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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT AND THE COUNCIL**

**Progress Report on the Implementation of the hotspots in Italy**

## **GENERAL OVERVIEW**

On 29 September 2015, the Commission adopted a Communication outlining the immediate operational, budgetary and legal measures under the European Agenda on Migration, and calling for the full roll-out of the Relocation Scheme and Migration Management Support Teams working in 'hotspot' areas. At the request of the Commission, Italy soon after submitted its Roadmap for relocation and for the Support Teams for the 'hotspots'.

However, the implementation of European Union Law with regard to building a Common European Asylum System has been proceeding too slowly in the Member States. As a result, on 14 October, the Commission presented a Communication on the state of play of the implementation of the Priority Actions under the European Agenda on Migration.

In particular, the Commission called on Italy to operationalise all hotspots on schedule, to ensure full use of the existing detention capacity and consider reforms of existing norms regarding detention, as well as a swift transfer of migrants from the hotspot areas to the second-line reception facilities, or to detention facilities.

Since then, the migration flows through Italy have continued to decline. According to Frontex, 3,227 migrants arrived in Italy in November compared to 8,529 arrivals in October. This is in line with seasonal patterns. The arrival of migrants of the nationalities eligible for relocation is limited for the time being. The Triton Joint Operation has continued to support search and rescue operations.

Despite consistent encouragements by the Commission, at present only one of the six designated hotspot areas is fully operational, in Lampedusa. The Commission expects that two other facilities, namely Pozzallo and Porto Empedocle/Villa Sikanìa, will be opened within days as soon as the Italian Government gives its agreement. At the Justice and Home Affairs Council meeting on 4 December, the Italian Minister of Interior already announced the opening of a second hotspot. Relevant European agencies are alerted and ready to deploy additional staff as needed. The roll-out of hotspots in Taranto, Trapani and Augusta require major works and will not be ready before early 2016. In these locations, reception capacities have to be built as registration is currently happening in tents and there is no place to accommodate people.

The relatively low level of arrivals provides an opportunity to ensure that the hotspot concept is thoroughly rolled out and that any shortcomings identified so far are addressed. Infrastructure, equipment, staffing, and the organisation of the hotspot have to be stepped up. It should be ensured that the hotspots are as efficient as possible to cover screening, documents check, fingerprinting and registration. The implementation of the hotspot concept will also guarantee that migrants are properly informed and channelled to either the asylum procedure (including relocation) or return procedures. Security features should be improved as a matter of priority. The formal opening of further hotspot locations is essential to guarantee that all migrants disembarked in Italy go through this hotspot procedure.

The effectiveness of hotspots at times of high demand will also depend on the readiness of Member States to deploy more experts to Italy. In parallel, further efforts are needed by the Italian government on the legal framework for hotspot activities of all stakeholders working on the ground. A Commission team of 3 officials is now permanently stationed in Italy to assist coordination.

Effective hotspots are also essential to make relocation work. At the same time, the active participation of all participating Member States is an obligation. In parallel, eligible asylum seekers must be adequately informed about their rights and obligations to participate in the scheme. Until now, only 19 Member States have appointed Liaison Officers to facilitate the implementation of the relocation scheme and only 12 Member States have made places available for relocation candidates – a total of 1,041 places. The pace of relocation needs to be stepped up in view of the 154 asylum applicants relocated so far from Italy.

## **I. HOTSPOT AREAS – STATE OF PLAY**

1. Six hotspot areas have been designated by the Italian government: Lampedusa, Pozzallo, Porto Empedocle/Villa Sikania, Trapani, Augusta and Taranto.
2. Lampedusa is currently the only operating hotspot. A registration workflow including screening, documents check, fingerprinting and registration with the support of Frontex, as well as the opportunity to apply for asylum and relocation with the support of EASO is in place. The opening of a second hotspot was announced at the Justice and Home Affairs Council meeting on 4 of December by the Italian Minister of Interior.
3. Two other facilities, namely Pozzallo and Porto Empedocle/Villa Sikania, are ready to be opened within days as soon as the Italian Government gives its agreement. Relevant European agencies are alerted and ready to deploy additional staff as needed. Taranto, Trapani and Augusta require major works and will not be ready before early 2016. In these locations reception capacities have to be built as registration is currently happening in tents and there is no place to accommodate people.
4. In November 2015, the Italian authorities have set up coordination groups for the implementation of the Hotspots where several players including the European Commission, the EU agencies and the United Nations High Commissioner for Refugees (UNHCR) are invited to participate. One of these groups is currently preparing Standard Operating Procedures for the hotspots.
5. In order to further strengthen security, Frontex will deploy in December 165 additional experts, including advanced document experts for document screening. 52 Frontex experts are currently deployed in the Italian hotspots. Further experts could be swiftly deployed as soon as additional hotspot facilities are opened. Furthermore, analysis is underway as to how to improve the role of Europol in hotspot operations, especially in the aftermath of the Paris attacks.
6. Systematic checks are not performed against European databases when fingerprints of irregular migrants are taken upon entry. Only a national Automated Fingerprinting Identification System (AFIS) check is currently performed. Italian IT systems need to be adapted to ensure interconnections between national and EU/international databases and to enable an automated, full check of arriving migrants against the Schengen Information System (SIS) II and Interpol Stolen and Lost Travel Documents (SLTD) databases.
7. The Italian Ministry of Interior will put forward emergency applications to fund photographic machines (for photo identification) and fingerprinting machines, as well as interpretation capacity. This will allow for a strengthening of the available stock and a

further increase of the screening and fingerprinting capacity. The Italian authorities are also working to update relevant software to increase the efficiency of the process and avoid double fingerprinting.

8. A new IT system (web-based via Virtual Private Network (VPN)) allowing for an integrated workflow to handle migrants, connecting various departments of the Italian State Police will be rolled out starting February 2016, the system will notably enable the linking of photographic and fingerprint data acquired by the scientific police, making it available to the border/immigration police.
9. Procedures for disembarkation are being updated in order to further develop the hotspot concept. In this context, Frontex is currently testing innovative solutions to facilitate the disembarkation process and ensure swifter processing in hotspot areas.
10. Italy and Frontex are currently monitoring migrant activities in the Adriatic Sea to be ready to swiftly expand the operational area of Joint operation Triton so as to be prepared for any possible spill overs from the Adriatic coast.
11. While recognising the steps taken by the Italian authorities to address the problem of fingerprinting of migrants arriving irregularly, on 10 December 2015 the Commission has issued a Letter of Formal Notice for failure to correctly implement the EURODAC Regulation and invited the Italian authorities to submit their observations within two months.
12. The Commission has noticed discrepancies between the number of irregular arrivals and the EURODAC fingerprinting statistics. Between 20 July 2015 and the end of November 2015, Frontex figures indicate that 65,050 third-country nationals arrived by sea in Italy. The EURODAC statistics show only 29,176 third-country nationals were fingerprinted in the EURODAC database.

#### **What still needs to be done in the short term**

1. The hotspots in Pozzallo and Villa Sikanìa/Porto Empedocle should be opened by end 2015. Refurbishment works for additional hotspots should also start with a view to having them ready by end of February 2016.
2. The Italian authorities should take measures immediately to increase medical presence in the hotspots so as to enable a multiplication of screening and fingerprinting lines, streamlining the overall time it takes for a migrant to complete all steps/formalities in the hotspot.
3. Further efforts, also at legislative level, should be accelerated by the Italian authorities in order to provide a more solid legal framework to perform hotspot activities and in particular to allow the use of force for fingerprinting and to include provisions on longer term retention for those migrants that resist fingerprinting. The target of a 100% fingerprinting rate for arriving migrants needs to be achieved without delay.
4. The presence of EUROPOL in hotspot operations needs to be extended, improved and clarified to step up investigation against migrant smugglers. Clear, standardised provisions on the part of the Italian State Police and judicial authorities have to be issued

in order to enable a purposeful exchange of (real-time) information with EUROPOL, both with staff that would be additionally deployed on the ground and through contact with Headquarters in The Hague as needed via SIENA.

5. IT systems should be updated without delay to ensure that interconnections between national and EU/international databases are established, allowing for a full check of arriving migrants against SIS II/Interpol STLD databases.
6. The Italian authorities should continue improving their system of transfers from hotspot areas to the mainland, in particular by developing a system of air transportation. If necessary, this could be supported by the Asylum, Migration and Integration Fund (AMIF – national programme).

## **II. RELOCATION – STATE OF PLAY**

1. A first relocation flight from Italy to Sweden with 19 asylum seekers took place on 9 October 2015. Since then, a further 125 asylum-seekers have been transferred to Finland, France, Germany, Spain and Sweden with the support of the International Organisation for Migration (IOM). Further relocations are planned on 17 December (Belgium and Portugal), on 22 December (Spain) as well as early 2016 (France and Latvia). In total, 186 relocation candidates have been currently identified and 171 have been submitted for approval by the Italian authorities to other Member States.
2. Currently only 12 Member States have made available 1,041 places for relocation candidates while 19 Member States have appointed Liaison Officers. Several meetings of the Liaison Officers in Italy were held, latest on 10 December 2015.
3. Information to refugees about the relocation program is currently provided in Lampedusa and at other disembarkation points and hubs. In total EASO has deployed 4 experts. In addition the Italian authorities have signed a dedicated grant with UNHCR to support the relocation process in particular in the provision of information.
4. EASO has deployed a further 9 experts who are assisting the Italian authorities in the registration of relocation applications in several locations and in the Italian Dublin Unit in Rome. Staff of the Italian Ministry of Interior devoted to relocation has recently been increased.
5. The relocation process from Italy is currently affected by a lack of potential candidates due to a low level of arrivals concentrated on nationalities not eligible for relocation.
6. The Commission is about to make available to Italy, through the respective AMIF national programme, the agreed funding (€500 per relocated person) to support the transfers under the relocation programme. An agreement has been reached by Italy with IOM to cover the costs of the transfers under the relocation scheme. IOM has agreed to pre-finance transfers, pending the conclusion of the formal grant agreement to be signed in January 2016. In early December 2015, IOM has put forward an emergency application under AMIF for complementary actions in support of the relocation programme, especially pre-departure orientations and health checks to ensure safe and dignified travel.
7. A working group coordinated by the Italian authorities, with the European Commission, the EU agencies, IOM and UNHCR meets on a regular basis with a view to optimising the relocation process.
8. The European Commission is supporting the relocation process by providing targeted legal support to Italy through its team of 3 officials based in Rome. Legal clarifications have already been provided in several cases and most importantly to facilitate the exchange of fingerprinting among Member States. A dedicated Relocation Forum to discuss such matters will be organised on 16 December 2015 in Brussels.

## **What still needs to be done**

1. In order to avoid confusion in the provision of information about their rights and obligations, a common narrative to inform migrants is currently being produced for all players involved in the hotspot and relocation process.
2. The Italian authorities should develop early 2016 a dedicated workflow to allow the transfer of unaccompanied minors under the relocation scheme.
3. EASO should swiftly deploy cultural mediators alongside its teams in order to increase the impact of its deployments and not rely on national authorities.
4. Member States should substantially reduce the response time to relocation applications submitted by the Italian authorities.
5. Member States should further increase their pledges under the relocation programme and extend the validity of the pledges already made to take into account the current low level of arrivals in Italy.
6. The relocation process should be further optimised on the basis of the recommendations on the working group and the results of the Relocation forum of 16 December 2015.

### **III. RETURN – STATE OF PLAY**

1. According to the Italian authorities, 14,113 persons have been returned from Italy in 2015. In 2015 Italy has participated in 11 joint return flights coordinated by Frontex. Several of the returns took place already before the start of the rollout of the hotspot approach.
2. The Italian authorities concluded in the past bilateral operational agreements with Egypt and Tunisia where 48 hour return procedures are in place. Italy is currently working towards similar agreements until the end of 2015 with certain key Sub Saharan countries (Senegal, Nigeria, Ivory Coast). The European Commission is present as an observer and is assisting in the process.
3. No Assisted Voluntary Return operations have taken place since July 2015 when the last grant agreement with IOM expired. A new Assisted Voluntary Return programme is expected to be in place only as of spring next year due to delays related to the procurement procedures at national level.
4. Consular liaison officers from several African countries will be posted in Italian hotspots in order to support the screening and the re-documentation in order to ensure swift returns.

#### **What still needs to be done**

1. The Italian authorities need to strengthen their dialogue with the main countries of origin of irregular migrants and streamline their administrative procedures in order to guarantee swift forced returns.
2. In the light of the fact that the proportion of migrants that are not in need of international protection among the arrivals in Italy is steadily increasing (at this point over 50% according to the Italian authorities), it can be considered that the current detention capacity in Italy (some 604 places in total) is already insufficient. Full use of the existing detention capacity, already foreseen to be funded through the AMIF National Programme and (urgent) planning for (temporary) enlargement of Italy's detention capacity should be considered.
3. Italy has already launched a tender and should resume as quickly as possible the Assisted Voluntary Return programme to reduce the significant case load of persons ready to return, possibly considering an application for AMIF Emergency assistance to bridge the period until the new Assisted Voluntary Return programme will be in place.
4. The European Commission, supported by Member States, should further step up engagement with third countries to ensure easier readmission of migrants which are not entitled to international protection including through the targeted use of the Trust Fund for Africa.



#### **IV. IMPROVING BORDER MANAGEMENT – STATE OF PLAY**

1. Frontex operation Triton is deployed in the Central Mediterranean area with 4 Offshore Patrol Vessels (OPV), 2 Fixed Wing Airplanes (FWA), 2 Helicopters (HELO), 5 Coastal Patrol Vessels (CPV), 1 Coastal Patrol Boat (CPB) and 2 mobile Offices. Since the start of the operation, Triton contributed to saving 56,163 lives at sea. Several improvements are currently being tested in the framework of the operation in order to facilitate disembarkation in the context of the hotspots. The Italian authorities are currently discussing with Frontex the possible extension of the operational area of Triton in order to cover possible spill overs from the Western Balkans route.
2. The EUNAVFOR MED operation has entered into phase 2 on 7 October, it deploys 7 surface naval units and 6 air assets.

#### **What still needs to be done**

1. Considering the possible risk of increasing arrivals on the Slovenian-Italian border, the Italian authorities should develop contingency plans including the possibility to request additional assistance from Frontex/EASO.
2. Member States should continue ensuring that assets are made available for both the Triton and the EUNAVFOR MED operations in the Mediterranean.

## **V. RECEPTION CAPACITY**

1. According to Italian authorities, Italy has a reception capacity for asylum seekers of 101.933 places including hotspot areas, composed of 19.715 in the System of protection for asylum seekers and refugees (SPRAR system) managed by the municipalities, 7.663 places in the Accommodation Centres for Asylum Seekers (CARA) and 74.555 in Centres of special reception (CAS). This capacity is considered in line with the needs of the Italian asylum system.
2. Dedicated reception facilities for relocation have been identified in Villa Sikania, Crotone, Bari and Castelnuovo di Porto (Rome).
3. The Italian capacity to process asylum requests has been upgraded and a total of 41 territorial commissions are currently operational. The asylum backlog has been reducing in the past months as a result.
4. The Italian authorities are considering an overhaul of the Italian asylum and reception system in order to increase efficiency and streamline procedures in particular in the appeals.

### **What still needs to be done**

1. The ongoing work on the reform of the asylum and reception system should continue and lead to a leaner asylum procedure in particular concerning the appeal process and to reduce the fragmentation in the quality of decision making across the country.
2. Monitoring systems should be enhanced in order to reduce the differences in the quality of the reception conditions across the country and to avoid risks of corruption in the management of reception.
3. A single database should be established linking the asylum and reception processes in order to facilitate the management of the flow.
4. The Italian authorities should conclude without delays the tender for the establishment of a system of flights for the transfer of migrants. The European Commission may consider supporting the scheme as a stopgap measure and for a limited period of time until the full tender is in place.