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THE INTERNATIONAL PROTECTION APPLICATION PROCEDURE

Who can apply for international protection?

Any person with foreign citizenship, even if they entered Italy illegally and without documents, who in their own country risks persecution or serious harm to life or health.

The application for international protection is individual, but if minor children are with you, your application for protection also extends to them.

If you are under the age of 18 and you are alone here in Italy, you can still submit your application for international protection immediately with the assistance of the person in charge of the centre where you are.

Is there a time limit for applying for international protection?

There is no deadline for applying for protection. You may have been in Italy for months or years and decide at a later date to apply (for example, because your country of origin has become unsafe due to a conflict).

Where to apply for international protection?

Depending on the case, you can submit your application:

- at the immigration office of the *Questura* (police headquarters) of the city where you are, if you have crossed the border;

- at the border police, when you enter Italian territory;
- in a Centres of Permanence for Repatriation (CPR, *Centri di Permanenza per il Rimpatrio*)

In the latter two cases, your request for protection will be examined according to an accelerated procedure.

Will you be asked for documents?

The *Questura* staff will ask you if you have any documents with you (e.g. passport, identity card, certificates of various kinds, party cards, etc.). If your answer is yes, you will have to hand over your documents and the *Questura* will collect them, leaving you a copy.

If you have minors with you, be aware that you are not obliged to show the *Questura* the translated and legalised birth certificates, but they may ask you to do so.

If the child's other parent is not present at the time of the application for protection, they may also ask you for a document in which the absent parent authorises the child to expatriate and apply for protection, but this is also a document that the police cannot force you to have.

To formalise the application, the officers may ask you for a declaration of hospitality/domicile, i.e. a document in which you state where you live and who is hosting you (you can find a model of this document on the Internet). This document should not be demanded by the police, and they should let you formalise your request or renew your permit later even without it, using the address you give them verbally!

They will also ask you whether or not you have a passport. If you say you had it, and you only show a photocopy, the *Questura* may ask you to make a loss report. This means that you should go to the nearest *Carabinieri* station to report that you have lost your passport.

They cannot force you to do this if you declare that you left your passport in your country of origin or that you lost it during your journey, before arriving in Italy. You only have to report the loss of your passport if you have lost it on Italian territory.

How do I apply for international protection?

You will need to find out how to make an appointment at the Immigration Office of the city where you live, to express your will to apply for protection (first entry).

That same day, the police will take your fingerprints and photos (photo identification). At this stage, the *Questura* will check that you have not already applied for asylum in another EU country. If it turns out that you have already applied for asylum in another EU country, the so-called 'Dublin procedure' will be started to determine which country is competent to examine your application for protection (see Dublin Factsheet).

On the same day, or on a different day indicated to you by the *Questura* officers, you will then have to fill in **Form C3**, for the formalisation of your application.

To complete this document, you will have to answer questions concerning:

- your personal data (name, surname, nationality, date of birth),
- your family members' data (parents, wife/husband, children),
- whether you have any relatives present in the EU territory (this information may be useful to identify the country competent to decide on your application (see Dublin Factsheet),
- the journey from your country to Italy,
- your reasons for requesting protection.

Once you have filled in Form C3, the *Questura* personnel will give you a copy signed by you, the police officer and the interpreter and will send a copy to the competent Territorial Commission (*Commissione Territoriale*).

Will you be given a residence permit?

Along with a copy of the C3, you will also be given a “**cedolino**” (receipt). This is a paper which is the receipt for your application for protection and which you will have to take with you to get your residence permit when it will be ready. Each *Questura* has different printing times and collection procedures, find out which are those in your city.

The document they will give you has a duration of 6 months (renewable for another 6 months if you have not yet received an answer on your asylum application). It is valid throughout the national territory, but does not allow you to travel abroad. After 60 days from completing the C3 you can also start working.

Remember, however, that your asylum permit cannot be converted into a work permit. You will be able to obtain a general practitioner (*medico di base*), open a bank account and, if you are received in a reception centre, register at the Registry Office (*Ufficio Anagrafe*), obtain your residence and identity card.

What will the renewal procedure be?

The time to get the final outcome of your asylum application can be quite long and you may need to renew your document.

The first thing to do is to book an appointment at the *Questura* for renewal. Again, each *Questura* has a different procedure, inform yourself by contacting the foreigners' office.

At the time of renewal you will have to present the following documents:

- 2 passport photos,
- expired residence permit,
- certificate of residence/declaration of hospitality,
- form 210 (form to be filled in with your personal details),
- 16 € revenue stamp.

Once you have applied for the renewal of your residence permit, you will be given a new “*cedolino*”, which will give you the same rights as your residence permit, until the latter is ready for collection at the *Questura*.

Who will assess the application?

Your application will be assessed by the competent Territorial Commission for the Recognition of International Protection, i.e. the authority that has the power to decide what protection to grant you (see International Protection Factsheet).

The Commission will invite you to come to their offices to ask you very detailed questions about why you have decided to leave your country.

Throughout the procedure you are entitled to have the help of an interpreter or mediator, so that you can understand everything that is happening, as well as your rights and obligations.

Until the Commission has informed you of its decision, you cannot leave Italian territory.

If you change your contact details (the place where you live or your telephone number), you must immediately inform the *Questura* and the Territorial Commission in order to receive communications about your application for international protection, such as the date of your interview at the Territorial Commission.

What questions will the Commission ask?

During the interview you will be asked about your identity, your reasons for running away and your fears about returning to your country of origin and the risks you would take.

It is important to tell your story well, to be sincere and to cooperate. Remember that you can express yourself freely, everything you tell will not be shared with anyone outside the procedure.

It is very important that you feel comfortable and understand the interpreter who has been called to assist you. If you do not understand the interpreter well, tell them immediately, the hearing will be suspended until a person who speaks the same language or dialect as you can be found. You may also ask for a male or female commissioner to interview you, depending on your preference. The same applies to the interpreter.

At the end of the interview, the interpreter will read back to you the report in which all the questions you were asked and the answers you gave are collected. If during the reading you realise that something has been stated incorrectly, ask the interpreter to change it before you sign the document.

! Warning ! The Commission may decide without hearing you, if it has not been possible to summon you because you are unavailable or you do not present yourself for the interview at the Commission, without giving a reason. In the first case, you will be refused; in the second case, they will decide on the basis of the documentation available.

How long will it take to know the decision?

Although timeframes to get the answer from the Territorial Commission are provided for by law, they are not always respected. Therefore, you should not worry if the answer arrives after a long time. In some cases, it can take months or even a year.

! Warning ! In some cases, there may be accelerated procedures, i.e. faster. This can happen in three cases:

1. if you apply for asylum directly at the border,
2. if you are detained in a CPR,
3. if you come from a country that Italy considers 'safe'.

In these cases, your asylum application will still be accepted and analysed, but with faster procedures and shorter waiting times between the expression of your will and the interview at the Commission.

Which countries are safe?

Albania, Algeria, Bosnia-Herzegovina, Cape Verde, Ivory Coast, Gambia, Georgia, Ghana, Kosovo, North Macedonia, Morocco, Montenegro, Nigeria, Senegal, Serbia and Tunisia.

Are there cases in which the application is prioritised?

In conditions of vulnerability, one may request priority consideration of the application for international protection.

Article 15 of Legislative Decree No. 142 of 2015 specifies who vulnerable persons are: minors, unaccompanied minors, the disabled, the elderly, pregnant women, single parents with minor children, victims of human trafficking, persons suffering from serious illnesses or mental disorders, persons for whom it has been established that they have suffered torture, rape or other serious forms of psychological, physical or sexual violence or violence related to sexual orientation or gender identity, victims of genital mutilation.

Where is the Commission's decision delivered?

The outcome of your application for international protection is contained in a written decision that will be notified to you by an operator at the centre where you are accommodated or by mail to the private domicile that you communicated to the *Questura* during the formalisation phase of your application or subsequently.

It is therefore of fundamental importance that you inform the *Questura* and the Territorial Commission each time you change your domicile and await the Commission's decision at the reception centre or domicile that you have communicated. If you do not do this, you may not receive the communication containing the decision on your application for protection.

If the answer is negative?

The Commission may decide not to grant you protection. There are two types of negative answers:

- The **simple refusal**, against which you can appeal to the competent Ordinary Court (*Tribunale Ordinario*), with the help of a lawyer, within **30 days** from the notification (i.e. the day you are informed of the decision).
- **Refusal on the grounds of 'manifest groundlessness' (*manifesta infondatezza*)**, which is recognised, for example, if the reasons for your migration are considered to be exclusively economic. In this case, an appeal is always possible, but you only have **15 days** to submit it. In addition to the appeal, the lawyer will also have to submit a request for a 'suspension'. Basically, the lawyer will ask the judge to authorise you to remain on Italian territory while waiting for the decision. If the suspension is not granted, you will be asked to leave the country.

It is very important that you always keep all the documentation you are given (C3, Commission minutes, decision, etc), but also everything concerning your work, the courses you attend, your school, any voluntary activities you do. Everything can be useful for the appeal.

Unfortunately, depending on the city you are in, the waiting time for receiving the outcome may be very long. In some cities it can take up to several years.

Will you have to pay to submit an appeal?

In both cases, you can access what is called '*gratuito patrocinio*' (free legal assistance): by proving that you do not have sufficient financial resources, you can ask the State to cover your costs for the proceedings. Obviously, the moment you start working and earn more than EUR 12.838 per year, you will be asked to contribute to the costs.

While waiting for the appeal, will the permit be renewable?

While you are waiting for the judge to decide, you can continue to renew your asylum residence permit by presenting at the *Questura*:

- 2 passport photos,
- the expired residence permit,
- declaration of setting of hearing,
- copy of the appeal and receipt or PEC of deposit with the Court,
- certificate of residence/declaration of hospitality,
- Form 210 (form to be filled in with your personal details),
- 16 € revenue stamp.

If the court also rejects the application, can a new application be submitted?

If the court also confirms the Commission's decision, you and your lawyer may submit an appeal to the *Corte di Cassazione* (Court of Cassation), but only if neither the Commission nor the court has lawfully applied the rules of procedure.

The *Corte di Cassazione* cannot decide on your story.

In the meantime, if new reasons for your application have emerged, you can submit a new application for international protection, which will be called a "reiterated" application. But beware, if the reiterated application is the same as the one you have already submitted, it will be considered inadmissible!

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