INTRODUCTION

This document provides an overview of how asylum and migration policies are organised in Italy, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection. It is based on the information provided by national authorities and institutional webpages.

OVERVIEW OF ORGANISATION OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

THE INSTITUTIONAL CONTEXT

Briefly outline the general structure of the institutional context relevant for migration and asylum, including overview of ministries, institutions and agencies taking a leading role in migration and asylum, and those playing a supporting / consultative role. Include also other embedded stakeholders (e.g. international organisations, NGOs, research institutes) involved significantly in the migration and asylum processes (e.g. appointed by the government to implement a policy).

The management of migration and asylum matter is based on institutional cooperation and on multilevel governance.

The Presidency of the Council of Ministries steers and coordinates the overall migration and integration policies. The Presidency also oversees the respect of rights of racial, religious and ethnic minorities through its Department for Equal Opportunities and the National Office for Racial Antidiscrimination (UNAR), which directly report to the Presidency. Their aim is to monitor the respect of rights, guarantee gender and racial equality and equal treatment and combat all forms of discrimination.

The implementation of migration policies and the enforcement of migration legislation fall within the competences of the Ministry of Interior. In particular, the practical coordination and implementation of migration policies is undertaken by the Department for Civil Liberties and Immigration - through three Central Directorates (CD for Immigration and Asylum policy, CD for Civil Services Immigration and Asylum, CD for Civil Rights, Citizenship and minorities) - and by the Department of Public Security.

The Department for Civil Liberties and Immigration is tasked to implement and
oversee policy-making in the numerous fields of migration and asylum: analysis and planning of migration policy, implementation of voluntary return, management of reception system, processing of asylum applications, monitoring of annual immigration quotas, monitoring of integration measures, coordination of the activities of one-stop shops in Prefectures, granting of citizenship status, exchange of best practices at the national level, participation in EU projects (EMN, EIN), fund management, data collection for statistics. The Ministry of Interior is the authority responsible for the management European funds on migration (EIF 2007-2013, ERF 2007-2013, AMIF 2014-2020).

With regard to integration policy, law 18/2014 established a multilevel national working group in the department of Civil Liberties and Immigration of the Ministry of the Interior, with the task to prepare every two years a national plan aimed to achieve the effective integration for the beneficiaries of protection international and to coordinate activities among stakeholders. The areas covered in by this plan – which was approved on 26 September 2017 - are: education, language training, recognition of foreign qualifications, employment and vocational training, healthcare, housing and residence, family reunification, orientation to services, rights and duties information.

In the domain of asylum, the National Commission for Asylum outlines and coordinates the activities of the Territorial Commissions for Asylum, which are tasked to assess asylum applications.

The Department of Public Security - in particular with its Central Directorate for Immigration and Border Police – is specifically responsible for all activities connected to public order and security, such as controlling and tackling irregular migration, border control, implementation of expulsions, coordination of enforcement actions at sea, coordination of police immigration offices, release or renewal of permits of stay.

Other Ministries relevant in the migration and asylum policy are:

- **The Ministry of Labour and Social Policies**, whose task is to promote and coordinate integration measures such as access to labour market and to social services, through its General Directorate for Immigration and Integration Policy. The competences of this Directorate have increased following to the new regulation of ministerial organization, and they now include: planning and monitoring the quantity of immigration quotas made available each year in the so-called "decreto flussi", designing ad hoc social integration measures, realizing protection and integration measures targeting unaccompanied minors (monitoring and census of UAMs through the creation of an Informatics System for Minors), carrying out of family tracing activities regarding UAMs present in Italy, supervising UAMs’ conditions of residence, promoting the development of international cooperation within the activities of prevention and study of social and employment emergencies, keeping relations with international organizations.

- **The Ministry of Foreign Affairs and International Cooperation**, which is competent for issuing visas to foreign travelers and workers coming to Italy, keeping relations with third countries and international organizations, designing and realizing international cooperation schemes, supervising the procedures regarding international adoptions. Office V of the Central Directorate for Italians abroad and Migration Policy is responsible for the relations with Italians residing abroad and with their descendants.

**THE LEGAL SYSTEM**

The core law regulating the field of migration and asylum in Italy is the Consolidated Act on Immigration (legislative decree n. 286/1998) whose enforcement and interpretation is harmonized in accordance with other laws, some of which implementing European Directives.
In the field of legal migration, the national regulation includes:

- Law n. 179/2012 - requirements to obtain Italy Startup Visa (ISV);
- Decree n. 203/2016 - conditions of entry and stay of foreigner seasonal workers;
- Decree n. 253/2016 - conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer;
- Decree n. 71/2018 - conditions of entry and residence of third-country nationals for the purposes of research, study, training, voluntary service, pupil exchange schemes or educational projects and au pairing;
- Art. 27 of Law n. 286/1998 (introduced by law n. 108/2012) - requirements to apply for Blue Card;

Every year, the Prime Minister emanates immigration quotas for an established amount of third-country citizens (through a Decree called "Decreto Flussi") who are granted access to the national territory for labour purposes in the domains of subordinate work, self-employed work and seasonal work.

The entry procedures of Italy generally follow the regulations of the Schengen System.

Italy has recently taken steps aimed at transferring the administrative jurisdiction for the renewal of residence permits to Police Headquarters. In this regard, a new "online network for assistance with residence permit renewal" has been created. Recently, Law n. 46/2017 has provided that applications for family reunification, too, have to be submitted online.

In the field of asylum, the main rules are contained in the following decrees:

- Decree n. 18/2014 - modifying the previous one n. 251/2017 (transposition of directive 2011/95/EU) - with regard to qualification of refugees or beneficiaries of subsidiary protection.
- Decree n. 142/2015 - modifying the previous one n. 25/2008 (transposition of directive 32/2013/EU and 33/2013/EU) - relating the procedure for granting and withdrawing international protection and the reception system. This legislative decree concerns the reform of the national reception system, in view of the increase of the number of asylum seekers and migrants received by Italy starting in 2013 (from 22 thousand in 2013 to over 176 thousand in 2016). The new system involved an initial phase of reception, ensured by centres run by the state, and a second-level reception phase ensured by the System for the Protection of Asylum Seekers and Refugees (SPRAR), operated by local institutions, in cooperation with third-sector organizations, which provided a full package of integration measures for each asylum seeker/refugee included in the System. From October 2018, the new denomination of these centres were renamed in the following SIPROIMI (Italian System of Protection for Beneficiaries of International Protection and Unaccompanied Minors). Integration services within these centers are now reserved for holders of international protection permits or some other type of permit and vulnerable groups.

The Decree of the Ministry of Interior of 10 August 2016 approved the guidelines for the functioning of the SPRAR and simplified access to the National Fund for Asylum Policies and Services for local institutions. Then, in December 2016, the Ministry of Interior and ANCI agreed on the National Distribution Plan which, based on a system of quotas, would enable a fairer and more sustainable distribution of migrants across Italian regions and provinces.

- Law n. 47/2017 introduced a comprehensive regulation concerning the protection and treatment of unaccompanied minors, focused on the best interest of the child. Inter alia, it provided for the creation of a separated, target-specific reception system for UAMs, the appointment of volunteer guardians and the possibility to study or to start an apprenticeship.
- Law n. 46/2017 established urgent provisions for a swift processing of international protection applications and relevant court proceedings with the aim to plan a more rapid turnover of migrants in the reception centres.

- Law n. 132/2018 on Immigration and Security – which introduced substantial modifications concerning the abolition of the “humanitarian protection” as a category of protection and new conditions for accessing the reception system. More in particular, the legislator has erased the possibility to issue permits of stay “for humanitarian reasons”, by substituting it with a new kind of protection, called “special protection” (issued by the Territorial Commissions for Asylum in cases of non-expulsion based on the principle of non-refoulement) and with a list of administrative residence permits for specific reasons (for «particularly serious» medical conditions; for «exceptional natural disasters»; for «exceptional civil acts»). Law n. 132/2018 has also increased cases of accelerated procedure for deciding an asylum claim and the type of crimes that constitute a motivation for rejecting an asylum seeker’s application for international protection. With regard to reception conditions, as of the end of 2018, only recognized refugees and beneficiaries of subsidiary protection, as well as unaccompanied minors, will be granted accommodation within the national reception system (former SPRAR, now called SIPROIMI), which offers room and board, as well as other services for integration.

Concerning return policy, the following rules apply:

- Law n. 46/2017 – which changed the name of detention centres, now called “Permanent Centres for Return”, and extended the network of detention centres over the whole national territory;

- Law n. 132/2018 – which extended the length of detention in “Permanent Centres for Return” 90 to 180 days for the verification of identity and nationality of the migrant.

With regard to the fight against irregular immigration:

- Italy has signed two Memoranda of Understanding to promote the safe and legal entry in Italy of potential beneficiaries of international protection: the first (7 November 2017) regards asylum seekers from Lebanon, the second (12 January 2017) asylum seekers from Ethiopia. 149 asylum seekers from Libya have arrived in Italy though such humanitarian corridors. On 14 November 2018, the first resettlement from Niger to Italy took place, within the UNCHR project “Emergency Transit Mechanism”.

- Law-decree n. 53/2019 (which has to be converted in law by 12 August 2019) containing specific rules to combat irregular immigration, providing penalties for ships (also rescue ships) which enter the Italian sea, despite being banned from doing so by the Ministry of Interior – which now, in order to control the sea border, has the power to limit or forbid the entry of ships.

Regulations on citizenship were modified by Law n.132/2018 through two relevant changes. Firstly, the knowledge of Italian is now a necessary requirement for obtaining the Italian citizenship – either by marriage with an Italian or by naturalization (after 10 years of regular and uninterrupted residence for non-EU citizens). Secondly, the law establishes the withdrawal of the Italian citizenship granted to foreigners who represent a danger to public order and security.

The most up to date Institutional Chart will be added in as an Annex.
**ITALY**

**Institutional Framework for migration and asylum***

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**Ministry of Foreign Affairs and International Cooperation**

- Website: www.esteri.it
- Visas, relations with third countries and international organisations.

**Ministry of Interior**

- Website: www.interno.it
- Immigration and asylum policy, integration, stay permits, entry clearance form, asylum application, irregular immigration, border control, refusals, voluntary return, citizenship, EU funds, statistics.

**Ministry of Labour and Social Policy**

- Website: www.lavoro.gov.it
- Access to labour market, social occupational integration and social services.

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**National Commission - Asylum Rights**

- Territorial Commissions coordination.
- Status recognition & withdrawal
- Database, Guidelines, Training

**Department of Civil Liberties and Immigration**

- Clearance form (work and reunification), integration, citizenship, statistics, asylum, reception and social services

**Department of Public Security**

- Tackling irregular migration, border control, stay permit release and renewal

**National Information System for Unaccompanied Minors (SIM)**

- A census information system, aimed at recording the entry of unaccompanied minors into the national territory and monitoring the subsequent reception path.

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**Legend:**

- ---: Cooperation
- --------------: Coordination
-  →: Other input

*Please note that this institutional chart provides an indicative overview of the asylum and migration system in the MS concerned on July 2019.*