



INFORMAZIONI SENZA BARRIERE
INFORMATION WITHOUT BARRIERS
INFORMATION SANS BARRIÈRE

رکاوٹ سے پاک معلومات
معلومات بدون عقبات

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

PROTECTION OF UNACCOMPANIED FOREIGN MINORS

(MSNA, *Minore Straniero Non Accompagnato*)

Introduction: In 1989, Italy, along with other states, ratified the Convention on the rights of the Child. Thanks to this convention, the interest of the person under the age of eighteen is placed at the centre of all other interests.

If you are under the age of eighteen, you are not an Italian citizen or a citizen of another European Union country and you find yourself for any reason on Italian territory, without one of your parents or another adult person legally responsible for you, according to current legislation, you are entitled to a number of protections, which we will explain in the course of this sheet.

You arrived in Italy on your own, what happens?

If you have arrived in Italy alone and are under 18 years of age, you are considered an 'unaccompanied minor', so the first thing you need to know is that the law provides that you cannot be turned back at the border and you cannot be deported (except in exceptional cases) from Italy. This means that the police cannot stop you from entering Italy. If they stop you, do not resist, just explain clearly that you are a minor and that you are travelling alone without parents or adults.

When you come into contact with the police they will need to identify you: this means that they will need to understand who you are and how old you are. During this procedure you are entitled to a mediator or cultural mediator; if they are not there, ask for

one. It will be very important to understand each step in the identification, reception and application for a residence permit. If you have a document with you, with your name, surname and date of birth written on it, show it now: it can help you prove your identity. The police may take your passport during the identification procedure, remember that they have to leave you a copy. At the end of the identification procedure, a photo of your face will be taken (photo-identification), you will be given an identification number and you will be asked to have your fingerprints taken from all the fingers on your hand. If you are under the age of 14, the police cannot take your fingerprints.

Remember that the police may ask you several times for your fingerprints: do not resist, they are only verifying your identity (i.e. who you are). It is important to remember that identification procedures cannot violate your rights. There can be no violence and/or threats and there can be no bodily inspection if you do not want it.

Your parents/relatives are in another European country and you want to join them?

If you have a mother, father, brother and/or sister, grandfather and/or grandmother, uncle and/or aunt in Italy or in another country that has signed the Dublin Agreement (all EU Member States + Switzerland, Norway, Liechtenstein and Iceland), it is your right to apply to be reunited with them (even if you have not applied for international protection). Throughout the procedure you must always be assisted by a cultural mediator and it is essential that you or your guardian (*tutore*) seek the help of an association or legal support. Remember that minors who turn 18 during the reunification procedure retain the right to be reunited with their family members even after they have reached the age of majority. The family reunification procedure takes a few months on average, be patient! Making yourself 'invisible' and leaving the centre where you are received, losing track of you and trying to reach your family member on your own, is dangerous and may not help you.

Do you want to get your parents here?

If your parents are still in your country, there will be different possibilities and criteria depending on the residence permit you can have. Get well informed by a lawyer and/or an association if this is your intention.

Where will you be welcomed?

Upon arrival you will be taken to a first reception centre where you will be identified and given initial care and assistance. According to the law, you should stay there for a short period, not exceeding 45 days.

Once you have been identified as a minor, you may be taken to a temporary facility or Extraordinary Reception Centres (CAS, *Centri di Accoglienza Straordinaria*) where you

will receive food, where you will sleep and where you will find people ready to help you and answer all your questions. If you are over 16 years old, you could be placed in a facility where adults are also present, where you could stay for 90 days, which can be extended by another 60 days. This could be in case there are no places available in juvenile facilities.

Afterwards, you will be moved to what is called the Reception and Integration System (SAI, *Sistema di Accoglienza e Integrazione*) where you will start your integration project and will be helped to increase your autonomy. You will also receive pocket money for daily expenses.

You can stay in the SAI until you are 18 years old and for 6 months thereafter, if the social worker supervising you deems it necessary to complete your course.

REMEMBER! In this case, asylum seekers are hosted until their application has been finalised and, in the case of recognition of international protection, for 6 months following the notification of recognition. If you turn 18 in the meantime, you are transferred to an adult facility.

If no places are available, local authorities may offer reception to unaccompanied foreign minors within the municipalities.

In the event of massive flows of minors, the Prefects (*Prefetto*) may activate temporary facilities, again to guarantee the reception of unaccompanied minors. This is a short-term solution, in order to then be able to move on to other possibilities.

Who will take care of you?

The Juvenile Court (*Tribunale dei Minorenni*), once informed by the competent authorities of your presence on Italian territory, will appoint a guardian (*tutore*) for you, i.e. an adult person who will look after your interests and rights, will have the power to represent you and to carry out all actions inaccessible to you until you turn 18.

While waiting for the guardian to be appointed, you will have the support of a temporary guardian. This role will be filled by the head of the facility in which you are received or, as the case may be, by the mayor, who may in turn delegate this function to another person.

The guardian is not your lawyer but will be able to help you with bureaucratic issues concerning your residence permit and more.

The guardian is required to follow your integration process in the territory, always trying to safeguard your well-being, to help you in difficult situations, to ensure that you are given everything you need in the facility in which you are received, and to be there for you. Remember that you have the right to ask for meetings or interviews (even if only by telephone) whenever you feel it is appropriate or when you feel the need.

If you do not feel supported by the guardian, or if you believe that the guardian is not acting in your best interests, or is not as present as he/she should be, you can ask for help by talking to the head of the facility, to the operators, to the social worker, to a lawyer, or to associations that deal with child protection.

Will you be able to live with a family?

According to the law, not only you can live with a family but, indeed, this would be the best choice. In fact, living in a family environment is one of your rights, so you could choose family fostering (*affido familiare*).

Family fostering is a practice whereby, for a period of time determined by the Juvenile Court, you can be received by a family or a person who has made themselves available. It is a path during which you will be helped and supported by the social services of the municipality where you are. The family where you go into fostering must be able to provide you with a good place to live, food, and the education and teaching you need.

Initially, fostering can last up to 24 months (sometimes shorter) and can be renewed for longer periods in the event of proven need and based on your and the foster person's/family's needs.

There are 2 types of family fostering: full-time and part-time.

→ In the case of full-time fostering, you live with the foster person or family.

→ Part-time fostering, on the other hand, provides for coaching and support on certain days and/or at certain times; for instance, you can choose to visit family after school, or at weekends.

Will your age be verified?

Yes, your age can be verified, but this can only happen when doubts have arisen as to your real age or if you have been given an age other than the one you claim to be.

The Police will have to stick to the age indicated in your biographical documents that you have shown. If you do not have a document proving your age, the Police can contact your Embassy to carry out a check on you and obtain your data.

However, the Police can NEVER contact the Embassy if you do not agree or if you explain that you are afraid of retaliation (damage, threats, revenge aimed at you or your family). If there is any doubt as to your declared age, a Juvenile Court Judge may order socio-medical examinations to be carried out to ascertain your age.

Your temporary guardian and a cultural mediator must be present throughout the age assessment procedure. You should be explained, with the support of a cultural mediator, in your language or a language you know, what the age assessment consists of.

The assessment is multidisciplinary, i.e. it is a comprehensive examination. You will talk to several doctors and specialists (psychologist, social worker, paediatrician, etc.) who will establish your approximate age.

The assessment should be gradual and as minimally invasive as possible. Only if doubts still remain an X-ray of the wrist, hand or teeth probably can be performed. Once these meetings and examinations have been completed, the specialists will have to decide on your age. The decision will be given to the judge who will have to inform you and your guardian.

In case you should be declared an adult and wish to contest the decision, speak to your guardian immediately because you only have 30 days from the communication to make a

complaint. If you do not have a guardian because you have not been appointed one, speak directly and as soon as possible to a person you trust or to an operator to contact a lawyer and ask for help.

It may happen that the age assessment is made directly through health assessments, such as the X-ray of the wrist; without then first having an interview with other specialists (psychologist, social worker, etc.). In this case, we advise you to immediately contact a lawyer specialised in immigration law, because if you were to be recognized as an adult, you will have only 5 days to be able to object.

In any case, **always** demand the presence of a linguistic-cultural mediator during the exam.

Can you get a residence permit?

Yes, by the mere fact of being an unaccompanied foreign minor you are entitled to obtain a residence permit for minors or, as the case may be, a residence permit for family reasons.

The residence permit for minors, which is the most frequent case, can be issued at your request even before the appointment of your guardian, with the help of the person in charge of the facility where you are received, who is your temporary guardian, and who will be able to accompany you in applying for the permit. After the guardian has been appointed, you can instead be supported by him/her.

To obtain a permit for minors, an application must be submitted to the Immigration Office of the *Questura* (Police Headquarters) in the city where the centre that hosts you is located.

Ask the person who will support you as legal advisor to tell you what documents you will need.

The residence permit for minors will be issued to you in paper format and will have a limited duration: it will expire when you turn 18.

On the other hand, you may request a residence permit for family reasons if, for example, you have been entrusted, even effectively, to a relative up to the fourth degree of kinship (uncle, cousin, etc.) or if you have been entrusted to or you are under the guardianship of an Italian citizen or legally residing foreigner with whom you live.

A residence permit for family reasons, like a residence permit for minors, is time-limited and expires when you turn 18.

What will happen when you turn eighteen?

Turning 18 is another small milestone and certain requests concerning this step must be made in good time. The law provides that you can convert your residence permit for minors into a permit for study, work, awaiting employment or medical treatment, with a maximum duration of one year; or, that you can apply for an administrative continuation, i.e. a residence permit for fostering.

In the first case, the request must be submitted by filling out the postal kit at the *Questura* by your guardian within 60 days before reaching the age of 18, and in any case within 60 days from your birthday. In the latter case, you can personally make the request to the competent Juvenile Court.

It is very important that the guardian is correctly informed of all the documents that are required and explains the entire procedure to you step by step. Applying for a conversion into a residence permit for work or another title entails having certain requirements:

- income, to convert into a work permit;
- having started a school career with attendance and achievement obligations, for convert to study permit.

It will be necessary to check together that you meet all the requirements of the law. You will also need a residence, a passport and a favourable opinion from the General Directorate for Immigration and Integration Policies of the Ministry of Labour and Social Policy (*Direzione Generale dell'Immigrazione e delle Politiche di Integrazione del Ministero del Lavoro e delle Politiche Sociali*). Your guardian must verify that it has been requested by the Social Services or he/she may request it himself/herself. Once you turn 18, you can also apply for it yourself.

In the second case you can obtain the so-called administrative continuation until the age of 21. You are entitled to it if you have embarked on a path of social integration and continue to need support to achieve full autonomy. The application must be submitted to the Juvenile Court by the Social Services or by your guardian explaining your integration path. If everything goes well, you will be issued with a residence permit for fostering, but only if you are in possession of a passport.

!Attention!

Be aware that some offences you may have committed as a minor may pose a problem for conversion: contact a lawyer immediately if the *Questura* denies you a residence permit.

What happens if the opinion is negative?

If the opinion is negative, the *Questura* may decide to issue you the permit anyway. However, if the *Questura* refuses, it is your right to receive a written decision explaining the reasons for the refusal. In addition, it is your right to consult an attorney. Remember: the opinion is mandatory but not binding.

If you are a minor, can you be detained in a Centre of Permanence for Repatriation (CPR)?

No, under no circumstances you can be deprived of your personal freedom. If this happens, **demand** to speak to a lawyer **immediately**.

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