



**INFORMAZIONI SENZA BARRIERE**  
**INFORMATION WITHOUT BARRIERS**  
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رکاوٹ سے پاک معلومات  
معلومات بدون عقبات

**otto**  
**8 per**  
**mille**  
CHIESA VALDESE  
UNIONE DELLE CHIESE METODISTE E VALDESE

# **INTERNATIONAL PROTECTION (AND OTHER FORMS OF PROTECTION)**

## **What is international protection?**

International protection is a set of rights granted by the Italian state to foreign citizens fleeing their country of origin. International protection includes refugee *status* and subsidiary protection.

## **Where to apply for international protection?**

At the Border Police Offices or at the *Questura* (Police Headquarters) of the territory where you live. For example, if you live in Bologna, you will have to apply at the *Questura* of Bologna. Appointment booking procedures vary from one territory to another, so check with your *Questura*. After formalising your application for international protection at the *Questura*, you will be called for an interview with the Territorial Commission (*Commissione Territoriale*), the administrative body that will decide whether or not to grant you refugee *status*, subsidiary protection or another form of protection.

## **Who can be granted refugee *status*?**

A person who fears being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion and who is outside the country of his or her nationality and is unable or unwilling, because of this fear, to receive protection from his or her country.

## **What is meant by persecution?**

Persecution is defined as any particularly serious act constituting a violation of a person's fundamental human rights. Examples of persecution are torture, threats to life, acts of physical or psychological violence, including sexual violence, slavery, unjust deprivation of liberty, female genital mutilation, forced or early marriage, and other serious violations of human rights.

## **What is meant by race?**

This means belonging to a specific ethnic group, i.e. a group of people who share certain social, cultural, linguistic or religious characteristics. You are entitled to refugee *status* if you are persecuted or at risk of persecution, e.g. because of the colour of your skin or your belonging to an ethnic group.

## **What is meant by religion?**

Each person must be free to profess, in public and in private, his or her religion; likewise, he or she must be free to not profess any religion. You are entitled to refugee *status* if you are persecuted or at risk of persecution because of your religious beliefs or your belonging in a particular religious community; if, for example, you are forbidden or afraid to manifest your faith in public; if you are discriminated because of your religious beliefs, e.g. there are discriminatory laws in your country; or if you are disadvantaged in participating in public life or in accessing certain services.

## **What is meant by nationality?**

The term nationality can be understood as citizenship, but can also refer to belonging to an ethnic or linguistic group. It also includes those who are stateless, i.e. have no nationality. You are entitled to refugee *status* if you are persecuted or at risk of persecution because of your language, culture or ethnic origin.

## **What is meant by belonging to a social group?**

This refers to a group of people who share common characteristics or are perceived by society as a distinct group. You are entitled to refugee *status* if you are persecuted or at risk of persecution for your sexual orientation, e.g. homosexuality is considered a crime in your country or is not approved by society. Gender-based persecution also falls into this category; for example, female genital mutilation is considered persecution, as well as physical or psychological violence and trafficking for sexual or labour exploitation.

## **What does persecution on the grounds of political opinion mean?**

It means being persecuted for one's political opinions, membership to a political group or political activities in one's home country.

## **Who can be the actors of persecution?**

The persecutory conduct may originate from the State, or from parties or organisations controlling the State or a substantial part of its territory; or from actors other than the State, such as the family, clan or community, or the opposing religious or political group, and your country cannot guarantee your protection (for instance, if law enforcement agencies are corrupt or otherwise cannot offer you any form of protection).

## **How is an application for international protection assessed?**

The Territorial Commission will have to assess your individual case. Specifically, it will have to assess whether your fear of being persecuted for one of the reasons provided by law (race, nationality, religion, political opinion, membership of a social group) is well-founded, for example because you have already suffered aggression or discrimination or even threats, or there is a risk that you may suffer them if you return to your country of origin. In addition to telling your personal story, you can present documents and written evidence to prove your fear.

## **What does recognition of refugee *status* entail?**

If the Territorial Commission recognises your refugee *status*, you are entitled to an electronic asylum residence permit, which lasts five years and can be renewed on expiry. With this residence permit, you are authorised to work in Italy, you can obtain an identity card, you are entitled to the issuance of a health card and, therefore, to medical care and treatment in the event of illness, you can sign a rental contract, etc.

If you are a refugee, you are entitled to a travel document that allows you to go abroad, but not to return to your country of origin. If you return to your country, even for a short period, the Italian State can take away your residence permit. In addition, if you have an asylum permit, you can apply for family reunification and have your wife/husband, your children - only if they are minors - and your parents - if they are over 65 years old and you provide for their sustenance - come to Italy.

## **What can one do when an asylum residence permit expires?**

You can renew it; or, if you have a job and an income, you can apply for a long-stay permit (i.e. a permit of unlimited duration, to be renewed every ten years); or you can apply for

Italian citizenship. Refugees can apply for citizenship after only five years of residence in Italy; there is no need to wait ten years.

### **Are there crimes that may influence the Territorial Commission's decision to grant refugee *status*?**

The Territorial Commission may deny refugee *status* to a foreign citizen considered to be a danger to public safety, following a final sentence for certain offences provided for by law; for example, among the most common are drug offences, robbery, certain serious cases of theft, the offence of violence or threatening against a public official (e.g. the police or health personnel), the offence of exploiting prostitution or aiding illegal immigration, etc. The sentence becomes final when, on appeal, the higher judge also confirms the sentence. For the same reasons, the National Asylum Commission (*Commissione Nazionale Asilo*) may also revoke the previously recognised *status*.

### **What happens if the Territorial Commission considers that the individual case does not meet the legal requirements for refugee *status*?**

The Territorial Commission will have to assess whether the conditions for subsidiary protection are met.

### **When can subsidiary protection be granted?**

When there are well-founded reasons to believe that the foreign citizen is exposed to a real risk of suffering 'serious harm' and cannot or will not, because of that risk, rely on the protection of his/her country of origin.

### **What is meant by 'serious harm'?**

'Serious harm' means the risk that a person, if returned to his or her country of origin, may be sentenced to death or may face the death penalty; or may be subjected to torture or other forms of inhuman and degrading treatment or punishment; or may be in danger of death because he or she comes from a country at war, when the conflict situation affects the whole or even only part of the national territory. It is important to note that the serious harm suffered does **not** have to be related to one of the five grounds for refugee *status* (race, religion, nationality, membership of a social group, political opinion).

### **What is meant by a death sentence or execution?**

A person is entitled to subsidiary protection who, in the event of repatriation, could receive a death sentence from the authorities of his or her country; or who has already received a

death sentence and, in the event of repatriation, could be killed in execution of that sentence.

### **What is meant by torture or other forms of inhuman and degrading treatment or punishment?**

Torture or other form of inhuman and degrading treatment or punishment is defined as a series of inhuman acts, punishments or treatment deliberately inflicted on a person with the purpose of causing severe, intense and cruel physical and/or mental suffering. Very often these actions trigger feelings of fear, distress or inferiority in the victim that humiliate and debase him/her (e.g. threats to life, acts of physical or psychological violence, rape, enslavement, human trafficking, severe prison conditions, humiliating corporal punishment, etc.).

### **What is meant by generalised conflict?**

A generalised conflict occurs when the country of origin is at war with another country, or when within the country of origin one or more areas are affected by armed conflict between government forces and militia or rebel groups, or between the militias themselves. In these cases, the war or conflict must be of such intensity that the mere presence in the territory would put a person's life at risk.

### **What does recognition of subsidiary protection entail?**

If the Territorial Commission grants you subsidiary protection, you are entitled to an electronic residence permit, which lasts five years and can be renewed on expiry. With this residency permit, you are authorised to work in Italy, you can obtain an identity card, you are entitled to the issuance of a health card and, therefore, to medical care and treatment in the event of illness, you can sign a rental contract, etc. If you have a subsidiary protection permit, you are entitled to a travel document that allows you to go abroad, but not to return to your country of origin. If you return to your country, even for a short period, the Italian State can take away your residence permit. In addition, if you have been granted subsidiary protection, you may apply for family reunification and have your wife/husband, your children - only if they are minors - and your parents - if they are over 65 years old and you provide for their subsistence - come to Italy.

### **From whom can you request the issue of a travel document?**

If you have a subsidiary protection permit, the only way to obtain a travel document is to prove that you were unable to obtain a passport from your embassy or consulate in Italy. Some *Questura* will not issue a travel document unless the applicant presents a document from his/her embassy or consulate stating that the passport cannot be issued. However,

the law does not contain any specific indications; it must therefore be assumed that the impossibility of obtaining a passport can also be proved in another way, for instance by demonstrating the impossibility of contacting your own embassy or consulate (by sending an e-mail, etc.).

### **What can you do when a residence permit for subsidiary protection expires?**

You can renew it; or, if you have a job and an income, you can apply for a long-stay permit (i.e. a permit of unlimited duration, to be renewed every ten years). After 10 years of residence in Italy, you can apply for Italian citizenship.

### **If the risk of persecution or danger to life only occurred after arrival in Italy, can international protection still be granted?**

Yes. International protection is also granted when at the time of your departure from your country of origin there was no risk of persecution or danger to your life, but such danger arose following your arrival in Italy. For example, this is the case if, only after your arrival in Italy, a war broke out in your country that prevents you from returning.

### **What if, in relation to the individual case and the security situation in the country of origin, the Territorial Commission considers that the legal requirements for subsidiary protection are not met?**

The Territorial Commission has to assess whether there are requirements to recognise special protection. A law that recently passed modified the requirements for recognising special protection. This is Law No. 50/2023, which came into force on 6 May 2023.

### **What has changed with the new law?**

Before the reform, there was a specific rule protecting the right to private and family life, i.e. the right of residence of a foreign citizen who has integrated in Italy or has emotional and family ties in Italy.

In order to ascertain the level of integration in Italy, the Territorial Commission had to consider certain elements such as: the duration of stay in Italy and the presence of family ties, learning of the Italian language, carrying out work activities, and the absence of ties with one's country of origin.

With the approval of the new law, the Territorial Commission can only recognise special protection if, in the event of repatriation, the foreign citizen risks having his/her fundamental rights violated; it will no longer take into consideration the level of integration achieved in Italy. Moreover, before the reform, the foreign citizen had two options: to apply for international protection, to be granted special protection as part of the asylum

application, or to apply for special protection directly to the *Questore* (Police Commissioner). The new law has eliminated the possibility of applying for special protection directly to the *Questore*.

**You applied for special protection directly to the *Questore* before the new law was passed and you are waiting to hear the decision. Does the new law also apply to your case?**

No. If you applied for special protection before the approval of the new law, the old rules continue to apply to you. This means that, when assessing your application, the *Questore* will also have to take into consideration the duration of your stay in Italy and the presence of family ties in Italy, the performance of work activities, the availability of a house and other elements that demonstrate your level of integration in Italy. The same applies to those who, before the approval of the new law, had already made an appointment at the *Questura* to apply for special protection and are waiting for the date of the appointment.

**What should be done if the Territorial Commission recognises special protection?**

You will have to make an appointment at the *Questura* to apply for a special protection residence permit. On the day of your appointment at the *Questura* you will have to show a copy of the favourable decision of the Territorial Commission. You will be issued with a two-year electronic residence permit authorising you to work.

**You have heard that the special protection residence permit can no longer be converted into a work permit. Is this true?**

The special protection residence permit may be renewed for the duration of one year, but, unlike before the reform, it can no longer be converted into a work permit. However, persons who already held a special protection permit when the new law came into force will be able to convert it into a work permit. In order to convert your residency permit, you must be in possession of a passport that has not expired.

**But is it really true that the integration of the foreign citizen and the presence of family ties in Italy no longer count for anything?**

This is not the case. The protection of private and family life is a right guaranteed by international treaties, which Italy is obliged to respect. The new law, however, makes it more difficult to protect this right in Italy. In the event of an unfavourable decision by the Territorial Commission, you can appeal by contacting a lawyer. You can then assert your rights in front of a judge.

## **What happens if the Territorial Commission considers that there are no requirements for refugee *status* or subsidiary protection, nor for special protection?**

The Territorial Commission must assess whether, in relation to your individual case, there are special health needs that prevent you from returning to your country of origin, where you would not be able to access appropriate care. In this case the right protected is the right to health. According to the new law, a permit for medical treatment can only be issued for particularly serious illnesses.

## **What documents must be presented to the Territorial Commission?**

You will have to present written documentation on your pathology, on the need to continue treatment begun in Italy, and on the impossibility of receiving adequate treatment in your country of origin. You will have to submit, for example, a certificate from your doctor, reports of specialist examinations, etc.

## **The Territorial Commission recognised your right to a permit for medical treatment. What needs to be done?**

You must book an appointment at the *Questura* in order to apply for a residence permit. You will have to go to the appointment with a copy of the Commission's decision. Although the *Questura* sometimes ask for it, you do not need to be in possession of a passport when the permit is first issued. You will be issued with a paper permit with a maximum duration of one year.

## **Can a permit for medical treatment be renewed?**

Yes. If you still need treatment on expiry, you can continue to renew your residence permit until you are well. Your permit will never last longer than one year. You will need your passport at the time of renewal. If you do not have a passport or your passport has expired, we advise you to contact your embassy or consulate in Italy well in advance of your renewal appointment. Normally, it takes a long time for a passport to be issued. Remember that even at the time of renewal, you will have to present your doctor's certificate, specialist examination reports, etc., as proof that you still need treatment.

## **Is it possible to convert the permit for medical treatment into a work permit?**

No. The recently approved law eliminated this possibility. A residence permit for medical treatment can be renewed but not converted into a work permit.



**What happens if the Territorial Commission rejects the application for international protection and finds that there are no requirements even for a residence permit for special protection or medical treatment?**

In this case, the Commission will adopt a negative decision. In the measure, reasons why it was decided to reject the application for protection must be explained. You can appeal against this decision within 30 days from when you officially receive the answer. In some cases, the time limit may be reduced to 15 days. To appeal, you must contact a lawyer. If you do not have sufficient financial resources, you are entitled to free legal aid.

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