

# PRACTICAL GUIDE FOR ASYLUM SEEKERS IN ITALY



MINISTERO  
DELL'INTERNO

National Commission for the Right to Asylum



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# 1. The purpose of this guide

If you are reading this guide then **you are in Italy** and you have applied for or you are considering applying for international protection.

Here you will find information on **how to access the international protection procedure**, criteria applied in the **assessment** of your application and your **rights and duties**.

Read it carefully, keep it and consult it whenever necessary. It will help you to understand what is happening at every step of the procedure.

If you find some parts unclear, **request further information and explanation** from legal operators at your reception centre or refugee protection associations. You will find useful addresses and numbers at the end of this guide.



This diagram summarises all 6 phases of the procedure for recognition of international protection. You will find additional information on each one as you continue reading this guide.



## 2. Applying for international protection

### What is international protection?

International protection is a set of fundamental rights which are recognised by Italy for **refugees and beneficiaries of subsidiary protection**.

**Refugees** are people who have a founded fear of being persecuted in their country of origin due to their race, religion, nationality, political opinion or belonging to a certain social group and who are unable to receive protection from their country of origin. See page 26 for further information.

**Beneficiaries of subsidiary protection** are people who despite not being refugees, risk a serious threat in their country of origin (sentencing to death, torture, inhumane or degrading treatment, risk of death due to armed conflict). See page 27 for further information.

International protection **guarantees** above all **the right not to be repatriated** and **to stay in Italy**.

### Can I apply for international protection?



If you are not an EU citizen and cannot return to your country of origin because you fear persecution or risk serious harm;



If you do not have any citizenship and fear persecution or risk suffering serious harm if you return to your country of habitual residence.



*If you believe your situation is different from the above two but you still need to remain in Italy for other reasons, request information on different types of residence permits from a legal expert. See page 37.*

## When and where can I submit my application for international protection?

Submit your application **as soon as possible**.

You can express your will to apply for international protection when you arrive in Italy at the **Border Police Station** or, if you are already in Italy, at the Immigration office of the nearest **police station**.

Even if you are in prison or being held in a detention centre for repatriation (DCR) you can still apply for international protection.

Applications are **individual**: each adult must personally submit their own application. If you have minor children in Italy please inform the Authorities of their presence, as your application will then also be valid for them.

If you are under the age of 18 years and are alone in Italy you can still apply for international protection with the assistance of a supervisor from the centre you are staying at.

## Are there any fees?



The international protection application procedure is free of charge.

The Italian authorities will never ask you for money for submitting or assessing your application. If someone tells you or leads you into believing that money is required, inform the authorities.

# Which country will examine my application for international protection?

The country that will examine your application for international protection is established by the Dublin Regulation.

The **Dublin Regulation** is a legislative act of the European Union containing a series of rules to determine the competent European country for examining your application. Indeed, the fact that you have submitted your application in a particular European country does not mean that it will necessarily be examined there.

Before examining your application for international protection, the European country you are in will verify whether it has competence for deciding on your application, or whether it must be transferred to another European State, remove, for examination. Take a look at the map on page 11 to find out which 32 European countries apply the Dublin Regulation

The Dublin regulation establishes the criteria by which a country can be competent for the purposes of examining an application for international protection: the presence of a member of your family in a country which applies the Regulation, the fact that you possess or have possessed a visa or a residence permit issued by one of the countries which applies the Regulation, the fact that you entered, legally or illegally transited through one of these countries. Often this last rule is applied. **The competent country for assessing your request for international protection is the first European country you entered** (e.g. if Italy is the first European country you entered, then Italy will assess your application for international protection).

If you have relatives in another State which adheres to the Dublin Regulation and you wish to join them, speak with staff at the reception centre where you are staying or with a legal expert, or directly to the Police.

You will be granted a confidential interview with Police caseworkers in your own language or in a language you understand, during which it is important that you provide all useful information, especially on the presence of your relatives in other EU States, and provide any documents you may have. The purpose of this interview is not to make a decision on your needs



for international protection, but to establish the competent country for making this assessment. Your application will be examined by an office of the Ministry of the Interior called the Dublin Unit.

You can legally join your relatives in the country in which they live and continue your procedure there under the following circumstances:



If you are of age, you can legally join **your minor child** or **your husband** or **your wife** (in some cases your partner too) **if they are refugees, beneficiaries of subsidiary protection or asylum seekers** in the State where they are located.



In the event of **pregnancy, recent maternity, serious illness and serious disability** or **old age** you can join your children, brothers or sisters or one of your parents if you are dependent on **their assistance** or if one of them depends on your assistance.



If before entering Italy **you submitted your application to authorities of another European country**, the Dublin Regulation establishes that the country where you submitted your application will examine your case. If your application is rejected, you can appeal to the jurisdictional authorities of the same country to ascertain whether the decision was fair.



If prior to departing for another European country **you submitted your application in Italy**, in many cases the Dublin Regulation establishes Italy as the competent country for examining your application for international protection. Cancelling the application presented here in Italy will not result in a change of the competent country.

Remember that if you do not agree with a European State's decision to move you to another country for the examination of your application, you have the right to appeal to a judge. If you do not have sufficient economic resources to do so, you have the right to free legal assistance.

# If you are an unaccompanied minor

If you are an **unaccompanied minor** and **have relatives in another European country**, **do not leave the reception centre where you are staying and try to make the journey alone**. Inform the operators of your reception centre, or your guardian, or Police of the fact that you wish to join your relatives.

You can leave with documents and travel safely to legally join **your mother, your father** or another adult who is legally responsible for you or your **brother, sister**, uncles or aunts or **grandparents** who will be able to take care of you. The relative you wish to join must be **legally resident** in the country where he/she lives.

Furthermore, if you are an unaccompanied minor, your application can be examined in the country where you are currently staying.



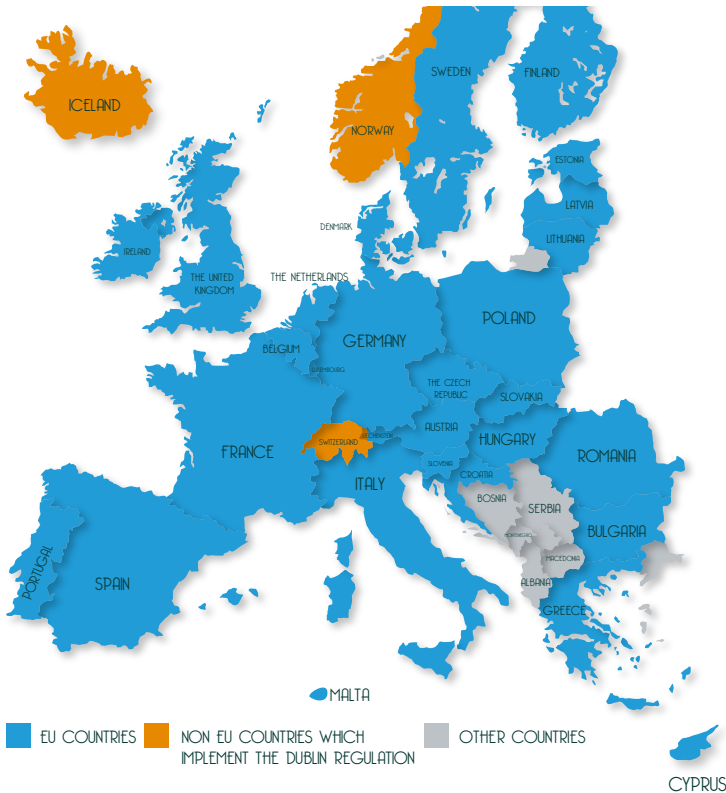
## Warning

- If the competent country for assessing your application is Italy but you continue your journey and apply for international protection in another European State, you may be transferred back to Italy.
- If before arriving in Italy you entered another European country which applies the Dublin Regulation, you may be moved to that country.

*For further information, request assistance from a legal operator at the centre where you are staying, or an association for the protection of asylum seekers, or your lawyer.*

# Which countries apply the Dublin Regulation?

28 European Union Member States (therefore Austria, Belgium, Bulgaria, Cyprus, Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, The United Kingdom, The Czech Republic, Romania, Slovakia, Slovenia, Spain, Sweden, Hungary) and Switzerland, Norway, Iceland and Liechtenstein.



# What is the procedure for submitting an application for international protection?

**1) IDENTIFICATION:** after expressing your intention to apply for international protection, the Police will identify you: they will record your personal information (name, surname, date and place of birth, nationality) and will take a few photos of you. If you are aged **14 years or older**, the Authorities will also take a picture or an image of your fingers ("finger prints") which will be sent to a European data base called Eurodac.

For these procedures to take place, you may be held at a specific facility for a maximum of 1 month. At the end of this period, if it has not been possible to ascertain your identity and citizenship, you may be moved to a **detention centre for repatriation**, where you may be held for a maximum period of **6 months**.

**2) FORMALISATION OF APPLICATION:** it consists of filling out a form called **Form C3**. The Police will ask you a few questions about your identity and personal condition (e.g. name, surname, date and place of birth, nationality, current domicile, contact details, education, work, religion, place of residence, languages known), your family and the journey you faced. They will request you to give a brief account of why you left your country and why you cannot go back to it. If you wish you can also submit a written document (in Italian or another language) in which you explain your story. If you do not speak Italian you have the right to be assisted by an **interpreter**.

If you have a passport you must hand it over to the Police. It may also be useful if you submit all documents in your possession upon your arrival in Italy, as well as any documents subsequently obtained from your country of origin (for example: Travel permits, marriage certificates, medical certificates, photographs, newspaper articles): in this way it will be easier to understand what happened and to find out more about your situation.

In particular if:

- you are **under** the age of **18 years**;
- you have a **serious disease**;

- you are **a parent with children who are minors;**
- you are **pregnant;**
- you **have a disability;**
- you require **psychological support**, you **have survived torture, physical, psychological or sexual abuse or abuse due to your sexual orientation or your gender identity**, you are a **victim of trafficking**, you are the victim of **female genital mutilation;**
- you have any other specific needs;

do not hesitate to speak to the Police, to staff at the reception centre you are staying at, an association for the protection of asylum seekers or your lawyer.

Under these circumstances, you may have the right to:

1. stay at **a special facility** (for example: centres for minors or protected structures for people at risk of sexual exploitation);
2. be supervised and assisted **by expert support staff** (doctor, psychologist, social worker ...);
3. obtain **priority examination** of you application.

The C3 model will be signed by you, the Police caseworker and the interpreter who assisted you and, if you are under the age of 18 years, by your guardian (read the definition of this term on p. 16) or by the supervisor of the centre where you are staying. **You will receive a signed copy of the model** and submitted documents.



## WARNING

**If your contact details** (place where you live or telephone number) **change you must inform** the Police and Territorial Commission so that you receive notifications regarding your application for protection, such as the time and date of your interview with the Territorial Commission. In this respect, please read the paragraph "How will I be notified of the decision" on page 29.

# The principle of confidentiality

Information on your application for international protection is **confidential**. All persons who will process it, including the Police, are bound by a **confidentiality obligation**. Indeed the law states that Italian authorities will not share information on your application for protection or any other information which may place you or your family in danger, with any external persons, including Authorities of your country of origin, without your consent.

## PROTECTION OF PERSONAL DATA

During the entire international protection procedure and therefore also during assessments with reference to the Dublin Regulation, your sensitive data (personal information and details, finger prints, documents, etc.), will be collected; this takes your needs for protection into account, but is also useful for the authorities of European countries to register your entry and presence in the country.

These data can only be used for purposes specified by law and are always stored in a protected and secure manner inside certain electronic databases which can only be accessed by yourself and by authorised staff of authorities involved in the procedure.

These databases include:

- **Vesta.net:** which in Italy contains all information on applications for international protection;
- **Dublinet:** contains information on the handling of the assessment to ascertain the country of Competence for asylum applications;
- **Eurodac:** an electronic system which stores and compares finger prints of asylum seekers, with the purpose of recording whether a person has entered a member state from a border crossing point

and/or has submitted an asylum application.

During the entire procedure you have the right to:

1. be informed of the competent Authorities for the Dublin procedure and the Authorities for the conservation and protection of your data;
2. access data regarding yourself;
3. receive information on how to amend or cancel the data;
4. request the amendment of your data (including Eurodac data) if incorrect, or request the deletion thereof if processed in breach of relative laws and regulations.

## I am an unaccompanied minor, what should I do?

If you are under the age of 18 years and do not have any relevant relatives with you, inform the Police and reception centre staff immediately so that you can receive **special guarantees provided for unaccompanied minors in Italy**. These guarantees mean that:

- you will be placed in a special centre for minors;
- a judge will appoint a responsible and competent adult who will guide and support you in Italy, to protect your interests (“**a guardian**”). This person will also help you in the procedure for recognition of international protection;
- if any of your relatives are legally residing in another European Union State, you can request to join them;
- priority will be given to the examination of your international protection application.

If you have **ID** or other certificates as proof of your age, show them immediately. In the event of serious doubts as to your minor age, Italian authorities may arrange for you to have an interview with a doctor or another specialist. This may be followed by medical examinations to ascertain your age. Check-ups will be carried out exclusively by specialised staff, with the assistance of a cultural mediator who understands your language and situation.



# 3. RIGHTS AND DUTIES OF THE ASYLUM SEEKER

By expressing your wish to apply for international protection you become an “**asylum seeker**”. Asylum seekers have specific rights and duties.

## What are my duties?

**COOPERATE:** you are required to **cooperate** with the authorities in charge of the procedure for international protection at all times, **by providing all documents and information** useful for submitting and assessing your application.

**INFORM OF ANY CHANGES OF ADDRESS:** it is your duty to **inform** the Police Authorities **if you change residence or domicile** so that you can be contacted at all times. If you fail to do so, or if you provide an incorrect address, you will be unable to receive information on your application for international protection (See paragraph "How will I be notified of the decision?" on page 29 for further information).

**APPEAR IN PERSON AT THE INTERVIEW:** it is your duty to **present yourself** at the Territorial Commission for your interview, on the day and time specified in the summons. However, you may request to postpone the interview for serious reasons which prevent you from attending at the interview. **In this case, notify the Territorial Commission as soon as possible;** if you are staying at a reception centre, the operators will help you.

**REMAIN ON ITALIAN TERRITORY:** **you must not leave Italy** for the entire duration of the procedure. If you apply for international protection in another European country you may be sent back to Italy.

**COMPLY WITH ITALIAN LAW:** you have the obligation to abide by Italian laws at all times. If you have any doubts as to what is legal or illegal, do not hesitate to **request legal assistance**.



## PLEASE NOTE:

- if you have been convicted of a serious crime (for example violence or threatening a public official, serious personal injury, burglary or armed robbery, theft, extortion, the production or sale of drugs, sexual abuse, human trafficking);

or

- if you are subject to criminal proceedings for a serious crime<sup>1</sup> and are staying at a detention centre for repatriation;

In both situations, the procedure established by law requires that you are **immediately summoned** by the Territorial Commission for a personal interview. Under such circumstances, if your application for international protection is rejected, the law establishes that you must leave Italy, even if you have submitted an appeal against this decision.

## What are my rights as an asylum seeker?

**BE INFORMED:** The Police Office which receives your application for international protection, informs you of your rights and duties and on all phases of the procedure. Request further information from a legal operator at your reception centre or from local associations for the protection of asylum seekers and refugees. During this phase of the procedure you can always contact UNHCR, the United Nations Refugee Agency.

A few useful contacts are provided at the end of this guide.

**STAY IN ITALY:** generally, as an asylum seeker you can legally reside in Italy until a definitive decision has been made on your application for protection.

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<sup>1</sup> Request further information from a legal operator on said offences.

*In some cases you may not have the right to remain in Italy. To find out more, read the paragraph "Can I appeal against the Territorial Commission's decision?" on page 30 and the paragraph "Can I submit a new application for international protection?" on page 31. Request further information from a legal operator.*

**RECEIVE DOCUMENTS:** you will be issued a **Residence Permit for Asylum Application**, which is also valid as an ID document, authorising you **to stay on Italian territory**. This permit is valid until the decision has been taken on your request for protection.

*Request further information from a legal operator.*

**HEALTHCARE:** you are entitled to **free** healthcare.

**EDUCATION:** you have the right to enrol at school.

**WORK:** you are entitled to work as of two months after submitting your application for international protection at the Police Station.

*The Residence Permit for asylum application cannot be converted into a residence permit for work purposes and does not give you the right to family reunification.*

**RECEPTION:** If you do not have the means to support yourself you have the right to reception at a **centre** for asylum seekers.

## 4. RECEPTION

### I don't have money to support myself, is there someone who can help me?

Upon entering Italian territory you are taken to a **first aid and assistance** centre where you will receive initial care and information.

After you are identified by the Police Authorities, if you have expressed the desire to submit an application for international protection and do not have enough personal resources for accommodation and food, you will be moved to a **reception centre for asylum seekers**, where you can stay for the entire duration of the procedure for recognition of international protection (also during any appeal to the Court against the decision of the Territorial Commission).

If you are an unaccompanied minor, you have the right to stay at a special facility for minors. If you do not have documents which prove you are a minor, request further information from staff at the centre you are staying at.

## What are my rights and duties at the reception centre?

The **centre's regulations** specify your rights and duties during your stay.

You have the **right to:**

- A. Dignified accommodation.** Separate accommodation facilities are provided for men and women; if you are with other family members, you have the right to live with them;
- B.** Sufficient **food**, possibly suited to your needs and customs;
- C. Clothes** and **essential personal hygiene** products;
- D.** A cash **contribution** for small expenses;
- E. Medical Assistance;**
- F. Socio-psychological assistance;**
- G.** Information on **Italian legislation;**
- H. Linguistic and cultural mediation.**

**At the centre you have the right to be visited by representatives of the UNHCR, your lawyer and any family members.** Organisations for the protection of refugees and people who have applied for and received authorisation can also enter the reception centre.

**If you have any special requirements you can inform staff at the centre to receive assistance.** For example, if you are pregnant, have physical or psychological problems, have been the victim of physical, psychological or sexual abuse.

To enable operators to fully understand your needs, do not be afraid to tell them even about the most difficult and painful experiences as they are bound by confidentiality and must not disclose information about you without your consent.

During your stay at the centre you have the **duty to**:

- A.** Always **behave respectfully** towards other guests and staff running the reception centre.
- B.** Always comply with the **regulations**.  
Any serious breaches of regulations may result in your expulsion from the centre. Request further information from legal operators.

## Can I leave the reception centre?

There are certain rules at the reception centre, including compliance with times. During the day you are free to leave the centre during specific times. Under exceptional circumstances you can request a permit, should you need to leave for longer periods; speak to centre operators for further information.

If you leave without a permit or fail to return to the centre in the evening you may **lose your right to stay at the centre**.

## 5. ASSESSMENT OF THE APPLICATION AND POSSIBLE OUTCOMES

After presenting your application for international protection, you will be called for an interview at the Territorial Commission, the competent authority for the assessment of such applications.

The waiting period may range from a few weeks up to a few months. Use this time to prepare yourself for the interview and **collect the documentation** you need, also with the help of reception centre operators or any associations you may choose to seek assistance from. You can submit all documents you believe are useful in the assessment of your application to the Territorial Commission.

**If you are an unaccompanied minor** or if you have any special needs, **priority** may be given to your application.

You can cancel your application for international protection at any time. To find out how, request information from a legal operator.

### What happens at the interview?

You will be interviewed by a caseworker of the Territorial Commission. You can request to be interviewed by a male or female caseworker, depending on who you feel most comfortable with, and if possible, your request will be granted.

If it is important to you, you may request to be interviewed by the Board of the Territorial Commission or by the Presiding Judge.

You will be interviewed in the presence of an **interpreter of your language**. If you are having difficulties in understanding or if there are reasons for which their presence makes you uncomfortable, please inform the caseworker interviewing you.



**The interpreter is an independent and impartial professional** who provides a literal translation of questions and answers. They are sworn to **confidentiality** and are not involved in assessing your case.

**The interview is individual.** Even if your spouse or another family member has been summoned for an interview on the same day, you will each be interviewed separately. If you are under the age of 18 years and are with your parents, the Territorial Commission decides whether or not to hear you. If they decide to hear you, you will be interviewed in the presence of your parents.

**If you are under the age of 18 years and are not with one of your parents, you will be heard in the presence of your guardian** (see page 16).

You may request assistance from your trusted **lawyer** (please note that during this phase you are not entitled to free legal assistance).

If you have any special needs, before the interview you can request the presence of **support staff** (for example, a social worker or the psychologist who is treating you).

For the purpose of greater transparency, the interview is recorded on video, unless there are any technical problems. If you do not wish to be recorded on video, you must give your reasons. The Territorial Commission will decide on your request.

Everything that is said during the interview will be transcribed in a document called **the interview minutes**. It will be **read** to you at the end of the interview. If there are any inaccuracies or you wish to specify something, request that the minutes are corrected. When the interview is **filmed**, the interviewer and interpreter sign the document and you will only be requested to sign if you have specified anything. If the interview was not filmed, you will be asked to sign the minutes, together with the interviewer and the interpreter.

After the minutes have been read to you, you will be given a **copy**. Only you can decide whether and who should read the document (your lawyer, for example).

The Territorial Commission operates under the obligation of confidentiality and will never share any confidential information with any persons external to the procedures (for example: authorities of your country, your family, or the centre you are staying at), without your prior consent. Therefore you can express yourself **freely** at all times.



## What questions will they ask me?

The interviewer will help you to reconstruct your story. It is important you are **truthful and cooperate**. If you do not remember something or know something you are not asked about, declare it and if you do not understand a question, request clarification.

During the interview you will be asked information on:

- **your identity** (origin, family, culture, education, work and perhaps religion and political ideas);
- **the reasons why you left your country of origin;**
- **the fears you have about returning to your country** of origin and the risks.

## Is it possible that my case will be decided without an interview?





This may happen if:

1. the Territorial Commission deems it is already in possession of all the elements required to give you refugee status;
2. you are not in a condition to be interviewed (under such circumstances you must inform the Territorial Commission and provide requested medical documentation);
3. it has not been possible to trace you and therefore notify you of your summons. Your case will be rejected. You may report to the Commission and if you justify your absence, you may be re-summoned.
4. you fail to show up for the Commission interview, without informing the Commission. Your case will be decided based on available documentation.

*Contact a legal operator to find out more.*

# What are the possible outcomes of my application for international protection?

Your case is examined and assessed by a panel of 4 people including the Chair of the Commission, a person appointed by UNHCR, two Ministry of Interior caseworkers (one of whom is the person who interviewed you). The following outcomes are possible:

-  Recognition of refugee status
-  Recognition of subsidiary protection
-  Special protection
-  Rejection of application

# Under which circumstances may I be recognised as a refugee?

Based on the 1951 Geneva Convention, you will be recognised as a refugee if you have a **founded fear of persecution in your country of origin for the following reasons:**

- **race** (for example, for the colour of your skin or belonging to an ethnic group);
- **religion** (for example, for the religion and rituals you follow or do not follow);
- **nationality** (for example, for your language, culture, ethnic origins);
- **political opinion** (for example, for belonging to political groups or for your political ideas);
- **belonging to a particular social group**, namely a group of people who identify with common characteristics, or who are seen by society as a distinct group due to said characteristics (for example, in some

countries, a specific sexual orientation or a specific job or lifestyle)

**and you are unable to receive protection from your country of origin.**

If you are stateless, meaning that you have no citizenship, the country taken into account for the purposes of the assessment is the one where you habitually lived.

Examples of persecution include threats to your life, torture, slavery, unjust deprivation of personal freedom, female genital mutilation or serious breaches of fundamental human rights or other very serious or repeated breaches of your rights.

## Under what circumstances may I receive subsidiary protection?

If conditions for refugee status are not met you will be granted subsidiary protection, if there are **founded reasons** to believe that if you return to your country of origin you would **risk serious harm** (sentencing to death, torture, inhumane or degrading treatment, risk of death because there is armed conflict in your country) and you may not receive protection from your country of origin. In this case too, if you are stateless, the country taken into account for the purposes of the assessment is the one in which you have habitually lived.

## Under what circumstances may I receive special protection?

Under exceptional circumstances in which you may not be granted international protection, but you would in any case be at risk of persecution, torture or other forms of inhumane or degrading treatment in your country of origin, you may be granted special protection.

# Under what circumstances may the Territorial Commission reject my application?

Having assessed all elements, in the event the Commission believes **there are no grounds** for granting you a form of protection, your application will be rejected.

In some special cases, your application may be rejected as **manifestly unfounded**. This may happen for example: if the Territorial Commission believes that the issues you talked about during your interview have no connection to international protection needs; if you come from a country considered safe by Italian authorities and the Commission believes that for your personal situation there are no serious reasons to consider this country unsafe for repatriation; if you have submitted false documents and you have not yet explained the reasons for your conduct, or if you have refused to provide your fingerprints.



## Please note:

If your application has been rejected on grounds of being manifestly unfounded, the **term** for appealing before the judge is 15 days (see page 30 for further information on appeal against the Territorial Commission's decision). In such an event, in order to remain in Italy during your appeal, your lawyer will need to request specific authorisation from the judge.

*To find out about all the situations in which your application may be considered manifestly unfounded and the consequences, request further information from a legal operator.*

## How will I be informed of the decision on my case?

The outcome of your application for international protection is contained in a **written decision that is drafted and motivated by the Territorial Commission**. You will be **informed** by a **reception centre operator** or you will receive notification by post at **your private domicile** if you provided it at the Police Station upon formalising your application (see page 12) or later.

Therefore, it is important you inform the Police and Territorial Commission each time you change your address and that you wait for the Commission's decision at the reception centre or address you provided. If you fail to do so, you may **not receive notification** containing the decision on your application for protection.



### Warning

If you do not receive notification because you were not present at the reception centre or given address, you can collect it at the police Station, where it will be available for twenty days after issue.

Thereafter, the provision is considered delivered and Italian authorities will apply its contents:

- your right to stay in Italy or your obligation to leave Italy will depend on the contents of the provision;
- the deadline period for submitting an appeal against the Territorial Commission's decision will begin (see the paragraph below).

You can always request a copy of the provision from the Territorial Commission.

# Can I appeal against the Territorial Commission's decision?

If you do not agree with the Territorial Commission's decision, you may ask a judge to re-examine it, with the assistance of a **lawyer**. Please note that **deadlines (30 or 15 days**, based on the case), are specified at the bottom of the decision.

If you do not have sufficient economic resources, you have the right to be assisted **free of charge** by a lawyer.

Appealing against a rejection will generally give you the right to **stay in Italy** until the Court issues its ruling. However, in some cases, for you to remain in Italy, your lawyer will have to submit a specific request to the judge (for example, if you are being held at a detention centre for repatriation or if your application is manifestly unfounded).

For further information, request assistance from a professional at the centre you are staying at, or an association for the protection of asylum seekers, or your lawyer.

## **Please note:**

have appealed against the Territorial Commission's decision, the law provides for two circumstances in which you do not have the right to stay in Italy:

- A) if, having applied for protection and received a negative decision, there are new reasons for you to submit a new international protection application, but this is declared inadmissible since the Commission deems that there are no new elements regarding your personal condition or the situation in your country of origin (see next paragraph on "subsequent applications");
- B) if your application for international protection was assessed and rejected by means of an immediate procedure (see page 18).

*Contact a legal operator or your lawyer for further information on all situations in which you will be required to leave Italy.*

## Can I submit a new application for international protection?

You may submit a **new application** if:

- you cancelled a previously submitted application;
- you have received a decision from the Commission on a previously submitted application which has become definitive, meaning that it can no longer be re-examined by a judge.

The new application is called a “**subsequent application**”.

The Territorial Commission assesses the subsequent application only if there are **new elements** to be taken into account in order to assess your need for international protection (for example: changes to the situation in your country of origin or your life, or if you have new documentation to be submitted). If there are no new elements, your application will not be assessed and will therefore be declared **inadmissible**.

### **Please note:**

If you submit a subsequent application just when you are about to be expelled from Italy (particularly if you are staying at a detention centre for repatriation), the Italian law states that your application will be automatically considered inadmissible and your case will not be examined.

For this reason, if you have new significant elements for requesting international protection, it is important to submit a subsequent application as soon as possible.

# What are accelerated procedures?

Your application may be examined in an accelerated procedure under any of the following circumstances:

1. You submit your **application** for international protection directly **at the border**, after attempting to enter the country without presenting yourself at Police control points;
2. If you are being **held** in a centre to ascertain your identity or citizenship.
3. Your application is deemed as **“manifestly unfounded”** (for example: if the Territorial Commission believes that the issues you spoke of during your interview have no connection to the need for international protection; if, coming from a country considered safe by Italian authorities, after accessing an asylum procedure the Commission believes that for your personal situation there are no serious reasons to consider said country unsafe for repatriation; if you have submitted false documents and you have not yet explained the reasons for your conduct, or if you have refused to provide your fingerprints). See the paragraph "Under which circumstances will the Commission reject my application?" on page 28.

If your case has been channeled into the accelerated procedure and you need a few extra days to obtain proof or elements which will help support your application for international protection, inform a legal operator and the Territorial Commission immediately.



## 6. RIGHTS AND DUTIES AFTER RECOGNITION OF PROTECTION

### As a beneficiary of international protection (refugee status or subsidiary protection), what are my rights?

#### ISSUING OF DOCUMENTS:

1. In order to legally stay in Italy: **Residence permit** valid for **5 years**, renewable;
2. In order to travel outside of Italy: **Travel document** (if you are a refugee) or **Travel permit** (if you have subsidiary protection and there are founded reasons for which you cannot apply for a passport to the diplomatic authorities of your country).

With these documents you can enter and legally stay, without the need to apply for a visa, in one of the 26 European states of the **Schengen area**, for up to **3 months** (however you cannot work or stay permanently).

Five years after submitting your application for international protection and in the presence of other requirements (including an income and the absence of criminal convictions), you can apply for a **European Union long-term Residence Permit**. With this permit you can enter and legally stay in another European Union State for over 3 months, as a worker, student or for other reasons, in accordance with the regulations of the country you wish to reside in.

**WORK:** you can access the labour market, including public sector employment, under the same conditions as citizens of the European Union;

**RESIDENCE REGISTRATION:** at your local municipality, under the same conditions as those for other foreign citizens;

**EDUCATION, SOCIAL AND HEALTHCARE:** you have the right to receive the same treatment as Italian citizens in these areas;

**ACCOMMODATION:** you can apply for public housing;

**FAMILY REUNIFICATION:** you can be joined by your relatives without the need to provide proof of income or accommodation (you can be joined by relatives such as your spouse, minor children, parents over the age of 65 years, if they do not have other children who can take care of them in their country of origin; for further clarification on relatives who can join you please request information from legal operators);

**CITIZENSHIP:** you can apply for Italian citizenship after 5 years of residence in Italy if you are a beneficiary of refugee status and after 10 years if you are a beneficiary of subsidiary protection.

## What if I am a beneficiary of special protection?

You have the right to:

**ISSUING OF DOCUMENTS: 1 year residence permit,** renewable should you still require protection.

**You can apply for a travel permit for foreigners,** if you are unable to obtain a passport from your country's diplomatic authorities.

**WORK:** you can work legally, however you cannot convert your residence permit for special protection into a residence permit for work purposes.

**RESIDENCE REGISTRATION:** at your local municipality.

**SOCIAL AND HEALTHCARE.**

## What duties do I have?

### ALWAYS ABIDE BY ITALIAN LAW

In the event of a serious breach of Italian law, your case may be reassessed for the purposes of withdrawing international protection (*see paragraph “Cessation and withdrawal of international protection” on page 36*).

## Can I return to my country of origin?

If you are the beneficiary of refugee status and apply for a passport to the authorities of your country of origin,

or

you are the beneficiary of refugee status or subsidiary protection and return to your country of origin, even for a brief period of time,

you must be aware that your behaviour may constitute grounds for cessation of international protection (*see paragraph on the cessation of international protection on page 36*).

**If you decide to permanently return to your country of origin** and are in possession of the necessary requirements, you can participate in **Voluntary Assisted Return and Reintegration** (VARR) initiatives. These programmes organise your journey, cover your expenses up to your final destination and provide a small economic contribution.

*Contact the International Organisation for Migration at the toll-free number 800 2000 71 for further information on active programmes.*

# Cessation and withdrawal of international protection

- International protection may **cease** when the circumstances for which it was granted no longer exist (for example, because the situation in your country of origin has changed in a stable manner, to the point in which there is no longer the risk of persecution or serious harm, or because you have voluntarily returned to your country).
- International protection may be **withdrawn** if it is ascertained that it was granted on the basis of misrepresentation of facts or false documentation or when it is found that you have committed crimes against humanity, against peace, war crimes, or you have been definitively convicted for particularly serious crimes (such as abuse or threatening a public official, serious bodily harm, robbery, armed robbery, extortion, the production or sale of drugs, sexual abuse, human trafficking) or you pose a threat to the safety of the Italian State.

Under such circumstances, the National Commission for the Right to Asylum may re-assess your case and rule the cessation or withdrawal of your international protection.

*For further information, please contact a legal operator at the centre or a local association for the protection of refugees.*

## 7. OTHER RESIDENCE PERMITS

If you believe you do not meet the requirements for applying for international protection, in some cases you can apply for other types of residence permit at the **Police Station**:

**1. PERMIT FOR MEDICAL TREATMENT:** If your **health conditions are particularly serious** (certificate from a public or authorised healthcare facility) and irremediable damage would be caused to your health in the event of return to your country, you may apply for a residence permit for **medical treatment** which is valid exclusively in Italy for the period of time necessary for treatment (maximum duration of **1 year**). Upon expiry date, this type of residence permit is **renewable**, by presenting any medical documentation, specifying the need to continue treatment. **Pregnant** women also have the right to a residence permit for medical treatment which is valid until six months after the birth of their child.

**2. PERMIT FOR DISASTER:** If you are unable to safely return to your country of origin due to a catastrophe such as an earthquake or flood, you have the right to a **6 month** residence permit, exclusively valid on Italian territory. **Upon expiry this permit can be renewed** for a further 6 months **only if** your country of origin **is still unsafe due to the aforementioned conditions**. This permit gives you the right to work but **it cannot be converted into** a residence permit for work purposes.

**3. PERMIT FOR SPECIAL CASES:**

**a)** if you are the **victim of abuse** or serious **exploitation** you have the right to a **residence permit** with a duration of **6 months, renewable** for another year (or for the period of time necessary for legal reasons or current work). This permit gives you the right to study, register for work placement and to work, in addition to assistance services (protected reception, psychological and social assistance).

**b)** If you are the victim of **domestic abuse** you have the right to a **residence permit** with a duration of **1 year** which can be **converted**

into a permit for study or work reasons. This type of permit gives you access to assistance (protected accommodation, psychological and social assistance), in addition to the right to study and work.

**c)** If you are the **victim of labour exploitation** you have the right to a **residence permit** with a duration of 6 months, renewable for 1 year or more, for legal requirements. This enables you to work and can be **converted** into a permit for work purposes.

Furthermore, upon the proposal of the Prefecture and following Ministry of Interior authorisation, a residence permit can be issued to individuals who have carried out “**deeds of outstanding civic value**” (e.g. they have saved people in danger, prevented a disaster, carried out actions which have benefited humanity, upheld the name and prestige of Italy, etc.). This residence permit has a **2 year duration**, is **renewable**, gives you the right to study and work and can also be converted into a permit for work purposes.

*Request further information from a legal operator on requirements and application procedures for various types of residence permits.*

## 8. USEFUL ADDRESSES AND NUMBERS

### EMERGENCY NUMBERS:



**112 Single emergency number**  
(Police, Fire brigade, ambulance)

**118 Health emergency**

*These numbers are free of charge and operate 24 hours a day, with specialised multilingual staff.*

### UNHCR, United Nations Refugee Agency

Via Leopardi 24, 00185 Rome

**Tel.** +39 06 802121

**Website:** <https://www.unhcr.it> | **email:** [itaro@unhcr.org](mailto:itaro@unhcr.org)

**For other details and opening times please consult:**  
<https://www.unhcr.it/chi-siamo/contatti>

### IOM International Organisation for Migration

Department for Voluntary Assisted Return and Reintegration  
Via Nomentana 201, 00161 Rome

**Tel.** +39 06 4416091 **Toll-free number: 800 2000 71**

**Website:** <http://www.italy.iom.int> | **email:** [ritorno@iom.int](mailto:ritorno@iom.int)

# Juma Refugees Map Services

## created by ARCI with the support of UNHCR

**Toll-free number for Applicants and Beneficiaries of International and Humanitarian Protection 800 905 570**

**Website:** <https://www.jumamap.com/>

*On the website (in Italian, French, English, Arabic and Chinese) you can easily find contact details of organisations that can provide assistance for reception, healthcare, Italian school, administrative and legal assistance, job orientation, psychological-social assistance and anti-abuse centres in general, throughout Italy.*

## Anti-trafficking toll-free number:

Department for Equal Opportunities – Presidency of the Council of Ministers

**Toll-free number- 800 290 290**

*Operative 24 hours a day, 365 days a year, anonymous, with specialised multilingual staff.*

## National anti-abuse and stalking hotline:

Department for Equal Opportunities – Presidency of the Council of Ministers

**Tel. 1522**

*Operative 24 hours a day, 365 days a year, free of charge, with staff specialised in the protection against sexual and related abuse.*





