

ITALY

ARRIVALS

1. Total number of individual asylum seekers who arrived, with monthly breakdown and percentage variation between years

No figures available.

2. Breakdown according to the country of origin/nationality, with percentage variation

Table 1:

Source: Eligibility Commission

Country	2002	2003	Variation +/- (%)
Somalia	601	1,743	+190.0
Liberia	1,660	1,550	-6.6
Serbia and Montenegro	1,769	1,510	-14.6
Eritrea	927	1,230	+32.7
Pakistan	1,256	787	-37.3
Nigeria	594	722	+21.5
Romania	620	699	+12.7
Sudan	867	641	-26.7
Ghana	33	505	+1,430.3
Iraq	1,944	493	-74.6
Turkey	730	466	-36.2
Ivory Coast	93	348	+274.2
Sierra Leone	310	340	+9.8
Bangladesh	374	297	-20.6
Ethiopia	209	245	+17.2
Palestine	278	243	+12.6
Congo	193	155	-19.7
Togo	182	107	-41.2
Cameroon	71	90	+26.8
Iran	84	87	+3.6
Russian Federation	112	81	-27.7
Sri Lanka (Ceylon)	1,526	77	-95.0
Afghanistan	137	70	-48.9
Moldavia	87	70	-19.5
Macedonia	153	67	-56.2
Ukraine	66	62	-6.1
Democratic Republic of Congo	106	61	-42.5
Colombia	65	59	-9.2
Albania	85	46	-45.9
India	170	40	-76.5
Senegal	35	39	+11.4
Mali	5	32	+540
Niger	62	30	-51.6
Georgia	44	27	-38.6
Chad	64	23	-64.1

Gambia	18	22	+22.2
Angola	60	21	-65.0
Bosnia-Herzegovina	47	20	-57.4
Bulgaria	13	20	+53.8
Mauritania	16	20	+25.0
Azerbaijan	15	16	+6.7
Burkina Faso	-	16	-
Syria	92	15	-83.7
Algeria	9	14	+55.6
Guinea-Bissau	8	12	+50
Ecuador	7	11	+57.1
Morocco	7	11	+57.1
Cuba	14	10	-28.6
Rwanda	11	10	-9.1
Tunisia	24	10	-58.3
Lebanon	13	9	-30.8
Armenia	16	5	-68.8
Stateless	2	5	+150
Unknown	24	63	+162.5
<i>Other</i>	<i>107</i>	<i>103</i>	<i>-3.7</i>
TOTAL	16,015	13,455	-16.0

At the time of writing, statistics for 2003 were not final. It should also be underlined that decisions taken during 2002 and 2003 refer to asylum requests lodged in previous years, starting from 2000.

3. Persons arriving under family reunification procedure

No figures available.

4. Refugees arriving as part of a resettlement programme

Italy does not operate any resettlement programmes.

5. Unaccompanied minors

No figures available.

RECOGNITION RATES

6. The statuses accorded at first instance and appeal stages as an absolute number and as a percentage of total decisions

No figures available.

7. Refugee recognition rates (1951 Geneva Convention) according to country of origin, at first instance and appeal stages

No figures available.

RETURNS, REMOVALS, DETENTION AND DISMISSED CLAIMS

8. Persons returned on safe third country grounds

No figures available.

9. Persons returned on safe country of origin grounds

The concept of 'safe country of origin' has not yet been introduced into Italian legislation. These cases are normally referred to the International Organization for Migration (IOM).

10. Number of applications determined inadmissible

There is no admissibility procedure in Italy.

11. Number of asylum seekers denied entry to the territory

No figures available.

Police authorities can deny entry to Italian territory on the basis of Article 1(4) of Law 39/1990 when the applicant:

- (a) has already been granted asylum in another country;
- (b) has spent sufficient time in a country different from their country of origin and it is a signatory to the 1951 Geneva Convention;
- (c) is under the conditions stated in Article 1(F) of the 1951 Geneva Convention;
- (d) or has been charged in Italy for a criminal offence or represents a threat to national security, or is a member of a criminal or terrorist organisation.

12. Number of asylum seekers detained, the maximum length of and grounds for detention

According to Article 1(5) of Law 39/1990 and its implementation rules, asylum seekers are free to move on Italian territory without any restrictions with the exception of cases falling under Article 32 of Law 189/2002 amending the previous Immigration and Asylum law 286/98.

Under the new legislation, asylum seekers who have eluded or try to elude police controls or are irregularly on Italian territory will be kept in so-called 'identification centres' and a 'simplified procedure' will apply for the assessment of their claim. A decision will need to be made within 20 days. During this time, the applicants' freedom of movement will be limited to the centres themselves.

Asylum seekers already notified with an expulsion order will be kept in so-called 'temporary accommodation centres' (CPT, *centri di permanenza temporanea*), a kind of detention centre for foreign nationals awaiting repatriation.

The implementing decree of the above mentioned Law 189/2002 had not been adopted at the time of writing.

In 2003, the vast majority of asylum seekers who arrived in Sicily by boat were kept in closed camps for approximately 20 days and released after being identified and registered as asylum seekers. Others were obliged to stay in them for the entire duration of the asylum procedure, when the Eligibility Commission decided to carry out interviews locally instead of in their offices in Rome. In this case, freedom of movement was limited to the camps themselves and those who received a negative decision were ordered to leave the country within 15 days.

13. Deportations of rejected asylum seekers

No figures available.

14. Details of assisted return programmes, and numbers of those returned

About 100 cases (immigrants and asylum seekers) were voluntarily repatriated under the IOM assisted returns programme in 2003.

Source: IOM

15. Number of asylum seekers sent back to the Member State responsible for examining the asylum application under the Dublin Convention (Dublin II Regulation)

In 2003, out of 331 'Dublin cases', 75 requests were accepted by other European countries, 147 were refused and 109 were still under examination by the end of the year. Italy was responsible for examining 11,030 cases.

SPECIFIC REFUGEE GROUPS

16. Developments regarding refugee groups of particular concern

The Italian Council for Refugees together with the Somali communities lobbied to obtain an *ad hoc* decree in favour of Somalis, taking into account the insecure situation prevailing in Somalia. In 1992 an *ad hoc* decree issued by the Ministry of Foreign Affairs gave all Somalis the right to obtain a temporary stay permit on humanitarian grounds, valid for one year and renewable. The Italian authorities are examining the possibility of issuing a new decree on the basis of which subsidiary protection will be ensured to all Somalis, without obliging them to follow the whole asylum procedure to obtain a permit to stay on humanitarian grounds.

LEGAL AND PROCEDURAL DEVELOPMENTS

17. New legislation passed

The new Law no. 189 of 30 July 2002 reforming the previous Immigration and Asylum Law, entered into force in September 2002. The asylum norms however will only enter into force following the adoption of the implementation rules.

The European Directive on Temporary Protection 2001/55/EC was transposed by Decree no. 85 of 7 April 2003.

18. Changes in refugee determination procedure, appeal or deportation procedures

There were no changes in the refugee determination and appeal procedures in 2003, as the implementation rules regarding the new Immigration and Asylum Law concerning asylum have not been adopted yet.

19. Important case-law relating to the qualification for refugee status and other forms of protection

It is important to note that during 2003 an increasing number of persons were granted asylum under the Italian Constitution on the basis of civil courts' decisions. After receiving a negative decision from the Eligibility Commission, appeals were submitted requiring, subordinately, the recognition of the right to asylum under Article 10(3) of the Italian Constitution.

20. Developments in the use of the exclusion clauses of the 1951 Geneva Convention in the context of the national security debate

There were no developments in the use of the exclusion clauses in 2003.

21. Developments regarding readmission and cooperation agreements

In 2003, a readmission agreement was stipulated with the Federal Republic of Yugoslavia (Serbia and Montenegro). The Italian authorities have also concluded negotiations with Pakistan, Malta and Poland. Negotiations are still ongoing with more than ten other countries, including the Philippines.

THE SOCIAL DIMENSION

22. Changes in the reception system

During 2003, 'identification centres' for asylum seekers, provided for by the Law 189/2002 were not activated, due to the still pending adoption of the relevant implementation rules.

There were no substantial changes in the activities carried out by the National Asylum Program in 2003. However, the reception system will soon see its priorities reviewed, following changes in the procedure and timeframe for submitting asylum applications. The programme will in future mainly focus on social integration activities, and only secondarily on accommodation/reception of asylum seekers and refugees.

23. Changes in the social welfare policy relevant to refugees

Since 2003, maternity benefits for unemployed refugees have been suspended, although Italian law still provides for equal treatment of refugees and Italian citizens in this area. A request for clarification from the Italian Council for Refugees was sent to the Ministry of Interior following the decision to suspend maternity benefits, but no answer has been received so far.

Concerning those individuals issued with a permit to stay for humanitarian reasons, Article 80(19) of the 2001 Financial Law has restricted the application of Article 41 of Law 286/98 on Immigration and Asylum by establishing that social benefits and economic subsidy (which, according to the current social services legislation, are part of each individual's rights) are now provided only to foreigners who possess a 'green card'.

24. Changes in policy relating to refugee integration

There were no changes in policy relating to refugee integration in 2003.

25. Changes in family reunion policy

During 2003, family reunions for recognised refugees were implemented with the same restrictive procedures of 2002. (See ECRE Country Report 2002).

OTHER POLICY DEVELOPMENTS

26. Developments in resettlement policy

There were no developments in resettlement policy in 2003.

27. Developments in return policy

There were no developments in return policy in 2003.

28. Developments in border control measures

On 19 June 2003, the Council of Ministries adopted a decree establishing a Directorate General to co-ordinate the police authorities involved in patrolling and investigating activities on suspected boats with the objective of combating illegal immigration.

29. Other developments in refugee policy

Starting from the end of 2003, Iraqi persons who received a negative decision on their asylum application but had the possibility of benefiting from subsidiary protection from the Eligibility Commission, were entitled to a permit to stay valid only for six months instead of one year, presumably in expectation of improvements in Iraq.

POLITICAL CONTEXT

30. Government in power during 2003

A centre-right government remained in power throughout 2003.

31. Governmental policy vis-à-vis EU developments

The Italian authorities continued to be most interested in carrying out EU immigration policies by adopting restrictive measures in order to combat illegal immigration and by reinforcing border controls.

32. Asylum in the national political agenda

Asylum was not a priority in the political agenda. Neither the implementing asylum rules nor the comprehensive asylum legislation (currently under discussion in Parliament) have been adopted yet. These legal instruments are expected to be adopted in 2004.