



# The Organisation of Asylum and Migration Policies

## Factsheet: Italy

### 1. Introduction

This factsheet provides an overview of how asylum and migration policies are organised in **Italy**, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection. It is based on information provided in the Italy National Report of the EMN Study *The Organisation of Asylum and Migration Policies in EU Member States*<sup>1</sup>, as at **April 2012**. The Report was based on desk research: key sources were periodical publications edited by relevant bodies such as the Ministry of Interior, the Central Service of the Protection System for Asylum Seekers, the CNEL (Council of Economy and Labour) and others, as well as in-depth research and analysis conducted by the Italian EMN NCP. Institutional web pages (especially the website of the Ministry of Interior) were also included as sources.

### 2. Overview of organisation of political, legislative and institutional framework

#### 2.1 The political system and institutional context

The Coordination and Monitoring Committee for regulations regarding migration, composed of the relevant Ministers, coordinates migration policy at the ministerial level, supported by an inter-institutional Technical Working Group. This consists of legal representatives of relevant ministries and experts appointed by the Unified Conference (State-Cities and Local Authorities) that conducts analysis and evaluation of migration-related issues. At the level of the Ministry of Interior, the practical coordination of migration policies is undertaken by the Department for Civil Liberties and Immigration (which outlines and coordinates the activities of the Territorial Commissions for Refugee Status Recognition and proposes guidelines for the evaluation of asylum applications) and the Department of Public Security (which focuses on developing strategies to prevent irregular migration). Other key institutions include the Ministry for International Cooperation and Integration, the Ministry of Labour and Social Policies and the Ministry of Foreign Affairs.

#### 2.2 The legal framework

The central law regulating the field of asylum and migration in Italy is the Consolidation Act on Immigration (Legislative Decree no. 286/1998) which was partially modified in 2002, and at several other times to implement the EU Directives. Another important law is the so-called "security package" (Law no. 94 of July, 15, 2009), which includes also issues relating to migration.

### 3. Development of migration and international protection systems

In the last three years, important new legislation has been introduced in Italy. The "Security Package" from 2009 entailed changes to the length of detention and imprisonment of irregular immigrants, funding for return of aliens, a 200 euro fee for citizenship applications, an 80-200 euro fee also for stay permits (first issue and renewal), and stricter family reunification regulations, amongst others. In 2010, the "Integration Agreement" was also introduced (see 4.1 below). The agreement, which regulates the so-called "Point-based Permit of Stay," must be signed by all adult foreigners applying for a residence permit in Italy, and is valid for two years. In 2010, language tests were also made mandatory for obtaining a long-term residence permit. Later in 2010, the "Second Security Package" was adopted *inter alia* initiating a delegation of the responsibility to renew residence-permits to the Municipalities (see below). In 2011, the implementation of EU Directives 38/2004 and 115/2008 was also completed, introducing new requirements for economic resources, new detention measures and forced returns of EU citizens.

<sup>1</sup> Available on the EMN website: [www.emn.europa.eu](http://www.emn.europa.eu) and on the NCP Italy website: [www.emnitaly.it](http://www.emnitaly.it).

## 4. Organisation of policy

### 4.1 Overview of migration and international protection policy

The entry procedures of Italy generally follow the regulations of the Schengen System. A Decree of the Ministry of Foreign Affairs of May 2011 implemented the new EU regulations but still contains 21 different types of visa, some of which have been redefined.

With regards to admissions conditions, only third-country-nationals planning a stay longer than three months are obliged to apply for a residence permit – in a number of cases (e.g. study, family reasons or work) are required to apply to the so called “Sportello Amico” of Poste Italiane (a specific Help Desk of the Italian post offices), where they can obtain and fill in the necessary forms. All the documentation is then transferred to the Single Desk operating in the “Prefettura” (the Territorial Governmental Office). Applications for asylum can be submitted at the Border Police offices upon entry or at the Immigration Offices. The evaluation of the application is made by the relevant Territorial Commission for Refugee Status Recognition.

Italy has recently taken steps aimed at transferring the administrative jurisdiction for the renewal of residence permits to Municipalities. In this regard a new “online network for assistance with residence permit renewal” has been created and was in November 2011 joined by more than 450 Municipalities. As an alternative to paper forms, the foreign citizen may submit his/her application to any Municipality (or to specific offices specialized on free assistance, called “Patronati”) enabled to process the online submission. Furthermore, the Ministry of Interior has developed an automated system for the presentation of foreign citizens to the Police Headquarters for the validation or delivery of their residence permits.

In 2010, the Council of Ministers approved the “Plan for Integration in Security” which defines the main lines of action and tools to be adopted in order to promote a successful integration process of immigrants, thus meeting the needs for both security and reception. The Plan is based on five basic principles of integration: education and learning, work, housing and local administration, access to the most essential services, integration of minors and second generations.

To obtain citizenship, foreigners residing in Italy have two main options: marrying an Italian citizen (once six months and now two years of residence in Italy since the date of the marriage are required), or continuously residing in the country for period of time (i.e. 10 years of regular and uninterrupted residence for non-EU citizens).

An employer hiring a non-EU worker must go to the Single Desk for Immigration at the Prefecture of the province where the work will take place. The Single Desk issues an authorization certificate; the worker then has a 6 month window to apply for an entry visa.

Key institutions involved in the return process include the Border Police (executing refusals at the border), the Immigration Office at Police Headquarters (issuing orders of expulsion) and the Identification and Expulsion Centres (responsible for detention of foreigners while an expulsion order is pending).

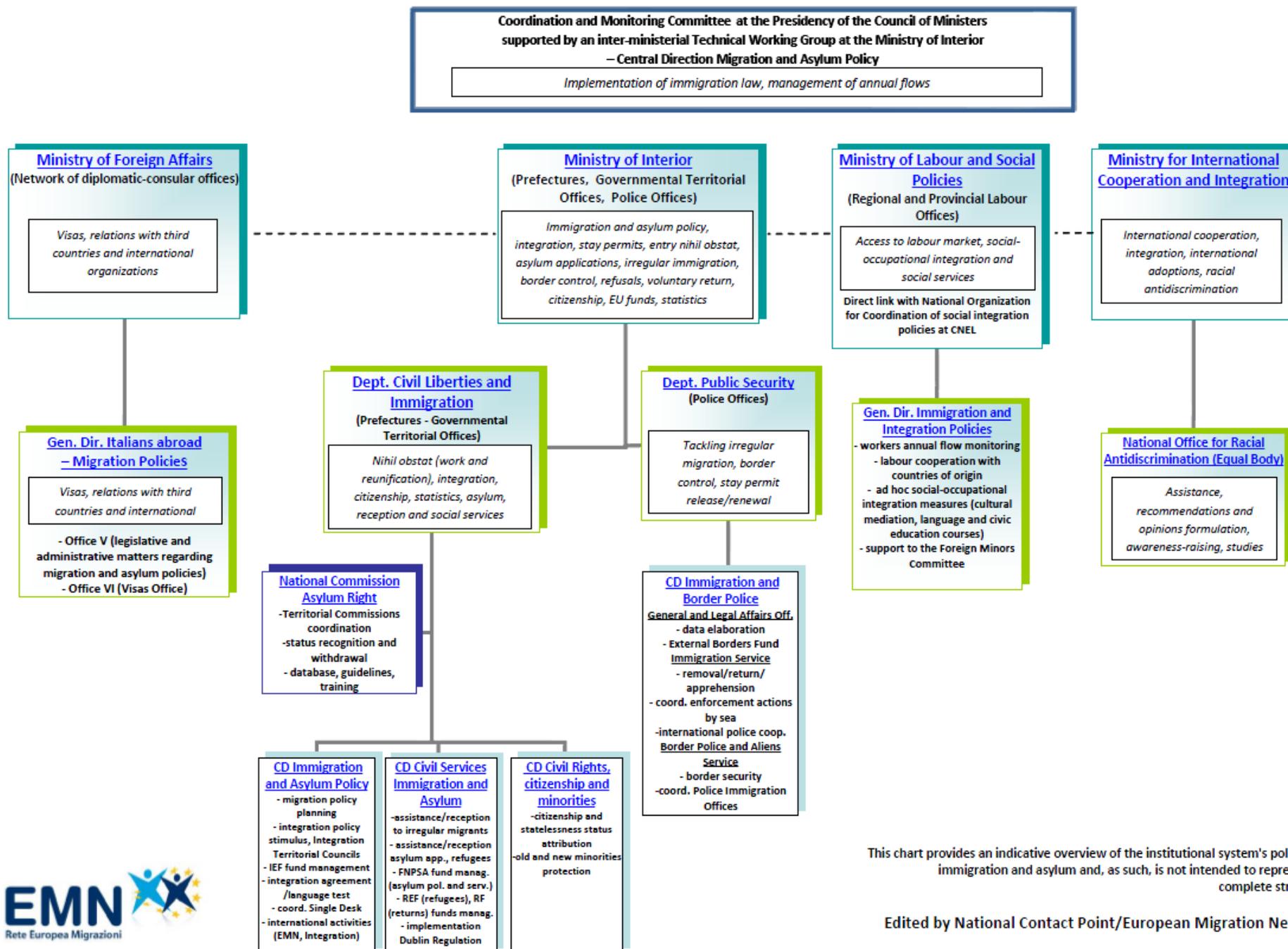
### 4.2 Links with other policies

Strictly linked with migration and asylum policies are foreign policy, development cooperation policy, employment policy, cultural policy and business and entrepreneurial strategies etc. In such a complex context it is worth highlighting the need of a closer link between the various institutions. On a more practical level, it can be said that Italy generally does well in the area of effectiveness and quality of treatment of immigrants (according to the Migrant Integration Policy Index). However, improvement is needed in relation to policies for the promotion of the political participation of migrants, their education, and the elimination of discrimination, and also in the regulatory environment for labour market mobility and family reunification.

## 5. Analysis of asylum and migration systems

Given the economic situation and geographical location of Italy, immigration pressure on the Italian borders has been considerable in recent years. Italy has concluded a large number of agreements on readmission (some 30 in total), which establish specific methods and procedures for the identification and return of irregular migrants. Irregular immigration from North Africa is increasingly posing a challenge to the whole EU system, but in particular to the Mediterranean EU Countries. National immigration policy increasingly has had to focus on removing the incentives of 'human traffickers' and criminal activities rather than just 'securing the borders'.

## ITALY – Institutional Chart for Asylum and Migration Policy (April 2012)



This chart provides an indicative overview of the institutional system's policies on immigration and asylum and, as such, is not intended to represent its complete structure.

Edited by National Contact Point/European Migration Network