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otto
8 per
mille
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THE RECEPTION SYSTEM IN ITALY

How is the reception system in Italy structured?

The reception system in Italy is structured on several levels: we must, in fact, distinguish between 'first' and 'second' reception.

'First reception' means reception in centres that deal with first assistance, identifying migrants and defining the document situation.

There are different types of 'first reception' centres: **'Hotspots'**, First Reception Centres (**CPA**, *Centri di Prima Accoglienza*), Reception Centres for Asylum Seekers (**CARA**, *Centri di Accoglienza per i Richiedenti Asilo*), Extraordinary Reception Centres (**CAS**, *Centri di Accoglienza Straordinaria*). These centres provide food and a safe place to sleep, health care services, linguistic-cultural mediation and legal information.

'Second reception', on the other hand, means reception in centres that not only guarantee a home to live in, but also accompany the person on their path to training and work in Italy and help them build a future in Italy.

Second reception is provided by the centres of the Reception and Integration System (**SAI**, *Sistema di Accoglienza e Integrazione*).

What are the 'Hotspots'?

Hotspots are first aid and reception facilities set up at disembarkation points. This is where people arriving by sea are fingerprinted. During the identification phase, foreign citizens

wishing to apply for asylum to the Italian state must clearly express their willingness to apply. There are currently three Hotspots in Italy: in Lampedusa, Pozzallo and Taranto.

What are the Government First Reception Centres (CPA)?

First reception governmental centres are facilities present throughout Italy; therefore not only in places of disembarkation. Here the identification of new arrivals is completed and the process of formalising the asylum application is initiated.

What are the Extraordinary Reception Centres (CAS)?

CAS are extraordinary reception facilities. They can be activated by Prefectures (*Prefettura*), together with municipalities, throughout the national territory to find a quick solution for migrants when arrivals are numerous and close together.

Who can access the SAI system?

The following are eligible for access to the SAI system:

- those who have been granted asylum or subsidiary protection;
- those with a special protection permit or special cases: medical treatment, social protection, victims of domestic violence, disaster, labour exploitation;
- young adults (18-21 years old) who have been granted administrative continuation (i.e., authorisation by the Juvenile Court (*Tribunale dei Minorenni*) to remain in Italy and receive a residence permit until the age of 21 to complete the integration process).

What is the difference between asylum seeker and protection beneficiary?

If you are an asylum seeker, you have a six-month residence permit for asylum and you are in one of the following conditions:

- you are waiting to go to the Territorial Commission (*Commissione Territoriale*) to have your personal interview;
- you have already gone to the Territorial Commission and are waiting for an answer;
- the Commission has denied you protection and you have lodged an appeal.

If you are a beneficiary of protection, you have already received a decision from the Territorial Commission or the Court, which has granted you refugee status or another type of protection.

Are asylum seekers entitled to access the SAI system?

Recently, the Italian Parliament passed **Law No. 50/2023** which provides for the exclusion of asylum seekers from the SAI system. **As of 6 May 2023**, when the law enters into force, asylum seekers are no longer entitled to access the SAI system, but can only be hosted in first reception centres (CPA, CARA, CAS).

Are there any exceptions in the law?

Yes. The following persons continue to have access to the SAI system:

- asylum seekers who entered Italy through humanitarian corridors;
- 'vulnerable' asylum seekers;
- Afghan citizens and asylum seekers who entered Italy as a result of evacuation operations carried out by the Italian authorities;
- Ukrainian citizens.

What is meant by 'vulnerable' persons?

According to Italian law, vulnerable persons are:

- minors under the age of 18,
- children under the age of 18 who are without parents in Italy,
- people with disabilities,
- the elderly,
- pregnant women,
- single parents with minor children,
- victims of human trafficking,
- persons suffering from serious illness or mental disorders,
- persons who have suffered torture or other serious forms of physical or psychological violence.

What happens to asylum seekers who were already in SAI before 6 May 2023?

The law that entered into force on 6 May 2023 **does not** apply to asylum seekers who were already received in the SAI before that date and who, therefore, are entitled to remain in the SAI.

In general, what are the requirements for accessing the reception system?

You can enter the reception system if you do not have sufficient resources to support yourself, for example if you do not work. Even if you work you can access the reception system, as long as the sum of your salaries from January to December does not exceed the maximum amount established by law, which is usually around 6,500 euro per year. Reception is also guaranteed for any family members accompanying you.

Are there any offences that prevent access and stay in the reception system?

The law does not expressly provide a list of offences that prevent access to or permanence in the reception system. However, there are particularly serious offences that can lead to the rejection of an asylum application or the loss of refugee status. In this case, you also lose your right to reception.

When can you be denied refugee status?

If you are considered to be a danger to public safety because you have been convicted, in a final sentence, of certain offences provided by law; for example, among the most common are drug offences.

What is a final sentence?

If you are found guilty of an offence by the Court, you can ask the higher court, the Court of Appeal (*Corte di Appello*), to review your case. If even at the end of the appeal you are found guilty, you are said to have been convicted by a final sentence. However, if you have been convicted by a final sentence, you are not automatically denied refugee status: this can only happen when you are found guilty of very serious crimes and of being a dangerous citizen.

Are there other cases in which the right to reception may be restricted?

The law provides for cases in which the asylum seeker may be detained in one of the Centres of Permanence for Repatriation (CPR, *Centri di Permanenza per il Rimpatrio*) in Italy. This mainly occurs if the asylum seeker has been convicted, even if not final, of certain offences provided for by law and is, for this reason, considered a security risk. Those in a CPR cannot benefit from reception measures. However, those in a CPR are also entitled to receive legal assistance and are entitled to apply for asylum.

If you have already benefited from reception measures in the past, will you be able to access them in the future?

If you have already benefited from SAI reception - formerly called SIPROIMI or SPRAR - and your project has ended, you will not be able to access it in the future. However, if you have only benefited from CAS reception, you are entitled to access the SAI system.

What does it mean to be part of a reception project?

It means having rights, but also obligations. First, the project staff will read to you in a language you understand the so-called 'reception pact', which sets out the services provided by the project, your rights and your obligations. You will have to sign the pact.

In general, what are the differences between SAI and CAS?

While the holders of SAI projects are the municipalities, CAS are activated by the Prefectures.

Only asylum seekers can access CAS. On the other hand, SAI projects are intended for people who have already received some form of protection, as well as for 'vulnerable' asylum seekers and those who were already in them before 6 May 2023.

In CAS, only essential services are guaranteed, while in SAI, services for integration into society and the labour market are also provided.

In most cases, those housed in a CAS find themselves living in large structures with many people. People housed in SAI, on the other hand, live in small flats, so they have more opportunities to integrate with the local community and people around them.

What services are you entitled to if you are accepted in a SAI project?

- If you are an **asylum seeker**, you are entitled to a room in a house, food and other material goods, such as 'pocket money', i.e. a monthly cash contribution, various forms of clothing and products for personal and household hygiene. In addition, you are entitled to receive legal, health and psychological assistance services, which include registration with the National Health Service and any expenses and accompaniments at medical-hospital facilities, linguistic-cultural mediation, Italian schooling and education for minors, coverage of transport costs (e.g. train tickets, bus passes...). You are entitled to remain in the project until the final outcome of your asylum procedure.

You cannot benefit from integration-related courses: the reception project will not be able to pay for non-free training courses, internships, etc. for you. For those you will

have to wait for the recognition of a form of protection by the Territorial Commission or the Court.

- If, on the other hand, **you have already been granted asylum or another form of protection**, you are also entitled to use the services dedicated to vocational training, finding an internship or job and finding a home. You can stay in SAI reception for 6 months from the moment you were granted a form of protection; however, if there are special needs, you can ask to stay for another 6 months. It is the Central Service (*Servizio Centrale*) that decides whether or not to grant you further reception. When you leave the project you are entitled to receive a contribution to pay the rent of your accommodation, or a financial contribution if you have not yet found accommodation.

What is the Central Service?

The Central Service monitors all the reception projects active on the national territory, authorises expenses, assesses whether to grant reception beyond the time foreseen to those who request it, and orders, if necessary, the revocation of reception measures.

What services are you entitled to if you are received in a CAS?

You are entitled to the following essential services:

- food and accommodation,
- clothing and personal hygiene products,
- linguistic-cultural mediation,
- health care, which includes registration with the National Health Service and any medical expenses and accompaniments at medical-hospital facilities,
- legal information,
- basic orientation to local services (e.g. job centre, registry office, etc.),
- coverage of expenses related to transport to the *Questura* (Police headquarters) or Territorial Commission (e.g. train tickets, etc).

Following the entry into force of the new law, if you are received in a CAS, you may no longer have access to legal assistance throughout the asylum application procedure, Italian language classes and psychological support. However, there are many services on the territory that can support you in your migratory path, such as, for example, listening centres, patronages, information desks provided by associations: we advise you to look for services in the territory where you live and refer to them.

Are asylum seekers accommodated in a CAS entitled to a periodic financial contribution?

Yes, people accommodated in a CAS are entitled to 'pocket money' for small personal expenses, amounting to approximately €2.5 per day. In the case of families, the amount is determined in relation to the number of household members.

You are a minor under the age of 18 who is in Italy without parents. Can you be housed in a CAS?

Only upon arrival and for a short period of time. You must be aware that specific reception projects are dedicated to you, capable of providing an adequate response to the needs of your age. Sometimes it happens that the authorities have doubts about your age and want to verify it. If you are finally recognised as a child under the age of 18, you have the right to be transferred to a reception project for persons of your age.

You entered a CAS as an asylum seeker and, at a later stage, the Commission granted you asylum or other protections: can you stay in the CAS?

No. If you have received a positive decision from the Commission, your reception in the CAS ends. At this point, you are entitled to be transferred to the SAI.

If the Territorial Commission has rejected your asylum application and has not granted you any form of protection, can you stay in a CAS?

Yes, but only if you submit an appeal, i.e. if, with the help of a lawyer, you ask the judicial authority (the Court) to reconsider your application for international protection. In this case, you can stay in a CAS facility until the judge's answer. Warning! The appeal must be submitted within **30 days** or **15 days**, depending on the reasons for the refusal. If the Court also rejects your asylum application, you can appeal to the supreme court, called *Corte di Cassazione* (Court of Cassation). In this case, you are allowed to stay in the CAS until the final decision of the *Corte di Cassazione*.

Can you voluntarily give up reception?

Yes. If you are hosted in a SAI or CAS project, you can leave your accommodation permanently by communicating your decision to the operators of the service. In this case,

you take on the responsibility of providing for your own subsistence. This does not affect your asylum application.

You are in a reception project: what are your obligations?

You must respect the reception pact and regulations signed when you enter the project.

In general, what are the reasons that may force you to leave the reception structure in which you are hosted?

You may be forced to leave the accommodation facility where you are hosted mainly for one of the following reasons:

- you do not enter the facility to which you were assigned upon your arrival in Italy, or you leave it for more than 72 hours without notice;
- you do not present yourself without justification at the hearing in the Territorial Commission;
- you are a worker and the sum of your salaries exceeds the maximum amount provided for by law (approximately 6500 euros per year). If you exceed this amount, the State considers you capable of providing for your subsistence, and you will therefore have to leave reception.
- In any case, before withdrawing your reception, the authorities will assess your overall situation, especially if you are under 18 or have special needs.

What happens if you return to your accommodation after an absence of more than 72 hours?

The authorities, listening to the reasons why you left the facility, may decide whether to admit you back. This is usually the case if your absence from the facility was caused by a reason of force majeure or serious personal reasons.

What are the consequences of exceeding the annual income limit?

The Prefecture and the Central Service carry out periodic checks. If your income is above the legal limit, in addition to the risk of having to give up reception, you may receive a very high fine.

What are the changes introduced by the new law?

Before the new law came into force, in the case of a serious and repeated violation of the reception project rules or in the case of seriously violent behaviour towards people or things, the Prefecture, after receiving a report from the reception facility, proceeded to revoke the reception measures. Today, instead of revocation, the Prefecture may order, in addition to the transfer to another facility, the suspension of some of the services provided by the reception facility or the suspension or revocation of some economic benefits.

How does revocation of reception measures take place?

Revocation takes place by means of a motivated decision, which must be delivered to the person concerned, so that he/she can be informed of it. It is at this point that the reception measures cease. An appeal against the revocation decision - as well as against the suspension decision - may be submitted to the Regional Administrative Court (TAR, *Tribunale Amministrativo Regionale*), with the assistance of a lawyer. The appeal must be submitted within 30 days after the notification of the revocation or suspension.

If you are an asylum seeker awaiting the Commission's response and you leave the reception facility permanently because of your own will or because your reception has been revoked, how are you notified of the Commission's decision?

Once you have left the reception facility, you can still ask your former operators for help. Remember to report any subsequent change of domicile or residence to the municipality and the *Questura* where you live. Reporting your change of domicile or residence is important in order to continue receiving communications from the Commission regarding your asylum application. Furthermore, if you have submitted an appeal against the Commission's rejection, it is important to keep in touch with your lawyer after you leave the reception project in order to find out about developments and the outcome of the proceedings in Court.

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