Family reunification was recognised as a right by Law No. 943 of 30 December 1986 (the first comprehensive law on immigration), and has been regulated by different legislative measures over time. Under the most recent provision, which entered into force on 5 November 2008, the Immigration Desk is responsible for acquiring the relevant documentation on behalf of the applicant and for making a preliminary assessment.

Under Italian law, the right to maintain or re-acquire family unity with family members is granted to foreign nationals holding one of the following residence permits:

- residence card or long-term resident’s EU residence permit; and
- residence permit of a year or longer, issued for the purpose of employed or self-employed work or on the grounds of asylum, education, religious reasons, family reasons or subsidiary protection (Article 28 of the Testo Unico, Consolidated Act on Immigration).

This right does not concern all family members, but only the following:

- spouse, if not legally separated and not under 18 years of age;
- unmarried children under 18 years of age (on application submission), including children of the spouse and children born out of wedlock, provided that the other parent, if there is another parent, has given his or her consent; (the term ‘children’ includes adopted children,
children in foster care and minors under guardianship in the country of origin);
• dependent children who have reached their majority, if they are unable to support their
indispensable necessities of life because of their health conditions entailing total disability;
• dependent parents (not including the parents of the spouse), if they have no other children
in the country of origin or provenance who can support them, and parents over 65 if other
children cannot support them for serious and documented health reasons;
In Italy, according to current regulation, the family reunification procedure mainly consists of
two phases.
The first phase, under the responsibility of the Immigration Desk, involves a check of
objective requirements to be fulfilled for obtaining the authorisation. These requirements,
which will be detailed below, concern the applicants’ residence document, income level and
dwelling situation. The second phase, under the responsibility of the consular authority,
involves a check of subjective requirements for obtaining an entry visa: family relationship
and other requirements of the family members to be reunited with the foreign national who is
in Italy.
A simplified procedure is in place for foreign nationals with refugee status or subsidiary
protection who hold a residence permit for protection or humanitarian reasons. In these
cases, they are not required to provide evidence of their economic conditions, nor of their
dwelling situation.
There have been no changes to the family reunification procedure lately. However, the total
number of foreign nationals who have entered Italy over the past five years with a resident
permit for ‘family reasons’ (accounting for the cases of family reunification) suggests that the
number of applications for family reunification is on a downward trend. No studies on this
matter are available though.

Section 1: Overview of the situation on family reunification

Q1. Please briefly describe the basis for developing legislation/ policy on family reunification in your (Member)
State (e.g. Directive 2003/86/EC, Art. 8, ECHR on the right to respect private and family life, etc.).

Under Italian law, the right to family unity is a constitutional provision (Article 29, 30 and 31
of the Constitution). It is also related to social rights, given the connection with the rights to
health, childhood, education, assistance, etc. However, the division of powers between the
State and the Regions reserves to the State some exclusive competencies, such as the
regulation on the right to asylum and on the legal status of foreign nationals and immigration.
For other subject matters, such as education, health protection, work protection and
integration (including aspects related to family reunification, once it has taken place), the
State has concurrent competencies with the Regions.
According to current regulation, entry into Italy for reasons of family reunification is possible
after the family member to be reunited has obtained a visa for family reunification from the
consular authority/embassy in the country where he or she is. The entry visa is valid for long-
term (unlimited or limited time) residence, and is intended to allow reunion with the sponsor
(foreign family member legally residing in Italy.)
The Italian Embassy in the country of origin grants the foreign national an entry visa for
family reasons once the Immigration Desk of the competent Prefecture, under the Ministry of
the Interior, has issued a nulla osta (authorisation.) The authorisation for family reunification,
needed to obtain an entry visa, is requested at the Immigration Desk of the place of
residence by the sponsor who is legally residing in Italy. This application is done
electronically, with the forms available on the website of the Ministry of the Interior.
In Italy, according to current regulation, the family reunification procedure mainly consists of two phases. The first phase, under the responsibility of the Immigration Desk, involves a check of the objective criteria to be fulfilled for obtaining the relevant authorisation. These requirements, which will be detailed below, concern the applicants’ residence document, income level and dwelling situation. The second phase, under the responsibility of the consular authority, is closely related to the first one and involves a check of subjective requirements for obtaining an entry visa (family ties and other requirements of the family members to be reunited with the foreign national who is in Italy).

Generally speaking, to make an application, the following is needed:
- a copy of the residence permit held by the sponsor. Its total validity should be of at least one year (if the residence permit has never been renewed, it is possible to submit the receipt of a renewal request);
- a €16.00- revenue stamp (the revenue stamp number has to be entered in the relevant field of the electronic form); the actual revenue stamp is then exhibited at the time of the interviews with the Immigration Desk);
- the Passport of the applicant (sponsor);
- a copy of the passports of the family members; and
- documents relating to income and housing.

2. Please provide an overview of recent (since 2011) changes to law, policy and/or practice in the field of family reunification in your (Member) State, covering the following:
- Current public debate on family reunification in your (Member) State (e.g. on requirements for exercising the right to family reunification or other issues);
- Whether family reunification is a national policy priority currently;
- Any planned changes to law, policy and/ or practice on family reunification;
- Any changes to policy and/ or practice as a result of the Commission Communication COM(2014)2010’s guidance for application of Directive 2003/86/EC? If no, please specify why not;
- If your (Member) State has introduced a private sponsorship programme, which requires the beneficiary to be a family member of the sponsor. If yes, briefly elaborate in what ways the requirements, eligibility and access to rights differ.

Please support your answers by providing qualitative evidence, e.g. from (media) reports, political debate, etc. (Quantitative evidence is requested in the subsequent question so should not be covered here).

Family reunification was recognised as a right by Law No 943 of 30 December 1986 (the first comprehensive law on immigration), and was regulated by a number of legislative measures. Here is a list of the key ones: Legislative Decree 30/2007, Articles 9, 10, 11, 12 and 13; the related Circular 39/2007 of the Ministry of the Interior; Law 129/2011 and Legislative Decree 286/1998, Article 29.

Current provisions on family reunification entered into force on 5 November 2008, date of entry into force of Legislative Decree No. 160 of 3 October 2008, n. 160. The Ministry of the Interior specified that the new requirements were also applicable to any family reunification application submitted before 5 November 2008 and still in the preliminary phase, if the Immigration Desk had not already acquired the relevant documentation.

The right to maintain or re-acquire family unity with family members is granted to foreign nationals holding one of the following residence permits:

- residence card or long-term resident’s EU residence permit; and
- residence permit of a year or longer, issued for the purpose of employed or self-employed work or on the grounds of asylum, education, religious reasons, family reasons or subsidiary protection (Article 28 of the Testo Unico, Consolidated Act on Immigration)

This right does not concern all family members, but only the following:
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- spouse, if not legally separated and not under 18 years of age;
- unmarried children under 18 years of age (on application submission), including children of the spouse and children born out of wedlock, provided that the other parent, if there is another parent, has given his or her consent; (the term ‘children’ includes adopted children, children in foster care and minors under guardianship in the country of provenance);
- dependent children who have reached their majority, if they are unable to support their indispensable necessities of life because of their health conditions entailing total disability; and
- dependent parents (not including the parents of the spouse), if they have no other children in the country of origin or provenance who can support them, and parents over 65 if other children cannot support them for serious and documented health reasons.

3. a. Please complete the Excel document in Annex 1 below (including data, as well as metadata) if you have national statistics on:

- The total number of applications for family reunification in 2011-2015 and, where available, the first half of 2016, disaggregated by the ground of residence of the sponsor (beneficiaries of international protection (i.e. refugees, BSPs, UAMs), persons admitted for remunerated activities, persons admitted for study purposes, etc.) and sex;
- The total number of accepted/rejected applications for family reunification in 2011-2015, and where available, the first half of 2016, if available disaggregated by the grounds for rejection of applications.

Please do not here include the Eurostat data mentioned above in Section 7 above, as this information is available publically and can therefore be analysed centrally for the Synthesis Report.

b. Please supplement the data provided above with a narrative on the profiles of TCNs residing in your (Member) State and asking for family reunification, i.e. are the sponsors mostly beneficiaries of international protection and/or other TCNs, e.g. workers, students, etc.?

There is no aggregated data available from Immigration Desks. Hence, the number of requests for family reunification and the profiles of the sponsors over the years indicated cannot be provided.

ISTAT data in the table for 2011-2015 refers to the total number of third-country nationals who entered Italy with a residence permit for family reunification during each of the years indicated. The data refers to the overall number of yearly arrivals for this specific reason; therefore, it does not respond to the question of this study concerning the total number of positive outcomes in 2011-2016 for the applications submitted over the course of the year. It can, however, provide a close estimate of the actual number throughout the year.

Section 2: Definition of sponsor and family members

Q4. a. Who can be a sponsor to an application for family reunification in your (Member) State (e.g. UAMs, students, workers, etc.)?

Requirements for a third-country national applying for family reunification:
1. holding a current long-term resident’s EU residence permit of a year or longer, issued for the purpose of employed or self-employed work, asylum, subsidiary protection or humanitarian reasons (before the conversion into a residence permit for subsidiary protection), education, religious reasons, family reasons or holding a residence permit for reasons of scientific research irrespective of its validity (blue card);
2. having a yearly gross income, current or presumed, (as explained later), from legal sources, that is not lower than the yearly social allowance, increased by half such an amount for one family member to be reunited (for two or more children, the necessary income is...
twice the social allowance); and
3. having an accommodation meeting sanitary requirements, as confirmed by the competent municipal offices.
Please note what follows:

A. With reference to the economic conditions, a Judgement of the European Court of Justice of 4 March 2010 (C-578/08) established that the assessment of sufficient economic resources cannot lead to the automatic application of the minimum amount based on the yearly social allowance; consideration should be given to nature and solidity of the family relationship, the length of the marriage, the length of the stay in the Member State, and the family- cultural or social ties with the country of origin. This is an interpretation provided by European case-law, which is not always followed in the practice of the administration. Nonetheless, the European Court of Justice’s arguments can be used in legal proceedings, when challenging a rejection decision taken on the ground that the applicant’s income does not reach the amount of the social allowance;

B. As regards accommodation, if there is a child under 14 with one of the parents, the only requirement is the consent of the holder of the accommodation in which the child will live.

In brief, an application for family reunification can be made by those who hold:
- a residence permit for employed or self-employed work of a year or longer;
- a permit for asylum/international protection;
- a permit for subsidiary protection;
- a permit for the purposes of studies;
- a permit for religion reasons;
- a permit for family-related reasons;
- a long-term resident’s EU residence permit; or
- a permit pending citizenship.

As stated in Q2, a receipt of a residence-permit renewal application enables a third-country national to apply for a family reunification authorisation to the Immigration Desk.

b. Does the national law of your (Member) State allow beneficiaries of subsidiary protection (BSPs) to apply for family reunification? Y/ N
If yes, please elaborate below. If no application procedure is made available to BSPs, how does your (Member) State ensure that the right to family life (Art. 8, ECHR) of BSPs is respected?

Yes. BSPs, just like holders of an asylum (international protection) residence permit, may apply for family reunification and have the advantages in the procedure (see below).

Q5. Does your (Member) State extend the scope of family reunification beyond nuclear/ core members of the family i.e. parents, adult children, non-married partners, etc.? Y/ N
If yes, does your (Member) State extend the scope of family reunification to the following family members:

- Parents? Y/ N

Yes. The aim of family reunification under Italian legislation is to protect family unity. As indicated above, family reunification concerns close family members of the third-country national who resides in Italy, that is to say:
1. the spouse, if not legally separated and not under 18 years of age;
2. unmarried children under 18 years of age, including children of the spouse and children born out of wedlock, provided that the other parent, if there is another parent, has given his or her consent; (the term ‘children’ includes adopted children and children in foster care); and
3. dependent parents, if they have no other children in the country of origin or provenance, or
if the parents are over 65 and the other children cannot support them for serious and documented health reasons.
However, in this last case, reunification with a parent is not allowed if the parents is married to a third-country national who is already within national territory.
If the foreign national is married to a European citizen should not do the procedure at the Immigration Desk.
Moreover, the family member of an EU national keeps his or her residence right even if the sponsor dies or leaves the country. If the family members are EU nationals, they keep the residence right if they have accrued the right to permanent residence or if they can meet the requirements for remaining in Italy themselves. By contrast, if family members are third-country nationals, they are entitled to remain in Italy if they have accrued the requirements for permanent stay in Italy and have lived in Italy for at least a year before the death of the sponsor; or if they have a working activity and a sufficient income for themselves and any family members who are in Italy. If the requirements for staying in Italy have not been met for at least one year from the death, the family members who meet these requirements can convert their residence card into a residence permit for work or study reasons.
A family member of an EU national keeps the right to stay in the country in the case of divorce or marriage annulment. This provision is not applicable to third-country nationals.

- Adult children? Y/ N
  Yes, as follows: Dependent adult children can be reunited if they are unable to support their indispensable necessities of life because of their health conditions entailing total disability (therefore with a recognised disability).

- Same-sex partners who are married? Y/ N
  Yes

- Same-sex partners who are registered? Y/ N
  Yes

- Non-married partners? Y/ N
  No, long-term non-married partners cannot be reunited.

  - ‘Dependent’ persons, i.e. persons receiving legal, financial, emotional or material support by the sponsor or by his/ her spouse/ partner (other than those mentioned above)? Y/ N
    If yes, please specify how the concept of dependency\(^1\) is defined in the relevant provisions/practice.
    Yes. As mentioned above, family reunification is possible for persons who are physically

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\(^1\) According to UNHCR, dependent persons should be understood as persons who depend for their existence substantially and directly on any other person, in particular because of economic reasons, but also taking emotional dependency into consideration. Dependency should be assumed when a person is under the age of 18, and when that person relies on others for financial support. Dependency should also be recognised if a person is disabled not capable of supporting him/ herself. The dependency principle considers that, in most circumstances, the family unit is composed of more that the customary notion of a nuclear family (husband, wife and minor children). This principle recognises that familial relationships are sometimes broader than blood lineage, and that in many societies extended family members such as parents, brothers and sisters, adult children, grandparents, uncles, aunts, nieces and nephews, etc., are financially and emotionally tied to the principal breadwinner or head of the family unit. Further information is available at: [http://www.unhcr.org/3b30baa04.pdf](http://www.unhcr.org/3b30baa04.pdf), as well as in the Communication from the Commission to the European Parliament and the Council on guidance for application of Directive 2003/86/EC on the right to family reunification mentioned in Section 1 in the first part of this document.
dependent and have documentation certifying total disability or serious health reasons provided for in Articles 29(1)(c) and 29(1)(b-bis). This is particularly applicable to parents over 65 and to adult children. A doctor appointed by decree by the Italian diplomatic or consular mission in the country of origin or provenance of the family member to be reunited issues such documentation, at the expenses of the applicant. An official translation of these documents is required.

- Other (please specify, e.g. foster children, applicants in polygamous and/or proxy marriages, etc.)? Y/ N
  If yes, please elaborate on each of the categories mentioned above.

No. Under Italian law, polygamy is forbidden (Article 29(1 ter) of Law 189/2002) and therefore reunification with a second wife is not recognised. However, reunification has been granted in some cases, when requested by a child, under the principle of the ‘best interest of the child.’

Moreover, entry into the country for reunification with a minor child legally living in Italy is allowed for a natural parent proving to meet the accommodation and income requirements provided for in the family reunification procedure. For the purposes of meeting accommodation and income requirements, the fulfilment of the said requirements by the other parent is also taken into account.

Moreover, first-degree relatives in the direct ascending line of an unaccompanied minor enjoying refugee status can be reunited as well.

Section 3: Requirements for exercising the right to family reunification

Q6. Does your (Member) State (plan to) impose the following requirements for exercising the right to family reunification (please also indicate if exemptions can be made in individual cases based on e.g. hardship clauses):

- Accommodation suitable for the size of the family, as well as meeting health and safety standards? Y/ N

Yes, having an accommodation meeting sanitary requirements, as confirmed by the competent municipal offices. If there is a child under 14 with one of the parents, the only requirement is the consent of the holder of the accommodation in which the child will live (no other documentation is required.)

- Healthcare insurance? Y/ N

Yes. However, when applying for reunification with parents over 65, a health insurance is required covering all risks in Italy or registration with the National Health Service with the payment of a fee set by the Ministry of Labour.

On submission of the application, the applicant may simply sign a statement of engagement to underwrite an insurance policy. The insurance policy should be underwritten within eight days of entry into the territory of the State and before submitting the application to the Immigration Desk. The insurance policy should have no expiry date and should cover disease, accident and maternity risks.

In practice, it is very difficult to obtain this documentation, as insurance companies are usually reluctant to sell policies to people over 65.

- Sufficient financial resources to provide for the sponsor and his/her family? Y/ N

Yes, a sponsor has to have a yearly gross income, current or presumed, from legal sources that is not lower than the yearly social allowance, increased by half such an amount for each family member to be reunited, as provided for by the law. The amount of the social allowance
is set on a yearly basis, and a circular adjusts this amount, including for the case of family reunification. For instance, the yearly amount of the social allowance for 2016 is equivalent to € 5,825.00.

On this basis, the required amounts are as follows:
1 family member to reunite, minimum gross income € 8,737.50;
2 family members to reunite, minimum gross income € 11,650.00;
3 family members to reunite, minimum gross income € 14,562.50;
4 family members to reunite, minimum gross income € 17,475.00;
5 family members to reunite, minimum gross income € 20,387.50;
6 family members to reunite, minimum gross income € 23,300.00.

For reunification of two or more children under 14, the minimum income required for 2016 amounts to € 11,650.00. For any other family member reunited (children, spouse or parents) besides children under 14, the amount is € 11,650.00 plus € 2,912.50 for each person. Please note that for the purposes of income determination, any additional dependent family member previously reunited as well as any child born in Italy (and shown on the residence permit) constitute an economic “weight”: they should all be declared on applying for the authorisation at the Immigration Desk.

Below follow additional specifications concerning the income requirement:
A. It is possible to supplement one’s income with that produced by the family members who live in the same household, that is to say, the income of the whole household is taken into account;
B. For foreign nationals who have been granted refugee status (therefore who have an asylum residence permit), no income/work-related documentation is required;
C. By Judgement No 6938 of 8 April 2004, the Court of Cassation specified that what matters for the purposes of family reunification is not the income previously produced, but the proof on the part of the sponsor that he or she can produce the necessary income through work on a yearly basis. Such a situation may even arise in the course of the reunification procedure.

Q7. a. Does the national law of your (Member) State require TCNs to comply with any integration measures before and/or after admission? Y/ N
If yes, are TCNs required to comply with the following integration measures:
- Civic integration exams? Y/ N
  If yes, please specify:
  - When the civic integration exam(s) takes place (i.e. before admission, after admission, before and after admission):

No, no civics exam takes place (before or after admission).

As explained in Q15c, pre-departure civics and language guidance and training projects have been planned within the framework of the AMIF, for an amount of € 3,000,000.00.

- What knowledge and skills are required from applicants in order to pass the exam(s):
  Not applicable.

- If any support is provided to them during preparation (e.g. preparatory classes):
  Not applicable.

- If/ What costs are incurred by applicants:
  Not applicable.

- Language tests? Y/ N
  No.
If yes, please specify:
- When the language test(s) takes place (i.e. before admission, after admission, before and after admission):

  No language course required.

- What knowledge and skills are required from applicants in order to pass the test(s):

  Not applicable.

- If any support is provided to them during preparation (e.g. preparatory classes):

  Not applicable.

- If/ What costs are incurred by applicants:

  Not applicable.

- Other integration measures (please specify)? Y/ N
  If yes, please specify what these measures entail and when they takes place:

  No other integration measures are in place.

- If the national law of your (Member) State does not currently require TCNs to comply with any of the above measures – any planned changes? Y/ N
  If yes, please provide further information below:

  Yes. Within 48 hours of entry into Italy of the family member authorised for reunification, the sponsor has to submit (and keep a copy of) a declaration stating that he or she is providing accommodation to the family member (Dichiarazione di cessione fabbricato) to the competent office.

  Then, within eight days of entry, the sponsor has to notify the arrival of the family member to the Immigration Desk of the competent Prefecture. He or she will then be called to collect the documentation needed for applying for a residence permit for family reasons (at a post office).

  In some cities, the wait for the appointment with the Prefecture/Provincial police authorities (Questura) may exceed four months. During this time, the family member does not have access to any service as he or she has not yet been able to apply for a residence permit.

b. Please specify if any negative consequences (e.g. refusal to issue a permit or withdrawal of the existing permit) are foreseen for family members not complying with the above-mentioned integration measures – both according to law, as well as how this is applied in practice.

Some changes introduced in Italian law provide for the protection of family unity also in the case of family reunification. Therefore, according to the judgement of the Court of Cassation of 8 April 2004, «In adopting a decision refusing the issuance or the renewal of the residence permit or withdrawing the residence permit of a foreign national who has exercised the right to family reunification or of the reunited family member, account is also taken of the nature and actuality of the family relationship of the person concerned and of any family and social ties with his or her country of origin, as well as, for a foreign national who is already within national territory, of the length of his or her stay on the said national territory.» Likewise, as regards a removal order, the same judgement specifies that, «in adopting a removal order in respect of a foreign national who has exercised the right to family reunification or of the reunited family member, account is also taken of the nature and actuality of the family relationship of the person concerned and of any family and social ties with his or her country of origin.»

This means that there should no longer be an automatic decision of refusing a residence permit or of removing a person if he or she lives in Italy not alone, but with family members, legally residing in Italy.
Q8. Does your (Member) State set a waiting period before a sponsor’s family members can reunite with him/her? Y/ N
If yes, how long is the waiting period? Can an application be submitted before the period has expired? Are there any exemptions granted in individual cases?

Yes. After the competent Immigration Desk has received the application (that is made online), it makes an appointment with the applicant, who will have to submit the documentation concerning accommodation and income.
The Immigration Desk gives the applicant a receipt for the application and the documentation submitted during the appointment.
After checking that the relevant requirements are met, within 180 days from receiving the application, the Immigration Desk issues the authorisation or a refusal decision and notifies the consular authorities of the country of origin or provenance of the family member to be reunited. Since 27 January 2014, this authorisation has been sent electronically to the Italian consular authorities of the country of origin or provenance of the family member to be reunited.
The applicant receives a written communication with the telephone number of the Immigration Desk to contact in order to make an appointment for his or her family member, who has to apply for a residence permit within 8 days from entry into Italy, and then for registration at the municipal office of residence.
Once the authorisation has been obtained from the Immigration Desk, the family member for whom an application for family reunification has been submitted has to apply for a visa at the competent Italian consular or diplomatic authority in his or her State of residence, submitting documents that prove the family relationship.
The authorisation may be used for six months from the date of issue.

Q9. Does the national law of your (Member) State provide for a rejection of an application for entry and residence of family members on grounds of public policy, public security or public health? Y/ N
If yes, please provide data (if available) on the number of times your (Member) State has invoked this provision(s) since 2011.

No, the law does not provide for this explicitly. However, the checks made by the consular authorities before arrival in Italy and those linked to the issuance of the residence permit may reveal an incompatibility with the issuance of the documents for reasons of public security. Legislative Decree No 5/2007, implementing the standards imposed by Directive 2003/86/EC, has stepped up the checks on the “social dangerousness of incoming people”.

Q10. a. In addition to any information you have already provided above, does your (Member) State apply the following provisions concerning the more favourable family reunification rules for refugees:
- Application and possible extension of the grace period of (minimum) three months before the requirements for exercising the right to family reunification apply? Y/ N
If yes, is this grace period of (minimum) three months extended and if so, for how long? Y/ N For how long?

Yes. A simplified procedure is in place for foreign nationals with refugee status or subsidiary protection who hold a residence permit for protection or humanitarian reasons. In these cases, they are not required to provide evidence of their economic conditions, nor of their dwelling situation. Moreover, if a refugee cannot exhibit official documents proving his or her family relationships, due to his or her status, or to the absence of a recognised authority, or to the presumed unreliability of the documents issued by the local authority, the diplomatic missions or consular posts issues such certifications, based on checks made at the expenses of the persons concerned (in particular, DNA testing) or based on documents issued by international organisations considered to be suitable by the Ministry of Foreign Affairs and
- Restriction to relationships established before entry into the (Member) State? Y/ N
  If yes, please specify:

  No, no restriction

- Application of a wider definition of family members (going beyond parents) when it comes to UAMs? Y/ N
  If yes, please specify:

  Yes, if the refugee is an unaccompanied minor, entry and residence for the purposes of reunification are allowed for first-degree relatives in the direct ascending line.

- Have any of these family reunification rules for refugees been changed recently? Y/ N
  If yes, please provide further information on these changes below:

  No, no major change recently.

b. If applicable, does your (Member) State apply similar rules for the family reunification of BSPs as refugees, i.e. in relation to eligible family members, waiting period and requirements for family reunification? Y/ N
If yes, please cross-refer to the information you have provided previously on the more favourable rules applicable to refugees, stating that similar rules apply to BSPs.
If no, please explain how the rules differ for BSPs referring to the different topics covered previously (e.g. eligible family members, waiting period and requirements for family reunification).

Yes, as previously indicated (documents relating to income and housing). What has been specified above is also applicable to holders of a resident permit on humanitarian grounds, which is a special permit granted in Italy.

As early as in 2007, Italian legislation granted the right to family reunification to beneficiaries of subsidiary protection on the same conditions applicable to migrants who reside in Italy legally. Article 22 of Legislative Decree No 251/2007 broadened the scope of Directive 2003/86/EC, adopted by Legislative Decree No 18/2014, aiming at giving a similar status to refugees and beneficiaries of subsidiary protection. Therefore, a foreign national who is granted subsidiary protection is entitled to family reunification on the conditions set in Article 29-bis of Legislative Decree No 286 of 25 July 1998. Income, accommodation and insurance requirements are therefore not applicable.

Q11. Are there any differences in the requirements to be met for exercising the right to family reunification (under Directive 2003/86/EC or national law in some cases) in comparison to a similar request governed by national law by a (Member) State national who has not exercised his/ her free movement rights (non-mobile EU nationals)? Overall, to what extent are these requirements for exercising the right to family reunification under national law more or less favourable than those covered by Directive 2003/86/EC?

Under Legislative Decree No 286/1998, a foreign national who has been granted refugee status may apply for family reunification for the same categories of family members and following the same procedure set in the Consolidated Act on Immigration. This provision is contained in Legislative Decree No 5 of 8 January 2007, implementing Directive 2003/86/EC on the right to family reunification, which however resulted in more checks on the possible “social dangerousness of incoming people.”

There are no other differences.

Q12. a. Please indicate any challenges experienced by i) sponsors and/ or family members associated with accessing the right to family reunification, and/ or ii) your (Member) State in the implementation of any of the above requirements for family reunification (e.g. based on existing studies/ evaluations/ other sources or information received from relevant authorities and stakeholders) and how these can be overcome.

In Italy, regulation on family reunification has been subject to a number of changes over time,
aimed at defining income and accommodation requirements. Reference was made first to regional and then to municipal regulations, (the latter were repealed and then re-introduced), which left a certain degree of latitude and discretionary power to the competent offices. The accommodation requirements are determined at the local level (regional and municipal) and those of income are decided at national level. Professor Mara Tognetti Bordogna from the University of Milano-Bicocca believes that «the variability of reference parameters and, as a result, the changes in the enforceability of this right give to the instrument of family reunification a mixed character, with respect to the potential of the right, which is not always enforceable. This variability puts family members in a situation of constant uncertainty with respect to the actual enforceability of a right that is theoretically relevant for family unity and for our country.» (2015, pag. 25)

b. Please provide any examples of proven (e.g. through studies/ evaluations) good practices that might help to overcome the above-mentioned challenges or otherwise. Please specify the source (e.g. based on existing studies/ evaluations/ other sources or information received from relevant authorities and stakeholders).

At a local level, initiatives and projects have been financed, mainly by European funds (EIF and ERF from past programming periods). Some examples:

+ Project: Siamo qui- Minori migranti dal ricongiungimento a percorsi integrati di cittadinanza sul territorio, funded by the EIF (2012), implemented by Soleterre - Strategie di Pace Onlus, in partnership with Comin, Centro Paolo Alberto Del Bue, Terrenuove Onlus, Codici and with the Municipality of Milano (Directorate for Social Policies and Culture of Health - Adult and Immigration Policies Service);

+ Projects BUSSOLE, implemented by Fondazione Peppino Vismara in cooperation with Centro COME - Cooperative Farsi Prossimo of Milan, Centro Interculturale of the City of Turin, CD LEI of Bologna, Oxfam Italy and the Centro di Documentazione Città di Arezzo;

+ Project F.A.R.E. (Family Reunification in a European Perspective), financed by EIF money, promoted by Oxfam Italy, in cooperation with the Prefecture and the Municipality of Arezzo, the Province of Arezzo, Pronto Donna, ASL 8, Centro di Documentazione Città di Arezzo, COORDIT and foreign partners (Verein Multikulturell – Austria, ACIDI – Portugal, CoordEurop -Belgium, CARDET –Cyprus, MKC – Multicultural Center Prague-Check Republic);

+ Projects Ri-trovare le radici. Diritti dei minori e dei genitori nel ricongiungimento familiare” Synthesis of best practices/types of actions and specific interventions, ARCI Milan in partnership with Ce.A.S. and Zero5 – social cooperatibe Laboratorio di utopie metropolitane, on the basis of a two-tear financing from the Cariplo Foundation;

+ Projects AMICA, promoted by ARCI Bari, on the basis of EIF funds (Action 2), in the implementing period 2011/2012.

Moreover, some texts have been published lately:

1. GUIDA alle politiche, pratiche e iniziative a favore dell'integrazione a seguito di Ricongiungimento familiare (GUIDE to policies, practices and initiatives in favour of integration following family reunification) edited by ISGI (Simona La Rocca), within the project PARTECIPARE PER INTEGRARSI. BUONE PRATICHE TRANSNAZIONALI PER AZIONI LOCALI, (Good translational practices for local actions) EIF PROJECT - 2013 - ACTION 10, Rome. September 2015;

2. Social link - ricerche e azioni sui ricongiungimenti familiari dei minori, (research and actions on minors' family reunification) edited by Luca Salmieri and Lluis Francesc Peris Cancio, Maggioli editore, August 2015.

3. Ricongiungimento Familiare, Housing Sociale, Mobilità Lavorativa: quali buone pratiche per l'integrazione dei migranti, (Family reunification, social housing, work mobility: which
Q13. Is any research (conducted by relevant authorities, academics, NGOs etc.) on the following available in your (Member) State:

- Effects of the requirements for family reunification as applied in your (Member) State on the right to family reunification and integration of TCNs? Y/ N
- Effects of the integration measures as applied in your (Member) State on the right to family reunification and integration of TCNs? Y/ N
- Effects of the minimum age requirement as applied in your (Member) State on the prevention of forced marriages or any misuse of family reunification (e.g. marriages of convenience)? Y/ N

If yes to any of the above, please briefly describe the main findings and conclusions of this research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from relevant authorities and stakeholders).

The research studies mentioned above do not cover the national landscape; therefore, it is difficult to answer this question, unless reference is made to analyses of local cases at a municipal or regional level. However, scientific, mostly academic literature has developed exploring the implications of legal requirements on family reunification and the impact on the right to family reunification and on the integration of third-country nationals, recalling phenomena of “civic stratification.” International law experts have carried out studies concerning the effects of integration measures on the right to family reunification and on the integration of third-country nationals in Italy. As regards minors, and unaccompanied minors in particular, the following practice seems to be increasingly common: foreign nationals enter the country illegally with their minor children; the children are declared as unaccompanied; the authorities take care of these ‘unaccompanied’ children; after some time, the minors apply for reunification with their family members. The request will be granted only if there are the family cohesion requirements of the Law.

Section 4: Submission and examination of the application for family reunification

Q14. Please describe the procedure(s) that apply to the sponsor or his/ her family members when an application for entry and residence for the purpose of family reunification is submitted, as follows:

a. Who is the formal party to an application for family reunification in your (Member) State: the sponsor or his/ her family members?

The procedure requires the involvement of both. The foreign national who is in Italy has to apply (on-line for a nulla osta (authorisation) for family reunification for his or her family member at the Immigration Desk of the Prefecture. Then, the family member to be reunited applies for an entry visa at the Italian embassy or consulate in the country of origin in which he or she has habitual residence.

b. If the sponsor’s family members must submit an application for family reunification, where can this application be submitted (e.g. consulate of the (Member) State abroad, possibility to submit the application in the (Member) State, etc.)?

An entry visa must be requested at the Italian embassy or consulate in the country of origin or in the country in which the sponsor’s family member has habitual residence.

c. What documentary evidence is required from the applicant to confirm i) his/ her identity and ii) the family relationship?
Vital records certifying the family relationship and, if requested, administrative documents certifying the status of dependent family member, state of health and the lack of suitable family support.

In particular, the certificate of family status must be exhibited for reuniting a spouse, and a marriage certificate of a parent to be reunited in order to certify, in both cases, the absence of another marriage relationship.

If the case of minor children, the consent to the issuance of the visa, signed by the other parent who remains in the country of origin, must also be enclosed with the application. All the documents certifying the family relationship must be translated and validated by the Italian consular authority in the migrant’s country of origin/provenance. The related costs must be incurred by the sponsor applying for family reunification.

d. What methods of investigation are employed by the competent authorities in your (Member) State in the absence of (reliable) documentation?

In case of doubts about the family relationship, verifications can be ordered, such as DNA testing, whose cost is incurred by the sponsor who applies for reunification.

Q15. Please describe the procedure(s) that apply to family members when an application for entry and residence for the purpose of family reunification is submitted, as follows:

a. What is the procedure in place in your (Member) State to verify that any extended family members have fulfilled the requirements for family reunification (e.g. dependency)? At what stage(s) of the examination procedure is this verified? Are there any exemptions from fulfilling these conditions and if yes, on what grounds are they granted?

On application submission, the sponsor who is in Italy has to enclose all the documentation and health conditions. The Constitutional Court, in Judgement Mo 376 of 27 July 2000, stated that minors have the right to be raised within a family in order to suitably develop their personality. However in Order No 232 of 6 July 2016, the same Court specified that the lawmaker may limit access to Italian territory, striking a «right balance between the interests at stake», noting that there may be ample discretionary law-making powers, which may be limited only by the constraint that choices should not be overtly unreasonable. The only exception is applicable to beneficiaries of international protection who have no constraints to respect, as stated above.

b. Please describe the procedure in place in your (Member) State to verify that the following requirements for family reunification have been fulfilled:

- Please specify how the health and safety standards, as well as the size of the accommodation are determined as suitable in practice:

As regards accommodation-related documentation, the foreign national must submit what follows:

- a) a copy of a rental agreement, agreement of free loan for use or deed of ownership of the accommodation;
- b) idoneità abitativa and sanitary certificate, that is to say the certificate issued by the municipal office confirming that the accommodation meets the standards and sanitary requirements provided for by law;
- c) if the foreign national is hosted: certified statement of the accommodation holder, giving consent to the reunification with family members (indicated by their names), with reference to the portion of the accommodation that is made available to the migrant;
- d) in the case of reunification with a child under 14, either alone or with one of the parents, the certificate of idoneità abitativa may be replaced by the consent of the holder of the accommodation in which the child will live (if the family members are two can not use the statement only but documentation is required).
If the applicant indicates an accommodation other than that in which he or she lives, the accommodation requirements is considered to be met if it is confirmed that the applicant intends to move to that accommodation on arrival of the family member. The same applies if he or she intends to provide the family member with a different accommodation other than his or her own.

Beneficiaries of refugee and subsidiary protection statuses do not have to prove they meet any accommodation requirements.

Foreign researchers who are in Italy and apply for family reunification do not have to prove they meet any accommodation requirements.

Some Prefectures require certificates that are no more than six months old, even though the certificates are of unlimited validity if the composition of the accommodation is not changed.

Current accommodation criteria (recommended in a ministerial circular) concern four aspects:

1. minimum surface area per person (1 person – 14 m², 2 persons– 28 m², 3 persons – 42 m², 4 persons– 56 m², for each additional person +10 m²);
2. the accommodation should consist of (bedroom for 1 person – 9m², bedroom for 2 persons – 14 m², a living room of at least 14 m²; for studios 1 person – 28 m² (bathroom included) and 2 persons – 38 m² (bathroom included);
3. minimum height (2.70 m, which can be lowered to 2.55 m in mountain municipalities and 2.4 m for corridors, bathrooms, access areas, and storerooms);
4. ventilation (that is to say, the living room and the kitchen must have a window that can be opened, while the bathrooms must have either a window or a mechanical aspiration system); and
5. heating system (all accommodations must have a heating system if climate conditions make it necessary).

Please specify the conditions under which sponsors have access to healthcare insurance (e.g. by having employment/ self-employment or is this access automatic)?

If they live in Italy legally, they are registered with the National Health Service and therefore have universal healthcare insurance cover.

Please specify the following in relation to the minimum income requirement sponsors must meet in your (Member) State:

- The amount of the minimum income requirement in the relevant currency and year:

Yes. As indicated in Q6, a sponsor has to have a yearly gross income, current or presumed, from legal sources, that is not lower than the yearly social allowance, increased by half such an amount for each family member to be reunited. The yearly amount of the social allowance for 2016 is equivalent to € 5,825.00. Proportionally, the number of family members to be reunited should be taken into account. The minimum amounts required are therefore as follows: € 8,737.50 for 1 family member to reunite, € 11,650.00 for 2 family members, € 14,562.50 for 3 family members, € 17,475.00 for 4 family members, € 20,387.50 for 5 family members, and € 23,300.00 for 6 family members.

For reunification of two or more children under 14, the minimum income required for 2016 amounts to € 11,650.00. For any other family member reunited (children, spouse or parents) besides children under 14, the amount is € 11,650,00 plus € 2,912.50 for each person.

As indicated above, for the purpose of income determination, any additional dependent family member previously reunited should be taken into account, as well as any child born in Italy and indicated on the residence permit.

If your (Member) State sets a different income requirement depending on the type of family member being reunited (e.g. minor children):
No, there are no different income requirements depending on the type of family.

- The reference period over which this requirement is considered:

The Court of Cassation has specified that what matters for the purpose of family reunification is not the income previously produced, but the proof on the part of the sponsor that he or she can produce the necessary income through work on a yearly basis. Such a situation may even arise in the course of the reunification procedure (Court of Cassation, Judgement No 6938 of 8 April 2004.)

- How any past/ future income of the sponsor is evaluated in practice:

Through documentation such as work contracts or statements of the employer about the amount that the foreign national will earn.

- Whether any exemption grounds apply and to what extent non-compliance has consequences for the right to family reunification:

In Judgement No 28 of 11 January 1995, the Italian Constitutional Court recognised the right to family reunification, making it clear that citizenship rights are subordinate to the fundamental rights of people. However, their exercise may be limited by higher needs, and in this specific case, by the condition that the migrant is in the position to ensure «normal living conditions» to his or her family members.

In Judgement No 7472 of 20 March 2008, the Court of Cassation expressed itself on kafalah, provided for in Islamic law, as the only instrument for the protection of illegitimate or abandoned orphans. The Court established that such an instrument may serve as the basis for entitlement to family reunification. Similarly, Judgement No 21108 of 16 September 2013 laid down that no authorisation (nullaosta) for entry can be refused to a non-EU minor placed in the care of a third-country national (living in Italy) under a kafalah decision passed by a foreign Court, if the minor is dependent on, or lives with, the residing and/or Italian sponsor, or if health reasons require personal assistance.

- At what stage(s) of the examination procedure are the above requirements verified?

At the beginning of the examination procedure, the Immigration Desk checks the documentation submitted and may request additional documents even before the interview with the sponsor.

c. Please describe the procedure in place in your (Member) State to ensure integration measures have been complied with, for example, if an application form for civic integration exam(s)/ language test(s) must be submitted to the authorities, etc. Please specify what exemption grounds apply and to what extent non-compliance has consequences for the right to family reunification.

There are no mandatory integration procedures as regards family reunification. The procedures set out in the “Integration Agreement”, regulated by Presidential Decree 179 of 14 September 2011, which came into force on 10 March 2012, provide for the assignment of “credits”; loss of such credits gives rise to the withdrawal of the residence permit and removal from the territory of the State. However, failure to comply with these procedures does not give rise to the withdrawal of residence permits issued for humanitarian protection or humanitarian reasons, or to foreign nationals who have exercised their right to family reunification.

Within the framework of the AMIF (programming period 2014-2020), the Immigration General Directorate (Authority in charge) and the Integration Policies General Directorate (delegated authority) established to call an open selection procedure for civics and language guidance and training projects for an amount of €3,000,000.00. These are pre-departure activities intended for family members who are to enter Italy for family reunification purposes.
d. If the above conditions are not (completely) fulfilled, how does your (Member) State guarantee that individual circumstances are taken into account (e.g. nature and solidity of the person’s family relationship)?

| Not applicable. |

e. What is the procedure in place in your (Member) State to verify whether or not the family member(s) constitute a threat to public policy, public security or public health?

| There are no standardised procedures, except for the procedures carried out by the police. A check is carried out by the local Questura (police headquarter) on the applicant and the family members. |

f. How does your (Member) State define the term ‘minor child’ and how are the best interests of the child taken into account during the examination of the application for family reunification?

| In Italy, in all administrative and judicial procedures aimed at enforcing the right to family unity, the “best interest of the child” is taken into account, as provided for in international obligations (including Article 3 of the 1989 Convention on the Rights of the Child.) |

g. Please describe what is involved in an assessment for family reunification where children are concerned, for example, DNA testing, etc. At what stage(s) of the examination procedure is this assessed?

| DNA testing is used if the sponsor is a refugee who cannot produce official documents proving his family relationships due to his or her status, that is to say, the lack of a recognised Authority or the presumed lack of reliability of the documents issued by the local Authority. In these cases, Italian diplomatic or consular missions issue the certifications based on verifications made at the expenses of the persons concerned (DNA testing in particular) or based on documents issued by international organisations considered to be suitable by the Ministry of Foreign Affairs and International Cooperation (for instance, IOM.) |

Q16. Taking the different steps above into account, what is the duration of the procedure deciding on an application for family reunification in your (Member) State – both according to law and in practice:

- Legal time limit for deciding upon an application (if any)?

| The law does not set a specific time limit, so it is not possible to indicate the time it takes the competent Immigration Desk to convene a foreign national applying for family reunification, once the electronic application has been received. However, within 180 days from receiving the application, and after checking that the relevant requirements are met, the Immigration Desk has to issue the authorisation or a refusal decision and has to notify the consular authorities of the country of origin or provenance of the family member. |

- Average duration of the procedure in practice?

| An average duration of the procedure cannot be estimated. It depends on the capacity of the Immigration Desks, the Consular authorities abroad, and the Prefectures/Police authorities (Questure.) |

- Have any specific measures been taken by your (Member) State to shorten processing times?

| No. |

Q17. a. Please indicate any challenges experienced by i) sponsors and/ or family members throughout the above-mentioned procedure(s), and/ or ii) your (Member) State in the implementation of the examination procedure (e.g. based on existing studies/ evaluations or information received from relevant authorities and stakeholders) and how these can be overcome.

| A research study limited to the city of Rome (Salmieri, 2015) suggests that the long-lasting effects of the economic crisis pushed some foreign parents who had reunited with their children in Italy to send them back to their regions of origin. |
b. Please provide any examples of proven (e.g. through studies/evaluations) **good practices** that might help to overcome the above-mentioned challenges or otherwise. Please specify the source (e.g. based on existing studies/evaluations/other sources or information received from relevant authorities and stakeholders).

A recent analysis carried out by Simona La Rocca (2015) highlighted a good practice recommended by some Social Services for the purpose of integration: making the most of the so-called “waiting time”, that is to say, the time between the issuance of the authorisation and the actual family reunification. In fact, family reunification is not only a legal instrument, but also an overall integration process involving social, psychological, civic and relational spheres and all family members. Therefore, the practice of working with those who are in Italy, to prepare them for family reunification may be a way to prevent the risk of difficult integration/cohabitation.

No general indications could be collected, as integration is a local responsibility. In most municipalities, information and support services are provided by Immigration Desks and social and assistance services are provided by local authorities. There have been some local projects supporting family reunification processes (before, during and especially after arrival in Italy), implemented with ad hoc funds and limited in time.

According to Mara Tognetti Bordogna (2015), a study of family reunification practices highlights how important it is to provide specific support, not only in terms of the procedure itself (time, cost, etc.), but also in terms of different integration processes for the family members. In particular, the author refers to their belonging (or not belonging) to a specific context, to the forms of interaction with social, health, and education services, and more generally to the way in which they feel they belong to a local community.

The Ministry of Education, University and Research, together with the ISMU Foundation, regularly publish a Report on non-Italian students in educational establishments in Italy. The Report on the school year 2013/2014 suggests that the integration processes of foreign minors (including those who have been reunited with their family members) may have different outcomes, depending on the child’s age. Integration is easier for child migrants who were born in the hosting country and for those who arrived in their early childhood. By contrast, ‘integration on an equal footing’ with their peers is not always the case for those who migrate when adolescents.

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**Section 5: Access to rights following family reunification.**

**Q18.** Are family members entitled (in the same way as the sponsor) to access the following rights in your (Member) State (please also comment on any planned changes in the national legislation/policy/practice):

**a. Access to education?** Y/ N

If yes, please indicate whether any special measures to support access to education are available specifically to family members, e.g. language assistance, guidance regarding the national education system, etc.

Yes. All family members are entitled to access the education and training system.

**b. Access to employment and self-employed activity?** Y/ N

If yes, please specify whether the access available to family members is limited in any way, for example, if such access is restricted for up to 1 year and/or limited to a maximum number of days per year, if this right is automatic or conditional upon obtaining a work permit, etc.

Yes, a residence permit for family reasons has the same validity as the sponsor’s residence permit.

A residence permit for family reasons allows access to assistance services, enrolment at study or vocational training courses, and employed or self-employed work. On request, and if the relevant criteria are met, a residence permit for family reasons may be converted into a
c. Access to vocational guidance and training? Y/ N
If yes, please describe what the access to vocational guidance and training entails, for example, whether special guidance and training programmes are provided to family members or whether they have access to the general measures.

Yes, it is difficult to give a general answer, as access depends on the local contexts and on the Regional System of Labour Market Guidance and Access. At any rate, a foreign national who is reunited with a sponsor who is already in Italy has the same rights enjoyed by the latter.

d. Right to apply for autonomous right of residence independent of that of the sponsor (also in case of dissolution of family ties)? Y/ N
If yes, please specify if the access to this right differs depending on the kind of permit the family member receives.

There may be two different situations.
First, with the entry into force of Law 122, on 23 July 2016, children under 14 are no longer registered on their parent’s residence permit, but they have their own, issued as ‘residence permit for family reasons.’ If the relevant requirements are met, children who are still dependent on their parents when they turn 18 may be granted a ‘residence permit for family reasons’ of the same validity of the resident permit of the parent they are dependent on. The above provision accounts for the fact that parents are required to support their children until they have reached their economic independence and suitable integration into the social context.

If a foreign national who has applied for family reunification holds a long-term resident's EU residence permit, the family members are usually granted a regular resident permit for family reasons by the Police authorities (Questure). According to the practice of some Questure, after applying for a residence permit, it is possible to seek residence registration and obtain pending charges and criminal records certificates. Then, with these documents, it is possible to apply for a long-term resident's EU residence permit for the family members as well, without making a new application.

Finally, as indicated in Q5, the family member of an EU national keeps his or her residence right even in the case of death or of departure of his or her sponsor (who holds the residence right). If the family members are EU nationals, they keep the residence right if they meet the requirements for permanent residence or if they meet the requirements for remaining in Italy themselves. By contrast, if the family members are third-country nationals, they are entitled to remain if they fulfil the requirements for permanent residence and have stayed for at least a year in Italy before the death of the sponsor; or if they prove they have a working activity and sufficient income for themselves and their family members who are in Italy. If the requirements for staying in Italy have not been met for at least one year from the death, the family members who meet relevant requirements can convert their residence card into a residence permit for work or study reasons.

A family member of an EU national keeps the right to stay in the country in the case of divorce or marriage annulment. This provision is not applicable to third-country nationals. The permit for EU long-stay visa issued to minor children if the person who requested the reunification is in possession. The spouse is released only after five years of residence.

e. Any other rights granted to family members in your (Member) State, for example, healthcare, recourse to public funds, possibility for family members to apply for long-term residence status or naturalisation, etc.? Y/ N
If yes, please specify what such access entails in practice in your (Member) State.

Yes. If a foreign national who has applied for family reunification holds a long-term resident’s EU residence permit, the family members are usually granted a regular resident permit for work reasons.
family reasons by the Police authorities (Questure). Such a residence permit entails all the other rights.

Q19. Are family members of refugees and/or BSPs granted refugee/BSP status in their own right or a ‘derived’ permit (from that of the sponsor)? Please clarify how the type of permit issued differs in terms of its validity and rights attached to it. If possible, please also provide information on the cost of the permit.

Once in Italy, holders of the right to family reunification with a refugee or with a BSP enjoy the same rights of a person who is already in Italy.

Q20. a. Do any conditions apply to sponsors and/or family members after admission for the purpose of family reunification in your (Member) State? Y/N
   If yes:
   - At which stage(s) after admission is examined whether these conditions have been fulfilled?

There are no examination procedures.

   - Does not fulfilling one of these conditions constitute a ground for non-renewal or withdrawal of the residence permit? Y/N
     - If yes, how are individual circumstances and interests taken into account?

   NO

   - If no, what are the consequences of not fulfilling the conditions (e.g. obligation to pay a fine, exclusion from more favourable residence permits)?

These assessments are made by the Police authorities (Questure)/Territorial Government Offices (Prefectures) on a case-by-case basis.

Q21. a. Please indicate any challenges experienced by family members in your (Member) State with regard to accessing the above-mentioned rights (e.g. based on existing studies/evaluations or information received from relevant authorities and stakeholders) and how these can be overcome.

No specific studies seem to be available.

b. Please provide any examples of proven (e.g. through studies/evaluations) good practices with regard to the provision of education/access to the labour market and vocational guidance and training/right to autonomous residence for family members in your (Member) State/etc. Please specify the source (e.g. based on existing studies/evaluations/other sources or information received from relevant authorities and stakeholders).

No specific studies seem to be available. See also Q17b.

Section 6: National and international case law

Q22. Has the following CJEU/ECtHR case law led to any changes in policy and/or practice in family reunification in your (Member) State:
   - CJEU - C-540/03 European Parliament v Council of the European Union;
   - CJEU - C-558/14 Khachab v Subdelegación del Gobierno en Álava;
   - CJEU - C-153/14, Minister van Buitenlandse Zaken v K and A;
   - CJEU - C-338/13, Marjan Noorzia v Bundesministerin für Inneres;
   - CJEU - C-578/08, Rhimou Chakroun v Minister van Buitenlandse Zaken;
   - CJEU - C356/11 and C357/11, O. S. and L;
   - ECtHR - Mugenzi v. France, Application No. 51701/09, 10 July 2014;
   - ECtHR - Tuquabo-Tekle And Others v The Netherlands, Application no. 60665/00, 1 March 2006;
   - ECtHR - Hode and Abdi v. the United Kingdom, Application No. 22341/09, 6 February 2013;
   - ECtHR - Biao v. Denmark, Application No. 38590/10, 24 May 2016;
   - Any other relevant case law (please specify)? Y/N

If yes, please briefly describe the changes brought about by this case law.
As result of ECJ’s decision C-578/08, Rhimou Chakroun v Minister van Buitenlandse Zaken, when evaluating the economic resources considered to be sufficient to apply for family reunification (yearly minimum income) at a domestic level, other factors should be taken into account, such as the following: the nature and solidity of the family relationship, the length of the marriage, the length of the stay in the Member State as well as family- social and cultural ties with the country of origin.

It is difficult, however, to assess the impact that this recent case law will have on family reunification in the coming future.

Q23. Has any national case law led to changes in policy and/ or practice in family reunification in your (Member) State since 2011 onwards? Y/ N

If yes, please briefly describe the changes brought about by this case law. (For example, in 2013 the Belgian Constitutional Court held that the differentiation of requirements for family reunification between refugees and beneficiaries of subsidiary protection is unlawful, hence the latter were exempted from the condition of sufficient income even after the period of one year when the sponsor is joined by his/ her minor children. As well, in 2015, the Slovenian Constitutional Court held that in specific factual circumstances the scope of family life should include non-nuclear family members who perform a similar or same function as the nuclear family, allowing for an individual examination of specific circumstances and leading to an amendment of the national legislation on family reunification.

Not exactly. The main judgements of the Court of Cassation on family related to have been mentioned in Q6, Q7b, Q15a e Q15b.

Section 8: Conclusions (Synthesis Report)

It is difficult to draw conclusions other than what has been outlined above. However, it is possible to maintain what follows:
1- in Italy, the right to family unity is provide for in the Constitution and is therefore extended to all foreign nationals who reside in the country;
2- the procedure for family reunification was amended in 2008 and has been tried and tested throughout the country since then;
3- even though data suggests a decrease in the number of residence permits granted for ‘family reasons, the reunification procedure is a measure of general access with special attention to beneficiaries of international protection;
4- the greatest difficulties concern the issuance of family-reunification visas by Italian consular offices and/or embassies abroad, which sometimes do not exist in the countries of origin of foreign nationals and of beneficiaries of international protection in particular.
5- once the phases of document submission and requirement verification have been overcome, research studies indicate that in Italy family members experience difficulties in terms of reunification and integration processes;
6- once in Italy, holders of a permit for family reunification with a foreign national and/or a refugee and/or a BSP have the same social rights (assistance, health care and pensions) as the person who is already in Italy; moreover, the family member (even if he or she has just turned 18) may convert his or her permit into another type of residence permit (for work reasons, for instance.)

Annex 1 Statistical Annex

Q24. With reference to Question 3.a. above, please complete the following table with national statistics on the (estimated) number of applications for family reunification, if available.
Please provide here a brief explanation of the metadata, describing for example the population covered, the method used to reach the estimates, any caveats as to their likely accuracy etc. It should be noted, given the differences in methods used to make the estimates, that it will not be possible to synthesise this information to produce a ‘total EU estimate’ for the Study.

The data provided was supplied by ISTAT, the Italian National Institute of Statistics. It refers to the total number of third-country nationals who entered Italy with a residence permit for family reunification during each of the years indicated. The data refers to the overall number of yearly arrivals for this specific reason; therefore, it does not respond to the question of this study concerning the total number of positive outcomes in 2011-2016 for the applications submitted.