

Input by civil society to the EASO Annual Report 2019

Fields marked with * are mandatory.

The production of EASO's *2019 Annual Report on the Situation of Asylum in the European Union* is currently underway. The yearly [annual report](#) series present a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organizations, the UNHCR and researchers. To this end, we invite you to submit information on developments in asylum law, policy or practice in 2019 (and early 2020) by topic as presented in the online survey.

Please note that the EASO Annual Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections. It is preferred to provide your submission in bullet points to facilitate drafting.

All submissions are publicly accessible. For transparency, 2019 contributions will be published on the EASO webpage. Contributions to the 2018 annual report by civil society organisations can be accessed [here](#). All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the EASO annual report is subject to terms of reference and volume limitations. Submissions may be edited for length and clarity or may not be included in the final report. Contributions from civil society organisations feed into EASO's work in multiple ways and inform reports and analyses beyond the annual report.

Please complete the online survey and submit your contribution to the 2019 annual report by **Thursday, 12 March 2020**.

[Instructions](#)

Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, please only include the following type of information:

- New developments and improvements in 2019 and new or remaining challenges;
- Changes in policies or practices, transposition of legislation or institutional changes during 2019.

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments.

Contributions by topic

1. Access to territory and access to asylum procedures (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

About Italy

In general it can be evidenced that since the measures adopted starting from 2017, through 2018 up to 2019 there has been no improvement concerning the asylum situation and relevant issues in Italy, if not a worsening over the past year. Restrictions and compressions have been intensified with further tightening of measures.

More in detail, in 2019 concerning the situation of asylum in Italy harsher measures were issued:

- "Sicurezza bis" decree (dl 53 / 2019), promoted by the Minister of Interior, entered into force on June 15, 2019, converted into law n. 77, August 8, 2019: it aims at formally sanctioning the policy of the closure of ports for NGOs, until then undertaken only through declarations, informal acts and directives, as the decision did not fall within his competence. The decree, consequently, assigns to the Minister of the Interior the power to prohibit or limit the passage or entry of foreign ships considered "not harmless". Article 1 takes up the directives issued by the Ministry of the Interior on 4 April and 15 April with the aim of preventing NGO ships from making landings in Italy (these are acts that have already aroused the concern of the Special Rapporteurs of the OHCHR, expressed in the COM. OHCHR of 15 May 2019 raising doubts about their compatibility with the Law of the Sea and the 1951 Geneva Convention on the rights of refugees);
- Decree of the Minister of Foreign Affairs and International Cooperation on the list of safe countries of origin for the purposes of examining applications for recognition of international protection of 4 October 2019 (the inclusion of a country in this list implies the relative presumption that the application for international protection presented by one of its citizens in Italy is "manifestly unfounded" and it is probable that the deriving effects, that this decree will have, will be a substantial and drastic decrease in the legal guarantees of asylum seekers, the discouragement in submitting asylum applications, a reduction in their positive results and an attempt to discourage related judicial appeals).

2. Access to information and legal assistance (including counselling and representation)

3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)

4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)

5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)

6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions - housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

7. Detention of applicants for international protection (including detention capacity – increase /decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decisionmaking, timeframes, case management - including backlog management)

9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management - including backlog management)

10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)

11. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

About Italy

More than two years after the approval of Law 7 April 2017 n. 47 "Disposizioni in materia di misure di protezione dei minori stranieri non accompagnati (Provisions concerning protection measures of foreign unaccompanied minors)" - as of 31 December 2019 there were 6,054 unaccompanied foreign minors including many applicants for international protection - the apparently positive reform appears to be lame and its application uneven across the country. In fact, the following issues can be registered: significant regulatory gaps; multiple critical issues and anomalies in the protection system with fragmentation and inhomogeneity in existing practices throughout the national territory; ad hoc critical issues peculiar to frontier locations, added to the "system criticality". As regards the regulatory gaps, on 21 December 2019 it was announced that the Council of Ministers had approved, in a preliminary examination, one of the missing regulations implementing law 47/2017.

A positive insertion was incorporated in law 27 December 2019 n. 160 "Bilancio di previsione dello Stato per l'anno finanziario 2020 e bilancio pluriennale per il triennio 2020-2022 (State budget for the financial year

2020 and multi-year budget for the three-year period 2020-2022)" which in par. 882 art. 1 provides that the fund for the reception of unaccompanied foreign minors is increased by 1 million euros per year, starting from the year 2020 to be allocated on the basis of the methods established by a following decree and within the limits of the allocation referred to in this paragraph to the following purposes:

- a) interventions in favor of the voluntary guardians of unaccompanied foreign minors;
- b) reimbursement to companies of an amount of up to 50 percent of the costs incurred for the payment of work permits granted as a most beneficial clause to the voluntary guardians of unaccompanied foreign minors, up to 60 hours per guardian;
- c) reimbursement in favor of voluntary guardians of the expenses incurred for connected with the guardianship (the strengthening of guardianship is important for the promotion and protection of children rights).

12. Content of protection (including access to social security, social assistance, healthcare, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

13. Return of former applicants for international protection

14. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

About Italy

We report the following EU funded through AMIF private sponsorship programme within the Protected Entry Procedures: Project "Humanitarian Corridor – Upscale a promising practice for clearly linked pre-departure and post-arrival support of resettled people". Lead agency: Associazione Papa Giovanni XXIII. Partner organisations: ACAP (S. Egidio), VIS – Volontariato Internazionale per lo Sviluppo, Federazione Centro Nazionale Opere Salesiane (CNOS-FAP), Federazione Nazionale Servizi Civili e Sociali (SCS/CNOS), Sant'Egidio France. Duration: 01/11/2017 – 31/12/2019 (Humanitarian Corridors are to be considered as a good practice and they are potentially replicable in many contexts, on the basis of the availability of civil society, as they do not entail significant economic or political costs for the hosting State).

15. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)

16. National jurisprudence on international protection in 2019 (please include a link to the relevant case law and/or submit cases to the [EASO Case Law Database](#))

17. Other important developments in 2019

References and sources

18. Please provide links to references and sources and/or upload the related material in PDF format

References and sources about section 1 (all in Italian):

<http://www.governo.it/it/articolo/comunicato-stampa-del-consiglio-dei-ministri-n-61/12168> http://www.interno.gov.it/sites/default/files/direttiva_4_aprile_2019.pdf
http://www.interno.gov.it/sites/default/files/direttiva_del_ministro_n._141001418_15_aprile_2019.pdf
https://www.esteri.it/mae/resource/doc/2019/10/decreto_paesi_sicuri.pdf
<https://www.asgi.it/wp-content/uploads/2019/11/Nota-ASGI-commento-d.M.A.E.-4-10-2019-paes-sicuri-definitivo-27-11-2019.docx.pdf>

References and sources about section 11 (all in Italian):

<https://www.lavoro.gov.it/temi-e-priorita/immigrazione/focus-on/minori-stranieri/Pagine/Dati-minori-stranieri-non-accompagnati.aspx>
<http://www.governo.it/it/articolo/comunicato-stampa-del-consiglio-dei-ministri-n-20/13644>
<https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2019;160>

References and sources about section 14:

https://www.humanitariancorridor.org/wpcontent/uploads/2019/12/REPORT_ENG_WEB.pdf
Attached IV Monitoring Report CPPDU - excerpts

19. Feedback or suggestions about the process or format for submissions to the EASO Annual Report

Please upload your file

The maximum file size is 1 MB

1d6b0a2f-cf13-49b3-ad9e-69a8e9095375/IV_Monitoring_Report_CPPDU_-_excerpts.pdf

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