



Input by civil society to the EASO Annual Report 2017

EASO has started the production of the 2017 Annual Report on the Situation of Asylum in the European Union, in line with Article 12 (1) of the EASO Regulation. The report aims to provide a comprehensive overview of important asylum-related developments at EU+ and national level, and the functioning of all key aspects of the Common European Asylum System (CEAS). While the final product comes out of an analytical and synthetic process that takes place in-house, a critical part of information is elicited through valuable contributions by a multiplicity of stakeholders from EU+ countries, civil society organizations, UNHCR, and other actors possessing in-depth knowledge on main developments in asylum policies and practices in EU+ countries. Previous reports are [available for review at EASO's website](#).

We would like to kindly invite you to take part in this process, by sharing your observations **on developments in asylum law, policy or practice in 2017 (and early 2018) in the areas listed on page 2**. The topics listed there reflect the structure of Chapter 4 of the EASO report, which focuses on the 'Functioning of the CEAS'. To this end, your observations may concern national practices of specific EU+ countries or the EU as a whole. Overall, the EASO Annual Report is not meant to describe the national asylum systems in detail, but present key developments in 2017, including **improvements and new/remaining concerns**. In terms of format, your contributions would be preferably offered in the form of bullet points, which would facilitate further processing of your input.

Please, bear in mind that the EASO Annual Report is a public document. Accordingly, it would be desirable that your contributions, whenever possible, be supported by references to relevant sources. Providing links to materials such as analytical studies, articles, reports, websites, press releases, position papers/statements, and press releases, would allow for maintaining transparency. For your reference, you may review the [contributions offered by civil society actors for the 2016 Annual Report](#). If you do not consent on EASO making your submission available, please inform us accordingly.

In our effort to provide an inclusive overview of all relevant developments, we strive to incorporate as many contributions as possible. At the same time, the final content of the EASO Annual Report is subject to its set terms of reference and volume limitations. To this end, your submissions, which are gratefully received and acknowledged, may be edited for length and clarity so that the final product concisely serves the objectives of the Annual Report: to improve the quality, consistency, and effectiveness of CEAS. From our side, we can assure you that the valuable insights you offer feed into EASO's work in multiple ways and inform reports and analyses beyond the production of the Annual Report.

Please, kindly provide your input by filling in this document (with attachments, if needed) and returning it to ids@easo.europa.eu **AND** consultative-forum@easo.europa.eu **by 16 February 2018**.

Within each area, please highlight the following **type of information**:

- NEW positive developments; improvements and NEW or remaining matters of concern;
- Changes in policies or practices; transposition of legislation; institutional changes; relevant national jurisprudence.

You are kindly requested to make sure that your input falls within each section's scope. Please, refrain from including information that goes beyond the thematic focus of each section or is not related to recent developments. Feel free to use Section 16 to share information on developments you consider important that may have not been covered in previous sections.

Name of the contributing stakeholder:

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1) Access to territory and access to asylum procedure

The Ministry of the Interior of the Italian government is recruiting 250 persons to speed up the proceedings of the territorial and national Commissions for international protection. This is a positive decision that is expected to make the asylum procedure faster and more accessible.

Source:

Ministry of the Interior (2017), Call for 250 officers. Available at:

<http://www.interno.gov.it/it/notizie/concorso-250-funzionari-allinterno>

2) Access to information and legal assistance

3) Providing interpretation services

4) Dublin procedure

5) Specific procedures (border, accelerated, admissibility)

6) Reception of applicants for international protection

7) Detention of applicants for international protection

8) Procedures at First instance

Art. 6 of Law 46/2017 provides for the video-recording of the first instance interview and its transcription through speech recognition software. However, according to an academic article written in September 2017, no territorial commission was at the time equipped with the necessary technology.

Source:

Law 13 April 2017, n. 46. Available at: <http://www.gazzettaufficiale.it/eli/id/2017/04/18/17G00059/sg>.

G. Savio (2017), "Le nuove disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonché per il contrasto dell'immigrazione illegale: una (contro)riforma annunciata", *Diritto, Immigrazione e Cittadinanza*, vol. 3. Available at: <https://www.dirittoimmigrazionecittadinanza.it/archivio-saggi-commenti/saggi/fascicolo-n-3-2017/131-le-nuove-disposizioni-urgenti-per-l-accelerazione-dei-procedimenti-in-materia-di-protezione-internazionale-nonche-per-il-contrasto-dell-immigrazione-illegale-una-contro-riforma-annunciata/file>.

9) Procedures at Second Instance

Law 46/2017 reduces the jurisdictional levels for deciding on an asylum application from three to two. An asylum seeker can still appeal against the decision of the Territorial Commission before the competent Civil Tribunal, but can no more appeal again before the Court of Appeal. This provision was adopted to speed asylum applications and reduce the backlog of requests, but has been vastly criticized as impinging on the asylum seekers' right to judicial remedy. Furthermore, sections specialized in migration, international

protection, and the free circulation of EU citizens have been established in 26 Tribunal. These court sections are responsible for judging the appeals of asylum seekers. However, before them, oral hearings will be only a residual possibility. Paragraphs 9, 10, and 11 of Art. 35-bis state that, as a rule, judges will decide the cases only by consulting the videotaped interview carried out before the Territorial Commission. They will invite the parties for the hearing only if they consider it necessary to listen to the applicant, or they need to clarify some aspects of the application, or they want to provide technical advice, or the videotaping is not available, or the appeal is based upon factual elements not relied upon during the proceedings of first instance.

Finally, according to Article 3-quarter of Law 46/2017, the suspensive effect (*vis-à-vis* an expulsion order) of the appeal occurs only following a decision of the Tribunal. This provision may curtail asylum seekers' effective access to justice: before the entry into force of Law 46/2017, as confirmed by the Italian Court of Cassation, an expulsion could in almost every case not be enforced pending the appeal decision.

Sources:

Law n. 46, 13 April 2017. Available at: <http://www.gazzettaufficiale.it/eli/id/2017/04/18/17G00059/sg>.

F. Esposito (2017), *A Critical Look at the Italian Immigration and Asylum Policy: Building 'Walls of Laws'*, Border Criminology Blog, University of Oxford. Available at: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2017/07/critical-look>.

L. Trucco (2017), Lorenzo Trucco (Asgi) on Minniti-Orlando decree: "A wall of laws that limit the right to asylum", interview to SIR translated by A. Pasquero. Available at: <http://www.asgi.it/english/lorenzo-trucco-asgi-minniti-orlando-decree-not-reform-but-wall-of-laws-that-limit-the-right-to-asylum/>.

EDAL (2017), *Italy: Appeals lodged before the entry into force of new Asylum Law have automatic suspensive effect*. Available at: <http://www.asylumlawdatabase.eu/en/content/italy-appeals-lodged-entry-force-new-asylum-law-have-automatic-suspensive-effect>.

Court of Cassation, Ordinanza n. 18737, 27 July 2017. Available at: https://www.asgi.it/wp-content/uploads/2017/09/2017_18737_Cassazione_asilo_sospensione_appello.pdf.

ASGI, *Regular Asylum Procedure, Italy*, Asylum Database Information (AIDA). Available at: <http://www.asylumineurope.org/reports/country/italy/asylum-procedure/procedures/regular-procedure>.

10) Availability and use of Country of Origin Information

11) Vulnerable applicants

12) Content of protection – situation of beneficiaries of protection

13) Return of former applicants for international protection

14) Resettlement and humanitarian admission programmes

The Community of Sant'Egidio, in collaboration with the Federation of Evangelical Churches, the Waldensian and Methodist Churches, and the Italian government, is carrying out a pilot project called "Humanitarian corridors for Refugees". The main goals of this project are to fight human trafficking, dis-incentive perilous dangerous journeys to cross the Mediterranean, and grant people in vulnerable conditions "legal entry on Italian territory with humanitarian visa, with the possibility to apply for asylum". More than 1000 asylum seekers (mainly Syrians) have safely reached Italy from Lebanon between 2015 and 2017. The Protocol targeting Lebanon has already been renewed for the period 2018-2019. In 2017 another Protocol, targeting Ethiopia and directed at 500 Somali and Eritrean asylum-seekers, has entered into force. The latter Protocol has been put in place by the Community of Sant'Egidio, the Episcopal Conference of Italy, Caritas, Migrants Foundation, and the Italian government.

Sources:

Sant'Egidio Community (2017), *Humanitarian Corridors for Refugees*. Available at: <http://archive.santegidio.org/pageID/11676/langID/en/Humanitarian-Corridors-for-refugees.html>.

A. Camilli (2017), *Arrivato in Italia il primo corridoio umanitario dall'Etiopia*, "Internazionale". Available at: <https://www.internazionale.it/bloc-notes/annalisa-camilli/2017/11/30/corridoi-umanitari-etiopia>.

15) Relocation

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16) Other relevant developments

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