

Welcome!
CIAC (Centre for Immigration, Asylum and Cooperation).

Our association aims to inform and help applicants and beneficiaries of international protection and humanitarian assistance. We are NOT a government agency and do not issue documents.

This is a brief GUIDE to your rights and duties in Italy, to help you understand and live here.



RECEPTION

People fleeing from persecution or serious harm in their home country who apply for asylum in Italy are identified and taken to the CAS centres (Special Reception Centres), located in the regional capitals and subsequently distributed among shelters nationwide. Those who have formalized the application for international protection and are without means of sustenance are entitled to reception and shelter. These people are also entitled to receive information on the conditions of acceptance, the procedure for granting international protection, and their main rights and duties.

Reception is TEMPORARY and lasts only until a decision is made on the request for recognition of international protection by the Commission (about a year but times may vary), and in any event, for as long as is necessary to guarantee sustenance; until, for example, the asylum seeker finds an occupation. Reception will not be extended in the case of a negative decision by the Commission, and applicants may remain in the centres only for the time it takes for a final decision to be taken by the courts, if the Court allows the applicant to remain in Italy until the final decision is made.

During this period it is important to start taking steps towards autonomy (learning Italian, education, health care and local knowledge).



WHAT IS RECEPTION?

Several associations have joined forces to welcome you and to ensure you are provided with the following necessities:

- a bed;
- breakfast, lunch and dinner;
- clothes;
- toilets;
- economic aid;
- health care;
- local orientation;
- information on legal residence in Italy.



RECEPTION FOR VULNERABLE PERSONS

Vulnerable persons are entitled to special forms of accommodation, which take into account their particular condition.

This category includes:

- children
- unaccompanied minors
- the disabled
- the elderly
- pregnant women
- single parents with minor children
- people who have severe disease or mental disorders
- victims of torture, rape or other serious forms of physical, psychological, sexual abuse or victims of discrimination for reasons of sexual orientation or gender identity
- victims of genital mutilation
- victims of trafficking



CHILDREN (UNDER 18) AND UNACCOMPANIED MINORS

Children under 18 who are unaccompanied by either their parents or by a guardian, are entitled to special forms of reception that are in the best interests of children in this age group; i.e. protection, welfare and social development; in the event their 18th birthday is imminent they may be accommodated in a centre for adults.

Minors are to be guaranteed the necessary IMPORTANT whenever possible, and unaccompanied minors should meet with a psychologist to rule out the possibility of trafficking and to discuss reuniting family members. Children's needs, including recreation, must be met.

Minor children of asylum seekers and minor asylum seekers are housed with their parents, with the minor's unmarried siblings or other legally responsible adult.

Unaccompanied minors may be received into government centres for initial reception only for the time strictly necessary for the identification and assessment of minor status; this will be ascertained through documents submitted by the child, or medical tests (e.g. wrist examination), with consent. If the results are uncertain minor status will be presumed. After 60 days, minors, whether verified or not, will be placed in a reception centre for minors.



REVOCATION OF RECEPTION

Reception may be revoked before a decision on the application for international protection (provision of sustenance) is taken.

The following behaviour can lead to the withdrawal of reception:

- no-show at the reception centre or abandonment of the same, without prior notification or without serious justification. In this case the application will be suspended;
- failure to turn up for the hearing before the Committee for recognition of international protection without serious justification;
- submission of an application for international protection identical to one submitted earlier by the same person;
- violation of the rules of the centre;
- damage to centre property;
- violent behavior.



DETENTION IN IDENTIFICATION AND DEPORTATION CENTRES

In some cases the asylum seeker will be detained in a CIE (Centre for Identification and Exclusion); centres for the detention of immigrants awaiting deportation.

The centre detains persons who:

- have committed crimes against peace, war crimes or crimes against humanity, or serious crimes outside the host country;
- are considered dangerous to public order or national security;
- are already in CIE camps as they are awaiting the execution of an expulsion order;
- are considered likely escapees: e.g. they provided false information; they assumed a false identity.



HOW CAN I LAWFULLY STAY IN ITALY?

You will need a RESIDENCE PERMIT. This document is generally issued by the Italian Authorities for the following reasons:

- family
- work
- study

Residence permits are issued only if the Italian Embassy in YOUR OWN COUNTRY gives you authorisation, on issuance of a VISA, to enter Italy to join your family, for work, study, etc. Only in rare cases will a residence permit be issued once you are in Italy if you have not first obtained a visa.

IMPORTANT: you must always carry the original of your Residence permit (of any type) on your person at risk of imprisonment for up to one year and a fine of up to 2000 euros.

The Public Security authorities may deport you (expulsion) if you do not hold a regular Residence permit.

You will not be deported if you are:

- under 18;

- living with an Italian spouse or an Italian second degree relative (grandfather, daughter of your son/daughter, or son of your son/daughter, brother or sister);
- pregnant, or if you gave birth less than six months ago, the husband or partner;
- unable to return to your country because of your health. In this case a permit is issued for medical treatment; once the treatment is over this may not be converted into a work permit. However, Italy will provide emergency care to persons without a residence permit and illegal immigrants.

For under 18s, unless accompanied by parents or adults who have legal custody, or by persons who do not intend to seek international protection, the state issues, upon verification of minors' documents or, with their consent, via medical tests, a residence permit for minors, and they are housed in a Reception centre for minors. The child or someone acting on his behalf should inform the local Social Services. At 18 you may have a Residence permit for work but only if you have a job; if the Commission is favourable; or if the child has followed a programme for at least three years. At 18, the foreign immigrant will have to leave the Reception centre for minors.



CAN I RETURN TO MY HOME COUNTRY?

Yes, and the Assisted Voluntary Return programmes can help you in your decision. The time required and the procedure differ from country to country. It may, however, be possible in some cases to obtain financing for business projects in your home country.

For more info (www.reterirva.it/, toll free 800 722 071)



WHAT IS INTERNATIONAL PROTECTION?

People fleeing persecution, wars and torture may request international protection from a Member State of the European Union or a State that signed the Convention on the Status of Refugees in Geneva on 28.07.1951 .

International protection means the Italian state protects those who seek asylum if:

- they have suffered or are in danger of suffering persecution because of race, religion, nationality, membership of a particular social group, political

opinion or sexual orientation. Acts of persecution are acts of violence which ignore people's fundamental rights, and are acts which their country cannot or will not protect them from. These acts may be perpetrated by state organizations, or by organisations not belonging to the state, such as armed groups, and criminal groups (political asylum);

there is a risk of suffering serious harm as a result of torture, inhuman or degrading treatment, or because of war that puts lives at risk, or because of the risk of capital punishment (subsidiary protection).

Outside the jurisdiction of international protection Italy can provide protection even in cases where people flee their country on humanitarian grounds, for health problems, or because they are minors, or where there is serious social disorder.



APPLYING FOR ASYLUM

1) The asylum application procedure starts with an expression of the intention to do so, and allows the applicant to remain in Italy for as long as the procedure takes; this does not apply in cases where the applicant is to be handed over to another State due to a European or an international court arrest warrant, or, under the Dublin Convention, where jurisdiction in the matter is the responsibility of another EU country.

2) Asylum applications must be submitted in person to the Border Police or the Pollice Office where the applicant intends to live, within 8 days of entering the country. Parental applications extend to unmarried minor children and their parents. The application may also be submitted directly by the child through the parent. The unaccompanied minor can also directly submit an application for asylum.

3) **IMPORTANT:** if the child is not in possession of documents that prove he is below the age of 18 he/she shall be subjected to medical tests, such as the examination of the wrist, with his/her consent or with the consent of the legal representative. If the tests can not establish his age with certainty, then he/she will be treated as a minor.

Upon expressing the intention to apply for international protection the police will contact the asylum-seeker within three days (which may extend to 10 days) for the following formalities:

4) **ESTABLISHING IDENTITY:** you will need 6 passport photos. An identity

form will be filled in in the presence of a linguistic and cultural mediator, and you will be fingerprinted not only for identification purposes, but also to establish which EU state is responsible for examining your application for asylum (see the Dublin regulations);

5) MODEL C/3: this is your official statement of application which will be completed at Police headquarters, in the presence of a linguistic or cultural mediator. The form will then be sent to the Territorial Commission for the Recognition of International Protection.

IMPORTANT: It is important to provide correct personal information from the beginning; incorrect personal information can affect your subsequent legal status in Italy, or future application for Italian citizenship. Giving false information to law enforcement agencies, and public officials constitutes an offense for which you can be arrested and prosecuted. If you have identity documents (identity card, driving license, birth certificate) you must show these to the authorities;

Your National passport must be handed in; it will be withheld throughout the processing of your application for asylum.

- From now on you are officially ASYLUM SEEKERS and you will remain so until the Commission has reached a decision on your request for protection. You will have the opportunity to send the Commission any material which you think might be useful for your application (written statements, photographs, films, newspaper articles, documents, etc.).
- You will be issued with a REQUEST FOR ASYLUM Residence permit which does not entitle the holder to travel outside of Italy and for the first 60 days it is not possible to work. You are allowed to enroll in a state school, register with the National Health Service, and you will also be registered as a resident; the reception centre where you are living will be your residential address. You will get a receipt before the permit is legally validated, which functions as a Residence permit and gives you the same rights.
- Throughout the procedure, in addition to the general duties of every immigrant living in Italy, you have the following duties:
- to hand in any documentation related to your case, and your passport;
- to give notice of any change of address or residence.

You also have the right to:

- be assisted by an interpreter and to have translations of any notices;
- send in written material and documents for the duration of the decision making process;
- contact the UNHCR or other protection body;
- be informed about the conditions of acceptance, the procedure and your main rights and duties within 15 days of their formalisation.

Between 6 and 12 months after filling in the C/3 form (possibly longer), through the local Police Headquarters, you will receive an INVITATION TO REPORT to the Commission for an interview.

- **IMPORTANT:** The waiting time for an appointment with the Commission could be as long as 6 to 12 months.

The interview may be waived if:

- International Protection is granted on clear evidence;
- International protection is not granted, in which case you have three days to request an interview;
- the asylum-seeker is certified by the National Health Service as unable to attend and sustain an interview.

The interview may be postponed only once, and only for serious and documented reasons.

The applicant must **BE PRESENT** at the interview, and not in the company of other family members unless their presence is requested for completeness. The applicant is entitled, at his own expense, to be assisted by a lawyer who may be present at the interview. Minors are always assisted during interviews by their parent or guardian unless the Commission deems it appropriate to interview the minor in the presence of trained personnel.

The Commission may order a medical examination to determine persecution or serious injury. A medical examination can always be arranged by the applicant himself at his own expense and presented to the Commission. After the appointment, you will have to **WAIT FOR** the Commission's **DECISION**.

IMPORTANT: be prepared - processing your application may take quite a while.

The **DECISION** taken by the Commission must be justified; it must indicate the means of redress, and must be translated into the candidate's chosen language - English, French, Spanish or Arabic.

The Commission may decide:

- that the application is **INADMISSIBLE** if it is made by a person who has already benefited from international protection in another country, or whose application is identical to one which was previously rejected. In the latter case, the applicant has three days to submit his observations;
- **NOT TO RECOGNIZE** and, therefore, to deny international protection because the conditions do not satisfy the criteria, or the applicant is considered a danger to public order or national security, or because there

are reasonable grounds for believing that the applicant has committed crimes against peace or serious criminal offenses or has committed particularly cruel acts outside Italy;

- TO RECOGNIZE International Protection; in this case you will be issued with a 5-year residence permit for asylum or subsidiary protection which gives you the same rights as Italian citizens in Italy, and any family members who are still outside Italy may join you.

- TO RECOGNIZE Humanitarian Protection; that is the conditions for recognition of international protection are insufficient but there are serious humanitarian reasons (e.g. age or state of health) that prevent repatriation. In this case you will be issued with a 2-year permit for humanitarian protection; any family members who are still outside Italy may not, however, be allowed to join you.

If the Commission DISCLAIMS international or humanitarian protection, i.e. it declares that your application is INADMISSIBLE you will have to leave Italy; but you have the right to wait for the Court to decide on your appeal. If you do not appeal, and if the Court does not recognise your application, and you remain in Italy, you will be expelled by the authorities unless you are given a grace period for voluntary departure.

If you DO NOT AGREE with the decision taken by the commission (it does not recognize protection, or the protection you have been granted is unsatisfactory) you may contact a lawyer and APPEAL against the decision. If you have no income, the lawyer may be paid by the State.

IMPORTANT: permits for asylum, subsidiary protection and humanitarian protection, like any other types of residence permits do not allow you to stay in European Union countries for more than three months (without a passport or a travel document you will not even be allowed to leave Italy).

Applicants who have received a permit for political asylum may request a UNHCR travel document that is valid as a passport. The Police Headquarters may only issue travel documents for applicants who have received a permit for humanitarian or subsidiary protection only if there is well-founded risk involved in going to the nearest diplomatic consulate of their home country.



THE DUBLIN REGULATION AND THE STATE RESPONSIBLE FOR YOUR APPLICATION

The European regulation which determines which of the European Union Member State will review your application is based on the following criteria:

1) members of your family (i.e. your wife, your son) are living in another EU state where they are applying for or have already received a residence permit for international protection. This state will be responsible for assessing your application for protection (and vice versa).

IMPORTANT: when you make the application you must declare if you have family members who live in an EU country, and that you wish to be reunited with them.

2) under 18s – you must say right away if you have any family in Europe: mother, father, but also brother, sister, aunt, uncle, grandmother, grandfather, or a responsible adult who you WISH to live with – this is important so that we can make a TRANSFER REQUEST to the State where there is someone to take care of you.

3) If before applying for asylum in Italy you already hold a residence permit issued by another State, that State is responsible for examining your application. Italy will make a request that this State take charge of your application for international protection, and you will be transferred.

IMPORTANT: if a different State has issued you with a visa or a residence permit, this will be the State responsible for the examination of your application and you may be transferred to there.

4) The first State to take your FINGERPRINTS is the one which will ultimately process your application. If you are fingerprinted in Italy then you will have to stay in Italy.

Who decides about transfer issues?

In Italy there is a special office called the DUBLIN UNIT which studies transfer requests. If you disagree with the Unit's decision you can appeal against it and explain why you do not wish to be transferred, and why you want Italy to be responsible for your application.



SOCIAL PROTECTION

Social protection is provided for victims of trafficking, that is, victims of criminal organizations that organize and pay for their travel for sexual or occupational exploitation in Italy. Often trafficked persons must repay the criminal organizations the money spent on the journey under threat of harm to them or their families.

For vulnerable persons, special reception facilities will be provided which will PROTECT them from criminal organisations, and a special SOCIAL PROTECTION residence permit will be issued.

The Special reception facilities are available for, and residence permits are issued to victims of domestic violence who are afraid of reporting the incident for fear of reprisals.



EXPLOITATION

Immigrants who report particularly exploitative working conditions may be granted a residence permit on HUMANITARIAN GROUNDS.

Labour exploitation exists when:

- the salary is low considering the quantity and quality of the work;
- the working hours and rest periods guaranteed by law are not respected;
- employers fail to respect the safety and hygiene laws in the workplace and put the workers at risk;
- conditions are degrading either because of the increased scrutiny of the employer or the state of accommodation.

*The present Guide has been formulated by the legal team of CIAC onlus.
Special thanks to Irene Frederick for the translation.*