



ITALY
Annual Policy Report
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ITALY

Annual Policy Report 2011

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1. INTRODUCTION: PURPOSE AND METHODOLOGY

1.1. Methodology

1.2. Terms and definitions

In accordance with Article 9(1) of Council Decision 2008/381/EC establishing the European Network of Migration EMN¹, each National Contact Point is required to provide an annual Report with a closer look at the latest policy developments and statistical data on migration and asylum. This Report represents the EMN contribution to the report that the European Commission is called to draw up on the progress made on the implementation of the European Pact on Immigration and Asylum of 2008 and commitments made under the Stockholm Programme of 2009.

The present Report, the eighth in the series, covering the period between 1st January and 31st December 2011, must be read in conjunction with what exposed in the previous editions and, inter alia, with the similar Report of 2010. In particular, the content of this research provides a descriptive framework which will be referred to by the Third Annual Report on Immigration and Asylum edited by the European Commission, based on the Council request to monitor the implementation of the European Pact on Immigration and Asylum and implementation of relevant elements of the Stockholm Programme, which is due for publication in June 2012.

The main objective of the *Annual Policy Report* on migration and asylum is to summarize developments on the Italian political, institutional and legislative scene that occurred during 2011, paying particular attention to issues that have heated the political debate and the public concern during the year. Following a description of the political-institutional system and a reference to the regulatory framework governing immigration in Italy, reference will be made to the amendments made to the following themes: authorized migration and integration, irregular migration and the measures of return, border control, international protection, the protection of unaccompanied minors and, finally, the global approach to migration. Not least, the Report will examine the impact of EU policies and legislation at national level and document the state of implementation of European Directives, possible transpositions and the relevant debates on these issues. An overview on the actual implementation of the European Pact on Immigration and Asylum will be provided in the Annex to the Report with comprehensive statistics to be drafted in line with the Common rules for the collection and compilation of EU statistics on migration, adopted with the Regulation EC No. 862/2007², that conforms to EU standards data submitted to the European Commission by national competent authorities.

1.1. Methodology

In order to draw up the study, the main sources of information on immigration and asylum were monitored during the year on criteria selected by the experts of the National Contact Point in harmony with the guidelines established by the European Commission. Collecting these data enabled to form an overview of the most substantial changes that occurred during the year.

Through official press releases and in-depth articles from the major national newspapers it was possible to deduce the positions of public organizations and the judicial authority, and relate to privileged witnesses of academics and social world on events relating to migration and asylum. To fulfil this task in a comprehensive manner, the EMN NCP Italy, that consists of IDOS Study and Research Centre and the Ministry of Interior, has established very fruitful relationships with academic institutions, research institutes, NGOs and mass media operating at national level which

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:131:0007:0012:IT:PDF>.

² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007R0862:it:HTML>.

allowed to evaluate the important and unique contribution of public and private actors to the management of the flows. The wide range of sources used will enable the reader to make use of information that was enriched by different perspectives and multiple points of view, trying to reflect the complexity of the migration phenomenon and its subtle implications.

High attention has been paid to handling relations with the institutional network made up of government officials and policy makers, the main recipients of this Report; if necessary, these actors have been involved as scientific representatives for specific topics so as to implement an actual circularity of information. Thanks to this methodology it was possible to provide reliable information, immune to the contradictions that characterize the political spectrum, and to ensure its objectiveness as far as possible, consistent with the EMN's mandate. Furthermore, the involvement of the policy makers engaged in the gathering of data has allowed a quick and easy access to major institutional archives at both normative and statistical level, allowing to overcome the shortage of data that often characterize the study of immigration and asylum in Italy.

Therefore, the overview of the Italian landscape regarding migration, which comes out from this Report, deals with the responses given by Italy at administrative and legislative level, in a context of progressive growth of migration flows entering the country. In particular, as will be shown, specific attention and priority was given to the management of migratory flows from Libya and Tunisia, both for the increased number of migrants and for the elements of novelty that distinguished them from others, requiring an appropriate response from national policy makers, such as, for example, the entry into force of the Decree of the President of the Council of Ministers of 5th April 2011³, by which Tunisian nationals arrived in Italy in the first months of the year were granted a temporary residence permit of stay for humanitarian reasons (later this measure was extended by Decree of the President of the Council of Ministers of 6th October 2011, published in the Official Journal No. 235 of 8th October 2011⁴).

From this thorough analysis, a framework of Italian policies and legislation in force on 31st December 2011 becomes clear, and will certainly be of interest to a wider public audience, in addition to policy makers, in line with the founding objectives of EMN.

1.2 Terms and definitions

The same terminology endorsed at EU level is well known at national level. Thus there are no discrepancies between the terminology used in the Italian context and definitions used by the EU.

In particular, for the preparation of the Report, there have been made extensive use of terms and definitions contained in the *Glossary on Migration and Asylum*, a legal-linguistic tool produced by the EMN to facilitate proper communication between Member States on migration and asylum, presented in the Italian version in June 2011⁵.

³ www.interno.it/mininterno/export/sites/default/it/assets/files/21/0157_Dpcm_5_aprile_2011.pdf.

⁴ www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0945_2011_10_06_Dpcm06102011.html

⁵ EMN Italy (ed. by), *EMN Asylum and Migration Glossary*, Idos, Rome, 2011. See: www.emnitaly.it/ev-95.htm.

2. GENERAL STRUCTURE OF THE POLITICAL AND LEGAL SYSTEM IN ITALY

2.1. *General structure of the political system and institutional context*

2.2. *General structure of the legal system*

2.1. General structure of the political system and institutional context

In Italy the political-institutional structure that enjoys key powers over migration policies did not record significant changes compared to the situation already outlined in the *Annual Policy Report 2010*⁶.

The organization of asylum and migration policies has continued to be managed by the Ministry of Interior, covering the political aspects of general interest (entry, residence and integration in the territory, issues of citizenship and irregular immigration). This Ministry was directed by Hon. Roberto Maroni, member of the Northern League that in coalition with People of Freedom Party formed Italy's government until November 2011; after the conclusion of the fifteenth Legislature, the Minister is headed by Hon. Anna Maria Cancellieri, in the frame of Mr Monti's new government.

Also in November, with the establishment of the technical government, a new "Ministry for International Cooperation and Integration" was set up⁷. The creation of a ministry dealing exclusively with these issues is a recent overall view on migration issues and an acknowledgement of the crucial role of cooperation and its link with the themes of integration and co-development.

On the whole, the setting of the organization of asylum and migration policies in Italy comes under the jurisdiction of different ministries. There's a specific Coordinating and Monitoring Committee for the implementation of Consolidated Act on Immigration, which is supported by a special Technical Working Group, also made up of interministerial officials, established at the Ministry of Interior - Central Directorate for Immigration and Asylum Policies. In addition, the Central Directorate supports the monitoring and the impetus to integration policies at territorial level through the Territorial Councils for Immigration, chaired by the Prefect and made up of representatives of all parties responsible for immigration and asylum at the local level. Hence, even in 2011 the current system for the delimitation of competence as to integration issues continues to be divided between the national and local coordination: at central level it is done with the support of the interministerial Technical Working Group, while the connection with the local level is made within the sphere of competence of the State-Regions Conference. In particular the State, Regions, Provinces and Municipalities shall promote the dissemination of all relevant information to the positive integration of aliens in the Italian society such as the knowledge of their own rights and duties, the opportunities for integration and personal growth also from the point of view of the relevant communities offered by the public administration and by recognized immigrant organizations. These institutions favour knowledge and appreciation of cultural, social, economic and religious expressions, and leisure activities of aliens regularly residing in Italy as well as any other action to prevent racial discrimination (art. 42 of the Decree Law 286/98).

As regards the Ministry of Interior, it holds not only key competences on entry, residence and public policy, but it also deals with integration issues, centrally divided between two departments: the Department for Civil Liberties and Immigration⁸ and the Department of Public Security⁹.

⁶ EMN Italy (ed. by), *Italy. Annual Policy Report 2010*, Idos, Rome, 2011. See: <http://www.emnitaly.it/rs-24.htm>.

⁷ www.cooperazioneintegrazione.gov.it.

⁸ www.interno.it/mininterno/site/it/sezioni/ministero/dipartimenti/dip_immigrazione

⁹ www1.interno.it/mininterno/site/it/sezioni/ministero/dipartimenti/dip_pubblica_sicurezza.

The Department for Civil Liberties and Immigration carries out those functions related to the protection of civil rights, including those relating to asylum and immigration, with particular attention to issues relating to the integration of foreign citizens in Italy. To perform this task in the context of migration policies, the Department relies on the Central Directorate for Immigration and Asylum Policies, the Central Directorate of Civil Services for Immigration and Asylum, and the Central Directorate of Civil Rights, Citizenship and Minorities. Within the Department for Civil Liberties and Immigration operates the “National Commission for the right to asylum”, the highest State authority in terms of international protection. This Commission has the task to guide and coordinate the “Territorial Commissions for granting international protection”, and the capacity to take decisions on withdrawals and termination of international protection status granted by the Territorial Commissions. In addition, the Department is responsible for the actions undertaken for immigrants’ integration in the territory and for the reception facilities provided for immigrants and asylum seekers (CDA – Reception Centre, CIE – Identification and Expulsion Centres, CARA – Reception Centre for Asylum seekers). Coming under the umbrella of this department is the Single desk for Immigration, a unified operational structure in charge of examining the immigrants documentation, which, although being under the responsibility of the prefectures, involves several other government agencies (the Ministry of Interior, the Ministry of Labour, the Ministry of Economy and Finance, INPS Italian National Social Security Institute, INAIL Italian National Institute for Insurance against Accidents at Work, and patronage institutions).

The Department of Public Safety has the task to control borders, and through the activity of the *Questure* (National Police offices at provincial level) deals with the issue or extension of certain types of residence permit with the liaison office, the Single Desk for Immigration. Under this Department there is also the Italian National Police that, dealing with public order issues, reports on foreigners found to be irregularly present in Italy and carries out, if necessary, the procedures for the return.

The Ministry of Interior has also authority over the readmission agreements between Italy and several countries in order to facilitate the return of irregular immigrants to their country of origin. Under its operational framework there are also assisted voluntary return programmes for some categories of migrants involved in resettlement in the country of origin.

2.2. General structure of the legal system

The regulatory system continues to be focused on the “Consolidated Act of provisions governing immigration and the condition of foreigners”, approved in 1998 and amended by Law No. 189 of 30th July 2002, and most recently by Law No. 94 of 15th July 2009, containing “Provisions relating to public safety”, better known as “Security package”.

These legal provisions have been widely commented on in the study *The Organization of asylum and migration policies in Italy*, published in 2009 by the National Contact Point in the First EMN Italy Report¹⁰, whose update will be available during 2012.

Generally, the Italian system of asylum and migration policies has its original legal basis mainly on the first Republican Constitution. In fact, according to Article 10, one of the fundamental principles, the legal status of foreigners is regulated by law in conformity with international standards, according to paragraph 2, and the foreigners who are denied “the actual exercise of democratic freedoms”¹¹ are entitled, at paragraph 3, to the right to asylum in the Italian territory.

¹⁰ EMN Italy (ed. by), *Migration policies. High qualified workers. Health sector. First EMN Italy Report*, Idos, Rome, 2009. See:

www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/notizie/immigrazione/00964_2009_12_23_Primo_rapporto_dellxEuropean_Migration_Network_Italia.html 1562036149.html.

¹¹ www.governo.it/Governo/Costituzione/principi.html.

The Italian legal system, through ordinary legislation, has been enriched by numerous safeguards in this respect many of which transposed by EU legislation. Among these there is the Directive 2003/09/EC (transposed by Legislative Decree No. 140 of 30th May 2005¹²), which lays down minimum standards for the reception of foreigners submitting the application for recognition of refugee status in Italy. Moreover the Legislative Decree No. 24 of 25th January 2007¹³ has implemented the Directive 2003/110/EC on assistance in cases of transit for the purposes of removal by air. However on 8th January 2007 there have been implemented the Directives 2003/109/EC and 2003/86/EC with two separate Legislative Decrees, No. 3¹⁴ and No. 5¹⁵: the first concerns the status of third country nationals who are long term residents, while the second concerns the right to family reunification (recently reaffirmed by European Commission “Green Paper” on the right to family reunification of third country nationals adopted in November 2011¹⁶). Also the Legislative Decree No. 30 of 6th February 2007¹⁷ implemented Directive 2004/38, on the right of EU citizens and their family members to move and reside freely within the territory of the Member States, while Directive 2004/114/EC (on the conditions of admission of third country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service) has been implemented by Legislative Decree No. 154 of 10th August 2007¹⁸.

During the same period of time the Italian government has approved two legislative decrees to introduce two European directives on refugees and asylum: the Legislative Decree No. 251 of 19th November 2007¹⁹, which implements in national law Directive 2004/83/EC (the so called “qualification directive”), on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection; the Legislative Decree No. 25 of 28th January 2008²⁰, which transposes Directive 2005/85/EC (the “procedures directive”), on minimum standards on procedures in Member States for granting and withdrawing refugee status. These legislative decrees have introduced a new form of international protection, the subsidiary protection, which can be granted to the applicant under specific conditions. Moreover, following the implementation of these two important directives there have been established the Reception Centres for Asylum Seekers (CARA) to replace the “Identification Centers” (Centri di Identificazione - CID), created with Law 189/2002.

In view of the transposition of Directive 2009/50/EC on the conditions of entry and residence of third country nationals for the purposes of highly qualified employment, the approval of the Law No. 217 of 15th December 2011²¹, the so-called “Community Law 2010”, empowered the government to adopt, within 3 months, a decree for the implementation of the directive and the transposition of Directive 2009/52/EC providing minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

Among the changes that have been introduced in the year under review, there are the following provisions (listed in chronological order):

¹² www.camera.it/parlam/leggi/deleghe/testi/05140dl.htm.

¹³ www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/legislazione_805.html.

¹⁴ www.camera.it/parlam/leggi/deleghe/07003dl.htm.

¹⁵ www.camera.it/parlam/leggi/deleghe/07005dl.htm.

¹⁶ http://ec.europa.eu/home-affairs/news/consulting_public/0023/2_IT_ACT_part1_v2.pdf.

¹⁷ www.parlamento.it/parlam/leggi/deleghe/07030dl.htm.

¹⁸ www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0982_dlgs10_08_2007_n154.html.

¹⁹ www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0986_2008_01_05_Dlgs_19_11_2007_n.251.html.

²⁰ www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0984_2008_02_15_Dlgs_28_1_2008_25.html.

²¹ www.politicheeuropee.it/normativa/17102/legge-comunitaria-2010.

- **Decree of the President of the (Italian) Council of Ministers of 17th February 2011**²²
on Provisional Programming concerning the entry flows of seasonal third country national workers into the territory of the State for 2011.
- **Decree of the President of the (Italian) Council of Ministers of 5th April 2011**²³
on Humanitarian measures for temporary protection in favour of citizens of North African countries flowed in the Italian territory from 1st January 2011 to midnight on 5th April 2011.
- **Ministry of Foreign Affairs - Decree of 11th May 2011**²⁴
Definition of the types of visas and requirements for their receiving.
- **Decree Law No. 89 of 23rd June 2011**²⁵
Urgent measures for the completion of the implementation of Directive 2004/38/EC on the right of EU citizens to move and reside freely and for the transposition of Directive 2008/115/EC on common standards and procedures for returning illegally staying third-country nationals.
- **Law No. 129 of 2nd of August 2011**²⁶
Conversion into law, with amendments, by Decree-Law No. 89 of 23rd June 2011, on urgent measures for the completion of the implementation of Directive 2004/38/EC on the right of EU citizens to move and reside freely and for the transposition of Directive 2008/115/EC on common standards and procedures for returning illegally staying third-country nationals.
- **Decree of the President of the Republic No. 179 of 14th September 2011**²⁷
Regulations concerning the agreement for integration between the foreigner and the State, in accordance with Article 4-bis, paragraph 2, of the Consolidation Act regulating immigration and the foreigners' statuses, in the decree law No. 286 of 25th July 1998.
- **Decree of the President of the (Italian) Council of Ministers of 6th October 2011**²⁸
Extension of the residence permits on humanitarian grounds.
- **Order of the President of the (Italian) Council of Ministers of 21st October 2011**²⁹
More urgent measures aimed at facing the state of humanitarian emergency in the country in relation to the exceptional influx of citizens from the countries of North Africa (Order No. 3970).

Amongst the listed regulations, particular attention is given to the Integration Agreement between State and newly arrived Foreign Citizens that has been recently adopted (Presidential Decree No. 179/2011) applicable to citizens over 16 years of age. The Agreement, as better detailed within law 94/2009, calls for reciprocal obligations both on the part of the foreign citizen (who is obliged to sign a document stating specific integration objectives that are intended to be reached within 2 years from signature) as well as on the part of the State (who takes the responsibility of supporting the integration process of the immigrant, in collaboration with the Regions, the local authorities and the non-profit organizations). The agreement requires that the foreigners have

²² www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0950_2011_02_17_DPC_M17022011.html.

²³ www.interno.it/mininterno/export/sites/default/it/assets/files/21/0157_Dpcm_5_aprile_2011.pdf.

²⁴ www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0941_2011_05_11_DM11_052011.html.

²⁵ www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0949_2011_06_23_DL23_062011n.89.html.

²⁶ www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0947_2011_08_02_L0208_2011n.129.

²⁷ www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0942_2011_09_14_dPR14_092011n179.html.

²⁸ www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0945_2011_10_06_Dpcm_06102011.html.

²⁹ www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0943_2011_11_02_OPC_M21102011.html.

adequate knowledge of the Italian language (equal to the A2 level of the Common European Framework of Reference for languages) and sufficient knowledge of the constitutional principles, of the public institutions and of the civil life in Italy, with special attention to health, school, social services, work and tax obligation sectors.

Furthermore, particular emphasis has to be given to the introduction of Law No. 129 of August 2nd 2011 concerning residence and removal of EU citizens (conversion of Decree Law No. 89 of June 23rd 2011), which amended the Decree Law No. 30/2007 – to complete the implementation of Directive 2004/38/CE on the right of EU citizens to move and reside freely – and the Consolidated Act regulating immigration approved with Decree Law No. 286/1998 – for the transposition of Directive 2008/115/EC on the repatriation of illegally staying third country nationals. A very important aspect is the modification of the period of permanence in the CIE (Identification and Expulsion Centers) which may vary from 30 days to a maximum of 18 months, an increase in the time span, and the humanitarian organizations have raised serious questions about it. Moreover, the measure has extended the possibility of benefitting from assisted voluntary return also to the irregular immigrants, in those cases where the interested party has obtained from the Prefect a term from 7 to 30 days for returning to the country of origin. However, excluded from this measure are those: who endanger public order and national security; who are at risk of absconding; who are subject to an order of removal; who violate the security measures imposed by the police; who violate the terms of voluntary return.

On the whole, the legislation on entries has not changed, even though in the course of the year many administrative operations and project initiatives have been recorded to strengthen the efficiency of the procedures. The government's strategy on migration policies, as in the past years, continues to be oriented towards reaching double objectives: to ensure effective protection and to guarantee the security of citizens by contrasting unauthorized immigration and assuring social cohesion, through reception and the integration of regularly residing immigrants.

3. DEVELOPMENTS OF GENERAL CHARACTER CONCERNING THE IMMIGRATION AND ASYLUM POLICY MATTERS

- 3.1. *General political developments*
- 3.2. *Institutional developments*
- 3.3. *Broader developments within immigration and asylum matters*
- 3.4. *Main policy and/or legislative debates*

3.1. General political developments

As a consequence of the long phase of pressure on the Italian bond market and lacking the parliamentary majority in his government, the Prime Minister Silvio Berlusconi resigned from his post on 12th November 2011. The new emergency “technical government” led by Mario Monti was nominated on 16th November 2011 and in the subsequent days it received a large majority vote of confidence from the Chamber and the Senate, with its program of actuating the necessary reforms to guarantee economical growth, mainly aiming towards the reduction of the public debt. It should be noted that within the body of the government there are no professional politicians.

The former prefect Anna Maria Cancellieri was assigned the lead of the Ministry of Interior, taking over from the minister Roberto Maroni. The following undersecretaries were nominated: Carlo De Stefano, Giovanni Ferrara and Saverio Ruperto, to whom were assigned the responsibilities related to immigration and asylum matters. The new Minister of Labour and Social Policies with responsibilities related also to Equal Opportunities is Elsa Fornero (Vice minister: Michel Martone, undersecretary: Maria Cecilia Guerra), the Minister of Foreign Affairs is Giuliomaria Terzi di Sant’Agata (undersecretaries: Marta Dassù and Staffan de Mistura) and the Minister (without portfolio) for International Cooperation and Integration is Andrea Riccardi.

For what concerns migratory matters, the Ministry of Interior is the primary operator but, in order to reinforce the need of a more efficient integration after the emergency phase, a new institution was involved. The Ministry for International Cooperation and Integration was assigned the following duties: International cooperation, Integration, Family Policies, Youth, Anti-drug Policies, Civil Service, International Adoptions and Anti-racial Discrimination. The new Ministry, created under the present technical government, whose assignment will cease in 2013, is operating in close synergy with the Ministry of Interior, the Ministry of Foreign Affairs and the Ministry of Labour and Social Policies.

3.2. Institutional Developments

The increase of landings due to the political situation in North Africa has consequently increased the flow of applications for protection received in 2011 (37,350, that is +308% respect to the previous year), with serious burdening of the Italian reception services³⁰.

Ever since the beginning, in fact, several organizations were involved in overcoming the state of emergency (such as UNHCR, IOM, Italian Red Cross) and, with the Prime Minister’s Order no. 3933 of 13th April 2011, establishing a Coordination Committee for the management of the flows coming from North Africa, the Department of Civil Protection was authorized to perform all

³⁰ Ministry of Interior, *Quaderno statistico per gli anni 1990 – 2011 (Statistical Abstract for the years 1990-2011)*, Rome, March 2012, www.interno.it/mininterno/export/sites/default/it/assets/files/21/0551_statistiche_asilo.pdf.

the necessary actions to cope with the state of emergency (using for this purpose a funding of 110 million euro)³¹.

With the National Plan (operationally started on 15th April), in its various phases of implementation, the intent of the Civil Protection was that of assuring equal distribution on the National territory of the North African citizens. The Plan is an instrument for the creation of connections between the State administrations, Regions, Local authorities and operational structures.

Despite the new dispositions, the admission of international protection seekers has continued to be performed by SPRAR (System of Protection for Asylum seekers and Refugees) managed by the Civil Liberties and Immigration Department of the Ministry of Interior through ANCI (National Association of Italian Municipalities) and constituted, at operative level, by the network of local authorities that, in order to perform integrated reception projects, have access to the National Fund for the Asylum policies and services.

The coexistence of these two admission systems has determined the differentiation of actions and stratification of the reception systems. In order to avoid possible malfunctioning due to the heterogeneous and nonconforming standards of reception, various measures have been taken to reinforce the collaboration between the central System and the Civil Protection as, for example, monitoring of the presences and of the services rendered through the use of the SPRAR database.

Furthermore, on 27th July³², with the Decree issued by the Delegated Commissioner for the North African Emergency, a Monitoring and Assistance Group (GMA) was established, with tasks of support and verification of the minimum standards of assistance. The group, also involved in the homogeneity evaluation of the services, is formed by representatives of State, Civil Protection and other authorities and also includes representatives of international organizations such as UNCHR and IOM.

3.3. Broader developments within immigration and asylum matters

In order to fully understand the developments in terms of immigration and asylum matters that have occurred during the year, in this venue it is necessary to closely examine the North African matter and, in particular, the huge flow of migrants that has affected the country after the so called “Arab Spring”.

As already mentioned in the previous paragraph, as a result of the North African political crisis which started at the beginning of 2011 and, in particular, the suspension of the agreement with Libya on refusals, which had previously drastically reduced the burden, the global number of landings in Italy greatly increased respect to that of the same period of the preceding year, exceeding 56 thousand people.

During the first phase of the emergency, the most part of the involved migrants resulted being of Tunisian origin (as of 23rd February 2011, on a total of 6,300 registered arrivals, 6,200 were of Tunisian origin, of which a very small part were international protection seekers)³³.

These migrants were neither considered irregular nor subject to international protection by the Italian authorities, rather people to whom a temporary residence permit was due pursuant to art. 20 of the Consolidated Act on Immigration. This provision, as will be illustrated here below, has

³¹ Prime Minister Decrees of 12th February and 7th April 2011. See:

www.interno.it/mininterno/export/sites/default/it/assets/files/21/0253_ordinanza_18_febbraio_2011.pdf and www.protezionecivile.gov.it/jcms/it/view_prov.wp.jsessionid=372A97FA287447029BD801DEFCD92809?toptab=2&contentId=LEG24032#top-content.

³² Decree of the Delegated Commissioner for the North African Emergency of 27th July 2011.

See: <http://www.protezionecivile.gov.it/resources/cms/documents/decretoGMA.pdf>.

³³ Notification of the Ministry of Interior, February 23rd 2011.

See: www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/notizie/immigrazione/000092_2011_02_23_incontro_ministri_interno.html.

thus avoided immediate removal measures and has allowed the distribution of the involved individuals to the dedicated reception centers dislocated on all of the national territory.

On a political front, the former Berlusconi government declared in the month of February the state of humanitarian emergency³⁴, subsequently extended by the Monti government up to 31st December 2012³⁵. Furthermore, making reference to common interest and to the high management costs, the Italian government addressed the European Union, requesting, among other things, the activation of the burden sharing procedure laid down in Directive 2001/55/EC on common action in order to share the management of the migratory phenomenon with particular attention to the situation of applicants for international protection. In particular, the government also requested: the transformation of Frontex into an operative agency dedicated to the control of the borders and to the management of the identification and expulsion centers created at European level; uniform application within 2012 of common standards on asylum at EU level; the implementation of regional programs for assistance in synergy with relevant UN agencies; cooperation with Europol to identify potential crime-terrorism threats in the arrival flows; the provision of a contribution of 100 million euro for the first phase of the emergency management cycle.

Strengthening the European collaboration, always in February of 2011, together with other countries of the Mediterranean area – Cyprus, Greece, Malta, Spain, France – by means of a joint announcement, Italy has also requested EU to place the Mediterranean matter at the centre of attention in the EU agenda and to favourably accept the decision taken by the European Presidency to discuss the matter at the JHA Council, as well as the decision of the European Prime Minister to initiate the debate on occasion of the forthcoming European Council. Moreover, it was requested to create a new partnership with the Southern neighbouring countries involved in the North African crisis, strengthening the support from the European Union and full ownership of the affected countries, also establishing, where necessary, a special solidarity fund to tackle humanitarian crisis. It was further requested to put in practice such solidarity between the Member States through specific programs such as those concerning the reallocation.

From the operative point of view, the Italian response to the emergency humanitarian situation has resulted in carrying out both bilateral as well as multilateral actions, initiated at the beginning of March. These operations included, amongst other, the assistance and the return of the population escaping from Libya, the creation of a presidium within the Choucha camp managed by UNHCR, the organization of an air lift for the return of the third country citizens, in particular Egyptians (for a total of 6 flights with 863 people on board), and the supply of humanitarian assistance to those who have not been returned³⁶. The Ministry of Interior has also financed the “New Libya 2011” project, presented by CIR (Italian Council for Refugees), aiming to cope with the difficult humanitarian situation in Libya in favour of groups of sub-Saharan migrants/refugees.

On April 5th 2011, Italy, on the one hand, issued a decree³⁷ whereby temporary protection measures were issued for the migrants landed till then since the beginning of the year, with attribution of a 6 month residence permit for humanitarian reasons (extended on 6th October³⁸) allowing the interested parties, holding a travel document, the free circulation within the European Union countries, conforming to the provisions of the Schengen Convention; on the other hand, the country has signed a new agreement with Tunisia, aimed at allowing the return of the Tunisians

³⁴ Decree of the Prime Minister of 12th February 2011: Declaration of the state of humanitarian emergency in the National territory in relation to the considerable flow of citizens belonging to North African Countries See: www.protezionecivile.gov.it/resources/cms/documents/DPCMdel1222011AfflussocittadiniNordAfrica.pdf.

³⁵ Decree of the Prime Minister no. 2 of 21st November 2011: Extension of the state of emergency to continue the activities of contrast and management of the flow of non-EU citizens. See: www.governo.it/Governo/Provvedimenti/testo_int.asp?d=65527.

³⁶ www.esteri.it/MAE/IT/Sala Stampa/ArchivioNotizie/Approfondimenti/2011/03/20110325_cooptun.htm.

³⁷ Decree of the Prime Minister of 5th April 2011. See: www.interno.it/mininterno/export/sites/default/it/assets/files/21/0157_Dpcm_5_aprile_2011.pdf.

³⁸ Decree of the Prime Minister of 6th October 2011. See: www.protezionecivile.gov.it/jcms/it/view_prov.wp?toptab=2&contentId=LEG28406#top-content.

arrived after 5th April with simplified procedures, prior to identification by the Tunisian consular authorities, without other formalities, and without the necessity of sending the fingerprint cards. In addition to accepting the direct return of Tunisians arrived after 5th April, the agreement also called for the intensification of the controls on the departures on behalf of the Tunisian authorities; to this purpose, Italy has foreseen a donation of the necessary technical means for a global value of 30 million euro.

The mentioned decree and, in particular, the subsequent release of residence permits for humanitarian reasons qualifying the free circulation in the EU countries, has been the subject of a debate with France that has temporarily reinstated the controls at the border, refusing the Tunisians crossing the Alps intercepted at the Italian border of Ventimiglia where, as a consequence, a centre of primary reception had to be opened. The two countries have then agreed a common position on the necessity of revising the Schengen agreements, in particular allowing the temporary reinstatement of the controls at the border under exceptional conditions. The common French-Italian request, supported by the Commission, has however been refused by the European Parliament, that has deplored any attempt to reinstate the controls at the borders in its motion of 7th July, confirming its firm opposition to any new mechanism “pursuing objectives different from those of promoting free circulation and strengthening of the EU governance in the Schengen area”³⁹.

In the last phase of the emergency, the arrivals were no longer Tunisians but Libyans and migrants of sub-Saharan origin escaping from Libya, or better, potential asylum applicants to whom a high level of protection with a wide range of rights must be given as required by the international conventions and internal regulations. To this extent, and with the aim of encouraging forms of bilateral collaboration to cope with migratory matters, on 22nd July 2011, the former Minister of Interior Maroni met with the vice Prime Minister of the National transitional Council in Benghazi, Ali Al-Isawi, and they both confirmed the reciprocal effort in the fight against irregular migration and the will to strengthen the intergovernmental cooperation and the collaboration with the competent international organizations⁴⁰.

3.4. Main political and/or legislative debates

Media and public debate

Thus, in 2011, the matter of immigration held a primary role in the political agenda of the country. In the course of the year, 331,000 new residence permits were released, of which 42.7% for family reasons and 36.0% for work reasons. Italy has been called to cope with the emergency of the immigrants coming from North Africa and has requested the assistance of the European Union to manage the situation. The debate with France for the case of the Tunisian migrants as well as the request to activate the burden sharing sent to the EU institutions have brought the discussions on immigration to a wider and international context. In particular, a higher solidarity among the Member States as an essential requisite for the proper cohesion of the EU has been claimed by public opinion.

The whole civil society has taken part in this debate. For what concerns the matter of closure of the borders by France, the opponents of the provisions adopted by the Italian government have reiterated the correctness of the French position from a judicial point of view, in as much as the residence permits for humanitarian reasons have not been released in accordance to the EU directive 2001/51/EC, which integrates the dispositions contained in the Schengen Agreement of

³⁹ www.europarl.europa.eu/news/it/pressroom/content/20110706IPR23543/html/IT-PE-si-oppone-alla-reintroduzione-dei-controlli-alle-frontiere.

⁴⁰ Notification of the Ministry of Interior, 22nd July 2011. See: www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/notizie/immigrazione/0000090_2011_7_22_incontro_Maroni_con_Ali_Al-Isawi.html 1084908927.html.

14th June 1985⁴¹. On the contrary, a part of the public opinion has noticed that the reinstating of the border controls by France is fruit of an excessive reaction, demonstrating that the appeals to solidarity requested by the Italian government and subsequently by the same European Commissary Cecilia Malström have not received adequate responses from the governments of the other Member States.

On the internal front, the state of emergency declared by the Italian government has had high repercussions on the media and, naturally, on the public opinion. 85% of the people landed from North Africa have entered Italy through the Pelagie Islands (51,596 people on a total of 60,656 as of 28th September 2011⁴²), in particular Lampedusa, where the number of immigrants has reached that of the inhabitants (almost 6 thousand refugees compared to 6 thousand inhabitants). The latent tension of the inhabitants of the island led to a protest (28th March) to which other similar episodes followed in various areas of the country, in the course of which, even the migrants showed their frustration in front of the excessively long bureaucracy, requesting the immediate release of their documents (in August, at Bari and Isola Capo Rizzuto; in September, Turin; in October, Bologna; in November, Mineo; etc.).

The political debate has stressed the exceptional increase of the landings, partly also with a cry of alarm for the possible threat of “invasion” of people escaping from the North African area; a controversial statement, in many occasions also taken up by the media. On the contrary, there is the interpretation given by those who, rather than criminalizing the refugees, have highlighted that the critical situation was mainly due to the insufficient governmental provisions. In this dialectical context, various NGOs have reported on more occasions the practice of refoulement of groups of migrants at sea – performed by Italy also at departure, thanks to the agreement with Tunisia – experience that, according to the same sources, has denied the possibility of receiving protection to the potential refugees.

As far as other circumstances related to the matter are concerned, one should also consider the debate on the acquisition of citizenship for the second generation migrants which arose at the end of the year, when the President of the Republic Giorgio Napolitano stated the necessity of reviewing the existing regulations on the matter: “We now have hundreds of thousands of immigrated children that go to our schools and, in great part, born in Italy, to whom this elementary right [of becoming citizens] is denied, in this manner also denying the possibility of fulfilling one of their aspirations – which should correspond also to our national vision, tending to acquire new and young energies for a society which is widely aged (if not even sclerotic)”⁴³. At political level, the debate has touched the principles of *ius soli* and of *ius sanguinis*, so that the Minister of Interior, Anna Maria Cancellieri, has expressed favour in regard to the *ius soli*, provided it is combined with the years of residence of the parents, an intermediate solution capable of being shared by the parliamentary majority. The Minister for International Cooperation and Integration, Andrea Riccardi, has suggested that, in the analysis of the requisites for acquiring the citizenship, the concept of *ius culturae* should be taken into consideration, starting in this manner to grant citizenship also to minors that have studied in Italy.

Furthermore, it is worth mentioning a national campaign with the title “L’Italia sono anch’io”⁴⁴ (“Italy is me too”) promoted by 19 civil society organizations, whose scope is that of initiating a plan that will bring the two popular initiative law proposals to Parliament (50 thousand signatures are necessary):

⁴¹ www.affarinternazionali.it/articolo.asp?ID=1727.

⁴² Notification of the Ministry of Interior, 28th September 2011. See: www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stamp/notizie/immigrazione/0000072_2011_09_28_info_rmativa_Viale_su_Lampedusa.html.

⁴³ Speech of the President of the Republic at closure of the meeting with a delegation of the Evangelic Churches in Italy, Quirinale Palace, 22nd November 2011. Cfr. www.quirinale.it/elementi/Continua.aspx?tipo=Discorso&key=2316.

⁴⁴ www.litaliasonoanchio.it.

- a law proposal that will change the procedure for obtaining citizenship, including the granting of citizenship to children born in Italy from regularly residing foreign parents, updating in this manner the concepts of nation and nationality based on the sense of belonging to a community as determined by shared programs of study, work and life;
- a law proposal that gives migrants regularly residing in Italy since 5 years the right to vote in local elections, as an instrument of high social and political responsibility.

Finally, it is noted that the Ministry for International Cooperation and Integration, during the audition held at the beginning of 2012⁴⁵, has illustrated the main lines of action of the new Ministry. In particular:

- review the matter of tiered cost for the residence permit;
- for what concerns the non-EU citizens coming to Italy as a consequence of the crisis in Libya, where the humanitarian needs persist, prepare the necessary procedures for renewal of the residence permits to favour integration, but also simplify the return for those who so prefer;
- put in place instruments that prevent closure of ethnical groups or falling into the environment of juvenile delinquency for reunified or unaccompanied minors;
- combine the cooperation policies with those of integration through a unified approach.

Public Opinion

In order to inquire into the feelings and perceptions of the public opinion, reference can be made to the investigation *Transatlantic Trends - Immigration 2011*⁴⁶, now at its fourth edition, the third published in Italy, that proposed a view of the public opinion making reference to various matters related to immigration and integration on the two opposite shores of the Atlantic. The countries subject of the 2011 investigation were United States, United Kingdom, France, Germany, Italy and Spain. The report *Transatlantic Trends - Immigration 2011* shows that, despite the rhetoric used by the politicians in Italy and, consequently, by the media, surprisingly the national perception for what concerns immigration has not changed; on the contrary, the incidence of Italians that believe that there are too many immigrants is decreasing (48% respect to 53% in 2010) and the percentage of those who describe immigration as a phenomenon that enriches the national society is increasing (58% respect to 49% of the preceding year).

Furthermore, it appears that the Italians consider negatively the government provisions adopted to manage immigration, so that the percentage of those who consider the measures of the Italian government as scarcely satisfactory has increased of 13%. Perhaps, it is for this reason that the Italians desire a more active role of the EU in the management of immigration. The highest consensus to the sharing of the burdens in the management of the migration flows coming from North Africa is recorded, surely enough, in Italy (88%, followed by Spain) and the idea that it should be Europe to establish the entry quotas for the immigrants is supported by 60% of the Italians interviewed (35% in Germany and 12% in the United Kingdom)

According to the mentioned report, while in general the Italian public opinion shows a high level of sensitivity towards those who are forced to leave their country in search of better life conditions, it is also true that 74% of Italians believe that immigrants are almost all irregular, and 80% of the interviewed parties states its concern with respect to this particular category of migrants.

⁴⁵ Audition of the Minister for International Cooperation and Integration, Andrea Riccardi, on the programmatic guidelines. Verbatim report of the session of Wednesday 11th January 2012, Commissione I Affari Costituzionali della Presidenza del Consiglio e Interni. See:

www.camera.it/470?stenog=/_dati/leg16/lavori/stencomm/01/audiz2/2012/0111&pagina=s010#Riccardi Andrea 2 2.

⁴⁶ Project created by the German Marshall Fund of the United States (www.gmfus.org), by the Compagnia di San Paolo (www.compagnia.torino.it), by Barrow Cadbury Trust (www.bctrust.org.uk), with the support of the Fundación BBVA (www.fbbva.es). See: <http://trends.gmfus.org/>.

This concern is higher in the South, where the phenomenon is more visible, but in general there is not a substantial difference in the public opinion based on the geographical distribution. As far as the solutions to irregular immigration are concerned, it is just in Italy that the instrument for assistance to development results being the most important (44%) as a major deterrent to irregularity.

4. REGULAR IMMIGRATION AND INTEGRATION

- 4.1. *Economic migration*
- 4.2. *Family reunification*
- 4.3. *Other forms of regular migration*
- 4.4. *Integration*
- 4.5. *Citizenship and naturalization*

In the following paragraphs, taking into account specific matters, an insight into the most significant political and legislative developments on immigration and asylum will be provided, giving brief account of the action taken to implement the policies and the ongoing debate in the civil society.

A tripartite pattern will be followed: it begins with an analysis of the context (i), followed by developments during the 2011 according to the national perspective (ii) and, therefore, where it is relevant, according to the perspective of EU interest related to the implementation of the European Pact on immigration and asylum⁴⁷ and the Stockholm Programme⁴⁸ (iii).

4.1. Economic migration

4.1.1. Context analysis - The system for the entry in Italy for work purposes, governed by the Consolidated Act on Immigration⁴⁹, is based on setting annual entry quotas for foreign workers to be admitted on national territory, established annually with the analysis of the labour needs of internal market.

The criteria for the adoption of flow decrees and general principles on migration policies are laid down by a triennial programme paper, adopted by a special decree of the President of the Republic. The annual flows decrees fixing the entry quotas are adopted by 30th November of the previous year, with the Decree of President of the Council of Ministers. Specific flow decrees are adopted for different types of employment (entries for non-seasonal employees, entries for seasonal workers, entries for self-employment, entries for vocational training). These decrees provide preferential quotas related to professional type and to nationals of third countries with which Italy has signed agreements on regulating entry flow.

The request to hire a foreign worker living abroad is carried out using computerized procedure, upon request of the employer residing in Italy and it depends on the availability within the entry quotas; employers and foreign workers must ensure that requirements are met. The request is considered only where vacancies in Italy cannot be filled by domestic workers (in accordance with the EU preference principle).

Entries related to specific professional categories (high skills or professional services sector highly attractive to the domestic market) are not subject to entry quotas.

The Flow Decree 2010 on seasonal workers was adopted by Decree of the President of the Council of Ministries of 30th November 2004⁵⁰ and provided for the entry of 98,080 employees, of which 52,080 employees for any field of work coming from countries with which there are readmission agreements in force; 30,000 for domestic workers and care attendance coming from other countries; 4,000 employees who participated in pre-departure training programs; as well as more specific quotas. Requests to hire and the equivalent entries of foreign workers are being implemented during the next year 2011.

⁴⁷ <http://register.consilium.europa.eu/pdf/it/08/st13/st13440.it08.pdf>.

⁴⁸ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:EN:PDF>.

⁴⁹ Legislative Decree no. 286 of 25th July 1998, "Consolidation Act regulating immigration and the foreigners' statuses" (art. 3), See: www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:1998-07-25;286.

⁵⁰ Flow Decree 2010, www.interno.it/mininterno/export/sites/default/it/assets/files/20/0551_decreto_flussi_2010.pdf.

With the adoption of the “**Plan for integration in security: Identity and Meeting**”⁵¹, launched by the Ministry of Labour and Social Policies and the Ministry of Interior and approved by the Council of Ministers on 10th June 2010, the government strategy to manage migration was outlined. According to the document, the work is one of the five axes on which the integration of foreigners revolves around. In such a perspective, there are significant estimates of the need to adapt the mechanisms of flow programming, to qualify the entries with the help of the agreements with the countries of origin, to develop a system to recognize and certify the skills of foreign workers, to enhance the role of intermediaries accredited to match demand and supply of labour.

4.1.2. Developments in 2011 - As of 31st January 2011, the procedure for submitting requests to hire foreign workers living abroad was initiated, to enforce the 2010 Flow Decree. The nihil obstat requests to work have been submitted electronically. The sheer number of web-based applications has exhausted the quota available in the first few minutes after starting. Of the available quota of 98,080 there have been received 392,310 applications for the nihil obstat to work in the first three days after the procedure started. On 28th February 2011 applications received were 411,117⁵². Since 2011 the Ministry of Labour and Social Policies has allocated the quota to each province in proportion to the submitted applications: the amendment’s direction is to get over some of the shortcomings of the quota allocation, previously bound to preventive and provisional assignments.

Another element of discontinuity with the past concerns the failure to adopt the three-year planning document, due to contingent macroeconomic instability⁵³.

Regarding the monitoring process and the flow programming, it is interesting to note the research report “**Labour immigration in Italy: Evolution and Prospects**”⁵⁴ published by the Ministry of Labour and Social Policies. The report contains a detailed analysis of the evolution of the foreign population in Italy and forecasts labour shortages and the need for immigrant workers for the next year. In the period 2011-2015 the average annual demand is estimated at about 100,000 units, while in the period 2016-2020 it would be about 260,000.

On 17th February 2011 there also has been adopted the entry **flow decree 2011**⁵⁵ on seasonal workers that has provided 60,000 entry quotas for workers employed in agriculture or tourism sector, from countries that have signed agreements with Italy on regulating migration flows. The new decree provides for the first time the possibility to apply for multiannual nihil obstat for those workers who entered Italy in order to provide seasonal employment for at least two consecutive years⁵⁶. In line with previous experience, cooperation between the Ministry of Interior and the employers’ associations continued for the submission of employment requests.

By decision of 31st January 2011⁵⁷ the transitional regime that governs access to the labour market to citizens from Romania and Bulgaria has been extended until 31st December 2011⁵⁸: for the productive sectors different from agriculture sector, tourism industry, domestic sector,

⁵¹ www.governo.it/GovernoInforma/Dossier/integrazione_sicurezza/pianointegrazione.pdf.

⁵² See statistics available on the website of the Ministry of Interior to the link: www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/speciali/decreto_flussi_2010/.

⁵³ See: Report of the Government to the Constitutional Affairs Committee of the House of 8th June 2011, in www.stranieriinitalia.it/briguglio/immigrazione-e-asilo/2011/giugno/comm-aff-cost-camera-8-6.pdf.

⁵⁴ www.lavoro.gov.it/NR/rdonlyres/A8D198AF-983E-459F-9CD1-A59C14C0DEA9/0/Rapporto_Immigrazione_2011.pdf.

⁵⁵ Decree of the President of the Council of Minister of 17th February 2011. Cfr. www.lavoro.gov.it/NR/rdonlyres/9217B69F-1448-4C76-9962-71DC44643A65/0/DPCM_17_2_2011.pdf.

⁵⁶ See: Joint Circular of the Ministry of Interior and Ministry of Labour and Social Policies 25th February 2011, no.1602, www.lavoro.gov.it/NR/rdonlyres/A00D48F6-4856-4524-835C-E1CE8574D5CD/0/circolareflussiingressostagionali2011.pdf.

⁵⁷ Joint Circular of the Ministry of Interior and the Ministry of Labour and Social Policies, 0707 of 31/01/2011 www.lavoro.gov.it/NR/rdonlyres/072081E1-83E0-41B1-937A-889148B0EC6F/0/Circolare_congiunta_Proroga_Rumeni_Bulgari.pdf.

⁵⁸ Restriction expired on 1st January 2012.

construction industry, engineering and management sector, recruitment of **workers from the new Member States** is bound to a request for nihil obstat to work at the Single Desk for Immigration.

To enhance and qualify the **selection procedure of foreign personnel trained in the countries of origin**⁵⁹ an Inter-Ministerial Decree is in the process of adoption, amending the Decree of the Ministry of Labour and Social Policies of 22nd March 2006, “Education and training implementation to be carried out in the countries of origin of third country nationals”⁶⁰. In particular, regulations that govern the teaching contents and methods of pre-departure courses are currently under partial revision. The decree introduces the revised training requirements to teach Italian language and provides for a conciliation between the training courses carried out and their accomplishment through forms of training on the job in Italy, with the aim to promote the efficient matching of demand and offer.

On 23rd February 2011, the Ministry of Labour and Social Policies has published the **Programmatic document to implement the Plan for Integration**⁶¹. To endorse the employment of foreigners, 46,850,000.00 euro⁶² were allocated to implement the following objectives:

- to qualify the selection services, guidance services, training and job placement of foreign workers;
- to improve the predictive capability over the need for foreign labour;
- to enhance effective employment policies and the cooperation between public and private services for employment, strengthening cooperation with Local Authorities and Regions;
- to build a monitoring system on the foreign citizens’ work insertion on the Italian territory;
- to simplify the procedural steps for the implementation of training programs in countries of origin and job placement in the Italian territory;
- to boost cooperation between public employment services and authorized intermediaries;
- to tackle the exploitation of immigrant labour;
- to provide a qualified assistance in the home help sector;
- to promote circular migration also with dedicated services to the assisted voluntary return to the countries of origin;
- to accredit companies and authorized intermediaries and bilateral bodies;
- to support self-employment of immigrant workers by facilitating access to credit and providing support to business start-up.

4.1.3. Developments from the EU perspective - The Council of State adopted the judgment No.7 of 10th May 2011⁶³, implementing Directive 2008/115/EC, which had a significant impact on the investigation of applications of regularization of foreigners emerging from undeclared work submitted following the adoption of Law 102/2009⁶⁴ and in the process of being evaluated. The Ministry of Interior has transposed the judgment, prevailing a previous interpretation in an opposite position, and it recognized grounds to reopen the proceedings for the emergence of foreign nationals subject to conviction for the crime of unauthorized immigration, pending the

⁵⁹ The discipline of pre-departure training language program, introduced by Law 189/2002, is regulated under art. 23 of Legislative Decree 25th July 1998, no. 286, Article 34 of Presidential Decree 31st August 1999 no. 394, and Decree of the Ministry of Labour and Social Policies 22nd March 2006 “Svolgimento dei programmi di istruzione e formazione da effettuarsi nei Paesi d’origine dei cittadini extracomunitari”(“Education and training implementation to be carried out in the Countries of origin of third country nationals”).

⁶⁰ www.lavoro.gov.it/NR/rdonlyres/DFEE7672-D6EE-4DA0-869B-55536CD179B1/0/20060322_DI.pdf.

⁶¹ www.governo.it/GovernoInforma/Dossier/integrazione_sicurezza/attuazione_Piano.pdf.

⁶² Under several national and EU funds: the European Social Fund, Revolving Fund, the European Integration Fund, the Migration Policy Fund.

⁶³ www.giustizia-amministrativa.it/DocumentiGA/Consiglio%20di%20Stato/Sezione%20P/2011/201101116/Provvedimenti/201100008_11.XML.

⁶⁴ Law no.102 of 3rd August 2009, See: www.parlamento.it/parlam/leggi/09102l.htm.

definition of the procedure⁶⁵.

As for the skills recognition of EU citizens, the Department for European Affairs has published a handbook on **the recognition of professional qualifications** to accompany the foreign citizens in the procedure to obtain recognition of their qualifications in accordance with Directive 2005/36/EC (implemented in Italy with legislative Decree no. 206/2007)⁶⁶.

The deadline for transposing Directive **2009/50/EC**⁶⁷ on the conditions of entry and residence of third country nationals for the purposes of highly qualified employment (the so-called blue card) was on 19th July 2011. In implementing the above mentioned Directive, the draft of the bill has been prepared and this is currently under review by the government. Even for highly skilled workers, a fully computerized procedure is used, from the entry application to the issuance of the residence permit. The request may be submitted by the employer if the worker is abroad, or by the worker if he/she is already regularly present on national territory. For those companies that have signed an understanding with the Ministry of Interior and the Ministry of Labour, a simplified procedure is applied pursuant to paragraph 8 of the Directive.

⁶⁵ See: Circular 17102/124 of 23rd June 2011, www.interno.it/mininterno/export/sites/default/it/assets/files/21/0537_Circolare_su_dl_23_6_2011.pdf.

⁶⁶ www.politichecomunitarie.it/file_download/1219.

⁶⁷ See: Directive **2009/50/CE**⁶⁷, on the conditions of entry and residence of third country nationals for the purposes of highly qualified employment <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:155:0017:0029:it:PDF>.

4.2. Family reunification

4.2.1. Context analysis – During the 16th Legislature launched in April of 2008, specific amendments have occurred in the family reunification regime (see Legislative Decree 160/2008⁶⁸ and Law 94/2009⁶⁹), which amended in a restrictive manner some of the requirements for family reunification.

With regard to a more specific controversy, there must be remembered the jurisprudential developments in the interpretation of Article 31 of the Consolidated Act on Immigration, which allows under certain conditions, a family member, irregularly residing, to stay in the country in order to protect the foreign child⁷⁰. After several years of constant broad interpretation of that wording, in 2009 the Court of Cassation had sanctioned a more restrictive reading of the provision, arguing “the minor’s schooling is a requirement in connection with ordinary process of education-training process and may constitute grounds to justify a derogation from the need to protect the borders”. In 2010, however, with judgment no. 21799 of 25th October 2010⁷¹, the Court of Cassation in Joint Section once again ruled in a definitive encompassing way.

4.2.2. Developments in 2011 – During 2011, the field of the right to family unity and family reunification has not experienced deep changes to its overall system. In addition to reporting a procedural change on the appeal against the refusal of family reunification, it must be highlighted the intense judicial activity, which has seen numerous rulings challenged to find a balance between regulations that protect the right to family unity and the laws aimed at tackling irregular migration.

In particular, the Legislative Decree 150/2011⁷² has simplified the procedures for contesting the denial of a nihil obstat for family reunification and of a residence permit issued for family reasons; the same was done for other measures of the Administrative Law in the field of the right to family unity. Previously the applicant was required to submit to a single judge court of the place where s/he resides, who shall act, after hearing the person concerned, in the manner provided for in Articles 737 and subsequent under the Code of Civil Procedure. The new procedure requires that the person concerned may appeal to the ordinary courts, under Article 20 of Legislative Decree no. 150 of 1st September 2011.

The Constitutional Court, with judgment no. 245/2011⁷³ declared the constitutional illegitimacy of one of the most significant rules introduced by the security package⁷⁴, according to

⁶⁸ Legislative Decree no. 160 of 3rd October 2008, Amendments and inclusions to Decree no. 5 of 8th January 2007, implementing Directive 2003/86/EC on the right to family reunification. See www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0972_2008_10_22_dlgs_3_10_08_160.html.

⁶⁹ Law 15th July 2009, no. 94, Provisions relating to public safety.

⁷⁰ Legislative Decree 286/98, Art. 31, paragraph 3, “Provisions for minors’ protection”, The Tribunal for minors, for serious reasons related to minor’s physical and psychological development and taking into account the age and state of health of the minor who is in the Italian territory, may authorize the entry or residence of the family for a period of time, even notwithstanding the other provisions of this single text”.

⁷¹ Court of Cassation in Joint Sections - Judgement of 25.10.2010, No 21799. www.cortedicassazione.it/Notizie/GiurisprudenzaCivile/SezioniUnite/SchedaNews.asp?ID=2815.

The judgement states that “serious reasons” when the tribunal for minors could allow to the parent recipient of a deportation order, in accordance with provisions on immigration, the permit to stay temporary in Italy, should not be reported only to “situations of emergency or exceptional contingent circumstances and closely linked to the health” of the minor, but in the broadest sense. According to the Supreme Court among the “serious reasons” to be covered by all the circumstances capable of producing “any actual, concrete, perceivable and objectively serious damage that regarding to age or health conditions connected to psycho-physical balance of the minor, is derived or will undoubtedly lead to the minor’s separation from his/her family or his/her permanent uprooting from where s/he grew up”.

⁷² Legislative Decree 1st September 2011, no. 150, Additional provisions to the Code of Civil Procedure concerning the reduction and streamlining of civil actions under Article 54 of Law 18th June 2009, no. 69. See www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decretolegisl:2011-09-01:150@originale.

⁷³ www.cortecostituzionale.it/actionSchedaPronuncia.do.

which the foreign national irregularly staying in Italy is prohibited **to marry**, with the aim of limiting cases of abuse being used to bypass immigration rules. Specifically, the Court criticizes the fact that the alien is to be treated differently with respect to the protection of inalienable rights, that the restrictions introduced by L. 94/2009 may give rise to unacceptable compression of the rights of the Italian citizen who wants to marry a foreigner staying irregularly, and the violation of art. 12 (right to marry) of the European Convention of Human Rights (ECHR), as interpreted by the Strasbourg Court with the judgment of 14 December 2010⁷⁵.

In reference to **judgments taken on family unity**, the Court of Cassation has turned several times to comment on the rule laid down by art. 31 of Legislative Decree 286/98, stating the need for an effective verification about the damage that could affect the child following the adoption of the removal order of the family member irregularly staying in Italy. Acknowledged serious reasons related to mental and physical development of the child, the Tribunal for minors is therefore required to allow entry or residence to the family member, for determined period of time, notwithstanding any other laws. In detail, with Judgment no.10000 of 6th May 2011⁷⁶, the Court of Cassation ruled that the temporary permit to stay in Italy pursuant to Article 31 does not necessarily postulate the existence of emergency situations or exceptional and contingent circumstances, that may cover any actual concrete, perceivable and objectively serious damage connected to mental and physical development of the minor resulting from the removal of the family member. The judgment no. 2647 of the Supreme Court of 3rd February 2011⁷⁷ goes towards the same direction. On the necessity to carry out a careful and specific analysis of the case, there is the Judgment no. 13237 of 16th June 2011⁷⁸, in which the Court of Cassation overturned the decision that denied the alien's special permission to stay in Italy, asserting that the trial court must conduct a thorough and specific investigation as to the existence of serious reasons related to mental and physical development of the minor linked to the parent's removal.

On another question the Supreme Court has ruled, by order no. 7818/2011⁷⁹, in answer to **family reunification**. The judge of legitimacy rejected the appeal against the refusal of the Italian Embassy in the Philippines to issue entry visas for parents of a foreign citizen residing in Italy, who was, at the time of the adoption of the measure, without the supervening requirements introduced by Leg. Decree 260/08, which admitted the reunification of foreign parents only if maintained by the applicant, if they have no other children in the country of origin, or if their parents are sixty-five-and-over years old and in case their other children are unable to support them for serious health reasons. The supervening change of the requirements is applied immediately when it occurs during the procedure.

Finally, it is worth mentioning the order no. 18480 of 8th September 2011, in which the Court of Cassation has also recognized the **conversion of the residence permit for seasonal work** into a permit of stay for family reasons.⁸⁰

In July the Ministry of Interior has acted on a specific matter relating to the **recognition of the divorce judgment** adopted abroad, specifying the effective impediment to family reunification⁸¹. In particular, the fact that divorce has been granted in a foreign jurisdiction other than the jurisdictional courts (as in the case of divorce legislation came into force in Brazil) is not per se a reason to fail to recognise the ruling if divorce is granted the same effect as a sentence

⁷⁴ See: Article. 1, c. 15 ° of Law no. 94 of 15th July 2009, Provisions relating to public safety, amending Article 116 of the Civil Code.

⁷⁵ O'Donoghue and Others v. The United Kingdom.

⁷⁶ Court of Cassation, Sec. I Civil Sent. no. 10.000 of 6th May 2011.

⁷⁷ Court of Cassation, Sec. I Civil Sent. no. 2647 of 3rd February 2011.

⁷⁸ Court of Cassation, Sec. I Civil Sent. no. 13.237 of 16th June 2011.

⁷⁹ Court of Cassation, Sec. The Civil Order no.7218 of 30th March, 2011, Ministry of Foreign Affairs - Italian Embassy in the Philippines.

⁸⁰ Court of Cassation, Sec. I Civil, Ordinance no. 18 480 of 8th September 2011.

⁸¹ Circ. Letter by Ministry of Interior of 27th July 2011, n. 18. Cfr. www.asgi.it/home_asgi.php?n=1741&l=it.

having obtained the force of “res judicata”, subject to review of irreversible dissolution of the marriage bond in the same legal order in that country.

4.2.3. Developments from the EU perspective - As is known, since 2003 the Union has already common rules that determine under which conditions family members of third country nationals residing regularly in a Member State may enter and stay in the EU. This Directive (86/EC) has been fully implemented by Italy in 2007, through the above-mentioned Decree no. 5.

As for the innovations that occurred in 2011 it is noted that at the end of the year (15th November 2011) the Commission has initiated a public consultation on the right to family reunification of third country nationals living in the EU, depending on which it will be decided whether or not to amend the current provisions⁸². The Green Paper on family reunification, in fact, has significantly affected Italy, as it is a politically sensitive issue in a period of deep recession. Also, it is Italy that in 2010, based on Eurostat data, is on top of the list in Europe for having issued the largest number of residence permits for family reasons in the reunification of third country nationals and non-EU family members (160,200), followed by the United Kingdom (103,187) and Spain (89,905).

The news on the launch of public consultation has been spread by different means of communication, arousing particular interest in both institutional sector and associations in the field, and also in the private social field since the family reunification is an expression of social integration of immigrants.

The origin and importance of the national interest, emerged following the publication of the Green Paper, should be understood in the light of the ongoing debate on the so-called “security package” (L.94/09) and, in particular, on the rules contained therein relating to family reunification. In this regard it is recalled, among the various measures implemented, the introduction of a requirement for applicants residing in Italy, to demonstrate the availability of suitable accommodation that meets the sanitary requirements established by the competent municipal offices (Article 1, paragraph 19). The same provision applies to the natural parent of the minor, already regularly residing in Italy with the other parent, who can apply for family reunification only by demonstrating that they meet the availability of income and accommodation. This rule does not clearly establish the evaluation criteria that the municipal offices must refer to, so that these will vary depending on the local administration, and this implication is still being analysed at the political level.

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4.3. Other forms of regular migration

4.3.1. Context analysis - The reasons for entry into Italy are different. Among them, the main flow is that for business reasons, followed by entries for family reunification and by those for study, religious grounds and adoption.

On the whole of 2010, there were issued 1,543,253 visas for entry into Italy, of which 218,308 for permanent settlement. But far more (40 million) are those foreigners who come for at least an overnight stay; if these are added to the travellers for a single day, then the daily arrivals from abroad would be 200,000.

4.3.2. Developments in 2011 – The Decree of the Ministry of Foreign Affairs of 3rd August 2011⁸³ has set, for the academic year 2010/2011, 48,877 **entry quotas for foreign students**, distributed as follows: 42,482 for access to university courses in state universities and private institutions and 6,395 entries for higher institutes for musical and choreographic studies. By note of 18th May 2011, the Ministry of Education, University and Research (MIUR), in agreement with the Ministry of Foreign Affairs and the Ministry of Interior has defined the rules for foreign students' access to university courses for the years 2011-2014⁸⁴.

The multilingual government website “Study in Italy”⁸⁵, created by MIUR, offers information about the possibilities of higher education within the country, the procedures to be activated and the exchange projects.

By decree of 11th July 2011⁸⁶, the **entry quotas for vocational training** (5,000) and **apprenticeships** (5,000) to be held in Italian companies have been established. However one particular provision had a significant impact on the possibility to enter Italy for internships. The government, in order to rationalize the organization of on the job training and combat forms of abuse through which labour relations are masked with training contracts, introduced by Decree-Law 138/2011⁸⁷ new and more stringent requirements to start apprenticeships and guidance, which might be brought only “in favour of holders of a diploma of secondary school or of recent graduates and no later than twelve months from the issuance of the relevant qualifications.” The regulation, therefore, would not allow the entry for training of foreign nationals without such qualifications or who have achieved the qualifications since more than a year. To avoid undermining the right to entry for training, governed by Legislative Decree no. 154 of 10th August 2007, implementing Directive 2004/114/EC⁸⁸, there is the circular of the Ministry of Labour no. 24/2011⁸⁹, which excludes the applicability of the constraints mentioned in the case of restrictive internships “promoted in favour of immigrants, as part of the decree-flows, asylum seekers and beneficiaries of international protection, as well as those aimed at other categories of disadvantaged subjects of

⁸³ www.programmaintegra.it/uploads/c36e9c21-4818-814c.pdf.

⁸⁴ www.studiare-in-italia.it/studentistranieri/moduli/Testo_norme_triennio_2011_2014.pdf.

⁸⁵ www.studiare-in-italia.it/.

⁸⁶ Decree of 1st July 2011 Ministry of Labour and Social Policies, Determination of the 2011 annual quota on entry of foreign nationals to participate in vocational training and apprenticeships, in www.lavoro.gov.it/NR/rdonlyres/92E9DCB4-3E95-4F1B-9288-2F66FE5BD28F/0/20110711_DM.pdf.

⁸⁷ The decree law was adopted under the provisions of the Financial Stability adopted by the Government to deal with the economic emergency. See: D.L. 13th August 2011, no. 138, “Further urgent measures for financial stabilization and development. Delegation to the Government for the reorganization of the spatial distribution of the courts”, passed with amendments, into law 14th September 2011, no. 148. Cfr. www.senato.it/leg/16/BGT/Schede/Ddliter/37308.htm.

⁸⁸ Legislative Decree no. 154 10th August 2007 “Implementation of Directive 2004/114/EC on the conditions of admission of third-country nationals for the purposes of study, pupil exchange, unremunerated training or voluntary service”, in www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0982_dlg10_08_2007_n154.html.

⁸⁹ www.lavoro.gov.it/NR/rdonlyres/2189B434-961B-449D-89EC-4B5F9CA998DE/0/20110912_Circ_24.pdf.

specific initiatives to join or rejoin the work promoted by the Ministry of Labour and Social Policies, and by Regions and Provinces.”

In reference to the **entries for reasons of sport competitions**, the maximum number of non-UE athletes that may enter Italy in the season 2010/2011 was set at 1,395.⁹⁰

Negotiations for agreements on work-holidays are currently ongoing with several third countries, such as Argentina and South Korea.

4.3.3. Developments from the EU perspective - On the European side, the exchange between the institutional representatives who adhere to various EU platforms on immigration, such as the EU Immigration Portal, the European integration online Portal and the EMN continued. In particular, from 21st November 2011 the European Migration Portal, at the instigation of the Ministry of Interior, has made information regarding the entry into Italy available. The English section of the Ministry of Interior was also expanded and it provides information on procedures for entry and residence in the country for citizens of third countries. Other specialized sites have provided information about entry visas (www.esteri.it/visti/), about the entry for study purposes (www.studiareinitalia.it of the Ministry of Education, University and Research) or about circular mobility (www.retenirva.it).

In addition, there have been made informational interventions in those countries which have signed agreements to manage the flow with pre-departure projects or specific campaigns that have been thoroughly analyzed in the EMN study on “Practical responses to irregular migration”.

As part of Mediterranean Transit Migration Dialogue, the Ministry of Interior, in cooperation with ICMPD, Frontex and Europol, has contributed funding to the new phase of development (program 2011-2014) of an interactive map of migration routes, called I-Map, which aims to promote and facilitate the exchange of information at the intergovernmental level, as well as to strengthen cooperation among Member States.

4.4. Integration

4.4.1. Context analysis - On 10th June 2010 the Council of Ministers has approved the *Plan for integration in security. Identity and meeting*⁹¹, a document which outlines the strategy that the government intends to implement to promote policies and actions aimed at immigrants’ integration, with the intention to combine reception procedures and security. The plan of action revolves around five pillars: education and learning, work, housing and local governance, access to essential services, minors and second generations.

The Plan is accompanied by the **integration agreement**, introduced into legislation by Law 94/2009⁹², providing for reciprocal obligations both on the part of the foreigner who enters the country (s/he has to achieve specific integration objectives that are intended to be reached within 2 years from the signature) and the State that is committed to supporting the integration process of foreigners, in collaboration with local authorities, Regions and non-profit associations. The decree of the Ministry of Interior of 4th June 2010 made it compulsory, from 9th December 2010⁹³, to pass an **Italian language exam** to obtain a residence permit for EC long-term residents.

4.4.2. Developments in 2011 - The entry into force of the regulation implementing the **Integration Agreement** is one of the most significant developments in recent years as part of the legislation on immigration. Therefore the key elements of the law system in force are: the

⁹⁰ See: Circular of the Ministry of Interior that has approved the resolution of Coni on the distribution among the various National Federations of the immigrants’ athletes admitted in Italy in 2010/2011 season according to the DPCM of 14th January, 2011. See www.prefettura.it/FILES/AllegatiPag/1207/Circ.%20prot.%20n.%201220%20del%2016.02.2011.pdf.

importance to have knowledge of Italian language and the compliance with enforced laws, the promotion of services to facilitate integration, the principle of conditionality applied to migration issues.

Regulation no. 179/2011⁹⁴ defines the specific contents of the Agreement and the manner in which the subscription is made by the alien at the time of his/her entry into Italy, when s/he applies for the permit of stay. The subscription to the agreement shall be binding for non-EU foreigners over the age of 16 who have entered Italy after the entry into force of the Regulation and who apply for a residence permit longer than one year. There is an exemption for foreigners who have pathological conditions or disabilities that severely limit their self-sufficiency or that can cause serious difficulties in cultural and language learning and for the victims of trafficking, violence or serious exploitation, for which the agreement is replaced by implementation of a social protection path.

The Agreement is based on credits, corresponding to the level of Italian knowledge and also to the knowledge of civic culture and civic life in Italy. When signing the agreement, 16 points are assigned, which can be increased in various ways, such as: a proficient participation to education courses or vocational training, university education and linguistic and social integration, as well as with the registration to the National Health Service, the signing of a rental agreement or purchase of property and volunteer activities.

The credits are reduced in case of negative events, such as failure to participate in civic education training session provided with the entry into Italy, or in the presence of a criminal judgment of conviction, even if not definitive, or personal security measures or for having committed serious violations of administrative or tax laws.

With the agreement, the stranger agrees to:

- a) acquire an adequate knowledge of spoken Italian at least equal to the A2 level;
- b) acquire sufficient knowledge of the fundamental principles of the Constitution of the Republic and the organization and functioning of public institutions in Italy;
- c) acquire adequate knowledge of civic life in Italy, with particular reference to the fields of health, education, social services, labour and tax obligations;
- d) ensure the fulfilment of compulsory education to the minor children.

If the threshold of 30 credits is reached a month before the expiration of a two years period from the drawing up of the integration agreement, the agreement is then fulfilled. If, however, there have not been achieved 30 credits, the agreement will be extended by one year to give the possibility to reach the threshold. If at the end of that year's extension, the agreement is not satisfied with the achievement of 30 credits, it will be declared the partial fulfilment of it which will be taken into account for the adoption of discretionary measures⁹⁵. If credits are equal to or less than zero, the permit will not be renewed and the foreigner will be removed, except for foreigners who hold residence permits for asylum, for asylum application, for subsidiary protection, for humanitarian reasons, for family reasons, for residence permit for long-term residents EC, or the residence card

⁹¹ Ministry of Labour and Social Policies, Ministry of Interior, Ministry of Education, University and Research Plan for Integration into Security: Identity and Meeting, Rome, June 2010. See: www.governo.it/GovernoInforma/Dossier/integrazione_sicurezza/index.html.

⁹² See: Article. 4-bis of Legislative Decree 286/98, Consolidation Act on Immigration, introduced by Law no. 94 of 15th July 2009, Provisions relating to public safety.

⁹³ Ministry of Interior - Decree of 4th June 2010, Proficiency test instructions for the Italian language test, under Article 9 of Legislative Decree no. 286 of 25th July 1998, introduced by Article 1, paragraph 22, letter i) of Law no. 94/2009, in www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0954_2010_06_16_DM_04_062010.html.

⁹⁴ Decree of the President of the Republic No. 179 of 14th September 2011, Regulations concerning the agreement for integration between the foreigner and the State, in accordance with Article 4-bis, paragraph 2, of the Consolidation Act regulating immigration and the foreigners' statuses, in the decree law No. 286 of 25th July 1998, in: www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0942_2011_09_14_dPR140_92011n179.html.

⁹⁵ Probably for the granting of citizenship by naturalization, ed.

for foreign family member of citizens of European Union, foreigners who hold another permit of stay that have exercised their right to family reunification.

During 2011 there took place the **Italian language knowledge tests**, provided under the aforementioned Ministerial decree of 4th June 2010, for foreign nationals who have applied for an EC long-term residence permit⁹⁶. The test is aimed to verify the foreigners' level of knowledge of Italian language, which should help them to understand frequently used phrases and expressions, equal to the A2 level according to the Common European Framework of reference for languages approved by the Council of Europe. The tests are conducted at the premises of the National Network of Permanent Territorial Centres for adult education. Following the Framework Agreement signed by the Ministry of Interior and the Ministry of Education, the latter has defined the guidelines and guidance relating to the content of the test, the procedures for carrying it out and the evaluation of results⁹⁷. The results on the outcomes of the test are currently available only in some local areas. For example, in the province of Padua, the test has been passed by two thirds of respondents (305 out of 462), with significant differences according to nationality of origin, age and gender⁹⁸.

The **policies and measures for the integration of foreigners** have been taken at various levels by a broad network of institutional public actors and private social organizations. Through multi-level governance interventions, the action at national level – marked by interventions and financing implemented by the Central Administrations of the State – is complemented by proactive efforts of local authorities and, additionally, by the activity of some associations of the third sector, very active in the country.

The coordination of integration policies is provided centrally through the action of the Technical Working Group⁹⁹ and implemented through joint action between the Central Administrations in several specific areas (implementation of the integration agreement, European

⁹⁶ For further details on the procedure and the relevant players: www.interno.it/mininterno/export/sites/default/it/temi/immigrazione/sottotema001.html.

⁹⁷ See: Ministry of Education, University and Research, Department of Education, Directorate General of higher and technical education, and the educational systems of the Regions, Vademecum (as defined in note no. 8571 of 16th December 2010 of the Ministry of Interior) Technical and operational specifications for the definition of the contents of the examinations that make up the test, scoring criteria and duration of the test. www.lavoro.gov.it/NR/rdonlyres/2189B434-961B-449D-89EC-4B5F9CA998DE/0/20110912_Circ_24.pdf.

⁹⁸ www.neodemos.it/index.php?file=oneneews&form_id_notizia=516 Among the men as much as 41% failed the test, while only 27% of women had a negative result. Among the citizens of Eastern Europe those who have not passed the test were only 12% and from South America 18% of the participants. There was a negative outcome among immigrants from Africa (52% of negative tests) and Asia (58% of negative tests). Among the single nationalities, the success rate varies between 92% of Moldovans and 7% of Indians. Among younger immigrants, those with less than 30 years, the proportion of those who have passed the Italian test was significantly higher by 78%, while the results are worse for those between 30 and 49 years, with 41% of repeaters. Among the over fifty (where the women from Eastern Europe prevail) the rate of promoted rises reaching 67%.

⁹⁹ Legislative Decree 286/98, Art. 2-a, Coordination and monitoring Committee.

2. The Committee is chaired by the President or Vice President of the Council of Ministers or a Minister delegated by the President of the Council of Ministers, and it is composed of the Ministers concerned with the issues discussed at each meeting no less than four and a president of the region or autonomous province designated by the Conference of Presidents of Regions and autonomous Provinces.

3. For the investigation of matters within the competence of the Committee, it has been established a technical working group at the Ministry of Interior, made up of representatives of the Departments for regional affairs, equal opportunities, for coordination of Community policies, department of innovation and technology, and representatives of the ministries of foreign affairs, of interior, of justice, of manufacturing activities, of education, university and research, of labor and social policy, of defense, of economy and finance, of health, of agriculture and forestry policies, the ministry of cultural heritage and activities, of communications, as well as a representative of the Minister for Italians in the world and three experts appointed by the Joint Conference under Article 8 of Legislative Decree n. 281 of 28th August 1997. At the meetings, in relation to the matters under investigation, there may also be invited representatives of other public authority concerned to implement the provisions of this single text, as well as institutions and the national associations and organizations of workers and employers under art. 3, paragraph 1.

Funds programming, language training, etc.). The connection at the local level has been reached within the State-Regions Conference¹⁰⁰.

It is of great importance that in November 2011, with the advent of Mr. Monti's government, for the first time in Italy the **new Ministry for International Cooperation and Integration** was established.

The **European Fund for Integration of third country nationals**¹⁰¹, of which the Ministry of Interior is the responsible authority, funded in 2011 no. 103 territorial projects, 16 language training projects at regional level and 12 projects of central Administration and national public bodies¹⁰².

Among other measures, it is worth mentioning the "**Integration Portal**"¹⁰³, created by the Ministry of Labour and Social Policies, with the aim to ensure access to national and local integration services of foreigners, promote good practice and monitor the institutional interventions made.

The MIPEX III Report, **Migrant Integration Policy Index**¹⁰⁴, has described the state of integration policy of foreigners in Italy in a comparative perspective. Italy had a downturn as pointed out in previous surveys, but it still ranks among the first ten European countries for the commitment on integration policies. Education is an area where there are delays: since the Italian educational system does not seem to actively support new opportunities and intercultural education (Italy ranks in the 19th place out of 31 analyzed countries, yet with a higher value than the EU average). The report also shows how weak the field of political participation and pathways that lead to citizenship are (14th place out of 31 countries).

In 2011, the Responsible Authority for the EIF (the aforementioned European Fund for the Integration of third country nationals) has created a **national Consultation** aimed to detect the integration needs in the territory and assess the importance of the action areas identified in the policy documents of the Fund, as well as the call for proposals for projects. The consultation process, carried out in October, has revealed that overall actions considered more relevant by the private bodies and institutions operating in the sector are those related to language training and civic education, followed by support initiatives to expand the employment of foreign workers and specific integration actions in favour of schooling of minors. These are the main necessities for integration found in the territory based on over 200 questionnaires sent by the Regions, by the Territorial Councils for Immigration and by Industry Associations.

4.4.3. Developments from the EU perspective - As regards the EU perspective, it is worth mentioning the national contribution made to the two instruments for the integration of third country nationals launched by the Commission in 2009: the European Integration Forum, organized in cooperation with the Economic and Social Committee, and the European Website on Integration. There is the conviction at national level that integration is a two-way process based both on the rights and responsibilities of immigrants and on the host society and, for this reason, even in 2011 it has continued to implement a participatory integration policy, in line with EU priorities. This has enabled fruitful exchanges between interested parties and organizations of civil society on integration issues through EU dialogue platforms.

¹⁰⁰ www.statoregioni.it/.

¹⁰¹ See: www.interno.it/mininterno/export/sites/default/it/temi/immigrazione/Fondo_Europeo_per_lxIntegrazione_di_cittadini_di_Paesi_Terzi.html insights and links to statistics:

¹⁰² For a discussion of projects financed by the EIF and good practices promoted see the Dossier "European Fund for the Integration of third country nationals (2007 - 2013) Programmes and Tools" in www.interno.it/mininterno/export/sites/default/it/assets/files/21/0180_Volumentto_FEI-ANCI-DEF.pdf

¹⁰³ www.integrazionemigranti.gov.it/Pagine/default.aspx.

¹⁰⁴ *Migrant Integration Policy Index - Index of policies for the integration of immigrants*, built by the British Council and Migration Policy Group, in collaboration, for Italy, with the Fondazione ISMU www.mipex.eu/italy.

It is emphasized, in particular, the contribution of the Italian representatives of the network of National Contact Points on Integration. The contact point for Italy continued the dissemination activities for the “Handbook on Integration for policy makers and practitioners”¹⁰⁵, whose third edition was published last year (April 2010) by the Migration Policy Group (MPG) on behalf of the European Commission.

Italy has contributed to build the online community of integration practitioners represented by the European Website on Integration (www.integration.eu), taking advantage of the collection of “good practices” and sharing national strategies and documentation in the field.

Among the scientific documentation produced during 2011, it is worth mentioning the publication “Institutional communication and integration of immigrants”, the Italian version of the research report on the Italian case produced by FIERI within the project *Attitudes to Migrants, Local Leadership and Communication: in transnational learning network to share best practices and Develop among local and regional Authorities in building public understanding of immigration and integration (AMICALL)*, funded by the European Integration Fund, coordinated by COMPAS (Oxford) and in collaboration with the Central European University in Budapest, EFMS University of Bamberg, the Erasmus University of Rotterdam, and the University Institute Ortega y Gasset in Madrid.

¹⁰⁵ www.integrazionemigranti.gov.it/Documenti/Documents/Piano/Manuale%20integrazione%20UE%202010.pdf.

4.5. Citizenship and naturalization

4.5.1. Context analysis - The rules governing the acquisition and recognition of Italian citizenship are governed by law 91 *New citizenship rules*, which goes back 20 years ago¹⁰⁶. The regulatory framework is based, as in many European states, on the principle of *ius sanguinis* (blood relationship), aimed at maintaining the relations between the descendants of Italian emigrants and their country of origin. The Italian law is based on the transmission of citizenship by an Italian parent: the principle of *ius soli* is applied, on a residual basis, to specific cases, unlike the provisions in other European countries where there are more complex forms of mediation between the two principles¹⁰⁷. Even the granting of citizenship by naturalization requires residence times in the host country above the European average. These are the reasons why the number of concessions of Italian citizenship is significantly lower than the EU average¹⁰⁸.

Over the years there has been a **heated debate** to modify, in a more open or more restrictive way, the rules governing access to Italian citizenship. Part of national public opinion believes that an amendment to the legislative provision, which requires to those born to foreign parents in Italy to wait until their coming of age to apply for Italian citizenship, is needed. In the opposite direction, there are those who denounced the practice of marriages of convenience, misusing the rules that provide for access to citizenship for the spouse of an Italian citizen.

Law 94/2009¹⁰⁹ intervened by changing the law 91/92, without altering the general structure, but modifying in a restrictive sense the requirements for the acquisition of Italian citizenship by marriage to the spouse.

4.5.2. Developments in 2011 - Even during the 16th Legislature, there have been presented several **proposed amendments** to the law on citizenship in Parliament; yet there have not been adopted changes to the legislation in force, oriented to the opposite direction of the majority.

On 26th May 2011, the Ministry of Interior has released **data on the concessions of citizenship** granted last year. The procedures for granting Italian citizenship are 40,223 in 2010. The residence in Italy is the first reason for granting citizenship (21,630 proceedings); the number of citizenships granted following marriage is slightly lower, 18,593. The number of concessions is in line with the previous years, with +0.34% compared to 2009, while the proceedings that concluded negatively showed a considerable increase, as from 859 these have increased to 1,634 (+90.22%)¹¹⁰. Compared to the European average, Italy has a lower number of concessions of citizenship¹¹¹.

The civil society debate started on the issue of citizenship, in coincidence with the celebration of 150th anniversary of the Unification of Italy, was particularly vivid, and it introduced several initiatives to raise public awareness especially on the condition of the second generation, that access Italian citizenship with considerable limitations.

In particular, during the year, a **national campaign** - *L'Italia sono anche io*¹¹² (*Italy is me too*) – was launched by 19 associations of the third sector, to raise awareness on the reform of the

¹⁰⁶ Law no. 91 of 5th February 1992, New citizenship rules, see: <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1992-02-05:91>. See www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1992-02-05:91.

¹⁰⁷ See Report: “[Natac: acquisition and Loss of Nationality](http://www.imiscoe.org/index.php?option=com_content&view=category&layout=blog&id=26&Itemid=31)”, See: www.imiscoe.org/index.php?option=com_content&view=category&layout=blog&id=26&Itemid=31.

¹⁰⁸ See Eurostat Report 24/2011 “Acquisitions of citizenship on the rise in 2009” http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-11-024/EN/KS-SF-11-024-EN.PDF.

¹⁰⁹ Law no. 94 of 15th July 2009, Provisions relating to public safety, see: <http://www.parlamento.it/parlam/leggi/090941.htm>.

¹¹⁰ The statistics on decisions to grant (Italian) citizenship and the historical overview since 2003, are available on the Ministry of Interior’s website, see: <http://www.interno.it/mininterno/export/sites/default/it/temi/cittadinanza/sottotema008.html>.

¹¹¹ See: Eurostat Report 24/2011 “Acquisitions of citizenship on the rise in 2009”, cit. http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-11-024/EN/KS-SF-11-024-EN.PDF.

¹¹² See: www.litaliasonoanchio.it/.

citizenship law and gather signatures to qualify two draft laws on popular initiative, referring, respectively, to “changing the rules on citizenship“ (with introduction of the principle of *ius soli*) and “administrative and political participation and the right to vote without any discrimination based on citizenship and nationality”. In early 2012, the threshold of the 50,000 signatures required for the submission to Parliament of the two draft laws by popular initiative has been reached and even exceeded.

Similarly, it is worth mentioning the initiative taken by the G2 network and Save the Children, “Promessi Sposi d’Italia, questa cittadinanza s’ha da fare!” (“The Betrothed of Italy, this citizenship is to take place!”) adopted as part of Celebrations of the 150th Anniversary of the Unification of Italy of Presidency of the Council of Ministers¹¹³.

Citizenship overlaps with other issues that affect labour and social integration. For example, it continues the legal battle to recognize the right of foreign workers to occupy public positions at both a national and a local level, even in the absence of citizenship. The guidelines of the case law are still conflicting, albeit in 2011 there have been registered numerous pronouncements of local courts¹¹⁴ and of the Italian National Office for Racial Antidiscrimination¹¹⁵.

4.5.3. Developments from the EU perspective - At EU level, the Italian National Contact Point of the European Migration Network has proposed to the European Commission a research project entitled “Acquisition of Citizenship: general conditions, implications and good practices” to be included as study activity to the EMN’s annual work Programme for 2012. In a context of growing attention to the issue of integration of migrants and in the light of the Stockholm Programme, the choice of this topic of study has been made from a strictly EU perspective, as migrants, through the acquisition of the host country’s citizenship, thereby acquiring the citizenship of the Union, become an integral part of the “European system”.

The proposal, presented in collaboration with the Contact Points of Finland and Latvia, has attracted the interest of most of the network, in particular of the countries of the Mediterranean and Central and Eastern Europe, and was included in the selection of study subjects to be submitted to the Steering Board for formal approval. In particular, the issue was considered by representatives of several Member States as a possible subject for a “focussed study”, a more concise scientific paper specifically designed to respond to policy makers with an immediate need for knowledge.

Therefore, at the national level, there remains the need for structured analysis on citizenship that should be able to provide, on a comparative basis, an update framework on current legislation and good practice in Member States.

¹¹³ See: www.secondegenerazioni.it/2011/03/04/%E2%80%9Cpromessi-sposi-d%E2%80%99italia-questa-cittadinanza-s%E2%80%99ha-da-fare%E2%80%9D/.

¹¹⁴ Court of Florence, 15th November 2010; Ord. Court of Lodi, 18th February 2011; Court of Boulogne, 8th March 2011; Court of Milan, 4th April 2011; Ord. Court of Milan, 21st April 2011; Civ. Def. Emilia-Romagna, 27th June 2011. Cfr. www.immigrazione.it and www.stranieriinitalia.it.

¹¹⁵ See UNAR Statement of 6th June 2011; UNAR Statement n. 26 of 7th July 2011; UNAR Statement n. 27 of 19th July 2011. Cfr. www.immigrazione.it and www.stranieriinitalia.it.

5. IRREGULAR IMMIGRATION AND RETURN

5.1. *Irregular immigration*

5.2. *Return*

5.3. *Actions against trafficking in human beings*

5.1. Irregular immigration

The set of national measures taken in relation to irregular immigration is extremely rich and complex and it would be addressed concisely. For further information see the EMN study “Practical Responses to irregular immigration”¹¹⁶, edited by the Italian Contact Point within the EMN Work Programme for 2011.

- *In the pre-entry stage*, the readmission agreements (and also the labour agreements with some countries) and the preferential entry quotas have proven useful, harmonized by awareness campaigns, police cooperation and also, albeit for a smaller extent, by vocational training initiatives implemented on-site for workers that would subsequently enter in Italy. Not all measures undertaken have had the same effectiveness, and moreover the situation of each country provides an external influence in a positive or negative way, as was the case in North Africa in 2011.

- *During the stay stage*, the controls undoubtedly represent a dissuasive intervention but, as can be seen from the data reported in the survey, these concern about a tenth of the population estimated to be staying irregularly. Moreover, controls have to face with the strong attractiveness of the illegal labour market, which, if it were heavily regulated for the benefit of the formal market, would help to achieve more satisfactory results.

- *On the pathways out of irregularity*, it seems that the balance which reinforces “EU Return Directive” should be preferred in Italy, also granting the irregular migrants a reasonable period of time for complying voluntarily with the removal order as well as offering assistance with the programmes of assisted return.

5.1.1. Context analysis – In 2011 it was completed the examination of applications for the so-called “sanatoria colf e badanti” (regularization of domestic workers and caregivers) made during 2009, a measure of regularization limited to male and female workers in the domestic field. This measure was provided by Law No. 102 of 3rd August 2009 and recorded 295,129 employment applications submitted by employers. Most applications (235,092, 79.7%) were approved, while 42,061 applications were refused (14.3%) and 2,824 were the waivers as 2nd December 2011¹¹⁷.

During 2010, the policy implemented to tackle irregular immigration, based on agreements on sea patrolling and repatriation signed with Libya, has led to drastic reduction of landings involving 4,406 people. Nevertheless the political crisis facing North African countries has intensified the landings in Italy and within the first months of 2011 these have increased ten times since the previous year.

As regards the regulatory framework, the conditions to enter Italy regularly are expressly governed by Article 4 of Legislative Decree no. 286 of 25th July 1998, as amended by Law 189 of

¹¹⁶

[http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do?jsessionid=13C1BAE3364D64FE2FD13FCF7A57A7EA?entryTitle=01_Practical Measures for Reducing IRREGULAR MIGRATION](http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do?jsessionid=13C1BAE3364D64FE2FD13FCF7A57A7EA?entryTitle=01_Practical%20Measures%20for%20Reducing%20IRREGULAR%20MIGRATION).

¹¹⁷ www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/speciali/Regolarizzazione_colf_e_badanti/index.html.

30th July 2002, and subsequent amendments, known as “Consolidated Act regulating immigration and the foreigners’ statuses”¹¹⁸.

As is known, the Law no. 94 of 15th July 2009, better known as the “security package”, has introduced stricter regulations regarding refusals at the border and, for the first time, it introduced into the Italian law the so-called “crime of illegal immigration”, in addition to the usual administrative expulsion measure, setting up a criminal offense (the irregular residence). Moreover, subject to the provisions contained in the “package”, the status of irregular immigrant is now considered as aggravating circumstances in each type of offense carried out by the single person, increasing the duration of arrest (from six months to a year) for the alien who has no valid documents to stay in the country.

In April 2011, the European Union Court of Justice quashed the so-called “crime of illegal immigration” as it was considered to be at odds with “European Directive on return”(2008/115/EC) for the fact the provision is providing for a prison sentence for irregular immigrants. As will be seen, for the year under review, this ruling has had significant impact on the national regulatory system.

5.1.2. Developments in 2011 – During the year under examination, the overall number of landed foreign citizens was equal to 62,692, of which 28,123 Tunisians, 24,431 Libyans and 1,620 Egyptians. It should be clearly stated that among the foreign nationals there are included both asylum seekers and Tunisian nationals to be granted temporary protection under the Prime Ministerial Decree (DPCM) of 5th April 2011, as well as other foreign nationals not entitled to reside in Italy.

However, while the phenomenon of landed immigrants on the Italian coast is an often dramatic illustration of migration, it does not embody the complex world of irregular immigration. There must be taken into consideration the irregular entry from crossing the border by planes and the overstaying of a visa, which is the primary cause of irregular stay in Italy.

In conjunction with the adoption of the Prime Ministerial Decree (DPCM) of 5th April 2011, which established temporary protection measure for Tunisian nationals landed in Italy in the first months of the year granting temporary residence permits (6 months, and the renewal for other 6 when it expired) on humanitarian grounds, an agreement was signed with Tunisia that commits the newly established authorities of the country to strengthen controls on departures and to accept the accelerated return procedures for Tunisians arrived in Italy after the entry into force of the decree granting temporary residence permit.

Finally, it should be noted that the agreement with Egypt for the return of nationals landed irregularly on the Italian coast remained in force and provides for the return within 24 hours.

5.1.3. Developments from the EU perspective - Italy is also pending to complete the implementation of Directive 2009/52/EC of the European Parliament and of the Council of 18th June 2009, providing for minimum standards on sanctions and measures against employers of irregularly staying third country nationals. The Art. 21 of the Act no. 217 of 15th December 2011, containing provisions for the fulfilment of obligations deriving from Italy’s membership of the European Communities – better known as the Community Act 2010 (published in the Official Journal no. 1 of 2nd January 2012 and in force since 17th January 2012), delegates the government to adopt within three months the implementation of a series of EU directives, which includes Directive 2009/52/EC.

This is a step forward in combating undeclared work, considered one of the main factors attracting irregular immigration. Therefore, in short, in addition to regular inspection and

[118www.esteri.it/MAE/normative/Normativa_Consolare/Visti/Decreto_Legislativo_25_luglio_1998_Aggiornato.pdf](http://www.esteri.it/MAE/normative/Normativa_Consolare/Visti/Decreto_Legislativo_25_luglio_1998_Aggiornato.pdf).

enforcement of the rules already laid down at national level, there will be introduced against employers of irregularly staying migrants obligations and penalties similar to those of all the Member States, in order to avoid distortions of competition between business and means within the single market.

Meanwhile, the latest budget package fully approved by Parliament has re-introduced the crime of illicit brokering and labour exploitation in the Penal Code (art. 12 Legislative Decree 138/2011), already covered by Art. 1 of Law 1369/60 and subsequently repealed by Legislative Decree 276/03¹¹⁹. In response to an increasing number of exploitation reports and steady number of workplace fatalities, the government decided to intervene by punishing the “gangmaster system of illegal hiring” (so-called *caporalato*) with punishments ranging from pecuniary penalty (which comes to 2,000 euro but can increase depending on the number of workers recruited, on their age and on the severity of the danger they were exposed to) and the recruiter’s imprisonment from 5 to 8 years, punishing the conduct of “illicit brokering and labour exploitation” and adding it as Article 630-bis of the Penal Code.

¹¹⁹ Article 12 of the Legislative Decree no. 138 of 13th August 2011 - in force since 13th August 2011 - converted with amendments into law no. 148 (the so-called budget measure bis) of 14th September 2011, introduced in the new Penal Code, “the offense of «illegal intermediation and labor exploitation»: in Article 603 bis of the Penal Code. In: www.penale.it/page.asp?mode=1&IDPag=959.

5.2. Return

5.2.1. Context analysis - Since 2008, the Ministry of Interior, as the responsible authority of the **European Return Fund**, has financed voluntary return programmes for third country nationals, and in particular for persons belonging to vulnerable groups, and forced return operations. The first phase of the NIRVA project ended on 30th June 2010. It promoted integrated actions to educate and inform on the Assisted Voluntary Return, and reorganized into a single network all public and private organizations working in various capacities in direct contact with migrants able to inform them of this option.

The law 94/09, as part of a review of many aspects of immigration law, has provided for **the introduction of the “Return Fund”**, established at the Ministry of Interior, and in order to finance the expenses for the return of foreigners to their countries of origin or provenance. The Fund, still under construction, will be funded from the collection of administrative fees related to the application and issuance of the permit of stay, as well as by contributions from the European Union prepared for the same Fund.

5.2.2. Developments in 2011 - The number of foreign nationals subject to returns implemented by the Ministry of Interior was 16,566 in the first nine months of the year. That number should rise up to 30,000 at the end of the year, according to forecasts released in August by the former Minister of Interior, Maroni.

The late transposition of Directive 2008/115/EC for returning irregularly staying third country nationals has been a central issue with much attention in lower courts and to the government.

Given the principle of direct effect into national law provided by a European directive when its provisions are unconditional and sufficiently clear and precise, many prosecutors and judges of peace orient themselves in considering the directive’s direct effect, refusing, in particular, the rule which provides for the imprisonment of 1 to 5 years for the irregular immigrant who has not observed the order of removal issued by an administrative authority in the return process.

The European Court of Justice had previously been informed of the case and, with judgment of 28th April 2011¹²⁰, it declared the incompatibility between the “return directive” and the provisions of Italian law that punished with imprisonment the failure to comply to the order of the “questore” (public security authority at provincial level) to leave the country. According to the Court, the Directive expressly makes use of coercive measures to respect the principles of proportionality and effectiveness with regard to the means used and objectives to be pursued.

The issue is dealt with by Legislative Decree no. 89 of 23rd June 2011 converted by Law of 2nd August 2011, no. 129¹²¹. It laid down new rules concerning the treatment of irregularly staying third country nationals in compliance with Directive 2008/115/EC, which foresees that removal is no longer a compulsory measure to be implemented by the prefect, but be adopted, case by case, based on the analysis of the specific conditions related to the alien. The immediate accompaniment to the border is expected only in cases of dangerous individuals, i.e. if there is a risk of absconding, or if an application for a residence permit has been dismissed as manifestly unfounded or fraudulent, if the alien, with no justifiable reason, did not observe the period allowed for voluntary

¹²⁰ www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0947_2011_08_02_L02082011n.129.

¹²¹ Law no.129 of 2nd August 2011, *Conversion into law, with amendments, by Decree-Law No. 89 of 23rd June 2011, on urgent measures for the completion of the implementation of Directive 2004/38/EC on the right of EU citizens to move and reside freely and for the transposition of Directive 2008/115/EC on common standards and procedures for returning irregularly staying third country nationals:* www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0947_2011_08_02_L02082011n.129.

departure, if s/he has violated one of the measures imposed by the “questore” (public security authority at provincial level) and in all cases when a judicial decision or act ordered a removal. When there would be no need for immediate accompaniment to the border, the alien may request the granting of a period of time for voluntary departure, and s/he may also benefit from assisted return programmes.

Moreover, there cannot be expelled or prosecuted for the crime of irregular entry and residence the alien identified in the course of border checks in the way out of the country.

5.2.3. Developments from the EU perspective – In implementing Directive 2008/115/CE for returning irregularly staying third country nationals¹²², the aforementioned Law 129/2011¹²³ has defined the discipline of “**Assisted return Programmes**”, adjusted pursuant to art. 14-ter of Legislative Decree 286/98.

The assisted voluntary return programmes for third country nationals to the country of origin or provenance are implemented by the Ministry of Interior, in cooperation with international organizations and intergovernmental bodies competent in resolving repatriation issues, with local authorities and associations active in assisting immigrants.

Assisted return Programmes and voluntary return of third country nationals to the country of origin or provenance are implemented by the Ministry of Interior, in cooperation with international organizations and intergovernmental bodies, expert in the field of repatriation, with local authorities and associations active in assisting immigrants.

The returns shall be made on the basis of priority criteria that take into account the conditions of vulnerability of specific categories of aliens such as people with disabilities, the elderly, children, members of single parent families with minor children, victims of sexual, physical or psychological abuse.

Even irregularly staying third country nationals can be eligible, in accordance with Directive 2008/115/EC, for the voluntary return programmes. The exceptions are the cases specified by law, in which is provided with forced return and removal, adopted for dangerous individuals, i.e. if there is a risk of absconding, or if an application for a residence permit has been dismissed as manifestly unfounded or fraudulent, if the alien, with no justifiable reason, did not observe the period allowed for voluntary departure, if s/he has violated one of the measures imposed by the “questore” (public security authority at provincial level) and in all cases when a judicial decision or act ordered a removal. In other cases, irregularly staying third country nationals may ask the prefect to be granted a time period for voluntary departure, also benefitting from assisted return programmes. The prefect, based on the analysis of the specific circumstances of the individual case, issues a return decision for the alien to voluntarily leave the territory between 7 to 30 days, period that may be extended. The stranger who is in full compliance with a return decision and leaves the country within the time requested, may ask for a withdrawal of an entry ban.

Through the European Return Fund, and the national financing, the **NIRVA Network**, the Italian Network for the Assisted Voluntary Return¹²⁴, implemented by AICCRE, CIR, IOM and Oxfam Italy, with the aim to support and assist foreigners involved in return projects, is providing

¹²² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:IT:PDF>.

See also the judgment of the ECJ of 28th April 2011 that declared the incompatibility between the “Return Directive” and the provisions of Italian law that punished with imprisonment the failure to comply to the order of the “questore” (public security authority at provincial level) to leave the country:

www.retenirva.it/PDF/sentenza_della_corte_di_giustizia_europea_del_28_aprile_2011_c61_pu.pdf.

¹²³ Law no.129 of 2nd August 2011, *Conversion into law, with amendments, by Decree-Law No. 89 of 23rd June 2011, on urgent measures for the completion of the implementation of Directive 2004/38/EC on the right of EU citizens to move and reside freely and for the transposition of Directive 2008/115/EC on common standards and procedures for returning irregularly staying third country nationals:*

www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0947_2011_08_02_L02082_011n.129.

¹²⁴ www.retenirva.it/index.asp.

reintegration assistance both pre-departure and post-arrival, helping the returnees from the socio-occupational point of view.

In the hearing before the Chamber of Deputies of 31st May 2011, the former Minister of Interior, Maroni, highlighted that Italy proposed to strengthen the collaboration with Frontex with regard to its functions. The Agency should have not only an active role on operational cooperation but also direct responsibility in the management of naval vessels for the Mediterranean Sea, and it should increase its operational actions of return (currently only one flight every twenty is coordinated by Frontex: these are multiple flights, through which immigrants are sent home contemporaneously from Italy, France and Germany)¹²⁵.

¹²⁵ Verbatim report of the Parliamentary Committee on the implementation of the Schengen Agreement, Europol, and Immigration Affairs, www.camera.it/dati/leg16/lavori/stenbic/30/2011/0531/s000r.htm?campo=/bicamerale/leg15/schengen/resoconti/leg15fr.htm.

5.3. Actions against trafficking in human beings

5.3.1. Context analysis – Italy is one of the European countries most affected by the phenomenon of trafficking, and this is why, for over a decade, it has adopted a complex system of intervention in the forefront for Europe and worldwide, that could both combat criminal organizations and ensure adequate protection to trafficked persons, on the basis of an oriented approach based on the centrality of the individual and the protection of human rights of victims.

The Italian legislation identifies specific criminal offenses, which allow the persecution and punishment of cases involving trafficking in human beings¹²⁶ and allows the adoption of measures of social protection against the foreign victims of trafficking¹²⁷.

The *Department for Equal Opportunities* is the central authority in charge of promoting and coordinating the range of interventions throughout the country in response to prevent and counter human trafficking, and victim assistance and social reintegration.

The Department leads and coordinates the *Inter-ministerial Commission to support victims of trafficking, violence and serious exploitation*, which is an important body with mechanism of inter-institutional coordination, aimed at planning and monitoring of interventions.

The Department has established the *National Observatory on trafficking in human beings*, dedicated to systematizing information from multiple sources and analyze the phenomenon of trafficking and everything that is directly connected to it, both in terms of services and projects. Among the main objectives of the Observatory, there is the creation of a centralized database system capable of processing records in real-time, which will be a ground breaking assessment tool in Europe important to find the first signs of evolution of the phenomenon of trafficking (SIRIT - *Sistema Informatizzato di Raccolta Informazioni sulla Tratta* - Computerized System for data collection on trafficking in human beings).

In 2010 the number of prosecutions for offenses related to trafficking amounted to 179.

From 1999 to 2010 there had been funded 613 projects for the protection of victims of trafficking, and there were 18,190 beneficiaries. From 2006 to 2010 there had been funded 124 projects to combat trafficking in persons, which involved 2,191 subjects, including 91 minors.

5.3.2. Developments in 2011 – As part of actions against irregular immigration, as indicated during the hearing of 31st June 2011 at the Parliamentary Committee monitoring the implementation of the Schengen Agreement¹²⁸, there were taken a number of steps to continue the fight against the criminal organizations that manage unauthorized immigration i.e. the influx of displaced persons. During the year, over 300 criminals engaged in trafficking were arrested.

The year 2011 saw the continuation of the activities of the National Observatory on trafficking in human beings and those of the Inter-ministerial Commission to support victims of trafficking, violence and serious exploitation established at the Department for Equal Opportunities, at the Presidency of the Council, which is the national authority in charge of coordinating the range of interventions throughout the country in response to prevent and counter human trafficking, and victim assistance and social reintegration.

In January, a technical board has been established to work on the elaboration of a National Action Plan against trafficking to begin, among other things, a mapping of the phenomenon, in order to prevent and counter act crime, implementing strategic objectives while also involving civil society.

¹²⁶ See: Penal code: Article 600 (Reduction and maintenance in slavery or servitude), Art. 601 (Trafficking in Persons), Art. 602 (Purchase or sale of slaves), Art. 604 (Extraterritorial Offences).

¹²⁷ See: Legislative Decree no. 286 of 25th July 1998, art. 18 “*Stay for reasons of social protection*”.

¹²⁸ Consultation on new European policies on immigration: - Hearing of the Central Director of Immigration and Border Police, Prefect Rodolfo Ronconi, sitting of 27th September 2011, in www.camera.it/dati/leg16/lavori/stenbic/30/2011/0927/pdfel.htm.

On 7th July 2011 it was published the joint grant call for project proposals to provide and guarantee proper assistance and protection to trafficked persons, with a funding of 8,000,000.00 euro to:

- Programme for initial support assistance under art.13 Law 228/2003 (22 projects funded);
- Programme for assistance and social integration ex art. 18 Legislative Decree 286/1998 (27 projects funded);

Since 2007, there is in place the Anti-trafficking Toll free Number 800 290 290.

Regarding the statistics, in 2011 there is a slight increase in numbers of residence permits for social protection grounds pursuant to Art. 18, that increased from 527 to 665.

5.3.3. Developments from the EU perspective – In the Annual Policy Report for the year 2010, extensive reference has been made to the “African campaign” led by the Chief of Police Antonio Manganelli, who has visited several African countries, as well as other countries from the Middle East and the Balkan area, entering independently into police cooperation agreements or under the auspices of Interpol. As a continuation of this national strategy, dictated by the commitments formulated in the Stockholm Programme, there was launched a meeting initiative between the Member States and the main countries of origin of migrants from Africa, chaired by Italy. The fight against human trafficking through transnational cooperation has been the focus of the Euro-African Conference held in Naples on 9th February 2011, dedicated to the issues of irregular migration, organized crime, drug trafficking, and terrorism. The Conference, held in the presence of the Minister of Interior Roberto Maroni and the Chief of Police Antonio Manganelli, was attended by many representatives of police forces from different African and European countries, who have identified a number of common elements in the analysis of crime related to migration flows.

Having transferred their know-how application of their regional experience, stakeholders have reiterated the need to further implement international police cooperation, strengthening the involvement of countries of origin and transit, including the planning of training schemes aimed at harmonizing techniques to combat irregular immigration and protecting victims. These bilateral and multilateral agreements, with the support of the European Commission or other international bodies in charge, would certainly lead to improving the operational capabilities of the countries concerned.

The various humanitarian organizations, as well as a number of political representatives who attended the conference, stated that the real problem is the development of the African continent. Migrants driven by endemic poverty opt for a path of migration, including irregular migration, with the result that they become particularly vulnerable to exploitative situations. In this regard, the participants recommended the launching of new projects, consisting of targeted interventions such as, for example, information campaigns for the younger generations about the dangers related to irregular immigration.

To be noted in particular the work carried out by the members of the group on “trafficking in human beings and organized crime: investigative techniques related to prevention and law enforcement, with particular reference to flows of migrants from Greece, Turkey and Central Africa to Europe. Best practices to counter”. The group, in fact, was made permanent with the aim of establishing a desk-work as a coordinating body for future cross-border investigations and exchange information.

6. BORDER CONTROL

6.1. Control and surveillance at the external borders

6.2. Cooperation at border control level

6.1. Control and surveillance at the external borders

6.1.1. Context analysis – In 2010, the fight against irregular migration activity has shown – for what concerns the sea borders – a drastic reduction of the sea landings, as reported by the Ministry of Interior in occasion of the Schengen Parliamentary Commission hearing of 12th October¹²⁹. In the first 9 months of the year, 114 landings were recorded, with a total of 2,868 irregular migrants, of which 1,973 men, 178 women and 717 minors (292 accompanied and 425 unaccompanied). Furthermore, 49 boats were seized and 49 unauthorized individuals amongst the landed people were apprehended. In the same period of the preceding year, the landings were 148, for a total of well 8,292 irregular migrants, of which 6,653 men, 979 women, 660 minors. The seized boats were 48 and the arrested people were 13. Frontex estimated that since the beginning of 2011 to the end of the year more than 56,000 immigrants have landed in Italy, most of them in the island of Lampedusa, where 400 boats have landed (a third coming from Libya and the rest of them from Tunisia)¹³⁰.

The annual Program for the 2010 External Border Fund¹³¹ foresees the implementation of a data collection system, analysis and related monitoring aiming towards the coordination of the fight against irregular migration activity throughout the expanded Mediterranean and the land borders, also called “Sistema di Analisi del Traffico Marittimo” (SATM) (“Integrated Maritime Surveillance System”), complementing the SIA network “Integrated information System for the contrast of irregular migration by sea”.

As far as the visa policies are concerned, the Ministry of Foreign Affairs has started, ever since 2005, the updating of the entry visa control system in order to bring it up to the standards of the EU decision establishing the Visa Information System (VIS). The project includes the updating of the national systems for the control of the visa applications located at the central and peripheral Consular seats.

The effort for the simplification of the procedures has continued for all of 2010, carrying out experimental projects in the various consular seats located all over the world. In particular, in June of 2010, the program for the installation of the new procedure for issue of the “biometric passport”, containing a microchip capable of memorizing the facial and fingerprint image of the holder, as required by the EU Regulation no. 2252/2004, has been completed.

6.1.2. Developments in 2011 – The annual Program for the 2011 External Border Fund, approved by the EU Commission, calls for a global appropriation of 63,824,872.85 euro to be used for operations performed within 30th June 2013.

The program includes:

- improvement of connections of the programs dedicated to the surveillance of the coasts for the fight against illicit trafficking and the activities of contrast to irregular migration;
- the implementation of technical equipment to be used to detect false or falsified documents;

¹²⁹ www.interno.it/mininterno/export/sites/default/it/assets/files/20/0987_Audizione_Ministro_Comitato_Schengen.pdf.

¹³⁰ <http://frontex.europa.eu/news/jo-hermes-situational-update-ukYVF1>.

¹³¹ www.interno.it/mininterno/export/sites/default/it/assets/files/20/0643_fondo_europeo_frontiere_programma_2010.pdf.

- the installation of radar stations for the coastal surveillance;
- training of personnel;
- acquisition of facilities for the patrolling and control (patrol boats, helicopters, automobiles);
- support to the implementation of information systems necessary for the development of EU juridical instruments concerning external borders and visas;

6.1.3. Developments from the EU perspective – To assure continuity with the EU orientation, both the Ministry of Foreign Affairs and the Ministry of Interior are involved in the implementation of the Visa Information System (VIS). The Ministry of Foreign Affairs takes care of updating the “Rete Mondiale Visti” (“Visa Worldwide Network”, RMV) a highly complex system of data transmission connections between the diplomatic-consular seats abroad dedicated to such activity and the Ministry itself and, through the latter with the Schengen Information System and with the central Authorities of the other “partner” countries that apply the Schengen Convention.

The objective is that of interfacing such network with the VIS, the new Visa Information System, which will be progressively applied and is presently only operating in the countries of North Africa.

The Ministry of Interior has also developed an information technology solution in order to interoperate with the Central VIS System through a national interface, called Ministry of Interior Visa System Section (I-VIS), to be allocated to the Immigration Offices of the Police Departments and to the Offices of the Border Police (cost of the I-VIS is 6 million euro). The new IT platform will take care of issuing and control at the 114 mountain border posts and 53 airport border posts and, control only, at the 103 Police Immigration Offices and 11 internal land Border Offices.

Moreover, the Ministry of Foreign Affairs is completing the updating and the modernization of its technological instruments, as well as the training of its personnel for what concerns the innovations coming from the new EU measures. To this extent, the External Border Fund (2007-2013) has contributed an average of 165,000 euro per year. In particular for what concerns the biometrical readings, the Ministry of Foreign Affairs is gradually proceeding in equipping all its diplomatic-consular seats, including its delegated offices (about 600) all over the world, with instruments for scanning of fingerprints. A similar updating in terms of instrumentation, technologies and training of the operators is ongoing also for the Border Police, who are using a dedicated Border Information System (SIF), supporting the operator at the gate during the operations foreseen by the Schengen Border Code (cost SIF: 3,2 million euro)¹³².

6.2. Cooperation at border control level

6.2.1. Context Analysis – In the course of 2010, the Italian government has pursued its action on several fronts with the intent of establishing partnerships with countries of origin and transit for the fight against irregular migration.

Particularly important is the relationship with Libya, in the trend of the renewed cooperation between the two countries, gained with the signature of the Treaty in Benghazi on 30th of August

¹³² In 2011, 15 Border Offices mainly burdened with extra-Schengen passenger traffic have been equipped with such instruments (Airports at Fiumicino, Malpensa, Verona, Bologna, Bergamo – Orio al Serio, Linate and maritime borders of Genova, Venezia, Civitavecchia, Napoli, Palermo, Trapani, Ancona, Bari e Brindisi). See: Italy Annual Program. European Fund for External Borders:
www.interno.it/mininterno/export/sites/default/it/assets/files/21/0365_programma_annuale_2011.pdf.

2008¹³³, converted to Law no. 7 of 6th February 2009¹³⁴. In 2010 funding for 10 million euro were decided, as part of the signed cooperation agreements for coping with the phenomenon of irregular migration and trafficking of human beings¹³⁵.

The cooperation with the countries of origin or transit has not involved only Libya. In the month of February 2010, the final conference on the project “Across Sahara II” took place, intending to promote the development of regional cooperation and institutional capabilities for the management of the borders and of immigration. Always at the beginning of 2010 (February), after the agreements reached in 2009 with Algeria and Nigeria, Italy has concluded two new agreements, respectively with Ghana and with Niger, allowing the strengthening of these countries capability to manage the irregular migratory flows in their territory. The relations with Egypt have been intensified and in the month of July, an agreement between the Italian and Senegalese Police was signed in Dakar with the objective of reinforcing the fight against irregular migration and any other form of illicit traffic. A similar agreement was signed by the Italian Police and Gambia to contrast irregular immigration and trafficking of human beings. Furthermore, Italy is the leader of the Libyan police cooperation “Sahara Med” project, co-financed by the EU with 10 million euro with the collaboration of IOM and Greece, aimed at preventing and managing irregular migration flows from the Sahara desert to the Mediterranean Sea, through the reinforcement of capacity building of the Libyan police.

In the month of April the Italian and French authorities have reached an agreement for the creation of a French-Italian rapid action force of Border guards that may be used at the external borders of the EU or in a Member State as a form of EU solidarity in the framework of the operations conducted by Frontex, or in a third country through a specific cooperation agreement. Moreover, the two governments have decided to develop joint maritime patrolling for the surveillance of their territorial waters.

6.2.2. Developments occurred in 2011 – The crisis in North Africa has determined disruption of the internal governmental assets in the entire region and the government authorities with which Italy had interwoven tight relations in the framework of the cooperation for the contrast of irregular immigration and control at the borders agreement have ceased to exist.

The first revolution, subsequently interrupted, developed in Algeria; then there was one in Tunisia, the so called “jasmine revolution”; other insurrections have taken place in Egypt, in the Mideast, up to Yemen, ending with the military developments in Libya.

In such a complex and constantly evolving scenario, the action of the government with Tunisia, representing the country of origin from which the most significant flow of landings was developed, is to be highlighted.

In conjunction with the entry into force of the Prime Minister’s decree of 5th April 2011¹³⁶, with which the Tunisian citizens landed in Italy in the first months of 2011 were allowed to obtain a

¹³³ Friendship, partnership and cooperation treaty between the Italian Republic and Great Socialist People's Libyan Arab Jamahiriya, signed at Benghazi on 30th August 2008.

¹³⁴ Law no. 7 of 6th February 2009, “*Ratification and execution of the Friendship, partnership and cooperation treaty between the Italian Republic and Great Socialist People's Libyan Arab Jamahiriya, stipulated at Benghazi on 30th August 2008*” published in the *Official Journal* no. 40 of 18th February 2009.

See: www.interno.it/mininterno/export/sites/default/it/assets/files/16/0768_trattato_Libia.pdf.

¹³⁵ On 1st January 2010, the Government has approved the refinancing of the Libya mission, for an amount equivalent to 8,220,842 euro (L.D. no. 1 of 1st January 2010, converted to law no. 30 of 5th March 2010), in execution of the cooperation agreements signed to cope with the irregular migration phenomenon and the trafficking of human beings. The subsequent decree law no. 102 of 6th July 2010 has approved a further financing of the same mission in Libya for the second semester of 2010 equivalent to 2,023,691 euro.

¹³⁶ Prime Minister decree of 5th April 2011, Measures of temporary protection for the foreign citizens arriving from North Africa in:

http://212.14.136.135/dipim/site/it/documentazione/pubblicazioni/Asilo/Pubblicato_il_DPCM_5_4_2011_permessi_temporanei_6_mesi_prot_umanitaria.html.

temporary resident permit for humanitarian reasons, the former Minister of Interior Maroni visited Tunis to reach an agreement with the local authorities in order to stop the continuous and repetitive departures from the coasts of the country.

Thus, on the 5th of April 2011, an agreement is signed in Tunis whereby the newly installed authorities, after the void of power created by the fall of the preceding government, agree to reinforce the controls on the departures and to accept the direct repatriation for the new arrivals in Italy.

In the agreement Tunisia agrees to reinforce the controls in order to avoid new departures and to accept the accelerated return procedures of the persons that will arrive in Italy after the entry into force of the decree that allows the temporary resident permit.

Respectively, Italy agrees to donate to the North African country six small patrol boats, four normal patrol boats and about a hundred off road vehicles in order to allow the Tunisian Police Forces to reinstate controls on the coasts, presently almost inexistent.

A fact-finding investigation on asylum rights, immigration and integration in Europe was held on 29th November 2011 at the Schengen Committee, where the Director General of the Ministry of Labour and Social Policies Natale Forlani held a speech. The Director elaborated the theme of impact of extraordinary migration flows coming from North Africa based on ordinary management of the migration policies. According to the archives of the Ministry of Labour, as of 29th November 2011, 6,000 Tunisian citizens were integrated in the Italian labour market thanks to the six-month residence permit, which could subsequently be transformed in residence permit for work purposes. As far as the specific competences of the Ministry of Labour and Social Policies for the management of minors are concerned, the Director General Forlani recalled that, out of 4,000 minors, 2,700 were integrated in the hosting communities established by his department. For what concerns the cooperation at border control level, the will to include the management of the privileged entry quotas to diplomatic agreements, so as to manage the flows on the basis of agreements with the countries of origin, was confirmed. This strategy has already been pursued by Italy in the course of the past years.

As stated by Forlani, “the intention is, therefore, to conceive the theme of immigration as a milestone in the policies of cooperation; in particular, one could direct the training of the foreign worker towards integration into the Italian work market, or otherwise utilize the training activity in Italy for the re-integration of the worker in his/her own country”,¹³⁷.

6.2.3. Developments under the EU perspective – As far as the cooperation for border control is concerned, Italy has sustained an active role of collaboration, in synergy with Frontex and with other Member States, for the organization of joint flights returning the irregularly residing third country nationals to their country. At the same time, in the course of the year being examined, Italy has benefited of support from the European Agency for the control of the EU borders and from other Member States. On 20th February 2011 Operation Hermes 2011 was launched, with which Frontex supported Italy in the delicate management of the landings in Lampedusa, by involving experts and Customs Officials for the maritime patrolling and for the elaboration of strategies to be pursued along the migratory routes of the Mediterranean. The mission, involving also Europol and other countries (France, Malta, Spain, Netherlands, Sweden, Austria, Belgium, Romania and Switzerland), was urged by the Italian government on the basis of the enormous and extraordinary landings of refugees on the Southern coasts as a consequence of the “Arab Spring”. In operative terms, as a consequence of the emergency, the Italian authorities have strengthened the deployment of the Coast Guard.

¹³⁷Parliamentary Committee on the implementation of the Schengen Agreement, Europol, and Immigration Affairs. Verbatim report of the audition of 29th November 2011.

See: www.camera.it/470?stenog=/_dati/leg16/lavori/stenbic/30/2011/1129&pagina=s020.

For what concerns the cooperation between the consular services of the Member States in the granting of the entry visas, based on the territorial contexts, more or less structured forms of cooperation are in course, also by means of periodic meetings aimed towards finding a common behaviour among the Member States in the visa policies.

Within these specific government agreements or Police or Department agreement memorandums with Nigeria, Ghana, Niger, Senegal, Gambia, Tunisia, Egypt, Algeria, it is to be noted that these countries are now more collaborative and actively involved in the departure and irregular transit phenomenon. The scope of the inter-governmental collaboration is that of helping these countries to form police forces so that they may make use of even ordinary operative means¹³⁸.

¹³⁸ Verbatim report of the Parliamentary Committee on the implementation of the Schengen Agreement, Europol, and Immigration Affairs, in www.camera.it/dati/leg16/lavori/stenbic/30/2011/0927/s000r.htm?campo=/bicamerali/leg15/schengen/resoconti/leg15fr.htm.

7. INTERNATIONAL PROTECTION

7.1. Context analysis - At the international level, in 2010 the trend that has seen a decrease in the number of asylum seekers in the countries of the industrialized world continued: in industrialized countries there have been submitted a total of 358,800 asylum applications, less than 5% in the previous year and less than 42% compared to 2001. Over the past ten years, 2001 was the year when there was submitted the largest number of applications: 620 thousand¹³⁹.

On the whole, in the 27 EU Member States there have been submitted 258,945 applications for asylum, about 28% of the total applications submitted worldwide¹⁴⁰.

In Italy, there were **12,121 asylum applications** lodged in 2010, less than 38% in 2009 (**19,090**). The main countries of origin were as follows: countries of the former Yugoslavia (2,249 applicants), Nigeria (1,632), Pakistan (1,115), Turkey (1020) and Afghanistan (999). Out of a total of 14,042 asylum applications examined, 54% of applicants have been granted a form of protection. In particular, refugee status was granted to 2,094 persons (15% of total), subsidiary protection status to 1,789 (13%), and humanitarian protection to 3,675 (26%).

The denials were 4,698 (33%), plus cases of unavailability or other outcome.

The institutional framework of the bodies involved in the evaluation of applications for international protection is governed by the Regulation on procedures for granting refugee status, Presidential Decree 303/2004¹⁴¹, governing the various stages of the procedure, the operation of *Centri di Identificazione*, (Identification Centres), the functions of the National Commission for the right to asylum and those of the territorial commissions; it is also governed by legislative decree no. 25/2008¹⁴², with which it has been given effect to Directive 2005/85/EC, and by the subsequent Ministerial Decree of 6th March 2008¹⁴³ which has established the number of the Italian Territorial Commission for the Recognition of International Protection to ten. The Ministerial Decree also enables the National Commission to establish main task and coordination and training of members of the Regional Commissions, as well as examination of cases of termination and revocation of the status granted.

7.2. Developments in 2011 –

7.2.1. International protection

In the 60th anniversary of the Geneva Convention, the attention to the issue of refugees was renewed not only with several initiatives and celebrations occurring, but also because in Italy the number of new arrivals increased.

In Italy, in 2011, there were 37,350 asylum applications submitted, nearly 300% more than in 2010 (12,120). The main countries of origin were as follows: Nigeria (7,030), Tunisia (4,805), Ghana (3,402), Mali (2,607), Pakistan (2,444) and Côte d'Ivoire (2,098). On a total of 25,626

¹³⁹ See: press release www.unhcr.it/news/dir/28/view/952/domande-d-asilo-in-diminuzione-nel-2010-cifre-dimezzate-rispetto-al-2001-95200.html and Report "Asylum Levels and Trends in Industrialized Countries 2010, Statistical overview of asylum applications lodged in Europe and selected non-European countries, UNHCR, 28th March 2011, in www.unhcr.it/news/download/144/952/28/rapporto-asilo-paesiindustrializzati.html

See: UNHCR, Global trends 2010, in www.unhcr.org/4dfa11499.html.

¹⁴⁰ See: Eurostat statistics: http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Asylum_statistics

¹⁴¹ Presidential Decree no. 303 of 16th September 2004, Regulation on procedures for granting refugee status, in: www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/legislazione_631.html.

¹⁴² Legislative Decree no. 25 of 28th January 2008, *Implementation of Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status*, www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0984_2008_02_15_Dlgs_28_1_2008_25.html.

¹⁴³ Ministerial Decree of 6th March 2008. Selecting the Local Commissions for the recognition of international protection, in: www.interno.it/mininterno/export/sites/default/it/assets/files/15/0493_dm_6_marzo_2008_commiss_territ_asilo.pdf.

asylum applications examined, 56% of applicants have been recognized a form of protection. In particular, refugee status was granted to 2,057 persons (8% of total), subsidiary protection to 2,569 (10%), and humanitarian protection to 5,662 (22%)¹⁴⁴.

It should be noted that, according to UNHCR, at the beginning of 2011 Italy mostly has received **56,000 refugees**, a small number compared to other European countries: Germany receives almost 600,000, the United Kingdom about 240,000, and France about 200,000.

At the end of December 2011 the SPRAR¹⁴⁵ has received 7,958 people, mostly males (79.5%), mainly from Afghanistan (12.9%), Somalia (13.3%), Eritrea (10.8%), Nigeria (8.1%), Côte d'Ivoire (5.3%) and Pakistan (5.1%). Among the beneficiaries, those who received subsidiary protection are the majority (38% of total) compared to holders of humanitarian protection (16%) and also compared to the component of refugees (18%), while those seeking international protection are 28% of those received.

There appear to be similarities in some characteristics but there are also discontinuous variations compared to previous years. If in large part, it is confirmed the socio-demographic profile of the beneficiaries of the reception interventions from the previous year, however, the reference scenario changes. The 2009-2010 period was characterized by reconciliation to ordinary operations as for the emergency of 2008, in the wake of a limited number of arrivals by sea. However in 2011, the recent emergency occurred as a result of political upheavals in North Africa has significantly affected the action taken.

As in previous years, in 2011, the Ministry of Interior, through the National Fund for Asylum Policies and Services (FNPSA), finances reception and integration activities of SPRAR. For the three years 2011/2013 the SPRAR network consisted of 151 local projects, which are owned by 128 local authorities, for a reception capacity of 3,000 places for accommodation for all three years. The list of 151 projects approved in the three years 2011/2013 has a budget of 35 million euro. Of these 2,500 places are intended to accommodate the so-called "common categories" (single men, single women, and families) and 450 places are for the reception of vulnerable groups (unaccompanied minors, single parents, victims of torture and violence, people who need specialised health care on long term). For the first time, the remaining 50 places are specifically reserved for people with mental illness.

The **2011 Annual Programme of the European Refugee Fund (ERF)** has provided over 27 million in funding for innovative activities aimed to ensure socio-economic integration and reception of asylum seekers and refugees. Almost 14.5 million from the entire amount shall be available for emergency accommodation and support interventions designed to meet humanitarian emergency resulting from the crisis in some countries of North Africa.

The year 2011 saw a major **reorganization of the sections** of the *Commissioni territoriali per il Riconoscimento della Protezione Internazionale* (Territorial Commissions for the Recognition of International Protection), with the opening of new regional sections and the definition of further territorial jurisdictions¹⁴⁶.

¹⁴⁴ See: Ministry of Interior, *Statistical Abstract for the years 1990 - 2010 on asylum-seekers*, Roma, 2011, in: www.interno.it/mininterno/export/sites/default/it/assets/files/21/0551_statistiche_asilo.pdf; www.interno.it/mininterno/export/sites/default/it/assets/files/21/0551_statistiche_asilo.pdf. It is important to remember that asylum claims (refer to the individual) does not coincide with a request for asylum. For the same application, in fact, may be worth more than one applicant, where, as in the case of a family unit, one or more minor children will accompany the person making the request, included in the request of the parent, which corresponds to a single decision by the Commission.

¹⁴⁵ The SPRAR protection system is supported and assisted by a Central Service established by the Ministry of Interior (Department for Civil Liberties and Immigration), and entrusting its management to the ANCI - National Association of Italian Municipalities. See: www.serviziocentrale.it.

¹⁴⁶ See: adjustment to the Territorial Commissions and related sections, to 5th October 2011, in: www.interno.it/mininterno/export/sites/default/it/assets/files/21/0176_Commissioni_territoriali_e_sezioni.pdf.

As part of research and analysis, the Central Service has further enriched its large catalogue of publications¹⁴⁷.

As one of the most important **jurisprudential proceeding** should be mentioned the Ordinance of the Council of State no. 2498 of 10th June 2011, according to which it is up to the Italian State to examine applications for international protection in the event of a request for family reunification and under special personal circumstances of the applicant.

In the field of the **debate** concerning civil society and field operators, it should be noted the report “Il diritto alla protezione”¹⁴⁸ (“The right to protection”), which highlighted specific issues relevant to both access to the asylum procedure, and the reception system itself (or rather on different systems) for asylum seekers and refugees. “The asylum system in Italy - as described by the authors - is characterized by efficient models that coexist with concrete situations of underdevelopment. There is not a vacuum condition as in the past: Italy has an asylum system, with positive aspects but everything is in a non-context, in parallel systems that do not communicate. The theme today in Italy is perceived as a welfare problem and it cannot be faced with ordinary tools, but only with emergency instruments”. In this regard the organizations have applied to determine high standards of reception, based on SPRAR management guidelines, to have a constant monitoring of standards of reception, and to implement a regional scale training for new operators involved in the network.

7.2.2. Temporary protection

Italy has recognized, outside the international protection instruments, a specific form of protection for refugees from North Africa, who entered the country following the political instability during the so-called “Arab Spring”. The area of North Africa and the region of Maghreb have been profoundly marked by the geopolitical changes that have resulted in renewed mobility of migratory flows: in particular the line of the Mediterranean was highly affected by flows from Tunisia, made both of asylum seekers and of Tunisian refugees departed to Italy during the year.

For “relevant humanitarian needs, on the occasion of conflicts, natural disasters or other particularly serious events in countries that are not part of the European Union”, it is expected that the President of the Council adopts measures of “**temporary protection**”¹⁴⁹. Until 2011, such protection has been provided during the Kosovo crisis of 1999¹⁵⁰.

In the first half of February, at its highest peak, there were 6,000 people arrived by boat within five days. The Council of Ministers met in extraordinary session proclaimed the emergency by Prime Ministerial Decree of 12th February 2011¹⁵¹. The next order of the President of the Council of Ministers of 18th February 2011¹⁵² sets out the “Urgent civil protection provisions to

¹⁴⁷ See: SPRAR Documentation Centre, including: Annual reports and Statistical compendia, Operating manuals, Forms, Studies, research, and guides of the Central service and of the Protection system, the Papers of the Central Service, Publications of SPRAR local projects, Video, Other publications, in: www.serviziocentrale.it/index.php?Documenti&i=7.

¹⁴⁸ See: “Il diritto alla protezione” (“The right to protection”) study on the state of the asylum system in Italy and proposals for its development, based on field research conducted throughout Italy by Asgi, Caritas, Communitas, Cespi in: www.asgi.it/public/parser_download/save/studio.cespi.asgi.giugno.2011.pdf.

¹⁴⁹ See: Article 20 Legislative Decree 286/98, “Misure straordinarie di accoglienza per eventi eccezionali” (“Extraordinary reception measures for exceptional events”).

¹⁵⁰ Prime Ministerial Decree of 12th May 1999, “Misure di protezione temporanea, a fini umanitari, da assicurarsi nel territorio dello Stato a favore delle persone provenienti dalle zone di guerra dell'area balcanica” (“Temporary protection measures for humanitarian reasons, to be applied in the State in favour of people from the Balkan war zones”, in www.socialelazio.it/opencms/export/sites/default/sociale/social/resourceGalleries/docs/decreti_e_regolamenti/D.P.C.M.12_05_1999.pdf).

¹⁵¹ Prime Ministerial Decree of 12th February 2011, “Dichiarazione dello stato di emergenza umanitaria nel territorio nazionale in relazione all'eccezionale afflusso di cittadini appartenenti ai Paesi del Nord Africa (“Declaration of the state of humanitarian emergency in the country in relation to the exceptional influx of citizens from the countries of North Africa”), in: www.protezionecivile.gov.it/resources/cms/documents/DPCMdel1222011AfflussocittadiniNordAfrica.pdf.

¹⁵² See: Ordinance of the President of the Council of Ministers no. 3924 of 18th February 2011, in:

tackle the state of humanitarian emergency in the country in relation to the exceptional influx of nationals from the countries of North Africa, as well as for the contrast and management of the inflow of non-EU nationals”.

On the whole, from 1st January to 6th April there took place 390 arrivals by boat, for a total of 25,867 people; 23,352 have reached Lampedusa and the other Pelagie islands; 21,519 of them have declared to be Tunisian citizens¹⁵³.

After settling an action plan including a census of the people landed and the activation of emergency facilities, and noted the impossibility of using the EU instruments for the resettlement of immigrants in other EU countries, it was issued the Prime Ministerial Decree of 5th April 2011¹⁵⁴, which laid out **temporary protection** to approximately 22,000 foreigners flowing from North African countries. The decree provides for the issuance of a six months-residence permits for humanitarian reasons in favour of citizens from the countries of North Africa, who entered into the country from 1st January 2011 to midnight on 5th April 2011. The permit allows the holder to stay temporarily in Italy and travel in the Schengen area as provided for in EU legislation (having a travel document, being able to demonstrate the possession of sufficient resources; staying no longer than 90 days; prohibited from performing any work). There followed further orders of the President of the Council of Ministers taking urgent measures aimed at facing the state of humanitarian emergency¹⁵⁵. The state of emergency and the length of the permits on humanitarian grounds were subsequently extended for another six months¹⁵⁶ until 30th June 2012.

www.interno.it/mininterno/export/sites/default/it/assets/files/21/0253_ordinanza_18_febbraio_2011.pdf.

¹⁵³ Informativa urgente del Governo sulle misure adottate in relazione all'eccezionale flusso di immigrazione verso l'isola di Lampedusa (Urgent communication of the Government on measures taken in relation to the exceptional flow of immigration to the island of Lampedusa, 7th April 2011, in:

www.interno.it/mininterno/export/sites/default/it/assets/files/20/0011_Informativa_Ministro_Lampedusa_Camera.pdf.

¹⁵⁴ Prime Ministerial Decree of 5th April 2011, “Misure di protezione temporanea per i cittadini stranieri affluiti dai Paesi nordafricani” (“Temporary protection measures for foreign inflows from North African countries”), in: http://212.14.136.135/dipim/site/it/documentazione/pubblicazioni/Asilo/Pubblicato_il_DPCM_5_4_2011_permessi_temporanei_6_mesi_prot_umanitaria.html.

¹⁵⁵ See: Ordinance of the President of the Council of Ministers no. 3924 of 18th February 2011, Interventi per gestire l'eccezionale afflusso di cittadini del Nord Africa e di Paesi extraeuropei” (“Interventions to manage the exceptional influx of citizens of North African countries and those of countries outside the European Union”), in:

www.protezionecivile.gov.it/resources/cms/documents/OPCM_3924_18_2_2011.pdf.

Ordinance of the President of the Council of Ministers no. 3933 of 13th April 2011, “Ulteriori disposizioni urgenti dirette a fronteggiare lo stato di emergenza umanitaria nel territorio nazionale in relazione all'eccezionale afflusso di cittadini appartenenti ai Paesi del Nord Africa” (“More urgent measures aimed at facing the state of humanitarian emergency in the country in relation to the exceptional influx of citizens from the countries of North Africa”), in www.protezionecivile.gov.it/resources/cms/documents/OPCM3933del1342011NordAfrica.pdf.

Ordinance of the President of the Council of Ministers no. 3934 of 21th April 2011, “Nuove disposizioni per emergenza umanitaria legata all'afflusso di migranti dal Nord Africa”, (“New provisions related to humanitarian emergency influx of immigrants from North Africa”), in:

www.protezionecivile.gov.it/resources/cms/documents/OPCM_3934_21_aprile_11.pdf.

Ordinance of the President of the Council of Ministers no. 3935 of 21st April 2011, “Ulteriori disposizioni urgenti dirette a fronteggiare lo stato di emergenza umanitaria nel territorio nazionale in relazione all'eccezionale afflusso di cittadini appartenenti ai Paesi del Nord Africa. Centri di identificazione ed espulsione temporanei nei comuni di: Santa Maria Capua Vetere - Palazzo San Gervasio - Trapani località Kinisi” (“More urgent measures aimed at facing the state of humanitarian emergency in the country in relation to the exceptional influx of citizens from the countries of North Africa. Temporary identification and expulsion centers in the municipalities of Santa Maria Capua Vetere - Palazzo San Gervasio - Trapani – Kinisia”), in:

www.protezionecivile.gov.it/resources/cms/documents/OPCM_3935_21_aprile_11.pdf.

Ordinance of the President of the Council of Ministers no. 3947 of 16th June 2011, “Nuove disposizioni per emergenza umanitaria legata all'afflusso di migranti dal Nord Africa” (“New provisions related to humanitarian emergency influx of immigrants from North Africa”), in:

www.protezionecivile.gov.it/resources/cms/documents/OPCM3947_16_6_2011_Immigrati_NordAfricaComune_Lamp edusa.pdf.

Ordinance of the President of the Council of Ministers no. 3951 of 12th July 2011, “Altre disposizioni per l'emergenza umanitaria Nord Africa”, (“Other provisions for humanitarian emergency North Africa”), in:

www.protezionecivile.gov.it/resources/cms/documents/OPCM_3951_12_luglio_2011.pdf.

7.3. Developments from the EU perspective - During the first half of 2011, the resettlement projects involved a total of 130 people. It was, in fact, approved the second year of the collaboration agreement between the Municipality of Riace (the lead authority), the Municipality of Caulonia and the Department for Civil Liberties and Immigration of the Ministry of Interior, that aimed at the realization of the resettlement project for some Palestinian refugees.

In addition, the 2010 European Refugees Fund provided funds for the resettlement of 50 refugees that were particularly vulnerable, in particular people at risk of psychological problems, physical or sexual abuse or exploitation, who were housed in reception centers in Libya and/or Palestine, in collaboration with UNHCR.

Finally, the 2010 European Refugees Fund funded multidisciplinary training programmes aimed at identifying immigration and poverty related diseases for 300 operators working at Reception Centers for Asylum Seekers (CARA), at other reception centers, at SPRAR local projects, and for medical and paramedical staff of *Aziende Sanitarie Locali* (Local Health Authorities).

Ordinance of the President of the Council of Ministers no. 3955 of 26th July 2011, “Ulteriori disposizioni urgenti dirette a fronteggiare lo stato di emergenza umanitaria nel territorio nazionale in relazione all’eccezionale afflusso di cittadini appartenenti ai Paesi del Nord Africa” (“More urgent measures aimed at facing the state of humanitarian emergency in the country in relation to the exceptional influx of citizens from the countries of North Africa”), in:

www.protezionecivile.gov.it/resources/cms/documents/OPCM3955_26_luglio_2011.pdf.

Ordinance of the President of the Council of Ministers no. 3956 of 26th July 2011, “Ulteriori disposizioni urgenti dirette a garantire il trattamento dei dati personali nell’ambito degli interventi finalizzati al superamento dello stato di emergenza umanitaria nel territorio nazionale in relazione all’eccezionale afflusso di cittadini provenienti dai Paesi del Nord Africa” (“More urgent measures aimed at ensuring the processing of personal data as part of interventions in response to coping with the state of humanitarian emergency in the country in relation to the exceptional influx of citizens from the countries of North Africa”), in:

www.protezionecivile.gov.it/resources/cms/documents/OPCM3956_26_luglio_2011.pdf.

Ordinance of the President of the Council of Ministers no. 3958 of 10th August 2011, “Ulteriori disposizioni urgenti dirette a fronteggiare lo stato di emergenza umanitaria nel territorio nazionale in relazione all’eccezionale afflusso di cittadini appartenenti ai Paesi del Nord Africa” (“More urgent measures aimed at facing the state of humanitarian emergency in the country in relation to the exceptional influx of citizens from the countries of North Africa”), in:

www.protezionecivile.gov.it/resources/cms/documents/OPCM_n_3958_10.8.2011_Nord_Africa.pdf.

Ordinance of the President of the Council of Ministers no. 3962 of 6th September 2011, “Ulteriori disposizioni urgenti dirette a fronteggiare lo stato di emergenza umanitaria”, (“More urgent measures aimed at facing the state of humanitarian emergency”), in: www.protezionecivile.gov.it/resources/cms/documents/ordinanza3962.pdf.

Ordinance of the President of the Council of Ministers no. 3965 of 21st September 2011, “Ulteriori disposizioni urgenti dirette a fronteggiare lo stato di emergenza umanitaria nel territorio nazionale in relazione all’eccezionale afflusso di cittadini appartenenti ai Paesi del Nord Africa”, (“More urgent measures aimed at facing the state of humanitarian emergency in the country in relation to the exceptional influx of citizens from the countries of North Africa”), in: www.protezionecivile.gov.it/resources/cms/documents/OPCM3965_21settembre2011.pdf.

Ordinance of the President of the Council of Ministers no. 3966 of 30th September 2011, “Ulteriori disposizioni urgenti dirette a fronteggiare lo stato di emergenza umanitaria Nord Africa e per la gestione dell’afflusso di cittadini di Stati non appartenenti all’Unione Europea”, (“More urgent measures aimed at facing the state of humanitarian emergency North Africa and to manage the exceptional influx of citizens of States outside the European Union”), in:

www.protezionecivile.gov.it/resources/cms/documents/opcm3966_30sett2011.pdf.

Ordinance of the President of the Council of Ministers no. 3970 of 21 October 2011, “Altre disposizioni sull’emergenza umanitaria Nord Africa” (Other provisions aimed at facing the state of humanitarian emergency North Africa), in: www.protezionecivile.gov.it/resources/cms/documents/OPCM3970_21ottobre2011_NordAfrica.pdf.

¹⁵⁶ DPCM del 6 ottobre 2011 che proroga la durata dei permessi di soggiorno umanitari (Prime Ministerial Decree of 6th October 2011 extending the length of residence permit for humanitarian reasons.) www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0945_2011_10_06_Dpcm06_102011.html) e DPCM del 6 ottobre 2011 che proroga lo stato di emergenza (Prime Ministerial Decree of 6th October 2011 extending the state of emergency) www.protezionecivile.gov.it/resources/cms/documents/DPCM_6_10_11_Emergenza_Nord_Africa.pdf). See also: Circolare del Ministero dell’Interno dell’8 ottobre 2011 (the Circular of the Ministry of Interior of 8th October) 2011 (www.serviziocentrale.it/file/server/file/circolare%20Min_%20interno%208_10_2011-100.pdf).

8. UNACCOMPANIED MINORS (AND OTHER VULNERABLE GROUPS)

8.1. Context analysis – The presence of unaccompanied minors (UAMS)¹⁵⁷ in European countries is not a foreign element in the history of migration processes, but the phenomenon has reached unprecedented proportions over the past 15 years. While soon after the Second World War until the late '80s there were mostly minors who were asylum seekers¹⁵⁸, since the '90s there is a sharp increase in numbers of minors who, despite some were coming from areas affected by wars and political instability, leave their own country mainly for economic reasons, travelling along pathways similar to those of adults.

In Italy, in particular, the question of their reception and their protection has been raised since the late '90s also for their strong impact exerted on the local welfare system.

At the end of 2011, pursuant to Committee for Foreign Minors data from the reports submitted (that do not cover the whole phenomenon), there have been recorded 7,750 children from over 40 countries outside the EU, mainly from Egypt (15.1%), Afghanistan (41.1%) and Tunisia (13.1%)¹⁵⁹. If many unaccompanied minors came out from the institutional framework of the reception system, some others never came in contact with it. These are minors who arrived in Italy alone, who sometimes refer to friends or nationals already in the country, often driven by the need to earn to repay a family debt, or else, a great investment that has allowed them to make the journey from the country of origin; and so they live or work in the streets, staying in makeshift dwellings, they have no access to education or health services, and do not benefit from the safeguards provided for them pursuant to Italian and international law.

The unaccompanied foreign minors seeking international protection are 825 in 2011, according to provisional figures recorded in the archives of Eurostat, with a drastic increase compared to 305 recorded in the year immediately preceding.

Taking into account the level of protection enjoyed by UAMS until their coming of age, there still remain **a number of critical factors** related to the procedures to clarify the minor's age (against which the Central Administrations have launched a reflection process and begun experimental projects)¹⁶⁰, related to the conditions for their stay in the country until the minor reaches the age of majority, conditioned to specific requirements and subject to frequent revision by the legislature¹⁶¹, as well as difficulty in monitoring the paths of integration of UAMS.

During 2010, there have been published in-depth **research reports** with a thorough discussion about UAMS in Italy, and a review of the care and protection policies for

¹⁵⁷ According to Italian law, pursuant to art. 1, paragraph 2 of the Regulation concerning the duties of the Committee for foreign minors, Prime Ministerial Decree No. 535/99, for unaccompanied foreign minor present in the State, is intended to mean the minor holding neither the Italian citizenship nor the citizenship of another EU Member States that by failing to apply for asylum, s/he is for any cause in the State without a parent or other adult legally responsible for their assistance or representation according to the laws in force into Italian framework.

¹⁵⁸ According to estimates presented by EMN, that however cannot fully represent the phenomenon, in 2009 there were at least 11,292 applications for asylum lodged by foreign unaccompanied minors in the 22 Member States.

¹⁵⁹ www.lavoro.gov.it/NR/rdonlyres/E9268A95-5406-439A-B513-29AD15B4ABA0/0/Dati_minori_stranieri_non_accompagnati_30giugno2011.pdf.

¹⁶⁰ Mention on the Protocol on "Age assessment on unaccompanied minors", issued in June 2009 by the Ministry of Labour, Health and Social Policy (the "Ascone Protocol"), the Memorandum of Understanding between the Ministry of Interior, Ministry of Labour and Social Policies and Ministry of Justice (www.interno.it/mininterno/export/sites/default/it/assets/files/16/0405_Protocollo_di_intesa_minori.pdf); The experimental project funded by the European Fund for Integration of third country nationals «New approaches for the assessment of minor age»

http://212.14.136.135/dipim/export/sites/default/it/assets/pubblicazioni/FEI/Volume_Convegno_30.6.10.pdf.

¹⁶¹ See Article 32 of Legislative Decree 286/98, Consolidated Act on immigration.

unaccompanied minors, and the impact of legislative changes recently introduced into Italian law¹⁶².

Among the unaccompanied children, there are also those who are **victims of trafficking**, since recruited, transported, transferred, harboured or received with the purpose of exploitation, within or outside a country, and no coercion, deception, abuse of power or other form of abuse needs to be involved. The data on unaccompanied minors who are victims of trafficking are among the most difficult to detect. According to data from the Department for Equal Opportunities on assistance projects and social integration (ex art.18 Consolidated Act on Immigration) in the period between March 2000 and April/May 2007, there were 938 minors involved in the projects (7% of the total number of beneficiaries). According to the data held by Italian municipalities, in 2007, there were 99 foreign unaccompanied minors involved in protection projects ex art.18 and in 2008 they were 94. These statistics are merely the tip of the iceberg of the phenomenon.

8.2. Developments in 2011 - The year 2011 was marked by a **significant influx of UAMS**, with significant impacts on the national reception system.

With the “Arab spring” there have been a high number of minors arriving from the Tunisian coast in Italy and in particular in the island of Lampedusa. According to the latest data on the emergence of **North Africa**¹⁶³, in 2011, 4,580 foreign minors have entered in Italy. Most of these minors are just under the age of majority: 51.3% are seventeen years old while 16.4% have come of age at the time of the survey. 94.6% of the total are male.

The exceptional nature of the events occurred has been recognized by the government, which included provisions to address the extraordinary **state of humanitarian emergency** in relation to the exceptional flow of citizens from the countries of North Africa, by Ordinance of the President of the Council of Ministers no. 3933/2011¹⁶⁴, which assigned specific responsibilities to the Ministry of Labour and Social Policies, to make a contribution up to 31st December 2011 to municipalities that have supported or approved expenses for the reception of unaccompanied minors. The Director of Central Directorate for Immigration at the aforementioned Ministry has been appointed “implementing body for care of UAMS pursuant to Article 5 of the Ordinance of the President of the Council of Ministers no. 3933/2011”, on the basis of operational guidelines to be issued by the delegate Commissioner¹⁶⁵.

In reference to the larger number of UAMS identified and registered by the Committee for minors, there were 7,750 **unaccompanied minors reported in 2011**. The top five source nationalities account for 55.3% of the total: 1,172 have Egyptian nationality; 1,094 Afghani; 1,013 Tunisian; 514 Bengali; 497 Moroccan. The majority of these minors (94.6%) are males and more than half of them is estimated to be 17 years of age. Analyzing the age of the UAMS, it is noticed how the phenomenon almost exclusively involves minors over 15 years of age (7,030 equal to 90.7% of total). In particular a number of 4,207 minors are seventeen years of age and 2,006 are sixteen. This aspect deserves special attention both in relation to the limits currently approved in age assessment practices (by applying an uncertainty factor of 2 years), and for the purpose of

¹⁶² See: Second EMN Italy Report, Unaccompanied Minors, Assisted Return and International Protection, in: http://212.14.136.135/dipim/export/sites/default/it/assets/pubblicazioni/II_RAPP_ENM_MINORI_non_acc.pdf.

See: Unaccompanied foreign minors, Third Report Anci, in:

www.interno.it/mininterno/export/sites/default/it/assets/files/19/0986_Terzo_rapporto_minori_stranieri_Anci.pdf.

See: The impact of Law 94/2009 on unaccompanied minors: a field research in six Italian cities, Save the Children Italia, 2009, in: http://images.savethechildren.it/IT/f/img_pubblicazioni/img79_b.pdf.

¹⁶³ www.lavoro.gov.it/NR/rdonlyres/E9268A95-5406-439A-B513-29AD15B4ABA0/0/Dati_minori_stranieri_non_accompagnati_30giugno2010.pdf.

¹⁶⁴ www.lavoro.gov.it/NR/rdonlyres/B366A6FD-81D3-4003-9107-68DF476147B8/0/OPCM_3933_13_4_2011_NordAfrica.pdf.

¹⁶⁵ The appointment was approved by decree of the delegate Commissioner rep. no. 2436 of 18th May 2011.

ensuring a timely monitoring of their integration process in Italy, regarding the measures that will affect them with their coming of age.

In 2011, protection **services**, accommodation in a place of safety, reception and assistance of UAMS were provided within the “*National program for the protection of unaccompanied foreign minors*”, promoted by the Ministry of Labour and Social Policies and implemented by ANCI (National Association of Italian Municipalities), launched in February 2008¹⁶⁶, involving 32 municipalities and metropolitan cities in the country.

In reference to the **legislative changes** occurred during the year, the Law no. 129 of 2nd August 2011, *Conversion into law, with amendments, of Legislative Decree no. 89 of 23rd June 2011*¹⁶⁷, has significantly amended the procedures to convert the permit for unaccompanied minors with their coming of age. In particular, minors who have been appointed a legal guardian or subject to protection, compared with a positive opinion issued by the Committee for Foreign Minors, established by Prime Ministerial Decree 329/99¹⁶⁸ (see changes made to the art. 32, paragraph 1-bis of Legislative Decree 286/98) may have a residence permit for study and for work. This legislative amendment, which recognizes the opportunity to provide targeted and appropriate solutions with regard to the interests of each minor, has significantly increased the role of the Committee, extending its powers and responsibilities.

Many issues have been imposed in the **debate** that aims at improving the efficiency of the reception system of UAMS and giving effect to the best interests of the child. Among them, the following issues are highlighted:

- to overcome emergency patterns and responses;
- to classify age assessment practices, promoting an organic and multidisciplinary recognition approach and setting common assessment procedures;
- to understand and monitor the phenomenon as a whole and its structure;
- to monitor the process of integration of minors since they are first detected by the authorities, to their coming of age, and up to ex post assessment of the sustainability of interventions;
- to combine all those factors in terms of effectiveness of interventions, efficiency of services and expenditure commitments;
- to stabilize the emergency reception activities and strengthen specific interventions aimed to guide the minors towards a state of autonomy;
- to adopt targeted responses and to promote individualized services.

¹⁶⁶ www.anci.it/index.cfm?layout=sezione&IdSez=10321 e www.lavoro.gov.it/Lavoro/md/AreaSociale/Immigrazione/minori_stranieri/Programma_Nazionale_Protezione_Minori_Stranieri_non_accompagnati.htm.

¹⁶⁷ Law no. 129 of 2nd August 2011, Conversion into law, with amendments, of Legislative Decree no. 89 of 23rd June 2011 on urgent provisions for the completion of the implementation of Directive 2004/38/EC on free movement of EU citizens and for the transposition of Directive 2008/115/EC on the return of irregular third country nationals www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0947_2011_08_02_L02082_011n.129.

¹⁶⁸ The Committee for Foreign Minors is an inter-ministerial body established by art. 33 of Legislative Decree No. 286/98 in order to monitor the way foreign children temporarily present in the territory of the State live and coordinate the activities of the authorities concerned. The powers of CMS are governed by Article 2, paragraph 2, of the Prime Ministerial Decree no. 535 of 9th December 1999, Regulations concerning the duties and responsibilities of the Committee for foreign minors. The CMS is called to work with the priority goal of protecting the rights of unaccompanied minors present in the territory and minors received in accordance with the provisions of the Convention on the Rights of the Child of 20th November 1989.

www.lavoro.gov.it/NR/rdonlyres/7D5B0C45-9860-4F79-80C3-214E6F21A072/0/DPCM_535_1999.pdf.
The amending law of article 32 of the Consolidation Act on Immigration (Legislative Decree 286/92), recently introduced within the competence of the Committee under art. 2, paragraph 2, of Prime Ministerial Decree 535/99 cited above, the adoption of an opinion to convert the residence permit of foreign minors with their coming of age.

8.3. Developments from the EU perspective – The changes just described are aimed to comply with the **Action plan on Unaccompanied Minors (2010-2014)**¹⁶⁹, through which the Commission recognizes that the phenomenon of UAMS has increased, and in particular some Member States are most affected, and urges the EU and the Member States to provide concrete and effective responses, including through a common EU approach.

In the action plan, actively promoted by Italy, underlined the lack of available data (modification is necessary and urgent) and three main lines of action are offered: prevention, regional protection programmes, reception and identification of durable solutions.

The common approach the Commission is putting forward is based on the respect for the rights of the child as set out in the UN Charter of Fundamental Rights and the UNCRC, in particular the principle of “the best interests of the child” which must be the primary consideration in all action related to children taken by public authorities.

¹⁶⁹ COM (2010)213, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0213:FIN:IT:PDF>.

9. GLOBAL APPROACH TO MIGRATION

9.1. Context analysis – Also Italy, responding to the orientation promoted by the European Union, has pursued a strategy of partnerships with the migrants' countries of origin by means of bilateral agreements aiming to facilitate economical migrations, satisfy the needs of its labour market and fulfil the requirements of the signing third countries from which the migrants arrive.

Italy has signed bilateral agreements to regulate and manage the migratory flows for work purposes, agreements for return and contrast to irregular migration and integrated agreements for contrasting irregular migration and labour mobility. A fully fledged list of bilateral agreements is shown here below:

Repatriation agreements	Labour mobility agreements
1. Albania, signed in 1997, in force since 1998	1. Albania, signed in 2008; new agreement signed in 2011
2. Algeria, signed in 2000, in force since 2006	2. Moldavia, signed in 2003, in force since 2003; new agreement signed in 2011
3. Bosnia Herzegovina, signed in 2004, in force since 2007	3. Egypt, signed in 2005, in force since 2005
4. Croatia, signed in 1997, in force since 1998	4. Morocco, signed in 2005, in force since 2007
5. Egypt, signed in 2007	5. Tunisia, under negotiation
6. Philippines, signed in 2004, in force since 2005	
7. Georgia, signed in 1997	
8. Macedonia, signed in 1997, in force since 1997	
9. Morocco, signed in 1998	
10. Moldavia, signed in 2002, in force since 2004	
11. Nigeria, signed in 2000	
12. Pakistan, signed in 2000	
13. Serbia, signed in 2003, in force since 2005	
14. Sri Lanka, signed in 2001, in force since 2001	
15. Switzerland, signed in 1998, in force since 2000	
16. Tunisia, signed in 1998, in force since 1998; new agreement signed in 2011, in force since 2011	

The following readmission agreements stipulated by the European Union with third countries are also to be recalled:

Country	Signature	Entry into force
Albania	14 th April 2005	1 st May 2006
Bosnia Herzegovina	18 th September 2007	1 st January 2008
Macedonia	18 th September 2007	1 st January 2008
Georgia	22 nd November 2010	1 st March 2011
Hong Kong	27 th November 2002	1 st March 2004
Macao	13 th October 2003	1 st June 2004
Moldavia	10 th October 2007	1 st January 2008
Montenegro	18 th September 2007	1 st January 2008
Pakistan	26 th October 2009	1 st December 2010

Russia	25 th May 2006	1 st June 2007
Serbia	18 th September 2007	1 st January 2008
Sri Lanka	4 th June 2004	1 st May 2005
Ukraine	18 th June 2007	1 st January 2008

The most part of the countries with which Italy has signed readmission agreements beneficiate of privileged entry procedures, by assignment of specific quotas.

The latest decree on flows for subordinate non seasonal work (December 2010), out of 98,080 established quotas, has reserved 52,080 quotas to workers coming from countries that have signed or are about to sign specific cooperation agreements on migratory matters (4,500 Albanese, 1,000 Algerians, 2,400 Bengalese, 8,000 Egyptians, 4,000 Philippines, 2,000 Ghanaians, 4,500 Moroccans, 5,200 Moldavians, 1,500 Nigerians, 1,000 Pakistani, 2,000 Senegalese, 80 Somali, 3,500 Sinhalese, 4,000 Tunisians, 1,800 Indians, 1,800 Peruvians, 1,800 Ukrainians, 1,000 Niger, 1,000 Gambians, 1,000 citizens of countries that stipulate agreements).

9.2. Developments in 2011 – It is known that in the last years Italy has intensified its diplomatic relations on matters related to migration policies with the countries of Northern Africa, both for what concerns the control at the borders and restraint of the irregular migration flows, as well as in terms of procedures to apply the readmissions.

Amongst the developed projects in the African continent at the end of 2011, the ones to be mentioned are:

- “Raising awareness on the risks of irregular migration, through artistic expression”, by IOM, foreseeing a widespread activity to raise awareness and to prevent from irregular migration people from Tunisia by organizing thematic itinerating shows;
- “Eurafrica”, by the Community of Sant’Egidio, aiming towards the social-educational training of young Africans with high migratory risk. The project planned to raise awareness on the values of human and cultural investment to 3,500 young local leaders of 11 African countries to the benefit of their country, also in the perspective of creating a new civic conscience amongst the young generations (the countries involved are Guinea, Mali, Benin, Ivory Coast, Malawi, Mozambique, Tanzania, Congo DRC, Rwanda, Burundi, Uganda).

Various projects, that deserve to be mentioned, have also been started in the American continent, among which the projects for social-educational training of high migratory risk youth held by the Community of Sant’Egidio that have been held in the course of 2011:

- “Support to social and cultural development of Cuban youth”;
- “Support to social cohesion in El Salvador: from emigration to civil responsibility towards one’s own country”
- “A country in growth: Young Peruvians masters of their own future”.

Among the main developments occurred in 2011, on 5th April 2011, Italy signed a new agreement with Tunisia for the contrast of irregular migration. The agreement binds the Tunisian authorities to reinforce the controls on departures and to accept the direct repatriation of Tunisians arrived after 5th April, while for those arrived before that date a temporary residence permit has been granted, as foreseen by the Italian law.

The Ministry of Labour is proceeding with the formalization of agreements for cooperation on migratory matters focussing on the promotion of authorized migration. The countries identified by the Italian Ministry are Ukraine, Moldavia, Albania, Egypt, Morocco, Tunisia, Ghana, Philippines, Sri Lanka, India, Pakistan, China, Bangladesh, Ecuador and Peru.

Within the Program “International labour mobility”, it is intended to develop a network of services abroad for the management of the work purpose migratory flows, by creating ministerial presidiums called Local Coordination Offices, to be located at the Italian Embassies abroad, as territorial service network reference points for the below listed tasks related to management of flows:

- *Cooperative* development of the relationship and control system for migratory matters, also for return, amongst all individuals – public or private, national or international – that are already operating and collaborating in the country for the organization of the migratory flows;
- *Operative* support to the system matching demand and supply of international labour and relations with the local training system, aiming towards management of migration for work purposes.

Furthermore, the regions and local authorities have established, with immigrant associations, NGOs and civil society organizations, partnership relations with analogous institutions and organizations in the migrants' countries of origin to favour the return and initiate co-development relations.

Remittances are the subject of particular attention with respect to the governmental activities.

Worthy of mention is the on-line service promoted by the Ministry of Foreign Affairs, comparing the costs of sending remittances, intending to guarantee higher transparency and clarity of information, stimulating the market operators to optimize the offer towards the migrants (www.mandaisoldiacasa.it); the Report on financial inclusion of the migrants, "[Rapporto sull'inclusione finanziaria dei migranti](#)", wanted by the Ministry of Interior; the Memorandum of Understanding signed in 2011 between the Ministry of Interior and ABI (Italian Banking Association) to promote financial inclusion of the migrants, as well as the investigation performed by the Bank of Italy on credit to immigrants in Italy ("[Il credito agli immigrati in Italia](#)") and by ABI ([Immigrati e inclusione finanziaria 2011](#)).

The law decree 138/2011 had established a tax on the transfer of money abroad through the banking institutes, money transfer agencies and other financial activity agents, equal to 2% for those foreign citizens not holding an INPS social security number and tax payer code number (this tax was subsequently abolished in March of 2012¹⁷⁰).

9.3. Developments in the EU perspective – As far as the EU key developments are concerned, as recommended by the Stockholm Program, a certain attention has been given to development of projects concerning circular migration, although strictly speaking, one can talk rather about initiatives that take into consideration experimentation goals of less classic forms of migration, including therefore cases of temporary emigration, transnational cooperation by the migrants themselves and, finally, a new leadership of the migrants in terms of relation between migration and development.

In this paragraph it is worthwhile mentioning the project "Best practices on collecting and sharing Labour Migration Data for the improvement of the Labour Market Information Systems (LMISs)"¹⁷¹ presented by IOM within the European Commission's thematic program "Investing in People - Promoting social cohesion, employment and decent work" co-financed by the Ministry of Interior. The project is aimed at improving the management capacity of regular labour migration, including through the exchange of information and best practice at bilateral, regional and international level for the gathering and sharing of data.

¹⁷⁰ www.integrazionemigranti.gov.it/Attualita/News/Pagine/abolitatasasulle-rimesse.aspx.

¹⁷¹ http://dgcnet.sn/lmis/dev/media/files/LMIS_Comparative_Studyfinal%20%20with%20web%20adress.pdf.

10. IMPLEMENTATION OF EU LEGISLATION

10.1. Receiving the EU legislation in 2011

10.2. Experiences, debates on the (non) implementation of EU legislation

10.1. Transposition of EU legislation 2011

The transposition of EU legislation and its impact have been described, from time to time, in the analysis of the specific topics of the most significant developments occurred both at a regulatory level and within the policy on immigration and asylum, in particular in the final paragraph where the analysis was focused on EU interest related to the implementation of the European Pact on immigration and asylum and the Stockholm Programme.

For the Italian context, the 2011 was the year of the implementation of Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals, following the introduction of Law no. 129 of 2nd August 2011 on residence and removal of EU citizens (conversion of the Decree Law no. 89 of 23rd June 2011), which amended the Decree Law no. 30/2007 – to complete the implementation of Directive 2004/38/EC on free movement of EU citizens – and the Consolidated Act on Immigration approved by Decree Law no. 286/1998 – to adapt the Directive 2008/115/EC on common standards for returning of illegally staying third country nationals.

Italy is also pending to complete the implementation of the directives of the European Parliament and Council no. 2009/50/EC, on the conditions of entry and residence of third country nationals for the purposes of highly qualified employment, and no. 2009/52/EC, providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals. The Art. 21 of the Act no. 217 of 15th December 2011, containing provisions for the fulfilment of obligations deriving from Italy's membership of the European Communities – better known as the Community Act 2010 (published in the Official Journal no. 1 of 2nd January 2012 and in force since 17th January 2012), delegates the government to adopt within three months the implementation of a series of EU directives, which includes Directive 2009/50/EC and 2009/52/EC. Finally, in 2011, steps were taken to a further implementation of previous directives by the Decree Law no. 89 of 23rd June 2011 “Urgent measures for the completion of the implementation of Directive 2004/38/EC on the right of EU citizens to move and reside freely and for the transposition of Directive 2008/115/EC on common standards and procedures for returning illegally staying third-country nationals” and Law no. 129 of 2nd August 2011 “Conversion into law, with amendments, of Decree-Law no. 89 of 23rd June 2011, on urgent measures for the completion of the implementation of Directive 2004/38/EC on free movement of EU citizens and for the transposition of Directive 2008/115/EC on the repatriation of irregular third country nationals”.

10.2. Experiences, debates on the (non-) implementation of EU legislation

During 2011, due to the emergency situation determined by the flight of people, a large part of public debate on immigration has focused on the questions related to greater solidarity between Member States as a prerequisite for ensuring an effective EU cohesion policy. The issue has already been extensively discussed in Chapter 3 (see relevant paragraph of the main policy and/or legislation debates), with particular reference to the request submitted to the EU institutions to support the activation of a burden-sharing mechanism, in accordance with the procedure laid down in Directive 2001/55/EC, and Frontex undergoing process of transformation into an agency for border security and management of Identification and Expulsion Centres created at EU level.

As regards the ordinary course of policy, two were the major issues during the year: those related to assisted voluntary return (1), as regulated by the so-called “Return Directive”, and to family reunification (2).

- (1) In line with the requirements of public opinion, more attentive to immigration and asylum issues, the implementation of Directive 2008/115/EC has effectively called into question the approach taken by the Italian legislation as to the applicability of assisted voluntary return, since - until its transposition - irregular immigrants were excluded and, with the introduction of the so-called “crime of illegal immigration”, could not enjoy the benefits of such measures (Law no. 94/2009). In fact the directive 2008/115/EC, while still contemplating the possibility of immediate accompaniment in case of security and public order needs, provides that the removal should normally be enforced without any coercive measures, but - if possible - through the voluntary departure of the foreign citizen, within a period of time between 7 and 30 days extendable under certain conditions. In this case, if all the requirements are fulfilled and the alien leaves the country within the specified period, s/he may request a retraction of the entry ban to Italy. Also the European Court of Justice had previously been informed of the case and, with judgment of 28 April 2011¹⁷², it declared the incompatibility between the “return directive” and the provisions of Italian law that punished with imprisonment the failure to comply to the order of the “questore” (public security authority at provincial level) to leave the country. According to the Court, the Directive expressly makes the use of coercive measures to respect the principles of proportionality and effectiveness with regard to the means used and objectives to be pursued. The Legislation Decree no. 89 of 23rd June 2011, converted to Law no. 129 of August 2nd 2011, laid down new rules concerning the treatment of irregularly staying third-country nationals in compliance with Directive 2008/115/EC. It foresees that removal is no longer a compulsory measure to be implemented by the prefect, but it shall be adopted, case by case, based on the analysis of the specific conditions related to the alien.
- (2) As to the right of family reunification, various NGOs and institutions have spread the European Commission’s Green Paper on the right to family reunification of third country nationals launched in November 2011¹⁷³ and have contributed to the debate by delivering written comments by the end of March 2012. In particular on this issue, one must consider the various disputes brought forth by several NGOs with respect to unconstitutionality of the ban to marry for third country nationals irregularly residing in Italy, as introduced by the Law 94/2009, with the aim of limiting cases of abuse used to contravene the immigration laws. The disputes ceased after judgment no. 245 of 25th July 2011 of the Constitutional Court when the rule was declared unconstitutional, criticizing the fact that the alien is treated differently respect to protection of inalienable rights and that the restrictions introduced by L. 94/2009¹⁷⁴ may give rise to intolerable interference with the rights of Italian citizens who want to marry an irregularly staying foreigner, as well as the violation of art. 12 (right to marry) of the European Convention of Human Rights (ECHR), as interpreted by the judgment of 14th December 2010 the Strasbourg Court.

¹⁷² www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0947_2011_08_02_L02082011n.129.

¹⁷³ http://ec.europa.eu/home-affairs/news/consulting_public/0023/2_IT_ACT_part1_v2.pdf.

¹⁷⁴ See: Article. 1, c. 15^o of Law no. 94 of 15th July 2009, *Provisions relating to public safety, amending Article 116 of the Civil Code.*



ANNEX

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With the support of the Ministry of Interior

LEGAL IMMIGRATION AND INTEGRATION

1. Economic migration

1.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

I(a) Implement policies for labour migration

Please describe the (planned) introduction of a new labour migration policy or changes to the existing one. Elaborate any new aspects (e.g. introduction of quota, lists of professions, agreement with specific third countries, use of private recruitment services, etc). Specify whether these address any specific groups of migrants and describe any groups which are not addressed under the subsequent commitments in this sub-section. Also consider the effect of the economic crisis on labour migration (e.g. revision of quota, reduction of professions listed, etc).

The law regulating the admission of aliens has remained unchanged but there have been recorded administrative actions and planning initiatives to optimize the efficiency of procedures. In particular, the Ministry of Labour has planned to invest 46.8 million euros to qualify the selection services, guidance services, training and integration of foreigners, to develop analytical features and improve efficiency of the quota system, to strengthen the cooperation between public and private services for employment, to promote circular migration and cooperation with the Countries of origin.

The entry procedures under the quota issued in 2010 were made through a computerized platform; there was a significant difference between the available quotas and the applications submitted. For 2011, there have been planned 60,000 entries only for seasonal workers (in November there have been 22,000 nihil obstat granted). Moreover it has to be taken into account that the quota of 98,080 employees, approved in December 2010, was in fact applied in 2011 (58,000 nihil obstat issued up to November). In view of the economic crisis and since 280,000 unemployed foreigners were given priority placement, in the month of November the government has announced that no annual entry quotas for subordinate employment will be applied.

I(b) increase the attractiveness of the EU for highly qualified workers and further facilitate the reception of students and researchers:

Please describe any (planned) measures to facilitate access of highly qualified workers, students and researchers. Refer to the implementation of the Blue Card Directive. Describe any incentive mechanisms for highly qualified workers, students and researchers on top of the transposition and implementation of EU legislation. Also consider the effect of the economic crisis.

The Ministry of Interior has developed further memoranda of understanding with the employers' associations for the entry of highly skilled foreign workers.

There have been set 10,000 entry quotas for vocational training and apprenticeships. At the administrative level the new discipline of vocational training complies with Directive 2004/114/EC. The failure to transpose Directive 2009/50/EC has led to the opening of infringement proceedings against Italy and other Member States. However, the approval of Law n. 2010 (of 15th December 2011), the so-called "Community Law", has delegated the Government to adopt, within three months, a legislative decree to implement the above-mentioned Directive (in addition to the Directive providing for sanctions against employers).

I(c) Do not aggravate the brain drain

Please describe any (planned) measures to favour circular or temporary migration, as well as other measures taken to avoid brain drain, for example awareness rising actions, development of data and indicators on this phenomena, prevention, list of countries and professions subject to brain drain.

Investments have been planned to promote circular migration also through specific support for the practice of assisted voluntary return to the Countries of origin; in North Africa investments have been hampered by the well-known political events.

1.2 Stockholm Programme

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

I(b) Improving skills recognition and labour matching

Describe any (planned) measures to improve the skills recognition of third-country nationals and labour matching between your (Member) State and third countries (including online employment, etc.). Linked to this, describe whether and how your (Member) State analyses its labour market needs / shortages. Also consider the effect of the economic crisis.

For the purpose of analysis of entry requirements, the Ministry of Labour has published a study for the period 2011 - 2020 (“L’immigrazione per lavoro in Italia: evoluzione e prospettive” – “Labour immigration in Italy: Evolution and Perspectives”).

Pre-departure training of migrants in their Countries of origin has been reviewed and it has been subject to further investment. In particular, an experimental system has been constructed and is accessible on-line (Flexi), managed by the Ministry of Labour, for the *recruitment* of workers from 6 African Countries (the system had a marginal impact on the flows of entries).

A handbook on the procedures for the recognition of professional qualifications was published; however these procedures are considered to be complex and expensive.

1.3 Key statistics

<i>First residence permits, by reason (2011)</i>					
	Total	Family reasons	Education reasons	Remunerated activities reasons	Other reasons
First permits	331,100	141,403	30,260	119,342	40,095

Note: As regards first residence permits for family reasons, adoption and family reasons for minors (14-18 ys), 29,095 minors registered on the parent/tutor permit were added, as per Art. 6 of Regulations 862/07.

<i>Unemployment rates of Member State citizens versus third-country nationals residing in the (Member) State</i>	
	Third-country nationals
Unemployment rate (%)	7.3% Italian nationals 10.4% EU and non-EU nationals 7.6% total (Istat - National Institute for Statistics - data, third quarter of 2011)

2 Family Reunification

2.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

I(d) To regulate family migration more effectively

Please describe any new policies / legislation in this regard or changes to existing policies and legislation regulating family migration. Consider also your (Member) State's reception capacity and the extent to which the family member's capacity to integrate is being taken into account in the admission procedure, e.g. their knowledge of the country's language, level of education, professional background, other.

Family reunification laws have remained unchanged, except as specifically amended by the terms of the appeal procedure concerning decisions of denial of reunification.

Numerous jurisprudential judgments intervened for the protection of the family unit and the right to marriage, even in the event of irregular stay in the country.

It has been admitted the conversion of the seasonal permit into a permit of stay for family reasons.

2.2 Stockholm Programme

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

2(b) The Directive on family reunification, the importance of integration measures

Please describe any concrete (planned) measures to further promote the integration of third-country nationals coming for the purpose of family reunification.

At the beginning of 2012 the "Integration Agreement" between the State and newly entered foreign nationals entered into force (see Presidential Decree No. 179/2011); this ensures that all mandatory requirements of integration agreement signed by the alien at the time of his/her entry are fulfilled as well as the respective provision of integration services, that are partially standardized. One of the linchpins of this agreement is the language learning. The Agreement can be applied to foreigners reunited with the exception of children under 16 years old.

3 Other legal migration

3.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

I(e) to strengthen mutual information on migration by improving existing instruments where necessary;

Please describe any (planned) sharing and exchanging of information on migration with other (Member) States, through existing networks and other instruments. Note that the European Migration Portal is to be discussed under the commitment below.

There have been exchanges of views among the institutional representatives taking part in different community platforms: the European Portal of Integration and Development, the European Migration Portal, the EMN, etc.

In particular, within the framework of Mediterranean Transit Migration Dialogue, the Ministry of the Interior, in cooperation with the ICMPD, Europol and Frontex, has contributed to the co-funding of the new phase of development (Programme 2011-2014) of an interactive map of migration routes (I-Map) that aims to promote and facilitate the exchange of information at the intergovernmental level and to strengthen cooperation among member States.

I(f) Improve information on the possibilities and conditions of legal migration

Please describe any (planned) measures to improve the provision of information on the possibilities and conditions of legal migration. These could include, for example, information campaigns, websites, specific centres, etc. Also refer to the European Migration Portal. Consider the effects of the economic crisis.

From 21st November 2011 the European Migration Portal, on the initiative of the Ministry of the Interior, has made information available regarding the entry into Italy. Also the English section of the Ministry of Interior website, which provides information on immigration in Italy, has been extended.

A further number of thematic sites provided information about the entry visa (www.esteri.it/visti/), the entry for study reasons (www.studiareinitalia.it of the Ministry of Education, University and Research) and circular mobility (www.retenirva.it/).

Information actions have been launched in the field of the pre-departure projects or specific campaigns in Countries that have signed agreements for the management of flows. Extensive discussion on this topic has been given in the EMN study on “Practical responses to reducing irregular migration”. In particular, there is an innovative project, managed by the IOM office in Tunis, meant to raise awareness and to prevent irregular migration, grounded on a special theatrical performance highly appreciated among the Tunisian public.

3.2 Stockholm Programme

The relevant commitments in the Stockholm Programme are similar to the Pact objective above, hence no further information required.

4 Integration

4.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

I(g) Promote harmonious integration in line with the common basic principles

The common basic principles may be found in the JHA Council Conclusions of 19 November 2004, [doc. 14615/05](#),¹⁷⁵ as well as the Commission Communication [COM\(2005\) 389](#).¹⁷⁶

Please describe (planned) measures for the integration of third-country nationals, considering, for example, measures enabling immigrants to acquire a basic knowledge of the host society's language, history, and institutions, "efforts in education" "participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level", access to employment and public and social services, policy development on integration, etc.

In 2011, the regulation implementing the integration Agreement (Presidential Decree No. 179/2011) has been adopted. The integration agreement, defined by Law 94/2009, provides for reciprocal obligations for the foreigner who enters the Country (he/she has to achieve specific integration goals in two years since the agreement was signed) and for the State that undertakes to support the integration process of foreigners, in collaboration with local authorities, Regions and non-profit associations. The key elements of the law system in force are: the importance to have knowledge of Italian language and the compliance with enforced laws, the promotion of services to facilitate integration, the principle of conditionality applied to migration issues. Within the agreement the alien is required to have an adequate knowledge of Italian (level A2) and a sufficient knowledge of constitutional principles, public institutions and civic life in Italy, with particular reference to the areas of health, education, social services, labor and tax obligations.

During 2011, Italian language knowledge tests started to be undertaken by foreigners who have applied for a residence permit for EC long-term residents.

Policies and measures for the integration are taken at various levels by a complex of institutional actors from the public and private social field: action at national level is complemented by the proactive engagement of the local authorities and the third sector organizations.

In 2011, there have been funded by the European Integration Fund 103 territorial projects, 16 language training projects at regional level and 12 projects at central administrations and national public bodies.

The III Report MIPEX indicates that Italy ranks among the first ten European Countries for the commitment in integration policies. The report shows that there are shortcomings in the sector of education and political participation and in the pathways that lead to citizenship.

I(h) Promote information exchange on best practices in terms of reception and integration

Please describe any relevant activity, e.g. the development of a national website and/or forum on integration, development of information exchanges between institutions and other stakeholders within your (Member) State, etc. Also consider possible contributions to the European Integration Forum and the European website on Integration.

The Ministry of Labour and Social Policies is going to launch the "Portal of Integration" with the objective of ensuring access to national and local integration of foreigners, promoting good practice and monitoring the course of the institutional interventions made by the government.

¹⁷⁵ Available from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/82745.pdf.

¹⁷⁶ Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005DC0389:EN:NOT>.

In addition to the service “Linea Amica Immigration” sponsored by the Public Administration (toll-free number 803.001), a public information and multilingual free support that is addressed to foreign citizens and Italians on immigration issues, particularly on domestic work, residence permit of stay and the ongoing practices, many websites of the third sector and local authorities have continued to provide information and insights on immigration, access to services and integration.

4.2 Stockholm Programme

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

3(b) to incorporate integration issues in a comprehensive way in all relevant policy areas

Please elaborate whether and how integration issues are integrated on other national policies.

In November, the advent of Mr. Monti’s government established the new “Ministry of International Cooperation and Integration”.

As for the integration issues the competence delimitation continues to be divided between national and local level. The central coordination is provided through the Inter-ministerial Technical Working Group. Forms of joint cooperation in specific areas involved the various Ministries (implementation of integration agreement, European Funds programming, language training, etc.).

The connection at the local level has been reached within the State-Regions Conference.

3(e) improved consultation with and involvement of civil society

Please describe consultation processes with civil society and their involvement in integration policymaking and measures.

In October, the Responsible Authority for the European Integration Fund has developed a national consultation on the needs of integration of foreigners, in order to plan its interventions. There was involved a wide range of organizations, forums and associations, from the entire national territory: 87 Territorial Councils for Immigration (ie provincial advisory bodies promoted by the Ministry of Interior and chaired by the Prefects), 15 Regions and 142 associations.

A heated debate has been sparked to support a new law amending the Citizenship Act through national campaigns and popular initiative, with particular reference to foreign nationals born in Italy.

3(f) to enhance democratic values and social cohesion in relation to immigration and integration of immigrants and to promote intercultural dialogue and contacts

Please describe any measures taken in this regard. For example, indicate whether these are included in integration courses and programmes, whether specific activities, e.g. events, have been organised, etc.

Institutions and civil society have introduced numerous and various initiatives. There may be mentioned, among others, the following projects: “Cantieri d’Italia“(Yards of Italy) (a literacy campaign run on television aimed at foreigners and sponsored by the Ministry of Interior); “COIN – Comunicare l’Integrazione” (Communicate about Integration) and “MUSA - Music Integration Sports“ (campaigns carried out by the Ministry of Labour), “Campaign against discrimination against women” and “Rete delle antenne territoriali contro la discriminazione straniera”(“Network of territorial antennas against discrimination of foreigners”) (produced by the National Office against Racial Discrimination), “Pathways to support integration at the Sigle Desk for Immigration” (Ministry of Health). The civil society promoted campaigns on citizenship “Italy is me too” and “Made in Italy”; on the right to information “Let us enter”; on the educational attainment of Roma and Sinti children “ Right to school, right to future”; etc.

IRREGULAR IMMIGRATION AND RETURN

5 Irregular Immigration

5.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

II(a) only case-by-case regularisation

Please indicate whether any regularisation took place and how in your (Member) State legal status was given to illegally staying third-country nationals. Also provide information on trends with respect to the number of persons regularised.

In 2011, the preliminary investigation phase relating to the applications of regularization of foreigners employed in the domestic work sector, concerning the regularization Law 102/2009, continued. Between September 2009 and December 2011 an overall number of 235,090 applications receive a positive response, of which 22,500 only in 2011.

The Council of State allowed to reopen the proceedings relating to foreign nationals getting out of irregularity that were subject to conviction for the crime of failing to comply with the removal order, as contrary to the provisions of Directive 2008/115/EC.

II(c) ensure that risks of irregular migration are prevented

Please describe your (Member) State's policy concerning preventing irregular migration. Note that information on other relevant measures, such as border control are to be provided in the later sections of this report (see Sections 9 and 10).

As stated in the EMN study "Practical responses to reducing irregular migration", without prejudice to issues relating to border controls, the measures adopted by the Italian government with regard to irregular immigration can be summarized as follows:

- *In pre-entry stage*, the readmission agreements (and also the labour agreements with some countries) and the preferential entry quotas have proven useful, harmonized by awareness campaigns, police cooperation and also, albeit for a smaller extent, vocational training initiatives implemented on-site for workers that would subsequently enter in Italy. Not all undertaken measures have had the same effectiveness, and moreover the situation of each country provides an external influence in a positive or negative way, as was the case in North Africa in 2011.
- *During the stay stage*, the controls undoubtedly represent a dissuasive intervention but, as can be seen from the data reported in the survey, these concern about a tenth of the population estimated to be staying irregularly. Moreover, controls have to face with the strong attractiveness of the illegal labour market, which, if it were heavily regulated for the benefit of the formal market, would help to achieve more satisfactory results.
- *On the pathways out of irregularity*, it seems that the balance which reinforces the "EU Directive on return" should be preferred in Italy, also granting the irregular migrants a reasonable period of time for complying voluntarily with the removal order as well as offering assistance with the programmes of assisted return.

II(d) to develop cooperation between Member States, using, on a voluntary basis and where necessary, common arrangements to ensure the expulsion of illegal immigrants

Please describe cooperation with other (Member) States, with regard to the expulsion of persons found to be staying illegally on the territory, including biometric identification of illegal entrants, joint expulsion measures (e.g. flights), etc.

Readmission agreements are in force with the following Countries: Albania, Algeria, Bosnia and Herzegovina, Croatia, Egypt, Philippines, Georgia, Macedonia, Morocco, Serbia, Moldova, Nigeria, Sri Lanka, Switzerland.

In conjunction with the decree of the President of the Council of Ministers (DPCM) adopted on 5th April 2011, which provides for the issue of temporary residence permit on humanitarian grounds to Tunisian nationals landed in Italy in the first months of 2011, there has been signed with Tunisia an understanding which commits the country's authorities to strengthen controls on departures and to accept accelerated return procedures for newly arriving Tunisians. In the agreement, Tunisia is committed to strengthen controls to prevent further departures and to accept accelerated readmission procedures for persons who arrive in Italy after the entry into force of the decree granting the temporary residence permit.

The cooperation agreement signed with Egypt to prevent irregular immigration and to repatriate those citizens landed on Italian shores is fully operational.

II(g) take rigorous actions and penalties against those who exploit illegal immigrants

Please describe the transposition and operational execution (e.g. prosecution of employers hiring persons illegally staying in your (Member) State) of the "Employer Sanctions Directive," as well as other relevant actions and developments.

The Decree-Law 138/2011 has introduced the crime of "Illicit brokering and labour exploitation" (the so-called "caporalato" "gangmaster system"). It is committed by those "performing brokerage services, recruiting labour or organizing exploitative labour practices, due to threats and use of violence, or intimidation, to take advantage of the state of need or the needs of workers" and punished with the recruiter's imprisonment from five to eight years and a fine ranging from 1,000 to 2,000 euros for each worker recruited.

II(h) an Expulsion Decision taken by one Member State (MS) should be applicable throughout the EU and entered into the SIS obliging other MSs to prevent the person concerned from entering or residing

Please describe any relevant developments with regard to expulsion decisions and the principle of mutual recognition of these decisions.

In a statement before the Chamber of Deputies (lower house of the Italian Parliament) of 29th September 2011, it is communicated that the number of repatriated foreigners with actions of the Ministry of Interior amounted to 16,566 in the first nine months of the year. It is expected that a total of 30,000 foreigners will be repatriated during the year, according to forecasts released by the former Minister of Interior Maroni in the month of August. As usually happens, all the decrees of expulsion were recorded in the Schengen Information System (SIS) from the date of notification, to enable the full implementation of the principle of mutual recognition.

5.2 Stockholm Programme

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

4(j) more effective action against illegal immigration and trafficking in human beings and smuggling of persons by developing information on migration routes as well as aggregate and comprehensive information which improves our understanding of and response to migratory flows

Please describe information collection activities undertaken in your (Member) State to identify migration routes, patterns and other relevant factors relevant to illegal immigration.

A special, priority attention has been given to the analysis of migratory flows from Libya and Tunisia, for the exceptional consistency and also for the elements of novelty that distinguish these flows from others. In particular, it is registered that often departures did not take place as action of the traffickers, but due to shortcomings in the political system, or retaliatory actions. The External Borders Fund 2010 and 2011 have financed the implementation of IT systems required for the enforcement of EU legal instruments in the field of external borders and visas, (including an “experimental pilot project for the border control of electronic documents with biometric data informations, in compliance with the uniform format for electronic residence permit, electronic passport (EP) and Visas”), and efforts to promote “the progressive establishment of the common-integrated-border management system in respect of controls on persons at external borders and the monitoring of the latter” (also through the implementation of a “DSS system (Decision Support system) for thematic analysis of the monitoring system and regular and irregular migration statistics, aimed at ensuring the convergence of data management, in order to facilitate the adoption of decisions and information sharing between Member States”).

4(k) increased targeted training and equipment support

Please describe any training measures and equipment support to combat irregular immigration which are not linked to border control (which is discussed in section 9 below).

Constant improvements have been given to training programmes and to providing effective and advanced equipment in order to tackle irregular migration.

4(l) a coordinated approach by Member States by developing the network of liaison officers in countries of origin and transit.

Please describe recent or planned developments with regard to your (Member) State’s liaison officers in countries of origin and transit.

The “Programmatic Document for implementation of the Plan for Integration” has planned the establishment of “Coordination Offices” at the Embassies, aimed at sustaining employment services, supporting the Italian intermediaries accredited for labour demand/supply matching activities, and the Italian and local training institutions engaged in the development of educational cooperation.

5.3 Key statistics

<i>Third-country nationals regularised</i>	
Third-country nationals regularised	22,499 nihil obstat released by the police headquarters between January and November 2011. 235,000 positive responses (provisional figure 2 December 2011) out of 295,129 applications submitted on 2009 according to the Decree Law 78/2009 converted into Law No 102/2009

6 Return

6.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

II(b) To conclude readmission agreements at EU or bilateral level

Please list the number of bilateral agreements negotiated and achieved during the reference period, specifying their purpose and with which third country. Also list the EU readmission agreements in which your (Member) State took part during the reference period. You could use the following table:

Type of readmission agreement	Third countries involved	Main purpose of the agreement
Bilateral, 5/04/2011	Tunis, 5 th April 2011	<ul style="list-style-type: none"> • Strengthen controls to prevent new departures; • facilitate the rapid readmission of irregular migrants; • provide support in terms of resource and training.

Please only provide information on readmission agreements. Information on other agreements with third countries will need to be added in other sections of the report (e.g. Sections 8 and 13).

II(f) To devise incentive systems to assist voluntary return and to keep each other informed

Please describe (planned) measures to promote voluntary return, assistance provided in voluntary return, provision of information to other (Member) States on person returned.

On the implementation of Directive 2008/115/EC, the law 129/2011 established the discipline of “Assisted return programs”, regulated under art. 14-ter of Legislative Decree 286/98.

The assisted voluntary return Programmes (AVR) to the Country of origin or to the Country of provenance of third-country nationals are implemented by the Ministry of the Interior, in cooperation with international or intergovernmental organizations experts in the field of repatriation, with local associations active in assisting immigrants. The AVR provides logistical and financial support for the benefit of foreigners.

By means of the European Return Fund, and national co-financing, the Italian Networking for the Assisted Voluntary Return - NIRVA Network project, which aims to support and assist foreigners involved in return projects, is providing several services such as organizing the return journey and starting the process of reintegration in the social and labour network in the Country of origin.

In the course of 2011 there have been carried out: a series of interventions to strengthen, manage and promote the Network composed by national promoters, 20 “Antenna Regionale” (“regional antennas”) and adherents in every region; training and information Activities; co-operation activities with Countries of origin, including the national communication campaign “Ritornare per ricominciare” (“Back to restart”).

6.2 Stockholm Programme

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

4(c) ensuring that the objective of the EU’s efforts on readmission should add value and increase the efficiency of return policies, including existing bilateral agreements and practices

Please describe how the bilateral and EU readmission agreements are contributing to the implementation of your (Member) State’s return policy.

The experience in the field of readmission agreements, implemented immediately after the approval of Law no. 40/1998, allows to say that the readmission agreements are essential not only in performing return operations but also for their effectiveness.

4(e) assistance by the Commission and Frontex and Member States on a voluntary basis, to Member States which face specific and disproportionate pressures, in order to ensure the effectiveness of their return policies towards certain third states

Please describe whether your (Member) State has benefited from / has provided any return support in case of specific and disproportionate pressures in your / in another (Member) State. Note that joint return flights are to be discussed under the following commitment.

The Italian authorities expressed the wish that the role of Frontex should be enhanced in terms of cooperation. The Agency not only should manage the border controls but should also have direct responsibility in the management of ships in the Mediterranean Sea, and there should be an increasement on the return operations side.

4(f) increased practical cooperation between Member States, for instance by regular chartering of joint return flights

Please describe practical cooperation with other (Member) States in the area of return, such as the organisation of joint return flights, the preparation of travel documents, etc.

The number of joint flights coordinated by Frontex amounts to 5% of multiple flights through which irregular immigrants are sent back home simultaneously by different Member State (hearing of the former Minister of the Interior Maroni before the Chamber of Deputies of 31st May 2011).

6.3 Key statistics

<i>Third-country nationals ordered to leave and returned (first quarter of 2011)</i>			
	Returned as part of forced return measures	Returned voluntarily	Within the third-country nationals returned voluntarily, number of third-country nationals returned as part of an assisted return programme
Third-country nationals	6,180 (annual data)	243 (end of August)	130 with reintegration program (end of August)

7 Actions against human trafficking

7.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

II(e) cooperation with the countries of origin and of transit, in particular to combat human trafficking and to provide better information to communities under threat

Please describe any (planned) actions at national level to fight human trafficking and incorporation of third countries within them, awareness raising actions in third countries addressing communities at risk, etc. Please only refer to cooperation with regard to combating human trafficking. Information on other types of cooperation will need to be provided in other sections of the report (e.g. Sections 10 and 13).

During 2011, the activities of the *National Observatory on the phenomenon of trafficking in human beings* continued as well as those carried out by the *Interministerial Commission for support to the*

victims of trafficking, violence and severe exploitation, established under the Department for Equal Opportunities – Prime Minister’s Office, which is the central public authority in charge of promoting and coordinating the whole range of actions on anti-trafficking at national level with the purpose of preventing and countering the trafficking in persons, and also to provide social assistance and reintegration to victims of trafficking.

In January, a technical board has been established to work on the elaboration of a National Action Plan against trafficking to begin, among other things, a mapping of the phenomenon in order to prevent and counteract crime, implementing strategic objectives while also involving civil society.

From an operational point of view, in the month of July, pursuant to a public call for project proposals, grants have been implemented to provide and guarantee proper assistance and protection to trafficked persons, with a funding of 4 million euros each for:

Programmes for initial support assistance under art.13 Law 228/2003 (22 projects funded);

Programmes for social assistance and integration under art.18 of Legislative Decree no. 286/1998 (27 projects funded).

Also there is in place the Anti-trafficking Tool free Number 800 290 290.

7.2 Stockholm Programme

The relevant commitments in the Stockholm are similar to the Pact commitments, hence no further description is required.

7.3 Key statistics

<i>Third-country nationals receiving a residence permit as victims of human trafficking (end 2011)</i>	
Third-country nationals	665

<i>Traffickers arrested and convicted (first quarter of 2011)</i>		
	Arrested / otherwise involved in a criminal proceeding	Convicted
	479	n.a.

BORDER CONTROL

8 Control and surveillance at external borders

8.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

III(a) more effective control of the external land, sea and air borders:

Please describe any relevant (planned) developments to ensure more effective control, such as reinforcing border control staff, providing training, increasing overall resources. Note that technological means are to be described under the Pact commitment below.

The Annual Programme 2010 of External Borders Fund has financed the purchase of technical equipment and logistical assistance for €39,739,477.60. Funding has been provided for the creation of a “DSS (Decision Support System) for thematic analysis of the monitoring system and statistics on regular and irregular migration, aimed at ensuring the convergence in information management, in order to facilitate decision making and information sharing between Member States”; strengthening air surveillance and the border patrol’s and the extension of the Command and

Control system. Funding has been provided for the purchase of surveillance and control equipment (patrol boats, helicopters, off-road vehicles).

The Annual programme 2011 of External Borders Fund has allocated €63,824,872.85 in order to support actions to be implemented by 30th June 2013, which include, among others: further development of the programs set up for coastal surveillance to combat trafficking and further development of tackling unauthorized immigration activities and training programmes for experts.

III(e) deploy modern technological means for border control:

Please describe any new technological equipment purchased and used during the reference period, including IT systems, surveillance equipment, automated border controls and fast track lanes, etc. If possible, also make reference to any developments relevant to the EU entry / exit system, the EU Registered Traveller Programme, the Schengen Information System (SIS II) and European Border Surveillance System.

The Annual Programme 2010 of External Borders Fund has financed the implementation of IT systems required for the enforcement of EU legal instruments in the field of external borders and visas, including an “experimental pilot project for the border control of electronic documents with biometric data informations, in compliance with the uniform format for electronic residence permit, electronic passport (EP) and Visas”.

The Annual Programme 2010 of External Borders Fund has provided for:

- the implementations of technological equipment to be used in the control of altered or counterfeit documents;
- the installation of radar stations for costal surveillance;
- the purchase of surveillance and control equipment (patrol boats, helicopters, off-road vehicles);
- the support to the implementation of IT systems required for the enforcement of EU legal instruments in the field of external borders.

8.2 Stockholm Programme

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

7(i) invites the Member States and the Commission to explore how the different types of checks carried out at the external border can be better coordinated, integrated and rationalised with a view to the twin objective of facilitating access and improving security.

Please describe any relevant (planned) actions taken to better coordinate different types of border checks (e.g. automated and non-automated, fast-track and non fast-track) at the external borders.

The Ministry of Foreign Affairs is committed to updating the Italian “Visa Worldwide Network” in order to connect it efficiently with the VIS. In this context, an international data transmission network has also been implemented in order to support the data sharing (including biometric data) between the consulates and the Ministry of Foreign Affairs, and so with the VIS system.

8.3 Key statistics

<i>Visas issued</i>			
	Total Visas	Schengen Visas	National Visas
Visas	1,714,661	1,446,850	237,811

9 Cooperation with respect to border control

9.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

III(b) generalise the issue of biometric visas, improve cooperation between MSs' consulates and set up joint consular services for visas:

Please describe (planned) developments in relation to biometric visas, for example the share of visas issued which are biometric, regions covered, pilot measures and testing, etc, also referring to the Visa Information System (VIS).

With regard to cooperation between (Member) State consular services and the set up of joint consular services for visas, please describe any relevant progress in this area, for example listing the visa representation agreements signed and the (Member) States involved (please specify whether you (Member) State represents these (Member) States or vice versa).

During 2011, the VIS system became operational in the region of North Africa for visas requested by the citizens of Algeria, Egypt, Libya, Mauritania, Morocco and Tunisia. This procedure will be soon followed in the Middle East (Israel, Jordan, Lebanon and Syria) and in the Persian Gulf (Afghanistan, Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates and Yemen) and within two years all consulates of the Schengen States all over the world should be connected to the VIS.

Regarding the cooperation between Member States consular services, depending on the local context, there are more or less structured methods of collaboration, also through regular meetings to decide on a common strategy to be pursued by the Member States.

III(d) solidarity with MS subjected to disproportionate influxes of immigrants

Please describe whether your (Member) State has benefited from / has provided any support with regard to border control in case of specific and disproportionate pressures in your / in another (Member) State. Also provide information on your (Member) State's relevant participation in FRONTEX, by type of activity (e.g. joint operations). Note that information on other forms of support with respect to disproportionate influxes are to be provided in other sections (e.g. section 7).

Following the emergency situation in North Africa and the significant and extraordinary landings of refugees on Italian shores, the former Minister Roberto Maroni called for the intervention of the EU institutions, later taking the issue to the Justice and Home Affairs Council (JHA) on 24th February. In operational terms, following the emergency situation, the Italian authorities have taken measures to expand the deployment of the Coast Guard.

In order to promptly respond to the needs of irregular migrants who landed on the island of Lampedusa and also on the coast of Sicily, the European Commission and the Ministry of the Interior continued the "Praesidium" project, jointly implemented by IOM, UNHCR (United Nations High Commissioner for Refugees), the Italian Red Cross and Save the Children. In particular, the project includes the creation of a team with field officers from the four humanitarian agencies, assisted by an equal number of interpreters-mediators.

A project promoted by the Ministry of Health to conduct medical screening for refugees landed on the shores of Sicily was also initiated.

III(f) intensify cooperation with the countries of origin and of transit in order to strengthen border control

Please list any new or planned agreements, and other forms of bilateral and multilateral cooperation with third countries, specifying which countries, specifically in order to strengthen the control of

external borders and to combat illegal immigration. This could include the provision of border equipment, training of border guards, etc. Please note that wider / more comprehensive agreements are to be described under section 13 addressing the Global Approach to Migration.

Italy has signed governmental agreement or Police and Public Security Department *memorandum of understanding* with Nigeria, Ghana, Niger, Senegal, Gambia, Tunisia, Egypt, and Algeria. These countries are more cooperative and more involved in the phenomenon of departure and transit of irregular immigrants. The purpose of the intergovernmental cooperation is to help these Countries to train police forces so that they may also take advantage of ordinary operational instruments.

9.2 Stockholm Programme

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

6(a) The European Council encourages the Commission and Member States to take advantage of the entry into force of the Visa Code and the gradual roll-out of the VIS

Please describe the progress of implementation of the Visa Code and VIS, if not already provided under Pact Commitment III(b) above.

EU visa policy and legislation have been included into the Italian system in an organic way, and this approach has always characterized the national visa policy. This line of continuity has been further enhanced by the process of standardization necessary for the implementation of the Community Code on Visas and the directives on immigration issues. In particular, the incorporation of the new EU legislation into the national system proceeded without problems. For instance, the European Union visa facilitation agreements represented for several Countries a consolidation of already existing bilateral policies.

Visa liberalisation for a period of stay not exceeding three months for nationals of several Balkan States, promoted particularly by the Italian Ministry of Foreign Affairs, has led to a significant increase in bilateral trade, with no invasive effects in terms of human mobility, especially as the Countries in question are part of Italy's system of international relations.

ASYLUM

10 International Protection

10.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

IV(c) solidarity with MS which are faced with specific and disproportionate pressures on their national asylum systems:

Please provide information on support provided to [Member] States experiencing specific and disproportionate pressures on their national asylum systems, with regard to the processing of requests for international protection. This could include seconding staff and sending resources or equipment.

There was a significant increase in asylum applications due to additional pressures. Applications raised from 12,120 in 2010 to 37,350 in 2011 (provisional data), with an increase of 308%.

The national network of the System for Protection of Asylum Applicants and Refugees (SPRAR) consisted, in 2011, of 151 territorial projects, initiated by 128 local governments, having a capability of accommodation that was unvaried with respect to the previous two years (equal to 3,000 places). Of these, 2,500 places are dedicated to accommodating the so called “ordinary categories” – single men, single women and family units – and 450 are destined to accommodation of situations of vulnerability: unaccompanied minors requesting asylum, one-parent family units, persons who require prolonged specialist sanitary assistance, victims of torture and violence. The remaining 50 places are, for the first time, specifically reserved to persons whose vulnerability is related to mental health.

At the end of December 2011, the SPRAR has accommodated 7,598 persons, mostly males (79.5%), coming mainly from Afghanistan (12.9%), Somalia (13.3%), Eritrea (10.8%), Nigeria (8.1%), Ivory Coast (5.3%) and Pakistan (5.1%). Amongst the beneficiaries, those who have received subsidiary protection are more numerous (38% of the total) respect to those benefiting from humanitarian protection (16%) as well as respect to refugees (18%), while international protection applicants represent 28% of the hosted beneficiaries.

The European Refugee Fund 2010 has financed projects for a total amount of €10,174,355.73.

The Refugee Fund 2011 Annual Programme has foreseen over 27 million euros for funding of innovative projects aiming to accommodation and social-economic integration of asylum applicants and refugees. Of the total amount, about 14,5 millions are destined to urgent measures for accommodation and support necessary to face the humanitarian emergency related to the crisis in several Countries of North Africa.

The year 2011 has been marked with intense reorganization activity of the territorial Commissions for the Recognition of International Protection, by opening of new territorial seats and definition of further territorial competences.

Please describe any action undertaken with regard to the reallocation from [Member] States experiencing specific and disproportionate pressures of beneficiaries of international protection to other [Member] States. This relates to intra-EU movements, for example, as part of EU projects.

In the course of the first quarter, the projects of resettlement have involved 130 persons. In the course of 2011, the second yearly instalment related to the collaboration between the Municipality of Riace (Initiator), the Municipality of Caulonia and the Department of Civil Liberties and

Immigration of the Ministry of Interior was approved, for the development of a resettlement project for some Palestinian refugees.

IV(d) strengthen cooperation with the Office of the United Nations High Commissioner for Refugees to ensure better protection for people outside the territory of European Union Member States who request protection, in particular by moving, on a voluntary basis, towards the resettlement within the European Union

Please describe resettlement activities to your (Member) State of people placed under the protection of the Office of the UNHCR in third countries, specifying from which countries.

The European Refugee Fund 2010 financed the resettlement of 50 vulnerable refugees, in particular, people at risk of psychological, physical or sexual violence and exploitation. They were accommodated in the refugee centers in Libya and/or Palestine in collaboration with UNHCR.

IV(e) MS are invited to provide the personnel responsible for external border controls with training in the rights and obligations pertaining to international protection

Please describe the *provision or planning of provision of such training (and in which way, number and percentage of border control staff trained)...*

The European Refugee Fund 2010 financed multidisciplinary training courses, aiming to individuate the diseases related to immigration and poverty, for 300 operators of the Asylum Applicants Accommodation Centers (CARA), of the accommodation centers, of the System for Protection of Asylum Applicants and Refugees (SPRAR) territorial projects and for the medical and paramedical personnel of the Local Health Centers (ASL).

10.2 Key statistics

<i>Third-country nationals reallocated and resettled to your (Member) States (first quarter of 2011)</i>			
	Total	Reallocated	Resettled
Third-country nationals	130	0	130

Note: As regard reallocations, at the present, despite the Ministerial Decree regarding the reallocation guidelines, there is no evidence of the concrete implementation of this operating mode of return.

<i>Training of border guards on asylum</i>		
	Total number of border guards	Border guards who received training
Border guards	n.a.	n.a.

UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

11 Unaccompanied Minors (and other vulnerable groups)

11.1 European Pact on Immigration and Asylum

No specific commitments are included.

11.2 Stockholm Programme

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

5(a) develop an action plan, to be adopted by the Council, on unaccompanied minors which underpins and supplements the relevant legislative and financial instruments and combines measures directed at prevention, protection and assisted return

Please describe any developments in relation to unaccompanied minors at national and international levels.

First of all it is necessary to point out that, in the Italian context, a separate condition refers to “asylum applicants considered to be unaccompanied minors”. For this category the Committee for Foreign Minors is no longer responsible and the competency fall down to the National Asylum Committee and subsequently to the Territorial Commissions.

2011 has been marked by a considerable entry of unaccompanied foreign minors (UAMS) with a significant impact on the national reception system. According to the latest data on the North African emergency, 4,580 minors have entered Italy in 2011. The Government has announced the state of humanitarian emergency and has attributed specific competences to the Ministry of Labour and Welfare up to 31st December 2011 for the provision of contributions to those Municipalities supporting or authorizing expenses for reception of unaccompanied foreign minors.

With reference to the larger group of MSNA identified and registered by the Committee for Foreign Minors, 7,750 unaccompanied minors have been reported in 2011, plus 825 asylum applicants considered to be unaccompanied minors. Also in 2011, protection services, accommodation in secure places, reception and assistance of the UAMS have been developed within the “National Program for protection of Unaccompanied Foreign Minors”, financed by the Ministry of Labour and developed by ANCI (National Association of Italian Municipalities), involving 32 Municipalities and metropolitan cities within the Country.

With law n.129 of 2nd August 2011, the conversion regime of the residence permit for unaccompanied minors turning 18 years of age has been significantly modified: a resident permit for study and work may be obtained by those minors having been placed in custody or subjected to protection, with prior positive assent released by the Committee for Foreign Minors.

11.3 Key statistics

<i>Unaccompanied minors (end 2011)</i>	
Number of unaccompanied minors	7,750
Number of asylum applicants considered to be unaccompanied minors	825

GLOBAL APPROACH TO MIGRATION

12 External cooperation / global approach to migration

12.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

V(a) conclude EU-level or bilateral agreements with the countries of origin and of transit containing clause on legal and illegal migration as well as development

Please provide information on any (planned) EU level or bilateral agreements (e.g. Mobility Partnerships), which are in addition to those mentioned under Sections 1.1, Pact commitment I(a) Implement policies for labour migration; 7.1, Pact commitment II(b) To conclude readmission agreements; and 11, Pact commitment III(f) intensify cooperation with the countries of origin and of transit in order to strengthen border control. These could include wider, more comprehensive agreements covering various elements related to legal and illegal migration, as well as return. List them, including the third countries with which they have been concluded and their content. In case of bilateral agreements, also indicate whether the Commission was informed.

An example table is presented below.

Readmission agreements	Labour mobility agreements
17. Albania, signed in 1997, enforced since 1998	6. Albania, signed in 2008; new agreement signed in 2011
18. Algeria, signed in 2000, enforced since 2006	7. Moldova Rep. of, signed in 2003, enforced since 2003; new agreement signed in 2011
19. Bosnia Hercegovina, signed in 2004, enforced since 2007	8. Egypt, signed in 2005, enforced since 2005
20. Croatia, signed in 1997, enforced since 1998	9. Morocco, signed in 2005, enforced since 2007
21. Egypt, signed in 2007	10. Tunisia, under negotiation
22. Philippines, signed in 2004, enforced since 2005	
23. Georgia, signed in 1997	
24. Macedonia Fyr of, signed in 1997, enforced since 1997	
25. Morocco, signed in 1998	
26. Moldova Rep. of, signed in 2002, enforced since 2004	
27. Nigeria, signed in 2000	
28. Pakistan, signed in 2000	
29. Serbia, signed in 2003, enforced since 2005	
30. Sri Lanka, signed in 2001, enforced since 2001	
31. Switzerland, signed in 1998, enforced since 2000	
32. Tunisia, signed in 1998, enforced since 1998; new agreement signed in 2011, enforced since 2011	

V(b) offer the nationals of partner countries to the East and South of Europe opportunities for the legal immigration

Please indicate whether, in relation to the labour migration policy and related developments set out in Section 1.1, whether any of these favour labour and circular migration and specify which third countries from the East and South of Europe.

Italy has signed bilateral Agreements on the regulation and management of the migratory flows for working purposes, Agreements on readmission and fight against irregular migration and integrated Agreements linked to counter irregular migration and labour mobility.

The majority of Countries with which Italy has signed readmission agreements benefit from a privileged treatment in the entry procedures, through the assignment of specific quotas.

The latest decree on flows for non seasonal subordinate employment (December 2010), on a total of 98,080 quotas allowed, has reserved 52,080 to those workers coming from Countries that have signed or are about to sign specific co-operation agreements on migratory matters (4,500 Albanians, 1,000 Algerians, 2,400 Bengalese, 8,000 Egyptians, 4,000 Philippines, 2,000 Ghanaians, 4,500 Moroccans, 5,200 Moldavians, 1,500 Nigerians, 1,000 Pakistani, 2,000 Senegalese, 80 Somalis, 3,500 Sinhalese, 4,000 Tunisians, 1,800 Indians, 1,800 Peruvians, 1,800 Ukrainians, 1,000 Niger, 1,000 Gambians, 1,000 citizens of Countries stipulating agreements).

V(c) cooperation with the countries of origin and of transit in order to deter or prevent illegal immigration

Please describe any cooperation, in addition to the cooperation outlined in Pact commitment V(a) above, Sections 8, Pact commitment II(e) cooperation with the countries of origin and of transit, in particular to combat human trafficking and section 11, Pact commitment III(f) intensify cooperation with the countries of origin and of transit in order to strengthen border control, which has focused on deterring or preventing illegal immigration. This may include concrete cooperation activities, capacity building and agreements.

It is known that in the last years Italy has intensified its diplomatic relations in terms of migratory policies with the Countries of Northern Africa, both for the control at the borders and for the limitation of the irregular migratory flows, as well as for the procedures to make the readmissions more functional.

In particular, on 5th April 2011 Italy has signed with Tunisia a new agreement for the fight against irregular migration. The agreement binds the Tunisian police authorities to intensify the controls on the departures and to accept the direct readmission of the Tunisians arrived after the 5th of April, while for those arrived before that date a temporary permit of stay has been allowed, as foreseen by the Italian law.

V(d) More effective integration of migration and development policies

Please describe any relevant activity, for example studies and development of such approach, solidarity development projects, etc.

The Ministry of Labour is proceeding with the formalization of co-operation agreements concerning migratory matters that are based on promotion of regular migration. The Countries that have been identified by the Ministry are Ukraine, Moldova, Albania, Egypt, Morocco, Tunisia, Ghana, Philippines, Sri Lanka, India, Pakistan, China, Bangladesh, Ecuador, and Peru.

Within the Program “International Mobility of Work” a service network abroad for the management of the migratory flows for working purposes is intended to be developed, by creating ministerial offices called Local Coordination Offices, on the premises of the Italian Embassies abroad, as territorial reference points in the management of the following flows:

- *Co-operative development* of the relationship system and control of migratory matters, also for the return, between all parties – public and private, national and international – that already perform and collaborate within the Country for the organization of the migratory flows;
- *Operative Support* to the international labor matching system and to the local training system, with the scope of managing migration for working purposes.

V(e) promote co-development actions and support instrument for transferring migrants' remittances

Please describe any relevant developments and activities in the area of remittances, including financial support to such actions, implementation of an instrument for transferring migrants' remittances, etc.

Remittances are subject of particular attention in the context of government actions. Attention is drawn to: the on-line service promoted by the Ministry of Foreign Affairs, comparing the cost of remittances to assure a higher transparency and clarity of information, stimulating the market operators to improve their offer in favour of migrants (www.mandaisoldiacasa.it); the [Report on the Financial inclusion of Migrants](#), commissioned by the Ministry of Interior; the protocol of agreement signed in 2011 by the Ministry of Interior and ABI (Italian Banking Association) to promote the financial inclusion of migrants; and the researches carried out by the Bank of Italy ([Credit to immigrants in Italy](#)) and ABI - Italian Banking Association ([Immigrants and financial inclusion 2011](#)).

The law decree 138/2011 has established that a tax equal to 2% shall be paid by foreign citizens not having INPS (Social Security) number and fiscal code, on the transfer of money abroad performed through the banking institutes, money transfer agencies and other financial activity agents (the tax was then abolished in March 2012).

12.2 Stockholm Programme

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

11(h) how diaspora groups may be further involved in EU development initiatives, and how EU Member States may support diaspora groups in their efforts to enhance development in their countries of origin

Please provide information on a possible national policy or actions with regard to supporting diaspora groups in enhancing development in their countries of origin.

Regions and local governments, with immigrant associations, NGOs and civil society organizations, have established partnership relations with similar institutions and organizations in the migrants countries of origin, in order to promote the return and initiate co-development relations.