

Guida pratica per i richiedenti protezione internazionale



SPRAR

Sistema di Protezione
per Richiedenti Asilo e Rifugiati



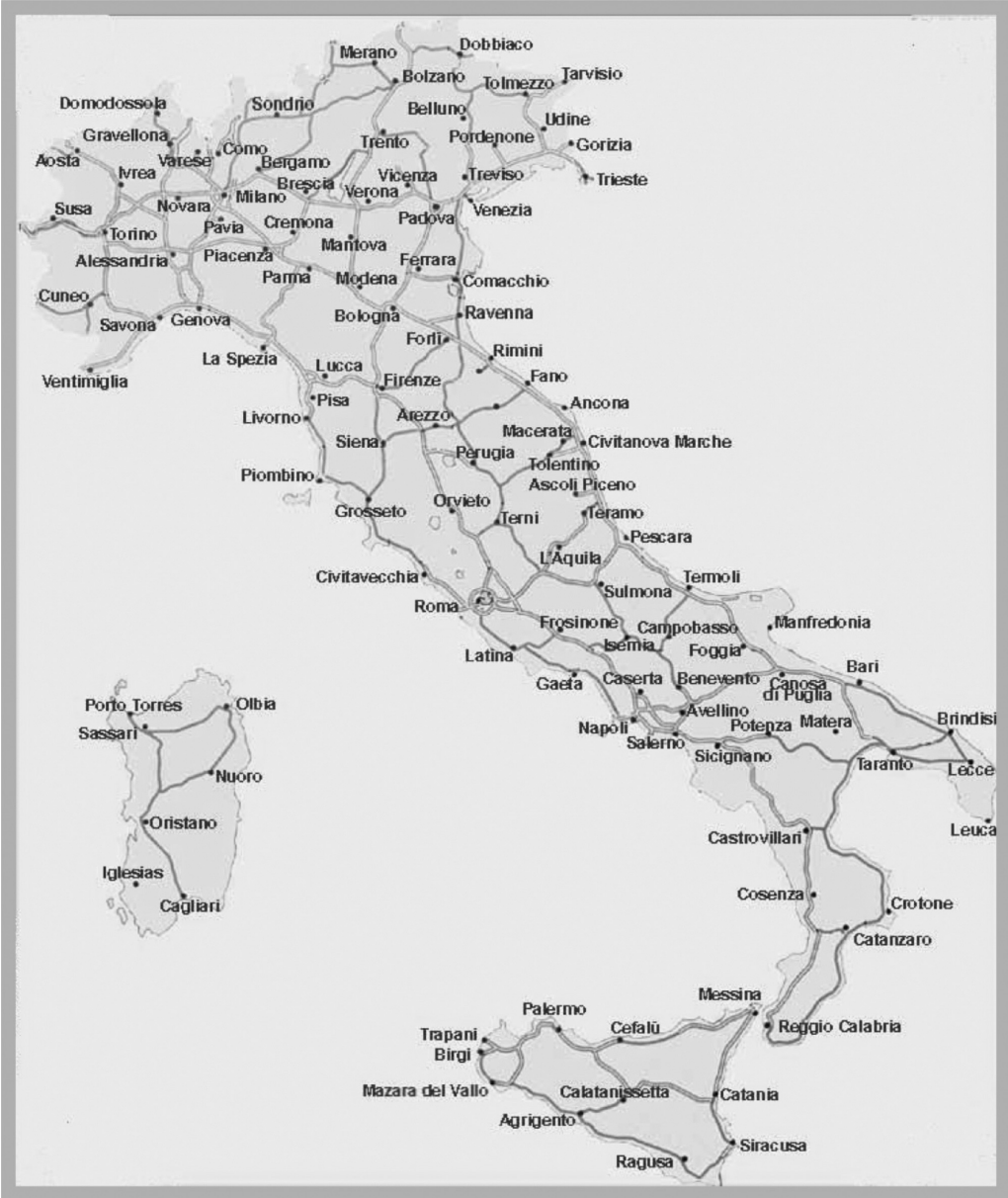
Dipartimento per le libertà civili
e l'immigrazione

Commissione Nazionale
per il Diritto d'Asilo

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WHERE YOU ARE – MAP OF ITALY



INGLESE

WHO IS AN INTERNATIONAL PROTECTION SEEKER?

The international protection seeker is a person who has applied for international protection and is awaiting the decision of recognition of refugee status or another form of protection. In Italy, all immigrants are entitled to apply for international protection.

THE REFUGEE IS

A person who has a well-founded fear of persecution in his or her country of origin, or if lacking citizenship in the country of habitual residence, for reasons of:

- **race** (for example, due to skin color or membership in a particular ethnic group, tribe/community or minority);
- **religion** (for example, because of professing or not professing a certain religion, or due to membership in a certain religious group);
- **nationality** (for example, owing to membership in an ethnic or linguistic minority);
- **membership in a particular social group** (a group of people sharing a common characteristic or noted as a group in society based on, for example, sex or gender, sexual orientation, family, culture, education, or profession);
- **political opinion** (for example, owing to political opinions, political activities, assumed political opinions, or conscientious objection);

And is unwilling or unable to receive protection from the government of his or her country of origin or habitual residence.

Persecution is understood, for example, as threats to life, torture, wrongful deprivation of personal freedom, or serious human rights violations.

It is not indispensable to have already been a victim of actual persecution to be granted recognition of refugee status.

A person may also be granted recognition of refugee status for having well-founded reasons to fear exposure to serious risk of persecution if repatriated.

The definition of the term “refugee” is found in 1. Art. of the Geneva Convention of 1951 concerning refugee status, according to which a refugee is a person who *“owing to well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion, or membership in a particular social group, is outside the country of his or her nationality and is unable or unwilling, due to such fear, to benefit from the protection of that country’s government; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or unwilling, due to such fear, to return to it.”*

In general, economic problems, although genuine and in some cases very serious, do not constitute motives for the recognition of refugee status.

SUBSIDIARY PROTECTION is the protection that is granted to a citizen not belonging to the European Union, or stateless person that does not have the requirements to be recognized as a refugee, but with regard to which there are founded motives to consider that if he or she returns to the Country of origin, or in the Country in which he or she habitually resided, would effectively risk serious injury, and cannot or does not want, due to this risk, to benefit from the protection of said country.

HUMANITARIAN PROTECTION police headquarters may issue a permit of stay for humanitarian reasons whenever the Territorial Commission, while not recognizing the extremes for international protection, indicate “serious reasons of humanitarian nature” regarding the person requesting asylum.

Confidentiality

The information that you will provide to the people involved in the procedure for analysis of the request for international protection may not be divulged or transmitted to the authorities of your Country of origin.

YOU HAVE ENTERED THE EUROPEAN UNION

You are in Italy; this means that you have entered one of the Member States of the European Union.

According to European legislation (**Dublin Regulation II**) you cannot decide freely in which Nation to request protection, although it is competent to examine your petition, for example:

- The first nation in which you entered without authorization;
- The Country that issued you a **permit of stay or an entry visa**;
- The Country in which **your relative is regularly** located, if you are an unaccompanied minor in Italy.
- The Country in which your **relative** is located who was recognized as a refugee or who requested asylum.

Relative is understood as:

- your husband or your wife;
- the person with whom you have a stable relationship, if the host nation considers it equivalent to marriage;
- your minor children, as long as you support them economically and they are not married;
- your father, your mother or guardian if you are a minor and unmarried.

The situations indicated above are only the most frequent; there are other criteria to determine competence. In case of doubt and for additional information, please contact the center staff.

Determination of the competence of Italy for analysis of the request for international protection will not be done by the police at the center. The Police will send all the documentation to the appropriate office at the Ministry of the Interior in Rome (called “Dublin Unit”), which will make the decision based on the data it has available. It is important however, for the purposes of a proper decision, to provide all the necessary information. Remember that you have the right to know all the data transmitted to the “Dublin Unit” and, in the case of incorrect data, to have it corrected.

During the procedure to establish whether Italy is the competent country to examine the request for asylum, your status on the Italian territory is therefore that of asylum seeker.

In case of a decision that indicates that the Nation that must evaluate your request for international protection, you may appeal it within 60 days from when the decision of the

Dublin Unit is communicated to you.

The law establishes that you may seek the assistance of an attorney. If you are unable to pay an attorney, you may make a petition for free legal assistance (sponsored at the cost of the Government).

MAP OF THE EUROPEAN UNION



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The member countries of the European Union are: Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, Netherlands, Poland, Portugal, United Kingdom, Czech Republic, Romania, Slovakia, Slovenia, Spain, Switzerland, Hungary.

ACCESS TO THE PROCEDURE FOR REQUESTING INTERNATIONAL PROTECTION

The request for international protection is individual and must be presented:

- to the Border Police, at the time of arrival in Italy;
- to the Police Department- Police Immigration Office, if you are already in Italy.

You are authorized to remain on the National territory until the decision of the Territorial Commission regarding your request for international protection.

REMEMBER: THE CHIEF OFFICER WILL DETERMINE A PLACE IN WHICH YOU MAY REMAIN UNTIL THE EXAMINATION PROCEDURE FOR REQUEST FOR INTERNATIONAL PROTECTION IS CONCLUDED.

Your request for international protection cannot be rejected or excluded only due to the fact of not being presented in a timely manner. There are no deadlines for the presentation of the request.

The possibility to contact Unhcr and the primary organizations for protecting those requesting international protection is guaranteed in every phase of the procedure.

When you are invited, you must appear personally before the Territorial commission. You must turn over your passport and all the documents pertinent to the request.

REMEMBER TO INFORM THE POLICE EVERY TIME YOU CHANGE YOUR RESIDENCE; OTHERWISE, EVERYTHING THAT MUST BE COMMUNICATED TO YOU WILL BE CONSIDERED VALIDLY DELIVERED TO THE LAST RESIDENCE THAT YOU HAVE REPORTED EVEN IF YOU HAVE NOT RECEIVED IT.

The Territorial Commission holds your hearing; the communication will be sent to you through the Police Department.

It is possible to postpone the personal interview when you cannot attend for health reasons. Serious health reasons that do not allow you to attend the interview must be certified by the doctor.

REMEMBER

- IN ANY CASE, THE COMMISSION WILL DECIDE ONLY BASED ON THE DOCUMENTATION THAT IS AVAILABLE TO IT IF YOU WERE REGULARLY NOTIFIED, IF YOU DO NOT ARRIVE AT THE INTERVIEW, AND IF YOU HAVE NOT PRESENTED THE REQUEST FOR POSTPONEMENT OF THE INTERVIEW.

- IF, HOWEVER, YOU WERE NOT INFORMED OF THE COMMISSION HEARING, AND THE COMMISSION HAS NOT DECIDED REGARDING YOUR REQUEST FOR INTERNATIONAL PROTECTION, YOU MAY HAVE A NEW APPOINTMENT ONLY ONCE AND WITHIN 10 DAYS FROM WHEN THE CIRCUMSTANCES END THAT DID NOT ALLOW YOU TO ATTEND THE INTERVIEW.

This is based on the structure of later international protection phases.

PHASES OF THE REQUEST FOR INTERNATIONAL PROTECTION

PRESENTATION OF THE REQUEST FOR INTERNATIONAL PROTECTION (PHASE I)

The request for international protection is **individual** and must be presented:
to the Border Police, at the time of the arrival in Italy;
to the Police Department – Police Immigration Office, if you are already in Italy

REMEMBER: if you are a parent, your application includes your unmarried minor children present on Italian territory.

If you have entered Italy without an individual entry visa, and therefore without authorization, the Italian law provides an **identification procedure**, which will be carried out by the police; this means that you will have to be identified before the asylum application is presented.

Regarding this, you will be informed about the date of an appointment at the police office. During this meeting, a police officer will be present and – if necessary – an interpreter who speaks your first language or another language that permits you to express yourself.

The police will take your photo and fingerprints (“*Fotosegnalamento*” = a procedure for verifying identity)

Later you will have an appointment to formalize your application, during which the “Standard form for the recognition of refugee status, according to the Geneva Convention” (Standard form C/3) will be filled out.

The questions will concern your personal data (name, surname, date of birth, place of birth, nationality) and relatives (name and surname of your parents, name and surname of your husband/wife, name and surname of your children, the place where your relatives are living); furthermore you will be asked:

- to describe the route from your country of origin to Italy (i.e. the time of the departure, how long the journey took, the means of transport used);
- to tell briefly the reasons for leaving your country;
- to write down briefly these reasons: you may write in your first language or another language that permits you to express yourself.

REMEMBER: to inform the operators or the police if you have difficulties in reading or writing

The police will keep the original standard form C/3 and a copy will be issued to you.

All information given during the interview with the police is confidential:

- it cannot be transmitted to the authorities of your country of origin;
- It cannot be transmitted to other people in the center or outside the center.

You may add a written page with your personal story to the standard form C/3. It is not necessary for you to write in Italian; you may write directly in your first language.

The police will ask you whether you have documents or not (i.e. identity card, passport, LAP (special entry permit), party membership card, certificates). In case you have documents, including a passport, hand them in to the police and they will make copies of them.

The police will keep the original and issue a stamped copy (“record of the return”) to you.

Request for hosting

If you have no means of subsistence and are not at a government hosting center, you may request the Police Department to contact the Prefecture for hosting in one of the centers provided by the Local entities within the Protection System for asylum seekers and refugees (Sprar).

REMEMBER

- At the time of application, the police office will inform you about the procedure to follow, your rights and duties during the procedure, and the time and ways at your disposal to support the application with useful elements;
- Once the police headquarters has received the international protection application, it drafts a report concerning your statement and adds the documentation. When you have approved and signed this report, a copy will be issued to you together with a copy of the documents added;
- The territorial commission can decide not to interview you if it considers that it has sufficient reasons for granting refugee status; furthermore, the commission may decide not to interview you or to postpone the interview if you are not in a position to appear;
- If you do not show up to the interview, without having applied for postponement, the decision of the commission will be based on the documents at its disposal;

- The information you give the authorities and the operators involved in the procedure for the examination of the international protection application cannot be revealed or transmitted to the authorities of your country of origin;
- It is important that you fully explain and write your reasons for leaving your country;
- If you have difficulties explaining and writing, if you do not remember, if you feel tired or in distress when remembering and explaining, or if you need more time to explain, please communicate this during the interview;
- If you do not have the time to explain and/or write all the reasons why you escaped from your country, please communicate the most important and indicate that they are not complete;
- If you have not been able to explain all the reasons why you escaped from your country, write an additional statement after the meeting with the police and turn it in when it is complete;
- If you need explanations or have doubts about what was said during the meeting with the police or with the interpreter, if you need help to write or remember better, communicate this to the center's legal representatives;
- Always remember to keep copies of the original documentation that you turn over to the police.

All the communications regarding the asylum application (for example, a hearing before the police or the Commission, the request for documentation, transfer to another country, the Commission's decisions) will be carried out in your first language, and if this is not possible, in English, French, Spanish, or Arabic, according to the preference you have indicated.

THE HEARING (PHASE II)

The decision concerning the international protection application is a task carried out by a body called **territorial commission for recognition of international protection**, composed of 4 members:

- 2 members from the Ministry of Internal Affairs
- 1 representative from the municipality (or the province or the region)
- 1 representative from UNHCR

The law provides that the invitation to be heard by the Commission in the hearing (or interview) must be communicated by the police in written form.

There will be an interpreter at the hearing who speaks your language and translates what is being said.

You can ask for a postponement of the hearing due to health reasons, which must be certified, or for other serious reasons.

You can apply to have the interview with only one member of the Commission and of your own sex.

In these cases it is important that you inform the operators of the center.

The hearing will take place within **30 days** from the submission of the application and the commission will make decision in the next three days.

REMEMBER:

- Your application is submitted to a **priority examination** when it is deemed manifestly founded and when your situation is considered vulnerable.
- The Commission **declares inadmissible** your application and the examination does not proceed if you are a recognized refugee or if you have already received a denial and have applied once again without having new facts or events.

The Commission can decide to suspend the personal hearing or postpone it when:

- It needs more time or further documentation to decide;
- You are not able to attend the personal hearing;
- There are communication problems with the interpreter.

The Commission will ask you about:

- Your personal and relative data,
- Your journey
- The reasons why you have left your country of origin,

- The reasons you do not want to or cannot return to your country of origin.

REMEMBER THAT:

- If you are a minor, the personal hearing before the Commission will take place in the presence of one of your parents or your guardian;
- Before the Commission, you have the right to express yourself in your first language;
- If you have communication problems with the interpreter, please inform the Commission;
- The information given during the personal hearing is strictly confidential;
- The Law establishes that during the hearing you will be assisted by a lawyer. To contact a lawyer and have a meeting before the hearing, contact the legal operator of the center;
- You can also send documents and statements to the Commission before the hearing;
- It is important that you tell your story in a complete and detailed manner;
- If you have difficulties explaining, if you do not remember well or are having difficulties, or feel bad when remembering or explaining, communicate it during the hearing;
- It is appropriate for you to inform the Commission if you have physical or physiological problems, and needed, you may be assisted by the assistance personnel of the center;
- What you say during the hearing is written down on a sheet (record), which you will sign, and which will be issued to you at the end of the hearing. **Ask for a translation of what was written down before you sign the sheet**, to be sure that what you have declared has been correctly related. If you refuse to sign the record, your reasons for it will be indicated. The refusal will not prevent the Commission from making a decision concerning your international protection recognition application.

In particular, if you are a minor on Italian territory:

- The Commission hears only in the presence of either a parent or guardian;
- The Commission **can decide not to call you to the hearing** if it has already made a **positive decision** based on the documents you have handed in and the statements you have made to the police.

**POSSIBLE PHASE - YOU ARE BEING HOSTED
IN A GOVERNMENT CENTER**

You will be housed in a government asylum center for international protection seekers:

1 - If you have applied after being stopped because having avoided or tried to avoid the border control, or immediately after;

2 - If you have applied after being stopped in a condition of unauthorized residence;

According to Italian Law, leaving the hosting center without authorization is not equivalent to renouncing the asylum application, but the territorial commission decides, concerning the international protection application, based on the information in its possession.

Always ask the legal operator of the center when applying for leave, for anything you intend to do, and for further information.

The Law provides, in cases 1 and 2, that you will be housed in the center for a period of not more than **35 days** from the moment you apply for asylum.

OR

3 - When it is necessary to verify or determine your identity or nationality if you are not in possession of identification or travel identification, or if you have showed false or forged documents;

REMEMBER in this case you will be housed within the center for the period strictly necessary for compliance, for a period, in any case no longer than 20 days.

According to Italian Law, leaving the hosting center without authorization is not equivalent to renouncing the asylum application, but the territorial commission decides, concerning the international protection application, based on the information in its possession.

Always ask the legal operator of the center when applying for leave, for anything you intend to do, and for further information.

LEAVING THE CENTER: *the Law provides that you can leave the center during the day; furthermore, you may apply to the Prefect for a temporary permit to leave at different times. In case of serious personal, health, or family problems, or owing to motives concerning the international protection application, you may receive a permit to leave for a longer time.*

If you have doubts, and for further information, read the center regulations and talk to the operator.

IN GENERAL:

In the cases indicated in point 1, 2, and 3, the police commissioner, having received your international protection application, arranges for you to be sent to a center for international protection seekers, and issue a nominal certificate, declaring that you are an international protection seeker. Remember that this is not a permit of stay.

At the end of the hosting period, a temporary permit of stay will be issued to you, valid for three months, renewable until the decision concerning the application, but not valid for work.

At the end of the hosting period, having received the permit of stay for international protection, you must leave the center and may move about in the Italian territory. In this case, **always remember to inform the police headquarter about your movements, informing them of where you are going to live.** This is essential to receive communications and convening in front of the Commission. To receive information, when leaving the center, concerning further hosting contact the operators.

If a decision has not been made concerning your case, 6 months after the time of the international protection application, you have the right to be issued a permit of stay valid for 6 months, and which enables you to work regularly until a decision is made in your case.

If you decide to withdraw your application before the Commission's personal hearing, the withdrawal will be communicated to the territorial Commission.

REMEMBER that while awaiting the decision, according to European legislation, you cannot leave Italy.

If you move to a European country, you will risk residing illegally.

If you go to another European country and seek asylum, you could be sent back to Italy because it is the state responsible for the decision on your international protection application, (Dublin Regulation II).

YOUR RIGHTS IN THE CENTER FOR ASYLUM SEEKERS

According to Italian Law:

- ❑ **You have the right to** medical assistance and medical first aid
- ❑ **You have the right** to separate accommodations for men and women and accommodation together with your relatives
- ❑ **You have the right to** receive visits from:
 - UNHCR representatives,
 - Lawyers,
 - Refugee supervisory authorities,
 - Your relatives or Italian citizens, having applied for and being granted authorization from the Prefect.

Furthermore:

- ❑ If you feel more comfortable with an operator of your sex, you may request to speak with or be visited by the personnel of your sex. It is, furthermore, appropriate for you to specify to the operators if you prefer make the interview before the Commission in the presence of personnel of your sex;
- ❑ **You may** indicate to the operators your preferences concerning nutrition and your particular needs, for example those concerning religion.

IF YOU FIND YOURSELF IN A PARTICULAR SITUATION

For example,

- if you are pregnant,
- if you have physical problems,
- in the case of advanced age,
- in the case of illness,
- if you have undergone physical or psychological abuse,
- if you have been a victim of torture or ill-treatment,
- if you have suffered sexual abuse,

You may inform the centre operators in order to receive appropriate assistance. Do not hesitate to tell about the most difficult and painful experiences. The information given is strictly confidential and cannot be revealed without your permission.

IF YOU ARE AN UNACCOMPANIED MINOR IN ITALY:

- ❑ inform the centre operators that you are under 18 years old, because, by law, as a minor you cannot be in the center, and you have the right to be housed in a facility appropriate to your age;
- ❑ To protect you, a guardian ad litem will be appointed; that is, a person who will help

you during your stay in Italy (for example, helping you with the documents needed in the procedure of the asylum application, assisting you during the personal interview). The guardian ad litem, among other things, has the task of confirming your asylum application;

- It is possible to attempt to track down your relatives. Remember that for your safety and that of your relatives, nobody will communicate the information for locating your relatives to your country's authorities and other people;
- you have the right to attend a school;
- to verify your age, and only with your consent, you may be subject to a special examination (wrist X-ray), or other exams within the center or at the closest hospital. Each of these exams has a margin for error in determining your age with certainty. If the age attributed to you does not correspond with the true one, discuss it with the operators. Your refusal to undergo a medical visit does not constitute an impediment to reception of your petition, or to the adoption of the decision.

For each other problem, or for more information, speak with the operator.

YOUR RIGHTS AS AN INTERNATIONAL PROTECTION SEEKER

- Having obtained the permit of stay, you have the right to health assistance consequent to registration with the National Health Service.
- With regard to work activities, if the decision on the request for asylum is not adopted by the competent Commission within six months presentation of the petition and the delay is not imputable to you, the permit of stay is renewed for duration of six months and allows performance of work activities until the conclusion of the status recognition procedure. The permit of stay, however, cannot be converted to at permit of stay for employment reasons.
- Furthermore, you may not request relative reunion.

DECISIONS THAT THE TERRITORIAL COMMISSION MAY MAKE (PHASE II)

The Commission, through written decision:

1. **can recognize refugee status;**
2. **can refuse to recognize refugee status and concede subsidiary protection**, if it considers that there exists an effective risk of serious danger if you return to your Country of origin;
3. **can refuse to recognize refugee status**, but consider that there exist serious reasons of humanitarian nature and may request the Police Department to give you a permit of stay **for humanitarian reasons:**
4. **can refuse to recognize refugee status and reject the request.**
5. **it can reject the petition for clear lack of foundation**, when it considers evident the lack of existence of any requirement for recognition of international protection, or when you have presented a petition for the sole purpose of delaying or preventing the execution of proceedings for expulsion or rejection. In this case, your possible recourse against the decision of the Commission, will not suspend the effect of the protested proceedings. However, you may request the Court for suspension when there are serious and founded motives, and the Court will decide in the next five days.

IF YOUR REFUGEE STATUS IS RECOGNIZED

The Commission begins proceedings that allow you to receive your permit of stay for asylum from the Police Department.

The permit of stay for asylum has duration of 5 years and can be renewed on each expiration.

RIGHTS OF THE REFUGEE:

- Access to work;
- Right to family re-union
- Right to social assistance
- Right to be granted travel documentation

The application for travel documentation must be turned in at the police headquarters, by submitting these documents:

- The form for applying for travel documentation
- 2 pictures in passport format
- 1 revenue stamp
- Administrative stamp for passport use
- Photocopy of the valid permit of stay

- Right to public education;

- Right to move about freely in the territory of the European Union (except for Denmark and Great Britain), without a visa, for a period of not more than three months;
- Right to apply for Italian citizenship after 5 years of residence in Italy;
- Right to marriage (the clearance is issued by the UNHCR);
- Right to participate at the assignment of public housing;
- Right to be issued a driver's license.

For further information and assistance, contact the associations dealing with the protection of refugees and asylum seekers where you are located.

IF YOU HAVE BEEN GRANTED SUBSIDIARY PROTECTION STATUS

You will be informed about the decision of the Commission and collect your permit of stay for subsidiary protection at the police headquarters.

The permit of stay for subsidiary protection has duration of 3 years and is renewable at every expiration date, after the territorial Commission has reevaluated your case, sometimes without a new hearing.

The permit of stay for subsidiary protection can, moreover, be converted into a permit of stay for reasons of work. This, only in case you are in possess of an identity card – passport or a travel document – (ask the associations working with the protection of immigrant rights about the way to do it **before the expiration of the valid permit of stay**).

RIGHTS OF THOSE HAVING BEEN GRANTED A PERMIT OF STAY FOR SUBSIDIARY PROTECTION:

- Access to work (for a duration not longer than the duration of the permit of stay);
- Right to health assistance;
- Right to family re-union;
- Right to social and sanitary assistance;
- Issuing of a travel document for foreigners, in case you do not have a passport;
- Right to participate in the assignment of public housing.

For further information and assistance contact the associations dealing with the protection of refugees and asylum seekers where you are located.

IF YOU ARE A HOLDER OF A PERMIT OF STAY FOR HUMANITARIAN REASONS

You will be informed about the decision of the Commission and collect your permit of stay for humanitarian reasons at the police headquarter.

The permit of stay for humanitarian reasons has duration of 1 year and if you have a passport, can be converted into a permit of stay for work.

RIGHTS OF THOSE ISSUED A PERMIT OF STAY FOR HUMANITARIAN REASONS:

- You can work on the Italian territory;
- You can have health assistance;
- You can apply for travel document for foreigners, in case you do not have a passport.

For further information and assistance contact the associations dealing with the protection of refugees and asylum seekers where you are located.

RECOURSE TO APPEAL (PHASE IV)

You may appeal to the Court within 30 days of the date of communication of the decision of the Territorial Commission.

If you are housed in a Government center for asylum seekers (*Cara*), or in a *Centro Identificazione ed Espulsione* –Identification and Expulsion Center (CIE), you have the right to file an appeal to the Court within 15 days of the date of communication of the decision (and not 30).

The presentation of the appeal suspends the decision of the Commission whenever:

- a) you were authorized to stay at the time of the presentation of the request;
- b) you were housed in a government hosting center (CARA) because it was necessary to ascertain your identity or your nationality;

This means that you have right to remain legally on the Italian territory with a permit of stay to request asylum with a duration of three months awaiting the decision of the Court.

ATTENTION

Filing the appeal does not suspend the effect of the protested proceedings in the following cases:

- the proceedings of the Commission declared your request for international protection inadmissible;

- the proceedings of the Commission recognized your subsidiary protection;
- the decision of the Commission was made after your unjustified exit from the government center (CARA);
- if a decision was made to reject your request for clear lack of foundation;
- if you have presented the appeal after being housed in a government center (CARA) because you were stopped for having avoided or attempting to avoid border control or just afterward or because you were stopped for unauthorized stay;
- you are being held in a CIE.

This means that in the cases listed, except in the case that your subsidiary protection was recognized, you have no right to remain on the Italian territory and you may be returned to your Country of origin; however, you may request the Court to suspend the proceedings if there are serious and founded motives.

The law establishes that you must seek the assistance of an attorney. If you are unable to pay an attorney, you may make a petition for free legal assistance (sponsored at the cost of the Government).

For more information, contact the associations for protection of refugees or at the legal department for immigrants of the community where you are located.

ATTENTION:

If you consider the decision of the Court to be unjust, you may file a petition with the Court of Appeals and request, when there are serious and founded motives, authorization to remain on the Italian territory.

You may appeal to the Supreme Court against the verdict of the Court of Appeals.

ATTENTION: before the appeal to Justice, if you consider that the elements you presented were not adequately evaluated, you may request to be reheard by the same Commission that began the proceedings. The request does not interrupt the period of the appeal.

For more information regarding the appeal, contact the associations for protection of refugees or at the legal department for immigrants of the community in which you are located, or your own attorney.

TERMINATION AND REVOCATION OF INTERNATIONAL PROTECTION STATUS

1) REFUGEE STATUS

The refugee status you were granted can be terminated when:

- a) you have again voluntarily availed yourself of the protection of your Country of origin (for example, if you returned, or if you turned to the diplomatic authorities of your Country requesting and obtaining a passport, etc.);
- b) having lost citizenship in your country, you later voluntarily recovered it;
- c) you have received Italian citizenship or other citizenship and you enjoy the protection of the Country from which you received citizenship;
- d) you voluntarily reestablished yourself in your Country of origin;
- e) the circumstances that determined the recognition of your refugee status have changed and you may peacefully return, to benefit from the protection of your country;
- f) you are a stateless person, and circumstances have just been determined that allow you to return to the Country where you customarily resided, due to changes in the circumstances for which your refugee status was recognized.

In order for the assumptions in items e) and f) to occur, the change in circumstances must be of a non-temporary nature and thus completely eliminate your founded fear of persecution.

Furthermore, there must be no other serious humanitarian reasons that prevent your return to your Country of origin.

The termination of refugee status will be declared by the National Commission for the Right to Asylum, based on an individual evaluation of your personal situation.

The National Commission will inform you in writing of the beginning of the termination proceedings and of the reasons forming their basis, to give you the possibility to provide written declarations and any other item for evaluation that you consider useful, and will then invite you to explain in a personal interview.

Your refugee status can be revoked when, following its recognition, it is ascertained that this was recognized based on facts and/or circumstances presented erroneously, or by the voluntary omission of other facts and/or circumstances, or based on a documentation later revealed as false.

The status may, furthermore, be revoked when, following its recognition, it is verified that there are reasons for which the status must be denied, and in particular:

- a) there are causes for exclusion provided by the Geneva Convention (having committed a crime against humanity, against peace or a war crime, or having ascertained that you already enjoy protection or the assistance of an entity and of an agency of the United Nations different from the U.N.H.C.R.)

- b) there are founded motives to consider that you constitute a danger to the security of the Italian Nation;
- c) circumstances are verified in which you represent a danger to order and the public security, being condemned with a definite judgment for violations provided in Art. 407, paragraph 2, item a) of the code of criminal proceedings.

Revocation of refugee status will also be declared by the National commission for the right to asylum, based on an individual evaluation of your personal situation.

The National commission will inform you in writing of the beginning of the revocation procedure and the reasons that are the basis for giving you the possibility to provide written declarations and any other element for evaluation that you consider useful, and will also invite you to explain in a personal interview.

2) SUBSIDIARY PROTECTION STATUS

The subsidiary protection status you were granted can be terminated when the circumstances that led to the recognition no longer exist or have changed so that the protection is no longer necessary. This change in circumstances must be of such significant and non-temporary nature that it may be considered that you are no longer exposed to the risk of '*serious danger*' in returning to your country, and there must not exist other serious reasons of humanitarian nature that prevent this return.

The termination of the subsidiary protection status will be declared by the National commission for the right to asylum, based on an evaluation of your personal position and of the '*serious danger*' the fear of which was recognized.

The National Commission will inform you in writing of the beginning of the termination proceedings and the reasons on which they are based, to give you the possibility to provide written declarations and every other element for evaluation that you consider useful, and will then call you to give you the possibility of explaining in a personal interview.

The subsidiary protection status may be revoked when, following its recognition, it is ascertained that this was recognized based on facts and/or circumstances presented erroneously, or from voluntary omission of other facts and/or circumstances, or based on documentation later revealed as false.

The status may, furthermore, be revoked when, following its recognition, it is verified that there are reasons for which the status must be denied, and in particular:

- a) there are causes for exclusion provided by the Geneva Convention (having committed a crime against humanity, against peace or a war crime, or having ascertained that you enjoy already of protection or of the assistance of an entity and of an agency of the United Nations different from the U.N.H.C.R.);
- b) if it is ascertained that you have committed, or you have instigated the commission of a serious crime, in the territory of the Italian Nation or abroad. The gravity of the

crime is evaluated taking into consideration the penalty, no less than the minimum of four years or in the maximum of ten years, provided by Italian law for the crime;
c) circumstances are verified for which you represent a danger to order and the public security.

The revocation of subsidiary protection status will also be declared by the National Commission for the Right to Asylum, based on an individual evaluation of your personal situation.

The National Commission will inform you in writing of the beginning of the revocation procedure and of the reasons that are based on giving you the possibility to provide written declarations and every other element for evaluation that you consider useful, and will then call you to give you the possibility of explaining in a personal interview.

THE VOLUNTARY RETURN TO YOUR COUNTRY OF ORIGIN

Returning to your Country of origin in safety and dignity is your right.

If you are international protection seeker, **if you have been denied but 30 days have not yet passed from when you were notified of the denial**, if your refugee status was recognized, if your the subsidiary protection status was recognized or if you have a permit of stay for humanitarian reasons you may decide to return voluntarily to your Country of origin.

The assisted voluntary return program provides: counseling service, updated information on the country of origin, assistance in obtaining travel documents provided by the consular authorities, travel arrangements, and coverage of the costs to the final destination, and provision of preliminary and reintegration expenses.

Remember that you cannot access the voluntary repatriation program if you are in expulsion proceedings.

It is your right to have information and assistance on the possibility of voluntary repatriation, and you may contact the center operators.

Glossary

MINISTRY OF THE INTERIOR: This is the Central Government Administration that has primary responsibility in immigration and asylum matters.

PREFECTURE: this is the decentralized Administrative body of the Ministry of the Interior on the provincial territory and is the Territorial Office of the Government.

POLICE DEPARTMENT: this is the Administrative body that directs and organizes the activities of the Police in each province. Within each Police Department, there is a foreign affairs office that is responsible for the bureaucratic processes for immigrants and those seeking asylum (for example it may receive the petition for asylum, issue and renew the permit of stay and travel documents)

NATIONAL COMMISSION FOR THE RIGHT TO ASYLUM: It has the task of direction and coordination of the Territorial Commissions, training and updating of members of the same commissions and collection of statistical data. It has decision-making power for revoking and terminating the status granted.

TERRITORIAL COMMISSIONS FOR INTERNATIONAL PROTECTION RECOGNITION: they have the task of evaluating the request for recognition of the status of international protection. Set at a maximum of ten, they are:

- GORIZIA: jurisdiction over petitions presented in the regions of Friuli-Venezia Giulia, Veneto, Trentino Alto Adige;
- MILAN: jurisdiction over petitions presented in the region of Lombardy;
- ROME: jurisdiction over petitions presented in the regions of Lazio, Abruzzo, Sardegna, Toscana, Marche, Umbria;
- FOGGIA: jurisdiction over petitions presented in the provinces of Foggia and Barletta-Andria-Trani;
- SIRACUSA: jurisdiction over petitions presented in the provinces of Siracusa, Ragusa, Caltanissetta, Catania;
- CROTONE: jurisdiction over petitions presented in the regions of Calabria and Basilicata;
- TRAPANI: jurisdiction over petitions presented in the provinces of Agrigento, Trapani, Palermo, Messina, Enna;
- BARI: jurisdiction over petitions presented in the provinces of Bari, Brindisi, Lecce and Taranto;
- CASERTA: jurisdiction over petitions presented in the regions of Campania and Molise;
- TURIN: jurisdiction over petitions presented in the regions of Valle d'Aosta, Piemonte, Liguria, Emilia Romagna.

HOSTING CENTER FOR ASYLUM SEEKERS (CARA): this is a facility for hosting foreigners seeking international protection during the procedure for requesting international protection. The reasons for which hosting is provided:

The petitioner is housed in a hosting center for asylum seekers (CARA) in the following cases:

- a) when it is necessary to verify or determine his or her nationality or identity, when he or she has no travel documents or identification, or when, on arrival on National territory, he or she presented false or falsified documents;
- b) when presenting the petition after having been stopped for avoiding or attempting to avoid border control, or immediately afterward;
- c) when presenting the petition after having been found in a condition of unauthorized stay.

In the case of item a), the petitioner is housed in the center for a period no greater than twenty days. In the other cases the petitioner is housed in the center for the time strictly necessary for examination of the petition by the territorial commission and, in each case, for a period no greater than thirty-five days.

ASSOCIATIONS FOR PROTECTION OF REFUGEES: associations responsible for legal and administrative protection of refugees and asylum seekers. To contact these associations, see the page of useful addresses or please contact the operator if you are in a center.

PROTECTION SYSTEM FOR ASYLUM SEEKERS AND REFUGEES (SPRAR): SPRAR is a system for hosting and integration, sponsored by the Ministry of the Interior and Local entities that offer asylum seekers and refugees, within the limits of available lodging, housing support and assistance in beginning the process of integration on the national territory

CENTER OPERATORS: These are specialized people within the hosting centers (CARA) responsible for the administrative/organizational aspect of the services offered to protect the international protection seeker and resolve medical, psychological, and legal problems of those requesting international protection.

LINGUISTIC AND CULTURAL MEDIATORS: people within the center who assist the international protection seeker to communicate with the personnel of the center and/or with the members of the Territorial commission, even interpreting cultural and behavioral differences.

PERMIT OF STAY: this is the document that authorizes you to stay on Italian territory legally.

TRAVEL DOCUMENT: this is the document that authorizes you to travel outside of Italy if you are recognized as a refugee.

TRAVEL PERMIT: this is the document that authorizes you to travel outside of Italy if you have received the permit of stay for subsidiary protection and for humanitarian protection.

Laws of reference

- **International:**

- Geneva Convention of 1951 regarding the recognition of refugee status

- of the European Union:

- Regulation No. 343/2003 that establishes the criteria and mechanisms for determination of the Member State competent for analysis of a petition for asylum presented in one of the Member States by a citizen of a third country

- **National**

- Legal Decree December 30, 1989, No. 416 (Urgent regulations on the matter of political asylum, entry and stay of the extra-community citizens and stateless people already present in Italy), converted, with amendments, from the Law February 28, 1990, No. 39, as modified from Law No. 189/2002;

- Decree of the President of the Republic September 16, 2004, No. 303, Regulation regarding the procedure for recognition of refugee status;

- Legislative Decree May 30, 2005, No. 140, enactment of Directive 2003/9/CE that establishes minimum regulations relative to the reception of those requesting asylum in the Member States;

- Legislative Decree of July 25, 1998, No. 286, Sole Text on immigration.

- Legislative Decree January 28, 2008, No. 25 and Legislative Decree of October 3, 2008, No. 159 in enactment of Directive 2005/85/CE of the council of December 1, regarding minimum regulations for procedures applied in the Member States for the purposes of the recognition and of the revocation of the refugee status.

- Legislative Decree November 19, 2007, No. 251 in enactment of Directive 2004/83/CE of the Council of April 29, 2004 regarding minimum regulations on attributing to citizens of third countries or stateless people the status of refugee or person otherwise needing international protection, as well as minimum regulations on the content of the protection recognized.

Useful Contacts

MINISTRY OF THE INTERIOR: www.interno.it

This is the site of the Ministry of the Interior that is responsible, in the pertinent asylum section, for providing you news and updated references regarding the topics regarding the request and recognition of international protection.

STATE POLICE: www.poliziadistato.it

This is the website of the State Police that is responsible for providing you information on the presence on the territory of Police headquarters and offices, divisions and citizen services.

CENTRAL SERVICE: www.serviziocentrale.it

This is the website on which you may find useful information on the national hosting and integration system (SPRAR), sponsored by the Ministry of the Interior and by Local Entities.

International

UNHCR - United Nations High Commission for Refugees

ACNUR - Alto Commissariato delle Nazioni Unite per i Rifugiati

Address: via Alberto Caroncini, 19 – 00197 Rome

Telephone: 06 802121

Fax: 06 80212324

E-mail: itaro@unhcr.org

OIM - Organizzazione internazionale per Migrazioni

IOM - International Organization for Migration

Address: via Nomentana, 62 – 00161 Rome

Telephone: 06 44231428

Fax: 06 4402533

E-mail: MRFRome@iom.int

National

CIR (Consiglio Italiano per i Rifugiati)

Address: via of the Velabro 5/A – 00186 Rome

Telephone: 06 69200114

Fax: 06 69200116

E-mail: cir@cir-onlus.org

ARCI Nuova Associazione

Toll-free protection number: 800 905 570

Toll-free number that you may call for information or assistance if you want to request asylum, if you have requested asylum, if you are refugee or if you have been given the permit of stay for humanitarian reasons.

Address: via dei Monti di Pietralata, 16 - 00157 Rome

Fax : 06 41609234

E-mail: itri@arci.it; nahum@arci.it

CARITAS

Address: via delle Zoccolette, 19 - 00183 Rome

Telephone: 06 6861554 – 06 6875228

Fax: 06 6833295

E-mail: area.immigrati@caritasroma.it

ICS - Ufficio rifugiati di Trieste

Address: via Roma, 28 34170 - TRIESTE

Telephone: 040 3476377

Fax: 040 3487592

E-mail: icstrieste@yahoo.it

ASGI - Associazione Studi Giuridici on Immigrazione

Address: via Gerdill, 7 - 10100 Turin

Fax: 011 4369158

E-mail: segreteria@asgi.it

or

Address: via Aquileia, 22 - 33100 Udine

Fax: 0432.507115

E-mail: info@asgi.it