocle, Pozzallo e in Albania', 19 November 2024, available in Italian [here](#).

⁵⁹⁷ Article 35-bis(2 ter) Procedure Decree, as amended by Decree Law 145/2024 converted into L. 187/2024.

⁵⁹⁸ Article 35-ter (1 and 3 3) Procedure Decree, as amended by DL 145/2024.

⁵⁹⁹ Article 35 ter (2) Procedure Decree.

The rules and criteria for legal assistance are the same as in the [Regular Procedure: Legal Assistance](#).

5. Accelerated procedure

5.1 General (scope, grounds for accelerated procedures, time limits)

Article 28-bis of the Procedures Decree, entirely amended by Decree Law 130/2020, implemented by L. 173/2020, again amended by DL 133/2023 and recently by DL 145/2024 converted into L. 187/2024, provides for different accelerated procedures that foresee different time limits following the immediate transmission of the file from the Questura to the Territorial Commission, depending on the applicable ground:

5-day procedure: The Territorial Commission takes a decision within 5 days of the receipt of the file where:⁶⁰⁰

1. The applicant makes a [Subsequent Application](#) without presenting new elements.⁶⁰¹ In this case an interview can be omitted.
2. The asylum application is made by a person under investigation for some of the crimes preventing the recognition of international protection pursuant to Article 12 (1, c) and 16 (1, d bis) of the Qualifications Decree,⁶⁰² when grounds for detention are raised among those provided by Article 6 (2, a, b, c) of the Reception Decree,⁶⁰³ or by a person convicted – even not definitively – for one of those crimes. In this case the applicant must be heard.

7-day procedure: The Territorial Commission takes steps to organise the personal interview and decides within 7 days, where an asylum application is subjected to an accelerated procedure pursuant to article 28 bis (1 and 2) of the Procedures decree and it is carried out in a border or transit area.⁶⁰⁴

9-day procedure: The Territorial Commission takes steps to organise the personal interview within 7 days of receipt of the file and decides within the 2 following days where:⁶⁰⁵

1. The asylum application is made by a person detained in a CPR or in a hotspot or first reception centre;⁶⁰⁶
2. The applicant comes from a [Safe Country of Origin](#);⁶⁰⁷
3. The application is manifestly unfounded⁶⁰⁸ (see [Regular Procedure: General](#));
4. The applicant made an application after being apprehended for irregular stay, with the sole purpose to delay or frustrate the issuance or enforcement of a removal order.
5. the applicant entered or stayed in Italy irregularly and submitted an application for international protection, without justified reason, beyond the period of 90 days from their entry into Italy.⁶⁰⁹

Regarding the accelerated procedure for persons investigated or convicted of crimes which may trigger exclusion from international protection, some issues of consistency can be observed, as already underlined regarding the old Article 32 (1-bis) of the Procedure Decree, now repealed: the procedure reserves a lesser treatment to persons not yet sentenced, contrary to the principle of innocence set out in Article 27 of the Italian Constitution. Furthermore, after the extension already made with the Decree

⁶⁰⁰ Article 28-bis(1) Procedure Decree, as amended by Decree Law 130/2020

⁶⁰¹ The law refers to the subsequent application ruled by Article 29 (1 b) Procedure Decree, meaning the case where the applicant submits identical asylum request after a decision has been taken without adding new elements.

⁶⁰² This provision resumes the case before ruled by Article 32 (1 bis) of the Procedure Decree, the so-called immediate procedure, now repealed by Decree Law 130/2020 and L. 173/2020.

⁶⁰³ If the person is only investigated the law requires that also those grounds for detention arise. The law only recalls those grounds not requesting that the person is in concrete detained.

⁶⁰⁴ Article 28 bis (2 bis) introduced by L. 50/2023 and amended by L. 75/2025 converting DL 37/2025.

⁶⁰⁵ Article 28 bis (2) as amended by Decree Law 130/2020 and L. 173/2020.

⁶⁰⁶ In this case, when the person is under investigation or conviction for the offenses referred to in Article 28 bis (1) Procedure Decree, this 5-day procedure applies.

⁶⁰⁷ In cases not involving vulnerable people.

⁶⁰⁸ Pursuant to Article 28 ter Procedure Decree.

⁶⁰⁹ This hypothesis has been introduced by DL 145/2024.

Law 113/2018 and confirmed by the Decree Law 130/2020, the group of crimes that can lead to exclusion from international protection also includes minor offences that do not seem to be a danger to public order and state security. In this sense the provision also seems incompatible with the recast Asylum Procedures Directive, Article 31(8) according to which an accelerated procedure can be applied to people considered dangerous for the public order according to the domestic law.

Regarding the accelerated border procedure, as mentioned (see [Border procedure](#)) the requirement of Article 43 of the Directive to allow the applicant to enter the territory if the determining authority has not taken a decision within 4 weeks has not been incorporated in the Procedure Decree even after the amendments made by Decree Law 130/2020.

Furthermore, the wording of the provision could allow for the automatic application of the accelerated border procedure to persons seeking asylum at the border as it makes its application solely contingent on the person having tried to evade controls. In this sense the provision does not comply with Article 43 the Asylum Procedures Directive, as the attempt to evade border controls is not included in the acceleration grounds laid down in Article 31(8) of the Directive which could lead to the application of a border procedure.

According to Article 28-bis(5) of the Procedure Decree, the Territorial Commission may exceed the above-mentioned time limits where necessary to ensure an adequate and complete examination of the asylum application, subject to a maximum time limit of 18 months.⁶¹⁰ Where the application is made by the applicant detained in CPR or a hotspot or first reception centre, or by a person committed or investigated for crimes allowing the 5 days procedure, the maximum duration of the procedure cannot exceed 6 months.⁶¹¹

In some cases, Civil Courts have released asylum applicants detained in CPR for failure to comply with the terms of the accelerated procedure. The Courts observed that the time limits of the accelerated procedure as regulated by art. 28bis of the Procedures Decree were exceeded, without any justification. In two cases asylum applicants had been detained in CPR for more than two months without a first instance interview having been set.⁶¹² The Court of Cassation also stressed the principle according to which an asylum applicant cannot be detained for longer than the times scheduled under the accelerated procedure, unless other reasons for detention arise,⁶¹³ principle that clashes with recent decisions of the Supreme Court of Cassation to the contrary.⁶¹⁴

According to Article 28-bis (6) of the Procedure Decree, the accelerated procedure does not apply to unaccompanied minors and to people with special needs: in this regard, the rule refers to Article 17 of the Reception Decree which, while distinguishing people with special needs in the context of vulnerable people, does not provide an exact definition of this category. It therefore seems reasonable to extend the exclusion from the accelerated procedure to the entire category of vulnerable people.

The law does not clarify whether the procedure can be declared accelerated even if the time limits set out in the law have not been respected.

However, the judgment No. 11399 of 29 April 2024 of the United Sections of the Court of Cassation definitively resolved this procedural issue, establishing that, when the accelerated procedure has not been complied with in its procedural articulations, the ordinary procedure is then reinstated and the general principle of automatic suspension of the measure is re-established. The principle applies not only to the hypothesis of asylum seekers coming from safe countries of origin, but also to the other administrative

⁶¹⁰ Article 28-bis(5) Procedure Decree, citing Article 27(3)-(3-bis).

⁶¹¹ *Ibid.*

⁶¹² Civil Court of Turin, decision 5114/2019, 6 August 2019, procedure 19920/2019, available in Italian at: <https://cutt.ly/6yO8BKm>; Civil Court of Trieste, decision 30/2020, 13 January 2020, available in Italian at: <https://cutt.ly/IyO8NjY>.

⁶¹³ Court of Cassation, decision no. 2458/2021 published on 2 February 2021.

⁶¹⁴ Court of Cassation, decision no. 20656/2022 published on 28 June 2022; Court of Cassation, decision no. 9042/2023 published on 30 March 2023; Court of Cassation, decision no. 14/2024 published on 2 January 2024; Court of Cassation, decision no. 15/2024 published on 2 January 2024; Court of Cassation, decision no. 17/2024 published on 2 January 2024.

decisions of manifest unfoundedness of applications for protection included in Art. 28 ter of the Legislative Decree no. 25/2008 and, more generally, to all the hypotheses of accelerated procedures referred to in Art. 28 bis of the same decree.⁶¹⁵

The immediate procedure

The immediate procedure introduced by Decree Law 113/2018 was repealed by Decree Law 130/2020 and incorporated, with some changes, in the 5 days accelerated procedure, now ruled by Article 28-bis (1) b) and is applicable where the applicant:⁶¹⁶

- ❖ Is subject to investigation for crimes which may trigger exclusion from international protection, and the [Grounds for Detention](#) in a CPR apply;⁶¹⁷
- ❖ Has been convicted, including by a non-definitive judgement, of crimes which may trigger exclusion from international protection.

Under the immediate procedure, the Questura promptly notifies the Territorial Commission, which “immediately” proceeds to an interview with the asylum applicant and takes a decision accepting or rejecting the application. The law no longer provides for the possibility for the Territorial Commission to suspend the decision.⁶¹⁸

In case of rejection, the law provides that the suspensive effect of a potential appeal is not automatic and has to be requested.⁶¹⁹ The law does not recognise suspensive effect to the appeal even if it includes a suspensive request. Moreover, according to the amended Procedure Decree (Article 35 bis (4) in case of appeal even if the suspensive request is accepted by Court the law does not include this case among the cases where a permit to stay can be issued to the applicant (See Article 35 bis (4) according to which this happens only in cases regulated by Article 35 bis (3) letters b) c) and d) and not d bis).

5.2 Personal interview

Indicators: Accelerated Procedure: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the accelerated procedure?

☐ Yes	☐ No
❖ If so, are questions limited to nationality, identity, travel route?	☐ Yes ☐ No
❖ If so, are interpreters available in practice, for interviews?	☐ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☐ Never

The same guarantees as those applied during the [Regular Procedure: Personal Interview](#) are applied. By Circular Note of 15 February 2024, the CNDA clarified that the practice of setting the date for the hearing before the Territorial Commission the same day as the formalisation of the asylum request (C3) following a quick agreement between Questura and Territorial Commissions, before any preliminary assessment requested by law of the President, does not respect the law. Therefore, the hearing before the Territorial

⁶¹⁵ ASGI, ‘Procedura accelerata e sospensione automatica del provvedimento: La sentenza della Corte di Cassazione n. 11399/2024’, available in Italian [here](#).

⁶¹⁶ Article 28-bis (1) (b) of the Procedure Decree, as amended by Decree Law 130/2020 and L 173/2020.

⁶¹⁷ The crimes are those cited by Articles 12(1)(c) and 16 (1)(d-bis) Qualification Decree, which include some serious crimes such as devastation, looting, massacre, civil war, mafia related crimes, murder, extortion, robbery, kidnapping even for the purpose of extortion, terrorism, selling or smuggling weapons, drug dealing, slavery, child prostitution, child pornography, trafficking in human beings, purchase and sale of slaves, sexual violence. Decree Law 113/2018 has also included other crimes excluding the recognition of international protection which are: violence or threat to a public official; serious personal injury; female genital mutilation; serious personal injury to a public official during sporting events; theft if the person wears weapons or narcotics, without using them; home theft. The grounds for detention referred to are those in Article 6(2)(a), (b) and (c) Reception Decree.

⁶¹⁸ Before the Decree Law 130/2020 this possibility was provided by Article 32(1-bis) Procedure Decree, now repealed.

⁶¹⁹ Article 35 bis (3)(d-bis) and (4) of the Procedure Decree as amended by Decree Law 130/2020 and L 173/2020.

Commission can no longer be written down on the C3 form, as before, but it will be separately notified to the applicant after the President's assessment on the procedure to apply. Notifications will be made by Questure in order to comply with the deadlines established by law.⁶²⁰

5.3 Appeal

Indicators: Accelerated Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the accelerated procedure?

❖ If yes, is it

❖ If yes, is it suspensive

☒ Yes

☐ No

☒ Judicial

☐ Administrative

☐ Yes

☒ Some grounds ☐ No

The time limits for appealing a negative decision depend on the type of accelerated procedure applied by the Territorial Commission:

Time limits for appeals in accelerated procedures: Article 35-bis(2) and 35 ter Procedure Decree ⁶²¹		
Ground for accelerated procedure	Legal basis	Days
Safe country of origin	Article 28-bis(2) c)	15
Subsequent application without new elements	Article 28-bis(1) and 29 (1,b)	15
Border procedure	Article 28-bis(2) (b) (b bis)	7
Border procedure in case of detention	Article 6 bis Reception Decree	7
Manifestly unfounded application	Articles 28-bis(2)(d) and 28-ter	15
Application after apprehension for irregular entry with the sole purpose of frustrating issuance or execution of removal order	Article 28-bis(2)(e)	15
Applicant detained in a CPR, hotspot or first reception centre	Article 28-bis(2) (a)	15
Applicant investigated or convicted for some of the crimes preventing the recognition of international protection	Article 28-bis (1)	15

The time limits for appealing a negative decision under Article 35-bis(2) and 35-ter and corresponding provisions of the Procedure Decree raise issues of consistency following the 2018, 2020 and 2023 reforms.

The Court of Cassation, with Decision no. 18518 of 30 June 2021,⁶²² ruled that the time limit of 15 days to appeal is applicable only in case the accelerated procedure was actually applied. The Court clarified that the subsistence of the legal grounds to apply the accelerated procedure is not – by itself – sufficient to apply the 15 days' time limit if the accelerated procedure was not applied in practice, and a decision on the merits was issued after an ordinary procedure. In its most recent decision on the issue (no. 26670/22

⁶²⁰ CNDA, Circular of 15 February 2024.

⁶²¹ Article 35 bis Procedure Decree as amended by Decree Law 145/2024 converted with amendments into L 187/2024.

⁶²² Sentenza Cassazione Civile n. 18518, 30 June 2021, available in Italian at: <https://bit.ly/3P0hmuy>.

of 9 September 2022),⁶²³ the Court of Cassation confirmed that the decision of the manifest unfoundedness can be considered adopted on the basis of an accelerated procedure only when the President of the competent Territorial Commission has decided in this sense and consequently the procedure has respected the terms of art. 28 bis, Decree n. 25/2008, because the peculiar qualification of the procedure as "accelerated" cannot derive from the mere formula of manifest unfoundedness contained in the decision of the Commission to reject the application. Just in case of declaration adopted by the President of Territorial Commission and respect of terms there will be fifteen days for appealing against the decision, while in all the other cases the deadlines of the regular procedure are to be applied. Failure to ensure these deadlines are applied would constitute a violation of the right of defence of the applicant, who has the right to know in advance the procedural model with which his application will be examined.

Accordingly, in 2022, the Civil Court of Bologna⁶²⁴ and the Civil Court of Naples⁶²⁵ established in two cases that, since the competent Territorial Commission had not respected the terms of the accelerated procedure, the procedure to apply in the cases at hand was the regular one.

Interestingly, the last case related to an asylum application submitted by a Ukrainian asylum applicant, which was rejected in 2021 and notified after more than one year not taking into account the changed situation in Ukraine.

In 2024, after the decision no. 11399/2024 of 29 April 2024 of the United sections of the Court of Cassation, national Courts consider the regular procedure applies in all cases that accelerated procedure has not been respected.

The automatic suspensive effect of the appeal depends on the ground for applying the accelerated procedure.

An appeal against the decision on the suspensive effect can be submitted to the Court of Appeal, according to the procedure amended by the DL 145/2024 converted into L. 187/2024.

The appeal does not suspend the effects of the decision appealed.⁶²⁶

5.4 Legal assistance

Indicators: Accelerated Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?
☐ Yes ☐ With difficulty ☐ No
❖ Does free legal assistance cover: ☐ Representation in interview
☐ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a decision in practice?
☐ Yes ☐ With difficulty ☐ No
❖ Does free legal assistance cover ☐ Representation in courts
☐ Legal advice

The same rules apply as under the [Regular procedure](#).

⁶²³ Sentenza Cassazione Civile n. 26670, 9 September 2022; in the same sense Sentenza Cassazione Civile 6745, 10 March 2021, Sentenza Cassazione Civile n. 7520, 25 March 2020, Sentenza Cassazione Civile 23021 del 21 October 2020.

⁶²⁴ Civil Court of Bologna, decree of 15 September 2022, available at: bit.ly/3Z7w7PK.

⁶²⁵ Civil Court of Naples, decree of 18 November 2022, available at: bit.ly/3JE1eNa.

⁶²⁶ Article 35 bis Procedure Decree introduced by DL 145/2024 converted with amendments into L. 187/2024.

6. National protection statuses and return procedure

6.1 National forms of protection

The national protection called humanitarian protection was abolished by Decree Law 113/2018 by repealing the provision of the TUI concerning the issuance of a residence permit on serious grounds, in particular of a humanitarian nature or resulting from constitutional or international obligations of the Italian State.⁶²⁷

However, humanitarian protection status has been replaced by special protection which can be recognised when some grounds of expulsion bans ruled by Article 19 TUI apply and on the base of the provision - reintroduced by Decree Law 130/2020 in Article 5 (6) of TUI - concerning the obligation to consider, before rejecting a permit to stay, constitutional and international obligations of the Italian State.⁶²⁸

Following the 2023 reform through Law 50/2023, special protection covers cases where people cannot be expelled or refouled as they risk being persecuted for reasons of race, sex, sexual orientation and gender identity, language, citizenship, religion, political opinions, personal or social conditions, or may risk being sent back to another country where they are not protected from persecution.⁶²⁹

It also covers cases where a person risks being sent to a country where there are reasonable grounds to believe that they risk being subjected to torture or inhuman or degrading treatments or if they fulfil the conditions set out in constitutional or international obligations referred to in Article 5 (6) TUI. In evaluating these reasons, the existence of systematic and serious violations of human rights in destination State is also taken into account.⁶³⁰

Significantly, the decree law 20 of 10 March 2023, converted with amendments into Law 50 of 5 May 2023, cancelled the possibility to directly request this kind of permit to a Questura and to consider, in releasing such permits to stay, if there are good reasons to believe that the removal from the national territory involves a violation of the right to respect for his private and family life, unless that it is necessary for national security reasons, public order and safety as well as health protection.⁶³¹ Even if the amendment does not exclude the application of international and European guarantees, such as the application of Article 8 of ECHR, the new wording of the law has already lead, according to ASGI monitoring, to a significative limitation in the number of cases in which this form of protection is recognised.⁶³² This was confirmed by the practice in 2024, as observed by ASGI.

Additionally, the DI 20/2023 and the conversion L. 50/2023 changed the provisions related to the renewal of this permit. These permits are still to be granted for two years and they are renewable but, according to the new law, beneficiaries are not able to transform them in work permits (see [Residence Permit](#)).⁶³³

The new provisions however do not apply to the procedures already pending as of 6 May 2023.⁶³⁴ The law also specifies that those titles which had already been delivered at the time of entry into force of the Law 50/2023 directly from Questura would be renewed only once for a duration of one year. The law also specifies that they can be changed into work permits.⁶³⁵

However, during 2023 and still in early 2024, Questure denied the possibility to change special protection permits into work permits, declaring all the requests inadmissible because Article 6 TUI does not allow for

⁶²⁷ Article 5(6) TUI, was amended Decree Law 113/2018 but is has been again amended by Decree Law 130/2020 reintroducing the obligation to consider, before rejecting a permit to stay, constitutional and international obligations of the Italian State.

⁶²⁸ Article 5 (6) as amended by Decree Law 130/2020 and L 173/2020.

⁶²⁹ Articles 19(1) TUI as amended by Decree Law 130/2020 and L. 173/2020 recalled by Article 32 (3) Procedure Decree.

⁶³⁰ Article 19 (1.1) TUI as amended by DL 20/2023 converted into L. 50 of 5 May 2023.

⁶³¹ Article 19 (1.1) TUI as amended by DL 20/2023 converted into L. 50 of 5 May 2023.

⁶³² According to Eurostat, humanitarian permits recognised in 2023 were 380 less than those granted in 2022 (see Eurostat data available at: <https://acesse.dev/II39P>). However, data must be read in conjunction with the fact the overall recognition rate is significantly decreased in 2023 passing from 47% in 2022 to 37%.

⁶³³ Article 32 of the Procedure Decree and 6 of the TUI both as amended by DL 20/2023 converted into L. 50/2023.

⁶³⁴ Article 7 (2) DL 20/2023.

⁶³⁵ Article 7 (3) DL 20/2023.

the change anymore for those special protection permits issued by decision of Territorial Commissions as a result of an international protection request.⁶³⁶

Many Courts, both ordinary and administrative, upheld appeals filed in this regard, ruling that the transitional rule provided by Article 7 (3) DL 20/2023 has to be applied uniformly, with no admissible difference between special protection permits issued directly by Questure and those issued by decision of Territorial Commissions, as the legal provision for their issuance is the same.

Recalling the transitory provision of Article 7 (3) DL 20/2023, by decision of 22 November 2023, the Administrative Court for Campania region upheld the interim request to suspend the effects of the rejection notified to an applicant by the Questura of Naples.⁶³⁷ The Administrative Court for Tuscany region⁶³⁸ and the Administrative Court for Piedmont⁶³⁹ region also decided in the same way. Some other administrative Courts, such as the one for Marche region⁶⁴⁰ and Friuli Venezia Giulia Region,⁶⁴¹ instead of deciding only on the interim request, decided to uphold the entire appeal.

According to Article 32 (3) of the Procedure Decree, in cases where the international protection is rejected and the conditions set out in article 19, paragraphs 1 and 1.1 TUI are met, the Territorial Commission transmits the documents to the Questura for the issue of a two-years residence permit for "special protection".

Even though the law does no longer expressly allow to present a request for special protection directly to Questure (without it being necessarily connected to the international protection procedure), some Civil Courts have upheld the appeals submitted by applicants to obtain this possibility:

- the Court of Florence, with an interim decision issued on 10 October 2024 underlined that "the suppression of the provisions relating to the issuance of the residence permit for protection special by the Police Commissioner, cannot lead to the suppression of the duty of the public authorities to receive and consider applications for complementary protection, fixed moreover by supreme norms of constitutional and international rank. Consequently, the court ordered the Questura of Pistoia to set an appointment to formalize the application for requesting a permit of stay for special protection pursuant to art. 19 TUI.⁶⁴²
- The Civil Court of Catanzaro on 12 March 2025 (and similarly in other decision issued on 10 March 2025) accepted the appeals submitted by two applicants and ordered the Questura of Cosenza to immediately give the appellant an appointment aimed at formalizing the application for special protection pursuant to art. 19, co. 1 and 1.1., T.U. Imm., followed by the recognition of the right to obtain a temporary residence permit.⁶⁴³
- The Civil Court of Bari, with an interim decision issued on 11 April 2025, ordered the Questura of Bari to receive and register the application for special protection within 10 days of the decision.⁶⁴⁴

According to the Procedure Decree, the Territorial Commission, while rejecting the international protection, can:

- recommend the competent Questura to issue a permit for health reasons when conditions provided by Article 19 (2 d bis) TUI - as amended by L. 50/2023 - are met. Law 50/2023 has restricted the possibilities of obtaining this type of permit, providing that it can be issued in case of health conditions deriving from particularly serious pathologies (as before) but adding as a

⁶³⁶ Article 7 DL 20/2023 cancelled the provision before included in lett. a) Article 6 (1 bis) which stated that special protection permits released according to Article 32 Procedure Decree (as an outcome of the asylum request) could be changed into work permits.

⁶³⁷ Administrative Court for Campania region, Interim decision of 22 November 2023, published on 23 November 2023, no. 02178/2023.

⁶³⁸ Administrative Court for Tuscany region, interim decision no. 24/2024 of 10 January 2024.

⁶³⁹ Administrative Court for Piedmont Interim decision no. 10/2024 of 12 January 2024.

⁶⁴⁰ Administrative Court for Marche region, decision no. 00913/2023 of 28 December 2023

⁶⁴¹ Administrative Court for Friuli Venezia Giulia region, decision no. 87/2024 of 27 February 2024

⁶⁴² Civil Court of Florence, interim decision of 10 October 2024.

⁶⁴³ Civil Court of Catanzaro, 2 decisions of 12 March 2025, and a decision of 10 March 2025.

⁶⁴⁴ Civil Court of Bari, interim decision of 11 April 2025.

condition the inadequacy of treatment in the country of origin. The pathology has to cause significant damage to the health of the applicant, in case of return to the country of origin or provenance.⁶⁴⁵ The health conditions must be ascertained through suitable documentation issued by a public health facility or by a doctor of the National Health Service. The duration of health permits is linked to the time certified by the health certification, in any case not exceeding one year. They are renewable but not convertible into a work permit to stay. They are valid only on the national territory.

- inform the Public Prosecutor at the Juvenile Court to activate the procedure to release a permit to stay to the family members of minors to assist the minors.⁶⁴⁶ In case the residence permit is released, it has the duration decided by the Juvenile Court but not exceeding the age of majority of the minor. It can be renewed starting a new procedure before the same Court and can be converted into a work permit to stay.
- transmit the documents to the Questura if well-founded reasons emerged to believe that the applicant was a **victim of trafficking⁶⁴⁷ or enslavement crimes⁶⁴⁸**. Persons in these situations can obtain national protection for social protection according to Article 18 TUI. This is a permit to stay for "special cases", it lasts six months and can be renewed for one year, or for a longer period necessary for reasons of justice.

Other forms of national protection are provided for:

- **Victims of labour exploitation⁶⁴⁹** pursuant to Article 18 ter TUI. In this case a permit to stay for "special cases" is issued to the victim, it has a duration of six months and can be renewed for one year or for the longer period necessary for reasons of justice.
- **Victims of domestic violence**, pursuant to Article 18 bis TUI. The residence permit issued pursuant to this article bears the words "special cases" and has a duration of one year. Upon expiry, the permit can be converted into a residence permit for subordinate or self-employed work or for study purposes.
- **Residence permits due to natural disasters**, according to article 20 bis TUI, issued when the country to which the foreigner should return is in a situation of contingent and exceptional calamity which does not allow return and stay in safe conditions. The residence permit lasts six months, and is renewable for a further period of six months if exceptional calamity conditions persist; the permit is valid only in the national territory and allows to carry out work activities but cannot be converted into a residence permit for work reasons

6.2 Return procedure

According to Article 32 (4) of the Procedure Decree, as amended by L. 50/2023, in the event of rejection, withdrawal of the application and inadmissibility, the decision of the Territorial Commission shall also contain a return order and an entry-ban.⁶⁵⁰ This certificate produces the effects of the expulsion order⁶⁵¹ and must be challenged together with the appeal against the rejection of the international and special protection claim, without prejudice to the effects of suspension governed by the procedures decree.⁶⁵²

⁶⁴⁵ Article 32 (3.1) Procedure Decree recalls the requirements referred to in Article 19 TUI (2) (d-bis) as amended by L. 50/2023 which excludes the expulsion or extradition of foreigners who are in such health serious conditions.

⁶⁴⁶ Article 32 (3.2) recalls the requirements referred to in Article 31 (3) TUI.

⁶⁴⁷ Article 600 of the Criminal Code.

⁶⁴⁸ Article 601 of the Criminal Code.

⁶⁴⁹ Article 603 bis Criminal Code.

⁶⁵⁰ Article 32 (4) as amended by L. 50/2023 referring to Article 13 (13,14) of TUI.

⁶⁵¹ Article 13 TUI.

⁶⁵² Article 35 bis (3,4) Procedure Decree.

D. Guarantees for vulnerable groups

1. Identification

Indicators: Special Procedural Guarantees

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum seekers?
☐ Yes ☐ For certain categories ☒ No
❖ If for certain categories, specify which:
2. Does the law provide for an identification mechanism for unaccompanied children?
☒ Yes ☐ No

The Procedure Decree describes the following groups as vulnerable: minors, unaccompanied minors, women (and no longer only pregnant women, as specified by DL 133/2023),⁶⁵³ single parents with minor children, victims of trafficking, disabled, elderly people, persons affected by serious illness or mental disorders; persons for whom has been proved they have experienced torture, rape or other serious forms of psychological, physical or sexual violence; victims of genital mutilation.⁶⁵⁴

1.1 Screening of vulnerability

There is no procedure defined in law for the identification of vulnerable persons. However, the Ministry of Health published guidelines for assistance, rehabilitation and treatment of psychological disorders of beneficiaries of international protection victims of torture, rape or other serious forms of psychological, physical or sexual violence. The guidelines highlight the importance of multidisciplinary teams and synergies between local health services and all actors encountering asylum applicants (see [Content of Protection: Health Care](#)).

The identification of victims of torture or extreme violence may occur at any stage of the asylum procedure by lawyers, competent authorities, professional staff working in reception centres and specialised NGOs. The Territorial Commission, on the basis of elements provided by the applicant, may also request a medical examination aimed at ascertaining the effects of persecution or serious harm suffered by the applicants, to be carried out in accordance with the guidelines.⁶⁵⁵

Children

The protection of asylum-seeking children has been strengthened with the adoption of LD 18/2014 and L 47/2017. Article 3(5)(e) LD 18/2014 provides for the obligation to take into account the level of maturity and the personal development of the child while evaluating their credibility, while Article 19(2-bis) expressly recalls and prioritises the principle of the best interests of the child.

Any action necessary to identify the family members of the unaccompanied minor seeking asylum is promptly put in place to ensure the right to family reunification. The Ministry of Interior shall enter into agreements with international organisations, intergovernmental organisations and humanitarian associations, on the basis of the available resources of the National Fund for asylum policies and services, to implement programs directed to find the family members. The research and the programs directed to find such family members are conducted in the superior interest of the minor and with the duty to ensure the absolute privacy and, therefore, to guarantee the security of the applicant and of his or her relatives.⁶⁵⁶ A member of the Territorial Commission, specifically skilled for that purpose, interviews the minor in the presence of the parents or the legal guardian and the supporting personnel providing specific assistance to the minor. For justified reasons, the Territorial Commission may proceed to interview the minor again in the presence of the supporting personnel, even without the presence of the parent or the legal guardian,

⁶⁵³ (Article 2(1 lett. h-bis) as amended by Article 7 DL 133/2023 converted with amendments by L. 176/2023),

⁶⁵⁴ Article 2(1)(h-bis) Procedure Decree.

⁶⁵⁵ Article 8(3-bis) Qualification Decree.

⁶⁵⁶ Article 19(7) Reception Decree.

if considered necessary in relation of the personal situation of the minor concerned, the degree of maturity and development, in the light of the minor's best interests.⁶⁵⁷

The Presidential Decree 191/2022 of 4 October 2022,⁶⁵⁸ published on 13 December 2022 introduced an important change for unaccompanied children who seek asylum while underage. According to the Article 14 (1bis) of PD no. 394/99 as amended by PD 191/2022, in case the international protection request is denied, the residence permit for asylum request issued to the unaccompanied minor may be converted into a permit to stay for study or work reasons, pursuant to Article 32 (1 and 1 bis) of the Consolidated Act on Immigration, even after reaching the age of majority and even after a rejection of the asylum appeal.

The request must be presented within thirty days from the expiring date provided for the appeal against the refusal issued by the Territorial Commission or, in case of appeal, within thirty days from the notification of the decree by which the Court denies the suspension of the effects of the rejection challenged, or within thirty days from the communication of the Court decree rejecting the appeal pursuant to article 35-bis, (4 and 13), of the Procedure Decree.

By the end of 2024, the Ministry of Labour traced the presence of 18,000 unaccompanied minors in Italy.⁶⁵⁹ 14,828 entered in Italy in 2024; out of this number, 8,043 arrived by sea.⁶⁶⁰ Compared to 2023, the data shows a decrease in the number of UAMs arrivals, when 27,476 unaccompanied minors arrived in Italy.

The most represented nationalities were Egypt (21%), Tunisia (15%), Gambia (8.6%), Guinea (8.5%), Eritrea (4.7%), Syria (4.7%) and Bangladesh (4.5%).

In 2024, 2030 unaccompanied minors applied for international protection.

In the first semester of 2023, 62% of UAMS were recognised an international protection and, in the second semester, 68% of UAMS were recognised a form of international protection.

More in detail, in the first semester, 19% were recognised refugees, 26% were recognised a subsidiary protection and 17% had national protection; in the second semester, 13% were recognised refugee status, 34% were recognised subsidiary protection and 18% had a national protection.⁶⁶¹

Unaccompanied asylum-seeking children: 2024	
Nationality	Number
Gambia	275
Guinea	189
Afghanistan	176
Pakistan	173
Mali	142
Burkina Faso	135
Peru	121

⁶⁵⁷ Article 13(3) Procedure Decree.

⁶⁵⁸ Presidential Decree no. 191/2022 of 4 October 2022, published on 13 December 2022, available in Italian at: bit.ly/3ZNB0NP. The Presidential Decree has been issued pursuant to Article 22 of Zampa Law, L. no. 47/2017.

⁶⁵⁹ Ministry of Labour, *Monitoring six months report on unaccompanied foreign minors*, 31 December 2024, available [here](#).

⁶⁶⁰ MOI, *Cruscotto statistico giornaliero*, 31 December 2024, available [here](#).

⁶⁶¹ Ministry of Labour, *Monitoring six months report on unaccompanied foreign minors*, 30 June 2024, available [here](#); and Ministry of Labour, *Monitoring six months report on unaccompanied foreign minors*, 31 December 2024 available [here](#).

Tunisia	101
Ivory Coast	84
Ukraine	77
Others	1,473
Total	2,030

Source: Ministry of Labour, Monitoring six months report on unaccompanied foreign minors, 30 June 2024 available [here](#); and 31 December 2024, available [here](#).

Gender based violence

On 31 March 2022, the National Commission for the Right to Asylum presented, together with UNHCR, the Standard Operating Procedures for the identification and referral of survivors of – or those at risk of – gender-based violence within the asylum procedure, which had been published on 31 December 2021.⁶⁶²

Torture survivors

During the personal interview, if the members of the Territorial Commissions suspect that the asylum applicant may be a torture survivor, they may refer them to specialised services and suspend the interview.

The Reception Decree provides that persons for whom it has been proved that they have experienced torture, rape or other serious forms of violence shall have access to appropriate medical and psychological assistance and care on the basis of Guidelines issued by the Ministry of Health. To this end, health personnel shall receive appropriate training and must ensure privacy.⁶⁶³

Guidelines were issued on 22 March 2017,⁶⁶⁴ but their application is still limited according to ASGI experience, including in 2024.

Victims of trafficking

Where during the examination procedure, well-founded reasons arise to believe the applicant has been a victim of trafficking, the Territorial Commissions may suspend the procedure and inform the Questura, the Prosecutor's office or NGOs providing assistance to victims of human trafficking thereof.⁶⁶⁵ LD 24/2014, adopted in March 2014 for the transposition of the Anti-Trafficking Directive, foresees that a referral mechanism should be put in place in order to coordinate the two protection mechanisms established for victims of trafficking, namely the protection systems for asylum applicants and beneficiaries of international protection, coordinated at a central level, and the protection system for victims of trafficking established at a territorial level.⁶⁶⁶

Giving effect to the legal provision, in 2017 the CNDA and UNHCR published detailed guidelines for the Local Commissions on the identification of victims of trafficking among applicants for international protection and the referral mechanism.⁶⁶⁷

⁶⁶² Ministry of Interior and UNHCR, *Standard Operating Procedures*, 31 December 2021, available in Italian at: <http://bit.ly/3Lk71Kq>.

⁶⁶³ Article 17(8) Reception Decree.

⁶⁶⁴ Ministry of Health, *Guidelines for the planning of interventions assistance and rehabilitation as well as for treatment of mental disorders of international protected who suffered torture, rape or other serious forms of psychological, physical or sexual violence*, 22 March 2017, available at: bit.ly/422OPK8.

⁶⁶⁵ Article 32(3-bis) Procedure Decree.

⁶⁶⁶ Article 13 L 228/2003; Article 18 TUI.

⁶⁶⁷ CNDA and UNHCR, *L'identificazione delle vittime di tratta tra i richiedenti protezione internazionale e procedure di referral*, September 2017, available in Italian at: <http://bit.ly/2FtAeK>.

In January 2021, UNHCR Italy issued its Guidelines addressed at Territorial Commissions for the recognition of international protection,⁶⁶⁸ aimed at contributing to the correct identification of victims of trafficking in human beings in the context of the procedures for assessing asylum applications, and at ensuring they are given them assistance and protection.⁶⁶⁹

The Reception Decree clarifies that trafficked asylum applicants shall be channelled into a special programme of social assistance and integration.⁶⁷⁰ Recognised victims of trafficking can also be accommodated in SAI reception facilities during the asylum procedure, as they belong to the vulnerable asylum applicants groups allowed, according to L. 50/2023, to access this accommodation system before they have been recognised international protection⁶⁷¹ (see [Special Reception Needs](#)).

Victims of trafficking can also obtain a permit for “special cases” pursuant to Article 18 TUI (See [National protection statuses](#)).

1.2 Age assessment of unaccompanied children

The Procedures Decree includes a specific provision concerning the identification of unaccompanied children. It foresees that in case of doubt on the age of the asylum applicant, they can be subjected to an age assessment through non-invasive examinations.⁶⁷²

The law states that, in the absence of identification documents,⁶⁷³ and in case of doubts about the person's age, the Public Prosecutor's office at the Juvenile Court may order a social / medical examination.⁶⁷⁴ This provision may put an end to the critical practice of Questure which directly sent children to hospital facilities without any order by judicial authorities, even when children had valid documents.⁶⁷⁵

The person is informed in a language they can understand taking into account their degree of literacy and maturity, with the assistance of a cultural mediator, of the fact that an age assessment will be conducted through a social / medical examination. The guardian is also informed of the process.

The examination is conducted under a multidisciplinary approach by appropriately trained professionals, using the least invasive methods possible and respecting the integrity of the person.⁶⁷⁶

According to the law, pending the outcome of the procedure, the applicant benefits from the provisions on reception of unaccompanied children.⁶⁷⁷ The benefit of the doubt shall be granted if doubts persist following the examination.⁶⁷⁸

The law also states that the final decision on the age assessment, taken by the Juvenile Court, is notified to the child and to the guardian or the person exercising guardianship and must indicate the margin of error.⁶⁷⁹

Competent authorities can request to conduct an age assessment at any stage of the asylum procedure. However, before subjecting a young person to a medical examination, it is mandatory to seek the consent of the concerned unaccompanied child or of their legal guardian.⁶⁸⁰ According to the law, the refusal by

⁶⁶⁸ UNHCR Guidelines, *L'identificazione delle vittime di tratta tra i richiedenti protezione internazionale e procedure di referral*, available at <https://bit.ly/3KwhQoD>.

⁶⁶⁹ European Commission, EMN Bulletin, May 2021, available at: <https://bit.ly/3s2wrBY>, 16.

⁶⁷⁰ Article 17(2) Reception Decree in conjunction with Article 18(3-bis) LD 286/1998 and LD 24/2014.

⁶⁷¹ Article 9 (1 bis) introduced by L 50/2023 which converted with amendments the DL 20/2023.

⁶⁷² Article 19(2) Procedure Decree.

⁶⁷³ Article 19-bis(3) Reception Decree.

⁶⁷⁴ Article 19-bis(4) Reception Decree.

⁶⁷⁵ Elena Rozzi, 'L'Italia, un modello per la protezione dei minori stranieri non accompagnati a livello europeo?', in *Il diritto d'asilo*, Fondazione Migrantes, February 2018.

⁶⁷⁶ Article 19-bis(5) Reception Decree.

⁶⁷⁷ Article 19-bis(6) Reception Decree.

⁶⁷⁸ Article 19-bis(8) Reception Decree.

⁶⁷⁹ Article 19-bis(7) Reception Decree.

⁶⁸⁰ *Ibid.*

the applicant to undertake the age assessment has no negative consequences on the examination of the asylum application.

On 6 January 2017, Decree 234/2016 entered into force. The Decree lays down a procedure for determining the age of unaccompanied children victims of trafficking, in implementation of Article 4 LD 24/2014.

L 47/2017 lays down rules on age assessment which apply to all unaccompanied children.⁶⁸¹ The Law provides that within 120 days of its entry into force, a decree of the President of the Council of Ministers should be adopted regulating the interview with the minor aiming at providing further details on his family and personal history and bringing out any other useful element relevant to his/her protection.⁶⁸² However, as of April 2025, such a decree has not yet been adopted.

In 2021, as reported by the Guarantor for the rights of detained persons in his last report to Parliament, four years after the entry into force of L. 47/2017, the procedure established for the age assessment of unaccompanied foreign minors still required interventions for its full and timely application.⁶⁸³

In June 2022, the NGOs Defence for Children and Cespi published the second monitoring report on the situation of unaccompanied minors in four Italian regions (Sicily, Apulia, Marche and Liguria).⁶⁸⁴ The report shows that correct application of the legislation was still limited.

Due to the structure of the Italian health system and regional autonomy in the provision of health services, the protocol on age assessment is applied differently throughout the national territory. The report also highlights that, according to a survey conducted by the INMP (National Institute for the promotion of the health of migrant populations and for the fight against the diseases of poverty), there are territories where the multidisciplinary team has not even been established and where old practices not in line with the current law are still used (64% of municipalities); in territories where the multidisciplinary team has been created (36%), generally the age assessment is conducted according to the provisions of the Protocol (78%) but, in 21% of cases, the concrete application of the protocol is still a challenge, as not all territories have invested the sufficient resources to finance them.⁶⁸⁵

In September 2022, the INMP published its report, drafted after a monitoring carried out by inviting the 118 Health authorities, 102 of which adhered to the request to complete the questionnaire.

37 Health authorities replied that a multidisciplinary team operated within them. Of these, only 18 adopted the protocol approved in the Unified Conference and 11 a multidisciplinary approach similar to it, while 8 resorted to using a method for determining age not aligned, in procedures and approach, with the protocol adopted. The report concluded that “to date, the adoption of the protocol by the health authorities appears to be limited” and that “the implementation of the protocol by the authorities appears as sustainable; however, there is great variability in the adoption of the agreement between the various Regions, sometimes even within them”.⁶⁸⁶

Currently, according to ASGI’s experience and as the mentioned INMP report proved, L 47/2017 is not applied uniformly on the national territory. In some areas, the multidisciplinary teams required by law have been established. Consequently, age assessments are still conducted through wrist X-ray, with results not indicating the margin of error.⁶⁸⁷

⁶⁸¹ Article 19-bis Reception Decree, inserted by Article 5 L 47/2017.

⁶⁸² Article 5 L 47/2017.

⁶⁸³ Guarantor for the rights of detained persons, *Report to Parliament*, June 2021, available at: <https://bit.ly/35UHwx5>, 229.

⁶⁸⁴ Defence for Children and Cespi Report for 2021, *Minorenni stranieri non accompagnati*, Legge 47/2017, published on June 2022, available in Italian at: <http://bit.ly/3li1S10>.

⁶⁸⁵ Ibidem, 134.

⁶⁸⁶ Report from INMP (National Institute for the promotion of the health of migrant populations and for the fight against the diseases of poverty), *Primo rapporto sull’attuazione del protocollo per la determinazione dell’età dei minori stranieri non accompagnati*, 22 September 2022, available at: <http://bit.ly/3IDuH9U>.

⁶⁸⁷ The different praxis not always in conformity with law have been reported by UNHCR in a report of 2020 available in Italian at: <https://bit.ly/3MQDMwk>.

In 2020, a national protocol on multidisciplinary age assessment was signed by the Conference State region,⁶⁸⁸ providing for uniform criteria and inviting to the conclusion of local protocols. In some areas, starting from 2020, the recommended local protocols were also signed; as an example, this was the case in Milan,⁶⁸⁹ Messina,⁶⁹⁰ and Ancona.⁶⁹¹ In 2022, as mentioned, only 18 health authorities adopted the protocol approved in the Unified Conference and 11 a multidisciplinary approach similar to it.

The age assessment is often required even in presence of identity documents and even when there is no reasonable doubt about the minor age. However, the law does not provide the timing for the decision and, pending the results, the minor is often treated and accommodated as an adult, therefore also in situations of promiscuity with adults. Furthermore, the child is often not informed and involved actively in the procedures and he or she is not aware of the reasons for the examinations. On the other hand, a certainly positive element consists in the decrease of cases in which age assessment is requested by authorities not entitled to carry out such proceedings.

As underlined by the Cespi report published in March 2025,⁶⁹² in Piedmont, as reported by legal workers operating in Turin, unaccompanied minors are not considered as such by the Questura of Turin if they are unable to exhibit a passport. Alternatively, the minor is requested to undergo an age assessment with subsequent ratification asked to Court. For this, however, it is generally necessary to wait between 12 and 18 months. Birth certificates are not accepted, as they do not include a photograph, although according to the law and confirmed by the jurisprudence of Supreme Court of Cassation this document should be considered valid to recognise the minor age.⁶⁹³ The report also mentions that, as reported by Save the Children's in Piedmont the multidisciplinary teams envisaged by the Protocol for the age determination of unaccompanied foreign children have not yet been established. Instead, minors are still subjected to radiological tests, not in line with national indications which favour of less invasive approaches. On 15 July 2024, the municipality of Turin communicated the approval of a plan which commits the administration to recognize the precise age of the arriving minor in such a way that the burden of proof of age does not fall on the minor himself.⁶⁹⁴

Moreover, the recent amendments made by Decree-Law 133/2023, converted by Law 176/2023, introduced exceptions in ascertaining the age of unaccompanied minors in case of large, multiple and close arrivals, following search and rescue activities at sea, or found at the border or in transit zones. In such cases, wide discretion is granted to the public security authorities in the identification procedures, by carrying out anthropometric or other health assessments, including X-rays, aimed at identifying age. The only limit for the public security authorities is that they must send a request for authorisation in writing to the Public Prosecutor's Office at the Juvenile Court. In particularly urgent cases, authorisation may be given orally and only subsequently confirmed in writing.⁶⁹⁵

ASGI pointed out how the new provisions introduced by Law Decree 133/2023 run the risk of nullifying the rules and protocols that were in force until then, which, although not formally affected, are weakened in relation to the possible extension of the application of the new derogatory procedure, which focuses on the rapidity of the outcome to the detriment of the guarantees for the person.

On a completely discretionary basis because there are no parameters or reference indications laid down by law, the public security authorities can decide whether to start the ordinary procedure, which, as seen, requires an assessment based on several methods to be applied together and the initiation of proceedings at the Juvenile Court with the adoption of a final decree, or whether to, outside of the multidisciplinary

⁶⁸⁸ Available in Italian at: <https://bit.ly/384KZtJ>.

⁶⁸⁹ Milan Protocol available in Italian at: <https://bit.ly/3LYxqLr>.

⁶⁹⁰ Available in Italian at: <https://bit.ly/3OVDUfP>.

⁶⁹¹ Available in Italian at: <https://bit.ly/37YepKj>.

⁶⁹² See Cespi, Monitoraggio normativo 2024 I MSNA in Europa e Italia, Giovanni Meledandri, March 2025, available [here](#).

⁶⁹³ See Court of Cassation, decision no. 5936 of 5 March 2020, available [here](#).

⁶⁹⁴ Comune di Torino, Sull'accoglienza dei minori stranieri non accompagnati, comunicato stampa del 15 luglio 2024, available [here](#).

⁶⁹⁵ Article 19 bis (6bis) Reception Decree, as amended by Article 5 Decree Law 133/2023 converted by L 176/2023.

approach, also subject a person claiming to be a minor to individual examinations, including radiological examinations, the (un)reliability of which has been debated for years.⁶⁹⁶

Challenging age assessments

According to L 47/2017, the age assessment decision can be appealed, and any administrative or criminal procedure is suspended until the decision on the appeal.⁶⁹⁷ Before this law, in the absence of a specific provision, children were often prevented from challenging the outcome of age assessments.

On 21 October 2022, in the case *Darboe and Camara*, the ECtHR condemned Italy for violations:

- ❖ Of Article 3 – having regard to the length and conditions of the applicant's stay in the adult reception centre in Cona;
- ❖ Of Article 8 ECHR – as the Italian authorities failed to apply the principle of presumption of minority, which the Court deems to be an inherent element of the protection of the right to respect for private life of a foreign unaccompanied individual declaring to be a minor;
- ❖ Of Article 13 of the Convention taken in conjunction with Articles 3 and 8 of the ECHR, as the remedies mentioned by the Government with specific reference to the applicant's age-assessment procedure turned out to be ineffective in the applicants' cases.⁶⁹⁸

According to Article 19 bis (6 bis) Reception Decree, as amended by Law Decree No. 133/2023 an appeal can be submitted before the Juvenile Court within 5 days from the age assessment and, if a suspension request is included in the appeal, the judge shall decide within 5 days.

As pointed out by ASGI in the supervision procedure for the *Camara* and *Darboe* case under Rule 9.2 of the Rules of the Committee of Ministers, Law Decree No. 133/23 lacks minimal procedural safeguards to uphold the principle of presumption of minority, protected by Article 8 of the Convention. Additionally, it does not provide access to an effective remedy in age assessment procedures, as interpreted by the Court in the *Darboe* and *Camara* cases, since:

- ❖ No reference is made to the existence of a well-founded doubt as to the age declared by the person concerned as a precondition for carrying out the assessment of age, nor is any mention made of the relevance of any personal documents in the possession of the person concerned;
- ❖ It does not provide for the appointment of a guardian, access to a lawyer and the informed participation of the person concerned in the age determination procedure;
- ❖ It is based exclusively on the "carrying out of anthropometric or other health assessments, including radiographic ones, aimed at identifying age", expressly derogating from the provisions of paragraph 6 of Article 19-bis of Legislative Decree 142/15 that provides for a multidisciplinary approach;
- ❖ It is ordered by the public security authority rather than the judicial authority, which merely authorises it (even orally, in cases of particular urgency) and ends not with the adoption of an age-assignment order by the judicial authority, but with the notification of the public security authorities' report;
- ❖ It provides for extremely short deadlines for lodging an appeal (5 days) completely impossible to meet.⁶⁹⁹

⁶⁹⁶ ASGI, Informal hearing as part of the examination of Bill C. 1458, converting Decree-Law No. 133 of 2023 on urgent provisions on immigration and international protection, as well as on support for security policies and the functionality of the Ministry of the Interior, October 2023, available at: <https://encr.pw/At4V5>.

⁶⁹⁷ Article 19-bis(9) Reception Decree.

⁶⁹⁸ ECtHR, Application No 5797/17, *Darboe and Camara v. Italy*, 21 July 2022, available at: <https://bit.ly/3PA9UIs>.

⁶⁹⁹ Communication by ASGI in the *Camara* and *Darboe* supervision procedure under Rule 9.2 of the Rules of the Committee of Ministers, 16 November 2023, available at <https://bit.ly/49T0b8b>. See also the submission sent on February 2024, available at <https://bit.ly/3TB2w1P>.

2. Special procedural guarantees

Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people?

☒ Yes ☐ For certain categories ☐ No

❖ If for certain categories, specify which:

Art. 17 of reception decree (142/2015) has a list of “vulnerable people” such as minors, unaccompanied minors, the disabled, the elderly, pregnant women, single parents with minor children, victims of trafficking in human beings, persons suffering from serious illnesses or mental disorders, persons found to have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence or violence related to sexual orientation or gender identity, victims of genital mutilation”.

2.1 Adequate support during the interview

The Procedure Decree foresees the possibility for asylum applicants in a vulnerable condition to be assisted by supporting personnel during the personal interview even though the legal provision does not specify which kind of personnel.⁷⁰⁰ During the personal interview, the applicant may (and is often the case in practice) be accompanied by social workers, medical doctors and/or psychologists.

According to Reception Decree, unaccompanied children can be assisted, in every state and degree of the procedure, by the presence of suitable persons indicated by the child, as well as groups, foundations, associations or NGOs with proven experience in the field of assistance to foreign minors and registered in the register referred to in Article 42 TUI, with the prior consent of the child, accredited by the relevant judicial or administrative authority.⁷⁰¹

Where it emerges that asylum-applicants have been victims of slavery or trafficking in human beings, the Territorial Commission transmits the documents to police for the appropriate evaluations.⁷⁰²

2.2 Exemption from special procedures

Vulnerable persons are admitted to the prioritised procedure.⁷⁰³ The Territorial Commission must schedule the applicant’s interview “in the first available seat” when that applicant is deemed as vulnerable.⁷⁰⁴ In practice, when the police have elements to believe that they are dealing with vulnerable cases, they inform the Territorial Commissions which set a date for the personal interview as soon as possible, prioritising their case over the other asylum applicants under the regular procedure. Moreover, this procedure is applied also in case the Territorial Commissions receive medico-legal reports from specialised NGOs, reception centres and Health centres.

Children can directly make an asylum application through their parents.⁷⁰⁵

Following the 2020 reform, the Procedures Decree exempts unaccompanied children and/or persons in need of special procedural guarantees from the accelerated procedure.⁷⁰⁶

However, Decree Law 133/2023 has cancelled the law provision which exempted vulnerable persons from the possibility to receive a manifestly unfounded rejection to their international protection request.⁷⁰⁷

⁷⁰⁰ Article 13(2) Procedure Decree.

⁷⁰¹ Article 18(2-bis) Reception Decree.

⁷⁰² Article 32(3-bis) Procedure Decree.

⁷⁰³ Article 28(2) (b) Procedure Decree.

⁷⁰⁴ Article 7(2) PD 21/2015.

⁷⁰⁵ Article 6(2) Procedure Decree.

⁷⁰⁶ Article 28 bis (6) Procedure Decree, as amended by Decree Law 130/2020 and L 173/2020.

⁷⁰⁷ DL 133/2023 has abrogated Article 28 ter (1 bis).

3. Use of medical reports

Indicators: Use of medical reports

1. Does the law provide for the possibility of a medical report in support of the applicant's statements regarding past persecution or serious harm? ☐ Yes ☐ In some cases ☒ No
2. Are medical reports taken into account when assessing the credibility of the applicant's statements? ☒ Yes ☐ No

The law contains no specific provision on the use of medical reports in support of the applicant's statements regarding past persecutions or serious harm. Nevertheless, the Qualification Decree states that the assessment of an application for international protection is to be carried out taking into account all the relevant documentation presented by the applicant, including information on whether the applicant has been or may be subject to persecution or serious harm.⁷⁰⁸

Moreover, a medico-legal report may attest the applicant's inability or unfitness to attend a personal interview. According to the Procedure Decree, the Territorial Commissions may omit the personal interview when the applicant is unable or unfit to face the interview as certified by a public health unit or a doctor working with the National Health System.⁷⁰⁹ The applicant can also ask for the postponement of the personal interview providing the Territorial Commission with pertinent medical documentation.⁷¹⁰

The Qualification Decree allows the Territorial Commission to seek advice, whenever necessary, from experts on particular issues, such as medical, cultural, religious, child-related or gender issues. Where the Territorial Commission deems it relevant for the assessment of the application, it may, subject to the applicant's consent, arrange for a medical examination of the applicant concerning signs that might indicate past persecution or serious harm according to the Guidelines issued by the Ministry of Health by decree on 3 April 2017 to implement Article 27(1-bis) of the Qualification Decree (see [Content of Protection: Health Care](#)).⁷¹¹ When no medical examination is provided by the Territorial Commission, the applicants may, on their own initiative and at their own cost, arrange for such a medical examination and submit the results to the Territorial Commission for the examination of their applications.⁷¹²

In practice, according to ASGI's observations in 2024, medico-legal reports are generally submitted to the Territorial Commissions by specialised NGOs, legal representatives and personnel working in the reception centres before, or sometimes during or after, the substantive interview at first instance. They may also be submitted to judicial authorities during the appeal stage.

The degree of consistency between the clinical evidence and the account of torture is assessed in accordance with the Guidelines of the Istanbul Protocol and recent specialised research.

Medical reports are provided to asylum applicants free of charge. NGOs may guarantee support and medical assistance through *ad hoc* projects.

4. Legal representation of unaccompanied children

Indicators: Unaccompanied Children

1. Does the law provide for the appointment of a representative to all unaccompanied children? ☒ Yes ☐ No

The system of guardianship is not specific to the asylum procedure. A guardian is appointed when children do not have legal capacity and no parents or other relatives or persons who could exercise parental

⁷⁰⁸ Article 3 Qualification Decree.

⁷⁰⁹ Article 12(2) Procedure Decree.

⁷¹⁰ Article 5(4) PD 21/2015.

⁷¹¹ Article 27(1-bis) Qualification Decree.

⁷¹² Article 8(3-bis) Procedure Decree.

authority are present in the territory.⁷¹³ The guardian is responsible for the protection and the well-being of the child.

The Reception Decree, as amended by L 47/2017, provides that affective and psychological assistance is guaranteed to children in every state of the procedure, through the presence of suitable persons indicated by the child and authorised by the relevant authorities.⁷¹⁴ It also guarantees that the unaccompanied child has the right to participate, through a legal representative, in all judicial and administrative proceedings concerning them and to be heard on the merits of their case. To this end, the law also guarantees the presence of a cultural mediator.⁷¹⁵

The individuals working with children shall possess specific skills or shall in any case receive a specific training. They also have the duty to respect the privacy rights in relation to the personal information and data of the minors.⁷¹⁶

The Reception Decree provides that the unaccompanied child can make an asylum application in person or through their legal guardian on the basis of the evaluation of the situation of the child concerned.⁷¹⁷

a. Timing of appointment

The Reception Decree, as amended by LD 220/2017, which entered into force on 31 January 2018, provides that the public security authority must give immediate notice of the presence of an unaccompanied child to the Public Prosecutor at the Juvenile Court and to the Juvenile Court (*Tribunale per i minorenni*) for the appointment of a guardian.⁷¹⁸ The Juvenile Court is the sole competent authority following the 2017 reform.

An appeal against the appointment of the guardian can be submitted to the Juvenile Court in collegial function. The judge issuing the decision of appointment cannot take part in the examination of the appeal.

Where a guardian has not yet been appointed, the manager of the reception centre is allowed to support the child for the lodging of the asylum application at the Questura.⁷¹⁹ As clarified by the CNDA, however, the guardian remains responsible for representing the child in the next steps of the procedure.⁷²⁰

As pointed out in a report from Cespi published in March 2025,⁷²¹ in two of the regions that receive the greatest number of unaccompanied minors (i.e. Friuli Venezia Giulia and Sicily), some worrying practices are registered.

In Friuli Venezia Giulia, ICS- Refugee Office reports the practice of Trieste Juvenile Court of not systematically disposing of the appointment of a voluntary guardian for minors who are close to the age of majority (from 17 years onwards).⁷²²

Moreover, Save the Children reported⁷²³ that, in this region, there is a disproportion between the number of voluntary guardians they have carried out training courses and those active in the area.

⁷¹³ Article 343 et seq. Civil Code.

⁷¹⁴ Article 18(2-bis) Reception Decree, inserted by L 47/2017.

⁷¹⁵ Article 18(2-ter) Reception Decree, inserted by L 47/2017.

⁷¹⁶ Article 18(5) Reception Decree.

⁷¹⁷ Article 6(3) Procedure Decree.

⁷¹⁸ Article 19(5) Reception Decree, as amended by LD 220/2017.

⁷¹⁹ Article 26(5) Procedure Decree, as amended by L 47/2017.

⁷²⁰ CNDA Circular No 6425 of 21 August 2017, available in Italian at: <http://bit.ly/2Fn38Um>.

⁷²¹ See Cespi, Monitoraggio normativo 2024 I MSNA in Europa e Italia, Giovanni Meledandri, March 2025, available [here](#).

⁷²² See ICS Consorzio Italiano di Solidarietà, I minori stranieri non accompagnati tra protezione e abbandono, 9 December 2024, available [here](#).

⁷²³ See Save the Children, Mappatura sul tema dell'accertamento dell'età, la tutela volontaria e i cambiamenti nel sistema d'accoglienza, 19 December 2024, available [here](#), and Save the Children, Nascosti in piena vista 2024, December 2024, available [here](#).

Regarding Sicily, it is reported that a guardian can be responsible for more than ten minors at the same time. Furthermore, the appointment of the guardian takes place in approximately six months (unlike the 48 hours required by the Zampa Law) and there is a lack of adequate training courses for guardians.⁷²⁴

b. Duties and qualifications of the guardian

According to the Procedures Decree, the guardian has the responsibility to assist the unaccompanied child during the entire asylum procedure, and even afterwards, in case the child receives a negative decision on the asylum claim.⁷²⁵ For this reason, the guardian escorts the child to the police – where they are fingerprinted if they are over 14 years of age – and assists the child in filling out the form and lodging the asylum claim. The guardian also has a role during the personal interview before the Territorial Commission, which cannot start the interview without his or her presence.⁷²⁶ The law provides that a member of the Territorial Commission, specifically trained for that purpose, interviews the child in the presence of their parents or the guardian and the supporting personnel providing specific assistance to the child. For justified reasons, the Territorial Commission may proceed to interview the child again, even without the presence of the parent or the legal guardian, in the presence of supporting personnel, if considered necessary in relation of the personal situation of the children, their degree of maturity and development, and in line with their best interest.⁷²⁷

The guardian must be authorised by the Juvenile Court to make an appeal against a negative decision. The law does not foresee any specific provision concerning the possibility for unaccompanied children to lodge an appeal themselves, even though in theory the same provisions foreseen for all asylum applicants are also applicable to them.

Each guardian can be appointed for one child or for a maximum of three children.

To overcome existing deficiencies and lack of professionalism among guardians, L 47/2017 established the concept of voluntary guardians. A register of such guardians has to be kept in every Juvenile Court.⁷²⁸

The Regional Children's Ombudsperson is responsible for selecting and training guardians. In 2017, the National Children's Ombudsperson established specific guidelines on the basis of which calls for selection of guardians have already been issued in each region.⁷²⁹ Training courses have started in most of the cities.

The law assigns responsibility to monitor the state of implementation of the guardianship provisions to the Children's Ombudsperson (Italian Independent Authority for children and adolescents - Agia).⁷³⁰ The Regional Children's Ombudsperson and the one of the autonomous provinces of Trento and Bolzano have to cooperate regularly with the Children's Ombudsperson, to whom they have to submit a report on their activities every two months. A monitoring project financed with the AMIF fund and managed by the Ministry of the Interior was launched to implement the provision.

Critical issues regarding the guardians were reported in the survey published in December 2020 by Defence for Children, Cespi and the Observatory on unaccompanied foreign minors, which focused on a monitoring exercise carried out in the cities of Genoa, Rome, Bologna Ancona and Palermo.⁷³¹ In general, the figure of the guardian appeared worryingly absent in the identification procedures of the minor, and significant gaps emerged between the number of volunteer guardians and the number of minors present. Moreover, critical issues regarded the difficulties for guardians to participate in specific trainings, as well as the timeliness of the appointment with respect upon arrival of the minor on the national territory.

⁷²⁴ See Cespi, and Save the Children Italia, *Mappatura sul tema dell'accertamento dell'età, la tutela volontaria e i cambiamenti nel sistema d'accoglienza*, 19 December 2024, available [here](#).

⁷²⁵ Article 19(1) Procedure Decree.

⁷²⁶ Article 13(3) Procedure Decree.

⁷²⁷ *Ibid.*

⁷²⁸ Article 11 L 47/2017.

⁷²⁹ Children's Ombudsperson, *Guidelines for the selection, training and registration in the lists of voluntary guardians pursuant to Article 11 L 47/2017*, available in Italian at: <http://bit.ly/2Dgl4tS>.

⁷³⁰ Article 11 L. 47/2017 as amended by Article 2 (3) LD 220/2017.

⁷³¹ Defence for Children, Cespi, Observatory on unaccompanied foreign minors, available at: bit.ly/3lqFQD5.

According to ASGI's observations, these problems remain relevant for 2023.

As of March 2025, the Children's Ombudsperson has published 5 general monitoring reports on voluntary guardianship.⁷³²

In November 2023, within the voluntary guardianship system monitoring project, the Children's Ombudsperson published the fifth general survey,⁷³³ reporting that, as of 31 December 2022, there were 3,783 voluntary guardians appointed by the Juvenile Court, a slight increase compared to the 3,457 at the end of 2021. However, a number still too low considering that, by the end of 2022, the number of UAMs was 20,089. Most guardians are registered to the Juvenile Courts of Turin (504) Rome (440), Milan (267), Bologna (230), Palermo (227) and Perugia (202).

As emerges from the report, by the end of 2022, Italian guardians were mainly female (74%), with a university degree (59.37%) and aged over 46 (69.72%). In 2022, guardians under the age of 36 decreased, in particular those between 18 and 24 who went from 11.55% to 0.20%.

A total of 10,000 tutor-foreign minor pairings were accepted in 2022. The most frequent reasons due to which the volunteer guardians renounced the voluntary guardianship were the distance from the domicile of the minor and the excessive burden of responsibility.

As in the past, the concentration of minors in some regions (such as Sicily and Lombardy) more than in others has a direct impact on the possibility of finding enough guardians.

On 19 September 2022 entered into force the Decree of the Ministry of Interior and the Ministry of Economy and Finance of 8 August 2022 concerning the rules for reimbursements and interventions in favour of the voluntary guardians of unaccompanied minors.⁷³⁴

The decree provides for the reimbursement to private employers of voluntary tutors up to 60 hours per year.⁷³⁵ Furthermore, it provides for the total reimbursement of transport costs in case of use of public transport and a reimbursement per kilometre in case of use of private vehicles.⁷³⁶ Also, the decree provides that, upon termination of the role, the guardian can apply to the juvenile court for the assignment of a fair indemnity when the activities carried out in the course of guardianship were particularly complex and onerous, subject to the presentation of a specific report. In such cases, the court may award an indemnity of up to 900 euros. This indemnity is excluded if the assignment was carried out in the three months prior to coming of age. Any refusal can be disputed in front of the Court responsible for juvenile cases.⁷³⁷

E. Subsequent applications

Indicators: Subsequent Applications

1. Does the law provide for a specific procedure for subsequent applications? ☒ Yes ☐ No
2. Is a removal order suspended during the examination of a first subsequent application?
 - ❖ At first instance ☒ Yes ☐ No
 - ❖ At the appeal stage ☐ Yes ☒ No
3. Is a removal order suspended during the examination of a second, third, subsequent application?
 - ❖ At first instance ☐ Yes ☒ No
 - ❖ At the appeal stage ☐ Yes ☒ No

⁷³² All reports are available at the Children's Ombudsperson (AIGIA) page, available at: bit.ly/3ZXZfDs.

⁷³³ *Fifth monitoring report on the voluntary guardianship*, November 2023, available at: <https://bit.ly/43fn4QH>.

⁷³⁴ Decree of 8 August 2022 on the reimbursements in favour of the voluntary guardians of unaccompanied minors, available at bit.ly/3JKEsXZ.

⁷³⁵ Decree of 8 August 2022, Article 2.

⁷³⁶ Ibid. Article 3.

⁷³⁷ Ibid. Article 4.

Article 31 of the Procedure Decree allows the applicant to make further submissions and present new documentation at any stage of the asylum procedure. These elements are taken into consideration by the Territorial Commission in the initial procedure.

Decree Law 113/2018, implemented by L 132/2018, has introduced a definition of “subsequent application” (*domanda reiterata*).⁷³⁸ An asylum application is considered a subsequent application where it is made after:

- ❖ A final decision has been taken on the previous application;
- ❖ The previous application has been explicitly withdrawn;⁷³⁹
- ❖ The previous application has been terminated after the expiry of 9 months from suspension on the basis that the applicant had implicitly withdrawn the asylum application⁷⁴⁰
- ❖ The previous application was rejected because the asylum application was considered implicitly withdrawn (due to the applicant having abandoned the accommodation facility or escaped from detention before the audition or missing the audition in front of the Territorial commission) and the Territorial Commission considered to have enough elements to decide the merit of the case.⁷⁴¹

In case of subsequent applications, asylum applicants’ benefit from the same legal guarantees provided for asylum applicants, and can be accommodated in reception centres, if places are available.

However, pursuant to the Article 6 (2 a bis) of the Reception Decree, in case of subsequent applications made during the execution of an imminent removal order, the applicant can be detained.⁷⁴²

Subsequent applications have to be lodged before the Questura, which starts a new formal registration that will be forwarded to the competent Territorial Commission.

1. Preliminary admissibility assessment

As stated in [Accelerated Procedure](#), upon the transmission without delay of the application by the Questura, the Territorial Commission has 5 days to decide on the subsequent application made without adding new elements to the personal story or to the situation of the country of origin pursuant to Article 29 (1 b) of the Procedure Decree.⁷⁴³

Decree Law 20/2023 amended Article 29 of the Procedure Decree and DL 133/2023 significantly amended Article 29 - bis of the Procedure Decree, applicable when a subsequent request is submitted during the execution of a removal order.

The President of the Territorial Commission makes a preliminary assessment in order to evaluate whether new elements have been added to the asylum application.⁷⁴⁴ The President of the Territorial Commission shall conduct a preliminary assessment of the admissibility of the application, to ascertain whether new elements have emerged or have been submitted by the applicant concerning the personal condition of the asylum applicant or the situation in their country of origin, relevant to the granting of international protection, and to evaluate if the delay in the submission of such new elements or evidence cannot be attributed to the applicant’s fault, who needs to provide specific evidence of such situation.⁷⁴⁵

Even if the law distinguishes two phases that are the preliminary assessment, attributed to the President, and the decision, attributed to the Commission, in some cases the procedure is not followed correctly, resulting in omitting the first or the second phase.

⁷³⁸ Article 2(1)(b-bis) Procedure Decree, introduced by Article 9 Decree Law 113/2018 and L 132/2018.

⁷³⁹ Article 23 Procedure Decree.

⁷⁴⁰ Article 23-bis(2) Procedure Decree as amended by DL 145/2024 converted into L. 187/2024.

⁷⁴¹ Article 23 -bis Procedure Decree as amended by DL 145/2024

⁷⁴² Article 6 (2, a bis) Reception Decree, as amended by Article 3 (3) Decree Law 130/2020 and L. 173/2020. According to Decree Law 130/2020 the provision applies in the limits of available places in CPRs

⁷⁴³ Article 28-bis(1-bis) Procedure Decree.

⁷⁴⁴ Article 29(1)(b) Procedure Decree.

⁷⁴⁵ Article 29(1-bis) Procedure Decree, as inserted by the Reception Decree and amended by L 50/2023.

Where no new elements are identified, the application is dismissed as inadmissible (see [Admissibility Procedure](#)).

The procedure differs depending on the case:

- ❖ In cases of applicants already recognised as refugees or subsidiary protected in other countries, the law provides that the President of the Territorial Commission sets the hearing of the applicant to evaluate the reasons given to support the admissibility of the application in the specific case.⁷⁴⁶
- ❖ In case of a **subsequent application** made after the previous application has been terminated or rejected because the application has been considered implicitly withdrawn, the president of the territorial commission carries out a preliminary examination pursuant to article 29, paragraph 1-bis of the Procedure Decree to evaluate the reasons given to support the admissibility of the application, including the reasons for the leaving the reception centre or the failure to appear for the interview before the Commission.⁷⁴⁷
- ❖ In case of a first subsequent application made during the execution of an imminent removal order, the law provides that the application must be immediately sent to the President of the competent territorial Commission, who must conduct a preliminary assessment of the admissibility of the application, within three days, while assessing the risks of direct and indirect refoulement. Upon literal reading, the law seems to charge the President of the Territorial Commission with taking an admissibility decision on their own but, according to ASGI, a systemic interpretation of the law, also considering Article 4(4) and Article 28-bis of the Procedure Decree allows to consider that in these cases the decision should also be attributed to the entire Commission.
- ❖ During 2019, some Questure automatically declared the inadmissibility of such subsequent applications, inter alia by interpreting the execution phase of a removal order in a broad way. Some rulings of national courts had clarified that this application was contrary to Article 40 of the recast Asylum Procedure Directive.⁷⁴⁸
- ❖ In 2023, the DL 133/2023 significantly amended Article 29 bis introducing the paragraph 1-bis and giving a specific power to the Head of Police Station to determine, after the first subsequent application, if the asylum request is admissible (see [Admissibility](#)).⁷⁴⁹ According to ASGI this provision is not legitimate as Questure are not entitled and prepared to carry out an assessment of the merit of the asylum request.

As stated by decree Law 130/2020, in this case, if the application is declared inadmissible, the applicant can be detained⁷⁵⁰ (see [Detention](#)).

The law still does not clarify how the term “execution phase of a removal procedure” should be interpreted. If this provision is not strictly applied to cases in which the removal is being performed, it is likely to be applied to all cases of subsequent applications as currently defined by law.

More in general, in case the subsequent application is declared inadmissible, reception conditions can be revoked.⁷⁵¹

⁷⁴⁶ Article 29 (1 and 1 bis) Procedure Decree. This includes MS and other countries as the law mentions refugees recognised by countries part of the Geneva Convention, in case the refugees can still enjoy the protection.

⁷⁴⁷ Article 23 bis (5) Procedure Decree as amended by DL 145/2024 converted into L 187/2024.

⁷⁴⁸ Civil Court of Milan, decision of 13 November 2019 ordered the competent Territorial Commission to conduct the preliminary examination of a subsequent application deemed inadmissible automatically by the Questura, disapplying the Article 29bis of the Procedure Decree considered not in accordance with Article 40 of the recast Asylum Procedure Directive.

⁷⁴⁹ Article 29-bis (1 bis) introduced by DL 133/2023, converted into L 176/2023.

⁷⁵⁰ Article 6 (2, a bis) Reception Decree, as amended by Article 3 (3) Decree Law 130/2020 and L. 173/2020 and Article 29 bis Procedure Decree. According to Decree Law 130/2020 the provision applies in the limits of available places in CPRs.

⁷⁵¹ Article 23(1) Reception Decree.

2. Right to remain and suspensive effect

The Procedure Decree, as amended by Decree Law 130/2020, provides that the right to remain on the territory until a decision is taken by the Territorial Commission is not guaranteed where the applicant:

- a. Made a first subsequent application for the sole purpose of delaying or preventing the execution of an imminent removal decision;⁷⁵²
- b. Wishes to make a further subsequent application following a final decision declaring the first subsequent application inadmissible, unfounded or manifestly unfounded.⁷⁵³

The law does not foresee a specific procedure to appeal against a decision on inadmissibility for subsequent applications. The Procedures Decree as amended by Decree Law 130/2020 and later by DL 20/2023, amended by the conversion Law no. 50/2023, provides, however, that suspensive effect is not granted for appeals against a decision rejecting or declaring inadmissible another subsequent application following a final decision rejecting or declaring inadmissible a first subsequent application, and for appeals against the inadmissibility of a subsequent application submitted in order to avoid an imminent removal, pursuant to Article 29 bis of the Procedure Decree.⁷⁵⁴ However, the appellant can request a suspension of the decision of inadmissibility, based on serious and well-founded reasons, to the competent court.

The assessment on the admissibility of the subsequent application for international protection must also include a careful analysis on the prerequisites for the recognition of special protection as introduced by Decree Law 130/2020. On this point, the Court of Cassation has ruled that "in the matter of a subsequent application for international protection, the subject of the proceedings brought before the court is not the administrative measure of inadmissibility, but the establishment of a subjective right, which also includes the prerequisites of the invoked special protection".⁷⁵⁵ In 2023 Court of Cassation again affirmed this principle.⁷⁵⁶

For the rest of the appeal procedure, the same provisions as for the appeal in the regular procedure apply (see [Regular Procedure: Appeal](#)).

F. The safe country concepts

Indicators: Safe Country Concepts

- | | |
|--|---|
| 1. Does national legislation allow for the use of "safe country of origin" concept? | ☒ Yes ☐ No |
| ❖ Is there a national list of safe countries of origin? | ☒ Yes ☐ No |
| ❖ Is the safe country of origin concept used in practice? | ☒ Yes ☐ No |
| 2. Does national legislation allow for the use of "safe third country" concept? | ☐ Yes ☒ No |
| ❖ Is the safe third country concept used in practice? | ☐ Yes ☒ No |
| 3. Does national legislation allow for the use of "first country of asylum" concept? | ☒ Yes ☐ No |

1. Safe country of origin

The "safe country of origin" concept has been introduced in Italian legislation by Decree Law 113/2018, implemented by L 132/2018.⁷⁵⁷

⁷⁵² Article 7(2)(d) Procedure Decree.

⁷⁵³ Article 7(2)(e) Procedure Decree, as amended by Article 9 Decree Law 113/2018 and L 132/2018.

⁷⁵⁴ Article 35-bis(5) Procedure Decree, as amended by L. 50/2023.

⁷⁵⁵ Court of Cassation, decision n. 37275 of 20 December 2022; see also Court of Cassation, decision n. 6374, 25 February 2022.

⁷⁵⁶ Court of Cassation, decision no. 29832 of 22 September 2023, available in Italian at: <https://bit.ly/49Tyz2u>.

⁷⁵⁷ Article 2-bis Procedure Decree, inserted by Article 7 Decree Law 113/2018 and L 132/2018.

1.1 Definition and list of safe countries of origin

According to the law, a third country can be considered a safe country of origin if, on the basis of its legal system, the application of the law within a democratic system and the general political situation, it can be shown that, generally and constantly, there are no acts of persecution as defined in the Qualification Decree, nor torture or other forms of inhuman or degrading punishment or treatment, nor danger due to indiscriminate violence in situations of internal or international armed conflict.⁷⁵⁸

The assessment aimed at ascertaining whether or not a country can be considered a safe country of origin shall take into account the protection offered against persecution and ill-treatment through:⁷⁵⁹

- a. The relevant laws and regulations of the country and the manner in which they are applied;
- b. Respect for the rights and freedoms established in the ECHR, in particular the imperative rights established by the Convention, the International Covenant on Civil and Political Rights, and in the United Nations Convention against Torture;
- c. Compliance with the principles set out in Article 33 of the 1951 Refugee Convention; and
- d. The existence of a system of effective remedies against violations of these rights and freedoms.

The assessment shall be based on information provided by the CNDA, as well as on other sources of information, including those provided by other Member States of the European Union, EUAA, UNHCR, the Council of Europe and other competent international organisations.⁷⁶⁰

The first list was adopted by decree of the Ministry of Foreign Affairs with the Ministry of Interior and the Ministry of Justice on 4 October 2019 and entered into force on 22 October 2019.⁷⁶¹

By Ministerial Decree of 7 May 2024, the list of safe countries was expanded to include additional countries: Bangladesh, Cameroon, Colombia, Egypt, Peru and Sri Lanka.⁷⁶²

On 18 October 2024, the Civil Court of Rome, in its first ruling on the validity of the detention of asylum seekers transferred to Albania and originating from safe countries of origin, did not validate the detentions. The Court directly applied the CJEU's judgement of 4 October 2024, which established that countries with territorial exclusions could not be included in the list of safe countries of origin and found that the Italian list did not comply with this rule.⁷⁶³ Thus, on 24 October 2024, in an attempt to provide a stronger legal basis to the procedure for transferring asylum seekers from safe countries to Albania, the government issued DL 158/2024, which amended Article 2 bis of the Procedure decree to directly include the list of safe countries in the law. Some countries that were included in the previous list (i.e. Nigeria, Cameroon and Colombia), were deleted from the version that was introduced in the law.

The list now includes Albania, Algeria, Bangladesh, Bosnia-Herzegovina, Cape Verde, Ivory Coast, Egypt, Gambia, Georgia, Ghana, Kosovo, North Macedonia, Morocco, Montenegro, Peru, Senegal, Serbia, Sri Lanka and Tunisia.⁷⁶⁴

Following the CJEU decision of 4 October 2024 the law no longer indicates that the designation of a safe country of origin can be done excluding some parts of the territory. However, it provides that the list of safe countries of origin can be done excluding some categories of persons.⁷⁶⁵

The list of safe countries of origin is periodically updated and communicated to the European Commission. The law also requires that, by 15 January each year, the Council of Ministers submit a report that - while taking into account overriding security needs and the continuity of international relations - provides an

⁷⁵⁸ Article 2-bis(2) Procedure Decree.

⁷⁵⁹ Article 2-bis(3) Procedure Decree.

⁷⁶⁰ Article 2-bis(4) Procedure Decree.

⁷⁶¹ Ministry of Foreign Affairs Decree, 4 October 2019, *Identification of Safe Countries of origin*, according to Article 2-bis of the Procedure Decree published on 7 October 2019 n. 235.

⁷⁶² Ministry of Foreign Affairs and International Cooperation Decree, 7 May 2024, available at <https://acesse.dev/8L10U>.

⁷⁶³ CJUE decision C-406/22.

⁷⁶⁴ Article 2 bis (1) Procedure Decree as amended by DL 158/2024 and then by L. 187/2024.

⁷⁶⁵ Article 2 bis (2) Procedure Decree as amended by L. 187/2024.

update on the situation in the countries currently on the list, as well as those whose inclusion is being considered. The Government transmits the report to the competent parliamentary commissions.⁷⁶⁶ However, in 2025, the Government did not respect the established deadline and only transmitted the report on 1 April 2025.⁷⁶⁷

Immediately after the publication of the new list, more national Courts have raised doubts about the compatibility of the new legislation with EU law as interpreted by the CJEU:

- on 29 October 2024, the Civil Court of Bologna sent a request for a preliminary judgement on the safe countries list to the CJEU;
- on 4 November 2024, the Civil Court of Catania decided to directly disapply the DL 158/2024 regarding the new list of safe countries of origin;
- on 8 November 2024, the Civil Court of Palermo submitted another request for a preliminary judgement on the new safe countries list to the CJEU;
- on 11 November 2024, ruling the new validation judgments for detention in Albanian border procedure, the Civil Court of Rome requested a preliminary judgement to the CJEU: therefore, the procedure was suspended and people moved to Italy;
- on 31 January 2025, after the L. 187/2024 moved the competence to validate detentions of asylum seekers to the Court of Appeals, the Civil Court of Appeal of Rome, suspending for the third time the validation of detentions of asylum seekers moved to Albania, decided to request another preliminary judgement to the CJEU.

The first hearing at the European Court of Justice was held on 25 February 2025, reuniting cases C-758/24 (Alace) and C -759/2024 (Canpelli).

1.2 Procedural consequences

An applicant can be considered coming from a safe country of origin only if they are citizens of that country or a stateless person who previously habitually resided in that country and they have not invoked serious grounds to believe that the country is not safe due to their particular situation.⁷⁶⁸

The Questura shall inform the applicant, at the moment of lodging of the application that if they come from a designated country of safe origin, their application may be rejected.⁷⁶⁹

An application made by an applicant coming from a safe country of origin is channelled into an **Accelerated Procedure**, whereby the Territorial Commission takes a decision within 9 days.⁷⁷⁰

An application submitted by applicants coming from a safe country of origin can be rejected as manifestly unfounded,⁷⁷¹ whether under the regular procedure or the accelerated procedure. In this case the decision rejecting the application is based on the fact that the person concerned has not shown that there are serious reasons to believe that the designated safe country of origin is not safe in relation to their particular situation.⁷⁷²

Following the entry into force of the safe countries of origin list, the CNDA issued two circulars, on 28 October 2019 and 31 October 2019, giving directives to the Territorial Commissions on the application of the new provisions. In particular the CNDA assumed that the inclusion of a country of origin in the safe countries list introduces an absolute presumption of safety, which can be overcome only with a contrary

⁷⁶⁶ Article 2 bis (4) of the Procedure Decree.

⁷⁶⁷ Senato della Repubblica, RELAZIONE Doc. CCXXXIX n. 1 SULLA SITUAZIONE DEI PAESI DI ORIGINE SICURI INCLUSI NELL'ELENCO DI CUI ALL'ARTICOLO 2-BIS, COMMA 1, DEL DECRETO LEGISLATIVO 28 GENNAIO 2008, N. 25, available [here](#).

⁷⁶⁸ Article 2-bis(5) Procedure Decree.

⁷⁶⁹ Article 10(1) Procedure Decree, as amended by Article 7 Decree Law 113/2018 and L 132/2018.

⁷⁷⁰ Article 28-bis (2) (c) as amended by Decree Law 130/2020.

⁷⁷¹ Article 28-ter(1)(b) Procedure Decree, inserted Article 7 Decree Law 113/2018 and L 132/2018.

⁷⁷² Article 9(2-bis) Procedure Decree, inserted by Article 7 Decree Law 113/2018 and L 132/2018.

proof presented by the asylum applicant. CNDA also underlined that, in the event of rejection, the applications should always be regarded as manifestly unfounded applications.

However, an overall exam of the rules of the Procedure Decree shows that the manifestly unfounded decision is only one of the possible outcomes of the examination of the asylum application when the applicant comes from a country designated as safe.⁷⁷³

In practice, according to ASGI's experience, Territorial Commissions do not reject as manifestly unfounded all asylum applications in case of safe country of origin.

On 22 January 2020, the Civil Court of Florence deemed the exclusion of the automatic suspensive effect for an appeal lodged by an asylum applicant from Senegal to be in contrast with existing rules, as the applicant belongs to a category, that of LGBTI, whose treatment in Senegal should have resulted in the exclusion of Senegal from the list of safe countries or should have been the basis at least for the provision, within the decree, of a specific exception for this social group to the rules dictated for asylum applications submitted by safe countries nationals. Consequently, according to the Court, the Territorial Commission should not have refused the asylum application as manifestly unfounded only because of the safe country of origin of the applicant.⁷⁷⁴ However, since the amendments made by Decree law 130/2020 the lack of automatic suspensive effect is connected to all applications made under the accelerated procedure, with the sole exclusion of applications made under the border procedure.⁷⁷⁵

As a rule, the concept of safe country of origin is applicable only to asylum applications introduced after the publication of the Safe Country of Origin list, a principle that was confirmed by the Court of Cassation in Judgement no. 25311/2020.

Case law on specific countries

On 18 November 2022, the Civil Court of Naples⁷⁷⁶ suspended the effects of a rejection decision from 2021 notified more than one year later to a Ukrainian asylum applicant, noting that the situation in Ukraine had notoriously changed and therefore the applicant could not be expelled pending the Court decision on the merits.

By Decree of 7 October 2022, the Civil Court of Rome suspended the effects of the rejection notified to an asylum applicant from Tunisia whose asylum request was considered manifestly not founded due to the country of origin of the applicant, stating that Tunisia cannot be considered a safe country of origin for those who allege fear of persecution due to sexual orientation.⁷⁷⁷

The Court of Naples by decree of 12 September 2022 reached the same conclusions regarding an applicant from Senegal, who declared being homosexual.⁷⁷⁸

Moreover, with reference to the situation in Tunisia, the Court of Catania, with a decree of 12 July 2022, reiterated that although Article 2-bis of the Procedure decree introduces a burden of proof for the applicant coming from a safe country of origin to explain the subjective or objective reasons for which the country cannot be considered safe, the judge has the powers-duties to acquire updated information on the situation of the country (Articles 3 of Legislative Decree No. 251 of 2007 and 8 of Legislative Decree No.

⁷⁷³ Article 32 (1 b bis) read together with Article 2 bis (5) Procedure Decree must be interpreted as meaning that the asylum request is manifestly unfounded only when the applicant has not invoked serious grounds to believe that the country is not safe due to his or her particular situation. Moreover, Article 35 bis of the Procedure Decree links the halving of the time limits for appeal and the absence of automatic suspensive effect to applications that are manifestly unfounded and not, in general, to applications from asylum seekers from countries designated as safe. See *Questione Giustizia, Le nuove procedure accelerate, lo svilimento del diritto d'asilo*, 3 November 2019, available in Italian at: <https://bit.ly/2XqA8Rs>.

⁷⁷⁴ Civil Court of Florence, interim decision of 22 January 2020, cited above; see also: <https://bit.ly/3bWqjA4>.

⁷⁷⁵ Article 35 -bis (3) Procedure Decree.

⁷⁷⁶ Civil Court of Naples, decree of 18 November 2022, available at: bit.ly/3JE1eNa.

⁷⁷⁷ Civil Court of Rome, Decree of 7 October 2022, available at: bit.ly/40agRTM.

⁷⁷⁸ Civil Court of Naples, Decision of 12 September 2022, available at: bit.ly/42wPODD.

25 of 2008), and, in the light of the most pertinent and updated sources of information on the socio-political situation of the country, considered that there were serious reasons to suspend the effects of the negative provision.⁷⁷⁹

On 20 September 2023 the Civil Court of Florence suspended the effects of a rejection notified to an asylum applicant from Tunisia. The court noted that, under the Asylum Procedure Directive Article 37 (2), the sources based on which a country is included in the safe countries list must be constantly updated and the inclusion itself should be subject to review if there is a change of the situation in the country. Moreover, national law (Article 3 of Qualification Decree and Articles 8 and 27 (1 bis) of the Procedure Decree) requires the judge to examine the asylum application on an individual basis, in light of precise and updated information about the general situation existing in the country of origin of asylum applicants. According to the Court, the need for an updated evaluation does not only concern the merit of the international protection application but also the usability of the "safe countries procedure", which involves a series of more burdensome procedural peculiarities for the asylum applicant.

According to the Court, the sources on the current security conditions in Tunisia highlight a crisis of the democratic system of the country considering, in particular, the mass arrests, the suspension of numerous judges and the non-transparency of the elections. The updated situation does not allow, according to the Court, to consider compliance with the principle of non-refoulement in case of repatriation to Tunisia. Therefore, the Safe countries decree becomes ineffective, and the appeal has to be subjected to an ordinary procedure with the automatic right of the appellant to remain in the national territory until the appeal is decided.

By 3 other Decrees issued immediately after the latter, in October 2023, the Civil Court of Florence confirmed the previous positioning.⁷⁸⁰

Other Courts, however, decided to apply or not the ordinary procedure to appeals submitted by Tunisians only on an individual basis. This is the case, for example, of the Civil Court of Milan which, on 1 December 2023, deemed as not founded the suspensive request requested by the Tunisian applicant considering that no serious reasons had been given to believe that Tunisia was not safe for him.⁷⁸¹ Then, on 18 December 2023, the same court suspended the effects of the rejection decision issued to a Tunisian asylum applicant, considering that, due to his individual situation and on the base of a summary evaluation, the country could not be considered safe.⁷⁸²

On 29 April 2024, the United Civil Sections of the Court of Cassation issued an important decision, ruling that in case the accelerated procedure has not been respected by the Territorial Commission, the ordinary procedure will apply to the appeal, including the automatic suspensive effect. The Court pronounced the following principle of law: "in the event of a judicial appeal concerning the manifestly unfounded provision issued by the Territorial Commission for the recognition of International Protection against a person coming from a safe country, there is an exception to the general principle of automatic suspension of the contested provision only if the Territorial Commission has applied a correct accelerated procedure. (...) In the opposite case, when the accelerated procedure has not been respected in its procedural aspects, the ordinary procedure will be reinstated and the general principle of automatic suspension of the Territorial Commission's provision will be re-expanded."⁷⁸³

2. Safe third country

The safe third country concept is not included in Italian law.

⁷⁷⁹ Civil Court of Catania, decision of 7 July 2022, available at: bit.ly/3yWJoAe.

⁷⁸⁰ Civil Court of Florence, no. 3 decisions of 26 October 2023, cases no. 11464/2023, 3773/2023, 4988/2022

⁷⁸¹ Civil Court of Milan, decision of 1 December 2023.

⁷⁸² Civil Court of Milan, decision of 18 December 2023.

⁷⁸³ Court of Cassation, United Civil Sections, Sentence no. 11399/2024 of 29 April 2024, available in Italian at <https://11nq.com/vQ78k>.

3. First country of asylum

The Procedure Decree provides for the “first country of asylum” concept as a ground for inadmissibility (see [Admissibility Procedure](#)). The Territorial Commission declares an asylum application inadmissible where the applicant has already been recognised as a refugee or subsidiary protection status holder⁷⁸⁴ by a state party to the 1951 Refugee Convention and can still enjoy such projection.⁷⁸⁵ The “first country of asylum” concept has not been used in practice.

G. Information for asylum seekers and access to NGOs and UNHCR

1. Provision of information on the procedure

Indicators: Information on the Procedure

1. Is sufficient information provided to asylum seekers on the procedures, their rights and obligations in practice? ☐ Yes ☒ With difficulty ☐ No
- ❖ Is tailored information provided to unaccompanied children? ☐ Yes ☒ No

According to Article 10 of the Procedure Decree,⁷⁸⁶ when a person makes an asylum application, the Questura shall inform the applicant about the asylum procedure and their rights and obligations, and of time limits and any means (i.e. relevant documentation) at their disposal to support the application. In this regard, police authorities should hand over an information leaflet. The amended Procedure Decree adds that the Questura informs the applicant that if they come from a [Safe Country of Origin](#), their application may be rejected.⁷⁸⁷

According to the amended Procedure Decree, the Territorial Commission promptly informs the applicant of the decision to apply the accelerated procedure or the prioritised procedure.⁷⁸⁸

PD 21/2015 provides that unaccompanied children shall receive information on the specific procedural guarantees specifically provided for them by law.⁷⁸⁹

1.1 Information on the Dublin Regulation

Asylum applicants are not properly informed of the different steps or given the possibility to highlight family links or vulnerabilities in the [Dublin Procedure](#). In 2020, the Civil Court of Rome cancelled Dublin transfer measures not preceded by adequate information. However, during 2022 the same Court, such as other courts, considered compliance with articles 4 and 5 of the regulation to be relevant only when the applicant had demonstrated in court how the lack of correct information had affected the outcome of the procedure.

The Court of Cassation requested, pursuant to Article 267 of the TFEU, the European Court of Justice to give a preliminary ruling to clarify whether Article 4 of the Dublin Regulation must be interpreted as meaning that the violation of the information obligation can be asserted only on condition that the applicant indicates what information he could have indicated in his favour, decisive for a positive decision in his interest.⁷⁹⁰

In its ruling, the CJEU started by stating that the obligation to provide information under Articles 4 and 5 of the Dublin III Regulation and Article 29 of the Eurodac Regulation ‘applies both in the context of a first application for international protection and a take charge procedure, under Article 20(1) and Article 21(1) of Regulation No 604/2013 respectively, as well as in the context of a subsequent application for

⁷⁸⁴ Art.29 of Procedure Decree as amended by Law 238/2021 to fulfil the obligations deriving from Italy's membership to the European Union, extended to subsidiary protection holders the inadmissibility.

⁷⁸⁵ Article 29(1)(a) Procedure Decree.

⁷⁸⁶ Article 10(1) Procedure Decree.

⁷⁸⁷ *Ibid*, as amended by Article 7 Decree Law 113/2018 and L 132/2018.

⁷⁸⁸ Article 28 (1) Procedure Decree as amended by DL 130/2020.

⁷⁸⁹ Article 3(3) PD 21/2015.

⁷⁹⁰ Court of Cassation, decision no. 8668 of 23 February - 29 March 2021.

international protection and a situation, as that covered by Article 17(1) of Regulation No 603/2013, capable of giving rise to take back procedures under Article 23(1) and Article 24(1) of Regulation No 604/2013’.

Then, the Court clarified the existence of different consequences in case of the infringement of Article 4 (common leaflet) or Article 5 (individual interview). According to the Court, the failure to provide the common leaflet cannot lead to the annulment of the transfer unless the appellant demonstrates how the absence of information concretely affected the Dublin procedure and altered it. Instead, the personal interview is considered an essential phase which, if omitted, must in any case be made up for during the trial by listening directly to the appellant.

This, in the Italian context where the interview is often omitted or inconsistent and the court proceedings are mostly written, already had an important meaning in pending trials: on 3 April 2024 the Court of Cassation, recalling the CJEU decision stated that “where the specific information obligations are not fulfilled, in light of the hearing carried out and the information resulting from the allegations and productions of the administrative authority, burdened with proof, the transfer decision must be annulled”.⁷⁹¹

1.2 Information at the border and in detention

According to the law, persons who express the intention to seek international protection at border areas and in transit zones shall be provided with information on the asylum procedure, in the framework of the information and reception services set by Article 11(6) TUI.⁷⁹²

Article 11(6) TUI states that, at the border, “those who intend to lodge an asylum application or foreigners who intend to stay in Italy for over three months” have the right to be informed about the provisions on immigration and asylum law by specific services at the borders run by NGOs. These services, located at official border-crossing points, include social counselling, interpretation, assistance with accommodation, contact with local authorities and services, production and distribution of information on specific asylum issues.

According to Article 10ter TUI, the third country national tracked down during the irregular crossing at an internal or external border or arrived in Italy following rescue operations must receive information on the right to asylum, on the relocation program in other EU Member States and on the possibility of voluntary repatriation.

Furthermore, as stated by Decree Law 130/2020, in case the conditions for detention are met, the foreign citizen is promptly informed of the rights and powers deriving from the validation procedure of the detention decree in a language they know, or, if not possible, in French, English or Spanish.⁷⁹³

Despite the relevance of the assistance provided, it is worth highlighting that, since 2008, this kind of service has been assigned on the basis of calls for proposals. The main criterion applied to assign these services to NGOs is the price of the service, with a consequent impact on the quality and effectiveness of the assistance provided due to the reduction of resources invested, in contrast with the legislative provisions which aim to provide at least immediate assistance to potential asylum applicants. UNHCR and IOM continues to monitor the access of foreigners to the relevant procedures and the initial reception of asylum applicants and migrants in the framework of their mandates. The activities are funded under the Asylum, Migration and Integration Fund (AMIF).

The Reception Decree provides that foreigners detained in CPR shall be provided by the manager of the facility with relevant information on the possibility of applying for international protection. Asylum

⁷⁹¹ Court of Cassation, decision of 3 April 2024, no. 12162/2024. Similarly, see Court of Cassation, decision of 17 April 2024, available at <https://acesse.dev/ipbCH>.

⁷⁹² Article 10-bis(1) Procedure Decree, inserted by the Reception Decree.

⁷⁹³ Article 10 ter (3) as amended by DL 130/2020.

applicants detained in such facilities are provided with the relevant information set out by Article 10(1) of the Procedure Decree, by means of an informative leaflet.⁷⁹⁴

The Reception Decree also provides that asylum applicants detained in CPR or in hotspots are informed on the rules in force in the centre as well as on their rights and obligations in the first language they indicate.⁷⁹⁵ If it is not possible, information is provided in a language they are reasonably supposed to know meaning, as ruled by Procedure Decree, English, French, Spanish or Arabic, according to the preference they give.⁷⁹⁶

In 2020 and in the following years, the Court of Cassation and some Civil Courts reaffirmed the close connection between the compliance with information obligations and the effectiveness of the right of access to the asylum procedure, both denied by the value attributed to the so-called “foglio notizie” or “secondo foglio notizie” often submitted to foreign citizens who arrive at the border without a prior or contextual explanation on the meaning of their signature.

The Court of Trieste, on several occasions between 2020 and 2023, observed that the “foglio notizie” could not fulfil the information obligation required by law. For example in a case where the validation of detention was examined, the Court found, the information “(..) was drafted in an approximate way, it did not contain an express indication or information on the possibility to request asylum; it was complex to read even for a person with a level of knowledge higher than that presumed for a migrant; (...) the indication “came to Italy for” was not translated and therefore the answers (translated) could be misunderstood. The Court found that it is therefore likely that the migrant did not understand the possibility of applying for international protection.”⁷⁹⁷ In this case, however, the detention was validated as the Court found that the asylum application was presented only in order to avoid repatriation.

In other rulings, the Civil Court of Trieste held that there was no evidence that the detainee, on the occasion of crossing the border, had been enabled to consciously manifest his will to apply for asylum, as required by Article 10 ter, (1), TUI and that therefore there were no reasons to consider the request as a pretext (i.e. submitted for the sole purpose of delaying or preventing expulsion) even if not presented before the Giudice di Pace because even before that hearing it was not proven that the information obligation had been fulfilled.⁷⁹⁸

As already reported in the AIDA report 2021,⁷⁹⁹ it is a systematic practice not to inform persons of specific nationalities of the appropriate information on the right to asylum. In fact, a second “foglio notizie”, is sometimes used in cases where in the first “foglio notizie” the applicant had expressed their will to ask asylum. The second “foglio notizie” is an extremely detailed document that contains information on all non-expulsion cases. By signing this document, the person declares that he/she is not interested in seeking international protection, even if they have already expressed their will to seek asylum. Following the signature of these documents, deferred rejection and detention orders are notified.

The Court of Cassation clearly stated that the compilation and signing of the second “foglio notizie” cannot affect the legal status of the foreign citizen as an asylum applicant resulting in the revocation or overcoming of the previously submitted asylum application. The Court of Cassation⁸⁰⁰ declared the validation of the detention issued by the Justice of the Peace of Trapani and by the Civil Court of Palermo, of asylum applicants of Tunisian nationality on the basis of the second “foglio notizie”, illegitimate.

With a decision of 20 November 2023, the Court of Cassation importantly ruled that the Public Administration has the duty to document “the timing and manner in which the information was

⁷⁹⁴ Article 6(4) Reception Decree.

⁷⁹⁵ Article 7 (4) Reception Decree.

⁷⁹⁶ Article 10 (4) Procedure Decree, to which Article 7 (4) reception decree expressly refers to.

⁷⁹⁷ Civil Court of Trieste, decision of 15 September 2020.

⁷⁹⁸ Civil Court of Trieste, decision 3882/2020 of 2 December 2020, procedure no. 3733/2020; see also: Civil Court of Trieste, decision of 23 February 2023, procedure no.721/2023.

⁷⁹⁹ See AIDA, *Country Report Italy – Update on the year 2021*, May 2022, available at: <https://bit.ly/49cu3Lx>, 106.

⁸⁰⁰ Court of Cassation, decision no. 18189/2020 of 1 September 2020, available at: <https://bit.ly/3tygEsd> and no. 18322/2020 of 8 September 2020.

administered". Neither the information contained in the foglio notizie nor the style clause usually included in refoulement decrees can be considered sufficient.⁸⁰¹

However, partially limiting the scope of this important decision, a new decision of the Court of Cassation issued on 2 May 2025, has established that the rule relating to the information obligations, with the specific reference to the "foreign national traced during the irregular crossing of the internal or external border or arriving in the national territory following rescue operations at sea", has to be interpreted in the sense that the information must be administered only upon first entry or, in any case, during the first "contact" between the foreign national and the bodies responsible for checks on the territory".⁸⁰²

2. Access to NGOs and UNHCR

Indicators: Access to NGOs and UNHCR

1. Do asylum seekers located at the border have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No
2. Do asylum seekers in detention centres have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No
3. Do asylum seekers accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No

The Procedure Decree expressly requires the competent authorities to guarantee asylum applicants the possibility to contact UNHCR and NGOs during all phases of the asylum procedure.⁸⁰³ For more detailed information on access to CPR, see the section on [Access to Detention Facilities](#).

However, due to insufficient funds or due to the fact that NGOs are located mainly in big cities, not all asylum applicants have access thereto. Under the latest tender specifications scheme (*capitolato d'appalto*) adopted on 20 November 2018, funding for legal support activities in hotspots, first reception centres, CAS and CPR has been replaced by "legal information service" of a maximum 3 hours for 50 people per week (see [Forms and Levels of Material Reception Conditions](#)).

As for the [Hotspots](#), the SOPs ensure that access to international and non-governmental organisations is guaranteed subject to authorisation of the Ministry of Interior and on the basis of specific agreements, for the provision of specific services⁸⁰⁴. The SOPs also foresee that authorised humanitarian organisations will provide support to the Italian authorities in the timely identification of vulnerable persons who have special needs, and they will also carry out information activities according to their respective mandates. Currently in the hotspots, UNHCR monitors activities, performs the information service and, as provided in the SOPs, is responsible for receiving applications for asylum together with Frontex, EUAA and IOM. Save the Children is also present in hotspots.

However, since asylum applicants can be detained for identification purposes in the hotspots, access to the guarantees provided by Article 7 of the Reception Decree in relation to detention centres should also apply (see [Access to detention facilities](#)). According to Article 7, the access to NGOs with consolidated experience in protecting asylum applicants is allowed; it can be limited for security reasons, public order, or for reasons connected to the correct management of the centres but not completely impeded.⁸⁰⁵

This considered, by December 2019, ASGI tried to obtain access to the hotspot of Lampedusa, but it was formally denied. The Prefecture of Agrigento alleged the lack of specific agreements with the Ministry of Interior, as requested by the SOPs. As regards to the access guarantees provided by the Reception Decree for detention centres, the Prefecture has considered that it allows limiting the access of NGOs

⁸⁰¹ Court of Cassation, decision of 20 November 2023, no. 32070, available at <https://l1nq.com/3aMMu>.

⁸⁰² Court of Cassation, decision no. 16529/2025.

⁸⁰³ Article 10(3) Procedure Decree.

⁸⁰⁴ SOPS, paragraph B.2.

⁸⁰⁵ Article 7 (3) Reception Decree.

just for the administrative management of the centre and that the presence of EASO, UNHCR and IOM, as well as the access of the Guarantor for the rights of detained people are sufficient to protect migrants. ASGI lodged an appeal before the Administrative Court of Sicily obtaining, in September 2020,⁸⁰⁶ a first interim decision by the Court which ordered the Prefecture to review the request. With a new provision, however, the Prefecture again denied access to the hotspot for reasons that do not differ much from the previous ones, beyond including reasons regarding of public health, due to the COVID-19 pandemic. ASGI lodged a new appeal and, with the decision n. 2473 of 24 August 2021, the Administrative Court of Palermo definitively accepted ASGI's appeal against the Prefecture of Agrigento's refusal to grant access to the Lampedusa hotspot. The Court specified that Article 7 LD 142/2015 aims at allowing access to facilities where the asylum applicant can be detained, including the centres referred to in Article 10 ter of the TUI, i.e. the hotspot and that "limit the right of access only to international organizations, or to those with which the Ministry has entered into specific agreements, would integrate an unjustified circumvention of the principle of transparency of the administrative action carried out within the places of detention of migrants".⁸⁰⁷

Access of UNHCR and other organisations assisting refugees at border crossing points is provided. For security and public order grounds or, in any case, for any reasons connected to the administrative management, the access can be limited on condition that is not completely denied.⁸⁰⁸

H. Differential treatment of specific nationalities in the procedure

Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded? ☐ Yes ☒ No
❖ If yes, specify which:
2. Are applications from specific nationalities considered manifestly unfounded?⁸⁰⁹ ☒ Yes ☐ No
❖ If yes, specify which: Countries included in the safe countries of origin list

According to Article 12(2-bis) of the Procedure Decree, the CNDA may designate countries for the nationals of which the personal interview can be omitted, on the basis that subsidiary protection can be granted (see [Regular Procedure: Personal Interview](#)). As of March 2025, the CNDA has not yet designated such countries.

The issue of the [Safe Country of Origin](#) decrees has directly affected the treatment and prerogatives of asylum applicants whose nationalities are indicated by the decrees. As seen above, the list now includes Albania, Algeria, Bangladesh, Bosnia-Herzegovina, Cape Verde, Ivory Coast, Egypt, Gambia, Georgia, Ghana, Kosovo, North Macedonia, Morocco, Montenegro, Peru, Senegal, Serbia, Sri Lanka and Tunisia.

Out of the main 5 nationalities of asylum applicants in 2024 – Bangladesh, Peru, Pakistan, Egypt and Tunisia – 4 on the safe country of origin list. This leads the applications to be channelled in the accelerated procedure. Due to the reduced procedural guarantees it entails, this might have an effect on recognition rates. The rejections rates in 2024 for nationals of Bangladesh, Egypt and Tunisia were significantly high, standing, respectively, at 80.3%, 86.2% and 85.5%. Rejection rates for Peruvian citizens were instead of 65.8%.

In practice, as already highlighted in the section regarding [Registration](#), some nationalities face more difficulties in accessing the asylum procedure, both at hotspots and at Questure. In 2021, ASGI reported that people from Tunisia were notified expulsion orders despite having expressly requested international

⁸⁰⁶ Administrative Court of Sicily, interim decision no. 943 of 24 September 2020.

⁸⁰⁷ See ASGI: "Hotspot di Lampedusa: dal Tar Sicilia ulteriore conferma del principio di accessibilità della società civile ai luoghi di trattenimento", 6 September 2021, available in Italian at: <https://bit.ly/3lc5L6P>.

⁸⁰⁸ Article 10-bis(2) Procedure Decree.

⁸⁰⁹ Whether under the "safe country of origin" concept or otherwise.

protection with the practice of the “double information paper”.⁸¹⁰ Serious criticalities in access to the procedure, due to lack of information provision and legal assistance as well as *de facto* detention, were reported by ASGI with specific regard to Tunisians arriving in the island of Pantelleria, where landed migrants are channelled in hotspot-like procedures (see in [Detention](#)).⁸¹¹ In 2024, according to ASGI's experience, similar difficulties persisted.

On 30 March 2023, the ECHR condemned Italy for the violation of Article 4 Protocol 4 for the removal to Tunisia of 4 Tunisian nationals who were removed to Tunisia after being placed in *de facto* detention in the Lampedusa hotspot without proper regard to their individual situation.⁸¹²

⁸¹⁰ ASGI reports that with the practice of the “double information paper” implemented in Lampedusa’s hotspot, police authorities have foreign nationals – and especially those coming from Tunisia – sign a second information paper in which they formally “renounce” international protection declaring that there are no impediments to their repatriation, even if they had previously expressed their will to request international protection. Rights on the skids. The experiment of quarantine ships and main points of criticism, ASGI, March 2021, available at: <https://bit.ly/3tWEK25>.

⁸¹¹ ASGI, La frontiera di Pantelleria: una sospensione del diritto. Report del sopralluogo giuridico di ASGI, June 2021, available in Italian at: <https://bit.ly/3tcSwyD>.

⁸¹² J. and others v. Italy, Application no. 21329/18, 30 March 2023, available at HUDOC: [bit.ly/42TBqVD](https://hudoc.echr.coe/bit.ly/42TBqVD).

Reception Conditions

Short overview of the Italian reception system

The Italian reception system for asylum applicants and beneficiaries of national/international protection is governed by Legislative Decree 142/2015 (from now on “Reception Decree”), which transposed into national law the recast Reception Directive. The model the Reception Decree initially outlined created a common reception system, articulated in different phases but centred on the Reception and Integration System (SAI) as the standard form of reception of asylum applicants. Since 2015, the regulatory text has undergone several reforms, the latest of which through law 50/2023, which inter alia once again excluded most asylum applicants from the SAI system (see [Criteria and restrictions to access reception conditions](#)) and introduces a new type of “provisional centres” (see [Types of accommodation](#)) and law 187/2024, which introduced a priority of access to reception for people rescued at sea and excluded from reception measures those who seek asylum 90 days after their irregular entry into the national territory.

The picture that emerges now is one of a reception system fragmented into different “reception” places with different reception measures to which foreign nationals are sent according to the stage of access to the asylum procedure, or to the way they enter the territory, or to their psychophysical conditions.

The reception system is therefore now composed, on the one hand, of structures intended for those seeking international protection, i.e. centres for identification and aid purposes (hotspots), government reception centres, temporary centres (CAS) and provisional temporary centres (CASP) and, on the other hand, of structures of the SAI system, where only holders of international or national protection will be able to access, in addition to unaccompanied foreign minors, asylum seekers identified as vulnerable and asylum seekers who entered Italy legally through government resettlements or humanitarian corridors.

It should be noted that the Government extended the state of emergency “as a consequence of the exceptional increase in the flows of migrant people entering the national territory via the Mediterranean migratory routes” from October 2024 to April 2025.⁸¹³

Accommodation for people escaping the Ukrainian conflict

See [Annex on Temporary Protection](#).

Financing, coordination and monitoring

Financing

Research carried out by Openpolis showed that reception funds belong to the “mission no. 27” of expenditure, dedicated to “immigration, reception and guarantee of rights”.⁸¹⁴

This mission is divided into three programs, each assigned to a different Ministry. The program including funds for reception is no. 2, attributed to the Ministry of the Interior and entitled “Migratory flows, interventions for the development of social cohesion, guarantee of rights, relations with religious denominations”. The program is allocated 1.9 billion euros, which represents almost two thirds of the entire mission (60.7%). Out of these, around 95% (or 1.8 billion) is used for activities related to asylum applicants, but the items of expenditure are very different, and not all are related to reception.

The expenditure forecast for 2021 was a total of 1.75 billion, out of which 1.068,59 million for CAS and first accommodation facilities. For 2022, the expenditure was 1,834.20 million and for 2023 it was 1,807.38 million.⁸¹⁵ As reported by the Senate, the MOI expenditure addressed to migrants (chapter 2351, program

⁸¹³ Civil Protection Department, Note of the Council of Ministers, published on 11 November 2024, available in Italian [here](#).

⁸¹⁴ Openpolis, Il ministero dell'interno e il bilancio dell'accoglienza, July 2021, available at: <https://bit.ly/3vP8gYP>.

⁸¹⁵ See Senate report for the years 201-2023 available at: bit.ly/3JXhF7W.

no. 2) provides an allocation of approximately 1,022 million euros for 2025 and 995 million for each of the years 2026 and 2027. For SAI, the resources allocated to the relevant chapter of the Ministry of the Interior's (Chapter 2352) amount to €705.6 million for 2025.⁸¹⁶

In attributing responsibility for the creation of reception centres, hotspots and CPR to the Ministry of Defence, Decree Law 124/2023 (converted into L. 162/2023) also established a specific fund, with an allocation of 20 million euros to the Ministry of Defence⁸¹⁷ for 2023 and authorised the expenditure of 1,000,000 euros per year⁸¹⁸ starting from 2024 as a contribution to the functioning of the reception and repatriation structures and of 400,000 euros for the year 2023 for the costs deriving from the establishment and functioning of the related technical structures to the preliminary stages of construction (preparation of areas, security and surveillance).

DL 133/2023 introduced a financial measure to support municipalities affected by significant and close in time arrivals of migrants on their territory providing that the waste collection connected to the activities of government centres, hotspots and to the transit of migrants in border municipalities located near the border with other EU states can be insured by the territorially competent Prefect until 31 December 2025. For this activity, the DL 133/2023 has foreseen a maximum expenditure of 500,000.00 euros for 2023 and 2,000,000.00 for each of the years 2024 and 2025.⁸¹⁹

DL 145 of 18 October 2023, converted in L. 191/2023, provided for the establishment of a Ministry of the Interior fund for the reception of migrants and minors of 46,859 million euros for the year 2023⁸²⁰ and authorised, for extraordinary first aid emergencies, a 1,000,000 euros expenditure for 2023.⁸²¹

Later, the 2024 Budget Law stated that the Fund is refinanced in the amount of 172,739,236 euros for the year 2024, of 269,179,697 euros for the year 2025 and of 185,000,000 euros for the year 2026.⁸²²

The 2025 Budget Law⁸²³ has provided for an increase of 200 million euros for 2025 of the MOI resources for expenses relating to migrant reception centres.

Albania

As regards the preparation of the project in Albania, the Government has estimated, for the reception provided there, an annual fee to the managing body of approximately €34 million.⁸²⁴

Furthermore, in the technical report, the estimated cost for the operation over 5 years is of approximately 653 million euros.⁸²⁵

Responding to a question time in the Chamber of Deputies on 16 October 2024, the Minister of the Interior confirmed that the funding allocation for Albanian centres consists of 134 million per year for a period of 5 years but also added that the necessary costs could prove to be higher depending on the trend of migration flows.⁸²⁶

⁸¹⁶ Senate, note on the 2025 Budget Law, available [here](#).

⁸¹⁷ Article 21 (4) DL 124/2023 converted into L. 162/2023.

⁸¹⁸ Article 21 (6) DL 124/2023 converted into L. 162/2023.

⁸¹⁹ Article 8 DL 133/2023.

⁸²⁰ Article 21 (1) DL 145/2023 converted in L 191/2023.

⁸²¹ Article 21 (7) DL 145/2023 converted in L 191/2023.

⁸²² Law 213/2023, Article 1 (361).

⁸²³ Budget Law for 2025, Article 1(892) Fund for migration. Also see the report from Senate, 20 December 2024, available in Italian [here](#).

⁸²⁴ See notice published on 21 March 2024 available at: bit.ly/4by66Q.

⁸²⁵ Available at: bit.ly/3UWwLAM.

⁸²⁶ Chamber of Deputies, question time, video available [here](#).

For the activation of 3,000 additional SAI places, initially programmed for asylum applicants from Afghanistan and later also for people fleeing from Ukraine, DL no. 139 of 8 October 2021 established an increase in the funds allocated to the National Fund for Asylum,⁸²⁷ of 11,335.320 euros for 2021 and of 44,971,650 euros for each year in 2022 and 2023,⁸²⁸ taken from the MOI resources relating, for the respective years, to the activation, rental and management of detention and reception centres for migrants.

Then, to face the need to accommodate Afghan nationals evacuated after the Taliban's takeover of the country – and later similar needs for people fleeing from the Ukrainian conflict⁸²⁹ – and allow for the opening of 2,000 additional SAI places, the budget Law of 30 December 2021 no 234⁸³⁰ provided for an increase in the endowment of the National Fund for Asylum of 29,981.100 euros for each of the years 2022, 2023 and 2024.⁸³¹

To cover the costs for the creation of 3,000 new S.A.I. places, to be granted to people escaped from Ukraine, L 28/2022 provides for the use of a portion of the National Fund for asylum,⁸³² precisely: € 37,702,260 for the year 2022 and € 44,971,650 for each of the years 2023 and 2024.⁸³³

To cover the € 54,162,000 needed for activating new CAS and first governmental reception facilities the Fund for economic policy interventions is to be reduced.⁸³⁴

Article 44 (3) of DL 50 of 17 May 2022 converted by L. 91 of 15 July 2022, allocated € 112,749.000 for the response to displacement from Ukraine in 2022.

Moreover, the same DL authorised an expenditure of 40 million to be distributed to municipalities whose social services were most affected by the presence of temporary protection holders.⁸³⁵

To cover the former expenditure and the one related to the empowerment of the reception measures for people fleeing from Ukraine the LD states to increase the resources of the National Emergency Fund.⁸³⁶ Article 31 (4) LD 21 of 21 March 2022 provides that, until 31 December 2022, MOI resources allocated to the activation, rental and management of the reception centres are increased by an additional 7,533,750 euros, also to be allocated to the activation of new first reception centres and CAS facilities.⁸³⁷

The law also provides not to apply, for the year 2022, the provision according to which savings achieved in accommodation of migrants have to be allocated to the international cooperation fund and to the repatriation fund,⁸³⁸ and authorises changes among the funds assigned to the single budget chapters

⁸²⁷ Article 1-septies of Legislative Decree 416/1989 converted into Law 39/1990.

⁸²⁸ Article 7 DL 139/2021, as amended by Article 5 quarter DL 14/2022 converted with modification into L 28/2022.

⁸²⁹ Article 5-quater (6) extended the provision also to people fleeing from Ukraine.

⁸³⁰ Article 1 (390) L 234/2021 as amended by Article 5 quater (6) DL 14/2022 converted with modification into L 28/2022.

⁸³¹ Article 1-septies of Legislative Decree 416/1989 converted into Law 39/1990.

⁸³² Article 1-septies LD no. 416/1989.

⁸³³ Article 5-quater (3) DL 14/2022 as modified by the conversion L 28/2022.

⁸³⁴ Article 5-quater (9) DL 14/2022 as modified by the conversion L 28/2022.

⁸³⁵ Article 44 (4) DL 50 of 17 May 2022 converted by L. 91 of 15 July 2022.

⁸³⁶ LD 1/2018 Article 44.

⁸³⁷ Article 31 (4) LD 21/2022.

⁸³⁸ Article 5-quater (8) dl 14/2022 as modified by the conversion L 28/2022 which states not to apply the second sentence of Article 1(767) L 145/2018.

under the MOI program "Migratory flows, interventions for the development of social cohesion, guarantee of rights, relations with religious confessions".⁸³⁹

DL 145/2023, converted by L 191/2023⁸⁴⁰ authorised the expenditure of 180 million euros for the year 2023, while L. 213 of 30 December 2023⁸⁴¹ (Budget Law) provided for further 274 million euros for the year 2024 dedicated to assistance activities in the national territory for the Ukrainian population.

Article 1, par. 388 of L. 213/2023 also allocated the amount of 7,650,000 euro to ensure the extension of the hosting programs already in place.

Funding for alternative forms of assistance for Ukrainian asking for temporary protection

To face the assistance measures within the total limit of 348 million euros for the year 2022, LD 21 of 21 March 2022, at Article 31, provides the possibility to draw additional resources from the National Fund for emergencies,⁸⁴² that is consequently increased.

To cover these costs, LD 21/2022 provides an increase of 40 million for 2022 and of 80 million for 2023 the fund of the Ministry of Economy and Finance fed with share of tax and contribution revenues and aimed at equalising tax measures.⁸⁴³

LD 21/2022 foresees that the expenses, including those for reception of people fleeing from Ukraine, will be covered for 2022 by the higher revenues deriving from the contributions paid by the subjects who exercise, in Italy, for the subsequent sale, the activity of production of electricity, methane gas or extraction of natural gas, and of the subjects who carry out the production activity, distribution and trade of petroleum products.⁸⁴⁴

L. 213/2023, article 1, par. 391 also allocated 40,000,000 euros to improve social services in the municipalities that host a significant number of holders of Temporary Protection. The funds had to be used by 31 December 2024.⁸⁴⁵

Management and Coordination

The Ministry of Interior is responsible for the overall management of the national reception system,⁸⁴⁶ while its peripheral administrations, Prefectures or Local Government Bureaus, oversee reception at the provincial level.

The law provides for a National Coordination Table to be set up at the Ministry of the Interior (Department for Civil Liberties and Immigration) and for Regional Coordination Tables to be established at every

⁸³⁹ Article 5-quater (8) dl 14/2022 as modified by L 28/2022 which refers to the budget of the Moi program belonging to the "Mission 27" "Immigration, reception and guarantee of rights", to be adopted pursuant to article 33, paragraph 4, of the law 31 December 2009, n. 196. The Mission 27 expending has been reported by the Senate in the publication Una analisi per missioni, programmi e azioni: la pubblica amministrazione, l'ordine pubblico e l'immigrazione available at: <https://bit.ly/3uYeQwG>. More in general, regarding funds addressed to the reception system, see also Openpolis at: <https://bit.ly/3vP8gYP>.

⁸⁴⁰ Article 21 (9) DL 145/2023 converted in L 191/2023.

⁸⁴¹ Article 1 (389) amending Article 21 (9) DL 145/2023.

⁸⁴² Article 31 (4) LD 21/2022, which refers to the fund ruled by Article 44 LD 1/ 2018.

⁸⁴³ Article 38 LD 21/2022 which refers to the fund ruled by Article 1 quarter DL 137/ 2020 converted into L 176/2020.

⁸⁴⁴ Article 38 (2) and Article 37 LD 21/2022.

⁸⁴⁵ L. 213/2023, art. 1, par. 391, available at: <https://bitly.cx/MRGtN>.

⁸⁴⁶ The management and supervision of the entirety of the reception system are entrusted in particular to the Central Directorate of Immigration and Asylum Civil Services.

Prefecture of the regional capitals.⁸⁴⁷ The National Table is responsible, among others, for defining the guidelines and planning the interventions aimed at optimising the reception system. This includes the criteria for regional allocation of posts to be allocated to reception. The Table develops, on a yearly basis, a national reception plan that identifies national reception needs, based on projections for new arrivals.⁸⁴⁸ Guidelines and programming prepared by the Table are then to be implemented at territorial level through the Regional coordination tables, which identify the location criteria for CARA and CAS facilities as well as the distribution criteria within the Region of the places to be allocated to reception purposes, taking into account the places already activated, in the territory of reference, within the SAI system. In the perspective of national coordination and multi-level governance of reception, several institutional acts have also been taken, beginning with the approval of a National Operational Plan by the Unified Conference⁸⁴⁹ of 10 July 2014,⁸⁵⁰ which represented a first attempt to develop a system of planning, organisation and national management of the reception of migrants and refugees. The fundamental aspect on which the implementation of the Plan was based was the progressive overcoming of the emergency-focused management that had characterised the Italian reception system until then.

In practice, at least as regards the reception of applicants and protection holders, Italian Governments have often shown both a chronic lack of foresight in terms of contingency planning on reception, as well as a tendency to centralise choices on the reception system, reducing to the minimum concertation and co-decision with other stakeholders. Proof of this is the fact that, still in 2023, not only was the Government reception system once again unprepared for the growing numbers of asylum applicants to be received - with the consequence that new centres had to be opened in a rush, while an incalculable number of people was left homeless without any assistance -⁸⁵¹, but also most decisions in this sense were taken by the central government, without consultation with other relevant actors.⁸⁵² These two levels influence each other: if proper multiannual planning is not carried out, coordinating with local realities, the reception system as a whole cannot be stabilised, let alone enhanced. Conversely, as the Government frequently finds itself in urgent and unforeseen need for thousands of new places, which cannot wait for the lengthy process of consulting and involving local actors.⁸⁵³ The most recent example of a proposed solution to this problem is the declaration of the state of emergency of 11 April 2023 which was then extended each six months, last time from October 2024 to April 2025.⁸⁵⁴

According to the national Government, such measure was necessary to ensure the proper management of reception needs following disembarkations, but the Italian regions were not involved in the decision-making process. However, far from providing for a better organization of the reception system, the state of emergency allows to proceed with streamlined procedures to direct awards without all the guarantees provided for public tenders.

⁸⁴⁷ The National Coordination Table is established pursuant to Article 29(3) of Legislative Decree 251/2007 (transposition of the recast Qualification Directive). As regards the reception, its duties are regulated by Article 9(1) and 16 of the Reception Decree, by Ministerial Decree 16 October 2014 and by the National Agreement of the Unified Conference of 10 July 2014.

⁸⁴⁸ This plan was developed only once, in 2016, and has been largely unapplied. Source: Mol, Piano Accoglienza 2016, available at: <https://bit.ly/3UaCv81>.

⁸⁴⁹ The Unified Conference (Conferenza Unificata) is a permanent body where the Central Government, Regions, Provinces and Municipalities are represented. It participates in decision-making processes involving matters for the State and the Regions, in order to foster cooperation between the State activity and the system of autonomies, examining matters and tasks of common interest, also carrying out advisory functions.

⁸⁵⁰ The text of the agreement is available at: <https://bit.ly/3Kq3ZDx>.

⁸⁵¹ See Altreconomia, Scarsa programmazione, posti vuoti e persone al freddo: così ai migranti è negata l'accoglienza, 8 February 2023, available at: <https://bit.ly/3ZFJJe5>.

⁸⁵² Concerning the poor use of coordinating tables, see ANCI, Biffoni: "Ampliare capienza rete Sai per minori e riattivare tavolo di coordinamento", available at: <https://bit.ly/3Lk9gxc>.

⁸⁵³ On the topic, see: Campomori and Ambrosini, Multilevel governance in trouble: the implementation of asylum seekers' reception in Italy as a battleground, in *Comparative Migration Studies*, (2020) 8:22, available at: <https://doi.org/10.1186/s40878-020-00178-1>. Campomori, Asylum seekers reception policies in Italy: Weaknesses and contradictions, in *Politiche Sociali*, 2018, available at: <https://doi.org/10.7389/91920>.

⁸⁵⁴ Civil Protection Department, Note of the Council of Ministers, published on 11 November 2024, available in Italian [here](#). According to the Civil Protection Code, Law no. 1/2018, the state of emergency cannot be extended beyond 24 months (Article 24 (3) Law 1/2018).

On 30 December 2024, the Council of State (the Italian upper Administrative Court), rejected the appeal submitted by a lawyer member of ASGI to obtain access to the documents justifying the declaration of the state of emergency.⁸⁵⁵

Monitoring

The legislation provides that the Ministry of Interior (Department of Civil Liberties and Immigration) is responsible for supervising and monitoring the management of reception facilities, both directly and via local Prefectures. As far as they are concerned, Prefectures may also avail themselves of the services of the social services of the relevant Municipality.⁸⁵⁶ Monitoring activities concern the verification of the quality of the services provided, as well as the procedures for the award of reception services. While the Ministry is obliged to present the results of said monitoring activity in the comprehensive report on reception it must submit to Parliament at the latest by 30 June every year, there have been major delays recently, so much so that the 2020 report was only presented in October 2022, while the 2021 report was presented at the end of November 2022.⁸⁵⁷

From the most recent data available, it emerges that in 2021, 1,081 inspection controls were carried out in presence (which involved 950 facilities) and 2,224 (which involved 561 facilities) were carried out remotely. Said 3,305 controls would therefore have concerned 1,511 structures, out of a total of 4,225 structures active in 2021 (less than 36% of the total).⁸⁵⁸ Remote monitoring was considered necessary, as was the case for 2020, as a result of distancing and isolation measures derived from the Covid-19 pandemic.⁸⁵⁹

Data on inspections carried out in 2022, 2023 and 2024 is not publicly available.

The issue of inspection checks on reception is characterised by a certain lack of transparency. Actionaid submitted in July 2020 a request for access to the documents concerning the inspections carried out by the Ministry of the Interior, which rejected the request on grounds of confidentiality and protection of managers. Following two appeals, only in June 2022 the Council of State ordered the Ministry of the Interior to make the 2019 data available.⁸⁶⁰ Subsequent requests for access to the documents, relating to the years 2020 and 2021, were rejected by the Government, which denied the release of the aggregated detail of the data relating to inspections in the centres, which is necessary to be able to provide insights and analysis on the subject.

In addition to transparency issues, the subject of inspections presents at least two other important weaknesses, relating to whether the controls are actually performed and to the quality with which they are carried out.

The other key aspect regards the quality of the controls. While it is true that the specifications scheme is the common reference at national level for services, it remains an administrative tender document, which establishes only quantitative indications, and is therefore inadequate as a reference for a thorough inspection. Italian Prefectures have historically lacked a qualitative-quantitative tool aimed specifically at

⁸⁵⁵ Council of State, Decision no. 10434/2024, appeal no. 05706/2024.

⁸⁵⁶ Article 20(1) Reception Decree.

⁸⁵⁷ The 2020 and 2021 reports available at: <https://bit.ly/3y8bRCN>.

⁸⁵⁸ The information made public by the Ministry in its reports to Parliament does not reach such a level of detail that it is possible to determine which structures have been visited and how many inspections, if any, have been repeated on the same structures. Moreover, it is not possible to understand how many of them have been carried out directly by the Ministry, how many by the Prefectures and how many by the officials of the SAI Central Service. Furthermore, the Government's report deals exclusively with the controls carried out under Article 20, while there is little to none evidence about any other kind of controls, e.g. by health authorities, EU/international organisations (UNHCR, IOM, EUAA...), or as part of court proceedings.

⁸⁵⁹ See Circular Letter Ministry of Interior, n. 12498, 26 June 2020.

⁸⁶⁰ For data about inspection controls in 2019, see ActionAid, Centri d'Italia, Report 2022, available at: <https://bit.ly/3Je6et6>.

inspections, despite some attempts over the years,⁸⁶¹ as well as uniform standards of evaluation. This leads to many elements of variability and therefore of criticality. Some Prefectures have formalised the creation of permanent inspection units, while others recruit officials on a time to time availability basis. The inspection team may include only Prefecture staff, who have only administrative responsibilities, while in other occasions it is enlarged to include other responsibilities and other administrations, including for example: social workers, fire brigade, health authorities, reporting experts. Furthermore, the Prefectures' staff is usually not trained before conducting inspections, nor are they familiar with the issues of forced migration, the right of asylum, and the handling of vulnerabilities. Finally, the presence of linguistic and cultural mediators in support of inspectors, who often do not even speak English, is extremely rare, and so it is not possible to interview the accommodated people and collect complaints, reports and needs. All this results in a very wide heterogeneity and discretion in the quality of the controls, a general inability to carry out a qualitative evaluation of the effectiveness of the services offered. Especially as Prefecture-managed centres account for almost three quarters of the total number of reception centres in Italy; this continues to be a strong limit for the entire reception system.

Decree-Law 20/2023 (Article 6) provides that, in cases where in government centres or in the CAS there is a serious breach of the obligations arising from the service contract, but concurrently said services cannot be interrupted for the protection of fundamental rights, the Prefect appoints a Commissioner for the extraordinary and temporary management of the enterprise. At the same time, the Prefect starts the procedures for the direct award of a new contract for the supply of goods and services.

As highlighted by ActionAid, the use of a generic formula such as "serious breaches" does not appear sufficiently clear in delimiting the perimeter of this intervention. Moreover, it is not clear why prefectural officials with no experience in managing social services should be better able to restore correct management nor why the law provides for the use of direct award to assign the contract again (Article 6 (3) Cutro Decree).⁸⁶²

However, as pointed out by a report by Openpolis and Actionaid published in March 2025, the information made available by the Ministry of the Interior on this point is quite limited. From the data received, the report shows that "in 2023, 13 CAS were placed under commission: 4 in the province of Verona, 7 in that of Prato and 2 in Ancona."⁸⁶³

Among the tasks that the law assigns to the Central Service SAI, one of the most important is to carry out monitoring activities of SAI reception projects and to provide technical assistance to the local authorities sponsoring these projects.⁸⁶⁴ Specifically, the Ministerial Decree that regulates the SAI system provides that the activities of the Central Service accompany the entire life cycle of local reception projects; among these, on-site visits to support local authorities in the application of the relevant legislation and operational instructions can be carried out, also identifying the most appropriate corrective actions to increase the quality of reception services.⁸⁶⁵ In practice, the Central Service mainly provides technical support in the realisation and in the practical management of the reception project, providing the local authority and the managing body of the project with advice, helping in the management of the most complex cases, facilitation in interfacing with other local and national realities. This activity is very important, as it allows project staff to receive specialised support on an ongoing basis.

⁸⁶¹ The reference is to the AMIF funded M.I.Re.Co. project (Monitoring and Improvement of Reception Conditions). The project's aim was to carry out a significant number of monitoring visits in reception centres of all kinds, throughout Italy, and to develop guidelines and standard qualitative-quantitative monitoring tools. The project took place between May 2017 and the end of 2019, but the Government has never made public neither the guidelines nor the results of the around 3,000 monitoring visits that have been supposedly carried out. Only a small part of this data has been made available in the Report on the operation of the reception system designed to meet extraordinary needs connected with the exceptional influx of foreigners into the country (year 2017), August 2018, available at: <https://bit.ly/3MyqffW>.

⁸⁶² Actionaid, "Il decreto Cutro e il commissariamento dei centri di accoglienza", available at: bit.ly/3JZryBV.

⁸⁶³ Centri d'Italia, accoglienza al collasso, Report 2024, Openpolis, Actionaid, March 2025, available [here](#).

⁸⁶⁴ Article 1-sexies (4 and 5) Decree Law 416/1989, converted with amendments into Law 39/1990, as last amended by Decree Law 130/2020, converted with amendments into Law 173/2020.

⁸⁶⁵ Ministry of Interior Decree 18 November 2019.

In addition to this, the monitoring unit of the Central Service periodically carries out on-site monitoring visits, to directly verify the progress of the reception project, the actual provision and quality of services, and the adequacy of the accommodation used. These activities are carried out by qualified and trained personnel, who deal with the qualitative monitoring of projects as their main activity. The agreement signed with the Ministry of the Interior provides that, during each year, at least one monitoring visit is to be carried out for each individual project. Officials specialised in reporting and administration, as well as officials from the Ministry of the Interior, the Prefecture, UNHCR, etc., can participate in these missions based on existing needs. The SAI monitoring visits are particularly thorough and often last several days; a typical visit includes a visit to the reception facilities involved, interviews with the hosted beneficiaries with the help of cultural-linguistic mediators, a meeting with the staff directly managing the project and a final meeting with representatives of the local authority responsible for the project. After the visit, a follow-up report is produced, containing a descriptive part of its outcome, recommendations and tips for the services' improvement and mandatory requirements and requests for adjustment or correction, with respect to any findings on shortcomings detected during monitoring. Project managers are then given a date by which to submit their comments and provide evidence of the corrections that have been implemented. In this interlocution, which continues until a positive response is given by the Central Service, the Ministry of the Interior and the Prefecture responsible for the territory are involved. Data relating to monitoring visits carried out by the Central Service is not made public and no other information is available to the general public.

While existing legislation provides that the duty of conducting inspections regarding the entire reception system, including SAI projects, lies with the Ministry of Interior and its Prefectures,⁸⁶⁶ in practice SAI monitoring has been carried out almost exclusively by the Central Service. In 2019, however, the Ministry gave orders to the Prefectures to carry out inspections in SAI projects (at that time SIPROIMI) pertaining to their territory of competence, "in coordination with the Central Service".⁸⁶⁷ Since then, however, only few Prefectures have carried out inspections in the SAI; additionally, these were often conducted in a heterogeneous manner, sometimes carrying out joint missions with the Central Service, sometimes without any contact nor coordination, while often not doing them at all, on the grounds of limited staff availability.

Civil registration

Decree Law 113/2018 repealed the rules governing civil registration (*iscrizione anagrafica*) of asylum applicants,⁸⁶⁸ and stated that the residence permits issued to them were not valid titles for registration at the registry office.⁸⁶⁹

On 31 July 2020 the Constitutional Court declared the denial of civil registration for asylum applicants introduced by the legislative Decree 113/2018 contrary to the principle of equality enshrined in Article 3 of the Italian Constitution.⁸⁷⁰ Subsequently, Decree Law 130/2020, amended by L 173/2020, re-introduced Article 5bis of the Reception Decree, expressly allowing asylum applicants to obtain civil registration.⁸⁷¹

Civil registration is fundamental in order to obtain, after 10 years or 5 years in case refugee status is recognised, the Italian citizenship. It also gives access to some welfare measures and gives score for access to public housing.

In 2021, after the reform, not all municipalities agreed to retroactively recognise civil registration to asylum applicants who had requested it during the validity of the DL 113/2018. On this matter, in July 2023 the Civil Court of Trieste accepted the appeal submitted by an asylum applicant recognising his right to

⁸⁶⁶ Article 20(1) Reception Decree.

⁸⁶⁷ See Circular Letters from Mol DCLI no. 6021 of 23 May 2019 and no. 12246 of 12 July 2019.

⁸⁶⁸ Article 5-bis Reception Decree was repealed by Article 13 Decree Law 113/2018 and L 132/2018.

⁸⁶⁹ Article 4(1-bis) Reception Decree, inserted by Article 13 Decree Law 113/2018 and L 132/2018.

⁸⁷⁰ Decision no. 186/2020 of 31 July 2020, available at: <https://bit.ly/2SCXDbI>.

⁸⁷¹ Article 5 bis Reception Decree.

retroactively obtain civil registration.⁸⁷² The Municipality of Trieste appealed the decision the Court of Appeal of Trieste rejected its appeal, confirming the decision of the Civil Court.⁸⁷³

On the same matter, the Civil Court of Florence, on 27 July 2023, also recognise an asylum applicant the right to obtain civil registration for the period it was denied in force of the law ultimately declared contrary to the Constitution.⁸⁷⁴

According to the law, the applicant for international protection in possession of a residence permit for asylum request⁸⁷⁵ or of the receipt certifying the request⁸⁷⁶ is registered in the registry of the resident population.⁸⁷⁷ For applicants accommodated in first reception centres, the person in charge of the centres must notify the municipality of the changes in cohabitation within twenty days from the date on which the facts occurred. Furthermore, the law states that communication of the withdrawal of reception measures or of the unjustified removal of the asylum applicant from the first reception centres and from the SAI centres constitutes a reason for immediate cancellation of the residence.⁸⁷⁸

As observed by some studies – even if limited to the exceptional cases of revocation of reception and unjustified removal – the provision still appears discriminatory with respect to asylum applicants, because it excludes only these categories of people from the application of the rule according to which only being unavailable for 12 months leads to cancellation. This provision can have particularly negative effects, because it is difficult for those who are removed from the reception system to immediately find other stable accommodation.⁸⁷⁹

After registration, asylum applicants obtain an identity card valid for three years.⁸⁸⁰

A. Access and forms of reception conditions

1. Criteria and restrictions to access reception conditions

Indicators: Criteria and Restrictions to Reception Conditions

1. Does the law allow access to material reception conditions for asylum seekers in the following stages of the asylum procedure?

❖ Regular procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Dublin procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Admissibility procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Border procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Accelerated procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ First appeal	☒ Yes	☐ Reduced material conditions	☐ No
❖ Onward appeal	☐ Yes	☒ Reduced material conditions	☐ No
❖ Subsequent application	☐ Yes	☒ Reduced material conditions	☐ No

2. Is there a requirement in the law that only asylum seekers who lack resources are entitled to material reception conditions?

	☒ Yes	☐ No
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The Reception Decree sets out the reception standards for third-country nationals making an application for international protection on the territory, including at the borders and in the transit zones or in Italian territorial waters.⁸⁸¹

⁸⁷² Civil Court of Trieste, decision of 31 July 2023, available at: bit.ly/3wldfyP.

⁸⁷³ Court of Appeal of Trieste, decision of 25 June 2024.

⁸⁷⁴ Civil Court of Florence, decision of 27 July 2023, case no. 476/2023.

⁸⁷⁵ Article 4 (1) Reception Decree.

⁸⁷⁶ Article 4 (3) Reception Decree.

⁸⁷⁷ Article 5 bis (1) Reception Decree, re-introduced, with amendments, by Decree Law 130/2020 and L 173/2020.

⁸⁷⁸ Article 5 bis (3) Reception Decree.

⁸⁷⁹ See: L'Iscrizione anagrafica dei richiedenti asilo e dei protetti internazionali, Paolo Morozzo della Rocca, in Immigrazione, protezione internazionale e misure penali, Pacini Giuridica, 2021.

⁸⁸⁰ Article 5 bis (4) introduced by Decree Law 130/2020.

⁸⁸¹ Article 1(1) Reception Decree.

It provides that reception conditions apply from the moment a third-country national manifests their will to apply for international protection and declares that they have no economic means to guarantee theirs and their family's survival.⁸⁸² The criteria of destitution is to be evaluated by the Prefecture, by comparing the financial resources of the applicant(s) and the amount of the annual social allowance (*assegno sociale annuo*).⁸⁸³

In practice, no assessment of financial resources is carried out when the asylum applicant makes their application, or even when they access the system; both Prefectures and the SAI Central Service customarily consider the self-declaration as sufficient. However, during the accommodation period, Prefectures are required to verify that the conditions, including economic conditions, which have determined access still occur. In 2023, similarly to previous years, this has resulted in a worrying number of withdrawals of reception conditions (see below).

According to the Reception Decree, no additional requirements than those expressly listed in the decree can be asked to grant access to reception measures.⁸⁸⁴

For this reason, it is important to highlight that Law 187/2024 modified the Reception Decree introducing a hypothesis of exclusion from reception measures for those who, without justified reason, apply for asylum after 90 days of entering Italy.⁸⁸⁵ The law expressly refers to the new provision of a new accelerated procedure for those who enter Italy illegally and apply for asylum after 90 days.⁸⁸⁶ So, it seems that it should apply only to those who have entered Italy illegally. The exclusion decision must be taken in writing and motivated by the territorially competent Prefecture. It must take into account the vulnerability of the applicant. Even if the rule recalls art. 20 of the Reception Directive, it does not respect its content since while the Directive provides for a mere hypothesis of reduction of reception measures, the rule regulates the exclusion from reception measures.

Moreover, Law 187/2024 – formalizing an already existing practice - introduced a priority criterion for access to reception facilities for people rescued at sea, making access to the reception of all other people (arrived by land, with autonomous disembarkations, Dublin returnees, etc.) subject to the availability of non-reserved places.⁸⁸⁷

In this regard, after the entry into force of the law, the Ministry of the Interior has issued a Circular Note⁸⁸⁸ with which it invites all Prefectures to take into account this criterion of priority entry into reception facilities. However, the Circular refers to mere entry (and not irregular entry) in the 90 days prior to the asylum request as a criterion for exclusion from reception.

However, some Prefectures, such as the one in Siena, have already gone beyond the scope of the new rule by providing for additional exclusion criteria. According to the Note spread by the Prefecture of Siena on 14 January 2025: 1) asylum applicants with mental disease can only be admitted upon presentation of a certificate from the competent health district attesting to compatibility with their presence in a facility that does not have health requirements; 2) Dublin asylum applicants have access to the facilities on a subordinate basis to asylum applicants whose Italian responsibility has already been declared. On March 2025 ASGI has submitted an appeal against the note.

⁸⁸² Article 1(2) Reception Decree.

⁸⁸³ Article 14(1) and (3) Reception Decree. The Social Allowance is an economic contribution of a welfare nature provided by the National Institute for Social Security (Istituto Nazionale di Previdenza Sociale, INPS) for 13 months to all those who are in poor economic conditions. For the year 2022, the amount corresponded to € 6,097.39 and corresponds to € 6,542.51 for 2023.

⁸⁸⁴ Article 4(4) Reception Decree.

⁸⁸⁵ Article 15 quinquies Decree Law 145/2024 as amended by L. 187/2024 and introducing Article 1 (2 bis) to the Reception Decree.

⁸⁸⁶ Article 28 bis (2) lett. e bis.

⁸⁸⁷ Article 15 quinquies Decree Law 145/2024 as amended by L. 187/2024 and introducing Article 8 (2 bis) to the Reception Decree.

⁸⁸⁸ Mol Circular note, 22 January 2025.

As already mentioned, government centres and temporary centres (CARA, CAS and CdA) can only accommodate asylum applicants. SAI facilities, instead, are now conceived to accommodate beneficiaries of international protection (refugee status and subsidiary protection), unaccompanied foreign minors and, in case of available places, to vulnerable asylum applicants, to asylum applicants who legally entered Italy through complementary pathways (government-led resettlements or private sponsored humanitarian admission programs) and to holders of the following national permits and complementary protections:⁸⁸⁹

- Special Protection (Consolidated Act on Immigration, Article 19 (1 and 1.1) a Legislative Decree 251/2007, Article 16)
- Medical treatment (Consolidated Act on Immigration, Article 19 (2 d-bis))
- Social protection for trafficking in human beings (Consolidated Act on Immigration, Article 18)
- Social protection for domestic violence (Consolidated Act on Immigration, Article 18-bis)
- Disaster (Consolidated Act on Immigration, Article 20-bis)
- Significant labour exploitation (Consolidated Act on Immigration, Article 22 (12-quater))
- Acts of exceptional civil value (Consolidated Act on Immigration, Article 42-bis)
- Special cases (D.L. 113/2018, Article 1 (9)).

Applicants for international protection subject to a Dublin procedure (both incoming and outgoing) can access the reception system (but no longer SAI centres, as the rest of asylum applicants) at the same conditions as the other asylum applicants with no places reserved.⁸⁹⁰ (See [Dublin](#)).

Access to the reception system may follow different procedures.

- ❖ For asylum applicants who has just landed on Italian territory after Search and rescue operations, access to the system is, so to speak, automatic. However, due to the so-called hotspot approach and the use of informative sheets (“foglio notizie”) not translated nor explained to migrants, it is not uncommon for people who have expressed their intention to seek asylum to be sent to CPRs.⁸⁹¹ When accommodated, the following placement follows a national and regional dispersion policy, which should follow agreed criteria (see [Dispersal of asylum applicants](#)).
- ❖ In cases where the asylum applicant interested in receiving reception is already present on the national territory, the request to access the system is processed by the State Police office where they are present or have a domicile. In these cases, the new provision introduced by article 4 of the DL 133/2023⁸⁹² negatively impacts asylum applicants’ possibilities to access the asylum procedure. According to this rule, in case asylum applicants do not present themselves at the Questura to lodge the asylum application, the previously expressed intention to seek asylum does not constitute an application according to the Procedures Decree. In practice, in these cases, it rarely happens that accommodation is granted immediately after the expression of the intention to seek asylum and, waiting for an address to be connected to the asylum applicant, even the formalisation is postponed for weeks or months during which people are left without any assistance. In order not to live on the street, people accept temporary hospitality or try to formalise their application before other Questura and, when coming back to the competent one, find that their asylum application and their accommodation request do not exist anymore. They are then requested to register again, with the risk in some cases that their application is considered as a subsequent one.

⁸⁸⁹ Article 1-sexies(1) Decree Law 416/1989, as modified by Decree Law 130/2020.

⁸⁹⁰ Article 1(3) Reception Decree. For more information about access to reception for Dublin transferees, please see the relevant paragraph in the Procedures chapter.

⁸⁹¹ The hotspot procedure, to which most people disembarked are subjected, is known to force some individuals into irregularity, to the extent that some migrants are systematically prevented from seeking asylum. This, of course, also produces an immediate exclusion from reception conditions. For more information, see the Procedures chapter.

⁸⁹² Introducing Article 6 (3-bis) to the procedure decree.

- ❖ Due to the new law provision introduced by L. 187/2024,⁸⁹³ these asylum applicants access accommodation measures subject to the availability of non-reserved places to people rescued at sea.
- ❖ If the people who need access to the reception system are already holders of a permit for protection, they must contact the SAI Central Service, through the local Prefecture, or through the CAS/SAI managing bodies, by lawyers, or by other public or private bodies. However, the reporting procedures are far from perfect and frequently, reports are made several times at once by different subjects, and thus the Central Service is not able to process them correctly. Moreover, the pace at which the Central Service processes a request and assigns the place in reception is often very slow, mostly due to communication problems, to the point that migrants often opt to directly present themselves at a SAI project and ask for admission, rather than waiting for an assignment from the central offices. In fact, as has recently emerged,⁸⁹⁴ the Central Service does not count the number of requests for access it receives, which makes allocating the available places according to set priority criteria quite challenging given the large number of requests. Besides this, not all Prefectures consider that they should report to the SAI the presence of beneficiaries of protection in their territory of competence, and, in the best case, Prefectures only report the transfer in SAI of people that are already accommodated in CAS activated by them in their territories. The Ministry of the Interior periodically sends operational indications to the Prefectures on reporting regarding reception in SAI.
- ❖ Moreover, after the Cutro Decree (DL 20/2023) came into force, the passage from CAS or first governmental centres to SAI centres for asylum applicants has been impeded and it is not rare that, after the recognition of a title of protection people are ordered to leave the accommodation project without even checking for availability of places in SAI projects. Once out of the accommodation system it is then very difficult to re-access it. During 2024 many people were ordered to leave CAS and Governmental centres immediately after obtaining the recognition of international or national protection.

Italy-Albania deal

Through L. 14 of 21 February 2024, the Italian Parliament ratified the Protocol signed in Rome on 6 November 2023 between the Italian and the Albanian Government aimed at cooperation on migration matters.⁸⁹⁵ This introduced a further variable in the reception process for those who intend to request international protection: people rescued in international waters by Italian ships,⁸⁹⁶ subject to the border procedure, will be transported directly to Albania where, according to the agreement, three centres were established under Italian jurisdiction: one, in the locality of Shengjin, to provide health screening, identification and collection of asylum applications and two others in the locality of Gjader, one functioning as accommodation centre (880 places) and the other one as repatriation centre (CPR) (144 places). During 2024, 62 persons were sent to the Albanian centres, but the Civil Court of Rome, first, and the Court of Appeal of Rome, later, never validated their detention orders and both asked for a preliminary judgement to the CJEU (See [Procedures](#)).

1.1 Reception and obstacles to accessing the asylum procedure

Barriers to access to reception in Italy mostly depend on two main factors:

- Bureaucratic and administrative obstacles to access to the international protection procedure.
- Shortage of available places and management issues within the various levels of the reception system.

⁸⁹³ Article 8 (2 bis) to the Reception Decree introduced by L. 187/2024.

⁸⁹⁴ See Altreconomia, Scarsa programmazione, posti vuoti e persone al freddo: così ai migranti è negata l'accoglienza, 8 February 2023, available at: <https://bit.ly/3oXlaUx>.

⁸⁹⁵ L. 14/2024, available at: bit.ly/44vBGfr.

⁸⁹⁶ According to Article 3 (2) L. 14/2024, those are the ones who could be subject to the procedure.

As described in detail under [Registration of the asylum application](#), for years, the Italian Police Headquarters (Questura) have put in place various strategies aimed at limiting and delaying access to the asylum procedure for people who spontaneously show up at the offices. These practices, which intensify with increasing numbers of requests for protection (both at the general national level and at the level of the individual Questura), also have direct consequences on another right of applicants, namely the right to reception conditions. While applicants are often forced to wait months to file their asylum applications, the same if not worse applies to making a request to access reception conditions. Even though by law asylum applicants are entitled to material reception conditions immediately after manifesting the will to apply for asylum (making phase), access to reception facilities is often postponed until at least after the actual registration and lodging of the application by State Police.⁸⁹⁷ Only after being registered can asylum applicants request access to reception facilities; even then, they are frequently required to wait for some additional weeks, sleeping rough or in makeshift lodgings or resorting to members of the same community, if and when they can afford it.⁸⁹⁸

The shortage of places in the reception system is a recurring issue in Italy, especially as, due to policies aimed at reducing public spending and a strong lack of medium-long-term planning (see the [Management and Coordination](#)), the total number of places in the system continues to decrease, and emergency situations are registered each summer. For this reason, the system quickly became saturated, and Prefectures started refusing requests to access reception, or in some cases ignoring them. A recent inquiry by the magazine *Altreconomia*⁸⁹⁹ estimated that, in a situation where thousands of asylum applicants were left without access to reception measures, and while the Italian Government has declared on several occasions that “there are no more places available in the system(s)”, at least 5,000 places were left unoccupied in 2022 as a reserve for unexpected arrivals through disembarkations.

According to the data shared by the MOI Department of Civil Liberties after a FOIA request made by ASGI, as of 31 December 2024, out of the 96,890 places available, only 95,453 were actually occupied.

At least three factors, which have characterised the Italian reception system since its creation, affect the functioning of the system and the possibility for asylum applicants to access reception centres. As better detailed in the next dedicated paragraph, they can be summarised as follows:

- c) Although the provision of reception measures is mandatory, the activation of SAI facilities is determined on a voluntary basis: Municipalities can decide whether to adhere to the SAI network and have full discretion as to the extension, increase or reduction of the existing places, regardless of the reception needs that emerge on the national territory and in the single territories;
- d) The chronic unavailability of places in SAI results in the need for local Prefectures to prepare temporary measures and set up government reception centres (CAS), but the drastically lowered costs provided by the tender specifications schemes for reception in these facilities have *de facto* favoured the creation of large centres managed by multinationals or for-profit organisations and excluded many of the small non-profit and professional organisations and cooperatives from the accommodation landscape.
- e) The conceptualisation of reception obligations as an emergency to be faced in the short term – and the unconcealed intentions to limit arrivals – have so far prevented serious and reasoned interventions on the implementation of an efficient accommodation system able to face the numbers of arrivals which periodically and systematically increase.
- f) The absence of transparency on the updated availability of places in the CAS and the absence of willingness on the part of the Prefectures to look for the availability of reception places in territories other than the one under their jurisdiction, prevents people from directly requesting and obtaining assignment to a place in the national system, usually having to wait for the waiting list present at the individual prefectures.

⁸⁹⁷ In Italy, the registration and lodging phases are integrated into one step.

⁸⁹⁸ For more information, see MSF, *Fuori campo*, February 2018, available in Italian at: <http://bit.ly/2Gagwa2>; *Fuori campo*, March 2016, available in Italian at: <http://bit.ly/2letTQd>, 11; ANCI *et al.*, *Rapporto sulla protezione internazionale in Italia*, 2014, available in Italian at: <http://bit.ly/15k6twe>, 124.

⁸⁹⁹ *Altreconomia*, *Inchiesta sull'accoglienza selettiva: chi arriva in Italia via terra resta fuori*, in *Altreconomia* 254, December 2022, available at: <https://bit.ly/42bf2XP>.

As a direct consequence, the number of places in the ordinary reception system is largely insufficient when compared to the existing needs. Another issue is that, even if the places are in theory available in a region other than the one in which the applicant is located, the competent prefecture have no means to be made aware of the existence of additional places in case the central authority does not respond to their request. On many occasions, the prefecture does not proactively present this request to the central administration.

In this situation, the regulatory provision introduced by Law 187/2024, which gives priority to the reception of asylum applicants rescued at sea, will contribute to giving formal support to an already existing practice and will allow the prefectures to justify the refusal to enter the reception on this legal basis which appears not compatible with the Reception Directive.

1.2 Reception of applicants subject to accelerated procedures

Italian legislation does not provide for specific or differentiated reception forms for asylum applicants who are subjected to the accelerated procedure.

However, it must be emphasized that, in almost all cases in which the asylum application is processed with an accelerated procedure, any appeal filed against the rejection of the application for international protection by the territorial commissions does not entail the automatic suspension of the effects of the rejection decisions⁹⁰⁰ and this has direct repercussions on the right to reception because, if the request for suspension is not accepted by the competent Court, the applicant loses access to reception conditions.

However, it should also be noted that, after the judgment of the Court of Cassation in United Sections no. 11399/2024, most of the Courts held that exceeding the terms of the accelerated procedure by the public administration involves the restoration of the ordinary procedure and therefore the automatic suspensive effect of the appeal. (See [Accelerated procedure](#))

1.3 Reception at second instance

Regarding appellants, the Reception Decree provides that accommodation is ensured until a decision is taken by the Territorial Commission (the first instance deciding authority) and, in case of a rejection of the asylum application, until the expiration of the timeframe to lodge an appeal before the Civil Court. When the appeal has automatic suspensive effect, accommodation is guaranteed to the appellant until the court gives judgement.

However, when appeals have no automatic suspensive effect, the applicant can request an *ad hoc* suspension to the Court and remain in the reception centre until a decision on the suspensive request is taken by the competent judge. If this request receives a positive answer, then, the applicant is authorised to stay in the Italian territory for the rest of the procedure and has the right to remain in the reception centre where they already live.⁹⁰¹

Concerning reception during onward appeals, following Decree Law 13/2017, implemented by L 46/2017, the withdrawal of accommodation to asylum applicants whose claims have been rejected at first appeal has become very common. Usually, Courts do not recognise the suspensive effect of the appeal within a short time frame (see [Regular Procedure: Appeal](#)).

⁹⁰⁰ According to Article 35 bis (3) Procedure Decree.

⁹⁰¹ Article 14(4) Reception Decree.

2. Forms and levels of material reception conditions

Indicators: Forms and Levels of Material Reception Conditions

1. Amount of the monthly financial allowance/vouchers granted to asylum seekers as of 31 December 2024 (in original currency and in €):

Approximately €75 in CAS⁹⁰² and 45 to 99 in SAI⁹⁰³

Amounts granted to centres' management to provide reception conditions and services

According to the law, the scope of material reception conditions and services offered to asylum applicants shall be defined by decree of the Ministry of Interior to guarantee uniform levels of reception across the territory, taking into account the peculiarities of each type of reception centre.⁹⁰⁴

The latest decree approving the tender specifications schemes (*capitolato d'appalto*) was adopted on 27 March 2024.⁹⁰⁵

Under the tender specification schemes issued following L. 50/2023, in 2023, the daily amount per person awarded to the centres' management was increased compared to the 2021 tender scheme: € 37 for non-collective structures up to 50 places, compared to the previous € 28. However, the items corresponding to the necessary costs have remained almost unchanged (slightly lower amount for staff and slightly higher for management of the structure). Higher costs are instead foreseen for additional and possible services including the on-call intervention of a night operator.⁹⁰⁶ This amount does not appear sufficient to favour small facilities. For collective structures, fees are higher (40 euros for collective structures up to 50 places compared to 37 for non-collective) and this confirms the limited interest of the authorities in adopting policies that favour reception in small structures throughout the territory on the model of the SAI system, which avoids ghettoization and favours integration.

The new tender specification schemes guarantee basic needs such as personal hygiene, pocket money, a € 5 phone card but, in line with the changes introduced by Law 50/2023, considers the following services as purely optional and as mere subcategories of social assistance: Italian language courses; orientation to local services; psychological support, legal information service, professional training, leisure activities and job orientation.

Some of these services, (job orientation and professional training) are discretionary in CAS, and completely absent for the (few) asylum applicants within the SAI system, that only benefit from first level services.

The new tender schemes distinguish the supply of staff depending on the number of guests and depending on the nature of the centre, i.e. depending on whether they are individual housing units or collective centres.

The table below compares the schemes provided, for example, for reception facilities made of individual housing units and collective centres, hosting from 41 up to 50 guests: in collective centres the demand for personnel and therefore the services requested are lower than the ones in non-collective centres. As a result, linguistic mediation, which is already low in non-collective centres – for centres of 50 guests, it is 28 minutes per person per week – in collective centres it becomes even lower, corresponding to 16 minutes per person. The hours of social workers, 36 per week in non-collective centres and just 14 in

⁹⁰² See attachment B point 11, to the tender specification scheme valid for first reception centres and CAS published on 27 March 2024 and available at: bit.ly/3ws5KvP.

⁹⁰³ Manual for the reporting of projects SAI provides that each institution holding the project may provide for the disbursement per capita of an amount ranging between 1.5 and 3,30 euro. See Manuale Unico di Rendicontazione, 30 December 2024, available [here](#).

⁹⁰⁴ Article 12(1) Reception Decree.

⁹⁰⁵ Ministry of Interior Decree published on 27 March 2024 available in Italian at bit.ly/3ws5KvP:

⁹⁰⁶ See Attachment B to the tender specification scheme valid for first reception centres and CAS published on 27 March 2024 and available at: bit.ly/3ws5KvP.

collective centres, make clear how the services provided will be scarce and insufficient considering that they social worker hours are to include Italian courses, legal assistance, professional orientation and psychological assistance.

Staff	41 up to 50 places Individual housing units	41 up to 50 places Collective centres
Daytime worker	1 worker 14 hours a day	1 worker 12 h a day
Night-time worker	available 1 worker 8 hours a day	1 worker 8 h a day
Director	10 h a week	8 h a week
Doctor	Available 4 h a day for 7 days	Available 4 h a day for 7 days
Social operator	32 h a week	26 h a week
Linguistic mediation	24 h a week	14 h a week

Source: attachment A (table) to the tender specification schemes, Mol, available at: <https://bit.ly/3tCYghX>.

In relation to financial allowances i.e. pocket money for personal needs, each asylum applicant hosted in governmental reception centres and CAS receives €2.50 per day.

Italian law does not provide any financial allowance for asylum applicants who are not in accommodation.

3. Reduction or withdrawal of reception conditions

Indicators: Reduction or Withdrawal of Reception Conditions

- Does the law provide for the possibility to reduce material reception conditions?
☒ Yes ☐ No
- Does the law provide for the possibility to withdraw material reception conditions?
☒ Yes ☐ No

According to Article 23(1) of the Reception Decree, the Prefect of the region where the asylum applicant's accommodation centre is placed may decide, on an individual basis and with a motivated decision, to revoke material reception conditions on the following grounds:⁹⁰⁷

- The asylum applicant did not present themselves at the assigned centre or left the centre without notifying the competent Prefecture;
- The asylum applicant did not present themselves before the determining authorities for the personal interview even though they were notified thereof;
- The asylum applicant has lodged a subsequent asylum application in Italy after a final decision on a previous application has been taken;
- The authorities find that the asylum applicant possesses sufficient financial resources;

Law 50/2023 amended the Reception Decree by cancelling the provision according to which a serious violation of the internal regulation of the reception centre or violent behaviour by the asylum applicant could motivate the withdrawal of reception measures.⁹⁰⁸ In recent years, several judicial decisions had underlined how the provision was contrary to the Reception Directive. According to the new rules, this

⁹⁰⁷ See also Article 13 Reception Decree.

⁹⁰⁸ L. 50/2023 cancelled Article 23 (1) (e)

kind of behaviour can instead motivate a reduction of reception conditions,⁹⁰⁹ to be adopted on an individual basis and in accordance with the principle of proportionality (Art. 23, co. 2-bis, Legislative Decree No. 142/2015).

In particular, the following measures can be put in place:

- (1) temporary exclusion from participation in the activities organised by the managing body;
- (2) temporary exclusion from one or more of the services required by law for asylum applicants, except for material reception;
- (3) suspension of economic benefits from 30 days to six months.

Among the novelties introduced in this regard by Law No. 50/2023 is also the provision that the decisions of reduction and revocation of reception measures have to be communicated to the competent Territorial Commission.

The law does not provide for any assessment of destitution risks when withdrawing reception. However, while assessing the withdrawal and the reduction of reception conditions, the Prefect must take into account the specific conditions of vulnerability of the applicant.⁹¹⁰

According to ASGI's experience, in most cases Prefects do not conduct an assessment regarding the risk of destitution before disposing the withdrawal of reception conditions.

Asylum applicants may lodge an appeal before the Regional Administrative Court (*Tribunale amministrativo regionale*) against the decision of the Prefect to withdraw material reception conditions.⁹¹¹ To this end, they can benefit from free legal aid.

According to ASGI's experience, following the legislative reform in May 2023 related to the serious violation of the internal regulation of the reception centre or violent behaviour no longer allowing withdrawal decisions, withdrawal decisions based on the supposed sufficiency of personal resources increased.

3.1 Departure from the centre

According to the Reception Decree, when asylum applicants fail to present themselves at the assigned centre or leave it without informing the authorities, centre managers must immediately inform the competent Prefecture.⁹¹² In case the asylum applicant spontaneously presents themselves before police authorities or at the accommodation centre, the Prefect could decide to readmit them to the centre if the reasons provided are due to *force majeure*, unforeseen circumstances or serious personal reasons.⁹¹³

Certain Prefectures have interpreted this ground strictly:

Piedmont: the Council of State, with a decision taken on 23 July 2024,⁹¹⁴ overturned the decision taken by the Prefecture of Turin withdrawing reception measures to an asylum applicant who had left the reception centre for more than 72 hours. The Council of State assessed that the applicant's conduct did not fall within that provided for by the rule of abandonment of the centre because he had only behaved occasionally, had given reasoned reasons for the removal and had immediately returned to the authorities.

Lazio: in the case of a Bangladeshi asylum applicant who had found an evening job and had not been able to sign the daily form to attest his presence, the Administrative Court for Lazio, recalling the decision taken by the Council of the State (Consiglio di Stato) on 13 July 2022, no. 5492, clarified, with a decision

⁹⁰⁹ Article 23 (2) Reception Decree as amended by L. 50/2023

⁹¹⁰ Article 23 (2 bis) Reception Decree introduced by L. 50/2023.

⁹¹¹ Article 23(5) Reception Decree.

⁹¹² Article 23(3) Reception Decree.

⁹¹³ Article 23(3) Reception Decree.

⁹¹⁴ Council of State, decision no. 6663/2024, 23 July 2024

of 13 September 2023, that it is necessary to distinguish between abandonment and absence from the centre. The court clarified that being absent from the centre for one night cannot be considered abandonment, given that such action would be lacking the psychological element of wanting to abandon the reception facility.⁹¹⁵

Veneto: in the case of an asylum-seeking woman who was a trafficking victim, who had left the centre because of the criminal organisation that had forced her into prostitution, and which she had later reported to police, the prefecture of Padua had not recognised force majeure, and remained silent on the request for reinstatement of reception measures. The Administrative Regional Court of Veneto, with a decision of 11 November 2020, accepted the appeal, ordering the Prefecture to adopt a decision and, pending the decision, to arrange provisional reception for the lady.⁹¹⁶

Campania: On 16 June 2017, the Prefecture of Naples adopted a new regulation to be applied in CAS. The regulation provides for the “withdrawal of reception measures” in case of unauthorised departure from the centre even for a single day, also understood as the mere return after the curfew, set at 22:00, and at 21:00 in spring and summer. ASGI challenged the regulation before the Council of State claiming a violation of the law, as the Prefecture has effectively introduced a ground for withdrawal of reception conditions not provided in the law but the Council of State rejected the appeal by considering that the regulation did not automatically lead to the withdrawal of reception measures, as the recipients were allowed to present their reasons to the administration.⁹¹⁷

Tuscany: On 14 May 2019, the Council of State confirmed the decision of the Administrative Court of Tuscany against a Prefecture of Tuscany and accepted the appeal lodged by an asylum applicant whose reception conditions had been withdrawn due to an absence of one night from the reception centre. The Council of State noted that this behaviour should be considered a departure from the centre and not abandonment and that as such, it can only cause the withdrawal of reception conditions if duly justified as a serious violation of the house rules.⁹¹⁸

On 11 October 2024, the Administrative Court of Tuscany overturned the withdrawal considering that the notion of “abandonment” refers to an intention to definitively leave reception and does not occur, on the other hand, in the case of brief and/or occasional leave from the centre.⁹¹⁹

Friuli Venezia Giulia: in September 2023, the Prefect of Gorizia withdrew reception conditions to an asylum applicant who had left the reception facility in the evening time and returned after two days having been placed under arrest. In December 2023, after the submission of the appeal, the Prefecture restored the reception measures according to the rule established by the art. 23 (3) of the Reception Decree. The Friuli Venezia Giulia Court therefore declared the case resolved and rejected the request for compensation.⁹²⁰

In October 2024, the Prefect of Trieste withdrew reception conditions to ten asylum applicants who failed to comply with the order to move to another reception centre in Sardinia. The Administrative Court of Friuli Venezia Giulia upheld the precautionary request included in the appeal submitted by two of them considering that there was no certainty that they had understood the consequences of not adhering to the transfer and that only a few days after the revocation of the reception measures, they had expressed their willingness to be transferred. After the precautionary order, the Prefecture revoked the measures also to the other people who had not appealed and allowed their re-entry into a reception facility.⁹²¹

⁹¹⁵ TAR Lazio, decision of 13 September 2023, available at: <https://rb.gy/aj4p6s>.

⁹¹⁶ TAR Veneto, decision of 11 November 2020, case n. 851/2020, available at: <https://bit.ly/3y5uxli>.

⁹¹⁷ Council of State, decision 06454/2019 of 26 September 2019.

⁹¹⁸ Consiglio di Stato, decision 1322/2019, 14 May 2019, available in Italian at: <https://bit.ly/2Twnlk>.

⁹¹⁹ Administrative Court for Tuscany, 11 October 2024, Decision available [here](#).

⁹²⁰ Administrative Court for Friuli Venezia Giulia, Decision 33/2024 published on 19 January 2024.

⁹²¹ Administrative Court for Friuli Venezia Giulia, Interim Decisions no. 376/2024 and 379/2024 published on 13 November 2024. See also, *Il Fatto Quotidiano*, Mancano il bus del trasferimento: migranti espulsi dal Centro d'accoglienza di Trieste finiscono in strada per un'incomprensione, 8 January 2025, available [here](#).

Lombardy: As reported by NAGA,⁹²² during 2019 the Prefecture of Milan started controlling the night registers more strictly, exerting pressure on CAS centres' management so that individual absences were immediately communicated. As a result, the centres can no longer manage guests' absences in the light of their personal situation. On 19 February 2020, the Administrative Court of Lombardy cancelled a withdrawal decision adopted by the Prefecture of Milan on 6 November 2019, observing that absence from the facility for one night does not mean abandonment of the centre and that in any case the measure violates Article 20 of the Reception Directive because it is not proportionate and it does not ensure respect for human dignity.⁹²³

On 5 March 2024, the Administrative Court of Lombardy presented a request for a preliminary ruling to the CJEU regarding the possibility of deciding to revoke the reception measures due to failure of asylum applicants to present themselves to the assigned centre. The court asked the CJEU to clarify whether this decision, taken in this case due to failure to accept transfer to another centre, is compatible with the need to prevent any damage to the basic life needs of the asylum applicant (according to Article 20 of the Reception Conditions Directive).⁹²⁴

It should be noted that, according to the new provision included in Article 23 bis of the Procedure Decree, the abandonment of the reception centre before the interview in front of the Territorial Commission is equivalent to an implicit withdrawal of the asylum application (See [Procedures](#)).⁹²⁵

3.2 Violation of house rules and violent behaviour

As mentioned, the violation of the house rules of the centre or of violent behaviour cannot, according to the new legislation (L. 50/2023), motivate a withdrawal of reception measures but only a reduction in reception conditions. The manager of the reception facility informs the asylum applicant and sends a report to the Prefecture on the facts that can motivate the potential reduction of reception conditions.⁹²⁶

After Law 50/2023 came into force in May 2023, no cases of reduction of reception conditions have been recorded by ASGI.

The T.A.R. of Campania, with decision no. 4353 of 17 July 2023, decided to grant an asylum applicant who had received by the Prefecture of Benevento a withdrawal of reception measures in 2022 based on the violation of the rules of the centre, a compensation of 3,000 euros as moral damage and 600.00 euros as material damage for the lack of pocket money.⁹²⁷

3.3 Possession of sufficient resources

A worrying practice relates to withdrawal of reception conditions for reasons connected to the possession of sufficient resources (see [Criteria and Restrictions to Access Reception Conditions](#)).

Article 23, (1) letter. d), LD 142/2015, provides for the possibility of revoking reception conditions in case it is verified that the applicant has "sufficient economic resources available", to be calculated based on "the annual amount of the social allowance" (article 14 (3) LD 142/2015) which was, in 2023, 6,542 euros. Prefectures should use the annual social income level to evaluate the sufficiency of the applicant's financial resources to justify the withdrawal of reception conditions. According to the Reception Decree, if it is established that the applicant is not destitute, the applicant is required to reimburse the costs incurred for the measures from which they unduly benefited.⁹²⁸

⁹²² NAGA, Senza Scampo, December 2019, available in Italian at: <https://cutt.ly/byOB3Wr>.

⁹²³ Administrative Court of Lombardy, decision 329/2020, 19 February 2020.

⁹²⁴ Administrative Court for Lombardy, 5 March 2024, available at: <https://rb.gy/03c141>. The case is registered as case C-184/24 before the CJEU and its progress can be followed [here](#).

⁹²⁵ Article 23 bis Procedure Decree amended by DL 145/2024 implemented by L. 187/2024.

⁹²⁶ Article 23(4) Reception Decree as amended by the L 50/2023, which converted into law DL 20/2023.

⁹²⁷ TAR for Campania region, decision of 17 July 2023, available at: <https://rb.gy/r8pvwr>.

⁹²⁸ Article 23(6) Reception Decree.

The regulatory provision did not correctly transpose Directive 2013/33/EU both because it did not provide for a gradual reduction of reception measures in this case and because it does not condition applying this sanction to the evaluation of whether a dignified standard of living would be ensured, nor to the presence of conditions that allow to believe that the applicant concealed their resources.

The lack of reference in the internal rule to the "concealment of resources" has led Administrations to apply the provision in mere cases of possession of deemed economic self-sufficiency by the asylum applicant. Some Administrations have therefore considered it possible to refer to the amount of the social allowance calculated on a single monthly salary, while others have made a prognostic, but not current, judgement regarding the exceeding of the annual amount of the social allowance, due to the applicant holding a medium or long-term employment contract.

After initial diverging decisions, administrative jurisprudence overall aligned on the view that the annual amount of the social allowance constitutes the legislatively established parameter for evaluating the adequacy of the resources of the asylum applicant, and that the literal tenor of the rules imposes that the "sufficient means", equal to or greater than "the annual amount of the social allowance", must be of a stable and/or lasting nature and, in any case, must refer to a minimum time period of 1 year, a judgement which in any case must be carried out in light of the current availability of the resources themselves.

On March 2023, the Council of State⁹²⁹ confirmed the decision by the Administrative Court for Emilia Romagna, evaluating as legitimate the decision to revoke reception measures to an asylum applicant for exceeding the annual income level envisaged by the legislation (as he earned around 10,000 euros in one year), while it deemed the order for payment of over 15,000 euros for having unduly benefited from reception measures as incongruous and disproportionate. The Council of State held that, even in the absence of concealment of resources, the revocation of accommodation measures due to having exceeded the set income threshold can be decided on the basis of Article 17(3) and 17(4) of the recast Reception Conditions Directive, and the asylum applicant can be asked for a reasonable refund. In interpreting the adequacy of the reimbursement, the Council of State considered that the regulatory basis could be found in Article 26 (5) of the reception directive which, regulating the possibility for Member States to demand a whole or partial reimbursement for any costs granted for the free legal assistance and representation in the appeal procedure, evaluates improvements in the applicant's financial situation only if they can be deemed considerable and cases of false information supplied by the applicant in order to receive such aid.

For these reasons, the Council of State decided that Article 23 (1, d), of the reception decree has to be disapplied as it does not provide that partial or full reimbursement must be subject to the conditions set out in Article 26 of the recast Reception Conditions Directive and, in any case, as it does not provide that the reimbursement has to be proportionate to the specific case.

Based on this decision, the Emilia Romagna Regional Administrative Court decided in three cases to confirm the revocation due to exceeding the income threshold but to cancel the request for reimbursement as it was deemed disproportionate.⁹³⁰

The Lombardy Regional Administrative Court, with a decision published on 12 September 2024, upheld the appeal submitted by an asylum applicant whose reception measures had been withdrawn, considering that the competent Prefecture had based the decision taken on a gross income received by the asylum applicant for only four months, in addition to an annual salary resulting from the communication of the start of work (Unilav), without any verification of the periods of time in which the applicant actually worked and the sums actually earned.⁹³¹

⁹²⁹ Council of State, Decision no. 2386/2023 of 9 February 2023, published on 7 March 2023.

⁹³⁰ Administrative Court for the Emilia Romagna Region, decisions no. 136, 137 and 138 of 8 March 2023, published on 16 March 2023.

⁹³¹ Lombardy Regional Administrative Court, decision no. 2391/2024, published on 12 September 2024, available [here](#).

In early 2025 the Prefecture of Gorizia withdraw the reception measures to an asylum applicant based on his gross income (not on the net).

In early 2025, the Guardia di Finanza of Trieste initiated proceedings for undue receipt of public disbursements against asylum applicants who had exceeded the threshold of the social allowance even slightly in previous years and had benefited from the reception measures after such exceedance, leaving the reception facilities only when the Prefecture had notified them of the cessation of reception due to the loss of the state of poverty. An exorbitant fine was applied to the people. The proceedings are ongoing at the time of writing.

In some cases, the Administrative Courts declared the competence of the ordinary judges to decide about the reimbursement payments asked by Prefectures to the asylum applicants for the period of undue reception.⁹³²

Where detention grounds apply to asylum applicants placed in reception centres, the Prefect orders the withdrawal of the reception conditions and refers the case to the Questura for the adoption of the relevant measures.⁹³³

4. Freedom of movement

Indicators: Freedom of Movement

1. Is there a mechanism for the dispersal of applicants across the territory of the country?
☐ Yes ☒ No
2. Does the law provide for restrictions on freedom of movement? ☒ Yes ☐ No

Italian legislation does not foresee a general limitation on the freedom of movement of asylum applicants. Nevertheless, the law specifies that the competent Prefect may limit the freedom of movement of asylum applicants, delimiting a specific place of residence or a geographic area in which they are free to move.⁹³⁴ In practice, this provision has never been applied up to June 2025.

4.1 Dispersal of asylum applicants

The placement of applicants for international protection throughout the Italian national territory is governed by a series of official acts, prepared with the involvement of several local public actors, with the aim of achieving a distribution proportional to the possibilities of local absorption and the territories' specificities. Since 2014, several interventions have been directed at reaching a fair distribution of asylum applicants on the territory; said measures had however limited impact, and distribution is still far from homogeneous on the territory.

In the Unified Conference⁹³⁵ of 10 July 2014, Government, regions and local authorities reached an agreement on a National Operational Plan⁹³⁶ to develop a system of planning, organisation and national management of the reception of migrants and refugees.

⁹³² This happened both in the hypothesis of simultaneous adoption of the measure of revocation of the reception measures (Lombardy Regional Administrative Court, judgement of 29 December 2021, No. 2932/2021), as well as in that in which they were independently adopted, (TAR Tuscany, judgement of 27 September 22, No. 1055, confirmed by judgement of 22 February 2023 No. 190/2023).

⁹³³ Article 23(7) Reception Decree.

⁹³⁴ Article 5(4) Reception Decree.

⁹³⁵ The Unified Conference (Conferenza Unificata) is a permanent body where the Central Government, Regions, Provinces and Municipalities are represented. It participates in decision-making processes involving matters for the State and the Regions, in order to foster cooperation between the State activity and the system of autonomies, examining matters and tasks of common interest, also carrying out advisory functions. More specifically, the regional allocation criteria defined by the National Coordinating Table are established in agreement with the Unified Conference, as per Article 16 (1) Reception Decree.

⁹³⁶ The text of the agreement is available at: <https://bit.ly/3Kq3ZDx>.

According to the plan, the distribution of asylum seekers on the territory should take place on a regional basis, according to the following agreed criteria:

- percentage of access, by Regions, to the National Social Policy Fund;
- exclusion of municipalities affected by earthquakes and of municipalities affected by emergency situations;
- quotas relating to the actual presence of migrants in the territories and not to the initial allocations.⁹³⁷

The implementation of this agreement in the following years was only partial, both for political reasons (e.g. linked to changes in local political majorities weary of applying agreements reached by previous majorities),⁹³⁸ and due to the lack of effective planning in view of the implementation of planned interventions.

The years following the 2014 agreement saw a strong expansion in the use of emergency reception facilities, at the expense of the ordinary reception and the permanence. This led to increase the imbalances in the distribution of asylum applicants at a national level.

In 2016 the Ministry of the Interior designed a new plan, together with the National Association of Italian Municipalities (ANCI) and quotas were set for each Italian Municipality, proportional to the population of each.

These quotas corresponded to the number of asylum applicants or protection beneficiaries that each municipality would have to accommodate in SAI facilities. The number was calculated in three different ways, depending on the type of Municipality concerned:

- 3) Municipalities with less than 2,000 inhabitants (3,493 in total) were allocated a fixed quota of 6 asylum applicants.
- 4) Metropolitan cities (14 in total) were allocated a variable quota, equal to 2 migrants per thousand inhabitants.
- 5) Municipalities with more than 2,000 inhabitants (4,491 in total) were allocated a variable number of places calculated for each region (calculated on the basis of the regional quotas of July 2014), net of the number of reception places already allocated to small municipalities and metropolitan cities in that given region. The distribution was made using the ratio (per 1,000 inhabitants) between the total places for reception and the total inhabitants of the Municipalities belonging to this group. The amount thus calculated varied but corresponded to around 2.5 people per thousand inhabitants.

The plan thus created was based on the estimation of a reception system which counted a total of approximately 200,000 places.

However, with the entry into force of the Salvini Decree (Decree Law 113/2018) and the exclusion of asylum applicants from SPRAR, then SIPROIMI, the extension of the latter and the equitable distribution between Municipalities ceased to be a priority of the Government, which has gradually abandoned the forms of local consultation that had been activated in the meantime. The consequence of this is that to date, even before May 2023, when L. 50/2023 entered into force, once more excluding the majority of asylum applicants from SAI, the territories still saw a very strong imbalance in the distribution of reception places.

⁹³⁷ For a more detailed explanation of the plan, see the 2023 Update of the AIDA Country Report on Italy.

⁹³⁸ See Linkiesta, Morcone: "Sui migranti i sindaci non possono decidere quello che vogliono", 1 December 2016, available in Italian at: <https://bit.ly/3UcX6sv>. For an in-depth analysis of the effect of electoral incentives on the reception, see the recent article by Gamalerio and Negri, Not welcome anymore: the effect of electoral incentives on the reception of refugees, in *Journal of Economic Geography*, available at: <https://doi.org/10.1093/jeg/lbad002>.

- ❖ According to the MOI response to a FOIA request data access submitted by ASGI at the end of 2024, 95,453 asylum applicants were accommodated in CAS, 461 in hotspots 3,724 in Government centres.⁹³⁹
- ❖ The total number of people accommodated on 31 December 2024 in the SAI system at the end of the year was 37,678, but it is not known how many of them were asylum applicants.⁹⁴⁰
- ❖ It is also not known how many people were accommodated in provisional CAS (so-called CASP).
- ❖ However, according to the data published by MOI, people accommodated in Government centres and CAS were 101,002. The total number of people accommodated on 31 December 2024 was 139,141.

Their distribution across the regions was as follows:

Distribution of asylum applicants and beneficiaries of protection accommodated in Italy per region: 31 December 2024				
Region	Number of individuals	Percentage on the national total (regional quotas)	Number of individuals hosted in SAI	Percentage of individuals hosted in SAI against the total number of individuals per region
Lombardy	18,234	13%	3,168	17%
Emilia-Romagna	12,528	9%	3,605	28%
Sicily	10,279	7%	5,963	58%
Lazio	13,038	9%	2,515	23%
Piedmont	11,823	8%	2,458	20%
Tuscany	10,198	7%	1,857	18%
Campania	10,832	7%	3,978	36%
Veneto	8,617	6%	799	9%
Calabria	6,987	5%	3,311	47%
Apulia	7,226	5%	3,572	49%
Liguria	5,586	4%	1,038	18%
Friuli-Venezia Giulia	4,260	3%	229	5%

⁹³⁹ Response to a FOIA data request presented to the MOI by ASGI.

⁹⁴⁰ Data related to SAI are taken from the Cruscotto Statistico published by the MOI, available [here](#). It should be noted it differs from the ones published on the SAI system website were at 31 December 2024 they are indicated as 38,189, available [here](#).

Marche	4.263	3%	1,516	35%
Abruzzo	4,101	2%	924	22%
Umbria	2,720	1%	468	17%
Basilicata	2,639	1%	854	32%
Trentino-Alto Adige	1,670	1%	186	11%
Molise	1,646	1%	914	55%
Sardinia	2,351	1%	286	12%
Valle d'Aosta	143	0.1 %	37	25%
National total	139,141	100%	37,678	27%

Source: Ministry of Interior, Cruscotto statistico giornaliero, 31 December 2024.

As can be observed, the distribution of asylum applicants and protection holders in Italy still remains highly imbalanced between regions.⁹⁴¹

In the north-eastern regions, the situation appeared particularly worrying: reception was almost exclusively of a governmental nature (CAS and initial reception), in particular in Friuli Venezia Giulia Region, where government centres covered 95% of all reception places. In the Northwest the situation was similar while the south the proportion was different, as the SAI covered 47% of the places.

In 2024 the number of beneficiaries of reception measures represented approximately 0.23% of the resident population in Italy.

Transfers between reception centres

After their initial allocation, asylum applicants may be moved from one centre to another, moving from: (1) CPSA / hotspots; (2) to CASP; (3) to governmental first reception centres; (4) to CAS; or (5) to SAI projects. As previously mentioned, in case of a shortage of places, it is likely that an applicant will remain in first reception facilities or in CAS centres for the entire duration of the asylum procedure.

Asylum applicants can be moved from one CAS to another of the same province or between different provinces, to achieve better redistribution between territories. The Prefectures organise transfers within their own province, whereas transfers between the different provinces are decided by the Ministry of the Interior.⁹⁴² In these procedures, the opinion of the individual asylum applicants on the place of their reception is rarely taken into consideration. Transfer decisions cannot be appealed, but the refusal by the

⁹⁴¹ A comprehensive analysis of the subject is available in the publication from Campo, Giunti and Mendola, The Political Impact of Refugee Migration: Evidence from the Italian Dispersal Policy, Center for European Studies Paper series, no. 456, December 2020, available at: <https://bit.ly/3o3zPgX>.

⁹⁴² Article 15 (4) Reception Decree.

affected person to be transferred is equivalent to a non-acceptance of reception itself and can therefore give rise to a measure of withdrawal of the reception measures.⁹⁴³

As mentioned above, on 5 March 2024 the Administrative Court of Lombardy asked the CJEU to clarify if the withdrawal of the reception measures decided in case a transfer is not accepted is compatible with the Reception Directive which requires not exposing the asylum applicant to the deprivation of the basic needs of life.⁹⁴⁴

In this context, the Prefectures of Friuli Venezia-Giulia requested transfers, which were organised by the Ministry with the purpose of reducing the number of migrants in the region, which is a border area and therefore the first point of arrival for those coming through the Balkan Route. In the last months of 2024 several transfers were organised from Friuli Venezia Giulia to other regions, mainly Sardinia and Lombardy. In order to avoid the non-adherence of asylum applicants accommodated, in October 2024 the Prefecture of Trieste reduced the notice time of the transfer to one day and then revoked the reception of those who had not adhered to it. The revocations were then appealed, and the Administrative Court ordered the re-entry of the people in reception (See [Withdrawal](#)).

Considering the uneven distribution of SAI projects in Italy, and therefore the absence or scarcity of SAI places in certain territories, frequently a transfer from CAS to SAI involves the relocation of the migrant far away from the place where they were hosted and lived for months or years, often outside the region and towards SAI projects in Southern Italy. The prospect of a new uprooting and of having to start anew one's path to integration in an unknown territory is often so traumatic that it leads applicants to give up the transfer to SAI, and therefore to lose the right to reception to which they would be entitled. No data is available on non-acceptances of transfer measures into SAI. However, more often, it happens that asylum applicants do not have the possibility to wait for a place in Sai after the recognition of a national or international protection as they are asked to leave the reception centre immediately after that recognition.

There are no specific law provisions regarding the possibility for an asylum applicant to obtain a transfer from one reception facility to another for personal reasons, such as the need to be closer to their workplace, or to be closer or reunite with family members elsewhere,⁹⁴⁵ and no known regulatory provisions providing for families to be accommodated together exist. The observation of local practices shows that the unity of families is usually valued, and therefore the institutions involved ensure, where possible, that members of the same family are hosted in the same accommodation (it is not uncommon for members of the same family to be separated during search and rescue operations at sea, as a result of which they are transferred and accommodated in different places). More variable and less guaranteed are the practices relating to requests for transfer for work reasons, especially when the transfer would involve different Prefectures. In general terms, a transfer between SAI projects is usually more likely than a transfer between Prefectures, for reasons related to faster and more effective communication between SAI centres.

4.2 Restrictions in accommodation in reception centres

The Reception Decree clarifies that asylum applicants are free to exit from first reception centres during daytime, but they must be present at night. The applicant can ask the Prefecture for a temporary permit to leave the centre at a different time for relevant personal reasons or for reasons related to the asylum procedure.⁹⁴⁶ The law does not provide such a limitation for people accommodated in CAS, but rules

⁹⁴³ Article 23 (1 a) Reception Decree.

⁹⁴⁴ Administrative Court of Lombardy, available at: <https://rb.gy/03c141>. The case is registered as case C-184/24 before the CJEU and its progress can be followed [here](#).

⁹⁴⁵ Article 14 (1) Reception Decree only foresees that asylum seekers have access to the reception measures "with the members of their family". "Family members", within the meaning of Article 2 (1 f) Reception Decree, shall mean: the spouse of the applicant, the minor children of the applicant, whether adopted or born out of wedlock, minors under guardianship, the parent or other adult legally responsible for the minor applicant.

⁹⁴⁶ Article 10(2) Reception Decree.

concerning the entry into / exit from the centre are laid down in the reception agreement signed between the body running the structure and the asylum applicant at the beginning of the accommodation period.

Applicants' freedom of movement can be affected by the fact that it is not possible to leave the reception centre temporarily e.g. to visit relatives, without prior authorisation by the Prefecture. Authorisation is usually granted with permission to leave for some days. In case a person leaves the centre without permission and does not return to the structure within a brief period of time (usually agreed with the management body and regulated by the "reception regulations" of each facility), that person cannot be readmitted to the same structure and material reception conditions can be withdrawn by the Prefecture (see [Reduction or Withdrawal of Material Reception Conditions](#)).

However, in these situations the very existence of measures regulating the access to structures and the potential lack of legal advice prevent recipients from challenging revocations.

With regards to the reception project part of the SAI network, rules relating to absence are different and have been regulated through the technical-operational note of the Central Service 1/2018 of 12 April 2018.⁹⁴⁷ It provides that the hosted migrant loses the right to stay in reception after 72 hours of unjustified absence, where unjustified absence means a "voluntary removal, for more than 24 hours, without any agreement with the coordinator/ project manager for the local authority".

Justified absence, on the other hand, means a period of absence from the reception facility, duly motivated (for example, to visit relatives or friends, for job search, for training, for work, etc.) that the interested migrant can agree with the project manager from the local authority. Each beneficiary can benefit from 30 days (cumulative) of justified absence within 12 (every) months of SAI reception. In assessing the authorisation for the justified absence, "the local authority is called upon to assess the real needs of the beneficiary, considering its path of inclusion". Although these are indications aimed at protecting the hosted migrants themselves, a rule of this type gives a great discretion to the local authority. In any case, periods of absence due to administrative/judicial procedures or to therapeutic and rehabilitation needs, including hospitalisation, are excluded from the calculation of 30 days. In exceptional cases, the responsible for the local authority may agree with the Central Service on additional periods of justified absence, with appropriate supporting documentation. These general rules are outlined in the reception regulation that SAI projects are required to formally share with each guest.⁹⁴⁸

As can be seen, the regulation of absences in the SAI is inspired by greater flexibility and a criterion of sharing choices in the reception process.⁹⁴⁹

⁹⁴⁷ Text of the note is available, in Italian, at: <https://bit.ly/3zVrCOF>.

⁹⁴⁸ A model of these regulations is available as an annex to the Operations Manual, see: <https://bit.ly/3GFiQYk>.

⁹⁴⁹ For more information about the differences in reception conditions at various levels of the system, see the paragraph Conditions in Reception Facilities.

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation	
1. Number of reception centres:	6,064 ⁹⁵⁰
2. Total number of places in the reception system:	104,132
3. Total number of places in private accommodation:	Not available
4. Type of accommodation most frequently used in a regular procedure: ☐ Reception centre ☐ Hotel or hostel ☒ Emergency shelter ☐ Private housing ☐ Other	
5. Type of accommodation most frequently used in an accelerated procedure: ☐ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☒ CPR	

At the end of 2024, the number of asylum applicants and beneficiaries of international protection in the reception system was 139,141, only slightly less than in 2023, when it was 139,388, but significantly more than in 2022, when it was 107,677 and to 2021, when 78,644 migrants were present.⁹⁵¹

Out of the total number, 37,678 between asylum applicants and beneficiaries of international protection were hosted SAI centres.⁹⁵²

According to the data shared by MOI after a FOIA data request, at the end of 2024, 3,724 were in governmental centres, 95,453 in CAS and 461 in hotspot. No data were available about the number of people accommodated in CASP (provisional CAS).

The numbers clearly show that, at the end of 2024, 7 out of 10 asylum applicants were still accommodated in extraordinary centres.

Occupancy of the reception system: 31 December 2024				
Hotspots	CAS	Governmental centres	S.A.I.	Total ⁹⁵³
461	95,453	3,724	37,678	137,316

Source: Ministry of Interior, Cruscotto statistico giornaliero.

The Ministry of Interior responded to the FOIA data request made by ASGI that the number of CAS facilities is 6,042; the number of governmental centres facilities is 3,540, and the number of hotspots is 13.

Data shows that, during these years, the emergency system continues to grow at the expense of an ordinary management system. In 2021 CAS facilities were 4,216.

Following the 2023 reform, the reception system is comprised of first governmental centres, temporary centres (CAS), provisional centres (CASP new from the 2023 reform), and SAI centres.

Decree Law 124/2023, converted into L. 162/2023, entrusted the Ministry of Defence with the creation of reception centres, hotspots and CPRs.⁹⁵⁴ For the realisation of such facilities the law also provides that the Ministry of Defence is authorised to make use of the "highest urgency procedures and civil protection procedures" (pursuant to art. 140 of Legislative Decree 31 March 2023, no. 36).

⁹⁵⁰ The number includes CAS, first government centres and hotspots.

⁹⁵¹ MOI Cruscotto statistico giornaliero, available [here](#).

⁹⁵² Source: MOI Cruscotto statistico giornaliero, available [here](#).

⁹⁵³ This total number is different from the one indicated in the table published by MOI and it is calculated basing on the answer given by MOI to the FOIA request for data. It does not contain people accommodated in CASP

⁹⁵⁴ Article 21 (1) Decree Law 124/2023 converted into L. 162/2023.

At the same time, the law provides that, by Decree of the President of the Council of Ministers, upon proposal of the Ministers of the Interior and Defence, in agreement with the Minister of Economy and Finance, the extraordinary plan for the identification of the areas interested in the creation of a suitable number of hotspots, CPR, government centres and CAS, also through the valorisation of existing properties, will be approved.⁹⁵⁵

As underlined by a study, these new provisions have a significant weight because “facilities for migrants, without distinction, from those aimed at reception to those dedicated to detention and deprivation of liberty, will be implemented by adopting “highly urgent procedures”, thus crystallising the systemic emergency approach. Centres and structures will be built on the basis of a plan adopted by the Council of Ministers based on the indications provided by the Minister of the Interior and the Minister of Defence, in contrast with what it is provided for by the Reception Decree in terms of planning and consultation, and forgetting that «the reception system for applicants for international protection is based on fairness collaboration between the different levels of government involved” (art. 8 Legislative Decree no. 142/2015)”.⁹⁵⁶

From this point of view, it is worrying that, as mentioned, in response to the FOIA request for access to data relating to reception measures made by ASGI, the Ministry of the Interior has announced that it does not possess the data relating to the CASPs *as they are not subject to central collection*.⁹⁵⁷

1.1 First aid and identification: CPSA / Hotspots

The Reception Decree states that for ‘rescue, first aid and identification needs’, people can be placed in the so called crisis points set up in the principal places of disembarkation and in governmental centres.⁹⁵⁸ These are First Aid and Reception Centres (CPSA),⁹⁵⁹ created in 2006 for the purposes of first aid and identification before persons are transferred to other centres, and now formally operate as **Hotspots**.⁹⁶⁰ According to the SOPs, persons should stay in these centres “for the shortest possible time”, but in practice they are accommodated for days or weeks.

By the end of 2024, 13 hotspots were operating in the south of Italy: Apulia (1), Sicily (8) and Calabria (4).

The table shared by the MOI responding to a Foia request made by ASGI in January 2025, gives more details:

Region	Province	Place	Capacity
Calabria	Crotone	Isola di Capo Rizzuto	80
Calabria	Reggio Calabria	Roccella Jonica	250
Calabria	Reggio Calabria	Reggio Calabria	200
Calabria	Vibo Valentia	Vibo Valentia	280
Apulia	Taranto	Taranto	293
Sicily	Agrigento	Lampedusa	640
Sicily	Agrigento	Porto Empedocle	280
Sicily	Agrigento	Porto Empedocle ¹	50
Sicily	Catania	Catania	650
Sicily	Messina	Messina	200
Sicily	Ragusa	Pozzallo – Modica	489
Sicily	Siracusa	Augusta	250

⁹⁵⁵ Article 21 (2) Decree Law 124/2023 converted into L. 162/2023

⁹⁵⁶ M. Giovannetti, Il prisma dell'accoglienza: la disciplina del sistema alla luce della legge n. 50/2023, in *Questione Giustizia*, available in Italian at: <https://acesse.dev/zt1rw>.

⁹⁵⁷ MOI response to the FOIA request sent by ASGI to the Ministry of Interior in February 2025.

⁹⁵⁸ Article 8(2) Reception Decree as amended by DL 20/2023 converted into L. 50/2023, and Article 10 ter TUI. L 563/1995.

⁹⁶⁰ Article 10-ter TUI, inserted by Article 17 Decree Law 13/2017 and L 46/2017.

Sicily	Trapani	Pantelleria	40
Total			3.702

Decree-Law 20/2023 provided that, up to 31 December 2025, the **Lampedusa** hotspot could be managed by the Italian Red Cross, in derogation from the rules on tendering procedures.⁹⁶¹ This provision became necessary following the continuous mismanagement issues registered in the facility (see [Conditions in hotspots](#)), in order to ensure the functionality of a structure considered fundamental to the Italian system. The same Decree also provided for the possibility for the Government to activate new hotspot facilities throughout the national territory, with the same functions of identification, selection and administrative detention, again in derogation from the rules relating to tender procedures.⁹⁶² The identification of suitable locations to host new hotspots and their activation has been entrusted to the Extraordinary Commissioner appointed by the Government as part of the declaration of the state of emergency.⁹⁶³

The opening a new hotspot in Friuli Venezia-Giulia, probably in **Trieste**, to manage the identification and detention of migrants reaching Italy through the Balkan Route, was announced in 2023.⁹⁶⁴ However, no further information is available, and it is likely this plan will not move forward.

1.2 Governmental first reception centres

The Reception Decree provides that the governmental first reception centres are managed by public local entities, consortia of municipalities and other public or private bodies, specialised in the assistance of asylum applicants, selected through public tender.⁹⁶⁵

Responding to the FOIA request made by ASGI, the Ministry of Interior informed that, at 31 December 2024, 9 first reception centres are established in the following regions in Italy:

First reception centres by region as of 31 December 2024		
First reception centre	Region	Number of Places ⁹⁶⁶
Gorizia (CARA Gradisca d'Isonzo)	Friuli-Venezia Giulia	303
Udine (Caserma Cavarzerani)	Friuli-Venezia Giulia	540
Bari (CARA Palese)	Apulia	640
Brindisi (Restinco)	Apulia	128
Foggia (Manfredonia)	Apulia	80
Crotone (Sant'Anna center, Isola di Capo Rizzuto)	Calabria	833
Caltanissetta (Pian del Lago)	Sicily	446
Messina	Sicily	120
Treviso (ex Caserma Serena)	Veneto	450
Total		3,540

Source: Mol.

The Hub centre located in **Bologna**, Mattei, is now classified as CAS. Other governmental centres working as first accommodation facilities but not classified as first governmental centres by Mol are the one of **Ferneti**, in Trieste, called Casa Malala, and the one in **Pordenone**, Caserma Monti, both in Friuli Venezia Giulia.⁹⁶⁷

⁹⁶¹ Article 5-bis (2) Decree Law 20/2023 converted with modifications into Law 50/2023.

⁹⁶² Article 5-bis (3) Decree Law 20/2023 converted with modifications into Law 50/2023.

⁹⁶³ Article 2 (1a) Decree of the Chief of the Department of Civil Protection 984/2023.

⁹⁶⁴ See RAI, Hotspot sulla Rotta balcanica. L'ex prefetto di Trieste Valenti pianifica struttura sul territorio, 15 January 2023, available at: <https://bit.ly/43bUv5a>.

⁹⁶⁵ Article 9(2) Reception Decree.

⁹⁶⁶ Source: Mol response to the FOIA made by ASGI.

⁹⁶⁷ See Mol, available at: <https://bit.ly/3y4dbFm>.

On 31 December 2024 the occupancy of these centres exceeded the capacity because, with a capacity of 3,540, these hosted 3,724 asylum applicants.⁹⁶⁸

1.3 Temporary facilities: CAS

In case of temporary unavailability of places in the first reception centres, the Reception Decree provides the use of Emergency Reception Centres (*centri di accoglienza straordinaria*, CAS). The CAS system, originally designed as a temporary measure to prepare for transfer to second-line reception, expanded in recent years to the point of being entrenched in the ordinary system. The Reception Decree adopted in August 2015 missed the opportunity to actually change the system and simply renamed these centres from “emergency centres” to “temporary facilities” (*strutture temporanee*).

The CAS are identified and activated by the Prefectures, in cooperation with the Ministry of Interior. Following Decree Law 113/2018, CAS facilities can be activated only after obtaining the opinion of the local authority on whose territory the structures will be set up.⁹⁶⁹ The law does not condition activation upon obtaining a favourable opinion, it only says that an opinion should be requested. Activation is reserved for emergency cases of substantial arrivals, but applies in practice to all situations in which, as it is currently the case, capacity in ordinary centres is not sufficient to meet the reception demand.

The term CAS is a formal classification related to the temporary function of the reception facility but does not in itself define its nature. The forms that a CAS facility can take are in fact extremely varied, going from small apartments that managing bodies rent from private citizens to collective centres organised within entire buildings, from camps organised with containers and tents to former army barracks. The tender specifications scheme, in fact, provides for the possibility of setting up CAS in “single housing units”, in collective centres with less than 50 places, centres with a capacity between 50 and 300 places, or collective centres with more than 300 places.⁹⁷⁰

Following the reform of the accommodation system made by Decree Law 20/2023, the CAS are specifically designed for the first accommodation phase and no longer conceived as temporary solutions for the time “strictly necessary” until the transfer of asylum applicants to the SAI system.⁹⁷¹ The services guaranteed are the same as in the first reception centres (see [Forms and Levels of Material Reception Conditions](#)).⁹⁷²

By the end of 2024, there were 6,042 CAS facilities for adults on the Italian territory.⁹⁷³

The table below shows their distribution across Italy:

Province and Region	Number of CAS facilities for adults	Capacity	Occupancy
Abruzzo			
Chieti	13	809	687
L'Aquila	37	1,127	1,044

⁹⁶⁸ Source: Mol response to the FOIA made by ASGI

⁹⁶⁹ Article 11 (2) Reception Decree, as amended by Article 12 Decree Law 113/2018 and L 132/2018. Prior to the reform, the law provided that the local authorities should only be notified and issue a non-binding opinion.

⁹⁷⁰ See new Tender Specification Schemes, Ministerial Decree 4 March 2024. Schemes and Decree available at: bit.ly/3JU5KaZ.

⁹⁷¹ Article 11 (3) Reception Decree, as amended by Decree Law 20/2023.

⁹⁷² Articles 10 (1) and 1 1(2) Reception Decree.

⁹⁷³ Mol response to the FOIA request made by ASGI.

Pescara	18	536	492
Teramo	13	837	872
Abruzzo total	81	3,309	3.095
Basilicata			
Matera	15	801	664
Potenza	101	1,038	1,003
Basilicata total	116	1,839	1,667
Calabria			
Catanzaro	22	789	859
Cosenza	30	1,431	1,469
Crotone	0	0	0
Reggio Calabria	20	291	281
Vibo Valentia	4	367	340
Calabria Total	76	2,878	2,949
Campania			
Avellino	23	763	738
Benevento	28	820	712
Caserta	43	1,719	1,660
Napoli	23	2,073	1,890
Salerno	22	1,712	1,613
Campania Total	139	7,087	6,613
Emilia-Romagna			
Bologna	55	1,322	1,327
Ferrara	91	927	877
Forlì Cesena	70	640	698
Modena	148	1,706	1,456
Parma	73	839	777
Piacenza	48	528	516
Ravenna	93	1,454	1,222
Reggio nell'Emilia	291	1,465	1,287
Rimini	52	766	716
Emilia-Romagna Total	921	9,647	8,876
Friuli-Venezia Giulia			
Gorizia	19	358	315
Pordenone	57	574	566
Trieste	182	1,327	1.181
Udine	162	1,110	1,015
Friuli-Venezia Giulia Total	420	3,369	3,077
Lazio			
Frosinone	153	1,617	1,478
Latina	103	1,323	1,735
Rieti	158	871	904
Roma	51	5,226	5,567
Viterbo	34	886	830
Lazio Total	499	9,923	10,514
Liguria			
Genova	211	2,142	1,995
Imperia	68	825	755

La Spezia	24	704	666
Savona	109	1,216	1,080
Liguria Total	412	4,887	4,496
Lombardy			
Bergamo	30	882	914
Brescia	129	1,593	1,720
Como	121	1,179	1,197
Cremona	76	919	918
Lecco	25	494	645
Lodi	22	473	505
Mantova	83	669	663
Milano	100	4,176	4,215
Monza Brianza	101	1,387	1,368
Pavia	39	1,076	1,187
Sondrio	55	422	458
Varese	96	1,181	1,180
Lombardy Total	877	14,451	14,970
Marche			
Ancona	84	941	866
Ascoli Piceno	24	275	232
Fermo	44	464	422
Macerata	43	595	597
Pesaro Urbino	52	660	588
Marche Total	247	2,935	2,705
Molise			
Campobasso	11	580	420
Isernia	9	359	264
Molise Total	20	939	684
Piedmont			
Alessandria	90	1,163	1,100
Asti	77	914	914
Biella	45	588	522
Cuneo	52	1,326	1,205
Novara	35	735	719
Torino	305	4,145	4,051
Verbano Cusio Ossola	24	514	457
Vercelli	10	370	377
Piemonte Total	638	9,755	9,345
Apulia			
Bari	2	122	157
Barletta Andria Trani	10	244	280
Brindisi	3	253	407
Foggia	6	207	264
Lecce	42	535	675
Taranto	23	669	685
Apulia Total	86	2,030	2,468
Sardinia			
Cagliari	33	1,007	1,092

Nuoro	4	190	150
Oristano	3	172	171
Sassari	8	662	624
Sardinia Total	48	2,031	2,037
Sicily			
Agrigento	15	626	516
Caltanissetta	0	0	0
Catania	4	87	86
Enna	3	104	104
Messina	9	422	388
Palermo	10	596	531
Ragusa	16	667	646
Siracusa	4	292	301
Trapani	4	289	246
Sicily Total	65	3,083	2,818
Tuscany			
Arezzo	80	780	752
Firenze	110	2,017	2,091
Grosseto	18	660	670
Livorno	4	775	689
Lucca	44	543	669
Massa Carrara	25	453	470
Pisa	59	883	969
Pistoia	21	415	454
Prato	13	334	396
Siena	52	1,099	1,087
Tuscany Total	426	7,959	8,247
Trentino-Alto Adige			
Bolzano	11	589	491
Trento	108	993	993
Trentino-Alto Adige Total	119	1,582	1,484
Umbria			
Perugia	108	1,360	1,527
Terni	87	695	656
Umbria Total	195	2,055	2,183
Valle d'Aosta			
Aosta	28	117	106
Valle d'Aosta Total	28	117	106
Veneto			
Belluno	20	327	283
Padova	212	1,888	1,808
Rovigo	33	362	399
Treviso	11	805	819
Venezia	51	893	820
Verona	99	1,539	1,687
Vicenza	203	1,200	1,303
Veneto Total	629	7,014	7,119
Total	6,042	96,890	95,453

As highlighted above (see [Forms and Levels of Material Reception Conditions](#)), following the 2018 Mol tender specification schemes most of the small CAS facilities were forced to close, leaving the accommodation scene to large centres managed by profit organisations or big social cooperatives.

The fact that most available places are currently in CAS illustrates a reception policy based on leaving asylum applicants in emergency accommodation during the entire asylum procedure.

1.4 Provisional centres (CASP)

L. 50/2023 introduced a new type of reception facilities, the provisional centres, which only provide basic services, pending the identification of available places in governmental centres or in CAS. Thus, reception for asylum applicants may be arranged by Prefect, for the time strictly necessary, in provisional structures where just food, lodging, clothing, health care and linguistic-cultural mediation are the services ensured.⁹⁷⁴ The regulatory provision⁹⁷⁵ is included within the law governing temporary centres (CAS) even if these centres are conceived as structures to be used for the "strictly necessary time" to identify available places in the government centres or in CAS facilities.

Significantly, the tender specifications for CASPs do not even provide the mandatory presence of social workers, but only those of the day/night operators and the cultural mediators. The scheme merely provides for an almost doubled number of hours for linguistic mediation:

	Casp (art. 11 c. 2 bis d.lgs 12/2015) from 76 to 100 places	Collective centres from 76 to 100 places	Casp (art. 11 c. 2 bis d.lgs 12/2015) from 101 to 150 places	Collective centres from 101 to 150 places
Social worker	❖	32 h a week	❖	40 h a week
Linguistic mediation	40 h a week	20 h a week	45 h a week	26 h a week

The provision presents both positive and critical aspects. On one hand, it could offer greater protection pending the identification of suitable reception places, as it makes it easier to find structures and bodies capable of offering this type of service; on the other hand, it could lead to asylum applicants being hosted in centres providing lower standards in terms of reception conditions for indefinite periods of time.

The few, official, experiences of CASP in Italy so far are not reassuring.⁹⁷⁶ As emerges from a recent investigation, these are, *"in most cases, encampments consisting of tents or containers, or even rows of cots in former disused barracks, hamlets of airports or gyms"* which mainly *"are located several kilometres from inhabited centres, in the countryside and in industrial areas. (...) places of promiscuity, where women, men, families, unaccompanied minors live together"*.⁹⁷⁷

As mentioned, the Mol responded to the FOIA request made by ASGI in February 2025, indicating that data on Casps is not available, as they are not collected by Mol.

The same problem was highlighted by Openpolis and Actionaid in their last report on the accommodation system in Italy. However, thanks to the cooperation with the organisation CIAC onlus, it was possible to identify that 4 temporary structures were activated during 2023. 3 out of these were included as CAS for adult asylum seekers in the data released by the Mol: 2 temporary centers in the municipality of Parma

⁹⁷⁴ Article 11 (2 bis) Reception Decree introduced by L 50/2023.

⁹⁷⁵ Article 11 (2 bis) Reception Decree

⁹⁷⁶ MICHELE ROSSI, "Cornocchio e Martorano (Parma). Two fields lived up close", in *RiVOLTARE AI BALCANI, Chiusi Dentro*, Altreconomia, Milan, 2024.

⁹⁷⁷ Cf. ANTONIA FERRI, Irpi Media, "The Casp tell us where the reception of migrants in Italy is going", 12 July 2024, available in Italian [here](#).

("Martorano" with a capacity of 100 places and one with a capacity of 8 places) and one in the municipality of Varano de' Melegari, with a capacity of 24 places.⁹⁷⁸

1.5 Second reception - SAI system

The SAI system (Reception and Integration System, Sistema di Accoglienza e Integrazione), is dedicated mainly to beneficiaries of international protection and unaccompanied minors.⁹⁷⁹

SAI projects can also accommodate: victims of trafficking; domestic violence and serious exploitation; persons issued a residence permit for medical treatment, or natural calamity in the country of origin, or for acts of particular civic value,⁹⁸⁰ holders of special protection, holders of a permit for special cases (former humanitarian protection),⁹⁸¹ and former unaccompanied minors, who obtained a prosecution of assistance.⁹⁸² Holders of special protection, when in case of application of the international protection exclusion clauses, are instead excluded.

Law 50/2023, which converted Decree Law 20/2023, once again (as in 2018) excluded asylum applicants from the possibility to access the SAI system. Access to the SAI is now only possible for asylum applicants identified as vulnerable and to those who have legally entered Italy through complementary pathways (Government-led resettlements or private sponsored humanitarian admission programs).

Women are now also included among vulnerable asylum applicants, with priority given to pregnant women.⁹⁸³

The activation of SAI reception projects depends on funding provided directly by the Ministry of the Interior (and not by the Prefectures, as for CAS and first reception centres) to the local authority. The latter must voluntarily apply to host a reception project in its territory and submit a detailed project to the Ministry, asking for funding. The application is evaluated by a commission and, if deemed appropriate, the local project is financed for a period usually equal to 3 years. At the end of the period financed, the Municipality holder of the project can ask the Ministry for a new three-year funding.⁹⁸⁴

SAI projects, even if more stable than CAS as they are based on multi annual funding that promotes the quality of interventions, are by nature "more fragile", because adherence to the SAI system and the maintenance of such projects are entirely dependent on the will of local administrations.⁹⁸⁵ As mentioned, the decision by the Governments to maintain these projects in existence solely based on a voluntary adhesion by municipalities constitutes an important limitation to their widespread distribution on the national territory, which does not go in the direction of greater availability of places in this system and does not facilitate immediate access to the system, even for the limited number of asylum applicants who would be entitled to it.

⁹⁷⁸ Actionaid and Openpolis report, *Accoglienza al collasso, Centri d'Italia 2024*, published in March 2025, available [here](#).

⁹⁷⁹ According to Article 1-sexies DL 416/1989, as amended by DL 130/2020, local authorities responsible for the SAI projects "can" host in such projects also asylum seekers and beneficiaries of special protection or other protection titles.

⁹⁸⁰ Article 1 sexies (1) DL 416/1989, as amended by DL 130/2020, citing Articles 18, 18-bis, 19(2)(d-bis), 20, 22(12-quater) and 42-bis TUI. The statuses in Articles 20 and 42-bis had been inserted by Decree Law 113/2018.

⁹⁸¹ Ibid, mentioning Articles 1 (9) DL 113/2018 (special cases); Article 19, (1, 1.1) TUI, amended by DL 130/2020.

⁹⁸² Article 1 sexies (1 bis) DL 416/1989, introduced by DL 130/2020. In some CAS, according to the law unaccompanied minors becoming adults can benefit from further assistance (accommodation and help) up to 21 years. It is called "proseguo amministrativo", administrative continuation.

⁹⁸³ Article 17 (1) LD 142/2015.

⁹⁸⁴ The funding application and assessment mechanism for the project is governed by the Ministerial Decree 18 November 2019.

⁹⁸⁵ For a recent analysis of the impact of political preferences on the political willingness to open reception facilities, see the significant contribution from Gamalerio and Negri, *Not welcome anymore: the effect of electoral incentives on the reception of refugees*, in *Journal of Economic Geography*, available at: <https://doi.org/10.1093/jeg/lbad002>.

On 31 December 2024, the SAI network comprised 879 projects, decreased from the 914 existing in 2023 for a total of 38,696 places financed (increased if compared to the 37,920 of 2023), of which: 31,953 places for ordinary beneficiaries, 5,977 places for unaccompanied minors and 766 places for people living with mental health conditions or physical disability.⁹⁸⁶

As previously mentioned, the opening of a SAI project depends on the sole will of the local administration responsible (mostly municipalities), so there is no proportional distribution in Italy: this means that the presence of SAI projects on the territory is uneven.

Even though the SAI system has been slowly but constantly expanded throughout the country in the 20 years since it was set up,⁹⁸⁷ the total amount of available places is still largely inadequate to meet the existing needs. Furthermore, historically, the number of SAI seats funded by the Government and the number of SAI seats active and available differ by several thousands. This has been happening because of bureaucratic delays as well as organisational and logistical issues.

As of December 2024, out of the total places financed, 507 were not occupied.⁹⁸⁸

Data shows that SAI often are concentrated in Southern Italy and, worryingly, that 10 out of 21 regions do not have places for vulnerable asylum applicants or beneficiaries of international protection.⁹⁸⁹

This has led, even in 2024, to situations in which the vulnerable asylum seekers or beneficiaries of international protection were denied to entry in SAI and were notified the cessation of accommodation measure in CAS after the recognition of international protection.

On 22 June 2024, the Administrative Court of Trieste (Friuli Venezia Giulia) suspended the decision to terminate the reception measures taken against a refugee with mental health problems for whom an adequate SAI project could not be found, considering it necessary, in any case, *to give priority to the to the protection of the applicant's person, exposed to serious and irreparable damage in the event of interruption of the necessary support in reception.*⁹⁹⁰

On 6 February 2025, the Administrative Court of Naples (Campania) ordered the Ministry of Interior to immediately arrange for the applicant to be placed in a structure without delay, "other" than the one (CAS) in which he is currently hosted, adapted to his peculiar conditions of physical and mental discomfort.⁹⁹¹

Nel 2021, the Regional Administrative Court for Marche had already significantly stated that *"the shortage of places in projects dedicated to taking care of vulnerable people due to pathologies pertaining to the psychic sphere or the lack of adherence by local authorities to this type of projects cannot be to the detriment of those who need hospitality. It is necessary to ensure a coordinated intervention of all administrations involved so that the psycho-socio-health protection that the 2019 Guidelines have identified as a minimum compulsory service in the field of reception is guaranteed"*.⁹⁹²

1.6 Private accommodation with families and churches

In addition to the abovementioned reception centres, there is also a network of private accommodation facilities which are not part of the national public reception system, provided for example by Catholic or voluntary associations, which support several asylum applicants and refugees.

⁹⁸⁶ See SAI general data, 31 December 2024, available [here](#).

⁹⁸⁷ See Rapporto Annuale SAI 2021, available at: <https://bit.ly/3Z9qQbt>.

⁹⁸⁸ See SAI general data, 31 December 2024, available [here](#).

⁹⁸⁹ See SAI general data, 31 December 2024, available [here](#).

⁹⁹⁰ Administrative Court of Trieste, interim decision no. 46/2024, published on 22 June 2024.

⁹⁹¹ Administrative Court of Naples (Campania), decision no. 270/2025, published on 6 February 2025.

⁹⁹² Administrative Court for Marche, decision no. 632/2021, published on 2 August 2021.

It is very difficult to ascertain the number of available places in these forms of reception. The function of these structures is relevant especially in emergency cases or as integration pathways, following or in lieu of accommodation in S.A.I.

Other projects financed by municipalities or AMIF funds and directed at accommodating families and unaccompanied minors have begun. Some examples are provided below.

In Bologna, for example, the VESTA project, conceived and developed by the Camelot Social Cooperative is operational. The project, designed mainly for beneficiaries of international and special protection who reach the age of majority, provides a contribution towards the costs to the host family.⁹⁹³

The OHANA project, financed by AMIF fund, is developing accommodation for families of unaccompanied minors in the cities of Turin, Milan, Pavia, Venice, Verona Padova, Pordenone, Rome, Bari, Catania and Palermo.⁹⁹⁴

The NGO Refugees Welcome Italia promotes numerous initiatives of “welcome in the family” for protection holders who have had to abandon the public reception system, in particular to those who have not found a place in the SAI or have had to leave before the actual conclusion of their path of social inclusion. Refugees Welcome has developed over the years a significant network on the Italian territory, putting itself in relation both with the authorities of the reception centres and with numerous municipal administrations.⁹⁹⁵

2. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

1. Are there instances of asylum seekers not having access to reception accommodation because of a shortage of places? ☒ Yes ☐ No
2. What is the average length of stay of asylum seekers in the reception centres? Not available
3. Are unaccompanied children ever accommodated with adults in practice? ☒ Yes ☐ No
4. Are single women and men accommodated separately? ☒ Yes ☐ No

Reception conditions vary considerably not only among different reception centres but also between the same type of facility. While the services provided are supposed to be the same, the quality can differ depending on the entity managing the centres. While the SAI system publishes annual reports on its functioning,⁹⁹⁶ no comprehensive and updated reports on reception conditions are available for the entire Italian territory.

The latest CERD report expresses concern about the “deplorable living conditions in reception centres for migrants and the further reduction of the availability of psychological and legal services, as well as counselling”.⁹⁹⁷

It is not possible to determine an overall average of duration of stay within reception facilities. However, asylum applicants remain in reception centres throughout the whole asylum procedure, which may last several months, as well as during the appeal procedure, that can last up to 3-4 years, depending on the workload and backlog within the relevant court (See [Access and Forms of Reception Conditions](#)).

⁹⁹³ Bologna, Camelot presenta Vesta, per ospitare rifugiati in famiglia, available at: <https://bit.ly/3y9ALDf>.

⁹⁹⁴ Ohana project, see: <https://bit.ly/3jD0v28>.

⁹⁹⁵ Source Refugees Welcome Italia, Cosa facciamo, available at: <https://bit.ly/42pAXdA>.

⁹⁹⁶ See SAI website, <https://11nq.com/CqISE>.

⁹⁹⁷ UNCERD report, CERD/C/ITA/CO/21, available [here](#).

Services provided

The 2018 “Security Decree” marked a net change in the reception approach, preferring a system based on large CAS centres, attracting for-profit companies and effectively cutting out small local cooperatives from participating in public calls for the management of centres. The very low numbers of operators benefitting from available funds, compared to the number of guests, led to the loss of many jobs and the services’ cut made reception a mere management of food and accommodation, also reducing the positive effects on the host territories, in terms of income and social and labour integration.

Decree Law 130/2020 maintained the distinction between a range of services addressed to asylum applicants and others reserved exclusively to beneficiaries of protection, thus replicating the policy of restricting high level services only to protection holders - or at least to migrants having obtained a more stable residence permit-, contrary to a logic of generalised protection, ultimately considerably slowing down the process of regaining self-sufficiency for asylum applicants.

As highlighted by ActionAid and Openpolis in their report,⁹⁹⁸ between 2018 and 2021, over 3,500 reception facilities were closed (-29.1%) throughout the country, while available places fell from 169,471 to 97,670 in the same period. The centres that underwent closure were mainly small-medium sized ones, while at the same time, larger CAS facilities often saw an increase in their capacity.

Following the 2023 reform, on 27 March 2024, the new tender specification schemes for reception services in government centres and CAS were published.⁹⁹⁹ The new schemes¹⁰⁰⁰ grant discretion to reception bodies regarding the provision of certain services that used to be compulsory under DL 130/2020. According to Article 2 of the tender specifications’ schemes, psychological assistance, Italian language courses and professional training, legal and territorial orientation, are listed as possible subcategories of social assistance, but there is no obligation for the service provider to ensure their accessibility to asylum applicants.

In addition, in the new provisional centres, the services are even more limited, as only services relating to food, accommodation, clothing, healthcare and linguistic-cultural mediation are ensured.

If applicants are admitted into SAI centres, they still only have access to so-called “first level” services, which do not include support for integration on the territory, job search, job orientation and professional training. These services, that are completely absent within the governmental and temporary centres (CAS), in SAI are restricted only to beneficiaries of national or international protection.¹⁰⁰¹

The 2023 reform unfortunately reflects the same approach as the 2018 reform and maintains the limits of the 2020 reform: SAI are still activated on a voluntary basis at the local level; access to SAI centres is limited to few categories of asylum applicants and essential services are no longer mandatory and therefore left to the discretion of the managing body.

With increasing frequency since 2022, beneficiaries of international protection are notified of the termination of reception conditions in CAS immediately after receiving the residence permit or even the mere decision recognising the international or special protection, without a previous check for available places in SAI being carried out.

Unaccompanied children who, on paper, should have immediate access to SAI, still spend most of their accommodation period in first governmental centres, temporary structures or in residential care facilities (see [Reception for unaccompanied minors](#)) and those who reach majority (18 years of age) while still within the reception system and benefit from an administrative extension of guardianship, who are also entitled to access SAI, still remain, in practice, excluded from these centres.

⁹⁹⁸ Actionaid and Openpolis, Centri d’Italia. Report 2022. Il vuoto dell’accoglienza, available at: <https://bit.ly/3KZSaVo>.

⁹⁹⁹ As per Minister Decree, 4 March 2024. Schemes and Decree available at: bit.ly/3JU5KaZ.

¹⁰⁰⁰ Available at: bit.ly/3ws5KvP.

¹⁰⁰¹ Article 1 sexies (2 bis) DL 416/1989, introduced by DL 130/2020.

2.1 Conditions in hotspots

Current contracts provide that the following services should be delivered within the hotspot facilities: information provision on the asylum procedure and the reception system, social assistance, psychological assistance, preparation and distribution of meals, health care, provision of clothing and personal hygiene products, telephone card.¹⁰⁰² These services must be provided with the proper care and methodologies when working with unaccompanied minors or vulnerable individuals.

The stay within hotspots should be limited to the time strictly necessary to carry out the identification and initiation of legal procedures. Italian law, however, does not provide for a maximum duration of stay, although these are, in practice, and without a legal basis, closed structures in which personal freedom is limited.

In the absence of sufficiently defined regulatory provisions, migrants often stay in hotspots for many weeks, due to delays in transferring them to government centres or CAS. Faced with continuous arrivals after landings and internal organisational and management issues, hotspots very often become severely overcrowded and their conditions severely deteriorate.¹⁰⁰³

Lampedusa hotspot

This is particularly the case for the hotspot on the island of **Lampedusa**, which, despite its official capacity of 389 places, has often accommodated much higher numbers of newly arrived migrants.

All this led to the replacement of the managing body and the subsequent entrusting of the facility to the Italian Red Cross from May 2023 onwards.¹⁰⁰⁴ Despite the change of management, the critical issues that had emerged in previous years continue to be denounced by ASGI.¹⁰⁰⁵

Save the Children, active within the hotspot of Lampedusa, has denounced a now permanent situation of delays and shortcomings in the provision of the most basic services, even when directed to the most vulnerable. The NGO reported that 450 minors, 250 of whom unaccompanied, even very small children, had been present in the hotspot for over a month.¹⁰⁰⁶ UNICEF also noted severe crowding and delays identified as risk factors for the most vulnerable.¹⁰⁰⁷

ASGI, as part of its InLimine project, carried out monitoring, data collection and a visit to the hotspot in March 2022, following which it produced a report highlighting the numerous critical issues identified.¹⁰⁰⁸

ASGI has presented urgent appeals to the European Court of Human Rights to request the immediate transfer from the hotspot of Lampedusa of three families, including children, who were detained there for

¹⁰⁰² See Mol Decree 29 January 2021, Outline of tender documents for the supply of goods and services relating to the management and operation of the centres, attachment 6-bis, available at: <https://bit.ly/41b1UAit>.

¹⁰⁰³ See La Nuova Calabria, Hotspot di Crotone al collasso, quasi mille migranti in 24 ore e casi di scabbia, 27 October 2022, available at: <https://bit.ly/42NebN5>. Corriere della Sera, Pasti cotti a Bari e servizi poco igienici: ecco l'hotspot per i migranti a Taranto, 12 January 2023, available at: <https://bit.ly/3o4l0K3>.

¹⁰⁰⁴ Article 5-bis (2) Decree Law 20/2023 converted with modifications into Law 50/2023.

¹⁰⁰⁵ ASGI, 'Per l'implementazione della libertà di corrispondenza con il mondo esterno e predisposizione di una rete wi-fi presso l'Hotspot di Lampedusa: diverse organizzazioni scrivono alle autorità competenti', March 2023, available in Italian at: <https://lc.cx/maYghO>; ASGI, La privazione della libertà personale nell'hotspot di Lampedusa: il riscontro delle autorità competenti, March 2023, available in Italian at: <https://lc.cx/gDj3y9>; ASGI, 'The right to information in the Lampedusa hotspot: the responsibilities of UNHCR', April 2023, available at: <https://lc.cx/MnCT6a>; ASGI, 'La Questura di Agrigento su ingressi e uscite dall'hotspot di Lampedusa', May 2023, available in Italian at: <https://lc.cx/zmx60e>; ASGI, 'La gestione dell'hotspot di Lampedusa: la Convenzione con la CRI', July 2023, available in Italian at: <https://lc.cx/w2w1u6>.

¹⁰⁰⁶ Save the Children, Hotspot sovraffollato a Lampedusa: le condizioni critiche dei minori, 12 April 2023, available at: <https://bit.ly/41YgFqV>.

¹⁰⁰⁷ UNICEF, Cronache di frontiera. Lampedusa: vite in hotspot, 10 May 2023, available at: <https://bit.ly/3MfcWiC>.

¹⁰⁰⁸ ASGI, Report sulla visita al Centro hotspot di Lampedusa, Agosto 2022, available at: <https://bit.ly/3Oh74rW>.

varying periods and in degrading material and hygienic conditions. By 10 November 2022, the Court ordered the Government to immediately transfer only one of the families.¹⁰⁰⁹

In March 2023, the ECtHR delivered its judgement on the case *J.A. and Others v. Italy*,¹⁰¹⁰ concerning four Tunisian nationals who were rescued by an Italian ship and taken to the Lampedusa hotspot. The Court ruled that the applicants were subjected to inhuman and degrading treatment during their stay in the Lampedusa hotspot, in violation of Article 3 of the Convention. Additionally, it stated that the impossibility for the applicants to lawfully leave the closed area of the hotspot clearly amounts to deprivation of liberty under Article 5 of the Convention, especially considering that the maximum duration of their stay in the crisis centre was not defined by any law and that the regulatory framework did not allow the use of the Lampedusa hotspot as a detention centre for foreigners. The applicants were neither informed of the legal reasons for their deprivation of liberty nor able to challenge the grounds of their de facto detention. Hence, the Court held that Italy violated Article 5 §§ 1, 2 and 4 of the Convention.

In its decision published on 13 June 2024, the Committee of Ministers of the Council of Europe assessed that Italy had failed to adequately implement the judgment of the European Court of Human Rights *J.A. and others v. Italy* (Appeal No. 21329/18) on detention and conditions inside the Lampedusa hotspot and called on the authorities to take the necessary measures for its implementation.¹⁰¹¹

Taranto hotspot

As for the **Taranto** hotspot, in its decision of 23 November 2023 rendered in case no. 47287/17 (*A.T. and others v. Italy*),¹⁰¹² the ECtHR condemned Italy for having unlawfully detained several unaccompanied minors in the hotspot, for having used inhuman and degrading treatment in arranging their reception measures, for not having appointed a guardian nor having provided them with any information on the possibility of challenging this condition in court.

Further critical issues were reported in the University of Bari's Report on the Taranto hotspot, which denounced the inadequacy of the legal information offered to persons entering the facility, the confusion between intelligence and investigative activities carried out during entry security checks, with potential repercussions on the rights of the persons under investigation, the inadequate material reception conditions to guarantee privacy and the protection of persons in particularly vulnerable conditions (women and minors).¹⁰¹³

Pozzallo hotspot

In June 2023, a delegation of ASGI had access to the Pozzallo hotspot and found several problems including the absence of cultural mediators to support the procedures after entering the hotspot (e.g. during the compilation and signing of the so-called "foglio-notizie") and the duration of detention.¹⁰¹⁴

¹⁰⁰⁹ See ASGI, *Diritti violati nell' hotspot di Lampedusa: per la CEDU il trattamento è disumano e degradante solo per le famiglie con minori*, available at: <https://bit.ly/3pLd2XP>.

¹⁰¹⁰ *J.A. and Others v. Italy* (dec.), no. 21329/18, 30 March 2023, available at: <https://hudoc.echr.coe.int/eng/?i=001-223716>.

¹⁰¹¹ ASGI, 'Valutazione del Comitato dei Ministri: Inadempienza dell'Italia nell'attuazione della Sentenza CEDU sull'Hotspot di Lampedusa', July 2024, available in Italian [here](#).

¹⁰¹² ECtHR, No. 18911/17 and two others, *A.E. and others v. Italy*, 16 November 2023, available at: <https://bit.ly/3VtXyVY>.

¹⁰¹³ Università degli Studi di Bari, *Rapporto sul centro hotspot di Taranto*, Jean Monnet Working Paper 2/2023, October 2023, available in Italian at: <https://lc.cx/8otliID>.

¹⁰¹⁴ ASGI, 'Monitoraggio ASGI e Spazi Circolari a Pozzallo: hotspot, Contrada Cifali e il nuovo centro di trattenimento', 9 October 2023, available in Italian at: <https://lc.cx/2n5MBD>.

2.2 Overall conditions

According to the law, first reception centres offer accommodation to asylum applicants for the purpose of completion of operations necessary for the determination of their legal status,¹⁰¹⁵ and of medical tests for the detection of vulnerabilities, to take into account for a subsequent and more focused placement.¹⁰¹⁶

First reception centres are collective centres, up until now set up in large facilities, isolated from urban centres and with poor or otherwise difficult contacts with the outside world.

Overall, governmental centres are very often overcrowded. Accordingly, the quality of the reception services offered is not equivalent to reception facilities of smaller size.

Responding to the FOIA request made by ASGI, the Ministry of Interior informed that, on 31 December 2024, while the capacity of governmental centres was 3,540, the occupancy was 3,724. Some centres were particularly overcrowded: in Gradisca d'Isonzo, with a capacity of 303, 414 asylum applicants were present; in Bari, there were 850 people, on 640 available places, in Manfredonia, 140 people on 80 places and in Treviso 545 asylum applicants compared to a capacity of 450.

To aggravate the picture, already characterized by these practices, Legislative Decree 133/2023, converted with amendments by Law 176/2023, made it possible to derogate from the maximum capacity parameters of government reception centres and CAS facilities, providing that it is possible to occupy up to twice the places provided for these centres in order to meet *"the needs of public order and security related to the management of migration flows"*.¹⁰¹⁷

Managers tend to accommodate together people of the same nationality or belonging to the same ethnicities, religions, or political groups to prevent the rise of tensions and violence.

Law 50/2023, which converts Decree Law 20/2023, adopted by the new Government, again drastically reduced the services to be mandatory provided within governmental centres and CAS, to: health care, social assistance and linguistic-cultural mediation. These new regulations were followed by a new set of tender schemes specifications for these centres, published on 27 March 2024.

The new schemes, as explained above (See [Overview, Services provided](#)) include other services (such as psychological assistance, Italian language courses and professional training, legal and territorial orientation) within the scope of social assistance. These services can be provided at the discretion of the managing body.¹⁰¹⁸

In **Udine** (Friuli Venezia Giulia Region), as reported on 2 May 2024 by the NGO Ospiti in Arrivo and by Rete Dasi in a field investigation, at least 150 migrants were sleeping crowded together and without basic services inside the Cas Cavarzerani centre, without however being regularly registered as guests of the centre and despite having been already registered in police database (*"fotosegnalati"*).¹⁰¹⁹

2.3 Conditions in CAS

According to the Reception Decree, services guaranteed in temporary centres (CAS) are the same as those guaranteed in first reception governmental centres.¹⁰²⁰

Following the reform provided by the Decree Law 20/2023 converted into L. 50/2023, services were drastically reduced (see [conditions in first reception centres](#)). Also, DL 133/2023 converted into L. 176/2023 provided that, in cases of extreme urgency, it is possible to directly entrust management of the

¹⁰¹⁵ Article 9(1) Reception Decree.

¹⁰¹⁶ Article 9(4) Reception Decree.

¹⁰¹⁷ Art. 7, d.l. 133/2023 which amends article 11, par. 2, LD 142/2015.

¹⁰¹⁸ According to Article 2 of the tender specification schemes, as per Minister Decree, 4 March 2024. Schemes and Decree available at: bit.ly/3JU5KaZ.

¹⁰¹⁹ Invisibili ed escluse, a Udine centinaia di persone tagliate fuori dall'accoglienza, Altreconomia, 2 May 2024, available in Italian at: <https://bit.ly/3VaCkdL>.

¹⁰²⁰ Articles 11(2) and 10(1) Reception Decree.

centres to the managing bodies and to waive the capacity limits of the centres and governmental facilities structures, allowing access to up to double the places foreseen for each centre.¹⁰²¹

Given that the term CAS simply defines a legal category and not a type of structure, and that consequently there are CAS activated in small apartments, as well as in collective centres of hundreds of places, the actual quality of the services and the very nature of the reception in CAS differ greatly.

The chronic emergency state under which the CAS operate has forced the improvisation of interventions and favoured the entry into the reception network of entities lacking the necessary skills or, in the worst cases, only interested in profits.

The functioning of CAS depends on a service contract between the management bodies and the local Prefectures and on the professionalism of the bodies involved.

As discussed in [Forms and Levels of Material Reception Conditions](#), the calls for tenders modelled on the Ministry of Interior tender scheme of 20 November 2018 resulted in the disappearance of many virtuous projects,¹⁰²² while the new tender specification scheme keeps the reception panorama unchanged.

On 16 November 2023, the European Court of Human Rights (ECtHR) issued the judgement on the case of *Sadio v. Italy*, no. 3571/17, regarding a Malian national who stayed in a reception centre in Cona, Italy, for a period of almost eight months. He alleged that his conditions in the reception facility were contrary to Article 3 ECHR, citing overcrowding, lack of proper heating and hot water, lack of medical, psychological, and legal assistance, as well as the centre having insufficient staff members and interpreters. He supported his allegations with photos, reports and a parliamentary question relating to the Cona centre. Additionally, he complained that there had been no effective remedy available in order to challenge this set of circumstances, tantamount to a violation of Article 13 ECHR. The Court relied on the previous case of *Darboe and Camara v. Italy* and saw no significant divergence in material conditions between the two cases. The Court unanimously considered, accordingly, that the length and conditions of Sadio's stay in Cona constituted a breach of Article 3 ECHR. Given that the Italian Government "failed to indicate any specific remedy by which the applicant could have complained about his reception conditions in Cona", the Court again unanimously agreed with the applicant, upholding that Article 13 ECHR had been violated.

In March 2024, the Verona Migrant Observatory filed a complaint with the prosecutor's office against the managing body San Francesco Società Cooperativa Sociale Onlus for the conditions at the Casaleone centre (Verona), where only 10 asylum seekers were accommodated.

The observatory had detected: a low presence of operators; insufficient entry kit; no supply of underwear and clothes; deteriorating conditions of the house, broken glass, no furniture; Insufficient beds; not all bathrooms working, frequent absence of hot water; kitchen with mould and cockroaches, state of serious degradation of the boiler. Lack of pocket money and negligence in activating the necessary health protections.¹⁰²³

¹⁰²¹ Article 11(2) Reception decree as amended by DL 133/2023. See the analysis from Actionaid, 18 October 2023, available in Italian at: <https://l1nq.com/dnM01>.

¹⁰²² This happened, for example, in Milan, Lombardy, where 11 third sector managers, in many cases small companies with a strong social vocation, decided not to participate in new tenders, See Openpolis and ActionAid, third report, available in Italian at: <https://cutt.ly/7yONsIR>. In Livorno, Tuscany, in 2019, the vast majority of third sector managers have decided not to participate in the new tenders. Therefore, all small and many medium-sized centres have closed and the number of available places in reception has drastically decreased. The migrants hosted in centres that have been closed have often been transferred to other locations. Others, not to abandon the integration paths developed over time, have decided to stay in Livorno with high risks of social marginality. See Openpolis and ActionAid, second report, available in Italian at: <https://cutt.ly/uyONs8z>.

¹⁰²³ See Melyingpot, CAS di Casaleone (VR): incuria e stato di abbandono, available [here](#).

In March 2025, after a visit to two CAS of Canino and Grotte di Castro, in the province of Viterbo (Lazio), MP Scarpa filed a complaint with the Public Prosecutor's Office highlighting "*unhealthy environments, lack of essential services and even children forced to live between infiltration and mould*".¹⁰²⁴

2.4 Conditions in Provisional centres

These centres were introduced by the DL 20/2023 converted into L. 50/2023¹⁰²⁵ according to which, in case of unavailability of places in government centres and in CAS centres, people can be accommodated in provisional centres where only food, accommodation, clothing, healthcare and linguistic-cultural mediation are ensured.

Starting from the first half of August 2023, two temporary camps, consisting of container tents and gazebos, were set up in **Parma**, the Martorano and Cornocchio camps. The Ciac Onlus association immediately highlighted the disastrous situation in which the people brought to these centres found themselves, even directly after their arrival. For months, people did not have formal access to the asylum procedure and could therefore not be transferred to the CAS or SAI. Between August and October 2023, the Ciac Onlus association collected over 130 declarations of intention to ask for asylum and sent them to the competent Questura. CIAC reported 42 vulnerable people. However, only six of them were able to access the SAI system.¹⁰²⁶

2.5 Conditions in SAI

The SAI network is mainly made up of small facilities and rented apartments,¹⁰²⁷ located in or close to city centres or, alternatively, well connected to cities through public transport. There, the few categories of asylum applicants who can now access SAI can benefit from first level services, which include more services than the ones guaranteed in first accommodation facilities (CAS and governmental centres): material reception services, health care, social and psychological assistance, linguistic-cultural mediation, Italian language courses, legal orientation and orientation to the territorial services.¹⁰²⁸ Second level services, which include job orientation and professional training, are reserved to beneficiaries of international protection, UAMs and beneficiaries of other forms of protection¹⁰²⁹ (See [Content of protection](#)).

The fact that these projects are permanently structured and that the necessary resources are planned in time, and therefore not dependent on a downward bidding process, means that all these services can be promptly provided to those able to access this system, with no delay.

2.6 Conditions in makeshift camps

Informal settlements with limited or no access to essential services are spread across Italy. The situation worsened as a consequence of the 2018 reform. A report by MSF published in February 2018 described

¹⁰²⁴ Cionline, 3 March 2025, «Condizioni inaccettabili nei Cas» available [here](#).

¹⁰²⁵ Article 11 (2 bis) LD 142/2015.

¹⁰²⁶ See Chiusi dentro, Carnocchio e Martorano, due campi vissuti da vicino, Michele Rossi, pubblicazione a cura di Rivolti ai Balcani. See also Ciac Onlus, Tre mesi di campi: diritti violati e zero servizi Possiamo accettare tutto questo in silenzio? available at: <https://bit.ly/4aLtkBJ>.

¹⁰²⁷ In 2021, more than 84% of the facilities used in the SAI were apartments. See Rapporto Annuale SAI 2021, available at: <https://bit.ly/3JzyJ37>.

¹⁰²⁸ Article 1-sexies (2 bis, a) DL 416/1989, introduced by DL 130/2020.

¹⁰²⁹ Article 1-sexies (2 bis, b) DL 416/1989.

the situation in some makeshift camps.¹⁰³⁰ By the end of 2018, some of these camps had been rapidly evacuated.¹⁰³¹

Since January 2018, the Naga network has been monitoring informal settlements in **Milan**.¹⁰³² A report published by NAGA on 16 December 2021 highlights how the number of homeless persons increased in Milan; most of them are third country nationals under the age of 35, often migrants benefiting from protection.¹⁰³³

In **Foggia**, in the Capitanata area, **Apulia** region, from June to September 2019 the Doctors for Human Rights (MEDU) mobile clinic assisted 225 people (209 men and 16 women) carrying out 292 medical visits and 153 legal orientation interviews operating mainly in five informal settlements: the Ghetto of Rignano Gargano, Borgo Mezzanone, the farmhouses of Poggio Imperiale and Palmori. 60 % of the people were regular asylum applicants, or beneficiaries of a form of protection. The remaining 40% were in irregular condition.¹⁰³⁴ It is estimated that at least 7,000 migrants were living within informal settlements, within the Capitanata area in 2022.¹⁰³⁵ No further reports are available regarding the situation since 2022.

In 2022, the Government allocated 200 million euros from the National Program for Recovery and Resilience (PNRR)¹⁰³⁶ to Municipalities particularly affected by the presence of informal settlements (especially in Apulia). This could be a unique opportunity to finally overcome the ghettoization that informal settlements produce; however, problems have already emerged with regard to the effective ability of Municipalities to develop projects in this respect, to the point that there is a concrete risk that these funds will be spent just building new settlements made of housing containers, or not be spent at all.¹⁰³⁷ In this regard, in August 2024, at the conclusion of the INCAS Project, ANCI and Cittalia recalled the urgency of unblocking the PNRR measure to support the overcoming of illegal settlements related to agricultural work. While 200 million have been formally assigned for more than two years to 37 municipalities which presented their project proposals in January 2023, these have not yet been allocated in practice. Despite the appointment of an extraordinary commissioner, the measure remained blocked.¹⁰³⁸

The fifth Report *Agromafie e Caporalato* published by FLAI- CGIL two labour unions, by the end of 2020, highlights that, in the last decade an increasing number of asylum applicants is crowding in informal settlements close to places of work in the agriculture sector. To date, the report says, tens of thousands of asylum applicants are living in a promiscuous and degrading manner in these settlements. Such examples, beyond Borgo Mezzanone, are S. Ferdinando, Cassibile, the Felandina in Metapontum area, Campobello, in Mazara, Castel Volturno (Caserta) and Saluzzo.¹⁰³⁹ The final report "The Bad Season" (La Cattiva Stagione)¹⁰⁴⁰ written by MEDU in 2018 illustrates the living and working conditions of labourers

¹⁰³⁰ MSF, *Fuori campo*, 2 February 2018, 36.

¹⁰³¹ Il Giornale, 'Bari, sgomberati i locali della Ferrhotel occupati da extracomunitari', 12 October 2018, available in Italian at: <https://bit.ly/2HBfOGQ>; Internazionale 'A San Ferdinando sgomberata una tendopoli se ne apre un'altra', 6 March 2019, available in Italian at: <https://bit.ly/2F2S3EQ>; Repubblica, Operazione Moi libero: sgombrate le ultime due palazzine. Salvini: stop a nuove arbitrarie intrusioni, 30 July 2019, available in Italian at: <https://cutt.ly/syONdnk>.

¹⁰³² Naga, Senza Scampo, December 2019, available in Italian at: <https://cutt.ly/1yONfN4>.

¹⁰³³ Naga, Più fuori che dentro, available in Italian at: <https://bit.ly/3tgw4Vf>.

¹⁰³⁴ Immediato, Più di 200 migranti curati nei ghetti della provincia di Foggia, quasi la metà era irregolare, 21 October 2019, available in Italian at: <https://cutt.ly/wyONgAc>.

¹⁰³⁵ See Tra le piaghe del caporalato: azioni e idee per superare i ghetti, 27 July 2022, available at: <https://bit.ly/41ToQEF>.

¹⁰³⁶ The PNRR is the program with which the Italian Government intends to manage the funds of the Next Generation EU. In other words, it is the instrument of economic recovery and upturn introduced by the European Union to remedy the losses caused by the pandemic. The text of the Italian PNRR is available at: <https://tinyurl.com/yk89x3rh>.

¹⁰³⁷ See Human Rights Watch, Better Solutions Needed for Migrant Workers' Makeshift Settlements in Italy, 4 April 2023, available at: <https://bit.ly/41TrcDv>.

¹⁰³⁸ Cittalia and ANCI note on the end of the project INCAS: available [here](#).

¹⁰³⁹ FLAI- CGIL, Quinto report su Agromafie e Caporalato, 2020, available in Italian at: <https://bit.ly/3CKEAYs>.

¹⁰⁴⁰ Medici per i diritti umani, report La Cattiva Stagione, 21 October 2019, available in Italian at: <https://cutt.ly/JyONhtH>.

and describes the unhealthy settlements, isolated without any minimum basic service and with pervasive exploitation of workers.

In November 2021, the Criminal Court of **Pordenone** acquitted the activists of the NGO Rete Solidale, operating in Pordenone, together with 9 asylum applicants, accused of having occupied a private parking lot to help around 70 asylum applicants in need of accommodation in 2017.¹⁰⁴¹

In **Trieste**, some beneficiaries of international protection and asylum applicants whose reception conditions were withdrawn faced a criminal procedure for having occupied the “Silos area”, a private area behind the train station. From what emerged from the trial, they slept amidst garbage and animals with cardboard huts. In June 2022, the court of Trieste condemned them to two years' imprisonment plus a fine. The Court of Appeal of Trieste confirmed their conviction in January 2025.

However, a criminal procedure opened against the asylum applicants who stayed in Silos area in 2023 waiting access to reception measures and to the asylum procedure¹⁰⁴² was archived in May 2024. The Trieste Prosecutor's office also justified the request of archiving on the basis “(..)of the specific personal conditions of the suspects, foreign subjects, coming from foreign states often characterized by situations of extreme general precariousness, if not even conflict, as well as, from another point of view, of the transient nature of the entry of the defendants into the building, which, in the absence of other evidence, seems to have taken place for the sole purpose of finding a makeshift shelter while waiting for the regularisation of their position on the national territory (..)”.

In **Ventimiglia**, as reported by Refugees Rights Europe and Progetto 20K,¹⁰⁴³ after the closure of the Roja Camp, people started once more to create informal settlements around the city.

A report drafted by ANCI, Cittalia and Ministry of Labour and published in July 2022¹⁰⁴⁴ showed that at least 10,000 migrants lived in informal settlements in Italy, often characterised by marginality, very poor access to services and exploitation. Of these ten thousand people, about 30% are asylum applicants or refugees. Another study¹⁰⁴⁵ documented the socio-health situation of informal settlements of migrants and refugees in the capital city of Rome, underlining how almost all the people assisted by the MEDU NGO indicated having been hosted only at former CARA or CAS centres, often in mega-structures isolated from population centres and lacking services to promote knowledge of rights, and integration into the social fabric. In Rome alone, there are an estimated 2,000 people, including asylum applicants, refugees, holders of international protection and migrants in transit, living in informal settlements.¹⁰⁴⁶

¹⁰⁴¹ See Meltingpot, Pordenone: non luogo a procedere per le attiviste della Rete solidale e nove richiedenti asilo, 13 November 2021, available at: <https://bit.ly/3LiCidL>.

¹⁰⁴² See, RAI News, A Trieste migranti nell'inferno del Silos, tra acqua e fango. Centinaia i richiedenti asilo senza una sistemazione costretti a vivere in una tendopoli improvvisata. In media attendono due mesi, 9 November 2023, available in Italian at: <https://encr.pw/CVyNn>. See also the report “Vite Abbandonate” published by associations operating in Trieste: ICS-Ufficio Rifugiati, DONK, IRC, Linea D'Ombra, Waldensian Diakonia, San martino al Campo, available at: <https://11nq.com/xaiRR>.

¹⁰⁴³ Refugees Rights Europe and Progetto 20K the Exacerbation of a crisis, impact of the COVID-19 on people on the move at the Italian- French border, July 2021, available at: <https://bit.ly/3OR2lp6>, 12.

¹⁰⁴⁴ Ministry of Labour and Social Policies, National Association of Italian Municipalities, Le condizioni abitative dei migranti che lavorano nel settore agro-alimentare. Prima indagine nazionale, July 2022, available at: <https://bit.ly/429bo10>.

¹⁰⁴⁵ MEDU and UNHCR, Margini. Rapporto sulle condizioni socio-sanitarie di migranti e rifugiati negli insediamenti informali della città di Roma, available at: <https://bit.ly/3YA26ba>.

¹⁰⁴⁶ For further information on migrants' informal settlements in Italy, see: Mendola and Busetta, “Health and Living Conditions of Refugees and Asylum-seekers: A Survey of Informal Settlements in Italy.” Refugee Survey Quarterly, vol. 37, no. 4, Oxford UP, Dec. 2018, pp. 477–505, available at: <https://doi.org/10.1093/rsq/hdy014>. See also: Brovia and Piro, “Ghettos, camps and dormitories. Migrant workers' living conditions in enclaves of industrial agriculture in Italy”, in Rye and O'Reilly, “International Labour Migration to Europe's Rural Regions”. Routledge, 2020. See also: Belloni, Fravega, Giudici, “Fuori dall'accoglienza: insediamenti informali di rifugiati tra marginalità e autonomia”, in Politiche Sociali 2/2020, 225-244, DOI: 10.7389/97987. See also: Romeo (ed.), “Abbandoni. Assembramenti umani e spazi urbani: rifugiati e negligenti politiche di accoglienza”, Turin, 2017.

The report published in June 2025 by ANCI and Cittalia within the INCAS project financed by the Ministry of Labour, confirms that vulnerable people involved in the phenomenon of labour exploitation often include asylum seekers and holders of international protection. The report explains that, "for the former, in particular, vulnerability is linked both to the long wait for their legal status to be defined, and to the fact that a prerequisite for staying in reception centres is not to receive incomes higher than the amount of the social allowance, a prerequisite that leads them to accept irregular working conditions. This fragility is further exacerbated by the pressing need to support the needs of families in the countries of origin, who have invested emotionally and economically in the migrants' journey."¹⁰⁴⁷

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market

1. Does the law allow for access to the labour market for asylum seekers? ☒ Yes ☐ No
❖ If yes, when do asylum seekers have access the labour market? Within 2 months
2. Does the law allow access to employment only following a labour market test? ☐ Yes ☒ No
3. Does the law only allow asylum seekers to work in specific sectors? ☐ Yes ☒ No
❖ If yes, specify which sectors: Insert
4. Does the law limit asylum seekers' employment to a maximum working time? ☐ Yes ☒ No
❖ If yes, specify the number of days per year
5. Are there restrictions to accessing employment in practice? ☒ Yes ☐ No

According to the Reception Decree, an asylum applicant can start to work after 60 days from the moment they lodged the asylum application.¹⁰⁴⁸ However, even if they manage to start working, the asylum applicant permit cannot be converted into a work or residence permit.¹⁰⁴⁹

Even though the law makes a generic reference to the right to access employment without indicating any limitations, and albeit being entitled to register with Provincial Offices for Labour, in practice asylum applicants face difficulties in obtaining a residence permit which allows them to work. This is due to the delay in the [Registration](#) of their asylum applications, on the basis of which the permit of stay will be consequently issued, or to the delay in the renewal thereof.

Furthermore, employers are often wary of hiring asylum applicants who are in possession only of the asylum request receipt or the request for renewal of the six-month permit, since they present no expiry date, even if they are legally equal to the residence permit.

Moreover, as reported to ASGI, many Provincial Offices for Labour do not allow asylum applicants under the Dublin procedure to enrol on the lists of unemployed persons and some Questure have expressed a negative opinion about the possibility for these people to be employed before it is confirmed that Italy is responsible for their asylum application. The CJEU decision of 14 January 2021, according to which Article 15 of the Directive 2013/33/EU must be interpreted as precluding national legislation which excludes an applicant for international protection from access to the labour market on the sole ground that a transfer decision has been taken in his or her regard under Dublin Regulation, should overcome the different orientations existing in the national territory.¹⁰⁵⁰ However, occasionally the same problem arises.

¹⁰⁴⁷ ANCI and Cittalia report, SERVIZI E STRUMENTI DI GOVERNANCE DEI COMUNI PER SOSTENERE LE VITTIME DI SFRUTTAMENTO LAVORATIVO, June 2025, available in Italian [here](#).

¹⁰⁴⁸ Article 22(1) Reception Decree.

¹⁰⁴⁹ Article 22(2) Reception Decree.

¹⁰⁵⁰ CJEU decision joined cases C322/19 and C385/19, 14 January 2021.

In early 2022, an additional case was highlighted to ASGI in Bolzano, where both the employment office and Questura had denied access to work to a Dublin asylum applicant. Since then, periodically Dublin asylum applicants are deemed not authorized to work, until the misunderstanding is clarified thanks to protection associations or lawyers.

In addition, the objective factors affecting the possibility of asylum applicants to find a job are language barriers, the remote location of the accommodation and the lack of specific support founded on their needs.

To this, it should be added that the DL 20/2023 cancelled the obligation to provide Italian courses and job orientation in reception centres.

2. Access to education

Indicators: Access to Education

- | | |
|--|---|
| 1. Does the law provide for access to education for asylum-seeking children? | ☒ Yes ☐ No |
| 2. Are children able to access education in practice? | ☒ Yes ☐ No |

Italian legislation provides that all children until the age of 16, both nationals and foreigners, have the right and obligation to take part in the national education system. Under the Reception Decree, unaccompanied asylum-seeking children and children of asylum applicants exercise these rights and are also admitted to Italian language courses.¹⁰⁵¹ The Reception Decree refers to Article 38 TUI, which states that foreign children present on Italian territory are subject to compulsory education, emphasising that all provisions concerning the right to education and the access to education services apply to foreign children as well. This principle has been further clarified by Article 45 PD 394/1999, which gives foreign children equal rights to education as Italian children, even when they are in an irregular situation. Asylum seeking children have access to the same public schools as Italian citizens and are entitled to the same assistance and arrangements in case they have special needs. They are automatically integrated in the obligatory National Educational System. No preparatory classes are foreseen at National level, but since the Italian education system envisages some degree of autonomy in the organisation of the study courses, it is possible that some institutions organise additional courses in order to assist the integration of foreign children.

In practice, the main issues concerning school enrolment lie in: the reluctance of some schools to enrol a high number of foreign students; the refusal from family members and/or the child to attend classes; and the insufficiency of places available in schools located near the accommodation centres and the consequent difficulty to reach the schools if the centres are placed in remote areas.

In some cases, attempts to make up for the lack of places in Italian language courses by introducing other courses have not delivered positive results.

A CEDAW report published in February 2024 (CEDAW/C/ITA/CO/8) recommends adopting targeted measures to reduce the school dropout of girls and women belonging to disadvantaged groups, in particular Roma, Sinti and Caminanti women and girls and migrant and refugee women and girls.¹⁰⁵²

¹⁰⁵¹ Article 21(2) Reception Decree.

¹⁰⁵² CEDAW report, CEDAW/C/ITA/CO/8, available [here](#).

D. Health care

Indicators: Health Care

1. Is access to emergency healthcare for asylum seekers guaranteed in national legislation?
☒ Yes ☐ No
2. Do asylum seekers have adequate access to health care in practice?
☒ Yes ☐ Limited ☐ No
3. Is specialised treatment for victims of torture or traumatised asylum seekers available in practice?
☐ Yes ☒ Limited ☐ No
4. If material conditions are reduced or withdrawn, are asylum seekers still given access to health care?
☐ Yes ☒ Limited ☐ No

Asylum applicants and beneficiaries of international protection are required to register with the National Health Service.¹⁰⁵³ They enjoy equal treatment and full equality of rights and obligations with Italian citizens regarding the mandatory contributory assistance provided by the National Health Service in Italy. There is no distinction between asylum applicants benefitting from material reception conditions and those who are out of the reception system, since all asylum applicants benefit from the National Health System.

1. Practical obstacles in accessing health care

The right to medical assistance is acquired at the moment of the lodging of the asylum application. However, very often access to healthcare is hindered and severely delayed, as access to most health services depends on the attribution of an individual tax code, which is only assigned by Questure when lodging the asylum application. The fact the significant delays (up to several months) in the lodging of asylum claims are registered in certain regions thus negatively impacts on the possibility of asylum seekers in these regions to access healthcare (see [Registration](#)).

Pending enrolment, asylum applicants only have access to medical treatment ensured by Article 35 TUI to irregular migrants: they have access to emergency care and essential treatments, and they benefit from preventive medical treatment programmes aimed at safeguarding individual and public health.¹⁰⁵⁴

Asylum applicants have to register with the national sanitary service in the offices of the Local Health Board (*Azienda sanitaria locale*, ASL) competent for the place they declare to have established their domicile.¹⁰⁵⁵ Once registered, they are provided with the European Health Insurance Card (*Tessera europea di assicurazione malattia*, TEAM), whose validity is related to the one of the permits of stay.

The right to medical assistance should not expire in the process of the renewal of the permit of stay.¹⁰⁵⁶ In practice, however, asylum applicants with an expired permit of stay have no guarantee of access to non-urgent sanitary treatments for a significant length of time due to the bureaucratic delays in the renewal procedure. This also means that where asylum applicants do not have a domicile to renew their permit of stay, for example if reception conditions were withdrawn, they cannot renew the health card.

Registration entitles the asylum applicant to the following health services:

- ❖ Free choice of a general doctor from the list presented by the ASL and choice of a paediatrician for children (free medical visits, home visits, prescriptions, certification for access to nursery and maternal schools, obligatory primary, media and secondary schools);
- ❖ Special medical assistance through a general doctor or paediatrician's request and on presentation of the health card;
- ❖ Midwifery and gynaecological visits at the "family planning" (*consultorio familiare*) to which access is direct and does not require doctors' request; and

¹⁰⁵³ Article 34 TUI; Article 16 PD 21/2015; Article 21 Reception Decree.

¹⁰⁵⁴ Article 21 Reception Decree; Article 16 PD 21/2015.

¹⁰⁵⁵ Article 21(1) Reception Decree, citing Article 34(1) TUI; Accordo della Conferenza Stato-Regioni del 20 dicembre 2012 "Indicazioni per la corretta applicazione della normativa per l'assistenza sanitaria alla popolazione straniera da parte delle Regioni e Province Autonome italiane".

¹⁰⁵⁶ Article 42 PD 394/1999.

- ❖ Free hospitalisation in public hospitals and some private subsidised structures.

Delays in the issuance of health cards were exacerbated from 2016, due to the attribution of special tax codes to asylum applicants other than the ones attributed to other people, consisting in numerical and not alphanumeric codes.¹⁰⁵⁷ Such obstacles have been reported regarding access to health cards since 2019 and continued in 2024. These problems persist also regarding access to other social rights.

Medical assistance is extended to each regularly resident family member under the applicant's care in Italy and is recognised for newborn children of parents registered with the National Health System.¹⁰⁵⁸

Regarding the effective enjoyment of health services by asylum applicants and refugees, it is worth noting that there is a general misinformation and a lack of specific training on international protection among medical operators.¹⁰⁵⁹ In addition, medical operators are not specifically trained on the diseases typically affecting asylum applicants and refugees, which may be very different from the diseases affecting the Italian population.

One of the most relevant obstacles to access health services is the language barrier. Usually, medical operators only speak Italian and there are no cultural mediators or interpreters who could facilitate the mutual understanding between operator and patient.¹⁰⁶⁰ Therefore asylum applicants and refugees often do not address their general doctor and go to the hospital only when their disease gets worse. These problems are worsening due to the adverse conditions of some accommodation centres and of informal settlements (see [Conditions in makeshift camps](#)).

2. Contribution to health care costs

Asylum applicants benefit from free of charge health services on the basis of a self-declaration of destitution submitted to the competent ASL. The medical ticket exemption is due to the fact that asylum applicants are treated under the same rules as unemployed Italian citizens,¹⁰⁶¹ but the practice is very different throughout the country.

In all regions, the exemption is valid for the period of time in which applicants are unable to work, corresponding by law to 2 months from the lodging of the asylum application¹⁰⁶² (see [Access to the Labour Market](#)). During this period, they are assimilated to unemployed people and granted the same exemption code.

For the next period, in some regions asylum applicants are no longer exempted from the sanitary ticket because they are considered inactive instead of unemployed. In other regions such as **Piedmont** and **Lombardy**, the exemption is extended until asylum applicants manage to access the labour market. In order to maintain the ticket exemption, asylum applicants need to register in the registry of the job centres (*centri per l'impiego*) attesting their unemployment.

On 12 January 2023, regarding a case brought by ASGI and Emergency, the Civil Court of Milan ascertained the discriminatory conduct of the Lombardy region which, like other regions, distinguishes, for the purposes of exemption, between unemployed and inactive people, a circumstance which particularly impacts asylum applicants and refugees who, compared to other categories of foreigners, have been staying in the territory for less time and, in most cases, have not had previous working relationships before enrolling in the national health service. The Court acknowledged, with specific reference to the category of asylum applicants, how it is "obvious that an asylum applicant cannot claim a previous employment relationship in Italy (..) especially because, pursuant to art. 22 of Legislative

¹⁰⁵⁷ Ministry of Interior Circular of 1 September 2016; Revenue Agency Circular No 8/2016.

¹⁰⁵⁸ Article 22 Qualification Decree.

¹⁰⁵⁹ See M Benvenuti, *La protezione internazionale degli stranieri in Italia*, Jovene Editore, Napoli 2011, 263.

¹⁰⁶⁰ *Ibid.*

¹⁰⁶¹ Ministry of Health Circular No 5 of 24 March 2000.

¹⁰⁶² Article 22 Reception Decree.

Decree no. 142/2015, asylum applicants can carry out working activities only after 60 days from the request for the relevant residence permit".¹⁰⁶³

3. Specialised treatment for vulnerable groups

Asylum applicants suffering from mental health problems, including torture survivors, are entitled to the same right to access to health treatment as provided for nationals by Italian legislation. In practice, they may benefit from specialised services provided by the National Health System and by specialised NGOs or private entities.

The Ministry of Interior has clarified that the Guidelines on assistance and rehabilitation of refugees and subsidiary protection beneficiaries, victims of torture or serious violence, issued by Decree on 3 April 2017 to implement Article 27(1-bis) of the Qualification Decree, also apply to asylum applicants (see [Content of Protection: Health Care](#)).

In order to ensure the protection of the health of foreign citizens in Italy, ASGI has collaborated with the Italian Society of Migration Medicine (*Società italiana di medicina delle migrazioni*, SIMM) since 2014, monitoring and reporting cases of violation of the constitutional right to health.

A protocol was signed in January 2021 by the Prefecture of Massa Carrara (Tuscany) and functional units of mental health for examining the cases of persons applying for international protection who are psychologically vulnerable, aimed at providing them with adequate care and enhanced protection.¹⁰⁶⁴

In October 2023 the Regions of Emilia - Romagna, Lazio, Tuscany and Sicily created a training program, co-funded by the Asylum, Migration and Integration Fund of the European Union, aimed at improving the competences of healthcare professional employed in the public healthcare system and in refugees' and asylum applicants' hosting programs, especially concerning the forensic certifications for victims of torture.¹⁰⁶⁵

From 2022 to 2023 in the Veneto region the SPIRNET project was active, funded by the Asylum, Migration and Integration Fund of the European Union. It was aimed specifically at individuating and taking care of asylum applicants and refugees affected by severe psychological distress. The partners were Prefectures, Municipalities and local health authorities (ASLs)¹⁰⁶⁶ (see also [Content of international protection](#)).

E. Special reception needs of vulnerable groups

Indicators: Special Reception Needs

1. Is there an assessment of special reception needs of vulnerable persons in practice?

☐ Yes

☒ No

Article 17(1) of the Reception Decree establishes that reception is provided taking into account the special needs of the asylum applicants, in particular those of vulnerable persons such as children, unaccompanied children, disabled persons, elderly people, women, with priority given to the pregnant ones,¹⁰⁶⁷ single parents with minor children, persons who have been subjected to torture, rape or other forms of psychological, physical or sexual violence, victims of trafficking and genital mutilation, as well as persons affected by serious illness or mental disorders (see [Identification](#)).

However, there are no legal provisions on how, when and by whom this assessment should be carried out. The Reception Decree provides that asylum applicants undergo a health check since they enter the first reception centres and in temporary reception structures to assess their health condition and special

¹⁰⁶³ Civil Court of Milan, decision of 12 January 2023, available at: bit.ly/3LwUuDr.

¹⁰⁶⁴ EC, EMN Bulletin, May 2021, available at: <https://bit.ly/3Fioz4r>, 5.

¹⁰⁶⁵ Program available in Italian at: <https://bitly.cx/cABp>.

¹⁰⁶⁶ Overview of the project available in Italian at: <https://bit.ly/3UGXm3o>.

¹⁰⁶⁷ See Article 17 LD 142/2015 as amended by DL 133/2023 converted into L. 176/2023

reception needs.¹⁰⁶⁸ The Decree provides, in theory, that special services addressed to vulnerable people with special needs shall be ensured in first reception centres.¹⁰⁶⁹

However, in 2018, the reduction in funding and services provided in first reception centres under the 20 November 2018 tender specifications scheme (*Capitolato*) of the Ministry of Interior and the exclusion of psychologists' services from eligible costs rendered the effective identification and protection of these categories of people even more precarious. The reform of the accommodation system by Decree Law 130/2020 extended the protection afforded to asylum applicants in first reception facilities by extending the number of services to be provided. However, as described above, DL 20/2023 converted into L. 50/2023, marked a return to a similar situation as in 2018, cancelling important services such as psychological assistance. However, according to the new tender schemes, psychological assistance can currently be provided within the broader category of social assistance but, with some exceptions,¹⁰⁷⁰ it is rarely provided in a systematic way, and it is in any case only available for a very limited number of hours. Social workers' responsibilities include language courses, legal assistance, orientation to the territory, professional guidance and psychological assistance. However, the number of hours allocated is disproportionately low given the wide scope of these tasks. For instance, under tender specification schemes: collective structures from 11 to 20 places are allocated 18 hours per social worker per week; collective structures from 41 to 50 places, 26 hours per week; facilities from 76 to 100 places, 32 hours per week, with a progressively lower number of hours per person as the number of people hosted increases.

Therefore, after DL 20/2023 and even if it provides for the possibility for vulnerable asylum applicants to access SAI,¹⁰⁷¹ it is increasingly difficult to identify vulnerabilities that are not evident.

According to the law, special reception services should be provided in the reception centres for vulnerable asylum applicants with special needs, also ensured in collaboration with the competent health districts. These services should guarantee special care measures and adequate psychological support.¹⁰⁷² These services should also guarantee an initial assessment and periodic verification by qualified personnel about the conditions of vulnerability.¹⁰⁷³

Where possible, adult vulnerable people are placed together with other adult family members already present in the reception centres.¹⁰⁷⁴ The manager of reception centres shall inform the Prefecture on the presence of vulnerable applicants for the possible activation of procedural safeguards allowing the presence of supporting personnel during the personal interview.¹⁰⁷⁵

In short, it is not clear how these guarantees can be ensured at all.

Currently, only in case vulnerable people access the SAI system before they are granted a title of protection, can they enjoy some additional services allowed by the Decree 18 November 2019 for disabled persons and persons affected by serious illness or mental disorders.¹⁰⁷⁶

¹⁰⁶⁸ Articles 9(4) and 11(1) Reception Decree.

¹⁰⁶⁹ Article 17(3) Reception Decree.

¹⁰⁷⁰ See Il Post, "La psiche di chi arriva", June 2024, available in Italian [here](#).

¹⁰⁷¹ Article 9 (1 bis) LD 142/2015.

¹⁰⁷² Article 17 (3) Reception Decree.

¹⁰⁷³ Article 17 (6) Reception Decree.

¹⁰⁷⁴ Article 17(5) Reception Decree.

¹⁰⁷⁵ Article 17(7) Reception Decree.

¹⁰⁷⁶ Article 34 MoI Decree 18 November 2019. According to an analysis from 2020, the places intended for the reception of vulnerable people were by that time insufficient; there were 734 places specialised in accommodation of vulnerable refugees, compared to the 2,000 who, according to the Ministry of the Interior, have been officially diagnosed with a disease. Only 2.3% of these people with severe mental illness are adequately assisted. See Linkiesta, La questione irrisolta dei migranti con disturbi mentali, 23 December 2020, available in Italian at: <https://bit.ly/3eGbVR4>; see also Migranti Torino, "La salute mentale nei rifugiati prima, durante e dopo la migrazione", 15 January 2021, available at: <https://bit.ly/3w4iinb>.

However, access to SAI projects specifically equipped for vulnerable people is not always guaranteed: 10 out of 21 regions do not have places for vulnerable asylum applicants or beneficiaries of international protection.¹⁰⁷⁷

In December 2024 SAI Central Service reported that there were only 766 places for these applicants, decreased from the 803 available in 2023.

In the light of this data, it appears clear that the Italian reception system is in practice for the most part devoid of services and facilities dedicated, or at least adequate, to the reception of vulnerable people. The limited places available in the SAI network for people with special needs are completely insufficient to meet the needs of an entire national system. On the other hand, the prefectural reception circuit (which welcomes almost 70% of the total) does not have *ad hoc* facilities, there are no specific services envisioned, nor training requirements of operators, nor is there any provision for enhanced collaboration with the local social and health services. This does not mean that in Italy there are no prefectural reception centres able to take care of vulnerable migrants, but that positive experiences in this regard are very rare and that they have developed only from the good will of the managing entities, without adequate legal or economic support from the competent institutions. The ministerial Guidelines on assistance, rehabilitation and treatment of vulnerable migrants,¹⁰⁷⁸ while constituting a high-quality document and an important reference point, have in fact remained largely not enforced in the reception context, both because no reference is made to them within the Prefectures' tender specifications, and because, in adopting them, the Government has not provided any additional financial resources.

In Italy, the NGO "Doctors for Human Rights" published a 2021 study on post-traumatic stress disorder (PTSD) among refugees and asylum applicants. The study concluded that overcrowding, geographical isolation, prolonged stay, length of legal proceedings, as well as episodes of violence particularly in large reception centres, have detrimental effects on asylum applicants' and refugees' mental health. In a public appeal, 18 civil society organisations – including MEDU, ASGI, Action Aid, Oxfam, and Refugees Welcome Italia – called for a policy that avoids the use of large reception facilities.¹⁰⁷⁹

In 2024, at least two cases of asylum applicants with mental illnesses who were unable to access SAI due to a lack of projects indicating to have adequate facilities to accommodate people with such conditions were resolved only with an appeal to the Administrative Court (See paragraph 1.5. second reception - SAI system).¹⁰⁸⁰

With respect to accommodation for LGBTQI+ people, only a few places in dedicated public projects exist, led by Arcigay and Caleidos, in Modena, and by Quore Association (R.A.R.O. project) based in the Piedmont region.¹⁰⁸¹ Another relevant experience is that of the network Rise the difference in Bologna, which launched a pilot project for the creation and management of a reception facility - included among the 2017-2019 former Sprar- Siproimi - dedicated to LGBT asylum applicants and refugees.¹⁰⁸² In late 2022, the Municipality of Rome opened a call for tenders for a pilot SAI project dedicated to the reception of LGBT+ migrants.¹⁰⁸³

As pointed out by legal practitioners, reception workers and lawyers, although LGBT+ sexual orientation is a factor of persecution and can motivate the recognition of international protection, it is often hidden for

¹⁰⁷⁷ See SAI general data, 31 December 2024, available [here](#).

¹⁰⁷⁸ Linee guida per la programmazione degli interventi di assistenza e riabilitazione nonché per il trattamento dei disturbi psichici dei titolari dello status di rifugiato e dello status di protezione sussidiaria che hanno subito torture, stupri o altre forme gravi di violenza psicologica, fisica o sessuale, adopted with Decree of the Ministry of Health on 3 April 2017, available at: <https://t.ly/Wwyp>.

¹⁰⁷⁹ Fra, Migration: Key Fundamental Rights Concerns, Quarterly Bulletin, February 2021, available at: <https://bit.ly/37WS13N>, 17.

¹⁰⁸⁰ Administrative Court of Trieste, interim decision no. 46/2024, published on 22 June 2024; Administrative Court of Naples (Campania), decision no. 270/2025, published on 6 February 2025.

¹⁰⁸¹ Link to the RARO project led by Quore, available at: <https://bit.ly/3vwYzPA>.

¹⁰⁸² Link to the project available at: <https://bit.ly/3vFf2Qt>.

¹⁰⁸³ Comune di Roma, Bando SAI, progetto pilota per migranti LGBT+, available at: <https://bit.ly/3TCuuZi>.

a long time by asylum applicants who do not feel safe as they fear being discriminated against and attacked by other guests of the centres.¹⁰⁸⁴

Regarding reception for vulnerable women (women are also included as such by DL 133/2023 in the category of vulnerable asylum seekers), an Openpolis and Actionaid report points out the project of Befree, the managing body of Sai Aida active in Rome and intended for victims of trafficking and victims of violence. The activity is carried out in favor of women hosted within CAS, carrying out interviews aimed at the emergence of stories of violence and /or trafficking; it can activate referrals mechanism to grant access of these persons to SAI facilities, but it also deals directly with their needs when they access the Sai Aida project.¹⁰⁸⁵

1. Reception of families and children

The Reception Decree specifies that asylum applicants are accommodated in facilities which ensure the protection of family unity consisting of spouses and first-degree relatives.¹⁰⁸⁶ The management body of the reception centres shall respect the family unity principle. Therefore, they cannot separate children from parents who live in the same wing of the facility. In practice, according to ASGI's experience, it may happen that a father is accommodated in a wing for single men and his wife and children in the wing for women. In general, dedicated wings are designed for single parents with children. It may also happen that parents are divided and placed in different centres, and usually the children are accommodated with their mother.

It may happen in first reception centres that families are divided in case the accommodation conditions are deemed not adequate and suitable for children. In these situations, mothers and children are hosted in a facility, and men in another. In these cases, it is possible to send a request to the competent Prefecture to find a way to unify the family, but places dedicated to families are very few throughout Italy, both in CAS and within the SAI network.

Some Italian regions almost entirely lack reception places suitable for families. This element of fragility of the reception system became even more evident in the 2021-2022 period, first with the arrival of the Afghan evacuees, among whom there were many large families (between 5 and 10 people per nucleus), and then with the people fleeing from Ukraine, among whom there were mainly single-parent households.

While within the SAI projects specific tools and services are in place for households hosted there, this is almost entirely absent in all other types of reception, in the sense that neither the law nor the regulatory provisions, nor the specifications of services provide for the activation of activities or services dedicated to families as such. This means that services are activated by the NGOs managing the centres of their own free will, but without any guidelines, quality standards and potentially without the possibility to see the related expenses reimbursed by the Government.

On 3 April 2019, the Court of Cassation clarified that minors are considered accompanied only when they can be considered assisted by a present parent. In any case of family members other than parents, the Juvenile Court must activate guardianship.¹⁰⁸⁷ Following this decision, Juvenile Courts gave indications to the authorities not to directly accommodate minors with relatives other than parents. However, such indications are not always respected.

Based on NGOs' experience, no specific or standardised mechanisms are put in place to prevent gender-based violence in reception centres. As a rule, permanent law enforcement personnel are present outside governmental centres with the task of preventing problems and maintaining public order. In practice, the management body of governmental centres divides each family from the others hosted in the centre. Women and men are always separated.

¹⁰⁸⁴ See also: Large movements, Prassi del sistema accoglienza e migranti LGBTQ+, 28 June 2021, available at: <https://bit.ly/3OqqBDX>.

¹⁰⁸⁵ Openpolis and Actionaid report on Accommodation, 2024, Accoglienza al collasso, available [here](#).

¹⁰⁸⁶ Article 10(1) Reception Decree.

¹⁰⁸⁷ Court of Cassation, 3 April 2019, decision 9199/2019.

2. Reception of unaccompanied minors

The Reception Decree states that the best interest of the child has priority in the application of reception measures, to ensure living conditions suitable for a child regarding their protection, well-being and development, including social development, in accordance with Article 3 of the Convention on the Rights of the Child.¹⁰⁸⁸

In order to evaluate the best interest of the child, the child shall be heard, taking into account their age, the extent of their maturity and personal development, also for the purpose of understanding their past experiences and to assess the risk of being a victim of trafficking, and the possibility of family reunion pursuant to Article 8(2) of the Dublin Regulation, as long as it corresponds to the best interest.¹⁰⁸⁹

In 2024, 14,828 unaccompanied minors entered Italy. This represented a sharp decline compared to the numbers recorded in 2023, when unaccompanied minors were 27,476. This reduction mainly depended on a decrease in the number of disembarkations (-10 thousand minors, -57%) and, albeit to a lesser extent, also on the findings within the territory (-4,094 minors, -37%), with a total decrease in entries in absolute values of 14,707 minors (-49.8% compared to 2023).¹⁰⁹⁰

As in previous years, also in 2024 the main region of arrival for unaccompanied minors was **Sicily**: 6,922 unaccompanied minors i.e., 46.7% of the total entries into the country and these were mainly minors disembarked in the ports of Lampedusa (82%), Pantelleria (6.3%), Pozzallo (2.6%) and Catania (1.7%). The second Region for the number of arrivals of unaccompanied minors in 2024 was Lombardy with 1,489 findings equal to 10% of the total in 2024. The third Region was **Friuli-Venezia Giulia**, with 1,230 entries equal to 8.3% of the total.¹⁰⁹¹

In 2024, unaccompanied foreign minors who entered in Italy were predominantly male (96%). With reference to age, they were over 16 years of age in 78% of cases.

As of 31 December 2024, the main countries of origin of unaccompanied minors were Egypt (21%) Tunisia (15%), Gambia (8.6%), Guinea (8.5%), Eritrea (4.7%), Syria (4.7%) and Bangladesh (4.5%).

In 2024, 7,357 unaccompanied foreign minors left the reception system. Among these, those who entered in Italy during the same year were equal to 77% of the total cases of voluntary departures.¹⁰⁹²

The total number of unaccompanied minors present in Italy at the end of 2024 was 18,000 and, out of these, 80% (around 14,000) were accommodated in reception facilities and 20% in private accommodation.¹⁰⁹³

Among unaccompanied minors accommodated, 16% were accommodated in first reception facilities and 63% in second reception facilities.

Most of the minors accommodated into families come from Ukraine (78%).

At the end of 2024, there were 1,981 reception facilities hosting unaccompanied children, of these 254 are dedicated to the first reception and each receives an average of 12 minors, and 1,727 to the second reception with an average of 7 minors each.

¹⁰⁸⁸ Article 18(1) Reception Decree.

¹⁰⁸⁹ Article 18(2) Reception Decree.

¹⁰⁹⁰ Ministry of Labour, six months report on unaccompanied minors in Italy, 31 December 2024, fully available in Italian [here](#); a summary in English is available [here](#).

¹⁰⁹¹ Ibidem.

¹⁰⁹² Ministry of Labour, six months monitoring report on unaccompanied minors in Italy, 31 December 2024, available at [here](#).

¹⁰⁹³ Ibidem.

The majority of first reception facilities are present in Sicily (25%), the others are mostly in Lombardy, Liguria, Lazio, and Emilia Romagna. The second reception facilities were more distributed throughout the territory, mainly around the cities of Milan, Rome, Naples and Bologna. The Regions with the greatest presence of these structures were Sicily (15% of the national total) Lombardy (14 %), Campania (13%) Lazio (9%), and Emilia-Romagna (8%).¹⁰⁹⁴

Since 2015, the management of the Fund for the reception of unaccompanied minors has been transferred from the Ministry of Labour to the Ministry of Interior.¹⁰⁹⁵ Through the Fund, the Ministry provides, with its own decree, after hearing the Unified Conference, to cover the costs incurred by local authorities for the reception of unaccompanied foreign minors, within the limits of the resources allocated. DL 145/2023 created the Fund for the reception of migrants and minors with an endowment of €46,859 million for the year 2023¹⁰⁹⁶ and the 2024 budget Law stated that the Fund is refinanced in the amount of 172,739,236 euros for the year 2024, of 269,179,697 euros for the year 2025 and of 185,000,000 euros for the year 2026.¹⁰⁹⁷

Meltingpot highlighted that the measure will move an amount equal to 45 million euros from funds for the reception of minors to the armed forces for the next 3 years.¹⁰⁹⁸

The interventions in favour of unaccompanied foreign minors are also funded by resources from the European Asylum, Migration and Integration Fund (AMIF) 2014-2020¹⁰⁹⁹ and 2021-2027.

2.1 Dedicated facilities for unaccompanied children

Italian legislation provides that for unaccompanied foreign minors, as for unaccompanied minors of Italian citizenship, the main reception response should be the placement in family foster care, while placement in a community should be activated only to the extent that this is not possible.

On 6 October 2023, the Law Decree No. 133, which introduced significant changes related to the reception of unaccompanied foreign minors and age assessment, came into effect.

The Decree extended the possible stay in first reception centres from 30 to 45 days and established that minors are to be moved to a SAI centre after an initial stay in “first phase” accommodation centres, thus making the SAI a second level reception system.¹¹⁰⁰

Due to the reform, the reception system for unaccompanied foreign minors now includes two levels of reception.

Moreover the decree, providing a normative basis for what was already happening in practice, established that in case of unavailability of temporary accommodation facilities for minors, the Prefect may order the temporary reception of the minor aged no less than 16 years in a dedicated section in governmental first reception centres for adults or in extraordinary reception centres (so-called CAS) for adults.¹¹⁰¹ Before the reform introduced by LD 133/2023 (converted into L. 176/2023), Article 19 of Legislative Decree 142/15 provided that minors who could not be placed in the governmental first reception centres or in the SAI

¹⁰⁹⁴ Ministry of Labour, Monitoring report on unaccompanied foreign minors, 31 December 2024.

¹⁰⁹⁵ 2015 Stability Law (Law 190/2014, Article 1 (181-182).

¹⁰⁹⁶ Fund regulated by Article 21(1) DL 145/2023 converted into L. 191/2023.

¹⁰⁹⁷ Law 213/2023, Article 1 (361).

¹⁰⁹⁸ Meltingpot, Minori non accompagnati senza tutele e diritti, abbandonati in hotspot e grandi centri, 4 January 2024, available in Italian at: <https://11nq.com/UadWVy>. As also highlighted by ASGI, the appropriations envisaged in the original text of the budget plan, amounting to 190 million for 2024, 290 million for 2025 and 200 million for 2026, were reduced to 172,739,23 euro for 2024, 269,179,697 euro for 2025 and 185,000,000 euro for 2026. 'Government cuts Fund for child migrants: so the money goes for increases to the police force', available at: <https://bit.ly/4bGTEOT>. See also: <https://bit.ly/3KrXPSr>.

¹⁰⁹⁹ Chamber of Deputies, Study Service, 19 March 2020, available in Italian at: <https://cutt.ly/myO8ddD>.

¹¹⁰⁰ Article 5 (1 lett.a) LD 133/2023.

¹¹⁰¹ Article 5, par. 1, lett. a) LD no. 133/23

system due to capacity limits, should be placed in Municipality facilities for minors outside SAI and only as a last resort in the CAS for minors. On the other hand, placing UAMs in adult facilities was not allowed by the law. Law no. 176/23 completely overturned the previous system, providing that UAMs who cannot be placed in the governmental first reception centres for minors or in the SAI must be placed in the CAS for minors or, in the absence of places, for minors over the age of 16, in the CAS for adults or in the governmental first reception centres for adults, and only as a last resort in the Municipality facilities for minors outside SAI.

Replying to a FOIA request made by Asgi in February 2025, the Ministry of Interior informed that, in 2024, at least 160 unaccompanied minors were present in adult CAS facilities.

The facilities reserved for first reception include:

- ❖ the government first reception facilities established pursuant to Article 19 (1) LD 142/2015 and financed with resources from the “Asylum, Migration Fund and integration 2014-2020” (AMIF) (maximum 45 days)
- ❖ temporary accommodation facilities activated pursuant to Article 19 (3 bis) LD 142/2015 by the Prefecture exclusively dedicated to UASC more than 14 years old, with a maximum capacity of 50 places for each structure, where the services guaranteed for first reception facilities pursuant to article 19 (1), should be ensured. This category includes the Extraordinary Reception Centres for minors established by order of Prefect (so-called “CAS minors”);
- ❖ first reception facilities authorised by the Municipalities or Regions (pursuant to Article 19 (3) LD 142/2015
- ❖ first reception facilities for minors/adults established pursuant to art. 5 co.1 letter a of the LD 133/2023 converted with amendments by Law 176/2023 where minors over sixteen years of age could be accommodated in a specific section for a maximum period of 90 days, extendable by a maximum of a further 60 days;
- ❖ other emergency and temporary structures, not included in the previous categories such as hotels or other types of emergency reception solutions also managed by the Municipalities (Law no. 563/1995).

To the second level accommodation facilities belong:

- ❖ the SAI system facilities, financed with the National Fund for Asylum Policies and Services;¹¹⁰²
- ❖ reception facilities financed with AMIF resources and intended as secondary level facilities;
- ❖ reception facilities authorised at regional or municipal level, whose reception is financed through a contribution to the Municipalities from the National Fund for the reception of UAMS.¹¹⁰³

According to the law, unaccompanied minors should be placed in AMIF first accommodation centres pursuant to Article 19 (1) LD 142/2015 up to 45 days and then moved to second level accommodation SAI centres (Article 19 (2) LD 142/2015). Lacking places in these centres, unaccompanied minors above 14 years of age can be placed in Cas for minors activated by Prefecture (pursuant to Article 19 3 bis LD 142/2015). In case these centres are not available, unaccompanied minors above 16 years of age can be placed in dedicated section of adults Cas, for a maximum of 90 days, which can be extended to further 60 days (D.L. 133/2023). Finally, in case all these solutions are not available, unaccompanied minors are accommodated by Municipalities where the minor is, with costs reimbursed by Prefecture.¹¹⁰⁴

As pointed out by the Ministry of Labour in its report, by the end of 2024, 63% of the structures had a municipal level authorisation, 27% had authorisations at a regional level, the remaining 10% was represented by structures with authorisation from the Ministry of the Interior or without authorization.¹¹⁰⁵

In its 2021 report to Parliament, the Children’s Ombudsman report pointed out the need to ensure the uniformity of the quality of services provided, through the adoption of guidelines for the national tariff

¹¹⁰² Article 1 septies DL 416/1989 converted by L. 39/1990.

¹¹⁰³ See the report made by the Ministry of Labour, Six months monitoring report on unaccompanied foreign minors, 31 December 2024.

¹¹⁰⁴ See, for an analysis of the accommodation system for minors, the Asylum Report 2024 edited by Migrants Foundation, Elena Rozzi, Minori stranieri non accompagnati in Italia quale accoglienza?

¹¹⁰⁵ Ministry of Labour, Six months monitoring report on unaccompanied foreign minors, 31 December 2024.

relating to the costs of services offered by the reception facilities and the costs of reimbursements paid to the entrusted parties. The current address lines only indicated macro-items (e.g. clothes or room rents) to which the regions must adhere, but do not contain any indication with respect to the quantification of the expenditure, not even in terms of average costs of reception.

Another important problem in the reception system is the classification of residential structures for minors. The lack of a shared name, which makes it possible to clearly identify the organisational and structural peculiarities of residential services, inevitably affects the effectiveness of monitoring activities and the quality of interventions, given the difficulty of finding detailed information on the type of structure in which the minor is placed.¹¹⁰⁶

Without providing for a stable solution for unaccompanied minors present in Italy, the Government tried to limit existing challenges with a number of interventions.

- ❖ The contribution paid by the Ministry of the Interior to Municipalities that host at their expense unaccompanied foreign minors (not within SAI projects) was increased from a maximum of 45 euros per day to 60 euros per day, for each day of presence of the child, in 2022. This quantity was also set as an auction basis for the activation of new first reception facilities.¹¹⁰⁷ This intervention was widely requested and shared with the associations of Municipalities, struggling with the high costs related to the reception of children in specialised communities. The National Association of Italian Municipalities (ANCI) had requested the funding of at least 4,000 additional SAI places for minors, deemed strongly necessary, but the proposal was rejected several times by both the Parliament and the Government.¹¹⁰⁸
- ❖ On 4 August 2022, the Ministry of Interior published a public call for the submission of projects for the activation of temporary centres functioning as “regional hubs for unaccompanied foreign minors”, for a total of 1,000 new places to be financed through the AMIF fund, starting on 1 January 2023.¹¹⁰⁹ The list of the 15 projects to be financed was published only in May 2023. The operating period for these projects covers the timeframe between 1 July 2023 and 9 January 2026. The activation of regional hubs for unaccompanied minors is an initiative shared with ANCI, aimed at equipping local territories with facilities that can function as bearings that amortise the continuous arrival of minors, giving time to the municipalities to find definitive solutions of reception.¹¹¹⁰
- ❖ The 15 winners of the call approved in May 2023 started their project activities between July and October 2023. Of the 15 projects, 8 are operational in Sicily and 3 in Basilicata. In the regions of Abruzzo, Campania, Molise and Tuscany one project has been approved for each region for a total of 750 places (250 places less than expected), of which almost 10% reserved for reception of female minors.
 - On 2 November 2023, in relation to the need to cover the remaining 250 places, not covered by the notice of May 2023, a new notice was published by the Ministry of the Interior which provides the financing of reception projects for a total amount of just over 15 million and half euros
 - Furthermore, with Decree prot. n 0004376 of 04 August 2023, the MOI has published the Notice for the presentation of projects to be financed by AMIF 2021-2027 with 6 million euros, above all to enhance and increase foster care family members of UASC as an alternative measure to community placement.¹¹¹¹

¹¹⁰⁶ See Children’s Ombudsman, 2021 report to Parliament, available at: <https://bit.ly/438B0L0>.

¹¹⁰⁷ See Circular letter from the Department of Civil Liberties to Prefects on 19 May 2022 and Circular Letter of 17 January 2024.

¹¹⁰⁸ Source ANCI, Biffoni: “Ingestibile concentrazione minori stranieri non accompagnati in certi Comuni”, 14 April 2023, available at: <https://bit.ly/42TlrHg>.

¹¹⁰⁹ The full documentation of the public notice is available at: <https://bit.ly/407wg7l>.

¹¹¹⁰ Source ANCI, Minori stranieri non accompagnati, Anci: Puntare sul doppio canale: hub di primissima accoglienza e rete SAI diffuse su territori”, 3 May 2023, available at: <https://bit.ly/3oeCGUA>.

¹¹¹¹ Ministry of Labour, Monitoring report on unaccompanied foreign minors, 31 December 2023.

- ❖ Lastly, the Government ordered that the communities authorised or accredited for the reception of unaccompanied minors under 14 can derogate from the parameters of capacity provided by local and national rules, in the maximum extent of 25% of the assigned places.¹¹¹²

SAI

As previously mentioned, DL 133/2023 modified the law which previously provided that accommodation of unaccompanied children primarily takes place in SAI facilities. Article 19 (2) of the Reception Decree now provides that access to the SAI takes place at the end of the initial reception phase in the government structures referred to in the art. 19 (1), thus making the SAI a second level system.

Children reaching adulthood in SAI centres can remain there until a final decision on their asylum application.¹¹¹³ Circulars of the Ministry of Interior of 27 December 2018 and 3 January 2019 specified that in case the unaccompanied child is granted international protection; they could stay in SAI for another 6 months. The same Circulars specified that unaccompanied children who obtained an administrative extension of their placement can remain in second-line reception for the entire duration of the extension. The former SIPROIMI (now SAI) Guidelines issued by the Ministry of Interior with decree of 18 November 2019 regulated the matter in the same way.¹¹¹⁴ Decree Law 130/2020 finally authorised the access to SAI for unaccompanied minors who became adults obtaining an administrative extension of their placement.¹¹¹⁵

SAI Guidelines provide additional specific activities and services in favour of unaccompanied minors and in particular the activation of services aimed at promoting family foster care, supporting the paths of autonomy, also by promoting forms of support for housing autonomy in the transition to adulthood, encouraging the connection with the voluntary guardians. It also provides specialised services dedicated to minors with particular vulnerabilities.¹¹¹⁶

As of December 2024, 5,977 places for unaccompanied foreign minors were financed in SAI projects.¹¹¹⁷ The number of places dedicated to unaccompanied children still falls short of current needs, given the over 2,900 unaccompanied children currently present in the first reception system and the over 8,400 unaccompanied minors placed in second reception facilities other than SAI centres where they should be firstly placed according to the law.¹¹¹⁸

First reception centres and CAS for unaccompanied children

For immediate relief and protection purposes unaccompanied children may be accommodated in governmental first reception facilities. The system of first reception outlined by Law 47/2017 and Reception Decree remains substantially unrealised, constituting one of the parts of the legislation with respect to which reality is further away from legal provisions. The decree of the Ministry of the Interior that should regulate the government structures of first reception for minors accompanied has not been issued as of March 2025. Practices regarding the placement of children in these structures is not based on a single system, but on a poorly coordinated set of different types of accommodation, with visible

¹¹¹² See Order of the Chief of Department for Civil Protection no. 994 of 11 May 2023, available at: <https://bit.ly/45IRK3e>.

¹¹¹³ Article 12(5-bis) Decree Law 113/2018, as amended by L. 132/2018.

¹¹¹⁴ Article 38 MoI Decree 18 November 2019.

¹¹¹⁵ DL 130/2020, Article 4 (3) b), amending Article 1-sexies (1 bis) DL 416/1989. In 2020 ASGI had underlined that, although the Ministry of Interior had not clarified it, It was not justified a different treatment of unaccompanied children who obtained an administrative extension of their placement but who, due to the unavailability of places in SIPROIMI, had not been included within this system during the minor age, see ASGI, Emergenza covid-19 e percorsi dei minori non accompagnati dopo i 18 anni, 13 March 2020, available in Italian at: <https://cutt.ly/NyO8h6T>.

¹¹¹⁶ MoI Decree, 18 November 2019, Article 35, available in Italian at: <https://cutt.ly/hyO8jxD>.

¹¹¹⁷ See I numeri del SAI, December 2024, available [here](#).

¹¹¹⁸ Data resulting from what reported by Ministry of Labour as of 31 December 2024

management difficulties for the institutions and an undeniable impact on the predictability and linearity of Child protection and inclusion path.

In the absence of the first government reception centres, this phase is in fact covered by different types of structures: the most similar in standards to the regulatory provision, the centres financed by the Migration and Integration Asylum Fund (AMIF) and centrally managed by the Ministry of the Interior; the extraordinary reception centres set up by the Prefects (c.d. CAS minor) and managed by the Prefectures; family homes and socio-educational communities managed by individual Municipalities. It should be highlighted that these are separate reception levels, based on institutions of different scope. This causes a difficult and sometimes lacking coordination, as well as substantial differences regarding rules set depending on the centre. Moreover, the investment, although large, is not sufficient to accommodate all children. Looking at available data,¹¹¹⁹ the percentage of minors that remain in first-reception facilities is 16.4%, which in many cases effectively transforms them into long-term centres, with further problems in terms of planning, placement management and fast transfers of children arriving.

Regarding the quality of reception, alongside efficient reception centres, fruitful collaborations between institutions and non-profit organisations that put boys and girls at the centre, there are also situations where minors are placed inappropriately, also because of the non-compliance with the quality standards laid down by law.

Where implemented, stay in first reception centres cannot exceed 45 days and must last for the strictly necessary time for identification, which must be completed within 10 days. This serves to identify and assess the age of the child and to receive information on the rights recognised to the child and on the modalities of exercise of such rights, including the right to apply for international protection. Throughout the time during which the child is accommodated in the first reception centre, one or more meetings with an age development psychologist are provided, where necessary, in presence of a cultural mediator, in order to understand the personal condition of the child, the reasons and circumstances of departure from their home country and their travel, as well as their future expectations.¹¹²⁰

The Ministry of Interior Decree issued on 1 September 2016 identified the structural requirements and the services ensured in such centres.¹¹²¹ The Decree stated that these centres are located in easily accessible places in order to ensure access to services and social life of the territory and that each structure can accommodate up to a maximum of 30 children.¹¹²²

As reported by the Children's Ombudsman, the frequent stay in these first reception centres well beyond the prescribed 30 days often creates feelings of despondency and abandonment among children. This can play an important role in encouraging children to leave the facilities where they are accommodated.¹¹²³ The Italian NGO Group for the Convention of the Rights of the Child (CRC Group) reached the same conclusions and recalled, in its latest report of 2022, that "a system of "first reception" de facto so organised, in which the standards of health protection and needs related to minors are unclear, is (...) lacking in the ability to ensure an individualised approach to individual minors and therefore unable to identify and manage particularly vulnerable cases. This results in serious negative effects on the psycho-social health of the individual at a young age, a strong detachment and adherence to the rules both in current events and in the future projection, the increased risks of absconding and therefore the high risk of invisibility, because of the escape from the formal and protective reception systems".¹¹²⁴

¹¹¹⁹ Ministry of Labour, Monitoring report on unaccompanied foreign minors, 31 December 2024.

¹¹²⁰ *Ibid.*

¹¹²¹ Ministry of Interior Decree of 1 September 2016 on the establishment of first reception centers dedicated to unaccompanied minors.

¹¹²² Article 3 Ministry of Interior Decree of 1 September 2016.

¹¹²³ Children's Ombudsperson, *I movimenti dei minori stranieri non accompagnati alle frontiere settentrionali*, 29 March 2019, available in Italian at: <https://bit.ly/2v2oNt6>.

¹¹²⁴ CRC Group, 12° Updated report 2022, Chapter VIII, available at: <https://bit.ly/3q0yXKD>.

If even first reception centres are saturated, reception must be temporarily assured by the public authority of the Municipality where the child is located, without prejudice of the possibility to transfer them to another Municipality, in accordance with the best interests of the child.¹¹²⁵ According to Article 19(3-bis) of the Reception Decree, in case of mass arrivals of unaccompanied children and unavailability of the dedicated reception centres, the use of CAS to accommodate children is permitted.¹¹²⁶

Similarly to temporary shelters for adults (see [Types of Accommodation](#)), these CAS are established by Prefectures and directly managed by civil society bodies. The law states that each structure may have a maximum capacity of 50 places and may ensure the same services as governmental first reception centres dedicated to children.¹¹²⁷ However, the law now states that, in cases of extreme urgency, the construction or expansion of CAS for minors is permitted in derogation of the established capacity limit, up to double the number of places.¹¹²⁸ No maximum time limit for the period of stay in such centres is defined by the law; accommodation is limited to the time “strictly necessary” until the transfer to SAI facilities.¹¹²⁹

In any event, these temporary centres cannot host children under the age of 14. The accommodation of children has to be communicated by the manager of the temporary structure to the municipality where the structure is located, for coordination with the services of the territory.¹¹³⁰

In the report “The Frontier of Rights - Migrant and Refugee Minors and UNICEF's Intervention in Italy” published in December 2023, UNICEF reports that “(..) these centres, which are often isolated, do not provide for the activation of a whole range of services essential to foster the protection and inclusion of children, girls and boys, from Italian courses to legal information, from mediation to specialised services. Under these conditions, teams on the ground often find important gaps in the effective identification and referral mechanisms of the most vulnerable cases, often also due to the fact that the number of minors is very high compared to the number of caseworkers present. In many of these settings, there is often a lack of access to basic goods (including hygiene kits and clean clothing) and services, including health, psychosocial and cultural mediation support for necessary information.”¹¹³¹

The reception of unaccompanied children not transferred to the governmental centres or SAI facilities remains under the responsibility of the city of arrival. The amended Reception Decree states that the interested Municipalities should not have any expenses in charge.¹¹³²

The Ministry of Interior, together with the EUAA, has developed guidelines for the accommodation of unaccompanied minors in first reception centres, with practical information on the procedures to be followed for daily work.¹¹³³

2.2 Children accommodated with adults and left destitute

Unaccompanied children cannot be held or detained in CPR.¹¹³⁴

On 31 August 2023, the European Court of Human Rights condemned Italy for the violation of art. 3 of the ECHR (inhuman and degrading treatment) regarding the reception reserved to a single minor girl, in situations of promiscuity and without the assistance she needed for 8 months at an adult centre in Como (*M.A. v. Italy*, no. 70583/17).

¹¹²⁵ Article 19(3) Reception Decree.

¹¹²⁶ Article 19(3-bis) Reception Decree, citing Article 11.

¹¹²⁷ Article 19 (3-bis) Reception Decree.

¹¹²⁸ Article 19 (3 bis) Reception Decree

¹¹²⁹ Article 19(3-bis) Reception Decree, citing Article 19(2)-(3).

¹¹³⁰ Article 19(3-bis) Reception Decree.

¹¹³¹ UNICEF, “La frontiera dei diritti – Minori migranti e rifugiati e l'intervento dell'UNICEF in Italia”, December 2023, available at: <https://encr.pw/2AdBu>, 22-23.

¹¹³² Article 19(3) Reception Decree, as amended by Article 12 Decree Law 113/2018 and L 132/2018.

¹¹³³ MoI Guidelines available in Italian at: <https://cutt.ly/2yO8nAN>.

¹¹³⁴ Article 19(4) Reception Decree.

Also, on 23 November 2023, the European Court of Human Rights condemned Italy for the violation of Articles 3 and 13 of ECHR for the de facto detention of 13 unaccompanied minors in the hotspot of Taranto, facility dedicated to adults, overcrowded and in inadequate sanitary conditions. In addition, the Court recognized the violation of Article 5 of the ECHR in that the children were detained without a legal basis, without a measure and without being able to challenge the de facto detention before a court (*A.T. v. Italy*, no. 47287/17).

On 14 September 2023, the ECtHR delivered its judgement *Diakité v. Italy*, no. 44646/17 finding that Italy has violated Article 8 ECHR by failing to diligently assess a minor's age and unlawfully placing him in an adult centre.

However, DL 133/2023 amended the Reception Decree allowing accommodation of minors within dedicated sections of adult accommodation centres.

With a MOI circular dated 17 January 2024, it was established that the sections dedicated to unaccompanied minors over-16 year olds in the adults' centres have to provide the same services and quality standards than those guaranteed in the centres dedicated to minor (those ruled by Article 19 of the Reception Decree).

However, it is not clear how this could happen in practice if those centres do not provide those services. Moreover, as stressed by the associations belonging to Tavolo Minori, reception in adult facilities is not compatible with the protection to be granted to single minors according to the Convention on the Rights of Children and Adolescents, which in art. 20 establishes that the minor without family must be placed in family foster care or in specific structures for minors, excluding the possibility of placement in adult structures. Furthermore, this provision conflicts with the Reception Directive 2013/33/EU, which in art. 24 establishes the possibility of housing unaccompanied minors who have reached the age of 16 in reception centres for adults, but only "if it is in their best interests, as required by article 23, paragraph 2".

In 2023, the associations part of the "Tavolo Minori" for minors also recorded minors accommodated in completely emergency situations, such as tents or containers, where they remained for several months in reception conditions that do not ensure minimum hygiene standards and essential services and where the minors remained in the inability to access fundamental rights such as the right to education or the right to apply for international protection or a permit for minors.

Such was the case, for example, at the **Martorano camp** in **Parma** and at the **Rosolini centre (Syracuse)**,¹¹³⁵ closed in December 2023 following an urgent intervention by the Juvenile Court of Catania,¹¹³⁶ after a letter signed by ARCI, ASGI, CNCA, Defence for Children International Italia, INTERSOS and Oxfam Italia.¹¹³⁷

As underlined by ASGI to the Committee of Ministers in January 2024,¹¹³⁸ in the **Rosolini camp** no adequate water supply was guaranteed (the minors were often forced to wash with water from bottles), and only five showers (with no hot water) and ten toilets, located outside and often malfunctioning, were provided, evidently insufficient for the 180 minors housed in the facility (reaching 210 at times of overcrowding). The minors slept on cots, with no guarantee of privacy, the heating was insufficient, and the minors were not provided with blankets by authorities. There were no dining areas, tables and chairs. The minors did not have a guardian appointed and had not had the opportunity to apply for asylum or a residence permit. There were also no legal support or educational activities. According to information

¹¹³⁵ Altreconomia, "Chiudere la struttura per minori di Rosolini": l'appello della società civile, 27 December 2023, available at: <https://l1nq.com/p0G0j>.

¹¹³⁶ See Asgi Il Tribunale per i Minorenni di Catania interviene a tutela dei minori collocati nella tensostruttura di Rosolini, 4 January 2024, available at: <https://l1nq.com/L43UV>.

¹¹³⁷ ASGI, Il Tribunale per i Minorenni di Catania interviene a tutela dei minori collocati nella tensostruttura di Rosolini, 4 January 2024, available at: <https://bit.ly/4bZvjUC>; A parliamentary question was also presented to the Minister of the Interior on the Rosolini facility, available at: <https://bit.ly/4elePHW>, 5938.

¹¹³⁸ See Communication submitted by ASGI on 31 January 2024 under Rule 9.2 of the Rules of the Committee of Minister concerning the case of Darboe and Camara v. Italy (Application No. 5797/17) available at: <https://bit.ly/45bcDyD>.

provided by the Prefecture of Syracuse¹¹³⁹ between 2 September and 1 December 2023, 512 UAMs were placed in this facility (91 under 16 years of age), for an average stay of 60 days, which for some minors lasted more than three months; 264 minors left independently and unprotected.

In 2023, ASGI also recorded cases where minors were detained in CPRs as adults (see [Detention](#)).

Between October and December 2023, the European Court of Human Rights intervened on three occasions with urgent precautionary measures in favour of unaccompanied foreign minors, de facto detained in the reception centre, ordering their immediate transfer to suitable centres: these were the case of a minor detained for 5 months in the Sant'Anna government centre for adults (Isola di Capo Rizzuto, **Crotone**) in conditions of degradation and severe isolation;¹¹⁴⁰ in another of a minor held in the **Restinco** adult centre for 2 months¹¹⁴¹ and in the last one of a minor under 14 years of age held at a police station in **Rome** for 6 days.¹¹⁴²

Regarding the situation of minors in **Rome**, as underlined by ASGI to the Committee of Ministers in November 2023,¹¹⁴³ since late 2022, UASC who arrive at police stations and cannot be accommodated in dedicated facilities due to capacity constraints are temporarily held in the police stations while awaiting placement. This arrangement is made under the directives of the judicial authorities and the Municipality of Rome. As stated by the police themselves, the minors "are camped in inhuman conditions, forced to sleep on benches, because there are no suitable lodgings or rooms to accommodate them."¹¹⁴⁴ According to data released by the Municipality of Rome, at the beginning of September 2023, 15-20 minors were 'housed' in Police Stations.¹¹⁴⁵

With reference to the condition of minors at the Sant'Anna reception centre in Isola Capo Rizzuto (**Crotone**), the condition of deprivation of liberty and promiscuity in which minors remained was also confirmed by the Guarantor Authority for Childhood and Adolescence, who visited the reception centre in Isola Capo Rizzuto on 13 and 14 November 2023, highlighting how minors inside the structure live "in contact with other adult migrants despite having a part of the camp reserved for them. In fact, there are not enough separation and surveillance systems to avoid promiscuity situations that should always be prevented" and, also, that "(...) the time spent in the centre is much longer than the law provides. Some boys, in particular, told me that they had been there for six or seven months."¹¹⁴⁶

Regarding the **Restinco** centre, a monitoring visit made by a Parliamentarian on 7 December 2023 allowed to ascertain the condition of *de facto* detention of 88 minors (including 15 fifteen-year-olds and 2 fourteen-year-olds) in very precarious hygienic and housing conditions. Even after the urgent precautionary measure issued by the ECtHR on 29 December 2023 in favour of one of the minors (detained since October 2023), this practice was not changed: several associations continued to monitor how, in particular following disembarkation, unaccompanied minors continue to be transferred to this centre, with identical reception conditions and de facto detention.

On 5 October 2023, the head of the Italian Authority for Child Protection, Carla Garlatti, was in Restinco and was able to directly verify the presence of 18 unaccompanied minors, aged between 15 and 16, in inadequate conditions.¹¹⁴⁷ Some had been there for 45 days and most of them came from Lampedusa,

¹¹³⁹ See ASGI, Inlimine, available at: <https://bit.ly/4c2BKGw>.

¹¹⁴⁰ European Court of Human Rights, Decision on interim measures, Application no. 41645/23, 5 December 2024 (Annex n. 1).

¹¹⁴¹ European Court of Human Rights, Decision on interim measures, Application no. 42909/23, 19 December 2024 (Annex n. 2).

¹¹⁴² Appeal under art. 39 before the European Court of Human Rights (case no. 36616/23).

¹¹⁴³ Communication made by ASGI to the Committee of Minister on 16 November 2023, concerning the case of Darboe and Camara v. Italy, available at: <https://bit.ly/4c5o6BT>.

¹¹⁴⁴ See Roma Today, <https://encr.pw/QrGbp>.

¹¹⁴⁵ See: <https://encr.pw/MYyj3>.

¹¹⁴⁶ See Communication submitted by ASGI on 31 January 2024 under Rule 9.2 of the Rules of the Committee of Minister concerning the case of Darboe and Camara v. Italy (Application No. 5797/17) available at: <https://bit.ly/45bcDyD>.

¹¹⁴⁷ ANSA, Garante, minori stranieri devono essere separati da adulti, available at: <https://bit.ly/4e6INQU>.

Taranto and Calabria, so their stay in places unsuitable for the reception of minors and in conditions of deprivation of liberty was even longer.

On 23 November 2023, the ECtHR condemned Italy for the illegitimate detention of many minors, accommodated in inhuman and degrading conditions and without a guardian in the **Taranto hotspot** (case *A.T. and others v. Italy*, Appeal no. 47287 /17). As of November 2023, 185 minors were held in this centre, some since August 2023.

Similarly, ASGI monitored such a situation of minors deprived of their personal freedom at the hotspot of **Pozzallo/Contrada Cifali and Lampedusa** (see [Detention](#)).

Regarding the condition of unaccompanied minors at the border between Italy and France ASGI found that in **Ventimiglia**¹¹⁴⁸ the Italian authorities proceed, in many cases, to notify the person concerned of deferred rejection or administrative expulsion measures without carrying out any age assessment. This happens in all cases where the person, mistakenly identified as an adult after landing or arriving on the territory, is stopped by the French border authorities and returned to Italy.

In its report "The Frontier of Rights - Migrant and Refugee Minors and UNICEF's Intervention in Italy" published in December 2023, UNICEF notes that, "In other places - such as Porto Empedocle, Augusta, Roccella Jonica - tensile structures have been set up. These are tents, often placed inside port areas, unsuitable in both summer and winter, because they lack any form of ventilation and heating, thus being particularly hot in summer and very cold in winter. In these facilities – often set up only with cots to sleep on – the sanitary conditions are often precarious, and many times minors are unable to access even basic necessities, including clothes and blankets. Many complain of not having access to mobile devices, which are essential after the journey to notify family that they have arrived at their destination. Placed near the main disembarkation sites, hotspots and tensile structures are supposed to house people no longer than is necessary to carry out identification procedures, but – except for the island of Lampedusa, where recent months have seen faster transfers – often the stay lasts much longer than expected. Similar to the previous ones are the emergency centres that often are placed in disused buildings – such as the old school complex in Ardore or the sites in Stilo, Siderno and Portigliola, which at times of intensified arrivals can be used as temporary reception centres."¹¹⁴⁹

On 21 July 2022, the ECtHR condemned Italy in the case *Darboe and Camara v. Italy* (no. 5797/17).¹¹⁵⁰ The Strasbourg judges verified that the Italian authorities unlawfully held that Mr. Darboe was of age, through anachronistic and unreliable age-assessment medical tests, contrary to what was stated by the applicant himself, thus failing to appoint a guardian who could represent him and preventing him from presenting the application for international protection without proper support.

Furthermore, the erroneous age assessment led to his placement in the adult reception centre of Cona, known for its extreme overcrowding, widespread violence and serious sanitation deficiencies, for more than four months. In the light of these findings, the Court considered that the right to respect for Mr. Darboe's private and family life (Article 8 of the Convention) and the prohibition of being subjected to inhuman and degrading treatment (Article 3 of the Convention) had been violated. The Court specifies that the extreme vulnerability of minors together with their status as asylum applicants are a decisive element to be carefully considered and protected through specific guarantees.

The appeal was brought to the attention of the Court by ASGI lawyers in January 2017, when, after an urgent request under Article 39 of the Court regulation, the minor was moved to a dedicated facility, and deemed admissible since the Court also found that, within the Italian legal system, there were no effective judicial remedies (article 13 of the Convention) to act against the living conditions within reception facilities.

¹¹⁴⁸ See Asgi, Medea, Breve restituzione del sopralluogo a Ventimiglia e considerazioni a margine della sentenza della Corte di Giustizia c143/22, September 2023, available at: <https://acesse.dev/R8fX1>.

¹¹⁴⁹ UNICEF, "La frontiera dei diritti – Minori migranti e rifugiati e l'intervento dell'UNICEF in Italia", December 2023, available at: <https://encr.pw/2AdBu>, 22-23.

¹¹⁵⁰ ECtHR, *Darboe and Camara v. Italy*, Application No 5797/17, Communicated on 14 February 2017, available at: <https://bit.ly/3Z8AtWY>.

Save the Children, active within the hotspot of **Lampedusa**, has denounced a now permanent situation of delays and shortcomings in the provision of the most basic services, even regarding the most vulnerable. The NGO reported that 450 minors, 250 of whom unaccompanied, even very small children, had been present in the hotspot for over a month.¹¹⁵¹ UNICEF also noted severe crowding and delays identified as risk factors for the most vulnerable.¹¹⁵² In early May 2023, around 500 unaccompanied minors, locked inside the hotspot, held a demonstration, climbing the roof of the facility and clamouring to be transferred.¹¹⁵³

ASGI noted that at the **Roccella Ionica** hotspot, unaccompanied minors are subject to *de facto* detention, as they are not permitted to leave the facility.¹¹⁵⁴

Finally, regarding unaccompanied minors placed in centres destined to adults, as pointed out by the 2024 Asylum Report published by the Migrants Foundation, even if after the 2023 reform the law provides that unaccompanied minors over 16 years can be placed in dedicated section of centres for adult applicants, it does not prohibit promiscuity with adults and it does not explain what is the meaning of a “dedicated section”. In practice, as underlined in the report, after the Law, often unaccompanied minors are not hosted in dedicated sections of the centres and are instead sharing living quarters with adults.

Also, the report underlines that, according to the law, accommodation in centres for adults, although defined as temporary, can last up to 150 days (90 + 60) and that, as a matter of practice, after these days, minors are not transferred elsewhere, thus reaching the age of 18 in these centres.¹¹⁵⁵

F. Information for asylum seekers and access to reception centres

1. Provision of information on reception

The Reception Decree contains a provision on the right to information, confirming the obligation to hand over the brochure, as stated above, and states that this information is to be provided in reception centres within 15 days from the presentation of the asylum application. This information should be provided through the assistance of an interpreter.¹¹⁵⁶

In particular, the Reception Decree provides that Questure shall provide information related to reception conditions for asylum applicants and hand over information leaflets accordingly.¹¹⁵⁷ The brochures distributed also contain the contact details of UNHCR and refugee-assisting NGOs. However, the practice of distribution of these brochures by police authorities is quite rare. Moreover, although Italian legislation does not explicitly state that the information must also be provided orally, this happens in practice at the discretion of Questure but not in a systematic manner. Therefore, adequate information is not constantly and regularly ensured, mainly due to the insufficient number of police staff dealing with the number of asylum applications, as well as to the shortage of professional interpreters and linguistic mediators. According to the Reception Decree such information on reception rights is also provided at the accommodation centres within a maximum of 15 days from the making of the asylum application.¹¹⁵⁸

¹¹⁵¹ Save the Children, Hotspot sovraffollato a Lampedusa: le condizioni critiche dei minori, 12 April 2023, available at: <https://bit.ly/41YgFqV>.

¹¹⁵² UNICEF, Cronache di frontiera. Lampedusa: vite in hotspot, 10 May 2023, available at: <https://bit.ly/3MfcWiC>.

¹¹⁵³ See Repubblica, Protesta dei minori non accompagnati all'hotspot di Lampedusa, 1 May 2023, available at: <https://bit.ly/3okux0P>.

¹¹⁵⁴ See ASGI, Roccella Ionica: situazione attuale e implementazione “approccio hotspot”, 21 February 2023, available at: <https://bit.ly/3pXsL65>.

¹¹⁵⁵ Asylum Report 2024 edited by Migrants Foundation, Elena Rozzi, Minori stranieri non accompagnati in Italia quale accoglienza?

¹¹⁵⁶ Article 3(3) Reception Decree and Article 10 Procedures Decree.

¹¹⁵⁷ Article 3 Reception Decree.

¹¹⁵⁸ Article 3 (3) Reception Decree.

Information provision on the asylum procedure and reception is included also among the activities to be conducted in the hotspot facilities.¹¹⁵⁹ However, ASGI's requests for access and information have shown that this is also a critical aspect, as the Ministry has argued that the information provisioning activities are entrusted exclusively to UNHCR, which, however, has never confirmed or denied this attribution.¹¹⁶⁰ It has been proven that there is a clear link between authorities' detention practices and information-giving practices carried out by intergovernmental organisations such as the UNHCR and the IOM, and the contribution of this relation to processes of migrant differential inclusion/exclusion.¹¹⁶¹

Upon arrival in the reception centres, asylum applicants should be properly informed on the benefits and level of material reception conditions. Depending on the type of centre and the rules adopted by the managers of the reception centres, asylum applicants may benefit from proper information of the asylum procedure, access to the labour market or any other information on their integration rights and opportunities.

2. Access to reception centres by third parties

Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?
☐ Yes ☒ With limitations ☐ No

According to the Reception Decree, applicants have the opportunity to communicate with UNHCR, NGOs with experience in the field of asylum, religious entities, lawyers and family members.¹¹⁶² The representatives of the aforementioned bodies are allowed to enter these centres, except for security reasons and for the protection of the structures and of the asylum applicants.¹¹⁶³ The Prefect establishes rules on modalities and the time scheduled for visits by UNHCR, lawyers, NGOs as well as the asylum applicants' family members and Italian citizens who must be authorised by the competent Prefecture on the basis of a previous request made by the asylum applicant living in the centre. The Prefecture notifies these decisions to the managers of the centres.

Article 15(5) of the Reception Decree provides that lawyers and legal counsellors indicated by the applicant, UNHCR as well as other entities and NGOs working in the field of asylum and refugee protection, have access to these facilities to provide assistance to hosted asylum applicants.

It is worth noting that these centres are open, therefore asylum applicants are free to contact NGOs, lawyers and UNHCR offices outside of the centres.

Concerning the governmental first reception centres for unaccompanied children, the law allows entry into the centres for members of the National and European Parliament, as well as to UNHCR, IOM, EUAA and to the Children's Ombudsman, to the mayor or a person delegated by them. Access is also allowed to persons who have a motivated interest, because of their institutional engagement within the region or the local authority where the centre is based, to child protection agencies with long experience, to representatives of the media, and to other persons who present a justified request.¹¹⁶⁴

¹¹⁵⁹ Article 10-ter (1, 3 and 4) Legislative Decree 286/1998. See also the Hotspot Standard Operating Procedures, available at: <https://bit.ly/3M0vILX> and the 6-bis attachment to Outline of contract documents for hotspots, see Specifiche tecniche integrative dello schema di capitolato di appalto relative all'erogazione dei servizi di accoglienza ed alla fornitura di beni – lotto unico per centri di cui all'art. 10-ter del d.lgs. 25 luglio 1998, n. 286, available at: <https://bit.ly/41b1UAt>.

¹¹⁶⁰ See ASGI, Il diritto all'informazione nell'hotspot di Lampedusa: le responsabilità di UNHCR, 27 March 2023, available at: <https://bit.ly/3l0IEjl>.

¹¹⁶¹ See Calarco R., Managing Migration through Detention and Information-Giving Practices: The Case of the Italian Hotspot and Relocation System, in International Migration Institute working paper, volume 173/2022, available at: <https://bit.ly/432EGxS>. See also Vianelli L., The Implementation of the Hotspot Approach in Italy. CONDISOBS Policy Paper No. 2, January 2022, available at: <https://bit.ly/3ld658j>.

¹¹⁶² Article 10(3) Reception Decree.

¹¹⁶³ Article 10(4) Reception Decree.

¹¹⁶⁴ Article 7 Ministry of Interior Decree of 1 September 2016.

G. Differential treatment of specific nationalities in reception

Once in reception, there are no recorded differences among asylum applicants based on their nationalities. However, problems have been reported as regards the possibility to access the asylum procedure and the reception system for specific nationalities (see [Registration](#)).

However, after the takeover by the Taliban in Afghanistan of August 2021 and the war in Ukraine, the Government has provided specific accommodation measures for Afghans, first for those evacuated, and later for people escaping from Ukraine.

Accommodation for people escaping from the Ukrainian conflict

As reported by Actionaid and Openpolis, on 24 January 2025 the Ministry of the Interior established the increase of SAI places (with a maximum of 3,211 beds and until 31 December 2025), through resources for absorption into the system of reception centres for Ukrainian people under the control of civil protection.¹¹⁶⁵ However, the text clarifies that "the actual number of new places subject to funding will be calculated on the basis of the results of the recognition of households that declare that they need the continuation of public assistance". These are, therefore, already de facto reserved posts.¹¹⁶⁶

See [Annex on Temporary Protection](#)

¹¹⁶⁵ See MOI Circular available [here](#).

¹¹⁶⁶ Openpolis Actionaid report, Accoglienza al collasso, March 2025, available [here](#).

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention

1. Total number of persons detained in 2024 ¹¹⁶⁷	
❖ CPR	Not available
❖ Hotspots	Not available
2. Number of persons in detention as of 29 February 2024: ¹¹⁶⁸	
❖ CPR	943
❖ Hotspots	Not available
3. Number of detention centres:	
❖ CPR	10
❖ Hotspots	4
4. Total capacity of detention centres:	
❖ CPR	804 ¹¹⁶⁹
❖ Hotspots	Not available ¹¹⁷⁰

This section will *inter alia* discuss detention in CPRs. It should be noted that, as CPRs are removal centres, those detained in these centres are generally third country nationals with a return order. Some of them have been and/or are, at time of detention, asylum applicants; some apply for international protection from the CPR; others may not have been able to access asylum; and some have not and did not intention to access the asylum procedure. However, except when specified otherwise, information and statistics on CPRs presented in this chapter pertain to all people detained in CPRs, for lack of disaggregated data.

The Reception Decree prohibits the detention of asylum applicants for the sole purpose of examining their asylum application.¹¹⁷¹ However, the provisions introduced by Decree Law 113/2018, implemented by L 132/2018, created a risk of automatic violation of this principle since they foresee detention in suitable facilities set up in hotspots, first reception centres or subsequently in pre-removal centres (*Centri di permanenza per il rimpatrio*, CPR) for the purpose of establishing identity or nationality.¹¹⁷²

Decree-Law 20/2023 on urgent provisions concerning the flow of legal entry of foreign workers and the prevention of and fight against irregular immigration, converted with amendments by Law 50/2023 and entered into force on 6 May 2023, introduced several amendments to the previous legislative framework on detention of asylum applicants. Law 50/2023 included additional grounds for detention of asylum applicants (see [Grounds for detention – Asylum detention](#)). In particular:

- ❖ it allows for detention of applicants in the border procedure for the sole purpose of ascertaining they have the right to access the country's territory (see [Border Procedure](#));
- ❖ It allows detention in case it is necessary to determine the elements on which it is based the international protection application (in case they cannot be acquired without imposing a detention measure) and applicants present risk of absconding;¹¹⁷³
- ❖ it allows to detain asylum applicants who are in a Dublin procedure (see [Dublin](#));

¹¹⁶⁷ In 2023, 6,714 people were detained in CPR. See the Action Aid project *Trattenuti 2024. Una radiografia del sistema detentivo per stranieri*, available in Italian at: <https://lc.cx/FBQEPm>.

¹¹⁶⁸ This data was provided by the Ministry of the Interior following civic access carried out by Altreconomia. See Altreconomia *Le prefetture non controllano i Cpr. Inchiesta su appalti e gestione*, 1 May 2024, available in Italian [here](#). No further information was provided at the beginning of 2025.

¹¹⁶⁹ Effective capacity by December 2022. As of the end of 2022, the official capacity was 1,359 places in total, see *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2023, available at: <https://rb.gy/r73ey6>.

¹¹⁷⁰ No official data on capacity of hotspots is available. ASGI has reported that Lampedusa's hotspot has a capacity of 250 places, Pozzallo has a capacity of 230 places, Messina has a capacity of circa 250 places and Taranto has a capacity of 400 places, resulting in circa 1100 total places. Effective capacity of hotspots varied over time, especially in the context of the COVID-19 pandemic, due to temporary conversion of structures to quarantine facilities.

¹¹⁷¹ Article 6(1) Reception Decree.

¹¹⁷² Article 6(3-bis) Reception Decree, inserted by Article 3 Decree Law 113/2018 and L 132/2018.

¹¹⁷³ Article 6 (2) (d) of the Reception Decree as replaced by the L. 50/2023.

❖ it enlarges the cases of detention for identification purposes.¹¹⁷⁴
Asylum applicants also risk *de facto* detention in hotspots and other similar facilities.

A new ground for detention of asylum applicants introduced is included in the new Article 6-bis, Legislative Decree 142/2015, which provides for the possibility of detaining the applicant during the border procedure for the sole purpose of ascertaining they have the right to access the country's territory. Detention may take place within hotspots or CPR located near borders and transit zones in cases where the applicant has not presented a valid passport or other equivalent document or does not provide suitable financial guarantees. The detention measure in this case cannot extend beyond the time strictly necessary to carry out the border procedure pursuant to article 28-bis of Legislative Decree 25/2008 and must be subject to validation by a Judge. The validation hearing is held, where possible, remotely. In case of validation of the detention order by the Judge, the detention period would then be of a maximum of four weeks, which cannot be extended.

On 14 September 2023, the MoI decree detailing the rules related to the financial guarantee was adopted. The Civil Court of Catania decided not to validate the detention orders issued on the base of the lack of a financial guarantee, considering that the provisions were incompatible with the European law. The Court of Cassation, on 8 February 2024, requested a preliminary judgement from the CJEU¹¹⁷⁵ (see [hotspots and border procedure](#)).

Article 6-ter of Legislative Decree 142/2015, as recently modified, regulates a further new ground of detention, concerning asylum applicants subjected to the Dublin procedure under EU Regulation No. 604/2013 (see [Dublin](#)).

Among the modifications introduced by Decree-Law 20/2023, are the additions introduced in Article 10-ter, par. 1-bis, of Legislative Decree no. 286/1998, part of the provisions for the identification of foreign nationals found to be illegally present in the national territory or rescued during rescue operations at sea. The first paragraph of Article 10-ter already provided for the detention in hotspots of foreign nationals found illegally crossing the internal or external border or arrived in the national territory following rescue operations at sea. The same, in fact, can be done for rescue and first assistance within these centres, where the photo-dactyloscopy and signal data are then taken and information on the right to asylum, on the relocation program within other EU Member States and on the possibility to access assisted voluntary returns should be guaranteed.

The new paragraph 1-bis expands the possibility of using *de facto* detention within "similar facilities", providing that for the "optimal performance of the fulfilment of the tasks referred to in this Article, the third country nationals hosted at the crisis points referred to in paragraph 1 may be transferred to similar facilities on the national territory, for the performance of the activities referred to in the same paragraph", specifying that the identification of these facilities will be made in agreement with the Ministry of Justice.

Persons applying for asylum in CPRs are subject to the [Accelerated Procedure](#).

In 2023, as reported by the Action Aid project, 6,714 people – 99% of them men – had been detained in CPRs; around 44% (2,987) were actually returned. Tunisia is by far the most represented country of nationality amongst detained migrants, and the country with the highest return rate (3,211 out of 6,714 detained migrants are Tunisians and 2,022 out of 2,987 returned migrants are returned to Tunisia).¹¹⁷⁶

The number of CPRs has increased from five in 2017 to ten in 2020: **Restinco** in Brindisi, **Bari**, **Caltanissetta**, **Ponte Galeria** in Rome; **Turin**, **Palazzo San Gervasio** in Potenza, **Trapani**, **Gradisca d'Isonzo** in Gorizia, **Macomer**, **Nuoro** (in Sardinia), **Corelli** in Milan. At the end of 2023, the official capacity was 1,359 places to which must be added the 84 places available at the Detention Centre for

¹¹⁷⁴ Article 6 (3-bis) as amended by the L. 50/2023 converting into law the DL 20/2023.

¹¹⁷⁵ Court of Cassation, Interlocutory order of 8 February 2024, decision n. 3562/2024, R.G. 20674/2023.

¹¹⁷⁶ See the Action Aid project *Trattenuti 2024. Una radiografia del sistema detentivo per stranieri*, available in Italian at: <https://lc.cx/FBQEPm>.

Asylum Seekers (Ctra) opened in September 2023 in Modica (Ragusa), bringing the total number of places available to 1443;¹¹⁷⁷ the effective capacity was however of 764 places.

The number of persons entering the hotspots in 2023 was not available at the time of writing. In 2022, 55,135 persons – including 10,491 unaccompanied minors – entered in hotspots, 46,087 of which – including 6,235 unaccompanied minors – in Lampedusa.¹¹⁷⁸ High pressure on the hotspot of Lampedusa continued in 2022, with the centre hosting at times more than 1,000 migrants, despite its much smaller capacity.

B. Legal framework of detention

1. Grounds for detention

Indicators: Grounds for Detention

1. In practice, are most asylum seekers detained

❖ on the territory:	☒ Yes	☐ No
❖ at the border:	☐ Yes	☒ No
2. Are asylum seekers detained during a regular procedure in practice?

☐ Frequently	☒ Rarely	☐ Never
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3. Are asylum seekers detained during a Dublin procedure in practice?

☐ Frequently	☒ Rarely	☐ Never
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According to article 14 TUI, amended by Decree Law 130/2020, the Questore asks the Department of Public Security of the Ministry of the Interior to which facility a third country national should be assigned. Furthermore, Decree Law 130/2020 has established a priority to be given to the detention of foreigners who are dangerous to public order and security or who have been convicted even with a non-definitive sentence for an offence impeding entry,¹¹⁷⁹ and that a priority has to be given in any case to citizens of countries with which repatriation agreements exist.¹¹⁸⁰

In its report to Parliament of June 2023, the Guarantor for the rights of detained persons expressed concern on the fact that many people had been detained without legal basis, and in fact a significant number had been released based on court decisions.¹¹⁸¹

As of 31 December 2023, out of 6,714 people who passed through the CPRs, 1,610 (24%) were released because the detention was not considered legitimate by the Judge. 2,987 (44%) people were repatriated.¹¹⁸²

1.1. Asylum detention

Asylum applicants shall not be detained for the sole reason of the examination of their application.¹¹⁸³ An asylum applicant shall be detained in CPR, on the basis of a case by case evaluation. As a result of the amendments made by the Decree Law 130/2020 converted into Law 173/2020 and by DL 20/2023 converted into L. 50/2023 these cases arise when:¹¹⁸⁴

¹¹⁷⁷ See the Action Aid project Trattenuti 2024. Una radiografia del sistema detentivo per stranieri, available in Italian at: <https://lc.cx/eVJ1vh>.

¹¹⁷⁸ *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2023, available at: <https://rb.gy/r73ey6>.

¹¹⁷⁹ According to Article 4 (3) and 5 (5) TUI.

¹¹⁸⁰ Article 14 (1.1) TUI.

¹¹⁸¹ *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2022, available at: <https://rb.gy/alzvet>.

¹¹⁸² See the Action Aid project Trattenuti 2024. Una radiografia del sistema detentivo per stranieri, available in Italian at: <https://lc.cx/FBQEPm>.

¹¹⁸³ Article 6(1) Reception Decree.

¹¹⁸⁴ Article 6(2) Reception Decree.

- (a) They fall under the exclusion clauses laid down in Article 1F of the 1951 Convention, following a decision of the CNDA; or under Article 12 (1, b, c) and under Article 16 of the Qualification Decree.¹¹⁸⁵
- (a bis) They submit a subsequent application during the execution of a removal order, according to Article 29 bis Procedure Decree.¹¹⁸⁶
- (b) They are issued an expulsion order on the basis that they constitutes danger to public order or state security,¹¹⁸⁷ or are suspected of being affiliated to a mafia-related organisation, have conducted or financed terrorist activities, have cooperated in selling or smuggling weapons or habitually conducts any form of criminal activity,¹¹⁸⁸ including with the intention of committing acts of terrorism;¹¹⁸⁹
- (c) May represent a danger for public order and security or in case of crimes mentioned by Article 12 (1, c) and 16 (1, d bis) Qualification Decree and regarding some exclusion clauses.¹¹⁹⁰ According to the law, to assess such a danger, previous convictions, final or non-final, may be taken into account, including the conviction adopted following the enforcement of the penalty at the request of the party pursuant to Article 444 of the Italian Criminal Procedure Code, in relation to certain serious crimes, to drug crimes, sexual crimes, facilitation of illegal immigration, recruiting of persons for prostitution, exploitation of prostitution and of children to be used in illegal activities.
- (d) It is necessary to determine the elements on which the application for international protection is based which could not be acquired without detention and there is a risk of absconding.¹¹⁹¹
 The assessment of such risk is made on a case by case basis, when the applicant has previously and systematically provided false declarations or documents on their personal data in order to avoid the adoption or the enforcement of an expulsion order, or when the applicant has not complied with alternatives to detention such as, stay in an assigned place of residence determined by the competent authority or reporting at given times to the competent authority.¹¹⁹²
 Following Decree Law 13/2017, implemented by L 46/2017, and the subsequent Decree Law 130/2020, converted into L 173/2020, repeated refusal to undergo fingerprinting at hotspots or on the national territory also constitutes a criterion indicating a risk of absconding.¹¹⁹³
 The elements to take into account to evaluate the existence of the risk of absconding are equivalent to those provided by article 13, par. 4-bis, Legislative Decree 286/1998 for cases of administrative expulsion. In particular:
 - ❖ the absence of a passport or other equivalent document;
 - ❖ having previously declared or falsely attested one's personal details;
 - ❖ failure to comply with a previous detention order;
 - ❖ violation of the measures ordered in the event of the granting of a time limit for voluntary departure.

1.2. Dublin detention

Law 50/2023, which came into force on 5 May 2023 converting with amendments DL 20/2023, introduced the possibility to detain asylum applicants during the Dublin procedure.

The new Article 6-ter of the Reception Decree foresees the possibility to detain asylum applicants awaiting the Dublin transfer when there is a significant risk of absconding and unless alternative measures to

¹¹⁸⁵ Decree Law 130/2020 converted by L. 173/2020 has amended Article 6 (2(a)) Reception Decree, enlarging the exclusion clauses to be referred to detain asylum seekers.

¹¹⁸⁶ Introduced by Decree Law 130/2020 converted by L 173/2020.

¹¹⁸⁷ Article 13(1) TUI.

¹¹⁸⁸ Article 13(2)(c) TUI.

¹¹⁸⁹ Article 3(1) Decree Law 144/2005, implemented by L 155/2005.

¹¹⁹⁰ Article amended by Decree Law 130/2020 converted by L 173/2020

¹¹⁹¹ Article 6(2) lett. d), amended by Decree Law 20/2023 converted by L. 50/2023.

¹¹⁹² Article 13 (4bis)(a, c, d, e), 13(5.2) and 14 to which Article 6 Reception Decree refers.

¹¹⁹³ Article 10-ter(3) TUI, inserted by Decree Law 13/2017 and L 46/2017.

detention can apply.¹¹⁹⁴ The risk is assessed on a case-by-case basis and can be considered to exist when the applicant has escaped a first transfer attempt or when one of the following conditions occurs:

- (a) Lack of a travel document;
- (b) Lack of a reliable address;
- (c) Failure to present oneself to the authorities;
- (d) Lack of financial resources;
- (e) Systematic false declarations about personal data.

Detention cannot last beyond the time strictly necessary for the execution of the transfer. The detention validation decision allows the stay in the centre for a total period of six weeks. In the event of serious difficulties concerning the execution of the transfer the judge, upon request from the Questore, can extend the detention for a further 30 days, up to a maximum of further 12 days six weeks. Before the expiry of this term, the Questore can carry out the transfer by notifying the judge without delay.¹¹⁹⁵

In a case decided on 19 August 2023 by the Civil Court of Trieste, the detention was validated considering that the asylum applicant was 'homeless, moving along the national territory without financial resources, and was the recipient of multiple criminal complaints.'¹¹⁹⁶

1.3. Pre-removal detention

The Reception Decree also provides that:

- (e) Third-country nationals who apply for asylum when they are already held in CPR and are waiting for the enforcement of a return order pursuant to Article 10 TUI or an expulsion order pursuant to Articles 13 and 14 TUI shall remain in detention when, in addition to the above-mentioned reasons, there are reasonable grounds to consider that the application has been submitted with the sole reason of delaying or obstructing the enforcement of the expulsion order.¹¹⁹⁷

1.4. Detention for identification purposes

Furthermore, a 2018 amendment to the Reception Decree has added that:

- (f) Asylum applicants may be detained in hotspots or first reception centres for the purpose of establishing their identity or nationality, including through the use of photo fingerprinting operations and the verification of databases.¹¹⁹⁸ If the determination or verification of identity or nationality is not possible in those premises, they can be transferred to a CPR.¹¹⁹⁹

Although the new Article 6(3-bis) of the Reception Decree foresees the possibility of detention for identification purposes in specific places, such places are not identified by law. In a Circular issued on 27 December 2018, the Ministry of Interior specified that it will be the responsibility of the Prefectures in whose territories such structures are found to identify special facilities where this form of detention could be performed. At the time of writing, there is no information on the identification of these premises.

¹¹⁹⁴ Article 6 ter (1) of the Reception Decree introduced by L. 50/2023 converting into law with amendments the DL 20/2023.

¹¹⁹⁵ Article 6 ter (2 and 3) of the Reception Decree introduced by L. 50/2023 converting into law with amendments the DL 20/2023.

¹¹⁹⁶ Civil Court of Trieste, decision of 19 August 2023, procedure no.3333/2023

¹¹⁹⁷ Article 6(3) Reception Decree.

¹¹⁹⁸ Provision of Decree Law 20/23, converted in L. 50/23.

¹¹⁹⁹ Article 6(3-bis) Reception Decree, inserted by Article 3 Decree Law 113/2018 and L 132/2018 amended by DL 130/2020 and L. 173/2020 and DL 20/23 and L 50/23.

As those dedicated premises have never been identified, detention for identification purposes occurs *de facto* in hotspots.¹²⁰⁰ In **Lampedusa**, ASGI and other civil society organisations have reported that the centre gate is constantly closed and migrants are able to leave the centre only through openings in the fence, regularly adjusted by the administration and then reopened by migrants. More broadly, people taken to Lampedusa are *de facto* detained on the island, considering that they cannot purchase a title of travel and leave without an identity document.¹²⁰¹

While the law does not clarify the procedure relating to the validation of this form of detention, the Ministry of Interior Circular of 27 December 2018 generically refers to validation by the judicial authority. According to ASGI, the same procedure envisaged for other grounds for detention of asylum applicants should apply to these cases.

In addition, the law does not specify in which cases the need for identification arises, thus linking detention not to the conduct of the applicant but to an objective circumstance such as the lack of identity documents. According to ASGI, the new detention ground represents a violation of the prohibition on detention of asylum applicants for the sole purpose of examining their application under see Article 8(1) of the recast Reception Conditions Directive. People fleeing their countries often do not have identification documents and cannot contact the authorities of the countries of origin as this could be interpreted as re-availing themselves of the protection of that country.

The number of persons entering the hotspots in 2023 was not available at the time of writing: as of 31 March 2023, 22,024 people entered the hotspots, of whom 3,669 were minors¹²⁰². In 2023, out of 6,714 persons detained in CPRs, 472 (7%) were released given that they were not identified in the timeframe foreseen by the law.¹²⁰³

2. Alternatives to detention

Indicators: Alternatives to Detention

1. Which alternatives to detention have been laid down in the law?
 - ☒ Reporting duties
 - ☒ Surrendering documents
 - ☒ Financial guarantee
 - ☒ Residence restrictions
 - ☐ Other
2. Are alternatives to detention used in practice?
 - ☐ Yes ☒ No

Article 6(5) of the Reception Decree refers to the alternatives to detention provided in the TUI. To this end, authorities should apply Article 14 TUI to the compatible extent, including the provisions on alternative detention measures provided by Article 14(1-bis).

The TUI provides that a foreign national who has received an expulsion order may request to the Prefect a certain period of time for voluntary departure. In that case the person will not be detained and will not be forcibly removed from the territory. However, to benefit from this measure, some strict requirements must be fulfilled:¹²⁰⁴

- ❖ No expulsion order for state security and public order grounds has been issued against the person concerned;
- ❖ There is no risk of absconding; and
- ❖ The request of permit of stay has not been rejected as manifestly unfounded or fraudulent.

¹²⁰⁰ Guarantor for the rights of detained persons, *Relazione al Parlamento*, 15 June 2018, available in Italian at: <http://bit.ly/2TZy9ol>, 233.

¹²⁰¹ ASGI et al., *Hotspot di Lampedusa: sempre più un luogo di confinamento*, August 2021, available in Italian at: <https://bit.ly/3Js3OVu>.

¹²⁰² *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2023, available at: <https://rb.gy/r73ey6>.

¹²⁰³ See the Action Aid project *Trattenuti* 2024. Una radiografia del sistema detentivo per stranieri, available in Italian at: <https://lc.cx/FBQEPm>.

¹²⁰⁴ Articles 13(5.2) and 14-ter TUI.

In case the Prefect grants a voluntary departure period, then by virtue of Article 13(5.2) of the Consolidated Act on Immigration, the chief of the Questura resorts to one or more alternative measures to detention such as:

1. The obligation to hand over passport to the police until departure;
2. The obligation to reside in a specific domicile where the person can be contacted;
3. The obligation to report to police authorities following police instructions.

In 2021, 968 alternative measures were granted in total; by 31 May 2022, 343 alternative measures were granted.¹²⁰⁵ No further data on alternative measures was made publicly available since 2022.

The Reception Decree provides that when the detained applicant requests to be returned to his or her country of origin or to the country from which he or she came from, the removal order¹²⁰⁶ shall be immediately adopted or executed. The repatriation request corresponds to a withdrawal of the application for international protection.¹²⁰⁷

In case the applicant is the recipient of an expulsion order,¹²⁰⁸ the deadline for the voluntary departure set out by Article 13(5) shall be suspended for the time necessary for the examination of his/her asylum application. In this case, the applicant has access to reception centres.¹²⁰⁹

NGOs have been advocating for a community-based approach to alternatives to detention. “Classic” alternatives to detention (e.g. regular reporting, surrender of passport and identity documents and home confinement) are indeed deemed to be coercive and not responsive to individual needs.

It is thus proposed to move towards “community-based” alternatives (e.g. case management), which consist in non-coercive measures, based on the direct involvement of the person concerned. Case management is an individualised process of support and cooperation during the migration process. Together with a case manager, beneficiaries explore all the options available regarding their legal status. Once fully informed, they are empowered to make informed decisions and achieve sustainable long-term solutions. In 2019-2021 NGOs Progetto Diritti and CILD have piloted a project targeting people at medium-high risk of detention.¹²¹⁰

Since 2020, the association Mosaico for Refugees created the “Channels of Solidarity” project offering support to vulnerable people at risk of detention.¹²¹¹

3. Detention of vulnerable applicants

Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice?
☐ Frequently ☒ Rarely ☐ Never
- ❖ If frequently or rarely, are they only detained in border/transit zones? ☒ Yes ☐ No
2. Are asylum seeking children in families detained in practice?
☐ Frequently ☒ Rarely ☐ Never

¹²⁰⁵ LASCIATECIENTRARE, *Dietro le mura. Abusi, violenze e diritti negati nei CPR d'Italia*, October 2022, available in Italian at: <https://rb.gy/daoyns>.

¹²⁰⁶ Pursuant to Article 13(4) and (5-bis) TUI.

¹²⁰⁷ Article 6(9) Reception Decree.

¹²⁰⁸ The expulsion order to be executed according to the procedures set out in Article 13(5)-(5.2) TUI.

¹²⁰⁹ Article 6(10) Reception Decree.

¹²¹⁰ CILD and Progetto Diritti, *Alternatives to detention: towards a more effective and humane migration management*, 2021, available at: <https://bit.ly/3q794Wl>.

¹²¹¹ Mosaico for Refugees, ‘Channels of Solidarity’, available at: <https://rb.gy/vnune1>.

3.1 Detention of unaccompanied children¹²¹²

The law explicitly provides that unaccompanied children can never be detained.¹²¹³ However, there have been cases where unaccompanied children have been placed in CPRs following a wrong age assessment. Minors, both accompanied and unaccompanied, are also de facto detained in hotspots and, in the context of the COVID-19 pandemic, on quarantine vessels.

Hotspots: More than 12,000 minors have entered hotspots in Italy since 2016.¹²¹⁴ 10,491 children entered in hotspots in 2022; 7,341 were unaccompanied and 3,150 accompanied children.¹²¹⁵ No additional data have been published recently.

It has been noted how the practice according to which, quoting the National Guarantor, “the foreign citizen is basically precluded from having correct personal data reported on the entry information sheet [foglio notizie]” in hotspots,¹²¹⁶ may easily lead to unlawful deprivation of liberty in detention facilities, and delayed disclosure/age assessment.

During the first 7 months of the pandemic, unaccompanied minors were also subject to fiduciary isolation or quarantine at hotspots. In the case of **Lampedusa** hotspot, unaccompanied minors were kept in social isolation conditions, accommodated in situations of promiscuity with adults, within often inadequate and overcrowded spaces and deprived of their personal liberty. In these circumstances, access by unaccompanied minors to dedicated and appropriate health and psychosocial support was significantly compromised.¹²¹⁷

In October 2023, a delegation of the Asylum and Immigration Table visited the **Pozzallo** hotspot and its Contrada Cifali extension for unaccompanied foreign minors, finding a condition of social isolation and de facto deprivation of liberty of these minors.¹²¹⁸

The European Court of Human Rights, in its decision of 23 November 2023 rendered in Case No. 47287/17 (*A.T. and Others v. Italy*),¹²¹⁹ condemned Italy for unlawfully detaining several unaccompanied foreign minors in the **Taranto** hotspot (Art. 5, paras. 1, 2, and 4 of the European Convention on Human Rights), for having used inhuman and degrading treatment in arranging their reception measures (Art. 3 of the Convention), for not having appointed a guardian nor having provided them with any information on the possibility of challenging this condition in court (Art. 13 of the Convention, in relation to Art. 3). Even though the judgement refers to events in 2017, the persistent situation in which previous repressive approaches to the detention of unaccompanied foreign minors in hotspots have not been changed requires respect for the rights guaranteed by the Convention.¹²²⁰

CPR: There is no official consolidated data on the number of persons detained in CPRs that declared to be minors and are recognised as such via the age assessment procedure. One case has been mentioned in **Palazzo San Gervasio**.¹²²¹ ASGI book on **Turin's** CPR reported 1 case in 2021, regarding the same

¹²¹² See also for an overview on these cases, the communications sent by ASGI under Rule 9.2 of the Rules of the Committee of Minister concerning the case of Darboe and Camara v. Italy (Application No. 5797/17) on November 2023, available at <https://bit.ly/4c5o6BT> and on January 2024, available at: <https://bit.ly/45bcDyD>.

¹²¹³ Article 19(4) Reception Decree.

¹²¹⁴ ASGI, *Unaccompanied minors: critical conditions at Italian internal and external borders*, June 2021, available at: <https://bit.ly/34PNMpg>.

¹²¹⁵ *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2023, available at: <https://rb.gy/r73ey6>.

¹²¹⁶ National Guarantor for the rights of detained persons, *Rapporto sulle visite effettuate nei CPR (2019 - 2020)*, available in Italian at: <https://lc.cx/iBkl4R>.

¹²¹⁷ ASGI, *Unaccompanied minors: critical conditions at Italian internal and external borders*, June 2021, available at: <https://bit.ly/34PNMpg>.

¹²¹⁸ ASGI, ‘A 12 anni nell’hotspot “dedicato” ai minori: Report da Pozzallo e Cifali’, October 2023, available in Italian at: <https://lc.cx/KYzoKq>.

¹²¹⁹ ECtHR, No. 47287/17, *A.T. and others v. Italy*, 23 November 2023, available at: <https://bit.ly/3PxZCZ1>.

¹²²⁰ ASGI, ‘CEDU: minori stranieri detenuti illegalmente nell’hotspot di Taranto. ASGI: vanno ricollocati’, November 2023, available in Italian at: <https://rb.gy/kjrj8l>.

¹²²¹ LASCIADECENTRARE, *Dietro le mura. Abusi, violenze e diritti negati nei CPR d'Italia*, October 2022, available in Italian at: <https://rb.gy/daoyns>.

CPR, of a minor subjected to age assessment procedure without the involvement of the Juvenile Court and detained during the age assessment in violation of the “*favor minoris*” principle. He was released after 95 days of detention based on a medical report that noted “discomfort from reactive anxiety to psychosomatic symptomatology” and a “reactive anxiety and psychosomatic symptomatology that are expressed in a condition of psycho-emotional vulnerability”.¹²²² It has also been reported that, as in **Lampedusa’s** hotspot migrants are not able to have their personal data corrected by authorities, many who have been identified as adults in Lampedusa declare themselves to be minors upon arrival in **Trapani’s Milo** CPR. Pending the age assessment, these minors are kept for weeks in the CPR (in a special area that does not fully avoid situations of promiscuity between adults and minors).¹²²³

Borders: Cases of de facto detention of minors in border areas have also been reported. The Guarantor for the rights of detained persons, who visited the border premises of the border police of **Trieste and Gorizia** in December 2020, reported critical issues related to the procedure for the age assessment of minors, still in “non-application” of the provisions enshrined in Law 47/2017, in the context of readmissions to Slovenia. Even though this procedure should not involve families and vulnerable people, readmissions were also carried out against those who declared themselves to be minors at the border, as reported by the network Tavolo Minori Migranti. This practice has been legitimised by two directives on the age assessment of minors sent by the Public Prosecutor to the attention of the Juvenile Court of Trieste on 31 August and 21 December 2020. Contrary to the guarantees enshrined in Law 47/2017, these guidelines authorise security forces to carry out an age assessment of persons intercepted at the Italy-Slovenia border with a de visu evaluation: police can consider migrants as adults if there are no apparent doubts about the age of consent of the concerned person, regardless of the declaration of minor age and the consequent judicial review required by law. These directives assign a discretionary power to the Public Security authority in identifying the age of migrants and refugees subjected to border controls, contrary to the provisions of Law 47/2017, which states that age assessment must be carried out taking into account identity documents and, if necessary, following a multidisciplinary procedure as part of a proceeding under the jurisdiction of the Juvenile Court. In 2020, in at least four cases, the Juvenile Court of Trieste ordered the fulfilment of the procedure for the age assessment of the persons involved, following appeals lodged by minors who had been identified as adults with the result of being placed in adult facilities.¹²²⁴

ASGI has urged Italian authorities to comply with the ban envisaged by current national legislation and by Article 37 of the CRC (“no child shall be deprived of their liberty unlawfully or arbitrarily”) concerning the detention of minors and their placement in structures characterised by conditions of promiscuity or forms of de facto detention, such as hotspots; ensure that reports concerning persons who declare themselves to be minors and who are present in CPRs, hotspots, or other facilities, are immediately taken in charge by competent authorities and that transfer to suitable structures is immediately arranged.¹²²⁵

The recent amendments made by Decree-Law 133/2023, converted by Law 176/2023, introduced exceptions in ascertaining the age of unaccompanied minors in case of large, multiple and close arrivals, following search and rescue activities at sea, or apprehension at the border or in transit zones. In such cases, wide discretion is granted to the public security authorities in the identification procedures, by carrying out anthropometric or other health assessments, including X-rays, aimed at identifying age. The only limit for the public security authorities is the request for authorisation that must be sent in writing to the Public Prosecutor’s Office at the Juvenile Court who has to give authorisation. In particularly urgent cases, authorisation may be given orally and only subsequently confirmed in writing.¹²²⁶

ASGI pointed out how the new provisions introduced by Law Decree 133/2023 run the risk of nullifying the rules and protocols that were in force until then, which, although not formally affected, are weakened

¹²²² ASGI, *The Black book on the Pre-Removal Detention Centre (CPR) of migrants in Turin – Corso Brunelleschi*, September 2021, available at: <https://rb.gy/zezi9h>.

¹²²³ National Guarantor for the rights of detained persons, *Rapporto sulle visite effettuate nei CPR* (2019 - 2020), available in Italian at: <https://bit.ly/3MPri93>.

¹²²⁴ ASGI, *Unaccompanied minors: critical conditions at Italian internal and external borders*, June 2021, available at: <https://bit.ly/34PNMpg>.

¹²²⁵ Ibidem.

¹²²⁶ Article 19(6bis) Reception Decree, as amended by Article 5 Decree Law 133/2023 converted by L 176/2023.

in relation to the possible extension of the application of the new derogatory procedure, which focuses on the rapidity of the outcome to the detriment of the guarantees for the person.

On a completely discretionary basis, because there are no parameters or reference indications laid down by law, the public security authorities can decide whether to start the ordinary procedure, which, as seen, requires an assessment based on several methods to be applied together and the initiation of proceedings at the Juvenile Court with the adoption of a final decree, or whether to, outside of the multidisciplinary approach, also subject a person claiming to be a minor to individual examinations, including radiological examinations, the (un)reliability of which has been debated for years.¹²²⁷

3.2 Detention of other vulnerable groups

Detention of children in families in CPR is not prohibited. Children can be detained together with their parents if they request it and if decided by the Juvenile Court. In practice, very few children are detained. The law also prohibits the detention of vulnerable persons,¹²²⁸ although in practice shortcomings regarding identification and age-assessment procedures at the hotspot means that this is not always ensured.¹²²⁹ According to the law, in the framework of the social and health services guaranteed in CPR, an assessment of vulnerability situations requiring specific assistance should be periodically provided.¹²³⁰ In CPR, however, legal assistance and psychological support are not systematically provided, although the latter was foreseen in the tender specifications schemes (*capitolato*) published by the Ministry of Interior on 20 November 2018 and on 24 February 2021. As of March 2024, no protocol on early identification of and assistance to vulnerable persons, and on the referral system to specialised services and/or reception centres was adopted. Although standards of services in CPR centres are planned following the national regulation on management of the centres, they are insufficient and inadequate, especially for vulnerable categories of individuals. Moreover, the quality of services may differ from one CPR to another. In this respect, the Reception Decree provides that, where possible, a specific place should be reserved to asylum applicants,¹²³¹ and Article 4(i) of the Directive of Minister of Interior of May 2022,¹²³² which deleted the previous Regulation of 20 October 2014 of the Minister of Interior, provides the same for persons with special reception needs.

Issues with protection of persons with special needs in detention have been reported by the Guarantor, who has stressed the need for enhanced referral mechanisms and continuous monitoring of health conditions of detained persons, via stipulation of MoU with local sanitary services.¹²³³ ASGI's monitoring of CPRs has stressed that in these places, vulnerabilities are often ignored and unaddressed: minors, people with disabilities, victims of abuse, asylum applicants, people accused of serious crimes or socially dangerous people are mixed together, which increases the tensions and risks of crises.¹²³⁴

From a gender perspective, it must be noted that – also due to the temporary closure in 2021 of the women section of Rome's CPR, which is the only present on the national territory – there has been a sharp decrease in numbers of women detained in CPRs. In 2022, only 57 women were detained in the CPR, only 18 of which was returned (30 were released following non-validation of the detention order by the judge, 2 dismissed for other reasons, 2 discharged because they were not identified by the deadline,

¹²²⁷ ASGI, Informal hearing as part of the examination of Bill C. 1458, converting Decree-Law No. 133 of 2023 on urgent provisions on immigration and international protection, as well as on support for security policies and the functionality of the Ministry of the Interior, October 2023, available at: <https://lc.cx/8nQzrf>.

¹²²⁸ Article 7(5) Reception Decree, as amended by Article 8 Decree Law 13/2017 and L 46/2017.

¹²²⁹ ASGI, *Unaccompanied minors: critical conditions at Italian internal and external borders*, June 2021, available at: <https://bit.ly/34PNMpg>.

¹²³⁰ Article 7(5) Reception Decree.

¹²³¹ Article 7(1) Reception Decree.

¹²³² Ministry of Interior, Direttiva recante "Criteri per l'organizzazione e la gestione dei centri di permanenza per i rimpatri previsti dall'art. 14 del decreto legislativo 25 luglio 1998, n. 286 e successive modificazioni", available in Italian at: <https://rb.gy/tjhasw>.

¹²³³ National Guarantor for the rights of detained persons, *Summary document concerning the CPRs, also in the light of the monitoring activities carried out by the local Guarantors in the exercise of the visit powers conferred to them by the National Guarantor in January-March 2023*, April 2023, available at: <https://rb.gy/lqzpdg>.

¹²³⁴ ASGI, *The Black book on the Pre-Removal Detention Centre (CPR) of migrants in Turin – Corso Brunelleschi*, September 2021, available at: <https://bit.ly/3CQZQD5>.

1 has been arrested inside the CPR and 4 as applicant for international protection). Contrastingly, in 2020, 223 women had been detained in the CPR, representing circa 4% of the total detained persons; the most represented nationalities were China (47 women), Nigeria (33), Morocco (14), Tunisia (13), Ukraine and Georgia (12); 31 were returned, 146 were released due to non-validation of the detention by the judge, 26 were released upon reaching maximum term of detention, 9 were released as applicants for international protection.¹²³⁵

In 2023, 45 women had been detained in the CPR; only 8 of them were returned, while 26 were released after the non-validation of the detention ordered by the judges and 3 released because she was not identified by the deadline.¹²³⁶

The enhanced vulnerability of women in detention and the many criticalities of the women's section of Rome's CPR have been repeatedly noted.¹²³⁷

Women represent a minority in hotspots, representing only 10% of the total number of persons held in hotspots in 2022 (5,278 out of 55,135). The most represented nationalities were Ivorian (2,155), Guinean (1,181), Tunisian (709), Cameroonians (369), Syrian (154) and Nigerian (109).¹²³⁸ In 2021, 1,641 women were held in hotspots, representing 6% of the hotspot population. In 2021, ASGI has documented a critical situation in Lampedusa's hotspot. The report found that overcrowding, the condition of promiscuity also for what concerned shared bathrooms, the prevalent presence of male police personnel, the absence of places to conduct interviews in a protected setting, the lack of access to adequate mediation and information and structured mechanisms of identification and referrals, expose women to a high risk of experiencing (in some cases, further) violence. As highlighted in the report, these situations also risk significantly undermining the determination of women who intend to seek protection, as they could flee from a gender-based violence experience (as they could be controlled by a trafficking network, experience domestic violence, or suffer abuse) or because, due to the aforementioned conditions, they might experience an accident, abuse or feel unsafe within the facilities.¹²³⁹

This situation continued into 2022¹²⁴⁰ and brought ASGI to file urgent appeals to the European Court of Human Rights in 2022, demanding the immediate transfer from the Lampedusa hotspot of three family units; consequently, the Court ordered the Italian government to immediately transfer one of the families.¹²⁴¹

¹²³⁵ *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2023, available at: <https://rb.gy/r73ey6>; National Guarantor for the rights of detained persons, *Relazione al Parlamento*, June 2020, available in Italian at: <https://bit.ly/3ibl5ov>.

¹²³⁶ See the Action Aid project *Trattenuti 2024. Una radiografia del sistema detentivo per stranieri*, available in Italian at: <https://lc.cx/FBQEPm>.

¹²³⁷ *Il Post*, 'Nessuno aiuta le donne al centro di detenzione di Ponte Galeria', January 2021, available in Italian at: Annalisa Camilli, 'Chi sono le donne rinchiusse nel centro di espulsione di Roma', *Internazionale*, February 2019, available at: <http://bit.ly/3KT7qQD>.

¹²³⁸ *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2023, available at: <https://rb.gy/r73ey6>.

¹²³⁹ ASGI, 'Una prospettiva di genere sull'Hotspot di Lampedusa: la sistematica e colposa violazione dei diritti delle donne', October 2021, available in Italian at: <https://bit.ly/3tgdRHf>.

¹²⁴⁰ ASGI, *Report sulla visita al Centro hotspot di Lampedusa*, August 2022, available in Italian at: <https://rb.gy/nnzol1>.

¹²⁴¹ ASGI, 'Diritti violati nell' hotspot di Lampedusa: per la CEDU il trattamento è disumano e degradante solo per le famiglie con minori', November 2022, available in Italian at: <https://rb.gy/v0k8qw>.

4. Duration of detention

Indicators: Duration of Detention

- | | |
|--|-------------------------------|
| 1. What is the maximum detention period set in the law (incl. extensions): | |
| ❖ Asylum detention | 12 months |
| ❖ Pre-removal detention | 120 days |
| ❖ Detention for the purpose of identification | 150 days |
| 2. In practice, how long in average are asylum seekers detained? | |
| ❖ CPR | Not available |
| ❖ Hotspots | Not available ¹²⁴² |

4.1 Duration of detention for identification purposes

According to the SOPs applying at hotspots, from the moment of entry, the period of stay in the facility should be as short as possible, in accordance with the national legal framework.

Article 6(3-bis) of the Reception Decree introduced by Decree Law 113/2018 introduced the possibility to detain asylum applicants in hotspots for the purpose of determining their identity or nationality. After the amendment introduced by Decree law 130/2020 as converted by L. 173/2020, the law states that this should happen in the shortest possible time and for a period not exceeding 30 days and, if identification has not been possible within that time frame, they could be sent to CPR for detention up to 90 days plus an additional 30 days when the migrant belongs to a country with which Italy has signed repatriation agreements.¹²⁴³ The provision of a detention period up to 30 days and extendable to up to 90 plus 30 days in the CPR seems incompatible with the principle laid down in Article 9 of the recast Reception Conditions Directive according to which an applicant shall be detained only for as short a period as possible. For asylum applicants, this cannot be justified as - given the impossibility of contacting the authorities of the country of origin - it could only coincide with the *fotosegnalamento*, which certainly cannot take more than a few days.¹²⁴⁴

The reform, introduced by L. 132/2018, confirmed by DL 130/2020 and converted by L 173/2020, has given a legal basis to a practice - that of de facto detention in hotspots - already being implemented. However, as underlined by ASGI detention still takes place in hotspots without any clear legal basis, in the absence of a written act adopted by the competent authority and validated by a judge, in the absence of a maximum detention period, without proper information provided, in a manner inconsistent with the need to protect the individuals against arbitrariness.¹²⁴⁵

The Guarantor, in the parliamentary debate relating to the conversion into law of the D.L. 130/2020, highlighted how "the non-recognition of the possibility of complaints in hotspots" does not satisfy the requirements laid down in the *Khlaifia* case, creating an unequal treatment between those held in the CPRs, who will have access to a whole series of guarantees and be able to exercise a whole series of rights, including the possibility to present requests and complaints, and whoever is detained in a hotspot, who will not be able to access any of the aforementioned prerogatives. The Guarantor raised several critical issues on the detention of asylum applicants in hotspots for identification purposes: "the lack of taxability of the conditions of application, the lack of regulation of the methods of detention in the premises identified in the hotspots/governmental reception centres, the inadequacy of the hotspots for detention of 30 days, the lack of proportionality of the maximum terms of detention with respect to other institutions

¹²⁴² The latest available information on average detention times is from 2021 are 5 days in Lampedusa, Pozzallo and Taranto, 23 in Messina, Data as of 31 December 2021, *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2023, available at: <https://rb.gy/r73ey6>.

¹²⁴³ Article 6(3-bis) Reception Decree, inserted by Article 3 Decree Law 113/2018 and L 132/2018 and amended by Article 3 (2, b) DL 130/2020 and L 173/2020.

¹²⁴⁴ See Guido Savio, *La nuova disciplina del trattenimento per l'esecuzione dell'espulsione, in Immigrazione, protezione internazionale e misure penali*, commento al d.l. 130/2020 convertito in L. 173/2020, 2021.

¹²⁴⁵ ASGI and CILD, *Communication to the Committee of Ministers of the Council of Europe as part of the supervision procedure on the implementation of the Khlaifia ruling of the ECHR*, January 2021, available in English at: <https://bit.ly/3bu0haa>.

that the law provides for similar purposes".¹²⁴⁶ The Guarantor had previously defined the condition of applicants detained for identification a "limbo of legal protection". As a result of detention being practised in a grey legal area or on a de facto basis, applicants who face prison-like conditions do not even receive the same guarantees and legal provisions as prison detainees.¹²⁴⁷

The fact that these places are currently also being used for quarantine, means that detention may be prolonged indefinitely, if the period of precautionary isolation starts again every time new people arrive in the quarantine facility.¹²⁴⁸

As of 2022, appropriate places for detention for identification purposes have not yet been identified. Thus, the situation remained almost unchanged as regards de facto detention, which, in the absence of any control of legitimacy by the judicial authority, continued in the hotspots during the identification phase and, in the case of **Lampedusa** hotspot, even after that phase until the person is finally transferred to another destination depending on his/her legal status.¹²⁴⁹

As already mentioned, no data on persons identified in hotspots is available for 2023. In 2022, out of 6,383 persons detained in CPRs 869 (14%) were released because they were not identified within the timeframe foreseen by the law. In the first three months of 2023, out of 1,850 persons detained in CPRs, 161 (9%) were released because they were not identified within the timeframe foreseen by the law.

The hotspot approach is used beyond the actual hotspot centres. In October 2020, ASGI reported that the first line reception facility of **Monastir**, in Sardinia, was being used as a de facto detention facility.¹²⁵⁰ In 2021, ASGI reported many critical issues at the "new border" of **Pantelleria**, where newly arrived migrants are also channelled in hotspot-like procedures.¹²⁵¹ The new inspection conducted by ASGI in May 2022 confirmed the critical issues that emerged the previous year, which include unlawful detention practices, obstacles in access to the right of defence, violation of freedom of phone correspondence – in light of the seizure of phones –, inadequate detention conditions and promiscuity.¹²⁵² ASGI carried out a new inspection in Pantelleria in May 2023, finding and denouncing the same critical issues already highlighted in the previous one: unlawful detention practices and obstacles in access to the right of defence; inadequacy of information activities and the total absence of legal assistance; practices hindering access to asylum applications; violation of freedom of telephone correspondence, in the light of the unlawful seizure of the phones of arriving persons, who remain, therefore, in total isolation.¹²⁵³

4.2 Duration of asylum and pre-removal detention

The maximum duration of detention of asylum applicants is 12 months.¹²⁵⁴ The duration of pre-removal detention increased from 90 days, plus 30 days in cases of repatriation agreements with the countries of

¹²⁴⁶ Guarantor for the rights of detained persons, *Parere sul decreto-legge 21 ottobre 2020*, n. 130, available at: <https://bit.ly/33lUnO8>.

¹²⁴⁷ The Left, *LOCKED UP AND EXCLUDED Informal and illegal detention in Spain, Greece, Italy and Germany*, December 2020, available at: <https://bit.ly/37q36JY>.

¹²⁴⁸ Guarantor for the rights of detained persons, *Report to Parliament*, March 2020, available at: <https://bit.ly/3okpJnx>, para. 22, pp. 105-107.

¹²⁴⁹ ASGI and CILD, *Communication to the Committee of Ministers of the Council of Europe as part of the supervision procedure on the implementation of the Khlaifia ruling of the ECHR*, available in English at: <https://bit.ly/33FsXZd>, January 2021; see also *Il trattenimento dei richiedenti asilo negli hotspot tra previsioni normative e detenzione arbitraria*, 30 September 2019, available in Italian at: <https://cutt.ly/4yO8GLX>.

¹²⁵⁰ ASGI, *Report sopralluogo giuridico: la Sardegna come luogo di frontiera e di transito*, December 2020, available at: <https://bit.ly/2SPky3r>.

¹²⁵¹ ASGI, *La frontiera di Pantelleria: una sospensione del diritto Report del sopralluogo giuridico di ASGI*, June 2021, available at: <https://bit.ly/39ovdKB>.

¹²⁵² ASGI, *La frontiera di Pantelleria: una sospensione del diritto Report del sopralluogo giuridico di ASGI*, August 2022, available at: <https://rb.gy/9ndftw>.

¹²⁵³ ASGI, 'Report e audio sul Punto di Crisi di Pantelleria: implicazioni sul diritto alla libertà personale', October 2023, available in Italian at: <https://rb.gy/ajp1id>.

¹²⁵⁴ Article 6(8) Reception Decree.

origin¹²⁵⁵, to 18 months: this period provides for the validation of detention for 3 months, which can be subsequently extended every 90 days, up to a maximum of 18 months.¹²⁵⁶

According to ASGI, the increase to 18 months of the maximum detention period could further highlight the dubious constitutionality of Article 14(5) of Legislative Decree 286/98, as amended, with Article 13(2) of the Constitution.¹²⁵⁷

When detention is already taking place at the time of the making of the application, the terms provided by Article 14(5) TUI are suspended and the Questore shall transmit the relevant files to the competent judicial authority to validate the detention for a maximum period of 60 days, in order to allow for the completion of the procedure related to the examination of the asylum application.¹²⁵⁸ In September 2021, the Specialised Section of the Court of Rome issued a decision clarifying that the validation request by the Questura to the Court is to be presented within 48 hours from the moment in which the applicant made (i.e., making stage) their application for international protection.¹²⁵⁹ The same conclusions were reached by the Specialised Section of the Courts of Trieste¹²⁶⁰ and Milan¹²⁶¹ in January 2023. On this point, the Court of Milan, in December 2022, had already raised a question of constitutional legitimacy, considering "relevant and not manifestly unfounded the question of constitutional legitimacy of art. 6 c. 5 d.lgs. 142/2015, for being in contrast with art. 13 Constitution, in the part in which it refers to art. 14 d.lgs. 286/1998, implying that the term of forty-eight hours to request the validation of the detention ordered by the Questore shall elapse, even in the case of detention ordered pursuant to art. 6 c. 3 d. lgs. 142/2015, from the adoption of the measure by which the Questore orders the detention and not from the moment in which the detained person is considered to have acquired the quality of "applicant for international protection international" pursuant to Art. 2 let. a) Legislative Decree 142/2015".¹²⁶² The merits of the issue were declared inadmissible by the Constitutional Court with decision n. 212/2023.¹²⁶³

Recently, the Court of Cassation ruled that the 48-hour time limit for the validation of the second detention ordered by the Questore pursuant to Article 6 cited above does not start from the manifestation of the applicant's willingness to apply for international protection, but from the adoption of the second restrictive measure.¹²⁶⁴

However, the detention or the extension of the detention shall not last longer than the time necessary for the examination of the asylum application under the [Accelerated Procedure](#),¹²⁶⁵ unless additional detention grounds exist pursuant to Article 14 TUI. Any delays in the completion of the administrative procedures required for the examination of the asylum application, if not caused by the applicant, do not constitute a valid ground for the extension of the detention order.¹²⁶⁶

According to the Reception Decree, the applicant detained in CPR or for identification reasons in hotspots or first governmental reception centres, who appeals against the rejection decision issued by the Territorial Commission, remains in the detention facility until the adoption of the decision on the suspension of the order by the judge.¹²⁶⁷ The detained applicant also remains in detention as long as he or she is authorised to remain on the territory as a consequence of the lodged appeal.¹²⁶⁸ The way the

¹²⁵⁵ Article 14(5) TUI, as amended by Decree Law 130/2020 and L. 173/2020.

¹²⁵⁶ Article 14(5) TUI, as amended by art. 20(1) Decree Law 124/2023 and L. 162/2023.

¹²⁵⁷ ASGI, 'CPR: serve una riforma organica e non misure irragionevoli e costose. Le nostre osservazioni alla Commissione Bilancio', October 2023, available in Italian at: <https://rb.gy/jszrmx>.

¹²⁵⁸ Article 6(5) Reception Decree.

¹²⁵⁹ ASGI, 'Il Tribunale di Roma: i termini per la convalida del trattenimento decorrono dalla manifestazione di volontà di chiedere asilo in CPR', 20 January 2022, available in Italian at: <https://bit.ly/3qa9iwo>.

¹²⁶⁰ Tribunale di Trieste, proceeding 81/2023, decision 18 January 2023.

¹²⁶¹ Tribunale di Milano, proceeding 23/2023, decision 18 January 2023.

¹²⁶² Tribunale di Milano, proceeding 42304/2022, decision 11 December 2022.

¹²⁶³ Constitutional Court, proceeding 212/2023, decision 4 December 2023, available in Italian at: <https://rb.gy/5jd1qq>.

¹²⁶⁴ Court of Cassation, decision no. 36522/2023 published on 29 December 2023.

¹²⁶⁵ Pursuant to Article 28-bis(1) and (3) Procedure Decree.

¹²⁶⁶ Article 6(6) Reception Decree.

¹²⁶⁷ Article 35-bis(4) Procedure Decree.

¹²⁶⁸ Article 6(7) Reception Decree, as amended by Article 8 Decree Law 13/2017 and L. 46/2017.

law was worded before did not make it clear whether, when the suspensive request was upheld, asylum applicants could leave the CPR, and in practice they did not.

In this respect the Questore shall request the extension of the ongoing detention for additional periods of no longer than 60 days, which can be extended by the judicial authority from time to time, until the above conditions persist. In any case, the maximum detention period cannot last more than 12 months.¹²⁶⁹

In 2020, in some cases civil courts have released asylum applicants detained in CPR. The courts observed that time limits of the accelerated procedure as regulated by art. 28bis of the Procedures Decree were exceeded, without any justification. In two cases asylum applicants had been detained in CPR for more than two months without the interview date having been set.¹²⁷⁰ The Court of Cassation also stressed the principle according to which an asylum applicant cannot be detained for longer than the time limits scheduled under the accelerated procedure, unless other reasons for detention arise,¹²⁷¹ a principle that clashes with recent decisions of the Supreme Court of Cassation to the contrary¹²⁷² (see also [Judicial Review](#)). In December 2021, the Specialised Section of the court of Lecce clarified that the detention of the applicant for international protection cannot be extended once its terms – to be calculated from the making of the application – have expired.¹²⁷³ Other courts have not validated the prorogation of detention because the time limits for the accelerated procedure had not been respected by the competent Territorial Commission or Questura.¹²⁷⁴

The average duration of detention in CPR is not available. As reported above, in 2023, 7% of persons detained in CPRs were released because they were not identified in the timeframe foreseen by the law, while in 2022, they were 844 out of 5,811 (14%).¹²⁷⁵

The average length of stay in hotspots in 2022 was of 5 days in Lampedusa, Pozzallo and Taranto, and 23 days in Messina. There are no figures for 2023, not even for the first months of the year.

C. Detention conditions

1. Place of detention

Indicators: Place of Detention

1. Does the law allow for asylum seekers to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)? ☐ Yes ☒ No
2. If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure? ☐ Yes ☒ No

¹²⁶⁹ Article 6(8) Reception Decree.

¹²⁷⁰ Civil Court of Turin, decision 5114/2019, 6 August 2019, procedure 19920/2019, available in Italian at: <https://cutt.ly/6yO8BKm>; Civil Court of Trieste, decision 30/2020, 13 January 2020, available in Italian at: <https://cutt.ly/lyO8NjY>.

¹²⁷¹ Court of Cassation, decision no. 2458/2021 published on 2 February 2021.

¹²⁷² Court of Cassation, decision no. 20656/2022 published on 28 June 2022; Court of Cassation, decision no. 9042/2023 published on 30 March 2023; Court of Cassation, decision no. 14/2024 published on 2 January 2024; Court of Cassation, decision no. 15/2024 published on 2 January 2024; Court of Cassation, decision no. 17/2024 published on 2 January 2024.

¹²⁷³ ASGI, Trattenimento nel CPR, impossibile prorogare un termine già scaduto, January 2022, available in Italian at: <https://bit.ly/3CUlaGL>.

¹²⁷⁴ Tribunale di Trieste, proceeding 893/2022, decision 5 April 2022; Tribunale di Torino, proceeding 15476/2022, decision 23 August 2022; Tribunale di Torino, proceeding 22329/2022, decision 29 November 2022; Tribunale di Torino, proceeding 23638/2022, decision 14 December 2022.

¹²⁷⁵ See the Action Aid project Trattenuti 2024. Una radiografia del sistema detentivo per stranieri, available in Italian at: <https://lc.cx/FBQEPm>.

1.1 Pre-removal detention centres (CPR)

Under the Reception Decree, asylum applicants can be detained in CPRs – previously known as CIEs – , where third-country nationals who have received an expulsion order are generally held.¹²⁷⁶ The functioning of CPRs and their essential rules are laid out in the CIE Regulation adopted in 2014.¹²⁷⁷ This Regulation was abolished through the Interior Ministry Directive of the 19 May 2022.¹²⁷⁸ 10 CPRs are present on the Italian territory, as detailed in the list below. The official capacity, with all 10 CPRs active, would be of 1,359 places. Effective capacity was reduced in 2023: by the end of 2023, only 764 places were available.¹²⁷⁹ In March 2023, the CPR in **Turin** was temporarily closed following several riots that progressively made its spaces unfit for use, ultimately forcing the transfer of all detained persons to other facilities.¹²⁸⁰ The latest data available on capacity of CPR and persons detained therein are as follows, updated to 31 December 2023:¹²⁸¹

Capacity and detentions by CPR		
CPR	Official capacity ¹²⁸²	Persons detained up to 31 December 2023 ¹²⁸³
Bari-Palese	126	599
Brindisi-Restinco	48	91
Caltanissetta-Pian del Lago	92	1,159
Gradisca d'Isonzo (Go)	150	857
Macomer (Nu)	50	273
Palazzo San Gervasio (Pz)	128	839
Roma Ponte Galeria	210	1,145
Torino	210	235
Trapani-Milo	205	993
Milano	140	501
Gjader (Albania) ¹²⁸⁴	144	0
Total	1,503	6,714

Source: Action Aid project Trattenuti 2024. Una radiografia del sistema detentivo per stranieri, available in Italian at: <https://lc.cx/FBQEPm>.

As of 31 December 2023, according to data reported by the National Guarantor, **Caltanissetta, Roma, Potenza, Trapani and Gorizia** were the CPRs with the highest numbers of persons hosted. Decree Law 13/2017, implemented by L 46/2017, had foreseen the extension of the network of the CPR to ensure the

¹²⁷⁶ Article 6(2) Reception Decree.

¹²⁷⁷ Ministero dell'Interno, *Regolamento Unico CIE*, 2014, available in Italian at: <https://bit.ly/3JgGYjp>.

¹²⁷⁸ Ministero dell'interno, Direttiva recante "Criteri per l'organizzazione e la gestione dei centri di permanenza per i rimpatri previsti dall'art. 14 del decreto legislativo 25 luglio 1998, n. 286 e successive modificazioni", available in Italian at: <https://rb.gy/wfqcv5>.

¹²⁷⁹ See the Action Aid project Trattenuti 2024. Una radiografia del sistema detentivo per stranieri, available in Italian at: <https://lc.cx/FBQEPm>.

¹²⁸⁰ CILD, 'Chiude il Cpr di Torino: la speranza è che non riapra più', 30 March 2023, available in Italian at: <https://rb.gy/0ee2>.

¹²⁸¹ See the Action Aid project Trattenuti 2024. Una radiografia del sistema detentivo per stranieri, available in Italian at: <https://lc.cx/FBQEPm>.

¹²⁸² The Action Aid project provides a breakdown based on official and effective capacity. "Official capacity" refers to the total number of places present in the centre, while "effective capacity" refers to the number of places that can be occupied in a centre in a given year. Effective capacity of the centres is very frequently lower than official capacity, for example as some areas of the centres might not be available due to maintenance issues or need renovations.

¹²⁸³ Ibid.

¹²⁸⁴ 28 March 2025: the Italian government approves by decree-law an amendment to the law ratifying the Meloni - Rama protocol (no. 37/2025 of 28 March), authorising the forced transfer to Albania of people already detained in Italian CPRs, without any validation by the Judge of Peace.", CILD, Il Protocollo Italia-Albania dal 2023 a oggi, 7 May 2025, available in Italian [here](#).

distribution across the entire national territory.¹²⁸⁵ In order to speed up the implementation of CPR, Decree Law 113/2018 encouraged the use of negotiated procedures, without tender, for works whose amounts are below the EU threshold relevance and for a maximum period of three years.¹²⁸⁶

Article 21 of the Decree Law 124/2023, converted in L. 162/2023, simplified and implemented procedures for the design and implementation of reception, stay and repatriation facilities.

The situation as of 31 December 2023¹²⁸⁷ in the 10 CPRs can be described as follows:¹²⁸⁸

- ❖ **Milan's** CPR, situated at the outskirts of the city has an official capacity of 120 places; as of December 2023, the total actual capacity of the centre was of only 48 places. Throughout 2023, a total of 501 people had been detained. The new call for tender issued in October 2022 foresaw 72 places and was won by Martinina srl, who took over Engel Italia with the sale of the company branch. Following the investigation of the managing entity by the Milan Public Prosecutor's Office and the request for preventive seizure of the facility, in December 2023, the Judge for Preliminary Investigations of Milan appointed a judicial administrator for the CPR and banned Martinina srl from contracting with the public administration for one year.¹²⁸⁹ In 2024, the Ekene cooperative became the new managing authority of the CPR in Milan. The cooperative won the tender allocating around three million euros launched by the Milan prefecture to manage the 48 places available in the centre.¹²⁹⁰
- ❖ **Turin's** CPR, which was first opened in 1999, currently has an official capacity of 210 places. It closed in March 2023 and remains closed as of February 2024.¹²⁹¹ On March 2023, 235 persons were detained of which 46 persons were repatriated. It has been managed since 2015 by Gepso, a multinational society which had previously managed detention centres in Rome and Milan and is considered one of the main actors in the business of detention immigration.¹²⁹² In September 2021, its isolation section known as Ospedaletto was closed down, following the report of the visit of the National Guarantor – which took place shortly after a migrant, Moussa Balde, committed suicide in the isolation section in May 2021 –,¹²⁹³ who had deemed detention in this area as an inhumane and degrading treatment and called for its immediate and definitive closure.¹²⁹⁴ From February 2022, it is managed by Ors Italia S.r.l., operating also in Rome's CPR. As previously mentioned, the centre was closed in March 2023.¹²⁹⁵ At the end 2024, the Sanitalia group was awarded the EUR 8.4 million contract for the two-year management of the Turin CPR.¹²⁹⁶ On 24 March 2025, the Turin CPR officially reopened with an initial capacity of 20 places.¹²⁹⁷ The first month since reopening has already highlighted the unbearable living conditions within the facility,

¹²⁸⁵ Article 19(3) Decree Law 13/2017 implemented by L 46/2017.

¹²⁸⁶ Article 2(2) Decree Law 113/2018, implemented by L 132/2018.

¹²⁸⁷ More recent data are currently unavailable. See the Action Aid project Detained 2024. Una radiografia del sistema detentivo per stranieri, available in Italian at: <https://lc.cx/FBQEPm>.

¹²⁸⁸ See the Action Aid project Trattenuti 2024. Una radiografia del sistema detentivo per stranieri, available in Italian at: <https://lc.cx/FBQEPm>.

¹²⁸⁹ ANSA, Giudice commissaria il CPR di Milano, accolta istanza dei PM, December 2023, available at: <https://lc.cx/nfw9lV>.

¹²⁹⁰ Altreconomia, Ekene si aggiudica la gestione del Cpr di via Corelli a Milanni, 26 August 2024, available in Italian [here](#).

¹²⁹¹ CILD, 'Chiude il CPR di Torino: la speranza è che non riapra più', March 2023, available in Italian: <https://lc.cx/jcWz9Q>.

¹²⁹² Ilaria Sesana, La detenzione amministrativa dei migranti è un affare. Anche in Italia, Altreconomia, 2017, available in Italian at: <https://bit.ly/3leVMxt>.

¹²⁹³ National Guarantor for the rights of detained persons, Chiuso l'Ospedaletto del Cpr di Torino: accolta la Raccomandazione del Garante nazionale, September 2021, available in Italian at: <https://bit.ly/3MVVKOz>.

¹²⁹⁴ National Guarantor for the rights of detained persons, Report on the visit to Turin's CPR in June 2021. Available in Italian at: <https://bit.ly/3MVVKOz>.

¹²⁹⁵ CILD, 'Chiude il CPR di Torino: la speranza è che non riapra più', March 2023, available in Italian: <https://lc.cx/jcWz9Q>.

¹²⁹⁶ Altreconomia, Dalla squadra del Torino al Cpr: è Sanitalia il nuovo gestore del "Brunelleschi", 4 December 2024, available in Italian [here](#).

¹²⁹⁷ Altreconomia, Riapre il nuovo CPR di Torino. Ecco tutte le promesse del nuovo ente gestore Sanitalia, 20 March 2025, available in Italian [here](#).

marked by incidents of self-harm and frequent protests - often sparked by serious shortcomings, such as the lack of hot water.¹²⁹⁸

- ❖ **Gorizia's** CPR, which was first activated in 2006 but was closed from 2013 to 2019 following protests on its conditions, had an official capacity of 150 places; as of December 2023, it has an effective capacity of 150 places; during 2023 857 persons were detained. It is managed by the Ekene cooperative, the same as the CPR in Milan.
- ❖ **Macomer's** CPR is the first immigration detention facility in Sardinia and was opened in 2020 (after a structure previously hosting a high security prison was repurposed). It is situated on the outskirts of a small town, more than 50 kilometres away from the closest cities (Nuoro and Oristano). It has an official capacity of 50 places; in December 2023, it hosted 273 detainees. From July 2024, it is managed by the social cooperative Officine Sociali.
- ❖ **Rome's** CPR, situated in Ponte Galeria, at the outskirts of the city, has been active since 1998. It currently has an official capacity of 210 places. It is the only Italian immigration detention facility for women; the women's section was partially renovated in 2020, but some parts remain in dire conditions. Throughout the year 2023, 1145 persons were detained in the centre, of which 268 were repatriated.
- ❖ **Potenza's** CPR is located in the outskirts of the town of Palazzo San Gervasio, 65 km from Potenza, in a very isolated and hard to reach area. It was reopened in 2018, and it has recently been closed for renovation from May 2020 to February 2021. It has an official capacity of 128 places, but at the end of 2023 it was operating with a reduced capacity of 60 places. Throughout 2023, 839 persons were reportedly detained in the centre. In June 2023, the cooperative Officine Sociali was awarded the contract to manage the CPR.
- ❖ **Bari's** CPR has an official capacity of 126 places and has been managed from 2018 to 2021 by the social cooperative Badia Grande (which also manages Trapani's CPR). In October 2021, several CPR's managers, including the director of the CPR until February 2021, were involved in criminal investigations for serious malpractices in the management of the CPR.¹²⁹⁹ On 25 November 2022, the local Prefecture excluded the social cooperative Badia Grande from the European open tender for the award of management services of the local CPR.¹³⁰⁰ Throughout the 2023, 599 people were detained out of 90 places available. From November 2023, the centre is managed by the cooperative La Mano di Francesco.
- ❖ **Brindisi's** CPR has an official capacity of 90 places and as of 31 December 2023 91 persons were detained of which 46 persons had been repatriated. On 31 December 2023 the effective capacity was reduced to 14 places due to a critical event that rendered part of the facility unusable (before there were available 48 places).
- ❖ **Caltanissetta's** CPR currently has an official capacity of 92 places; in 2023, 1,159 persons had been detained there throughout the year. It was closed for renovations, following requests by the National Guarantor, between April 2020 to May 2021. As of September 2023, the centre will be managed by the cooperative Albatros 1973.
- ❖ **Trapani's** CPR currently has an official capacity of 205 places; as of December 2023, 606 persons were detained here, out of an effective capacity of 156 places. It has been closed for renovations from April 2020 to August 2021. On 22 January 2024, the fire started by some detainees led to the temporary unavailability of the facility,¹³⁰¹ which reopened in October of that year. The facility is managed by the cooperative Vivere Con together with Consorzio Hera cooperative.
- ❖ **Gjader's** CPR in Albania has an official capacity of 144 places. Since the end of March 2025, transfers of people already detained in other Italian CPRs have been authorised. On 11 April 2025, 41 people detained in CPRs on Italian territory were transferred to the Gjader CPR. Over the next two weeks, 16 of the detained persons left the centre, without any clear information about

¹²⁹⁸ Altreconomia, Cronaca del primo mese di apertura del Cpr di Torino. Tra atti di autolesionismo e proteste, 27 May 2025, available in Italian [here](#).

¹²⁹⁹ Chiara Spagnolo, 'Migranti, frode sull'assistenza sanitaria nel centro di permanenza di Palese: 4 indagati', *La Repubblica*, October 2021, available in Italian at: <https://bit.ly/3iaqZYc>.

¹³⁰⁰ Prefettura di Bari, provvedimento di esclusione Badia Grande Soc. Coop. Sociale, 25 November 2022, available in Italian at: <https://rb.gy/avqavv>.

¹³⁰¹ ANSA, Migranti: incendi nel CPR di Milo, fermati tre ospiti, 31 January 2024, available in Italian [here](#).

the reasons. A new transfer was made at the beginning of May 2025. Transfers are carried out without any communication and there is currently no data available on the number of people currently detained in the centre.¹³⁰² On 19 May 2025, Hamid Bodoui committed suicide in Turin prison, after having been detained at the Cpr in Bari and then transferred to the one in Gjader where he had been 33 days before being released and returned to Italy in Turin. Here, after a few days, he was arrested for resisting a public official and transferred to prison, where he committed suicide.¹³⁰³ (for more information see The Protocol between Italy and Albania in [Access to the procedure and registration](#))

Access to CPRs for rights organisations and civil society remains problematic in practice (see [Access to detention facilities](#)).

Locali idonei

LD 113/2018, converted into Law 132/2018, expanded the places of deprivation of liberty suitable for the administrative detention of foreign citizens pending the validation of immediate accompaniment to the border. The new Art. 13 para 5-bis of the Consolidated Immigration Act introduced the possibility that the justice of peace, at the request of the Questore, orders the detention of the third country nationals in "suitable structures" ("locali idonei") if there are no available places in CPRs. Furthermore, if the unavailability of places in CPRs persists after the validation hearing, it is possible to order the detention of foreign citizens in "suitable premises at the border office concerned, until the actual removal is carried out and, in any case, no later than forty-eight hours following the hearing of validation". The provision has been criticised by the National Guarantor¹³⁰⁴ as well as by ASGI¹³⁰⁵ for its indeterminacy, as the methods of detention and the suitability criteria are not specified, leaving it exclusively to the discretion of the public security authorities. The UN Committee on Enforced Disappearances, in the concluding observations of its 2019 report on Italy, expressed concern regarding the unavailability of a list of *locali idonei*, which effectively prevents the Guarantor from monitoring them. The Committee thus recommended the Italian government to immediately publish the list and guarantee access by the National Guarantor to these premises.¹³⁰⁶

The latest report of the National Guarantor for Detainees shows how 'locali idonei' have been made operational or, in any case, put in the pipeline by a substantial number of Police Headquarters (36 Police Headquarters state that they have "locali idonei" for the detention of foreigners during the executive phase of expulsion and 15 report the use of security rooms for the same purpose), accentuating the proliferation of administrative detention facilities and the risk of nullifying their related, already fragile, guarantees. The Guarantor also believes that their use appears particularly in line with the current strategy of the Union policies, which are less focused on the detention capacity of individual States and more aimed at creating conditions that guarantee the simplification of procedures and increasingly rapid returns.¹³⁰⁷

LD 130/2020, converted into Law 173/2020, confirmed the expansion of places of deprivation of liberty intended for the detention of foreign citizens pending validation of the forced repatriation, but – in pursuance of recommendations made by the National Guarantor¹³⁰⁸ – specified that art. 14 of the TUI applies: in such places of detention, adequate sanitary and housing standards must be ensured, and fundamental rights must be guaranteed. These places are thus to be considered as surrogates of CPRs and respond to the same standards. The National Guarantor has further clarified that all the protections provided for in the Cpr compatible with a short stay, including the possibility of visits by persons authorised

¹³⁰² CILD, Il Protocollo Italia-Albania dal 2023 a oggi, 7 May 2025, available in Italian [here](#).

¹³⁰³ Il Fatto Quotidiano, Il cpr, l'Albania, il carcere, il suicidio: oggi l'autopsia di Hamid Bodoui. Don Ciotti: "Assurdo e disumano", 22 May 2025, available in Italian [here](#).

¹³⁰⁴ National Guarantor, *Opinion on LD 113/2018*, October 2018, available in Italian at: <https://bit.ly/3KJJ63i>.

¹³⁰⁵ ASGI, 'I "locali idonei" al trattenimento dei cittadini stranieri: le criticità del dettato normativo, i rilievi mossi dalle autorità di garanzia e i dati raccolti da ASGI', April 2021, available in Italian at: <https://bit.ly/3MXOtxl>.

¹³⁰⁶ UN Committee on Enforced Disappearances, *Concluding observations on the report submitted by Italy under article 29 (1) of the Convention*, May 2019, available at: <https://bit.ly/3MYgGVt>.

¹³⁰⁷ *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2023, available at: <https://rb.gy/r73ey6>.

¹³⁰⁸ National Guarantor, *Opinion on LD 130/2020*, November 2020, available in Italian at: <https://bit.ly/3id2N7z>.

to access the institutes prisons and security rooms as well as by national and international protection organisations.¹³⁰⁹

There is no data on individuals detained in the so-called “locali idonei” from the entry into force of the rule. ASGI, as part of the In Limine project, has thus urged the publication of this information, sending FOIA requests to the authorities concerned in July 2020. All questioned Questure (Bergamo, Bologna, Brescia, Milan, Parma, Roma) replied to the request for information, although often information was only partial due to alleged reasons of public security. More specifically, none of the Offices – notwithstanding requests made by the National Guarantor as well as the UN Committee on Enforced Disappearances – has shared a list of structures identified as locali idonei, nor provided clear information on criteria to be used in the suitability assessment, merely citing inputs received on this by the National Guarantor but not confirming whether any specific regulation has been adopted.

The disclosed information confirms that all the 6 Questure questions have implemented detention in “locali idonei”. Between July 2019 and July 2020, at least 393 persons were held here in *locali idonei*. Most represented nationalities were Morocco, Albania and Tunisia.¹³¹⁰

The National Guarantor has visited, between December 2020 and January 2021, in “locali idonei” in Immigration Offices in Parma and Bologna. The former has 2 holding chambers, in which 38 persons were held pursuant to Art. 13 para 5-bis TUI; no critical events were reported. The latter uses the so-called “sale accompagnati” as locali idonei; in 2020, 17 people were held here pursuant to Art. 13 para 5-bis TUI; among these, 6 were held for 2 nights, 4 for 3 nights, 2 for nights.¹³¹¹

In May 2022, ASGI had access to locals used by **Milan’s** Questura, and could gather information on the detention procedure and its timing, the places used and certain critical issues related to the right of defence of persons detained.¹³¹² What emerged is that the maximum duration of detention is 48 hours and only those who receive a deportation decree with accompaniment by public force are detained in the sector, while those who receive deportation decrees for which detention is ordered are immediately transferred to the CPR. Detention validation hearings are mainly conducted remotely, and the detainee’s lawyer can speak with the detainee – also remotely – only a few minutes before the hearing. Personnel of the Questura meeting with ASGI’s delegation indicated that detainees have the possibility to be visited by family members or the lawyer, but the direct experience of some cases showed that this right is not guaranteed in practice.¹³¹³

Upon entry, detainees receive and sign an information form on the possibility of requesting voluntary departure and sign the information sheet that will be attached to the deportation decree.

No specific information is provided on the possibility of accessing the procedure for recognition of international protection. Regarding the right to health, there is no reference protocol with the National Health Service and no examination on the suitability of the application of a detention measure. However, it has been reported that a doctor from the National Health Service is contacted in case of specific requests by the detainee. The Questura di Milano argued that, despite the absence of an express provision of law, there is the possibility for detainees to submit complaints to the Guarantor for detainees’ rights. Mobile phones are requisitioned upon entering the premises; detainees would then be granted to use it only for the time strictly necessary to contact family members or lawyers, apparently under the surveillance of police officers.

¹³⁰⁹ National Guarantor, *Thematic report on suitable structures used for detention of third-country nationals*, August 2021, available in Italian at: <https://bit.ly/3Jh0aNS>.

¹³¹⁰ ASGI, ‘I “locali idonei” al trattenimento dei cittadini stranieri: le criticità del dettato normativo, i rilievi mossi dalle autorità di garanzia e i dati raccolti da ASGI’, April 2021, available in Italian at: <https://bit.ly/3MXOtxl>.

¹³¹¹ National Guarantor, *Thematic report on suitable structures used for detention of third-country nationals*, August 2021, available in Italian at: <https://bit.ly/3Jh0aNS>.

¹³¹² ASGI, *Il punto sulle strutture idonee nella disponibilità delle autorità di pubblica sicurezza per il trattenimento dei cittadini stranieri in attesa dell’esecuzione del rimpatrio: il monitoraggio di ASGI presso la Questura di Milano*, November 2022, available in Italian at: <https://rb.gy/wfl5po>.

¹³¹³ Ibid.

Finally, there is no regulated service regarding the meals provided to detainees, who, if in possession of money, can use the snack machines; otherwise, in the case of longer detention, it was reported that a meal was offered through the canteen service of the operators.¹³¹⁴

This visit followed Lombardi's Administrative Tribunal precautionary order following the appeal filed by ASGI after Milan Questura rejected the request for access to locali idonei. In October 2022, the same TAR, while noting the lack of interest in the case having occurred in May of the same year of ASGI's visit, reiterated the that reasoning behind the rejection of the request by the local Questura had been erroneous.¹³¹⁵

1.2 Hotspots

As described in the [Hotspots](#) section, there are thirteen operating hotspots, a number that has grown exponentially in the last two years and that has been certified by the Ministry of the Interior in February 2025, following a civic access request realised by Asgi.¹³¹⁶

Hotspot	Capacity
Lampedusa	250
Pozzallo	230
Taranto	400
Messina	250
Crotone	80
Roccella Jonica	250
Reggio Calabria	200
Vibo Valentia	280
Porto Empedocle	280
Porto Empedocle ¹³¹⁷	50
Catania	650
Augusta	250
Pantelleria	40
Total	3,702

As already noted, the hotspot approach is used beyond hotspots centres. In October 2020, ASGI reported that the first line reception facility of **Monastir**, in Sardinia, was being used as a de facto detention facility; a further visit in April 2021 confirmed persisting criticalities.¹³¹⁸

With reference to the new critical issues that have emerged at the new border of Pantelleria, please refer to what has been reported above under [Duration of detention](#).

The Reception Decree does not provide a legal framework for operations carried out in the First Aid and Reception Centre (CPSA) now converted into hotspots. Both in the past and recently in the CPSA, in the absence of a legislative framework and on the grounds of identification needs, asylum applicants have been unlawfully deprived of their liberty for longer periods than those strictly necessary for identification purposes and held for weeks in conditions detrimental to their personal dignity. The legal vacuum, the lack of places in the reception system and the bureaucratic chaos have legitimised in these places detention of asylum applicants without adopting any formal decision or judicial validation.

¹³¹⁴ Ibid.

¹³¹⁵ ASGI, 'Il diritto di accesso ai "luoghi idonei" di trattenimento: la sentenza del TAR Milano', November 2022, available in Italian at: <https://rb.gy/gf2jxc>.

¹³¹⁶ Data shared on February 2025 by Moi after a Foia access request made by ASGI.

¹³¹⁷ Structure for detention of foreigners during the accelerated border procedures referred to in Article 28-bis, paragraph 2(b) and (b-bis) of Legislative Decree No. 25 of 28 January 2008.

¹³¹⁸ ASGI, 'Un resoconto della visita di ASGI al Centro di accoglienza di Monastir', April 2021, available in Italian at: <https://bit.ly/3CKQecX>.

In the case of *Khlaifia v. Italy*, the European Court of Human Rights (ECtHR) strongly condemned Italy for the detention of a group of Tunisians in the **Lampedusa** CPSA in 2011. In particular, the Court found that their detention was unlawful, and that the conditions in which the Tunisians were accommodated – in a situation of overcrowding, poor hygienic conditions, prohibition of contacts with the outside world and continuous surveillance by law enforcement, lack of information on their legal status and the duration and the reasons for detention – constituted a violation of Articles 3 and 5 ECHR, in addition to the violation of Article 13 ECHR due to the lack of an effective remedy against these violations.¹³¹⁹ The Grand Chamber judgement of 15 December 2016 confirmed the violation of such fundamental rights.¹³²⁰ Despite civil society organisations calling out the continued practice of detention in hotspots in violation of the *Khlaifia* judgement, in December 2021 the supervision procedure on the implementation of the ECtHR judgement was officially closed. ASGI, A Buon Diritto and CILD have expressed concern for the closure of the supervision procedure and stressed again the persistence of serious and systematic violations of fundamental rights.¹³²¹ Regarding the unlawfulness of detention, the Government asserted that it had fully implemented the *Khlaifia* judgement by enacting L 173/2020.¹³²² Nevertheless, as pointed out by the National Guarantor for the Rights of Detainees, the 2020 reform did not introduce any new provisions related to hotspots, amending solely the legislation covering CPRs.¹³²³

Although the new Article 6(3-bis) of the Reception Decree foresees the possibility of detention for identification purposes in specific places, such places are not identified by law. In a Circular issued on 27 December 2018, the Ministry of Interior specified that it will be the responsibility of the Prefectures in whose territories such structures are found to identify special facilities where this form of detention could be performed. At the time of writing, there is no information on the identification of these premises.

As those dedicated premises have not been identified, detention for identification purposes occurs *de facto* in hotspots.¹³²⁴

According to ASGI, detention in facilities other than CPRs and prisons violates Article 10 of the recast Reception Conditions Directive, which does not allow for detention to take place in other locations than those designated for this purpose and additionally because in these places the guarantees envisioned by this provision are not in place. According to ASGI, the amended Reception Decree also violates Article 13 of the Italian Constitution, since the law does not indicate the exceptional circumstances and the conditions of necessity and urgency allowing, according to constitutional law, for the application of detention measures. Moreover, the law makes only a generic reference to places of detention, which will be not identified by law but by the prefectures, thus violating the “*riserva di legge*” laid down in the Article 13 of the Constitution, according to which the modalities of personal freedom restrictions can be laid down only in legislation and not in other instruments such as circulars.¹³²⁵

In the *J.A. and Others v. Italy* case¹³²⁶ the European Court of Human Rights condemned Italy for violating Article 3 (prohibition of torture and inhuman and degrading treatment), Article 5 (right to liberty and security) and Article 13 (right to an effective remedy) of the Convention, on the complaint lodged by the four Tunisian nationals rescued and transferred to the Lampedusa hotspot and here victims of *de facto* detention.

¹³¹⁹ ECtHR, *Khlaifia and Others v. Italy*, Application No 16483/12, Judgement of 1 September 2015.

¹³²⁰ ECtHR, *Khlaifia and Others v. Italy*, Grand Chamber, Judgement of 15 December 2016.

¹³²¹ ASGI, ‘Trattenimento in hotspot: c’era un giudice a Strasburgo’, January 2022, available in Italian at: <https://bit.ly/3JkBXpX>.

¹³²² Rappresentanza permanente d’Italia presso il Consiglio d’Europa, *Communication of the Italian Government*, February 2021, available at: <https://bit.ly/34NtGJ>.

¹³²³ National Guarantor, *Opinion on DL 130/2020*, November 2020, available in Italian at: <https://bit.ly/3id2N7z>.

¹³²⁴ Guarantor for the rights of detained persons, *Relazione al Parlamento*, 15 June 2018, available in Italian at: <http://bit.ly/2TZy9ol>, 233.

¹³²⁵ ASGI, *Manifeste illegittimità costituzionali delle nuove norme concernenti permessi di soggiorno per esigenze umanitarie, protezione internazionale, immigrazione e cittadinanza previste dal decreto-legge 4 ottobre 2018, n. 113*, 15 October 2018, available in Italian at: <http://bit.ly/2FCsyLW>.

¹³²⁶ ECtHR, No 21329/2018, *J.A. and Others v. Italy*, 30 March 2023, available at: <https://rb.gy/8uq8v>.

In three different judgments rendered in the cases *A.B. v. Italy*, *A.M. v. Italy* and *A. S. v. Italy*, published on 19 October, the European Court of Human Rights (ECtHR)¹³²⁷ once again recognised violations of Article 3 (prohibition of inhuman and degrading treatment) and Article 5 (right to liberty and security) of the European Convention on Human Rights and condemned Italy in relation to the detention conditions suffered by a number of foreign nationals at the **Lampedusa** Hotspot over a period of time between 2017 and 2019. These pronouncements are still relevant given the practices still found in hotspots and informal facilities that are multiplying in different regions of the country.¹³²⁸

A further conviction against Italy by the European Court of Human Rights (ECHR) on the 16 November 2023¹³²⁹ ordered compensation of €27,000 against four Sudanese nationals who had been stripped naked, mistreated and deprived of their liberty in the summer of 2016 during the so-called operations to 'relieve the pressure at the border' in **Ventimiglia**, when hundreds of migrants were forcibly transferred to hotspots in southern Italy and, in some cases, transferred to CPRs and then returned to their country of origin.¹³³⁰

1.3 Transit zones

The lack of a clear legal definition of transit zones has led to a situation of legal ambiguity, on which illegitimate practices of refusal of entry and detention have been built. Border authorities, considering these areas as extraterritorial, act as if they were exempt from the application of constitutional, national and international standards for the protection of fundamental rights. This interpretation is untenable under the rule of law, since the jurisdiction exercised by the State over such places is not in question. People who are denied entry at airports are forced to wait for repatriation to their country of origin in transit zones. In some cases, this wait can last several days. Foreign citizens are brought back by the same company they travelled with to reach Italy. During this period, people are arbitrarily detained in grossly inadequate conditions and in the absence of the basic guarantees accorded to persons deprived of their liberty. Detention takes place in premises that are structurally unsuitable for the purpose, isolated from the outside world, without access to fresh air, with little opportunity to consult a lawyer, without any detention order being issued and therefore without any validation by a judge.

De facto detention is frequently used by the authorities for arrivals at airports. Such deprivation of personal liberty is enforced in the absence of a legal basis, a maximum period of detention and a judicial review of the legitimacy of the detention, in inadequate conditions. Persons detained in airport transit zones have extremely limited possibilities of getting in touch with organisations, protection bodies, family members and lawyers - as their access to such areas is strictly limited. The obstacles put in place by border authorities to reduce outsiders' access to transit areas result in a series of violations, among which the right to information, the right to defence (it is often impossible for detainees to physically contact a lawyer), and effective access to judicial protection. Moreover, the lack of access of civil society to these areas makes them almost invisible to public opinion. Furthermore, while it is difficult for the outside world to enter the transit zones, the authorities do not take any measures to ensure that detained persons can communicate outwardly. On the contrary, on numerous occasions foreign nationals are informally deprived of their mobile phones and, on several occasions, appointed lawyers have been denied entry on the basis that these areas are considered as 'sterile', meaning that only certain categories of persons may have access.¹³³¹

Responding, on 10 October 2019, to an open letter from ASGI, the Ministry of Interior, Central Directorate for Immigration, declared that a permanence – even if lasting several days - in the transit area should not

¹³²⁷ ECtHR, No. 18911/17 and two others, *A.E. and others v. Italy*, 16 November 2023, available at: <https://bit.ly/3VtXyVY>.

¹³²⁸ ASGI, 'Trattamenti inumani e degradanti: l'Italia condannata a risarcire i migranti detenuti illegittimamente a Lampedusa', 23 October 2023, available in Italian at: <https://lc.cx/8hmVZI>.

¹³²⁹ ECtHR, No 18787/17, *W.A. and others v. Italy*, 16 November 2023, available at: <https://bit.ly/3TTgX1n>.

¹³³⁰ MELTING POT EUROPA, 'Denudati, maltrattati e privati della libertà: la CEDU condanna nuovamente l'Italia', 21 November 2023, available in Italian at: <https://lc.cx/rjsAQ6>.

¹³³¹ ASGI, *Le zone di transito aeroportuali come luoghi di privazione arbitraria della libertà*, January 2021, available in Italian at: <https://bit.ly/3CLdOqh>.

be considered as detention, and therefore to have the defence rights guarantees related to detention because it is implemented as part of the immediate refoulement procedure that does not provide for jurisdictional validation.¹³³²

However, the Guarantor for detained persons maintained *de facto* detention, contrary to Articles 13 of the Italian Constitution and to Article 5 of the ECHR, occurred in the situation where people were unable to enter Italy since they were notified of an immediate refoulement measure and were obliged, at the disposal of the border police, to stay in special rooms in the transit area of the airports.¹³³³ This period of time varied according to the availability of flight connections with the place of origin.

In 2022, the National Guarantor stressed concerns over *de facto* detention in transit zones, noting the persisting practice at air or port borders where the effective rejection of the foreign citizen present at border crossings does not take place immediately and people are blocked for days in the transit area, and its criticalities in terms of lack of judicial review of detention as well as conditions of detention.¹³³⁴

No new data have been published since 2022, when 6,120 persons received refusals of entry at the borders (3,869 at the air border and 2,224 at sea borders). The main nationality registered is Albanian with 3,699 people (60%). The National Guarantor reported of 187 detained at the transit zones as follows:¹³³⁵

Police border office	2 days	3 days	4 days	5 days	6 days	7 days	Total
Bergamo Orio al Serio	44	25	5	-	1	-	75
Bologna airport	-	1	-	-	-	-	1
Milano Malpensa	26	14	3	-	-	-	43
Roma Fiumicino	-	12	8	2	1	1	24
Venezia airport	38	4	2	-	-	-	44
Total	108	56	18	2	2	1	187

Article 13 (5 bis) TUI, as amended by DL 113/2018,¹³³⁶ introduced the possibility of detaining people, to be expelled after being in Italy, in suitable premises at the concerned border office.

Responding to ASGI requests, the air border police offices of Rome Fiumicino and Milan Malpensa communicated in early 2020 that still no premises have been identified within the transit areas of the two airports for the detention of those who have to be expelled and that therefore no detention measures had

¹³³² Letter from Ministry of Interior, 8 October 2019, available in Italian at: https://lc.cx/H_QxA9.

¹³³³ Guarantor report, page 7. See also, *Questione Giustizia, Zone di transito internazionali degli aeroporti, zone grigie del diritto*, 9 December 2019, available in Italian at: <https://cutt.ly/EyO4wL9>.

¹³³⁴ *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2023, available at: <https://rb.gy/r73ey6>.

¹³³⁵ Ibidem.

¹³³⁶ Article 13(5bis) as amended by Article 4 (1) DL 113/2018 converted by L. 132/2018 introduced the possibility of detaining the people to be expelled, pending the validation procedure and in the event of no availability of places at the CPRs, in structures in the availability of the Public Security Authority. Detention is ordered by the Magistrate (Giudice di Pace) at the request of the Questore with the decree which sets the hearing to validate the expulsion. After this hearing, the Magistrate, at the request of the Questore, may authorize further detention, for a maximum of 48 hours, in suitable premises at the border office concerned.

been carried out in these areas.¹³³⁷ The situation remained unchanged in 2022, as reported by ASGI's through the InLimine Project,¹³³⁸ and up to the present.¹³³⁹

With judgement no. 3392/2023, published on 28 February 2023, the Administrative Court (TAR) of Lazio in Rome recognised ASGI's right to access the airport transit areas of **Fiumicino** and **Malpensa** airports. In general, the TAR recognised the detention nature of such areas and therefore the right of civil society to conduct visits there. This ruling followed the appeal filed by ASGI against the decision of the Department of Public Security rejecting the Association's request to access and visit the transit areas of the Rome-Fiumicino and Milan-Malpensa airport border crossing.¹³⁴⁰

Based on this judgement, between May and June 2023 two delegations of ASGI carried out inspections in the transit areas of the Milan-Malpensa and Rome-Fiumicino airports, finding in both places serious deficiencies regarding information on access to the asylum procedure, availability of cultural mediators or interpreters, the right of defence and communication with the outside world.¹³⁴¹

In a decision of 14 October 2024, the Tribunal of Rome condemned the Ministry to pay € 5500 of compensation for the unlawful detention of a Congolese citizen in the transit area of Fiumicino airport.¹³⁴²

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities

- | | | |
|---|---|--|
| 1. Do detainees have access to health care in practice? | ☒ Yes | ☐ No |
| ❖ If yes, is it limited to emergency health care? | ☐ Yes | ☒ No |

2.1 Overall conditions

In relation to detention conditions, the Reception Decree provides as a general rule that full necessary assistance and respect of dignity shall be guaranteed to the detainees. Separation of persons in respect of gender differences, maintaining, where possible, the family unity and the access to open-air spaces must be ensured.¹³⁴³ Detention conditions are monitored, *inter alia*, by the Human Rights Commission of the Senate, the Inquiry Commission on the reception system set up by the Chamber of Deputies, as well as the Guarantor for the rights of detained persons.

The decree-law 130/2020 expressly provides that adequate sanitary and housing standards must be ensured in the CPR.¹³⁴⁴ Regarding the former, as pointed out by the Guarantor of prisoners in his reports, the protection of the right to health and adequate assistance is strongly influenced by the organisational factor as the law reserves a secondary role for the National Health System and entrusts the performance of health services within the CPRs to the managing body. The Guarantor has repeatedly called out for the urgent establishment of MoU between CPR's and local health authorities (ASL), but these are not yet in place in all CPRs.

Decree Law 130/2020 introduced the possibility of making requests or complaints in written or oral form to the National Guarantor and to the regional or local Guarantors of the rights of detained persons.¹³⁴⁵ However, as the National Guarantor underlined in his latest report, the effectiveness of this provision is limited by the absence of information on this point and by the limits set by the CIE Regulation which

¹³³⁷ Article 13 (5 bis) TUI.

¹³³⁸ ASGI, 'Il trattenimento in attesa di allontanamento in "locali idonei" presso gli uffici di frontiera: le informazioni ottenute dalle autorità competenti', 10 November 2022, available in Italian at: <https://rb.gy/llvjb4>.

¹³³⁹ ASGI, 'L'esercizio del diritto di informazione in frontiera: analisi e raccomandazioni ASGI', 26 May 2024, available in Italian [here](#).

¹³⁴⁰ ASGI, 'Le zone di transito aeroportuale di Roma Fiumicino e Milano Malpensa: posizionamento e monitoraggio di ASGI', 6 December 2023, available in Italian at: <https://lc.cx/2qjkl3>.

¹³⁴¹ Ibidem.

¹³⁴² ASGI, 'Risarcimento del danno per illegittima detenzione informale presso l'aeroporto di Roma Fiumicino', 2 December 2024, available in Italian [here](#).

¹³⁴³ Article 7(1) Reception Decree.

¹³⁴⁴ Article 14 (2) TUI as amended by Article 3 (4 a) of Decree Law 130/2020.

¹³⁴⁵ Article 14 (2 bis) TUI.

provides that the delivery and use of pencils is forbidden inside the housing modules; and in any case it takes place under the supervision of the managing body which is responsible to collect them after use.¹³⁴⁶ Serious regulatory protection deficits remain with respect to the actual prison regime. These regards, for example:

- ❖ the lack of a mechanism that allows family members to be notified in case of need, a circumstance that has made it extremely difficult to notify the families of people who have lost their lives in detention;
- ❖ the absence of a mechanism for monitoring prison conditions entrusted, as for prisons, to the judicial authority;
- ❖ the absence of a strong role of public health and the decisive role left to the managing body for the protection of health.

The Reception Decree states that foreigners detained in CPR shall be provided by the manager of the facility with relevant information on the possibility of applying for international protection. The asylum applicants detained in such facilities are provided with the relevant information set out by Article 10(1) of the Procedure Decree, by means of an informative leaflet.¹³⁴⁷

The right of detainees to be adequately informed of their rights and of the possibility to apply for asylum is expressly provided for by the Interior Ministry Directive of 19 May 2022,¹³⁴⁸ that abolished the previous CIE Single Regulation. The CPR managing body is in charge of organising a "normative information provision" service, funds for which however have been drastically cut via the draft tender specifications prepared by the Ministry of Interior in 2018 and confirmed in 2021. There was, in fact, a decrease in the number of hours dedicated to this activity: (i) by 66% (for Centres with up to 50 places); (ii) by 70% (for Centres with up to 150 places); (iii) by 78% (for Centres with up to 300 places). This had inevitable repercussions on the effective protection of the right to information of detainees.¹³⁴⁹

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) made a periodic visit to Italy from 28 March to 8 April 2022. However, the visit did not concern detention facilities for foreign nationals, as reported by media sources.¹³⁵⁰

2.1.1 Conditions in hotspots

It is necessary to recall here that, as previously mentioned, in 2016 the ECtHR in the *Khlaifia* judgment condemned Italy for the arbitrary detention of foreign citizens in the Centre of Aid and First Reception (CSPA) — now renamed hotspots — of **Lampedusa**. The Court was also heavily critical regarding the lack of effective remedies against this deprivation of liberty and related living conditions. Since then, the Italian government has not filled this critical gap in Italian legislation and has kept on detaining people (even minors and vulnerable people) without the required validation from a judge. Some NGOs (including CILD, ASGI, and A Buon Diritto) have actively taken part in the judgement's implementation supervision procedure before the Committee of Ministers of the Council of Europe. From 2018 to the end of 2021, they redacted around ten observations reports demonstrating that the Italian government had done next to nothing to end the systematic violation of human rights in these places.¹³⁵¹ Notwithstanding, the implementation supervision procedure has been closed in December 2021. Civil society expressed

¹³⁴⁶ Guarantor for the rights of detained persons, Report on visits in CPR (2019-2020), 12 April 2021, available in Italian at: <https://bit.ly/3ogz2F8>.

¹³⁴⁷ Article 6(4) Reception Decree.

¹³⁴⁸ Ministero dell'interno, Direttiva recante "Criteri per l'organizzazione e la gestione dei centri di permanenza per i rimpatri previsti dall'art. 14 del decreto legislativo 25 luglio 1998, n. 286 e successive modificazioni", available in Italian at: <https://rb.gy/wfqcv5>.

¹³⁴⁹ CILD, *Buchi Neri*, available in Italian at: <https://bit.ly/3JgTwY8>.

¹³⁵⁰ Consiglio d'Europa, 'Il Comitato anti-tortura del Consiglio d'Europa effettua una visita di 12 giorni in Italia', April 2022, available in Italian at: <https://rb.gy/xazkd>.

¹³⁵¹ Open Migration, 'The shameful topicality of the Khlaifia case', November 2021, available at: <https://bit.ly/35Wvaoc>.

concerns over the closure of the procedure and stressed again the urgency of addressing the need for adequate legal, procedural and reception standards in immigration detention.¹³⁵²

As reported by ASGI's InLimine Project as a result of its monitoring and legal assistance activities, in the summer of 2021, during the period of peak arrivals, people have been de facto detained, even for up to one month, in the **Lampedusa** hotspot without validation by a judge and without the application of proper hygienic measures, including those directed at preventing the spread of COVID-19. Detention conditions were inhumane; migrants were hosted in potentially risky settings and hotspots were overcrowded, even reaching a point where 1,000 people were accommodated in a location with an official capacity of 250 people. Even vulnerable persons were informally detained for an extended period of time, lacking any adequate mechanism of assistance, referral and/or priority transfer for people who had survived the shipwreck, human trafficking, gender-based violence, torture or who were fragile for any other reason. Such informal and prolonged detention also involved minors, whose transfers were often slowed down by the unavailability of places in centres for sanitary isolation. In particular, there were reports of people being subject to informal and extended detention in the Lampedusa hotspot even when they suffered from medical and/or psychological illness. As an example, a family consisting of two minors and a mother who had suffered from a carcinoma was kept in the hotspot under inadequate conditions including a lack of access to appropriate medical treatments, from 12 July to 12 August 2021, when the family was finally transferred to a centre for fiduciary isolation. Another family consisting of two minors, one of whom suffered from a severe illness that causes motor disability, and of a father who had requested international protection, was kept in a hotspot from 1 July to 10 August 2021.¹³⁵³

In September 2021, MSF, who had deployed teams to provide medical and psychological assistance at landings and in the hotspot during the summer, providing help to over 11,000 persons, ceased its activities in Lampedusa, citing the inadequacy of the emergency approach adopted and the need for structural interventions to ensure the respect and protection of fundamental rights.¹³⁵⁴

This situation remained unchanged through 2022 as showed by data collected through ASGI's InLimine Project.¹³⁵⁵

In February 2023, the reception conditions inside the facility were very poor, with very serious overcrowding situations (against a capacity of 400 places, there were almost 4,000 people), people forced to sleep on the floor, lack of food, no medical assistance, and bonfires set up to make up for the lack of heating.¹³⁵⁶ All this led to the replacement of the managing body and the subsequent entrusting of the centre to the Italian Red Cross from May 2023 onwards. Despite the change of management, the criticisms that had emerged in previous years continue to be denounced by ASGI.¹³⁵⁷

In its decision published on 13 June 2024, the Committee of Ministers of the Council of Europe assessed that Italy had failed to adequately implement the judgment of the European Court of Human Rights J.A.

¹³⁵² ASGI, 'Trattenimento in hotspot: c'era un giudice a Strasburgo', January 2022, available in Italian at: <https://bit.ly/3JkBXpX>.

¹³⁵³ ASGI, 'Una prospettiva di genere sull'Hotspot di Lampedusa: la sistematica e colposa violazione dei diritti delle donne', 15 October 2021, available in Italian at: <https://bit.ly/3tgdRHf>.

¹³⁵⁴ MSF, 'Lampedusa: approccio emergenziale poco efficiente, serve intervento strutturale', 30 September 2021, available in Italian at: <https://bit.ly/37uJIRz>.

¹³⁵⁵ ASGI, *L'hotspot di Lampedusa: alcuni riscontri dalla pubblica amministrazione*, May 2022, available in Italian at: <https://rb.gy/bdh5l0>; see also ASGI, *Report Lampedusa 2022: le criticità*, August 2022, available in Italian at: <https://rb.gy/litjw5>.

¹³⁵⁶ CILD, *L'AFFARÈ CPR. Il profitto sulla pelle delle persone migranti*, June 2023, available in Italian at: <https://lc.cx/gY0Ueb>.

¹³⁵⁷ ASGI, 'Per l'implementazione della libertà di corrispondenza con il mondo esterno e predisposizione di una rete wi-fi presso l'Hotspot di Lampedusa: diverse organizzazioni scrivono alle autorità competenti', March 2023, available in Italian at: <https://lc.cx/maYghO>; ASGI, 'La privazione della libertà personale nell'hotspot di Lampedusa: il riscontro delle autorità competenti', March 2023, available in Italian at <https://lc.cx/gDj3y9>; ASGI, 'The right to information in the Lampedusa hotspot: the responsibilities of UNHCR', April 2023: <https://lc.cx/MnCT6a>; ASGI, *La Questura di Agrigento su ingressi e uscite dall'hotspot di Lampedusa*, May 2023, available in Italian at: <https://lc.cx/zmx60e>; ASGI, *La gestione dell'hotspot di Lampedusa: la Convenzione con la CRI*, July 2023, available in Italian at: <https://lc.cx/w2w1u6>.

and others v. Italy (Appeal No. 21329/18) on detention and conditions inside the Lampedusa hotspot and called on the authorities to take the necessary measures for its implementation.¹³⁵⁸

The **Pozzallo** hotspot is located in the premises of the former customs office in the port of Pozzallo. It is enclosed by a barrier of about 3 metres and has a constantly manned entrance. The structure consists of three large dormitories, divided according to gender and age. During 2019, it mainly welcomed people awaiting transfers to other European countries in the context of the so-called voluntary relocation. Such redistribution procedures usually involved long-term stays within the centre. From March 2020 to the end of 2021, due to the pandemic, the hotspot has been used for the execution of quarantine and fiduciary isolation periods for arriving foreign citizens, including minors. This use raises critical issues as the hotspots are not, in fact, compatible with the implementation of measures aimed at the prevention and spread of COVID-19 for obvious structural reasons, since these places are unsuitable for long-term stays. Inspectors sent by the Sicily Region in September 2020 highlighted multiple sanitary criticalities such as common toilets, not proportionate for the real capacity and insufficient sanitation.¹³⁵⁹ In July 2021, migrants protesting in the hotspot caused a fire in the building, a few migrants escaped from the hotspot but were traced by authorities.¹³⁶⁰ In June 2023, a delegation of ASGI had access to the Pozzallo hotspot and found several problems including the absence of cultural mediators to support in the procedures after entering the hotspot (e.g. during the compilation and signing of the so-called "foglio-notizie") and the duration of detention in the hotspot following the manifestation of an application for international protection, which on average is about 10 days but can reach several weeks as stated by some people in the hotspot.¹³⁶¹

The **Taranto** hotspot is located a few metres from the entrance to the commercial port of the city, close to the gigantic industrial area. The proximity to the former Ilva steelwork factory and other polluting industrial plants is made evident by the thick patina of red dust that covers the tensile structures and containers that make up the centre's structure. In 2019, ASGI, ActionAid and Oxfam visited the hotspot and reported inadequate structures creating situations of promiscuity and the lack of adequate medical services and support for vulnerable persons.¹³⁶² In November 2020, protests in the hotspots culminated in the escape of 16 persons and, one year later, in the arrest of one migrant held responsible for the protests and for resisting to the police.¹³⁶³

The European Court of Human Rights, in its decision of 23 November 2023 rendered in case no. 47287/17 (*A.T. and others v. Italy*),¹³⁶⁴ condemned Italy for having unlawfully detained several unaccompanied foreign minors in the Taranto hotspot, for having used inhuman and degrading treatment in arranging their reception measures, for not having appointed a guardian nor having provided them with any information on the possibility of challenging this condition in court. The relevance of the decision is immediately perceptible in the current context, in which previous repressive approaches have not been changed. ASGI noted the importance of the ruling because at the time of its issuance, there were almost two hundred foreign minors *de facto* detained without any legal basis and without any judicial review inside the Taranto hotspot, some of them even since the previous month of August.¹³⁶⁵

Further critical issues were reported in the University of Bari's Report on the Taranto hotspot, which denounced the inadequacy of the legal information offered to persons entering the facility, the confusion

¹³⁵⁸ ASGI, 'Valutazione del Comitato dei Ministri: Inadempienza dell'Italia nell'attuazione della Sentenza CEDU sull'Hotspot di Lampedusa', July 2024, available in Italian [here](#).

¹³⁵⁹ Ragusa Oggi, 'L'HotSpot di Pozzallo, ma anche il centro San Pietro, bocciati dagli ispettori regionali: "inadeguato per prevenire il covid e per la quarantena"', 1 September 2020, available in Italian at: <https://bit.ly/3D1uNEZ>.

¹³⁶⁰ Repubblica, 'Migranti, incendio all'hotspot di Pozzallo: 30 in fuga', July 2021, available in Italian at: <https://bit.ly/3CLcSII>.

¹³⁶¹ ASGI, *Il monitoraggio della scuola di ASGI e Spazi Circolari: la frontiera di Pozzallo e le sue evoluzioni*, October 2023, available in Italian at: <https://lc.cx/2n5MBD>.

¹³⁶² ASGI, 'Visita all'hotspot di Taranto', 16 July 2019, available in Italian at: <https://bit.ly/3telHjr>.

¹³⁶³ Corriere del Mezzogiorno, 'Taranto, fece scappare 16 ospiti: arrestato dalla polizia', November 2021, available in Italian at: <https://bit.ly/3tVK2e8>.

¹³⁶⁴ ECtHR, No. 18911/17 and two others, *A.E. and others v. Italy*, 16 November 2023, available at: <https://bit.ly/3VtXyVY>.

¹³⁶⁵ ASGI, 'CEDU: minori stranieri detenuti illegalmente nell'hotspot di Taranto. ASGI: vanno ricollocati', 28 November 2023, available in Italian at: <https://lc.cx/VLycMg>.

between intelligence and investigative activities carried out during entry security checks, with potential repercussions on the rights of persons under investigation, the inadequate material reception conditions to guarantee privacy and the protection of persons in particularly vulnerable conditions (women and minors).¹³⁶⁶

The **Messina** hotspot is made up of a series of containers of zinc sheets and tensile structures capable of hosting up to 250 people. During 2019, the Messina hotspot mainly welcomed people awaiting transfer to other European countries in the context of the so-called voluntary relocation.¹³⁶⁷ In 2020, it was mostly used as quarantine facility.¹³⁶⁸

During 2023, ASGI monitored the operability of the Messina hotspot through civic accesses that allowed for the acquisition of primary information on it.¹³⁶⁹

As already noted, in October 2020 and again in April 2021, ASGI reported that the first line reception facility of **Monastir**, in Sardinia, was being used as a de facto hotspot, despite not being defined as a hotspot facility. The Monastir reception centre is located in a military area surrounded by large fences. Although the legal configuration of the centre is not clear, the same evidently has functions attributable to those defined by the hotspot approach; all the typical hotspot procedures are also carried out in the centre, such as health screening, pre-identification via news sheet, identification, fingerprinting and control in databases for the purpose of defining the legal status of the foreign citizen on the territory and for channelling them into asylum procedures or towards repatriation. The same structure has been used for periods of fiduciary isolation and quarantine. With regard to the conditions of stay, it was reported that an area housed 25 people in quarantine, with a single toilet equipped with a shower, and other chemical toilets outside the building.¹³⁷⁰

In 2021, ASGI reported many criticalities in **Pantelleria**, where newly arrived migrants are also channelled in hotspot-like procedures.¹³⁷¹ Those arriving on the island are hosted in a structure largely unsuitable for reception that previously hosted military barracks. It is a transit centre without any precise legal configuration and with many criticalities in terms of reception conditions and protection of rights.¹³⁷² As mentioned above, the new inspection conducted by ASGI in May 2022 confirmed the critical issues that emerged the previous year.¹³⁷³

In September 2023, a new facility was inaugurated in the **Pozzallo-Modica** territory, a "Centre for the Detention of Asylum Applicants" intended for the carrying out of border procedures pursuant to Article 28-bis of Legislative Decree No. 25 of 28 January 2008 and the administrative detention of applicants for international protection pursuant to Article 6-bis of Legislative Decree 142/2015, which is characterised by serious critical issues strongly affecting the rights of arriving persons (see [Border Procedure](#)).

2.1.2 Conditions in CPR

In providing for a distribution of CPR on the entire national territory, Decree Law 13/2017, implemented by L. 46/2017, specified that this should have followed an expansion of the role of Guarantor for the rights of detained persons, and an extension of the power of access for those who do not require authorisation,

¹³⁶⁶ Università degli Studi di Bari, *Rapporto sul centro hotspot di Taranto*, Jean Monnet Working Paper 2/2023, October 2023, available in Italian at: <https://lc.cx/8otliD>.

¹³⁶⁷ ASGI, *Cosa succede ai migranti nell'hotspot di Messina*, 11 February 2019, available in Italian at: <https://bit.ly/3tisWZ7>.

¹³⁶⁸ ASGI, *Hotspot di Messina*, December 2020, available in Italian at: <https://bit.ly/3ljhfpb>.

¹³⁶⁹ ASGI, *L'hotspot di Messina: alcuni riscontri della pubblica amministrazione*, January 2023, available in Italian at: <https://lc.cx/LGBYav>.

¹³⁷⁰ ASGI, 'Un resoconto della visita di ASGI al Centro di accoglienza di Monastir', 28 April 2021, available in Italian at: <https://bit.ly/3CKQecX>.

¹³⁷¹ ASGI, *La frontiera di Pantelleria: una sospensione del diritto. Report del sopralluogo giuridico di ASGI*, June 2021, available in Italian at: <https://bit.ly/3tcSwyD>.

¹³⁷² Ibid.

¹³⁷³ ASGI, *La frontiera di Pantelleria: una sospensione del diritto Report del sopralluogo giuridico di ASGI*, August 2022, available at: <https://rb.gy/9ndftw>.

and an absolute respect for human dignity. A further expansion of the role of the National Guarantor on monitoring of all places of detention has been foreseen by L. 173/2020. The National Guarantor, in the context of its dedicated focus on immigration detention, has repeatedly noted the lack of an adequate legal framework for detention in CPRs. More recently, the Guarantor has highlighted the importance of the ongoing review of the consolidated regulation for CPRs, currently being undertaken by the Mol's Department of Civil Liberties and Immigration. Even if the regulation does not suffice to ensure a legal basis for detention, it could provide for a more solid central governance of immigration detention and the evolution of the system towards higher standards of protection.¹³⁷⁴

CPRs detain people with very different legal statuses, from those coming from prisons to applicants for international protection. According to the law, asylum applicants detained in CPR should be placed in a dedicated space.¹³⁷⁵ The National Guarantor has reported on the overall lack of distinctions made on this respect in CPRs, where separation of persons in different conditions is often not possible due to lack of adequate spaces, affecting the safety of the detention environment.¹³⁷⁶

"Modalities of detention seriously and physiologically problematic" was the wording used by the National Guarantor to describe the structural issues affecting the immigration detention system in Italy.¹³⁷⁷ The National Guarantor describes regulatory gaps, structural problems, and issues in the management of detention facilities. CPR facilities and resources are generally described as lacking at best, resulting in a very poor quality of life for detained persons. The National Guarantor also describes worrying practices compromising the ability of detained persons to communicate with the outside world. The Guarantor has therefore repeatedly called out for the improvement of detention facilities and of their connection to local services (especially in terms of access to the National Health System) as well as of the ability of detained persons to communicate freely through their mobile phones.¹³⁷⁸

Regarding the general conditions of detention in CPRs, the problems already reported in 2021¹³⁷⁹ have not been overcome over the years due to political choices that tend to make these places invisible and to minimise their management costs. These appear to be the critical issues that still affect most of the CPRs in Italy still today:¹³⁸⁰

- ❖ The privatised management of CPRs (even for health-related services) is one of the most controversial issues in administrative detention. In recent years, the social cooperatives that manage these facilities have been gradually joined by multinational corporations, which manage detention centres or services in prisons all over Europe;
- ❖ The tendency to minimise the costs of managing the CPRs in favour of profit maximisation is evident in the outline of the tender specifications prepared by the Ministry of the Interior in 2018, and partially confirmed in the new outline of the same description in 2021. This has resulted in a drastic decrease in all services for people within CPRs, a reduction in the hours staff employed by the Centres' managing bodies (operators, information and mediation services, health personnel) and has thus led to a structural lack of staff in the various CPRs, with pathological drifts recorded in some facilities;
- ❖ In some cases, the square metre size of single rooms does not comply with the minimum living space standard set by the European Court of Human Rights. Further critical issues observed in CPRs concern the lack of natural light in the sleeping rooms, deriving from the presence of screened windows; the lack of possibility for detainees to directly turn lights on or off; in some instances, the presence of cockroaches and non-insulated rooms, of worn-out, mouldy mattresses;

¹³⁷⁴ National Guarantor for the rights of detained persons, *Yearly report to the Parliament 2021*, June 2021, available in Italian at: <https://bit.ly/3NI1P6T>.

¹³⁷⁵ Article 6(2) Reception Decree.

¹³⁷⁶ National Guarantor for the rights of detained persons, *Rapporto sulle visite effettuate nei CPR (2019 - 2020)*, available in Italian at: <https://bit.ly/35UHwx5>.

¹³⁷⁷ National Guarantor for the rights of detained persons, *Rapporto sulle visite effettuate nei CPR (2019 - 2020)*, available in Italian at: <https://bit.ly/3MPri93>.

¹³⁷⁸ Ibidem

¹³⁷⁹ CILD, *Buchi Neri*, January 2020 – July 2021, available in Italian at: <https://bit.ly/3JgTwY8>.

¹³⁸⁰ CILD, *Buchi Neri*, January 2020 – July 2021, available in Italian at: <https://bit.ly/3JgTwY8>.

- ❖ In some facilities, there is an inadequate number and/or very poor hygienic conditions of sanitary services, which are often without doors and thus do not ensure any privacy;
- ❖ The poor quality of food, lack of compliance with food safety regulations and menus which do not always take into account diets for religious or medical reasons;
- ❖ The total lack of common living spaces and activities for detainees;
- ❖ Freedom of communication is often partially and completely limited: in most CPRs, the number of landline telephones, which according to the legislation should be present in a number not lower than 1 for every 15 people, was insufficient; in many CPRs, the possibility to make video calls with family members during COVID-19 was not given. Furthermore, the illegitimate practice of seizing mobile phones of detainees upon entrance in centres continues in Torino, Potenza, Roma, Trapani, and Macomer. In February 2021, the Civil Court of Milan accepted the urgent appeal presented by a Tunisian asylum applicant held at the CPR of Milan, in order to obtain the return of his mobile phone which, according to the current practice also in other CPRs, he was prevented from using inside the centre. The Court observed that the impossibility of accessing one's mobile phone constitutes a limitation of the right to freedom of communication of the detainees, not permitted by Italian law, but can also constitute a violation of the right of defence of detainees. In the case of the applicant, the impossibility of communicating with his lawyer before the hearing to validate the detention, prevented him from being able to avail himself of his assistance there. The Court further observed that freedom of correspondence cannot be guaranteed through the availability of fixed or portable devices, generally present within the centre.¹³⁸¹

Especially dire conditions have been reported in Turin's CPR, whose infamous sanitary isolation section (so-called Ospedaletto) was closed in September 2021 upon insistence of the National Guarantor, following the tragic suicide of Moussa Balde a few months before.¹³⁸²

Several cases of self-harm and/or suicide attempts in CPRs have been reported in Milan, Turin, and Bari.¹³⁸³ Revolts over detention conditions in CPRs are frequent; in 2021, detained persons protested and revolted in Turin and Milan. In May 2021, a protest over lack of food in Milan's CPR was violently repressed by riot police, resulting in 8 persons harmed and followed up by hunger strikes and cases of self-harm.¹³⁸⁴

The National Guarantor reported that, in the course of 2022 five people died while detained in CPRs.¹³⁸⁵ In February 2024, Ousmane Sylla, a young Guinean boy, committed suicide in the CPR in Rome.¹³⁸⁶ In August of the same year, Belmaan Oussama, a Moroccan citizen, died in the CPR in Palazzo San Gervasio. Investigations are still ongoing to ascertain any responsibility for this death.¹³⁸⁷ On the night between 1 and 2 May of 2024, Abel Okubor, a 37-year-old Nigerian citizen, died in the Brindisi C.P.R.¹³⁸⁸

2.1.3 Conditions in Locali idonei

Very limited information on "locali idonei" is available.

Between December 2020 and January 2021, the National Guarantor visited the '*locali idonei*' (suitable premises) within the Immigration Offices of Parma and Bologna. During these visits, numerous violations

¹³⁸¹ Civil Court of Milan, decision of 23 February 2021, available at: <https://bit.ly/3bopoLe>.

¹³⁸² ASGI, *The Black book on the Pre-Removal Detention Centre (CPR) of migrants in Turin – Corso Brunelleschi*, September 2021, available at: <https://bit.ly/3CQZQD5>; National Guarantor for the rights of detained persons, *Chiuso l'Ospedaletto del Cpr di Torino: accolta la Raccomandazione del Garante nazionale*, September 2021, available in Italian at: <https://bit.ly/3MVKOZ>.

¹³⁸³ CILD, *Buchi Neri*, January 2020 – July 2021, available in Italian at: <https://bit.ly/3JgTwY8>.

¹³⁸⁴ Ibidem.

¹³⁸⁵ *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2022, available at: <https://rb.gy/alzvet>.

¹³⁸⁶ Altreconomia, 'Un altro suicidio nei Cpr. Roma non è un caso, le condizioni disumane a Caltanissetta', February 2024, available in Italian at: <https://lc.cx/-FKERq>.

¹³⁸⁷ ASGI, 'Morte di un ragazzo nel CPR di Palazzo San Gervasio: comunicato del Tavolo Asilo e Immigrazione', 8 August 2024, available in Italian [here](#).

¹³⁸⁸ MELTING POT, 'Un'altra morte di CPR: a Brindisi Abel Okubor perde la vita', 5 May 2025, available in Italian [here](#).

of basic standards were observed. Both facilities had dirty walls and were almost entirely unfurnished, with only a bench serving as both daytime seating and a bed at night, accompanied solely by a blanket. Sanitary facilities were located outside the rooms and could be accessed only upon request to the police. No outdoor areas were available for yard time. The Guarantor also highlighted the inadequate protection of detainees' rights in both locations. Upon arrival, individuals had their mobile phones confiscated, leaving them unable to communicate freely. On the issue of communication, the Guarantor reiterated that the right to make phone calls must be guaranteed, referencing a 2021 judgment from the Milan Court that had already affirmed this principle. No appropriate information materials or activities were available to inform detainees of their rights. In addition, judicial oversight of detention was found to be inconsistent, as different cases in which persons were held without the authorisation of the judge - pending the transfer to CPRs - were reported.¹³⁸⁹

No further visits or reports on these *locali idonei* have been conducted by the National Guarantor since, making it impossible to obtain more up-to-date information on the current conditions in these facilities.

As mentioned above, in May 2022 ASGI had access to the places used by the Questura in Milan.¹³⁹⁰ This visit followed Lombardy's Administrative Tribunal precautionary order issued following the appeal filed by ASGI after the Questura of Milan rejected the request for access to locali idonei.¹³⁹¹

2.1.4 Conditions in transit zones

In transit zones, people are arbitrarily detained in grossly inadequate conditions and in the absence of the basic guarantees accorded to persons deprived of their liberty. Detention takes place in premises that are structurally unsuitable for the purpose, isolated from the outside world, without access to fresh air, with little opportunity to consult a lawyer, without any detention order being issued and therefore without any validation by a judge. Such deprivation of personal liberty is enforced in the absence of a legal basis, a maximum period of detention and a judicial review of the legitimacy of the detention, in inadequate conditions. Persons detained in airport transit zones have extremely limited possibilities of getting in touch with organisations, protection bodies, family members and lawyers - as their access to such areas is strictly limited.

In 2022, 6,120 persons were pushed back at borders (3,896 air borders, 2,224 at sea borders). The main nationality registered was Albanian, with 3,699 people refused entry at the borders (60% of the total).¹³⁹² The National Guarantor reported as of 31 December 2022, 187 persons were detained in the areas of Bergamo Orio Al Serio, Bologna, Milan Malpensa, Roma Fiumicino and Venezia airports: the detention time lasted from 2 days to as long as 7 days in some cases registered at Roma Fiumicino.¹³⁹³

According to information acquired by ASGI via FOIA, by 31 October 2022, 980 persons were pushed back at Fiumicino airports, of which 208 were Albanians (21%).¹³⁹⁴ In the same period, there were 105 asylum applications, 28 from Turkish people (27%).¹³⁹⁵

¹³⁸⁹ National Guarantor, *Thematic report on suitable structures used for detention of third-country nationals*, August 2021, available in Italian at: <https://bit.ly/3Jh0aNS>.

¹³⁹⁰ ASGI, 'Il punto sulle strutture idonee nella disponibilità delle autorità di pubblica sicurezza per il trattenimento dei cittadini stranieri in attesa dell'esecuzione del rimpatrio: il monitoraggio di ASGI presso la Questura di Milano', November 2022, available in Italian at: <https://rb.gy/wfl5po>.

¹³⁹¹ ASGI, 'Il diritto di accesso ai "luoghi idonei" di trattenimento: la sentenza del TAR Milano', November 2022, available in Italian at: <https://rb.gy/gf2jxc>.

¹³⁹² *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2023, available at: <https://rb.gy/r73ey6>.

¹³⁹³ *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2023, available at: <https://rb.gy/r73ey6>.

¹³⁹⁴ ASGI, 'La frontiera di Fiumicino: i riscontri della pubblica amministrazione', November 2022, available in Italian at: <https://rb.gy/ylyc6u>.

¹³⁹⁵ Ibid.

Following the inspection carried out in June 2023 at the Milan-Malpensa airport, ASGI reported that from 1 January to 20 June 2023, 214 applications for international protection were lodged at that border crossing.¹³⁹⁶

2.2 Activities

According to article 4(m) of the Directive of the Ministry of the Interior issued in May 2022, social, recreational and religious activities shall be organized in the centres, and to "this end the manager shall prepare a weekly calendar of planned activities, to be brought to the attention of all foreigners present."

In practice, it has been reported that in most CPRs, apart from unequipped outdoor concrete courtyards, there are no: (i) football fields or libraries; (ii) places of worship; (iii) recreational and cultural activities; (iv) agreements with civil society associations that can provide additional services and activities.¹³⁹⁷ The shortage of recreational activities in CPR bears especially negative impact on living conditions of people staying in the CPR 24 hours a day for prolonged periods, thus being one of the main factors entailing distress among people in detention. As pointed out by the National Guarantor, these shortages mean that CPRs are "empty shells", where people are reduced to bodies to be held and confined.

The security approach to administrative detention makes CPRs places of extreme social marginality and isolation from a community which is prevented from entering detention facilities and creating relationships with detainees. The people detained in CPRs live in a condition of permanent forced idleness, where even small daily life choices, such as reading a book, writing, or playing sports are limited and regulated.¹³⁹⁸

2.3 Health care and special needs in detention

Access to health care is guaranteed to all persons in detention. The law provides, as a rule, that full necessary assistance and respect of dignity shall be guaranteed.¹³⁹⁹ The law further states that the fundamental rights of detained persons must be guaranteed and that inside detention centres essential health services are provided.¹⁴⁰⁰

Moreover, the Reception Decree provides that asylum applicants with health problems incompatible with the detention conditions cannot be detained and, after the amendment made by Decree Law 13/2017 and L. 46/2017, it also establishes the incompatibility of detention for vulnerable people, as defined by Article 17 of the Reception Decree. Within the socio-health services provided in the CPR, a periodical assessment of the conditions of vulnerability requiring special reception measures must be ensured.¹⁴⁰¹ The Prefectures are obliged to ensure coordination with local health authorities to ensure access to medical services ex art. 35 of the Consolidated Act on Immigration. Art. 3 of the new Directive of the Ministry of the Interior of May 2022 provides for a medical examination of suitability for life in the CPR to be issued by the competent ASL prior to entry into the facility, or in case the person enter without having had the visit "the examination must be repeated within 24 hours of entering the CPR by the doctor from the ASL with which the Prefecture headquarters of the CPR has entered into a special protocol."¹⁴⁰² The certification of the medical visit shall be forwarded to the Judge's file of the validation of detention.

Health care inside CPRs should be considered "complementary" (not substitutive) to services provided by the National Health Service, implying a necessary link with the latter. This connection should be guaranteed by the above-mentioned MOUs between the relevant Prefecture and the local ASL, which are essential to guarantee a timely access of the detainees to ASL health facilities and periodical inspections

¹³⁹⁶ ASGI, *La situazione emersa dal sopralluogo della Zona di transito internazionale dell'aeroporto di Milano Malpensa*, available in Italian at: <https://lc.cx/xltsAA>.

¹³⁹⁷ CILD, *Buchi Neri*, January 2020 – July 2021, available in Italian at: <https://bit.ly/3u710qg>.

¹³⁹⁸ National Guarantor for the rights of detained persons, *Rapporto sulle visite effettuate nei CPR (2019 - 2020)*, available in Italian at: <https://lc.cx/iBkl4R>.

¹³⁹⁹ Article 14(2) TUI.

¹⁴⁰⁰ Article 21(1) and (2) PD 394/1999.

¹⁴⁰¹ Article 7(5) Reception Decree.

¹⁴⁰² Art. 3(2), Directive of the Ministry of the Interior of May 2022.

of the health authority inside the centres. However, these MOUs are often not adequately implemented. In Turin and Brindisi, despite the existence of MoUs, no inspections have ever been carried out by the ASL in the Centres to verify the hygienic and sanitary conditions, the quality of sanitary services and of the food administered. In Milan, for a long time the absence of a MoU has impaired access of detained persons to health services; only in July 2021, after countless interventions by the National Guarantor, civil society associations and some parliamentarians, the Prefecture of Milan signed two MoU with the ASL of Milan: one being aimed at the detainees' access to the SSN and inspection activities by health authorities. This MOU run from 1 July 2021 to 31 December 2021. The other was aimed at issuing a STP code to detainees who do not have it and run from 1 July 2021 to 30 June 2022. It appears unclear why such strict time limits have been set for their validity. It seems unreasonable to have waited so long for the finalisation of a MOU between the health authorities and the Prefecture of Milan and then to only provide for a period of operation of six months and one year respectively, of those instruments.¹⁴⁰³

The lack of adequate supervision by local health authorities resulted even more evident in the context of the COVID-19 pandemic. ASGI and other civil society organisations have repeatedly called out local health authorities to play a more active role in the supervision of health and sanitary conditions in CPRs.¹⁴⁰⁴

It is to be noted that in CPRs health care is de facto – especially in the light of the absence of adequately implemented MoUs with local health authorities – managed by private parties, being entrusted to the managing body of the CPRs and not to the National Health Service (SSN).

The SSN is merely assigned, at a regulatory level, the task of carrying out the preliminary medical examinations to verify the suitability of the detainee for life in a restricted community. However, this provision is, in most cases, disregarded in practice: it has been indeed found that the certificate for this purpose is issued: by a doctor of the managing institution in the CPRs of Turin, Milan and Potenza; by the health staff of hotspots or quarantine ships in the case of Brindisi, Bari, Caltanissetta, Trapani and Gradisca d'Isonzo. Medical examinations to verify the suitability of detention for an individual are not, in most cases, carried out in an adequate manner; they are generally rushed, and the medical records of the person concerned are often not properly assessed. The presence of law enforcement personnel during medical examinations also appears to be very frequent in CPRs, despite this practice contradicting what is required by the CIE Single Regulation and what is prescribed by the CPT, as absence of "medical confidentiality" is one of the factors preventing the detection of possible ill-treatment. As a result, the detention of people unsuited for detention conditions, including persons undergoing methadone treatment on a sliding scale, persons suffering from serious diseases and/or mental health issues, has been reported.¹⁴⁰⁵

According to the National Guarantor, the organisation of health services within CPRs appears to be "particularly critical", due to lack of staff adequately trained in medicine related to migration,¹⁴⁰⁶ and to the absence of risk prevention protocols, despite the numerous episodes of self-harm occurring in the Centres.¹⁴⁰⁷

Additionally, the new scheme of contract specifications has led to a drastic decrease in the number of hours per week dedicated to personal services, starting with health services. More specifically, between 2017 and 2018-2021 there has been a serious cut of hours for medical and psychological services in all centres: 40% cut for medical and 55% cut for psychological assistance in CPRs with a capacity of 50 places; 27% for medical and 33% for psychological assistance in CPRs with a capacity between 51 and

¹⁴⁰³ CILD, *Buchi Neri*, January 2020 – July 2021, available in Italian at: <https://bit.ly/3u710qg>.

¹⁴⁰⁴ ASGI, 'ASGI chiede alle ASL di verificare il rispetto del diritto alla salute dei migranti nei CPR', April 2020, available in Italian at: <https://bit.ly/3ibDvqx>.

¹⁴⁰⁵ CILD, *Buchi Neri*, January 2020 – July 2021, available in Italian at: <https://bit.ly/3u710qg>.

¹⁴⁰⁶ Intended as Doctors who are specialised in the assistance and treatment of migrants (such as SAMIFO or INMP in Rome) or S.I.M.M. (Italian society of Migration Medicine).

¹⁴⁰⁷ National Guarantor for the rights of detained persons, *Rapporto sulle visite effettuate nei CPR (2019 - 2020)*, available in Italian at: <https://bit.ly/3tgztlq>.

150 places; 70% for medical and 55% for psychological assistance in CPRs with a capacity of more than 150 places. As a result:

- ❖ In Milan's CPR (140 places), for each detainee: (i) medical assistance is guaranteed for 15 minutes per week and (ii) psychological assistance for 6 minutes per week. Moreover, it was noted that, in this
- ❖ facility, there is a long list of detainees waiting for a visit with the psychologists of the centre, one of whom is also the Director of the Centre itself. The continuing precarious situation within the CPR is well described and denounced by the October 2023 report of the NAGA association and the Network Mai Più Lager - No ai CPR.¹⁴⁰⁸
- ❖ In Turin's CPR (180 places), for each detainee: (i) medical assistance is guaranteed for 14 minutes per week and (ii) psychological assistance for 8 minutes per week. The inadequacy of the service offered by the managing body was such that, in February 2021, the latter signed a memorandum of understanding with the order of doctors of the province of Turin. According to the National Guarantor, this protocol could not overcome the criticalities observed in this centre, with particular reference to the provision of specialist services within the competence of the territorial services.¹⁴⁰⁹
- ❖ In Macomer's CPR (50 places), medical assistance was provided for only 3 hours a day and psychological assistance for 8 hours a week. However, after only three weeks of opening the Centre in February 2020, the internal health staff threatened to strike and resign due to the lack of conditions that would allow them to work safely. In March 2020, the National Guarantor found that the number of health workers present in the structure was insufficient. This led the Prefecture of Nuoro to increase the medical assistance service to 5 hours a day, while psychological assistance, according to the lawyers assisting detainees in the Centre, continues to be "non-existent".¹⁴¹⁰

The monitoring of psychiatric cases and the administration of psychotropic drugs is often managed by psychologists and nurses appointed by the managing body, with no involvement nor supervision of local health authorities. It has been noted how the percentage of detainees subjected to the administration of psychotropic drugs and anxiolytics is very high. As an example, in Milan's CPR, this percentage reaches - according to the managing body itself - 80% of the total detainee population. This situation is made even more concerning by the lack of connection with the local ASL and, therefore, the total absence of adequate psychiatric assistance. The critical nature of the situation is well illustrated by the recent survey on the abuse of psychotropic drugs within the Italian CPRs¹⁴¹¹, which found that at the Milan CPR, in the period between October 2021 and February 2022, while spending on psychotropic drugs exceeded 60% of the total amount of drugs purchased, only 8 psychiatric visits were made to detainees. In Turin's CPR, according to the medical director of the facility, "psychotropic drugs are used by the litre", but without adequate monitoring, considering that throughout 2020 no psychiatrist has ever visited the facility. In 2021, collaboration with the Mental Health Centre of the local ASL resumed; regardless, visits in these cases are also on call, so there is no constant care of the patient, which tends to be replaced by the constant and continuous administration of psychopharmacological therapies.¹⁴¹² In Rome's CPR, according to the competent health authority, the percentage of detainees who are given psychotropic drugs and anxiolytics is 65-70%. In Gradisca's CPR, according to data provided by the regional Guarantor, 70% of the detained population is subjected to therapies requiring the administration of psychotropic drugs and tranquilisers. The abuse in the administration of psychotropic drugs, which is apparent in most CPRs, can be traced back to the absence of a connection with the national health system and to the management

¹⁴⁰⁸ NAGA, *Al di là di quella porta. Un anno di osservazione dal buco della serratura del Centro di Permanenza per il Rimpatrio di Milano*, October 2023, available in Italian at: <https://lc.cx/jnT66s>; see also a summary of the report in English here: <https://lc.cx/dY-qTM>.

¹⁴⁰⁹ National Guarantor, *Rapporto sulla visita effettuata il 14 giugno 2021 nel Centro di permanenza per i rimpatri (Cpr) di Torino*, September 2021, available in Italian at: <https://bit.ly/3Jmspuu>.

¹⁴¹⁰ CILD, *Buchi Neri*, January 2020 – July 2021, available in Italian at: <https://bit.ly/3u710qg>.

¹⁴¹¹ Altraeconomia, 'Rinchiusi e sedati: l'abuso quotidiano di psicofarmaci nei Cpr italiani', 1 April 2023, available in Italian at: <https://rb.gy/489u4>. See also, Il Riformista, 'Migranti rinchiusi e sedati, tutti i soldi spesi dallo Stato per stordirli e tenerli buoni nei Cpr', 7 April 2023, available in Italian at: <https://rb.gy/5woo2>.

¹⁴¹² Monica Cristina Gallo, *Garante per i diritti delle Persone private della Libertà personale del Comune di Torino*, Relazione annuale attività 2022, 27 March 2023, available in Italian at, <https://rb.gy/p030i>.

of health services entrusted to private bodies, with the risk of bending medical and pharmacological intervention to the needs of discipline and security of the facilities.¹⁴¹³

The critical issues highlighted are also reflected in the latest CILD report, which denounces deficiencies in health care, abuses in the administration of psychotropic drugs and the conflict of interest in the health suitability for detention assessment, which is certified by doctors employed by the managing body, which takes a daily fee for each detainee.¹⁴¹⁴

Access to medical records is difficult. Even though the legislation provides for the right of the detainee to see and obtain a copy of his/her medical file, practices impairing this right have been reported in CPRs. In the Turin centre, not even lawyers, delegated by the detainees, are allowed to have a copy of the medical documentation. Furthermore, in most cases medical records are not adequately compiled. Already in 2017, the CPT had found that in the CPR of Turin, the medical staff of the managing institution were filling in medical files of each detainee in a very general, broad way, with a noticeable absence of detail, especially in registration of possible injuries (necessary to verify possible ill-treatment). The issue has been reported also in 2021 by the National Guarantor, who recommended that the medical records of each detainee should be always properly filled in, including the records of possible complaints of ill-treatment and beatings suffered by the detainee.¹⁴¹⁵

In two judgments of January 2023,¹⁴¹⁶ the TAR Lombardia ruled that the refusal to grant access to this documentation was unlawful and ordered the manager of the **Milan** CPR to comply with a specific obligation, namely to provide two detainees with complete medical records.¹⁴¹⁷

There is still no reliable, effective and complete system in place within the CPR network to record critical events (e.g. suicides or attempted suicides; episodes of self-harm; hunger strikes; deaths), despite this deficiency being identified and brought to the attention of the Italian Government by the European Committee for the Prevention of Torture already in 2017.¹⁴¹⁸ In addition, the National Guarantor has been recommending, for several years, that a standardised and centralised system of recording critical events be introduced, which would allow overseeing bodies to have rapid knowledge of the most relevant events occurring in the Centres and ensure greater transparency regarding the functioning of these places of detention.¹⁴¹⁹

Provisions regulating CPRs do not foresee solitary confinement (for justice, health, disciplinary or security reasons), but only the possibility to place detainees in sanitary "observation" rooms, in case the existence of elements that may reflect the incompatibility of a detainee with restricted community life, which did not emerge during the initial certification of suitability for detention, is noted by the personnel. The most striking example of how this provision can lead to severe violations as regards respect of human dignity was the so-called Ospedaletto within Turin's CPR, which, according to the National Guarantor, looked like the "old section of a zoo". In these premises, detainees were put in isolation for a wide range of reasons (from disciplinary reasons to alleged needs of "protection"), without a maximum time limit being fixed, which in some cases reached 5 months. Two detainees died in Ospedaletto in 2019 and 2021 respectively. Following the suicide of Moussa Balde in May 2021, and the insistent requests by the

¹⁴¹³ CILD, *Buchi Neri*, January 2020 – July 2021, available in Italian at: <https://bit.ly/3u710qg>.

¹⁴¹⁴ CILD, *L'AFFARE CPR. Il profitto sulla pelle delle persone migranti*, June 2023, available in Italian at: <https://lc.cx/gY0Ueb>.

¹⁴¹⁵ National Guarantor for the rights of detained persons, *Relazione al Parlamento*, June 2021, available in Italian at: <https://bit.ly/3qfLXtg>.

¹⁴¹⁶ TAR Lombardia, Judgment n. 86, 5 January 2023; TAR Lombardia, Judgment n. 87, 5 January 2023.

¹⁴¹⁷ MELTING POT EUROPA, 'CPR - Le persone trattenute hanno diritto all'accesso al proprio diario clinico', February 2023, available in Italian at: <https://lc.cx/xl0A8z>.

¹⁴¹⁸ CPT, *Report to the Italian Government on the visit to Italy carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 13 June 2017*, 10 April 2018, available at: <https://bit.ly/3lnPE6e>.

¹⁴¹⁹ National Guarantor for the rights of detained persons, *Rapporto sulle visite effettuate nei CPR (2019 - 2020)*, available in Italian at: <https://bit.ly/3tgztlq>.

National Guarantor, the Ospedaletto was finally closed in autumn 2021.¹⁴²⁰ The broader issue of confinement in sanitary rooms in CPRs remains to be addressed.

The number of deaths in CPRs has never been as high as in recent years. Between June 2019 and December 2022, ten foreign nationals lost their lives whilst held in administrative detention, two just in the last 5 months of 2022.¹⁴²¹ No cases were publicly reported in 2023. At the beginning of February 2024, the young Guinean Ousmane Sylla committed suicide in the CPR in Rome.¹⁴²² In August 2024, the Moroccan citizen Belmaan Oussama died in the CPR of Palazzo San Gervasio.¹⁴²³ In the night between 1 and 2 May this year, Abel Okubor, a 37-year-old Nigerian citizen, died in the Brindisi CPR. Investigations are ongoing to ascertain the cause of death.¹⁴²⁴

The specific instances differ in terms of causes and circumstances, but what is common between them is a lack of clarity about the circumstances of their deaths, doubts about the suitability of these persons to be placed in this restricted community setting in the first place, and the risks arising from inadequate protection of the health of detainees.¹⁴²⁵

3. Access to detention facilities

Indicators: Access to Detention Facilities

1. Is access to detention centres allowed to:

❖ Lawyers:	☐ Yes	☒ Limited	☐ No
❖ NGOs:	☐ Yes	☒ Limited	☐ No
❖ UNHCR:	☐ Yes	☒ Limited	☐ No
❖ Family members:	☐ Yes	☒ Limited	☐ No

Decree Law 13/2017, implemented by L 46/2017, has clarified that access to CPR is guaranteed under the same conditions as access to prisons. This means that the Guarantor for the rights of detained persons and parliamentarians, among other official bodies, has unrestricted access to CPR.

As CPR and eventually hotspots are places where asylum applicants are detained, Article 7 (2) of the Reception Decree applies. It states that UNHCR or organisations working on its behalf, family members, lawyers assisting asylum applicants, organisations with consolidated experience in the field of asylum, and representatives of religious entities also have access to CPR.¹⁴²⁶ Access can be limited for public order and security reasons or for reasons related to the administrative management of the centres but not fully impeded.¹⁴²⁷

However, the regulation of CPRs requires an authorisation from the competent Prefecture for family members, NGOs, representatives of religious entities, journalists and any other person who make the request to enter CPR.¹⁴²⁸ Prefectures apply the regulation of CPR significantly restricting the scope of the guarantees provided by Law 46/2017 and by Reception decree.

Access to CPR for journalists is also quite difficult. They have to pass through two different stages before gaining authorisation to visit the CPR. Firstly, they need to make a request to the local *prefecture* (the local government representative), which then forwards the request to the Ministry of Interior who investigates the applicant, before finally sending the authorisation back to the Prefecture.

¹⁴²⁰ National Guarantor for the rights of detained persons, *Chiuso l'Ospedaletto del Cpr di Torino: accolta la Raccomandazione del Garante nazionale*, September 2021, available in Italian at: <https://bit.ly/3Jmspuu>.

¹⁴²¹ Melting Pot Europe, 'Brindisi, un'altra morte di CPR', 22 December 2022, available in Italian at: <https://rb.gy/wmtyi>.

¹⁴²² Altreconomia, 'Un altro suicidio nei Cpr. Roma non è un caso, le condizioni disumane a Caltanissetta', February 2024, available in Italian at: <https://lc.cx/-FKERq>.

¹⁴²³ ASGI, 'Morte di un ragazzo nel CPR di Palazzo San Gervasio: comunicato del Tavolo Asilo e Immigrazione', 8 August 2024, available in Italian [here](#).

¹⁴²⁴ MELTING POT, 'Un'altra morte di CPR: a Brindisi Abel Okubor perde la vita', 5 May 2025, available in Italian [here](#).

¹⁴²⁵ CILD, *Buchi Neri*, available in Italian at: <https://bit.ly/3u710qg>.

¹⁴²⁶ Article 7(2) Reception Decree.

¹⁴²⁷ Article 7(3) Reception Decree.

¹⁴²⁸ Article 6 (4) and (5) MoI Decree 20 October 2014

Access to CPRs and hotspots for rights organisations and civil society remains problematic in practice and has often led to litigation in front of national Courts.

In 2020, 2 out of 6 requests for access in hotspots by ASGI were accepted. In 2020, Sicilia's TAR had accepted ASGI's request to suspend and re-examine a denial to entry in **Lampedusa's** hotspot by Agrigento's Prefecture;¹⁴²⁹ in August 2021, Sicilia's TAR has confirmed the accessibility of hotspots and other places of detention by civil society organisations ex art. 7 of the Reception Decree and has also clarified that no absolute limitation to the principle of accessibility is acceptable.¹⁴³⁰

In December 2021, Sardinia's Administrative Tribunal (TAR) invalidated acts by Nuoro's Prefecture not allowing access of civil society organisations in **Macomer's** CPR, acknowledging the legitimate interest of rights organisations and civil society to enter immigration detention facilities to ensure the protection of fundamental rights. Similar judgments have been issued in April 2021 by Piedmont's TAR regarding access to **Turin's** CPR and in October 2020 by Sicilia's TAR regarding access to **Caltanissetta's** CPR.¹⁴³¹ In January 2023, Lombardy's TAR clarified that, regardless of the rules of their statutes, associations that promote the protection of fundamental rights – certified through previous experience – can have access to CPRs, cancelling the **Milan** Prefecture's previous refusal of access to the Milan CPR by a local association.¹⁴³²

Persons detained in airport transit zones have extremely limited possibilities of contacting organisations, protection bodies, family members and lawyers, as their access to such areas is strictly limited. The obstacles put in place by border authorities to reduce outsiders' access to transit areas result in a series of violations, among which to the right to information, the right to defence (it is often impossible for detainees to physically contact a lawyer), and effective access to judicial protection. Moreover, the lack of access of civil society to these areas makes them almost invisible to public opinion. Furthermore - while it is difficult for the outside world to enter the transit zones, the authorities do not take any measures to ensure that detained persons can communicate outwardly. On the contrary, on numerous occasions third country nationals are informally deprived of their mobile phones and appointed lawyers have often been denied entry on the basis that these areas are considered as 'sterile', meaning that only certain categories of persons may have access, as they are considered of an extraterritorial nature.¹⁴³³

As of November 2019, ASGI asked access to the transit zones, but the competent authorities never answered the request.¹⁴³⁴ In January 2021, ASGI sent a new request to access to the transit zones of **Malpensa** airport and **Rome Fiumicino** airport. The Central Directorate of Immigration and Border Police at the Ministry of the Interior rejected the request, arguing that the regulations provided for CPRs do not apply to transit zones.¹⁴³⁵ The appeal lodged by ASGI against the negative decision of the Department of Public Security not to authorise the visit of a delegation of the association to the transit areas of the Rome-Fiumicino and Milan-Malpensa airports, led to sentence No. 3392/2023 of the Lazio Regional Administrative Court, which recognised the detention nature of such areas and consequently the right of civil society to conduct visits there.¹⁴³⁶

¹⁴²⁹ ASGI, 'Accesso agli hotspot da parte della società civile', October 2020, available in Italian at: <https://bit.ly/3wjAr1>.

¹⁴³⁰ ASGI, 'Hotspot di Lampedusa: Tar Sicilia conferma il principio di accessibilità della società civile ai luoghi di trattenimento', 22 September 2021, available at: <https://bit.ly/3KV0wdl>.

¹⁴³¹ TAR Sardegna, 838/2021, published on 24/12/2021, available in Italian at: <https://bit.ly/3CR3Gwf>; TAR Piemonte, 360/2021, published on 6/4/2021, available in Italian at: <https://bit.ly/3KSxUBw>; TAR Sicilia, 2169/2020, published on 21/10/2020, available in Italian at: <https://bit.ly/3CRdBIf>.

¹⁴³² ASGI, 'I diritti umani devono entrare nei CPR!', 19 January 2023, available in Italian at: <https://rb.gy/lxw29j>.

¹⁴³³ ASGI, *Le zone di transito aeroportuali come luoghi di privazione arbitraria della libertà*, January 2021, available in Italian at: <https://bit.ly/3wjvmlG>.

¹⁴³⁴ ASGI, In Limine Project, 18 February 2020, see: <https://cutt.ly/6yO5rMM>.

¹⁴³⁵ ASGI, 'Accesso della società civile alle zone di transito aeroportuali: il diniego della pubblica amministrazione', 16 April 2021, available in Italian at: <https://rb.gy/ji6und>.

¹⁴³⁶ ASGI, 'Le zone di transito aeroportuale di Roma Fiumicino e Milano Malpensa: posizionamento e monitoraggio di ASGI', 6 December 2023, available in Italian at: <https://lc.cx/2qjkl3>.

D. Procedural safeguards

1. Judicial review of the detention order

Indicators: Judicial Review of Detention

1. Is there an automatic review of the lawfulness of detention? ☒ Yes ☐ No
2. If yes, at what interval is the detention order reviewed?
3 months for irregular migrants and up to 60 days for asylum applicants

Asylum applicants should not be sent to CPR before they have had the possibility to apply for asylum, due to lack of proper information on the asylum procedure or because they are denied access to the procedure (see [Registration](#)). This however happens in practice. In this case, they are subject to the procedure for irregular migrants provided by the TUI until they are able to apply for asylum. In 2020, in several cases, the Civil Court of Trieste did not validate the detention of Tunisians asylum applicants who had already submitted an asylum application from the quarantine ship and whose application therefore could not be considered instrumental.¹⁴³⁷ Similar decisions were adopted by the Civil Court of Torino in 2022, that acknowledged the non-instrumentality of the asylum claim, arguing, *inter alia*, that the information contained in the 'foglio notizie' signed by the asylum applicant at the time of disembarkation is not sufficient to justify an evaluation of unfoundedness of the application for international protection. In the specific case, the "foglio notizie" had been completed only nine days after disembarkation.¹⁴³⁸

On this point, a recent judgement of November 2023 of the Court of Cassation established the insufficiency and irrelevance of what is contained in the "foglio notizie", in the absence of a complete and effective information on international protection to all migrants brought to the hotspots, and not only to those who express the will to seek international protection. Moreover, the style clause usually inserted in the rejection decrees, according to which the foreigner "has been fully informed in accordance with Directive 2008/115/EC" is insufficient, as it is a mere stereotyped formula, lacking appropriate normative references and actual content.¹⁴³⁹

The subsequent pronouncement of the Court of Cassation, in March 2024, in addition to reiterating what had already been expressed by the previous judgement, specified that the obligation of adequate information 'subsists even in the case where the foreigner has not expressed the need to request international protection, given that silence or a possible declaration incompatible with the will to request it, which must in any case be clearly expressed and not by ambiguous formulas, cannot assume importance if it does not appear that the person has been fully informed beforehand'.¹⁴⁴⁰

The recent judgment of the Court of Appeal of Turin rejected the request for validation of the detention order, confirming the principles already expressed by the Court of Cassation, and pointing out that it does not appear from the records that the detained asylum seeker 'had received adequate information about the right to and the procedures for submitting an application for international protection'.¹⁴⁴¹

Again, the Court of Cassation in its judgment of 22 April 2025 confirmed the obligation of full and adequate information on the possibility of applying for asylum before the adoption of an expulsion order and subsequent detention in a CPR.¹⁴⁴²

The detention decision must be validated within 48 hours by the competent Magistrates' Court (*giudice di pace*). After the initial period of detention of 90 days, the judge, upon the request by the Chief of the

¹⁴³⁷ i.e. Civil Court of Trieste, decision of 20 November 2020.

¹⁴³⁸ Tribunale di Torino, proceeding 21367/2022, decision 17 November 2022; Tribunale di Torino, proceeding 21369/2022, decision 17 November 2022; Tribunale di Torino, proceeding 21371/2022, decision 17 November 2022.

¹⁴³⁹ Civil Court of Cassation, decision n. 32070/2023, 20 November 2023; see also ASGI, 'Cassazione: Chi entra in Italia ha diritto a informativa completa ed effettiva sull'asilo dal primo contatto con polizia', 22 November 2023, available in Italian at: <https://lc.cx/OJ1hgh>.

¹⁴⁴⁰ Civil Court of Cassation, decision n. 5797/2024, 5 March 2024.

¹⁴⁴¹ Court of Appeal of Torino, decision n. of 18 Aprile 2025. See Il Sole 24 Ore 'Migranti, niente CPR senza una corretta informazione sui diritti', 2 May 2025, available in Italian [here](#).

¹⁴⁴² Civil Court of Cassation, I Penal Section, decision n. 15757/2025, 22 April 2025.

Questura, may prolong the detention in CPR for an additional 90 days.¹⁴⁴³ After this first extension, the Questore may request one or more extensions of three months to a lower civil court, where it is decided by a Magistrates' Court, up to a further period of 12 months in cases where, despite all reasonable efforts having been made, the removal operation has lasted longer because of the detainee's lack of cooperation or delays in obtaining the necessary documentation from third countries. It follows that, following the recent amendments, the detention of an irregular migrant can last up to 18 months. The assessment concerning the duration of such an extension lies with the magistrate who decides on a case-by-case basis. The third-country national has the right to challenge the detention. The TUI, in fact, provides the right to appeal a detention order or an order extending detention.¹⁴⁴⁴

Decree Law 113/2018, implemented by L 132/2018, has provided for the possibility of detention in premises other than CPR. According to the amended Article 13(5-bis) TUI, in case of unavailability of places in the CPR located in the district of the competent Court, the Magistrate, upon request by the Questura, and fixing by decree the hearing to validate the detention, may authorise the temporary stay of the foreigner in different and suitable structures in the availability of the Public Security Authority until the conclusion of the validation procedure. In case the unavailability of places in CPR remains even after the validation hearing, the Magistrate can authorise the stay in suitable places near the Border Police Office concerned until the effective removal and in any case not exceeding 48 hours following the validation hearing.¹⁴⁴⁵

If, after being sent to a CPR or other places according to Article 13(5-bis) TUI, third-country nationals apply for asylum, they will be subject to detention pursuant to Article 6 of the Reception Decree. In these cases, the competence to the judicial review on the validation or extension of detention was up to the Specialised Section of the competent Civil Court, having regard to the place where the centre is located.¹⁴⁴⁶

Article 16 of Decree-Law No. 145/2024, as amended by Law No. 187/2024, amended Article 3 para. 1 lett. c) of Decree-Law No. 13/2017, converted by Law No. 46/2017, removes jurisdiction regarding these cases from the specialised sections.¹⁴⁴⁷

Based on this recent amendment, the competence of the specialised sections on the validations of detention of applicants for international protection is withdrawn, also in the cases of applicants subject to border procedures, applicants subject to Dublin proceedings (amending respectively arts. 6, 6-bis and 6-ter of Legislative Decree no. 142/2015) and asylum seekers who evade identification checks (art. 10-ter of Legislative Decree no. 286/1998).

The new law then introduces art. 5-bis to Law Decree no. 13/2017, indicating the Court of Appeal would instead be competent for validating detention orders in these cases.¹⁴⁴⁸

Art. 18-ter also amends Art. 4 Law No. 14/2024 (ratifying the Italy-Albania Protocol) by giving the competence to the Court of Appeal for validations of detentions of asylum seekers conducted in Albania (because they come from safe countries of origin).

Limited to applicants for international protection, all these new regulatory provisions therefore enshrine the competence, as of 10 January 2025, of the Court of Appeal for the validation of detentions (and their possible extensions) governed by arts. 6, 6-bis, 6-ter, 14, par. 6 of Legislative Decree 142/2015 and art. 10-ter of Legislative Decree no. 286/1998 (limited, we repeat, to applicants for international protection). Lastly, Article 18-bis of Law No 187/2024, converting Decree-Law No 145/2024, amends paragraph 6 of Article 14 TUI by providing that an appeal against decisions on validation or its extension may be brought before the Court of Cassation within 5 days of the communication of the judicial decision. In doing so, it makes a reference to Law No. 69/2005 (which regulates the procedure for the European arrest warrant)

¹⁴⁴³ Article 14(5) TUI, as modified by art. 20, Decree Law 124/2023, converted in Law 162/2023.

¹⁴⁴⁴ Article 14(6) TUI.

¹⁴⁴⁵ Article 13(5-bis) TUI, inserted by Article 4 Decree Law 113/2018 and L 132/2018.

¹⁴⁴⁶ Article 3 (1 c), read in conjunction with art. 4 (3) Law decree 13/2017 converted by Law 46/2017 and Article 6 (7) Reception Decree.

¹⁴⁴⁷ ASGI, 'La nuova strategia per i trattenimenti. Fuga dal giudice specializzato e dalla Corte di Cassazione', available in Italian [here](#).

¹⁴⁴⁸ Art. 18-bis Law no. 187/2024, converting Law Decree no. 145/2024, amends art. 10-ter of Legislative Decree no. 286/1998 also in the part concerning the competence of the Court of Appeal and the same amendment is made to art. 14, par. 6 of Legislative Decree no. 142/2015, by art. 18.

and to Article 606 of the Code of Criminal Procedure, not clarifying whether it is the Supreme Civil or Criminal Court.¹⁴⁴⁹

The Questore's order related to the detention, or the extension thereof shall be issued in writing, accompanied by an explanatory statement, and shall indicate that the applicant may submit to the court section responsible for validating the order, personally or with the aid of a lawyer, statements of defence. Such order shall be communicated to the applicant in the first language that the applicant has indicated or in a language that the applicant can reasonably understand.¹⁴⁵⁰

According to the law, where possible, the applicant takes part in the hearing on the validation of detention by videoconference, allowing the lawyer to be present at the place where the applicant is located. The presence of a police officer should ensure that there are no impediments or limitations on the exercise of the asylum applicant's rights.¹⁴⁵¹ The lawyer is thus forced to choose between being present next to the client or next to the judge at the validation hearing.¹⁴⁵²

The Questore shall transmit the relevant files to the competent judicial authority to validate the detention for a maximum period of 60 days, to allow the completion of procedure related to the examination of the asylum application.¹⁴⁵³ However, the detention or the prolongation of detention shall not last beyond the time necessary for the examination of the asylum application under accelerated procedure,¹⁴⁵⁴ unless additional detention grounds are present pursuant to Article 14 TUI. Any delays in the completion of the administrative procedures required for the examination of the asylum application, if not caused by the applicant, should not constitute valid ground for the extension of the detention.¹⁴⁵⁵

A long-standing practice of holding detention validation/extension hearings in CPRs exists,¹⁴⁵⁶ against which the Superior Council of the Judiciary had already intervened with decisions in 2010, clarifying that these hearings should take place in Court, except for cases of absolute impossibility¹⁴⁵⁷ – continues.¹⁴⁵⁸ Another critical issue is the absence of concerned persons in hearings, since their attendance is not always guaranteed;¹⁴⁵⁹ Furthermore, the Supreme Court of Cassation has clarified in a recent sentence that the absence of the third-country national at the hearing for the validation or extension of his/her detention, it is not an absolute ground for invalidity, but merely a nullity which must be promptly objected to by the party. The Court highlights how the procedure outlined by article 14 of the Consolidated Law on Immigration is a civil proceeding at nature and therefore does not follow the rules of criminal trials; thus, the presence of the party at the hearing is not a public interest but merely an interest of the party.¹⁴⁶⁰ The party's absence at the hearing, led to the Supreme Court upholding of the appeal in its decision of February 2023.¹⁴⁶¹

¹⁴⁴⁹ Ibid.

¹⁴⁵⁰ Article 6(5) Reception Decree, as amended by L 46/2017. Nevertheless, as reported to ASGI, some Questore, when issuing the detention order, do not provide asylum seekers with copy of such orders nor explanations of the reasons for detention.

¹⁴⁵¹ Article 6(5) Reception Decree, as amended by L 46/2017.

¹⁴⁵² Senate, *2017 CPR Report*, December 2017.

¹⁴⁵³ Article 6(5) Reception Decree.

¹⁴⁵⁴ Pursuant to Article 28-bis(1) and (3) Procedure Decree.

¹⁴⁵⁵ Article 6(6) Reception Decree.

¹⁴⁵⁶ It was reported that in Turin already in 2015 only 10% of hearings for the validation/extension of immigration detention were taking place at the Judge's chambers, as the majority of hearings took place in the immigration detention centre. Fabrizio Mastromartino, Enrica Rigo, Maurizio Veglio, "Lexilium. Osservatorio sulla giurisprudenza in materia di immigrazione del giudice di pace: sintesi Rapporti 2015", in *Diritto, Immigrazione e Cittadinanza*, 2017, available in Italian at: <https://bit.ly/3u518GP>.

¹⁴⁵⁷ Consiglio Superiore della Magistratura (CSM), Delibera del 21 luglio 2010, avente ad oggetto: "Convalida dei provvedimenti di allontanamento dei cittadini comunitari emessi dal Questore ai sensi dell'art. 10 c. 11 e 12 dlvo 30/07 (come modificato dal dlvo 32/08): locali da utilizzare e criteri da adottare per la individuazione di quelle esigenze residuali che giustificano il ricorso al supporto logistico delle questure per l'organizzazione della suddetta udienza". Available in Italian at: <https://bit.ly/3N0Zui4>.

¹⁴⁵⁸ Melting Pot, 'Aspetti critici delle udienze di convalida e/o proroga del trattenimento presso il Cpr di Palazzo San Gervasio', November 2021, available in Italian at: <https://bit.ly/3wfv2uK>.

¹⁴⁵⁹ CILD, *Buchi Neri*, available in Italian at: <https://bit.ly/3u710qg>.

¹⁴⁶⁰ Supreme Court of Cassation, I Civil Section, 5520/2021, published in March 2021 and available in Italian at: <https://bit.ly/3Jk6dl1>.

¹⁴⁶¹ Supreme Court, I Civil Section, 4961/2023, 16 February 2023.

Other critical aspects of the judicial review of detention in the context of the validation and extension hearings regard the appointment of lawyers by the detainees and the timing of communications to the lawyers, which the latter argued amounted to obstacles to the right of defence, as well as the inadequate duration of the hearings, which usually last between 5 and 10 minutes.¹⁴⁶²

Finally, it has been reported that validation and extension decree are often not well motivated, and rather "standardised" grounds for validation and extension are used. In 2021, the Court of Cassation annulled a detention extension order pointing out that the judicial authority had not adequately explained the motivation behind its decision;¹⁴⁶³ in another ruling, the Supreme Court dismissed the decree of a Justice of the Peace who prolonged for the fourth time the detention of a foreigner in a CPR, pointing out the total absence of adequate reasons for such an order, also considering that the judicial authority, instead of adequately motivating the decision, had simply proceeded to tick specific boxes on a pre-printed form.¹⁴⁶⁴ In a previous ruling of December 2020, the Court of Cassation had already reiterated that detention must be considered exceptional and considered the extension in object illegitimate because it was not adequately motivated with respect to the corresponding functionality for repatriation.¹⁴⁶⁵ Various recent decisions of the Supreme Court are in line with earlier ones.¹⁴⁶⁶

The Court of Cassation affirmed an important principle regarding the need not to limit personal freedom for asylum applicants beyond the time limits established for examining the application under the accelerated procedure, unless there are other reasons for detention. In the case examined by the Court, the applicant had submitted an application, while held in the CPR that was deemed as motivated by the sole purpose of preventing or avoiding a removal order. After around two months, the Civil Court of Turin extended the detention of the applicant, even though the Territorial Commission had not yet summoned him for a personal interview. Therefore, the time taken to examine the application had exceeded the limits set out in Article 28 bis of the Procedure Decree and the provisions of Article 6 of the Reception Decree were violated, as according to such article any delays in the procedure not attributable to the applicant do not justify the extension of the detention.¹⁴⁶⁷ On 24 April 2025, the Court of Cassation ruled annulling the detention order of the first instance judge for violation of the deadline for formalising the asylum application under Article 26, legislative decree 25/08.¹⁴⁶⁸

By extending the scope of this ruling to the judicial phase, the Civil Court of Trieste rejected the extension of detention in a case in which the suspension of the refusal issued by the Territorial Commission had been requested with the appeal for more than two and a half months. The Court observed that the Court of Trieste itself had omitted to rule about the suspension within 5 days from the request, as required under accelerated procedure by the Procedure Decree.¹⁴⁶⁹

The practice of the "double information paper" – for which a decision of the EU court is expected in the coming months to assess impact on access to the procedure - has already been addressed (see [Different treatment of specific nationalities in the procedure](#)), affects also the review of detention. For instance, in 2019 the Civil Court of Palermo assessed the legitimacy of the detention of some foreign citizens transferred from the Lampedusa hotspot to the Trapani CPR. During their stay in hotspot these persons had already expressed their will to seek asylum but before their transfer they were asked to sign an information sheet "scheda informativa" declaring to be no longer interested in seeking international protection. Transferred to the CPR of Trapani these persons again expressed their will to seek asylum before the Magistrate (*Giudice di Pace*) during the detention validation hearing. Their detention was

¹⁴⁶² ASGI, 'La giurisdizione apparente nel Centro per il rimpatrio di Torino', 6 May 2024, available in Italian [here](#).

¹⁴⁶³ Supreme Court, I Civil Section, 9440/2021, available in Italian at: <https://bit.ly/3CMAciZ>.

¹⁴⁶⁴ Supreme Court, III Civil Section, 13172/2021, available in Italian at: <https://bit.ly/3CPHkeo>.

¹⁴⁶⁵ Court of Cassation, decision of 23 July 2020, published on 9 December 2020, no. 28063.

¹⁴⁶⁶ Supreme Court, VI Civil Section, 32570/2022, 4 November 2022; Supreme Court, VI Civil Section, 504/2023, 11 January 2023; Supreme Court, I Civil Section, 4858/2023, 16 February 2023; Supreme Court, I Civil Section, 4855/2023, 16 February 2023.

¹⁴⁶⁷ Court of Cassation, decision no. 2548/2021, of 11 December 2020, published on 3 February 2021. See also for a note to the decision: <https://bit.ly/3oeonus>.

¹⁴⁶⁸ Court of Cassation, I Penal Section, decision 15984/25, 24 April 2025.

¹⁴⁶⁹ Civil Court of Trieste, decision 16 March 2021.

validated as the Magistrates based their decision on the statements contained in the information sheet (*scheda informativa*). Only after about 20 days, they were able to lodge applications for international protection at the competent Questura. Deciding on the validity of their detention order, in two out of three cases the Civil Court of Palermo did not validate the detention, statement contained in the *scheda informativa* by considering it was not sufficient to fulfil the duty of information on the right of asylum pursuant to art. 10-ter TUI and in any case considering it was unreliable for the way it was hired.¹⁴⁷⁰ In 2020, in two relevant cases the Court of Cassation confirmed the inadequacy of “foglio notizie” to determine the legal status of migrants. The principle has been recently confirmed by the Civil Court of Cassation in decisions n. 32070/2023, 20 November 2023 and n. 5797/2024, 5 March 2024 (see [Information at the border](#)).¹⁴⁷¹

2. Legal assistance for review of detention

Indicators: Legal Assistance for Review of Detention

1. Does the law provide for access to free legal assistance for the review of detention?
☒ Yes ☐ No
2. Do asylum seekers have effective access to free legal assistance in practice?
☒ Yes ☐ No

D According to Article 2 of Interior Ministry Directive of the 19 May 2022, that abolished the CIE Regulation, the individual is informed of their rights and duties in a language they understand and is provided with the list of lawyers. Due to the broad discretion of each Prefecture in authorising access to CPR (see section on [Access to Detention Facilities](#)), however, lawyers may have problems accessing these detention structures.¹⁴⁷²

Under the TUI, free legal aid must be provided in case of appeal against the person’s expulsion order, on the basis of which third-country nationals who have not lodged their asylum application can be detained.¹⁴⁷³ Free legal aid is also provided for the validation of the detention order for asylum applicants, as well. In this case, the asylum applicant concerned can also request a court-appointed lawyer. Lawyers appointed by the State have no specific expertise in the field of refugee law and they may not offer effective legal assistance. In addition, according to some legal experts, assigned attorneys may not have enough time to prepare the case as they are usually appointed in the morning of the hearing.

Free legal aid is provided for the validation or extension of detention of third-country nationals. However, the effectiveness of the legal defence is compromised due to the circumstance that relevant documents are sent in advance to the judge (Giudice di Pace) but not to the lawyer who, therefore, generally manages to see the reasons underlying the request for validation or extension of the detention only immediately before the hearing. The same situation concerns the defence of asylum applicants who do not have or no longer have the right to remain in the centre (therefore in Italy) pending the judicial decision on their asylum application, since in such cases the jurisdiction is of the Giudice di Pace and not of the Civil Court.¹⁴⁷⁴

CPRs’ managing bodies are in charge of organising a “normative information provision” service. The funds for such service, however, have been drastically cut in the tender specifications for 2018 and 2021. There was, in fact, a decrease in the number of hours dedicated to this activity: by 66% (for Centres with up to 50 places); by 70% (for Centres with up to 150 places); by 78% (for Centres with up to 300 places). This had inevitable repercussions on the effective protection of the right to information of detainees.¹⁴⁷⁵

¹⁴⁷⁰ Civil Court of Palermo, decision available in Italian at: <https://cutt.ly/myO5LIE>.

¹⁴⁷¹ See ASGI, ‘Cassazione sulle prassi hotspot: il secondo foglio notizie non può limitare l’accesso al diritto di asilo’, 10 September 2020, available at: <https://bit.ly/3u8sl5O>; see also ASGI, ‘Cassazione: Chi entra in Italia ha diritto a informativa completa ed effettiva sull’asilo dal primo contatto con polizia’, 22 November 2023, available in Italian at: <https://lc.cx/OJ1hgh>.

¹⁴⁷² LASCIAECIENTRARE, *Dietro le mura. Abusi, violenze e diritti negati nei CPR d’Italia*, October 2022, available in Italian at: <https://rb.gy/daoyns>.

¹⁴⁷³ Article 13(5-bis) TUI.

¹⁴⁷⁴ Article 6 (7) LD 142/2015.

¹⁴⁷⁵ CILD, *Buchi Neri*, available in Italian at: <https://bit.ly/3u710qg>.

Another relevant obstacle which limits the possibility for persons detained in CPR to obtaining information on their rights and thus enjoying their right to legal assistance is the shortage of interpreters available in the detention centres, who should be provided by the specific body running the structure. In 2021, it was reported that in Milan's CPR, some daytime operators also worked as cultural mediators and cleaners; in Turin's CPR, there is a lack of cultural mediators and those present do not cover all languages spoken by detainees; in Gradisca's CPR, the lack of linguistic mediation service has led to the practice - condemned by the CPT - of using other detainees as ad hoc "translators".

Regarding interviews with lawyers, in 2020 and 2021 limitations on access to the Centres for the conduct of defence interviews were reported. In some cases, these limitations were justified because of the effects of COVID-19 or other public order-related problems. In the **Palazzo San Gervasio** and **Macomer** centres, lawyers are prevented from using their mobile phones inside the facility. It was also reported that confidentiality is not always guaranteed during defence interviews and that there is no adequate linguistic support personnel in the CPR to support.¹⁴⁷⁶ The critical issues encountered in past years still persist, as evidenced by the latest CILD report of June 2023.¹⁴⁷⁷

Significant limitations to freedom of communication – which is guaranteed in theory but often significantly limited, if not completely denied (with inadequate number of landline phones and/or seizing of personal mobile phones) – may also affect the concrete exercise of the right to defence. In this context, a Tunisian citizen detained at the **Milan** CPR urgently appealed in front of the Specialised Section of the Court of Milan to obtain the return of his cell phone. The Tribunal ordered the Prefecture, the Police Headquarters and the managing body to allow the applicant to use his cell phone in the manner indicated in Article 7 of the CIE Unified Regulations (Ministerial Regulation October 20, 2014) for visits within the centre: that means, on the basis of daily shifts, in premises under surveillance but respecting the privacy of the person and for a sufficient time, which the order indicates as at least two hours.¹⁴⁷⁸ The right to phone correspondence is actually established by art. 5 of the Ministry Interior Directive of May 2022.

E. Differential treatment of specific nationalities in detention

In 2023, the most represented countries of origin of individuals detained in CPRs were Tunisia (3,211 persons, representing almost 48% of CPRs' population), Egypt (574 persons, 8%), Morocco (305, 5%) and Nigeria (142, 2%)¹⁴⁷⁹ These numbers were similar to those registered in 2021, when the most the most represented countries of origin for CPR detainees were Tunisia (2,805 persons, representing almost 55% of CPRs' population), Egypt (515 persons, 10%), Morocco (420 persons, 8%), Albania (219 persons, 4%) and Nigeria (215, 4%).¹⁴⁸⁰

Similar to what already noted in [Differential treatment of specific nationalities in the procedure](#), it is to be reported that persons coming from specific countries – and especially Tunisia – are particularly targeted for what concerns detention. Tunisia is indeed by far the most represented nationality in CPRs, as well as the Country where most returns are carried out to.

In 2023, as reported by Action Aid project, 6,669 people - 99% of them men - had been detained in CPRs, roughly 44% out of which (2,979) were actually returned. Tunisia is by far the most represented nationality

¹⁴⁷⁶ Ibidem.

¹⁴⁷⁷ CILD, *L'AFFARE CPR. Il profitto sulla pelle delle persone migranti*, June 2023, available in Italian at: <https://lc.cx/gY0Ueb>.

¹⁴⁷⁸ ASGI, 'Il Tribunale di Milano: consentire l'utilizzo del cellulare all'interno del CPR', 16 March 2021, available in Italian at: <https://rb.gy/bcmuot>.

¹⁴⁷⁹ See the Action Aid project *Trattenuti* 2024. Una radiografia del sistema detentivo per stranieri, available in Italian at: <https://trattenuti.actionaid.it/persona/>.

¹⁴⁸⁰ Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons, June 2023, available at: <https://rb.gy/r73ey6>.

amongst detained migrants and the country with the highest return rate (3,211 out of 6,714 detained migrants are Tunisians and 2,022 out of 2,979 returned migrants are returned to Tunisia).¹⁴⁸¹

It has been noted how the speed with which returns to Tunisia continue being carried out has led to serious violations of the rights of Tunisian nationals transiting through CPRs, from the violation of the right to be informed about the possibility of applying for asylum, to the practice of not formalising applications for international protection, to, where an application for international protection is finalised, subjecting Tunisian asylum applicants to a fast track procedure.¹⁴⁸²

In the past, other nationalities have been targeted for detention and repatriation. This was the case of Nigeria: in 2017, the MoI issued a circular ordering the emptying of all immigration detention centres (at that time, these were still called CIEs) to make room for Nigerian nationals.¹⁴⁸³ Record numbers of returns to Nigeria were registered in 2019, with 734 persons returned via 8 charter flights.¹⁴⁸⁴ In 2022, 89 Nigerian nationals were repatriated, while in 2023, 136 had been repatriated since, demonstrating a decrease in the number of repatriations to Nigeria compared to the previous years.¹⁴⁸⁵

For an analysis of the phenomenon from a gender perspective, see section on [Detention of vulnerable applicants](#).

¹⁴⁸¹ See the Action Aid project Trattenuti 2024. Una radiografia del sistema detentivo per stranieri, available in Italian at: <https://trattenuti.actionaid.it/persone/>.

¹⁴⁸² CILD, *Buchi Neri*, available in Italian at: <https://bit.ly/3u710qg>.

¹⁴⁸³ Open Migration, *Perché sono i nigeriani a venire rimpatriati più spesso*, July 2017, available at: <https://bit.ly/3tgbuV1>.

¹⁴⁸⁴ National Guarantor for the rights of detained persons, *Relazione al Parlamento*, June 2020, available in Italian at: <https://bit.ly/3CPliIB>.

¹⁴⁸⁵ See the Action Aid project Trattenuti 2024. Una radiografia del sistema detentivo per stranieri, available in Italian at: <https://trattenuti.actionaid.it/persone/>.

A. Status and residence

1. Residence permit

Indicators: Residence Permit

1. What is the duration of residence permits granted to beneficiaries of protection?
 - ❖ Refugee status 5 years
 - ❖ Subsidiary protection 5 years
 - ❖ Special protection 5 years

International protection permits for both refugee status and subsidiary protection are granted for a period of 5 years.¹⁴⁸⁶

The application is submitted to the territorially competent Questura of the place where the person has a registered domicile.

A common problem regarding the issuance of residence permits for international protection beneficiaries is the lack of a registered domicile address, which must be provided to the police. Proof of domicile has to be attached to the application submitted to the Questura, but some beneficiaries of international protection do not have a fixed address to provide and Questura often reject issuance or renewal requests submitted by beneficiaries who lack a real domicile and provide either a fictitious/virtual residence or a registered legal address at an organisation's office.¹⁴⁸⁷

As mentioned in [previous AIDA reports](#), to discourage such practice, in 2015, the Ministry of Interior issued a circular remarking that the law does not require beneficiaries of international protection to attach a registered address certificate to the residence permit issuance or renewal request being sufficient a declaration by the person concerning their domicile is considered sufficient.¹⁴⁸⁸ In 2019, the Civil Court of Rome had accepted an urgent appeal submitted by a beneficiary of subsidiary protection on the matter.¹⁴⁸⁹ However, in ASGI's experience, Police offices in the entire national territory still request proof of domicile to renew residence permits for beneficiaries of international protection. Some Police Offices even request proof of residence, not only of domicile, on the national territory to issue the permit of stay. This policy, combined with the extreme difficulty with finding proper accommodations for foreign citizens, makes the procedures for issuing permits of stay slower and more difficult.¹⁴⁹⁰

The renewal of the residence permit for asylum is done by filling out the appropriate form and sending it through the post office. After the application for renewal has been submitted, people have to wait a long time up to several months to know the outcome of the request and to obtain the new permit. The delay seems to be due to the chronic problems of organization and lack of personnel of Immigration Offices throughout Italy, but in the past two years the waiting time for the whole procedure can reach sixteen to eighteen months, as for other categories of permits. During this time, the beneficiary of international protection holds only a receipt, released by the post office as proof of the renewal application, which in theory substitutes the permit for every purpose. In practice however, after the first months, the receipt is not considered a valid document and beneficiaries of international protection experience great difficulties, for example, obtaining or renewing a work contract, renewing the registration to the national healthcare system, or obtaining a driving license. In 2024, the Ministry of Interiors issued a circular stating that the receipt has a validity of 9 months. As a consequence of the circular, after the ninth month many

¹⁴⁸⁶ Article 23(1) and (2) Qualification Decree.

¹⁴⁸⁷ Please refer to CSD Diaconia Valdese, Monitoring report on illegitimate practices by Questura, July 2021, available in Italian at: <https://bit.ly/3CPlo1S>.

¹⁴⁸⁸ Ministry of Interior Department of Civil Liberties and Immigration, Circular 18 May 2015, Beneficiaries of international protection - Domicile and residence permit renewal request, available at: <https://bit.ly/3tgckB9>.

¹⁴⁸⁹ Civil Court of Rome, 25 June 2019, decision available in Italian at: <https://bit.ly/36qfUiY>.

¹⁴⁹⁰ Experience of ASGI lawyers with different Questura - Police Headquarters on the national territory

beneficiaries (as well as the holders of other permits) experience many difficulties and obstacles in maintaining access to the benefits connected to their status.

According to the law, the residence permit for **subsidiary protection** can be renewed after verification that the conditions imposed in Article 14 of the Qualification Decree are still satisfied.¹⁴⁹¹ The application is sent back to the administrative Territorial Commission that decided on the original asylum application, which has to assess the renewal request and either express a favourable opinion to the renewal or send the file to the National Asylum Commission, which is responsible for the proceedings concerning the cessation or withdrawal of protection status. The Territorial Commission also considers information provided by the police concerning crimes committed during the person's stay in Italy, while assessing the renewal request. In practice, these permits are usually renewed and the main reason why renewal may not happen is that the procedure to withdraw protection status started due to the beneficiary having committed a serious crime.

Another frequent reason permits are not renewed is evidence that the refugee has had contacts with their embassy or has returned to the country of origin, even if for a short period. Sometimes, on this basis, the non-renewal procedure has been initiated even for **subsidiary protection** beneficiaries. To this regard it has to be underlined that L. 132/2018 which amended Decree Law 113/2018, introduced Article 15 (2 - ter) to the Qualification Decree, according to which, for the purpose of terminating the needs of subsidiary protection, "any return to the country of origin is relevant, if not justified by serious and proven reasons". Following legal action initiated by ASGI the cessation of international protection by NAC in a few of such cases has been cancelled, even if the provision is still in place.

Some Questure illegitimately require that subsidiary protection beneficiaries present their passport to be issued their residence permit. On 31 January 2020, the Civil Court of Brescia upheld the appeal lodged by an ASGI lawyer for a Nigerian beneficiary of subsidiary protection to whom the Questura of Bergamo refused to issue the residence permit because he did not have a passport.¹⁴⁹²

On 10 March 2022, the Civil Court of Brescia upheld the appeal lodged by the applicant, a beneficiary of subsidiary protection, clarifying how, according to the Article 23 of the Qualification Directive, national implementing authorities are not given discretion as to additional requirements, not set in law, for the issuance of a residence permit for subsidiary protection beneficiaries.¹⁴⁹³

Special protection

Decree Law 130/2020 and L. 173/2020 reintroduced the need to consider, in rejecting residence permits, the existence of constitutional and international obligations, and changed the substance of the special protection (*protezione speciale*) permits which could be granted when the hypothesis of non-expulsion or refoulement arises.¹⁴⁹⁴ Decree Law 130/2020 specified that the refoulement or expulsion of a person was not admitted when there are good reasons to believe that removal from the national territory involves a violation of the right to respect for their private and family life, unless it is necessary for national security reasons, public order and safety as well as health protection. It also stated that the nature and effectiveness of the family ties of the person concerned, their effective social insertion in Italy, the duration of their stay on the national territory as well as the existence of family, cultural or social ties with their country of origin, have to be taken into account.¹⁴⁹⁵

In such cases, special protection permits (*protezione speciale*) were granted, either through the international protection procedure or following the submission of a direct request to the Questura subject to a favourable opinion by the Territorial Commission.

¹⁴⁹¹ Article 23(2) Qualification Decree.

¹⁴⁹² Civil Court of Brescia, Decision 18250/2019, 31 January 2020, available in Italian at: <https://bit.ly/3u84JDZ>.

¹⁴⁹³ Civil Court of Brescia, Decision of 10 March 2022.

¹⁴⁹⁴ Articles 19(1) as amended by Decree Law 130/2020 and L. 173/2020.

¹⁴⁹⁵ Article 32 (3) Procedure Decree and Article 19 (1.1) TUI as amended by Decree Law 130/2020 and L. 173/2020.

Law 50/2023 has significantly changed previous rules, by deleting from Article 19 TUI any reference to the protection of private and family life. Even if these rights are covered by Article 8 of ECHR, this led Territorial Commissions to limit the number of cases in which national protection is recognised.¹⁴⁹⁶

L. 50/2023 also cancelled the possibility to submit a direct request for a special protection permit to Questura.

Special protection permits have a duration of two years and are renewable - upon expression of a favourable opinion by the Territorial Commission.¹⁴⁹⁷ L. 50/2023 also changed the duration of the special protection permit, reducing it to one year. This applies only to the permits requested after the entry into force of L. 50/2023.

Based on L. 50/2023, the permits to stay for special protection issued after the entry into force of the new law, will be not convertible in labour residence permits.¹⁴⁹⁸ However, a transitional regime was introduced, so that the new provisions on special protection permits do not apply to all pending cases before the Territorial Commissions, and to requests submitted to the Questore before the coming into force of the law itself (6 May 2023).¹⁴⁹⁹

During 2023, in several cases the Administrative regional Courts stated that special protection is unique regardless of the authority that recognises it (Territorial Commission or Questore) and therefore there must be no difference between the convertibility regimes. (see the decisions¹⁵⁰⁰ mentioned in the [Regular procedure](#)).

2. Civil registration

Beneficiaries of international protection or special protection can apply for registration.

No data on beneficiaries of international or national protection resident in Italy is available.

However, according to Istat, the number of foreign citizens residing in Italy grew from 5,141,341 in 2023, to 5,307,598 in 2024.¹⁵⁰¹

2.1 Registration of childbirth

The birth of a child can be registered at the hospital within 3 days from the birth, or within ten days from the birth at the municipality, with the presentation of a valid identification document.

2.2 Registration of marriage

According to the Italian Civil Code, foreign citizens who intend to contract a marriage in Italy must present a certification of the absence of impediments to contracting the marriage (*nulla osta*), issued by their embassy.¹⁵⁰² Until recently **refugees** could substitute the *nulla osta* with a UNHCR certification. This

¹⁴⁹⁶ According to Eurostat, humanitarian permits recognised in 2023 are 380 less than those granted in 2022 (see Eurostat data available at: <https://acesse.dev/II39P>). However, these statistics should be read keeping in mind that the overall recognition rate is significantly decreased in 2023 going from 47% in 2022 to 37%.

¹⁴⁹⁷ Article 32(3) Procedure Decree, as amended by Decree Law 113/2018 and L. 132/2018 and later by Decree Law 130/2020 and L. 173/2020.

¹⁴⁹⁸ L. 50/2023 repealed Article 6 (1 bis a) referring to special protection permits among the permits which can be converted into labour permits.

¹⁴⁹⁹ Article 7 (2) and (3) DL. 20/2023 converted with amendments by L. 50/2023.

¹⁵⁰⁰ Administrative Court for Tuscany region, interim decision no. 24/2024 of 10 January 2024; Administrative Court for Piedmont Interim decision no. 10/2024 of 12 January 2024; Administrative Court for Marche region, decision no. 00913/2023 of 28 December 2023; Administrative Court for Friuli Venezia Giulia region, decision no. 87/2024 of 27 February 2024.

¹⁵⁰¹ Istat, Foreign population residing in Italy, available at: <https://l1nq.com/oXzkM>.

¹⁵⁰² Article 116 Civil Code.

practice was established following a formal note sent on 9 April 1974 by the Ministry of Justice to the Ministry of Foreign Affairs.

Following the evolution of the legislation on the recognition of refugee status, which has entrusted the entire international protection procedure to the Ministry of Interior, UNHCR encouraged the latter to define new procedures regarding the clearance for marriage for beneficiaries of refugee status. On 12 January 2022, the Ministry of Interior, following up on the suggestion made by the UN Agency, published a circular which introduces a new procedure, informed by the procedure described in Article 1 paragraph 2 of Legislative Decree 19 January 2017, n. 7, for the clearance for marriage for refugees: to the request for publication of the marriage submitted to the municipality, the refugee has only to attach a substitutive declaration, pursuant to Presidential Decree no. 445 of 28 December 2000.¹⁵⁰³

The law does not provide a solution for applicants for international protection and beneficiaries of **subsidiary or national protection** who cannot request the authorisation (*nulla osta*) from their embassies with a view to registering a marriage. In this case, they can follow the procedure set out in Article 98 of the Italian Civil Code, which entails a request for the marriage authorisation to the municipality and, after the refusal of the request for want of *nulla osta*, an appeal to the Civil Court, asking the Court to ascertain that there are no impediments to the marriage.

In such cases, and when the applicants do not want or cannot apply to the authorities of their countries of origin, a request can be submitted, pursuant to the procedure set out in article 98 of the Italian Civil Code, to the register of the municipality of residence for the publication of the marriage (attaching a notarial act signed in court or before a notary or a declaration in lieu of affidavit - with a written statement explaining the reasons why the person cannot submit the clearance issued by the authorities of their country of origin). In cases of rejection of the request by the register, the person can appeal to the court, asking the judge to establish that there are no impediments to the marriage and to order the registrar to proceed with the publication of the marriage.

3. Long-term residence

Indicators: Long-Term Residence

1. Number of long-term residence permits issued to beneficiaries in 2024:	4,456
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As indicated by the national statistical institute (Istat), between 2023 and 2024 the number of non-EU citizens with regular residence permit in Italy diminished, going from 3,727,706 on 1 January 2021 to 3,607,160 to 1 January 2024. Long-term residence permits are almost 66% out of the total residency permits currently valid in the country, corresponding to 2,341,857 residence permits.¹⁵⁰⁴

According to Article 9(1-bis) TUI, refugees and subsidiary protection beneficiaries residing in Italy for at least 5 years can obtain a long-term resident status if they have an income equal or higher than the minimum income guaranteed by the State. The starting point to count the period of stay for beneficiaries of international protection is the date of submission of the application for international protection.¹⁵⁰⁵

In case of vulnerabilities, the availability of a free dwelling granted by recognised charities and aid organisations, contributes figuratively toward the income to the extent of 15% of the amount.

Contrary to other third-country nationals, international protection beneficiaries do not have to prove the availability of adequate accommodation responding to hygiene and health conditions, nor to pass the Italian language test, before obtaining long-term residence.¹⁵⁰⁶

¹⁵⁰³ Ministry of Interior, Department for Internal and Territorial Affairs, Circular n. 1/2022, on the clearance for the refugee who intends to contract marriage in Italy, available at: <https://bit.ly/3MYvzqv>.

¹⁵⁰⁴ Istat, Non-EU Citizens in Italy, in 2023- 2024, March 2025, available in Italian at: <https://bitly.cx/NzGuC>. See also ASGI in-dept sheet, 12 January 2024, available at: <https://bit.ly/4aM6eLs>.

¹⁵⁰⁵ Article 9(5-bis) TUI.

¹⁵⁰⁶ Article 9 (1-ter) and (2-ter) TUI.

The application to obtain the long-term residence permit is submitted to the territorially competent Questura and should be issued within 90 days.¹⁵⁰⁷ However, according to ASGI's experience, the actual issuance of the permit requires considerably longer times. The issuance of the permit is subject to a contribution of €130.46.¹⁵⁰⁸

In 2024, 4,456 beneficiaries of international protection obtained a long-term residence permit; 1,926 of them were holders of refugee status; 2,530 of subsidiary protection.¹⁵⁰⁹

4. Naturalisation

Indicators: Naturalisation		
1. What is the waiting period for obtaining citizenship?		
1. Refugee status		5 years
2. Subsidiary protection		10 years
2. Number of citizenship grants to beneficiaries ¹⁵¹⁰ in 2024:		780

Responding to a Foia request made by ASGI, the Ministry of Interior informed that, in 2024, 708 refugees were granted Italian citizenship.

In 2024, approximately 217,000 foreign nationals acquired Italian citizenship—an increase compared to just under 214,000 in the previous year. The three most represented countries of origin were Albania (31,000 acquisitions), Morocco (27,000), and Romania (around 15,000), with Romania overtaking Argentina for third place compared to 2023. Notably, 64% of all citizenship acquisitions were concentrated among just nine national communities.

Compared to 2023, the number of Italian citizenships granted to Argentine and Brazilian citizens decreased (-11% and -10% respectively), while those granted to citizens of the Indian subcontinent increased (India +30% and Bangladesh +19%). Finally, the volume of acquisitions of Italian citizenship obtained by Albanian, Moroccan, Romanian and Egyptian citizens remained stable.

Italian citizenship can be granted to **refugees** legally resident in Italy for at least 5 years.¹⁵¹¹ Beneficiaries of **subsidiary protection** are instead subject to the general rule applied to third-country nationals: they can apply for naturalisation after 10 years of legal residence.¹⁵¹²

In both cases, the beneficiary's registration at the registry office must be uninterrupted. This can be particularly challenging for beneficiaries of international protection, as the law does not ensure any support or long-term accommodation for them and some might be forced to live in precarious situations. Moreover, following the entry into force of the Decree Law 113/2018, implemented by L. 132/2018, registration at the registry could only be obtained after the grant of a protection status ([Civil Registration](#)).

The situation changed after the decision of the Constitutional Court n. 186/2020, which declared the legal provision introduced to create a different legal regime for asylum applicants contrary to the principle of equality stated by the Italian Constitution. The Decree Law 130/2020 was amended and expressly recognises to asylum applicants the right to civil registration. However, under Decree Law 113/2018, many asylum applicants received a denial of civil registration and, even after the ruling by the Constitutional Court, several municipalities were initially reluctant to recognise the right to register them retroactively.

The 2018 reform also introduced the requirement of the sufficient knowledge of the Italian language (at least B1 level), attested through specific certifications or through the qualification in an educational

¹⁵⁰⁷ Article 9(2) TUI.

¹⁵⁰⁸ Ministerial Decree of 8 June 2017.

¹⁵⁰⁹ Data provided by Ministry of Interior on ASGI FOIA request, 24 March 2025.

¹⁵¹⁰ The Ministry of Interior only provided data concerning holders of refugee status that the elaboration of data concerning holders of subsidiary protection would have entailed an excessive amount of work (see communication of 6 March 2025).

¹⁵¹¹ Articles 9 and 16 L. 91/1992 (Citizenship Act).

¹⁵¹² Article 9(1)(f) Citizenship Act.

institution recognised by the Ministry of Education.¹⁵¹³ Applications presented after 5 December 2018 without meeting this requirement have been rejected.¹⁵¹⁴

The amended Citizenship Act also provides that citizenship obtained by way of naturalisation can be revoked in the event of a final conviction for crimes committed for terrorist purposes.¹⁵¹⁵ The law does not provide any guarantee to prevent statelessness.

From a territorial point of view, in 2022 new citizens were heavily concentrated in three regions of the Centre-North: Lombardy, Emilia-Romagna, and Veneto which hosted 49% of those who had acquired citizenship in 2022 (with 25.1% of them living in Lombardy alone).¹⁵¹⁶

Naturalisation procedure

The application is submitted online through the website of the Ministry of Interior, by attaching the extract of the original birth certificate and the criminal records certificate, issued by the authorities of the country of origin and duly translated and legalised. Since the 2018 reform, applicants must also submit a certification of knowledge of the Italian language. The originals are submitted to the Prefecture of the place of residence.

Refugees may submit, in lieu of the original birth certificate and criminal records certificate, a declaration (affidavit), signed before a Court and certified by two witnesses. The law does not provide this possibility for beneficiaries of **subsidiary protection**. However, on 13 November 2019, the Civil Court of Rome recognised a woman of Sierra Leone with subsidiary protection status the right to produce self-signed certificates, instead of a criminal record and birth certificates, to request the Italian citizenship, assessing the risk she would have incurred in by turning to the authorities of her country of origin.¹⁵¹⁷ In 2024 the Administrative Court of Veneto granted the same right to a woman from Ethiopia, beneficiary of subsidiary protection, who was initially denied the right to submit her application for not being able to attach a birth certificate and asking to substitute it with an affidavit¹⁵¹⁸.

The application is subject to the payment of a €250 fee.

The evaluation of the citizenship application is largely discretionary. As consistently confirmed by the case law of the Administrative Courts,¹⁵¹⁹ the denial may be motivated by insufficient social inclusion in the national context. Even if not provided by law, a further general requirement established by the Ministry of Interior for those who apply for citizenship by residency is the necessary to have an income produced on Italian territory, which amount shall not be less than those established by the Decree-Law 382/1989, signed into law 8/1990 as confirmed by art. 2 of the Act 549/1995.¹⁵²⁰ The benchmarks are euro 8,263.31 for the unmarried applicant, euro 11,362.05 for the applicant with a spouse, and euro 516.00 to be added for each child. If the applicant does not possess their own income or has an income below those established by law, it is possible to consider the incomes of other household members (in the same family status of the applicant). Pending the acceptance of the citizenship request the applicant must retain, without interruptions, both the residence and the income capacity.

Decree Law 113/2018, implemented by L 132/2018 extended the time limit for the completion of the procedure from 730 days to 48 months from the date of application.¹⁵²¹ The Administrative Court of Lazio

¹⁵¹³ Article 9.1 Citizenship Act, inserted by Article 14 Decree Law 113/2018 and L 132/2018.

¹⁵¹⁴ Ministry of Interior Circular No 666 of 28 January 2019.

¹⁵¹⁵ Article 10-bis Citizenship Act, inserted by Article 14 Decree Law 113/2018 and L 132/2018.

¹⁵¹⁶ Istat, Non-EU Citizens in Italy, in 2021- 2022, October 2022, available in Italian at: bit.ly/3ZmjL6W.

¹⁵¹⁷ Civil Court of Rome, decision 21785 of 13 November 2019.

¹⁵¹⁸ Administrative Court of Veneto, Decision 594/2024, 27 March 2024.

¹⁵¹⁹ See e.g. Administrative Court of Lazio, Decision 8967/2016, 2 August 2016.

¹⁵²⁰ Ministry of Interior, Income required for the application for citizenship by residence and modalities for their indication and updating, 30 November 2020, available in Italian at: <https://bit.ly/3ihIS7o>.

¹⁵²¹ Article 19-ter Citizenship Act, inserted by Article 14 Decree Law 113/2018 and L 132/2018.

decided that it also applied to cases brought to Court before the date of coming into force of the Decree Law, since the Decree Law was silent on the date of entry into force.¹⁵²²

The Decree Law 130/2020 has repealed the provision of Decree Law 113/2018 which extended the 48 months term applicable to citizenship applications pending at the time of the entry into force of the decree law.¹⁵²³ Thus, the previous term of 730 days will be applied to the applications submitted before the entry into force of Decree Law 113/2018.¹⁵²⁴

Decree Law 130/2020 converted into L. 173/2020 has introduced a new time limit for the completion of the citizenship procedure by Prefectures, set in 24 months extendable up to a maximum of 36 months, which applies to requests submitted on or after 20 December 2020.¹⁵²⁵

Thus, currently, there are different deadlines for the conclusion of the procedure, depending on when the application was submitted, whether before, during or after the end of the validity of the provision of Decree-Law 113/2018.

It should be noted that these are indicative non-mandatory time limits. However, if they are exceeded, it is possible to appeal to the court.

The person concerned is notified about the conclusion of the procedure by the Prefecture. In case of approval, he or she is invited to give, within 6 months, the oath to be faithful to the Italian Republic and to observe the Constitution and the laws of the State. In case of denial, they can appeal to the Administrative Court.

5. Cessation and review of protection status

Indicators: Cessation

1. Is a personal interview of the beneficiary in most cases conducted in practice in the cessation procedure? ☒ Yes ☐ No
2. Does the law provide for an appeal against the first instance decision in the cessation procedure? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☐ Yes ☐ With difficulty ☒ No

5.1 Grounds for cessation

According to Article 9 of the Qualification Decree, a third-country national shall cease to be a **refugee** if the person:

- ❖ Has voluntarily re-availed themselves of the protection of the country of nationality;
- ❖ Having lost their nationality, has voluntarily re-acquired it;
- ❖ Has acquired Italian nationality, or other nationality, and enjoys the protection of the country of their new nationality;
- ❖ Has voluntarily re-established themselves in the country which they left or outside which they remained owing to fear of persecution;
- ❖ Can no longer, because the circumstances in connection with which they have been recognised as a refugee have ceased to exist, continue to refuse to avail themselves of the protection of the country of nationality; or

¹⁵²² Administrative Court of Lazio, Decision 1323/2019.

¹⁵²³ Article 4 of Decree Law 130/2020 repealed Article 14 (2) of the Decree Law 113/2018 which had set the deadline for the definition of the proceedings pending at the time of entry into force of the Decree Law 113/2018 in 48 months.

¹⁵²⁴ According to Article 3 DPR 18.4.1964 n. 362.

¹⁵²⁵ Article 9-ter Citizenship Act as amended by Decree Law 130/2020 and L 173/2020. According to Article 4(6) of Decree Law 130/2020 the provision applies to the applications submitted from the entry into force of the L 173/2020.

- ❖ In the case of a stateless person, they are able, because the circumstances in connection with which he or she has been recognised as a refugee have ceased to exist, to return to the country of former habitual residence.

The change of circumstances which led to the recognition of protection constitutes also a ground for cessation of **subsidiary protection**.¹⁵²⁶

In both cases, the change must be of non-temporary nature and there must not exist serious humanitarian reasons preventing return to the country of origin.¹⁵²⁷ The Qualification Decree states that, even when the situation in the country of origin has changed, the beneficiary of international protection can invoke compelling reasons arising out of previous persecution for refusing to avail themselves of the protection of the country of nationality not to be returned.¹⁵²⁸

In practice, Territorial Commissions may express a negative opinion on the renewal of subsidiary protections (art. 14 c, of the legislative decree no. 251 of 2007) recognised by Civil Courts following an appeal, when in disagreement with the orientation of the judicial authority circa the situation of indiscriminate violence in the country of origin of the person, and send instead the documents to the National Asylum Commission for an assessment of the applicability of cessation clauses based on changed circumstances. In practice, cessation based on changed circumstances appears to be rarely applied. Decree Law 113/2018 has introduced a new provision to the Qualification Decree according to which any return to the country of origin which is not justified by serious and proven reasons is relevant for the assessment of cessation of both refugee status and subsidiary protection.¹⁵²⁹

The circumstances taken into consideration to assess termination are the frequency of trips to the country of origin; length of stay in the country of origin; place of stay in the country of origin; reasons for travel to the country of origin.¹⁵³⁰

5.2 Cessation procedure

The NAC is responsible for deciding on cessation of international protection.¹⁵³¹ According to the law, cessation is declared on the basis of an individual evaluation of the refugee's personal situation.¹⁵³² No specific group of beneficiaries in Italy face cessation of international protection.

However, on 7 October 2021, UNHCR recommended that States hosting Ivorian refugees expatriated due to political crises in their country of origin end their refugee status as of 30 June 2022 and facilitate their voluntary repatriation, reintegration, or acquisition of permanent residency or naturalisation for those wishing to remain in host countries, highlighting that those who have ongoing international protection needs will be entitled to request an exemption from cessation.¹⁵³³ No circular was however adopted during 2024.

Data on cessation rates has not been publicly available since 2019. For data on previous years, see [AIDA Country Report on Italy – 2019 Update](#).

The new provision introduced by Decree Law 113/2018 on the relevance, for the application of cessation clauses, of any return of the beneficiary to the country of origin, will likely continue to result in the automatic initiation of the cessation procedure for all those signalled to NAC by the border police.

¹⁵²⁶ Article 15(1) Qualification Decree.

¹⁵²⁷ Articles 9(2) and 15(2) Qualification Decree.

¹⁵²⁸ Articles 9(2-bis) and 15(2-bis) Qualification Decree.

¹⁵²⁹ Articles 9(2-ter) and 15(2-ter) Qualification Decree, inserted by Article 8 Decree Law 113/2018 and L 132/2018.

¹⁵³⁰ EMN, Studio del Punto di Contatto Italiano European Migration Network (EMN), 2020, available at: <https://bit.ly/3fiWCwP>.

¹⁵³¹ Article 5 Procedure Decree; Article 13 PD 21/2015.

¹⁵³² Article 9(1) Qualification Decree.

¹⁵³³ UNHCR, UNHCR recommends the cessation of refugee status for Ivorians, 7 October 2021, available at: <https://bit.ly/3idupt4>.

DL 20/2023 converted by L. 50/2023 amended the Qualification Decree, establishing that both for refugee status and subsidiary protection, any return to the country of origin - even if for a short time - is relevant to open a cessation procedure, unless justified by serious and proven reasons and for the period strictly necessary.¹⁵³⁴

In a case recorded by ASGI in early 2024, the cessation procedure was started, according to Article 9 (1 lett. a) because the refugee was found in possession of his national passport. The procedure is ongoing before the NAC.

The person concerned must be informed in writing that the National Commission is re-assessing their eligibility to international protection and the reasons for the re-examination; he or she must be given the opportunity to set out in a personal interview or in a written statement, the reasons why his or her status should not be terminated. In most cases, in practice, a personal interview of the beneficiary of international protection is conducted by NAC. If the person, duly invited, fails to appear, the decision is made based on the available documentation. The NAC shall, in the course of this procedure, apply *mutatis mutandis* the basic principles and safeguards set forth for the assessment of international protection applications. During the proceedings, the person concerned has no access to free legal assistance. NAC should decide within 30 days from the date of the interview or from the expiration of the deadline for submitting documents. In the event of a decision to terminate international protection statuses, the NAC must assess whether, as prescribed by the TUI, a residence permit on other grounds may be granted, or if, in application of the principle of non-refoulement, a special protection must be granted to the person (the special protection residence permit issued subsequently a termination has a validity of two years, is renewable, subject to the opinion of the Commission, allows the person to work, and is convertible in a permit for work reasons).

If the residence permit for refugee status or subsidiary protection expires during proceedings before the NAC, or if proceedings before NAC were initiated following a negative opinion by the Territorial Commission on the renewal of the subsidiary protection, the permit is renewed by the Questura until a final decision is reached by NAC.¹⁵³⁵

An appeal against the decision can be lodged before a Civil Court, within 30 days from notification. Territorial competence is established on the basis of which Territorial Commission recognised international protection to the beneficiary. The appeal has automatic suspensive effect and follows the same rules as in the [Regular Procedure: Appeal](#).¹⁵³⁶

As previously mentioned, statistics concerning cessations and revocation procedures have not been available since 2019.

6. Withdrawal of protection status

Indicators: Withdrawal

1. Is a personal interview of the beneficiary in most cases conducted in practice in the withdrawal procedure? ☒ Yes ☐ No
2. Does the law provide for an appeal against the withdrawal decision? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice?
☐ Yes ☐ With difficulty ☒ No

Cases of withdrawal of international protection are provided by Article 13 of the Qualification Decree for **refugee status** and by Article 18 of the same Decree for **subsidiary protection**.

¹⁵³⁴ Article 9 ter DL 20/2023 amended Article 9 (2 ter) and Article 15 (2 ter) of LD 251/2007.

¹⁵³⁵ Articles 32(3) and 33 Procedure Decree; Article 6(1-bis)a TUI; Article 33 Procedure Decree; Article 14 PD 21/2015.

¹⁵³⁶ Article 35-bis(3) Procedure Decree.

Both provisions state that protection status can be revoked when it is found that its recognition was based, exclusively, on facts presented incorrectly or on their omission, or on facts proved by false documentation. International protection is withdrawn also when, after the recognition, it is ascertained that the status should have been refused to the person concerned because:

- ❖ They fall within the exclusion clauses.

Decree Law 113/2018, implemented by L 132/2018, has significantly extended the list of crimes triggering exclusion and withdrawal of international protection, including, inter alia, violence or threat to a public official; serious personal injury; female genital mutilation; serious personal injury to a public official during sporting events; theft if the person wears weapons or narcotics, without using them; home theft; non-aggravated drug-related offences.¹⁵³⁷

- ❖ There are reasonable grounds for considering him or her as a danger to the security of Italy or, having been convicted by a final judgement of a particularly serious crime, he or she constitutes a danger for the public order and public security.

The withdrawal of a protection status,¹⁵³⁸ and the appeals against it,¹⁵³⁹ are subject to the same procedure foreseen for **Cessation** decisions. The only exception worth mentioning concerns beneficiaries of international protection for whom the protection is revoked because they fall within the exclusion clauses: when the NAC assesses that, in application of the principle of non-refoulement, a special protection must be granted, the residence permit issued by the Questura will not be convertible in a permit for work reasons pursuant to art. 6 TUI.

B. Family reunification

1. Criteria and conditions

Indicators: Family Reunification

1. Is there a waiting period before a beneficiary can apply for family reunification? ☐ Yes ☒ No
 - ❖ If yes, what is the waiting period?
2. Does the law set a maximum time limit for submitting a family reunification application? ☐ Yes ☒ No
 - ❖ If yes, what is the time limit?
3. Does the law set a minimum income requirement? ☐ Yes ☒ No

Since the entry into force of LD 18/2014, the family reunification procedure governed by Article 29bis TUI, previously only applicable for refugees, is applied to both **refugees** and beneficiaries of **subsidiary protection**.

Beneficiaries can apply at a Prefecture as soon as they obtain the electronic **residence permit** – which can mean several months in some regions – and there is no maximum time limit for applying for family reunification. Beneficiaries of international protection are not affected by the changes brought to the discipline of family reunification following the entry into force of Law Decree n. 145 of 11 October 2024, which (amending art. 28 TUI) introduces the limit of at least two years of previous legal residence in Italy before a third-country national can apply for family reunification, with the only exception of beneficiaries of international protection who can continue to apply immediately after having received the electronic permit.

¹⁵³⁷ Articles 12(1)(c) and 16(d-bis) Qualification Decree, as amended by Article 8 Decree Law 113/2018 and L 132/2018.

¹⁵³⁸ Article 33 Procedure Decree; Article 14 PD 21/2015.

¹⁵³⁹ Article 19(2) LD 150/2011.

Law Decree No. 145/2024 (by introducing paragraph 7-bis to Article 4 of Legislative Decree No. 286/1998) has removed the obligation to provide prior notice of denial ("*preavviso di rigetto*") to the applicant when there are grounds for refusing the issuance of any type of entry visa, including visas for the family reunification of beneficiaries of international protection.

The prior notice of denial was a useful safeguard, as it gave applicants the opportunity to supplement or clarify their application before a final decision was made. Its removal may limit the applicant's ability to respond to potential objections and could lead to more immediate rejections without the chance for correction or integration of the documentation.

Contrary to what is prescribed for other third-country nationals,¹⁵⁴⁰ beneficiaries of international protection are not required to prove a minimum income and adequate housing to apply for family reunification. They are also exempted from subscribing a health insurance for parents aged 65 and over.

Beneficiaries may apply for reunification with:¹⁵⁴¹

- ❖ The spouse who is not legally separated from the applicant and who must not be under the age of 18 years;
- ❖ Minor children, including those of spouse, or those born outside marriage, on the condition that the other parent, in the case where they are available, has given their consent;
- ❖ Dependent children over 18 who, for objective reasons, are incapable of supporting themselves due to severe health problems resulting in complete invalidity;
- ❖ Dependent parents in the following cases: no other children in the country of origin or birth; parents over the age of 65 years whose other children are incapable of supporting them due to documented severe health problems.

Article 29 bis of the TUI establishes that, if a beneficiary of international protection cannot provide official documents proving their family relationships, due to their status or to the absence of a recognised authority able to issue such documents, or to the presumed unreliability of the documents issued by the local authority, the Italian diplomatic missions or consular posts shall issue relevant certificates based on the checks considered necessary. Other means may be used to prove a family relationship, including elements taken from documents issued by international organisations, if considered suitable by the Ministry of Foreign Affairs.

Under Paragraph 1bis of Article 29 of the TUI, when the applicant cannot find documentary evidence of family relationship with the family member they intend to reunite with, they may request DNA testing. The DNA testing may be also requested by diplomatic or consular authorities responsible for issuing the family reunification visa if there are doubts over the existence of a family relationship or over the authenticity of the documentation produced. All costs of testing and related expenses must be borne by the applicant. Article 29 bis of the TUI specifies that an application cannot be rejected solely on grounds of lack of documentary evidence.

However, in practice, the phase of the procedure falling under the competence of embassies and consular authorities is characterised by unpredictable, and often illegitimate, practices that factually hinder beneficiaries' access to the right to reunification with their families, including, inter alia: obstacles in accessing the premises of the embassy or consular office; difficulties in communicating with the authorities; frequent recourse to DNA testing; recourse made to external companies that take responsibility for handling visa applications and collecting documentation; administrative delays and setbacks in visa issuance; incorrect and restrictive interpretation of the normative framework.¹⁵⁴²

The Court of Cassation interpreted Article 29-bis (established in ruling No. 28200/2021 of 14 July 2021 and later confirmed by decision No. 2168/2023 of 24 January 2023)¹⁵⁴³ consistently with Directive

¹⁵⁴⁰ Article 29-bis TUI, citing Article 29(3) TUI.

¹⁵⁴¹ Article 29(1) TUI.

¹⁵⁴² Caritas Italiana, Consorzio Communitas, UNHCR, Family First - In Italy with your family, November 2019, available in Italian at: <https://bit.ly/3lqmPq0>.

¹⁵⁴³ Court of Cassation ruling No. 28200/2021 of 14 July 2021 available [here](#), Court of Cassation ruling No. 2168/2023 of 24 January 2023.

2003/86/EC. The Court's rulings achieved two significant expansions: first, it extended the scope of application of Article 29-bis to include beneficiaries of subsidiary protection; second, it broadened the scope of evidentiary facilitations provided by the provision, extending them from merely proving family relationships to covering all requirements necessary for obtaining family reunification visas.

On 5 February 2021, the Civil Court of Rome upheld the urgent appeal lodged by an Eritrean refugee status holder who had requested to be reunited with her minor child, who was alone in Ethiopia, and for whom the result of the DNA test had confirmed the family link. Despite this, and not taking into consideration that the applicant's son was holding a travel document expiring on 9 August 2020 and that the application included also a declaration in lieu of affidavit concerning the son's father unavailability, the consular authority orally informed the applicant that the office was unable to issue the visa due to the expiration of the travel document. After stating that the visa application appeared to be well-founded, as the outcome of the DNA test confirmed the parental relationship and that the consular authority did not raise any impediment to the issuance of the visa other than the absence of a valid travel document, the Court, reiterating the pre-eminence of the protection of family unity, especially in the presence of a minor, ordered the immediate issuance of a visa with territorial validity limited to the granting State ex Article 25 of Regulation (EC) N. 810/09, which is directly applicable and does not require further internal implementing provisions.¹⁵⁴⁴

Pursuant to Article 30 of TUI, and Article 20 of LD 50/2011, the decision accepting the appeal may order the issuance of the visa even in the absence of a 'nulla osta'. However, in many cases between 2022 and 2023, as in 2021, the Civil Court of Rome intervened by ordering the competent embassy to make an appointment for the visa request or for the legalisation of documents. Only in some cases, the Court directly ordered the issuance of family visas.

In 2024, the Civil Court of Rome had to decide on a case regarding a Pakistani refugee whose visa request for his wife and children was pending for two years. After the submission of the appeal and before the hearing the Embassy released the visas.¹⁵⁴⁵

The Civil Court of Rome, in its decision of 24 July 2024,¹⁵⁴⁶ ordered the Italian Embassy in Casablanca to schedule an appointment within 10 days at the diplomatic mission for a Moroccan mother of a beneficiary of refugee status in Italy. The appeal resulted from the inability to book an appointment through the platform of the intermediary agency and despite repeated requests from the defence attorney to arrange an ad hoc appointment, given that the platform remained blocked at all hours every day (notwithstanding the diplomatic office's sole response advising to try again).

In another recent decision the Civil Court of Rome, in its judgment of 8 April 2025,¹⁵⁴⁷ recognized the damage resulting from forced family separation and the impediment to exercising parental functions. In applying these principles, the judge, in this specific case, awarded damages of €1,050.00 (€350.00 for each month of delay) in favour of the plaintiff, to be paid by the Ministry of Foreign Affairs and International Cooperation.

The decision emphasized the importance of the right to family unity, particularly in cases involving minors, reaffirming the centrality of the principle of the best interests of the child in the interpretation and application of national and international laws regarding immigration and fundamental rights.

Starting from 2020 and until 31 July 2021, the validity of the authorisations for family reunification issued by the Prefectures, which in normal circumstances have a duration of six months, was extended by law

¹⁵⁴⁴ Civil Court of Rome, Decision, 5 February 2021, available at: <https://bit.ly/36nuk3t>.

¹⁵⁴⁵ Civil Court of Rome, case no. 19464 / 2024.

¹⁵⁴⁶ Civil Court of Rome case no. 29025/2024

¹⁵⁴⁷ Court of Rome, Decision, 8 April 2025, case n. 4136/2025, available [here](#).

due to the pandemic and to the difficulties family members might encounter in requesting the visa or in travelling and entering Italy. As of June 2025, no further extensions have been granted.¹⁵⁴⁸

On 17 March 2021, the Civil Court of Rome accepted the urgent appeal lodged by ASGI lawyers for a Sri Lankan applicant for family reunification whose wife had been unable to submit her visa application, also due to difficulties linked to the ongoing pandemic. In response to the embassy's inertia and considering the forthcoming expiration of the authorisation for reunification, the applicant's lawyers sent several warnings and reminders to the Italian diplomatic authority in Colombo, which remained unanswered.

Despite this, during the proceedings Italian diplomatic authorities claimed that no response was given because they considered the authorisation expired. It should be noted that authorisations for family reunification were extended by law until 30 April 2021 due to the pandemic. The judge ordered the immediate formalisation of the visa request, reiterating the validity of the clearance.¹⁵⁴⁹

The Civil Court of Rome has on multiple occasions upheld the validity of the *nulla osta* (clearance) even when applicants were unable to secure an appointment within its six-month period of validity. The Court found that the applicants' documented efforts to obtain an appointment for visa issuance were sufficient to interrupt the expiration of the *nulla osta*'s validity. For example, a recent decision by the Civil Court of Rome dated 29 July 2024¹⁵⁵⁰ granted a Sri Lankan citizen the issuance of a visa for family reunification following the appeal of the visa rejection, which was based on the grounds that the clearance had expired. As stated in the judgment, the six-month validity period had expired because the Italian Embassy in Colombo (Sri Lanka) deferred the scheduling of appointments to the external agency VFS Global, making it impossible to book one. The tribunal recognized that the certified email (PEC), even though the embassy had delegated to VFS Global, interrupted the running of the six-month period, as the embassy remains responsible for the procedure.

As recorded by ASGI, in many cases Italian embassies refused family visas in cases where the marriage had been celebrated with one of the spouses being in the country of origin. With decision of 11 February 2023, the Civil Court of Rome accepted the appeal filed by a couple in such situation and observed that the assessment of the actual existence of an emotional bond to affirm the fictitiousness or not of a marriage cannot be only evaluated based on the cultural parameters of the country of asylum.¹⁵⁵¹

On 10 June 2022, the Civil Court of Rome accepted the appeal presented by a Somali citizen, beneficiary of international protection, against the refusal of a family visa for his wife based on the absence of sufficient documentation certifying the marriage bond. The applicant was not present at the time of marriage registration and his signature had been affixed by a third person. The court highlighted the limits in which a holder of international protection incurs in producing the required documentation and insisted on the need to highlight further elements for the purpose of verifying the genuineness of the link, in the present case the declarations, judged credible, issued at the examination of the asylum application before the Territorial Commission.¹⁵⁵²

Following the Taliban's takeover of Afghanistan in August 2021, ASGI repeatedly denounced the inertia of Italian institutions in addressing and resolving the serious situation of Afghan men and women who can no longer remain in their country because of the high risk that would pose to their safety.

As of May 2025, the Italian embassy in Afghanistan remains closed and Afghan citizens who apply for family reunification visas at embassies in nearby countries need to reside legally in the country where the embassy is located in order to be able to access the embassy.

¹⁵⁴⁸ Article 103 (2 quarter, e) DL 18/2020 converted by L. 27/2020, extended the validity up to 30 August 2020; later, L. 159/2020, converting the Decree Law 125/2020, extended it up to 30 December 2021, and the Decree Law 2/2021, converted by L. 29/2021 extended it up to 30 April 2021 and Decree Law 56/2021, converted by L. 27/2021.

¹⁵⁴⁹ Civil Court of Rome, Decision 12457/2021, 17 March 2021, available in Italian at: <https://bit.ly/3lqnkQU>; see also Civil Court of Rome, Decision 39375/2021, 15 July 2021, available at: <https://bit.ly/3u7PuL4>.

¹⁵⁵⁰ Civil Court of Rome, Decision 16 April 2024, Case n. 20990/2024 available [here](#).

¹⁵⁵¹ Civil Court of Rome, decision of 11 February 2023.

¹⁵⁵² Civil Court of Rome, decision of 10 June 2022.

This tends to make the procedure for issuing a family reunification visa longer and more difficult, since it requires legal residence in that country and, moreover, it requires that the official documents needed to prove the family link must first be legalised at the Afghan Embassy of the country where the Italian Embassy is located and then legalised by the Italian Embassy.

On 18 March 2022 the Court of Rome accepted the appeal presented by an Afghan refugee who had obtained a nulla-osta for his family members but then was impeded to book an appointment. Later, the embassy in Islamabad had made an appointment communicated less than 24 hours' before, not allowing them to show up as they were returned to Afghanistan awaiting the date.

The Court ordered the embassy to make the appointment to the appellant's family members within 5 days of the order.¹⁵⁵³

The Civil Court of Florence, with a decision of 20 September 2022, accepted the appeal presented by a beneficiary of subsidiary protection and ordered the issuance of the family visa even if, due to the lack of response from the competent prefecture, they had not obtained a nulla osta. The court considered the serious and dangerous situation in which the applicant's wife found herself in Afghanistan.¹⁵⁵⁴

On 24 December 2021, the Civil Court of Rome upheld the urgent appeal lodged by ASGI lawyers for an Afghan beneficiary of subsidiary protection who had obtained in July 2021 the authorisation from the Prefecture to be reunited with his wife, an Afghan citizen who had been forced to take refuge in Pakistan since August 2021. The applicant and his wife had tried several times - both by phone and by email - to request an appointment at the Italian Embassy in Islamabad to formalise the visa application in time, without obtaining a response. The Court, in reaffirming its jurisdiction in matters of family reunification even in the case of silence and inertia of the public administration, considered subsistent both the *fumus boni iuris*, for the likely existence of the right to family reunification of the applicant, and the *periculum in mora*. In fact, the irreparable damage was found on the one hand in the imminent expiration of the six-month authorisation and on the other hand in the dangerous situation to which the wife of the applicant was exposed, irregularly present in Pakistan and therefore at risk of repatriation to Afghanistan. The court ordered the Italian Embassy in Islamabad, Pakistan, to schedule an urgent appointment for the visa application for family reunification in favour of the wife of the applicant.¹⁵⁵⁵

As mentioned, the Court of Cassation has adopted an interpretation of Article 29-bis (established in ruling No. 28200/2021 of 14 July 2021 1 and later confirmed by decision No. 2168/2023 of 24 January 2023),¹⁵⁵⁶ regarding the family reunification of a refugee with her mother, under 65 years of age, who had another son in her country of origin, and recalling Article 8 of the ECHR, stated that the **presence of the other child** is not decisive in excluding the right to family reunification if the latter cannot provide for the financial support of the parent who, in this case, depended on the assistance of the refugee who had requested reunification.¹⁵⁵⁷

Regarding the frequent cases in which reunification with parents is denied due to lack of proof that they are dependent on the applicant, the Court of Cassation with a decision of 24 January 2023,¹⁵⁵⁸ affirmed the need to extend the benefits provided for by the art. 29-bis, (2), TUI for refugees to the beneficiaries of subsidiary protection. The Court further ruled that these provisions should not be interpreted in a restrictive sense, as intended solely for the demonstration of the family bond. In the case submitted to it, the Court rejected the appeal of the Ministry of Foreign Affairs presented against the decision which had deemed met the conditions for issuing the nulla-osta to reunite the applicant with his parent, also considering that

¹⁵⁵³ Civil Court of Rome, decision of 18 March 2022.

¹⁵⁵⁴ Civil Court of Florence, decision of 20 September 2022.

¹⁵⁵⁵ Civil Court of Rome, Decision 72951/2021, 24 December 2021;

¹⁵⁵⁶ Court of Cassation, decision 20127 of 14 July 2021, available at: <https://bit.ly/37hKk84>.

¹⁵⁵⁷ Meltingpot, Status di rifugiato e ricongiungimento familiare – La sola presenza di figli nel Paese di origine non esclude l'ingresso del genitore infraseantacinquenne, available at: <https://bit.ly/3xMApIA>.

¹⁵⁵⁸ Court of Cassation, Decision of 24 January 2023, no. 2168.

the affidavit on the dependence of the parent by the applicant himself can be considered as atypical evidence freely assessable by the judge.

On the same matter, the Civil Court of Rome, with a decision of 2 February 2024, upheld the appeal submitted by a Somali subsidiary protected, considering the money transfer receipts filed in court (around twenty receipts) sufficient to provide proof of the financial support provided by the appellant to the mother in a continuous and prolonged manner. Regarding the absence of other sons/daughter in the country of origin, the Court considered that the reported disappearance of the other sons following their expulsion from Saudi Arabia was credible because it coincided with what the appellant had already reported in 2017 during the hearing before the Territorial Commission, and because the administration had not provided elements capable of casting doubt on the truth of the statements.¹⁵⁵⁹

The Court of Rome with a decision taken on 25 March 2025¹⁵⁶⁰ granted the appeal in full, recognizing the father's right to family reunification, after proper legalization of Afghan documentation demonstrated the family relationship and the father's vulnerable medical condition requiring urgent reunification and applying the principle stated by the Court of Cassation regarding the proof of financial support of the parent.

The case involved an urgent appeal filed by an Afghan citizen with subsidiary protection status, challenging the visa denial for family reunification issued by the Italian Embassy in Tehran regarding his father. The Embassy issued a final rejection on alleged failure to prove family ties, the father's dependency status, and the absence of other children in the country of origin.

2. Status and rights of family members

According to the law and in application of the principle of family unity,¹⁵⁶¹ family members who are not individually entitled to international protection status have the same rights as those granted to the relative who holds international protection. The family members of the beneficiary of international protection present in the national territory who are not individually entitled to such protection are issued a residence permit for family reasons pursuant to article 30 of the TUI.¹⁵⁶² According to the latter, in the case of family members of beneficiaries of international protection, the residence permit for family reasons has to be issued also in case the family member was previously not in possession of a valid residence permit and was irregularly present on the territory.¹⁵⁶³ These provisions do not apply to family members who are or would be excluded from international protection¹⁵⁶⁴

The application for international protection for minor children of beneficiaries has to be submitted by a pat. According to the law, this provision is considered extended also to the unmarried minor children present on the national territory with the parent at the time of its submission. This implies that any decision to recognise international protection will also be extended to the minor children of the applicant, who will be issued the same residence permits as the parent.¹⁵⁶⁵

Furthermore, the law provides that the minor child of a third country national living with him/her and resides regularly in Italy is subject to the legal status of the parent - or to the most favourable status of the parents - with whom they live.¹⁵⁶⁶ In the implementation of the Qualification Decree, the best interests of the child are taken into consideration as a priority.¹⁵⁶⁷

¹⁵⁵⁹ Civil Court of Rome, decision of 2 February 2024.

¹⁵⁶⁰ Civil Court of Rome, Decision 25 March 2025, Case n. 31089 / 2024.

¹⁵⁶¹ Article 22 Qualification Decree.

¹⁵⁶² Article 30 TUI.

¹⁵⁶³ Article 30 TUI.

¹⁵⁶⁴ Occurring cases governed by Articles 10 and 16 Qualification Decree.

¹⁵⁶⁵ Article 6(2) TUI.

¹⁵⁶⁶ Article 31(1) TUI.

¹⁵⁶⁷ Article 19(2-bis) Qualification Decree.

A circular issued by NAC in July 2014,¹⁵⁶⁸ definitively clarified that, pursuant to Articles 19(2-bis) and 22(1) of the Qualification Decree, minor children born in Italy after the recognition of refugee or subsidiary protection status to their parents are entitled to the same rights, also from the point of view of the right to international protection, as the parent entitled to such protection, until they reach adult age.

The application for the extension of international protection to minor children born after the recognition of international protection to the parent, i.e. the request for the issuance of a residence permit for international protection, must be lodged at the Questura by the parent beneficiary of international protection, who must submit a copy of the original birth certificate of the child and of the decision granting international protection.

C. Movement and mobility

1. Freedom of movement

Refugees, beneficiaries of subsidiary protection, and applicants for international protection, can freely circulate within the Italian territory.¹⁵⁶⁹ If beneficiaries of international protection are not accommodated in reception centres (by choice, revocation of the reception measures or end of the period of reception foreseen by law), they can settle in the city or town of their choice.

If accommodated in a government reception centre, beneficiaries of international protection could be requested to return to the structure by a certain time in the early evening. More generally, in order not to lose the accommodation, beneficiaries of international protection are not allowed to spend more than a certain amount of days outside of reception structures without authorisation (see [Reception Conditions](#)). Once and if beneficiaries of international protection obtain a place in a SAI project, they must necessarily accept the place assigned to them, even if it implies moving to another city. If the assigned place is refused, the beneficiary definitively loses the right to be accommodated in a SAI reception centre.

2. Travel documents

Travel documents for beneficiaries of international protection are regulated by Article 24 of the Qualification Decree.

For **refugees**, the provision refers to the 1951 Refugee Convention and states that travel documents (*documenti di viaggio*) issued are valid for 5 years and are renewable. The issuance of travel documents is refused by Questura, or, if already issued, the document is withdrawn, if there are very serious reasons relating to national security and public order that prevent its release. In practice, travel documents are usually issued automatically to beneficiaries of refugee status by Questura.

When there are well-founded reasons that do not allow the beneficiary of subsidiary protection to request a passport from the diplomatic authorities of the country of citizenship, the competent Questura issues a travel permit (*titolo di viaggio*, as opposed to the travel document, *documento di viaggio*, issued to refugees) to the person concerned. When applying for a travel permit in Questura, beneficiaries of subsidiary protection must therefore submit a note or documentation explaining why they cannot apply for or obtain a passport from the authorities of their countries of origin. Beneficiaries of subsidiary protection whose diplomatic or consular authorities are not present in Italy are usually issued a travel permit by Questura.

¹⁵⁶⁸ National Asylum Commission, Circular 2267 - Beneficiaries of international protection and extension to minor children, 17 July 2014, available in Italian at: <https://bit.ly/3wb3AOB>.

¹⁵⁶⁹ Pursuant to art. 6(6) TUI, besides what is established in the military laws, the Prefect can prohibit third country nationals from staying in municipalities or in places that interest the military defence of the State. Such prohibition is communicated to third country nationals by the Local Authority of Public Security or by means of public notices. Those who violate the prohibition can be removed by means of public force.

The administrative procedure aimed at issuing the travel document can be activated upon request of the beneficiary of subsidiary protection (and, as explained below, of the beneficiary of humanitarian/special protection). Questura is required not only to receive the request for the issuance of the travel document but also to assess the request and adopt an express decision on the application.¹⁵⁷⁰ As for the competence to deal with disputes relating to the failure to issue the travel document for refugees, beneficiaries of subsidiary protection and of humanitarian/special protection alike, despite several rulings from ordinary judges although there is no lack of rulings by the ordinary judge, administrative jurisprudence has affirmed its competence by recalling art. 133, paragraph 1, letter u), of the administrative procedure code which attributes to the exclusive jurisdiction of the administrative judge disputes concerning the provisions relating to passports as well as art. 21 of Law 21 November 1967, n. 1185, which also refers to the documents, equivalent to the passport, in favour of foreigners and stateless persons.¹⁵⁷¹

Regarding the prerequisites for the issuance of the travel document, as already mentioned, it is indisputable that for the beneficiary of subsidiary protection it is sufficient to state the well-founded reasons why he/she cannot apply to the diplomatic representation of his/her country of origin to request the passport, reasons that can be found in the grounds for applying for international protection or in the conduct of the authorities of the country of origin. Beneficiaries of subsidiary protection can thus invoke, inter alia, reasons linked to their status and to their international protection claim to the procedures applied by their embassies or to the lack of documentation requested, such as original identity cards or birth certificates. Evidence, such as a written note from the embassy refusing a passport, is not required but helpful if provided. The Questura usually verifies whether the person concerned in fact is not in possession of these documents, looking at the documents he or she provided during the international protection procedure. In some cases, immigration offices contact the embassies asking for confirmation of the reported procedure. The applicant assumes responsibility, under criminal law, for his or her statements. The Questura can reject the application lodged by beneficiaries of international protection if the reasons adduced are deemed unfounded or not confirmed by embassies. According to the law, if there are reasonable grounds to doubt the identity of the beneficiary of subsidiary protection, the document is refused or withdrawn by Questura. However, the administrative case-law has established that it appears contradictory to attribute a status to a subject and deny the same subject one of the concrete projections of this status (in this case, the travel permit) due to a profile (that of identity) that pertains to the very core of this type of administrative measures considering that in the absence of certainty about the applicant's identity, the Commission could not have granted the requested protection and the Questura issued the relative residence permit.¹⁵⁷²

Important to note is that, while the travel document issued to refugees is valid for all countries recognised by the Italian State, excluding the country of citizenship of the refugee, Italian law does not prohibit beneficiaries of subsidiary protection from using the Italian travel permit to go back to their country of origin. However, after the 2018 reform, each return to the country of origin can cause the opening of the cessation procedure (See [Cessation](#)).

For beneficiaries of national protection (either the former humanitarian protection or the current special protection, please consider that for the latter no jurisprudence is available as of June 2025), already back in 1961 the Ministry of Foreign Affairs and International Cooperation with Circular n. 48¹⁵⁷³ clarified that third-country nationals who do not have the qualification of refugees and who, for various reasons, cannot obtain the passport from the authorities of their country of origin, will be issued a new document, in the shape of a light green booklet, called "Travel permit for third-country nationals". The Ministry further stated that the granting of the document may take place, except in cases of urgent necessity, only after the

¹⁵⁷⁰ Regional Administrative Court of Catania, Decision 179/2015, available in Italian at: <https://bit.ly/3ljcs7f>.

¹⁵⁷¹ Regional Administrative Court of Rome, Decision 7390/2014, 30 September 2015, available at: <https://bit.ly/3JeilOR>; Regional Administrative Court of Rome, Decision 7768/2011, 2 March 2015, available at: <https://bit.ly/3thuPFfe>.

¹⁵⁷² Regional Administrative Court of Lazio, Decision 11465/2015, 30 September 2015, available at: <https://bit.ly/3uoT2sP>.

¹⁵⁷³ Ministry of Foreign Affairs and International Cooperation, Circular n. 48 - Travel permit for third-country nationals, 5 March 2004, available at: <https://bit.ly/36pZPtU>.

interested party has proved that he/she is unable to obtain a passport from the authorities of his/her country and that he/she has no pending lawsuits or obligations towards the family. In 2003 the Ministry of Interior,¹⁵⁷⁴ - responded to several clarification requests received by different Questure on the renewal of humanitarian protection residence permits for those who continue to be without a passport or equivalent document or who, although possessing it at the time of the first release, no longer possess it or its validity has expired. It underlined that beneficiaries of humanitarian protection are allowed to remain in Italy by reason of their particular situation which is connected, on the basis of elements assessed by the Territorial Commissions, to a concrete exposure to risks to personal safety or to the exercise of fundamental personal rights. By its very nature this situation, although not equivalent to that of a refugee, often precludes the issuance of a passport by the authorities of the country of origin, also depriving the individual of the right to travel abroad. The Ministry then, recalling that the above-mentioned circular by the Ministry of Foreign Affairs had never been repealed, reiterated to the Questure that the release of travel permits for beneficiaries of national protection has to be granted, adding that otherwise there would be a reduction of the rights recognised to legally residing third-country nationals also in relation to the Italian Constitution.

However, on several instances Questure have hindered the issuance of travel permits for beneficiaries of subsidiary protection and national protection through illegitimate practices which have been generally sanctioned by the resulting case-law, as proven by the collected jurisprudence mentioned in the previous reports (See [AIDA Country Report on Italy – 2021 Update](#)).

On 13 July 2022, the Council of State upheld the appeal submitted by a national protection holder who was refused a travel document as he had not proven the impossibility to obtain such document from his embassy. The Council of State considered that the impossibility of contacting authorities from the country of origin in order to obtain the travel document cannot be understood as only including those cases where the contact or return of the foreigner to his country of origin would expose him to serious risks for his own safety, but must be extended to all those circumstances in which the bureaucratic systems of the country of origin make it impossible for the citizen to obtain the requested document. With the same decision, the Council of State clarified that Article 24 (3) of the Procedures Decree concerning the subsidiary protection status, applicable by analogy to the case under its exam, allows the issuance of the travel document if there are no imperative reasons of national security "or" public order, while it is not enough to refuse it automatically referring to the mere existence of a criminal record.¹⁵⁷⁵

D. Housing

Indicators: Housing	
1. For how long are beneficiaries entitled to stay in/SAI?	6 months ¹⁵⁷⁶
2. Number of beneficiaries staying in reception centres as of 31 May 2025:	38,180 ¹⁵⁷⁷

As underlined under [Reception conditions](#), Decree Law 20/2023 converted into Law 50/2023 introduced a new reform of the reception system, providing a clear division between the reception system for asylum applicants (hosted in government centres, CAS and provisional centres) and the reception system for beneficiaries of international protection in SAI system. The latter, given the scarcity of places in turn and due to the fact that many prefectures turn away the beneficiaries when they obtain protection without waiting for access to the SAI, becomes even more a mere eventuality.

¹⁵⁷⁴ Ministry of Interior, Circular n. N.300/C/2003/331/P/12.214.5/1^DIV - On provisions regarding the renewal of residence permits for humanitarian reasons, 24 February 2003, available at: <https://bit.ly/3MUe62N>.

¹⁵⁷⁵ Council of State, Decision 5947 published on 13 July 2022, available at: bit.ly/3q0Mt0M.

¹⁵⁷⁶ The reception period in SAI projects is fixed at 6 months for beneficiaries of international protection. This period can be extended up to one year and in exceptional cases (for example during the COVID-19 emergency or for particularly critical situations) even beyond that limit.

¹⁵⁷⁷ Source: Mol Cruscotto statistico giornaliero, available at: <https://bit.ly/3SQSqYx>. 38,180 is the total number of people hosted in SAI projects as of 31 May 2025. A breakdown on the respective numbers of asylum seekers and beneficiaries of protection are not yet available.

The system remains based on the voluntary adhesion of the municipalities and still does not have enough places to meet the reception needs of all those who are entitled to accessing it.

A solution always presented by Asgi would be a reform that transfers the administrative functions of reception management to the Municipalities: this would lead to the gradual absorption of specific services for reception within the social services guaranteed at the territorial level, as part of the related welfare system and, therefore, no longer optional. This way, Municipalities could no longer choose, as is the case now, whether to activate a SAI project or not, that is, whether or not to deal with reception services for refugees: reception would become an integral part of local welfare and minimum levels of assistance could also be established which the Municipalities should adhere to.¹⁵⁷⁸

On paper, access to SAI is open to some categories of asylum applicants (asylum applicants identified as vulnerable and to those who have legally accessed Italy through complementary pathways (Government-led resettlements or private sponsored humanitarian admission programs (see [Access and forms of reception conditions](#))).

However, also due to the reform, the SAI system is conceived and indicated as primarily intended for beneficiaries of international protection and unaccompanied foreign minors. Other third-country nationals could only access SAI in case of available places.¹⁵⁷⁹

It is also important to underline that L. 50/2023 introduced Article 1 sexies (1- quater) of DL 416/1989, according to which holders of international protection and holders of residence permits which allow access to the SAI lose the possibility of being accommodated in SAI centres if, except in cases of force majeure, they do not show up at the assigned facility within seven days of the relevant communication, unless that there are objective and justified reasons for delay, according to the assessment of the prefect of the Province where the beneficiary is located.

1. Stay in first reception centres and CAS

A protection status does not allow the beneficiary to remain in first reception facilities or CAS. For this reason, beneficiaries who have obtained a protection title should be quickly transferred, if they wish so, into a SAI project. However, the scarcity of available places in the SAI network and numerous procedural issues often mean that people are discharged from the reception centre where they were accepted as beneficiaries of international protection before their entry into a SAI centre is arranged. The beneficiary of protection is then forced to temporarily leave the reception system. As described under [Reception](#), frequently the request for inclusion in SAI is not even made. In some cases, depending on the discretionary decisions of the responsible Prefectures and on bureaucratic delays, beneficiaries of national/international protection, after obtaining protection status, might be allowed to stay in the reception centre a few months or a few days after the notification or until access to a SAI project. According to the information collected by ASGI, in 2024 most Prefectures allowed beneficiaries of an international or national protection to remain in CAS only a few days.

By decision published on 2 August 2021, the Administrative Court for the Marche Region upheld the appeal submitted by a woman, beneficiary of international protection and affected by mental distress, cancelling the denial made by the SAI system to her access to a project, motivated by the absence of available places. According to the Court, the absence of places and the scarce adhesion from local authorities to SAI projects for vulnerable people cannot go to¹⁵⁸⁰ the detriment of those who need

¹⁵⁷⁸ According to Article 118 of the Italian Constitution, administrative functions are attributed to the municipalities. See ASGI, *Manifeste illegittimità costituzionali delle nuove norme concernenti permessi di soggiorno per esigenze umanitarie, protezione internazionale, immigrazione e cittadinanza previste dal decreto-legge 4 ottobre 2018, n. 113*, 15 October 2018, available in Italian at: <https://bit.ly/2W4am3n>. For a more detailed analysis, see Gianfranco Schiavone, 'Le Prospettive Di Evoluzione Del Sistema Unico Di Asilo Nell'unione Europea E Il Sistema Di Accoglienza Italiano. Riflessioni Sui Possibili Scenari' in *Fondazione Migrantes, Il diritto d'asilo, minori rifugiati e vulnerabili senza voce, Report 2017*, February 2017.

¹⁵⁷⁹ Article 1 sexies (1) DL 516/1989 according to which in the SAI system, dedicated to beneficiaries of international protection and unaccompanied minors, municipalities can also accommodate asylum seekers and holders of specified permits to stay.

¹⁵⁸⁰ TAR Marche, decision no. 632/2021 published on 2 August 2021.

reception. The Court also recalled the guarantees provided by the SAI Guidelines of 2019 which identify, among the minimum mandatory services, that of psycho-social-health protection.

2. Accommodation in SAI

Following the 2023 reform, reception of beneficiaries of international protection is carried out in the SAI system, Reception and Integration System (*Sistema di accoglienza ed integrazione*), the former SPRAR established by L. 189/2002. SAI is a publicly funded network of local authorities and NGOs which accommodates unaccompanied children - under some conditions also after they become adults - (see [Reception of Unaccompanied Children](#)), beneficiaries of international protection and, in case of available places, people who have obtained some other residence permits for specific reasons (among which beneficiaries of national protection) and some applicants for international protection.

Unaccompanied children should have immediate access to SAI even though after the 2023 reform, SAI is indicated as a second reception step (see [Reception of unaccompanied minors](#)). Local authorities can also accommodate in SAI: THB survivors; domestic violence survivors and labour exploitation survivors; persons issued a residence permit for medical treatment, or for natural calamity in the country of origin, or for acts of particular civic value.¹⁵⁸¹ Moreover, Decree Law 130/2020 stated that local authorities can also accommodate in these facilities beneficiaries of special protection, beneficiaries of a special cases permit (former humanitarian protection),¹⁵⁸² and former unaccompanied minors who turned 18 and obtained the continuation of assistance.¹⁵⁸³ Access to the SAI is not available to beneficiaries of special protection who have obtained the permit because of international protection exclusion clauses¹⁵⁸⁴ and to asylum applicants, except for asylum applicants identified as vulnerable and those who have legally accessed Italy through complementary pathways.¹⁵⁸⁵

The SAI system consists small reception structures where assistance and integration services are provided. SAI projects are run by local authorities together with civil society actors such as NGOs. According to the Ministry of Interior Decree of 18 November 2019, SAI accommodation centres ensure interpretation and linguistic-cultural mediation services, legal counselling, teaching of the Italian language and access to schools for minors, health assistance, socio-psychological support in particular to vulnerable persons, training, support at providing employment, counselling on the services available at local level to allow integration locally, information on (assisted) voluntary return programmes, as well as information on recreational, sport and cultural activities.¹⁵⁸⁶ Such Decree,¹⁵⁸⁷ which includes the Guidelines for the former Siproimi system, has not yet been replaced by a new one reflecting the actual new configuration of the SAI.

Decree Law 130/2020 introduced two different levels of services for persons accommodated in SAI projects:

- ❖ First level services: applicants for international protection who are accommodated in SAI (before being granted international or special protection) will be able to benefit from "first level" services. First level services include, in addition to material reception services, health care, social and psychological assistance, linguistic-cultural mediation, the teaching of Italian language courses and legal and territorial guidance services.¹⁵⁸⁸

¹⁵⁸¹ Article 1 sexies (1) DL 416/1989, as amended by DL 130/2020, citing Articles 18, 18-bis, 19(2)(d-bis), 20, 22(12-quater) and 42-bis TUI. The statuses in Articles 20 and 42-bis had been inserted by Decree Law 113/2018.

¹⁵⁸² Ibid, mentioning Articles 1 (9) DL 113/2018 (special cases); Article 19, (1, 1.1) TUI, amended by DL 130/2020, special protection.

¹⁵⁸³ Article 1 sexies (1 bis) DL 416/1989, introduced by DL 130/2020.

¹⁵⁸⁴ Articles 10(2), 12 (1) (b) and (c) and 16 of the Qualification Decree; Article 1 sexies (1) (a) DL 416/1989, as amended by DL 130/2020.

¹⁵⁸⁵ Article 1 sexies (1 bis) DL 416/1989 converted into L. 39/1990, introduced by DL 20/2023 converted by L. 50/2023.

¹⁵⁸⁶ Article 34 MoI Decree 18 November 2019.

¹⁵⁸⁷ Decree of the Ministry of Interior, 18 November 2019, published on 18 November 2019 on Gazzetta Ufficiale, available in Italian at: <https://cutt.ly/ayPqqeE>.

¹⁵⁸⁸ Article 1 sexies (2 bis, a) DL 416/1989, introduced by DL 130/2020.

- ❖ Second level services: only available for beneficiaries of an international or special protection, include support for integration, job research, job orientation and professional training.¹⁵⁸⁹

In contrast to the large-scale buildings provided in Governmental centres CPSA (former CARA and CDA) and CAS, according to official data from the SAI network, as of 31 May 2025,¹⁵⁹⁰ SAI comprised 872 smaller-scale decentralised projects, 625 for adults (“ordinary” projects), 207 for unaccompanied minors and 40 for persons with mental distress or physical disabilities.¹⁵⁹¹

The projects funded a total of 39,084 accommodation places.¹⁵⁹² Of the SAI projects currently funded, 31,155 are ordinary places, 6,081 for unaccompanied minors, and 765 for people with mental distress or physical disabilities. By 31 May 2025, a total of 38,454 people were accommodated in this system.¹⁵⁹³

The MoI Decree of 18 November 2019 establishes that reception in the SAI system lasts six months (for holders of a form of protection).¹⁵⁹⁴

Only in some cases, indicated by the Decree, reception conditions may be extended for a further six months, with adequate motivation and with prior authorisation from the competent Prefecture. In particular, the decree allows the extension for the conclusion of integration paths, or for extraordinary circumstances related to health reasons. Furthermore, the extension of six months could be authorised in case of vulnerabilities or special needs (as listed in Article 17(1) of the Reception decree). In this case, the request for extension must contain the explicit indication and evidence of the vulnerability.

A further six months could be granted in case of persistent serious health reasons or to allow the completion of the school year.¹⁵⁹⁵

Decree Law 130/2020 did not specifically regulate the duration of the reception in the SAI. However, it stated that at the expiry of the period of stay, all the people accommodated are included in further integration paths for which the competent Municipalities are responsible within the limits of human, instrumental and financial available resources.¹⁵⁹⁶ Despite this, the Annual Report of the Sprar/Siproimi reception system shows that refugees who are accommodated in Sprar/Siproimi facilities face many obstacles in achieving housing autonomy. In 2018, less than 5% of the people accommodated within the Sprar/ Siproimi system benefited from an accommodation subsidy when their time in the system ended, and less than 1% was supported with lease procedures as they left reception facilities.¹⁵⁹⁷

According to the SAI report published in 2024, beneficiaries who left SAI facilities in 2023 were 22,404. Out of the total number, less than half (43.8,0%) chose to leave the project, while over the half (52.1%) % had to leave due to the expiration of the reception period.¹⁵⁹⁸

More in detail, regarding beneficiaries of international protection, the National Plan drawn up for the years 2022 - 2024 by the National Coordination Table set up at the Ministry of the Interior - Department for Civil Liberties and Immigration,¹⁵⁹⁹ identifies interventions on:

1. linguistic training aimed at the knowledge of Italian language at least at A1 level;
2. knowledge of the fundamental rights and duties enshrined in the Constitution of the Italian Republic;
3. orientation to essential public services;

¹⁵⁸⁹ Article 1 sexies (2 bis) DL 416/1989, introduced by DL 130/2020.

¹⁵⁹⁰ I numeri della rete SAI, June 2025, available at: <https://bitly.cx/9INBs>.

¹⁵⁹¹ *ibid.*

¹⁵⁹² *Ibid.*

¹⁵⁹³ See Ministry of Interior, Cruscotto Statistico, 31 December 2023, available in Italian at: bit.ly/48VIQtT.

¹⁵⁹⁴ Article 38 MoI Decree 18 November 2019.

¹⁵⁹⁵ Article 39 MoI Decree 18 November 2019.

¹⁵⁹⁶ Article 5 (1) Decree Law 130/2020 converted by L. 173/2020.

¹⁵⁹⁷ UNHCR, ASGI and SUNIA, The refugee house - Guide to housing autonomy for beneficiaries of international protection in Italy, February 2021, available at: <https://bit.ly/3weRsMI>.

¹⁵⁹⁸ Rapporto Sai Siproimi 2023, available at: <https://bitly.cx/qCdmF>.

¹⁵⁹⁹ According to Article 29 (3) of the Qualification Decree.

4. orientation to job placement.¹⁶⁰⁰

The withdrawal of reception conditions governed by the Accommodation Decree only refers to first reception facilities and CAS.

The Mol Decree also dictates specific rules for the withdrawal of reception conditions which could be ordered in the event of:

- a) serious or repeated violation of the house rules, including damages to the facilities or serious and violent behaviour;
- b) unjustified failure to report to the facility identified by the SAI Central Service;
- c) unjustified abandonment of the facility for over 72 hours, without prior authorisation from the Prefecture;
- d) application of the measure of pre-trial detention in prison for the beneficiary.

The withdrawal of the reception measures is ordered by the responsible Prefecture.¹⁶⁰¹

Article 14 of Decree Law 130/2020 sets a financial invariance clause for all the changes made by the decree and, for what concerns the SAI, it states that this also applies to any increase in places in the related projects.

Furthermore, the Decree provides that financial invariance is also ensured, where necessary, through compensatory variations in the Ministry of the Interior's budget dedicated to the management of migratory flows.¹⁶⁰² As observed by some studies,¹⁶⁰³ this clause makes it unlikely that the SAI will actually be able to accommodate the categories of people, to whom the decree gives the right to access the SAI system. Due to the exceptional reception needs resulting from the crisis in Afghanistan, art. 7 of Law Decree no. 139 of 8 October 2021 provided for an increase in the financial allocation to the National Fund for Asylum Policies and Services corresponding to 11,335,320 euros for the year 2021 and 44,971,650 euros for each of the years 2022 and 2023, to increase the SAI network by 3,000 places for the ordinary category.¹⁶⁰⁴

In December 2021, 2,000 additional SAI places were activated, to meet accommodation needs of Afghan asylum applicants.¹⁶⁰⁵

Later, DL 16 of 28 February 2022,¹⁶⁰⁶ transposed into DL 14/2022 converted with modification by L 28/2022, established the *ad hoc* expansion of 3,000 SAI places and the possibility for people escaped from Ukrainian's war to access the SAI places already activated for Afghans.¹⁶⁰⁷

To implement them, Article 5 quater (3) of DL 14/2022 allocated part of the National Fund for asylum policies and services, referred to in article 1-septies of DL 416/1989, in the amount of 37,702,260 euros for the year 2022 and 44,971,650 euros for each year in 2023 and 2024.

¹⁶⁰⁰ Article 5 (2) Decree Law 130/2020 converted by L 173/2020.

¹⁶⁰¹ Article 40 Mol Decree 18 November 2019.

¹⁶⁰² Article 14 (3) Decree Law 130/2020 converted by L 173/2020.

¹⁶⁰³ See Francesca Biondi Dal Monte, I percorsi di accoglienza e integrazione e il loro finanziamento, in *Immigrazione, protezione internazionale e misure penali*, commento al decreto legge 130/2020, conv. In L 173/2020, Pacini Giuridica.

¹⁶⁰⁴ Ministero dell'Interno, Published the funding decree for additional SAI network projects, 21 December 2021, available in Italian at: <https://bit.ly/37sGF6W>. 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

¹⁶⁰⁵ 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.

¹⁶⁰⁶ DL 16/2022, Article 3, then repealed and transposed 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.

¹⁶⁰⁷ Article 5 quater DL 14/2022 converted with modifications into L 28/2022.

On 24 January 2025, the Ministry of Interior published a communication opening for new applications for the expansion of the SAI projects in the “Ordinary” category, aiming to add new places to the SAI network, to be allocated to families and/or single-parent families.¹⁶⁰⁸

While the SAI system has been slowly but constantly expanded throughout the country in the 20 years since it was set up¹⁶⁰⁹, the total amount of available places is still falling short and largely inadequate to meet the existing needs. Furthermore, historically, the number of SAI places funded by the Government and the number of SAI places actually active and available differ by several thousands, as a consequence of bureaucratic delays, as well as organisational and logistical issues.

As showcased by the extensive work of Actionaid,¹⁶¹⁰ by the end of 2023, the SAI system counted 40,311 funded places. Of these, those effectively available were 37,947. As of November 2023, 2,906 places were unoccupied.¹⁶¹¹

3. Access to public housing

From the point of view of international and supranational law, the issue of housing is of particular importance. Art. 21 of the Convention on the Status of Refugees states that “As regards housing, the Contracting States, in so far as the matter is regulated by law or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances”. Therefore, according to the Convention, refugees must enjoy the most favourable treatment possible when accessing housing, in a manner that is not, in any case, disadvantageous compared to other foreigners. The European law is also in line with the Convention: in fact, art. 32 of EU Directive 95/2011 provides for the principle of equal treatment in access to housing between beneficiaries of international protection and third countries citizens who are legally residing in their territories.

National legislation on this subject is even clearer: art. 29 paragraph 3-ter of Legislative Decree 19 November 2007, n. 251, provides that “Access to housing benefits provided for in Article 40, paragraph 6, of Legislative Decree 25 July 1998, no. 286, is open to beneficiaries of refugee status and of subsidiary protection, on equal terms with Italian citizens”. The right to access housing support measures is therefore among those rights for which the Italian legal system provides for equal treatment between refugees and Italian citizens.¹⁶¹²

Consistent with the relevance of the issue, housing integration is addressed by the National Integration Plan for beneficiaries of international protection, the most important institutional policy document on the issue of refugee integration in recent years, published by the Ministry of the Interior in 2017. This document identifies access to housing as one of the priority interventions.¹⁶¹³

However, some structural characteristics of the Italian housing system limit its responsiveness to the needs of beneficiaries of international protection. According to a study from 2019, the share of public housing appeared to be low: in the last thirty years, public housing has steadily represented between 5 and 6% of the overall housing market. In absolute terms, the public housing stock is estimated at around 800,000 units, with a capacity of nearly two million people, with 650,000 applications pending housing allocation in municipal rankings. Furthermore, in many cases the criteria for the allocation of public housing is disadvantageous for many immigrants, even when they have a very low income, as a minimum

¹⁶⁰⁸ Ampliamento Posti SAI, available at: <https://bitly.cx/mV6Lt>.

¹⁶⁰⁹ See Rapporto Annuale SAI 2021, available at: <https://bit.ly/3Z9qQbt>.

¹⁶¹⁰ ActionAid, Centri d'Italia, Mappe dell'accoglienza. Report 2024, available at: <https://bitly.cx/YyK1X>.

¹⁶¹¹ ReteSAI, see: <https://bit.ly/4e7cqQU>.

¹⁶¹² Article 29 Qualification Decree; Article 40(6) TUI; UNHCR, ASGI and SUNIA, The refugee house - Guide to housing autonomy for beneficiaries of international protection in Italy, February 2021, available at: <https://bit.ly/3weRsMI>.

¹⁶¹³ Ministry of the Interior, National Integration Plan for beneficiaries of international protection, 2017, available at: <https://bit.ly/34PTS99>.

seniority of residence is required: this criterion can exclude all those beneficiaries of international protection who have been residing in Italy for a shorter time.¹⁶¹⁴

In Italy, people with no income or with an income that does not allow them to buy a house or to pay rent can ask their Municipality to access publicly owned housing (commonly called "social housing"), within Public Residential Housing ("Edilizia Residenziale Pubblica", or ERP). Regions have the power to issue laws that regulate access criteria and distribution of economic resources. Municipalities are responsible for issuing calls for tenders for the submission of access applications and for selecting people to whom housing is assigned.¹⁶¹⁵

The possibility of competing for the allocation of housing is given to Italian citizens, citizens of an EU member state, as well as foreign citizens legally residing in Italy, either with an EU residence permit for long-term residents or with a two-year permit at least. Beneficiaries of international protection are treated on the same footing as Italian citizens regarding access to public housing: they can always apply, and they cannot be asked to meet additional or different requirements than those provided for Italian citizens. Application requirements vary among regions, and sometimes even among Municipalities within the same Region. Some Regions have specific scores for refugees. In general terms, criteria can be: maximum income (normally measured through ISEE), non-ownership of housing, residence in the Municipality where the application is submitted, no previous allocation of public residential housing, no illegal occupations.¹⁶¹⁶

When calls to access residential housing, published by locally responsible Municipalities, are closed, applications duly complying with the call's requirements are given scores for ranking purposes. The methods of giving scores vary depending on Regions and Municipalities. Scores can be attributed for income, family composition, seniority of residence, overcrowding, cohabitation with other families, presence of severely disabled persons within the family, inadequate or unhygienic accommodation, expulsion or eviction decisions, and newly-formed family units. The Municipality publishes the provisional ranking with the indication of the deadline by which any appeals can be filed for scoring mistakes. The final ranking is then published, and available accommodation is assigned on its basis.¹⁶¹⁷

Numerous regional laws provide that only those individuals who do not own a property in any country in the world or, at least, in their country of origin can access public housing. This limitation entails discrimination to the extent that the Region (or the Municipality) only asks non-EU citizens for documents issued by a competent authority in the country of origin to certify the absence of real estate in that country. In any case, beneficiaries of international protection cannot contact the authorities in their countries, so they are not required to provide evidence regarding real estate property in the country of origin.¹⁶¹⁸

The procedure to access social housing is regulated by regional provisions and Municipalities' administrative acts. Among the documents necessary to access the application procedure, some Regions require documents translated and certified by the Italian Embassy, attesting the absence of real estate properties abroad or in the country of origin. Beneficiaries of international protection cannot be asked for this documentation, as stateless citizens or political refugees are treated on equal footing with Italian citizens. This means that, for the purposes of assessing their economic circumstances, there is no need to submit declarations issued by Embassies or Consulates, since only income and assets potentially held in Italy must be taken into account and, if existent, be self-certified, as is required of Italian citizens. In any case, two judgments of the Court of Milan in 2020 established that requesting the above documents to all non-EU citizens is discriminatory. As a further requirement to access the public housing application procedure, some Regions and Municipalities require prolonged residence or work activity in the area for

¹⁶¹⁴ Colombo, F., Housing autonomy of applicants and beneficiaries of international protection in Italy, University of Urbino Carlo Bo, DESP - Department of Economics, Society, Politics, 2019, available at: <https://bit.ly/3ifGKgZ>.

¹⁶¹⁵ UNHCR, ASGI and SUNIA, The refugee house - Guide to housing autonomy for beneficiaries of international protection in Italy, February 2021, available at: <https://bit.ly/3weRsMl>.

¹⁶¹⁶ UNHCR, ASGI and SUNIA, The refugee house - Guide to housing autonomy for beneficiaries of international protection in Italy, February 2021, available at: <https://bit.ly/3weRsMl>.

¹⁶¹⁷ Ibid.

¹⁶¹⁸ Ibid.

a few years. The regional law of Lombardy, which required 5 years of residence and was particularly disadvantageous for foreign citizens, was declared unlawful by the Constitutional Court, and therefore repealed. Moreover, with judgement no. 9/2021, the Constitutional Court established that the seniority of residence cannot be included among the criteria for attributing a higher score for the assignment of public housing because it does not determine a condition of greater need.¹⁶¹⁹ In the same judgement, the Constitutional Court declared that the requirement of legalised documents attesting the absence of real estate properties abroad or in the country of origin represent a discriminatory provision, contrary to Article 3 of the Italian Constitution.

The Constitutional Court, with judgement no. 67/2024, reiterated that the requirement of seniority of residence is not legitimate, this time with regard to the regional law of Veneto which, required 5 years of previous residence to access the public housing system.

E. Employment and education

1. Access to the labour market

The residence permit issued to refugees and beneficiaries of subsidiary protection enables them to have access to work and to public employment, the only limitation being positions involving the exercise of public authority or responsibility for safeguarding the general interests of the State. However, the Code of Navigation establishes that the enrolment of cadets, students and trainees is reserved only for EU or Italian citizens, a rule that appears discriminatory.¹⁶²⁰

Beneficiaries are entitled to the same treatment as Italian citizens with regard to employment, self-employment, registration with professional associations, professional training, including refresher courses, on-the-job training and services provided by employment centres.

According to the law, the Prefects, in agreement with the Municipalities, promote initiatives for the voluntary involvement of applicants and beneficiaries of international protection in activities of social utility in favour of local communities. The activities are unpaid, and relevant projects are financed through EU funds.¹⁶²¹

A research published in 2021 and based on 17 interviews with beneficiaries of international protection in Italy out of the reception system, shows that possibilities to obtain a job and sometimes even keep it depends less on the quantity and quality of previous skills, diplomas, internship or apprenticeship certificates than friendships, social networks and - from the beginning - the weight of economic obligations towards the family. Those who feel that obligations towards families are very pressing take advantage of the social networks that can be immediately activated in order to get a job in the shortest possible time. For these persons, accommodation is experienced as an impediment or a useful support strictly necessary to be able to move in search of a job. A constant of those who find themselves in this situation seems to be that of not building networks with the natives and not having an interest in learning Italian. The need for a quick job leads them to search within “community” networks, compatriots in the city, or between migrants and refugees, often known in Libya or in the reception facility. Often, they accept informal work in the countryside or sell goods illegally in the main cities or even move to other European countries in search of better opportunities (such as Spain, France, Sweden, Germany, Malta, etc.). Instead, for those who have a lower need for economic restitution, because they are younger, without wife or children, a social path built also through networks of indigenous people internships, even if with little income, or social contacts also through sport activities become important. However, the research shows that this does not mean that those who adhere to this model necessarily want to stay in Italy.

¹⁶¹⁹ Ibid.

¹⁶²⁰ Article 119 Navigation Code.

¹⁶²¹ Article 22-bis Reception Decree, as amended by Article 8 Decree Law 13/2017 and L 46/2017, amended by L 173/2020 in order to include asylum seekers.

Indeed, only one person claims to be open to the possibility; all the others argue that they will move back to their home country.¹⁶²²

In January 2024, the Welcome-in-one-click platform, created by UNHCR in collaboration with the Adecco Foundation, was launched online, to facilitate refugees and asylum applicants' access to the job market. The platform is linked to the Welcome program "Working for refugee integration", created by UNHCR in 2017 with the aim of promoting the work integration of refugee people. As of January 2024, UNHCR had involved around 700 companies in the Welcome program and promoted around 30,000 work inclusion paths.¹⁶²³

2. Access to education

According to the law, minors present in Italy have the right to education regardless of their legal status. They are subject to compulsory education, and they are enrolled in Italian schools under the conditions provided for Italian minors. Enrolment may be requested at any time during the school year.¹⁶²⁴

The law distinguishes between minors under the age of 16 and over 16.

- ❖ Minors under 16 are subject to compulsory education and they are enrolled in a grade corresponding to their actual age. Taking into account the curriculum followed by the pupil in the country of origin and his or her skills, the Teachers' Board can decide otherwise, providing the assignment to the class immediately below or above the one corresponding to the minor's age.¹⁶²⁵
- ❖ Minors over 16 and no longer subject to compulsory education are enrolled if they prove proper self-preparation on the entire prescribed programme for the class they wish to follow.¹⁶²⁶

Current legislation does not allow the establishment of special classes for foreign students and the Circular of the Ministry of Education of 8 January 2010 maintains that the number of non-nationals in school classes should be limited to 30%.

Schools are not obliged to provide specific language support for non-national students but, according to the law, the Teachers' Board defines, in relation to the level of competence of foreign students, the necessary adaptation of curricula and can adopt specific individualised or group interventions to facilitate learning of the Italian language.

As underlined by the Ministry of Education in guidelines issued in February 2014, special attention should be paid to Italian language labs. The Ministry observes that an effective intervention should provide about 8-10 hours per week dedicated to Italian language labs (about 2 hours per day) for a duration of 3-4 months.¹⁶²⁷

The Qualification Decree also specifies that minors holding refugee status or subsidiary protection status have access to education of all levels, under the same procedures provided for Italian citizens,¹⁶²⁸ while adult beneficiaries have the right of access to education under the conditions provided for the other third-country nationals.

International protection beneficiaries can require the recognition of the equivalence of the education qualifications.

¹⁶²² Rapporto di ricerca "Rifugiati al lavoro - Quali reti? Quali politiche?", IRES Piemonte, December 2021, available at: <https://bit.ly/3MBXhZg>.

¹⁶²³ See Integrazione migranti, 24 January 2024, available at: <https://acesse.dev/4mFwc>.

¹⁶²⁴ Article 38 TUI; Article 45 PD 394/1999.

¹⁶²⁵ Article 45(2) PD 394/1999.

¹⁶²⁶ Article 192(3) LD 297/1994.

¹⁶²⁷ For more information, see ASGI, *Minori stranieri e diritto all'istruzione e alla formazione professionale. Sintesi della normativa vigente e delle indicazioni ministeriali*, ASGI, March 2014, available at <http://bit.ly/2kHi5Sf>.

¹⁶²⁸ Article 26 Qualification Decree.

Paragraph 3-bis of Art. 26 of the Qualification Decree provides that: “to recognise professional qualifications, diplomas, certificates and other qualifications obtained by refugees or beneficiaries of subsidiary protection abroad, competent authorities shall identify appropriate systems of assessment, validation and accreditation allowing for the recognition of qualifications under Art. 49 of Decree of the President of the Republic No. 394 of 31 August, 1999, even when the country where the degree was obtained will not issue a certification, provided that the person concerned will prove his/her impossibility to acquire such certification”.¹⁶²⁹

The General Direction for students, development and higher education internationalisation of the Ministry for Education, University and Research, inside its “Procedures for entry, residency and enrolment of international students and the respective recognition of qualifications, for higher education courses in Italy” has invited Italian higher education institutions to “recognise cycles and periods of study conducted abroad and foreign study qualifications, with a view to entering higher education, proceeding with university studies and obtaining Italian university qualifications (Art. 2 Law 148/2002)” and “to make all necessary efforts to introduce internal procedures and mechanisms to evaluate refugee and subsidiary protection holder qualifications, even in cases where all or part of the relative documents certifying the qualifications are missing”.¹⁶³⁰

Despite the above mentioned normative having the potential to have a significant and positive impact on the integration of beneficiaries of international protection, until recently such provision has been implemented only on an occasional basis, mostly by single universities that have autonomously recognised qualifications even in the absence of original certificates.

In 2017, the Council of Europe launched the European Qualifications Passport for Refugees (EQPR) through a pilot project involving four countries, including Italy, as well as the UNHCR. The purpose of the EQPR is to provide a methodology for assessing refugees’ qualifications even when these cannot be fully documented and to have the assessment accepted across borders. It provides an assessment of higher education qualifications based on available documentation and a structured interview. It also presents information on the applicant’s work experience and language proficiency. The document provides reliable information for integration and progression towards employment and admission to further studies. In Italy, the EQPR has been used mainly as an instrument for access to higher education, giving refugees with adequate qualifications the possibility to enrol in academic programmes. So far, 143 interviews have been conducted and 49 EQPR holders are studying at Italian higher education institutions. This result was possible thanks to a systemic approach, with the support of the Ministry of University and Research, the coordination of CIMEA (the Italian ENIC), and the active involvement of 34 higher education institutions in the National Coordination for the Evaluation of Refugee Qualifications (CNVQR). Since 2020, the EQPR was accepted among the documents allowing holders to apply for the university scholarships offered to refugees or international protection holders managed by the Conference of Italian University Rectors (CRUI) with the Italian Ministry of the Interior and the National Association of the bodies for the right to higher education (ANDISU). CRUI received 207 applications, and 96 out of the 100 scholarships available were awarded to students now enrolled in Italian universities. Of these, 11 are EQPR holders.¹⁶³¹

F. Social welfare

Article 27 of the Qualification Decree specifies that beneficiaries of international protection are entitled to equal treatment with Italian citizens in the area of health care and social security.¹⁶³²

¹⁶²⁹ Article 26 Qualification Decree.

¹⁶³⁰ Information Centre on Academic Mobility and Equivalence (Cimea), Recognition of qualifications held by refugees, available at: <https://bit.ly/3ljdxjf>.

¹⁶³¹ University World News, Opening up education opportunities for refugee scholars, 27 March 2021, available at: <https://bit.ly/363MZBD>; Council of Europe (CoE), European Qualifications Passport for Refugees, <https://www.coe.int/en/web/education/recognition-of-refugees-qualifications>; ASGI, Recognition of academic and employment qualifications of refugees, 27 January 2020, available at: <https://bit.ly/3u3DFpi>.

¹⁶³² Article 27 Qualification Decree.

Social security contributions in Italy are mainly provided by the National Institute of Social Security (*Istituto Nazionale di Previdenza Sociale*, INPS), the National Institute for Insurance against Accidents at Work (*Istituto Nazionale Assicurazione Infortuni sul Lavoro*, INAIL), municipalities and regions.

The provision of social welfare is not conditioned on residence in a specific region but in some cases is subject to a minimum residence requirement on the national territory. This is namely the case for income support (*Reddito di Cittadinanza*), to be paid from 1 April 2019, which is subject to 10 years of residence on the national territory out of which at least 2 years' uninterrupted residence.¹⁶³³

This can entail serious obstacles for beneficiaries of international protection in practice, due to the difficulties in obtaining housing after leaving the reception system.

"The CJEU ruled in C-462/20 that it is contrary to EU law to give different rights to citizens and beneficiaries of international protection. The case concerned family discount cards in Italy that can be used to obtain reduced rates on goods and services, but the cards are not provided to beneficiaries."¹⁶³⁴

From 1 January 2024, income support has been substituted with different social welfare provisions called "inclusion income" (*Reddito di inclusione*) and "support income for training and work" (*Supporto per la formazione e il lavoro*). Beneficiaries of international protection have access to both provisions if they can give proof of having 5 years of previous residence in Italy. Statistics¹⁶³⁵ show that these two provisions do not work equally for Italian and foreign families, but they exclude foreign families to a greater extent, with discriminatory effects: although the incidence of absolute poverty for foreign families (or families with foreign members) is almost six times higher than that of Italian-only families, only 9.5% of the families benefitting from the inclusion income and 6.9% of the people who received the support income for training and work in May 2024 were foreigners.

G. Health care

Article 27 of the Qualification Decree specifies that beneficiaries of international protection are entitled to equal treatment with Italian citizens in the area of health care and social security.

Like asylum applicants, beneficiaries of international protection have to register with the National Health Service.¹⁶³⁶ They have equal treatment and full equality of rights and duties as Italian nationals concerning the obligation to pay contributions and the assistance provided in Italy by the National Health Service. Registration is valid for the duration of the residence permit, and it does not expire in the renewal phase of the residence permit.¹⁶³⁷ Beneficiaries of international protection enjoy equal treatment with Italian citizens in the COVID-19 vaccination scheme.

1. Contribution to health spending

Beneficiaries of international protection and national protection (humanitarian/special), as applicants for international protection, are obliged to register with the National Health Service and are entitled to equal treatment and full equality of rights and duties compared to Italian citizens both with regard to the obligation to contribute and to the assistance provided in Italy by the NHS and its temporal validity (art. 34 of TUI). On the subject of exemption, of particular relevance is what is provided for by art. 17(4) of the Reception Conditions Directive, transposed in Italy by the Reception Decree, pursuant to which "member States may oblige applicants to bear or contribute to the costs of the material reception conditions and health care provided for in this Directive, if the applicants have sufficient resources, for example where they have been employed for a reasonable period of time." Despite this, access to health care for

¹⁶³³ Article 2(1)(a)(2) Decree Law 4/2019.

¹⁶³⁴ EUAA, Annual Asylum Report (2022), available at: <https://bit.ly/43bVK4W>, 55.

¹⁶³⁵ <https://bitly.cx/5tXFY>

¹⁶³⁶ Article 34 TUI; Article 16 PD 21/2015; Article 21 Reception Decree.

¹⁶³⁷ Article 42 PD 394/1999.

beneficiaries of international protection varies greatly across regions. The main differences and difficulties are found with reference to the exemption from the cost-sharing of healthcare costs. Only some regions, among which Friuli-Venezia Giulia and Apulia, currently extend the exemption until the beneficiaries of international and national protection find a job.¹⁶³⁸

Following the adoption of DL 150/2015 distinctions can no longer be made between the unemployed and the inactive about the granting of the right to exemption from participation in health care costs. After ASGI and other NGOs urged the Ministry of Health to implement Article 17(4) of the recast Reception Conditions Directive and to put in place policies guaranteeing effective access to healthcare, the Ministry of Health responded that it had engaged the Ministry of the Economy and the Ministry of Labour and Social Policies in order to obtain a uniform interpretation of these regulations.¹⁶³⁹

While waiting for the Government to take an official position on the matter, from 2017 to 2022 different Courts and Courts of Appeal repeatedly reaffirmed the right to exemption from healthcare spending for unemployed refugees, unanimously reiterated that the distinction between inactive and unemployed is not applicable for purposes of accessing health care services.¹⁶⁴⁰

On 19 July 2022, the Council of State (the Upper administrative Court in Italy), replying to the request submitted by the Ministry of Health, expressed the opinion that, following the repeal of Legislative Decree 181/2000, the distinction between unemployed and inactive people for the purposes of exemption from participation in health care costs is to be considered obsolete.¹⁶⁴¹

Moreover, on 12 January 2023, on a case brought by ASGI and Emergency, the Civil Court of Milan ascertained the discriminatory conduct of the Lombardy region which, like other regions, distinguishes, for the purposes of exemption, between the unemployed and the inactive. This particularly affects asylum applicants and refugees who, compared to other categories of foreigners, have been staying in the territory for less time and, in most cases, have not had previous working relationships before enrolling in the national health service. The Court acknowledged, with specific reference to the category of asylum applicants, how it is "obvious that an asylum applicant cannot claim a previous employment relationship in Italy, especially because, pursuant to art. 22 of Legislative Decree no. 142/2015, asylum applicants can carry out working activities only after 60 days from the request for the relevant residence permit".¹⁶⁴²

2. Specialised treatment

To implement Article 27(1-bis) of the Qualification Decree, the Ministry of Health published on 22 March 2017 the Guidelines for the planning of assistance and rehabilitation as well as for treatment of psychological disorders of refugees and beneficiaries of international protection victims of torture, rape or other serious forms of psychological, physical or sexual violence.¹⁶⁴³ The Guidelines explicitly specify that also applicants for international protection are entitled to specialised assistance and rehabilitation.

The Guidelines emphasise the importance of early identification of these vulnerable cases in order to provide probative support for the application for international protection, to direct the person to appropriate reception facilities and towards a path of protection even after that international protection has been

¹⁶³⁸ SAI and ASGI, Legal Handbook for Workers - International protection and other forms of protection, July 2019, available at: <https://bit.ly/3u0wRZA>.

¹⁶³⁹ Article 19 LD 150/2015 states that "unemployed" are workers who declare, in electronic form, their immediate availability to exercise work activities.

¹⁶⁴⁰ Civil Court of Rome, Decision 33627/16, 17 February 2017, available at: <http://bit.ly/2nIv0HF>; Civil Court of Rome, Decision 5034/2018, 13 June 2018; Court of Appeal of Venice, Decision 15/2020 of 27 April 2020; Civil Court of Milan, Decision 5688/2019, 18 July 2019, available in Italian at: <https://bit.ly/34SqYFm>; Civil Court of Milan, Decision 3568/2019, 21 May 2019, available in Italian at: <https://bit.ly/3u4mcNA>.

¹⁶⁴¹ Council of State, opinion published on 19 July 2022, available at: bit.ly/40byAK4

¹⁶⁴² Civil Court of Milan, decision of 12 January 2023, available at: bit.ly/3LwUuDr.

¹⁶⁴³ Ministry of Health, Linee guida per la programmazione degli interventi di assistenza e riabilitazione nonché per il trattamento dei disturbi psichici dei titolari dello status di rifugiato e dello status di protezione sussidiaria che hanno subito torture, stupri o altre forme gravi di violenza psicologica, fisica o sessuale, 22 March 2017, available in Italian at: <http://bit.ly/2EalNAY>.

granted, but also to provide for rehabilitation and assistance. According to the guidelines, the recognition of a traumatic experience is the first step towards rehabilitation. The work of multidisciplinary teams and the synergy of local health services with all those who, for various reasons, come in contact with beneficiaries of international protection or applicants for international protection - reception operators, educators, lawyers - is considered crucial in these cases.

The Guidelines highlight the importance of early detection of such vulnerable cases in order to provide probative support for the international protection application, to direct the person to appropriate reception facilities and to a path of protection even after the grant of protection, but also to provide for rehabilitation itself. According to the Guidelines, the recognition of a traumatic experience is the first step for rehabilitation. The work of multidisciplinary teams and the synergy of local health services with all those who in various ways encounter protection holders or asylum applicants – reception operators, educators, lawyers – is deemed decisive in these cases.

According to the Guidelines, the medical certification, to be understood not as a merely technical act but as the result of a network collaboration, must follow the standards set out by the Istanbul Protocol and maintain maximum impartiality, assessing the consistency of the person's statements with the examination findings without expressing any judgment on the truthfulness of the individual's narrative. The Guidelines also propose templates of health certificates to be adopted in cases of torture, trauma, psychiatric or psychological disorders and propose the use of the final formulas suggested by the Istanbul Protocol: evaluation of non-compatibility, compatibility, high compatibility, typicality, specificity.

Five years after the guidelines' publication, the required activation by each local health authority of a multidisciplinary therapeutic and assistance program - the cornerstone of the assistance and rehabilitation of torture victims - has, however, remained a dead letter: the few services that already existed have barely managed to continue operating, and little to no new ones have been created.

In October 2023, the Regions of Emilia - Romagna, Lazio, Tuscany and Sicily created a training program, co-funded by the Asylum, Migration and Integration Fund of the European Union, aimed at improving the competences of healthcare professional employed in the public healthcare system and in refugees' and asylum applicants' hosting programs, especially concerning the forensic certifications for victims of torture¹⁶⁴⁴

From 2022 to 2023 in the Veneto region the SPIRNET project was active, funded by the Asylum, Migration and Integration Fund of the European Union. It was aimed specifically at identifying and taking care of asylum applicants and refugees affected by severe psychological distress. The partners were Prefectures, Municipalities, and local health authorities (ASLs).¹⁶⁴⁵

On 1 august 2024 the Ministry of Interior published the definitive list of projects for "Protection of health for vulnerable asylum applicants and holders of international protection" funded by the Asylum, migration and integration fund (FAMI - Fondo Asilo, migrazione e integrazione 2021 - 2027; the SPIRNET project received new funds and in total 17 projects received funding. The projects aim at implementing assistance for the mental health of asylum applicants and beneficiaries of international protection, defined as "a population at high risk of developing psychopathological syndromes due to the frequent incidence of stressful or traumatic experiences".¹⁶⁴⁶

¹⁶⁴⁴ Program available in Italian at: <https://bitly.cx/cABp>.

¹⁶⁴⁵ Overview of the project available in Italian at: <https://bit.ly/3UGXm3o>.

¹⁶⁴⁶ List of projects available at <https://bitly.cx/kw1Kj>.

ANNEX I – Transposition of the CEAS in national legislation

Directives and other CEAS measures transposed into national legislation

Directive	Deadline for transposition	Date of transposition	Official title of corresponding act	Web Link
Directive 2011/95/EU Recast Qualification Directive	21 December 2013	21 February 2014	Legislative Decree of 21 February 2014, no. 18	
Directive 2013/32/EU Recast Asylum Procedures Directive	20 July 2015	18 August 2015	Legislative Decree 18 August 2015, no. 142	
Directive 2013/33/EU Recast Reception Conditions Directive	20 July 2015	18 August 2015	Legislative Decree 18 August 2015, no. 142	
Regulation (EU) No 604/2013 Dublin III Regulation	Directly applicable 20 July 2013		Decree Law no. 13 of 17 February 2017 ruled the appeal procedure against the transfer measures issued by the Dublin unit (Article 27 of the Dublin III Regulation) by amending Article 3 of the Procedure Decree LD 25/2008	

The following section contains an overview of incompatibilities in transposition of the CEAS in national legislation:

Directive	Provision	Domestic law provision	Non-transposition or incorrect transposition
Directive 2011/95/EU Recast Qualification Directive	Article 16	Article 15 (2 - ter) Qualification Decree	According to Article 15 (2 ter) any return to the country of origin is relevant for cessation of subsidiary protection, if not justified by serious and proven reasons. This relevance is not accorded by the Recast Qualification Directive
Directive 2013/32/EU Recast Asylum Procedures Directive	Article 40 Article 41 and Article 46 (5) (6) and (8) Articles 43 and 31 (8)	Article 29 bis Procedure Decree Article 35 bis (5) Procedure Decree Article 28 bis (1 ter) Procedure Decree	Article 29 bis allows to automatically avoid the exam of the subsequent asylum application in cases not included in the Procedures Directive Need to leave the national territory after inadmissibility decision issued on a first subsequent application: Article 41 of Directive 2013/32 / EU does not include this hypothesis in cases where it is not possible to await on the national territory the judge's decision on the suspension request. Article 46 states the right to an effective remedy does not exclude the right to await the decision on the request for suspension in these cases. Border procedure: the attempt to evade border controls is not included in the acceleration grounds laid down in Article 31(8) of the Directive which could lead to the application of a border procedure. Also, the requirement of Article 43 of the Directive to allow the applicant to enter the territory if the determining authority has not taken a decision within 4 weeks has not been incorporated in the Procedure Decree. In case of asylum applicants coming from a safe country of origin, the decision rejecting the application is based on the fact that the person concerned has not shown that there are serious reasons to believe that the designated safe country of origin is not safe in relation to his or her particular situation. The law allows TC not to motivate the reasons of rejections but to only refer to the country of origin

	Article 11 (2)	Article 9(2-bis) Procedure Decree	
	Article 28 (2 a) and b)	Article 23 bis Procedure Decree	The law does not correctly implement art. 28 (2 a) and b) of the Asylum Procedures Directive for two main reasons: first, the information included in the C3 (lodging of asylum application) should not allow to issue a rejection decision, as it is not sufficient to carry out an adequate examination of the case on its merits; secondly, the law makes no reference to a reasonable time limit or to the reasonable times required by the Directive to consider the application as implicitly withdrawn.
Directive 2013/33/EU Recast Reception Conditions Directive	Article 20 (1)	Article 23 Reception Decree	The law generally provides for the withdrawal of reception conditions without any progression and proportion to the contested behaviour.
	Article 20 (4)		
	Article 20 (5) and (6)		Also, the Italian law does not oblige authorities to ascertain, before issuing the withdrawal decision, that the asylum applicant can maintain dignified standards of living (Article 20 (5) of the Directive)
	Article 8 (1) and (3)	Article 6 (3 bis) Reception Decree	The law allowing detention of asylum applicants for identification purposes does not specify in which cases the need for identification arises, thus linking detention not to the conduct of the applicant but to an objective circumstance such as the lack of identity documents. According to ASGI, the new detention ground represents a violation of the prohibition on detention of asylum applicants for the sole purpose of examining their application under Article 8(1) of the recast Reception Conditions Directive. Additionally, it seems to violate Article 8(3) of the recast Reception Conditions Directive, according to which the grounds for detention shall be laid down in national law.
	Article 20 (2)	Article 1 (2 bis) Reception Decree.	Law 187/2024 modified the Reception Decree introducing a hypothesis of exclusion from reception measures for those who, without justified reason, apply for asylum

			after 90 days of entering Italy. Even if the rule recalls art. 20 of the Reception Directive, it does not respect its content since while the Directive provides for a mere hypothesis of reduction of reception measures, the rule regulates the exclusion from reception measures.
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