

**STANDARD OPERATING PROCEDURES (SOPs)**

**applicable to**

**ITALIAN HOTSPOTS**

*The SOPs for ITALIAN HOTSPOTS have been drafted by the Italian Ministry of the Interior, Department for Civil Liberties and Immigration, and Department of Public Security. The European Commission, Frontex, Europol, EASO, UNHCR and IOM provided valuable contributions to the preparation of this document. The procedures indicated in this document should be used as an operational guide for activities organised within Hotspots. In the event of discrepancies between this document and current legislation, the latter shall apply.*

## **A.1. Introduction**

In order to cope with an increasing migratory phenomenon, the European Commission has decided to consider the management of mixed migration flows as one of the ten EU policy priorities and has developed a number of concrete initiatives to address challenges related to a migratory phenomenon of such large proportions.

The European Agenda on Migration which was adopted on 13 May 2015 contains a series of initiatives and measures to be implemented through a wide range of instruments, with the aim of handling incoming mixed flows as effectively as possible. The Decisions, adopted by the European Council in September 2015 (Decisions 1523 of 14 September 2015 and 1601 of 22 September 2015) within the framework of the European Agenda, establish innovative rules and a series of measures in the area of asylum and migration for the benefit of Italy and Greece, as countries of first entry for third country nationals or stateless persons who may lodge an application for international protection within EU borders.

In this context, the process of relocating persons in need of international protection (so-called "Relocation") has been designed with the intention of improving the management of incoming mixed flows which also include international protection seekers. As a partial derogation to the "Dublin III" Regulation (604/2013), individuals in clear need of international protection, belonging to a nationality, or stateless persons with an EU-wide average recognition rate of 75% or higher, after they are identified and fingerprinted, they will formalise their application by filling in the C\3 form and then transferred from Italy and Greece to other EU Member States, in which their application will be processed, according to the quotas established in the context of the two above-mentioned Decisions.

The relocation process must be completed within two months from the time of the agreement of a Member State to accept persons from the relocating Member State (Article 5.2 of Council Decision 1523/2015). This time limit can be extended exceptionally up to 3.5 months in the event that an additional period of time becomes necessary for the approval by the Member State or where Italy or Greece show objective practical obstacles that prevent the transfer from taking place (Article 5.10 of Council Decision 1523/2015).

Specifically in the framework of initiating the relocation procedure, the European Commission has requested Italy to develop a Roadmap setting out measures for improving the capacity, quality and efficiency of the Italian system in the areas of asylum, first reception and return, and measures to ensure the implementation of the Decisions. The organisational measures contemplated in the Italian Roadmap include the designation of specific Hotspots.

## **A.2. What is a Hotspot?**

The Hotspot can be understood in two different senses:

Structurally, it is a designated area, usually (but not necessarily) in the proximity of a landing place where, as soon as possible and consistent with the Italian regulatory framework, new arrivals land safely and are subjected to medical screenings, receive a leaflet on legislation concerning immigration and asylum, they are controlled, pre-identified, and, after having being informed about their current condition as irregular immigrants and the possibility to apply for international protection, they are fingerprinted. Subsequently, they receive detailed information on the procedure of international protection, the relocation programme and the assisted voluntary return (AVR). If they have applied for international protection, they are channelled into the asylum procedures, including relocation for those who are entitled and have applied; otherwise they are channelled to the return procedures. Specific measures will be adopted for persons with specific needs for whom the return is prohibited.

On leaving the Hotspot, persons are channelled to the asylum procedures if they have applied for international protection, including relocation, otherwise they are channelled to the forced return procedures, or to specific protection procedures in case of specific needs.

From an organisational standpoint, the Hotspot is a method of teamwork, in which the Italian authorities, namely police personnel, healthcare personnel and international and non-governmental organisations work closely and in full cooperation with European support teams, comprising personnel from Frontex, Europol and EASO (European Asylum Support Office) in order to ensure procedural, standardised and fully operational management of activities, while aiming at the interest of guaranteeing the most sustainable solutions for incoming third country nationals or stateless persons. On the basis of single authorisations issued by the DLCI, other entities, including non-governmental organisations, will have the rights to access for the provision of specific, specifically requested services, without adversely affecting the conduct of policing activities.

The European Frontex, EASO and Europol agencies work in a coordinated and complementary manner alongside the Italian authorities. In particular, Frontex assists in the field of identification, recording and fingerprinting of incoming third country nationals, while EASO and UNHCR assist the Italian authorities in the first identification of persons with specific needs and in the request procedure for international protection and relocation. On the other hand, Europol is engaged in researching relevant information for investigative purpose and in facilitating the database sharing.

Within the Hotspot, operations are carried out using standardised procedures for initial screening aimed at the early identification of persons in need of international protection and/or liable to benefit from relocation procedures, individuals who have specific needs or persons who do not intend to apply for international protection. Information on the possibility of submitting an application for international protection will be provided to all citizens of third countries and stateless persons who reached the European Union territory. Where available, it will be possible to use specific support instruments for identifying vulnerable persons. Information will also be provided on the obligations of new arrivals, in particular with respect to their identification and the acquisition of fingerprints.

The adoption of the described procedures will lead to a first differentiation of categories of third country nationals and stateless.

Asylum seekers belonging to nationalities entitled to relocation are informed of the relocation programme by EASO and UNHCR and immediately channelled into a dedicated procedure in which EASO teams provide support aimed at ensuring the relocation of applicants as quickly as possible. Applicants for international protection belonging to nationalities not included in the relocation programme will be channelled into a dedicated procedure. For those who have not expressed the need of international protection, Frontex has the duty of supporting Italy in return activities. Europol and Eurojust assist Italy with investigations to dismantle the smuggling and trafficking networks, but also at combatting other serious criminal activities, organised crime and terrorism.

This text contains the standard operating procedures within Hotspots and provides indicative examples related to the activities to be organised and their sequence.

A specific policy applies in the case of foreign unaccompanied and separated children (UASC) as well as particularly vulnerable persons, such as victims of international human trafficking.

### **A.3. Operational Hotspots**

A.4.1.	Lampedusa (AG)	500	operational since 01.10.2015
A.4.2.	Trapani (TP)	400	operational since 22.12.2015
A.4.3.	Pozzallo	300	operational since 19.01.2016
A.3.3.	Taranto	400	operational since 29.02.2016

### **A.4. Staffing**

In order to carry out the activities contemplated in each Hotspot, the following basic staffing is required:

- Medical staff;
- Frontex team supported by Frontex cultural mediators and a team leader to provide support for pre-identification and screening activities;
- EASO experts to provide information on the relocation programme;
- Frontex expert for the verification of documents;
- Forensic experts for the acquisition of fingerprints;

- Frontex experts to support the acquisition of fingerprints;
- Frontex team responsible for carrying out the "*debriefing*" activity, and a team leader with the task of collecting relevant information for risk analysis purposes.

Additional staff is placed at the disposal of the Italian authorities for the organisation of activities of competence in relation to the landing phase (Rapid Response Team, DIGOS, etc.). Europol staff support the local authorities in combatting illegal immigration activities, human trafficking and organised crime or terrorism.

- UNHCR team dedicated to support the authorities in the identification of vulnerable persons, and carrying out information activities on current legislation on immigration, asylum and the relocation programme.
- IOM team dedicated to supporting the identification of victims of trafficking and their referral to the competent bodies and authorities, as well as the identification of other vulnerable persons.

Additional experts and insiders can be used to reinforce the procedures if operational conditions make these additions useful.

#### **A.5. Reference documents**

For the definition of "*Hotspot approach*", the reference texts are the European Agenda for Migration of May 2015, the Council Decisions establishing provisional measures in the field of international protection for the benefit of Italy and Greece, and the related Roadmap drafted by the Ministry of the Interior. Further reference is the Communication from the Commission COM (2015) 510 of 14.10.2015, Annex 3, which contains the report on the Italian situation from 11.10.2015.

### **B. Standard operating procedures**

#### **B.1. Applicability of standard operating procedures**

Subject to the Police Commissioner as the person delegated for the management, accountability and coordination at the technical operational level of the service of order and public security and the use for this purpose of the police and any other forces at his disposal, these standard operating procedures apply with respect to all operators required to perform their activities within *Hotspots*. This does not preclude the application of these procedures in situations different from formally identified Hotspots, such as may be, for example, places of landing that are not operational Hotspots.

Furthermore, it appears appropriate to consider these operational guidelines as being of potentially general application, indicative of a possible model for the management of any incoming mixed flow<sup>1</sup>.

## **B.2. Access in Hotspots.**

Subject to authorisation of the Department for Civil Liberties and Immigration of the Ministry of the Interior and on the basis of specific agreements, international and non-governmental organisations will be guaranteed access in compliance with the Italian and European legislation for their respective mandates and for the provision of specific services.

Authorised humanitarian organisations will provide support to the Italian authorities in the timely identification of vulnerable persons who have special needs, and will carry out information activities according to their respective mandates.

## **B.3. Operational/module sequence**

In all Hotspots the following operational sequence should be guaranteed:

- I. Search and rescue operations (SARs) and landing operations;*
- II. Health screening and early identification of vulnerabilities (also using the information obtained in boats after rescue operations);*
- III. Transportation to Hotspot sites, security checks on the basis of local conditions, and delivery of leaflets on current legislation on immigration and asylum by the international organizations, and about the ways in which third country nationals and stateless persons can express their wish to apply for international protection, as well as clear indications about the competent authorities for receiving applications;*
- IV. Pre-identification (where made available by SAR operators, photo ID through the use of the ID bracelets used in boats after rescue operations);*

It should be noted that pre-identification activities, including the assignment of nationality, is in no case appropriate for establishing the assignment to the individual of a definitive legal status and does not preclude the exercise of the right to seek international protection, even subsequent to this phase. Referral mechanisms for persons expressing the intention to apply for international protection should be guaranteed (for example, expression of intention to the forensic police, referral to Immigration Office even through an active role of all the personnel involved in the hotspot activities .

- V. Provision of information in a comprehensible language on current legislation on immigration and asylum (rights and duties related to the entry on the territory and the*

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<sup>1</sup> The use of mobile Hotspots – that is a team working on the move to ensure the functioning of the Hotspot approach also for landings taking place in ports at a distance from operational Hotspots – is currently being implemented. Dedicated operational procedures will be prepared for the functioning of such activities.

*possibility to apply for international protection or for the relocation procedure,) by the International Organisations*

- VI. *Identification, photo fingerprinting and database checks (AFIS/EURODAC and other police databases)<sup>2</sup>.  
Intervention of the bodies delegated for investigations, the fulfilment of which cuts across all the phases set out in this procedure as a matter of priority, and debriefing by Frontex;*
- VII. *Reception in Hotspot accommodation facilities and medical examinations (taking into account the- results of the medical triage carried out at the landing place);*
- VIII. *Provision of accurate information (on the functioning of procedures for the request of the international protection and on the relocation procedure);*
- IX. *De-briefing by Frontex (activity carried out in different procedural phases);*
- X. *Exit from the Hotspot*

*Transfer to a second reception facility (regional hubs, temporary facilities)*

*or*

*For those who have not expressed the intention to apply for international protection and are not entitled to stay in the country, filling of the information sheet ("Foglio Notizie") provided for in the Return Directive (so-called "Annex 4") and subsequent issue of rejection measures by the Police Commissioner or forced return orders by the Prefect. As appropriate and where the circumstances so require, these measures may be executed immediately, either by transfer to a CIE (centres for identification and expulsion) or, in the case of unavailability of places, by the order of the Police Commissioner to leave the country within 7 days. If the conditions are met, forced return or rejection measures will also be executed through voluntary return or the issuing of alternative measures to detention.*

Unless there are exceptional inflows calling for the adoption of different initiatives, the person can leave the Hotspot only after having been photo fingerprinted as envisaged by current regulations and if all the security checks in national and international police databases have been completed. The person is channelled to the functional procedures for defining his/her legal position as: **(1) asylum seeker, (2) asylum seeker who may benefit from the relocation procedure (3) Unaccompanied and Separated children (UASC), victim of trafficking, person with other specific needs, or (4) person served with a forced return order who may be subject to denied entry.**

<sup>2</sup> It refers to Standard Operating Procedure SOP 009/15 (SAR / POS) on the identification of the "POS – Place of Safety" in the context of SAR operations related to the emergencies of migration flows by sea, MRCC Roma

Access to the procedure for international protection shall be guaranteed even if this intention is expressed at a later stage, or at the police office with territorial jurisdiction (Art. 6, APD). In any case, within the Hotspot, the intention to apply for international protection, expressed by the person, should be recorded in the information sheet for which a receipt is issued.

#### **B.4. Stay within the Hotspot.**

From the moment of entry, the period of stay in the facility should be as short as possible, compatibly with the national legal framework.

#### **B.5. Individual modules in the Hotspot**

##### **B.5.1. Medical triage.**

Upon arrival at the port or, at the most, immediately after entry to the Hotspot, all medical triage activities should be performed in order to identify the persons who require specific medical care or are already obviously vulnerable in this first phase.

Medical staff are present on board rescue boats. In agreement with the USMAF (Maritime, Air and Border Health Office), it is mandatory to send the medical report to the health authorities before the rescue boat arrival in the designated port.

A rapid check of the presence of infective diseases is performed at the place of landing, and the suitability of disembarked persons for going ashore is verified. Only after such verification, individuals are allowed to leave the boat. Following this preliminary medical screening, priority in disembarkation is given to persons with specific needs.

In any case, a rapid medical screening should be performed prior to arrival if: a) they board a vehicle to the Hotspot; b) they enter the Hotspot.

In any case, the presence of medical personnel is guaranteed in the Hotspot 24 hours a day, 7 days a week.

**Actors involved:** medical personnel on board, land-based medical personnel.

UNHCR and IOM have access to landing areas and provide support to the authorities for the timely identification of persons with specific needs.

### **B.5.2. Identification through photos and numbered bracelets**

Before landing, persons receive a bracelet with a progressive identification number which will be applied on the vessel by health personnel or, if not, immediately after landing. Immediately after landing, each person will be photographed while showing the numbered bracelet, which is required for the pre-identification form. If the intervened SAR unit has already given persons a numbered bracelet through the health personnel on board the vessel, this should still be used for subsequent identification procedures.

**Stakeholders involved:** State Police, health personnel, maritime intervention unit.

### **B.5.3. Transfer to Hotspot locations**

This activity is carried out solely with reference to Hotspots which are distant from landing sites. Following the first health screening, persons are transferred by bus to the Hotspots. Buses are provided or organised by the local prefectures, or by the management body, and are escorted by the police. Special assistance is provided in case of UASC.

**Actors involved:** Police, Carabinieri, Finance Guard, local prefecture.

### **B.5.4. Personal security checks and checks of personal effects.**

On entry into the Hotspot, the police will subject all persons to a security check and a check of personal effects, while respecting human dignity, subject to the priority investigation requirements which will be represented by the judicial police personnel who have intervened.

In any case, the Italian investigative bodies which have intervened should be allowed to perform the investigative procedures as provided for by the current regulations. All possible elements which can support the nationality identification will be highlighted. Checks will be carried out by personnel of the Italian police. A female police officer must always be present. Frontex and Europol officers can participate as observers during security checks in order to assess the relevance of documents and other objects in the possession of new arrivals.

Once objects belonging to persons have been collected and secured by rescue operators at sea, for example by placing them in plastic bags, a receipt must be provided which indicates the bracelet code for the subsequent restitution activity which takes place, as a rule, immediately before landing. Dangerous objects are confiscated.

**Actors involved:** State Police, Finance Guard, Navy, Coast Guard, EUNAVFORM Med, Frontex.

**\*\*\* ENTRY TO HOTSPOT PREMISES \*\*\***

On entry into the Hotspot and after medical screenings, persons receive a first information leaflet on legal framework on immigration and asylum distributed by UNHCR and IOM, and then they are controlled and pre-identified, and, after being informed on their position of irregular migrants and about the possibility to apply for international protection they are fingerprinted. Subsequently, they receive detailed information on the procedure of international protection, on the relocation programme and on the assisted voluntary return. If there are indications that foreign nationals or stateless persons wish to apply for international protection, information will be provided about the possibility of doing so, and interpretation services will also be ensured. Authorised international organisations will provide support to the Italian authorities in the timely identification of individuals with specific needs. The intention to apply for international protection does not need to be expressed in any particular way and the word 'asylum' does not have to be explicitly pronounced (see Art. 10, Schengen Handbook).

**Actors involved:** the competent authorities to receive applications for international protection, EASO, UNHCR, IOM.

**B.5.5. Registration and security checks**

**B.5.5.1. Pre-identification and Screening**

Teams composed by the Immigration Office of the State Police and Frontex operators will conduct the initial screening interviews, and collect statements related to the nationality of the persons who have entered into the Hotspots. The information will be collected in a specific module, the "information sheet" (Foglio Notizie) which includes the declared personal data (name, date and place of birth, nationality), place of residence, place of departure, reasons that prompted the person to leave his/her country and place of arrival in Italy.

In this phase of the procedure, it is necessary to identify any unaccompanied and separated children and family units in order to prevent separation during the later phases.

In a fully operational Hotspot there are pre-identification stations composed by Police and cultural mediators operators, optionally supported by Frontex staff. Frontex experts from Member States will be present for nationality verification, along with cultural mediators. In case of doubt about the declared nationality, a further in-depth interview will be conducted at a later stage, after the conclusion of the initial identification procedures. In any case it should be highlighted that the person self-declares his/her nationality and this declaration may be corrected later upon request of the person and cannot, in this phase, lead to adverse legal consequences in relation to the request for international protection or taking advantage of the relocation procedure.

**Actors involved:** State Police, Frontex, cultural mediators.

### **B.5.5.2. Document checks**

Frontex will deploy Higher Level Officials in charge of checking documents (ALDO) to support the activities of the Italian authorities in detecting forged documents. Frontex guest/operator officials will work directly with the Italian authorities and the Frontex "screening team" during landing procedures.

In the event that a person in possession of an identity/travel document is identified, the person will be subjected to a second phase of investigation, during which the document will be analysed in detail, possibly through the use of adequate technical equipment (equipment for examining documents consisting of a means of spectrum display, a laptop and a microscope for analysing documents)

All documents found in the possession of persons will be subjected to systematic cross-checking in Italian, European and Interpol databases concerning stolen and lost travel documents. These checks will be carried out by the Italian police.

**Actors involved:** State Police, Frontex.

### **B.6. Information activities on the current legislation on immigration and international protection procedure.**

International organizations in the effective performance of their respective mandates will conduct information activities to all country nationals and stateless on the national legal framework on immigration and asylum, also through the distribution of leaflets translated into several languages (English, French, Tigrinya and Arabic).

The information provided will be related to the rights and duties of the persons, including the obligation of providing fingerprints and the international protection procedure. Those who express their intention to apply for international protection can do so by notifying the competent authorities, the Border Police, the Immigration Office or the staff of the detention facilities. The intention to apply for international protection does not necessarily have to be expressed in any specific form but, subsequently, it will be formalised by the Immigration Office operators through the filling of the form referred to in the Circular 400/B/Idiv/1.308 prot.0030918 of 17/09/2015. Persons eligible for relocation and who express their intention to apply for the programme will be included in the dedicated procedure and will receive specific information. In particular, EASO and UNHCR experts will provide accurate information in each Hotspot.

**Actors involved:** UNHCR, IOM.

### **B.7. Necessary fingerprints verification and checks in national, European and international police data banks.**

All checks relating to public security must take into account that the only reliable way to identify a citizen from a third country who arrives in the national territory is through his/her fingerprints. In the

absence of an identity document, the first verification concerning public security for a person over the age of 14 will therefore be carried out through the acquisition of his/her fingerprints.

If the person shows a document, the document and the data contained therein will be subjected to a preliminary verification in the SDI (Investigation System) police database, SIS, SIS II, the database of Stolen and Lost Travel Documents (SLTD), and, if possible, in VIS.

The fingerprints obtained will be entered in the AFIS database. During fingerprinting research<sup>3</sup>, if they refer to the first entry, the system automatically generates the so-called CUI - Codice Unico Identificativo (Unique Identification Code). In fact, in the case of a positive validation, namely in the case in which the person registers previous fingerprinting referring to him/her, AFIS will also return, coupled with the aforementioned CUI, the list of previous fingerprinting of the person (any aliases), and, where already established, his/her exact personal details. These findings will be the subject of subsequent queries in national SDI databases.

It should be specified that, in addition to searching/entering data into the national databases, the AFIS system also permits to send the scanned data to the central EURODAC system (database provided for by Regulation (EU) No. 603/2013, which allows comparison of fingerprints taken at the time of landing with those already present in the aforementioned database and verification of whether the foreigner is already identified by another MS), for the necessary confrontation that takes place both for entries registered with category 1 (request for international protection) and for those with category 2 (illegal entry into national territory "EU IT2").

Regarding the sequence of identification phases, once the list of previous fingerprinting has been obtained by the forensic police, the operating personnel will proceed to consult the databases in use by police forces on a national and international basis: SDI, SIS and, if necessary, also Interpol. In fact, the AFIS results, or any names/aliases that prove to be already held by the photo-recorded person, are subsequently checked:

- ② in the National Police Data Banks, the application that permits to search data on individuals and provides information on any reports about measures or information related to the person in question;
- ② in the SIS II system which contains information on wanted and missing persons, or individuals who are subject of special reports submitted by Schengen countries;
- ② in the Interpol query system, which is accessed through the portal of the Inter-force Data Bank, to which the International Police Cooperation Service responds in

detail for information regarding individuals deemed dangerous or who are wanted internationally. Specifically, the investigations are developed by the International Police Cooperation Service which accesses the Lyon Database and can capture all

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<sup>3</sup> Verification of fingerprinting information and of any related aliases.

elements relating to the person for whom there is a report by a State member of ICPO-INTERPOL (identities, photographs, modus operandi, fingerprints).

**Actors involved:** State Police.

### **B.7.1. Cooperation with Europol**

1. In discharging their judicial police functions and in compliance with the rules of the current Italian Criminal Procedure Code, Italian investigative bodies may call on cooperation with Europol personnel and exchange information with them in order to allow the Hotspot staff to cross-check all the relevant data in the Europol Computer System (EIS) and in the Organised Crime, Serious Crime and Anti-terrorism databases. The EUROPOL official in the Hotspot will cross-check all relevant data in the Europol Computer System (EIS) and databases.

The data collected on site by EUROPOL personnel as part of the Hotspot activities, will be contained in a SIENA message. The information will either be sent to a central level to be shared with Europol through the Europol National Unit (ENU), or the on-site official will send the aforementioned SIENA message to the ENU as soon as possible for confirming data entry in Europol databases.

In accordance with national legislation on criminal procedures and current European procedures, the Central Operational Service and the competent Command of the Finance Guard or Carabinieri will send the information to the ENU and the National Anti-Mafia and Anti-Terrorism Directorate, as the national judicial authority for the exercise of coordination and impulse of the national Anti-Mafia and Anti-Terrorism Prosecutor, and it is also the national counterpart for Eurojust.

The exchange of information among the national authorities, the European agencies and EUNANFORMED will take place at EURTF headquarters in Catania, in accordance with the regulations in force.

### **B.7.2 Fingerprints and data recording**

Fingerprinting and data recording is carried out by the Italian Forensic Police with the support of Frontex experts from Member States. The State Police and Frontex will deploy operators in numbers proportional to the accommodation capacity of the Hotspot and to the number of AFIS EURODAC machines present on-site.

#### **B.7.2.a. Fingerprints**

During the registration process, relevant personal data and fingerprints are recorded in the Italian AFIS system (photo-recording folder) and then compared with the data entered in the central AFIS database and in the EURODAC system (and, perhaps in a future phase, in the INTERPOL AFIS database).

The number of fingerprinting machines will depend on the capacity of each Hotspot. Fingerprinting can be carried out by the Forensic Police or by Frontex fingerprinting experts, while the entry of fingerprints in the Italian AFIS system may only be managed by the Italian Forensic Police. Frontex experts carry out their activities in accordance with applicable Italian procedures.

Before fingerprinting, Italian police officers and Frontex experts must inform persons about the obligation of photo fingerprinting, the purpose of the fingerprinting and the way in which the fingerprints will subsequently be processed, as required by Art. 29 of the Eurodac Regulations.

Information should be provided orally – in simple terms and considering gender, age and cultural level – in a language that the person can understand. Cultural mediators provide their support in this phase for overcoming potential language barriers. Persons should always have the opportunity to confirm the data provided during the identification procedures and make the necessary changes. Police operations must take into account any vulnerabilities.

During the identification process through photo-fingerprinting and in case the person did not express the intention to apply for international protection, State Police personnel together with Frontex experts could be assisted by the police officials of third country nationals' country of origin.

#### **B.7.2.b. Identification of potential unaccompanied foreign minors**

Adoption of a holistic approach is recommended, which envisages age assessment through phases, applying non-invasive methods in the first instance, and medical type methods only as a last resort. In particular, age assessment by medical examinations should be arranged in case of reasonable doubt about the actual age being less than 14 or the possible age being over 18.

**Actors involved:** State Police and medical personnel.

#### **B.7.2.c. Refusal of photo-fingerprinting.**

In case of refusal to be photo-fingerprinted, Italian police officers and Frontex experts should attempt to understand the reasons for refusal. In the case of refusal, counselling should be carried out to analyse whether such behaviour is caused by fear or misconceptions.

The employment of cultural mediators as a part of information sessions concerning the obligation to provide fingerprints, the purpose of the collection of fingerprints and the manner in which the fingerprints are collected are paramount.

In addition, it is recommended resorting to the support of cultural mediators in counselling for those persons who refuse to provide their fingerprints.

Until the adoption of new legislation by the Italian Government, Ministry of the Interior Circular 400/A//2014/1.308 of 25.09.2014 and related provisions on photo-fingerprinting apply, taking into account that, for that purpose and where necessary, the use of force proportionate to overcoming objection, with full respect for the physical integrity and dignity of the person, is appropriate.

#### **B.7.2.d. Damage to fingerprints**

Except as required by Art. 495 ter of the Italian Criminal Code (fraudulent alteration to prevent identification or verification processes on the quality of personal particularities), in the event that a person has damaged or altered his/her fingerprints or it is in any case impossible to take fingerprints (for example, due to the use of glue) or where there is a reasonable prospect that within a short period of time it will be possible to take fingerprints, the person will be transferred to a dedicated area within the Hotspot so that fingerprints can be taken at a later time.

Until adoption of new legislation by the Italian Government, Ministry of the Interior Circular No. 400/A//2014/1.308 of 25.09.2014 and related provisions on photo fingerprinting, including cross-checking with TULPS and the Italian Criminal Code, apply.

#### **B.7.2.e. Data recording**

The recording of fingerprints consists in entering relevant personal data, as well as fingerprints obtained, in the national AFIS system with the creation of the so-called photo-recordings folder.

Through the photo-fingerprinting, each individual will be recorded in EURODAC under category 2 (illegal entry) in accordance with national and European legislation.

#### **B.7.2.f. Fingerprint checking in the database**

The fingerprints taken will be verified against those in the national AFIS database, the Eurodac database (and if possible, in the future, the INTERPOL AFIS database). Possible confirmation will be provided by the forensic police to the prosecuting police office.

**Actors involved:** Italian State Police, Frontex, cultural mediators.

### **B.8. Provision of accurate information on the international protection procedure, the relocation programme and on the assisted voluntary return (AVR).**

#### **B.8.1. Information activities about international protection**

All newly arrived persons will be provided with information, which will include: accurate information on the phases the international protection procedure, rights and duties of applicants during their stay in Italy, health and reception services and ways to receive them, Dublin III Regulation for determination of the competent State, the priority of vulnerable cases and the importance of family

ties. Information activities may take place through the use of informative videos or other suitable visual tools to illustrate the phases of the procedure.

**Actors involved:** UNHCR, with the support of cultural mediators.

### **B.8.2. Information campaign on relocation**

Asylum seekers entitled to relocation will be channeled into the dedicated procedure and will receive accurate information about the relocation programme, in particular accurate and targeted information from EASO experts, Italian cultural mediators and a UNHCR team in each Hotspot.

**Actors involved:** EASO, UNHCR, with the support of cultural mediators.

### **B.8.3. Information on Assisted Voluntary Return (AVR)**

Those who do not intend to apply for international protection and who are not entitled to relocation will be informed about the possibility of assisted voluntary return, otherwise they will be destined to leave Italian territory by means of forced return procedures.

The IOM, through a dedicated team consisting of a legal operator and a cultural mediator, will carry out information activity concerning Italian legislation on immigration, with particular reference to protection systems envisaged for minors and victims of human trafficking for the purpose of sexual and labour exploitation. The information will include references to the consequences of illegal entry and the possibility of access to assisted voluntary return schemes.

**Actors involved:** IOM, Italian authorities

## **B.9. Specific provisions for Unaccompanied and Separated children (UASC) and other persons with specific needs, potential victims of trafficking.**

### **B.9.1 Specific provision for unaccompanied minors (UASC) and other persons with specific needs.**

Particular attention will be guaranteed in Hotspot procedures and facilities for UASC and other individuals with specific needs, including in the identification phase. These persons should receive specific information on legal status and the procedural possibilities for subsequent phases. Under Italian legislation, UASC are accommodated in dedicated first reception facilities. Awaiting transfer, UASC should be accommodated in dedicated reception facilities and receive specific assistance. Specific procedures for the relocation of UASC are being discussed, also in consideration of their specific needs of protection in accordance with the Italian (and international) law and related protection by the Italian judicial authorities. In the case of doubt about the age of the person (over or under 18 years) and where further verification of age is not available, persons should still be regarded as minors. If NGO personnel are operating within Hotspots, such NGOs should refer cases

of UASC who are potential asylum seekers and/or can be relocated to EASO and UNHCR for appropriate information about the procedure for international protection and the European relocation programme.

**Actors involved:** Local Municipalities and Prefectures, Italian State Police, EASO, UNHCR, DLCI, with the support of cultural mediators.

### **B.9.2. Trafficking in human beings**

Particular attention should be ensured for the identification of possible victims of trafficking in human beings, including minors. Specific awareness sessions may be organised for the crews of maritime units in order to increase the chances of identifying possible cases of human trafficking. Using the maritime incident report, any suspected case should be reported to the local authorities in the place of landing before arrival of the unit which intervened. Subject to the prerogatives of the personnel of Rapid Response Teams and, more generally, to the operating State Police, the identification of possible cases of human trafficking may also occur during identification, screening and debriefing and should be reported immediately to the local rapid response team (or to other authorities involved in investigations inside the Hotspot for the necessary follow-up activities), which will carry out the necessary investigative activities following the already described procedures.

Once a possible case of human trafficking has been identified, the person will be separated from the remaining stream of persons being identified. The IOM will conduct a first interview with the victim with the support of cultural mediators and, in the event of positive identification, the local rapid response team (or other authorities dedicated to the investigation) will be informed. The victim will be transferred to a reception facility (shelter) with appropriate reception conditions for this type of case. The necessary notifications will be sent the Office of the Prosecutor of the District Anti-Mafia Directorate and the Office of the Prosecutor at the Tribunal for Minors if necessary. The victim retains the right not to press charges and still have access to protection programmes under existing regulations.

**Actors involved:** Italian State Police and IOM, with the support of cultural mediators, Europol in the case of suspected criminal activities.

### **B.10. Debriefing activities**

Frontex will carry out debriefing activities through its Joint Debriefing Teams (JDTs) by evaluating the position of persons in the various stages of the procedure. In addition to interviews, debriefing activities include other activities such as the collection of information and evidence found inside the boats (such as GPS, navigation systems and satellite phones) as well as any other relevant article found in the possession of individuals, besides personal belongings, so that they can be examined for the purpose of risk assessment, in close contact with the Italian investigation bodies present.

Debriefing interviews are intended to gather information in order to enable a risk analysis regarding the attraction and push factors that lead persons to cross borders illegally, travel routes, modus

operandi, criminal activities, as well as secondary movements, with the aim of contributing to investigations related to the network of traffickers.

The information gathered through interviews by the debriefing teams will be complemented by other information gathered during the SAR event and border surveillance activities and during the landing procedure for analysis of operational risks.

The information will be shared with Europol.

**Actors involved:** Frontex, with the support of cultural mediators.

**\*\*\* EXIT FROM HOTSPOT PREMISES \*\*\***

**C. – Transfers**

**C.1.a. Transfers to reception centres, CARA (reception centre for asylum seekers) and reception centres dedicated to Relocation.**

Persons who have expressed the intention to submit an application for international protection or relocation will be photo-fingerprinted and recorded into the Vestanet system in Eurodac under category 1, and will then be transferred to a regional hub in the shortest possible time.

These reception centres involve a temporary stay based on the average duration of the procedure of two up to three and a half months (in the case of extended deadlines in line with the relocation decision).

Identified regional hubs will accommodate persons adhering to the relocation programme and who, as well as applicants for international protection, must formalize their request through the filling of standard "C3" form as the registration form where, in this specific case, all the additional information about the applicant is merged for successful conclusion of the relocation process.

Those who, although not belonging to one of the eligible nationalities, express the intention to submit an application for international protection will be transferred to one of the regional centres throughout the country, depending on the availability of places and the reception conditions of the various centres.

**Actors involved:** Ministry of the Interior - Department of Civil Liberties and Immigration, EASO.

**C.2.b. Transfer to CIEs**

Based on the results of the screening of adults who have not expressed the intention to seek international protection, or who do not intend to apply for international protection, these persons will receive a rejection order or a removal order and may be transferred, in cases where this is possible under the current legislation, to a pre-removal facility (CIE). These internal transfers will take place by buses or airplanes with police officers as escorts. Transfers can also be made by sea (this would be the case for persons transferred from Lampedusa). Access to international protection procedure must be ensured at all times within the CIEs.

**Actors involved:** Provincial Public Security Authority, State Police

### **C.3 All transfers**

Transfers from the Hotspots to CARAs/reception centres for relocation, CIEs and centres dedicated to the reception of UASC, as well as information regarding the daily capacity/availability in each Hotspot should be recorded and documented with details about the date and destination and be promptly notified to the Immigration Service of the Department of Public Security.

**Actors involved:** Ministry of Interior - Department of Civil Liberties and Immigration and Department of Public Security.

### **C.4 Return procedures**

The return of individuals illegally staying on the territory is an important component of the Hotspot approach although not necessarily directly managed by Hotspots.

Subject to application of Art. 19 of the TUI (Consolidated Act on Immigration), third country nationals or stateless persons arriving in Hotspots who have not applied for international protection and are not in a position that justifies their lawful stay on the Italian territory (for instance UASC, individuals allowed to remain for reasons of justice, etc.), must be returned under the Police Commissioner's rejection order, referred to in Art. 10, paragraphs 1 and 2, of Legislative Decree No. 286/98 or, when legal conditions no longer exist, if any, under the Prefect's forced return administrative order, referred to in Art. 13, paragraph 2, of the same Decree.

**When the forced return order or expulsion order is notified, it is necessary to ensure that the third country nationals or stateless persons have understood the consequences of these measures, and that they have understood the possibility to benefit of assisted voluntary return. It is also necessary to evaluate whether the conditions for granting a period of voluntary departure exists, or whether detention in a pre-removal facility (CIE) should be contemplated in order to proceed with a forced return.**

**When the rejection or the removal order is notified, it is necessary to ensure that the migrants understand the consequences of such acts, through the support of cultural mediators employed by the police.**

**Actors involved:** Italian State Police.

## **D. Composition of Hotspot teams**

### **D.1 National authorities: Role of the State Police**

The person responsible for public security in each province is the Police Commissioner, therefore defined the Provincial Public Security Authority. State Police are the direct expression of this authority but, for profiles that relate to public order, the Police Commissioner also has the technical responsibility for other law enforcement agencies.

Each landing, therefore, involves the Police Headquarters in which the Hotspot is located for profiles of public order and security. Thus, the State Police Provincial Authority will take care, above all, that all phases of management of the flow of third country nationals or stateless persons takes place without nuisance to public order and security and, secondly, will delegate the relevant divisions of the State Police with handling of subsequent phases leading from the landing of third country nationals or stateless persons for their identification, identification of legal status and consequent treatment.

The forensic police proceeds with photo-recording of third country nationals or stateless persons accompanied from prosecuting offices to which the outcome of successive interrogations is returned. The jurisdiction of the Police Office which must proceed (e.g. suspected international terrorism or a history of a subversive nature – DIGOS; people smugglers, common/organised crime precedents, wanted persons – Rapid Response Team; contravention of re-entry ban – Immigration Office) depends on the findings that emerge from these interrogations.

## **D.2. National authorities: Role of health authorities**

Ensure 24 hours a day, 7 days a week coverage under a national contract.

## **D.3 European agencies: Role of Europol**

EUROPOL is the EU police agency with more than 900 staff members. Headquartered in The Hague, Netherlands, it has been fully operational since 1 July 1999 (website available at <https://www.europol.europa.eu/>; legal basis: Council Decision of 6 April 2009, establishing the European Police Office (Europol) (2009/371/JHA)).

In the context of the EU law enforcement cooperation, Europol supports EU Member States in the prevention of all forms of serious crime and international terrorism, as well as in combatting them through information exchange, operational and strategic analysis, expertise and operational support. With its legal framework, capacity for analysis and liaison network, representing all the Member States as well as a wide range of cooperation partners, EUROPOL is able to offer a unique added value to international law enforcement cooperation. One of EUROPOL's main objectives is to help achieve a safer Europe for the benefit of all citizens.

Another of EUROPOL main objectives is to provide support to Italian investigations against smugglers who facilitate the illegal entry and secondary movements of persons.

EUROPOL recognises the importance of supporting the Italian authorities in combating irregular immigration, including, in particular, in the light of recent terrorism events, and related terrorist activities, and other forms of serious organised crime.

EUROPOL 's activities aim to provide real-time input to assist the Italian authorities in their activity for the benefit not only of Italy but also of other EU Member States involved.

EUROPOL 's skills and databases are a central element in the fight against organised crime and terrorism and all its operational instruments should be made available to Italian Hotspots and authorities at the forefront in responding to the challenges described above.

Capacity-building activities for the identification of threats and networks related to terrorism in connection with irregular migration activities are another added value for all those involved in Hotspots.

EUROPOL provides support for strategic and operational analysis with the aid of Europol Information System databases and work files for the purpose of analysis (Analysis Work Files) for serious forms of organised crime, the fight against terrorism and 10 (4) – for this, Europol can process data in order to determine whether such data are relevant for its tasks, and if they can be included in AWFs.

EUROPOL 's support consists of the analysis of intelligence information, technical activities, and coordination and assistance activities. Assistance may also be provided remotely from EUROPOL I offices as well as from the field. EUROPOL provides operational support for investigations being carried out and conducted by Member States and third States.

#### **Operational procedures for data sharing between Italian national authorities and Europol within Hotspots.**

EUROPOL recognises the importance of the support provided within Hotspots.

Europol has a role in supporting Member States in the prevention of all serious forms of crime and international terrorism, as well as in fighting them, with the following activities: supporting Member States in identifying the threats and risks considered organised crime, in particular in the sector of illegal immigration; provide analytical and technical support. The role of the EUROPOL team is to work closely with investigation offices in support of their investigations, collect and analyse all material relevant to the fight against trafficking in migrants.

Investigation and information cooperation between the Italian Judicial Police and Europol will follow the procedures indicated above.

#### **D.4 European agencies: Role of EASO**

EASO is the European Asylum Support Office based in Valletta, Malta (for legal basis, see Regulation 439/2010 of the European Parliament and of the Council, website <https://easo.europa.eu/>)

Within Italian Hotspots, EASO provides operational support through the sending of asylum support teams to provide Italy with specific know-how in the various steps of the asylum procedure and to facilitate the analysis of asylum applications in examination by the competent national authorities through, for example, forms of joint evaluation.

In addition to support in Hotspots, EASO supports the Italian authorities through the use of mobile support teams at local police headquarters or in reception centres in Milan, Rome and Bari.

#### **D.5 European agencies: Role of Frontex**

Frontex is the European Union's Agency for the Management of Operational Cooperation at the External Borders. The agency was established in 2004 and currently employs 400 persons. The legal basis can be identified in Council Regulation [\(EC\) 2007/2004 \(26.10.2004, OJ L 349/25.11.2004\)](#).

As an operational European agency, Frontex understands that the Hotspot is a border segment or region subjected to exceptional migratory pressure and mixed flows which requires a reinforced and concerted intervention by European agencies, implemented through the European Regional Task Force. The Hotspot approach is an integral part of operations coordinated by Frontex. In the case of Italy, Frontex implements the joint Triton operation.

Frontex aims to further enhance the impact of operational activities by expanding the support activities provided to Member States through the concept of IBM (Integrated Border Management), a concept which includes a strong countering cross-border crime component, to the extent that joint operations are designed as multi-purpose operational activities.

Cooperation within Hotspots has been the central element of the mandate of Frontex since it was set up for implementing Integrated Border Management at the operational level in EU Member States. The Hotspot approach provides an excellent opportunity to put Integrated Border Management into practice in order to strengthen inter-agency cooperation at the external borders of the European Union.

Frontex plays a role in supporting Member States in implementing *acquis communautaire* in relation to:

1. Identification, including nationality screening.
2. Reporting persons in need of protection.
3. Recording through the photo-recording that precedes applications for international protection
4. Security checks of identification documents through the use of experts in document verification
5. Assistance through support to Member States in the subsequent return of asylum seekers whose application has been denied at the end of the asylum process and other individuals who have no right to remain on European Union territory and can actually be repatriated without considering the merits of return decisions.

It is important to note that all these components are an integral part of practical implementation of the Hotspot approach.

Role of Frontex debriefing team and of risk analysis unit:

- Before landing, the Frontex debriefing team leader should receive the maritime incident report in order to share it with debriefing and screening experts. In addition, the Frontex team leader should contact the Frontex liaison officer on board the vessel or the captain of the vessel which carried out the rescue operation in order to receive all information useful for the subsequent preparation of debriefing and screening activities.

- The collection and analysis of personal effects and other supporting material has a significant added value and may facilitate debriefing experts during debriefing activities and, subsequently, operational analysts. Therefore, these objects should be checked and debriefing experts should have access to these objects. These may include notes, maps, phone numbers, mobile phones, photographs, tickets, documents, and other relevant items such as food containers or paper used for wrapping that are found in possession of persons or in the operating area. The data relating to the objects found should be systematically provided to the debriefing team through the team leader.

According to Art. 11 of EU Regulation No. 1052/2013: "Frontex shall establish and maintain a common pre-frontier intelligence picture in order to provide the national coordination centres with information and analysis on the pre-frontier area". The CPIP (EUROSUR Common Pre-frontier Intelligence Picture) is significant for preventing illegal immigration and serious organised crime at the external borders of EU Member States and in neighbouring third States. For this reason, it is important that on arrival in port of the vessel which carried out the rescue operation, the Frontex debriefing team leader receives all the information gathered by any instrument used for navigation and communication as well as historical data gathered from these instruments. All this information should be forwarded to the Operational Analyst in order to perform data analysis and define the CPIP risks, together with other sources of information.

- Personal data obtained during debriefing activities with persons suspected by the Italian authorities of being involved in aiding and abetting illegal immigration and human trafficking and other cross-border crimes are analysed by the Frontex PeDRA (Personal Data for Risk Analysis) team. The Frontex team has the task of conducting risk analyses based on the personal data that will facilitate Frontex and other recipient agencies such as Europol in the effective performance of their respective mandates.

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#### **D.6. International organisations: UNHCR - United Nations High Commissioner for Refugees.**

UNHCR is the United Nations agency for refugees (United Nations High Commissioner for Refugees) created by the General Assembly of the United Nations in 1950 with Resolution 428 (V) of 14 December 1950. According to its mandate, UNHCR is responsible for leading and coordinating, worldwide, the international protection of and material assistance to refugees, stateless persons and other categories of individuals under its jurisdiction, engaging itself in the search for lasting solutions to their plight (voluntary return, integration, resettlement) and ensuring their well-being.

The agency employs more than 9,300 national and international staff members working in 125 countries, with offices and regional branches in 109 countries, in addition to a field presence, even in particularly isolated regions. In 1954 and 1981, the Organisation won the Nobel Prize for its work on refugees.

The Agency works to ensure that everyone can exercise the right to asylum and be welcomed in safety in another State. Together with governments, UNHCR helps refugees to return home, or be welcomed in the country where they have taken refuge or in a third country. The mandate includes support to stateless persons. UNHCR is an apolitical, humanitarian and universal Organisation.

In Italy, UNHCR has an established working relationship with the DLCI and other competent Italian authorities in all sectors pertaining to asylum, including the determination of refugee status and subsidiary protection as part of the activities of recognising international protection carried out by Territorial Commissions, and revocation and termination decisions by the National Commission for the Right of Asylum.

Since 2006 with the Praesidium project, and since 2015 with the AMIF Access and Reception projects, UNHCR has provided support to the Italian authorities for the management of arrivals by sea and the reception system.

Under the AMIF Access project, UNHCR carries out the following activities to support the authorities in the management of mixed flows arriving by sea: information activities aimed at third-country nationals and stateless persons in landing sites, as provided for by relevant current legislation, about the possibility of seeking international protection and the asylum procedure; support to the competent authorities in timely identification and taking charge of persons with special needs; training activities for NGOs and border police officers and other subjects about asylum; assistance to unaccompanied minors, and the identification of individuals with special needs; the development of information materials; and support to the Ministry of the Interior for the drafting of national standard procedures and protocols related to the management of arrivals by sea.

Following adoption of the Hotspot system and the start of the relocation programme, UNHCR has been mandated to carry out targeted and accurate information activities for potential beneficiaries of relocation in Hotspots and second-level facilities (hubs). This activity is aimed at a better understanding of the potential beneficiaries of the opportunity offered, specifying its advantages, including the aspects related to the family unit, and identification of and taking responsibility for persons with specific needs.

UNHCR supports the Italian authorities in a series of measures in order to avoid secondary movements, particularly in providing accurate information - including through the preparation of information material - and through individual counselling in Hotspots and dedicated hubs, in close coordination with the relevant stakeholders. UNHCR also supports the Ministry of the Interior in the creation of standard operating procedures. [www.unhcr.org](http://www.unhcr.org)

#### **D.7. International organisations: Role of IOM – International Organisation for Migration**

The International Organisation for Migration is an intergovernmental organisation based in Geneva, Switzerland, which was founded in 1951 (website [www.iom.int](http://www.iom.int)). Today, IOM has a flexible structure with more than 6,690 employees in 460 or more offices located in more than 100 countries.

Although it is not part of the UN system, since 1992 it has the role of observer at the UN General Assembly and works closely with UN agencies. The office in Italy acts as coordinating office for the Mediterranean. (<http://www.italy.iom.int>).

IOM respects the principle that orderly and humanely managed migration represents a benefit for migrants and for society. As lead international organisation in the field of migration, IOM operates with its partners at the international level:

- For providing operational responses in managing the increasing complexity of migration
- For improving understanding of migration issues

-For supporting mechanisms of international solidarity through humanitarian assistance to persons in need

For facilitating international dialogue on migration issues From the outset, as a support agency for large displacements of individuals which characterised the post-Second World War period, IOM has expanded its field of action to become the leading international agency in working with governments and civil society to improve understanding of migration issues, encourage and facilitate socio-economic development through migration and maintain high the principle of human dignity and the well-being of third country nationals and stateless persons.

Over the past 10 years, IOM has worked in the main landing points to provide legal information to third country nationals and stateless persons arriving by sea, to identify vulnerable groups such as unaccompanied minors and victims of human trafficking, and to monitor the reception conditions of migrants.

IOM has prepared specific instruments and organised dedicated teams for the timely identification of victims of human trafficking for sexual and labour exploitation.

IOM supports the Italian government in implementation of resettlement and relocation programme. In both cases, in addition to the logistics related to displacements, it deals with providing pre-departure cultural orientation, aimed at helping beneficiaries of the two measures better define their expectations for the future. In a perspective of continuity with what took place immediately after landing, a particular focus is maintained on individuals with special vulnerabilities, for whom specific support services are provided.