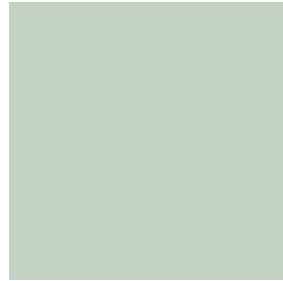


UPDATE ON 2025



ITALY



COUNTRY REPORT

JULY 2026

Acknowledgements & Methodology

This 2025 update to the report was written by Caterina Bove, Matteo Astuti, Chiara Pigato and Giovanni Papotti, of the Association for Legal Studies on Immigration (ASGI), and edited by ECRE.

This report draws on practice by ASGI legal representatives across the different regions of Italy, as well as available statistical information and reports, case law and other publicly available sources.

The 2025 update to the AIDA country report on Italy was sent to the Ministry of Interior, to grant the opportunity to provide comments on the draft country report.

The information in this report is up-to-date as of 31 December 2025, unless otherwise stated.

The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is coordinated by the European Council on Refugees and Exiles (ECRE). It follows a methodology developed by ECRE in 2012, which has been applied to the country reports in every annual publication cycle since then.

AIDA aims to provide up-to date information on asylum practice in 27 countries. This includes 21 EU Member States (AT, BE, BG, CY, CZ, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, SK, SI) and 6 non-EU countries (Egypt, Serbia, Switzerland, Türkiye, Ukraine and the United Kingdom) which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org. The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.



This report is part of the Asylum Information Database (AIDA), funded by the European Union's Asylum, Migration and Integration Fund (AMIF) and ECRE. The contents of this report are the sole responsibility of ECRE and can in no way be taken to reflect the views of the European Commission.



Table of Contents

Glossary & List of Abbreviations.....	7
Statistics.....	9
Overview of the legal framework.....	12
Overview of main changes since the previous report update.....	21
Asylum Procedure.....	25
A. General.....	25
1. Flow chart.....	25
2. Types of procedures.....	26
3. List of authorities that intervene in each stage of the procedure.....	26
4. Determining authority.....	27
5. Short overview of the asylum procedure.....	29
B. Access to the procedure and registration.....	33
1. Access to the territory and push backs.....	33
2. Preliminary checks of third country nationals upon arrival.....	59
3. Registration of the asylum application.....	66
C. Procedures.....	72
1. Regular procedure.....	72
2. Dublin.....	90
3. Admissibility procedure.....	106
4. Border procedure (border and transit zones).....	110
5. Accelerated procedure.....	115
6. National protection statuses and return procedure.....	120
D. Guarantees for vulnerable groups.....	123
1. Identification.....	123
2. Special procedural guarantees.....	130
3. Use of medical reports.....	131
4. Legal representation of unaccompanied children.....	132
E. Subsequent applications.....	135
1. Preliminary admissibility assessment.....	135

2.	Right to remain and suspensive effect	137
F.	The safe country concepts	138
1.	Safe country of origin	138
2.	Safe third country	142
3.	First country of asylum	142
G.	Information for asylum seekers and access to NGOs and UNHCR	142
1.	Provision of information on the procedure	142
2.	Access to NGOs and UNHCR	145
H.	Differential treatment of specific nationalities in the procedure	146
	Reception Conditions	148
A.	Access and forms of reception conditions	155
1.	Criteria and restrictions to access reception conditions	155
2.	Forms and levels of material reception conditions	161
3.	Reduction or withdrawal of reception conditions	162
4.	Freedom of movement	167
B.	Housing	170
1.	Types of accommodation	170
2.	Conditions in reception facilities	179
C.	Employment and education	186
1.	Access to the labour market	186
2.	Access to education	187
D.	Health care	187
1.	Practical obstacles in accessing health care	188
2.	Contribution to health care costs	189
3.	Specialised treatment for vulnerable groups	189
E.	Special reception needs of vulnerable groups	190
1.	Reception of families and children	192
2.	Reception of unaccompanied minors	193
F.	Information for asylum seekers and access to reception centres	204
1.	Provision of information on reception	204
2.	Access to reception centres by third parties	204

G.	Differential treatment of specific nationalities in reception	205
Detention of Asylum Seekers		206
A.	General	206
B.	Legal framework of detention	208
1.	Grounds for detention.....	208
2.	Alternatives to detention.....	211
3.	Detention of vulnerable applicants.....	212
4.	Duration of detention	215
C.	Detention conditions	219
1.	Place of detention	219
2.	Conditions in detention facilities.....	229
3.	Access to detention facilities	242
D.	Procedural safeguards	243
1.	Judicial review of the detention order.....	243
2.	Legal assistance for review of detention	248
E.	Differential treatment of specific nationalities in detention.....	249
Content of International Protection		251
A.	Status and residence.....	251
1.	Residence permit	251
2.	Civil registration.....	253
3.	Long-term residence	254
4.	Naturalisation	255
5.	Cessation and review of protection status.....	258
6.	Withdrawal of protection status.....	260
B.	Family reunification	261
1.	Criteria and conditions.....	261
2.	Status and rights of family members.....	265
C.	Movement and mobility	266
1.	Freedom of movement	266
2.	Travel documents.....	266
D.	Housing.....	268

1.	Stay in first reception centres and CAS.....	269
2.	Accommodation in SAI	269
3.	Access to public housing.....	273
E.	Employment and education.....	275
1.	Access to the labour market	275
2.	Access to education	275
F.	Social welfare.....	277
G.	Health care	278
1.	Contribution to health spending	278
2.	Specialised treatment.....	279
	ANNEX I – EU Pact on Migration and Asylum.....	281
	ANNEX II – Transposition of the CEAS in national legislation	283

Glossary & List of Abbreviations

Decree Law	Regulatory act, which provisionally enters into force but requires the enactment of a legislative act in order to have definitive force. This process is described as “implementation by law” (conversione in legge), and it is possible for the Decree Law to undergo amendments in the process of enactment of the law.
Foglio Notizie	Form containing the personal details of the person and the possibility of indicating, by ticking the relevant box, the reasons for his/her arrival in Italy, choosing between the existence of family ties, the need for work, the intention to seek asylum or “other”. It is not always translated in all its parts and it is likely to determine the legal status of the person concerned.
Fotosegnalamento	Taking of photographs and fingerprinting upon identification and registration of the asylum application
Nulla osta	Certification of the absence of impediments to contracting a marriage
Questore	Chief of the Provincial Police Office
Questura	Provincial Police Office
Verbalizzazione	Lodging of the asylum application through an official form entitled “C3”
ANCI	National Association of Italian Municipalities Associazione Nazionale Comuni Italiani
ASGI	Association for Legal Studies on Immigration Associazione per gli Studi Giuridici sull’Immigrazione
ASL	Local Health Board Azienda Sanitaria Locale
CAF	Fiscal Assistance Centre Centro assistenza fiscale
CARA	Centre for the Reception of Asylum Seekers Centro di accoglienza per richiedenti asilo
CAS	Emergency Accommodation Centre Centro di accoglienza straordinaria
CDA	Accommodation Centre for Migrants Centro di accoglienza
CIE	Identification and Expulsion Centre Centro di identificazione ed espulsione
CIR	Italian Council for Refugees Consiglio Italiano per i Rifugiati
CNDA	National Commission for the right to asylum Commissione Nazionale per il diritto di asilo
NAC	National Asylum Commission Commissione nazionale per il diritto di asilo
CPSA	First Aid and Reception Centre Centro di primo soccorso e accoglienza
CSM	High Judicial Council Consiglio Superiore della Magistratura
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ECRI	European Committee against Racism and Intolerance
EDAL	European Database of Asylum Law
EUAA	European Union Agency for Asylum
Fumus boni iuris	Requirement for the adoption of interim and precautionary measures in Italy, correspondent to the apparent validity of the claim
INAIL	National Institute for Insurance against Accidents at Work Istituto Nazionale Assicurazione Infortuni sul Lavoro
INPS	National Institute of Social Security Istituto Nazionale di Previdenza Sociale
IOM	International Organisation for Migration

ISEE	Equivalent Economic Situation Indicator Indicatore della situazione economica equivalente
L	Law Legge
LD	Legislative Decree Decreto Legislativo
MEDU	Doctors for Human Rights Medici per I diritti umani
MRCC	Maritime Rescue Coordination Centre
MSF	Médecins Sans Frontières
PD	Presidential Decree Decreto del Presidente della Repubblica
Periculum In Mora	requirement for the adoption of interim and precautionary measures in Italy, corresponding to the imminent risk of damage in the event of failure to adopt the requested measure
RDC	Income support Reddito di Cittadinanza
SIMM	Society of Migration Medicine Società Italiana di Medicina delle Migrazioni
SOPs	Standard Operating Procedures
SPRAR	System of protection for asylum seekers and refugees Sistema di protezione per richiedenti asilo e rifugiati
SIPROIMI	System of protection for beneficiaries of international protection and unaccompanied minors Sistema di protezione per titolari di protezione internazionale e minori stranieri non accompagnati
SAI	System of Accommodation and Integration – Sistema di accoglienza e integrazione
TEAM	European Health Insurance Card Tessera europea di assicurazione malattia
TUI	Consolidated Act on Immigration Testo unico sull'immigrazione
VESTANET	Registration database for asylum applications

Statistics

Overview of statistical practice

Due to a lack of disaggregated public data on asylum applications, statistics have been collected through the Eurostat Database.

According to the database, a total of 133,350 applications were presented in 2025. Out of these, 126,635 (94.9%) were first-time applications, while 6,715 (5.04%) were subsequent application. 104,560 first-instance decisions were issued throughout the year. The overall protection rate (including special protection) at first instance stood at 30%.

Total final decisions issued in 2025 were 16,335, out of which 13,460 (82.4%) were positive decisions, while 2,875 (17.6%) were rejected. Most final decisions (12,280, 75.2% of the total) granted special protection to the applicant.

Applications and granting of protection status at first instance: figures for 2025

	Applicants in 2025 (1)	Pending applications at the end of 2025 ¹	Total decisions in 2025 (2)	Total rejection (3)	Refugee status	Subsidiary protection	Special protection* (4)
Total	135,485	234,165	104,560	73,200	5,965	11,455	13,945
Breakdown by ten main nationalities of applicants							
Bangladesh	28,365	37,130	29,595	26,240	380	155	2,820
Peru	15,655	31,335	5,340	4,210	245	55	830
Egypt	11,790	24,990	10,685	8,900	105	20	1,660
Pakistan	10,350	23,900	10,555	7,120	385	1,085	1,965
Morocco	9,485	11,960	6,315	5,695	95	5	520
India	7,315	12,610	985	865	20	0	100
Tunisia	6,290	6,180	5,895	5,035	190	25	645

¹ On Eurostat, this data is flagged as 'low reliability'.

Georgia	4,490	7,795	1,730	905	70	10	745
Sri Lanka	3,980	7,130	1,960	1,745	50	5	165
Nigeria	3,385	4,120	3,390	2,220	660	55	460

Source: Eurostat, Migration and Asylum Database, available [here](#).

Note 1: “Applicants in year” refers to the total number of applicants, and not only to first-time applicants.

Note 2: Statistics on decisions cover the decisions taken throughout the year, regardless of whether they concern applications lodged that year or in previous years.

Note 3: Total rejections include inadmissibility decisions.

Note 4: Special protection is the humanitarian form of protection available in Italy. See [Content of Protection](#).

Applications and granting of protection status at first instance: rates for 2025

	Overall rejection rate	Overall protection rate (1)	Refugee rate	Subsidiary protection rate	Special protection rate
Total	70%	30%	5.70%	10.96%	13.34%
Breakdown by ten main nationalities of applicants					
Bangladesh	88.66%	11.34%	1.28%	0.52%	9.53%
Peru	78.84%	21.16%	4.59%	1.03%	15.54%
Egypt	83.30%	16.71%	0.98%	0.19%	15.54%
Pakistan	67.46%	32.54%	3.65%	10.28%	18.62%
Morocco	90.18%	9.82%	1.50%	0.08%	8.23%
India	87.82%	12.19%	2.03%	0%	10.15%
Tunisia	85.41%	14.59%	3.22%	0.42%	10.95%
Georgia	52.31%	47.69%	4.05%	0.58%	43.06%
Sri Lanka	89.03%	11.22%	2.55%	0.26%	8.42%
Nigeria	64.90%	34.66%	19.47%	1.62%	13.57%

Source of the percentages: Calculated by the authors of the report, based on Eurostat statistics as indicated in the table above.

Note 1: Rates include humanitarian protection.

Gender/age breakdown of the total number of applicants: 2025

	Men	Women
Number	105,980	27,905
Percentage	78.22%	20.60%

Source: Eurostat, Migration and Asylum Database, available [here](#).

	Adults	Children	
		Accompanied	Unaccompanied
Number	130,285	4,215	985
Percentage	96.16%	3.11%	0.73%

Overview of the legal framework

Main legislative acts on asylum procedures, reception conditions, detention and content of international protection

Note that the Decree Law (*decreto legge*) is a regulatory act, which provisionally enters into force but requires the enactment of a legislative act (*legge*) in order to have definitive force. This process is described as “implementation by law” (*conversione in legge*), and it is possible for the Decree Law to undergo amendments in the process of enactment of the law. In the consolidated version of a Decree Law in the Official Gazette, amendments introduced during the *conversione in legge* process can be seen in bold.

Title (EN)	Original Title (IT)	Abbreviation	Web Link
Legislative Decree no. 286/1998 “Consolidated Act on provisions concerning the Immigration regulations and foreign national conditions norms”	Decreto legislativo 25 luglio 1998, n. 286 “Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero”	TUI	http://bit.ly/1PYQbyL (IT)
<i>Amended by:</i> Decree Law no. 13/2017, implemented by Law no. 46/2017	<i>Modificato:</i> Decreto Legge 17 febbraio 2017, n. 13, conversione in Legge di 13 aprile 2017, n. 46	Decree 13/2017 Law	https://bit.ly/2ltXe3Y (IT)
<i>Amended by:</i> Decree Law no. 113/2018, implemented by Law no. 132/2018	<i>Modificato:</i> Decreto Legge 4 ottobre 2018, n. 113, conversione in Legge di 1 dicembre 2018, n. 132	Decree 113/2018 Law	https://bit.ly/2G8Bh7W (IT)
<i>Amended by:</i> Law no. 238 /2021 Provisions to adequate to EU obligation - European Law	Modificato: LEGGE 23 dicembre 2021, n. 238, Disposizioni per l'adempimento degli obblighi derivanti dall'appartenenza dell'Italia all'Unione europea - Legge europea 2019-2020	Law 238/2021	https://bit.ly/3l7jI5Z (IT)
<i>Amended by Decree Law 23/2026 implemented by L. 54/2026</i>	DECRETO-LEGGE 24 febbraio 2026, n. 23 convertito con modificazioni dalla L. 24 aprile 2026, n. 54	Decree 23/2026 Law L 54/2026	https://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2026-02-24&atto.codiceRedazionale=26G00042&atto.articolo.numero=30&atto.articolo.

<i>Amended by:</i> Decree Law no. 13/2017, implemented by Law no. 46/2017	<i>Modificato:</i> Decreto Legge 17 febbraio 2017, n. 13, convertito con modificazioni dalla Legge del 13 aprile 2017, n. 46	Decree 13/2017	Law	https://bit.ly/2ltXe3Y (IT)
<i>Amended by:</i> Decree Law no. 113/2018, implemented by Law no. 132/2018	<i>Modificato:</i> Decreto Legge 4 ottobre 2018, n. 113, convertito con modificazioni dalla Legge del 1 dicembre 2018, n. 132	Decree 113/2018	Law	https://bit.ly/2G8Bh7W (IT)
<i>Amended by</i> Decree Law no. 130/2020, Implemented by Law no. 173/2020	<i>Modificato</i> da Decreto Legge n. 130/2020, convertito con modificazioni dalla Legge 173/2020	Decree 130/2020 Law 173/2020	Law	https://encr.pw/ntdAW . (IT)
<i>Amended by: Law no. 238 /2021 Provisions to adequate to EU obligation - European Law</i>	<i>Modificato:</i> LEGGE 23 dicembre 2021, n. 238, Disposizioni per l'adempimento degli obblighi derivanti dall'appartenenza dell'Italia all'Unione europea - Legge europea 2019-2020	Law 238/2021		https://bit.ly/3l7jI5Z (IT)
<i>Amended by Decree Law 20/2023, Implemented by L. 50/2023</i>	<i>Modificato: Decreto Legge 20 Marzo 2023 convertito in L. 50/2023</i>	Decree 20/2023 L. 50/2023 DL 133/23	Law	http://bit.ly/3OICK9K (IT)
<i>Amended by Decree Law 133/2023 Implemented by L. 176/2023</i>	<i>Modificato:</i> Decreto legge 133/2023 convertito in L. 176/2023	Converted into L 176/2023		http://bit.ly/3UHF97z (IT)
<i>Amended by Decree Law 145/2024, Implemented by L. 187/2024</i>	<i>Modificato: Decreto Legge 145 Ottobre 2024 convertito in L. 187/2024</i>	Decree 145/202 L. 187/2024 Decree 200/2025	Law Law	https://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2024-10-11&atto.codiceRedazionale=24G00171&atto.articolo.numero=15&atto.articolo

Amended by Decree Law 200/2025 implemented by L. 26/2026	Modificato da DECRETO-LEGGE 31 dicembre 2025, n. 200 convertito in L. 26 del 27 Febbraio 2026	L 26/2026	sottoArticolo=1&atto.articolo.tipoArticolo=0 https://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2025-12-31&atto.codiceRedazionale=25G00213&atto.articolo.numero=2&atto.articolo.sottoArticolo=1&atto.articolo.tipoArticolo=0
	DECRETO-LEGGE 24 febbraio 2026, n. 23 convertito con modificazioni dalla L. 24 aprile 2026, n. 54		
Amended by Decree Law 23/2026 implemented by L. 54/2026	Modificato dal DECRETO-LEGGE 12 giugno 2026, n. 100	Decree 23/2026 L 54/2026	Law https://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2026-02-24&atto.codiceRedazionale=26G00042&atto.articolo.numero=30&atto.articolo.sottoArticolo=1&atto.articolo.tipoArticolo=0
Amended by Decree Law 100/2026		DL 100/2026	https://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2026-06-12&atto.codiceRedazionale=26G00119&atto.articolo.numero=11&atto.articolo.sottoArticolo=1&atto.articolo.tipoArticolo=0

Legislative Decree no. 142/2015 “Implementation of Directive 2013/33/EU on standards for the reception of asylum applicants and the Directive 2013/32/EU on common procedures for the recognition and revocation of the status of international protection.”	Decreto legislativo 18 agosto 2015, n 142 “Attuazione della direttiva 2013/33/UE recante norme relative all'accoglienza dei richiedenti protezione internazionale, nonché della direttiva 2013/32/UE, recante procedure comuni ai fini del riconoscimento e della revoca dello status di protezione internazionale.”	Reception Decree	http://bit.ly/1Mn6i1M (IT)
<i>Amended by:</i> Legislative Decree 220/2017	<i>Modificato:</i> Decreto legislativo 22 dicembre 2017, n. 220	LD 220/2017	http://bit.ly/2CJXJ3s (IT)
<i>Amended by:</i> Decree Law no. 113/2018, implemented by Law no. 132/2018	<i>Modificato:</i> Decreto Legge 4 ottobre 2018, n. 113, convertito con modificazioni dalla Legge di 1 dicembre 2018, n. 132	Decree Law 113/2018	https://bit.ly/2G8Bh7W (IT)
<i>Amended by</i> Decree Law no. 130/2020, Implemented by Law no. 173/2020	<i>Modificato</i> da Decreto Legge n. 130/2020, convertito con modificazioni dalla Legge 173/2020	Decree Law 130/2020 Law 173/2020	https://encr.pw/ntdAW . (IT)
<i>Amended by</i> Decree Law 20/2023, Implemented by L. 50/2023	<i>Modificato:</i> Decreto Legge 20 Marzo 2023 convertito in L. 50/2023	Decree Law 20/2023 L. 50/2023	http://bit.ly/3OICK9K (IT)
<i>Amended by</i> Decree Law 145/2024, Implemented by L. 187/2024	<i>Modificato:</i> Decreto Legge 145 Ottobre 2024 convertito in L. 187/2024	Decree Law 145/2024 L. 187/2024	http://bit.ly/4lm3uKI (IT)
<i>Amended by</i> Decree Law 100/2026	<i>Modificato dal</i> DECRETO-LEGGE 12 giugno 2026, n. 100	DL 100/2026	https://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2026-06-12&atto.codiceRedazionale=26G00119&atto.articolo.numero=11&atto.articolo

			sottoArticolo=1&atto.artic olo.tipoArticolo=0
Legislative Decree no. 150/2011 “Additional provisions to the Code of Civil Procedure concerning the reduction and simplification of cognition civil proceedings, under Article 54 of the law 18 June 2009, n. 69”	Decreto legislativo 1 Settembre 2011, n. 150 “Disposizioni complementari al codice di procedura civile in materia di riduzione e semplificazione dei procedimenti civili di cognizione, ai sensi dell'articolo 54 della legge 18 Giugno 2009, n. 69”	LD 150/2011	http://bit.ly/2jXfdog (IT)
Legislative Decree no. 24/2014 “Prevention and repression of trafficking in persons and protection of the victims”, implementing Directive 2011/36/EU”	Decreto legislativo 4 marzo 2014, n. 24 “Prevenzione e repressione della tratta di esseri umani e protezione delle vittime”, in attuazione alla direttiva 2011/36/UE, relativa alla prevenzione e alla repressione della tratta di esseri umani e alla protezione delle vittime”	LD 24/2014	http://bit.ly/1FI2OsN (IT)
Law no. 47/2017 “Provisions on the protection of foreign unaccompanied minors”	Legge di 7 aprile 2017, n. 47 “Disposizioni in materia di misure di protezione dei minori stranieri non accompagnati”	L 47/2017	http://bit.ly/2sYgFd8 (IT)
Decree Law no. 20/2023 Urgent provisions on the legal entry of foreign workers and fight against irregular migration. Converted with amendments by Law 50 of 5 May 2023	Decreto Legge 20/2023 Disposizioni urgenti in materia di flussi di ingresso legale dei lavoratori stranieri e di prevenzione e contrasto all'immigrazione irregolare. Convertito con modificazioni dalla Legge 50 del 5 Maggio 2023.	DL 20/2023 L 50/2023	http://bit.ly/3OICK9K (IT)
Decree Law no 133/2023 Urgent provisions on immigration and international protection, as well as for security policy support and the functionality of the Ministry of the Interior. Converted into L. no. 176/2023	Decreto legge 133/2023 Disposizioni urgenti in materia di immigrazione e protezione internazionale, nonché per il supporto alle politiche di sicurezza e la funzionalità del Ministero dell'interno. Convertito con modificazioni dalla- Legge 176 del 1 dicembre 2023	DL 133/23 Converted into L 176/2023	http://bit.ly/3UHF97z (IT)

Main implementing decrees, guidelines and regulations on asylum procedures, reception conditions, detention and content of international protection

Title (EN)	Original Title (IT)	Abbreviation	Web Link
Presidential Decree no. 394/1999 "Regulation on norms implementing the consolidated act on provisions concerning the immigration regulations and foreign national conditions norms"	Decreto del Presidente della Repubblica del 31 agosto 1999, n. 394 "Regolamento recante norme di attuazione del testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero"	PD 394/1999	http://bit.ly/1M33qlX (IT)
<i>Amended by:</i> Presidential Decree no. 334/2004 "on immigration"	<i>Aggiornato con le modifiche apportate dal:</i> Decreto del Presidente della Repubblica 18 ottobre 2004, n. 334 "in materia di immigrazione"	PD 334/2004	http://bit.ly/1KxDnsk (IT)
Amended by: Presidential Decree no. 191/2022	Aggiornato con le modifiche apportate dal Decreto del Presidente della Repubblica 4 ottobre 2022 pubblicato in Gazzetta Ufficiale il 13 Dicembre 2022, recante misure di protezione dei minori stranieri non accompagnati.	PD 191/2022	http://bit.ly/3ZNB0NP (IT)
Presidential Decree no. 21/2015 on "Regulation on the procedures for the recognition and revocation of international protection"	Decreto del Presidente della Repubblica del 12 gennaio 2015 "Regolamento relativo alle procedure per il riconoscimento e la revoca della protezione internazionale a norma dell'articolo 38, comma 1, del decreto legislativo 28 gennaio 2008, n. 25."	PD 21/2015	http://bit.ly/1QjHx8R (IT)
CNDA Circular no. 6300 of 10 August 2017 on "Notifications of the acts and measures of the Territorial Commissions and of the National Commission for the right to asylum"	Circolare della Commissione Nazionale per il diritto d'asilo n. 6300 del 10 agosto 2017 "Notificazioni degli atti e dei provvedimenti delle commissioni territoriali e della Commissione Nazionale per il diritto d'asilo"	CNDA Circular 6300/2017	http://bit.ly/2FwCDZj (IT)
CNDA Circular no. 6425 of 21 August 2017, Request clarifications art. 26, (5) Legislative Decree no. 25/2008, as amended by law n. 47/2017	Circolare della Commissione nazionale per il diritto d'asilo n. 6425 del 21 agosto 2017, Richiesta chiarimenti art. 26, comma 5, d.lgs. n. 25/2008, come modificato dalla legge n. 47/2017	CNDA Circular 6425/2017	http://bit.ly/2Fn38Um (IT)

Ministry of Interior Circular no. 1 of 2 January 2019 “Decree Law 113/2018 implemented by Law 132/2018, applicable profiles”	Circolare del Ministero dell’Interno del 2 gennaio 2019, n. 1 “Decreto Legge 113/2018, convertito con modificazioni dalla legge 132/2018, profili applicativi”	Circular 1/2019	https://bit.ly/2Ghrloj (IT)
Ministry of Interior Circular of 14 January 2019 “Decree Law 113/2018 implemented by Law 132/2018, applicable profiles”	Circolare del Ministero dell’Interno del 14 gennaio 2019, “Decreto Legge 113/2018, convertito con modificazioni dalla legge 132/2018, profili applicativi”		https://bit.ly/2P7G5OZ (IT)
Ministry of Interior Decree, 5 August 2019, published on 7 September 2019, Identification of border or transit areas for the implementation of the accelerated procedure for the exam of international protection applications	Decreto del Ministero dell’Interno del 5 Agosto 2019, pubblicato sulla Gazzetta Ufficiale il 7 Settembre 2019, Individuazione delle zone di frontiera o di transito ai fini dell’attuazione della procedura accelerata di esame della richiesta di protezione internazionale.	MOI Decree 5 August 2019	https://bit.ly/3fzKFIY
Ministry of Interior Circular no. 10380 of 18 January 2019 “Decree Law 113/2018 implemented by Law 132/2018, applicable profiles”	Circolare del Ministero dell’Interno del 18 gennaio 2019, n. 10380 “Decreto Legge 113/2018, convertito con modificazioni dalla legge 132/2018, profili applicativi”	Circular 10380/2019	https://bit.ly/2VGH7UE (IT)
Ministry of Foreign Affairs Decree, 4 October 2019, <i>Identification of Safe Countries of origin, according to Article 2-bis of the Procedure Decree published on 7 October 2019 n.235.</i>	Ministero Degli Affari Esteri e della Cooperazione Internazionale, 4 Ottobre 2019, <i>Individuazione dei Paesi di origine sicuri, ai sensi dell’articolo 2-bis del decreto legislativo 28 gennaio 2008, n. 25, G.U. 7 ottobre 2019 n. 235.</i>	Ministry of Foreign Affairs Decree 4 October 2019	https://bit.ly/2yv5PB3
CNDA Circular no. 8864 of 28 October 2019- Safe countries of origin list Article 2 bis LD 25/2008: accelerate procedure Articles 28, 28 bis, 28 ter	Circolare della Commissione Nazionale per il diritto di asilo, Prot. 886 del 28 Ottobre 2019, Lista dei paesi di origine sicuri ex art. 2 bis d.lgs 25/2008; applicazione delle procedure accelerate ex art. 28, 28 bis 28 ter	CNDA Circular, no 8864 of 28 October 2019	https://bit.ly/3dweqlt
CNDA Circular no. 9004 of 31 October 2019, Safe countries of origin - transmission of country information files - accelerated procedure	Circolare della Commissione Nazionale per il diritto di asilo, Prot. 9004 del 31 ottobre 2019 – Lista dei paesi di origine sicuri- trasmissione “Schede Paesi” – procedura accelerata	CNDA Circular, no. 9004 of 31 October 2019	https://bit.ly/3cgmQ0b
Ministry Of Interior Department of Civil Liberties and Immigration, Circular n. 8560 16 October 2019,	Circolare del Ministero dell’Interno, Dipartimento delle Dipartimento Libertà Civili e Immigrazione n. 8560 del 16	MOI Circular 16 October 2019	https://bit.ly/2WbOvtl

implementation of the accelerated procedure ruled by Article 28 bis Procedure Decree	ottobre 2019, attuazione delle procedure accelerate ex art. 28 bis d.lgs 28 gennaio 2008, n. 25		
Mol Department of Public Security, Central Directorate of Immigration and Border Police, Circular n. 400/C/II Div. 18 October 2019, implementation of the accelerated procedure ruled by Article 28 bis Procedure Decree	Circolare del Ministero dell'Interno, Dipartimento di Pubblica Sicurezza, Direzione Centrale dell'Immigrazione e della Polizia delle Frontiere n. 400/C/II Div. del 18 ottobre 2019, "attuazione delle procedure accelerate ex art. 28 bis d.lgs 28 gennaio 2008, n. 25	MOI Circular 18 October 2019	https://bit.ly/2YK3LQ1
Decree of the Ministry of Interior, 18 November 2019, Modalities for local authorities to access funding from the National Fund for Asylum Policies and Services and guidelines for the functioning of the Protection System for International Protection Holders and for Unaccompanied Foreign Minors (Siproimi)	Decreto del Ministero dell'Interno del 18 Novembre 2019, Modalita' di accesso degli enti locali ai finanziamenti del Fondo nazionale per le politiche ed i servizi dell'asilo e di funzionamento del Sistema di protezione per titolari di protezione internazionale e per i minori stranieri non accompagnati (Siproimi)	Mol Decree 18 November 2019	https://bit.ly/35FVtud
Ministry of Interior, Central Directorate on Immigration and Border Police, no. 20185 of 10 March 2022, "Temporary protection measures in favour of people displaced from Ukraine following the military invasion of the Russian armed forces	Ministero dell'Interno, Direzione Centrale dell'Immigrazione e della Polizia delle Frontiere, n. 20185 del 10 marzo 2022, "Misure di protezione temporanea in favore delle persone sfollate dall'Ucraina a seguito dell'invasione militare delle forze armate russe.	Mol Circular no. 20185, 10 March 2022	
Head of Civil Protection Department Ordinance, no. 881 of 29 March 2022 - Further urgent civil protection provisions to ensure, on the national territory, the reception, rescue and assistance to the population as a result of the events taking place in the territory of Ukraine	Ordinanza del Capo del Dipartimento della Protezione Civile, n. 881 del 29 marzo 2022, Ulteriori disposizioni urgenti di protezione civile per assicurare, sul territorio nazionale, l'accoglienza, il soccorso e l'assistenza alla popolazione in conseguenza degli accadimenti in atto nel territorio dell'Ucraina	Head of Civil Protection Ordinance, no. 881, 10 March 2022	https://bit.ly/3LH2VJ0
Prime Minister Decree of 28 March 2022, Measures of temporary protection for people coming from Ukraine due to the ongoing war events	Decreto del Presidente del Consiglio dei Ministri, Misure di protezione temporanea per le persone provenienti dall'Ucraina in conseguenza degli eventi bellici in corso	DPCM 28 March 2022	https://bit.ly/38Wxyfw

Overview of main changes since the previous report update

The previous report update was published in **July 2025**.

International protection

- ❖ **State of emergency:** The declaration of the State of Emergency due to numbers of migrants' arrivals was extended until April 2025.²

The Regional Administrative Court of Lazio and then the Council of State rejected the appeal for access to the documentation justifying the declaration and extension of the state of emergency. Later, by Ordinance No. 1170 of 5 November 2025, issued by the Italian Civil Protection Department,³ it was provided that the Ministry of the Interior will be responsible for the completion of the pending activities by maintaining the operation of the special accounting fund until 10 April 2027.

Asylum procedure

- ❖ **Key asylum statistics:** In 2025, 126,635 first asylum requests were registered in Italy,⁴ representing a decrease compared to 2024 (when 151,120 applications were registered), but still almost double the number of applications registered in 2022 (77,200). Throughout the year, 104,560 first instance decisions were issued. The overall protection rate (including special protection) at first instance stood at 30% - a slight decrease compared to 2024, when it was 35%, but even more significant if compared with 2022, when the protection rate was of 47%. Out of these decisions 5,965 (5.7%) granted refugee status, 11,455 subsidiary protection (10.96%) and 13,945 (13.34%) national protection (*protezione speciale*).⁵
- ❖ **Access to the asylum procedure:** In 2025, cases of denial of access to the asylum procedure continued to be recorded in Italy. In Trieste, several cases involving applicants from Nepal were successfully challenged before the Civil Court. In addition, following a class action before the Veneto Regional Administrative Court, the *Questure* (Police Headquarters) of Vicenza and Venice were ordered to address the serious organisational shortcomings that had resulted in significant delays in access to the asylum procedure.⁶
- ❖ **Dublin procedure:** In 2025, 8,502 requests were sent by Italy in the outgoing procedure, an increase compared to the 7,926 requests sent in 2024. Transfers conducted were 22, out of which: 5 for family procedure, 2 for discretionary clauses, Article 17 (1 and 2), 11 in the take charge procedure, 4 in the take back procedure. Regarding the incoming procedure (i.e. requests sent to Italy by other countries), 19,889 requests (including both take charge and take back requests) were received by Italy, decreasing from the 24, 217 received in 2024. It is however relevant to note that no transfers took place in the take back procedure, probably due to the general suspension of transfers communicated by Italy to the other countries on 5 December 2022 and still maintained for 2025. Regardless, some transfers following take charge requests were still conducted: 66 transfers were realised based on the take charge procedure, 54 family procedure and 12 based on the discretionary clauses (Article 17(1 and 2)).⁷

² According to the Civil Protection Code (Article 24 (3) of LD 1/2018) the duration of the state of national emergency cannot exceed 12 months and can be extended for no more than a further 12 months. Therefore, after April 2025, the already existing state of emergency cannot be extended but a new one can be declared.

³ Ordinance No. 1170 of 5 November 2025, issued by the Italian Civil Protection Department, available [here](#).

⁴ Eurostat, Asylum applicants by type - annual aggregated data.

⁵ Eurostat, First instance decisions.

⁶ ASGI, Asilo impossibile: il TAR Veneto condanna la strutturale inaccessibilità al diritto di asilo nelle Questure di Vicenza e Venezia, 20 March 2026, available [here](#).

⁷ Response of the Dublin Unit to the public access information request sent by ASGI.

- ❖ **Safe country list:** On 31 January 2025, the Civil Court of Appeal of Rome, suspending the validation of detentions of asylum seekers moved to Albania, decided to request another preliminary judgement to the CJEU. In its judgment of 1 August 2025 in joined cases C-758/24 (Alace) and C -759/2024 (Canpelli) the CJEU held that Article 37 of Directive 2013/32, read in conjunction with Annex I thereto, must be interpreted as precluding a Member State from designating as a safe country of origin a third country that does not satisfy, for certain categories of persons, the substantive conditions for that designation set out in Annex I to the Directive. This applies even where, as in the Italian case, the designation as safe country was made by law.⁸ Since people held in Albanian centres were those subject to the border procedure, i.e. asylum applicants coming from safe countries of origin or evading border controls, the CJEU decision directly affected transfers to Albania, as in most cases the country of origin of the people rescued could no longer be included in the safe countries of origin list.

Reception conditions

- ❖ **Access to reception:** Through a decision published on 29 April 2026, the administrative court for Veneto ruled that the exclusion provision for those who apply for asylum after 90 days of entering Italy⁹ must be disapplied, due to its conflict with Article 20 of the Reception Conditions Directive, which does not provide for any limits on access to reception measures on this basis. Furthermore, the court noted that where the same law prioritises access to reception for "those who have arrived in the national territory following sea rescue operations" it has to be interpreted as not affecting the principle that reception must be guaranteed to all individuals who have applied for international protection.¹⁰
- ❖ **Housing:** As of 31 December 2025, 101,106 asylum applicants were accommodated in emergency accommodation centres (CAS), 3,652 in hotspots 3,342 in Government centres.¹¹ The total number of people accommodated in the SAI system on 31 January 2026 was 39,497.
- ❖ **Freedom of movement:** After the entry into force of the Eu Pact for asylum, the provision set out in Article 9 of the Reception Directive concerning the restrictions of freedom of movement of asylum applicants started to be applied to applicants in border procedure in a way that they were de facto detained. Already two decisions from the Civil Court of Palermo and from the Civil Court of Bologna clarified the limits of the provision included in Article 5-ter of the Reception Decree.¹²

Detention of asylum seekers

- ❖ **Places of detention:** In 2025, in line with the framework established by Decree-Law 20/2023, as converted into Law 50/2023, the use of detention facilities - whether hotspots, CPRs or the so-called "locali idonei" – has increased. However, serious limitations on the rights of detained persons continue to be reported. The network of pre-removal detention centres (CPRs) expanded to 11 facilities, including the new centre in Gjadër (Albania), while the hotspot system continued to operate with 13 facilities.
- ❖ **Detention conditions:** The National Guarantor for the Rights of Persons Deprived of Liberty's Report to Parliament published in June 2026, includes data relating to previous years on the number of persons held and returns carried out from the so-called "locali idonei", generally set in local police headquarters (*Questure*). The increasing use of these facilities raises concerns considering the shortcomings already identified. Detainees are informed of the possibility of requesting voluntary departure, but not of their right to apply for international protection. No medical assessment of fitness for detention is carried out, although a doctor from the National

⁸ CJEU, joined cases C-758/24 and C-759/24, decision of 1 August 2025, available [here](#).

⁹ Article 15 quinquies Decree Law 145/2024 as amended by L. 187/2024 and introducing Article 1 (2 bis) to the Reception Decree.

¹⁰ Administrative court for Veneto region, decision no. 971/2026, published on 29 April 2026.

¹¹ Response to a FOIA data request presented to the MOI by ASGI.

¹² Civil Court of Palermo, decision of 29 June 2026; Civil Court of Bologna, decision of 10 July 2026.

Health Service may be contacted upon request; mobile phones are confiscated and may only be used under police supervision to contact family members or lawyers. Regarding conditions in hotspots, the monitoring visit carried out by ASGI in Pantelleria in 2025 identified persistent structural deficiencies, including de facto detention without a legal basis, restrictions on communication and legal assistance, shortcomings in access to asylum procedures, deficiencies in age-assessment procedures for minors, and inadequate conditions due to overcrowding and the lack of dedicated spaces for vulnerable groups.

Content of international protection

- ❖ **Residence permits:** Refugee status and subsidiary protection beneficiaries are recognised 5-year residence permits, while special protection holders have access 2-year permits. Renewal delays are chronic, with waiting times that can reach up to 16-18 months, with only a receipt being provided as interim proof, which the authorities increasingly refuse to treat as valid after nine months. A class action is pending before the Veneto TAR over these delays.
- ❖ **Long-term residence and naturalization:** Refugees and subsidiary protection holders can apply for EU long-term residence after 5 years; only 78 such permits were issued to protection holders in 2025 (25 refugees, 53 subsidiary protection), alongside 4,245 renewals. For citizenship, refugees wait 5 years, subsidiary protection holders 10 years; 923 refugees were naturalised in 2025 (data on subsidiary protection holders was not provided).
- ❖ **Cessation and withdrawal:** 471 cessation decisions and 175 withdrawal decisions were issued in 2025. Return visits to the country of origin remain a common trigger for cessation proceedings.
- ❖ **Family reunification:** Refugees and subsidiary protection beneficiaries are exempt from the requirements imposed on other third-country nationals to access family reunification (i.e. income, housing, two-year-residence). Courts continue to intervene against delays in replies from embassies (particularly in Kabul, Islamabad, and Casablanca).
- ❖ **Housing:** The System of Accommodation and Integration (SAI system) reported having 867 active projects with a capacity of 41,700 places (out of which 41,159 were occupied) as of the end of 2025. Reception in SAI is granted to beneficiaries of protection for a maximum of 6 months (extendable), and many beneficiaries are left without accommodation in the time between their exit from first-reception or CAS centres and the moment in which they are placed in SAI. Public housing access is formally equal to Italian citizens, and courts have repeatedly struck down discriminatory regional residency and documentary requirements.
- ❖ **Social welfare:** While in principle beneficiaries of protection receive a treatment equal to that of Italian citizens in terms of accessing social welfare, access to the new “inclusion income” schemes (replacing the ‘Citizens’ income’ - *Reddito di Cittadinanza* - scheme from 2024) is only possible after at least 5 years of residence, thus excluding beneficiaries of protection that have been recently issued a permit.

Temporary protection

The information given hereafter constitutes a short summary of the annex on Temporary Protection to this report. For further information, see [Annex on Temporary Protection](#).

- ❖ **Key statistics:** In the period between 1 January 2025 and 31 March 2026, 21,481 new applications for temporary protection and 73,478 applications to renew Temporary Protection permits were presented. There were 11,024 applications to convert Temporary Protection into work permits in 2025, plus 5,635 more in first quarter of 2026. 955 asylum decisions were issued to Ukrainian nationals, out of which 910 were positive. As of 31 December 2025, 2,963

minors of Ukrainian nationality were registered - representing roughly 78% of all female minors present in reception facilities.

- ❖ **Access to asylum:** It appears that Ukrainian men are increasingly applying for asylum instead of renewing passports (to avoid contact with Ukrainian consular authorities linked to conscription).

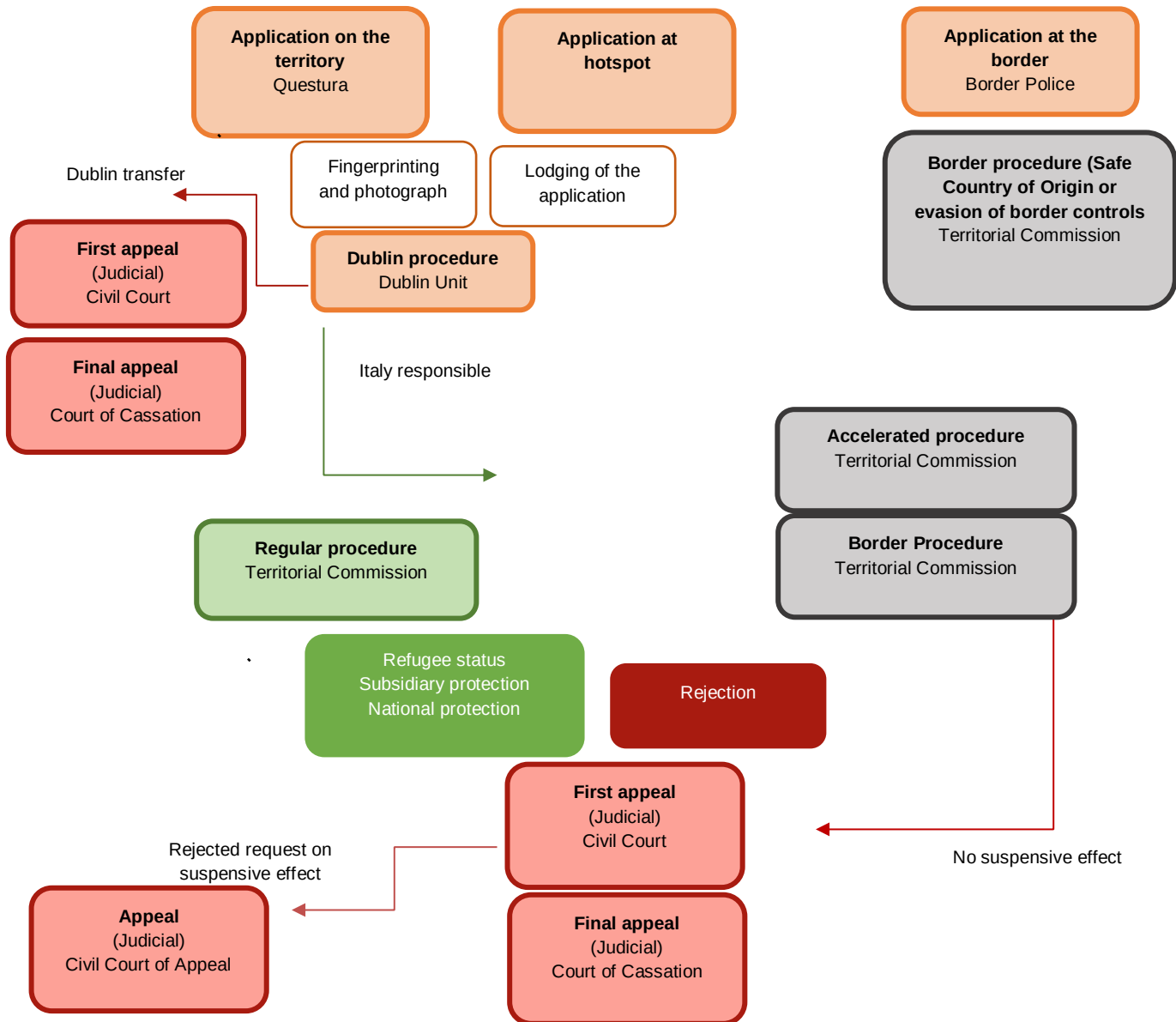
Content of temporary protection

- ❖ **Housing:** Reception for temporary protection beneficiaries occurs in CAS and SAI centres, as well as through “*accoglienza diffusa*” (community hosting). The economic contribution for private accommodation (€300/adult, €150/child) ended on 20 April 2025. The system is being progressively folded into the ordinary SAI/CAS reception network, and available places cover only about 20% of demand.

Asylum Procedure

A. General

1. Flow chart



2. Types of procedures

Indicators: Types of Procedures

1. Which types of procedures exist in the country?

❖ Regular procedure:	☒ Yes	☐ No
▪ Prioritised examination: ¹³	☒ Yes	☐ No
▪ Fast-track processing: ¹⁴	☐ Yes	☒ No
❖ Dublin procedure:	☒ Yes	☐ No
❖ Admissibility procedure:	☒ Yes	☐ No
❖ Border procedure:	☒ Yes	☐ No
❖ Accelerated procedure: ¹⁵	☒ Yes	☐ No
❖ Other:	☒ Yes	☐ No
2. Are any of the procedures that are foreseen in the law, not being applied in practice?

☐ Yes	☒ No
------------------------------	--

With the 2018 reform, the border procedure was established for applicants making an asylum application directly at the border or in transit areas after having been apprehended for having evaded or attempting to evade border controls. It has been applied since the issuance of the Ministry of Foreign Affairs Decree of 5 August 2019, published on 7 September 2019, which identifies the border and transit areas covered by the accelerated procedure. The border procedure also applies to asylum applicants who come from a designated [Safe Country of Origin](#). In these cases, the entire procedure can be carried out directly at the border or in the transit area.¹⁶ Through L. 75 of 23 May 2025, the border procedure has been extended to all cases of accelerated procedure set out in Article 28 bis (1) and (2) of the Procedure Decree.

3. List of authorities that intervene in each stage of the procedure

Stage of the procedure	Competent authority (EN)	Competent authority (IT)
Application ❖ At the border ❖ On the territory	Border Police Immigration Office, Police	Polizia di Frontiera Ufficio Immigrazione, Questura
Extraterritorial waters in case of transfer to Albania	Immigration Office, Police of Rome	Ufficio Immigrazione della Questura di Roma
Dublin	Dublin Unit, Ministry of Interior	Unità Dublino, Ministero dell'Interno
Refugee status determination	Territorial Commissions for the Recognition of International Protection	Commissioni Territoriali per il Riconoscimento della Protezione Internazionale
Appeal	Civil Court	Tribunale Civile
appeal against the rejection of suspensive effect	Civil Court of Appeal	Corte d'Appello Civile
Onward appeal	Court of Cassation	Corte di Cassazione
Subsequent application	Territorial Commissions for the Recognition of International Protection	Commissioni Territoriali per il Riconoscimento della Protezione Internazionale
Revocation / withdrawal	National Commission for Asylum	Commissione Nazionale per il diritto d'asilo
Returns (voluntary and forced)	Questura	Prefecture

¹³ For applications likely to be well-founded or made by vulnerable applicants.

¹⁴ Accelerating the processing of specific caseloads as part of the regular procedure, without reducing procedural guarantees.

¹⁵ Entailing lower procedural safeguards, whether labelled as "accelerated procedure" in national law or not.

¹⁶ Article 28-bis(1-ter) Procedure Decree, as amended by Decree Law 113/2018, by DL 20/2023 converted by L. 50/2023 and by L. nr.75/2025.

4. Determining authority

Name in English	Number of Commissions	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision making in individual cases by the determining authority?
Territorial Commissions for International Protection	20 + 23 sub commissions	Ministry of Interior	☒ Yes ☐ No

The competent authorities to examine asylum applications and to take first instance decisions are the Territorial Commissions for the Recognition of International Protection (*Commissioni Territoriali per il Riconoscimento della Protezione Internazionale*), which are administrative bodies specialised in the field of asylum, under the Ministry of Interior. The Territorial Commissions are established under the responsibility of Prefectures.¹⁷ LD 220/2017, entering into force on 31 January 2018, reformed the functioning and composition of the Territorial Commissions. There are 43 collegial bodies responsible for examining applications for international protection, of which 20 are Commissions and 23 are Sections.¹⁸

4.1 Composition of Territorial Commissions

The law foresees the creation of 20 Territorial Commissions¹⁹ and up to 30 sub-Commissions across the national territory, to boost and improve the management of the increasing number of applications for international protection.²⁰ As of December 2024, there were 20 Territorial Commissions and 23 sub-Commissions across Italy.²¹

As amended by LD 220/2017, each Territorial Commission is composed at least by 6 members, in compliance with gender balance. These include:²²

- ❖ 1 President, with prefectural experience, appointed by the Ministry of Interior;
- ❖ 1 expert in international protection and human rights, designated by UNHCR;
- ❖ 4 or more highly qualified administrative officials of the Ministry of Interior, appointed by periodic public tenders.²³
- ❖ on a temporary basis, by workers with fixed-term employment contracts with adequate professionalism and by staff of the European Union Agency for Asylum, specially trained in the field of international protection by the Interior Administration, appointed by order of the Head of the Department for Civil Liberties and Immigration of the Ministry of the Interior, after consulting the National Commission.²⁴

Decisions are taken by a panel made up of the president, the expert designated by UNHCR and two of the members with investigative duties assigned to the same Commission, including the member who carried out the interview.²⁵

The Territorial Commissions may be supplemented, upon request of the President of the National Commission for the Right to Asylum (CNDA), by an official of the Ministry of Foreign Affairs when, in relation to particularly high number of asylum applications to be processed at the same time, it is

¹⁷ Article 4(1) Procedure Decree, as amended by LD 220/2017.

¹⁸ See Department of civil liberties and migration, available in Italian [here](#).

¹⁹ Article 4(2) Procedure Decree.

²⁰ Article 4(2-bis) Procedure Decree.

²¹ Ministero dell'Interno, Dipartimento per le libertà civili e l'immigrazione, Commissione Nazionale per il diritto di asilo, available in Italian [here](#).

²² Article 4(3) Procedure Decree, as amended by LD 220/2017.

²³ Article 4(1-bis) Procedure Decree, inserted by LD 220/2017, citing Article 13 Decree Law 13/2017, followed by the appointment of 250 persons through public tender.

²⁴ Article 4 (3) as amended by Article 15 - sexies (1 a) DL 145/2024 converted into L 187/2024.

²⁵ Ibidem.

necessary to acquire specific assessments of competence regarding the situation in the country of origin. Where necessary, the Commissions can also be chaired by prefectural career officials in retirement.²⁶

Before the appointment of the members of the Territorial Commissions, the absence of conflict of interests must be evaluated.²⁷ For the President and the UNHCR representative, one or more substitutes are appointed. The assignment is valid for 3 years, renewable.²⁸

Following the 2017 reform, interviews are conducted by officials of the Ministry of Interior. The decision-making sessions of the Commission consist of panel discussions composed by the President, the UNHCR-appointed expert and two of the administrative officers, including the one conducting the interview.²⁹ Under the Procedure Decree, the decision on the merits of the asylum claim must be taken at least by a simple majority of the Territorial Commission, namely 3 members; in the case of a tie, the President's vote prevails.³⁰

In 2016, the CNDA adopted a Code of Conduct for the members of the Territorial Commissions, the interpreters and the personnel supporting them.³¹ The CNDA not only coordinates and provides guidance to the Territorial Commissions in carrying out their tasks but is also responsible for the revocation and cessation of international protection.³²

These bodies should be independent in taking individual decisions on asylum applications. However, considering that the Commissions are part of the Department of Civil Liberties and Immigration of the Ministry of Interior, several reports pointed to the fact they had received general instructions from the Ministry of Interior. Some examples are the instructions given for the grounds of inadmissibility, manifestly unfoundedness, use of border procedures.³³

Such guidance is issued in the exercise of the coordination authority assigned to the National Commission for Asylum within the context of the decentralized asylum system made up of the territorial commissions, as expressly provided by law (Art. 5 of Legislative Decree No. 25 of 2008). This guidance does not concern the resolution of individual cases, for which the territorial commissions have autonomy in judgment and evaluation, as likewise established by Legislative Decree No. 25 of 2008.

4.2 Training and quality assurance

The law requires the CNDA to provide training to its members and Territorial Commissions' staff. Training is supposed to ensure that those who will consider and decide on asylum claims will consider the asylum applicant's personal and general circumstances, including the applicant's culture of origin or vulnerability. Since 2014, the CNDA has organised training courses based on the EUAA modules, in particular on "Inclusion", "Country of Origin Information" and "Interview Techniques". These training courses provide both an online study session and a two-day advanced analysis conducted at central level in Rome. In addition to these permanent trainings, courses on specific topics are also organised at the local level. By law, the National Commission should also provide training to interpreters to ensure appropriate communication between the applicant and the official who conducts the substantive interview.³⁴

The National Asylum Commission (CNA) has developed a dedicated training package for interpreters working within the territorial Commissions and Sections, utilizing the Quality Unit - an entity composed of personnel from the CNA itself along with staff from the EUAA and UNHCR. This unit is tasked, among other responsibilities, with providing support tools to assist the work of the territorial Commissions

²⁶ Article 4(3) Procedure Decree, as amended by LD 220/2017.

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ Article 4(4) Procedure Decree.

³¹ Article 5(1-ter) Procedure Decree, available [here](#).

³² Articles 13 and 14 PD 21/2015.

³³ Circulars from the Minister of Interior: circular of 30.10.2020 on interpretation of LD no. 130 of 2020 available at <https://bit.ly/3MPpyMQ>; and Circular of 08.01.21 available at <https://bit.ly/3q1Oozk>.

³⁴ Article 15 Procedure Decree.

UNHCR takes part in the decisions, and any divergent opinion is noted in the minutes, which can be accessed by the applicant and by their lawyer. In all cases, when there are divergent opinions (usually that of the UNHCR), the decision is indicated as taken by majority and not unanimously.

5. Short overview of the asylum procedure

Throughout 2025, the support offered by the European Union Agency for Asylum (EUAA)³⁵ to the Italian Asylum Authorities continued at different stages of the procedure.

Italy has received operational support by the EASO/EUAA since 2013. The 2022-2024 operational plan was amended twice, with the latest amendment in March 2024 to reflect the changes in the operational context in light of “the increased pressure on the asylum and reception systems”.³⁶ In December 2024, at the request of the Italian authorities, the EUAA and Italy agreed on an operational plan for 2025, with continued support in asylum procedures, reception and temporary protection.³⁷ In November 2025, at the request of the Italian authorities, the plan was amended to have support prolonged until 31 December 2026.³⁸

Throughout 2025, the EUAA deployed 307 experts in Italy,³⁹ mostly external experts (237) and temporary agency workers (57). The majority of the experts deployed were asylum procedures experts (52), access to asylum procedures experts (50), reception and site management experts (46), queue flow management assistants (18) and legal expert asylum reception (16), followed by other support staff (e.g., Dublin regulation experts, intermediate asylum registration experts, vulnerability expert officers, asylum and reception information system experts, etc.).⁴⁰

As of 15 December 2025, there were 212 EUAA experts present in Italy, mostly asylum procedures experts (48), access to asylum procedures experts (45), and reception and site management experts (44).⁴¹

In 2025, the EUAA delivered 82 training sessions to a total of 4,118 local staff members.⁴²

Application

According to Italian law, there is no formal timeframe for making an asylum application. The intention to make an asylum application may be expressed orally by the applicant in their language with the assistance of a linguistic-cultural mediator.⁴³ However, asylum seekers should make their application as soon as possible. Immigration legislation prescribes, as a rule, a deadline of 8 days from arrival in Italy for migrants to present themselves to the authorities.⁴⁴

According to the law introduced by DL 145/2024, an asylum application submitted - without justified reasons - more than 90 days from the irregular entry in Italy or from the start of the period of irregular

³⁵ It should be noted that Regulation 2021/2023 entered into force on 19 January 2022, transforming EASO into the EU Agency for Asylum (EUAA).

³⁶ EUAA, *Operational Plan 2022-2024 agreed by the European Union Agency for Asylum and Italy – Amendment 2*, March 2024, available [here](#).

³⁷ EUAA, *Operational Plan 2025 agreed by the European Union Agency for Asylum and Italy*, December 2024, available [here](#).

³⁸ EUAA, *Operational Plan 2025 agreed by the European Union Agency for Asylum and Italy – Amendment 1*, November 2025, available [here](#).

³⁹ EUAA personnel numbers do not include deployed interpreters by the EUAA in support of asylum and reception activities. In the course of 2025, some profiles were transitioned from Temporary agency workers into external expert.

⁴⁰ Information provided by the EUAA, 05 March 2026. In the figures above, 37 persons were included under different type of contracts as a change of deployment modality took place in the course of 2025.

⁴¹ Information provided by the EUAA, 05 March 2026.

⁴² Information provided by the EUAA, 05 March 2026.

⁴³ Article 3(1) PD 21/2015.

⁴⁴ Article 3(2) PD 21/2015.

stay, is channelled into the accelerated procedure and does not give access to accommodation if the applicant does not provide justified reasons for the delay.⁴⁵

The asylum application can be made either at the border police office or within the territory at the provincial Immigration Office (*Ufficio immigrazione*) of the Police (*Questura*), where fingerprinting and photographing (*fotosegnalamento*) are carried out. In case the asylum application is made at the border, the Border Police invites asylum applicants to present themselves at the Questura for formal registration. Police authorities cannot examine the merits of the asylum application. The law establishes that the lodging of the application should occur within 3 days from the expression of the will to apply – 6 days if the willingness is manifested at border – the time limit may be postponed up to 10 days in case of significant numbers.⁴⁶ In practice, however, these deadlines are rarely respected, and especially in big metropolitan areas such as Milan, Rome, and Naples, asylum applicants manage to lodge their applications only after some weeks or even a couple of months.

According to the rules on the procedure, within the context of the registration/lodging of the international protection application, the Questura screens potential Dublin indicators and asks the asylum applicant questions related to the Dublin Regulation conducting the personal interview according to art. 5 of the Dublin Regulation. However, in practice, ASGI observed that the Dublin interview generally coincides with the interview taken for the lodging of the application. This means that no specific questions are asked that could change the decision on responsibility determination. If, based on proofs and circumstantial evidence gathered, the responsibility seems to be of another EU+ MS, the Questura transmits the case file to the determining authority, i.e. the Dublin Unit of the Ministry of Interior, which will verify and determine which country is responsible for the examination of the asylum application according to relevant law. In the meanwhile, since the person is registered as an international protection applicant, he/she is entitled to stay on the territory. He/she will receive a certificate stating their status of asylum seeker and his right to remain in Italy (*attestato nominativo*); the permit of stay will then indicate “Dublin” or “richiesta asilo”. If the Dublin Unit determines that another EU+ MS is responsible a transfer decree will be issued and notified according to art. 26 of the Dublin Regulation; if Italy is responsible, the case will be channelled into national procedure, by referring it back to the Questura, which will in turn transmit the case to the competent Territorial Commission. After the lodging (*verbalizzazione*) of the application, if no Dublin indicators arise, or once the Dublin Unit has established the Italian responsibility, the Questura sends the formal registration form and the documents concerning the asylum application to the Territorial Commissions or sub-Commissions for International Protection located throughout the national territory, the only authorities competent for the substantive asylum interview.⁴⁷ The asylum applicant is then notified by the Questura of the interview date before the Territorial Commission.

Regular procedure

According to the Procedure Decree,⁴⁸ a member of the Territorial Commission should interview the applicant within 30 days of having received the application, and the Commission should decide on its result in the 3 following working days.

The decision shall be taken following a panel discussion between all members of the Commission. Should the Territorial Commission be unable to take a decision in the time limit, or in case it finds itself in need of new elements, the examination procedure should be concluded within six months of the lodging of the application.

However, the Territorial Commission may extend the time limit for a period not exceeding a further nine months, where:

- (a) complex issues of fact and/or law are involved;
- (b) a large number of asylum applications are made simultaneously;

⁴⁵ Article 15- quinquies (1) DL 145/2025 converted into L. 187/2024.

⁴⁶ Art. 26 Procedure Decree.

⁴⁷ Article 4 Procedure Decree, as amended by LD 220/2017.

⁴⁸ Article 27 Procedure Decree.

- (c) the delay can clearly be attributed to the failure of the applicant to comply with their obligations of cooperation.

By way of exception, in duly justified circumstances, the Territorial Commission may further exceed this time limit by three months where necessary to ensure an adequate and complete examination of the application for international protection.⁴⁹ In the light of the different possibilities of extension, the asylum procedure may last for a maximum period of 18 months.

According to ASGI's experience, due to the large number of simultaneous applications, the time limits are never respected in practice, and the asylum applicant is generally not informed about the authorities exceeding the deadlines.

Starting in 2024, to address the increase in applications for international protection, measures aimed at reducing the backlog have been implemented within the system of Territorial Commissions. These initiatives include efforts to substantially increase the number of staff responsible for processing protection applications within the Commissions. Specifically, the number of Ministry of the Interior officials assigned to the Commissions has been increased. Additionally, a legislative amendment introduced the possibility of employing fixed-term personnel as well as staff from the European Union Agency for Asylum (EUAA) within the Territorial Commissions. Despite this, the working conditions in the Commissions and the number of files for each commissioner led the workers to organise a national strike on 24 May 2024.⁵⁰ Stakeholders in the field in Italy do not see any improvements as a result of these measures as of 2025: waiting times for hearings continue to increase.

Prioritised and accelerated procedures

The Procedure Decree provides for an accelerated procedure and a prioritised procedure. The President of the Territorial Commission identifies the cases under the prioritised or accelerated procedure.⁵¹

Border procedure

With the 2018 reform, the border procedure was established for applicants making an asylum application directly at the border or in transit areas, after having been apprehended for having evaded or attempting to evade border controls. In this case, the entire procedure can be carried out directly at the border or in the transit area.⁵²

The reform introduced by L. 50 of 5 May 2023, allowed the authorities to carry out the border procedure for people coming from safe countries of origin making the application at the border or transit areas.⁵³ Through L. 75 of 23 May 2025, the border procedure has been extended to all cases of accelerated procedure - set out in Article 28 bis (1) and (2) of the Procedure Decree.

From October 2024, people subject to the border procedure rescued by Italian ships in international waters were also subject to the procedure set out by the agreement between Italy and Albania according to which they were directly transferred to the hotspot and first accommodation centres under Italian jurisdiction created in Albania.⁵⁴

Border and transit areas for the accelerated examination of asylum applications were identified by ministerial decree of 5 August 2019,⁵⁵ and include areas in the provinces of Trieste and Gorizia (Balkan border); the provinces of Crotone, Cosenza, Matera, Lecce, Brindisi (southern coastal area); two areas in

⁴⁹ Article 27 Procedure Decree.

⁵⁰ ASGI, Lo sciopero del personale delle commissioni territoriali è sintomatico dell'attacco in corso al diritto d'asilo, 24 May 2024, available [here](#).

⁵¹ Article 28(1) Procedure Decree.

⁵² Article 28-bis(2) (b)) Procedure Decree, as amended by Decree Law 130/2020 and L 173/2020

⁵³ Article 28 bis (b bis) introduced by L. 50/2023.

⁵⁴ Article 3(2) L. 14/2024 ratifying the agreement taken by the Italian and Albanian Government, available at: bit.ly/44vBGfr.

⁵⁵ Available at: <https://bit.ly/3CJxWcm>.

Sicily, one including the Provinces of Caltanissetta, Ragusa, Syracuse, Catania, Messina, the other including Trapani and Agrigento Provinces; and the Metropolitan city area of Cagliari (South Sardinia). The decree also instituted sections of the territorial commissions in charge to operate in these areas. The list of safe countries has been expanded to include additional countries through a Ministerial Decree of 7 May 2024. The additional countries included are Bangladesh, Cameroon, Colombia, Egypt, Peru and Sri Lanka.⁵⁶ However, after the CJEU decision issued on 4 October 2024,⁵⁷ clarifying that no countries with territorial exclusions could be kept on the list, through decree law 158/2024 a new safe countries of origin list was included directly in the Procedure Decree (Article 2 bis), deleting Colombia, Nigeria and Cameroon. Later, L. 187/2024, implementing DL 145/2024 and repealing DL 158/2024, confirmed the introduction of the new list in Article 2 bis of the Procedure Decree.

Appeal

Asylum applicants can appeal a negative decision issued by the Territorial Commission within 30 days before the competent Civil Court. Following Decree Law 13/2017, there are specialised court sections competent for examining asylum appeals.

In case of a negative decision on the merits, the applicant is recognized the right to stay on the national territory pending the appeal.

Applicants placed in detention facilities and applicants whose application is examined under the accelerated procedure, on the basis of Article 28-bis of the Procedure Decree, have only 15 days or 7 days to lodge an appeal,⁵⁸ and they can be recognized the right to stay pending the appeal only upon a separate request to the court.

In case the suspensive effect is denied, an appeal can be submitted, within 5 days, to the Civil Court of Appeal, which should then decide whether to grant suspensive effect within 10 days. The filing of a complaint does not suspend the procedure.⁵⁹

After the entry into force of Decree Law 13/2017, the final decision of the civil court (first appeal) can only be challenged in law before the Court of Cassation (final appeal) within 30 days. Before the reform, the decision of the civil court could also be appealed in fact and law in front of the Court of Appeal, within 30 days of the notification of the decision.

Even if, according to rules introduced in 2017, proceedings before the civil courts should last a maximum of 4 months,⁶⁰ and 6 months before the Court of Cassation, the actual duration largely exceeds these terms, in some cases even tenfold.⁶¹

Asylum and return

In case a negative decision is notified to an asylum applicant, it is linked to a return decision notified together with the rejection but, in most cases, rejected asylum seekers have the right to submit an appeal within 15 or 30 days and, when the appeal does not have automatic suspensive effect, they have the right to stay until the Court issues a decision on the suspension. After that, people are requested to provide evidence of having submitted an appeal and that the suspensive request was accepted.

⁵⁶ Ministry of Foreign Affairs and International Cooperation Decree, 7 May 2024, available at: <https://acesse.dev/8L10U>.

⁵⁷ CJEU, C-406/22 decision of 4 October 2024.

⁵⁸ Article 35 bis Procedure Decree as amended by DL 145/2024 converted into L. 187/2024.

⁵⁹ Article 35 bis (4 bis) Procedure Decree introduced by Article 17 DL 145/2024.

⁶⁰ Article 35 bis (13) (14) (15) Procedure Decree.

⁶¹ See, in this sense and for an analysis of the functioning of the specialised court sections, L. Perilli, Le sezioni specializzate in materia di immigrazione a cinque anni dalla loro istituzione. Un'indagine sul campo, in *Diritto Immigrazione e Cittadinanza*, n. 1/2023, available in Italian at: <https://bit.ly/43fq6TS>.

B. Access to the procedure and registration

1. Access to the territory and push backs

Indicators: Access to the Territory

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? ☒ Yes ☐ No
2. Is there a border monitoring system in place? ☐ Yes ☒ No
3. Who is responsible for border monitoring? ☐ National authorities ☐ NGOs ☐ Other
4. How often is border monitoring carried out? ☐ Frequently ☐ Rarely ☐ Never

In 2025, according to MOI data, 66,296 people disembarked in Italy, a figure broadly in line with the previous year (66,617 in 2024, representing a marginal decrease of approximately 0.5%) and still well below the 2023 level (157,651).

Libya was by far the main departure point for migrants and refugees reaching Italy by sea in 2025. Approximately 58,000 people — around 87% of all sea arrivals — departed from Libyan shores, an increase of almost 40% compared with 2024 (approximately 42,000). Over the same period, departures from Tunisia fell sharply (by about 75%), while those from Türkiye decreased by approx. 65%. The Algeria–Sardinia route recorded an increase of approx. 31% but remained marginal in absolute terms, accounting for fewer than 2,000 arrivals.⁶²

Lampedusa remained the main port of disembarkation, receiving more than 49,500 people arrivals (approximately 75% of the total), followed by mainland Sicily (9%) and Calabria (4%).⁶³

As regards the land route, according to UNHCR estimates around 4,600 people had been detected entering Italy irregularly in the first nine months of 2025, primarily across the Italian border with Slovenia. Those arriving by land via south-eastern Europe mainly originated from Bangladesh, Afghanistan, Pakistan, Morocco and Egypt, as part of the broader Western Balkan route.⁶⁴

1.1 Arrivals by sea

In 2025, 66,296 persons disembarked in Italy, similar to 2024 (66,617) and still markedly lower than 2023 (157,651) and 2022 (105,131). Despite the number of sea arrivals remaining far below the 2023 peak, a total of 126,635 asylum applicants were registered in 2025,⁶⁵ a decrease compared to the 158,605 recorded in 2024. The highest number of monthly sea arrivals was recorded in September, when 8,315 persons reached the Italian coasts.⁶⁶ 12,142 unaccompanied minors (Minori Stranieri Non Accompagnati – MSNA) disembarked in 2025, up from 8,752 in 2024 but still below the 18,820 recorded in 2023.⁶⁷

As in 2024, the main nationality of people disembarked was Bangladesh (20,164 in total, approximately 30% of all sea arrivals). The other most represented nationalities were Egypt (9,091), Eritrea (7,579), Pakistan (4,383) and Sudan (4,183). The marked increase in Eritrean and Sudanese share of arrivals — rising respectively from 3% to 12% and from 3% to 6% of the total compared to 2024 — is notable, alongside a sharp fall in the share of Tunisian nationals (from 12% to 3%). The two main nationalities,

⁶² UNHCR, *Italy – Sea Arrivals Overview 2025*, UNHCR Operational Data Portal, available [here](#); see also the Italy sea arrivals page [here](#).

⁶³ UNHCR, *Italy – Sea Arrivals Overview 2025*, UNHCR Operational Data Portal, available [here](#); see also the Italy sea arrivals page [here](#).

⁶⁴ UNHCR, *Italy Fact Sheets*, 2025 (monthly), UNHCR Operational Data Portal, Italy page, available [here](#).

⁶⁵ Eurostat, *Migration and Asylum Database*, 2025 data, available at: <https://shorturl.at/HqM8O>; see also the Statistics section of this report.

⁶⁶ Ministry of Interior, *Cruscotto statistico giornaliero*, 31 December 2025, available in Italian [here](#).

⁶⁷ Ministry of Interior, *Cruscotto statistico giornaliero*, 31 December 2025, available in Italian [here](#).

Bangladesh and Egypt, are both included in the Italian list of safe countries of origin, whereas Eritrea, Pakistan and Sudan are not.⁶⁸

Italian authorities classify arrivals of migrants in a way that lacks transparency. As explained by Altreconomia,⁶⁹ the Italian authorities mostly consider rescue operations as “law enforcement” interceptions, disembarking most of the rescued people on the island of Lampedusa to increase the perception of a chronic emergency.

Furthermore, the approval of Decree Law 1/2023, converted into Law 15/2023, had a major impact on the effectiveness of SAR operations conducted by NGOs, which has been further hindered. In 2023, civil society vessels accounted for only a small share of rescues: as of July 2023, just 4.2% of rescue operations had been carried out by NGOs since January, against 68% conducted by public authorities, while over the whole year only 8,904 people — less than 6% of the total — had been rescued by SAR GOs.⁷⁰ NGOs vessels already played a limited, albeit slightly less limited, role in previous years: according to ISPI estimates, they had also rescued a minority of people arriving by sea in previous years (around 10% in 2022 and 11.5% in 2021).⁷¹ This confirms how misguided the theories attributing a “pull factor” role to NGO vessels are. Comparable official figures are not available for 2024 and 2025. Since the summer of 2024, the Ministry of the Interior has further reduced the transparency of its data, declining, including in response to FOIA requests, to disclose the classification of disembarkation events and the specific places of arrival.⁷² Independent monitoring indicates, however, that the practice of classifying rescues as “law enforcement” rather than search and rescue operations persists: according to data obtained by the NGO Open Arms, around 58% of sea rescues were still recorded as police operations in 2025.

1.1.1 State rescue operations and shipwreck incidents

State-coordinated search and rescue (SAR) in the Central Mediterranean has progressively weakened over the past decade. Following the replacement of the Sophia Operation by Operation IRINI on 31 March 2020, the operational focus shifted to the eastern part of the Libyan SAR region and the high seas between Greece and Egypt, sharply reducing the likelihood of encountering people in distress and, with it, the mission's rescue component.⁷³ Over the same period, a series of shipwrecks and judicial proceedings exposed a recurring pattern of delayed or omitted State intervention, and of rescue events being classified as law enforcement operations. A paradigmatic example is the shipwreck of 11 October 2013, in which 268 people, many of them children, died in the Maltese SAR zone: after years of proceedings, on 15 December 2022 the Court of Rome dismissed the case as statute-barred while nonetheless recognising the criminal responsibilities of the indicted officers. The UN Human Rights Committee had already condemned Italy and Malta for violations of the ICCPR.⁷⁴ For a detailed account of these earlier events, see the previous updates of this report.⁷⁵

⁶⁸ Ministry of Interior, *Cruscotto statistico giornaliero*, 31 December 2025, available in Italian [here](#).

⁶⁹ Altreconomia, “I dati che raccontano la guerra ai soccorsi nell’anno nero della strage di Cutro”, February 21 2024, available in Italian at <https://bit.ly/4ak0glk>;

⁷⁰ See SKY TG24, ‘Migranti e sbarchi, qual è il ruolo e il peso delle Ong sul totale dei salvataggi’, 27 September 2023, available in Italian at: <https://bit.ly/3T2zWWS> and Altreconomia, “I dati che raccontano la guerra ai soccorsi nell’anno nero della strage di Cutro”, February 21 2024, available in Italian at <https://bit.ly/4ak0glk>

⁷¹ ISPI, *Migrazioni nel Mediterraneo: tutti i numeri*, available in Italian [here](#) (share of sea arrivals rescued by NGO vessels).

⁷² Altreconomia, “Attività di polizia”: la finzione del Viminale per celare i luoghi di sbarco dal Mediterraneo, 2 September 2024, available in Italian [here](#) and Fanpage, *Più della metà dei soccorsi in mare classificata come operazione di polizia: i dati raccolti da Open Arms*, 29 October 2025, available in Italian [here](#).

⁷³ Senate studies service, *Da Sophia A Irini: La Missione Militare Ue nel Mediterraneo cambia nome, e Priorità*, April 2020, available at: <https://bit.ly/2Rq68G4> and Council of Europe Commissioner for Human Rights, *A distress call for human rights: The widening gap in migrant protection in the Mediterranean*, March 2021, available at: <https://bit.ly/2QX5ikh>.

⁷⁴ Ansa, ‘Naufragio bambini, due ufficiali a giudizio’, 16 September 2019, available in Italian at: <https://bit.ly/3fBEFsM>; see also: Alarmphone, ‘Left-to-Die Trial in Rome’, 2 December 2019, available at: <https://bit.ly/2LeRHyn>; ECRE, ‘Italy: Officials of the Italian Coast Guard Prosecuted for Shipwreck in 2013’, 20 September 2019, available at: <https://bit.ly/3ckBunh>.

⁷⁵ AIDA, *Country report – Italy: Update on the year 2024*, July 2025, available [here](#).

On 26 February 2023, a shipwreck occurred near Steccato di Cutro, on the Calabrian coast.⁷⁶ A boat that had departed from Izmir, Türkiye, broke up a short distance from the shore as it attempted to land. The official death toll was 94, including 35 minors, with around 15 people missing and 80 survivors.⁷⁷ The night before the tragedy, an aerial Frontex asset had alerted the Italian authorities to a boat that appeared to be heavily loaded and without visible life vests. The event was nonetheless handled by the Guardia di Finanza and classified as a law enforcement operation rather than a search and rescue one, in line with a practice established in 2019; the patrol boats that put to sea were unable to reach the vessel because of the deteriorating sea conditions, and the operation was reclassified as SAR only when it was already too late.⁷⁸

On 9 March, ASGI and other 41 associations submitted a collective complaint/report to the Public Prosecutor Office, asking them to open an extensive investigation aimed at ascertaining the public responsibilities of the authorities involved in the management of the operation.⁷⁹ A report prepared by the Fundamental Rights Office of Frontex, which monitors the activities of the European Border Agency,⁸⁰ points out that "the Italian authorities present in the Frontex monitoring room in Warsaw (an official from the coast guard and one from the Guardia di Finanza) considered as 'not of particular interest' the report in which the boat on which the migrants were travelling was spotted (hours before the shipwreck)." This contradicts the government stance that they did not receive any alerts from Frontex.⁸¹ At the end of 2024, the Public Prosecutor's Office of Crotona requested the committal for trial of six military personnel (four from the Guardia di Finanza and two from the Coast Guard) for alleged "inertia" and "omissions" on the night between 25 and 26 February 2023.⁸² The preliminary hearing began on 5 March 2025 and, on 21 July 2025, the judge for the preliminary hearing of Crotona committed all six defendants for trial on charges of negligent shipwreck and multiple negligent manslaughter. The Ministries of the Interior and of Infrastructure were summoned as parties bearing civil liability, while survivors, victims' relatives and several SAR NGOs were admitted as civil parties. The trial was scheduled to open before the Court of Crotona on 14 January 2026.⁸³

As regards the prosecution of the persons accused of steering the vessel, five defendants were charged by the Crotona Prosecutor's Office with aiding and abetting illegal immigration, negligent shipwreck and death as a consequence of another offence. Two of them were tried under the abbreviated procedure (*rito abbreviato*): the first was sentenced at first instance on 7 February 2024 to 20 years' imprisonment and a EUR 3 million fine,⁸⁴ a decision confirmed by the Court of Appeal of Catanzaro on 10 January 2025 and made final by the Court of Cassation on 11 June 2025; the second, considered the helmsman, was likewise sentenced to 20 years' imprisonment, confirmed on appeal on 19 March 2025, with an appeal before the Court of Cassation pending as of mid-2026. The remaining three defendants were tried under the ordinary procedure before the Court of Crotona and sentenced at first instance in December 2024 to terms ranging from 11 to 16 years' imprisonment; their appeal before the Court of Appeal of Catanzaro is

⁷⁶ Al Jazeera, 'Mediterranean shipwreck: Stories of tragedy emerge after 62 drown', 27 February 2023, available at: <http://bit.ly/3LBRICw> and LaStampa, 'Naufragio di Cutro, la ricostruzione ora per ora di quello che è accaduto la notte del 26 febbraio', 17 March 2023, available in Italian at: <http://bit.ly/3n5QGia>.

⁷⁷ LaStampa, 'Cutro due mesi dopo: inchieste congelate e sette cadaveri ancora senza nome', 5 May 2023, available in Italian at: <https://bit.ly/3MTFcsP>.

⁷⁸ See: Altreconomia, 'Se i naufraghi nel Mediterraneo diventano 'persone intercettate in operazioni di polizia'. Le ricadute sui soccorsi', 8 October 2019, available in Italian at: <https://bit.ly/3dwtQ9p>.

⁷⁹ See Watch the Med - Alarm Phone, 'Cutro shipwreck: Associations file a collective complaint with the Office of the Public Prosecutor', 10 March 2023, available at: <http://bit.ly/3Jw06uS> and ASGI, 'Naufragio Cutro: Associazioni depositano esposto collettivo in Procura', 9 March 2023, available in Italian at: <https://bit.ly/3LvHJcp>.

⁸⁰ Euractiv, 'Cutro: Italian authorities deemed migrant boat 'not of interest' before shipwreck', 30 January 2024, available at: <https://bit.ly/49x4yFk>.

⁸¹ ANSA, 'Naufragio migranti, Meloni: "Nessun allarme da Frontex. Io non scappo, ora Cdm a Cutro"', 5 March 2023, available in Italian at: <https://bit.ly/30O1aOi>.

⁸² RaiNews.it, 'Naufragio di Cutro: la procura chiede il processo per il 6 militari indagati', November 6 2024, available in Italian at <https://shorturl.at/KiyN7>.

⁸³ ANSA, 'Naufragio Cutro: al processo ammesse 88 parti civili', May 29, 2025, available in Italian at <https://shorturl.at/2juXF>.

⁸⁴ La Repubblica, 'Cutro, prima sentenza per il naufragio: 20 anni e 3 milioni di multa allo scafista', 8 February 2024, available in Italian at: <https://bit.ly/3T65YBo>.

still pending, with the Prosecutor General's submissions expected in July 2026. The Italian Government and the Calabria Region joined the proceedings as civil parties.⁸⁵

ASGI and other CSOs also supported survivors and family members of the missing and deceased migrants in the identification of victims and the right to truth, reporting on the procedural errors in the management of the situation by public authorities and on the unlawful and inhumane treatment to which survivors were subjected both in term of reception conditions and access to legal information.⁸⁶

1.1.2 Obstacles to NGO search and rescue activities

The initial “closure of ports” policy

The so-called “closed ports” policy began with Decree 53/2019 (known as the “Security Decree bis” or “Decreto Sicurezza bis”), which was introduced during Matteo Salvini's tenure as Minister of the Interior. This decree formalized the government's approach to restricting access to Italian ports for vessels conducting search and rescue operations in the Mediterranean Sea, particularly those operated by NGOs. Law Decree 130/2020, as amended by Law 173/2020, repealed the provisions introduced by Decree 53/2019, introducing new regulations on ministerial powers to limit the transit or docking of SAR vessels. However, this regulatory framework has been significantly modified by Law Decree 1/2023 (converted into Law 15/2023), which established a new “Code of Conduct” for NGOs engaged in SAR activities, imposing more stringent obligations and new sanctions. The competencies of the Minister of the Interior and the Ministry of Infrastructure and Transport, which overlap in some cases, have been further specified compared to the previous legislation. For a more detailed and accurate description of the previous legal framework, please refer to earlier versions of the AIDA country report on Italy.⁸⁷

Search and seizures operations of NGO rescue boats

Over the period 2020–2022, Italian authorities repeatedly resorted to the criminal seizure of NGO vessels and to port State control detentions as a means of obstructing civil-society search and rescue. Several vessels, including the Sea Watch 4 (detained in Palermo in September 2020 after rescuing 354 people), the Geo Barents, the Ocean Viking (detained in Trapani in January 2022) and the Mar Jonio, were held on technical or administrative grounds following complex rescue operations. For a detailed account of these cases, see the previous versions of this report.⁸⁸

An important clarification came from the Court of Justice of the European Union which, ruling on the Sea Watch 4 detention on 1 April 2022 (Case C-14/21), held that vessels registered as pleasure craft but systematically engaged in SAR fall within the scope of Directive 2009/16/EC on port State control. At the same time, the Court made clear that any detention or restriction adopted by the port State must be suitable, necessary and proportionate, and that such authorities cannot require certificates other than those issued by the flag State.⁸⁹

The most emblematic criminal case concerned the *Iuventa* vessel, operated by the German NGO Jugend Rettet: seized in August 2017 and at the centre of charges of aiding and abetting illegal immigration brought in 2021 against crew members and organisations, including Save the Children and Médecins Sans Frontières. On 19 April 2024, the Court of Trapani dismissed all charges on the ground that no

⁸⁵ Court of Cassation, 11 June 2025 (final conviction); Court of Appeal of Catanzaro, 10 January 2025; GUP Court of Crotone, 7 February 2024. See ANSA, *Cutro, definitiva la condanna di uno degli scafisti*, 11 June 2025, available in Italian [here](#) and Court of Appeal of Catanzaro, 19 March 2025. See Il Crotonese, *Naufragio Cutro: in appello confermata condanna a 20 anni*, 19 March 2025, available in Italian [here](#) and Court of Crotone, December 2024 (first-instance convictions under the ordinary procedure); appeal pending before the Court of Appeal of Catanzaro. See Gazzetta del Sud, 30 June 2026, available in Italian [here](#).

⁸⁶ ASGI, ‘Naufragio di Cutro, ASGI: ritardi nell’attivazione dell’accoglienza per i superstiti’, 11 March 2023, available in Italian at: <https://bit.ly/3JsByTM>.

⁸⁷ AIDA, *Country Report on Italy – Update on 2023*, July 2024, available [here](#).

⁸⁸ For a broader description of legal cases, see AIDA, *Country Report on Italy - Update on 2024*, July 2025, available [here](#).

⁸⁹ CJEU, Judgment of 1 April 2022, *Sea Watch* (Joined Cases C-14/21 and C-15/21), available [here](#).

offence had been committed and lifted the seizure of the vessel. The proceedings, the longest and most extensive ever brought against SAR NGOs in Italy, are widely regarded as emblematic of the criminalisation of civil-society rescue.⁹⁰

Reinstatement of the “closed ports” policy and 2023 Law on NGOs SAR activities

By the end of 2022, the newly appointed government reinstated the “closed ports” policy. On 24 October 2022, the Minister of the Interior, Matteo Piantedosi, issued a directive⁹¹ denying access to Italian ports to the Ocean Viking and Humanity 1 and instructing them to seek a place of safety from their flag States; on 4 November 2022, a further decree allowed only migrants in critical health conditions to disembark from the Geo Barents and Humanity 1.⁹² This selective approach was declared unlawful by the Civil Court of Catania on 6 February 2023,⁹³ which affirmed that all rescued persons had the right to reach safety ashore and to seek asylum in Italy, and rejected the government’s characterisation of some of them as “residual cargo”. For a fuller account of these events, see the previous versions of this report.

With the same objective, preventing the disembarkation of rescued migrants by hindering NGO search and rescue, the government adopted Decree Law 1/2023, converted into Law 15/2023 on 24 February 2023.⁹⁴ The law introduced a set of rules of conduct for vessels carrying out SAR activities and their captains, backed by administrative sanctions, and allowed the Government to limit or deny the transit or stay of NGO ships in its territorial waters where any of the following conditions is not met:

- a) the vessel systematically carrying out search and rescue activities has the authorisations issued by the authorities of the flag state and possesses the technical-nautical eligibility requirements for safe navigation;
- b) timely information is immediately provided to the rescued persons about the possibility of seeking international protection;
- c) the assignment of the port of disembarkation is requested in the immediacy of the event; and
- d) the port of disembarkation is reached without delay;
- e) complete and detailed information on the rescue operation is provided to the maritime or police authorities;
- f) the search and rescue strategy did not contribute to dangerous situations on board or prevent the port of landing from being reached in a timely manner.

In practice, most of these conditions are already fulfilled by NGO vessels, which routinely refer to the Maritime Rescue Coordination Centre and immediately inform the maritime and police authorities. Several aspects of the framework nonetheless remain problematic. As regards condition (a), the decree disregards the CJEU ruling in Joined Cases C-14/21 and C-15/21, under which the port State cannot require certifications or requirements other than those issued by the flag State.⁹⁵ More broadly, the evident aim of the decree is to limit the possibility for humanitarian vessels to dock and thereby to prevent Italy from becoming the State responsible for examining international protection applications under Regulation 604/2013: conditions (d) and (f), by requiring vessels to reach the place of safety without delay and to avoid conduct contributing to dangerous situations on board, effectively imply a duty not to rescue further persons in distress and a ban on trans-shipment, which appears unlawful under customary international

⁹⁰ Court of Trapani (GUP), decision of 19 April 2024 (*non luogo a procedere* for all defendants in the *Iuventa* case and lifting of the 2017 seizure). See Melting Pot, *Processo Iuventa: non luogo a procedere per tutti gli imputati*, 19 April 2024, available in Italian [here](#); France 24, *Italian court drops trafficking charges against crew members of migrant rescue ships*, 19 April 2024, available [here](#).

⁹¹ Ministero dell’Interno, ‘Direttiva Piantedosi su due navi Ong in navigazione nel Mediterraneo’, 25 October 2022, available in Italian at: <https://bit.ly/3JQuZvB> and Infomigrants, ‘New Italian interior minister says “governing migration” priority’, 25 October 2022, available at: <https://bit.ly/3ZZzRnU>.

⁹² Guardian, ‘Giorgia Meloni faces first migration test from two NGO rescue boats’, 26 October 2022, available at: <http://bit.ly/3n5l63e>.

⁹³ ASGI, ‘Sbarco e domanda di asilo devono essere garantiti senza distinzioni. Commento all’ordinanza su SOS Humanity’, 14 February 2023, available in Italian at: <https://bit.ly/40T6G6M>.

⁹⁴ For a legal analysis of the law, see ASGI, ‘Una prima lettura di ASGI del Decreto Legge 1/2023 convertito in Legge’, 16 March 2023, available in Italian at: <https://bit.ly/3n5gwmJ>.

⁹⁵ CJEU, Joined Cases C-14/21 and C-15/21, *Sea Watch eV v Ministero delle Infrastrutture e dei Trasporti and Others*, 1 August 2022, available at: <http://bit.ly/3Xp4QaM>.

law, Article 98 of the SOLAS Convention and Articles 1113 and 1158 of the Italian Navigation Code. Condition (b), requiring information on international protection to be provided while still on board, cannot lawfully be imposed on the captain of a foreign-flagged vessel, whose powers and duties are governed by the law of the flag State, and conflicts with the allocation of competence for asylum applications under Directive 2013/32 and Legislative Decree 25/2008, as well as with the principle, affirmed in *Hirsi Jamaa v. Italy*, that applications require an individual examination by qualified authorities.

Incidents related to Law 15/2023

The impact of Law 15/2023 became evident from the first months of 2023, particularly through the administrative detention of NGO vessels engaged in search and rescue. By the end of 2025, some 36 detention measures had been imposed since the decree had entered into force, affecting around ten SAR vessels and keeping them ashore for more than 800 days in total, typically for having carried out multiple rescues or for not complying with instructions attributed to the so-called Libyan coastguard. For the numerous individual cases that arose in 2023 and 2024, see the 2023 and 2024 Updates of the AIDA country report on Italy.⁹⁶ In a significant number of cases (around twelve), the courts suspended or annulled these measures.

A decisive development came from the Constitutional Court in judgment No. 101 of 8 July 2025. Ruling on questions referred by the Court of Brindisi in October 2024, which had arisen from SOS Méditerranée's challenge to the administrative detention of the *Ocean Viking* (9 February 2024), the Court held that the detention regime is not in itself unreasonable or disproportionate, but adopted a constitutionally-oriented interpretation of the decree. It affirmed that an order whose execution would breach the overriding duty to save human life at sea is not binding and that its non-observance cannot be sanctioned, and that the only instructions binding on the captains of humanitarian vessels are those "legally given" and consistent with the Hamburg Convention. This excludes instructions from the Libyan authorities that would expose rescued persons to return to an unsafe place. The Court also acknowledged the punitive nature and "markedly dissuasive" character of the regime.⁹⁷

The most significant events related to this matter of 2025 confirmed the persistence of this practice.

- ❖ As regards the *Humanity 1* (SOS Humanity), in June 2025 the Court of Appeal of Catanzaro upheld the 2024 ruling of the Civil Court of Crotone that the vessel's detention had been unlawful, leading the NGO to announce it would claim compensation against the Italian Government. In December 2025 the vessel was seized again for having refused to communicate with the Libyan coordination centre.⁹⁸
- ❖ The *Mediterranea* (Mediterranea Saving Humans) was detained twice: in August 2025 (a 60-day detention and a EUR 10,000 fine, after docking in Trapani rather than the assigned port of Genoa) and again in November 2025, after rescuing 92 people, including 31 unaccompanied minors, and disembarking them at Porto Empedocle by order of the Palermo juvenile prosecutor instead of proceeding to the assigned port of Livorno. Both measures were suspended or annulled by the courts (the Court of Trapani in October and the Court of Agrigento on 12 December 2025).⁹⁹
- ❖ In September 2025, the *Ocean Viking* (SOS Méditerranée) and the *Sea-Watch 5* (Sea-Watch) were fired upon by the Libyan coastguard during rescue operations.¹⁰⁰

These developments confirm a systematic recourse to administrative detention as a means of obstructing civil-society rescue, despite this practice being repeatedly found unlawful by the courts and even though,

⁹⁶ See AIDA, *Country report – Italy: Update on the year 2024*, July 2025, available [here](#).

⁹⁷ Corte costituzionale, sentenza n. 101/2025, 8 July 2025. See ASGI, *Decreto Piantadosi – La Corte Costituzionale ribadisce il primato del soccorso in mare*, available in Italian [here](#).

⁹⁸ L'Espresso, *L'Ong SOS Humanity... chiede un risarcimento al governo italiano*, 3 November 2025, available [here](#); on the December 2025 seizure, Il Fatto Quotidiano, 11 December 2025 (below).

⁹⁹ L'Espresso, *'La nave della ong mediterranea in fermo amministrativo per non aver rispettato il porto assegnato dal governo'*, 25 August 2025, available [here](#); Editoriale Domani / Unità, 11–12 December 2025 (November detention and its suspension by the Court of Agrigento), available in Italian [here](#).

¹⁰⁰ L'Espresso, 3 November 2025 (*Ocean Viking* and *Sea-Watch 5* fired upon, September 2025), available in Italian [here](#).

according to press estimates, NGO vessels accounted for only around 11% of the people who disembarked in Italy in 2025.¹⁰¹

1.1.3 Relations with third countries

1.1.3.1 Tunisia

Regarding the external sea borders with Tunisia, on 9 December 2020 the Italian Ministry of Foreign Affairs signed a technical agreement with the UN Office for Services and Projects (UNOPS) to support the North African country in border control activities and in fighting migrant trafficking.¹⁰² With at least 1,922 Tunisians returned in 2020 and 1,872 in 2021, Tunisia was the main destination for forced returnees from Italy (73.5% of the total).¹⁰³ This pattern has persisted: according to ActionAid's monitoring (data updated to 31 December 2024), Tunisian nationals accounted for over 63% of all returns carried out from Italian pre-removal detention centres (CPR) between 2014 and 2024, and for more than 70% in the last six years, even though they represented less than 11% of sea arrivals in 2023. The Italian return system, largely concentrated in the Sicilian CPRs (from which 54% of national returns are executed, 85% of them concerning Tunisians), rests essentially on the bilateral readmission agreement with Tunisia and on national charter flights.¹⁰⁴

In 2022, Tunisia intercepted over 29,000 migrants and recorded 544 deaths at sea. In the same period, and although Tunisia has no formally declared SAR zone, Italy channelled substantial funds to strengthen the Tunisian coastguard and migration management: investigations by IRPIMedia and ActionAid (The Big Wall) documented a credit line of some EUR 27 million opened through the "Fondo di premialità" for the refurbishment of vessels and the supply of land equipment, including pick-ups and vehicles for transporting detainees, while cumulative Italian funding to Tunisia between 2011 and 2022 exceeded EUR 47 million.¹⁰⁵

On 16 July 2023, the European Union signed a Memorandum of Understanding (MoU) with Tunisia.¹⁰⁶ Migration management is one of the five pillars of the agreement: the EU pledges to provide an additional EUR 105 million to Tunisia to strengthen border management, search and rescue operations at sea, and "anti-trafficking" measures to reduce the number of arrivals from the country.¹⁰⁷ Beyond the concerns later expressed by the European Parliament about the agreement's effectiveness and its human rights safeguards,¹⁰⁸ subsequent reporting has shown that a substantial share of these resources financed equipment for the Tunisian coastguard, including the refurbishment of 17 patrol boats and the delivery of 8 new ones, alongside broader border-management programmes, such as the EUR 65 million Border Management Programme for the Maghreb (2018–2024), implemented by the Italian Ministry of the Interior together with ICMPD. Civil society investigations have repeatedly underlined the opacity of these funding

¹⁰¹ Il Fatto Quotidiano, *Il giudice libera la nave di Mediterranea, il governo ne ferma un'altra*, 11 December 2025, available in Italian [here](#).

¹⁰² See ASGI, Sciabaca Oruka, 'Strengthening the operational capacities of Tunisian authorities in monitoring the maritime borders: 8 million from the Rewarding Fund for Repatriation Policies', 13 April 2021, available at: <https://bit.ly/3MF4TKK>.

¹⁰³ See ASGI, 'Sempre più politiche securitarie: lo studio sui rimpatri in Tunisia', 30 March 2022, available in Italian at: <https://bit.ly/3yvpnS9>.

¹⁰⁴ ActionAid & University of Bari, *Trattenuti 2024* and the *Trattenuti* open-data platform (data to 31 December 2024), available in Italian [here](#) and [here](#).

¹⁰⁵ ASGI Sciabaca Oruka, 'Strengthening the operational capacities of Tunisian authorities in monitoring the maritime borders: 8 million from the Rewarding Fund for Repatriation Policies', 13 April 2021, available at: <https://bit.ly/3YY5ooO>; See Irpi Media, 'Tunisia, il muro della Guardia costiera', available in Italian at: <http://bit.ly/3xaiQud>. And IRPIMedia & ActionAid, *The Big Wall – Tunisia, il muro della guardia costiera*, 2 November 2022, available in Italian [here](#); *L'agenzia europea che costruisce le frontiere in Tunisia*, 24 July 2023, available in Italian [here](#).

¹⁰⁶ European Commission, 'The European Union and Tunisia: political agreement on a comprehensive partnership package', 16 July 2023, available at <https://bit.ly/3uM4KI9>.

¹⁰⁷ Politico, 'EU finalizes migrant deal with Tunisia', 16 July 2023, available at <https://bit.ly/49mmCSI>.

¹⁰⁸ European Parliament, 'EU-Tunisia Memorandum of Understanding', 11 September 2023, available at: <https://bit.ly/3wv1sDj>.

channels and the significant barriers to effective parliamentary and public scrutiny.¹⁰⁹ Despite the official reasons for the deal including "countering the root causes of migration", the deal mainly risks resulting in preventing those seeking protection from accessing asylum.¹¹⁰

Euractiv recently provided an updated overview on the allocation of funds for migration management in Tunisia.¹¹¹ The EU began disbursing funds shortly after the signing of the MoU. A first tranche, released in September 2023, amounted to EUR 127 million, of which EUR 42 million was earmarked for the migration component. In 2024, the European Commission announced a further operational assistance package of approximately EUR 67 million for migration management. In practice, much of this money went to bolstering the Tunisian coastguard via new and refitted vessels (the memorandum envisaged 17 refurbished and 8 new patrol boats), thermal cameras and other operational assistance. A smaller share was channelled through UN agencies to support the protection and return of migrants. The EU Ombudsman, several MEPs and independent analysts have repeatedly criticised the persistent lack of transparency surrounding the actual use of these funds. They have questioned the continuation of EU financial support and cooperation despite well-documented human rights violations.¹¹²

Since President Kais Saied's February 2023 remarks against sub-Saharan migrants, the consequences of Tunisia's racist policies and of the EU particularly Italy's outsourcing strategies have been repeatedly documented and denounced.¹¹³ The departure-prevention system has been combined with a process of expelling sub-Saharan people, either led by the Tunisian authorities or with their tacit consent, towards Libya and Algeria. According to UNSMIL, 8,664 migrants expelled from Tunisia were intercepted at the Libyan border between the summer of 2023 and March 2024 alone. On 5 June 2024, following the eviction on 3 May of around 500 migrants camped in front of the UNHCR and IOM offices in Tunis, a group of asylum seekers was transferred and abandoned by the police forces near the border with Algeria. Some people from the group filed an urgent appeal with the United Nations Human Rights Committee with the support of ASGI lawyers.¹¹⁴ This pattern continued in 2025. The 2025 Desert Dumps investigation documented a systematic, racially-motivated pattern whereby groups of Black migrants are rounded up in coastal cities such as Sfax and abandoned in remote desert areas near the Libyan and Algerian borders, often relying on vehicles and equipment supplied by European States.¹¹⁵ Yet the documented violations have not prompted the EU to suspend cooperation, even as the Tunisian authorities stepped up their repression against civil society, as illustrated by the imprisonment, in April 2025, of dozens of political opponents, lawyers and human-rights defenders.¹¹⁶

As reported by the "Desert Dumps" investigation,¹¹⁷ the interaction between these two approaches and the EU funding to the Tunisian authorities has created a system that severely violates migrants' fundamental rights. They become trapped in trafficking networks operating through extreme violence and are expelled to countries where they face racist practices, with a real risk of being abandoned in the desert or handed over to human smugglers. Similar conclusions were reached in the "State Trafficking" report published in January 2025, a research project promoted by an anonymous collective of researchers with

¹⁰⁹ IRPIMedia & ActionAid, *The Big Wall* (Border Management Programme for the Maghreb, ICMPD); Euractiv (allocation of EU migration funds to Tunisia); Editoriale Domani, 10 August 2023 (patrol boats under the July 2023 memorandum).

¹¹⁰ The big wall - Action Aid, 'Memorandum Ue – Tunisia: l'Unione europea sottoscrive rastrellamenti, deportazioni illegali e violenze contro i migranti', 20 July 2023, available in Italian at: <https://bit.ly/4bGo11r>.

¹¹¹ Euractiv, 'EU-Tunisia Memorandum of Understanding state of play', 25 January 2024, available at: <https://bit.ly/3l6kfrq>.

¹¹² Al Jazeera, *EU to start releasing money to Tunisia under migration pact*, 22 September 2023, available [here](#); European Commission, *Tunisia – Enlargement and Eastern Neighbourhood* (EUR 105 million migration support 2023; 2024 operational assistance package), available [here](#); on the transparency concerns, DGAP, *Two Years In, the Impact of the EU-Tunisia Deal on Migration Is Overstated*, Memo 35/2025.

¹¹³ ASGI, "A un anno dall'inizio della crisi: continuano le violazioni dei diritti delle persone migranti in Tunisia", April 8, 2024, available in Italian at <https://shorturl.at/Crumc>.

¹¹⁴ ASGI, Tunisia, famiglie sudanesi scaricate al confine presentano ricorso al Comitato per i Diritti Umani delle Nazioni Unite, June 5, 2024, available in Italian at <https://shorturl.at/uh2Ez>.

¹¹⁵ Lighthouse Reports / IRPIMedia, *Desert Dumps* investigation (*Espulsioni di migranti subsahariani nel deserto, 2024; Discariche nel deserto*, 2025), available in Italian [here](#).

¹¹⁶ DGAP, S. Meiners & S. Niederfranke, *Two Years In, the Impact of the EU-Tunisia Deal On Migration Is Overstated*, Memo 35, July 2025, available [here](#).

¹¹⁷ Lighthouse Reports, "Desert Dumps", available at <https://shorturl.at/SqpZ7>.

the support of Border Forensic, ASGI and On Borders, which draws on testimonies from sub-Saharan migrants abandoned in the desert or transferred to Libyan militias.¹¹⁸ Concerns about the human rights consequences of Tunisian migration policies, and, by extension, the role of European support for those policies, were further echoed by several UN Special Rapporteurs in a joint press release issued on 14 October 2024.¹¹⁹

Regarding Italian funding to the Tunisian Coast Guard within the framework provided by the memorandum, in March 2024, several Italian associations, including ASGI, filed an appeal before the Administrative Court of Rome, asking the judge to assess the legitimacy of the acts by which the Ministry of the Interior ordered the transfer of new patrol boats to Tunisia. In May, the appeal was first rejected by the administrative court of Rome. A further appeal was made before the Council of State. After an initial precautionary decision through which the Council of State had suspended the delivery of some patrol boats, in July, the Council of State rejected the precautionary request with which civil society organizations asked for the suspension of the transfer of the patrol boats to the Tunisian National Guard, 2024.¹²⁰ On 16 January 2025, the appeal was definitively rejected.¹²¹

1.1.3.2 Libya

Memorandum of Understanding and situation in Libya

On 2 February 2023, the Memorandum of Understanding between Italy and Libya, originally signed by Prime Minister Gentiloni and his Libyan counterpart Fayeze al-Seraj on 2 February 2017 to reduce irregular migration flows, was renewed for the second time, after a first renewal in February 2020.¹²² The agreement provides for funding, equipment and technical support to the Libyan authorities, primarily the coastguard. It has never been counter-balanced by an effective evacuation mechanism from Libya, through UNHCR-managed resettlement or humanitarian corridors.¹²³ The only functioning channel to exit Libya remains IOM-coordinated voluntary returns, offered to highly vulnerable individuals unable to make a genuinely free choice,¹²⁴ while the Libyan system continues to rest on the systematic, indefinite detention of foreigners under conditions of torture and grave rights violations (see chapter on [Detention conditions](#)). For a fuller account, see the previous versions of this report.¹²⁵

The Memorandum is tacitly renewed every three years unless one party gives written notice at least three months before expiry. Italy's window to halt the renewal expired on 2 November 2025. Mid-October 2025, the Chamber of Deputies rejected opposition motions calling on the government not to proceed and approved a majority motion to continue preventing departures from Libya. The agreement has thus been tacitly renewed until 2029, despite the "Stop Memorandum Italia-Libia" campaign promoted by Refugees in Libya together with ASGI, Amnesty International, MEDU, Save the Children and Sea-Watch.¹²⁶

¹¹⁸ Border Forensic, "State Trafficking - Expulsion and sale of migrants from Tunisia to Libya", 29 January 2025, available at <https://shorturl.at/fD8Gs>.

¹¹⁹ United Nations - Office of the High Commissioner for Human Rights, "Tunisia: UN experts concerned over safety of migrants, refugees and victims of trafficking", 14 October 2024, available at <https://shorturl.at/tC0N8>.

¹²⁰ ASGI, *Motovedette alla Garde Nationale tunisina: urgente affrontare le responsabilità italiane per le violenze sulle persone migranti in Tunisia*, 18 July 2024, available in Italian at <https://shorturl.at/kdy8G>.

¹²¹ Council of State, 16 January 2025, decision no. 332/2025.

¹²² *Memorandum d'intesa sulla cooperazione nel campo dello sviluppo, del contrasto all'immigrazione illegale, al traffico di esseri umani, al contrabbando e sul rafforzamento della sicurezza delle frontiere tra lo Stato della Libia e la Repubblica Italiana*, available on ASGI website at: <https://bit.ly/3l6ND8t>.

¹²³ ASGI, Sciabaca Oruka, *The Emergency Transit Mechanism (ETM) programme from Libya to Niger: an update as of December 2021*, available at: <https://bit.ly/3XdTgS>.

¹²⁴ ASGI, Sciabaca Oruka, *The Emergency Transit Mechanism (ETM) programme from Libya to Niger: an update as of December 2021*, available at: <https://bit.ly/3XdTgS> and ASGI Sciabaca Oruka, 'Voluntary returns from Libya in the EU externalisation strategy: a critical analysis in the light of ASGI's strategic litigation', 2 February 2021, available at: <https://bit.ly/3Yujyhy>

¹²⁵ AIDA, *Country report on Italy - Update on 2024*, available [here](#).

¹²⁶ Amnesty International Italia, *Stop al Memorandum Italia-Libia*, 15 October 2025, available in Italian [here](#); Editoriale Domani, 14 October 2025 (parliamentary motions); Centro Astalli, *Rinnovato l'accordo Italia-Libia*, 6 November 2025, available in Italian [here](#).

The government's approach was epitomised by the *Almasri* case. Njeem Osama Almasri Habish, head of Tripoli's judicial police, linked to the Mitiga detention centre, was arrested in Turin on 19 January 2025 under an ICC warrant for war crimes and crimes against humanity, including murder, torture and sexual violence. Two days later, after the Rome Court of Appeal declined to validate his detention on procedural grounds. The Minister of the Interior ordered his expulsion and he was flown back to Tripoli on a State aircraft, where he was welcomed as a hero. The case triggered domestic proceedings before the Tribunal of Ministers against several members of the government (proceedings against the Prime Minister were later dismissed, while proceedings concerning other ministers continued). At international level, on 17 October 2025 the ICC found that Italy had breached its cooperation obligations under the Rome Statute, and on 26 January 2026 referred Italy to the Assembly of States Parties for non-cooperation.¹²⁷

The dramatic effects of Libya's system have been consistently documented by IOM, UNHCR and UN human-rights bodies.¹²⁸ According to IOM, interceptions and forced returns to Libya have risen sharply over the years, from around 9,200 in 2019 to over 27,000 in 2025, with more than 20,000 people returned to Libyan detention centres in 2025 alone.¹²⁹ A series of UN reports between 2022 and 2024 (the UN Secretary-General's Special Representative, the Independent Fact-Finding Mission on Libya — which found that crimes against humanity had been committed — and the June 2024 OHCHR report) documented systematic torture, arbitrary detention, enslavement and sexual violence; for a detailed account of these findings, see the previous versions of this report.¹³⁰ The most recent United Nations reporting confirmed the gravity of the situation. A joint UNSMIL–OHCHR report covering January 2024 to December 2025 described a systematic exploitation model that has become "business as usual", documenting arbitrary detention, torture, sexual violence, slavery and trafficking, dangerous interceptions at sea, including cases in which Libyan actors fired at or near vessels in distress, and repeated collective expulsions. The report urged the international community, including the EU, to establish a moratorium on interceptions and returns to Libya and to apply strict human-rights due diligence to all cooperation with Libyan entities.¹³¹

Italian courts have reached converging conclusions: the Criminal Court of Trapani found the bilateral agreement incompatible with the Italian Constitution and international law,¹³² and on 18 February 2024 the Court of Cassation ruled that facilitating interceptions by the Libyan coastguard was unlawful and might amount to collective refoulement, recognising that Libya is not a safe place of return.¹³³ The Memorandum has been heavily criticised by, among others, ASGI¹³⁴ and the Council of Europe

¹²⁷ Internazionale (A. Camilli), *Quello che non torna del caso Almasri*, 29 January 2025, available in Italian [here](#); *Avvenire*, *L'accusa all'Italia e il rinvio: cosa ha detto la Cpi su Almasri*, 18 October 2025; Sistema Penale, *La Camera preliminare I della CPI ha deferito l'Italia all'Assemblea degli Stati parte* (26 January 2026).

¹²⁸ IOM and UNHCR Press Release, 'IOM and UNHCR condemn the return of migrants and refugees to Libya', 16 June 2021, available at: <https://bit.ly/414CAwZ>.

¹²⁹ IOM, *Missing Migrants Project* / DTM data on interceptions and returns to Libya; SOS Méditerranée & IRPIMedia, available in Italian [here](#).

¹³⁰ See, inter alia, UNSMIL, *Report of the Secretary General*, 9 December 2022, available at: <https://bit.ly/3DFSaFh>, UN News, 'Libya detention centres remain places of violations and abuse', 28 March 2022, available at: <http://bit.ly/3lbXCcW>, United Nations Human Rights Office of the High Commissioner, 'Libya detention centres remain places of violations and abuse: experts', 27 March 2023, available at: <https://bit.ly/3uMus9l> and United Nations, Office of the High Commissioner for Human Rights, 'Technical assistance and capacity-building to improve human rights in Libya', 3 June 2024, available at: <https://shorturl.at/Yk1HM>.

¹³¹ UNSMIL & OHCHR, *Joint report on human rights violations and abuses against migrants, asylum-seekers and refugees in Libya* (January 2024–December 2025), OHCHR, February 2026, available [here](#).

¹³² Criminal Court of Trapani, sentence of 23 May 2019, available in Italian at: <https://bit.ly/3dutMHI>; According to article 80 of the Italian Constitution, political agreements can be signed only with Parliament's authorisation. Furthermore, it is an agreement concluded with a party, the Libyan coastguard, repeatedly referred to as responsible for crimes against humanity. Therefore, the court found that the agreement violates the principle of non-refoulement.

¹³³ For a broader description of the decision, read paragraph "Interception at sea, refoulement and following legal actions".

¹³⁴ ASGI, 'Memorandum Italia-Libia, lettera aperta del Tavolo Asilo alle istituzioni italiane: non rinnovatelo', 30 October 2019, available in Italian at: <https://bit.ly/2Wik9Wi>.

Commissioner for Human Rights.¹³⁵ The discovery of several mass graves in 2024–2025 (including at least 65 bodies in south-western Libya and further graves reported in Jakharrah and the Alkufra desert in February 2025) further confirmed the gravity of the human rights situation in Libya.¹³⁶

In a related case followed by ASGI along with JL Project, Alarm Phone and Sea-Watch, on 29 November 2024 the Civil Court of Rome ordered the Ministry of Foreign Affairs to issue a visa to a Sudanese citizen who, after being rescued in 2021, had been forcibly transferred onto a Libyan patrol boat and returned to Libya. The Court found the Italian authorities responsible of having carried out a pushback in international waters through foreign vessels, on the basis of the constant support (or *de facto* coordination) provided by MRCC Rome. The man subsequently obtained the visa, reached Italy and lodged an asylum application¹³⁷.

Italian funding to Libya

Since 2017, Italy has financed cooperation with Libya mainly through the SIBMILL programme (Integrated Border Management System in Libya), linked to the EU Emergency Trust Fund for Africa and coordinated by the Ministry of the Interior. Initially budgeted at EUR 44.5 million, since exceeded (of which EUR 12 million to IOM), the programme funded support to the so-called Libyan coastguard, naval units and the rehabilitation of patrol boats, technical equipment and training, and the presence of an Italian naval vessel in Tripoli, as well as the mobile MRCC handed over to the Libyan authorities in December 2021 to monitor the SAR zone Italy helped establish in 2017–2018.¹³⁸ More recent monitoring by SOS Méditerranée and IRPIMedia found that some EUR 27.1 million, i.e. around 44% of the SIBMILL budget, remains untraceable, with FOIA requests repeatedly denied. The funded assets included the patrol boat that fired on the Ocean Viking during a rescue in August 2025.¹³⁹

Italy has also funded projects directly through IOM: under a 2 July 2021 agreement, the MAECI Directorate-General for Italians Abroad and Migration Policies (DGIT) committed an initial EUR 4 million to the intervention "Multi-sectoral support for mobile vulnerable populations and communities in Libya", focused on protection, support to the Libyan authorities in detention centres and SAR operations and, increasingly, on Assisted Voluntary Return. By 6 June 2023, EUR 16 million had been allocated and the programme had reached its third phase.¹⁴⁰ In December 2024, following a FOIA request by ASGI, data were released on the Assisted Voluntary Return projects funded by the Ministry of Foreign Affairs and implemented by IOM between 2017 and 2025. ASGI argues that these "voluntary returns" from Libya breach the principle of *non-refoulement* and protection obligations towards minors and survivors of trafficking, torture and gender-based violence, since genuine voluntary return is impossible from arbitrary detention facilities where individuals suffer abuse.¹⁴¹

Interception at sea, refoulement and following legal actions

¹³⁵ On 31 January 2020, the Council of Europe Commissioner for Human Rights, called on the Italian government to urgently suspend the ongoing cooperation activities with the Libyan Coast Guard which affect the repatriation of people intercepted at sea in Libya where they have suffered serious human rights violations, see: ASGI, 'Il governo italiano deve sospendere ogni cooperazione con la Guardia Costiera libica', 31 January 2020, available in Italian at: <https://bit.ly/2zmpaEy>.

¹³⁶ IOM Press Release, "IOM Deeply Alarmed by Mass Graves Found in Libya, Urges Action", 10 February 2025, available at: <https://shorturl.at/J96Pl>.

¹³⁷ Domani, *Respinto in Libia, sbarca a Fiumicino su richiesta del tribunale: «Responsabilità dell'Italia»*, 24 March 2025, available [here](#).

¹³⁸ For further details on these previous funding programmes, see AIDA, *Country report Italy*, available at: <https://bit.ly/49IG7tX>. On specific topics related to this paragraph see Altreconomia, 'Nuovi affari dell'Italia sulla frontiera per respingere le persone in Libia', 1 February 2022, available in Italian at: <https://bit.ly/3F35IzE>, Altreconomia, 'Il grande inganno della Libia sicura e le tappe della regia italiana dei respingimenti delegati', 18 April 2019, available in Italian at: <https://bit.ly/35MIMgW>.

¹³⁹ SOS Méditerranée & IRPIMedia, *Finanziare la violenza: il costo nascosto delle politiche europee in Libia*, 2026; ActionAid & IRPIMedia, *The Big Wall* (Libia), available in Italian [here](#).

¹⁴⁰ The Big Wall, 'L'esternalizzazione dei rimpatri dalla Libia in un imbuto umanitario', 9 February 2024, available in Italian at: <https://bit.ly/49mpEXm>.

¹⁴¹ ASGI, 'Rimpatri volontari dalla Libia: i finanziamenti italiani', December 6 2024, available in Italian at: <https://shorturl.at/8shs4>.

Italy's system of indirect pushbacks to Libya was at the centre of the case *S.S. and Others v. Italy*, concerning the incident of 6 November 2017 in which the Libyan coastguard, using a patrol boat donated by Italy and following coordination by the Rome MRCC, intercepted a sinking dinghy and interfered with the rescue carried out by NGO vessel Sea-Watch 3. Around 20 people died and dozens were pulled back to Libya, where some were detained and tortured. On 12 June 2025, after seven years of proceedings, the European Court of Human Rights unanimously declared the application inadmissible, finding that Italy had not exercised extraterritorial jurisdiction under Article 1 ECHR.¹⁴² In the Court's view, neither the financial and technical support provided to Libya nor the initiation of the rescue by the Rome MRCC amounted to effective control over the area or the persons concerned. While acknowledging that Libya is not a safe place and that the situation remained governed by other rules of international law on rescue at sea, refugee protection and State responsibility, the Court declined to rule on the merits, a decision widely criticised as normalising "refoulement by proxy" and as diverging from the approach of the UN Human Rights Committee.¹⁴³

According to IOM data, interceptions and forced returns to Libya have continued to rise: from around 17,000 in 2023¹⁴⁴ to 21,762 in 2024 and to over 22,500 in 2025, the highest figure to date. In 2025, 58,408 people who had departed from Libya reached Italy (88% of all sea arrivals), while the Central Mediterranean route remained the world's deadliest migratory path, with at least 1,330 people dead or missing by the end of the year.¹⁴⁵

"Privatised pushbacks"

The practice of requiring commercial ships to return rescued people to unsafe locations in Libya has been the subject of several legal proceedings. A complaint filed by the Global Legal Action Network (GLAN) with the UN Human Rights Committee in December 2019 was declared inadmissible for non-exhaustion of domestic remedies.¹⁴⁶ In the Italian courts, the practice has repeatedly been found unlawful. In the Asso 28 case, the captain of a commercial vessel who had returned migrants to Libya in 2018 was convicted.¹⁴⁷ In the Asso 29 case, on 26 June 2024 the Civil Court of Rome ordered the Ministries of Defence, Transport and the Presidency of the Council, together with the captain and the shipowner, to pay damages to five Eritrean plaintiffs returned to Libya in 2018, holding that Italy should have brought them to safety in Italy regardless of Libyan instructions.¹⁴⁸ Related proceedings concern the Vos Triton pullbacks of 2021, on which new evidence was submitted to the Rome Public Prosecutor's Office in early 2024.¹⁴⁹ For a more detailed account of these cases, see the previous versions of this report.¹⁵⁰

¹⁴² ECtHR, *S.S. and Others v. Italy*, App. no. 21660/18, decision of 12 June 2025 (inadmissibility), available [here](#); joint press release by ASGI and the de:boarder / migration justice collective, 12 June 2025, available [here](#).

¹⁴³ V. Moreno Lax, 'SS and Others v Italy – or doubling down on Banković', June 19, 2025, available [here](#).

¹⁴⁴ IOM, *Libya Maritime update 25 November 2023*, available at: <https://bit.ly/49s3hja>.

¹⁴⁵ IOM Displacement Tracking Matrix, "Mixed migration flows to Europe", available at: <https://shorturl.at/GmXaM> and IOM, *Libya Weekly Maritime Update* (October 2025) and *DTM Libya Migrant Report, Round 60* (data to end of 2025), available here: <https://dtm.iom.int/libya>; see also Libya Review, 30 October 2025.

¹⁴⁶ Communication to the United Nations Human Rights Committee in the case of SDG against Italy, available at: <https://bit.ly/41zjJt7>.

¹⁴⁷ Criminal Court of Naples, 2021; upheld on appeal in 2022 and by the Court of Cassation on 1 February 2024, which reiterated that Libya and the port of Tripoli cannot be considered places of safety. For a detailed understanding of the case, see ASGI, 'Condanna di Asso 28, un precedente che può scardinare la prassi dei respingimenti in Libia', 19 October 2021, available in Italian at: <https://bit.ly/3vHe5HF>. See also Infomigrants, 'Ship captain sentenced to prison for returning migrants to Libya', 15 October 2021, available at: <https://bit.ly/3vK0b7s>; ASGI, 'Asso 28, la corte di appello di Napoli conferma: il respingimento verso la Libia è illegittimo', 18 January 2023, available in Italian at: <https://bit.ly/3XYMA8Q>, Judgment No. 4557, full decision available in Italian at <https://bit.ly/3UPSJFW>, and Avvenire, 'Cassazione: «La Libia non è un porto sicuro». Reato obbedire ai guardacoste', 16 February 2024, available in Italian at <https://bit.ly/4bYYJCG>.

¹⁴⁸ ASGI, "Caso Asso 29, arriva a sentenza: La Libia non è un luogo sicuro dove condurre i migranti", June 28, 2024, available in Italian at <https://shorturl.at/jt4oR> and ASGI, "Respinto illegalmente nel 2018, A. arriva oggi in Italia con un visto di ingresso", December 25, 2024, available in Italian at <https://shorturl.at/xJnti>.

¹⁴⁹ Available at: <https://bit.ly/3F96BBj>. See also ECRE, 'Med: UN Condemnation of Returns to Unsafe Libya by Merchant Ship, Survivors Rescued in Maltese SAR Zone Accepted by Italy, Parliament President Urges EU Lead on Rescues at Sea', 18 June 2021, available at: <https://bit.ly/3Jb1bap>, A reconstruction of the entire Vos Triton affair and the proceedings relating to "state secrets" can be found at the following link: <https://bit.ly/3KDPFGF> and L'Unità, 'Stragi di naufraghi e respingimenti illegali, si muovono le Procure: esposto per la deportazione in Libia di 25 migranti', 2 January 2024, available in Italian at: <https://bit.ly/4bUybm3>.

¹⁵⁰ AIDA, *Country report on Italy - Update on 2024*, July 2025, available [here](#).

1.1.3.3 Pushbacks at Adriatic ports

As monitored by ASGI, No Name Kitchen, Ambasciata dei Diritti di Ancona and Associazione SOS Diritti, *refoulements* continue to be carried out from Italy to Greece at Adriatic maritime borders, based on the bilateral agreement signed by the Italian and Greek government in 1999, which became operational in 2001, even though it was never ratified by the Italian Parliament.¹⁵¹ In 2022, readmissions and *refoulements* continued to be recorded, also towards Albania.¹⁵² These practices persisted in the following years, as highlighted in a ruling by the Court of Rome in July 2023 (see below) and, on the basis of official data released in 2026, continued to be recorded at the Adriatic ports throughout 2025.

The readmission agreement with Greece excludes the informal transfer between the two countries of illegally staying third-country nationals; it permits a readmission following a formal procedure and doesn't apply to asylum seekers.¹⁵³

In Italy, access to the asylum procedure and to information is very limited. Transfers or re-admissions are immediately executed to send foreign nationals back to Greece. On 18 January 2023, Lighthouse Reports, in collaboration with SRF, ARD Monitor, Al Jazeera, Domani and Solomon, published an online investigation on the illegal readmissions of asylum seekers to Greece that take place at the Adriatic seaports, and the illegal detention undergone by third country nationals in unofficial places of detention on-board ships and ferries.¹⁵⁴ Despite the existence of a bilateral agreement between Italy and Greece, dated 1999, this unofficial procedure is applied also to asylum seekers and minors.

In cases where the person is able to contact the network of NGOs operating at Adriatic ports, they generally manage to apply for asylum. To the others are pushed back from the port of departure. According to the testimonies collected by the Network, if the ferry leaves immediately, the person is kept on board. Otherwise, they are held in a police station inside the port and then taken back to the ferry.

The Adriatic Ports Network has repeatedly submitted Rule 9 communications to the Committee of Ministers of the Council of Europe, most recently requesting the continuation of the supervision of the *Sharifi* ruling and denouncing, contrary to the Government's Action Report of 15 December 2021 and its request for closure, the persistence of unlawful practices, including readmissions carried out without individual assessment or legal assistance, detention onboard ferries and episodes of mistreatment. Regarding individual cases documented in 2021 and 2022, see the previous versions of this report.¹⁵⁵

Detailed figures obtained through FOIA requests for 2022, documenting over 1,900 return orders and dozens of informal readmissions to Greece from the Adriatic ports, are reported in the previous versions of this report.¹⁵⁶

On 7 July 2023, the same practices reported by Lighthouse Reports (e.g. pushbacks at the Adriatic ports, obligation to undress, detention on ferries) were the subject of an important decision adopted by the Court of Rome.¹⁵⁷ The ruling reaffirmed the illegitimacy of the use of informal readmissions as they take place at the Adriatic ports, because they are adopted without the issuance of an individual measure, undermine

¹⁵¹ Available in Italian and Greek at: <https://bit.ly/3qHhuVf>.

¹⁵² According to Altreconomia FOIA, from January 2022 to 14 November, 1827 Third Country Nationals have been refouled from Bari, Brindisi, Ancona, Trieste to Albania. See Altreconomia, 'L'ossessione di respingere anche ai confini interni. Via terra e per mare' February 2023, available in Italian at: <https://bit.ly/3IoKGtc>.

¹⁵³ Readmission agreement between Italy and Greece, Article 6.

¹⁵⁴ Lighthouse Reports, 'Detained below deck', 18 January 2023, available at: <http://bit.ly/3kgpOLp>.

¹⁵⁵ Adriatic Ports Network (ASGI, No Name Kitchen, Ambasciata dei Diritti di Ancona, Associazione SOS Diritti), Rule 9.2 communication to the Committee of Ministers of the Council of Europe in the case of *Sharifi and Others v. Italy and Greece* (App. no. 16643/09), 7 February 2022, available at: <https://bit.ly/3KQTUg1> and Italy, Communication from the Government (Action Report of 15 December 2021) in the case of *Sharifi and Others v. Italy and Greece* (App. no. 16643/09), Committee of Ministers doc. DH-DD(2022)25, available at: <https://bit.ly/3MMKzHf>.

¹⁵⁶ AIDA, *Country report on Italy - Update on 2024*, July 2025, available [here](#).

¹⁵⁷ Full decision in Italian, available at <https://bit.ly/4bMFgot>.

the right to access the asylum as people are not appropriately informed, and because they are adopted without a previous individual assessment of the concrete case. This case is particularly significant because the applicant was an unaccompanied foreign minor, and an applicant for international protection in Greece, in possession of documentation certifying both of these facts. Nevertheless, the Italian authorities informally readmitted the applicant, forcing him to strip naked and be detained in a ferry compartment for many hours before being returned to the Greek authorities.¹⁵⁸ The decision, in addition to accounting for all the violations indicated, requires the Italian government to take the necessary steps to ensure the applicant's access to Italian territory, suggesting the issuance of a humanitarian visa under Article 25 of EC Regulation 810/2009 (Visa Regulation).

More recent official data confirm that the practice has continued. Following FOIA requests, in May 2026 the Ministry of the Interior released monthly figures on refusals of entry and active readmissions at the Adriatic ports. Between 30 April and 31 December 2025, the Bari Maritime Border Police recorded 637 refusals of entry under Article 10 of Legislative Decree 286/1998 and 14 active readmissions to Greece under the 1999 bilateral agreement (all of them granted), while the Brindisi Maritime Border Police recorded 21 refusals and one readmission. The practice continued in 2026 (303 refusals in Bari and 16 in Brindisi in the first four months of the year). These figures, however, reflect only formal measures and do not capture the informal readmissions denounced by the monitoring network; moreover, the Ministry disclosed only aggregate monthly totals, omitting the breakdown by nationality, gender, age and grounds that had been expressly requested, confirming the persistent opacity surrounding these operations.¹⁵⁹

These data remain relevant to the supervision of the execution of the ECtHR's judgment in *Sharifi and Others v. Italy and Greece*, which is still pending before the Committee of Ministers under the enhanced procedure. The Committee has repeatedly asked Italy to demonstrate that migrants intercepted in the Adriatic ports are systematically provided with information on their rights and given access to reception services and to the asylum procedure, and to confirm that it has ceased transferring asylum seekers to Greece. Italy relies, in this respect, on the information and orientation services established at border crossings under Article 11(6) of Legislative Decree 286/1998 and provided through ad hoc cooperation agreements with civil-society organisations. Yet the scope of these services remains minimal: at the port of Bari, the service was entrusted to a single social cooperative for the two-year period 2024–2026 for only 16 hours per week (of which 4 of cultural mediation) and a total annual value of around EUR 19,500, a provision manifestly inadequate to guarantee effective access to information and to the asylum procedure in light of the several hundred refusals recorded at that port in 2025 alone.¹⁶⁰

1.1.3.4 The Protocol between Italy and Albania

On 6 November 2023, the "Protocol between the Government of the Republic of Italy and the Council of Ministers of the Republic of Albania on Strengthening Cooperation in Migration Matters"¹⁶¹ was signed in Rome, for an initial validity period of five years. The official purpose is to strengthen bilateral cooperation between the states on the management of migratory flows from third countries, through the construction of two centres on Albanian territory under Italian jurisdiction, to which "migrants" who have had been admitted into to border or return procedures will be assigned. The Protocol includes two Annexes, notably one detailing the expenses to be borne by the Italian government for the construction of the centres. The Albanian authorities offered up two areas within their territory to construct two detention centres during

¹⁵⁸ For a broader description of the case, see ASGI Medea, 'Illegitimacy of informal pushbacks at Adriatic ports and humanitarian visa', 11 August 2023, available at: <https://bit.ly/48uzyVI>.

¹⁵⁹ Ministry of the Interior, Department of Public Security, Central Directorate for Immigration and Border Police, replies to generalised civic-access requests (Prot. no. 0041996 and no. 0041999 of 25 May 2026), tables on refusals of entry (Art. 10 of Legislative Decree 286/1998) and active readmissions at the Bari and Brindisi maritime border, period 30 April 2025–30 April 2026 (on file with the authors).

¹⁶⁰ Prefecture of Bari (Ufficio territoriale del Governo), Convention with the social cooperative Panacea for the reception, information and orientation service at the Bari border crossing under Article 11(6) of Legislative Decree 286/1998, 2024–2026 (Prot. no. 0048288 of 10 April 2024); on the state of execution, see Committee of Ministers, *Sharifi and Others* group (enhanced supervision), and the Rule 9 communications cited.

¹⁶¹ The full text of the Protocol is available in Italian at: <https://bit.ly/3uGnzq5>. For a comprehensive analysis of the protocol, see CEPS, *The 2023 Italy-Albania Protocol on Extraterritorial Migration Management - A worst practice in migration and asylum policies*, 1 December 2023, available at <https://bit.ly/3wrPL0p>.

the spring of 2024. The Protocol envisages that the centres should have the capacity to accommodate a maximum of 3,000 individuals at the same time. One centre has been built near the port of Shengjini, where disembarkation, identification, border procedures, and elements related to asylum procedure will take place; the second centre has been built in Gjader, where people deemed ineligible for asylum will be accommodated. The two centres are managed by the Italian authorities "in accordance with the relevant Italian and European legislation". They are under the exclusive jurisdiction of the Italian authorities and were originally thought to have the sole purpose of carrying out border, asylum and return procedures in accordance with Italian and EU law. The Italian authorities are responsible for transfers to and from these centres, as well as for "maintaining security and order" within them. The Albanian authorities are instead responsible for ensuring "security and public order" at the external perimeter and during transfers to and from the detention centres. The Protocol assigns responsibility for ensuring the detention and "unauthorised exit" of individuals into Albanian territory (both during and after the completion of the procedures, and regardless of the outcome) to the Italian authorities.

The European Commission response to the Protocol has been ambiguous. When asked about the legality of the Protocol, the Commission first told reporters that it had asked Italian authorities for more detailed information regarding the exact scope and expected impacts of the arrangement, and that 'this must be done without prejudice to the asylum acquis'.¹⁶² In any case, the protocol raises many questions about its compatibility with European Union law¹⁶³ and, more broadly, with international human rights law.¹⁶⁴

After an initial phase of apparent political unwillingness on the part of the government for parliamentary passage to approve the law ratifying the Protocol,¹⁶⁵ on 5 December 2023, the Council of Ministers approved the draft law ratifying the Protocol.¹⁶⁶ The text introduces a clause equating the Albanian areas provided for in the Protocol to the border or transit zones referred to in Legislative Decree No. 25 of January 28, 2008, in which expedited **border procedures** are carried out. These areas are equated with the hotspots and detention centres for repatriation provided for in the Immigration Consolidated Act (on the functioning of the accelerated border procedure applied in these areas, and on its extension to all accelerated-procedure cases by Law 75 of 23 May 2025, see the section "Border procedure" of this report). On 13 December, the Albanian Constitutional Court was called to rule on the appeal filed on 6 December by 30 Members of Parliament, belonging to opposition parties, concerning the constitutionality of the Italy-Albania bilateral protocol. The Albanian legal system, in addition to the subsequent type of constitutionality review, also requires the Court a minor form of prior review of the compatibility of international agreements with the Constitution, prior to their ratification. On 29 January 2024, the Albanian Constitutional Court ruled that the agreement was compatible with the constitutional system.¹⁶⁷

The Italian Parliament ratified the Protocol through Law 14 of 21 February 2024.¹⁶⁸

After the opening was repeatedly postponed, the centres were declared operational on 11 October 2024.¹⁶⁹

¹⁶² EU Observer, 'EU unclear on legality of Italy-Albania deal to offshore asylum', 7 November 2023, available at <https://bit.ly/4bLpXmW>.

¹⁶³ SIDIBlog, 'On the incompatibility of the Italy-Albania protocol with EU asylum law', 15 November 2023, available at <https://bit.ly/3PhmwEf>.

¹⁶⁴ Questione Giustizia, 'Profili di illegittimità del Protocollo Italia-Albania', 28 November 2023, available in Italian at <https://bit.ly/4bOlec1>. ASGI, 'L'analisi giuridica del Protocollo Italia – Albania', 22 November 2023, available in Italian at <https://bit.ly/49FJrRP>.

¹⁶⁵ ASGI, 'Accordo Italia-Albania, ASGI: è incostituzionale non sottoporlo al Parlamento', 14 November 2023, available in Italian at <https://bit.ly/4c1MNjF>.

¹⁶⁶ Presidenza del Consiglio dei Ministri, Comunicato stampa del Consiglio dei Ministri n. 61, 5 December 2023, available in Italian at: <https://bit.ly/49I647A>; Sistema Penale, Il Disegno di legge di ratifica ed esecuzione del Protocollo tra Italia ed Albania in materia di immigrazione: analisi del progetto e questioni di legittimità, 28 December 2023, available in Italian at <https://bit.ly/3URu57T>.

¹⁶⁷ BalkanInsight, 'Albanian Court Approves Deal with Italy on Processing Migrants', 29 January 2024, available at <https://bit.ly/3STBXmX>.

¹⁶⁸ Senato della Repubblica, Giovedì 15 Febbraio 2024 - 159ª Seduta pubblica, 15 February 2024, available in Italian at: <https://bit.ly/3IdK7o>.

¹⁶⁹ InfoMigrants, "Italy's migrant centers in Albania ready for operations", 10 October 2024, available at: <https://shorturl.at/jBdzq>.

The first transfer procedure to Albania began on 14 October 2024.¹⁷⁰ Immediately, a series of logistical complexities became evident, including the duration of transfer operations, the number of transfers required, and the screening procedures, both health-related and for determining the nationalities of the individuals involved. On 16 October, four migrants had already been released after being brought to the port of Shengjin in Albania. Upon more thorough screening, two were found to be minors and two had health problems. These four were boarded onto the Italian navy ship *Libra* and sent back to Italy, to Brindisi, where they were transferred to a reception centre. On 18 October, the Court of Rome did not validate the detention orders issued to twelve migrants of both Egyptian and Bangladeshi nationalities. The court's decision was based on a European Court of Justice ruling, which determined that the migrants' countries of origin could not be considered safe. The European Court of Justice had explained that only countries without territorial safety exceptions could be included in the list of safe countries of origin,¹⁷¹ and according to the Court of Rome, this is not the case for either Egypt nor Bangladesh.¹⁷² The twelve migrants were brought to Italy, specifically to Brindisi to be transferred into the regular reception system.

The government's response against the Court's decision came without delay and on 23 October the Government approved Decree Law 158/2024, which introduced in a law the list of safe countries of origin, previously only published via Decree.¹⁷³ Despite removing three countries for which the Foreign Ministry had indicated territorial safety exceptions, the list still designates countries such as Tunisia, Bangladesh, Egypt, the Ivory Coast, and Peru as safe. For these countries, the Ministry's own reports had noted exceptions for certain groups highlighting systematic violations of fundamental rights. These concerns prompted the Court of Bologna to submit a preliminary question to the European Court of Justice about the correctness of the procedure used to define the safe countries list, while the Catania Tribunal disapplied Decree Law 158/2024, invalidating the detention order of a person undergoing accelerated asylum review due to coming from a "safe" country, based on the evaluation that the 19 countries included in the list cannot be considered as safe, under current EU legal provisions, as there are exclusions for specific groups.¹⁷⁴

On 8 November 2024, following operations that had begun several days earlier and the approval of the decree law, the government transferred eight migrants to Albania, despite the pending case before the Court of Justice.¹⁷⁵ On 11 November, the Civil Court of Rome did not validate the detention of seven migrants ordering their release and return to Italy. This time, the judges also requested that the CJEU rule on the case. Initially, eight people from Egypt and Bangladesh had been selected for this transfer, but one was found to be vulnerable due to health issues and was then brought to Italy.¹⁷⁶

Through L. 187/2024, the competence to decide on administrative detentions (including those relating to the procedure in Albania) has been moved from the specialized sections on immigration of the courts of first instance to the courts of appeal.¹⁷⁷

On 31 January 2025, the Civil Court of Appeal of Rome did not validate the detention of 43 asylum applicants detained in Albania and requested a preliminary judgement to the Court of Justice of the European Union basing its decision on the same findings raised by the Court of Rome. On 25 February,

¹⁷⁰ The Guardian, "Italy sends first asylum seekers to Albania under controversial pact", 15 October 2024, available at <https://shorturl.at/PQcZF>.

¹⁷¹ InfoCuria Case-law, Case C-406/22 - Decision of the Grand Chamber, 4 October 2024, available at <https://shorturl.at/Moaj9>.

¹⁷² Questione Giustizia, "Nota ai provvedimenti di rigetto delle richieste di convalida dei trattenimenti disposti dalla Questura di Roma ai sensi del Protocollo Italia-Albania, emessi dal Tribunale di Roma, sezione specializzata nella protezione internazionale, il 18 ottobre 2024", available in Italian at <https://shorturl.at/7hpo4>.

¹⁷³ Article 2 bis Procedure Decree as amended by DL 158/2024, then repealed but L. 187/2024 converting DL 145/2024 included the amendment.

¹⁷⁴ ASGI, "La nuova "lista dei paesi sicuri" e lo svuotamento del diritto di asilo", November 5, 2024, available in Italian at: <https://shorturl.at/YmCSn>.

¹⁷⁵ Domani, "Migranti in rotta verso l'Albania, nuovo scontro con i magistrati in vista", November 6, 2024, available in Italian at <https://shorturl.at/KDCa0>.

¹⁷⁶ IlSole24ore, "Migranti Albania, uno è vulnerabile: già di ritorno in Italia. Attesa la decisione dei giudici sugli altri sette", 8 November 2024, available in Italian at <https://shorturl.at/m1bLv>.

¹⁷⁷ Article 16 Decree Law 145/2024, as amended by L. 187/2024 and amending Article 3 (1) lett. c) DL 13/2017.

the Court of Justice held a hearing on the referrals made by Italian judges concerning the concept of safe third country. The lawyers highlighted, among other things, five central issues:

- ❖ Judges must have authority to review and disapply “safe country” designations that violate EU criteria, as these designations trigger accelerated procedures with severe consequences for asylum seekers.
- ❖ Judicial assessment must focus on whether persecution or serious harm is consistently absent in a country, not on the formal designation procedure.
- ❖ EU Directive 2013/32 does not permit designating countries as “safe” while excluding certain vulnerable categories, as this undermines the harmonized European asylum system.
- ❖ Member States do not have discretion to create exceptions for certain groups in safe country designations without explicit EU legislative authorization.
- ❖ Using quantitative criteria to determine category exceptions is problematic due to the unclear definition of “category of person” and creates risks of improperly applying accelerated procedures.¹⁷⁸

Despite this, on 28 March 2025, the Government issued the DL 37/2025, amending L 14/2024 ratifying the Protocol between Italy and Albania. The amendment introduced, among the categories of people who can be transferred to Albania, those who are already subject to detention measures validated or extended pursuant to Article 14 TUI due to their irregular stay and are thus detained in repatriation centres.

On 8 May 2025, through decision no. 17510/2025, the Criminal Court of Cassation overturned a ruling by the Civil Court of Appeal which had refused to validate the detention of a foreign national. The individual had been detained with the authorisation of the competent Justice of the Peace and subsequently transferred to Albania under the provisions of the new DL 37/2025. After his transfer, he had submitted an asylum application. According to the Court of Appeal, the areas in Albania where people can be transferred are equated to border or transit areas where it is only allowed the entry and stay of people destined for repatriation or border procedures and not that of those seeking asylum pursuant to art. 6 of the Reception Decree. However, according to the Court of Cassation, since DL 37/2025 allowed the transfer to Albania from the CPRs present in Italy, and equates the Gjader center to the Italian CPRs, the same procedure carried out in CPRs applies there. Therefore, the Court annulled the decision of the Court of Appeal and sent the decision back to the latter on the basis of the principle of law according to which “Article 3 of L. 14/2024 does not prevent the application of the art. 6(3) of the Reception Decree in the event that a citizen detained in Gjader applies for asylum; therefore, detention at this centre is possible even after the submission of the asylum application because the centre is equivalent to the centres referred to in the art. 14 TUI” (CPRs).¹⁷⁹

On 1 August 2025, the Grand Chamber of the CJEU delivered its judgment in the joined cases *Alace and Canpelli* (C-758/24 and C-759/24), on the references made by the Court of Rome concerning two Bangladeshi nationals transferred to the Gjader centre and rejected under the accelerated border procedure. The Court held that a Member State may designate a safe country of origin by a legislative act, but only on condition that the designation is amenable to effective judicial review of its compliance with the substantive criteria of Directive 2013/32/EU, and that the sources of information underlying it are made accessible to the applicant and to the court. Crucially, in continuity with its ruling of 4 October 2024 (C-406/22), the Court confirmed that a country cannot be designated as safe unless it offers adequate protection to its entire population, thereby excluding designations that carve out exceptions for specific categories of persons. The judgment, which the Italian Government criticised, confirmed the case-law of the Italian courts that had blocked the accelerated procedures underpinning the Albanian scheme. The CJEU’s decision’s practical scope is nonetheless limited in time, since the Asylum Procedures Regulation (EU) 2024/1348, applicable from 12 June 2026, allows both an EU-level list of safe countries and territorial or category-based exceptions.¹⁸⁰

¹⁷⁸ Court de Justice de l’Union Européenne, “Press and media - Broadcasting of hearings”, 25 February 2025, available at <https://shorturl.at/48jyX>.

¹⁷⁹ Court of Cassation, decision no. 17510/2025 of 8 May 2025.

¹⁸⁰ CJEU (Grand Chamber), judgment of 1 August 2025, Joined Cases C-758/24 (*Alace*) and C-759/24 (*Canpelli*); CJEU Press Release, 1 August 2025, available [here](#).

Against this background, the two centres in Albania have remained largely unused. Between October 2024 and January 2025, only three groups of migrants (73 people in total) were transferred, and all were promptly returned to Italy after the courts refused to validate their detention. Faced with this outcome, and while awaiting the CJEU's ruling, the Government repurposed the Gjadër facility. Through Decree Law 37/2025 it was converted into a pre-removal detention centre (CPR) for irregular migrants already detained in Italy and awaiting removal. Observers have estimated the scheme's cost at around EUR 800 million over five years — several times the cost of an equivalent facility in Italy — while the centres have continued to operate well below capacity. The model has been expressly linked to the European Commission's March 2025 proposal on "return hubs" in third countries, although, unlike that proposal, the Italy-Albania arrangement retains full Italian jurisdiction over the centres.¹⁸¹

Independent monitoring and investigative reporting have documented the harsh detention conditions at the Gjadër CPR. According to data gathered by the Tavolo Asilo e Immigrazione, around 132 people had been transferred to the centre by mid-2025, of whom only 32 were actually repatriated; in every case in which the operator's vulnerability commission was convened, the person was found unfit for detention and returned to Italy, indicating that, for many, the transfer should never have taken place. Altreconomia, having obtained the register of "critical events" through a FOIA request, revealed a stark discrepancy between the four incidents officially recorded by the Prefecture of Rome between 11 April and 29 May 2025 and the far higher numbers documented during parliamentary inspections (65 events between 11 April and 18 June 2025, and 54 in the first two months of the centre's use as a CPR), most of them acts of self-harm, attempted suicides and protests. Concerns over the right to health were confirmed on 28 July 2025, when the Civil Court of Rome ordered the immediate release of a detainee, noting the absence of any permanent presence of the Italian National Health Service in Albania.¹⁸²

1.2 Arrivals by air

Information and orientation services for foreign nationals at the main airport border crossings are entrusted by the local Prefectures to different cooperatives, through public tenders or temporary contracts under Article 11(6) of Legislative Decree 286/1998. At Rome Fiumicino the service has been run by the ITC cooperative, and at Milan Malpensa by the Ballafon cooperative.

On 20 June 2023, ASGI conducted a visit to the offices and transit area of Milano Malpensa Airport, in compliance with the Lazio Regional Administrative Court ruling No. 3392/2023. During the visit, the delegation had access to the places used for the stay of foreign nationals who receive refoulement orders. As of the date of the visit (20 June 2023), there had been 546 refusals of entry since the beginning of 2023. The time spent in the transit area awaiting the execution of the refoulement was as follows:

- ❖ 313 persons were refused entry in less than 24 hours after being notified of the rejection order;
- ❖ 215 persons between 24 and 48 hours;
- ❖ 14 persons after a stay in the transit zone of about 48 hours;
- ❖ 3 persons after a stay of three days;
- ❖ 1 person from Santo Domingo (for whom, officials report, there are only two direct flights per week) after a stay of four days.

Similarly to the findings from a previous ASGI visit to Fiumicino Airport, the main critical issues identified include a failure to provide adequate safeguards for individuals at the airport, particularly due to insufficient information provision and in terms of identifying vulnerabilities, limited access to international protection,

¹⁸¹ Global Detention Project, *European Court Ruling Challenges Italy–Albania Detention Deal and Other Externalisation Plans*, 11 August 2025, available [here](#); Decree Law 37/2025 of 28 March 2025 (conversion of the Gjadër centre into a CPR).

¹⁸² Altreconomia, *Le incongruenze sul numero degli "eventi critici" nel Cpr di Gjadër in Albania*, 2025, available in Italian [here](#); Altreconomia, *L'impatto dei centri italiani per migranti di Shëngjin e Gjadër sulla popolazione locale*, 27 October 2025, available in Italian [here](#); on the transfer/repatriation figures and vulnerability findings, Tavolo Asilo e Immigrazione monitoring; Civil Court of Rome, order of 28 July 2025.

de facto detention practices by the police, and a lack of effective access to legal representation and communication with the outside world.¹⁸³

Data obtained by ASGI following a FOIA request presented relevant information related to refusals of entry and asylum requests at both airports. The examination of migration management data from January 2024 to March 2025 reveals significant border control activities at Italy's primary international air entry points. Border authorities executed a total of 3,016 refusals of entry across Fiumicino (1,617) and Malpensa (1,399) airports. At Fiumicino, the predominant grounds for rejection were Article E violations (inadequate documentation substantiating purpose and conditions of stay, 624 cases), Article G violations (insufficient financial resources, 504 cases), and Article C violations (absence of valid visa or residence permit, 364 cases). Albanian nationals were the main nationality subject to rejection measures (664 individuals: 270 at Fiumicino and 394 at Malpensa), followed by nationals of Moldova (228), Brazil (210), and Georgia (178).

There is a marked disparity between the enforcement of refusals of entry and international protection applications, with only 456 asylum requests registered during the corresponding period (328 at Fiumicino and 128 at Malpensa). At Fiumicino, Tunisian and Iranian nationals submitted the highest number of protection applications (26 and 25 respectively), while at Malpensa, half of the applications were submitted by Sri Lankan nationals (62 applications). This raises substantive questions regarding access to international protection at these border control points, particularly considering that numerous refusals of entry affected people originating from states experiencing documented conditions of socio-political instability or humanitarian crises.

On 14 October 2024, the Rome Civil Court ordered the Ministry of Interior to pay €5,500 compensation to a Congolese citizen who was unlawfully detained for six days in 2020 in the transit area of Rome Fiumicino Airport. In the judgment, the court recognised that the detention occurred without any judicial authorisation, violating Article 13 of the Italian Constitution and Article 5 of the European Convention on Human Rights. The claimant, who was later granted subsidiary protection, had been deprived of personal freedom under degrading conditions (no hot shower, inability to use a phone, lack of sleeping materials) after presenting a counterfeit residence permit. The Court quantified the non-material damages at €1,000 per day, following criteria previously established by the Milan Court of Appeal in a 2018 ruling.¹⁸⁴

1.3 Land borders

1.3.1 Arrivals at the Slovenian land border

In 2023, according to information collected by Asgi, only a few readmissions were carried out based on the Readmission Agreement signed by the Italian and Slovenian Governments in 1996,¹⁸⁵ an agreement never ratified by the Italian Parliament, contrary to what Article 80 of Italian Constitution dictates for the ratification of international treaties that are of a political nature.¹⁸⁶

For detailed information on practice and litigation prior to end of 2023, please refer to previous versions of this country report.¹⁸⁷

In September 2023, the Italian Ministry of the Interior confirmed that, as of September 2022, the Italian and Slovenian governments had given more structure to cross-border police cooperation actions and that

¹⁸³ ASGI Inlimine, *La situazione emersa dal sopralluogo della Zona di transito internazionale dell'aeroporto di Milano Malpensa*, December 2023, available in Italian at: <https://bit.ly/3TaPmYV>.

¹⁸⁴ ASGI InLimine, "Risarcimento del danno per illegittima detenzione informale presso l'aeroporto di Roma Fiumicino", 2 December 2024, available in Italian at: <https://shorturl.at/gJQYy>.

¹⁸⁵ Readmission agreement between the Italian and Slovenian Government, available at: <https://bit.ly/3vwPuGF>.

¹⁸⁶ Italian Constitution, Article 80 states: 'Le Camere autorizzano con legge la ratifica dei trattati internazionali che sono di natura politica, o prevedono arbitrati o regolamenti giudiziari, o importano variazioni del territorio od oneri alle finanze o modificazioni di leggi.'

¹⁸⁷ AIDA, *Country report : Italy – Update on 2024*, July 2025, available [here](#).

bilateral operations prevented 1,900 foreign nationals from entering Italian territory.¹⁸⁸ Following a FOIA request by ASGI, the administration confirmed the direct involvement of Italian authorities in mixed patrols on Slovenian territory with powers of observation and information support, under the bilateral agreement on cross-border police cooperation of August 27, 2007, ratified by Law 60 of April 7, 2011.¹⁸⁹ During a hearing before the Parliamentary Schengen Committee, Interior Minister Piantedosi also announced 'the establishment of Mixed Brigades of Police Forces, based on the fruitful experience (...) gained with joint patrol services.'¹⁹⁰ According to a 2 November 2023 news report, police coordination centres involving Italy, Slovenia and Croatia would also be set up in order to consolidate cooperation on countering irregular crossings. media also reported the purchase of 65 photo traps mobile cameras to place in the border areas of Trieste and Gorizia province.¹⁹¹ From initial information collected by ASGI and Altreconomia, the camera model GDPR WN-42CM branded Wilnex cost 34,710 EUR, and its sole purpose would be to locate people crossing the border irregularly.

In October 2023,¹⁹² Italy reintroduced border controls according to art. 28 Regulation 2016/399 (Border Schengen Code),¹⁹³ from 21 October 2023 to 30 October 2023, arguing the increased threat of violence within the EU as a result of the escalating crisis in the Middle East and the risk of possible terrorist infiltration. According to the government, this picture would be 'further aggravated by the constant migratory pressure on Italy'. Since then, these border controls have been extended 5 times:¹⁹⁴ twice during 2024, each time for a period of 6 months, until 18 December 2024. Currently, the controls remain in effect until 18 December 2026. According to the Ministry of Interior, thanks to the border controls, police had intercepted the arrival of 1,600 irregular people, made 76 arrests and denied entrance on the territory to almost 900 people in 2023.¹⁹⁵

Another risk factor at the Italian Slovenian border are chain pushbacks from Italy to Bosnia-Herzegovina. In 2023, the Civil Court of Rome once again condemned the Italian administration for practices of chain readmissions.¹⁹⁶ The case concerned an action for compensation by a Pakistani citizen, already granted international protection in Italy, concerning a previous readmission through which he was violently sent back to Bosnia Herzegovina. The Italian Court stated that 'The illegitimacy inherent in the informal readmission operated by the Italian police authorities at the border between Italy and Slovenia, the inhuman and degrading treatment related to the chain readmission to Bosnia and Herzegovina, and the concomitant lack of access to the political asylum procedure determine a right to compensation for damages in the hands of the recipient of this procedure'. The Tribunal reiterated the illegitimacy of the readmission procedure implemented at Italy's eastern border on the basis of an agreement signed between Italy and Slovenia in 1996 that was never ratified by the Italian Parliament, as previously highlighted by the Court of Rome decision of 18 January 2021. This is the procedure that the Italian government, after suspending it following the January 2021 decision, had reinstated as of November 2022, albeit formally not with respect to those seeking international protection. The ruling also recognises the successful demonstration of facts at trial, through cooperation with Slovenian NGO PIC (Pravni center za varstvo človekovih pravic in okolja - Legal Centre for the Protection of Human Rights and the

¹⁸⁸ Camera dei Deputati, XIX LEGISLATURA - Resoconto stenografico dell'Assemblea - Seduta n. 161 di mercoledì 13 settembre 2023, available in Italian at: <https://bit.ly/4bQ37DI>.

¹⁸⁹ FOIA reply from the Ministry of Interior Prot. 0102589 of October 25, 2023, available in Italian at <https://bit.ly/3OTrEOs>.

¹⁹⁰ Ministero dell'Interno, 'Comitato parlamentare Schengen, audizione del Ministro Piantedosi', 7 November 2023, available in Italian at: <https://bit.ly/48uWSIR>.

¹⁹¹ Il Gazzettino, 'Clandestini dai Balcani, il Friuli Venezia Giulia compra 65 fototrappole: «Un muro tecnologico»', 21 January 2022, available in Italian at: <https://bit.ly/3zDbMb1>.

¹⁹² Presidenza del Consiglio dei Ministri, 'Reintroduzione dei controlli delle frontiere interne terrestri con la Slovenia, nota di Palazzo Chigi', 18 October 2023, available in Italian at: <https://bit.ly/49IMQP8>.

¹⁹³ For a more detailed analysis of the reintroduction of border controls at the Italo-Slovenian border, see ASGI Medea, 'Schengen Area: From Free Movement Zone to Labyrinth', 20 November 2023, available at: <https://bit.ly/42UYcNH>.

¹⁹⁴ European Commission, 'Temporary Reintroduction of Border Control', available at: <https://bit.ly/3DmVntw>.

¹⁹⁵ Ministry of Interior, available at the Government webpage: <https://bit.ly/3TtmsDK>.

¹⁹⁶ Full decision Court of Rome N. R.G. 3938/2022 of May 9, 2023, available in Italian at <https://bit.ly/3wFks20>;

Environment),¹⁹⁷ regarding the immediate chain of readmissions suffered by the claimant from Italy to Slovenia and from Slovenia to Croatia and then the claimant's presence in Bosnia.¹⁹⁸

During a hearing before the Schengen Parliamentary Commission on 7 November 2023, Interior Minister Piantedosi announced “the establishment of mixed brigades of police forces, based on the productive experience (...) gained with joint patrol services”¹⁹⁹. On 16 January 2024, a first trilateral meeting was held in Nova Gorica between the Interior Ministers of Italy, Slovenia, and Croatia, during which initial cooperation guidelines to combat irregular immigration along the Balkan route were defined by the three countries.²⁰⁰ On 14 October 2024, during the trilateral summit in Zaprešić (Croatia), the Interior Ministers of the three countries further discussed and defined the operational modalities of cross-border cooperation, agreeing on the need to formalize the agreements through a specific memorandum.²⁰¹ On 20 January 2025, the Interior Ministers of the three countries met again in Nova Gorica to sign the Memorandum of Understanding on joint border patrols at the EU border.²⁰² The agreement, as reported by official sources, provides for the implementation of joint patrols between the police forces of the three countries along the Balkan route, with the aim of:

- ❖ strengthening control of the European Union's external border;
- ❖ combating irregular migration flows;
- ❖ intensifying operational cooperation between the police forces of the three countries;
- ❖ implementing coordinated border surveillance measures.

The Memorandum is part of the broader framework of measures to strengthen controls at the EU's Croatian external border.

1.3.2 The situation at the French land borders

Refusals of entry and pushbacks

Since November 2015 and due to the reintroduction of border controls by France, many migrants attempting to cross the borders with France have been subject to rejection at the border, often with the use of violence. A detailed account of the situation at the borders in previous years is available in the previous updates of the [AIDA Report on Italy](#), and in the [AIDA Report on France](#).²⁰³

On 14 December 2020, mixed Italian-French patrols began to operate along the border of Ventimiglia with the task of patrolling the borders according to the provisions of bilateral police cooperation agreements based on the 1997 Chambéry agreements,²⁰⁴ providing for joint actions and cooperation between Italian and French police.²⁰⁵ Police checks, which can be considered lawful in internal border areas only if conducted in a manner that police powers doesn't have an equivalent effect to border checks²⁰⁶, in practice only take place people of foreign appearance and systematically especially at Ventimiglia train

¹⁹⁷ More information on the organisation, available at: <https://bit.ly/3PkgfaT>.

¹⁹⁸ ASGI Medea, Balkan route, evidence and testimonies confirm chain readmissions. Ministerial liability for compensation for damages, August 8, 2023, available at: <https://bit.ly/3OYCxyC>.

¹⁹⁹ Ministero dell'Interno, “Comitato parlamentare Schengen, audizione del Ministro Piantedosi”, November 7 2023, available at <https://shorturl.at/MZvIz>.

²⁰⁰ Radio Capodistria, “Niente di nuovo dal trilaterale dei Ministri degli interni sui pattugliamenti”, January 18, 2024, available at <https://shorturl.at/iitfC>.

²⁰¹ Ministero dell'Interno, “Trilaterale Italia, Slovenia, Croazia: Piantedosi incontra a Zaprešić gli omologhi Božinović e Poklukar”, October 14, 2024, available at <https://shorturl.at/IBHvY>.

²⁰² Ministero dell'Interno, “A Nova Gorica incontro trilaterale tra i ministri dell'Interno di Italia, Slovenia e Croazia”, January 20, 2025, available at <https://shorturl.at/eETuk>.

²⁰³ AIDA, *Country Report Italy, 2017 Update*, March 2018, available at: <https://bit.ly/2Ga01zb>, 22-24.

²⁰⁴ Riviera time, ‘Una ‘squadra mista’ italo-francese: parte da Ventimiglia il progetto pilota della Polizia di Frontiera’, 21 December 2020, available at: <https://bit.ly/3bd9bbM>.

²⁰⁵ The text of the Agreement is available at: <https://bit.ly/39wdS2v>.

²⁰⁶ Article 23 of the Regulation 399/2016 (Schengen border Code).

station, where migrants are prevented from getting on the train platform so that they do not catch a train to France.²⁰⁷ This practice, started in 2020, is still widely implemented.

Regarding pushbacks, as reported by ASGI and other NGOs,²⁰⁸ people stopped at the border or on the train are taken to the San Luigi station, identified and given a "refusal of entry" (*refus d'entrée*). The rejection procedure is completed with the handing over of the concerned persons to the Italian police authorities who invite them to proceed on foot to the city of Ventimiglia. If the third country nationals are intercepted in border areas as defined by the bilateral readmission agreement, they are simply readmitted to Italy without any written decision.

Italian media have conducted interviews with migrants having been readmitted to Italy or blocked at the border, and with NGO operators at Ventimiglia.²⁰⁹ Notwithstanding the decision of the Court of Justice of the European Union in the cases C-368/20 and C-369/20²¹⁰ in relation to the unlawfulness of prolonging internal border checks without new reasons that justify the reintroduction of such controls, the French Government has continued with the temporary reintroduction of border controls,²¹¹ without disruption, since 2015. France has continued to prolong these controls without interruption: under the notification of 3 November 2025, they remain in force at all its internal borders, including with Italy, until 30 April 2026. In 2025, while France's successive prolongations were upheld by its Council of State (*Conseil d'État*), France was among the Member States to which the European Commission recommended putting an end to internal border control. It considered them disproportionate and increasingly redundant following the entry into operation of the Entry/Exit System.²¹²

The situation appeared to have slightly changed in the first weeks of 2024, with CSOs reporting a decrease in pushbacks and, among these reduced numbers of refusals of entry, decisions mostly in line with the bilateral agreements.²¹³ This change can be explained in light of recent jurisprudence regarding the powers of Member State to issue refusal of entry provisions (*Refus d'entrée*) at its internal borders, when border controls have been reintroduced. In particular, the CJEU, with the decision *ADDE* (C-143/22) of 21 September 2023, reaffirmed the principle – already introduced in the *Affum* Case (C-47/15) – according to which the Return directive (2008/11/CE), which provides for the possibility of transferring a third-country national in an irregular condition intercepted in the border area if the two countries in question have signed bilateral readmission agreements, must be applied together with the Schengen Borders Code. This entails that, although in such a situation a Member State can still adopt a refusal of entry decision, on the basis of the Schengen Borders Code, the removal must comply with the common standards and procedures of the Return directive, and thus also the procedures set out in the bilateral readmission agreement. The Return Directive does not allow Member States to exclude third country nationals from the scope of the directive in case of a refusal of entry at the internal border (contrary to the

²⁰⁷ Regarding ethnic profiling procedure carried out at Ventimiglia train station, ASGI Medea, *Submission to the Committee on the Elimination of Racial Discrimination Review of Italy - 110th Session Racial and ethnic profiling practices in police (border) checks and lack of accessible and effective remedy in Italy*, July 2023, available at: <https://bit.ly/3lct6rl>, 16-19.

²⁰⁸ ASGI, 'La situazione al confine tra Italia e Francia: effetti della pandemia e tendenze consolidate', 22 February 2021, available in Italian at: <https://bit.ly/2RDldB9>; see also Medici Senza Frontiere, *Vietato passare - La sfida quotidiana delle persone in transito respinte e bloccate alla frontiera franco-italiana*, August 2023, available in Italian at: <https://bit.ly/3liO1ZO>; Stories in motion, *A Collaborative Research Report of Rights Violations at the Franco-Italian Border*, 1 June 2023, available at: <https://bit.ly/49lV8q8>; MEDU, *Rapporto sulla situazione umanitaria dei migranti in transito lungo la frontiera nord-ovest tra Italia e Francia*, October 2020, available at: <https://bit.ly/3y1SzgQ>. ODV Caritas Intemelia Onlus CSD - Servizi Inclusione Diaconia Valdese - WeWorld Onlus -Medici del Mondo Italia, "Ventimiglia ai margini", available in Italian at <https://iriforma.it/2025/03/24/ventimiglia-ai-margini/>.

²⁰⁹ La7, 'Ventimiglia, continuano i respingimenti francesi', 26 June 2021, available in Italian at: <https://bit.ly/3q7LTew>.

²¹⁰ ASGI, 'EU Court of Justice – It is illegitimate to renew internal border controls on the basis of reasons already given', 23 May 2022, available in Italian at: <https://bit.ly/3R9JPiW>.

²¹¹ European Commission, *Temporary Reintroduction of Border Control*, available at: <http://bit.ly/3DmVntw>.

²¹² European Commission, *Member States' notifications of the temporary reintroduction of border control at internal borders*, France notification in force 1 November 2025–30 April 2026, available [here](#); ; on the Commission's recommendation to end internal controls, Commission opinions of 2 June 2026 (IP/26/1223).

²¹³ Il Fatto Quotidiano, "Migranti, la Francia si piega al Consiglio di Stato: alla frontiera di Ventimiglia crollano i respingimenti. Attivisti: "Ma militarizzazione prosegue", February 17, 2024, available in Italian at <https://bit.ly/4aXEsMz>.

external border, where it is allowed), even in case of temporarily reintroduced border controls.²¹⁴ This CJEU preliminary reference was issued by the Court in the context of a French national court case, led by several NGOs challenging French legislation contained in the CESEDA (Code de l'entrée et de séjour des étrangers et du droit d'asile) on this topic, because it allowed the authorities to issue a refusal of entry decision in the context of temporarily reintroduced internal border controls under any circumstances. In light of the CJEU decision, the Council of State confirmed that, to comply with the Return directive, such refusal of entry decisions could only be taken at the internal borders with a view to the person concerned being re-admitted by the Member State from which they came, in application of an agreement existing on the date the Return directive came into force.

The effects of the Council of State's decision were particularly evident in the decline in readmission numbers recorded throughout 2024. A civic access request promoted by ASGI Medea project²¹⁵ revealed a notable drop in the number of people pushed back to Italy following interceptions by the French Border Police (PAF), at least regarding the Ventimiglia border crossing. Data on passive readmissions – cases in which Italy agrees to take back migrants rejected by France – show significantly higher figures: a total of 7,216 people, including 6,808 accepted and 408 rejected readmissions. The monthly distribution shows a significant increase during the middle months of the year, with peak numbers in August (959 readmissions) and September (851). The most represented countries of origin are Tunisia, Algeria, Morocco, and Eritrea, followed by countries from sub-Saharan Africa and the Middle East.

More recent official data, obtained through a FOIA request submitted by the ASGI Medea project, cover the Alpine crossings of the Val di Susa (Bardonecchia sector) for the period 1 January 2025–28 February 2026. Over that period, 8,260 irregular migrants were detected at the Fréjus and Claviere/Montgenèvre crossings, the large majority while attempting to leave Italy for France. Passive readmissions, cases in which France returns people intercepted after crossing to Italy, reached 7,625 requests, of which 5,891 were accepted (5,599/3,972 at Claviere and 2,026/1,919 at Fréjus), against only 476 active readmissions from Italy to France. Civil-society monitoring by On Borders recorded a lower figure of some 3,426 readmissions at these crossings over 2025, equivalent to around 30% of new arrivals registered at the Fraternità Massi shelter in Oulx, a discrepancy that reflects the different scope and counting methods of the two sources.²¹⁶

One route to France is through the Val di Susa, crossing the Bardonecchia and the Frejus mountain passes, on one side, or, on the other, through Oulx and Claviere leading to the Montgenèvre pass. MEDU,²¹⁷ an organisation granting medical assistance to migrants at Oulx, has reported the death of migrants that tried to cross the border walking through the Alps, highlighting the increase in deaths of very young migrants or MSNA. Many NGOs signed an appeal consequently the death of migrants at this border.²¹⁸

Among migrants' deaths at the French border is that of Blessing Matthews. The case concerned a young Nigerian woman, who was found dead on the 9 of May 2018 at Prelles Dam, in the municipality of Saint-Martin-de-Queyrières, at ten kilometres from Briançon. On the night between 6 and 7 May 2018, Blessing Matthews crossed the Alps from Claviere - Italy but was discovered by police agents who started chasing

²¹⁴ CJEU, *Reintroduction of border controls at internal borders: the 'Returns' Directive applies to any third-country national who has entered the territory of a Member State without fulfilling the conditions of entry, stay or residence*, 21 September 2023, Press release No. 145/23, available at: <https://bit.ly/3PLsLQC>.

²¹⁵ ASGI Medea, "I dati sulla situazione migratoria a Ventimiglia nel 2024: l'accesso civico del progetto Medea", 3 March 2025, available in Italian at <https://shorturl.at/arGgF>.

²¹⁶ Ministry of the Interior, Department of Public Security, Central Directorate for Immigration and Border Police, reply to the FOIA request of the ASGI Medea project (Prot. no. 0037788 of 8 May 2026), tables on irregular migrants traced and on active and passive readmissions at the Italian-French border (Bardonecchia sector), period 1 January 2025–28 February 2026 (on file with the authors); On Borders, *La frontiera alpina del NordOvest: dati e rapporto gennaio-dicembre 2025*. On the internal-transfer mechanism, see Article 23 bis of Regulation (EU) 2016/399, as introduced by Article 1(14) of Regulation (EU) 2024/1717.

²¹⁷ MEDU, 'Ancora critica la situazione dei migranti sulla rotta nord ovest delle Alpi', 4 February 2021, available at: <https://bit.ly/33u6GNZ>.

²¹⁸ Medici per i diritti umani, 'Si ritorna a morire alla frontiera nord ovest delle Alpi', 4 February 2022, available in Italian at: <https://bit.ly/3KHwp9m>. See also ASGI, Medea project, *Confine italo-francese: una frontiera dove si continua a morire. Appello alle autorità*, 11 February 2022, available at: <https://bit.ly/3KzYFdE>.

her nearby the village of La Vachette. In a desperate attempt not to be caught by police officers who had reached her at the edge of the river Durance, she fell into the water and drowned. With the support of the organisation Tous Migrant, Blessing's sister filed different legal actions to ascertain the responsibilities of the public authority, but all actions were dismissed both by the Tribunal of Gap and the Court of Appeal of Grenoble.²¹⁹ Due to a counter investigation conducted by Border Forensic,²²⁰ the case was submitted to the Public Prosecutor in May 2022, but again dismissed. On 25 October 2022, an appeal on the case was presented to the European Court of Human Rights.²²¹ On 18 January 2024, the ECtHR considered the case inadmissible,²²² alleging that the French authorities did what was reasonably necessary to be done.

Reception conditions at the Italian border

Regarding reception conditions on the Italian side of the border, from 2020 onwards, due to the pandemic, both transit areas (Ventimiglia and Oulx) were left totally or partially without accommodation facilities. On 31 July 2020, the Roja Camp in Ventimiglia, managed by the Italian Red Cross, was closed.²²³ Being the only formal place of accommodation for people in transit, its closure led to the proliferation of informal settlements and the occupation of public spaces to face the arrival of winter. Facilities provided by the local Caritas office are only able to guarantee a limited number of places for single parents and children. No public response has been given since the closure of the Roja centre.²²⁴ Hundreds of people were stranded in town without access to the most basic rights such as shelter and health care. The humanitarian crisis was handled only by NGOs, while local authorities seemed to criminalise the situation by introducing local rules against homeless people.²²⁵

At the end of 2021, the imminent opening of a centre for people in transit was announced,²²⁶ but, despite several public statements,²²⁷ there was no official action, and migrants continue living stranded under bridges with the only support of civil society organisations and volunteers.²²⁸

In 2024, transit flows at the Italian border with France decreased. Organisations in the area published a report²²⁹ highlighting a decrease in numerical presence while also noting that several individuals continue to remain blocked in Ventimiglia, generating situations that remain difficult to manage in terms of support and reception. In 2025, the situation continued. The number of people in transit continued to fall, while a stable population living in conditions of severe marginalisation (homeless single men, often with addictions and physical or mental-health problems) grew. There has been no permanent reception facility since the closure of the Roja camp in 2020, and assistance relies almost entirely on NGOs and volunteers: in 2025 Caritas alone distributed 17,821 meals and 4,462 clothing kits, and reactivated a shower service, while the number of people taken into care rose to 1,103 (+17.8%). The only institutional response remained the "Punto di Accoglienza Diffuso" (PAD), opened in August 2023 for women, children and families, which

²¹⁹ Altreconomia, 'Le nuove prove sulla morte di Blessing Matthew al confine italo-francese', 1 June 2022, available in Italian at: <http://bit.ly/3DiZQ06>.

²²⁰ Border Forensic, 'The death of Blessing Matthews - a counter investigation on violence at the alpine frontier', available at: <http://bit.ly/3wzK25t>.

²²¹ Border Forensic, '25.10.2022 - Death of Blessing Matthew: Facing impunity in France, we file an application before the European Court of Human Rights', available at: <http://bit.ly/3Df5a4L>.

²²² Mediapart, 'Mort de Blessing Matthew: la justice européenne ne permet pas de rouvrir le dossier', 18 January 2023, available in French at: <https://bit.ly/3UXccVy>.

²²³ Parole sul confine, 'Il Campo Roja di Ventimiglia ha definitivamente chiuso', 24 August 2020, available at: <https://bit.ly/3uFs7YE>.

²²⁴ See ASGI, Medea project, Ventimiglia, un territorio che resiste? October 2021, available at: <https://bit.ly/3vYAVdl>.

²²⁵ Sanremo news, Ventimiglia: firmate stamattina dal Sindaco e subito operative le ordinanze anti degrado e alcol, 21 October 2021, available in Italian at: <https://bit.ly/3s3VXXv>.

²²⁶ Stranieri in Italia, Il progetto. A Ventimiglia un centro di transito per accogliere i migranti, 26 November 2021, available at: <https://bit.ly/3vYoS02>.

²²⁷ Riviera24.it, Migranti a Ventimiglia, centro di transito: spunta di nuovo l'ipotesi Parco Roja, 4 April 2022, available in Italian at: <http://bit.ly/3JiY5Uw>, and Ansa, 'Migranti: a Ventimiglia sit-in bipartisan per riaprire centro', 16 November 2022, available in Italian at: <http://bit.ly/3HDcERO>.

²²⁸ Il Fatto Quotidiano, 'Nel limbo di Ventimiglia tra i migranti respinti dalla Francia e accampati al confine. Associazione: 'Serve centro di transito'', 25 December 2022, available in Italian at: <http://bit.ly/405tUGq>.

²²⁹ Primalariviera.it, "Meno migranti, ma più problemi: ecco il report "Ventimiglia ai margini 2024", 20 March 2025, available in Italian at <https://shorturl.at/mJILy>.

has hosted around 1,200 people over its two years of existence, while some sixty to seventy people continued to sleep under the via Tenda flyover for months before any placement. Although the time needed to lodge an asylum application before the Imperia police headquarters improved markedly (from around four months in 2024 to a few weeks in 2025) and the number of asylum seekers assisted rose from 199 to 240 — mainly Bangladeshi, Peruvian and Afghan nationals, the latter increasingly returning from France and Germany after the rejection of their claims — many applicants, especially those readmitted from other EU States, remained excluded from reception. The organisations also recorded 119 contacts with potential victims of trafficking and 35 cases of labour exploitation.²³⁰

Violence and court cases on the Italian side

On 9 May 2021, Moussa Balde, a 22-year-old boy, was attacked in the streets of Ventimiglia by three Italian men. After being hospitalised for a short period of time, Moussa was ordered to be confined at the CPR of Turin waiting to be deported. At the CPR he was placed in solitary confinement and was found dead on 23 May 2021.²³¹ On 10 January 2023, the Criminal Court of Imperia convicted three Italian citizens for the aggression, specifically for aggravated injury due to the use of a blunt object.²³² Regarding the responsibilities for the suicide of the young migrant to ascertain whether it was caused by the lack of medical and psychological care provided to the victim and to his isolation. Indeed, after the confinement, competent authorities denied that Moussa Balde had been present in the CPR, preventing any kind of legal assistance and support. Moreover, despite the brutal aggression suffered in Ventimiglia, the managing authority of the centre decided to put him in isolation, in a separate building called “Ospitaletto” within the detention centre without any kind of human support even if in a critical psychological and physical condition. On October 2023, the Turin prosecutor's office sent to trial the facility's director and CPR doctor, charged with involuntary manslaughter, and a police inspector, for forgery aiding and abetting.²³³

On 29 October 2024, the investigating judge (GIP) of the Court of Turin accepted the request for indictment of the deputy director of the company managing the CPR and the doctor of the facility at the time of Moussa Balde's death. The indicted chief police inspector has plea-bargained for a one-year prison sentence.²³⁴ On 12 February 2025 the trial began: defendants facing involuntary manslaughter charges are the centre's director working for Gepsa (the company that won the management contract), and the doctor who ordered Balde's isolation in the facility's "Ospedaletto" (small hospital) section.²³⁵ On 11 February 2026, the Court of Turin, at first instance, convicted the former director of the centre (managed by Gepsa) of involuntary manslaughter, sentencing her to one year's imprisonment, suspended, and ordering her and the managing company jointly to pay over EUR 350,000 in provisional damages to Balde's family. The facility's doctor was acquitted, as were the police officers involved, the chief inspector having earlier plea-bargained a one-year sentence. Balde's family, together with ASGI, the Frantz Fanon association and the regional Ombudsman for the rights of detained persons, took part as civil parties. The judgment was welcomed as the first to recognise the criminal liability of a private CPR operator, but was criticised for leaving unaddressed the responsibility of the Prefecture and the Ministry of the Interior. In its reasoning, the Court described a process of “dehumanisation” to which Balde had been subjected. The “Ospedaletto” isolation area was subsequently closed, having been found inhuman and degrading, while the Turin CPR, shut in 2023, reopened in March 2025 under a new operator.²³⁶

²³⁰ Caritas Intemelia, Diaconia Valdese, WeWorld & Médecins du Monde, *Ventimiglia ai margini 2025*, 2025; see also Diaconia Valdese – Servizio Inclusione, monitoring of the Ventimiglia border (2025).

²³¹ See Black book on Pre-Removal Detention Centre (CPR): when EU denies the human, 23 September 2021, available at: <https://bit.ly/3vxhQAx>.

²³² Il Fatto Quotidiano, ‘Moussa Balde, condannati a due anni gli autori del pestaggio. La famiglia del migrante: ‘Ora verità sulla sua morte in isolamento nel Cpr’, 10 January 2023 available in Italian at: <http://bit.ly/3HcKn2T>.

²³³ TGR Piemonte, ‘CPR. Per il suicidio di Moussa Balde la Procura chiede tre rinvii a giudizio’, 25 October 2023, available in Italian at: <https://bit.ly/48rlZz>.

²³⁴ Domani, “Due rinvii a giudizio per la morte di Moussa Balde nel Cpr di Torino nel 2021”, 29 October 2024, available in Italian at <https://shorturl.at/FoqJn>.

²³⁵ Il Manifesto, “Cpr di Torino, al via il processo per la morte di Moussa Balde”, 12 February 2025, available in Italian at <https://shorturl.at/hHXC0>.

²³⁶ Court of Turin, first-instance judgment of 11 February 2026 in the criminal proceedings concerning the death of Moussa Balde; see Progetto Melting Pot Europa, *Il caso Moussa Balde e la violenza strutturale della detenzione amministrativa*, November 2025, available [here](#); *il manifesto* and *lavalibera*, February 2026.

1.4 Legal access to the territory

Under Italian Law, it is not possible to apply for international protection from abroad, nor is a specific visa provided for people in need of protection that need to access the country.

In consideration of specific humanitarian crises, the Italian Government relies on a measure known as "humanitarian corridors", concluding protocols with international organisations such as UNHCR and IOM and with NGOs to allow a certain number of people in need of protection to access the country legally. Humanitarian corridors are not regulated by law, but only by protocols between the Ministry of the Interior, the Ministry of Foreign Affairs and selected organisations, to which the Ministry delegates operations and the power to select the beneficiaries; no formal procedure for selection is established, nor any means to challenge non-admission.²³⁷

The main programme, promoted by the Community of Sant'Egidio together with the Waldensian Table, the Federation of Evangelical Churches and CEI-Caritas, brought 8,592 people to Italy between February 2016 and December 2025, Syrians fleeing the war and refugees from the Horn of Africa, Greece, Cyprus, Gaza and Afghanistan. According to UNHCR, over the ten years since 2015 some 11,000 refugees from 24 countries have reached Italy through humanitarian corridors more broadly. In parallel, Italy participates in the UNHCR resettlement programme: 2,805 refugees were resettled between 2015 and 2025, the largest group from Lebanon (1,412), followed by Türkiye (446), Jordan (346), Sudan (306), Iran (102), Pakistan (72), Libya (70) and Syria (52). Since 2017, around 2,081 particularly vulnerable people have also been transferred from Libya through evacuations and resettlement (104 of them via Niger), a channel that had been suspended in 2023 and later resumed: on 11 December 2025, 122 refugees, mainly from Sudan, South Sudan and Eritrea, were evacuated to Rome.²³⁸

A specific channel was put in place for Afghan nationals. From 2021, in selected cases of Afghans fleeing the country after August 2021, the Ministry of Foreign Affairs allowed the persons concerned to apply for a humanitarian visa under Article 25 of the Visa Code (Regulation 810/2009). This first corridor, established through a Memorandum of Understanding of 4 November 2021, provided for the arrival of 1,200 Afghans over two years and enabled 812 Afghan citizens (refugees in Pakistan, Iran and Türkiye) to enter Italy.²³⁹ A new addendum, signed in April 2025, builds on the 2021 agreement and provides for a further 700 Afghan nationals (allocated among the Community of Sant'Egidio, CEI, the Federation of Evangelical Churches and ARCI); 338 people had already arrived by the time of signing, and a further group, including 119 people who reached Rome from Islamabad on 10 July 2025, followed thereafter.²⁴⁰ Separately, between 2021 and 2022 a total of 4,797 Afghans were evacuated by the Italian Government through various operations, including Operation Aquila Omnia.²⁴¹

Regarding the issuance of entry visas for humanitarian reasons in situations of need for extraterritorial protection, on 22 November 2023 the Court of Rome upheld the appeal filed by an Iranian citizen, residing in Italy with a study permit, who, not yet meeting the requirements for family reunification, had asked the Italian Embassy in Iran for the issuance of an entry visa to allow her minor daughter, in serious danger, to reach her. The Italian Consular Representation never responded, making it necessary to file an urgent appeal. In this case, the applicant demonstrated the danger to which her daughter was exposed to in Iran, due to her sexual orientation, for having participated in anti-government demonstrations after the assassination of Masha Amini (September 2022) and for behaviours deemed contrary to government religious morality, so much so that on one occasion she was even reprimanded by the morality police. In

²³⁷ See Sant'Egidio webpage [here](#).

²³⁸ MOI, available [here](#). For further details Community of Sant'Egidio, *Corridoi umanitari* (data updated to December 2025), available in Italian [here](#); UNHCR, *Corridoi umanitari: in 10 anni 11.000 rifugiati accolti in Italia*, 23 December 2025; UNHCR, *Reinsediamento in Italia* (2015–2025 figures), available [here](#).

²³⁹ Agenzia Fides, "EUROPE/ITALY - Humanitarian corridors from Afghanistan, a way to save lives", 15 December 2021, available at <https://shorturl.at/ijdP> and InfoMigrants, "Italy: 1,200 Afghans to arrive with humanitarian corridors", 8 November 2021, available at <https://shorturl.at/pziLD>.

²⁴⁰ Sant'Egidio, "Afghanistan: an agreement for new refugee entries with humanitarian corridors signed on April 7th", 7 April 2025, available at <https://shorturl.at/sSqyY>.

²⁴¹ Report to Senate of the Minister of Interior, Piantedosi, communicated to the Presidency on 29 November 2022, available in Italian [here](#), 12.

terms of jurisdiction, the Court identified a solid link with the Italian State given the presence of the mother in Italy and in her right to protect her daughter, as well as in the right of the latter to live with her mother while escaping the very serious risks to which she is exposed in Iran, thus applying the principle of the best interests of the child referred to in the 1989 New York Convention, but also in the light of art. 8 ECHR and, last but not least, the right to family unity provided for in the Constitution. In the decision, the Judge also refers to art. 10, paragraph 3 of the Italian Constitution as the right to enter the national territory, leaving to the State to identify the instrument to allow entry.²⁴²

On 8 June 2023, the Civil Court of Rome ordered the Ministry of Foreign Affairs to issue a humanitarian visa to family where one of the applicants, requesting the visa together with his family, had lived in Italy for a long time, obtained a degree in law and, after his return to Afghanistan, attended other courses in Italy as an Afghan soldier in the context of cooperation with NATO forces, particularly with the Italian military. Regarding the power of attorney, significantly the Court applied the principles affirmed by the CJEU in the case C-1/23 PPU extending to the granting of the power of attorney what was assumed by the Court regarding the need for Member States to adopt flexible solutions that allow the submission of a request for reunification through remote means of communication and without personal appearance.²⁴³

In 2024, the Civil Court of Rome accepted the appeal presented by an Afghan refugee against the denial of family reunification with his adult son. The Court, taking into account that the conditions established by law for the reunification of an adult child were not met, nevertheless considered the application for a humanitarian visa worthy of acceptance. The Court valued the work carried out by the father (driver at the Italian embassy in Kabul) and the fact that his wife and other daughters also live in Italy. For this reason, the court accepted the request for a humanitarian visa presented by the father for his adult son who remained alone in Iran where he also risked repatriation to Afghanistan.²⁴⁴

This line of case law was further developed in 2025 in connection with the situation in Gaza. Faced with the failure of the Italian Consulate in Jerusalem and the Ministry of Foreign Affairs to respond to numerous requests, a working group set up within ASGI lodged several urgent appeals before the Civil Court of Rome, which ordered the issuance of humanitarian entry visas under Article 25 of the Visa Code and Article 10(3) of the Italian Constitution. The Court held that Italy has a duty of protection towards persons exposed to a serious and immediate risk to their life, referring to the findings of United Nations bodies and to the orders of the International Court of Justice, and confirmed the emerging orientation according to which such visas may be granted even in the absence of a prior "qualified link" between the applicant and the Italian State.²⁴⁵

2. Preliminary checks of third country nationals upon arrival

Indicators: Preliminary checks at the arrival point

1. Are there any checks that are applied systematically or regularly at the point of entry when a person enters the territory?
☒ Yes ☐ No
2. Is the person considered under law to have entered the territory during these checks?
☐ Yes ☐ No

According to Article 10 bis TUI, any national from a third country who enters or remains on national territory, in violation of the TUI provisions, is punished, after a criminal procedure, with a fine of 5,000 to 10,000 euros. This rule does not apply to third country nationals receiving a rejection order pursuant to article 10, paragraph 1 of the TUI or to third country nationals identified during border police checks when they are leaving the national territory. According to the same law, in the case of submission of an

²⁴² Civil Court of Rome, interim measure of 22 November 2023, procedure no. 52019/2023 available in Italian at: bit.ly/3VEhTaR.

²⁴³ Civil Court of Rome, decision of 8 June 2023, available [here](#).

²⁴⁴ Civil Court of Rome, decision of 14 July 2024, available [here](#).

²⁴⁵ ASGI, *Visti umanitari* and the working group on Gaza, available in Italian [here](#); Civil Court of Rome, urgent orders of 2025 on the issuance of humanitarian visas to persons fleeing Gaza (Article 25 of Regulation 810/2009 and Article 10(3) of the Italian Constitution).

application for international protection, the procedure is suspended. Then, in case of recognition of international protection or in case of the issuance of a residence permit for national protection (special protection or of a protection granted pursuant to articles 18, 18-bis, 18-ter, 20-bis and 42-bis TUI and in the case of foreign minors for whom expulsion is prohibited, the judge pronounces a ruling of no place to proceed (Article 10 bis (6) TUI).

Normally, the check is conducted by the border police both at the sea border, the land border and the air border.

As explained in the previous paragraphs, the procedure upon arrival differs depending on whether it is a land border, a sea border, or a transit zone.

At the sea border, people are requested to fill the so-called “foglio notizie”, a document including information on the personal data and nationality of the person involved, as well as the reason of arrival. On the basis of the information provided, addressed to accommodation measures as asylum applicants or to repatriation centres (CPR) as irregular migrants. Irregular migrants can also receive a deferred rejection order according to Article 10 (2) TUI which applies to those who:

- ❖ entering the national territory evading border controls, are stopped at the entrance or immediately after;
- ❖ who, not having the requirements to enter, have been temporarily admitted to the territory due to emergency needs;
- ❖ found, also following search or rescue operations at sea, during surveillance activities at the external borders of the European Union, are taken to the border or transit areas (article 28-bis, paragraph 4, of the Procedures Decree)

This kind of rejection order can be appealed before the Justice of Peace (*Giudice di Pace*), rather than in front of a civil court.

At the land internal borders, as Schengen controls have been provisionally restored, when foreigners are found by the border police, they can receive a Schengen rejection if they do not meet entry requirements and do not ask for asylum. Also, as detailed for the Slovenian border, readmission procedures could be applied.

At the air border, the airport police check the entry requirements and, if they are missing, can impose an immediate rejection which can be challenged before the competent Administrative Court according to Article 10 (1 and 1 bis) TUI. According to ASGI's experience, as the rejection order is generally not immediately notified, and persons are often de facto detained in transit zones for some days before receiving the order.

Legal framework of hotspots

Being part of the European Commission's Agenda on Migration, the “hotspot” approach is generally described as providing “operational solutions for emergency situations” through a single place to swiftly process asylum applications, enforce return decisions and prosecute smuggling organisations through a platform of cooperation among the European Union Agency for Asylum (EUAA), Frontex, Europol and Eurojust. Although there is no precise definition of the “hotspot” approach, it has become a fundamental feature of the relocation procedures conducted from Italy and Greece until September 2017, in the framework of Council Decisions 2015/1523 and 2015/1601 of 14 and 22 September 2015 respectively. This instrument enabled the relocation of more than 2,100 international protection applicants from Italy and Malta between 2019 and September 2021.²⁴⁶

Under the French six-month Council presidency, on 22 June 2022, twenty-one EU Member States and associated countries signed a declaration of solidarity, containing a mechanism for voluntary solidarity contributions, in the form of relocation or other types of contributions, particularly financial contributions.²⁴⁷

²⁴⁶ EUAA, *Annual Asylum Report (2022)*, available at: <https://rb.gy/e1xyjt>.

²⁴⁷ Politiche dell'UE in materia di migrazione e asilo, Camera dei Deputati, Ufficio Rapporti con l'Unione Europea, available in Italian at: <https://rb.gy/uyozqo>.

Italy was expected to be the main beneficiary of this mechanism, with approximately 3,500 asylum applicants expected to be relocated to the participating member states. Despite this, just 117 asylum applicants were relocated to third countries in 2022.²⁴⁸

The Consolidated Act on Immigration (TUI), as amended by L 46/2017, provides that foreigners apprehended for irregular crossing of the internal or external border or arrived in Italy after rescue at sea are directed to appropriate “crisis points” and at first reception centres. There, they are identified, registered and informed about the asylum procedure, the relocation programme and voluntary return.²⁴⁹ Decree Law 113/2018 has subsequently introduced the possibility of detention of persons whose nationality cannot be determined for up to 30 days in suitable facilities set up in hotspots for identification reasons (see [Grounds for Detention](#)).²⁵⁰

The Standard Operating Procedures (SOPs) adopted in February 2016 and applying at hotspots also state that “where necessary, the use of force proportionate to overcoming objection, with full respect for the physical integrity and dignity of the person, is appropriate...”.²⁵¹ The law also provides that the repeated refusal to undergo fingerprinting constitutes a risk of absconding and legitimises detention in CPR (see [Grounds for Detention](#)).²⁵²

The same law also introduced a [Border Procedure](#) that is automatically applicable in case a person makes the application for international protection directly at the border or in transit areas – both to be identified and indicated by decree of the Ministry of Interior – after being apprehended for evading or attempting to evade controls. In this case, the entire procedure can be carried out directly at the border or in the transit area.²⁵³

The Moi Decree issued on 5 August 2019 and published on 7 September 2019 identified among the transit and border areas those ones close to hotspots: Taranto, Messina and Agrigento (Lampedusa hotspot).²⁵⁴

Use of hotspots

There are thirteen operating hotspots,²⁵⁵ a number that has grown exponentially in the last two years and that has been certified by the Ministry of the Interior in February 2025, following a civic access request realised by ASGI.²⁵⁶ The number continued to increase in 2024–2025: the Pantelleria centre was formally established as a hotspot in the summer of 2024, with on-site identification procedures, while the Roccella Jonica centre is being formalised; other facilities, such as the Trapani pre-removal centre (CPR) and the former CARA of Isola Capo Rizzuto (Crotone), continue to perform as de facto hotspots.²⁵⁷

As of 31 May 2025, the hotspots hosted 12 people in Sicily and 78 in Calabria.²⁵⁸ More recent data was not available.

The hotspot approach is used beyond hotspots centres. In 2021, ASGI reported many critical issues at the “new border” of Pantelleria, where migrants are also channelled in hotspot-like procedures.²⁵⁹ The

²⁴⁸ Ministry of Interior, ‘Accoglienza migranti, Piantedosi: «I Paesi di primo ingresso non possono da soli sopportare l'onere esclusivo nella gestione dei flussi»’, 11 November 2022, available in Italian at: <https://rb.gy/k35ep>.

²⁴⁹ Article 10-ter TUI, inserted by Decree Law 13/2017.

²⁵⁰ Article 6(3-bis) Reception Decree, as amended by Decree Law 113/2018.

²⁵¹ Ministry of Interior, *Standard Operating Procedures applicable to Italian hotspots*, February 2016, available at: <http://bit.ly/2kt9JBX>, para B.7.2.c.

²⁵² Article 10-ter(3) TUI, inserted by Decree Law 13/2017.

²⁵³ Article 28-bis(2) (b) Procedure Decree, as amended by Decree Law 130/2020.

²⁵⁴ Moi Decree 5 August 2019, Article 2

²⁵⁵ Lampedusa, Pozzallo, Taranto, Messina, Crotone, Roccella Jonica, Reggio Calabria, Vibo Valentia, Porto Empedocle (two different centres), Catania, Augusta and Pantelleria.

²⁵⁶ Data shared on February 2025 by Moi after a Foia access request made by ASGI.

²⁵⁷ ASGI, InLimine, *L'hotspot di Pantelleria: un microcosmo di diritti sospesi*, July 2025, available in Italian [here](#); ASGI, InLimine, *Il modello Lampedusa amplificato a Pantelleria*, 2024.

²⁵⁸ Ministry of Interior, *Crusotto statistico giornaliero*, 31 May 2025, available in Italian [here](#).

²⁵⁹ ASGI, *La frontiera di Pantelleria: una sospensione del diritto*. Report del sopralluogo giuridico di ASGI, June 2021, available in Italian at: <https://bit.ly/3tcSwyD>.

new inspection carried out by ASGI in May 2023 in Pantelleria confirmed the critical issues already reported in previous years (see [Place of Detention](#)).²⁶⁰

“Hotspots” managed by the competent authority have not required the construction and equipment of new reception facilities, operating instead from already existing ones.

In 2022, 55,135 persons entered the hotspots, compared to 44,242, in 2021, 28,884 in 2020, 7,757 in 2019 and 13,777 in 2018. The persons mainly originated from Tunisia (12,519), Bangladesh (11,237) and Egypt (8,660). 10,491 were children, of which 7,341 unaccompanied minors.²⁶¹ As of 31 March 2023, 22,024 persons had been registered in Italian hotspots since the beginning of the year, of which 3,669 minors.²⁶²

Monitoring of hotspots by NGOs was particularly difficult in 2020 and 2021 due to the limitations in access to the structures, connected with the pandemic, that prevent access of external people to the facilities.²⁶³ Access to hotspots for independent monitoring remained a central problem in 2025. Confidentiality clauses in the contracts of the organisations operating inside the centres prevent them from disclosing information on critical issues, and transparency has further deteriorated: during its 2025 monitoring of the Pantelleria hotspot, ASGI was denied physical access to the facility, obtained only partial documentation through FOIA requests, and found that even the local authorities claimed not to know what happened inside.²⁶⁴

Persons arriving at hotspots are classified as asylum seekers or economic migrants depending on a summary assessment, mainly carried out either by using questionnaires (*foglio notizie*) filled in by migrants at disembarkation,²⁶⁵ or by orally asking questions relating to the reason why they have come to Italy. People are often classified just solely on the basis of their nationality. Migrants coming from countries informally considered as safe e.g. Tunisia are classified as economic migrants, prevented from accessing the asylum procedure (see [Registration](#)) and issued return decisions.²⁶⁶

According to the SOPs, all hotspots should guarantee *inter alia* “provision of information in a comprehensible language on current legislation on immigration and asylum”, as well as provision of accurate information on the functioning of the asylum procedure. In practice, however, concerns regarding access to information persisted in 2022, 2023, 2024 and 2025.

As reported in previous updates to this country report, since 2019 an administrative practice has developed whereby, after disembarkation, foreign nationals are asked to sign an “information sheet” (*foglio notizie*) — or a second one — which is then used to restrict, prevent or revoke a previously expressed intention to apply for asylum. On the basis of that signature, a deferred rejection decree is issued and the person is detained in a pre-removal centre (CPR).²⁶⁷

Following two appeals to the Court of Cassation made within the ASGI In Limine project, the Court clearly stated that the compilation and signing of the second “*foglio notizie*” cannot affect the legal status of the foreign citizen as an applicant for international protection, resulting in the revocation or overcoming of the previously submitted application.²⁶⁸

²⁶⁰ ASGI, ‘Report e audio sul Punto di Crisi di Pantelleria: implicazioni sul diritto alla libertà personale’, October 2023, available in Italian at: <https://rb.gy/ajp1id>.

²⁶¹ Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons, June 2023, available at: <https://rb.gy/r73ey6>.

²⁶² Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons, June 2023, available at: <https://rb.gy/r73ey6>.

²⁶³ Borderline Sicilia, *La Sicilia non dimentica – La situazione dei migranti e dei rifugiati alle frontiere esterne dell’Europa*, March 2022, available at: <https://bit.ly/3MMMLrT>.

²⁶⁴ ASGI, InLimine, *L’hotspot di Pantelleria: un microcosmo di diritti sospesi*, July 2025.

²⁶⁵ See the *foglio notizie* at: <http://bit.ly/1LXpUKv>.

²⁶⁶ See ASGI, In Limine report Ombre in Frontiera, March 2020. available in Italian at: <https://bit.ly/3bYpTJF>.

²⁶⁷ AIDA, *Country Report Italy – Update on the year 2022*, May 2023, available at: <https://bit.ly/3PvO1cg>, 26-

53.

²⁶⁸ Court of Cassation, no. 18189/2020, available at: <https://bit.ly/3tuhZQN>; Court of Cassation decision no.18322/2020 available at: <https://bit.ly/3vV7d7O>.

Recent Court of Cassation judgments²⁶⁹ have clarified the need for adequate information at the time of disembarkation, which cannot be overcome by stereotypical phrases contained in the 'news sheet' or in refusal orders (see [Detention - Procedural safeguards](#)).

Other unlawful practices and violations were recorded in recent visits to the **Lampedusa** hotspot, notably the visit conducted in March 2022 by ASGI's delegation: legal information is not provided on an individual basis, but rather through a paper brochure delivered to the person without specific instructions being given. While waiting for the photo identification, groups of people stop in a designated area of the centre where, using two monitors other information is provided. These tools in the presence of the usual large number of people do not ensure adequate information as imposed by Article 3, Legislative Decree 142/2015.²⁷⁰ The February 2023 visit revealed very bad reception conditions inside the facility, including a very serious overcrowding situation (there were almost 4,000 people for a capacity of 400), people forced to sleep on the floor, lack of food, no medical assistance, and bonfires set up to make up for the lack of heating.²⁷¹ All this led to the replacement of the managing body and the subsequent entrusting of the facility to the Italian Red Cross from May 2023. Despite the change in management, the critical issues that had emerged in previous years continue to be denounced by ASGI.²⁷² Concerns have been expressed in a 2021 document by "InLimine" on the lack of gender related measures in the hotspots, specifically regarding Lampedusa hotspot.²⁷³

In June 2023, a delegation of ASGI had access to the **Pozzallo** hotspot and found several problems including the absence of cultural mediators to support the procedures after entering the hotspot (e.g. during the compilation and signing of the so-called "foglio-notizie") and the duration of detention in the hotspot following the manifestation of an application for international protection, which on average was about 10 days but can reach several weeks as stated by some people in the hotspot.²⁷⁴

Further critical issues were reported in the University of Bari's 2023 Report on the **Taranto** hotspot, which denounced the inadequacy of the legal information offered to persons entering the facility, the confusion between intelligence and investigative activities carried out during entry security checks, with potential repercussions on the rights of persons under investigation, the inadequate material reception conditions to guarantee privacy and the protection of persons in particularly vulnerable conditions (women and minors).²⁷⁵

More recent monitoring confirmed similar problems. Between 15 and 18 May 2025, an ASGI delegation carried out an on-site visit to the **Pantelleria** hotspot, complemented by FOIA requests. Its 2025 report documented five structural violations: arbitrary deprivation of liberty, restrictions on communication, lack of legal information, incorrect age assessment of minors and promiscuity in overcrowded conditions. Earlier, in 2024, ASGI's monitoring of the **Pozzallo** hotspot and its **Contrada Cifali annex** had found over

²⁶⁹ Civil Court of Cassation, decision n. 32070/2023, 20 November 2023 and Civil Court of Cassazione, decision n.5797/2024, 5 March 2024.

²⁷⁰ ASGI, Report Lampedusa 2022: le criticità, August 2022, available in Italian at: <https://rb.gy/litjw5>.

²⁷¹ CILD, *L'AFFARE CPR. Il profitto sulla pelle delle persone migranti*, June 2023, available in Italian at: <https://lc.cx/gY0Ueb>.

²⁷² ASGI, 'Per l'implementazione della libertà di corrispondenza con il mondo esterno e predisposizione di una rete wi-fi presso l'Hotspot di Lampedusa: diverse organizzazioni scrivono alle autorità competenti', March 2023, available in Italian at: <https://lc.cx/maYghO>; ASGI, La privazione della libertà personale nell'hotspot di Lampedusa: il riscontro delle autorità competenti, March 2023, available in Italian at: <https://lc.cx/gDj3y9>; ASGI, 'The right to information in the Lampedusa hotspot: the responsibilities of UNHCR', April 2023: <https://lc.cx/MnCT6a>; ASGI, 'La Questura di Agrigento su ingressi e uscite dall'hotspot di Lampedusa', May 2023, available in Italian at: <https://lc.cx/zmx60e>; ASGI, 'La gestione dell'hotspot di Lampedusa: la Convenzione con la CRI', July 2023, available in Italian at: <https://lc.cx/w2w1u6>.

²⁷³ ASGI – InLimine, 'A gender perspective on the Lampedusa Hotspot: the systematic and culpable violation of women's rights', 3 January 2022, available at: <https://bit.ly/3la6gOJ>.

²⁷⁴ ASGI, 'Monitoraggio ASGI e Spazi Circolari a Pozzallo: hotspot, Contrada Cifali e il nuovo centro di trattamento', 9 October 2023, available in Italian at: <https://lc.cx/2n5MBD>.

²⁷⁵ Università degli Studi di Bari, *Rapporto sul centro hotspot di Taranto*, Jean Monnet Working Paper 2/2023, October 2023, available in Italian at: <https://lc.cx/8otliD>.

a hundred unaccompanied minors deprived of their liberty for months in an isolated facility, without access to the asylum procedure.²⁷⁶

ECtHR judgments

On 30 March 2023, the European Court of Human Rights published its judgement in the case *J.A. and Others v. Italy*, condemning Italy for violating Articles 3, 5 and 13 of its Convention. The facts of the case originated from the arrival of four Tunisian citizens who, in October 2017, had been rescued at sea and transferred to the hotspot on the island of Lampedusa, where they were kept in *de facto* detention for ten days. The applicants had not received any information regarding their legal status or right to seek asylum, and were held in conditions of extreme discomfort, sleeping in the open, with no respect of their privacy, without sufficient functioning toilets, as the number of people present in the hotspot exceeded its maximum capacity. Classified as irregular migrants through pre-identification and the 'information sheet' filled upon arrival, the four Tunisian citizens were forced to sign the notification of a deferred rejection decision, the meaning of which they did not understand, and were subsequently transferred to Palermo's airport and forcibly repatriated to Tunisia.

In the judgement, the Court condemned Italy and ruled that the conditions of overcrowding and lack of guarantees and services inside the Lampedusa hotspot constituted a violation of the prohibition of torture and inhuman and degrading treatment, as set out in article 3 of ECHR. On this point, the Court stated that the possible situation of contingent and frequent arrivals of foreign nationals on the island did not justify the degrading conditions in which the applicants were detained.

Since it was not possible for the applicants to leave the facility – except illegally through a hole in the fence of the centre at the time of the events – there was no full freedom of movement, with the result that the prolonged detention inside the hotspot in the absence of a legal basis constituted a violation of the right to liberty and security under article 5 of ECHR.

Lastly, the Court condemned Italy due to the lack of evidence that the applicants' individual circumstances were adequately taken into account or that they had the opportunity to defend themselves against the removal order. On this point, the Court noted that the signing of the notification of the return order and the completion of the information sheet are not sufficient elements to satisfy the guarantee provided by Article 4 protocol 4 ECHR prohibiting collective expulsions, thus violated by the Italian authorities.²⁷⁷

In its decision of 23 November 2023 rendered in case no. 47287/17 (*A.T. and others v. Italy*),²⁷⁸ the ECtHR condemned Italy for having unlawfully detained several unaccompanied foreign minors in the Taranto hotspot, for having used inhuman and degrading treatment in arranging their reception measures, for not having appointed a guardian nor having provided them with any information on the possibility of challenging this condition in court. The relevance of the decision is immediately perceptible in the current context, in which previous repressive approaches have not been changed. At the time of the ruling's issuance, there were almost two hundred foreign minors *de facto* detained without any legal basis and without any judicial review inside the Taranto hotspot, some of them even since the previous month of August.²⁷⁹

Detention in hotspots under Law 50/2023

In 2023, Decree law 20/2023, converted into law 50/2023, introduced a new hypothesis for the detention of asylum seekers in hotspots, governed by new Article 6-bis of the Reception Decree. According to this provision, the applicant can be detained within a hotspot (or CPR) during the border procedure for the

²⁷⁶ ASGI, InLimine, *L'hotspot di Pantelleria: un microcosmo di diritti sospesi*, July 2025; ASGI & Spazi Circolari, *Monitoraggio a Pozzallo: hotspot, Contrada Cifali e il nuovo centro di trattenimento*, 2024, available [here](#).

²⁷⁷ Case of *J.A. and Others v. Italy*, application n. 21329/2018, 30 March 2023, available at: <https://rb.gy/8uq8v>.

²⁷⁸ ECtHR, No. 18911/17 and two others, *A.E. and others v. Italy*, 16 November 2023, available at: <https://bit.ly/3VtXyVY>.

²⁷⁹ ASGI, 'CEDU: minori stranieri detenuti illegalmente nell'hotspot di Taranto. ASGI: vanno ricollocati', 28 November 2023, available in Italian at: <https://lc.cx/VLycMg>.

sole purpose of ascertaining their right to access the State's territory. According to the Law, detention may take place where the applicant has not presented a valid passport or other equivalent document or does not provide for suitable financial guarantee.²⁸⁰

On 14 September 2023, the expected MoI Decree²⁸¹ regarding the financial guarantee was adopted. It detailed that:

- ❖ The financial guarantee consists of 4,938 euros;²⁸²
- ❖ It has to be paid in a single payment;
- ❖ It has to be paid directly by the person affected by the detention measure and not by third parties;
- ❖ It has to be paid via a bank guarantee;²⁸³
- ❖ It should be paid before the fingerprinting done according to Eurodac Regulation, and covers the entire border procedure, up to the decision on the suspensive request in case of appeal.²⁸⁴

The Decree states that, in case of absconding before the end of the procedure, the entire amount is definitively granted to the State.²⁸⁵

These procedures were first implemented at the end of September 2023. However, the Court of Catania rejected the Questore's request to validate a detention order based on this, ruling that the grounds of detention foreseen in national legislation were incompatible with EU law. According to the Court, Articles 8 and 9 Reception Conditions Directive, as interpreted by CJEU C-924/19 PPU and C-925/19 PPU, prevent Member States from detaining an applicant for international protection for the sole fact that they cannot meet their own needs; and detention cannot take place without the prior adoption of a reasoned decision ordering detention and without the necessity and proportionality of such a measure having been examined.²⁸⁶ This decision, together with others adopted on the same date by the Court of Catania, were challenged by the Ministry of the Interior before the Court of Cassation in United Chambers. The latter, by an interlocutory order, referred the matter to the CJEU for the purpose of verifying the compatibility of the domestic legislation relating to the fixed financial guarantee with Articles 8 and 9 of the Reception Conditions Directive,²⁸⁷ but later requested that the CJEU strike the cases from the court's registry, which was done in November 2024.²⁸⁸

Among the legal changes introduced by Decree-Law 20/2023 is the new formulation of article 10-ter, par. 1-bis, of TUI, which is part of the provisions for the identification of third-country nationals found to be illegally present on the national territory or rescued during SAR operations at sea. The first paragraph of the article already provided for the operational procedures regarding detention within the hotspots of foreign nationals found illegally crossing the internal or external border or reaching national territory following rescue operations at sea. The same can be applied for rescue and first assistance within these centres, where the photo-dactyloscopic and signal data are then taken and where information on the right to asylum, on the relocation programme within other EU Member States and on the possibility of recourse to assisted voluntary return should be guaranteed.

The new paragraph 1-bis expands the possibility of using measures that would amount to *de facto* detention, providing that for the "optimal performance of the fulfilment of the tasks referred to in this Article, the third country nationals hosted at the crisis points referred to in paragraph 1 may be transferred to similar facilities on the national territory, for the performance of the activities referred to in the same

²⁸⁰ Article 6 bis Reception Decree as amended by the DL 20/2023 converted into L. 50/2023.

²⁸¹ MOI Decree issued on 14 September 2023, as provided by Article 6 bis (2) Reception Decree, available in Italian at: <https://bit.ly/3TWwL3p>.

²⁸² MoI Decree 14 September 2023, Article 3 (1).

²⁸³ MoI Decree 14 September 2023, Article 3 (2).

²⁸⁴ MoI Decree 14 September 2023, Article 3 (3).

²⁸⁵ MoI Decree 14 September 2023, Article 4.

²⁸⁶ Civil Court of Catania, Decree of 29 September 2023, n. 4117/2023, on the proceeding n. 10459/2023, available in Italian at: <https://lc.cx/FFkoBp>; see also *Questione Giustizia*, Il giudice non convalida i trattenimenti di tre migranti tunisini disposti in base alla nuova disciplina delle procedure di frontiera, available in Italian at: <https://lc.cx/OsBUJH>.

²⁸⁷ Court of Cassation, interlocutory order of 8 February 2024, decision n. 3562/2024, R.G. 20674/2023.

²⁸⁸ CJEU, *Ordinanza del presidente della corte « cancellazione dal ruolo »*, 13 November 2024, available in Italian [here](#).

paragraph" specifying that the identification of these facilities will be made in agreement with the Ministry of Justice.

3. Registration of the asylum application

Indicators: Registration

1. Are specific time limits laid down in law for making an application? ☒ Yes ☐ No
❖ If so, what is the time limit for making an application? 8 working days
2. Are specific time limits laid down in law for lodging an application? ☐ Yes ☒ No
❖ If so, what is the time limit for lodging an application?
3. Are making and lodging an application distinct stages in the law or in practice? ☒ Yes ☐ No
4. Is the authority with which the application is lodged also the authority responsible for its examination? ☐ Yes ☒ No
5. Can an application for international protection for international protection be lodged at embassies, consulates or other external representations? ☐ Yes ☒ No

The Procedures Decree provides that applications for international protection are made by non-EU citizens on the territory of the State, including at the border and in transit zones, and in the territorial waters.²⁸⁹

The Decree also provides for training for police authorities appropriate to their tasks and responsibilities.²⁹⁰

3.1 Making and registering the application (fotosegnalamento)

Under the Procedures Decree,²⁹¹ the asylum claim can be made either at the Border Police upon arrival or at the Immigration Office (*Ufficio Immigrazione*) of the Police (*Questura*), if the applicant is already on the territory. The intention to seek international protection may be expressed orally or in writing by the person concerned in their own language with the help of a cultural mediator.²⁹²

PD 21/2015 provides that asylum seekers who express their wish to apply for international protection before Border Police authorities are requested to approach the competent *Questura* within 8 working days. Failure to comply with the 8-working-day time limit without justification results in deeming the persons as illegally staying on the territory.²⁹³ However, there is no provision for a time limit to make an asylum application before the *Questura* when the applicant is already on the territory.

DL 145/2024 however provided that an asylum application made after 90 days from the irregular entry or from start of the period of irregular stay in Italy has to be channelled into an accelerated procedure, and that in this case applicants do not have access to accommodation measures unless they provide justified reasons for the delay.²⁹⁴

The law does not foresee any financial support for taking public transport to the competent *Questura*. In practice, NGOs working on the borders provide the train ticket for that journey on the basis of a specific agreement with the competent Prefecture. However, this support is not always guaranteed.

The procedure for the initial registration of the asylum application is the same at the border and at the *Questura*. The first step is the identification and registration process, which entails fingerprinting and

²⁸⁹ Article 1 Procedure Decree, as amended by the Reception Decree.

²⁹⁰ Article 10(1-bis) Procedure Decree, as amended by the Reception Decree.

²⁹¹ Article 6 Procedure Decree.

²⁹² Article 3(1) PD 21/2015.

²⁹³ Article 3(2) PD 21/2015.

²⁹⁴ Article 15-quinquies (1 and 2) DL 145/2024 converted with amendments in L. 187/2024, introducing article 28 bis (2 e bis) Procedure decree and Article 1 (2 bis) of Reception Decree.

photographing that can be carried out either at the border police or at the Questura. This procedure is called “*fotosegnalamento*”.

The Procedure Decree provides that the registration of the application shall be carried out within 3 working days from the expression of the intention to seek protection or within 6 working days in case the applicant has expressed such willingness before Border Police authorities. That time limit is extended to 10 working days in presence of a significant number of asylum applications due to consistent and tight arrivals of asylum applicants.²⁹⁵

Upon completion of the *fotosegnalamento*, the person receives an invitation (*invito*) to reappear before the Questura to lodge the asylum application.

DL 133/2023 introduced a scenario for the cancellation of the asylum request by introducing Article 6 (3 bis) to the Procedure Decree, according to which in the event asylum applicants do not present themselves at the police station for the verification of the identity declared and the formalisation of the asylum application, the previous expression of the will to seek asylum does not constitute an asylum application and the asylum procedure is not considered initiated.²⁹⁶

3.2 Lodging the application (*verbalizzazione*)

Fotosegnalamento is followed by a second step, consisting in the formal registration of the asylum application, which is carried out exclusively at the Questura within the national territory. The EUAA provides support in this process since 2017.

The formal registration of the application (*verbalizzazione or formalizzazione*) is conducted through the “C3” form (*Modello C3*).²⁹⁷ The form is completed with the basic information regarding the applicant’s personal history, journey to reach Italy and reasons for fleeing their country of origin. This form is signed by the asylum applicant and sent to the Territorial Commission before the interview. Asylum applicants receive a copy of the C3 and copies of all other documents submitted to the police authorities.

With the completion of the C3, the formal stage of applying for international protection is concluded. The “*fotosegnalamento*” and the lodging of the international protection application do not always take place at the same time, especially in big cities, due to the high number of asylum application and the shortage of police staff. In practice, the formal registration might take place weeks (or months) after the asylum applicant made the asylum application. This delay still creates difficulties for asylum applicants who, in the meantime, might not have access to the reception system and the national health system, except for emergency health care.

In 2025, the number of lodged asylum applications registered with the support of EUAA personnel in Italy decreased, to 25,584 applications for international protection (30,513 in 2024). Of these, 75% related to the same 10 citizenships: Bangladesh (5,154), Peru (4,000), Egypt (2,079), India (1,538), Pakistan (1,451), Sri Lanka (1,423), Morocco (1,115), Tunisia (907), Georgia (783) and China (698).²⁹⁸

The Reception Decree provides for the issuance of a “residence permit for asylum applicants” (*permesso di soggiorno per richiesta asilo*), valid for 6 months, renewable.²⁹⁹

²⁹⁵ Article 26(2-bis) Procedure Decree.

²⁹⁶ Article 6 (3 bis) Procedure Decree introduced by DL 133/2023 converted with amendments by L 176/2023.

²⁹⁷ Verbale delle dichiarazioni degli stranieri che chiedono in Italia il riconoscimento dello status di rifugiato ai sensi della Convenzione di Ginevra, available in Italian at: <https://bit.ly/2UWOLx2>.

²⁹⁸ Information provided by the EUAA, 05 March 2026.

²⁹⁹ Article 4(1) Reception Decree.

3.3 Access to the procedure in practice

Reports of denial of access to the asylum procedure recorded by ASGI have continued since 2021, including in 2025. However, since the early months of 2022, the situation has reached unprecedented critical levels.

When they prevent access to the procedure, Questure do not issue any document attesting the intention of the persons concerned to seek asylum. This exposes them to risks of arbitrary arrest and deportation. This problem mainly affects people who reach Questure autonomously, after entering in Italy by land or after independent disembarkations or when applying for asylum after staying on the national territory.

On 8 February 2024, the Ministry of Interior decided to stipulate an agreement with UNHCR in order to intervene on the timing of access to the asylum procedure and the reduction of the backlog relating to the number of applications to formalise.³⁰⁰

On 7 March 2025, ASGI, together with other NGOs such as Emergency, Lungo la Rotta Balcanica and the Italian Chamber of Immigration Lawyers (CADUS), lodged two class actions³⁰¹ before the Administrative Court of Veneto (TAR) against the Questure (Police headquarters) of two provinces in the Veneto region, Vicenza and Venice, accused of systematic delays in granting access to the international protection procedure, the average waiting time to apply for international protection in the two offices in 2024 being between 90 and 100 days (as directly indicated by the two Questure).³⁰² The organizations used a tool - that of the public class action - that had previously been only seldomly used in immigration law. This tool serves to present to the competent court - in this case the Regional Administrative Court - a dysfunctional and inefficient practice of a Public Administration or of those who manage a service on behalf of it. The court is called to rule on the existence of a systematic violation of a deadline (as in this case) or other forms of non-compliance. If the court finds the violation exists, it can order the administration involved to remedy it, without incurring in greater costs or burdens for the State, but by working on greater efficiency in the use of resources. The class action does not provide for forms of compensation for damages for asylum seekers but is a tool that pushes the administration to work in compliance with the law. The action also aims at pointing out the structural nature of violations of terms and deadlines by the public administration, highlighting the issue on a national basis. By the end of July 2025, other organisations or individuals suffering the same issues accessing the asylum procedure had added their own claims with a formal intervention in the two actions.

Following the hearing of 17 September 2025, the Veneto Regional Administrative Court (TAR) issued two identical interlocutory orders, requesting both the Ministry of the Interior and the two Police Headquarters (Questure) to provide precise data on their offices' organisation, to better understand the causes of the delays. Only the two Police Headquarters complied, while the central Ministry remained silent. On 18 March 2026, the TAR issued two judgments in which it acknowledged the existence of serious delays regarding effective access to the procedure, and ordered the administrations to restore a function as sensitive as that concerning access to and the conduct of international protection procedures within 90 days from the publication of the judgment. Furthermore, the judgments criticised the inertia of the central administration and the insufficient evidentiary response provided by the peripheral administrations.³⁰³ The organisations involved are monitoring the level of implementation of the Court orders, which so far remains insufficient.

Since 2015³⁰⁴ and up to the present, the problem of delayed registrations also affected people who disembarked, as they had to face the so-called hotspot procedure, being channelled into the asylum procedure or a return procedure (being sent to a CPR) mainly depending on their nationality and on the

³⁰⁰ Ministry of Interior note signed on 8 February 2024 which was reported to ASGI.

³⁰¹ Action for the efficiency of the public administration, Legislative Decree n. 198/2009.

³⁰² Data made available by Questure in response to FOIAs by ASGI. See also the report "Asilo, gli ostacoli per chi chiede rifugio. Lo studio pilota dell'ASGI in 55 questure italiane" available at: <https://bitly.cx/Y2Vdq>.

³⁰³ See judgments here: <https://bitly.cx/FfeeZ>.

³⁰⁴ See ASGI, *Il trattamento riservato ai migranti sbarcati sulle coste italiane obbligo di identificazione e di informazione nell'approccio hotspot*, 2018, available [here](#).

base of a “foglio notizie” not translated in their language and fulfilled without an effective assistance from cultural mediators. This continued to happen in 2024, and such practices were still reported mainly concerning Tunisian and Moroccan nationals.

As such, some nationalities face more difficulties in accessing the asylum procedure, both at hotspots and at Questura. In 2025, according to ASGI’s experience, similar difficulties persisted. By the end of 2025 and in the first months of 2026, in Trieste, many people from Nepal were *de facto* denied to access the asylum procedure. They had to file urgent appeals to the Civil Court in order to obtain access to the asylum procedure. The Civil Court of Trieste upheld all the appeals and ordered the Questura to start the asylum procedure.³⁰⁵ In some cases, the interim decision on the appeal convinced Questura to allow the access to the procedure, then the Court could close the case.³⁰⁶

In cases where, once in CPR, people managed to submit an asylum application, this was, with few exceptions, considered an instrumental application aimed at avoiding repatriation. Consequently, the detention order was validated as the application was considered as not genuine (see [Detention](#)).

In 2020, the Court of Cassation reaffirmed the close connection between compliance with information obligations and the effectiveness of the right of access to the asylum procedure, both denied by the value attributed to the so-called “*foglio notizie*” or second “*foglio notizie*”, which are often distributed to foreign citizens who arrive at the border without a prior or contextual explanation on the meaning of their signature.³⁰⁷

In early 2024, the Court of Cassation expressed an important principle to better stress the importance of the information obligations as a guarantee of access and respect of the asylum rights. With a decision issued on 5 March 2024 the Court affirmed that “Pursuant to art. 10 ter TUI, complete and effective information on the international protection procedure must be ensured for all foreigners brought for rescue and first aid needs at the hotspots, (...) this obligation also exists in the case in which the foreigner has not expressed the need to request international protection, given that silence or any declaration incompatible with the desire to request it, which must in any case be clearly expressed and not in ambiguous formulas, cannot take on significance if it does not appear that the person has been fully informed in advance.” The Court also remarked that it is not sufficient, in order to consider the fulfilment of the information obligation, that the rejection or detention decree generally indicates that the subject has been fully informed, if nothing appears on this matter from the *foglio notizie* or from other documents, or evidence offered by the administration; and in particular if nothing is apparent regarding the times and methods with which the information was administered, with specific regard to the language used, the presence of an interpreter or cultural mediator and this in order to allow a verification of the comprehensibility of the information provided.³⁰⁸

On 13 July 2023, the Supreme Court once again intervened on the timing of the registration of the asylum application stating that in compliance with the provisions of the art. 6, of Directive 2013/32/EU, the application for international protection must be registered within the terms established therein (three or six days depending on the office) and that the ten-day extension of the term, provided for by national legislation (last period of 'art. 26, paragraph 2-bis, Legislative Decree 25/2008, introduced by the national legislator with Legislative Decree 142/2015) must be applied only in the case of a high and proven number of applications following consistent and close arrivals.³⁰⁹

People seeking protection are also affected by the readmission procedures, practices witnessed at the Slovenian border as well as in Adriatic ports (see above, [Pushbacks at Adriatic ports](#) and [Arrivals at the Slovenian land border](#)).

³⁰⁵ Civil Court of Trieste, decision no. 5434/2025 of 13 December 2025; decision no. 4780/2026 of 18 June 2026.

³⁰⁶ Civil Court of Trieste decision of 30 May 2026.

³⁰⁷ Court of Cassation, decision no. 18189/2020 dd. 25.6.2020.

³⁰⁸ Court of Cassation, decision no. 5797 of 5 March 2024.

³⁰⁹ Court of Cassation, order of. 13.7.2023 n. 20028, n. 20070, available at <https://l1nq.com/bJv7R>.

In 2023, there were numerous reports of cases in which access to the asylum procedure was hindered on even on national territory, and practices differed widely between different areas of the territory.

Due to the problems in registering one's asylum application in Milan, several associations together with ASGI sent a letter to UNHCR.³¹⁰

Similarly, the high numbers affecting the Questura of Turin, including regarding the impossibility to formalise the asylum applications, lead ASGI to address the Police with a formal letter,³¹¹ which was then followed by a highly participated-in public protest.³¹² Several months after the demonstration, no substantive change in the rules for submitting asylum applications has been registered.

Between May and June 2023, ASGI carried out monitoring through data collected by its members on 55 of the 107 Italian provinces.³¹³ The outcome was that in 40 cities, asylum applicants cannot access the asylum procedure without an official address. In the period considered this was happening in:

- | | |
|--|---|
| ❖ Alessandria, Turin, Vercelli (Piedmont) | ❖ Cosenza, Reggio Calabria (Calabria) |
| ❖ Ancona, Pesaro Urbino (Marche) | ❖ Firenze, Grosseto (Tuscany) |
| ❖ Bari, Barletta-Andria-Trani, Lecce (Apulia), Taranto | ❖ Genoa, Savona (Liguria) |
| ❖ Bologna, Ferrara, Reggio Emilia, Modena, Ravenna, Parma (Emilia Romagna) | ❖ Naples, Salerno, Benevento (Campania) |
| ❖ Bozen (Trentino) | ❖ Palermo (Sicily) |
| ❖ Brescia, Cremona, Lecco, Milan, Varese Mantova (Lombardy) | ❖ Perugia (Umbria) |
| ❖ Campobasso (Molise) | ❖ Pescara (Abruzzo) |
| | ❖ Rome (Lazio) |
| | ❖ Sassari (Sardinia) |
| | ❖ Venice, Verona (Veneto) |

In other Questure, access to asylum was not allowed without a passport (3 cities) or because a limited number of new asylum requests are allowed every day (in 6 cities: they vary from 5 to a maximum of 15 people per day).

In 24 Questure, the period between the date of registration of the asylum application and formalisation lasts less than 6 months, in 18 Questure it takes more than 6 months and in 3 Questure more than a year. The Civil Court of Rome, on 31 July 2023, once again stated that "the Administration does not enjoy full discretionary power, but it is obliged to provide the necessary means to register the application within the times prescribed by the law, moreover, since the pandemic emergency which led to first eliminating and then significantly limiting access to offices has long been overcome".³¹⁴

On 28 March 2023, the Civil Court of Milan upheld the urgent appeal submitted by an Egyptian asylum applicant who had tried several times to access the Questura and finally had expressed his intention to seek asylum through a certified mail sent by his lawyer. The Court ordered Questura to register his intention to seek asylum.³¹⁵ As of April 2023 the Questura of Milan decided to allow access to the asylum procedure through a telematic system (Prenotafacile) which, however, requires the use of a passport or of an identification document.³¹⁶ On 9 May 2023, the Civil Court of Milan upheld the urgent appeal submitted by another Egyptian asylum applicant ordering Questura to process his asylum request and

³¹⁰ See Milano, pericoloso e impossibile chiedere asilo. Le associazioni chiedono l'intervento dell'UNHCR, available [here](#).

³¹¹ See Asgi, Gravi violazioni di legge e inefficienze dell'Ufficio immigrazione della Questura di Torino 3 March 2023, available at <https://acesse.dev/u0aPT>.

³¹² See ASGI, 20 aprile 2023 – Presidio davanti alla Questura di Torino contro le prassi illegittime verso gli stranieri available at <https://l1nq.com/MmHs2>.

³¹³ See ASGI "Mappatura delle prassi illegittime delle questure italiane Lo studio pilota di ASGI" report published on 15 April 2024, available in Italian at <https://encr.pw/nu9AJ>.

³¹⁴ Civil Court of Rome, decision of 31 July 2023.

³¹⁵ Civil Court of Milan, decision of 28 March 2023.

³¹⁶ Information provided by the Questura available at: bit.ly/42QXP63.

evaluating the inadequacy of the Prenotafacile system as it was actually not allowing people to request an appointment.³¹⁷

Later, the Questura of Milan decided to allow those who do not have passport to book an appointment through some organisations which declared to be available, such as ACLI.

In 2023, the Questura of Sassari and Siracusa declared asking people to submit legalised documents to prove the family bond among parents and children who are, otherwise, prevented from applying.

Regarding the requests of evidence of family bonds, in 2022 some Questura - such as those of Caserta and Rome - started, as reported to ASGI, to ask for a DNA test to prove the family bond.

In 2023, as reported to ASGI, the Questura of Bologna refused to formalise an asylum request of a family lacking family documents.

The Civil Court of Rome, with a decision of 31 March 2023, ordered the immediate access to the asylum procedure for a Georgian citizen, deeming the new practice established in recent weeks by the Questura of Rome of setting appointments for the formalisation of the application months after the request did not comply with regulatory provisions.³¹⁸

Moreover, on 24 March 2023, the Civil Court of Trieste ordered the Questura of Udine to register within 30 days the international protection request of a Nigerian woman, 62, who, since October 2022, was trying to obtain access to the asylum procedure but had only obtained an expulsion order.³¹⁹

Also, with an important decision, the Civil Court of Bologna, on 18 January 2023, recognised the right to access the procedure to a group of asylum seekers who, helped by the CIAC association, since August 2022 were denied access to the procedure and accommodation lacking a domicile.³²⁰

On 8 April 2024, the report “Attendere prego” from the International Rescue Committee Italy (IRC) Le Carbet, Mutuo Soccorso Milano, Naga ASGI and Intersos, was published confirming the difficulty in accessing the procedure existing in Milan and in others Italian provinces.³²¹

In 2024 ASGI, together with the organisations Spazi Circolari, Progetto Diritti; ARCI; Libellula Italia; A Buon Diritto, Baobab Experience; and CILD, started a collective anti-discrimination lawsuit against the Ministry of the Interior due to the continued issues regarding access to the asylum procedure. After the lawsuit was lodged, the Questura of Rome adopted suitable tools to overcome the problem, allowing, without waiting days, to submit the asylum application. For this reason, on 7 October 2024 the Court closed the case as the matter of dispute ceased.³²²

Another anti-discrimination lawsuit was filed in 2025 by ASGI against the Police Headquarters (Questura) of Turin, also regarding access to the asylum procedure. The court of Turin found that the organisational model adopted by the Immigration Office of the Turin Questura regarding foreign nationals seeking to formalise an application for international protection constitutes direct discrimination, both individual and collective. During the proceedings, it was demonstrated that in Turin, in order to submit an application for international protection, migrants are forced to queue for months outside the Questura's offices from the early hours of the night, in the hope of being selected to formalise their requests. Each day, only about 10 people are able to submit an asylum application: the system provides no possibility of booking an appointment and, above all, there are no transparent criteria to understand on what basis the selection for entry is made. Having established there was discrimination, the court ordered the Questura of Turin to design a different organisational model within four months of the ruling's publication.³²³

³¹⁷ Civil Court of Milan, decision of 9 May 2023.

³¹⁸ Civil Court of Rome, Decision of 31 March 2023

³¹⁹ Civil Court of Trieste, Decision of 24 March 2023

³²⁰ See Meltingpot, I richiedenti asilo hanno diritto a documenti e accoglienza, January 2023, available at bit.ly/42MnRad.

³²¹ See the report “Attendere Prego”, 8 April 2024, gli ostacoli al riconoscimento della protezione internazionale in Italia, available at <https://acesse.dev/afr10>.

³²² See Civil Court of Rome, decision of 7 October 2024, available [here](#).

³²³ Court of Turin, ruling no. 3818/2025, available on ASGI website in Italian [here](#).

Access to the procedure from detention

In practice, the possibility of accessing the asylum procedure inside a pre-removal detention centre (CPR) is limited due to the lack of appropriate legal information and assistance, and to administrative obstacles. According to the Reception Decree, people are informed about the possibility to seek international protection by the managing body of the centre.³²⁴

As recorded by ASGI, in 2025, as in previous years, in many cases people detained, who were not informed of the possibility and the way to ask for asylum, could not express this will even before the Judge of the Peace (Giudice di Pace) at the hearing to validate the detention. Only in some cases were they able to submit the asylum request thanks to their lawyers after the detention order had been issued. This was possible, however, mainly in the CPRs, such as that of Gradisca, where mobile phones are not seized.

Regarding the possibility to apply for asylum by applicants serving prison terms, ASGI has recorded significant difficulties still in 2025 (see chapter on [Detention of asylum applicants](#)).

On 14 October 2022, the Civil Court of Turin accepted the appeal lodged by an asylum applicant from Morocco who had obtained access to the asylum procedure just a few days before the end of his prison sentence. The Territorial Commission applied an accelerated procedure and evaluated the asylum request to be manifestly unfounded. Judging on the appeal presented by the applicant, the Court of Turin established that the applicant should be granted special protection, due to his long stay in Italy and to the family ties created in the country.³²⁵

C. Procedures

1. Regular procedure

1.1 General (scope, time limits)

Indicators: Regular Procedure: General

- | | |
|--|---|
| 1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance: | Not available |
| 2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? | ☒ Yes ☐ No |
| 3. Backlog of pending cases at first instance as of 31 December 2025: | 234,165 ³²⁶ |
| 4. Average length of the first instance procedure in 2025: | Not available |

Note: as this report focuses on the asylum practice in 2025, information on legal changes related to the legal changes brought about in June 2026 to adapt to the EU Pact on Migration and Asylum are compiled in Annex I to the report [here](#).

According to the Procedure Decree in force before 12 June 2026, the Territorial Commission interviewed the applicant within 30 days after having received the application and decides within the 3 following working days. When the Territorial Commission was unable to take a decision in this time limit and needs to acquire new elements, the examination procedure had to be concluded within 6 months of the lodging

³²⁴ Article 6(4) Reception Decree.

³²⁵ Civil Court of Turin, decision of 14 October 2022.

³²⁶ Eurostat, 'Persons subject of asylum applications pending at the end of the month - monthly data', available [here](#).

of the application. The Territorial Commission could extend the time limit for a period not exceeding a further 9 months, where:

- a. Complex issues of fact and/or law are involved;
- b. Large number of asylum applications are made simultaneously; or
- c. The delay can clearly be attributed to the failure of the applicant to comply with his or her obligations of cooperation.

Exceptionally and in duly justified circumstances, the Territorial Commission could further exceed this time limit by 3 months where necessary to ensure an adequate and complete examination of the application for international protection.³²⁷ In light of the different possibilities of extension, the asylum procedure may last for a maximum period of 18 months.

In practice, however, ASGI observed that the time limits for completing the regular procedure were not respected. The procedure usually took much longer, considering on one hand that the competent determining authorities received the asylum application only after the formal registration and the forwarding of the C3 form through the case database, Vestanet. On the other hand, the first instance procedure usually lasted several months, with delays in issuing a decision which vary between Territorial Commissions. In cities such as Rome, the entire procedure was generally longer and took from 6 up to 12 months.

To address these issues, since 9 April 2025, the authorities involved in the asylum procedure started using the database 'SUA'. The latter include Vestanet (asylum procedures), Dublinet (Dublin procedure), SGA (accommodation system) and RVA (repatriation database), which will be closed. However, the implementation created several problems, and in 2025 many police stations communicated that they could not complete the lodging procedure due to the malfunction of the system.

Statistics on the average duration of the procedure are not available.

In 2025, 128,655 first asylum requests were registered in Italy,³²⁸ similar to 2024 (151,120) but still doubled compared to the 77,200 applications registered in 2022.³²⁹

In 2025, 104,560 first instance decisions were issued in Italy. Of these, 5,965 (5.7%) were decisions granting a refugee status, 11,455 subsidiary protection (10.9 %) and 13,945 (13.3 %) national protection (protezione speciale).³³⁰ Overall, the recognition rate stood at 30% a decrease compared to 2024 (35.9%), and a significant decrease compared to 2022 when it was 47%.

DL no. 100/2026 recalls the rules laid down in the Asylum Procedure Regulation (APR), not expressly mentioning time limits.³³¹

Termination and notification

DL 145/2024 amended the Procedure Decree which previously stated that when the applicant, before having been interviewed, left the reception centre without any justification or absconded from a CPR or hotspot, the Territorial Commission should have suspended the examination of the application on the basis that the applicant is not reachable (*irreperibile*).³³²

DL 145/2024 introduced a rule that allowed to consider the asylum application implicitly withdrawn in such cases. According to the Article 23 bis Procedure Decree in force before 12 June 2026, this happened when:

³²⁷ Article 27(2)(3) Procedure Decree.

³²⁸ Eurostat, Asylum applicants by type - annual aggregated data, available [here](#).

³²⁹ Eurostat, Asylum applicants by type - annual aggregated data, available at: bit.ly/41jiZ7A.

³³⁰ Eurostat, First instance decisions, available [here](#).

³³¹ Article 11 Decree Law 100/2026 amending Article 26 of the Procedure Decree and introducing Article 26 bis, 26 ter of the Procedure Decree.

³³² Article 23-bis Procedure Decree before the reform.

- a) The applicant who has lodged the asylum application, before being called for the interview in front of the Territorial commission, leaves the reception facilities without a justifiable reason (without giving an actual address) or escapes from detention in hotspots or CPR facilities.
- b) The applicant does not attend the personal interview scheduled by the Territorial Commission and the notification of the hearing is carried out in accordance with the rules regulating notifications (including that in the case of not reachable persons³³³

In these cases, the Territorial Commission has two possibilities:

- 1) rejects the application if it deems it unfounded based on an adequate examination of the merits;
- 2) suspends the exam when it believes it does not have sufficient evaluation elements. In this case, the applicant can request the reopening of the suspended proceedings only once within 9 months of the suspension. After this deadline, the proceeding is declared terminated.³³⁴

The application presented by the applicant following the rejection or termination of the implicitly withdrawn asylum application, is subjected to a preliminary examination pursuant to article 29, paragraph 1-bis Procedure Decree. During the preliminary examination, the reasons given in support of the admissibility of the application are evaluated, including the reasons for the leaving the centre or failure to present themselves for the interview.³³⁵

According to ASGI, the law transposing the rule concerning the implicit withdrawal of an application set out in Article 28 of Directive 2013/32/EU is not a correct implementation of art. 28 (2a) and 2b) considering the whole procedure in Italy and in particular two aspects: first, the information included in the C3 (lodging of asylum application) should not allow to issue a rejection decision, as it is not sufficient to carry out an adequate examination of the case on its merits; second, the law makes no reference to a reasonable time limit or to the reasonable times required by the Directive to consider the application as implicitly withdrawn.

Furthermore, from a practical point of view, the procedure is made particularly problematic by the rules - and the way in which they are applied - envisaged for notifications which do not always guarantee effective knowledge for the asylum seeker.

DL no. 100/2026, which entered into force on 12 June 2026, states in Article 11 (1, f) that an asylum application is considered implicitly withdrawn in cases ruled by Article 41 APR. The decree does not provide for any measure to suspend the withdrawal decision, although Article 41(4) APR leaves Member States the option of providing for such a measure. However, it does avail itself of the possibility laid down in Article 41(5) APR and states that the Territorial Commission will reject the asylum application as unfounded or as manifestly unfounded where, at the stage that the application is implicitly withdrawn, it already found that the applicant does not qualify for international protection pursuant to Regulation (EU) 2024/1347.

Notification

Decree Law 13/2017 introduced a new procedure to notify interview appointments and decisions taken by the Territorial Commissions.³³⁶ The Procedures Decree provides for three different procedures depending on whether the recipients of the notification are: (i) accommodated or detained; (ii) in private accommodation; or (iii) not reachable (*irreperibili*):

- a. **Accommodated or detained applicants:** Interviews and decisions are sent by Territorial Commissions via certified email (PEC) to the manager of the reception or detention centres and are notified by the managers of reception or detention centres to the applicants. The notification is considered to be carried out when the manager of the reception centre facility communicates it to the

³³³ Article 28-bis (1) Procedure Decree which recalls notifications made pursuant article 11, paragraphs 3 or 3-bis, 3-ter.

³³⁴ Article 28-bis (2,3) Procedure Decree.

³³⁵ Article 23- bis (5) Procedure Decree.

³³⁶ Article 11(3) Procedure Decree et seq, as amended by Article 6 Decree Law 13/2017 as amended by L 46/2017.

Territorial Commission through a certified email message indicating the date and time of notification. The law specifies that such communication must be immediate.³³⁷

- b. **Applicants in private accommodation:** The notification must be made to the last address communicated to the competent Questura by postal service or, as stated by DL no. 23/2026, via certified email, including the one of the legal representative where the applicant has elected domicile.³³⁸
- c. **Non-reachable applicants:** The interview summons or decision is sent by certified email from the Territorial Commission to the competent Questura, which keeps it at the disposal of the persons concerned for 20 days. After 20 days, the notification is considered to be completed, and a copy of the notified deed is made available for the applicant's collection at the Territorial Commission.³³⁹

Still in 2025 Questura often placed onerous conditions on the registration of a private address e.g. by requesting declarations of consent from the owners of the apartments where people are privately staying. Given those conditions, the law risks creating a presumption of legal knowledge of the act to be notified where there is none. The same risk exists for the Dublin returnees who had left Italy before receiving notification of the decision or of the interview appointment.

In practice, the notification procedure creates further problems, as Territorial Commissions are not promptly informed about accommodation transfers. Often, people moved from one reception centre to another found out about their appointment for the interview after the date scheduled by the Territorial Commission had already passed. In a case recorded by ASGI in early 2026, this resulted in the rejection of an asylum application considered implicitly withdrawn because the applicant did not present himself to the hearing scheduled before the Territorial Commission, until the applicant proved he had been accommodated in a new public facility where the notification of the hearing before the Territorial commission should have been done. In addition, many ASGI lawyers have experienced problems with notifications of privately housed asylum applicants, as notifications had often not been made.

Outcomes of the procedure

Even if the rules applicable are the same, the outcome of decisions may vary depending on the region. The absence of analytical territorial statistics, however, does not allow for a more detailed analysis in this respect.

There are eight possible outcomes to the regular procedure, following additions and substantial changes by Decree Law 113/2018 and Decree Law 130/2020. Under the amended Article 32 of the Procedures Decree, the Territorial Commission may decide to:

1. Grant refugee status.
2. Grant subsidiary protection.
3. Recommend to the Questura to issue a two-years "special protection" residence permit (see [National forms of protection](#)).

Following the 2023 reform through Law 50/2023, special protection permits are now granted to persons who, according to the law, cannot be expelled or refouled.³⁴⁰ This covers cases where a person risks being persecuted for reasons of race, sex, sexual orientation and gender identity, language, citizenship, religion, political opinions, personal or social conditions, or may risk being sent back to another country where they are not protected from persecution.³⁴¹ It also covers cases where a person risks to be sent to

³³⁷ Article 11(3) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

³³⁸ Article 30 (3) DL 23/2026, converted by L. 54/2026 which amended Article 11 (3 bis) Procedure Decree.

³³⁹ Article 11(3-ter) and (3-quater) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

³⁴⁰ Article 32(3) Procedure Decree, as amended by Decree Law 130/2020 and L 173/2020.

³⁴¹ Articles 19(1) as amended by Decree Law 130/2020 and L. 173/2020.

a country where there are reasonable grounds to believe that they risk being subjected to torture or inhuman or degrading treatment. The law further specifies that special protection should be recognised also if the constitutional or international obligations referred to in Article 5 (6) TUI recur. The clarification, allows to grant special protection to those who, if expelled from Italy, would suffer a violation of fundamental rights recognised by the Constitution or deriving from European or international law. In particular, it is used to justify the recognition of such protection to protect private and family life pursuant to Article 8 of the ECHR.

Significantly, the decree law 20 of 10 March 2023, converted with amendments into Law 50 of 5 May 2023, cancelled the possibility to directly request this kind of permit to a Questura and to consider, in releasing such permits to stay, if there are good reasons to believe that the removal from the national territory involves a violation of the right to respect for his private and family life, unless that it is necessary for national security reasons, public order and safety as well as health protection.³⁴² Even if the amendment does not exclude the application of international and European guarantees, such as the application of Article 8 of ECHR, the new wording of the law has already led, according to ASGI monitoring, to a significant limitation in the number of cases in which this form of protection is recognised.³⁴³ This was confirmed by the practice in 2024, as observed by ASGI.

Additionally, the DI 20/2023 and the conversion L. 50/2023 changed the provisions related to the renewal of this permit. These permits are still to be granted for two years and they are renewable but, according to the new law, beneficiaries are not able to transform them in work permits (see [Residence Permit](#)).³⁴⁴ The new provisions however do not apply to the procedures already pending as of 6 May 2023.³⁴⁵ The law also specifies that those titles which had already been delivered at the time of entry into force of the Law 50/2023 directly from Questura would be renewed only once for a duration of one year. The law also specifies that they can be changed into work permits.³⁴⁶

4. Recommend to the Questura to issue a permit to stay for health reasons.

According to Article 32 (3.1) of the Procedure Decree, in case of rejection of the application for international protection, the Territorial Commission recommends to Questura to issue a permit to stay for health reasons when conditions provided by Article 19 (2 d bis) TUI - as amended by L. 50/2023 - are met. Law 50/2023 has restricted the possibilities of obtaining this type of permit, providing that it can be issued in case of health conditions deriving from particularly serious pathologies (as before) but adding as a condition the inadequacy of treatment in the country of origin. The pathology has to cause significant damage to the health of the applicant, in case of return to the country of origin or provenance.³⁴⁷ The health conditions have to be ascertained through suitable documentation issued by a public health facility or by a doctor of the National Health Service.

The duration of health permits is linked to the time certified by the health certification, in any case not exceeding one year. They are renewable but not convertible into a work permit to stay. They are valid only on the national territory.

5. Inform the Public Prosecutor to the Juvenile Court to start the procedure to issue a permit to stay for assistance to minors.³⁴⁸

In cases where the application for international protection is not accepted, the Territorial Commission evaluates the existence of reasons that allow the Juvenile Court to issue a permit to minor's family

³⁴² Article 19 (1.1) TUI as amended by DL 20/2023 converted into L. 50 of 5 May 2023.

³⁴³ According to Eurostat, humanitarian permits recognised in 2023 were 380 less than those granted in 2022 (see Eurostat data available at: <https://acesse.dev/II39P>). However, data must be read in conjunction with the fact the overall recognition rate is significantly decreased in 2023 passing from 47% in 2022 to 37%.

³⁴⁴ Article 32 of the Procedure Decree and 6 of the TUI both as amended by DL 20/2023 converted into L. 50/2023.

³⁴⁵ Article 7 (2) DL 20/2023.

³⁴⁶ Article 7 (3) DL 20/2023.

³⁴⁷ Article 32 (3.1) Procedure Decree recalls the requirements referred to in Article 19 TUI (2) (d-bis) as amended by L. 50/2023 which excludes the expulsion or extradition of foreigners who are in such health serious conditions.

³⁴⁸ Article 32 (3.2) Procedure Decree introduced by Decree Law 130/2020 and L 173/2020 and referring to Article 31 (3) TUI.

members for reasons related to the psychophysical health and development of the minor who is in the Italian territory and informs the public Prosecutor at the competent Juvenile Court. This permit is issued on a fixed-term and can be changed into a work permit to stay.³⁴⁹

6. Reject the asylum application as unfounded.
7. Reject the application as manifestly unfounded.³⁵⁰

According to Article 28-ter of the Procedure Decree, an application could be deemed to be “manifestly unfounded” where the applicant.

- a. Has only raised issues unrelated to international protection;
- b. Comes from a [Safe country of origin](#);
- c. Has issued clearly inconsistent and contradictory or clearly false declarations, which contradict verified information on the country of origin;
- d. Has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to their identity and/or nationality that could have had a negative impact on the decision, or in bad faith has destroyed or disposed of an identity or travel document that would have helped establish their identity or nationality;
- e. Irregularly entered the territory, or irregularly prolonged their stay, and without justification, did not make an asylum application promptly;
- f. Refuses to comply with the obligation of being fingerprinted under the Eurodac Regulation;
- g. Is detained in a CPR for reasons of exclusion under Article 1F of the 1951 Convention, public order or security grounds, or there are reasonable grounds to believe that the application is lodged solely to delay or frustrate the execution of a removal order (see [Grounds for Detention](#)).³⁵¹

DL 133/2023 extended the applicability of this provision to vulnerable people.³⁵²

As of 12 June 2026, Article 28-ter of the Procedure Decree was amended by Decree Law 100/2026, as the government availed itself of the option provided for in Article 39(4) APR: an application can be deemed “manifestly unfounded” when conditions laid down by Article 42 (1) and (3) APR apply.

8. Reject the application on the basis that an internal protection alternative is available.³⁵³

For the internal protection alternative to apply, it must be established that in a part of the country of origin the applicant has no well-founded fear of being persecuted or is not at real risk of suffering serious harm or has access to protection against persecution or serious harm. In addition, they must be able to safely and legally travel to that part of the country, gain admittance and reasonably be expected to settle there.

9. Declare the application inadmissible and does not exam it when conditions laid down by Article 38 (1) APR apply.³⁵⁴

According to Article 32 (3 bis) of the Procedure Decree the Territorial Commission shall also transmit the case file to the Questura for an assessment where, during the preliminary examination, reasonable grounds have emerged to believe that the applicant has been a victim of the crimes referred to in Articles 600 and 601 of the Criminal Code (enslavement and trafficking). Legislative Decree no. 115/2026, which enters into force on 16 July 2026, states that, in such cases, Article 17 of the Reception Decree, related to the accommodation of vulnerable people, shall apply.³⁵⁵

³⁴⁹ Article 6 (1 bis) TUI introduced by Decree Law 130/2020 and L 173/2020.

³⁵⁰ Article 32(1)(b-bis) Procedure Decree, as amended by Decree Law 113/2018 and L 132/2018.

³⁵¹ Article 28-ter(g) Procedure Decree, citing Article 6(2)-(3) Reception Decree.

³⁵² DL 133/2023 has repealed Article 28 ter (1 bis) According to Article 28 ter as reformed by Decree Law 130/2020 and L 173/2020 according to which the provision does not apply to people with special needs, referring to Article 17 Reception Decree.

³⁵³ Article 32(1)(b-ter) Procedure Decree, inserted by Decree Law 113/2018 and L 132/2018.

³⁵⁴ Article 32 (1) b quater Procedure Decree inserted by Decree Law 100/2026 of 12 June 2026.

³⁵⁵ Article 11 (2) Legislative Decree no. 115/2026, of 12 June 2026, entering into force on 16 July 2026, which amended Article 32 (3 bis) Procedure Decree.

According to Article 32(4) of the Procedure Decree, as amended by L 50/2023, in the event of rejection, withdrawal of the application and inadmissibility, the decision of the Territorial Commission shall also contain a certificate of the obligation to return and the prohibition of re-entry.³⁵⁶ This certificate produces the effects of the expulsion order³⁵⁷ and must be challenged together with the appeal against the rejection of the international and special protection claim, without prejudice to the effects of suspension governed by the procedures decree.³⁵⁸

1.2 Prioritised examination and fast-track processing.

For procedures until 12 June 2026, Article 28 of the Procedures Decree provided that the President of the Territorial Commission, after a preliminary exam, identified cases to be processed under the prioritised procedure, when:

- a. The application is supposed to be well-founded;³⁵⁹
- b. The applicant is vulnerable, in particular if they are an unaccompanied child or a person in need of special procedural guarantees.
- c. The applicant comes from one of the countries identified by the CNDA that allow the omission of the personal interview when considering that there are sufficient grounds available to grant subsidiary protection. The competent Territorial Commission, before adopting such a decision, informs the applicant of the opportunity, within 3 days from the communication, to request a personal interview. In absence of such request, the Territorial Commission takes the decision.³⁶⁰

Practice showed that vulnerable applicants had more chances compared to other applicants - to benefit from the prioritised procedure, although this possibility is more effective when they are assisted by NGOs or they are identified as such at an early stage. The prioritised procedure is rarely applied to victims of torture and of violence, since these asylum applicants are not identified at an early stage by police authorities. In fact, torture survivors are usually only recognised as such in a later phase, normally thanks to NGOs providing them with legal and social assistance or during the personal interview by the determining authorities.

Regarding unaccompanied children, L 47/2017 allowed a faster start of the procedure as it allows the manager of the reception centre to represent the child until the appointment of a guardian.³⁶¹ That said, according to ASGI's experience, the prioritised procedure has not been widely applied to unaccompanied children.

From 12 June 2026 onward, Article 28 of the Procedures Decree, as amended by DL 100/2026, states that the President of the Territorial Commission, after a preliminary examination, identifies cases to be processed under the prioritised procedure according to Article 34(5) APR. In this case, the Territorial Commission should immediately inform the applicant of the procedure applied.

Article 28 (2) states that, pursuant to Article 53, (2), (b), (c), and (d) APR, and without prejudice to the provisions laid down for unaccompanied minors in Article 53(1), the prioritised procedures shall apply to applicants with special needs within the meaning of Article 17 of Reception Decree, following an individual assessment carried out in accordance with guidelines drawn up by the Ministry of the Interior, in cooperation with other competent authorities and relevant organisations. However, the law specifies that this applies "where it is possible to provide the aforementioned applicants with the necessary support".³⁶²

³⁵⁶ Article 32 (4) as amended by L. 50/2023 referring to Article 13 (13,14) of TUI.

³⁵⁷ Article 13 TUI.

³⁵⁸ Article 35 bis (3,4) Procedure Decree.

³⁵⁹ Before the reform the law stated that it applied to applications likely to be well founded.

³⁶⁰ Article 28(2) C Procedure Decree, as amended by Decree Law 130/2020 and L. 173/2020.

³⁶¹ Article 6(3) L 47/2017.

³⁶² Article 28 (2) of the Procedure Decree as amended by DL 100/2026.

1.3 Personal interview

Indicators: Regular Procedure: Personal Interview

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the regular procedure?
☒ Yes ☐ No
❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision? ☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never
4. Can the asylum seeker request the interviewer and the interpreter to be of a specific gender?
☒ Yes ☐ No
❖ If so, is this applied in practice, for interviews? ☒ Yes ☐ No

The Procedure Decree provides for a personal interview of each applicant, which is not public.³⁶³ During the personal interview the applicant can disclose exhaustively all elements supporting their asylum application.³⁶⁴

The Decree Law 130/2020, by amending Article 12 (1), provided for the possibility of hearings conducted by audio-visual means.³⁶⁵ During 2025 and early 2026, many commissions conducted audiovisual hearings in the Commission's offices. As recorded by ASGI in February 2026, a woman was interviewed by audiovisual means while staying in a room with other people of the same nationality (Peru), who were awaiting to be heard as well and who could listen to her interview.

On 6 March 2026 the National Commission published overall guidelines for hearings and specific guidelines for audiovisual hearings.³⁶⁶ According to the guidelines, in principle in-person interviews remain the default; remote hearings are an exception and can only be used where the same procedural guarantees as an in-person interview can be preserved. The guidelines also require that the applicant be informed in advance that the hearing will be remote, the reasons for that choice, technical/privacy measures, and must be allowed to object. The Commission must record the justification in the file and in the decision. Regarding technical and organisational requirements, the guidelines mention, *inter alia*:

- ❖ Mandatory secure, stable audio-visual connections (avoiding public Wi-Fi; prefer EU-based servers); participants must be visible and audible throughout.
- ❖ Dedicated rooms/sites approved by authorities to be used by the applicant and interpreters/support staff; equipment checklist includes a wide-angle camera, good lighting, quality microphones/headsets, a printer/scanner, a secure shared digital folder and institutional e-mail accounts, and approved videoconferencing platforms.
- ❖ There can be no third parties present (unless authorised), non-verbal cues and data protection (GDPR) must be ensured.

S.I.N.D.A.C.A. (Information System for the documentation of the hearings of the Asylum Commissions), which allows to proceed with the video recording and transcription of the hearing minutes of each asylum applicant, is identified as the operational tool.

On 12 December 2024, the Interministerial Directorial Decree of the Ministry of the Interior and the Ministry of Justice – setting out the technical specifications for making for making the video recording of the asylum seeker's interview available during the jurisdictional phase -, was published on the MOI website.³⁶⁷

³⁶³ Article 12(1) Procedure Decree; Article 13(1) Procedure Decree.

³⁶⁴ Article 13(1-bis) Procedure Decree, inserted by the Reception Decree.

³⁶⁵ Article 12 (1) as amended by Decree Law 130/2020 and L 173/2020.

³⁶⁶ The general guidelines are available in Italian [here](#); the ones for audiovisual hearings (Guidelines no. 6) are available in Italian [here](#).

³⁶⁷ MOI department of civil liberties and immigration, available [here](#).

In practice, asylum applicants are systematically interviewed by the determining authorities. However, Article 12(2) of the Procedure Decree foresees the possibility to omit the personal interview where:

- (a) Determining authorities have enough elements to grant refugee status under the 1951 Refugee Convention without hearing the applicant; or
- (b) The applicant is recognised as unable or unfit to be interviewed, as certified by a public health unit or by a doctor working with the national health system. In this regard, the law provides that the personal interview can be postponed due to the health conditions of the applicant duly certified by a public health unit or by a doctor working with the national health system or for very serious reasons.³⁶⁸ The applicant recognised as such is allowed to ask for the postponement of the personal interview through a specific request with the medical certificates.³⁶⁹
- (c) For applicants coming from those countries identified by the CNDA, when considering that there are sufficient grounds to grant them subsidiary protection.³⁷⁰ The competent Territorial Commission, before adopting such a decision, informs the applicant that they have the opportunity, within 3 days from the communication, to be admitted to the personal interview. In absence of such request, the Territorial Commission takes the decision to omit the interview. This provision is particularly worrying, considering that it derogates from the general rule that the personal interview also seeks to first verify whether the applicant is a refugee, and only if not, the conditions to grant subsidiary protection.

According to amended Article 12(1-bis) of the Procedure Decree, the personal interview of the applicant takes place before the administrative officer assigned to the Territorial Commission, who then submits the case file to the other panel members in order to jointly take the decision. Upon request of the applicant, the President may decide to hold the interview himself or before the Commission. In practice, the interview is conducted by the officials appointed by the Ministry of Interior. The document indicates whether the decision was reached unanimously or by a majority. In the latter case, the applicant may request access to the minutes; however, the reasons for members' dissent are never stated.

In 2025, EUAA caseworkers in Italy carried out interviews in the asylum cases of 2,777 applicants. Of these, 72% related to the same 10 citizenships, in particular Bangladeshis (715), Pakistanis (290), Peruvians (243), Egyptians (238), Tunisia (111), Moroccans (93), Burkinabè (90), Cameroonians (80), Ivoirians (68) and Guineans (68).³⁷¹

1.3.1 Interpretation

In the phases concerning the registration and the examination of the asylum claim, including the personal interview, applicants must receive, where necessary, the services of an interpreter in their language or in a language they understand. Where necessary, the documents produced by the applicant shall be translated.³⁷²

At the borders, however, these services may not always be available, depending on the language spoken by asylum applicants and the interpreters available locally. Given that the disembarkation of asylum applicants does not always take place at official border crossing points, where interpretation services are generally available, there may therefore be significant difficulties in promptly providing an adequate number of qualified interpreters able to cover different languages.

In practice, based on ASGI's observations, there are not enough interpreters available and qualified in working with asylum applicants during the asylum procedure. However, specific attention is given to interpreters ensuring translation services during the substantive interview by determining authorities. The Consortium of Interpreters and Translators (ITC), which provides this service, has drafted a Code of Conduct for interpreters.

³⁶⁸ Article 12(3) Procedure Decree, as amended by the Reception Decree.

³⁶⁹ Article 5(4) PD 21/2015.

³⁷⁰ Article 12(2-bis) Procedure Decree, read in conjunction with Article 5(1-bis).

³⁷¹ Information provided by the EUAA, 05 March 2026.

³⁷² Article 10(4) Procedure Decree, as amended by the Reception Decree.

1.3.2 Recording and report

The personal interview may be recorded. The recording is admissible as evidence in judicial appeals against the Territorial Commission's decision. Where the recording is transcribed, the signature of the transcript is not required by the applicant.³⁷³ Following Decree Law 13/2017, implemented by L 46/2017, the law states that the interview has to be taped by audio-visual means and transcribed in Italian with the aid of automatic voice recognition systems.³⁷⁴ The transcript of the interview is read out to the applicant by the interpreter and, following the reading, the necessary corrections are made by the interviewer together with the applicant.

An applicant's observations not included directly in the text of the transcript are included at the bottom of the document and signed by them. The transcript itself is signed only by the interviewer – or the President of the Commission – and by the interpreter.³⁷⁵ The applicant does not sign the transcript and does not receive any copy of the videotape, but merely a copy of the transcript in Italian. A copy of the videotape and the transcript shall be saved for at least 3 years in an archive of the Ministry of Interior and made available to the court in case of appeal. The applicant can only access the tape during the appeal,³⁷⁶ meaning that it is not available at the time of drafting the appeal.

The applicant can formulate a reasoned request before the interview not to have the interview recorded. The Commission makes a final decision on this request.³⁷⁷ This decision cannot be appealed.³⁷⁸ When the interview cannot be videotaped for technical reasons or due to refusal of the applicant, the interview is transcribed in a report signed by the applicant.³⁷⁹

In the experience of ASGI members, many Commissions received the technical material necessary for recording and transcribing the interview in 2021, but the system was not yet in use in most territorial commissions by the end of 2025.

This means that in practice, after the interview, a transcript is given to the applicant with the opportunity to make further comments and corrections before signing it and receiving the final report. According to ASGI's experience, the quality of this report varies depending on the interviewer and the Territorial Commission, which conducts the interview. Complaints on the quality of the transcripts are common.

1.4 Appeal

Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure?

❖ If yes, is it

❖ If yes, is it automatically suspensive

☒ Yes ☐ No

☒ Judicial ☐ Administrative

☐ Yes ☒ Some grounds ☐ No
2. Average processing time for the appeal body to make a decision: Not available

1.4.1 Appeal before the Civil Court

The Procedure Decree provides for the possibility for the asylum applicant to appeal before the competent Civil Court (*Tribunale Civile*) against a decision issued by the Territorial Commissions rejecting the application, granting subsidiary protection instead of refugee status or requesting the issuance of a residence permit for special protection instead of granting international protection.³⁸⁰

³⁷³ Article 14(2-bis) Procedure Decree, inserted by the Reception Decree.

³⁷⁴ Article 14(1) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

³⁷⁵ Article 14(2) Procedure Decree, as amended by Article 6 Decree Law 13/2017.

³⁷⁶ Article 14(5) Procedure Decree, as amended by Article 6 Decree Law 13/2017.

³⁷⁷ Article 14(6-bis) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

³⁷⁸ Article 14 (6 bis) Procedure Decree.

³⁷⁹ Article 14(7) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

³⁸⁰ Articles 35(1) and 35-bis(1) Procedure Decree.

Article 17 “Transitional provisions of DL 100/2026, which entered into force on 12 June 2026 to transpose the EU Pact, states that: ‘For administrative or judicial proceedings initiated following the submission of an application for international protection prior to June 12, 2026, the prior legal regime shall continue to apply until the conclusion of said proceedings; however, the court shall rule with a single judge (..).’³⁸¹

Specialised court sections

Decree Law 13/2017, implemented by L 46/2017, established specialised sections in the Civil Courts, responsible for immigration, asylum and free movement of EU citizens’ cases.³⁸² Judges to be included in the specialised sections should be appointed on the basis of specific skills acquired through professional experience and training. EUAA and UNHCR are entrusted with training of judges, to be held at least annually during the first three years.³⁸³ After the first three years, the training continued. The Ministry of Justice reports that, in 2025, staff serving in the specialised sections dealing with immigration and international protection received specialist training in cooperation with the European Union Agency for Asylum (EUAA).³⁸⁴

The competence of the Court is determined on the basis of the location of the competent Territorial Commission, but also on the basis of the place where the applicant is accommodated (governmental reception centres, CAS, SAI and CPR).³⁸⁵

Article 16 of Decree Law 100/2026 created a new processing office within each specialised immigration section to speed up the handling of pending immigration and international protection cases. These cases will be decided by a single judge, with at least three honorary justices assigned to support the office and, where delegated, handle the cases and issue final decisions. The honorary justices assigned to these offices will work exclusively on these cases for at least 12 months and must receive adequate training, including mandatory participation in the courses already provided under the 2017 Decree. Delegation to honorary justices for final decisions is allowed until 31 October 2029, or earlier if all relevant cases are decided before. The president of the Court must monitor progress and report after 12 months on the number of cases decided and the expected time needed to clear the remaining backlog. To support the plan, the Ministry of Justice may extend the fixed-term contracts of up to 1,600 staff members by three months.

Rules for the lodging of appeals

The appeal must be lodged within 30 calendar days from the notification of the first instance decision and must be submitted by a lawyer.³⁸⁶

However, the time limit for lodging an appeal was 15 days for persons placed in CPR and in some cases 7 days for negative decisions taken under the [Accelerated Procedure](#).³⁸⁷

The appeal had automatic suspensive effect, except where:³⁸⁸

1. The applicant is detained in CPR or a hotspot;
2. The application is inadmissible;
3. The application is manifestly unfounded;
4. The application is submitted by a person coming from a safe country of origin;
5. The application is submitted after the applicant has been apprehended in an irregular stay on the national territory and for the sole purpose of avoiding an imminent removal;

³⁸¹ Article 17 DL 100/2026 of 12 June 2026.

³⁸² Article 1 Decree Law 13/2017, as amended by L 46/2017.

³⁸³ Article 2(1) Decree Law 13/2017, as amended by L 46/2017.

³⁸⁴ Ministry of Justice website, available in Italian [here](#).

³⁸⁵ Article 4(3) Decree Law 13/2017, as amended by L 46/2017.

³⁸⁶ Article 35-bis(2) Procedure Decree, as amended by Decree law 130/2020.

³⁸⁷ *Ibid.*

³⁸⁸ Article 35-bis(3) Procedure Decree as amended by Decree Law 130/2020 and by L. 50/2023.

6. The application is submitted by persons investigated or convicted for some of the crimes that may trigger to the exclusion of international protections pursuant to Article 28 -bis (1) (b) of the procedure decree.

More in general, the appeal did not have automatic suspensive effect when the application was rejected on some of the grounds for applying the [Accelerated Procedure](#). However, in those cases, the applicant could individually request a suspension of the return order from the competent judge. According to the new procedure set out by DL 145/2024, when the suspension request - to be included in the appeal - is present, the Ministry of Interior may file defence notes within 3 days of notification. In this case, the appellant could file a reply within the following 3 days. The judge decided on the suspension request within the following 5 days. If the Ministry of the Interior did not avail itself of the right to file defence notes, the deadline for the decision starts from the expiry of the deadline established therein for their filing. When the request for suspension is accepted, the appellant is issued a residence permit for asylum request in the cases provided for in letters b), c) and d) of Article 35 bis (3) on the suspensive effect of the appeal.

A complaint against the decision on suspension could be submitted to the Court of Appeal within 5 days, starting from the communication of the decree by the clerk's office. The complaint is communicated, by the clerk's office, to the opposing party. The filing of the complaint does not suspend the executive effectiveness of the contested provision. The court of appeal, after hearing the parties, decides with an immediately executive decree, within ten days of the presentation of the complaint. The decree is communicated to the parties by the clerk's office. The suspension of procedural deadlines during the weekday period does not apply in such proceedings.

In practice, asylum applicants who filed an appeal, in particular those who are held in CPR and those under the [Accelerated Procedure](#), face several obstacles. While in line with APD requirements, the time limit of 15 days (or 7 days for cases in which the border procedure is applied) for lodging an appeal in those cases concretely jeopardises the effectiveness of the right to appeal since it is too short to find a lawyer or request free legal assistance, and to prepare the hearing in an adequate manner. This short time limit for filing an appeal does not take due consideration of other factors that might come into play, such as the linguistic barriers between asylum applicants and lawyers, and the lack of knowledge of the legal system.

After the appeal is notified to the Ministry of Interior at the competent Territorial Commission, the Ministry could present submissions (defensive notes) within the next 20 days. The applicant can also present submissions within 20 days.³⁸⁹ The law also states that the competent Commission must submit within 20 days from the notification of the appeal the video recording and transcript of the personal interview and the entire documentation obtained and used during the examination procedure, including country of origin information relating to the applicant.³⁹⁰

In application of EU NEXT Generation Project, D.L. 80 of June 2021 – as amended by conversion Law n. 113 of August 2021 – provided for the reinforcement of the Courts Office personnel, with the implementation of the “Judicial Office” (Ufficio del Processo), a support office for judges and Courts administrations to which law clerks shall be deployed for 3 years starting from February 2022. They are also deployed to support the judges assigned to the specialised sections on migration, with the objective of helping to reduce second instance backlog. According to an initial analysis, the UPP personnel provided substantial assistance to the specialised sections: they were tasked with identifying cases to be treated with priority; to carry out jurisprudential research and prepare models of decisions or motivation points; to catalogue decisions in databases; to research COI information and prepare the questions, together with EEUA personnel, in view of the applicant's hearing. In some cases, the UPP staff also took the minutes of the hearing and supported the preparation of draft measures. In the court sections observed, these workers handled two to five cases a week.³⁹¹

DL 100/2026 of 12 June 2026 states that:

³⁸⁹ Article 35-bis(7) and (12) Procedure Decree.

³⁹⁰ Article 35-bis(8) Procedure Decree.

³⁹¹ L. Perilli, Le sezioni specializzate in materia di immigrazione a cinque anni dalla loro istituzione. Un'indagine sul campo, in *Diritto Immigrazione e Cittadinanza*, n. 1/2023, available in Italian at bit.ly/3mtqXRa.

- ❖ The appeal must be lodged within 30 calendar days from the notification of the first instance decision, or within 60 days if the person stays abroad;
- ❖ In cases where the accelerated procedure of Article 67(7)(a) APR applies, the appeal must be lodged within 7 days.³⁹²
- ❖ In cases where the border procedure applies, except where the applicant is an unaccompanied minor, the time limit to appeal is 5 days.³⁹³

The law also states that the appeal has automatic suspensive effect, except in cases laid out by Article 68(3) APR.³⁹⁴

Hearing

According to the appeal procedure following Decree Law 13/2017, implemented by L 46/2017, oral hearings before the court sections are a residual option. The law states that, as a rule, judges shall decide the cases only by consulting the videotaped interview before the Territorial Commission. They shall invite the parties to the hearing only if they consider it essential to listen to the applicant, or they need to clarify some aspects or if they provide technical advice or the intake of evidence.³⁹⁵ A hearing is also to be provided when the videotaping is not available or the appeal is based on elements not relied upon during the administrative procedure of first instance.³⁹⁶

Since the adoption of Decree Law 13/2017, ASGI has claimed that the use of video recorded interviews, potentially replacing asylum applicants' hearings by the court, does not comply with the right to an effective remedy provided by Article 46 of the recast Asylum Procedures Directive, as an applicant's statements are often the only elements on which the application is based. Therefore, there is no certainty that judges will watch the videos of the interviews, and in any case, they will not watch them with the assistance of interpreters to understand the actual extent of applicants' statements.

Since 2017, given that Territorial Commissions did not proceed by video-recording interviews, some courts held oral hearings with asylum applicants, as set out in the law in case the interview is not video-recorded.³⁹⁷ However, as reported by Asgi members, many Civil Courts such as those of **Naples and Milan** interpreted the law as leaving discretion to the court to omit a hearing even if the videotape is not available.

In 2018, the Court of Cassation clarified that in such cases the oral hearing is mandatory and cannot be omitted,³⁹⁸ but the later established that it is not mandatory for the judge to interview the applicant, and the hearing can be limited to the apparition in Court of the lawyer.

Consequently, each specialised section has taken its own orientation regarding the need or not to hear the appellant again in cases where the law does not consider it mandatory.³⁹⁹

When the appellant is summoned to the hearing, the questions for the hearing are prepared by a researcher of the EUAA or UPP staff member assigned to the section, under the supervision of the judge.⁴⁰⁰

As reported by ASGI lawyers, when cultural interpretation is needed in the hearing, only some courts allow the presence of cultural mediators provided by the EUAA, while others never use this service and rely on voluntary interpreters identified and brought by the appellant; others make use of the EUAA cultural

³⁹² Article 35 bis of the Procedure Decree as amended by DL 100/2026.

³⁹³ Article 35 ter Procedure decree as amended by DL 100/2026.

³⁹⁴ Article 35 bis Procedure Decree, as amended by DI 100/2026

³⁹⁵ Article 35-bis Procedure Decree, introduced by Article 6(10) Decree Law 13/2017 and L 46/2017.

³⁹⁶ Article 6(11) Decree Law 13/2017.

³⁹⁷ CSM, *Monitoraggio sezioni specializzate*, October 2018, 27-28.

³⁹⁸ Court of Cassation, 1st Section, Decision 28424/2018, 27 June 2018, available in Italian at: <https://bit.ly/2G6XwuS>; Decision 17717/2018, 5 July 2018, available in Italian at: <https://bit.ly/2GfMYeb>. See also: EDAL, Italy – Supreme Court of Cassation, 27 June 2018, no. 28424, available at: <https://bit.ly/36vKlAn>.

³⁹⁹ Art. 35-bis, (10) Procedure Decree

⁴⁰⁰ L. Perilli, mentioned available in Italian at: bit.ly/3mtqXRa.

mediators service only for cases with a high level of complexity. In 2025, the cultural mediation service provided by the EUAA for hearings was discontinued. Project 1175, “Cultural Mediation in Italian Judicial Offices,” was submitted and approved for funding under AMIF (Asylum, Migration and Integration Fund) to strengthen the Ministry of Justice’s capacity and improve the handling of asylum and international protection cases.⁴⁰¹ On 10 November 2025, a call for tenders was published for the provision of linguistic-cultural mediation services, supporting the handling of asylum and international protection applications by the specialised sections of the Courts and Courts of Appeal, involving the deployment of at least 52 mediators across 26 Italian judicial offices for a period of 20 months. As part of the EU Pact activities (BB2 - Screening and procedures at the border), another project was presented, involving the activation of a linguistic and cultural mediation service of 160 mediators, to support asylum and international protection procedures before courts (including the juvenile courts), the Offices of the Justice of the Peace responsible for repatriation matters, the courts of appeal and the court of cassation as well as at border points. Mediators will work in synergy with magistrates, lawyers and clerks, with continuous presence in the competent judicial offices and at border crossings. They will facilitate communication in often urgent contexts. The AMIF funds a three-year activity starting from June 2026.⁴⁰²

From the beginning of 2023, the entry into force of the civil procedure reform (the so-called Cartabia reform) allowed the replacement of the hearing with written notes in each procedure.⁴⁰³

It is up to the judge in charge of the case to decide how to run the hearing, so different practices are observed even in the same Court. In any case, it is possible for the lawyer to require for the hearing to be held in presence, justifying the reasons for such a request.

Decision

As in previous years, in 2025 practitioners report to ASGI that decision-making at second instance is not consistent throughout the territory, and visible discrepancies can be observed regarding outcomes of appeals depending on the Court responsible. The absence of statistics concerning the outcome of second instance cases, however, does not allow to elaborate a detailed analysis regarding the issue.

The Civil Court can either reject the appeal or grant a form of protection to the asylum applicant. Under the law in force before 12 June 2026, the decision should be taken within 4 months.⁴⁰⁴

DL 100/2026 states that decisions should be taken within 8 months under the ordinary procedure or 4 months under the accelerated procedure.

No statistics on the average length of international protection proceedings are available, but one analysis published by Ministry of Justice referring to the period between 1 January 2016 and 30 June 2020 provides some insights on the topic.⁴⁰⁵ According to what the courts reported, in the first five years of operation of the specialised sections, the objective of the reasonable duration of international protection proceedings was not met, mostly due to a lack of resources. In fact, the number of proceedings for international protection was considerable: between 2017 and 2020, an average of over 49,500 cases were registered per year, representing around 20% of the total number of civil cases. Out of these, a decision was issued on around 32,800 proceedings per year.⁴⁰⁶ ASGI lawyers registered an increase in the duration of the judicial procedure in past years. Since 2021 and still in 2025, some courts schedule

⁴⁰¹ Ministry of Justice, *Report on the administration of Justice 2025*, available in Italian [here](#).

⁴⁰² Article 35 bis (13) Procedure Decree as amended by DL 100/2026.

⁴⁰³ Article 127-ter of the Code of Civil Procedure, introduced by Legislative Decree no. 149 of 10 October 2022.

⁴⁰⁴ Article 35-bis(13) Procedure Decree.

⁴⁰⁵ Ministry of Justice, *Analisi procedimenti in materia di protezione internazionale*, available in Italian at: <https://bit.ly/3CMzIcp>.

⁴⁰⁶ L. Perilli, *Le sezioni specializzate in materia di immigrazione a cinque anni dalla loro istituzione. Un'indagine sul campo*, in *Diritto Immigrazione e Cittadinanza*, n. 1/2023, available in Italian at: bit.ly/3mtqXRa.

hearings 4 years after the introduction of the case (e.g. Turin) and others have pending cases which have been waiting for a hearing to be scheduled for over 3 years (e.g. Milan and Trieste).⁴⁰⁷

According to Eurostat data, 16,335 final decisions on asylum applications were taken in 2025, out of which 2,875 were rejections.⁴⁰⁸

1.4.2 Onward appeal

Decree Law 13/2017, implemented by L 46/2017, abolished the possibility to appeal a negative civil court decision before the court of appeal (*Corte d'Appello*). This provision applies to appeals lodged after 17 August 2017.

In case of a negative decision of the court, the asylum applicant can only lodge an appeal before the Court of Cassation for matters of law within 30 days. This time limit has not been changed by the DL 100/2026.⁴⁰⁹

The onward appeal is not automatically suspensive. Nevertheless, the Court of Justice of the European Union (CJEU) found in its *F.R.* judgement of 27 September 2018 that this provision complies with EU law as the recast Asylum Procedures Directive does not contain any provisions requiring a second level of jurisdiction against negative asylum decisions and therefore does not require any automatic suspensive effect for onward appeals.⁴¹⁰

The request for suspensive effect is examined by the judge who rejected the appeal at Civil Court level and has to be submitted within 5 days from the notification of the appeal.⁴¹¹ This time limit was not changed by DL 100/2026.

The 2017 reform sparked strong reactions from NGOs,⁴¹² and even from some magistrates. Cancelling the possibility to appeal the Civil Court decisions at Court of Appeal, making the hearing of the applicant a mere residual option, further complicating access to free legal aid, reducing the time for appeal to the Court of Cassation, and entrusting the assessment of the request for suspensive effect of onward appeals to the same Civil Court judge who delivered the negative first appeal ruling, drastically reduces the judicial protection of asylum applicants. The Cassation Section of the Magistrates' National Association (*Associazione Nazionale Magistrati*) also highlighted the unreasonableness of the choice to abolish the second level of appeal, which is still provided for civil disputes of much lower value if compared to international protection cases, bearing in mind that the procedure before the Court of Cassation is essentially a written procedure.

The 2017 reform has had a visible impact on the caseload before the Court of Cassation. In the report on the administration of justice in 2020 published in 2021, the President of the Court underlined how the most recent problem in the activity of the Court of Cassation was the enormous increase in the number of petitions concerning international protection matters.

Since 2023, there are no data available on the number of appeals.

⁴⁰⁷ For the years 2021 and 2022 information are confirmed in the publication 'L. Minniti, 'L'ufficio per il processo nelle Sezioni distrettuali specializzate di immigrazione e protezione internazionale: una straordinaria occasione di innovazione a supporto della tutela dei diritti fondamentali degli stranieri', 28 October 2021, available at: <https://bit.ly/37VFUEi>.

⁴⁰⁸ Eurostat, Final decisions on asylum applications, available [here](#).

⁴⁰⁹ Article 35-bis(13) Procedure Decree.

⁴¹⁰ CJEU, Case C-422/2018 *F.R. v Ministero dell'interno – Commissione Territoriale per il riconoscimento della Protezione Internazionale presso la Prefettura U.T.G. di Milano*, Judgment of 27 September 2018, EDAL, available at: <https://bit.ly/2D1oGCE>.

⁴¹¹ Article 35-bis(13) Procedure Decree.

⁴¹² See ASGI and Magistratura Democratica, 'D.L. 13/2017, sempre più distanza tra giudici e cittadini stranieri', February 2017, available in Italian at: <http://bit.ly/2moJoWs>; Antigone, 'Il pacchetto Minniti calpesta i diritti', 12 February 2017, available in Italian at: <http://bit.ly/2l7pjUo>.

The Court of Cassation ruling at United Sections, with decision n. 15177 published on 1 June 2021,⁴¹³ interpreted the provision concerning the power of attorney⁴¹⁴ establishing that when bringing a case to the Court of Cassation, the lawyer has to expressly certify not only the client's signature on the specific power of attorney, but also that the date is posterior to the judgement appealed. The third Section of the Court, however, submitted a question regarding the constitutionality of the interpretation given to the provision by the United Sections to the Constitutional Court.⁴¹⁵ The Constitutional Court, with Decision n. 13 of 2022, rejected the question and declared that said interpretation was in line with constitutional provisions.⁴¹⁶

In 2022, the Court of Cassation structured the collaboration with EUAA researchers in preparing periodic reviews of jurisprudence and started a collaboration with UNHCR relating to the circulation in Europe of most significant Italian rulings on international protection topics.⁴¹⁷ In 2023, cooperation with the EUAA continued for the periodic review of jurisprudence on international protection.⁴¹⁸ As reported by the Ministry of Justice, in 2025, the EUAA provided technical support to 12 Italian courts as well as the Court of Cassation, deploying 14 researchers to assist with case management, and offered specialised professional training for administrative staff.⁴¹⁹

1.5 Legal assistance

Indicators: Regular Procedure: Legal Assistance

1. Do asylum seekers have access to free legal assistance at first instance in practice?

☐ Yes	☐ With difficulty	☒ No
------------------------------	--	--

 - ❖ Does free legal assistance cover:

☐ Representation in interview
☐ Legal advice

2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?

☒ Yes	☐ With difficulty	☐ No
---	--	-----------------------------

 - ❖ Does free legal assistance cover

☒ Representation in courts
☒ Legal advice

1.5.1 Legal assistance at first instance

According to Article 16 of the Procedures Decree, asylum applicants may use legal assistance and representation during the first instance of the regular and prioritised procedure only at their own expenses.

In practice, asylum applicants are usually supported before and sometimes also during the personal interview by legal advisors or lawyers financed by NGOs or specialised assisting bodies where they work. Legal assistance provided by NGOs depends mainly on the availability of funds deriving from projects and public or private funding.

A distinction should be made between national public funds and those which are allocated by private foundations and associations. In particular, the main source of funds provided by the State is the National Fund for Asylum Policies and Services, financed by the Ministry of Interior. The Procedure Decree provides that the Ministry of Interior can establish specific agreements with UNHCR or other organisations with experience in assisting asylum applicants, with the aim of providing free information services on the asylum procedure as well on the revocation one and on the possibility to make a judicial appeal. These

⁴¹³ Court of Cassation, decision n. 15177 of June 2021, available in Italian at: <https://bit.ly/3Jf43TH>.

⁴¹⁴ Art 35 bis c. 13 in the relevant part reads "The power of attorney for litigation for the proposition of the appeal for cassation must be conferred, under penalty of inadmissibility of the appeal, after the communication of the contested decree; to this end, the defender certifies the release date in his favour of the same power of attorney".

⁴¹⁵ The III section Court of Cassation application is available – commented – at: <https://bit.ly/3tbN1jt>.

⁴¹⁶ Constitutional Court, Decision n. 13 of 2022, available in Italian at: <https://bit.ly/36nS8Ec>.

⁴¹⁷ Court of Cassation, report on administration of Justice in the year 2022, available at: bit.ly/3L5w2sn.

⁴¹⁸ Court of Cassation, report on administration of Justice in the year 2023, Available at <https://11nq.com/IE4MP>, 124.

⁴¹⁹ Ministry of Justice, *Report on the administration of justice in 2025*, available in Italian [here](#).

services are provided in addition to those ensured by the manager of the accommodation centres.⁴²⁰ However, a difference exists between first accommodation centres (CAS and governmental centres) and SAI system: for the first ones both the old tender specification schemes and the new ones published by MoI does no longer oblige to provide a legal information service independent from other areas of work; instead, currently legal information in CAS and governmental centres, the provision of legal counselling should be covered under the general area of social assistance, and overall left to the discretion of the managing body. Legal support is instead provided in SAI system (see [Forms and Levels of Material Reception Conditions](#)).

National funds are also allocated for providing information and legal counselling at official land, air, sea border points and in the places where migrants arrive by boat.⁴²¹ In addition, some funds for financing legal counselling may also be provided by European projects / programmes or private foundations. However, it should be highlighted that these funds are not sufficient to address existing needs.

The lawyer or the legal advisor from specialised NGOs prepares asylum applicants for the personal interview before the determining authority, providing them with all necessary information about the procedure to follow, detailing which questions may be asked by the Territorial Commission members and supporting the asylum applicant in preparing to present relevant information concerning their personal account. Moreover, the lawyer or the legal advisor has a key role in gathering the information concerning the personal history of the applicant and country of origin information, and in drafting a report that, when necessary, is sent to the Territorial Commission, in particular with regard to vulnerable persons such as torture survivors. In this regard, the lawyer or the legal advisor may also inform the determining authorities of the fact that the asylum applicant is unfit or unable to undertake the personal interview so that the Commission may decide to omit or postpone it.

Lawyers may be present during the personal interview, but they do not play the same role as in a judicial hearing. The applicant has to respond to the questions and the lawyer may intervene to clarify some aspects of the statements made by the applicant.

Nevertheless, most asylum applicants go through the personal interview without the assistance of a lawyer since they cannot afford to pay for legal assistance and specialised NGOs have limited capacity due to lack of funds. Assistance during the administrative steps of the asylum procedure cannot be covered by free legal aid.

1.5.2 Legal assistance in appeals

Regarding the appeal phase, free state-funded legal aid (*patrocinio a spese dello Stato*), is provided by law to asylum applicants who declare an annual taxable income below a certain amount (in 2025 € 13,659.64) and whose case is not deemed manifestly unfounded.⁴²² Legal aid is therefore subject to a “means” and “merits” test. The amount refers to the entire household.

Lawyers or legal advisors intervening in international protection cases are not required to have followed any specific training.

Non-governmental organisations (NGOs) cannot provide legal assistance in the appeal procedure, as lawyers in Italy are not permitted to work as employees.

Means test

The law specifies that in case of income acquired abroad, the foreigner needs a certification issued by the consular authorities of their country of origin.⁴²³ However, the law prescribes that if the person is

⁴²⁰ Article 10(2-bis) Procedure Decree.

⁴²¹ Article 11(6) TUI.

⁴²² Article 16(2) Procedure Decree.

⁴²³ Article 79(2) PD 115/2002.

unable to obtain this documentation, they may alternatively provide a self-declaration of income.⁴²⁴ Regarding asylum applicants, Article 8 PD 21/2015 clarifies that, in order to be admitted to free legal assistance, the applicant can present a self-declaration instead of the documents prescribed by Article 79 PD 115/2002.

Merits test

In addition, access to free legal assistance is also subject to a merits test by the competent Bar Association which assesses whether the asylum applicant's motivations for appealing are not manifestly unfounded.⁴²⁵ In the last years, including in 2025, no particular impediments were reported in accessing legal aid at this stage.

Moreover, it may occur that the applicant is initially granted free legal aid by a Bar Council but, as prescribed by law, the Court revokes the decision if it considers that the admission requirements assessed by the Bar Association are not fulfilled in the Court's view.⁴²⁶ The Court of Cassation has ruled that the withdrawal of legal aid may only be ordered after a concrete assessment of the circumstances of the case, fulfilling both criteria of being manifestly unfounded and gross negligence.⁴²⁷

LD 133/2023 has made access to free legal aid extremely difficult in cases related to subsequent applications, applications considered manifestly not founded and to decisions taken in accelerated procedures. Indeed, according to the new law, the judge has to withdraw free legal aid recognised to the applicant in case the Court ultimately rejects an appeal submitted against:

- ❖ a decision of inadmissibility related to a subsequent asylum request because no further evidence or elements were provided (Article 29);
- ❖ a decision of inadmissibility related to a subsequent asylum request considered to be submitted to avoid the execution of a removal order (article 29 bis procedure decree);
- ❖ a decision which rejects the asylum request as manifestly not founded.

However, in the decision, the judge can confirm granting of free legal aid explaining in the decision why the arguments brought with the appeal cannot be considered manifestly not founded.⁴²⁸

DL 133/2023 introduced other limits to the benefit of free legal aid. According to the law, the Court shall decide to cease free legal aid when:⁴²⁹

- ❖ It rejects the suspensive request included in an appeal submitted by an applicant coming from a safe country and who sought asylum directly at the border or in transit areas;
- ❖ It rejects the suspensive request included in an appeal submitted against a refusal taken by the Territorial Commission applying an accelerated procedure (Article 28 bis procedure decree), and the Questura informs the Court about the enforcement of the removal order before a final decision is taken. In these cases, the rules mentioned above on the limits to accessing free legal aid do not apply as the person is channelled in an accelerated procedure not due to reasons connected to their asylum claim, but rather for reasons of public security.⁴³⁰

The evaluation of the merits in order to grant legal aid at Cassation stage is generally stricter.

⁴²⁴ Article 94(2) PD 115/2002.

⁴²⁵ Article 126 PD 115/2002.

⁴²⁶ Article 136 PD 115/2002.

⁴²⁷ Court of Cassation, Decision 26661/2017, 10 November 2017.

⁴²⁸ Article 35-bis(17) Procedure Decree as amended by DL 133/2023, converted with amendments by L. 176/2023.

⁴²⁹ Article 35 bis / 17 bis) Procedure Decree introduced by DL 133/2023, converted with amendments by L. 176/2023.

⁴³⁰ This provision does not apply to the cases ruled by Article 28 bis (1 lett. b), related to applicants under a criminal procedure, and to applicants detained according to Article 6 (2, lett. a, b, c) of the Reception Decree. They correspond to the following cases; a) He or she falls under the exclusion clauses laid down in Article 1F of the 1951 Convention, following a decision of the CNDA; or under Article 12 (1, b, c) and under Article 16 of the Qualification Decree; b) Is issued an expulsion order on the basis that he or she constitutes a danger to public order or state security; c) the applicant may represent a danger for public order and security.

A declaration of inadmissibility of the appeal constitutes reason to revoke legal aid. As many Cassation appeals are rejected on inadmissibility grounds, due to the formalism connected with such kind of proceedings, legal aid is often revoked once the case is rejected on these grounds.

Applicants who live in large cities have better chances to be assisted by specialised NGOs or legal advisors compared to those living in remote areas, where it is more difficult to find qualified lawyers specialised in asylum law. As discussed in the section on [Regular Procedure: Appeal](#), in the Italian legal system, the assistance of a lawyer is essential in the appeal phase.

2. Dublin

2.1 General

Dublin statistics: 1 January – 31 December 2025

Outgoing procedure				Incoming procedure			
	Requests	Accepted	Transfers		Requests	Accepted	Transfers
Total	8,502		22	Total	19,889		132

Source: Italian Dublin unit

Outgoing Dublin requests by criterion: 2025			
Dublin III Regulation criterion	Request sent	Request accepted	Transfers
Take charge	3,466		11
Family unity*	7		5
Take charge" discretionary clause: Article 17 (1)			
Take charge" humanitarian clause: Article 17(2)			2
Take back": Article 18 and 20(5)	5,029		4

Source: Ministry of Interior, Dublin Unit.

* Dublin Unit refers to family unity procedure not specifying if it refers to Article 8, 9, 10 or 11.

** Dublin Unit refers to discretionary clauses not specifying if it refers to humanitarian or sovereignty clause

Incoming Dublin requests by criterion: 2025			
Dublin III Regulation criterion	Request sent	Request accepted	Transfers
Take charge	14,584		66
Family unity**	119		54
Take charge" discretionary clause: Article 17 (1)			
Take charge" humanitarian clause: Article 17(2)			12
Take back": Article 18 and 20(5)	5,186		0

Source: Ministry of Interior, Dublin Unit.

* Transfers refers to the number of transfers implemented, not to the number of transfer decisions.

** Dublin Unit refers to family unity procedure not specifying if it refers to Article 8, 9, 10 or 11.

In 2025, there were 8,502 total requests sent in the outgoing procedure, more than in 2024 (7,926). 22 transfers took place, out of which 5 for family procedure, 2 for discretionary clauses (Article 17(1) and (2)), 11 in other take charge procedures, 4 in the take back procedure. This is less than in 2024 (47 transfers).

Regarding the incoming procedure, Italy received 19,889 requests (including both take charge and take back requests), a decrease from 2024 (24,217). Regarding transfers, it is relevant to note that no transfers took place in the take back procedure, probably due to the general suspension of transfers communicated by Italy to the other countries on 5 December 2022 and still maintained for 2025 as reported by Mol in responding to a FOIA request by ASGI. It seems that this communication did not totally affect the take charge procedure: 54 incoming transfers occurred in the family procedure, 12 based on the discretionary clauses (Article 17(1 and 2)), and 66 based on other take charge procedures.⁴³¹

On 5 December 2022, the Italian Dublin Unit issued a letter to other countries bound by the Dublin system, informing that from the following day incoming transfers to Italy would be suspended due to the absence of places in the reception system. Italy specified that the suspension would not affect the reunification procedures for minors. In an August 2023 reply to a request from the Danish Refugee Appeals Board, the Italian authorities informed the Danish Immigration Service that the country was experiencing a significant increase in the number of asylum applicants in the country, which put the national reception system under pressure. On 8 September 2023, the Board submitted preliminary questions to the CJEU, requesting clarifications about the impact of a Member State (in this case Romania)'s temporary suspension of transfers on the six-month time limit under Article 29 of the Dublin Regulation.⁴³² In December 2025, the CJEU confirmed that the six-month period under Article 29(1) Dublin III runs from the acceptance of the transfer request by the responsible Member State, and that judicial review with suspensive effect may pause the deadline, but does not reset it.⁴³³

The state of emergency in Italy was extended on 10 October 2024 but was not renewed after April 2025.⁴³⁴

2.1.1 Application of the Dublin criteria

Family unity

The Dublin Unit tends to use circumstantial evidence for the purpose of establishing family unity such as photos, reports issued by the caseworkers, UNHCR's opinion on application of the Dublin Implementing Regulation, and any relevant information and declarations provided by the concerned persons and family members.

According to the information provided by the Ministry of Interior, in 2025, there were 119 incoming requests related to family unity, and 54 realised transfers based on family criteria. In the outgoing procedure, there were 7 requests related to family unity and 5 transfers.⁴³⁵

Family unity involving unaccompanied minors

Article 2(2)(c) of Presidential Decree No. 231/2023 assigns the Ministry of Labour a coordinating and supporting role, working in collaboration with the competent authorities to facilitate the exchange of

⁴³¹ Response of the Dublin Unit to the public access information request sent by ASGI.

⁴³² See for reference: AIDA Dublin statistical update, available [here](#), pp. 22-23.

⁴³³ CJEU, C-560/23, *Tang*, judgment of 18 December 2025, available [here](#) and summary available [here](#).

⁴³⁴ Delibera del Consiglio dei Ministri del 10 ottobre 2024 - Proroga dello stato di emergenza in conseguenza dell'eccezionale incremento dei flussi di persone migranti in ingresso sul territorio nazionale attraverso le rotte migratorie del Mediterraneo, published on 11 November 2024, available [here](#).

⁴³⁵ Response of the Dublin Unit to the public access information request sent by ASGI.

information aimed at identifying family members of unaccompanied foreign minors. This includes identification efforts in the minors' countries of origin or in third countries, through the conclusion of specific agreements with appropriate national and international bodies. As specified in the Ministry of Labour's report, this information is also used to assess the possibility a family reunification pursuant to Dublin Regulation.

Between 1 January and 30 December 2025, 128 new family reunification procedures involving minors were initiated under Article 8 and Article 17(2) of the Dublin Regulation. Of these, 124 were incoming cases, and 4 were outgoing cases.

Outgoing procedure involving minors

According to the reports published by the Ministry of Labour,⁴³⁶ in 2025 only 4 minors asked to be reunited with family members present in other States, all of them between January and June 2025, all of them based on Article 8 of the Dublin Regulation. By the end of 2025, two requests were accepted and, out of these, one was transferred. The other two were pending. 2 minors requested reunification with a family member residing in France, one minor with a family member residing in Germany and one with a family member residing in Netherlands. 3 minors applied to be reunited with a parent and 1 an uncle.⁴³⁷ Regarding the age of minors, all minors were under 14 years old, the youngest was just 3 years old. The breakdown of outgoing requests of unaccompanied children in 2025 was as follows:

Outgoing procedure of children under the Dublin family reunification in 2025	
Country requested	Number of requests
France	2
Germany	1
Netherlands	1

Source: Ministry of Labour, *Monitoring report on unaccompanied foreign minors*, 30 June 2025, available [here](#) and Ministry of Labour, *Monitoring report on unaccompanied foreign minors*, 31 December 2025, available [here](#).

Incoming procedure involving minors

According to the reports published by the Ministry of Labour,⁴³⁸ 124 incoming requests involving minors were handled in 2025. Out of these, 100 were based on Articles 8 and 24 were based on the humanitarian clause (Article 17(2)). Out of the incoming requests, 34 were accepted, and 17 minors were transferred to Italy. 17 of those children came of age during the procedure, 105 were between 14 and 17 years old and 2 less than 14 years old. 60 minors asked to be reunited with an uncle or an aunt residing in Italy, 45 with a sister or a brother, 12 with a parent, 6 with a cousin and 1 with their brother-in-law. Out of the 124 requests, 117 came from Greece, 4 from Malta, one from France and two from Switzerland.

Incoming procedure of children under the Dublin family reunification in 2025	
Country requesting	Number of requests
Greece	117
Malta	4
Switzerland	2
France	1

⁴³⁶ Ministry of Labour, *Monitoring six months report on unaccompanied foreign minors*, 31 December 2025, available [here](#) and Ministry of Labour, *Monitoring six months report on unaccompanied foreign minors*, 30 June 2025, available [here](#).

⁴³⁷ Ministry of Labour, *Monitoring six months report on unaccompanied foreign minors*, 30 June 2024, available [here](#).

⁴³⁸ Ministry of Labour, *Monitoring six months report on unaccompanied foreign minors*, 31 December 2025, available [here](#) and Ministry of Labour, *Monitoring six months report on unaccompanied foreign minors*, 30 June 2025, available [here](#).

2.1.2 The discretionary clauses

For 2025, the Italian Dublin Unit, replying to a FOIA request by ASGI, stated that ‘the discretionary clauses (Article 17(1 and 2)) was applied 2 times in the outgoing procedure and 12 in the incoming procedure’.

In 2021 and 2022, many Civil Courts – including that of Rome – suspended decisions related to the principle of *non-refoulement* pending the CJEU preliminary rulings on questions raised by some courts regarding Article 17 (1) of the Dublin Regulation. The Civil Courts of Rome and Florence had asked the CJEU to clarify if Courts are entitled to order the application of the sovereignty clause in cases where the non-refoulement principle could be violated because the applicant could be ultimately repatriated to their country of origin, considered unsafe. In both cases, the applicants were Afghan citizens who appealed against transfers to, respectively, Germany and Sweden, where their asylum application had already been rejected. They claimed that the execution of their transfer would expose them to irreparable damage because of the consequent repatriation to Afghanistan.⁴³⁹

The CJEU published its judgement on 30 November 2023⁴⁴⁰ and, recalling the principle of mutual trust, affirmed that the difference in the assessment by the requesting Member State, on the one hand, and the Member State responsible, on the other, regarding the existence of the conditions for protection, is not, in principle, relevant for the purposes of reviewing the validity of the transfer decision. Therefore, the Court observed that the Dublin III Regulation objectives ‘preclude the court examining the transfer decision from carrying out a substantive assessment of the risk of refoulement in the event of return’.⁴⁴¹

For this reason, the CJEU concluded that the Dublin Regulation and the Charter must be interpreted as meaning that the court or tribunal of the requesting Member State, hearing an action challenging a transfer decision, cannot examine whether there is, in the requested Member State, a risk of infringement of the principle of *non-refoulement* to which the applicant for international protection would be exposed during his or her transfer to that Member State or thereafter where that court or tribunal does not find that there are, in the requested Member State, systemic flaws in the asylum procedure and in the reception conditions for applicants for international protection. Differences of opinion between the authorities and courts in the requesting Member State, on the one hand, and those of the requested Member State, on the other hand, as regards the interpretation of the material conditions for international protection do not establish the existence of systemic deficiencies.

On the other hand, with regard specifically to the sovereignty clause (Article 17(1) Dublin Regulation), the CJEU separates two hypotheses stating that:

- 1) ‘Article 17(1) of the Dublin III Regulation, read in conjunction with Article 27 of that regulation and with Articles 4, 19 and 47 of the Charter, must be interpreted as not requiring the court or tribunal of the requesting Member State to declare that Member State responsible where it disagrees with the assessment of the requested Member State as to the risk of refoulement of the person concerned’; and that
- 2) Due to the optional nature of the provisions of Article 17(1) of the Dublin III Regulation, ‘If there are no systemic flaws in the asylum procedure and in the reception conditions for applicants for international protection in the requested Member State during the transfer or thereafter, nor can the court or tribunal of the requesting Member State compel the latter to examine itself an application for international protection on the basis of Article 17(1) of the Dublin III Regulation on the ground that there is, according to that court or tribunal, a risk of infringement of the principle of non-refoulement in the requested Member State’.

⁴³⁹ Court of Justice of the European Union joined cases, Case C-254/21 and C-297/21, together with Cases C-228/21, C-328/21 and C-315/21 on information obligations (Articles 4 and 5 of the Dublin Regulation).

⁴⁴⁰ Court of Justice of European Union, *Ministero dell’Interno (Brochure commune - Refoulement indirect)*, joined cases, Case C-254/21 and C-297/21, together with Cases C-228/21, C-328/21 and C-315/21, available at: <https://bit.ly/3ThqbnN>.

⁴⁴¹ Ibid, par. 141.

As highlighted by a legal study,⁴⁴² there is no coincidence between the words used by Court for the two hypotheses set out regarding Article 17(1): the expressions "not requiring" and "cannot compel". Based on this interpretation, this difference allows the Court to highlight the existence of the judge's ability to apply the clause. As this study highlights, the express reference to the judge - and not generically to the Member State - as the body that can arrange for the application of the clause is particularly relevant.

Following the CJEU decision, the civil courts started resuming the examination of the cases suspended pending this decision.

- ❖ The Civil Court of Bologna, on 20 February 2024, gave the Dublin Unit additional time to consider the possibility to apply the sovereignty clause due to the extraordinary circumstance of the long time passed waiting for the CJEU decision, postponing the court's decision to after the Dublin Unit's decision.⁴⁴³
- ❖ The Civil Court of Rome, considering the long duration of the procedure for determining the responsible State, due to the wait for the CJEU decision, decided to apply the sovereignty clause and declared the Italian responsibility to the exam of the asylum request of the applicant, also considering his integration in Italy.⁴⁴⁴
- ❖ The Civil Court of Trento, on 29 February 2024, decided to apply the sovereignty clause and established the Italian responsibility to examine the asylum request of the applicant. The Court took into account the long time spent in Italy by the applicant awaiting the Court's decision, suspended awaiting the CJEU's decision, and his personal vulnerabilities which emerged during the appeal and had not been considered by the Italian government for the recognition of the complementary national protection, which could be recognised considering the applicant's origin from the Azad Kashmir (Bhimber, Pakistan).⁴⁴⁵
- ❖ On 11 March 2024, the Civil Court of Florence decided to recognise the importance of the applicant's social path by considering the elements for the recognition of national protection and therefore for the application of the discretionary clause referred to in art. 17 (1) of the Regulation.⁴⁴⁶ On 9 April 2025, the same Court upheld the appeal of an asylum applicant declaring Italy responsible for examining the application. The Court considered the long time spent waiting for the CJEU's decision during which the proceedings had been suspended, contrary to the speed requirements established by the regulation.⁴⁴⁷

The United Sections of the Court of Cassation, with the decision no. 935 of 2025, stated that the right to national protection can represent a reason for challenging the transfer decree adopted pursuant to the Dublin Regulation, and that the right to national protection is also one of the reasons on which the judge can order the State to exercise the discretionary clause (Article 17 (1) of the Dublin III Regulation).⁴⁴⁸

On 5 May 2025, the Court of Cassation, with decision no. 11713/2025 also highlighted that, national protection has to be granted if it is established that, in case of expulsion, the person would be at risk of persecution or risk of torture or inhuman treatment or when constitutional and international obligations in theme of fundamental human rights apply. Therefore, if the applicant has highlighted in the appeal reasons why he or she would be entitled to national protection, the judge can evaluate the tacit refusal by the State to exercise the sovereignty clause and evaluate whether this refusal constitutes a violation of the right to national protection.⁴⁴⁹

⁴⁴² See *Nel nome della fiducia reciproca! La Corte di Giustizia si pronuncia sul rischio di refolement indiretto nei trasferimenti Dublin: l'unica (e sempre più restrittiva) eccezione delle carenze sistemiche e le (limitate) prerogative del giudice nazionale*, by Marcella Ferri, researcher in European Union Law at the Department of Law of the University of Florence, in *Eurojus*, Fascicolo n. 1 - 2024 available at: <https://bit.ly/3uVrXl6>.

⁴⁴³ Civil Court of Bologna, decision of 20 February 2024.

⁴⁴⁴ Civil Court of Rome, decision of 21 February 2024.

⁴⁴⁵ Civil Court of Trento, decision of 29 February 2024.

⁴⁴⁶ Civil Court of Florence, decision of 11 March 2024.

⁴⁴⁷ Civil Court of Florence, decision of 9 April 2025.

⁴⁴⁸ Court of Cassation, United Sections, decision no. 935 of 15 January 2025, available in Italian [here](#).

⁴⁴⁹ Court of Cassation, decision no. 11713/2025 of 5 May 2025.

In June 2026 the Civil Court of Trieste annulled a transfer to Sweden concerning a vulnerable Iraqi asylum applicant, in light of the rejection received in Sweden and of the path pursued by the applicant in Italy. Given the impossibility of replicating the assessment carried out in Sweden, the Court examined the conditions set out in the provisions on special protection and found them to be met in the case at hand. Therefore, taking into account the actual vulnerability profile of the applicant, the risk of persecution upon return to Iraq, and the difficulties encountered in Sweden during the international protection procedure, the court held that the conditions for invoking the discretionary clause under Article 17 of EU Regulation No. 604/2013 were met.⁴⁵⁰

2.2 Procedure

Indicators: Dublin: Procedure

1. Is the Dublin procedure applied by the authority responsible for examining asylum applications?
☐ Yes ☒ No
2. On average, how long does a transfer take after the responsible Member State has accepted responsibility?
 Not available

The staff of the Italian Dublin Unit significantly benefits from the support of EUAA and AMIF personnel, mainly in relation to outgoing requests.

Decree Law 113/2018 envisaged the creation of up to three new territorial peripheral units of the Dublin Unit, to be established by Decree of the Ministry of Interior in identified Prefectures.⁴⁵¹ However, no peripheral units have been implemented since 2020, including in 2025.

All asylum applicants are photographed and fingerprinted (*fotosegnalamento*) by Questure which systematically store their fingerprints in Eurodac. After the lodging of the asylum application, on the basis of the Eurodac hits and/or other information gathered, if it is considered that the responsibility might lie on another EU+MS according to the Dublin Regulation, the Questura transmits the case file to the Dublin Unit which examines the criteria set out in the Dublin Regulation to identify the responsible Member State.

In 2021, the Civil Court of Trieste and the Court of Cassation requested, pursuant to Article 267 of the TFEU, that the European Court of Justice give a preliminary ruling to clarify the scope of information obligations and the effects of their violation on judicial proceedings.⁴⁵² The CJEU then published its judgement on 30 November 2023⁴⁵³ (see [Personal interview](#)).

2.2.1 Individualised guarantees

The Dublin Unit systematically issues outgoing requests to all countries where potential responsibility criteria are triggered. There are no reports of cases where the Dublin Unit has requested individual guarantees before proceeding with a transfer, even in the case of vulnerable persons.

In some cases, the Dublin Unit may not be informed about vulnerability by Questure. This could be due to the applicant only disclosing their vulnerabilities at a later stage (for example, during the hearing), or the vulnerabilities may emerge after the submission of the protection request. According to ASGI's experience and taking into account the Court decisions issued on the violation of information obligations in the Dublin procedure, this may be related to the fact that personal interviews provided by Article 5 of the Dublin regulation are not properly conducted or they are not conducted at all (see below [Personal interview](#)).

⁴⁵⁰ Civil Court of Trieste, decision of 30 June 2026.

⁴⁵¹ Article 3(3) Procedure Decree, as amended by Article 11 Decree Law 113/2018.

⁴⁵² Court of Cassation, decision no. 8668 of 23 February - 29 March 2021.

⁴⁵³ Court of Justice of European Union, *Ministero dell'Interno (Brochure commune - Refoulement indirect)*, joined cases, Case C-254/21 and C-297/21, together with Cases C-228/21, C-328/21 and C-315/21, available at <https://bit.ly/3ThqbnN>.

2.2.2 Transfers

In case another Member State is considered responsible under the Dublin Regulation, the asylum procedure in Italy is terminated.⁴⁵⁴ The Dublin Unit issues a decision that is transmitted to the applicant through the Questura, mentioning the country to which the asylum applicant will be returned and the modalities for appealing against the Dublin decision.⁴⁵⁵ Afterwards, the Questura arranges the transfer. The applicants must then present themselves at the place and date indicated by the Questura.

Where an appeal is lodged against the transfer decision and the appeal includes a request for suspension of the effects of the transfer decision, the six-month time limit for the transfer starts running from the rejection of the request for suspensive effect or, if the request is granted, from the notification of the decree rejecting the appeal.⁴⁵⁶ Since the practical organisation of the transfer is up to the Questura, it is difficult to indicate the average time before a transfer is carried out. The length of the Dublin procedure depends on many factors, including the availability of means of transport, the personal condition of the person, whether the police need to accompany the person concerned etc. However, according to information collected by ASGI, the Questura manage to organise the transfer within 6 months only in a limited number of cases. Also, in case applicants abscond and do not present themselves for the transfer, the Italian authorities often ask the responsible Member State for an extension of the deadline up to 18 months, as envisaged under Article 29(2) of the Dublin Regulation.

In a case decided by the Civil Court of Trieste after the submission of an urgent appeal by an asylum applicant who was asked to present himself for the transfer to Romania 12 months after Romania's acceptance of the take back request, the Court stated that the Questura of Trieste and the Italian Dublin Unit had unjustifiably considered the applicant unreachable and consequently applied the extension of the terms allowed up to 18 months by Article 29(2) of the Dublin Regulation because the applicant, who was still accommodated in a reception centre, had missed only one appointment scheduled by the police station but not the previous ones or the subsequent ones. The Court, recalling the duty of cooperation of the asylum seeker who must communicate changes in the place of domicile, which had never changed in the specific case, and taking into account that the concept of unavailability is different from the concept of risk of absconding required by the Dublin Regulation as the latter requires a more onerous evidentiary burden, consisting in the unequivocal demonstration of the desire to escape searches by the authorities, declared that the Dublin procedure had to be considered closed 6 months after the take back acceptance from Romania and consequently the responsibility of the Italian State to examine the asylum application.⁴⁵⁷

At the same time, the applicant was affected by a withdrawal of reception conditions due to failure to present himself for the transfer. On 24 May 2025, the Regional Administrative Court for Friuli Venezia Giulia upheld the appeal submitted by the applicant considering that he could not be considered as absconding as he was accommodated in a public facility.⁴⁵⁸

The applicant usually waits for months without knowing if the Dublin procedure has started, to which country a request has been addressed and the criteria on which it has been laid down. In most cases, it is only thanks to the help of NGOs providing adequate information that asylum applicants are able to go through the whole Dublin procedure. When necessary, NGOs contact the authorities to obtain the required information.

According to the data published by the Ministry of Labour in 2017, the time period between a “take charge” request for unaccompanied children and its acceptance by the destination country was 35 days on average, while it was on average 46 days between the acceptance of the request and the actual transfer

⁴⁵⁴ Article 30(1) Procedure Decree.

⁴⁵⁵ Presently, even though L 46/2017 has recognised the jurisdiction of the Civil Court of Rome and stated that the appeal has to be lodged within 30 days, many decisions still direct people to appeal before the Administrative Court of Lazio within 60 days.

⁴⁵⁶ Article 3(3-octies) Procedure Decree, as amended by L 46/2017.

⁴⁵⁷ Civil Court of Trieste, decision of 30 December 2024, available in Italian [here](#).

⁴⁵⁸ Administrative Court for Friuli Venezia Giulia, decision no. n. 220/2025 published on 24 May 2025.

of unaccompanied children.⁴⁵⁹ According to ASGI's experience, the duration of the procedure is much longer in practice, and the procedure may last over one year. As previously mentioned, in 2021, more than half of the practices required more than a year for definition in the outgoing procedure. In 2022, 2023 2024 and 2025 no significant changes were recorded in most cases.

Law 50/2023, which came into force on 5 May 2023 converting with amendments DL 20/2023, introduced the possibility to detain asylum applicants during the Dublin procedure.

Article 6-ter of the Reception Decree foresees the possibility to detain asylum applicants awaiting the Dublin transfer when there is a significant risk of absconding and unless alternative measures to detention can apply.⁴⁶⁰ The risk is assessed on a case-by-case basis and can be considered to exist when the applicant has escaped a first transfer attempt or when one of the following conditions occurs;

1. lack of a travel document;
2. lack of a reliable address;
3. failure to present to the authorities;
4. lack of financial resources;
5. systematic false declarations about personal data.

Detention cannot last beyond the time strictly necessary for the execution of the transfer. The detention validation decision allows a stay in the centre for a total period of six weeks. In the event of serious difficulties concerning the execution of the transfer, the judge, upon request from the Questore, can extend detention for a further 30 days, up to a maximum of further 12 days. Before the expiry of this term, the Questore can carry out the transfer by notifying the judge without delay.⁴⁶¹

As of June 2026, these provisions have not been modified in implementation of the EU Pact.

In a case decided on 19 August 2023 by the Civil Court of Trieste, the detention was validated by taking into account that the asylum applicant was "homeless, moving along the national territory without financial resources, and was the recipient of multiple criminal complaints".⁴⁶²

In a case decided on 16 January 2025, the Court of Appeal of Trieste decided not to validate the detention of an asylum applicant who had already sought asylum in Belgium, as detention started even before a transfer request was issued and sent to Belgium. According to the Court the conditions laid down in Article 6 ter Reception Decree were not met.⁴⁶³

2.3 Personal interview

Indicators: Dublin: Personal Interview

☐ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the Dublin procedure? ☐ Yes ☒ No
 ❖ If so, are interpreters available in practice, for interviews? ☐ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

Except for the lodging of the asylum application by the competent Questura, according to ASGI experience, personal interviews of asylum applicants are rarely envisaged during the Dublin procedure.

⁴⁵⁹ Ministry of Labour, *I minori stranieri non accompagnati in Italia*, 31 December 2017, available in Italian at: <http://bit.ly/2FvU6Aj>, 14.

⁴⁶⁰ Article 6 ter (1) of the Reception Decree introduced by L. 50/2023 converting into law with amendments the DL 20/2023.

⁴⁶¹ Article 6 ter (2 and 3) of the Reception Decree introduced by L. 50/2023 converting into law with amendments the DL 20/2023.

⁴⁶² Civil Court of Trieste, decision of 19 August 2023.

⁴⁶³ Court of Appeal of Trieste, decision of 16 January 2025.

Often, it coincides with the interview taken for the lodging of the application. This means that no specific questions are asked that could change the decision on responsibility determination. The interview should in fact be useful to clarify – especially in cases where the information leaflet is not written in a language understandable by the applicant – some important aspects of the applicant's personal and family situation. On the other hand, for example, the form used for lodging the asylum application does not contain questions and information on the asylum request submitted by family members in other Member States or on the insecurity of the Member State abstractly responsible for examining the application.

In 2021 and 2022, many Courts suspended Dublin transfers pending the CJEU's preliminary rulings raised by Courts regarding information obligations. The Court of Cassation,⁴⁶⁴ the Civil Court of Trieste⁴⁶⁵ and the Civil Court of Milan⁴⁶⁶ had asked the CJEU to clarify if a violation of the information obligations foreseen by Articles 4 and 5 of the Dublin Regulation should always cause cancellation of the transfer or if such cancellation could be ordered only when the applicant proves how the fulfilment of the information obligations and consequently their participation in the procedure could have changed the procedure.⁴⁶⁷ The CJEU decision started out by stating that the obligation to provide the information under Articles 4 and 5 of the Dublin III Regulation and Article 29 of the Eurodac Regulation “applies both in the context of a first application for international protection and a take charge procedure, under Article 20(1) and Article 21(1) of Regulation No 604/2013 respectively, as well as in the context of a subsequent application for international protection and a situation, as that covered by Article 17(1) of Regulation No 603/2013, capable of giving rise to take back procedures under Article 23(1) and Article 24(1) of Regulation No 604/2013”.

Then, the Court clarified the existence of different consequences in case of the infringement of Article 4 (common leaflet) or Article 5 (individual interview). According to the Court:

- ❖ A Dublin transfer decision should be annulled in case of an appeal calling into question the absence of the personal interview provided for in Article 5, unless the national legislation allows the person concerned, in the context of that appeal, to set out in person all their arguments against that decision at a hearing which complies with the conditions and safeguards laid down in the latter article, and those arguments do not have sufficient weight to alter that decision.
- ❖ In case on an appeal calling into question the violation of Article 4 (common leaflet not provided), the national court responsible for assessing the lawfulness of the transfer decision may order that the decision be annulled only if it considers, in the light of the factual and legal circumstances of the case, that the failure to provide the common leaflet, notwithstanding the fact that the personal interview has taken place, actually deprived that person of the possibility of putting forward their arguments, to the extent that the outcome of the administrative procedure in respect of that person could have been different.

In practice, this means that failure to provide the common leaflet cannot lead to the annulment of the transfer unless the appellant demonstrates how the absence of information concretely affected the Dublin procedure and altered it. Instead, the personal interview is considered an essential phase which, if omitted, must in any case be made up for during the trial by listening directly to the appellant. This, in the Italian context where the interview is often omitted or inconsistent and the court proceedings are mostly written, could take on an important meaning in pending and future trials.⁴⁶⁸

On 3 April 2024, the Court of Cassation, recalling the CJEU decision, stated that “where the specific information obligations are not fulfilled, in light of the hearing carried out and the information resulting from

⁴⁶⁴ Case C-228/21.

⁴⁶⁵ Case C-328/21.

⁴⁶⁶ Case C-315/21.

⁴⁶⁷ See also A. Di Pascale, Garanzie informative e partecipative del richiedente protezione internazionale e limiti al sindacato giurisdizionale nella procedura di ripresa in carico di cui al reg. (UE) n. 604/2013. Nota a margine dei rinvii pregiudiziali alla Corte di giustizia, in *Diritto Immigrazione e Cittadinanza*, Fascicolo 3/2021 available in Italian at: <https://bit.ly/3y5O9IC>.

⁴⁶⁸ Court of Justice of European Union, *Ministero dell'Interno (Brochure commune - Refoulement indirect)*, joined cases, Case C-254/21 and C-297/21, together with Cases C-228/21, C-328/21 and C-315/21, available at: <https://bit.ly/3ThqbnN>.

the allegations and productions of the administrative authority, burdened with proof, the transfer decision must be annulled".⁴⁶⁹

During 2024 and 2025, some civil courts, such as the one of Bologna and Trieste, ordered to listen to asylum applicants in cases where the information duties had been not fulfilled by Questure.

2.4 Appeal

Indicators: Dublin: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the Dublin procedure?

❖ If yes, is it

❖ If yes, is it suspensive

☒ Yes ☐ No

☒ Judicial

☐ Administrative

☒ Yes ☐ No

Asylum applicants are informed of the determination of the Dublin Unit concerning their “take charge” / “take back” by another Member State at the end of the procedure when they are notified through the Questura of the transfer decision. Information about the legal remedies available is provided in the transfer decision, where the time limits applicable for seeking such remedies are indicated, as well as the possibility to ask for the suspension of the decision’s effect. However, without support from specialised NGOs it is extremely difficult for the applicant to understand their rights.

According to the Procedures Decree, an applicant may appeal the transfer decision before the Civil Court within 30 days of the notification of the transfer.⁴⁷⁰

The assistance of a lawyer is necessary for the lodging of an appeal, but the applicant can apply for free legal aid.

Decree Law 13/2017, implemented by L 46/2017 designated the specialised section of the Civil Courts as competent to decide on appeals against transfer decisions.⁴⁷¹

- ❖ In case applicants are accommodated when notified about the transfer decision, territorial jurisdiction is determined based on where the centres are located and therefore fall within the specialised sections of the territorially competent Civil Courts.⁴⁷²
- ❖ In case of appeals brought by people not accommodated at the time they were notified with the transfer decision, jurisdiction is that of the Civil Court of Rome.

Suspensive effect

Article 3 of the Procedure Decree does not unequivocally provide that the transfer is suspended until the time limit for lodging an appeal expires. It states that the lodging of the appeal automatically suspends the transfer if an application for suspension is included in the appeal.⁴⁷³ According to ASGI, this should be interpreted in the sense that transfers may be carried out only once the time limit for an appeal has elapsed without an appeal being filed or with an appeal not indicating a request for suspension.

In practice, to ASGI’s knowledge, in 2025, as in the previous five years, the Questure waited for the 30-day deadline for lodging the appeal to expire before proceeding with the organisation of the transfer.

According to the law, the Court should decide on the application for suspensive effect within 5 days and notify the parties of the decision. The parties then have 5 days to present submissions and 5 days to reply

⁴⁶⁹ Court of Cassation, decision of 3 April 2024, no. 12162/2024. Similarly, see Court of Cassation, decision of 17 April 2024, available at <https://acesse.dev/ipbCH>.

⁴⁷⁰ Article 3(3-ter) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

⁴⁷¹ Article 3(3-bis) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

⁴⁷² According to the rule provided in Article 4(3) Decree Law 13/2017, as amended by L 46/2017, this also applies to asylum appeals as it generally refers to “accommodated applicants”.

⁴⁷³ Article 3(3-quater) and (3-octies) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

thereto. In this case, the Court must issue a new, final decision, confirming, modifying or revoking its previous decision.⁴⁷⁴ In ASGI's experience, the Civil Courts have never complied with these deadlines since 2020.

The appeal procedure is mainly written. Within 15 days of the notification of the appeal, the Dublin Unit must file the documentation on which the transfer decision is based and, within the same time limit, may file its own submissions. In the following 10 days, the applicant can in turn make submissions.⁴⁷⁵ The court will set a hearing only if it considers it useful for the purposes of the decision.⁴⁷⁶

The decision must be taken within 60 days from the submission of the appeal and can only be appealed before the Court of Cassation within 30 days. The Court of Cassation should decide on the appeal within 2 months from the lodging of the onward appeal.

The appeal brought before the Court of Cassation has no suspensive effect and the law does not expressly provide for the possibility of requesting such a suspension. On 2 September 2022, the Civil Court of Rome accepted the urgent appeal submitted by an asylum applicant whose appeal against the Dublin transfer to Austria had been accepted in 2021 and who, after one year and half, was still waiting for Italy's declaration on having competence to examine his asylum request. The Civil Court rejected the arguments presented by the Dublin Unit, according to which the submission of an appeal before the Court of Cassation in the Dublin procedure would entail the automatic suspension of the procedure itself.⁴⁷⁷

2.5 Legal assistance

Indicators: Dublin: Legal Assistance

☐ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?

☐ Yes	☐ With difficulty	☒ No
------------------------------	--	--

 - ❖ Does free legal assistance cover:

☐ Representation in interview	☐ Legal advice
--	---------------------------------------
2. Do asylum seekers have access to free legal assistance on appeal against a Dublin decision in practice?

☒ Yes	☐ With difficulty	☐ No
---	--	-----------------------------

 - ❖ Does free legal assistance cover

☐ Representation in courts	☐ Legal advice
---	---------------------------------------

The same law and practices described under the section on [Regular Procedure: Legal Assistance](#) apply to the Dublin procedure regarding legal assistance, including the merits and means tests.

2.6 Suspension of transfers

Indicators: Dublin: Suspension of Transfers

1. Are Dublin transfers systematically suspended as a matter of policy or jurisprudence to one or more countries?

☐ Yes	☒ No
------------------------------	--

 - ❖ If yes, to which country or countries?

There is no official policy on systematic suspension of Dublin transfers to other countries.

As in the previous years, most asylum applicants concerned have submitted appeals, leading to transfers being suspended by the courts, while others have become untraceable.

⁴⁷⁴ Article 3(3-quater) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

⁴⁷⁵ Article 3(3-quinquies) and (3-sexies) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

⁴⁷⁶ Article 3(3-septies) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L 46/2017.

⁴⁷⁷ Civil Court of Rome, Decision of 2 September 2022, available at: bit.ly/3KH0CMA.

In some cases, Courts annulled the transfers or suspended them, but there are no stable jurisprudential guidelines and each case is based on an individual exam of the applicant's appeal.

Greece: Based on ASGI's observations, no Dublin transfers to Greece were carried out since 2020.

Belgium: In October 2025, the Civil Court of Rome annulled a transfer to Belgium considering that "Belgium has repeatedly been found in violation by the European Court of Human Rights regarding reception conditions and the authorities' refusal to comply with court orders" and that there was "a real risk that the appellant, if transferred to Belgium, could be subjected to inhuman and degrading treatment due to the systemic deficiencies".⁴⁷⁸

Hungary: In late September 2016, the Council of State annulled a transfer to Hungary, defining it as an unsafe country for Dublin returns. The Council of State expressed concerns on the situation in Hungary, considering measures such as the planned construction of an "anti-immigrant wall" expressing the cultural and political climate of aversion to immigration and to the protection of refugees; the option of discontinuing an asylum application if the applicants leave their residence designated for more than 48 hours without permission and the extension of the detention period of asylum applicants.⁴⁷⁹

Romania: On 1 July 2024, the Civil Court of Rome annulled the transfer on an asylum applicant to Romania, considering that, due the deficiencies in the accommodation system and in procedural guarantees, the transfer to Romania was in conflict with the art. 3(2) of the Dublin Regulation and with art. 4 of the Charter of Fundamental Rights of the European Union, not guaranteeing with certainty or, in any case, beyond any reasonable doubt, respect for the applicant's fundamental rights in that State.

Slovenia: on 21 February 2023, the Civil Court of Rome cancelled a transfer to Slovenia on the basis of Article 3(2) of the Dublin Regulation considering that, as reported by many NGOs and highlighted in the AIDA report, the country could not be considered a safe country due to the pushbacks and readmission practices, to the obstacles in accessing the asylum procedure, to the detention measures often applied to asylum applicants, to the detention conditions and to the obstacles for asylum applicants to be properly represented by lawyers during the asylum procedure.⁴⁸⁰

Germany: on 3 November 2022, the Civil Court of Bologna cancelled a transfer to Germany on the basis of Article 3(2) of the Dublin Regulation and Article 4 of the Charter, considering the transfer unsafe for the individual situation of the applicant, who was vulnerable because disabled and as a possible victim of trafficking for begging. The Court, recalling the jurisprudence of the CJEU related to the Article 4 of the Charter of Fundamental Rights of the European Union (CJEU 16.2.2017 C-587/16 PPU, C.K. v. Rep. Slovenia – CJEU 21.12.2011 C-411/10 and C-493/10 N.S. et al.) affirmed that even in the absence of serious reasons to consider that there are systemic deficiencies in the Member State responsible of the asylum application, the Dublin transfer of an asylum applicant can only be carried out in conditions in which it is excluded that the said transfer entails a risk of inhuman or degrading treatments. In this case, according to the Court, the psychophysical conditions of the applicant would have exposed him to a real and established risk of deterioration of his health, such as to constitute an inhuman and degrading treatment because the transfer in Germany would have stopped the social path – that he had started in Italy – of emancipation from the probable situation of exploitation in which he found himself since his departure from Nigeria, as well as the health care path also undertaken in Italy.⁴⁸¹

Croatia: in early 2024, the Civil Court of Trieste adopted in two cases an interim measure to suspend two transfers to Croatia due to the possible violation of Article 3(2).⁴⁸² Also, on 9 June 2023 the Civil Court of Turin annulled the transfer of an asylum applicant to Croatia in consideration of the violation of article 3(2) of the Dublin III Regulation in the part in which it states the impossibility to 'transfer an applicant towards the Member State initially designated as responsible because there are reasonable grounds to believe

⁴⁷⁸ Civil Court of Rome, decision of 8 October 2025, appeal no. 24095/2025.

⁴⁷⁹ Council of State, Decision 4004/2016, 27 September 2016, available in Italian at: <http://bit.ly/2kWIO1d>.

⁴⁸⁰ Civil Court of Rome, Decision of 21 February 2023.

⁴⁸¹ Civil Court of Bologna, Decision of 3 November 2022, available at: bit.ly/3m80szY.

⁴⁸² Civil Court of Trieste, decision of 16 February 2024

that there are systemic deficiencies in the asylum procedure and in the reception conditions of applicants in that Member State which entails the risk of inhuman and degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union'.⁴⁸³

Austria: on 13 March 2024, the Civil Court of Rome annulled the transfer to Austria of an asylum applicant considering that the transfer would have violated Article 3(2) of the Dublin III Regulation because of the systemic deficiencies in the Austrian reception system and in the asylum procedure. The Court considered that, as underlined in the AIDA report, during 2022, in response to the increase in the number of asylum applicants in the country, Austria has changed the procedure for registering asylum applications which no longer takes place at the border but at the regional police offices. This led to long waits, inadequate reception conditions and the dispersion of asylum applicants.⁴⁸⁴

On 18 November 2024, the Court of Rome annulled a transfer to Austria, in application of the art. 17 of the Dublin Regulation, after having ascertained with multiple sources of information the serious systemic deficiencies in both the asylum and reception procedures in this Country.⁴⁸⁵

2.7 The situation of Dublin returnees

In 2025, Italy received 66 incoming Dublin transfers following take charge requests. No transfers were carried out based on take back procedures. The low numbers are due to the fact that Italian authorities still claim the validity of the suspension of incoming transfers to be carried out pursuant to the declared state of emergency (see [Dublin procedure - General](#)).

Reception guarantees and practice

In April 2026, replying to ASGI's information request, the Ministry of Interior stated that "the accommodation system does not have places reserved for Dublin returnees".⁴⁸⁶

The Ministry of Interior Circular of 14 January 2019 specified that Dublin returnees who had already applied for asylum prior to leaving Italy should be transferred by the competent Prefecture from the airport of arrival to the province where their application was lodged. If no prior asylum application had been lodged, they should be accommodated in the province of the airport of arrival. Family unity should always be maintained.⁴⁸⁷

The circular does not clarify how the prefectures should facilitate the transfer of the asylum applicant. This circumstance may externally expose the Dublin returnee to face, on their own, the obstacles in accessing the asylum procedure at Questure, especially in the absence of a domicile (see [Registration of the asylum application](#)).

Still in 2025, as better detailed in the following paragraph "Re-accessing the asylum procedure", the laws 50/2023 and 187/2024 affected the right of Dublin returnees to re-access the asylum procedure.

Following the *Tarakhel v. Switzerland* ruling,⁴⁸⁸ in practice the guarantees requested to Italy by other Member States were ensured mainly for families and vulnerable cases through a list of dedicated places

⁴⁸³ Civil Court of Turin, decision of 9 June 2023.

⁴⁸⁴ Civil Court of Rome, decision of 13 March 2024.

⁴⁸⁵ Civil Court of Rome, decision of 18 November 2024, available in Italian [here](#).

⁴⁸⁶ Answer to the FOIA request, sent on April 2026.

⁴⁸⁷ Ministry of Interior Circular of 14 January 2019, available in Italian at: <https://bit.ly/2P7G5OZ>.

⁴⁸⁸ In a ruling concerning an Afghan family with 6 children who were initially hosted in a CARA in Bari before travelling to Austria and then Switzerland, the ECtHR found that Switzerland would have breached Article 3 ECHR if it had returned the family to Italy without having obtained individual guarantees by the Italian authorities on the adequacy of the specific conditions in which they would receive the applicants. The Court stated that it is "incumbent on the Swiss authorities to obtain assurances from their Italian counterparts that on their arrival in Italy the applicants will be received in facilities and in conditions adapted to the age of the children, and that the family will be kept together." ECtHR, *Tarakhel v. Switzerland*, Application No 29217/12, Judgement of 4 November 2014, para 120.

in the SAI system (former Sprar/Siproimi system (see [Types of Accommodation](#)), communicated since June 2015 to other countries' Dublin Units.⁴⁸⁹ However, after regaining access in 2020, since L. 50 of 5 May 2023, asylum applicants once again cannot access second line reception SAI,⁴⁹⁰ unless they meet the definition of vulnerable people per the Reception Decree, Article 17.⁴⁹¹ Following LD 20/2023, there are much less mandatory services in first reception centres, CAS and temporary centres (see [Reception Conditions](#)).

As regards the implementation of incoming transfers, only when Italy expressly recognises its responsibility under the Dublin Regulation, national authorities indicate the most convenient airport where Dublin returnees should be returned in order to easily reach the competent Questura, meaning the Questura of the area where the asylum procedure had been started or assigned. In other cases, where Italy becomes responsible by tacit acceptance of incoming requests, persons transferred to Italy from another Member State usually arrive at the main Italian airports such as **Rome Fiumicino Airport** and **Milan Malpensa Airport**. At the airport, the Border Police provides the person returned under the Dublin Regulation with an invitation letter (*verbale di invito*) indicating the competent Questura where they have to go.

Since 2021, the information desk for asylum applicants in Milan Malpensa is operated by the cooperative Ballafon.⁴⁹² According to information provided by the Ballafon cooperative, from February 2022 to November 2022, the asylum applicants that arrived at the Malpensa airport were sent to the cooperatives of the territorial reception system or to relatives, while most Dublin returnees were sent to the Questura of Varese to determine where they should go in Italy.⁴⁹³

In 2023, the Inlimine project was authorised to access the transit zone at the airport of Milano Malpensa by the Administrative Court of Rome.⁴⁹⁴ Regarding the operation of the office for assistance to asylum seekers and Dublin returnees, the report prepared after having accessed the transit zone underlines that the office is not manned and it is for most of the time closed. Even during service hours, the operator is in fact in another room, in proximity to the Police offices. People who want to contact the office can only ring the intercom located outside the door and ask the operator to reach them.

On 21 October 2024, the Prefecture of Varese (the territorial government office responsible for the Malpensa airport area) issued an exploratory notice to activate an airport reception/information desk at Milan Malpensa for the year 2025 (valid from January 2025 to December 2025) to ensure a first reception and information service for foreign nationals arriving at or transiting through Malpensa, including Dublin returnees, asylum seekers, and other vulnerable migrants.⁴⁹⁵

At the Fiumicino airport of Rome, there is a dedicated asylum seekers' help desk operating at the border checkpoint run by the Italian Red Cross (CRI) under an agreement with the Prefecture of Rome and active since 1 April 2026.⁴⁹⁶

On 9 January 2025, the Tiburtina Welcome Center was inaugurated next to Tiburtina station, in Rome. The project was born from the "Welcome Net" collaborative initiative developed by the II Municipality together with six organisations : CoopAmbienteLavoroOnlus, civiczero.eu, BaobabExperience,

⁴⁸⁹ See e.g. Dublin Unit, Circular: Dublin Regulation Nr. 604/2013. Vulnerable cases. Family in SPRAR projects, 4 July 2018, available at: <https://bit.ly/2OwblGT>.

⁴⁹⁰ Article 5 ter L. 50/2023 converting into Law with amendments the Decree Law no. 20/2023 (the so-called "Cutto Decree").

⁴⁹¹ Article 17 Reception Decree to whom Article 9 of the Reception Decree as amended by L. 50/2023 refers.

⁴⁹² See ASGI, In Limine FOIA access, La frontiera di Malpensa: alcuni riscontri dalla pubblica amministrazione, 13 November 2022, available at: bit.ly/3UPzz15.

⁴⁹³ See ASGI; Ballafon relation on activities carried out from February to November 2022, available at: bit.ly/43JowdO.

⁴⁹⁴ Administrative Court of Lazio, decision no. 3392/2023. See ASGI, Inlimine, La situazione emersa dal sopralluogo della Zona di transito internazionale dell'aeroporto di Milano Malpensa, December 2023, available [here](#).

⁴⁹⁵ Prefecture of Varese, available in Italian [here](#).

⁴⁹⁶ A.M.M.I., 'La Croce Rossa. Sportello all'Aeroporto di Fiumicino per i richiedenti asilo', available in Italian [here](#).

Cooperativa formazione Obiettivo Uomo, Piuculture, and SOS RazzismoinItalia and serves as a hub where migrants in transit can access information.⁴⁹⁷

It should be noted that if returnees used to live in asylum applicants' reception centres before leaving Italy, they could encounter problems upon their return in submitting a new accommodation request. In fact, due to their first departure and according to the rules provided for the [Withdrawal of Reception Conditions](#), the Prefecture could deny them access to the reception system.⁴⁹⁸

Re-accessing the asylum procedure

Access to the asylum procedure is equally problematic, for Dublin returnees and for other applicants, as detailed under [Registration of the asylum application](#). Asylum applicants returned under the Dublin Regulation have to approach the Questura to obtain an appointment to lodge their claim. However, the delay for such an appointment reaches several months in most cases.⁴⁹⁹ The competent Questura is often located very far from the airport and asylum applicants have only a few days to reach it; reported cases refer of persons arriving in Milan, **Lombardy** and invited to appear before the Questura of Catania, **Sicily**. In addition, people are neither accompanied to the competent Questura nor informed of the most suitable means of transport thereto, adding further obstacles to reach the competent Questura within the required time. In some cases, however, people are provided with tickets from the Prefecture desk at **Milan Malpensa Airport**.

Moreover, generally, reports from civil society and NGOs confirmed the difficulty in accessing the asylum procedure in 2025.⁵⁰⁰

A monitoring report made by ASGI between May and June 2023 details illegitimate requirements set to grant access to the asylum procedure, such as the request to present an official address or being in possession of a passport⁵⁰¹ (see [Access to procedure](#)).

In 2023 and 2024, two laws with the potential to affect the rights of Dublin returnees came into force: DL 133/2023 introduced the Article 6 (3 bis) according to which if the third country national citizens do not present themselves at the competent Questura for verification of their declared identity or for the formalisation of the asylum application, their expressed intention to seek asylum does not constitute an asylum application and the procedure is considered as never started; moreover, after L. 187/2024, Article 23 bis of the Procedure Decree rules the implicit withdrawal of the asylum application stating that, in case the asylum applicants leave the accommodation centre without a justified reason (and without updating the authorities on their address) or do not appear at the hearing before the Commission, the Commission can reject the application or suspend the procedure for 9 months, during which the applicants can request reopening only once. After these months the procedure is declared extinct.

In case the asylum request had been not lodged, re-accessing the asylum procedure can be allowed, but a criminal procedure can be started if the applicant was notified an expulsion order and an entry-ban. In February 2025, the Criminal Court of Trieste acquitted a Bangladeshi citizen who had been prevented from accessing the asylum procedure in Udine and had applied for asylum in France before returning to Italy and submitting a new asylum application in the country. The Court held that the applicant had not

⁴⁹⁷ Integrazione Migranti, 'Inaugurato a Roma il Welcome Center Tiburtina', 9 January 2025, available in Italian [here](#).

⁴⁹⁸ According to Articles 13 and 23(1) Reception Decree, the withdrawal of reception conditions can be decided when the asylum seeker leaves the centre without notifying the competent Prefecture. See also ASGI, *Il sistema Dublino e l'Italia, un rapporto in bilico*, March 2015.

⁴⁹⁹ Danish Refugee Council and Swiss Refugee Council, *Mutual Trust is still not enough*, December 2018.

⁵⁰⁰ See the report "Attendere Prego", 8 April 2024, gli ostacoli al riconoscimento della protezione internazionale in Italia, from ASGI, International Rescue Committee Italy (IRC) Le Carbet, Mutuo Soccorso Milano, Naga ASGI and Intersos, available at <https://acesse.dev/afri0>.

⁵⁰¹ See ASGI "Mappatura delle prassi illegittime delle questure italiane Lo studio pilota di ASGI" report published on 15 April 2024, available in Italian at <https://encr.pw/nu9AJ>.

violated the entry ban (art. 13(13) TUI) because he had been prevented from requesting asylum upon first access to Italy and because the Dublin Regulation should apply.⁵⁰²

Therefore, Dublin returnees face different situations depending on whether they had applied for asylum in Italy before moving on to another European country, and on whether the decision on their application by the Territorial Commission had already been taken.⁵⁰³

The various situations can be summarised as follows:

- ❖ In “take charge” cases where the person had not applied for asylum during their initial transit or stay in Italy before moving on to another country,⁵⁰⁴ they should be allowed to lodge an application under the regular procedure. However, the person could be considered an irregular migrant by the authorities and notified an expulsion order. In case they were already notified of an expulsion order and of an entry ban in Italy, the non-official return (meaning the return not based on agreements by the States) could lead to a criminal conviction based on Article 13(13) TUI.
- ❖ In “take back” cases where the person had already lodged an asylum application and absconded from the accommodation centre before being informed of the hearing for the personal interview, the Territorial Commission may have applied the implicit withdrawal procedure (See [Procedures](#)) therefore the Dublin returnee could be able to ask to re-open the asylum application if Commission had suspended it and 9 months have not passed or could find that his asylum application has been declared closed. The new application will be considered a [Subsequent Application](#) and the request will subject to the preliminary assessment of the President of the Territorial Commission who will also evaluate the reasons for absconding.⁵⁰⁵ These rules changed on 12 June 2026.
- ❖ In take-back cases where the person had already lodged an asylum application and became unreachable while living in a private living place, the procedure could have been closed with a rejection due to the absence of the applicant. In this case the procedure cannot be reopened within 10 days proving justified reasons and the lack of knowledge of the convocation because DL 145/2024 repealed the law that provided for this possibility.⁵⁰⁶ The implicit withdrawal procedure could apply also in this case.⁵⁰⁷ Therefore, the applicant will have to submit a subsequent application.
- ❖ In take back cases when the person, being regularly convoked for the personal hearing, failed to present themselves to the appointment without giving any justified reason, the Territorial Commission could apply the implicit withdrawal procedure as well and new application will be considered a [Subsequent Application](#).
- ❖ In “take back” cases where the person’s asylum application in Italy has already been rejected by the Territorial Commission,⁵⁰⁸ if the applicant was notified of the decision and lodged no appeal, they may be issued an expulsion order and placed in a CPR upon re-entering Italy. According to the notification procedure (see [Regular Procedure: General](#)), the same could happen even in case the applicant had not been directly notified of the decision, since in case the applicant is deemed unreachable (*irreperibile*), the Territorial Commission notifies the decision by sending it to the competent Questura and notification is deemed to be complete within 20 days of the transmission of the decision to the Questura.⁵⁰⁹

⁵⁰² Criminal Court of Trieste, decision no. 242/2025 of 19 February 2025.

⁵⁰³ For more details, see ASGI, *Il sistema Dublino e l'Italia, un rapporto in bilico*, 2015, available in Italian at: <https://bit.ly/3IE3GrH>, 28.

⁵⁰⁴ Article 13 Dublin III Regulation.

⁵⁰⁵ Article 23(bis) Procedure Decree as amended by D.L. 145/2024 converted with amendments into L. 187/2024
⁵⁰⁶ DL 145/2024 converted into L. 187/2024 repealed Article 12 (5) of the Procedure Decree.

⁵⁰⁷ Article 23(bis) Procedure Decree as amended by D.L. 145/2024 converted with amendments into L. 187/2024.

⁵⁰⁸ Article 18(1)(d) Dublin III Regulation.

⁵⁰⁹ Article 11(3-ter) and (3-quater) Procedure Decree, as amended by Article 6 Decree Law 13/2017 and L. 46/2017.

3. Admissibility procedure

3.1 General (scope, criteria, time limits)

Article 29 of the Procedures Decree sets out the grounds for inadmissibility. Decree Law 130/2020 amended Article 29-bis (introduced by Decree Law 113/2018 to the Procedures Decree), which sets out an additional inadmissibility ground (see ground 4). Decree Law 20/2023 amended Article 29 Procedures Decree and DL 133/2023 significantly amended Article 29 - bis of the Procedure Decree, applicable when a subsequent request is submitted during the execution of the removal order.

The Territorial Commission may declare an asylum application inadmissible where the applicant:

1. Has already been recognised refugee or subsidiary protection status⁵¹⁰ by a state party according to the 1951 Refugee Convention and can still enjoy such projection;⁵¹¹
2. Has made a **Subsequent Application** after a decision has been taken by the Territorial Commission, without presenting new elements or new evidence concerning their personal condition or the situation in their country of origin which make it significantly more likely that the person will benefit from international protection, unless the applicant allege to have been unable – without fault - to present such elements or evidence at the previous application or during the appeal procedure. After the entry into force of DL 100/2026, these rules were changed and the procedure decree now recalls the rules laid down in Article 38(2) APR.⁵¹²
3. Has made a **Subsequent Application** during the execution of an imminent removal order (Article 29-bis).⁵¹³
4. Has made a **subsequent application** after the previous application was terminated by the Territorial Commission following the expiry of the 9 months' time limit from the suspension of the procedure when the asylum application was considered implicitly withdrawn (art.23 bis Procedure Decree as amended by D.L 145/2024) (until 12 June 2026).
5. Has made a subsequent application after the previous application had been rejected in case the implicit withdrawal of the asylum application applies, and the Territorial Commission considered to have enough elements to reject the asylum application and not to suspend the procedure (art.23 bis Procedure Decree as amended by D.L 145/2024) (until 12 June 2026).

The President of the Territorial Commission shall conduct a preliminary assessment of the admissibility of the application, to ascertain whether new relevant elements have emerged or have been submitted by the applicant to the granting of international protection and to evaluate whether the delay in the submission of such new elements or evidence can or cannot be attributed to the applicant's fault, who needs to provide specific evidence that it cannot be attributed to them.⁵¹⁴

If the applicant has already been recognised as a refugee or subsidiary protection status holder in another country party to the 1951 Convention, the law provides that the President of the Territorial Commission shall set up a hearing of the applicant to evaluate the reasons given to support the admissibility of the application in the specific case.⁵¹⁵

An application presented by the applicant following the rejection decision adopted pursuant to Article 23 (2) and the termination of the procedure pursuant to Article 23(3) in case the asylum application is considered implicitly withdrawn, was subjected to preliminary examination pursuant to article 29, paragraph 1-bis. During the preliminary examination, the reasons given in support of the admissibility of the application were evaluated, including the reasons for the abandonment of the facility or escape from

⁵¹⁰ Art. 29 (1)(a) as amended by Law 23 December 2021, n. 238 (in G.U. 17/01/2022, n.12) includes subsidiary protection holders.

⁵¹¹ Article 29(1)(a) Procedure Decree.

⁵¹² Article 29(1)(b) Procedure Decree as amended by DL 100/2026.

⁵¹³ Article 29-bis Procedure Decree, inserted by Article 9 Decree Law 113/2018 and L 132/2018, amended by Decree Law 130/2020 and L. 173/2020 and by DL 133/2023.

⁵¹⁴ Article 29(1-bis) Procedure Decree, as amended by L 50/2023.

⁵¹⁵ Article 29 (1 bis) Procedure Decree as amended by L 50/2023.

detention or failure to appear for the interview in front of the territorial commission.⁵¹⁶ This changed after 12 June 2026.

Even if the law distinguishes the phases of the preliminary assessment, attributed to the President, and the decision, attributed to the Commission, in some cases the Presidents of the Territorial Commissions have taken the decisions of inadmissibility on their own. With an interim decision of 1st March 2024, the Civil Court of Trieste clarified that such decisions of inadmissibility have to be taken by the Territorial Commission and not by the President.⁵¹⁷ In other cases, according to ASGI's experience, CT Presidents have omitted the preliminary assessment.

In case of a first subsequent application made during the execution of an imminent removal order, the Procedures Decree has been amended by DL 133/2023. According to Article 29 bis of the Procedure Decree law, the application must be immediately sent to the President of the competent Territorial Commission, who must conduct a preliminary assessment of the admissibility of the application, within three days, while assessing the risks of direct and indirect refoulement. The application is declared inadmissible in case no new elements have been added, pursuant to article 29, paragraph 1, letter b).

The exclusive role reserved for the President of the Territorial Commission, and not for the Territorial Commission itself, appears inconsistent with the Procedure Decree.⁵¹⁸

The provision does not clarify which phase is considered the execution of an imminent removal order.⁵¹⁹ Moreover, worryingly, the law provides that in the event of an application declared inadmissible, the applicant can be detained⁵²⁰ (see [Detention](#)).

More worryingly, DL 133/2023 amended Article 29 -bis introducing the paragraph 1-bis and giving specific power to the Head of Police Station to determine, when a subsequent application is submitted during the execution phase of a removal order against a foreign national - already validated by the judicial authority except for the first subsequent application, if the asylum request is admissible.

The law also states that, in case the subsequent application is not the first one, where the applicant's detention has been already validated by the Judge of the Peace (Giudice di Pace), the Questore (Head of Police Station), after asking for an opinion from the President of the Territorial Commission where the removal is taking place, immediately proceeds with the preliminary assessment of the application and declares it inadmissible, allowing the execution of the removal order, when there are no new relevant elements for the recognition of international protection pursuant to article 29, paragraph 1, letter b), and no grounds to apply the expulsion bans referred to in article 19 TUI arise. When there are new elements relevant for the recognition of international protection or the ban on expulsion, the competent Territorial Commission proceeds with the further examination.⁵²¹

No suspensive effect is recognised to the appeal including a suspensive request in case of a decision that declares inadmissible or rejects, for the second time, a further subsequent asylum application pursuant to article 29, (1) b), or declaring the asylum application inadmissible pursuant to article 29-bis of the Procedure Decree.⁵²²

⁵¹⁶ Article 23 bis (5) Procedure Decree as amended by DL 145/2024.

⁵¹⁷ Civil Court of Trieste, interim decision of 1 March 2024.

⁵¹⁸ It appears not consistent with the provision of Articles 4, 28 and 29 of the Procedure Decree.

⁵¹⁹ The Court of Cassation will rule on this issue following the order no. 11660/2020.

⁵²⁰ Article 6 (2, a bis) Reception Decree, as amended by Article 3 (3) Decree Law 130/2020 and L. 173/2020. According to Decree Law 130/2020 the provision applies in the limits of available places in CPRs.

⁵²¹ Article 29-bis (1 bis) introduced by DL 133/2023, converted into L 176/2023.

⁵²² Article 35 bis (4) Procedure Decree.

3.2 Personal interview

Indicators: Admissibility Procedure: Personal Interview

☐ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the admissibility procedure? Depending on the ground
 - ❖ If so, are questions limited to nationality, identity, travel route? ☐ Yes ☒ No
 - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☒ Rarely ☐ Never

The law does not distinguish between the interview conducted in the regular procedure and the one applicable in cases of inadmissibility. However, following Decree Law 133/2023 and following the amendments to the provisions regarding implicit withdrawal of the asylum application, it is possible to automatically dismiss [Subsequent applications](#) as inadmissible without an interview when the Territorial commission considers that no new evidence was presented (compared to the previous lodging of the asylum application or to the previous examination of the asylum claim).

3.3 Appeal

Indicators: Admissibility Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against an inadmissibility decision?
 - ☒ Yes ☐ No
 - ❖ If yes, is it ☒ Judicial ☐ Administrative
 - ❖ If yes, is it automatically suspensive ☐ Yes ☐ Some grounds ☒ No

For applications dismissed as inadmissible, the law provides for the possibility to submit an appeal to the specialised section of the competent Civil Court. The judicial procedure provided for [accelerated procedure](#) applies, which means that the time limit for appealing a negative decision is 15 days, and the appeal has no automatic suspensive effect.

L. 50/2023 provided that the submission of the appeal does not allow the applicant to legally remain in the national territory in case of appeals against decisions which refused or declared as inadmissible another subsequent application, after a first subsequent application had been refused or declared inadmissible. The same happens when the appeal is submitted against a decision issued on the base of Article 29 bis of the Procedure Decree (subsequent application made during the execution of an imminent removal order).⁵²³

However, the decision of the United Civil Sections of the Court of Cassation of 29 April 2024, in a case related to a rejection of an application dismissed as manifestly unfounded due to the fact that the applicant came from a safe country of origin (See [Safe countries](#)), brought some changes in the Courts' examination of these applications. The Court stated that in case the accelerated procedure has not been respected by the Territorial Commission, the ordinary procedure will apply to the appeal, including the automatic suspensive effect.⁵²⁴

Following this decision, Civil Courts decided to apply the same principle to all cases where the deadlines of the accelerated procedure had been not respected: for instance, the Civil Court of Catania, on 2 May 2024, declared the measure of inadmissibility pursuant to Article 29 of Legislative Decree 25/2008 automatically suspended in application of the principle expressed by the United Sections of the Court of Cassation, considering that: "the same principle is applicable, by reason of the same ratio, also to the

⁵²³ Article 35-bis(5) Procedure Decree, as amended by Decree Law 113/2018 and L 132/2018.

⁵²⁴ Court of Cassation, United Civil Sections, Decision no. 11399/2024 of 29 April 2024, available in Italian [here](#).

present case, concerning a decree of inadmissibility following a subsequent application, adopted without observing the terms of art. 28 bis of the Legislative Decree 25/2008".⁵²⁵

Since the entry into force of DL 100/2026 on 12 June 2026, the Procedure Decree states that the appeal does not ensure the applicant's right to legally remain in the national territory before the Court has decided on the suspensive request, in cases based on Article 56 and 68(6) APR. Indeed, the government chose to avail themselves of the possibility laid down in those articles not to allow asylum applicants to stay on the territory in case of:

- ❖ First subsequent applications lodged merely in order to delay or frustrate the enforcement of a decision which would result in the applicant's imminent removal from that Member State (article 56 APR).
- ❖ A second or further subsequent application made in any Member State following a final decision rejecting a previous subsequent application as inadmissible or unfounded or manifestly unfounded (article 56 APR).
- ❖ In cases of subsequent applications if the appeal is considered to have been lodged merely in order to delay or frustrate the enforcement of a return decision which would result in the applicant's imminent removal from the Member State (Article 68(6) APR).⁵²⁶

3.4 Legal assistance

Indicators: Admissibility Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance during admissibility procedures in practice?
☐ Yes ☐ With difficulty ☐ No
❖ Does free legal assistance cover:
☐ Representation in interview
☐ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against an inadmissibility decision in practice?
☒ Yes ☐ With difficulty ☐ No
❖ Does free legal assistance cover:
☒ Representation in courts
☐ Legal advice

The rules and criteria for legal assistance are the same as in the [Regular Procedure: Legal Assistance](#).

3.5 Suspension of returns for beneficiaries of protection in another Member State

According to ASGI's experience, Italy does not consider a protection granted by Greece as a safe protection, therefore it does not return people to this country and normally allows access to international protection procedure.

⁵²⁵ Civil Court of Catania, interim decision of 2 May 2024, case no. 13099/2023.

⁵²⁶ Article 35 bis (5) as amended by DL 100/2026.

4. Border procedure (border and transit zones)

4.1 General (scope, time limits)

Indicators: Border Procedure: General

1. Do border authorities receive written instructions on the referral of asylum seekers to the competent authorities? ☒ Yes ☐ No
2. Where is the border procedure mostly carried out? ☐ Air border ☐ Land border ☒ Sea border
3. Can an application made at the border be examined in substance during a border procedure? ☒ Yes ☐ No
4. Is there a maximum time limit for a first instance decision laid down in the law? ☒ Yes ☐ No
❖ If yes, what is the maximum time limit? 9 days
5. Is the asylum seeker considered to have entered the national territory during the border procedure? ☐ Yes ☒ No

Decree Law 113/2018 amended the Procedure Decree introducing a border procedure applicable in border areas and transit zones. Decree Law 130/2020 and L 173/2020 – not changing the substance of the procedure – amended the legal provision.⁵²⁷ The law referred to a MoI decree, which was issued on 5 August 2019 and published on 7 September 2019, for the definition and implementation of the procedure.⁵²⁸

After the entry into force of the EU Pact and DL 100/2026 on 12 June 2026, border procedure rules were significantly amended. The Procedure Decree states that the border and transit zones for the purpose of conducting the accelerated border procedure shall be designated by MoI decree.⁵²⁹ The Procedure Decree also states that in order to ensure the carrying out of the accelerated procedures at the border, one or more sections may be established at each Territorial Commission, up to a maximum of twenty-four (in addition to the 30 envisaged in the event of an exceptional increase in asylum applications as provided for in Article 4(2 bis) Procedure Decree).⁵³⁰

Areas where the border procedure can be applied

The MoI Decree designated the transit and border areas where the **accelerated procedure** applies.⁵³¹ The decree does not provide any definition of a border and transit area; it only establishes that the border or transit areas are identified as those already existing in the following provinces:

1. Trieste and Gorizia in the north-east of the country;
2. Crotone, Cosenza, Matera, Taranto, Lecce and Brindisi in the south;
3. Caltanissetta, Ragusa, Siracusa, Catania, Messina, Trapani and Agrigento in Sicily;
4. Cagliari in Sardinia.⁵³²

Many of these areas correspond to hotspots (Taranto, Messina and Agrigento (Lampedusa hotspot), or places affected by sea landings, such as Cagliari, or by land arrivals, such as Trieste and Gorizia, or close to CPR (pre-removal detention centres) such as in Gorizia and Trieste, Brindisi, Trapani, Caltanissetta.

According to ASGI, the way in which the MoI Decree was drafted adds other critical issues to the legal framework governing the border procedure. This is due to the fact that the provisions only generally refer to the "transit areas or border areas identified in those existing in the provinces" and does not clearly demarcate specific areas to this end, such as ports or airport areas or other places coinciding with physical

⁵²⁷ Article 28-bis (2)(b) Procedure Decree, as amended by Decree Law 130/2020 and L 173/2020

⁵²⁸ MoI Decree, 5 August 2019, published on Gazzetta Ufficiale as of 7 September 2019: <https://bit.ly/3e8wXES>.

⁵²⁹ Article 28 bis Procedure Decree.

⁵³⁰ Article 4 (2 ter) Procedure Decree as amended by DL 100/2026.

⁵³¹ Article 28 bis (1) (1-ter) and (1 – quater) of the Procedure Decree.

⁵³² MoI Decree 5 August 2019, Article 2.

borders with extra EU countries, seem to conflict with the rules of the European Union and therefore to be illegitimate.⁵³³

Out of the five Territorial Commissions foreseen by the amended Procedure Decree to examine asylum applications subject to the border procedure⁵³⁴ the MoI Decree created only two new sections of Territorial Commissions: Matera (section of Bari) and Ragusa (section of Syracuse), therefore assigning to the Territorial Commissions already competent for the border or transit areas the task of examining the related applications – where the conditions exist – with an accelerated procedure.

Under the border procedure, the entire examination of the asylum application can take place directly at the border area or in the transit zone.⁵³⁵

Following the entry into force of DL 100/2026, a MoI circular note dated 8 May 2026 divides border areas where border procedure applies into “Air border areas” and “Maritime border areas”. However, immediately after 12 June 2026, the border police of Trieste (included in the maritime border areas) started to apply the border procedure to asylum applicants crossing the internal land border between Italy and Slovenia.

Grounds for the border procedure to be applied

The border procedure may be applied where the applicant makes an application directly at the designated border areas or transit zones after being apprehended for evading or attempting to evade controls. However, the circulars of 16 and 18 October 2019 (see *infra*) expressly excluded the application of the border procedure for attempting to avoid border controls to people rescued at sea following SAR operations and to those who spontaneously turn to the authorities to seek asylum without having been apprehended at the time of landing or immediately afterwards.

Law 50/2023 added the possibility to apply the border procedure to applicants making an application at the border or transit areas and coming from safe countries of origin.⁵³⁶

Article 28-bis (6) of the Procedure Decree as amended by Decree Law 130/2020 and L. 173/2020 expressly excluded from accelerated procedures, including the border procedure:

- ❖ unaccompanied minors and
- ❖ people with special needs, who should coincide with vulnerable people as identified by Article 17 of the Reception Decree (see Accelerated procedure).

While the previous legislation explicitly provided for the exclusion of vulnerable persons from the border procedure, Decree 100/2026 states that accelerated procedures also apply to vulnerable persons, following an individual assessment conducted in accordance with guidelines drawn up by the Ministry of the Interior, in collaboration with other competent authorities and relevant organisations, provided that the necessary support can be offered to the applicants in question.⁵³⁷

ASGI observed how the wording of the provision could allow for automatic application of accelerated border procedure to persons seeking asylum at the border as it makes its application solely contingent on the person having tried to evade controls. In this sense the provision does not comply with Article 43 the Asylum Procedures Directive, as the attempt to evade border controls is not included in the acceleration grounds laid down in Article 31(8) of the Directive which could lead to the application of a border procedure.

The border procedure under old Article 28-bis(2)(b) of the Procedure Decree followed the rules of the 9-day [Accelerated Procedure](#). Upon receipt of the application, the Questura should immediately transmit the necessary documentation to the Territorial Commission, which should take steps for the personal

⁵³³ ASGI note, Le zone di transito e di frontiera, September 2019, available at: <https://bit.ly/3gmYOmX>.

⁵³⁴ Article 28 bis (4) Procedure Decree.

⁵³⁵ Article 28-bis(2)(2) Procedure Decree, as amended by Decree Law 130/2020.

⁵³⁶ Article 28 bis (2 b) bis) of the Procedure Decree introduced by L. 50 of 5 May 2023 converting the DL 20/2023.

⁵³⁷ Article 28 (2) Procedure Decree which recalls Article 53 (2 b) c) and d) of the Regulation Procedure.

interview within 7 days of receiving the documentation. The decision had to be taken within the following 2 days.⁵³⁸

However, when the procedure was done at the border, the procedure could be carried out directly at the border or in the transit zones and the Territorial Commission had to decide within 7 days of receiving the application.⁵³⁹

Use of detention

Asylum applicants channelled in the border procedure could face detention according to the provision laid down in Article 6 bis of the Reception Decree introduced by L. 50 of 5 May 2023.⁵⁴⁰ Detention could last a maximum of 4 weeks;⁵⁴¹ it could apply only during the border procedure and up to the judicial decision on the suspensive effect in case of appeal.⁵⁴²

It could also apply only where the applicant lacks a passport and financial guarantees.⁵⁴³ On 14 September 2023, the MoI decree was issued and detailed the rules concerning the financial guarantee; the maximum amount that could be requested as financial guarantee was amended by a new decree of 10 May 2024⁵⁴⁴ (see [Hotspot](#)).

DL 145/2024 detailed that, in case of asylum applications at the border of persons apprehended for evading or attempting to evade controls or coming from safe countries of origin (articles 28 bis letters b and b bis), the applicant may not be detained but the same procedure referred to in article 28-bis, (2-bis, of the Procedure Decree applies. In case of appeal, article 35-ter of Procedure Decree applies.

The applicant received a paper certifying their status (*attestato nominativo*), different from permit to stay.⁵⁴⁵

On 27 June 2026, the Civil Court of Palermo suspended the enforceability of the 12-week residence obligation order under Article 5-ter of Reception Decree and Article 54 of Regulation (EU) 1348/2024, imposed upon an asylum seeker placed in the accelerated border procedure and accommodated at Villa Sikanía (Agrigento). The person had arrived in Lampedusa on 14 June 2026, where he applied for asylum and underwent screening on 15 June, which was completed the same day. The screening report mentioned a referral to the anti-trafficking authority. The border procedure was nevertheless applied, together with the residence obligation at the Villa Sikanía centre in Agrigento. ASGI lawyers filed an appeal under Article 5-quinquies of Reception decree, arguing that the information obligations in relation to both the decision and the authorisation to stay had been breached since both were drafted only in Italian and did not mention the consequences of breaching the residence authorisation. They also argued that the place of mandatory residence was unsuitable in light of the vulnerabilities identified during screening. The court upheld the interim request, noting in particular that the applicant's vulnerability, already apparent during the screening stage, had not been properly taken into account, and stressing the serious impact of the measure, which directly affects the applicant's personal liberty and his freedom of movement.⁵⁴⁶

Rules on the implementation of the border procedure

By Circular issued on 15 February 2024,⁵⁴⁷ the CNDA gave indications to the territorial commissions to overcome the practice, censured by the courts, according to which, as per the indications included in the previous circular of 16 October 2019, the accelerated procedures, including border procedures, were

⁵³⁸ Article 28-bis(2) (b) Procedure Decree as amended by Decree Law 130/2020 and L. 173/2020.

⁵³⁹ Article 28 bis (2- bis) Procedure Decree.

⁵⁴⁰ Article 6 bis Reception Decree introduced by L. 50 of 5 May 2023 converting the DL 20/2023.

⁵⁴¹ Article 6 bis (3) Reception Decree introduced by L. 50 of 5 May 2023 converting the DL 20/2023.

⁵⁴² Article 6 bis (1) Reception Decree introduced by L. 50 of 5 May 2023 converting the DL 20/2023.

⁵⁴³ Article 6 bis (2) Reception Decree introduced by L. 50 of 5 May 2023 converting the DL 20/2023.

⁵⁴⁴ MoI Decree of 10 May 2024, available [here](#).

⁵⁴⁵ Article 6 bis Reception Decree refers to Article 4 (2) Procedure Decree.

⁵⁴⁶ Civil Court of Palermo, interim decision of 27 June 2026.

⁵⁴⁷ CNDA Circular, available in Italian [here](#); see also [here](#).

communicated orally by the Commission to the Questure After this circular, the Commissions began to adopt formal measures to determine the accelerated procedure applicable to the specific case.

Therefore, the hearing date is not anymore included in the C3 but notified, usually together with the c3, to the asylum applicant, with a separate document.

The circulars issued in 2019 authorised the establishment of “mobile units” within the territorial commissions in order to carry out the hearings at the border offices. The Circulars assure of the availability of accommodations for asylum applicants subject to the border procedure within the centres existing in the provinces identified as transit or border areas by the MoI decree 5 August 2019.

The Territorial Commission maintains the possibility of extending the duration of the procedure – during which the applicant would remain at the border or in the transit zone – to a maximum of 18 months to ensure an adequate examination of the application.⁵⁴⁸

The law provides for a specific information obligation to be carried out before the formalisation of the asylum application under the border procedure. The dedicated C3 merely indicates the application of the border procedure in Italian and the reasons why it is applied, also informing about the exclusion from the accelerated procedure for vulnerable people.

The Procedure Decree, as amended by Decree-Law No. 100/2026, provides that, in accordance with the time limits laid down in Articles 51 and 73 APR, where an application is subject to the accelerated border procedure, the competent Territorial Commission must examine the application and adopt and notify its decision within four weeks.⁵⁴⁹

Use of the border procedure and relevant caselaw

Among the first cases of border procedure’s applications in Trieste, as of December 2019, three Pakistani asylum applicants have been subject to the accelerated procedure simply because they encountered police not far away from the Slovenian border.

After those cases, probably due to the implementation of readmissions to Slovenia, no more border procedures were applied to people coming from the eastern land border up to August 2023, when it was again applied to some Bangladesh and Pakistani asylum seekers, who were considered having avoided the border controls entering from the land border. The asylum applications were examined under the accelerated procedure applied because of the border procedure and the cases were denied as manifestly unfounded.

The Civil Court of Trieste upheld the suspensive requests included in the appeals and observed that, contrary to what the Territorial Commission of Trieste assumed in its decree, there is no legal provision imposing to deny as manifestly unfounded asylum applications under the border procedure.⁵⁵⁰

Regarding the maritime border, in 2020, the procedure was applied to some Tunisian citizens rescued at sea. That was not the case in 2021 and 2022. The situation changed due to the extension of the border procedure to people coming from safe countries of origin, as provided by the Procedure Decree as amended by the L. 50/2023 and, in general, due to the entry into force of this law.⁵⁵¹

The aforementioned legislation was applied for the first time in September 2023 with a series of detentions adopted regarding asylum applicants from safe countries of origin. The Court of Catania refused to validate the detentions, as it decided to disapply the provision which allows detention during the border procedure in case of lack of financial guarantee as detailed in the MoI Decree of 14 September 2023, considering it incompatible with the Reception Directive. This led the Ministry of the Interior to challenge

⁵⁴⁸ Article 28-bis(5) Procedure Decree, citing Article 27(3) and (3-bis).

⁵⁴⁹ Article 28 bis.1 Procedure Decree introduced by DL 100/2026.

⁵⁵⁰ Civil Court of Trieste, decree of 14 August 2023, case no. 3156/2023.

⁵⁵¹ Article 28 bis (2 b) bis) of the Procedure Decree introduced by L. 50 of 5 May 2023 converting the DL 20/2023.

these decisions before the Court of Cassation, which, on 8 February 2024, made a preliminary reference to the Court of Justice of the European Union requesting to assess the compatibility of the new legislation with EU law. The decision of the Luxembourg Court is expected in the coming months (see [Access to procedure and registration, Hotspot](#)).

Between August and November 2024 there have been relevant rulings by the Courts competent to examine the border procedures of asylum seekers detained in the centres of Porto Empedocle, Pozzallo and Albania, which in many cases did not validate the detention. As discussed in previous sections of the report, in some cases the Courts, in the light of the incompatibility with European law of some aspects of the border procedure regulations and of the list of safe countries of origin referred questions to the CJEU for a preliminary ruling under Article 267 TFEU.⁵⁵² (see [Safe countries concept](#))

4.2 Personal interview

Indicators: Border Procedure: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the border procedure? ☐ Yes ☐ No
 - ❖ If so, are questions limited to nationality, identity, travel route? ☐ Yes ☐ No
 - ❖ If so, are interpreters available in practice, for interviews? ☐ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☐ Never

The same guarantees as those applied during the [Regular Procedure: Personal Interview](#) are applied.

4.3 Appeal

Indicators: Border Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the border procedure?
 - ☒ Yes ☐ No
 - ❖ If yes, is it ☒ Judicial ☐ Administrative
 - ❖ If yes, is it automatically suspensive ☐ Yes ☐ Some grounds ☒ No

An appeal against a negative decision in the border procedure had to be lodged before the competent Civil Court within 7 days.⁵⁵³ Article 35 ter (1) of the Procedure Decree provided that the filing of the appeal or request for suspension did not suspend the enforcement of the rejection and removal order. However, Article 35 ter (3) provided that, from the moment the appeal is lodged until the adoption of the decision on suspension, the appellant cannot be expelled or removed from the place in which they are detained.⁵⁵⁴

When an appeal is lodged, the Territorial Commission and the public prosecutor could file defence notes in the following 2 days. Within the same time, the Commission that adopted the decision is required to make available to the Court and to the applicant the minutes of the hearing or, where possible, the transcript of the video recording, as well as a copy of the application for international protection and all the documentation acquired during the examination procedure. Upon expiry of the deadline, a single judge decides on the appeal within 5 days.⁵⁵⁵

The DL 100/2026 sets out a time limit of 5 days to appeal where the border procedure applies, except where the applicant is an unaccompanied minor.⁵⁵⁶

⁵⁵² ASGI, 'Una raccolta della giurisprudenza nell'ambito delle procedure di frontiera attuate a Porto Empedocle, Pozzallo e in Albania', 19 November 2024, available in Italian [here](#).

⁵⁵³ Article 35-bis(2 ter) Procedure Decree, as amended by Decree Law 145/2024 converted into L. 187/2024.

⁵⁵⁴ Article 35-ter (1 and 3 3) Procedure Decree, as amended by DL 145/2024.

⁵⁵⁵ Article 35 ter (2) Procedure Decree.

⁵⁵⁶ Article 35 ter Procedure decree as amended by DL 100/2026.

4.4 Legal assistance

Indicators: Border Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?
☐ Yes ☐ With difficulty ☐ No
❖ Does free legal assistance cover:
☐ Representation in interview
☐ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?
☐ Yes ☐ With difficulty ☐ No
❖ Does free legal assistance cover
☐ Representation in courts
☐ Legal advice

The rules and criteria for legal assistance are the same as in the [Regular Procedure: Legal Assistance](#).

5. Accelerated procedure

5.1 General (scope, grounds for accelerated procedures, time limits)

Article 28-bis of the Procedures Decree, entirely amended by Decree Law 130/2020, implemented by L 173/2020, again amended by DL 133/2023 and by DL 145/2024 converted into L. 187/2024, provided for different accelerated procedures that foreaw different time limits following the immediate transmission of the file from the Questura to the Territorial Commission, depending on the applicable ground:

5-day procedure: The Territorial Commission took a decision within 5 days of the receipt of the file where:⁵⁵⁷

1. The applicant makes a [Subsequent Application](#) without presenting new elements.⁵⁵⁸ In this case an interview can be omitted.
2. The asylum application is made by a person under investigation for some of the crimes preventing the recognition of international protection pursuant to Article 12 (1, c) and 16 (1, d bis) of the Qualifications Decree,⁵⁵⁹ when grounds for detention are raised among those provided by Article 6 (2, a, b, c) of the Reception Decree,⁵⁶⁰ or by a person convicted – even not definitively – for one of those crimes. In this case the applicant must be heard.

7-day procedure: The Territorial Commission took steps to organise the personal interview and decides within 7 days, where an asylum application is subjected to an accelerated procedure pursuant to article 28 bis (1 and 2) of the Procedures decree and it is carried out in a border or transit area.⁵⁶¹

9-day procedure: The Territorial Commission took steps to organise the personal interview within 7 days of receipt of the file and decides within the 2 following days where:⁵⁶²

1. The asylum application is made by a person detained in a CPR or in a hotspot or first reception centre;⁵⁶³
2. The applicant comes from a [Safe Country of Origin](#);⁵⁶⁴

⁵⁵⁷ Article 28-bis(1) Procedure Decree, as amended by Decree Law 130/2020

⁵⁵⁸ The law refers to the subsequent application ruled by Article 29 (1 b) Procedure Decree, meaning the case where the applicant submits identical asylum request after a decision has been taken without adding new elements.

⁵⁵⁹ This provision resumes the case before ruled by Article 32 (1 bis) of the Procedure Decree, the so-called immediate procedure, now repealed by Decree Law 130/2020 and L 173/2020.

⁵⁶⁰ If the person is only investigated the law requires that also those grounds for detention arise. The law only recalls those grounds not requesting that the person is in concrete detained.

⁵⁶¹ Article 28 bis (2 bis) introduced by L. 50/2023 and amended by L. 75/2025 converting DL 37/2025.

⁵⁶² Article 28 bis (2) as amended by Decree Law 130/2020 and L 173/2020.

⁵⁶³ In this case, when the person is under investigation or conviction for the offenses referred to in Article 28 bis (1) Procedure Decree, this 5-day procedure applies.

⁵⁶⁴ In cases not involving vulnerable people.

3. The application is manifestly unfounded⁵⁶⁵ (see [Regular Procedure: General](#));
4. The applicant made an application after being apprehended for irregular stay, with the sole purpose to delay or frustrate the issuance or enforcement of a removal order.
5. the applicant entered or stayed in Italy irregularly and submitted an application for international protection, without justified reason, beyond the period of 90 days from their entry into Italy.⁵⁶⁶

Regarding the accelerated procedure for persons investigated or convicted of crimes which may trigger exclusion from international protection, according to ASGI some issues of consistency can be observed, as already underlined regarding the old Article 32 (1-bis) of the Procedure Decree, now repealed: the procedure reserves a lesser treatment to persons not yet sentenced, contrary to the principle of innocence set out in Article 27 of the Italian Constitution. Furthermore, after the extension already made with the Decree Law 113/2018 and confirmed by the Decree Law 130/2020, the group of crimes that could lead to exclusion from international protection also included minor offences that do not seem to be a danger to public order and state security. In this sense the provision also seems incompatible with the recast Asylum Procedures Directive, Article 31(8) according to which an accelerated procedure can be applied to people considered dangerous for the public order according to the domestic law.

Regarding the accelerated border procedure, as mentioned (see [Border procedure](#)) the requirement of Article 43 of the Directive to allow the applicant to enter the territory if the determining authority has not taken a decision within 4 weeks was not incorporated in the Procedure Decree even after the amendments made by Decree Law 130/2020.

Furthermore, the wording of the provision could allow for the automatic application of the accelerated border procedure to persons seeking asylum at the border as it makes its application solely contingent on the person having tried to evade controls. In this sense the provision does not comply with Article 43 the Asylum Procedures Directive, as the attempt to evade border controls is not included in the acceleration grounds laid down in Article 31(8) of the Directive which could lead to the application of a border procedure.

According to Article 28-bis(5) of the Procedure Decree, the Territorial Commission may exceed the above-mentioned time limits where necessary to ensure an adequate and complete examination of the asylum application, subject to a maximum time limit of 18 months.⁵⁶⁷ Where the application is made by the applicant detained in CPR or a hotspot or first reception centre, or by a person committed or investigated for crimes allowing the 5 days procedure, the maximum duration of the procedure cannot exceed 6 months.⁵⁶⁸

In some cases, Civil Courts have released asylum applicants detained in CPR for failure to comply with the terms of the accelerated procedure. The Courts observed that the time limits of the accelerated procedure as regulated by art. 28bis of the Procedures Decree were exceeded, without any justification. In two cases asylum applicants had been detained in CPR for more than two months without a first instance interview having been set.⁵⁶⁹ The Court of Cassation also stressed the principle according to which an asylum applicant cannot be detained for longer than the times scheduled under the accelerated procedure, unless other reasons for detention arise,⁵⁷⁰ principle that clashes with recent decisions of the Supreme Court of Cassation to the contrary.⁵⁷¹

⁵⁶⁵ Pursuant to Article 28 ter Procedure Decree.

⁵⁶⁶ This hypothesis has been introduced by DL 145/2024.

⁵⁶⁷ Article 28-bis(5) Procedure Decree, citing Article 27(3)-(3-bis).

⁵⁶⁸ *Ibid.*

⁵⁶⁹ Civil Court of Turin, decision 5114/2019, 6 August 2019, procedure 19920/2019, available in Italian at: <https://cutt.ly/6yO8BKm>; Civil Court of Trieste, decision 30/2020, 13 January 2020, available in Italian at: <https://cutt.ly/IyO8NjY>.

⁵⁷⁰ Court of Cassation, decision no. 2458/2021 published on 2 February 2021.

⁵⁷¹ Court of Cassation, decision no. 20656/2022 published on 28 June 2022; Court of Cassation, decision no. 9042/2023 published on 30 March 2023; Court of Cassation, decision no. 14/2024 published on 2 January 2024; Court of Cassation, decision no. 15/2024 published on 2 January 2024; Court of Cassation, decision no. 17/2024 published on 2 January 2024.

According to Article 28-bis (6) of the Procedure Decree, the accelerated procedure does not apply to unaccompanied minors and to people with special needs: in this regard, the rule refers to Article 17 of the Reception Decree which, while distinguishing people with special needs in the context of vulnerable people, does not provide an exact definition of this category. It therefore seems reasonable to extend the exclusion from the accelerated procedure to the entire category of vulnerable people.

As already mentioned, DL 100/2026 states that accelerated procedures also apply to vulnerable persons, following an individual assessment conducted in accordance with guidelines drawn up by the Ministry of the Interior, in collaboration with other competent authorities and relevant organisations, if the necessary support can be offered to the applicants in question.⁵⁷²

The law does not clarify whether the procedure can be declared accelerated even if the time limits set out in the law have not been respected. However, the judgment No. 11399 of 29 April 2024 of the United Sections of the Court of Cassation definitively resolved this procedural issue, establishing that, when the accelerated procedure has not been complied with in its procedural articulations, the ordinary procedure is then reinstated and the general principle of automatic suspension of the measure is re-established. The principle applies not only to the hypothesis of asylum seekers coming from safe countries of origin, but also to the other administrative decisions of manifest unfoundedness of applications for protection included in Art. 28 ter of the Legislative Decree no. 25/2008 and, more generally, to all the hypotheses of accelerated procedures referred to in Art. 28 bis of the same decree.⁵⁷³

The immediate procedure

The immediate procedure introduced by Decree Law 113/2018 was repealed by Decree Law 130/2020 and incorporated, with some changes, in the 5 days accelerated procedure, now ruled by Article 28-bis (1) b) and is applicable where the applicant:⁵⁷⁴

- ❖ Is subject to investigation for crimes which may trigger exclusion from international protection, and the [Grounds for Detention](#) in a CPR apply;⁵⁷⁵
- ❖ Has been convicted, including by a non-definitive judgement, of crimes which may trigger exclusion from international protection.

Under the immediate procedure, the Questura promptly notifies the Territorial Commission, which “immediately” proceeds to an interview with the asylum applicant and takes a decision accepting or rejecting the application. The law no longer provides for the possibility for the Territorial Commission to suspend the decision.⁵⁷⁶

In case of rejection, the law provides that the suspensive effect of a potential appeal is not automatic and has to be requested.⁵⁷⁷ The law does not recognise suspensive effect to the appeal even if it includes a suspensive request. Moreover, according to the amended Procedure Decree (Article 35 bis (4) in case of appeal even if the suspensive request is accepted by Court the law does not include this case among the

⁵⁷² Article 28 (2) Procedure Decree which recalls Article 53 (2 b) c) and d) of the Regulation Procedure.

⁵⁷³ ASGI, ‘Procedura accelerata e sospensione automatica del provvedimento: La sentenza della Corte di Cassazione n. 11399/2024’, available in Italian [here](#).

⁵⁷⁴ Article 28-bis (1) (b) of the Procedure Decree, as amended by Decree Law 130/2020 and L 173/2020.

⁵⁷⁵ The crimes are those cited by Articles 12(1)(c) and 16 (1)(d-bis) Qualification Decree, which include some serious crimes such as devastation, looting, massacre, civil war, mafia related crimes, murder, extortion, robbery, kidnapping even for the purpose of extortion, terrorism, selling or smuggling weapons, drug dealing, slavery, child prostitution, child pornography, trafficking in human beings, purchase and sale of slaves, sexual violence. Decree Law 113/2018 has also included other crimes excluding the recognition of international protection which are: violence or threat to a public official; serious personal injury; female genital mutilation; serious personal injury to a public official during sporting events; theft if the person wears weapons or narcotics, without using them; home theft. The grounds for detention referred to are those in Article 6(2)(a), (b) and (c) Reception Decree.

⁵⁷⁶ Before the Decree Law 130/2020 this possibility was provided by Article 32(1-bis) Procedure Decree, now repealed.

⁵⁷⁷ Article 35 bis (3)(d-bis) and (4) of the Procedure Decree as amended by Decree Law 130/2020 and L 173/2020.

cases where a permit to stay can be issued to the applicant (See Article 35 bis (4) according to which this happens only in cases regulated by Article 35 bis (3) letters b) c) and d) and not d bis).

5.2 Personal interview

Indicators: Accelerated Procedure: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the accelerated procedure? ☐ Yes ☐ No
 - ❖ If so, are questions limited to nationality, identity, travel route? ☐ Yes ☐ No
 - ❖ If so, are interpreters available in practice, for interviews? ☐ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☐ Never

The same guarantees as those applied during the [Regular Procedure: Personal Interview](#) are applied. By Circular Note of 15 February 2024, the CNDA clarified that the practice of setting the date for the hearing before the Territorial Commission the same day as the formalisation of the asylum request (C3) following a quick agreement between Questura and Territorial Commissions, before any preliminary assessment requested by law of the President, does not respect the law. Therefore, the hearing before the Territorial Commission can no longer be written down on the C3 form, as before, but it will be separately notified to the applicant after the President's assessment on the procedure to apply. Notifications will be made by Questura in order to comply with the deadlines established by law.⁵⁷⁸

5.3 Appeal

Indicators: Accelerated Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the accelerated procedure?
 - ☒ Yes ☐ No
 - ☒ Judicial ☐ Administrative
 - ☐ Yes ☒ Some grounds ☐ No
- ❖ If yes, is it
- ❖ If yes, is it suspensive

The time limits for appealing a negative decision depend on the type of accelerated procedure applied by the Territorial Commission:

Time limits for appeals in accelerated procedures: Article 35-bis(2) and 35 ter Procedure Decree ⁵⁷⁹ before 12 June 2026		
Ground for accelerated procedure	Legal basis	Days
Safe country of origin	Article 28-bis(2) c)	15
Subsequent application without new elements	Article 28-bis(1) and 29 (1,b)	15
Border procedure	Article 28-bis (2 bis)	7
Border procedure in case of detention	Article 6 bis Reception Decree	7
Manifestly unfounded application	Articles 28-bis(2)(d) and 28-ter	15
Application after apprehension for irregular entry with the sole	Article 28-bis(2)(e)	15

⁵⁷⁸ CNDA, Circular of 15 February 2024.

⁵⁷⁹ Article 35 bis Procedure Decree as amended by Decree Law 145/2024 converted with amendments into L 187/2024.

purpose of frustrating issuance or execution of removal order		
Applicant detained in a CPR, hotspot or first reception centre	Article 28-bis(2) (a)	15
Applicant investigated or convicted for some of the crimes preventing the recognition of international protection	Article 28-bis (1)	15

The time limits for appealing a negative decision under Article 35-bis(2) and 35-ter and corresponding provisions of the Procedure Decree raise issues of consistency following the 2018, 2020 and 2023 reforms.

The Court of Cassation, with Decision no. 18518 of 30 June 2021,⁵⁸⁰ ruled that the time limit of 15 days to appeal is applicable only in case the accelerated procedure was actually applied. The Court clarified that the subsistence of the legal grounds to apply the accelerated procedure is not – by itself – sufficient to apply the 15 days' time limit if the accelerated procedure was not applied in practice, and a decision on the merits was issued after an ordinary procedure. In its most recent decision on the issue (no. 26670/22 of 9 September 2022),⁵⁸¹ the Court of Cassation confirmed that the decision of the manifest unfoundedness can be considered adopted on the basis of an accelerated procedure only when the President of the competent Territorial Commission has decided in this sense and consequently the procedure has respected the terms of art. 28 bis, Decree n. 25/2008, because the peculiar qualification of the procedure as "accelerated" cannot derive from the mere formula of manifest unfoundedness contained in the decision of the Commission to reject the application. Just in case of declaration adopted by the President of Territorial Commission and respect of terms there will be fifteen days for appealing against the decision, while in all the other cases the deadlines of the regular procedure are to be applied. Failure to ensure these deadlines are applied would constitute a violation of the right of defence of the applicant, who has the right to know in advance the procedural model with which his application will be examined.

Accordingly, in 2022, the Civil Court of Bologna⁵⁸² and the Civil Court of Naples⁵⁸³ established in two cases that, since the competent Territorial Commission had not respected the terms of the accelerated procedure, the procedure to apply in the cases at hand was the regular one. Interestingly, the last case related to an asylum application submitted by a Ukrainian asylum applicant, which was rejected in 2021 and notified after more than one year not taking into account the changed situation in Ukraine. In 2024, after the decision no. 11399/2024 of 29 April 2024 of the United sections of the Court of Cassation, national Courts consider the regular procedure applies in all cases that accelerated procedure has not been respected.

The automatic suspensive effect of the appeal depends on the ground for applying the accelerated procedure.

An appeal against the decision on the suspensive effect can be submitted to the Court of Appeal, according to the procedure amended by the DL 145/2024 converted into L. 187/2024. The appeal does not suspend the effects of the decision appealed.⁵⁸⁴

⁵⁸⁰ Sentenza Cassazione Civile n. 18518, 30 June 2021, available in Italian at: <https://bit.ly/3P0hmuy>.

⁵⁸¹ Sentenza Cassazione Civile n. 26670, 9 September 2022; in the same sense Sentenza Cassazione Civile 6745, 10 March 2021, Sentenza Cassazione Civile n. 7520, 25 March 2020, Sentenza Cassazione Civile 23021 del 21 October 2020.

⁵⁸² Civil Court of Bologna, decree of 15 September 2022, available at: bit.ly/3Z7w7PK.

⁵⁸³ Civil Court of Naples, decree of 18 November 2022, available at: bit.ly/3JE1eNa.

⁵⁸⁴ Article 35 bis Procedure Decree introduced by DL 145/2024 converted with amendments into L. 187/2024.

5.4 Legal assistance

Indicators: Accelerated Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?
☐ Yes ☐ With difficulty ☐ No
❖ Does free legal assistance cover:
☐ Representation in interview
☐ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a decision in practice?
☐ Yes ☐ With difficulty ☐ No
❖ Does free legal assistance cover:
☐ Representation in courts
☐ Legal advice

The same rules apply as under the [Regular procedure](#).

6. National protection statuses and return procedure

6.1 National forms of protection

The national protection called humanitarian protection was abolished by Decree Law 113/2018 by repealing the provision of the TUI concerning the issuance of a residence permit on serious grounds, in particular of a humanitarian nature or resulting from constitutional or international obligations of the Italian State.⁵⁸⁵ However, humanitarian protection status has been replaced by special protection which can be recognised when some grounds of expulsion bans ruled by Article 19 TUI apply and on the base of the provision - reintroduced by Decree Law 130/2020 in Article 5 (6) of TUI - concerning the obligation to consider, before rejecting a permit to stay, constitutional and international obligations of the Italian State.⁵⁸⁶

Following the 2023 reform through Law 50/2023, special protection covers cases where people cannot be expelled or refouled as they risk being persecuted for reasons of race, sex, sexual orientation and gender identity, language, citizenship, religion, political opinions, personal or social conditions, or may risk being sent back to another country where they are not protected from persecution.⁵⁸⁷

It also covers cases where a person risks being sent to a country where there are reasonable grounds to believe that they risk being subjected to torture or inhuman or degrading treatments or if they fulfil the conditions set out in constitutional or international obligations referred to in Article 5 (6) TUI. In evaluating these reasons, the existence of systematic and serious violations of human rights in destination State is also taken into account.⁵⁸⁸

Significantly, the decree law 20 of 10 March 2023, converted with amendments into Law 50 of 5 May 2023, cancelled the possibility to directly request this kind of permit to a Questura and to consider, in releasing such permits to stay, if there are good reasons to believe that the removal from the national territory involves a violation of the right to respect for his private and family life, unless that it is necessary for national security reasons, public order and safety as well as health protection.⁵⁸⁹ Even if the amendment does not exclude the application of international and European guarantees, such as the application of Article 8 of ECHR, the new wording of the law has already lead, according to ASGI

⁵⁸⁵ Article 5(6) TUI, was amended Decree Law 113/2018 but is has been again amended by Decree Law 130/2020 reintroducing the obligation to consider, before rejecting a permit to stay, constitutional and international obligations of the Italian State.

⁵⁸⁶ Article 5 (6) as amended by Decree Law 130/2020 and L. 173/2020.

⁵⁸⁷ Articles 19(1) TUI as amended by Decree Law 130/2020 and L. 173/2020 recalled by Article 32 (3) Procedure Decree.

⁵⁸⁸ Article 19 (1.1) TUI as amended by DL 20/2023 converted into L. 50 of 5 May 2023.

⁵⁸⁹ Article 19 (1.1) TUI as amended by DL 20/2023 converted into L. 50 of 5 May 2023.

monitoring, to a significative limitation in the number of cases in which this form of protection is recognised.⁵⁹⁰ This was confirmed by the practice in 2024, as observed by ASGI.

Additionally, the DL 20/2023 and the conversion L. 50/2023 changed the provisions related to the renewal of this permit. These permits are still to be granted for two years and they are renewable but, according to the new law, beneficiaries are not able to transform them in work permits (see [Residence Permit](#)).⁵⁹¹ The new provisions however do not apply to the procedures already pending as of 6 May 2023.⁵⁹² The law also specifies that those titles which had already been delivered at the time of entry into force of the Law 50/2023 directly from Questura would be renewed only once for a duration of one year. The law also specifies that they can be changed into work permits.⁵⁹³

However, during 2023 and still in early 2024, Questura denied the possibility to change special protection permits into work permits, declaring the requests inadmissible because Article 6 TUI does not allow for the change anymore for those special protection permits issued by decision of Territorial Commissions as a result of an international protection request.⁵⁹⁴ Many courts, both ordinary and administrative, upheld appeals filed regarding this practice, ruling that the transitional rule provided by Article 7 (3) DL 20/2023 has to be applied uniformly, with no admissible difference between special protection permits issued directly by Questura and those issued by decision of Territorial Commissions, as the legal provision for their issuance is the same. ASGI did not record any such cases in 2025.

Recalling the transitory provision of Article 7 (3) DL 20/2023, by decision of 22 November 2023, the Administrative Court of the Campania region upheld the interim request to suspend the effects of the rejection notified to an applicant by the Questura of Naples.⁵⁹⁵ The Administrative Court of the Tuscany region⁵⁹⁶ and the Administrative Court of the Piedmont region⁵⁹⁷ also took similar decisions. Some other administrative Courts, such as the one of the Marche⁵⁹⁸ and Friuli Venezia Giulia regions,⁵⁹⁹ decided to uphold the appeals instead of only deciding on the interim request.

According to Article 32 (3) of the Procedure Decree, in cases where the international protection is rejected and the conditions set out in article 19, paragraphs 1 and 1.1 TUI are met, the Territorial Commission transmits the documents to the Questura for the issue of a two-years residence permit for "special protection".

Even though the law does no longer expressly allow to present a request for special protection directly to Questura (without it being necessarily connected to the international protection procedure), some Civil Courts have upheld the appeals submitted by applicants to obtain this possibility:

- ❖ the Court of Florence, with an interim decision issued on 10 October 2024 underlined that “the suppression of the provisions relating to the issuance of the residence permit for protection special by the Police Commissioner, cannot lead to the suppression of the duty of the public authorities to receive and consider applications for complementary protection, fixed moreover by supreme norms of constitutional and international rank. Consequently, the court ordered the Questura of Pistoia to set an appointment to formalise the application for requesting a permit of stay for special protection pursuant to art. 19 TUI.”⁶⁰⁰

⁵⁹⁰ According to Eurostat, humanitarian permits recognised in 2023 were 380 less than those granted in 2022 (see Eurostat data available at: <https://acesse.dev/II39P>). However, data must be read in conjunction with the fact the overall recognition rate is significantly decreased in 2023 passing from 47% in 2022 to 37%.

⁵⁹¹ Article 32 of the Procedure Decree and 6 of the TUI both as amended by DL 20/2023 converted into L. 50/2023.

⁵⁹² Article 7 (2) DL 20/2023.

⁵⁹³ Article 7 (3) DL 20/2023.

⁵⁹⁴ Article 7 DL 20/2023 cancelled the provision before included in lett. a) Article 6 (1 bis) which stated that special protection permits released according to Article 32 Procedure Decree (as an outcome of the asylum request) could be changed into work permits.

⁵⁹⁵ Administrative Court for Campania region, Interim decision of 22 November 2023, published on 23 November 2023, no. 02178/2023.

⁵⁹⁶ Administrative Court for Tuscany region, interim decision no. 24/2024 of 10 January 2024.

⁵⁹⁷ Administrative Court for Piedmont Interim decision no. 10/2024 of 12 January 2024.

⁵⁹⁸ Administrative Court for Marche region, decision no. 00913/2023 of 28 December 2023

⁵⁹⁹ Administrative Court for Friuli Venezia Giulia region, decision no. 87/2024 of 27 February 2024

⁶⁰⁰ Civil Court of Florence, interim decision of 10 October 2024.

- ❖ The Civil Court of Catanzaro on 12 March 2025 (and similarly in other decision issued on 10 March 2025) accepted the appeals submitted by two applicants and ordered the Questura of Cosenza to immediately give the appellant an appointment aimed at formalising the application for special protection pursuant to art. 19, co. 1 and 1.1., T.U. Imm., followed by the recognition of the right to obtain a temporary residence permit.⁶⁰¹
- ❖ The Civil Court of Bari, with an interim decision issued on 11 April 2025, ordered the Questura of Bari to receive and register the application for special protection within 10 days of the decision.⁶⁰²

According to the Procedure Decree, the Territorial Commission, while rejecting the international protection, can:

- ❖ recommend the competent Questura to issue a permit for health reasons when conditions provided by Article 19 (2 d bis) TUI - as amended by L. 50/2023 - are met. Law 50/2023 has restricted the possibilities of obtaining this type of permit, providing that it can be issued in case of health conditions deriving from particularly serious pathologies (as before) but adding as a condition the inadequacy of treatment in the country of origin. The pathology has to cause significant damage to the health of the applicant, in case of return to the country of origin or provenance.⁶⁰³ The health conditions must be ascertained through suitable documentation issued by a public health facility or by a doctor of the National Health Service. The duration of health permits is linked to the time certified by the health certification, in any case not exceeding one year. They are renewable but not convertible into a work permit to stay. They are valid only on the national territory.
- ❖ inform the Public Prosecutor at the Juvenile Court to activate the procedure to release a permit to stay to the family members of minors to assist the minors.⁶⁰⁴ In case the residence permit is released, it has the duration decided by the Juvenile Court but not exceeding the age of majority of the minor. It can be renewed starting a new procedure before the same Court and can be converted into a work permit to stay.
- ❖ transmit the documents to the Questura if well-founded reasons emerged to believe that the applicant was a **victim of trafficking⁶⁰⁵ or enslavement crimes.**⁶⁰⁶ Persons in these situations can obtain national protection for social protection according to Article 18 TUI. This is a permit to stay for "special cases", it lasts six months and can be renewed for one year, or for a longer period necessary for reasons of justice.

Other forms of national protection are provided for:

- ❖ Victims of labour exploitation⁶⁰⁷ pursuant to Article 18 ter TUI. In this case a permit to stay for "special cases" is issued to the victim, it has a duration of six months and can be renewed for one year or for the longer period necessary for reasons of justice.
- ❖ Victims of domestic violence, pursuant to Article 18 bis TUI. The residence permit issued pursuant to this article bears the words "special cases" and has a duration of one year. Upon expiry, the permit can be converted into a residence permit for subordinate or self-employed work or for study purposes.
- ❖ Residence permits due to natural disasters, according to article 20 bis TUI, issued when the country to which the foreigner should return is in a situation of contingent and exceptional calamity which does not allow return and stay in safe conditions. The residence permit lasts six months, and is renewable for a further period of six months if exceptional calamity conditions persist; the permit is valid only in the national territory and allows to carry out work activities but cannot be converted into a residence permit for work reasons

⁶⁰¹ Civil Court of Catanzaro, 2 decisions of 12 March 2025, and a decision of 10 March 2025.

⁶⁰² Civil Court of Bari, interim decision of 11 April 2025.

⁶⁰³ Article 32 (3.1) Procedure Decree recalls the requirements referred to in Article 19 TUI (2) (d-bis) as amended by L. 50/2023 which excludes the expulsion or extradition of foreigners who are in such health serious conditions.

⁶⁰⁴ Article 32 (3.2) recalls the requirements referred to in Article 31 (3) TUI.

⁶⁰⁵ Article 600 of the Criminal Code.

⁶⁰⁶ Article 601 of the Criminal Code.

⁶⁰⁷ Article 603 bis Criminal Code.

6.2 Return procedure

According to Article 32 (4) of the Procedure Decree, as amended by L 50/2023, in the event of rejection, withdrawal of the application and inadmissibility, the decision of the Territorial Commission shall also contain a return order and an entry-ban.⁶⁰⁸ This certificate produces the effects of the expulsion order⁶⁰⁹ and must be challenged together with the appeal against the rejection of the international and special protection claim, without prejudice to the effects of suspension governed by the procedures decree.⁶¹⁰

D. Guarantees for vulnerable groups

1. Identification

Indicators: Special Procedural Guarantees

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum seekers? ☐ Yes ☐ For certain categories ☒ No
❖ If for certain categories, specify which:
2. Does the law provide for an identification mechanism for unaccompanied children? ☒ Yes ☐ No

The Procedure Decree describes the following groups as vulnerable: minors, unaccompanied minors, women (and no longer only pregnant women, as specified by DL 133/2023),⁶¹¹ single parents with minor children, victims of trafficking, disabled, elderly people, persons affected by serious illness or mental disorders; persons for whom has been proved they have experienced torture, rape or other serious forms of psychological, physical or sexual violence; victims of genital mutilation.⁶¹²

1.1 Screening of vulnerability

There is no procedure defined in law for the identification of vulnerable persons. However, the Ministry of Health published guidelines for assistance, rehabilitation and treatment of psychological disorders of beneficiaries of international protection victims of torture, rape or other serious forms of psychological, physical or sexual violence. The guidelines highlight the importance of multidisciplinary teams and synergies between local health services and all actors encountering asylum applicants (see [Content of Protection: Health Care](#)).

The identification of victims of torture or extreme violence may occur at any stage of the asylum procedure by lawyers, competent authorities, professional staff working in reception centres and specialised NGOs. The Territorial Commission, on the basis of elements provided by the applicant, may also request a medical examination aimed at ascertaining the effects of persecution or serious harm suffered by the applicants, to be carried out in accordance with the guidelines.⁶¹³

Since August 2022, EUAA experts deployed in disembarkation areas carry out a pre-identification of vulnerability indicators as part of the support to national authorities in the access to the international protection procedure, in line with EUAA methodology. In 2025, the EUAA's Asylum Support Teams, deployed in disembarkation areas and Immigration Office, identified 19,987 persons as presenting vulnerability indicators.⁶¹⁴

⁶⁰⁸ Article 32 (4) as amended by L. 50/2023 referring to Article 13 (13,14) of TUI.

⁶⁰⁹ Article 13 TUI.

⁶¹⁰ Article 35 bis (3,4) Procedure Decree.

⁶¹¹ (Article 2(1 lett. h-bis) as amended by Article 7 DL 133/2023 converted with amendments by L. 176/2023),

⁶¹² Article 2(1)(h-bis) Procedure Decree.

⁶¹³ Article 8(3-bis) Qualification Decree.

⁶¹⁴ Information provided by the EUAA, 05 March 2026.

Children

The protection of asylum-seeking children has been strengthened with the adoption of LD 18/2014 and L 47/2017. Article 3(5)(e) LD 18/2014 provides for the obligation to take into account the level of maturity and the personal development of the child while evaluating their credibility, while Article 19(2-bis) expressly recalls and prioritises the principle of the best interests of the child.

Any action necessary to identify the family members of the unaccompanied minor seeking asylum is promptly put in place to ensure the right to family reunification. The Ministry of Interior shall enter into agreements with international organisations, intergovernmental organisations and humanitarian associations, on the basis of the available resources of the National Fund for asylum policies and services, to implement programs directed to find the family members. The research and the programs directed to find such family members are conducted in the superior interest of the minor and with the duty to ensure the absolute privacy and, therefore, to guarantee the security of the applicant and of his or her relatives.⁶¹⁵ A member of the Territorial Commission, specifically trained for that purpose, interviews the minor in the presence of the parents or the legal guardian and the supporting personnel providing specific assistance to the minor. For justified reasons, the Territorial Commission may proceed to interview the minor again in the presence of the supporting personnel, even without the presence of the parent or the legal guardian, if considered necessary in relation of the personal situation of the minor concerned, the degree of maturity and development, in the light of the minor's best interests.⁶¹⁶

The Presidential Decree 191/2022 of 4 October 2022,⁶¹⁷ published on 13 December 2022 introduced an important change for unaccompanied children who seek asylum while underage. According to the Article 14 (1bis) of PD no. 394/99 as amended by PD 191/2022, in case the international protection request is denied, the residence permit for asylum request issued to the unaccompanied minor may be converted into a permit to stay for study or work reasons, pursuant to Article 32 (1 and 1 bis) of the Consolidated Act on Immigration, even after reaching the age of majority and even after a rejection of the asylum appeal.

The request must be presented within thirty days from the expiring date provided for the appeal against the refusal issued by the Territorial Commission or, in case of appeal, within thirty days from the notification of the decree by which the Court denies the suspension of the effects of the rejection challenged, or within thirty days from the communication of the Court decree rejecting the appeal pursuant to article 35-bis, (4 and 13), of the Procedure Decree.

In 2025, the Ministry of Labour identified the arrival of 16,228 unaccompanied minors in Italy, of which 12,142 arrived by sea.⁶¹⁸ By the end of 2025, the Ministry of Labour had monitored the presence of 17,011 unaccompanied minors in Italy, less than 2024 (18,000).⁶¹⁹ The most represented nationalities were Egypt (30.3%), Ucraina (17.4%), Bangladesh (10%), Gambia (6.5%), Tunisia (5.5%), Guinea (5.1%). In 2025, 950 unaccompanied minors applied for international protection, a significant decrease compared to 2,030 in 2024.

Unaccompanied asylum-seeking children: 2025	
Nationality	Number
Afghanistan	219
Pakistan	91
Peru	68

⁶¹⁵ Article 19(7) Reception Decree.

⁶¹⁶ Article 13(3) Procedure Decree.

⁶¹⁷ Presidential Decree no. 191/2022 of 4 October 2022, published on 13 December 2022, available in Italian [here](#). The Presidential Decree has been issued pursuant to Article 22 of Zampa Law, L. no. 47/2017.

⁶¹⁸ MOI, *Cruscotto statistico giornaliero*, 31 December 2025, available [here](#).

⁶¹⁹ Ministry of Labour, *Monitoring six months report on unaccompanied foreign minors*, 31 December 2025, available in Italian [here](#).

Gambia	61
Mali	44
Guinea	42
Burkina Faso	34
Somalia	30
Egypt	36
Ivory Coast	27
Venezuela	21
Bangladesh	49
Colombia	27
Senegal	9
Tunisia	21
Nigeria	16
Ukraine	17
Palestine	8
Other	130
Total	950

Source: Ministry of Labour, Monitoring six months report on unaccompanied foreign minors, 30 June 2025 available in Italian [here](#) and 31 December 2025, available in Italian [here](#).

Gender based violence

On 31 March 2022, the National Commission for the Right to Asylum presented, together with UNHCR, the Standard Operating Procedures for the identification and referral of survivors of – or those at risk of – gender-based violence within the asylum procedure, which had been published on 31 December 2021.⁶²⁰

Torture survivors

During the personal interview, if the members of the Territorial Commissions suspect that the asylum applicant may be a torture survivor, they may refer them to specialised services and suspend the interview.

The Reception Decree provides that persons for whom it has been proved that they have experienced torture, rape or other serious forms of violence shall have access to appropriate medical and psychological assistance and care on the basis of Guidelines issued by the Ministry of Health. To this end, health personnel shall receive appropriate training and must ensure privacy.⁶²¹

Guidelines were issued on 22 March 2017,⁶²² but their application is still limited according to ASGI experience, including in 2025.

⁶²⁰ Ministry of Interior and UNHCR, *Standard Operating Procedures*, 31 December 2021, available in Italian at: <http://bit.ly/3Lk71Kq>.

⁶²¹ Article 17(8) Reception Decree.

⁶²² Ministry of Health, *Guidelines for the planning of interventions assistance and rehabilitation as well as for treatment of mental disorders of international protected who suffered torture, rape or other serious forms of psychological, physical or sexual violence*, 22 March 2017, available at: bit.ly/422OPK8.

Victims of trafficking

Where during the examination procedure, well-founded reasons arise to believe the applicant has been a victim of trafficking, the Territorial Commissions may suspend the procedure and inform the Questura, the Prosecutor's office or NGOs providing assistance to victims of human trafficking thereof.⁶²³ LD 24/2014, adopted in March 2014 for the transposition of the Anti-Trafficking Directive, foresees that a referral mechanism should be put in place in order to coordinate the two protection mechanisms established for victims of trafficking, namely the protection systems for asylum applicants and beneficiaries of international protection, coordinated at a central level, and the protection system for victims of trafficking established at a territorial level.⁶²⁴

Giving effect to the legal provision, in 2017 the CNDA and UNHCR published detailed guidelines for the Local Commissions on the identification of victims of trafficking among applicants for international protection and the referral mechanism.⁶²⁵

In January 2021, UNHCR Italy issued its Guidelines addressed at Territorial Commissions for the recognition of international protection,⁶²⁶ aimed at contributing to the correct identification of victims of trafficking in human beings in the context of the procedures for assessing asylum applications, and at ensuring they are given them assistance and protection.⁶²⁷

The Reception Decree clarifies that trafficked asylum applicants shall be channelled into a special programme of social assistance and integration.⁶²⁸ Recognised victims of trafficking can also be accommodated in SAI reception facilities during the asylum procedure, as they belong to the vulnerable asylum applicants groups allowed, according to L. 50/2023, to access this accommodation system before they have been recognised international protection⁶²⁹ (see [Special Reception Needs](#)).

Victims of trafficking can also obtain a permit for "special cases" pursuant to Article 18 TUI (See [National protection statuses](#)).

1.2 Age assessment of unaccompanied children

The Procedures Decree includes a specific provision concerning the identification of unaccompanied children. It foresees that in case of doubt on the age of the asylum applicant, they can be subjected to an age assessment through non-invasive examinations.⁶³⁰

The law states that, in the absence of identification documents,⁶³¹ and in case of doubts about the person's age, the Public Prosecutor's office at the Juvenile Court may order a social / medical examination.⁶³² This provision may put an end to the critical practice of Questura which directly sent children to hospital facilities without any order by judicial authorities, even when children had valid documents.⁶³³

The person is informed in a language they can understand taking into account their degree of literacy and maturity, with the assistance of a cultural mediator, of the fact that an age assessment will be conducted through a social / medical examination. The guardian is also informed of the process.

⁶²³ Article 32(3-bis) Procedure Decree.

⁶²⁴ Article 13 L 228/2003; Article 18 TUI.

⁶²⁵ CNDA and UNHCR, *L'identificazione delle vittime di tratta tra i richiedenti protezione internazionale e procedure di referral*, September 2017, available in Italian at: <http://bit.ly/2FtAeK>.

⁶²⁶ UNHCR Guidelines, *L'identificazione delle vittime di tratta tra i richiedenti protezione internazionale e procedure di referral*, available at <https://bit.ly/3KwhQoD>.

⁶²⁷ European Commission, EMN Bulletin, May 2021, available at: <https://bit.ly/3s2wrBY>, 16.

⁶²⁸ Article 17(2) Reception Decree in conjunction with Article 18(3-bis) LD 286/1998 and LD 24/2014.

⁶²⁹ Article 9 (1 bis) introduced by L 50/2023 which converted with amendments the DL 20/2023.

⁶³⁰ Article 19(2) Procedure Decree.

⁶³¹ Article 19-bis(3) Reception Decree.

⁶³² Article 19-bis(4) Reception Decree.

⁶³³ Elena Rozzi, 'L'Italia, un modello per la protezione dei minori stranieri non accompagnati a livello europeo?', in *Il diritto d'asilo*, Fondazione Migrantes, February 2018.

The examination is conducted under a multidisciplinary approach by appropriately trained professionals, using the least invasive methods possible and respecting the integrity of the person.⁶³⁴

According to the law, pending the outcome of the procedure, the applicant benefits from the provisions on reception of unaccompanied children.⁶³⁵ The benefit of the doubt shall be granted if doubts persist following the examination.⁶³⁶

The law also states that the final decision on the age assessment, taken by the Juvenile Court, is notified to the child and to the guardian or the person exercising guardianship and must indicate the margin of error.⁶³⁷

Competent authorities can request to conduct an age assessment at any stage of the asylum procedure. However, before subjecting a young person to a medical examination, it is mandatory to seek the consent of the concerned unaccompanied child or of their legal guardian.⁶³⁸ According to the law, the refusal by the applicant to undertake the age assessment has no negative consequences on the examination of the asylum application.

On 6 January 2017, Decree 234/2016 entered into force. The Decree lays down a procedure for determining the age of unaccompanied children victims of trafficking, in implementation of Article 4 LD 24/2014.

L 47/2017 lays down rules on age assessment which apply to all unaccompanied children.⁶³⁹ The Law provides that within 120 days of its entry into force, a decree of the President of the Council of Ministers should be adopted regulating the interview with the minor aiming at providing further details on his family and personal history and bringing out any other useful element relevant to his/her protection.⁶⁴⁰ However, as of June 2026, such a decree has not yet been adopted.

In 2021, as reported by the Guarantor for the rights of detained persons in his last report to Parliament, four years after the entry into force of L. 47/2017, the procedure established for the age assessment of unaccompanied foreign minors still required interventions for its full and timely application.⁶⁴¹

In June 2022, the NGOs Defence for Children and Cespi published the second monitoring report on the situation of unaccompanied minors in four Italian regions (Sicily, Apulia, Marche and Liguria).⁶⁴² The report shows that correct application of the legislation was still limited.

Due to the structure of the Italian health system and regional autonomy in the provision of health services, the protocol on age assessment is applied differently throughout the national territory. The report also highlights that, according to a survey conducted by the INMP (National Institute for the promotion of the health of migrant populations and for the fight against the diseases of poverty), there are territories where the multidisciplinary team has not even been established and where old practices not in line with the current law are still used (64% of municipalities); in territories where the multidisciplinary team has been created (36%), generally the age assessment is conducted according to the provisions of the Protocol (78%) but, in 21% of cases, the concrete application of the protocol is still a challenge, as not all territories have invested the sufficient resources to finance them.⁶⁴³

⁶³⁴ Article 19-bis(5) Reception Decree.

⁶³⁵ Article 19-bis(6) Reception Decree.

⁶³⁶ Article 19-bis(8) Reception Decree.

⁶³⁷ Article 19-bis(7) Reception Decree.

⁶³⁸ *Ibid.*

⁶³⁹ Article 19-bis Reception Decree, inserted by Article 5 L 47/2017.

⁶⁴⁰ Article 5 L 47/2017.

⁶⁴¹ Guarantor for the rights of detained persons, *Report to Parliament*, June 2021, available at: <https://bit.ly/35UHwx5>, 229.

⁶⁴² Defence for Children and Cespi Report for 2021, *Minorenni stranieri non accompagnati*, Legge 47/2017, published on June 2022, available in Italian at: <http://bit.ly/3li1Si0>.

⁶⁴³ *Ibidem*, 134.

In September 2022, the INMP published its report, drafted after a monitoring carried out by inviting the 118 Health authorities, 102 of which adhered to the request to complete the questionnaire.

37 Health authorities replied that a multidisciplinary team operated within them. Of these, only 18 adopted the protocol approved in the Unified Conference and 11 a multidisciplinary approach similar to it, while 8 resorted to using a method for determining age not aligned, in procedures and approach, with the protocol adopted. The report concluded that “to date, the adoption of the protocol by the health authorities appears to be limited” and that “the implementation of the protocol by the authorities appears as sustainable; however, there is great variability in the adoption of the agreement between the various Regions, sometimes even within them”.⁶⁴⁴

Currently, according to ASGI’s experience and as the mentioned INMP report showcased, despite providing a strong legal framework for the protection of migrant children, L 47/2017 is not applied uniformly on the national territory. In some areas, the multidisciplinary teams required by law have been established. Consequently, age assessments are still conducted through wrist X-ray, with results not indicating the margin of error.⁶⁴⁵

In 2020, a national protocol on multidisciplinary age assessment was signed by the Conference State region,⁶⁴⁶ providing for uniform criteria and inviting to the conclusion of local protocols. In some areas, starting from 2020, the recommended local protocols were also signed; as an example, this was the case in Milan,⁶⁴⁷ Messina,⁶⁴⁸ and Ancona.⁶⁴⁹

The age assessment is often required even in presence of identity documents and even when there is no reasonable doubt about the minor age. However, the law does not provide the timing for the decision and, pending the results, the minor is often treated and accommodated as an adult, therefore also in situations of promiscuity with adults. Furthermore, the child is often not informed and involved actively in the procedures and he or she is not aware of the reasons for the examinations. On the other hand, a certainly positive element consists in the decrease of cases in which age assessment is requested by authorities not entitled to carry out such proceedings.

As underlined by a Cespi report published in March 2025, in Piedmont, as reported by legal workers operating in Turin, unaccompanied minors are not considered as such by the Questura of Turin if they are unable to exhibit a passport.⁶⁵⁰ Alternatively, the minor is requested to undergo an age assessment with subsequent ratification asked to Court. For this, however, it is generally necessary to wait between 12 and 18 months. Birth certificates are not accepted, as they do not include a photograph, although according to the law and confirmed by the jurisprudence of Supreme Court of Cassation this document should be considered valid to recognise the minor age.⁶⁵¹ The report also mentions that, as reported by Save the Children’s in Piedmont the multidisciplinary teams envisaged by the Protocol for the age determination of unaccompanied foreign children have not yet been established. Instead, minors are still subjected to radiological tests, not in line with national indications which favour of less invasive approaches. On 15 July 2024, the municipality of Turin communicated the approval of a plan which commits the administration to recognise the precise age of the arriving minor in such a way that the burden of proof of age does not fall on the minors themselves.⁶⁵²

⁶⁴⁴ Report from INMP (National Institute for the promotion of the health of migrant populations and for the fight against the diseases of poverty), *Primo rapporto sull’attuazione del protocollo per la determinazione dell’età dei minori stranieri non accompagnati*, 22 September 2022, available at: <http://bit.ly/3iDuH9U>.

⁶⁴⁵ The different praxis not always in conformity with law have been reported by UNHCR in a report of 2020 available in Italian at: <https://bit.ly/3MQDMwk>.

⁶⁴⁶ Available in Italian at: <https://bit.ly/384KZtJ>.

⁶⁴⁷ Milan Protocol available in Italian at: <https://bit.ly/3LYxqLr>.

⁶⁴⁸ Available in Italian at: <https://bit.ly/3OVDUfP>.

⁶⁴⁹ Available in Italian at: <https://bit.ly/37YepKj>.

⁶⁵⁰ See Cespi, Monitoraggio normativo 2024 I MSNA in Europa e Italia, Giovanni Meledandri, March 2025, available [here](#).

⁶⁵¹ See Court of Cassation, decision no. 5936 of 5 March 2020, available [here](#).

⁶⁵² Comune di Torino, Sull’accoglienza dei minori stranieri non accompagnati, comunicato stampa del 15 luglio 2024. available [here](#).

Moreover, the recent amendments made by Decree-Law 133/2023, converted by Law 176/2023, introduced exceptions in ascertaining the age of unaccompanied minors in case of large, multiple and close arrivals, following search and rescue activities at sea, or found at the border or in transit zones. In such cases, wide discretion is granted to the public security authorities in the identification procedures, by carrying out anthropometric or other health assessments, including X-rays, aimed at identifying age. The only limit for the public security authorities is that they must send a request for authorisation in writing to the Public Prosecutor's Office at the Juvenile Court. In particularly urgent cases, authorisation may be given orally and only subsequently confirmed in writing.⁶⁵³

ASGI pointed out how the new provisions introduced by Law Decree 133/2023 run the risk of nullifying the rules and protocols that were in force until then, which, although not formally affected, are weakened in relation to the possible extension of the application of the new derogatory procedure, which focuses on the rapidity of the outcome to the detriment of the guarantees for the person.

On a completely discretionary basis because there are no parameters or reference indications laid down by law, the public security authorities can decide whether to start the ordinary procedure, which, as seen, requires an assessment based on several methods to be applied together and the initiation of proceedings at the Juvenile Court with the adoption of a final decree, or whether to, outside of the multidisciplinary approach, also subject a person claiming to be a minor to individual examinations, including radiological examinations, the (un)reliability of which has been debated for years.⁶⁵⁴

Challenging age assessments

According to L 47/2017, the age assessment decision can be appealed, and any administrative or criminal procedure is suspended until the decision on the appeal.⁶⁵⁵ Before this law, in the absence of a specific provision, children were often prevented from challenging the outcome of age assessments.

On 21 October 2022, in the case *Darboe and Camara*, the ECtHR condemned Italy for violations:

- ❖ Of Article 3 – having regard to the length and conditions of the applicant's stay in the adult reception centre in Cona;
- ❖ Of Article 8 ECHR – as the Italian authorities failed to apply the principle of presumption of minority, which the Court deems to be an inherent element of the protection of the right to respect for private life of a foreign unaccompanied individual declaring to be a minor;
- ❖ Of Article 13 of the Convention taken in conjunction with Articles 3 and 8 of the ECHR, as the remedies mentioned by the Government with specific reference to the applicant's age-assessment procedure turned out to be ineffective in the applicants' cases.⁶⁵⁶

According to Article 19 bis (6 bis) Reception Decree, as amended by Law Decree No. 133/2023 an appeal can be submitted before the Juvenile Court within 5 days from the age assessment and, if a suspension request is included in the appeal, the judge shall decide within 5 days.

As pointed out by ASGI in the supervision procedure for the *Camara* and *Darboe* case under Rule 9.2 of the Rules of the Committee of Ministers, Law Decree No. 133/23 lacks minimal procedural safeguards to uphold the principle of presumption of minority, protected by Article 8 of the Convention. Additionally, it does not provide access to an effective remedy in age assessment procedures, as interpreted by the Court in the *Darboe* and *Camara* cases, since:

- ❖ No reference is made to the existence of a well-founded doubt as to the age declared by the person concerned as a precondition for carrying out the assessment of age, nor is any mention made of the relevance of any personal documents in the possession of the person concerned;

⁶⁵³ Article 19 bis (6bis) Reception Decree, as amended by Article 5 Decree Law 133/2023 converted by L 176/2023.

⁶⁵⁴ ASGI, Informal hearing as part of the examination of Bill C. 1458, converting Decree-Law No. 133 of 2023 on urgent provisions on immigration and international protection, as well as on support for security policies and the functionality of the Ministry of the Interior, October 2023, available at: <https://encr.pw/At4V5>.

⁶⁵⁵ Article 19-bis(9) Reception Decree.

⁶⁵⁶ ECtHR, Application No 5797/17, *Darboe and Camara v. Italy*, 21 July 2022, available at: <https://bit.ly/3PA9UIs>.

- ❖ It does not provide for the appointment of a guardian, access to a lawyer and the informed participation of the person concerned in the age determination procedure;
- ❖ It is based exclusively on the "carrying out of anthropometric or other health assessments, including radiographic ones, aimed at identifying age", expressly derogating from the provisions of paragraph 6 of Article 19-bis of Legislative Decree 142/15 that provides for a multidisciplinary approach;
- ❖ It is ordered by the public security authority rather than the judicial authority, which merely authorises it (even orally, in cases of particular urgency) and ends not with the adoption of an age-assignment order by the judicial authority, but with the notification of the public security authorities' report;
- ❖ It provides for extremely short deadlines for lodging an appeal (5 days) completely impossible to meet.⁶⁵⁷

2. Special procedural guarantees

Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people?

☒ Yes

☐ For certain categories

☐ No

 - ❖ If for certain categories, specify which:
 Art. 17 of reception decree (142/2015) has a list of "vulnerable people" such as minors, unaccompanied minors, the disabled, the elderly, pregnant women, single parents with minor children, victims of trafficking in human beings, persons suffering from serious illnesses or mental disorders, persons found to have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence or violence related to sexual orientation or gender identity, victims of genital mutilation".

2.1 Adequate support during the interview

The Procedure Decree foresees the possibility for asylum applicants in a vulnerable condition to be assisted by supporting personnel during the personal interview even though the legal provision does not specify which kind of personnel.⁶⁵⁸ During the personal interview, the applicant may (and is often the case in practice) be accompanied by social workers, medical doctors and/or psychologists.

According to Reception Decree, unaccompanied children can be assisted, in every state and degree of the procedure, by the presence of suitable persons indicated by the child, as well as groups, foundations, associations or NGOs with proven experience in the field of assistance to foreign minors and registered in the register referred to in Article 42 TUI, with the prior consent of the child, accredited by the relevant judicial or administrative authority.⁶⁵⁹

Where it emerges that asylum-applicants have been victims of slavery or trafficking in human beings, the Territorial Commission transmits the documents to police for the appropriate evaluations.⁶⁶⁰

2.2 Exemption from special procedures

Vulnerable persons are admitted to the prioritised procedure.⁶⁶¹ The Territorial Commission must schedule the applicant's interview "in the first available seat" when that applicant is deemed as vulnerable.⁶⁶² In practice, when the police have elements to believe that they are dealing with vulnerable cases, they inform the Territorial Commissions which set a date for the personal interview as soon as possible, prioritising their case over the other asylum applicants under the regular procedure. Moreover,

⁶⁵⁷ Communication by ASGI in the Camara and Darboe supervision procedure under Rule 9.2 of the Rules of the Committee of Ministers, 16 November 2023, available at <https://bit.ly/49T0b8b>. See also the submission sent on February 2024, available at <https://bit.ly/3TB2w1P>.

⁶⁵⁸ Article 13(2) Procedure Decree.

⁶⁵⁹ Article 18(2-bis) Reception Decree.

⁶⁶⁰ Article 32(3-bis) Procedure Decree.

⁶⁶¹ Article 28(2) (b) Procedure Decree.

⁶⁶² Article 7(2) PD 21/2015.

this procedure is applied also in case the Territorial Commissions receive medico-legal reports from specialised NGOs, reception centres and Health centres.

Children can directly make an asylum application through their parents.⁶⁶³

Following the 2020 reform, the Procedures Decree exempts unaccompanied children and/or persons in need of special procedural guarantees from the accelerated procedure.⁶⁶⁴

However, Decree Law 133/2023 has cancelled the law provision which exempted vulnerable persons from the possibility to receive a manifestly unfounded rejection to their international protection request.⁶⁶⁵

3. Use of medical reports

Indicators: Use of medical reports

1. Does the law provide for the possibility of a medical report in support of the applicant's statements regarding past persecution or serious harm? ☐ Yes ☐ In some cases ☒ No
2. Are medical reports taken into account when assessing the credibility of the applicant's statements? ☒ Yes ☐ No

Article 8, paragraph 3-bis of Procedure Decree provides that "The Commission, based on the elements provided by the applicant, may also order, subject to the applicant's consent, medical examinations aimed at verifying the consequences of persecution or serious harm suffered, carried out in accordance with the guidelines referred to in Article 27, paragraph 1-bis, of Legislative Decree No. 251 of 19 November 2007, as subsequently amended. If the Commission does not order a medical examination, the applicant may undergo the examination at their own expense and submit the results to the Commission for the purpose of evaluating the application."

The Qualification Decree also states that the assessment of an application for international protection is to be carried out taking into account all the relevant documentation presented by the applicant, including information on whether the applicant has been or may be subject to persecution or serious harm.⁶⁶⁶

Moreover, a medico-legal report may attest the applicant's inability or unfitness to attend a personal interview. According to the Procedure Decree, the Territorial Commissions may omit the personal interview when the applicant is unable or unfit to face the interview as certified by a public health unit or a doctor working with the National Health System.⁶⁶⁷ The applicant can also ask for the postponement of the personal interview providing the Territorial Commission with pertinent medical documentation.⁶⁶⁸

The Qualification Decree allows the Territorial Commission to seek advice, whenever necessary, from experts on particular issues, such as medical, cultural, religious, child-related or gender issues. Where the Territorial Commission deems it relevant for the assessment of the application, it may, subject to the applicant's consent, arrange for a medical examination of the applicant concerning signs that might indicate past persecution or serious harm according to the Guidelines issued by the Ministry of Health by decree on 3 April 2017 to implement Article 27(1-bis) of the Qualification Decree (see [Content of Protection: Health Care](#)).⁶⁶⁹ When no medical examination is provided by the Territorial Commission, the applicants may, on their own initiative and at their own cost, arrange for such a medical examination and submit the results to the Territorial Commission for the examination of their applications.⁶⁷⁰

⁶⁶³ Article 6(2) Procedure Decree.

⁶⁶⁴ Article 28 bis (6) Procedure Decree, as amended by Decree Law 130/2020 and L 173/2020.

⁶⁶⁵ DL 133/2023 has abrogated Article 28 ter (1 bis).

⁶⁶⁶ Article 3 Qualification Decree.

⁶⁶⁷ Article 12(2) Procedure Decree.

⁶⁶⁸ Article 5(4) PD 21/2015.

⁶⁶⁹ Article 27(1-bis) Qualification Decree.

⁶⁷⁰ Article 8(3-bis) Procedure Decree.

In practice, according to ASGI's observations in 2025, medico-legal reports are generally submitted to the Territorial Commissions by specialised NGOs, legal representatives and personnel working in the reception centres before, or sometimes during or after, the substantive interview at first instance. They may also be submitted to judicial authorities during the appeal stage.

The degree of consistency between the clinical evidence and the account of torture is assessed in accordance with the Guidelines of the Istanbul Protocol and recent specialised research.

Medical reports are provided to asylum applicants free of charge. NGOs may guarantee support and medical assistance through *ad hoc* projects.

4. Legal representation of unaccompanied children

Indicators: Unaccompanied Children

1. Does the law provide for the appointment of a representative to all unaccompanied children?

☒ Yes

☐ No

The system of guardianship is not specific to the asylum procedure. A guardian is appointed when children do not have legal capacity and no parents or other relatives or persons who could exercise parental authority are present in the territory.⁶⁷¹ The guardian is responsible for the protection and the well-being of the child.

The Reception Decree, as amended by L 47/2017, provides that affective and psychological assistance is guaranteed to children in every state of the procedure, through the presence of suitable persons indicated by the child and authorised by the relevant authorities.⁶⁷² It also guarantees that the unaccompanied child has the right to participate, through a legal representative, in all judicial and administrative proceedings concerning them and to be heard on the merits of their case. To this end, the law also guarantees the presence of a cultural mediator.⁶⁷³

The individuals working with children shall possess specific skills or shall in any case receive a specific training. They also have the duty to respect the privacy rights in relation to the personal information and data of the minors.⁶⁷⁴

The Reception Decree provides that the unaccompanied child can make an asylum application in person or through their legal guardian on the basis of the evaluation of the situation of the child concerned.⁶⁷⁵

4.1 Timing of appointment

The Reception Decree, as amended by LD 220/2017, which entered into force on 31 January 2018, provides that the public security authority must give immediate notice of the presence of an unaccompanied child to the Public Prosecutor at the Juvenile Court and to the Juvenile Court (*Tribunale per i minorenni*) for the appointment of a guardian.⁶⁷⁶ The Juvenile Court is the sole competent authority following the 2017 reform.

An appeal against the appointment of the guardian can be submitted to the Juvenile Court in collegial function. The judge issuing the decision of appointment cannot take part in the examination of the appeal.

⁶⁷¹ Article 343 et seq. Civil Code.

⁶⁷² Article 18(2-bis) Reception Decree, inserted by L 47/2017.

⁶⁷³ Article 18(2-ter) Reception Decree, inserted by L 47/2017.

⁶⁷⁴ Article 18(5) Reception Decree.

⁶⁷⁵ Article 6(3) Procedure Decree.

⁶⁷⁶ Article 19(5) Reception Decree, as amended by LD 220/2017.

Where a guardian has not yet been appointed, the manager of the reception centre is allowed to support the child for the lodging of the asylum application at the Questura.⁶⁷⁷ As clarified by the CNDA, however, the guardian remains responsible for representing the child in the next steps of the procedure.⁶⁷⁸

As pointed out in a report from Cespi published in March 2025,⁶⁷⁹ in two of the regions that receive the greatest number of unaccompanied minors (i.e. Friuli Venezia Giulia and Sicily), some worrying practices are registered.

In Friuli Venezia Giulia, ICS- Refugee Office reports the practice of Trieste Juvenile Court of not systematically disposing of the appointment of a voluntary guardian for minors who are close to the age of majority (from 17 years onwards).⁶⁸⁰

Moreover, Save the Children reported that, in this region, there is a disproportion between the number of voluntary guardians they have carried out training courses and those active in the area.⁶⁸¹

Regarding Sicily, it is reported that a guardian can be responsible for more than ten minors at the same time. Furthermore, the appointment of the guardian takes place in approximately six months (unlike the 48 hours required by the Zampa Law) and there is a lack of adequate training courses for guardians.⁶⁸²

4.2 Duties and qualifications of the guardian

According to the Procedures Decree, the guardian has the responsibility to assist the unaccompanied child during the entire asylum procedure, and even afterwards, in case the child receives a negative decision on the asylum claim.⁶⁸³ For this reason, the guardian escorts the child to the police – where they are fingerprinted if they are over 14 years of age – and assists the child in filling out the form and lodging the asylum claim. The guardian also has a role during the personal interview before the Territorial Commission, which cannot start the interview without his or her presence.⁶⁸⁴ The law provides that a member of the Territorial Commission, specifically trained for that purpose, interviews the child in the presence of their parents or the guardian and the supporting personnel providing specific assistance to the child. For justified reasons, the Territorial Commission may proceed to interview the child again, even without the presence of the parent or the legal guardian, in the presence of supporting personnel, if considered necessary in relation of the personal situation of the children, their degree of maturity and development, and in line with their best interest.⁶⁸⁵

The guardian must be authorised by the Juvenile Court to make an appeal against a negative decision. The law does not foresee any specific provision concerning the possibility for unaccompanied children to lodge an appeal themselves, even though in theory the same provisions foreseen for all asylum applicants are also applicable to them.

Each guardian can be appointed for one child or for a maximum of three children.

To overcome existing deficiencies and lack of professionalism among guardians, L 47/2017 established the concept of voluntary guardians. A register of such guardians has to be kept in every Juvenile Court.⁶⁸⁶

The Regional Children's Ombudsperson is responsible for selecting and training guardians. In 2017, the National Children's Ombudsperson established specific guidelines on the basis of which calls for selection

⁶⁷⁷ Article 26(5) Procedure Decree, as amended by L 47/2017.

⁶⁷⁸ CNDA Circular No 6425 of 21 August 2017, available in Italian at: <http://bit.ly/2Fn38Um>.

⁶⁷⁹ See Cespi, Monitoraggio normativo 2024 I MSNA in Europa e Italia, Giovanni Meledandri, March 2025, available [here](#).

⁶⁸⁰ See ICS Consorzio Italiano di Solidarietà, I minori stranieri non accompagnati tra protezione e abbandono, 9 December 2024, available [here](#).

⁶⁸¹ See Save the Children, Mappatura sul tema dell'accertamento dell'età, la tutela volontaria e i cambiamenti nel sistema d'accoglienza, 19 December 2024, available [here](#), and Save the Children, Nascosti in piena vista 2024, December 2024, available [here](#).

⁶⁸² See Cespi, and Save the Children Italia, Mappatura sul tema dell'accertamento dell'età, la tutela volontaria e i cambiamenti nel sistema d'accoglienza, 19 December 2024, available [here](#).

⁶⁸³ Article 19(1) Procedure Decree.

⁶⁸⁴ Article 13(3) Procedure Decree.

⁶⁸⁵ *Ibid.*

⁶⁸⁶ Article 11 L 47/2017.

of guardians have already been issued in each region.⁶⁸⁷ Training courses have started in most of the cities.

The law assigns responsibility to monitor the state of implementation of the guardianship provisions to the Children's Ombudsperson (Italian Independent Authority for children and adolescents - Agia).⁶⁸⁸ The Regional Children's Ombudsperson and the one of the autonomous provinces of Trento and Bolzano have to cooperate regularly with the Children's Ombudsperson, to whom they have to submit a report on their activities every two months. A monitoring project financed with the AMIF fund and managed by the Ministry of the Interior was launched to implement the provision.

Critical issues regarding the guardians were reported in the survey published in December 2020 by Defence for Children, Cespi and the Observatory on unaccompanied foreign minors, which focused on a monitoring exercise carried out in the cities of Genoa, Rome, Bologna Ancona and Palermo.⁶⁸⁹ In general, the figure of the guardian appeared worryingly absent in the identification procedures of the minor, and significant gaps emerged between the number of volunteer guardians and the number of minors present. Moreover, critical issues regarded the difficulties for guardians to participate in specific trainings, as well as the timeliness of the appointment with respect upon arrival of the minor on the national territory. According to ASGI's observations, these problems remain relevant for 2025.

As of November 2025, the Children's Ombudsperson has published 8 general monitoring reports on voluntary guardianship.⁶⁹⁰ The last report covers the period 1 July 2024 – 31 December 2024. According to the report, volunteer guardians registered in the Juvenile Court lists increased from 4,169 on 31 December 2023 to 4,588 on 31 December 2024, a rise of about 10% year on year. In the same period, active guardianships fell from 5,986 on 30 June 2024 to 3,215 on 31 December 2024, while the number of unaccompanied foreign minors present in Italy dropped from 20,206 to 18,625 in the second half of 2024. On the training side, the report indicates a course completion rate of 90% and a registration consent rate of 93%. The latest monitoring report confirms that the most frequent reasons for volunteer guardians renouncing the guardianship remain the distance between the guardian's residence and the minor's domicile, and the excessive burden of responsibility. As in the past, the uneven concentration of minors across the territory continues to have a direct impact on the possibility of finding enough guardians, particularly in areas far from the main urban centres.

On 19 September 2022 entered into force the Decree of the Ministry of Interior and the Ministry of Economy and Finance of 8 August 2022 concerning the rules for reimbursements and interventions in favour of the voluntary guardians of unaccompanied minors.⁶⁹¹ The decree provides for the reimbursement to private employers of voluntary tutors up to 60 hours per year.⁶⁹² Furthermore, it provides for the total reimbursement of transport costs in case of use of public transport and a reimbursement per kilometre in case of use of private vehicles.⁶⁹³ The decree also provides that, upon termination of the role, the guardian can apply to the juvenile court for the assignment of a fair indemnity when the activities carried out in the course of guardianship were particularly complex and onerous, subject to the presentation of a specific report. In such cases, the court may award an indemnity of up to 900 euros. This indemnity is excluded if the assignment was carried out in the three months prior to coming of age. Any refusal can be disputed in front of the Court responsible for juvenile cases.⁶⁹⁴

⁶⁸⁷ Children's Ombudsperson, *Guidelines for the selection, training and registration in the lists of voluntary guardians pursuant to Article 11 L. 47/2017*, available in Italian at: <http://bit.ly/2Dgl4tS>.

⁶⁸⁸ Article 11 L. 47/2017 as amended by Article 2 (3) LD 220/2017.

⁶⁸⁹ Defence for Children, Cespi, Observatory on unaccompanied foreign minors, available at: bit.ly/3lqFQD5.

⁶⁹⁰ See Presidency of the Council of Ministers, Department for Family, 20 November 2025, available in Italian [here](#). Reports are also available at the Children's Ombudsperson (AIGIA) page.

⁶⁹¹ Decree of 8 August 2022 on the reimbursements in favour of the voluntary guardians of unaccompanied minors, available at bit.ly/3JKEsXZ.

⁶⁹² Decree of 8 August 2022, Article 2.

⁶⁹³ Ibid. Article 3.

⁶⁹⁴ Ibid. Article 4.

E. Subsequent applications

Indicators: Subsequent Applications

1. Does the law provide for a specific procedure for subsequent applications? ☒ Yes ☐ No
2. Is a removal order suspended during the examination of a first subsequent application?
 - ❖ At first instance ☒ Yes ☐ No
 - ❖ At the appeal stage ☐ Yes ☒ No
3. Is a removal order suspended during the examination of a second, third, subsequent application?
 - ❖ At first instance ☐ Yes ☒ No
 - ❖ At the appeal stage ☐ Yes ☒ No

Article 31 of the Procedure Decree allows the applicant to make further submissions and present new documentation at any stage of the asylum procedure. These elements are taken into consideration by the Territorial Commission in the initial procedure.

Decree Law 113/2018, implemented by L 132/2018, introduced a definition of “subsequent application” (*domanda reiterata*).⁶⁹⁵ An asylum application is considered a subsequent application where it is made after:

- ❖ A final decision has been taken on the previous application;
- ❖ The previous application has been explicitly withdrawn;⁶⁹⁶
- ❖ The previous application has been terminated after the expiry of 9 months from suspension on the basis that the applicant had implicitly withdrawn the asylum application⁶⁹⁷
- ❖ The previous application was rejected because the asylum application was considered implicitly withdrawn (due to the applicant having abandoned the accommodation facility or escaped from detention before the audition or missing the audition in front of the Territorial commission) and the Territorial Commission considered to have enough elements to decide the merit of the case.⁶⁹⁸

As of July 2026, the definition has not changed after the entry into force of the EU Pact.

In case of subsequent applications, asylum applicants' benefited from the same legal guarantees provided for asylum applicants, and can be accommodated in reception centres, if places are available.

However, pursuant to the Article 6 (2 a bis) of the Reception Decree, in case of subsequent applications made during the execution of an imminent removal order, the applicant could be detained.⁶⁹⁹

Subsequent applications had to be lodged before the Questura, which started a new formal registration that will be forwarded to the competent Territorial Commission.

1. Preliminary admissibility assessment

As stated in [Accelerated Procedure](#), upon the transmission without delay of the application by the Questura, the Territorial Commission had 5 days to decide on the subsequent application made without adding new elements to the personal story or to the situation of the country of origin pursuant to Article 29 (1 b) of the Procedure Decree.⁷⁰⁰

Decree Law 20/2023 amended Article 29 of the Procedure Decree and DL 133/2023 significantly amended Article 29 - bis of the Procedure Decree, applicable when a subsequent request is submitted during the execution of a removal order.

⁶⁹⁵ Article 2(1)(b-bis) Procedure Decree, introduced by Article 9 Decree Law 113/2018 and L 132/2018.

⁶⁹⁶ Article 23 Procedure Decree.

⁶⁹⁷ Article 23-bis(2) Procedure Decree as amended by DL 145/2024 converted into L. 187/2024.

⁶⁹⁸ Article 23 -bis Procedure Decree as amended by DL 145/2024

⁶⁹⁹ Article 6 (2, a bis) Reception Decree, as amended by Article 3 (3) Decree Law 130/2020 and L. 173/2020. According to Decree Law 130/2020 the provision applies in the limits of available places in CPRs

⁷⁰⁰ Article 28-bis(1-bis) Procedure Decree.

The President of the Territorial Commission makes a preliminary assessment in order to evaluate whether new elements have been added to the asylum application.⁷⁰¹ The President of the Territorial Commission shall conduct a preliminary assessment of the admissibility of the application, to ascertain whether new elements have emerged or have been submitted by the applicant concerning the personal condition of the asylum applicant or the situation in their country of origin, relevant to the granting of international protection, and to evaluate if the delay in the submission of such new elements or evidence cannot be attributed to the applicant's fault, who needs to provide specific evidence of such situation.⁷⁰²

Where no new elements are identified, the application is dismissed as inadmissible (see [Admissibility Procedure](#)).

The procedure differs depending on the case:

- ❖ In cases of applicants already recognised as refugees or subsidiary protected in other countries, the law provides that the President of the Territorial Commission sets the hearing of the applicant to evaluate the reasons given to support the admissibility of the application in the specific case.⁷⁰³
- ❖ In case of a **subsequent application** made after the previous application has been terminated or rejected because the application has been considered implicitly withdrawn, the president of the territorial commission carries out a preliminary examination pursuant to article 29, paragraph 1-bis of the Procedure Decree to evaluate the reasons given to support the admissibility of the application, including the reasons for the leaving the reception centre or the failure to appear for the interview before the Commission.⁷⁰⁴
- ❖ In case of a first subsequent application made during the execution of an imminent removal order, the law provides that the application must be immediately sent to the President of the competent territorial Commission, who must conduct a preliminary assessment of the admissibility of the application, within three days, while assessing the risks of direct and indirect refoulement. Upon literal reading, the law seems to charge the President of the Territorial Commission with taking an admissibility decision on their own but, according to ASGI, a systemic interpretation of the law, also considering Article 4(4) and Article 28-bis of the Procedure Decree allows to consider that in these cases the decision should also be attributed to the entire Commission.
- ❖ During 2019, some Questure automatically declared the inadmissibility of such subsequent applications, inter alia by interpreting the execution phase of a removal order in a broad way. Some rulings of national courts clarified that this application was contrary to Article 40 of the recast Asylum Procedure Directive.⁷⁰⁵
- ❖ In 2023, the DL 133/2023 significantly amended Article 29 bis introducing the paragraph 1-bis and giving a specific power to the Head of Police Station to determine, after the first subsequent application, when a subsequent application is submitted during the execution phase of a removal order against a foreign national—already validated by the judicial authority, if the asylum request is admissible (see [Admissibility](#)).⁷⁰⁶ According to ASGI, this provision is not legitimate as Questure are not entitled and prepared to carry out an assessment of the merit of the asylum request.

⁷⁰¹ Article 29(1)(b) Procedure Decree.

⁷⁰² Article 29(1-bis) Procedure Decree, as inserted by the Reception Decree and amended by L 50/2023.

⁷⁰³ Article 29 (1 and 1 bis) Procedure Decree. This includes MS and other countries as the law mentions refugees recognised by countries part of the Geneva Convention, in case the refugees can still enjoy the protection.

⁷⁰⁴ Article 23 bis (5) Procedure Decree as amended by DL 145/2024 converted into L 187/2024.

⁷⁰⁵ Civil Court of Milan, decision of 13 November 2019 ordered the competent Territorial Commission to conduct the preliminary examination of a subsequent application deemed inadmissible automatically by the Questura, disapplying the Article 29bis of the Procedure Decree considered not in accordance with Article 40 of the recast Asylum Procedure Directive.

⁷⁰⁶ Article 29-bis (1 bis) introduced by DL 133/2023, converted into L 176/2023.

As stated by decree Law 130/2020, in this case, if the application is declared inadmissible, the applicant can be detained⁷⁰⁷ (see [Detention](#)).

The law still does not clarify how the term “execution phase of a removal procedure” should be interpreted. If this provision is not strictly applied to cases in which the removal is being performed, it is likely to be applied to all cases of subsequent applications as currently defined by law.

More in general, in case the subsequent application is declared inadmissible, reception conditions can be revoked.⁷⁰⁸

2. Right to remain and suspensive effect

The Procedure Decree, as amended by Decree Law 130/2020, provides that the right to remain on the territory until a decision is taken by the Territorial Commission is not guaranteed where the applicant:

- a. Made a first subsequent application for the sole purpose of delaying or preventing the execution of an imminent removal decision;⁷⁰⁹
- b. Wishes to make a further subsequent application following a final decision declaring the first subsequent application inadmissible, unfounded or manifestly unfounded.⁷¹⁰

The law did not foresee a specific procedure to appeal against a decision on inadmissibility for subsequent applications. The Procedures Decree as amended by Decree Law 130/2020 and later by DL 20/2023, amended by the conversion Law no. 50/2023, provides, however, that suspensive effect is not granted for appeals against a decision rejecting or declaring inadmissible another subsequent application following a final decision rejecting or declaring inadmissible a first subsequent application, and for appeals against the inadmissibility of a subsequent application submitted in order to avoid an imminent removal, pursuant to Article 29 bis of the Procedure Decree.⁷¹¹ However, the appellant can request a suspension of the decision of inadmissibility, based on serious and well-founded reasons, to the competent court.

The assessment on the admissibility of the subsequent application for international protection must also include a careful analysis on the prerequisites for the recognition of special protection as introduced by Decree Law 130/2020. On this point, the Court of Cassation has ruled that “in the matter of a subsequent application for international protection, the subject of the proceedings brought before the court is not the administrative measure of inadmissibility, but the establishment of a subjective right, which also includes the prerequisites of the invoked special protection”.⁷¹² In 2023 Court of Cassation reaffirmed this principle.⁷¹³

For the rest of the appeal procedure, the same provisions as for the appeal in the regular procedure apply (see [Regular Procedure: Appeal](#)).

Since the entry into force of DL 100/2026 on 12 June 2026, the Procedure Decree states that the appeal does not ensure to the applicant’s right to legally remain in the national territory before the Court has decided on the suspensive request in cases governed by Article 56 and 68(6) APR. Indeed, the government availed themselves of possibility laid down in those articles not to allow asylum applicants to stay on the territory in case of:

- ❖ First subsequent applications lodged, merely in order to delay or frustrate the enforcement of a decision which would result in the applicant’s imminent removal from that Member State (article 56 APR).

⁷⁰⁷ Article 6 (2, a bis) Reception Decree, as amended by Article 3 (3) Decree Law 130/2020 and L. 173/2020 and Article 29 bis Procedure Decree. According to Decree Law 130/2020 the provision applies in the limits of available places in CPRs.

⁷⁰⁸ Article 23(1) Reception Decree.

⁷⁰⁹ Article 7(2)(d) Procedure Decree.

⁷¹⁰ Article 7(2)(e) Procedure Decree, as amended by Article 9 Decree Law 113/2018 and L. 132/2018.

⁷¹¹ Article 35-bis(5) Procedure Decree, as amended by L. 50/2023.

⁷¹² Court of Cassation, decision n. 37275 of 20 December 2022; see also Court of Cassation, decision n. 6374, 25 February 2022.

⁷¹³ Court of Cassation, decision no. 29832 of 22 September 2023, available in Italian at: <https://bit.ly/49TyZ2u>.

- ❖ a second or further subsequent application is made in any Member State following a final decision rejecting a previous subsequent application as inadmissible or unfounded or manifestly unfounded. (article 56 APR).
- ❖ and in cases of subsequent applications if the appeal is considered to have been lodged merely in order to delay or frustrate the enforcement of a return decision which would result in the applicant's imminent removal from the Member State (Article 68 (6) APR).⁷¹⁴

F. The safe country concepts

Indicators: Safe Country Concepts

- | | |
|--|---|
| 1. Does national legislation allow for the use of "safe country of origin" concept? | ☒ Yes ☐ No |
| ❖ Is there a national list of safe countries of origin? | ☒ Yes ☐ No |
| ❖ Is the safe country of origin concept used in practice? | ☒ Yes ☐ No |
| 2. Does national legislation allow for the use of "safe third country" concept? | ☐ Yes ☒ No |
| ❖ Is the safe third country concept used in practice? | ☐ Yes ☒ No |
| 3. Does national legislation allow for the use of "first country of asylum" concept? | ☒ Yes ☐ No |

1. Safe country of origin

The "safe country of origin" concept has been introduced in Italian legislation by Decree Law 113/2018, implemented by L 132/2018.⁷¹⁵

1.1 Definition and list of safe countries of origin

According to the law, a third country can be considered a safe country of origin if, on the basis of its legal system, the application of the law within a democratic system and the general political situation, it can be shown that, generally and constantly, there are no acts of persecution as defined in the Qualification Decree, nor torture or other forms of inhuman or degrading punishment or treatment, nor danger due to indiscriminate violence in situations of internal or international armed conflict.⁷¹⁶

The assessment aimed at ascertaining whether or not a country can be considered a safe country of origin shall take into account the protection offered against persecution and ill-treatment through:⁷¹⁷

- a. The relevant laws and regulations of the country and the manner in which they are applied;
- b. Respect for the rights and freedoms established in the ECHR, in particular the imperative rights established by the Convention, the International Covenant on Civil and Political Rights, and in the United Nations Convention against Torture;
- c. Compliance with the principles set out in Article 33 of the 1951 Refugee Convention; and
- d. The existence of a system of effective remedies against violations of these rights and freedoms.

The assessment shall be based on information provided by the CNDA, as well as on other sources of information, including those provided by other Member States of the European Union, EUAA, UNHCR, the Council of Europe and other competent international organisations.⁷¹⁸

The first list was adopted by decree of the Ministry of Foreign Affairs with the Ministry of Interior and the Ministry of Justice on 4 October 2019 and entered into force on 22 October 2019.⁷¹⁹

⁷¹⁴ Article 35 bis (5) as amended by DL 100/2026.

⁷¹⁵ Article 2-bis Procedure Decree, inserted by Article 7 Decree Law 113/2018 and L 132/2018.

⁷¹⁶ Article 2-bis(2) Procedure Decree.

⁷¹⁷ Article 2-bis(3) Procedure Decree.

⁷¹⁸ Article 2-bis(4) Procedure Decree.

⁷¹⁹ Ministry of Foreign Affairs Decree, 4 October 2019, *Identification of Safe Countries of origin*, according to Article 2-bis of the Procedure Decree published on 7 October 2019 n. 235.

By Ministerial Decree of 7 May 2024, the list of safe countries was expanded to include additional countries: Bangladesh, Cameroon, Colombia, Egypt, Peru and Sri Lanka.⁷²⁰

On 18 October 2024, the Civil Court of Rome, in its first ruling on the validity of the detention of asylum seekers transferred to Albania and originating from safe countries of origin, did not validate the detentions. The Court directly applied the CJEU's judgement of 4 October 2024, which established that countries with territorial exclusions could not be included in the list of safe countries of origin and found that the Italian list did not comply with this rule.⁷²¹ Thus, on 24 October 2024, in an attempt to provide a stronger legal basis to the procedure for transferring asylum seekers from safe countries to Albania, the government issued DL 158/2024, which amended Article 2 bis of the Procedure decree to directly include the list of safe countries in the law. Some countries that were included in the previous list (i.e. Nigeria, Cameroon and Colombia), were deleted from the version that was introduced in the law.

The list now includes Albania, Algeria, Bangladesh, Bosnia-Herzegovina, Cape Verde, Ivory Coast, Egypt, Gambia, Georgia, Ghana, Kosovo, North Macedonia, Morocco, Montenegro, Peru, Senegal, Serbia, Sri Lanka and Tunisia.⁷²²

Following the CJEU decision of 4 October 2024 the law no longer indicates that the designation of a safe country of origin can be done excluding some parts of the territory. However, it provides that the list of safe countries of origin can be done excluding some categories of persons.⁷²³

The list of safe countries of origin is periodically updated and communicated to the European Commission. The law also requires that, by 15 January each year, the Council of Ministers submit a report that - while taking into account overriding security needs and the continuity of international relations - provides an update on the situation in the countries currently on the list, as well as those whose inclusion is being considered. The Government transmits the report to the competent parliamentary commissions.⁷²⁴ However, in 2025, the Government did not respect the established deadline and only transmitted the report on 1 April 2025.⁷²⁵

Immediately after the publication of the new list, more national Courts have raised doubts about the compatibility of the new legislation with EU law as interpreted by the CJEU:

- on 29 October 2024, the Civil Court of Bologna sent a request for a preliminary judgement on the safe countries list to the CJEU;
- on 4 November 2024, the Civil Court of Catania decided to directly disapply the DL 158/2024 regarding the new list of safe countries of origin;
- on 8 November 2024, the Civil Court of Palermo submitted another request for a preliminary judgement on the new safe countries list to the CJEU;
- on 11 November 2024, ruling the new validation judgments for detention in Albanian border procedure, the Civil Court of Rome requested a preliminary judgement to the CJEU: therefore, the procedure was suspended and people moved to Italy;
- on 31 January 2025, after the L. 187/2024 moved the competence to validate detentions of asylum seekers to the Court of Appeals, the Civil Court of Appeal of Rome, suspending for the third time the validation of detentions of asylum seekers moved to Albania, decided to request another preliminary judgement to the CJEU.

The first hearing at the European Court of Justice was held on 25 February 2025, reuniting cases C-758/24 (Alace) and C -759/2024 (Canpelli). In its judgment of 1 August 2025, the CJEU held that Article

⁷²⁰ Ministry of Foreign Affairs and International Cooperation Decree, 7 May 2024, available at <https://acesse.dev/8L10U>.

⁷²¹ CJUE decision C-406/22.

⁷²² Article 2 bis (1) Procedure Decree as amended by DL 158/2024 and then by L. 187/2024.

⁷²³ Article 2 bis (2) Procedure Decree as amended by L. 187/2024.

⁷²⁴ Article 2 bis (4) of the Procedure Decree.

⁷²⁵ Senato della Repubblica, RELAZIONE Doc. CCXXXIX n. 1 SULLA SITUAZIONE DEI PAESI DI ORIGINE SICURI INCLUSI NELL'ELENCO DI CUI ALL'ARTICOLO 2-BIS, COMMA 1, DEL DECRETO LEGISLATIVO 28 GENNAIO 2008, N. 25, available [here](#).

37 of Directive 2013/32, read in conjunction with Annex I thereto, must be interpreted as precluding a Member State from designating as a safe country of origin a third country that does not satisfy, for certain categories of persons, the substantive conditions for that designation set out in Annex I to the Directive. This applies even where, as in the Italian case, the designation as safe country was made by law.⁷²⁶ Since people subject to the Albanian procedure were those subject to the border procedure, i.e. asylum applicants coming from safe countries of origin or evading border controls, the CJEU decision directly affected transfers to Albania as in most cases the country of origin of rescued people could no longer be included in the safe countries of origin list.

1.2 Procedural consequences

An applicant can be considered coming from a safe country of origin only if they are citizens of that country or a stateless person who previously habitually resided in that country and they have not invoked serious grounds to believe that the country is not safe due to their particular situation.⁷²⁷

The Questura shall inform the applicant, at the moment of lodging of the application that if they come from a designated country of safe origin, their application may be rejected.⁷²⁸

An application made by an applicant coming from a safe country of origin is channelled into an **Accelerated Procedure**, whereby the Territorial Commission takes a decision within 9 days.⁷²⁹

An application submitted by applicants coming from a safe country of origin can be rejected as manifestly unfounded,⁷³⁰ whether under the regular procedure or the accelerated procedure. In this case the decision rejecting the application is based on the fact that the person concerned has not shown that there are serious reasons to believe that the designated safe country of origin is not safe in relation to their particular situation.⁷³¹

Following the entry into force of the safe countries of origin list, the CNDA issued two circulars, on 28 October 2019 and 31 October 2019, giving directives to the Territorial Commissions on the application of the new provisions. In particular the CNDA assumed that the inclusion of a country of origin in the safe countries list introduces an absolute presumption of safety, which can be overcome only with a contrary proof presented by the asylum applicant. CNDA also underlined that, in the event of rejection, the applications should always be regarded as manifestly unfounded applications.

However, an overall exam of the rules of the Procedure Decree shows that the manifestly unfounded decision is only one of the possible outcomes of the examination of the asylum application when the applicant comes from a country designated as safe.⁷³²

In practice, according to ASGI's experience, Territorial Commissions do not reject as manifestly unfounded all asylum applications in case of safe country of origin.

As a rule, the concept of safe country of origin is applicable only to asylum applications introduced after the publication of the Safe Country of Origin list, a principle that was confirmed by the Court of Cassation in Judgement no. 25311/2020.

⁷²⁶ CJEU, joined cases C-758/24 and C-759/24, decision of 1 August 2025, available [here](#).

⁷²⁷ Article 2-bis(5) Procedure Decree.

⁷²⁸ Article 10(1) Procedure Decree, as amended by Article 7 Decree Law 113/2018 and L 132/2018.

⁷²⁹ Article 28-bis (2) (c) as amended by Decree Law 130/2020.

⁷³⁰ Article 28-ter(1)(b) Procedure Decree, inserted Article 7 Decree Law 113/2018 and L 132/2018.

⁷³¹ Article 9(2-bis) Procedure Decree, inserted by Article 7 Decree Law 113/2018 and L 132/2018.

⁷³² Article 32 (1 b bis) read together with Article 2 bis (5) Procedure Decree must be interpreted as meaning that the asylum request is manifestly unfounded only when the applicant has not invoked serious grounds to believe that the country is not safe due to his or her particular situation. Moreover, Article 35 bis of the Procedure Decree links the halving of the time limits for appeal and the absence of automatic suspensive effect to applications that are manifestly unfounded and not, in general, to applications from asylum seekers from countries designated as safe. See *Questione Giustizia, Le nuove procedure accelerate, lo svilimento del diritto d'asilo*, 3 November 2019, available in Italian at: <https://bit.ly/2XqA8Rs>.

Case law on specific countries

On 18 November 2022, the Civil Court of Naples⁷³³ suspended the effects of a rejection decision from 2021 notified more than one year later to a Ukrainian asylum applicant, noting that the situation in Ukraine had notoriously changed and therefore the applicant could not be expelled pending the Court decision on the merits.

By Decree of 7 October 2022, the Civil Court of Rome suspended the effects of the rejection notified to an asylum applicant from Tunisia whose asylum request was considered manifestly not founded due to the country of origin of the applicant, stating that Tunisia cannot be considered a safe country of origin for those who allege fear of persecution due to sexual orientation.⁷³⁴

The Court of Naples by decree of 12 September 2022 reached the same conclusions regarding an applicant from Senegal, who declared being homosexual.⁷³⁵

Moreover, with reference to the situation in Tunisia, the Court of Catania, with a decree of 12 July 2022, reiterated that although Article 2-bis of the Procedure decree introduces a burden of proof for the applicant coming from a safe country of origin to explain the subjective or objective reasons for which the country cannot be considered safe, the judge has the powers-duties to acquire updated information on the situation of the country (Articles 3 of Legislative Decree No. 251 of 2007 and 8 of Legislative Decree No. 25 of 2008), and, in the light of the most pertinent and updated sources of information on the socio-political situation of the country, considered that there were serious reasons to suspend the effects of the negative provision.⁷³⁶

On 20 September 2023 the Civil Court of Florence suspended the effects of a rejection notified to an asylum applicant from Tunisia. The court noted that, under the Asylum Procedure Directive Article 37 (2), the sources based on which a country is included in the safe countries list must be constantly updated and the inclusion itself should be subject to review if there is a change of the situation in the country. Moreover, national law (Article 3 of Qualification Decree and Articles 8 and 27 (1 bis) of the Procedure Decree) requires the judge to examine the asylum application on an individual basis, in light of precise and updated information about the general situation existing in the country of origin of asylum applicants. According to the Court, the need for an updated evaluation does not only concern the merit of the international protection application but also the usability of the "safe countries procedure", which involves a series of more burdensome procedural peculiarities for the asylum applicant.

According to the Court, the sources on the current security conditions in Tunisia highlight a crisis of the democratic system of the country considering, in particular, the mass arrests, the suspension of numerous judges and the non-transparency of the elections. The updated situation does not allow, according to the Court, to consider compliance with the principle of non-refoulement in case of repatriation to Tunisia. Therefore, the Safe countries decree becomes ineffective, and the appeal has to be subjected to an ordinary procedure with the automatic right of the appellant to remain in the national territory until the appeal is decided.

By 3 other Decrees issued immediately after the latter, in October 2023, the Civil Court of Florence confirmed the previous positioning.⁷³⁷

Other Courts, however, decided to apply or not the ordinary procedure to appeals submitted by Tunisians only on an individual basis. This is the case, for example, of the Civil Court of Milan which, on 1 December 2023, deemed as not founded the suspensive request requested by the Tunisian applicant considering that no serious reasons had been given to believe that Tunisia was not safe for him.⁷³⁸ Then, on 18 December 2023, the same court suspended the effects of the rejection decision issued to a Tunisian

⁷³³ Civil Court of Naples, decree of 18 November 2022, available at: bit.ly/3JE1eNa.

⁷³⁴ Civil Court of Rome, Decree of 7 October 2022, available at: bit.ly/40agRTM.

⁷³⁵ Civil Court of Naples, Decision of 12 September 2022, available at: bit.ly/42wPODD.

⁷³⁶ Civil Court of Catania, decision of 7 July 2022, available at: bit.ly/3yWJoAe.

⁷³⁷ Civil Court of Florence, no. 3 decisions of 26 October 2023, cases no. 11464/2023, 3773/2023, 4988/2022

⁷³⁸ Civil Court of Milan, decision of 1 December 2023.

asylum applicant, considering that, due to his individual situation and on the base of a summary evaluation, the country could not be considered safe.⁷³⁹

On 29 April 2024, the United Civil Sections of the Court of Cassation issued an important decision, ruling that in case the accelerated procedure has not been respected by the Territorial Commission, the ordinary procedure will apply to the appeal, including the automatic suspensive effect. The Court pronounced the following principle of law: "in the event of a judicial appeal concerning the manifestly unfounded provision issued by the Territorial Commission for the recognition of International Protection against a person coming from a safe country, there is an exception to the general principle of automatic suspension of the contested provision only if the Territorial Commission has applied a correct accelerated procedure. (..) In the opposite case, when the accelerated procedure has not been respected in its procedural aspects, the ordinary procedure will be reinstated and the general principle of automatic suspension of the Territorial Commission's provision will be re-expanded."⁷⁴⁰ As recorded by ASGI, following that ruling by the United Civil Sections of the Court of Cassation, in 2025 civil courts typically justified the suspensive effect on procedural grounds (failure to observe the accelerated procedure), without analysing the specific situation of the individual State.

2. Safe third country

The safe third country concept is not included in Italian law. However, in the first months of 2026, in at least on case, the Territorial Commission of Trieste denied international protection considering that the man could return to a third safe country. The Territorial Commission rejected the asylum application considering that the man, Palestinian, could come back to Morocco where his family was living. The man appealed the decision and the appeal is pending.

3. First country of asylum

The Procedure Decree provides for the "first country of asylum" concept as a ground for inadmissibility (see [Admissibility Procedure](#)). The Territorial Commission declares an asylum application inadmissible where the applicant has already been recognised as a refugee or subsidiary protection status holder⁷⁴¹ by a state party to the 1951 Refugee Convention and can still enjoy such projection.⁷⁴² The "first country of asylum" concept has not usually been used in practice but, in May 2026, the Territorial Commission of Trieste ruled an asylum application to be inadmissible by applying Article 29 bis (1) for a Colombian applicant who was recognised as a refugee in Ecuador. The man appealed the decision, underlining the dangerous situation existing in Ecuador and the Civile Court of Trieste suspended the expulsion.

G. Information for asylum seekers and access to NGOs and UNHCR

1. Provision of information on the procedure

Indicators: Information on the Procedure

1. Is sufficient information provided to asylum seekers on the procedures, their rights and obligations in practice? ☐ Yes ☒ With difficulty ☐ No

❖ Is tailored information provided to unaccompanied children? ☐ Yes ☒ No

According to Article 10 of the Procedure Decree,⁷⁴³ when a person makes an asylum application, the Questura shall inform the applicant about the asylum procedure and their rights and obligations, and of time limits and any means (i.e. relevant documentation) at their disposal to support the application. In this

⁷³⁹ Civil Court of Milan, decision of 18 December 2023.

⁷⁴⁰ Court of Cassation, United Civil Sections, Sentence no. 11399/2024 of 29 April 2024, available in Italian at <https://11nq.com/vQ78k>.

⁷⁴¹ Art.29 of Procedure Decree as amended by Law 238/2021 to fulfil the obligations deriving from Italy's membership to the European Union, extended to subsidiary protection holders the inadmissibility.

⁷⁴² Article 29(1)(a) Procedure Decree.

⁷⁴³ Article 10(1) Procedure Decree.

regard, police authorities should hand over an information leaflet. The amended Procedure Decree adds that the Questura informs the applicant that if they come from a [Safe Country of Origin](#), their application may be rejected.⁷⁴⁴

According to the amended Procedure Decree, and still after the entry into force of DL 100/2026, the Territorial Commission promptly informs the applicant of the decision to apply the accelerated procedure or the prioritised procedure.⁷⁴⁵

PD 21/2015 provides that unaccompanied children shall receive information on the specific procedural guarantees specifically provided for them by law.⁷⁴⁶

1.1 Information on the Dublin Regulation

Based on to ASGI experience, asylum applicants are not properly informed of the different steps or given the possibility to highlight family links or vulnerabilities in the [Dublin Procedure](#).

The Court of Cassation requested, pursuant to Article 267 of the TFEU, the European Court of Justice to give a preliminary ruling to clarify whether Article 4 of the Dublin Regulation must be interpreted as meaning that the violation of the information obligation can be asserted only on condition that the applicant indicates what information he could have indicated in his favour, decisive for a positive decision in his interest.⁷⁴⁷

In its ruling, the CJEU started by stating that the obligation to provide information under Articles 4 and 5 of the Dublin III Regulation and Article 29 of the Eurodac Regulation ‘applies both in the context of a first application for international protection and a take charge procedure, under Article 20(1) and Article 21(1) of Regulation No 604/2013 respectively, as well as in the context of a subsequent application for international protection and a situation, as that covered by Article 17(1) of Regulation No 603/2013, capable of giving rise to take back procedures under Article 23(1) and Article 24(1) of Regulation No 604/2013’.

Then, the Court clarified the existence of different consequences in case of the infringement of Article 4 (common leaflet) or Article 5 (individual interview). According to the Court, the failure to provide the common leaflet cannot lead to the annulment of the transfer unless the appellant demonstrates how the absence of information concretely affected the Dublin procedure and altered it. Instead, the personal interview is considered an essential phase which, if omitted, must in any case be made up for during the trial by listening directly to the appellant.

In the Italian context where the interview is often omitted or inconsistent and the court proceedings are mostly written, this already had an important meaning in pending trials: on 3 April 2024 the Court of Cassation, recalling the CJEU decision stated that “where the specific information obligations are not fulfilled, in light of the hearing carried out and the information resulting from the allegations and productions of the administrative authority, burdened with proof, the transfer decision must be annulled”.⁷⁴⁸

In 2025, numerous courts, including those in Turin, Bologna, Trieste, and Genoa, held hearings with applicants under the Dublin procedure to ensure compliance with information obligations and to gather relevant information in cases where it was deemed that a proper interview had been omitted.

1.2 Information at the border and in detention

⁷⁴⁴ *Ibid*, as amended by Article 7 Decree Law 113/2018 and L 132/2018.

⁷⁴⁵ Article 28 (1) Procedure Decree as amended by DL 130/2020.

⁷⁴⁶ Article 3(3) PD 21/2015.

⁷⁴⁷ Court of Cassation, decision no. 8668 of 23 February - 29 March 2021.

⁷⁴⁸ Court of Cassation, decision of 3 April 2024, no. 12162/2024. Similarly, see Court of Cassation, decision of 17 April 2024, available at <https://acesse.dev/ipbCH>.

According to the law, persons who express the intention to seek international protection at border areas and in transit zones shall be provided with information on the asylum procedure, in the framework of the information and reception services set by Article 11(6) TUI.⁷⁴⁹

Article 11(6) TUI states that, at the border, “those who intend to lodge an asylum application or foreigners who intend to stay in Italy for over three months” have the right to be informed about the provisions on immigration and asylum law by specific services at the borders run by NGOs. These services, located at official border-crossing points, include social counselling, interpretation, assistance with accommodation, contact with local authorities and services, production and distribution of information on specific asylum issues.

According to Article 10ter TUI, the third country national tracked down during the irregular crossing at an internal or external border or arrived in Italy following rescue operations must receive information on the right to asylum, on the relocation program in other EU Member States and on the possibility of voluntary repatriation.

Furthermore, as stated by Decree Law 130/2020, in case the conditions for detention are met, the foreign citizen is promptly informed of the rights and powers deriving from the validation procedure of the detention decree in a language they know, or, if not possible, in French, English or Spanish.⁷⁵⁰

The Reception Decree provides that foreigners detained in CPR shall be provided by the manager of the facility with relevant information on the possibility of applying for international protection. Asylum applicants detained in such facilities are provided with the relevant information set out by Article 10(1) of the Procedure Decree, by means of an informative leaflet.⁷⁵¹

The Reception Decree also provides that asylum applicants detained in CPR or in hotspots are informed on the rules in force in the centre as well as on their rights and obligations in the first language they indicate.⁷⁵² If it is not possible, information is provided in a language they are reasonably supposed to know meaning, as ruled by Procedure Decree, English, French, Spanish or Arabic, according to the preference they give.⁷⁵³

In 2020 and in the following years, the Court of Cassation and some Civil Courts reaffirmed the close connection between the compliance with information obligations and the effectiveness of the right of access to the asylum procedure, both denied by the value attributed to the so-called “foglio notizie” or “secondo foglio notizie” often submitted to foreign citizens who arrive at the border without a prior or contextual explanation on the meaning of their signature.

The Court of Trieste, on several occasions between 2020 and 2023, observed that the “foglio notizie” could not fulfil the information obligation required by law. For example, in a case where the validation of detention was examined, the Court found, the information “(..) was drafted in an approximate way, it did not contain an express indication or information on the possibility to request asylum; it was complex to read even for a person with a level of knowledge higher than that presumed for a migrant; (...) the indication “came to Italy for” was not translated and therefore the answers (translated) could be misunderstood. The Court found that it is therefore likely that the migrant did not understand the possibility of applying for international protection.”⁷⁵⁴ In this case, however, the detention was validated as the Court found that the asylum application was presented only in order to avoid repatriation.

In other rulings, the Civil Court of Trieste held that there was no evidence that the detainee, on the occasion of crossing the border, had been enabled to consciously manifest his will to apply for asylum, as required by Article 10 ter, (1), TUI and that therefore there were no reasons to consider the request as

⁷⁴⁹ Article 10-bis(1) Procedure Decree, inserted by the Reception Decree.

⁷⁵⁰ Article 10 ter (3) as amended by DL 130/2020.

⁷⁵¹ Article 6(4) Reception Decree.

⁷⁵² Article 7 (4) Reception Decree.

⁷⁵³ Article 10 (4) Procedure Decree, to which Article 7 (4) reception decree expressly refers to.

⁷⁵⁴ Civil Court of Trieste, decision of 15 September 2020.

a pretext (i.e. submitted for the sole purpose of delaying or preventing expulsion) even if not presented before the Giudice di Pace because even before that hearing it was not proven that the information obligation had been fulfilled.⁷⁵⁵

On 22 April 2025 the Court of Cassation annulled the decision taken by the court of appeal of Turin which had validated a detention, considering that the applicant had not requested to apply for asylum in the foglio notizie. According to the court, to deem the information obligation under Article 10-ter fulfilled, it is insufficient for the detention order to merely state in general terms that the individual was fully informed, if the information sheet, or any other acts, documents, or evidence submitted by the administration, contains no details regarding the information provided, and if the timing and manner of the communication are not evident, specifically concerning the language used and the presence of an interpreter or cultural mediator, in order to allow for verification of the comprehensibility of the information provided.⁷⁵⁶ The decision recalls a previous decision of 20 November 2023, where the Court of Cassation ruled that the Public Administration has the duty to document "the timing and manner in which the information was administered". Neither the information contained in the foglio notizie nor the style clause usually included in refoulement decrees can be considered sufficient.⁷⁵⁷

However, partially limiting the scope of these important decision, a new decision of the Court of Cassation issued on 2 May 2025, established that the rule relating to the information obligations, with the specific reference to the "foreign national traced during the irregular crossing of the internal or external border or arriving in the national territory following rescue operations at sea", has to be interpreted in the sense that the information must be administered only upon first entry or, in any case, during the first "contact" between the foreign national and the bodies responsible for checks on the territory".⁷⁵⁸

2. Access to NGOs and UNHCR

Indicators: Access to NGOs and UNHCR

1. Do asylum seekers located at the border have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No
2. Do asylum seekers in detention centres have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No
3. Do asylum seekers accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No

The Procedure Decree expressly requires the competent authorities to guarantee asylum applicants the possibility to contact UNHCR and NGOs during all phases of the asylum procedure.⁷⁵⁹ For more detailed information on access to CPR, see the section on [Access to Detention Facilities](#).

However, due to insufficient funds or that the fact most NGOs are located mainly in big cities, not all asylum applicants have access thereto. Under the latest tender specifications scheme (*capitolato d'appalto*) adopted on 20 November 2018, funding for legal support activities in hotspots, first reception centres, CAS and CPR has been replaced by "legal information service" of a maximum 3 hours for 50 people per week (see [Forms and Levels of Material Reception Conditions](#)).

As for the [Hotspots](#), the SOPs ensure that access to international and non-governmental organisations is guaranteed subject to authorisation of the Ministry of Interior and on the basis of specific agreements, for the provision of specific services⁷⁶⁰. The SOPs also foresee that authorised humanitarian organisations

⁷⁵⁵ Civil Court of Trieste, decision 3882/2020 of 2 December 2020, procedure no. 3733/2020; see also: Civil Court of Trieste, decision of 23 February 2023, procedure no. 721/2023.

⁷⁵⁶ Court of Cassation, decision no. 15757/2025 of 22 April 2025.

⁷⁵⁷ Court of Cassation, decision of 20 November 2023, no. 32070, available at <https://l1nq.com/3aMMu>.

⁷⁵⁸ Court of Cassation, decision no. 16529/2025.

⁷⁵⁹ Article 10(3) Procedure Decree.

⁷⁶⁰ SOPS, paragraph B.2.

will provide support to the Italian authorities in the timely identification of vulnerable persons who have special needs, and they will also carry out information activities according to their respective mandates. Currently in the hotspots, UNHCR monitors activities, performs the information service and, as provided in the SOPs, is responsible for receiving applications for asylum together with Frontex, EUAA and IOM. Save the Children is also present in hotspots.

However, since asylum applicants can be detained for identification purposes in the hotspots, access to the guarantees provided by Article 7 of the Reception Decree in relation to detention centres should also apply (see [Access to detention facilities](#)). According to Article 7, the access to NGOs with consolidated experience in protecting asylum applicants is allowed; it can be limited for security reasons, public order, or for reasons connected to the correct management of the centres but not completely impeded.⁷⁶¹

In 2019, ASGI was initially denied access to the Lampedusa hotspot, but it won the appeal submitted before the Administrative Court of Sicily. The Court ruled that Article 7 of Legislative Decree 142/2015 covers access to facilities where asylum seekers may be detained (including hotspots under Article 10-ter of the TUI) and that restricting access only to international organisations or entities with specific Ministry agreements would unlawfully undermine administrative transparency.⁷⁶²

On 12 June 2025, Asgi was denied access to the Albanian centers located in Shengjin and Gjader but filed an appeal before the Administrative Court of Lazio (Rome). The Court upheld the appeal stating that access to facilities where foreign nationals are detained may be deferred (but never denied), only when there are concrete and specifically substantiated risks to public order and security; such risks, however, “cannot persist indefinitely.” According to the regional administrative court, the justification provided by the Prefecture of Rome for denying access, based on the media attention surrounding the Albanian center, cannot serve as an obstacle to civil society’s democratic oversight of facilities where foreign nationals are held.⁷⁶³

Access of UNHCR and other organisations assisting refugees at border crossing points is provided. For security and public order grounds or, in any case, for any reasons connected to the administrative management, the access can be limited on condition that is not completely denied.⁷⁶⁴

H. Differential treatment of specific nationalities in the procedure

Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded? ☐ Yes ☒ No
❖ If yes, specify which:
2. Are applications from specific nationalities considered manifestly unfounded?⁷⁶⁵ ☒ Yes ☐ No
❖ If yes, specify which: Countries included in the safe countries of origin list

According to Article 12(2-bis) of the Procedure Decree, the CNDA may designate countries for the nationals of which the personal interview can be omitted, on the basis that subsidiary protection can be granted (see [Regular Procedure: Personal Interview](#)). As of May 2026, the CNDA has not yet designated such countries.

The issue of the [Safe Country of Origin](#) decrees has directly affected the treatment and prerogatives of asylum applicants whose nationalities are indicated by the decrees. As seen above, the list now includes Albania, Algeria, Bangladesh, Bosnia-Herzegovina, Cape Verde, Ivory Coast, Egypt, Gambia, Georgia, Ghana, Kosovo, North Macedonia, Morocco, Montenegro, Peru, Senegal, Serbia, Sri Lanka and Tunisia.

⁷⁶¹ Article 7 (3) Reception Decree.

⁷⁶² Administrative Court of Sicily, decision n. 2473 of 24 August 2021.

⁷⁶³ Administrative Court of Lazio, decision no. 4669/2026, published on 13 March 2026.

⁷⁶⁴ Article 10-bis(2) Procedure Decree.

⁷⁶⁵ Whether under the “safe country of origin” concept or otherwise.

Out of the main 5 nationalities of asylum applicants in 2025, Bangladesh, Peru, Pakistan, Egypt and Morocco, 4 are on the national safe country of origin list. The rejection rates in 2025 for nationals of Bangladesh, Egypt and Morocco were significantly high, standing, respectively, at 88.6%, 83.30% and 90.18 %. The rejection rate for Peruvian citizens stood at 78.84%.

In practice, as already highlighted in the section regarding [Registration](#), some nationalities face more difficulties in accessing the asylum procedure, both at hotspots and at Questura. In 2025, according to ASGI's experience, similar difficulties persisted. By the end of 2025 and in the first months of 2026, in Trieste, many people from Nepal were *de facto* denied to access the asylum procedure. They had to file urgent appeals to the Civil Court in order to obtain access to the asylum procedure. The Civil Court of Trieste upheld all the appeals and ordered the Questura to start the asylum procedure.⁷⁶⁶ In some cases, the interim decision on the appeal convinced Questura to allow the access to the procedure, then the Court could close the case.⁷⁶⁷

On 30 March 2023, the ECHR condemned Italy for the violation of Article 4 Protocol 4 for the removal to Tunisia of 4 Tunisian nationals who were removed to Tunisia after being placed in *de facto* detention in the Lampedusa hotspot without proper regard to their individual situation.⁷⁶⁸

⁷⁶⁶ Civil Court of Trieste, decision no. 5434/2025 of 13 December 2025; decision no. 4780/2026 of 18 June 2026.

⁷⁶⁷ Civil Court of Trieste decision of 30 May 2026.

⁷⁶⁸ J. and others v. Italy, Application no. 21329/18, 30 March 2023, available at HUDOC: [bit.ly/42TBqVD](https://hudoc.echr.coe/bit.ly/42TBqVD).

Short overview of the Italian reception system

The Italian reception system for asylum applicants and beneficiaries of national/international protection is governed by Legislative Decree 142/2015 (from now on “Reception Decree”), which transposed into national law the 2013 recast Reception Directive. The model the Reception Decree initially outlined created a common reception system, articulated in different phases but centred on the Reception and Integration System (SAI) as the standard form of reception of asylum applicants. Since 2015, the regulatory text has undergone several reforms, the latest of which through law 50/2023, which inter alia once again excluded most asylum applicants from the SAI system (see [Criteria and restrictions to access reception conditions](#)) and introduces a new type of “provisional centres” (see [Types of accommodation](#)) and law 187/2024, which introduced priority access to reception for people rescued at sea, and excluded from reception measures those who seek asylum 90 days after their irregular entry into the national territory.

Overall, the picture that currently emerges is that of a fragmented reception system, divided into different reception places with different reception measures to which foreign nationals are sent according to the stage of access to the asylum procedure, or the way they enter the territory, or their psychophysical conditions.

The reception system is therefore now composed, on the one hand, of structures intended for those seeking international protection, i.e. centres for identification and aid purposes (hotspots), government reception centres, temporary centres (CAS) and provisional temporary centres (CASP) and, on the other hand, structures of the SAI system, that only holders of international or national protection are able to access, in addition to unaccompanied foreign minors, asylum seekers identified as vulnerable and asylum seekers who entered Italy legally through government resettlements or humanitarian corridors.

The state of emergency, declared in response to “the exceptional increase in the flows of migrant people entering the national territory via the Mediterranean migratory routes”, first introduced in April 2023, was extended until April 2025. Then, Ordinance No. 1170 of 5 November 2025 issued by the Italian Civil Protection Department, provided for the continuation of residual measures adopted under the migration-emergency framework, by transferring responsibility for completing pending activities to the Ministry of the Interior, and by maintaining the operation of the special accounting fund until 10 April 2027.⁷⁶⁹ In practice, the ordinance preserves the emergency regime’s extraordinary financial architecture to enable the completion of already initiated measures, including payments, commitments, and the administrative closure of the intervention, through contabilità speciale No. 6400 established pursuant to Article 6(2) of the previous Ordinance No. 984/2023.

However, DL 23/2026 converted by L 54/2026 stated that, to ensure the effective implementation of the EU Pact on Asylum, the Ministry of the Interior is authorised, until 31 December 2028, to derogate, for the siting, construction, acquisition, completion, adaptation, and renovation of facilities and infrastructure intended for the assistance, reception, and detention of foreign nationals, from any legal provision other than criminal law, subject to compliance with the provisions of the Code of Anti-Mafia Laws and Preventive Measures, as well as with the mandatory requirements arising from membership in the European Union.⁷⁷⁰

Accommodation for people escaping the Ukrainian conflict

See [Annex on Temporary Protection](#).

⁷⁶⁹ Ordinance No. 1170 of 5 November 2025, issued by the Italian Civil Protection Department, available in Italian [here](#).

⁷⁷⁰ Article 30 DL 23/2026 converted by L 54/2026.

Financing, coordination and monitoring

Financing

As reported by the Senate, the MOI expenditure earmarked for migrants (chapter 2351, program no. 2) provides an allocation of approximately 1,022 million euros for 2025 and 995 million for 2026 and 2027, respectively. For SAI, the resources allocated to the relevant chapter of the Ministry of the Interior (Chapter 2352) amount to €705.6 million for 2025.⁷⁷¹

In attributing responsibility for the creation of reception centres, hotspots and CPR to the Ministry of Defence, Decree Law 124/2023 (converted into L. 162/2023) also established a specific fund with an allocation of 20 million euros to the Ministry of Defence⁷⁷² for 2023, and authorised the expenditure of 1,000,000 euros per year⁷⁷³ starting from 2024 as a contribution to the functioning of the reception and repatriation structures as well as a specific expenditure of 400,000 euros just for 2023 for the costs deriving from the establishment and functioning of the related technical structures to the preliminary stages of construction (preparation of areas, security and surveillance).

DL 133/2023 introduced a financial measure to support municipalities affected by significant arrivals of migrants within a short period of time on their territory, providing that waste collection connected to the activities of government centres, hotspots and the transit of migrants in municipalities located near the border with other EU states can be financed by the territorially competent Prefect until 31 December 2025. For this activity, DL 133/2023 foresaw a maximum expenditure of 500,000.00 euros for 2023 and 2,000,000.00 for each of the years 2024 and 2025.⁷⁷⁴

DL 145 of 18 October 2023, converted in L. 191/2023, provided for the establishment of a Ministry of the Interior fund for the reception of migrants and minors of 46,859 million euros for the year 2023⁷⁷⁵ and authorised, for extraordinary first aid emergencies, a 1,000,000 euros expenditure for 2023.⁷⁷⁶

Later, the 2024 Budget Law stated that the fund is refinanced in the amount of 172,739,236 euros for the year 2024, 269,179,697 euros for the year 2025 and 185,000,000 euros for the year 2026.⁷⁷⁷ The 2025 Budget Law⁷⁷⁸ provided for an increase of the MOI resources for expenses relating to migrant reception centres of 200 million euros for 2025.

The 2026 Budget Law does not provide for any further allocation of funds for reception measures. While maintaining the allocation established by the 2024 Budget Law, it expressly authorizes the Minister of Economy and Finance to make, through his own decrees, the necessary budget adjustments provided by the 2019 Balance Law (Article 1 (767) Law No. 145 of 2018) (which stated that the Ministry of the Interior shall carry out processes of review and rationalization of expenditure for the management of immigration centres, as well as interventions to reduce the daily cost for the accommodation of migrants, with savings related to the activation, leasing and management of detention and accommodation centres for irregular foreigners amounting to at least 650 million euros per year from 2021).⁷⁷⁹

⁷⁷¹ Senate, note on the 2025 Budget Law, available [here](#).

⁷⁷² Article 21 (4) DL 124/2023 converted into L. 162/2023.

⁷⁷³ Article 21 (6) DL 124/2023 converted into L. 162/2023.

⁷⁷⁴ Article 8 DL 133/2023.

⁷⁷⁵ Article 21 (1) DL 145/2023 converted in L 191/2023.

⁷⁷⁶ Article 21 (7) DL 145/2023 converted in L 191/2023.

⁷⁷⁷ Law 213/2023, Article 1 (361).

⁷⁷⁸ Budget Law for 2025, Article 1(892) Fund for migration. See also the report from Senate, 20 December 2024, available in Italian [here](#).

⁷⁷⁹ Article 9 (10) 2026 L. 199/2025 (2026 Budget Law). See also the Senate report on the 2026 budget law, available in Italian [here](#).

Albania

As regards the project in Albania, the Government estimated, for the reception provided there, an annual fee to be paid to the managing body of approximately €34 million.⁷⁸⁰ Furthermore, in the technical report, the estimated cost for the operation over 5 years is of approximately 653 million euros.⁷⁸¹ Responding to a question in the Chamber of Deputies on 16 October 2024, the Minister of the Interior confirmed that the funding allocation for Albanian centres consists of 134 million per year for a period of 5 years but also added that the necessary costs could prove to be higher depending on the trend of migration flows.⁷⁸²

Between mid-October and the end of December 2024, ActionAid verified that the expenditure for just five days of actual operation amounted to €570,000.⁷⁸³

Funding for the reception system expansion due to the Ukrainian and Afghan crisis

For further information on this, see previous updates to this countries report available [here](#).

Management and Coordination

The Ministry of Interior is responsible for the overall management of the national reception system,⁷⁸⁴ while its peripheral administrations, Prefectures or Local Government Bureaus, oversee reception at the provincial level.

The law provides for a National Coordination Table to be set up at the Ministry of the Interior (Department for Civil Liberties and Immigration) and for Regional Coordination Tables to be established at every Prefecture of the regional capitals.⁷⁸⁵ The National Table is responsible, among others, for defining the guidelines and planning the interventions aimed at optimising the reception system. This includes the criteria for regional allocation of posts to be allocated to reception. The Table develops, on a yearly basis, a national reception plan that identifies national reception needs, based on projections for new arrivals.⁷⁸⁶ Guidelines and programming prepared by the Table are then to be implemented at territorial level through the Regional coordination tables, which identify the location criteria for CARA and CAS facilities as well as the distribution criteria within the Region of the places to be allocated to reception purposes, taking into account the places already activated, in the territory of reference, within the SAI system. In the perspective of national coordination and multi-level governance of reception, several institutional acts have also been taken, beginning with the approval of a National Operational Plan by the Unified Conference⁷⁸⁷ of 10 July 2014,⁷⁸⁸ which represented a first attempt to develop a system of planning, organisation and national management of the reception of migrants and refugees. The fundamental aspect on which the implementation of the Plan was based was the progressive overcoming of the emergency-focused management that had characterised the Italian reception system until then.

⁷⁸⁰ See notice published on 21 March 2024 available at: bit.ly/4by66Q.

⁷⁸¹ Available at: bit.ly/3UWwLAM.

⁷⁸² Chamber of Deputies, question time, video available [here](#).

⁷⁸³ Actionaid, CPR Italia e Albania, 24 July 2025, available in Italian [here](#).

⁷⁸⁴ The management and supervision of the entirety of the reception system are entrusted in particular to the Central Directorate of Immigration and Asylum Civil Services.

⁷⁸⁵ The National Coordination Table is established pursuant to Article 29(3) of Legislative Decree 251/2007 (transposition of the recast Qualification Directive). As regards the reception, its duties are regulated by Article 9(1) and 16 of the Reception Decree, by Ministerial Decree 16 October 2014 and by the National Agreement of the Unified Conference of 10 July 2014.

⁷⁸⁶ This plan was developed only once, in 2016, and has been largely unapplied. Source: Mol, Piano Accoglienza 2016, available at: <https://bit.ly/3UaCv81>.

⁷⁸⁷ The Unified Conference (Conferenza Unificata) is a permanent body where the Central Government, Regions, Provinces and Municipalities are represented. It participates in decision-making processes involving matters for the State and the Regions, in order to foster cooperation between the State activity and the system of autonomies, examining matters and tasks of common interest, also carrying out advisory functions.

⁷⁸⁸ The text of the agreement is available at: <https://bit.ly/3Kq3ZDx>.

In practice, at least as regards the reception of applicants and protection holders, Italian governments have often shown a chronic lack of foresight in contingency planning for reception, as well as a tendency to centralise decisions on the reception system and to minimise consultation and co-decision with other stakeholders. This is evident from the fact that, as recently as 2023, the Government reception system was once again unprepared for the growing number of asylum applicants to be accommodated, meaning new centres had to be opened in haste, while an incalculable number of people was left homeless and without any assistance.⁷⁸⁹ Moreover, most decisions on this matter were taken by the central government without consulting other relevant actors.⁷⁹⁰ These two levels influence each other: without proper multiannual planning coordinated with local realities, the reception system as a whole cannot be stabilised, let alone improved. Conversely, the Government frequently finds itself in urgent and unforeseen need for thousands of new places, which cannot wait for the lengthy process of consulting and involving local actors.⁷⁹¹ The most recent example of an attempted solution is the the state of emergency declared on 11 April 2023, then extended every six months, most recently from October 2024 to April 2025.⁷⁹²

According to the national government, this measure was necessary to ensure the proper management of reception needs following disembarkations, but the Italian regions were not involved in the decision-making process. Rather than improving the organisation of the reception system, the state of emergency made it possible to use streamlined procedures for direct awards, without all the safeguards of public tenders.

On 30 December 2024, the Council of State rejected the appeal submitted by a lawyer member of ASGI to obtain access to the documents justifying the declaration of the state of emergency.⁷⁹³

Monitoring

Legislation provides that the Ministry of Interior (Department of Civil Liberties and Immigration) is responsible for supervising and monitoring the management of reception facilities, both directly and via local Prefectures. Prefectures may also make use of the services of the social services of the relevant municipality.⁷⁹⁴ Monitoring activities concern the quality of the services provided, as well as the procedures for awarding reception services contracts. Although the Ministry is required to present the results of this monitoring in the comprehensive report on reception that it must submit to Parliament by 30 June each year, major delays were reported for 2020 and 2021 (the 2020 report was only presented in October 2022, while the 2021 report was presented at the end of November 2022).⁷⁹⁵ No other reports on this matter were published in the following years, and no data is available on monitoring activities carried out by Prefectures.

From the most recent data available, it emerges that in 2021, 1,081 inspection controls were carried out in person (involving 950 facilities) and 2,224 (involving 561 facilities) were carried out remotely. These 3,305 controls would therefore have concerned 1,511 structures, out of a total of 4,225 structures active

⁷⁸⁹ See Altreconomia, *Scarsa programmazione, posti vuoti e persone al freddo: così ai migranti è negata l'accoglienza*, 8 February 2023, available at: <https://bit.ly/3ZFHHJe5>.

⁷⁹⁰ Concerning the poor use of coordinating tables, see ANCI, Biffoni: "Ampliare capienza rete Sai per minori e riattivare tavolo di coordinamento", available at: <https://bit.ly/3Lk9gxc>.

⁷⁹¹ On the topic, see: Campomori and Ambrosini, *Multilevel governance in trouble: the implementation of asylum seekers' reception in Italy as a battleground*, in *Comparative Migration Studies*, (2020) 8:22, available at: <https://doi.org/10.1186/s40878-020-00178-1>. Campomori, *Asylum seekers reception policies in Italy: Weaknesses and contradictions*, in *Politiche Sociali*, 2018, available at: <https://doi.org/10.7389/91920>.

⁷⁹² Civil Protection Department, *Note of the Council of Ministers*, published on 11 November 2024, available in Italian [here](#). According to the Civil Protection Code, Law no. 1/2018, the state of emergency cannot be extended beyond 24 months (Article 24 (3) Law 1/2018).

⁷⁹³ Council of State, Decision no. 10434/2024, appeal no. 05706/2024.

⁷⁹⁴ Article 20(1) Reception Decree.

⁷⁹⁵ The 2020 and 2021 reports available at: <https://bit.ly/3y8bRCN>.

in 2021 (less than 36% of the total).⁷⁹⁶ Remote monitoring was considered necessary, as in 2020, as a result of distancing and isolation measures derived from the Covid-19 pandemic.⁷⁹⁷ Data on inspections carried out in 2022, 2023 2024 and 2025 is not publicly available.

Reception monitoring is characterised by a lack of transparency. In July 2020, Actionaid submitted a request for access to the documents concerning the inspections carried out by the Ministry of the Interior. The Ministry rejected the request on grounds of confidentiality and protection of managers. Following two appeals, in June 2022 the Council of State ultimately ordered the Ministry of the Interior to make the 2019 data available.⁷⁹⁸ Subsequent requests for access to the documents, relating to the years 2020 and 2021, were rejected by the Government, which refused to release the aggregated detailed data centre inspections, data which is necessary to provide insights and analysis.

According to Article 19 of the [tender specifications scheme for reception services \(March 2024\)](#), the monitoring system aims to ensure the effective execution of contracts and the responsible use of public funds in reception centres. The prefecture is tasked with conducting periodic inspections to assess compliance with established regulations and standards. These inspections are guided by directives from the Department of Civil Liberties and Immigration (DCLI), which is responsible for monitoring and assessing the quality of reception facilities and plays a crucial role in coordinating and supporting monitoring activities. It sets guidelines for inspections, ensuring that they are comprehensive and consistent across all centres. The ministry also conducts regular evaluations of the inspection processes carried out in the field and may mandate additional verifications to ensure compliance with the legal framework.

In November 2022, Italy introduced a new methodology to monitor reception conditions and launched an advanced IT system, the Reception Monitoring System (SMAcc). This system aims to standardise and enhance monitoring processes by prefectures to ensure first-line reception facilities, including hotspots, CPA, CPR and CAS (adults and minors) and temporary centres, adhere to legal standards and contractual obligations. By 2023, SMAcc was extended to oversee also temporary reception centres for unaccompanied minors funded by AMIF (2024-2027). As a centralised database, SMAcc allows the DCLI to monitor and analyse the results of local-level monitoring activities conducted by prefectures, creating a comprehensive national overview of reception conditions and compliance.”

In addition to transparency concerns, inspections raise at least two other important issues: whether monitoring is actually carried out, and the quality out of that monitoring. As to the latter, although the specifications scheme provides the common national reference for services , it remains an administrative tender document setting only quantitative indications, and is therefore inadequate as a reference for a thorough inspection. Italian Prefectures have historically lacked both a qualitative-quantitative tool specifically designed for inspections, despite some attempts over the years,⁷⁹⁹ and uniform standards of evaluation. This has led to significant variability. In some Prefectures, permanent inspection units have been established, while in others officials are recruit on an ad hoc basis. Inspection teams may consist

⁷⁹⁶ The information made public by the Ministry in its reports to Parliament does not reach such a level of detail that it is possible to determine which structures have been visited and how many inspections, if any, have been repeated on the same structures. Moreover, it is not possible to understand how many of them have been carried out directly by the Ministry, how many by the Prefectures and how many by the officials of the SAI Central Service. Furthermore, the Government’s report deals exclusively with the controls carried out under Article 20, while there is little to none evidence about any other kind of controls, e.g. by health authorities, EU/international organisations (UNHCR, IOM, EUAA...), or as part of court proceedings.

⁷⁹⁷ See Circular Letter Ministry of Interior, n. 12498, 26 June 2020.

⁷⁹⁸ For data about inspection controls in 2019, see ActionAid, Centri d'Italia, Report 2022, available at: <https://bit.ly/3Je6et6>.

⁷⁹⁹ The reference is to the AMIF funded M.I.Re.Co. project (Monitoring and Improvement of Reception Conditions). The project’s aim was to carry out a significant number of monitoring visits in reception centres of all kinds, throughout Italy, and to develop guidelines and standard qualitative-quantitative monitoring tools. The project took place between May 2017 and the end of 2019, but the Government has never made public neither the guidelines nor the results of the around 3,000 monitoring visits that have been supposedly carried out. Only a small part of this data has been made available in the Report on the operation of the reception system designed to meet extraordinary needs connected with the exceptional influx of foreigners into the country (year 2017), August 2018, available at: <https://bit.ly/3MyqffW>.

only of Prefecture staff, who only have administrative responsibilities, or may include other actors and administrations, such as social workers, the fire brigade, health authorities, and reporting experts. Furthermore, Prefecture staff are usually not trained before conducting inspections and are often unfamiliar with the issues of forced migration, the right of asylum, and vulnerability-related issues. The use of linguistic and cultural mediators to support inspectors, who often do not even speak English, is extremely rare, making it difficult to interview accommodated people and collect complaints, reports, and needs. This results in widespread heterogeneity and discretion in the quality of inspections, and a general inability to assess the effectiveness of services qualitatively. This is especially significant given that Prefecture-managed centres account for almost three quarters of all reception centres in Italy, making this a structural weakness of the entire reception system.

Decree-Law 20/2023 (Article 6) provides that, in cases where there is a serious breach of the obligations arising from the service contract in government centres or in the CAS, but concurrently said services cannot be interrupted for the protection of fundamental rights, the Prefect appoints a commissioner for the extraordinary and temporary management of the enterprise. In parallel, the Prefect should initiate the necessary procedures for the direct award of a new contract for the supply of goods and services.

As highlighted by ActionAid, the use of a generic formula such as "serious breaches" does not appear sufficiently clear in delimiting the perimeter of this intervention. Moreover, it is not clear why prefectural officials with no experience in managing social services should be better able to restore correct management nor why the law provides for the use of direct award to assign the contract again (Article 6 (3) Cutro Decree).⁸⁰⁰

However, as pointed out in a report by Openpolis and Actionaid published in March 2025, the information made available by the Ministry of the Interior on this point is quite limited. From the data received, the report shows that "in 2023, 13 CAS were placed under commission: 4 in the province of Verona, 7 in that of Prato and 2 in Ancona."⁸⁰¹

Among the tasks assigned by law to the Central Service SAI, one of the most important is to carry out monitoring activities of SAI reception projects and to provide technical assistance to the local authorities sponsoring these projects.⁸⁰² Specifically, the Ministerial Decree that regulates the SAI system provides that the activities of the Central Service accompany the entire life cycle of local reception projects; among these, on-site visits to support local authorities in the application of the relevant legislation and operational instructions can be carried out, also identifying the most appropriate corrective actions to increase the quality of reception services.⁸⁰³ In practice, the Central Service mainly provides technical support in the realisation and practical management of the reception project, providing the local authority and the managing body of the project with advice, helping managing the most complex cases, and facilitating interfacing with other local and national realities. This activity is very important, as it allows project staff to receive specialised support on an ongoing basis.

In addition to this, the monitoring unit of the Central Service periodically carries out on-site monitoring visits, to directly verify the progress of the reception project, the actual provision and quality of services, and the adequacy of the accommodation used. These activities are carried out by qualified and trained personnel, for whom qualitative monitoring of projects is their main activity. The agreement signed with the Ministry of the Interior provides that, each year, at least one monitoring visit is to be carried out to each individual project. Officials specialised in reporting and administration, as well as officials from the Ministry of the Interior, the Prefecture, UNHCR, etc., can participate in these missions based on need. The SAI monitoring visits are particularly thorough and often last several days; a typical visit includes a visit to the reception facilities, interviews with the hosted beneficiaries with the help of cultural-linguistic mediators, a meeting with the staff directly managing the project and a final meeting with representatives of the local authority responsible for the project. After the visit, a follow-up report is produced, containing

⁸⁰⁰ Actionaid, "Il decreto Cutro e il commissariamento dei centri di accoglienza", available at: bit.ly/3JZryBV.

⁸⁰¹ Centri d'Italia, accoglienza al collasso, Report 2024, Openpolis, Actionaid, March 2025, available [here](#).

⁸⁰² Article 1-sexies (4 and 5) Decree Law 416/1989, converted with amendments into Law 39/1990, as last amended by Decree Law 130/2020, converted with amendments into Law 173/2020.

⁸⁰³ Ministry of Interior Decree 18 November 2019.

a descriptive, recommendations and tips for the services' improvement and mandatory requirements and requests for adjustment or correction, with respect to any findings on shortcomings detected during monitoring. Project managers are then given a date by which to submit their comments and provide evidence of the corrections that have been implemented. In this dialogue, which continues until a positive response is given by the Central Service, the Ministry of the Interior and the Prefecture responsible for the territory are involved. Data relating to monitoring visits carried out by the Central Service is not made public and no other information is available to the general public.

While existing legislation provides that the duty of conducting inspections regarding the entire reception system, including SAI projects, lies with the Ministry of Interior and its Prefectures,⁸⁰⁴ in practice SAI monitoring is carried out almost exclusively by the Central Service. In 2019, however, the Ministry ordered the Prefectures to carry out inspections in SAI projects (at that time SIPROIMI) pertaining to their territory of competence, "in coordination with the Central Service".⁸⁰⁵ Since then, however, only few Prefectures have carried out inspections in the SAI; additionally, these were often conducted in a heterogeneous manner, sometimes carrying out joint missions with the Central Service, sometimes without any contact nor coordination; almost did not do them, due to limited staff availability.

Civil registration

Decree Law 113/2018 repealed the rules governing civil registration (*iscrizione anagrafica*) of asylum applicants,⁸⁰⁶ and stated that the residence permits issued to them were not valid titles for registration at the registry office.⁸⁰⁷ On 31 July 2020 the Constitutional Court declared the denial of civil registration for asylum applicants introduced by the legislative Decree 113/2018 contrary to the principle of equality enshrined in Article 3 of the Italian Constitution.⁸⁰⁸ Subsequently, Decree Law 130/2020, amended by L 173/2020, re-introduced Article 5bis of the Reception Decree, expressly allowing asylum applicants to obtain civil registration.⁸⁰⁹

Civil registration is fundamental in order to obtain Italian citizenship after 10 years or 5 years in case refugee status is recognised. It also gives access to some welfare measures and public housing.

In 2021, after the reform, not all municipalities agreed to retroactively recognise civil registration to asylum applicants who had requested it during the validity of the DL 113/2018. In July 2023, the Civil Court of Trieste accepted the appeal submitted by an asylum applicant recognising his right to retroactively obtain civil registration.⁸¹⁰ The Municipality of Trieste appealed the decision but the Court of Appeal of Trieste rejected the appeal, confirming the decision of the Civil Court.⁸¹¹ Similarly, the Civil Court of Florence, on 27 July 2023, also recognised an asylum applicant the right to obtain civil registration for the period it was denied due to the law ultimately declared contrary to the Constitution.⁸¹²

Under the law, an applicant for international protection who holds a residence permit for an asylum request⁸¹³ or of the receipt certifying the request⁸¹⁴ is registered in the resident population registry.⁸¹⁵ For applicants accommodated in first reception centres, the person in charge of the centre must notify the municipality of any changes in cohabitation within twenty days of the occurrence of relevant facts. The law also states that notification of the withdrawal of reception measures, or of the unjustified removal of the

⁸⁰⁴ Article 20(1) Reception Decree.

⁸⁰⁵ See Circular Letters from Mol DCLI no. 6021 of 23 May 2019 and no. 12246 of 12 July 2019.

⁸⁰⁶ Article 5-bis Reception Decree was repealed by Article 13 Decree Law 113/2018 and L 132/2018.

⁸⁰⁷ Article 4(1-bis) Reception Decree, inserted by Article 13 Decree Law 113/2018 and L 132/2018.

⁸⁰⁸ Decision no. 186/2020 of 31 July 2020, available at: <https://bit.ly/2SCXDbI>.

⁸⁰⁹ Article 5 bis Reception Decree.

⁸¹⁰ Civil Court of Trieste, decision of 31 July 2023, available at: bit.ly/3wldfyP.

⁸¹¹ Court of Appeal of Trieste, decision of 25 June 2024.

⁸¹² Civil Court of Florence, decision of 27 July 2023, case no. 476/2023.

⁸¹³ Article 4 (1) Reception Decree.

⁸¹⁴ Article 4 (3) Reception Decree.

⁸¹⁵ Article 5 bis (1) Reception Decree, re-introduced, with amendments, by Decree Law 130/2020 and L 173/2020.

asylum applicant from the first reception centres and from the SAI centres, constitutes grounds for immediate cancellation of the residence.⁸¹⁶

As observed by some studies, although limited to the exceptional cases of revocation of reception and unjustified removal, the provision still appears discriminatory with respect to asylum applicants, because it excludes only these categories of people from the application of the rule according to which only being unavailable for 12 months leads to cancellation. This provision can have particularly negative effects, because it is difficult for those who are removed from the reception system to immediately find other stable accommodation.⁸¹⁷

After registration, asylum applicants obtain an identity card valid for three years.⁸¹⁸

A. Access and forms of reception conditions

1. Criteria and restrictions to access reception conditions

Indicators: Criteria and Restrictions to Reception Conditions			
1. Does the law allow access to material reception conditions for asylum seekers in the following stages of the asylum procedure?			
❖ Regular procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Dublin procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Admissibility procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Border procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Accelerated procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ First appeal	☒ Yes	☐ Reduced material conditions	☐ No
❖ Onward appeal ⁸¹⁹	☒ Yes or	☒ Reduced material conditions	☐ No
❖ Subsequent application ⁸²⁰	☒ Yes or	☒ Reduced material conditions	☐ No
2. Is there a requirement in the law that only asylum seekers who lack resources are entitled to material reception conditions?			
	☒ Yes	☐ No	

The Reception Decree sets out the reception standards for third-country nationals making an application for international protection on the territory, including at the borders, in the transit zones or in Italian territorial waters.⁸²¹

It provides that reception conditions apply from the moment a third-country national manifests their will to apply for international protection and declares that they have no economic means to guarantee theirs and their family's survival.⁸²² The criteria of destitution is to be evaluated by the Prefecture, by comparing the financial resources of the applicant(s) and the amount of the annual social allowance (*assegno sociale annuo*).⁸²³

In practice, no assessment of financial resources is carried out when the asylum applicant makes their application, or even when they access the system; both Prefectures and the SAI Central Service customarily consider the self-declaration as sufficient. However, during the accommodation period, Prefectures are required to verify that the conditions, including economic conditions, which have

⁸¹⁶ Article 5 bis (3) Reception Decree.

⁸¹⁷ See: L'Iscrizione anagrafica dei richiedenti asilo e dei protetti internazionali, Paolo Morozzo della Rocca, in Immigrazione, protezione internazionale e misure penali, Pacini Giuridica, 2021.

⁸¹⁸ Article 5 bis (4) introduced by Decree Law 130/2020.

⁸¹⁹ If the applicant is authorized by the Court to remain in the Italian territory, the material conditions are not reduced.

⁸²⁰ According to art 23 Dlgs 142/2015 the in case of subsequent application, pursuant to Article 29 of Legislative Decree no. 25 of 28 January 2008, the Prefect can revoke reception conditions.

⁸²¹ Article 1(1) Reception Decree.

⁸²² Article 1(2) Reception Decree.

⁸²³ Article 14(1) and (3) Reception Decree. The Social Allowance is an economic contribution of a welfare nature provided by the National Institute for Social Security (Istituto Nazionale di Previdenza Sociale, INPS) for 13 months to all those who are in poor economic conditions. For the year 2022, the amount corresponded to € 6,097.39 and corresponds to € 6,542.51 for 2023.

determined access, still exist. In 2023, similarly to previous years, this has resulted in a worrying number of withdrawals of reception conditions (see below). In 2025, according to Asgi experience, many people were ordered to leave accommodation facilities because, by taking up gainful employment, they had exceeded the poverty threshold set at €7,002.97 for 2025.

According to the Reception Decree, no additional requirements than those expressly listed in the decree can be asked to grant access to reception measures.⁸²⁴ However, Law 187/2024 modified the Reception Decree by introducing a new ground of exclusion from reception measures for those who, without justified reason, apply for asylum after 90 days of entering Italy.⁸²⁵ The law expressly referred to the provision of a new accelerated procedure for those who enter Italy illegally and apply for asylum after 90 days.⁸²⁶ Thus, it should apply only to those who have entered Italy illegally. The exclusion decision must be taken in writing and motivated by the territorially competent Prefecture. It must take into account the vulnerability of the applicant. Even if the rule recalls art. 20 of the Reception Directive, it does not respect its content since, while the Directive provides for a mere hypothesis of reduction of reception measures, this rule regulates exclusion from reception measures.

Moreover, Law 187/2024, formalizing an already existing practice, introduced a priority criterion for access to reception facilities for people rescued at sea, making access to the reception system of all other people (arrived by land, autonomous disembarkations, Dublin returnees, etc.) subject to the availability of non-reserved places.⁸²⁷ After the entry into force of the law, the Ministry of the Interior issued a Circular Note⁸²⁸ in which it invited all Prefectures to take into account this criterion. However, on exclusion, the Circular refers to mere entry (and not irregular entry) in the 90 days prior to the asylum request as a criterion for exclusion from reception.

By a decision published on 29 April 2026, the administrative court for Veneto ruled that this exclusion provision must be disapplied, due to its conflict with Article 20 of the Reception Conditions Directive, which does not provide for any limits on access to reception measures on this basis. Furthermore, the court noted that prioritising access to reception for "those who have arrived in the national territory following sea rescue operations" does not affect the principle that reception must be guaranteed to all individuals who have applied for international protection.⁸²⁹

However, some Prefectures, such as the one in Siena, went beyond the scope of the new rule by providing for additional exclusion criteria. According to the note disseminated by the Prefecture of Siena on 14 January 2025: 1) asylum applicants with a mental disease can only be admitted upon presentation of a certificate from the competent health district attesting to the compatibility of their presence in a facility that does not have specific health services; 2) Dublin asylum applicants have access to the facilities only if Italy's responsibility has already been declared.

On March 2025, ASGI submitted an appeal against the note, which was upheld by the administrative court of Tuscany.⁸³⁰ The court ruled that there was no legitimate justification to delay access to reception measures for "Dublin" asylum applicants, given that Article 3 of Directive 2013/33/EU requires the application of reception measures to all third-country nationals and stateless persons who have applied for international protection, which includes "Dublin" applicants. Regarding the preference given to individuals rescued in SAR operations, the Court observed that such priority is unobjectionable as, based on practical experience, these individuals arrive in the country with nothing, but provided that other asylum seekers also gain access to reception within the prescribed timeframes. However, the Court held that, in the absence of explicit domestic statutory provisions, the "reasonable time" for accessing reception corresponds to the maximum duration for the conclusion of administrative proceedings, namely 180 days.

⁸²⁴ Article 4(4) Reception Decree.

⁸²⁵ Article 15 quinquies Decree Law 145/2024 as amended by L. 187/2024 and introducing Article 1 (2 bis) to the Reception Decree.

⁸²⁶ Article 28 bis (2) lett. e bis.

⁸²⁷ Article 15 quinquies Decree Law 145/2024 as amended by L. 187/2024 and introducing Article 8 (2 bis) to the Reception Decree.

⁸²⁸ MoI Circular note, 22 January 2025.

⁸²⁹ Administrative court for Veneto region, decision no. 971/2026, published on 29 April 2026.

⁸³⁰ Administrative court for Tuscany region, decision no. 1668/2025, published on 22 October 2025.

Consequently, the Court found that a waiting period of up to 180 days to access reception measures is reasonable and not open to challenge. ASGI appealed the ruling to the Council of State, and the case is pending as of June 2026.

As already mentioned, government centres and temporary centres (CARA, CAS and CdA) can only accommodate asylum applicants. SAI facilities, instead, are now conceived to accommodate beneficiaries of international protection (refugee status and subsidiary protection), unaccompanied foreign minors and, in case of available places, vulnerable asylum applicants, asylum applicants who entered Italy legally through complementary pathways (government-led resettlements or private sponsored humanitarian admission programs) and holders of the following national permits and complementary protections:⁸³¹

- ❖ Special Protection (Consolidated Act on Immigration, Article 19 (1 and 1.1) a Legislative Decree 251/2007, Article 16)
- ❖ Medical treatment (Consolidated Act on Immigration, Article 19 (2 d-bis))
- ❖ Social protection for trafficking in human beings (Consolidated Act on Immigration, Article 18)
- ❖ Social protection for domestic violence (Consolidated Act on Immigration, Article 18-bis)
- ❖ Disaster (Consolidated Act on Immigration, Article 20-bis)
- ❖ Significant labour exploitation (Consolidated Act on Immigration, Article 22 (12-quater))
- ❖ Acts of exceptional civil value (Consolidated Act on Immigration, Article 42-bis)
- ❖ Special cases (D.L. 113/2018, Article 1 (9)).

Applicants for international protection subject to a Dublin procedure, both incoming and outgoing, may access the reception system. However, as provided under national legislation for all asylum applicants,⁸³² they may no longer access SAI centres unless they belong to vulnerable categories and there are places available (See [Dublin](#)).

Access to the reception system may follow different procedures:

- ❖ For asylum applicants who has just arrived on Italian territory after search and rescue operations, access to the reception system is, so to speak, automatic. However, because of the hotspot approach and the use of information sheets (“foglio notizie”) that are often neither translated nor explained to migrants, it is not uncommon for people who have expressed their intention to seek asylum to be sent to CPRs.⁸³³ When accommodated, they are placed according to a national and regional dispersion policy, which should follow agreed criteria (see [Dispersal of asylum applicants](#)).
- ❖ When an asylum applicant seeking reception is already present on national territory, the request to access the system is processed by the State Police office in the place where the person is present or domiciled. In such cases, the rule introduced by article 4 of DL 133/2023⁸³⁴ negatively impacts asylum applicants’ access the asylum procedure. Under that provision, if applicants do not present themselves at the Questura to lodge their asylum application, the earlier expression of intent to seek asylum does not constitute an application according to the Procedures Decree. In practice, accommodation is rarely granted immediately after the expression of intent, and, while waiting for an address to be connected to the asylum applicant, formalisation is delayed for weeks or even months, during which people are left without any assistance. To avoid living on the street, some accept temporary hospitality or try to formalise their application before other Questura, only to return to the competent one and find that neither their asylum application nor their accommodation request exist anymore. They are then requested to register again, with the risk that their application may in some cases be treated as a subsequent application.

⁸³¹ Article 1-sexies(1) Decree Law 416/1989, as modified by Decree Law 130/2020.

⁸³² Article 1(3) Reception Decree. For more information about access to reception for Dublin transferees, please see the relevant paragraph in the Procedures chapter.

⁸³³ The hotspot procedure, to which most people disembarked are subjected, is known to force some individuals into irregularity, to the extent that some migrants are systematically prevented from seeking asylum. This, of course, also produces an immediate exclusion from reception conditions. For more information, see the Procedures chapter.

⁸³⁴ Introducing Article 6 (3-bis) to the procedure decree.

In addition, under the provision introduced by L. 187/2024,⁸³⁵ these applicants may access accommodation only to the extent that non-reserved places (for people rescued at sea) are available.

- ❖ Where people needing access to the reception system already hold a protection permit, they must contact the SAI Central Service, through the local Prefecture, the CAS/SAI managing bodies, lawyers, or other public or private bodies. However, the reporting procedures are far from perfect and reports are often duplicated by different actors, which means that the Central Service is unable to process them properly. Moreover, the time taken by the Central Service to process a request and assign a place is often very long, mainly because of communication problems, to the point that migrants often prefer to present themselves directly at a SAI project and request admission, rather than wait for an assignment from the central offices. The Central Service does not keep count of the access requests it receives, which makes it difficult to allocate the available places according to set priority criteria, especially given the large number of requests.⁸³⁶ In addition, not all Prefectures consider it their duty to report to the SAI the presence of beneficiaries of protection within their territory, and, at best, Prefectures only report the transfer to SAI of people already accommodated in CAS facilities activated by them in their territories. The Ministry of Interior periodically sends operational guidance to Prefectures on reporting regarding reception in SAI.
- ❖ Moreover, after the Cutro Decree (DL 20/2023) came into force, it is not uncommon for people, after being granted protection, to be ordered to leave the accommodation project without even checking whether places are available in SAI projects. Once out of the reception system, it is then very difficult to re-access it. During 2024 and 2025, many people were ordered to leave CAS and governmental centres immediately after obtaining international or national protection. Moreover, as reported by Altreconomia in an investigation published in November 2025, at least 5,600 people had their reception benefits revoked in 2024 and the first six months of 2025 because they earned wages that exceeded, even slightly, the threshold set for the social allowance (€538.69 per month in 2025). The highest numbers of revocations for this reason were recorded in Turin (464), Treviso (399), Forlì-Cesena (345), Modena (304), and Genoa (231).⁸³⁷

Italy-Albania deal

Through L. 14 of 21 February 2024, the Italian Parliament ratified the Protocol signed in Rome on 6 November 2023 between the Italian and the Albanian governments, aimed at cooperation on migration matters.⁸³⁸ Thus, people seeking protection rescued in international waters by Italian ships and subject to the border procedure 839 could be transported directly to Albania where, under the agreement, three centres were established under Italian jurisdiction. These included one centre in Shengjin for health screening, identification, and the collection of asylum applications, and two centres in Gjader, one serving as an accommodation centre (880 places) and the other as a repatriation centre (CPR) (144 places).

In 2024, 62 persons were sent to the Albanian centres, but the Civil Court of Rome, and later the Court of Appeal of Rome, never validated the detention orders; both courts instead referred questions to the CJEU for a preliminary judgement (See [Procedures](#)).

In its judgment of 1 August 2025 in joined cases C-758/24 and C-749/24, the CJEU held that Article 37 of Directive 2013/32, read in conjunction with Annex I thereto, must be interpreted as precluding a Member State from designating as a safe country of origin a third country that does not satisfy, for certain

⁸³⁵ Article 8 (2 bis) to the Reception Decree introduced by L. 187/2024.

⁸³⁶ See Altreconomia, *Scarsa programmazione, posti vuoti e persone al freddo: così ai migranti è negata l'accoglienza*, 8 February 2023, available at: <https://bit.ly/3oXlaUx>.

⁸³⁷ Altreconomia, *'Cinquantamila ombre segnano il fallimento del sistema di accoglienza'*, 11 November 2025, available in Italian [here](#).

⁸³⁸ L. 14/2024, available at: bit.ly/44vBGfr.

⁸³⁹ According to Article 3 (2) L. 14/2024, those are the ones who could be subject to the procedure.

categories of persons, the substantive conditions for that designation set out in Annex I to the Directive. This applies even where, as in the Italian case, the designation as safe country was made by law.⁸⁴⁰

Since people subject to the Albanian procedure were those subject to the border procedure, i.e. asylum applicants coming from safe countries of origin or evading border controls, the CJEU decision directly affected transfers to Albania as in most cases the country of origin of rescued people could no longer be included in the safe countries of origin list. However, by changing the operation of the centres through Decree Law no. 37 of 28 March 2025, later converted into L. 75/2025, the government stated that the Albanian centres could be also used to transfer people already held in Italian CPRs, after validation of their detention.⁸⁴¹

1.1 Reception and obstacles to accessing the asylum procedure

Barriers to access to reception in Italy mostly depend on two main factors:

- Bureaucratic and administrative obstacles to access the international protection procedure.
- Shortage of available places and management issues within the various levels of the reception system.

As described in detail under [Registration of the asylum application](#), for years, the Italian Police Headquarters (Questure) have put in place various strategies to limit and delay access to the asylum procedure for people who present themselves spontaneously at their offices. Applicants are often forced to wait months to file their asylum applications. These practices, which intensify as the with number of requests for protection increases, both nationally and at the level of the individual Questura, also have direct consequences on applicants' right to reception conditions. Although asylum applicants are entitled by law to material reception conditions as soon as they express their intention to apply for asylum (making phase), access to reception facilities is often postponed until, at minimum, after registration and lodging of the application by State Police.⁸⁴² Even then, applicants often have to wait several additional weeks, sleeping rough, in makeshift lodgings, or with members of the same community if they can afford it.⁸⁴³

The shortage of places in the reception system is a recurring issue in Italy. Because of policies aimed at reducing public spending and the chronic lack of medium- and long-term planning (see [Management and Coordination](#)), the overall number of available places continues to decrease, and emergency situations recur every summer. The system quickly became saturated, prompting Prefectures to refuse requests to access reception, or, in some cases, to ignore them. A 2022 study by Altreconomia⁸⁴⁴ estimated that, even though thousands of asylum applicants were left without access to reception measures and the Government repeatedly stated that "there are no more places available in the system(s)", at least 5,000 places remained unoccupied in 2022 as a reserve for unexpected arrivals by disembarkations. According to data shared by the MOI Department of Civil Liberties following a FOIA request by ASGI, as of 31 December 2024, 95,453 of the 96,890 places available were occupied. In response to a FOIA access request in 2026, the Ministry reported that as of 31 December 2025 there were 101,106 places in CAS,⁸⁴⁵ 3,343 in government centres, and 3,652 in hotspots.

As explained in the next section, SAI facilities are activated on a voluntary basis: municipalities decide whether to join the SAI network and have full discretion to extend, increase or reduce the number of places, regardless of reception needs arising at the national or local level. The chronic shortage of SAI places forces local Prefectures to rely on temporary measures and set up government reception centres (CAS), but the drastically lowered costs set out in the tender specifications for these facilities have *de*

⁸⁴⁰ CJEU, joined cases C-758/24 and C-759/24, decision of 1 August 2025, available [here](#).

⁸⁴¹ Article 1 DL 37/2025, converted by L. 75/2025.

⁸⁴² In Italy, the registration and lodging phases are integrated into one step.

⁸⁴³ For more information, see MSF, *Fuori campo*, February 2018, available in Italian at: <http://bit.ly/2Gagwa2>; *Fuori campo*, March 2016, available in Italian at: <http://bit.ly/2letTQd>, 11; ANCI *et al.*, *Rapporto sulla protezione internazionale in Italia*, 2014, available in Italian at: <http://bit.ly/15k6twe>, 124.

⁸⁴⁴ Altreconomia, 'Inchiesta sull'accoglienza selettiva: chi arriva in Italia via terra resta fuori', in Altreconomia 254, December 2022, available in Italian [here](#).

⁸⁴⁵ The data represents the "actual capacity" of accommodation centres, not the official capacity nor the actual occupancy.

facto favoured large centres managed by multinationals or for-profit organisations and have excluded many of the small non-profit and professional organisations and cooperatives from the accommodation landscape. The conceptualisation of reception obligations as a short-term emergency, together with the openly expressed intention to limit arrivals, has so far prevented serious and coherent reforms capable of building an efficient accommodation system able to face the recurring increase in arrivals.

At the same time, the lack of transparency regarding updated CAS capacity, and the reluctance of Prefectures to seek places outside their own jurisdiction, prevents applicants from directly requesting and obtaining assignment to a place in the national system, and usually leaves them waiting on the list held by individual prefectures.

As a result, the number of places in the ordinary reception system remains far below actual needs. Another issue is that, even when places are available in another region, the competent Prefecture have may no knowing about them if the central authority does not respond to their request. In many cases, Prefectures do not even proactively present this request to the central administration.

In this context, the provision introduced by Law 187/2024, which gives priority to the reception of asylum applicants rescued at sea, reinforces an already existing practice and allowed Prefectures to justify refusals to access reception on a legal basis that appears incompatible with the Reception Directive.

1.2 Reception of applicants subject to accelerated procedures

Italian legislation does not provide for specific or differentiated forms of reception for asylum applicants who are subject to the accelerated procedure. However, in almost all cases in which the asylum application is processed under an accelerated procedure, any appeal filed against the rejection of the application for international protection does not entail the automatic suspension of the effects of the decision,⁸⁴⁶ which has direct repercussions on the right to reception. If the request for suspension is not accepted by the competent Court, the applicant loses access to reception conditions. After a judgment of the Court of Cassation in United Sections no. 11399/2024, most courts have held that when the public administration exceeds the maximum length of the accelerated procedure, this requires that the application be channelled into the ordinary procedure and therefore automatic suspensive effect of the appeal. (See [Accelerated procedure](#)). However, it is not clear if courts will apply these principles expressed by the Court of Cassation in the new landscape of accelerated procedures under the Pact on Migration and Asylum.

1.3 Reception at second instance

The Reception Decree provides that accommodation is ensured for asylum applicants until a decision is taken by the Territorial Commission (the first instance deciding authority) and, in case of a rejection of the asylum application, until the expiration of the timeframe to lodge an appeal before the Civil Court. When the appeal has automatic suspensive effect, accommodation is guaranteed to the appellant until the court gives judgement. However, when appeals have no automatic suspensive effect, the applicant can request *ad hoc* suspension and remain in the reception centre until a decision on the request for suspensive effect is taken by the competent judge. If it is positive, the applicant is authorised to stay in Italy for the rest of the procedure and has the right to remain in the reception centre where they already live.⁸⁴⁷

Concerning reception during onward appeals, following Decree Law 13/2017, implemented by L 46/2017, accommodation is usually withdrawn for asylum applicants whose claims have been rejected at first appeal. Courts do not recognise the suspensive effect of the appeal within the short time frame (see [Regular Procedure: Appeal](#)).

⁸⁴⁶ According to Article 35 bis (3) Procedure Decree.

⁸⁴⁷ Article 14(4) Reception Decree.

2. Forms and levels of material reception conditions

Indicators: Forms and Levels of Material Reception Conditions

1. Amount of the monthly financial allowance/vouchers granted to asylum seekers as of 31 December 2025 (in original currency and in €):

Approximately €75 in CAS⁸⁴⁸ and €45 to €99 in SAI⁸⁴⁹

Amounts granted to centres' management to provide reception conditions and services

According to the law, the scope of material reception conditions and services offered to asylum applicants shall be defined by decree of the Ministry of Interior to guarantee uniform levels of reception across the territory, taking into account the peculiarities of each type of reception centre.⁸⁵⁰ The latest decree approving the tender specifications schemes (*capitolato d'appalto*) was adopted on 27 March 2024.⁸⁵¹

Under the tender specification schemes issued following L. 50/2023, in 2023, the daily amount per person awarded to the centres' management was increased compared to the 2021 tender scheme: € 37 for non-collective structures up to 50 places (€ 28 previously). However, the items corresponding to the necessary costs have remained almost unchanged (slightly lower amount for staff and slightly higher for management of the structure). Higher costs are instead foreseen for additional and possible services including on-call intervention of a night operator.⁸⁵² This amount does not appear sufficient to favour small facilities. For collective structures, fees are higher (40 euros for collective structures up to 50 places compared to 37 for non-collective) and this confirms the limited interest of the authorities in adopting policies that favour reception in small structures throughout the territory on the model of the SAI system, which avoids ghettoization and favours integration.

The new tender specification schemes guarantee basic needs such as personal hygiene, pocket money, a € 5 phone card but, in line with the changes introduced by Law 50/2023, considers the following services as purely optional and as mere subcategories of social assistance: Italian language courses; orientation to local services; psychological support, legal information service, professional training, leisure activities and job orientation. Some of these services, (job orientation and professional training) are discretionary in CAS, and completely absent for the (few) asylum applicants within the SAI system, that only benefit from first level services.

The new tender schemes distinguish the supply of staff depending on the number of guests and depending on the nature of the centre, i.e. depending on whether they are individual housing units or collective centres.

The table below compares the schemes provided, for example, for reception facilities made of individual housing units and collective centres, hosting from 41 up to 50 guests: in collective centres the demand for personnel and therefore the services requested are lower than the ones in non-collective centres. As a result, linguistic mediation, which is already low in non-collective centres – for centres of 50 guests, it is 28 minutes per person per week – in collective centres it becomes even lower, corresponding to 16 minutes per person. The hours of social workers, 36 per week in non-collective centres and just 14 in collective centres, make clear how the services provided will be scarce and insufficient considering that they social worker hours are to include Italian courses, legal assistance, professional orientation and psychological assistance.

⁸⁴⁸ See attachment B point 11, to the tender specification scheme valid for first reception centres and CAS published on 27 March 2024 and available at: bit.ly/3ws5KvP.

⁸⁴⁹ Manual for the reporting of projects SAI provides that each institution holding the project may provide for the disbursement per capita of an amount ranging between 1.5 and 3,30 euro. See Manuale Unico di Rendicontazione, 30 December 2024, available [here](#).

⁸⁵⁰ Article 12(1) Reception Decree.

⁸⁵¹ Ministry of Interior Decree published on 27 March 2024 available in Italian at bit.ly/3ws5KvP:

⁸⁵² See Attachment B to the tender specification scheme valid for first reception centres and CAS published on 27 March 2024 and available at: bit.ly/3ws5KvP.

Staff	41 up to 50 places Individual housing units	41 up to 50 places Collective centres
Daytime worker	1 worker 14 hours a day	1 worker 12 h a day
Night-time worker	available 1 worker 8 hours a day	1 worker 8 h a day
Director	10 h a week	8 h a week
Doctor	Available 4 h a day for 7 days	Available 4 h a day for 7 days
Social operator	32 h a week	26 h a week
Linguistic mediation	24 h a week	14 h a week

Source: attachment A (table) to the tender specification schemes, MoI, available at: <https://bit.ly/3tCYghX>

In relation to financial allowances i.e. pocket money for personal needs, each asylum applicant hosted in governmental reception centres and CAS receives €2.50 per day.

Italian law does not provide any financial allowance for asylum applicants who are not within the national reception system.

3. Reduction or withdrawal of reception conditions

Indicators: Reduction or Withdrawal of Reception Conditions

- Does the law provide for the possibility to reduce material reception conditions? ☒ Yes ☐ No
- Does the law provide for the possibility to withdraw material reception conditions? ☒ Yes ☐ No

According to Article 23(1) of the Reception Decree, the Prefect of the region where the asylum applicant's accommodation centre is located may decide, on an individual basis and with a motivated decision, to revoke material reception conditions on the following grounds:⁸⁵³

- ❖ The asylum applicant did not present themselves at the assigned centre or left the centre without notifying the competent Prefecture;
- ❖ The asylum applicant did not present themselves before the determining authorities for the personal interview even though they were notified thereof;
- ❖ The asylum applicant has lodged a subsequent asylum application in Italy after a final decision on a previous application has been taken;
- ❖ The authorities find that the asylum applicant possesses sufficient financial resources.

Law 50/2023 amended the Reception Decree by cancelling the provision according to which a serious violation of the internal regulation of the reception centre or violent behaviour by the asylum applicant could motivate the withdrawal of reception measures.⁸⁵⁴ In recent years, several judicial decisions had underlined how the provision was contrary to the Reception Directive. According to the new rules, this kind of behaviour can instead motivate a reduction of reception conditions,⁸⁵⁵ to be adopted on an individual basis and in accordance with the principle of proportionality (Art. 23, co. 2-bis, Legislative Decree No. 142/2015). In particular, the following measures can be put in place:

⁸⁵³ See also Article 13 Reception Decree.

⁸⁵⁴ L. 50/2023 cancelled Article 23 (1) (e)

⁸⁵⁵ Article 23 (2) Reception Decree as amended by L. 50/2023

- (1) temporary exclusion from participation in the activities organised by the managing body;
- (2) temporary exclusion from one or more of the services required by law for asylum applicants, except for material reception;
- (3) suspension of economic benefits from 30 days to six months.

As reported by Altreconomia, during 2024 and the first six months of 2025, 5,600 decisions of reduction of reception conditions were adopted.⁸⁵⁶

According to ASGI's experience, following the legislative reform deleting the serious violation of the internal regulation of the reception centre or violent behaviour as a withdrawal ground, withdrawal decisions were mainly based on the supposed increase and sufficiency of the applicant's personal resources.

At the time of writing, the law regulating the withdrawal of reception measures has not been amended after the entry into force of DL 100/2026, issued on 12 June 2026 to transpose, inter alia, the EU Directive 2024/1346.

The law does not provide for any assessment of destitution risks when withdrawing reception. However, while assessing the withdrawal and the reduction of reception conditions, the Prefect must take into account the specific conditions of vulnerability of the applicant.⁸⁵⁷ According to ASGI's experience, in most cases Prefects do not conduct an assessment regarding the risk of destitution before disposing the withdrawal of reception conditions.

Law No. 50/2023 provides that the decisions of reduction and revocation of reception measures have to be communicated to the competent Territorial Commission. Asylum applicants may lodge an appeal before the Regional Administrative Court (*Tribunale amministrativo regionale*) against the decision of the Prefect to withdraw material reception conditions.⁸⁵⁸ To this end, they can benefit from free legal aid.

3.1 Departure from the centre

According to the Reception Decree, when asylum applicants fail to present themselves at the assigned centre or leave it without informing the authorities, centre managers must immediately inform the competent Prefecture.⁸⁵⁹ In case the asylum applicant spontaneously presents themselves before police authorities or at the accommodation centre, the Prefect could decide to readmit them to the centre if the reasons provided are due to *force majeure*, unforeseen circumstances or serious personal reasons.⁸⁶⁰

Certain Prefectures have interpreted this ground strictly, which has been challenged in front of local courts:

Piedmont: the Council of State, in a decision taken on 23 July 2024,⁸⁶¹ overturned the decision taken by the Prefecture of Turin withdrawing reception measures to an asylum applicant who had left the reception centre for more than 72 hours. The Council of State assessed that the applicant's conduct did not fall within that provided for by the rule of abandonment of the centre because he had only done so occasionally, had given reasoned reasons for his absence and had immediately returned to the authorities.

Lazio: in the case of a Bangladeshi asylum applicant who had found an evening job and had not been able to sign the daily form to attest his presence, the Administrative Court for Lazio, recalling the decision taken by the Council of the State on 13 July 2022, no. 5492, clarified that it is necessary to distinguish

⁸⁵⁶ Altreconomia, 'Cinquantamila ombre segnano il fallimento del sistema di accoglienza', 11 November 2025, available in Italian [here](#).

⁸⁵⁷ Article 23 (2 bis) Reception Decree introduced by L. 50/2023.

⁸⁵⁸ Article 23(5) Reception Decree.

⁸⁵⁹ Article 23(3) Reception Decree.

⁸⁶⁰ Article 23(3) Reception Decree.

⁸⁶¹ Council of State, decision no. 6663/2024, 23 July 2024

between abandonment and absence from the centre. The court clarified that being absent from the centre for one night cannot be considered abandonment, given that such action would lack the psychological element of wanting to abandon the reception facility.⁸⁶²

Campania: On 16 June 2017, the Prefecture of Naples adopted a new regulation to be applied in CAS. The regulation provides for the “withdrawal of reception measures” in case of unauthorised departure from the centre even for a single day, also understood as the mere return after the curfew, set at 22:00 (21:00 in spring and summer). ASGI challenged the regulation before the Council of State, as the Prefecture has effectively introduced a ground for withdrawal of reception conditions not provided for in the law, but the Council of State rejected the appeal, considering that the regulation did not automatically lead to the withdrawal of reception measures, as recipients were allowed to present their reasons to the administration.⁸⁶³

Tuscany: On 14 May 2019, the Council of State confirmed the decision of the administrative court of Tuscany against the Prefecture of Tuscany and accepted the appeal lodged by an asylum applicant whose reception conditions had been withdrawn due to an absence of one night from the reception centre. The Council of State noted that this behaviour should be considered a departure from the centre and not abandonment and that, as such, it can only cause the withdrawal of reception conditions if duly justified as a serious violation of the house rules.⁸⁶⁴ On 11 October 2024, the administrative court of Tuscany overturned the withdrawal considering that the notion of “abandonment” refers to an intention to definitively leave reception and does not occur in case of brief and/or occasional absence from the centre.⁸⁶⁵

Friuli Venezia Giulia: in September 2023, the Prefect of Gorizia withdrew reception conditions from an asylum applicant who had left the reception facility in the evening and returned after two days, having been placed under arrest. In December 2023, after submission of the appeal, the Prefecture restored reception measures according to the rule established by the art. 23(3) of the Reception Decree. The Friuli Venezia Giulia Court therefore declared the case resolved and rejected the request for compensation.⁸⁶⁶ The case is pending before the ECHR.

In October 2024, the Prefect of Trieste withdrew reception conditions from ten asylum applicants who failed to comply with the order to move to another reception centre in Sardinia. the administrative court of Friuli Venezia Giulia upheld the precautionary request included in the appeal submitted by two of them, considering that there was no certainty that they had understood the consequences of not adhering to the transfer and that only a few days after the revocation of the reception measures, they had expressed their willingness to be transferred. After the precautionary order, the Prefecture revoked the measures also for the other people who had not appealed and allowed their re-entry into a reception facility.⁸⁶⁷

Lombardy: On 5 March 2024, the Administrative Court of Lombardy sent a request for a preliminary ruling to the CJEU regarding the possibility of deciding to revoke reception measures due to failure of asylum applicants to present themselves to the assigned centre. The court asked the CJEU to clarify whether this decision, taken in this case due to failure to accept transfer to another centre, is compatible with the need to prevent any damage to the basic life needs of the asylum applicant (according to Article 20 of the Reception Conditions Directive).⁸⁶⁸

⁸⁶² TAR Lazio, decision of 13 September 2023, available at: <https://rb.gy/aj4p6s>.

⁸⁶³ Council of State, decision 06454/2019 of 26 September 2019.

⁸⁶⁴ Consiglio di Stato, decision 1322/2019, 14 May 2019, available in Italian at: <https://bit.ly/2Twonlk>.

⁸⁶⁵ Administrative Court for Tuscany, 11 October 2024, Decision available [here](#).

⁸⁶⁶ Administrative Court for Friuli Venezia Giulia, Decision 33/2024 published on 19 January 2024.

⁸⁶⁷ Administrative Court for Friuli Venezia Giulia, Interim Decisions no. 376/2024 and 379/2024 published on 13 November 2024. See also, *Il Fatto Quotidiano*, Mancano il bus del trasferimento: migranti espulsi dal Centro d'accoglienza di Trieste finiscono in strada per un'incomprensione, 8 January 2025, available [here](#).

⁸⁶⁸ Administrative Court for Lombardy, 5 March 2024, available at: <https://rb.gy/03c141>. The case is registered as case C-184/24 before the CJEU and its progress can be followed [here](#).

3.2 Violation of house rules and violent behaviour

As mentioned, violation of the house rules of the centre or of violent behaviour cannot, according to the new legislation (L. 50/2023), motivate a withdrawal of reception measures but only a reduction in reception conditions. The manager of the reception facility informs the asylum applicant and sends a report to the Prefecture on the facts that can motivate the potential reduction of reception conditions.⁸⁶⁹

Between January 2024 and June 2025, 5,600 reduction measures were adopted, but the breakdown by ground for reduction is not known.

The T.A.R. of Campania, with decision no. 4353 of 17 July 2023, decided to grant an asylum applicant whose reception conditions had been withdrawn by the Prefecture of Benevento in 2022 based on the violation of the rules of the centre, a compensation of 3,000 euros as moral damage and 600.00 euros as material damage for the lack of pocket money.⁸⁷⁰

3.3 Possession of sufficient resources

A worrying practice relates to withdrawal of reception conditions for reasons connected to the possession of sufficient resources (see [Criteria and Restrictions to Access Reception Conditions](#)).

Article 23, (1) letter. d), LD 142/2015, provides for the possibility of revoking reception conditions in case it is verified that the applicant has "sufficient economic resources available", to be calculated based on "the annual amount of the social allowance" (article 14 (3) LD 142/2015) which was, in 2023, 6,542 euros. Prefectures should use the annual social income level to evaluate the sufficiency of the applicant's financial resources, to justify the withdrawal of reception conditions. According to the Reception Decree, if it is established that the applicant is not destitute, the applicant is required to reimburse the costs incurred for the measures from which they unduly benefited.⁸⁷¹

The provision did not correctly transpose Directive 2013/33/EU because it neither provided for a gradual reduction of reception measures in this case, nor made the sanction conditional on an assessment of whether a dignified standard of living would still be ensured or on the existence of indications that the applicant had concealed their resources.

The absence of any reference in the domestic provision to the "concealment of resources" has led some administrations to apply the provision even in cases of mere possession of resources deemed sufficient to ensure the applicant's self-sufficiency. Some administrations have considered it sufficient to rely on the amount of the social allowance calculated on the basis of a single monthly salary, while others have adopted a forward-looking assessment, concluding that the applicant's income would exceed the annual amount of the social allowance on the basis of a medium- or long-term employment contract, despite the absence of current annual earnings at that level.

Case law

Following an initial period of divergent case law, administrative courts have overall aligned on the view that the annual amount of the social allowance constitutes the legislatively prescribed benchmark for assessing the adequacy of an applicant's resources. They have further held that the wording of the rules requires that the "sufficient means", defined as equal to or greater than "the annual amount of the social allowance", must be stable or of a lasting nature and, in any case, relate to a minimum reference period of one year. The assessment must be based on the current availability of these resources.

In March 2023, the Council of State confirmed the judgment of the administrative court for Emilia Romagna, holding that the withdrawal of reception measures from an asylum applicant who had exceeded

⁸⁶⁹ Article 23(4) Reception Decree as amended by the L 50/2023, which converted into law DL 20/2023.

⁸⁷⁰ TAR for Campania region, decision of 17 July 2023, available at: <https://rb.gy/r8pvwr>.

⁸⁷¹ Article 23(6) Reception Decree.

the annual income threshold established by law (having earned approx. 10,000 euros in one year), was the lawful.⁸⁷² However, it found that the order requiring payment of more than 15,000 euros for having unduly benefited from reception measures was disproportionate. The Council of State held that, even in the absence of any concealment of resources, the withdrawal of accommodation measures on the ground that the applicant had exceeded the set income threshold can be decided on the basis of Article 17(3) and 17(4) of the recast Reception Conditions Directive, and the asylum applicant can be asked for a reasonable refund. In assessing the adequacy of the reimbursement, the Council of State drew guidance from Article 26 (5) of the Reception Directive which governs the recovery of costs relating to free legal assistance and representation in the appeal procedure. That provision takes into account improvements in the applicant's financial situation only if it has improved considerably or where the applicant provided false information to obtain the benefit. For these reasons, the Council of State concluded that Article 23 (1, d), of the reception decree must be disapplied insofar as it does not make reimbursement conditional upon the requirements laid down in Article 26 of the 2013 Reception Conditions Directive and, in any case, fails to ensure that any reimbursement is proportionate to the circumstances of the individual case.

Following this judgment, the Regional Administrative Court for Emilia-Romagna, in three subsequent cases, upheld the withdrawal of reception conditions on the ground that the applicants had exceeded the statutory income threshold, while annulling the reimbursement orders as disproportionate.⁸⁷³

In a judgment published on 12 September 2024, the Regional Administrative Court for Lombardy upheld the appeal of an asylum applicant whose reception conditions had been withdrawn. The Court found that the competent Prefecture had based its decision on the applicant's gross income earned over only four months, together with the annual salary indicated in the mandatory employment notification (UNILAV), without verifying either the time the applicant had actually worked or the income actually received.⁸⁷⁴

In early 2025, the Prefecture of Gorizia withdrew the reception conditions of an asylum applicant on the basis of the applicant's gross income rather than net income.

In early 2025, the Guardia di Finanza in Trieste initiated administrative proceedings for the undue receipt of public funds against several asylum applicants who had exceeded the annual social allowance threshold, even by a small margin, and had continued to benefit from reception conditions, namely accommodation, until the Prefecture formally notified them of the withdrawal of reception as they were no longer in poverty. The applicants were subjected to substantial financial penalties. These proceedings were still pending at the time of writing. In early 2026, acting on instructions from the Public Prosecutor's Office at the Court of Trieste, the Guardia di Finanza in Trieste also opened criminal investigations against some of those applicants for the offence of undue receipt of public funds under Article 316-ter of the Italian Criminal Code. The investigations concern asylum applicants whose employment income exceeded the statutory social allowance threshold—even marginally—and who did not leave the reception system immediately after exceeding that threshold.

In several cases, the administrative courts have held that disputes concerning reimbursement claims brought by the Prefectures for the alleged undue receipt of reception benefits fall within the jurisdiction of the ordinary civil courts rather than the administrative courts.⁸⁷⁵

Where an asylum applicant accommodated in a reception centre becomes subject to one of the grounds for detention, the Prefect orders the withdrawal of reception conditions and refers the case to the Questura for the adoption of the appropriate measures.⁸⁷⁶

⁸⁷² Council of State, Decision no. 2386/2023 of 9 February 2023, published on 7 March 2023.

⁸⁷³ Administrative Court for the Emilia Romagna Region, decisions no. 136, 137 and 138 of 8 March 2023, published on 16 March 2023.

⁸⁷⁴ Lombardy Regional Administrative Court, decision no. 2391/2024, published on 12 September 2024, available [here](#).

⁸⁷⁵ This happened both in the hypothesis of simultaneous adoption of the measure of revocation of the reception measures (Lombardy Regional Administrative Court, judgement of 29 December 2021, No. 2932/2021), as well as in that in which they were independently adopted, (TAR Tuscany, judgement of 27 September 22, No. 1055, confirmed by judgement of 22 February 2023 No. 190/2023).

⁸⁷⁶ Article 23(7) Reception Decree.

4. Freedom of movement

Indicators: Freedom of Movement

1. Is there a mechanism for the dispersal of applicants across the territory of the country?
☐ Yes ☒ No
2. Does the law provide for restrictions on freedom of movement? ☒ Yes ☐ No

Italian legislation does not foresee a general limitation on the freedom of movement of asylum applicants. Nevertheless, the law specifies that the competent Prefect may limit the freedom of movement of asylum applicants, delimiting a specific place of residence or a geographic area in which they are free to move.⁸⁷⁷ In practice, this provision has never been applied up to June 2026. DL 100/2026 introduced Article 5 ter, 5 quater, 5 quinquies and 5 sexes, in order to provide for the obligation to reside in a specific location.

4.1 Dispersal of asylum applicants

The allocation of applicants for international protection across the Italian territory is governed by a series of official acts, prepared with the involvement of several local public actors. These measures are intended to ensure that applicants are distributed in a manner proportionate to each area's capacity for absorption and territories' specificities. Since 2014, several initiatives have been introduced to promote a fairer distribution of asylum applicants throughout the territory. However, they have had a limited impact, and the distribution of applicants across the territory is still far from homogeneous. For further details and a historical perspective on this matter, please see previous versions of this country report, available [here](#).

With the entry into force of the Salvini Decree (Decree Law 113/2018) and the exclusion of asylum applicants from SPRAR, then SIPROIMI, the expansion of the network and the objective of equitable distribution between municipalities ceased to be a government priority. The government has gradually abandoned the forms of local consultation that had been activated in the meantime. As a consequence, even before the entry into force of L. 50/2023 in May 2023, which once again excluded the majority of asylum applicants from the SAI system, the distribution of reception places across the national territory remained characterised by significant territorial disparities.

- ❖ According to the MOI response to a FOIA request submitted by ASGI, as of 31 December 2025, 101,106 asylum applicants were accommodated in CAS, 3,652 in hotspots 3,342 in Government centres.⁸⁷⁸
- ❖ The total number of people accommodated in the SAI system on 31 January 2026 was 39,497 but it is not known how many of them were asylum applicants.⁸⁷⁹ It is not known how many people were accommodated in provisional CAS (so-called CASP). Responding to the FOIA request, the MOI stated that "data regarding the temporary reception centers referred to in Article 11, paragraph 2-bis, are not available, as they are not subject to data collection at the central level."

The distribution of asylum applicants and protection holders in Italy remains highly imbalanced between regions.⁸⁸⁰

⁸⁷⁷ Article 5(4) Reception Decree.

⁸⁷⁸ Response to a FOIA data request presented to the MOI by ASGI.

⁸⁷⁹ Rete SAI, 31 January 2026, available here <https://www.retesai.it/wp-content/uploads/2026/02/ultime-pagine.pdf>

⁸⁸⁰ A comprehensive analysis of the subject is available in the publication from Campo, Giunti and Mendola, The Political Impact of Refugee Migration: Evidence from the Italian Dispersal Policy, Center for European Studies Paper series, no. 456, December 2020, available at: <https://bit.ly/3o3zPgx>.

Region	Number of individuals hosted in CAS	Share of total people hosted in CAS	Individuals hosted in SAI	Share of total people hosted in SAI	Total number of individuals accommodated	Share of total people accommodated
Lombardy	13,899	13.75%	3,373	8.13%	17,272	13.13%
Lazio	10,372	10.26%	2,740	6.61%	13,112	9.97%
Piedmont	9,990	9.88%	2,576	6.21%	12,566	9.55%
Emilia Romagna	9,871	9.76%	3,752	9.05%	13,623	10.36%
Tuscany	8,453	8.36%	1,990	4.80%	10,443	7.94%
Campania	7,507	7.42%	4,693	11.32%	12,200	9.28%
Veneto	7,241	7.16%	786	1.90%	8,027	6.10%
Liguria	5,159	5.10%	1,084	2.61%	6,243	4.75%
Abruzzo	3,877	3.83%	1,021	2.46%	4,898	3.72%
Sicily	3,617	3.58%	7,025	16.93%	10,642	8.09%
Friuli Venezia Giulia	3,433	3.40%	251	0.61%	3,684	2.80%
Calabria	3,336	3.30%	3,663	8.83%	6,999	5.32%
Marche	2,844	2.81%	1,553	3.74%	4,397	3.34%
Apulia	2,417	2.39%	3,958	9.54%	6,375	4.85%
Sardinia	2,384	2.36%	291	0.70%	2,675	2.03%
Umbria	2,321	2.30%	535	1.29%	2,856	2.17%
Basilicata	1,775	1.76%	948	2.29%	2,723	2.07%
Trentino Alto Adige	1,505	1.49%	205	0.49%	1,710	1.30%
Molise	998	0.99%	994	2.40%	1,992	1.51%
TOTAL	101,106		41,475			

The region with the highest overall number of individuals accommodated is Lombardy, followed by Emilia-Romagna, Lazio, Piedmont and Campania. In many regions, the situation is particularly worrying: reception is almost exclusively provided through government-run facilities (CAS and initial reception centres), in particular in Veneto, Friuli Venezia Giulia Region, Lombardy, Piedmont, Emilia Romagna and Lazio. This reflects the reluctance of municipalities to directly manage accommodation centres, including for political reasons. In practice, however, they remain subject to the reception quotas imposed by the Ministry of the Interior, based on the national distribution scheme and therefore continue to host applicants through government-managed facilities.

In 2025, the number of beneficiaries of reception measures represented approximately 0.24% of the resident population in Italy.

Transfers between reception centres

After their initial allocation, asylum applicants may be moved from one centre to another, moving from CPSPA / hotspots; to CASP, governmental first reception centres, CAS, or SAI projects. As previously

mentioned, in case of a shortage of places, it is likely that an applicant will remain in first reception facilities or in CAS centres for the entire duration of the asylum procedure.

Asylum applicants can be moved from one CAS to another of the same province or between different provinces, to achieve better redistribution between territories. The Prefectures organise transfers within their own province, whereas transfers between the different provinces are decided by the Ministry of the Interior.⁸⁸¹ In these procedures, the opinion of the individual asylum applicants on the place of their reception is rarely taken into consideration. Transfer decisions cannot be appealed, but the refusal by the affected person to be transferred is equivalent to a non-acceptance of reception itself and can therefore give rise to a measure of withdrawal of the reception measures.⁸⁸²

On 5 March 2024, the administrative court of Lombardy asked the CJEU to clarify whether the withdrawal of reception conditions on the ground that an applicant refused a transfer to another facility is compatible with the Reception Directive, which prohibits Member States from depriving applicants from the means necessary to meet their basic needs.⁸⁸³ The CJEU ruled, on 18 December 2025, that an applicant's refusal to be transferred can never expose them to a deprivation of basic needs, and can only lead to a reduction of reception conditions, not withdrawal.⁸⁸⁴

The Prefectures of Friuli Venezia-Giulia, a border area and therefore the first point of arrival for those coming through the Balkan Route, requested transfers organised by the Ministry to reduce the number of migrants in the region. As such, in 2025 several transfers were organised from Friuli Venezia Giulia to other regions, mainly Sardinia Lombardy and Calabria.

Given the uneven distribution of SAI projects across Italy, and the resulting absence or scarcity of SAI places in certain territories, transfers from CAS to SAI frequently requires applicants to relocate far away from where they were hosted and lived for months or years, often outside the region and towards SAI projects in Southern Italy. The prospect of being uprooted again and having to restart their path to integration in an unknown territory is often so traumatic that it leads applicants to abandon their transfer to SAI, and therefore to lose the right to reception to which they would be entitled. No data is available on non-acceptance of transfer measures into SAI. More frequently, however, asylum applicants are not given the opportunity to wait for a place in SAI system after recognition of national or international protection, as they are required to leave the reception centre immediately after protection is granted.

Italian law does not contain specific provisions governing the transfer of asylum applicants between reception facilities for personal reasons, such as the need to be closer to their workplace, or to be closer or reunite with family members elsewhere.⁸⁸⁵ There are no known regulatory provisions providing for families to be accommodated together. However, observation of local practices shows that family unity is usually valued, and the institutions involved ensure, where possible, that members of the same family are hosted in the same facility. It is not uncommon for family members to be separated during search and rescue operations at sea, and thus are transferred and accommodated in different places. Requests for transfer on employment-related grounds less guaranteed, especially when the transfer would involve different Prefectures. In general, a transfer between SAI projects is more likely than a transfer between Prefectures, as communication between SAI centres is faster and more effective.

⁸⁸¹ Article 15 (4) Reception Decree.

⁸⁸² Article 23 (1 a) Reception Decree.

⁸⁸³ Administrative Court of Lombardy, available at: <https://rb.gy/03c141>. The case is registered as case C-184/24 before the CJEU and its progress can be followed [here](#).

⁸⁸⁴ CJEU, case C-184/24, judgement of 18 December 2025, *AF v Ministero dell'Interno – U.T.G. – Prefettura di Milano*, available [here](#).

⁸⁸⁵ Article 14 (1) Reception Decree only foresees that asylum seekers have access to the reception measures "with the members of their family". "Family members", within the meaning of Article 2 (1 f) Reception Decree, shall mean: the spouse of the applicant, the minor children of the applicant, whether adopted or born out of wedlock, minors under guardianship, the parent or other adult legally responsible for the minor applicant.

4.2 Restrictions in accommodation in reception centres

The Reception Decree clarifies that asylum applicants are free to leave first reception centres during daytime, but must be present at night. The applicant can ask the Prefecture for a temporary permit to leave the centre at a different time for relevant personal reasons or for reasons related to the asylum procedure.⁸⁸⁶ The law does not provide such a limitation for people accommodated in CAS, but rules concerning entry into / exit from the centre are laid down in the reception agreement signed between the body running the structure and the asylum applicant at the beginning of the accommodation period.

Applicants' freedom of movement can be affected by the requirement to obtain prior authorisation of the Prefecture to leave the reception centre temporarily, e.g. to visit relatives. Authorisation is usually granted with permission to leave for some days. In case a person leaves the centre without permission and does not return to the structure within a brief period of time (usually agreed with the management body and regulated by the "reception regulations" of each facility), that person cannot be readmitted to the same structure and material reception conditions can be withdrawn by the Prefecture (see [Reduction or Withdrawal of Material Reception Conditions](#)). Challenging such withdrawals is very difficult due to the restrictive rules regulating access to the structures and the potential ensuing lack of legal advice.

Rules on absences from SAI facilities are different and are based on the technical-operational note of the Central Service 1/2018 of 12 April 2018.⁸⁸⁷ It provides that people accommodated lose the right to stay after 72 hours of unjustified absence. Unjustified absence means a "voluntary removal, for more than 24 hours, without any agreement with the coordinator/ project manager for the local authority". A justified absence is a duly motivated period of absence from the reception facility (for example, to visit relatives or friends, for job search, for training, for work, etc.), that the person can agree with the local authority project manager. Each beneficiary can use up to 30 days (cumulative) of justified absence within every 12 months of SAI reception. When assessing the request for justified absence, "the local authority is called upon to assess the real needs of the beneficiary, considering its path of inclusion". Although these indications are intended to protect the people accommodated, it confers a broad margin of discretion on the local authority. In any case, periods of absence due to administrative or judicial procedures, or to therapeutic and rehabilitation needs, including hospitalisation, are not counted towards the maximum period of 30 days. In exceptional cases, the local authority may agree with the Central Service on additional periods of justified absence, with appropriate supporting documentation. These general rules are outlined in the reception regulation that SAI projects are required to formally share with each guest.⁸⁸⁸ As can be seen, the regulation of absences in the SAI is inspired by greater flexibility and a criterion of sharing choices in the reception process.⁸⁸⁹

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation

- | | |
|--|---------------|
| 1. Number of reception centres: | not available |
| 2. Total number of places in the reception system: | 149,576 |
| 3. Total number of places in private accommodation: | Not available |
| 4. Type of accommodation most frequently used in a regular procedure:
☐ Reception centre ☐ Hotel or hostel ☒ Emergency shelter ☐ Private housing ☐ Other | |
| 5. Type of accommodation most frequently used in an accelerated procedure:
☐ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☒ Hotspot | |

⁸⁸⁶ Article 10(2) Reception Decree.

⁸⁸⁷ Text of the note is available, in Italian, at: <https://bit.ly/3zVrCOF>.

⁸⁸⁸ A model of these regulations is available as an annex to the Operations Manual, see: <https://bit.ly/3GFiQYk>.

⁸⁸⁹ For more information about the differences in reception conditions at various levels of the system, see the paragraph Conditions in Reception Facilities.

At the end of 2025, 142,581 asylum applicants and beneficiaries of international protection were accommodated in the reception system, slightly more than in 2024 (139,141), but significantly more than in 2022 (107,677) and 2021 (78,644).⁸⁹⁰ Out of the total number, 41,475 asylum applicants and beneficiaries of international protection were hosted SAI centres.⁸⁹¹ According to data shared by MOI following a FOIA request, at the end of 2025, 3,343 were in governmental centres, 101,106 in CAS and 3,652 in hotspots. No data was available about the number of people accommodated in CASP (provisional CAS).

Thus, at the end of 2025, almost 7 out of 10 asylum applicants were still accommodated in extraordinary centres.

Occupancy of the reception system: 31 December 2025				
Hotspots	CAS	Governmental centres	S.A.I.	Total ⁸⁹²
3,652	101,106	3,343	41,475	149,576

Source: Ministry of Interior, data obtained through a FOIA access.

Data shows that, during these years, the emergency system continues to grow at the expense of an ordinary management system. In 2026, the Ministry of Interior, responding to the FOIA data request by ASGI, did not communicate the number of facilities.

Following the 2023 reform, the reception system is comprised of first governmental centres, temporary centres (CAS), provisional centres (CASP new from the 2023 reform), and SAI centres.

Decree Law 124/2023, converted into L. 162/2023, entrusted the Ministry of Defence with the creation of reception centres, hotspots and CPRs.⁸⁹³ For the realisation of such facilities, the law also provides that the Ministry of Defence is authorised to make use of the "highest urgency procedures and civil protection procedures" (pursuant to art. 140 of Legislative Decree 31 March 2023, no. 36). At the same time, the law provides that, by Decree of the President of the Council of Ministers, upon proposal of the Ministers of the Interior and Defence, in agreement with the Minister of Economy and Finance, the extraordinary plan for the identification of the areas interested in the creation of a suitable number of hotspots, CPR, government centres and CAS, also through the valorisation of existing properties, will be approved.⁸⁹⁴

As underlined by a study, these new provisions have significant weight, as:

facilities for migrants, without distinction, from those aimed at reception to those dedicated to detention and deprivation of liberty, will be implemented by adopting "highly urgent procedures", thus crystallising the systemic emergency approach. Centres and structures will be built on the basis of a plan adopted by the Council of Ministers based on the indications provided by the Minister of the Interior and the Minister of Defence, in contrast with what it is provided for by the Reception Decree in terms of planning and consultation, and forgetting that «the reception system for applicants for international protection is based on fairness collaboration between the different levels of government involved" (art. 8 Legislative Decree no. 142/2015).⁸⁹⁵

⁸⁹⁰ MOI Cruscotto statistico giornaliero, available [here](#).

⁸⁹¹ See source in Italian [here](#).

⁸⁹² This total number is different from the one indicated in the table published by Moi and it is calculated basing on the answer given by MOI to the FOIA request for data. It does not contain people accommodated in CASP

⁸⁹³ Article 21 (1) Decree Law 124/2023 converted into L. 162/2023.

⁸⁹⁴ Article 21 (2) Decree Law 124/2023 converted into L. 162/2023

⁸⁹⁵ M. Giovannetti, Il prisma dell'accoglienza: la disciplina del sistema alla luce della legge n. 50/2023, in *Questione Giustizia*, available in Italian at: <https://acesse.dev/zt1rw>.

From this point of view, it is worrying that, in response to the FOIA request for access to data relating to reception measures made by ASGI, the Ministry of the Interior has announced that it does not possess the data relating to the CASPs as they are not subject to central collection.⁸⁹⁶

1.1 First aid and identification: CPSA / Hotspots

The Reception Decree states that for ‘rescue, first aid and identification needs’, people can be placed in so called crisis points set up in the principal places of disembarkation, and in governmental centres.⁸⁹⁷ These are First Aid and Reception Centres (CPSA),⁸⁹⁸ created in 2006 for the purposes of first aid and identification before persons are transferred to other centres, and now formally operate as **Hotspots**.⁸⁹⁹ According to the SOPs, persons should stay in these centres “for the shortest possible time”, but in practice are accommodated there for days or weeks. By the end of 2025, 13 hotspots were operating in the south of Italy: Apulia (1), Sicily (8) and Calabria (4).

The table shared by the MOI responding to a FOIA request made by ASGI in early 2026, gives more details:

Region	Province	Location	Occupancy
Calabria	Crotone	Isola di Capo Rizzuto	80
	Reggio Calabria	Roccella Jonica	200
		Reggio Calabria	200
	Vibo Valentia	Vibo Valentia	280
Apulia	Taranto	Taranto	293
Sicily	Agrigento	Lampedusa	640
		Porto Empedocle	280
		Porto Empedocle ¹	50
	Catania	Catania	650
	Messina	Messina	200
	Ragusa	Pozzallo – Modica ²	489
	Siracusa	Augusta	250
	Trapani	Pantelleria	40
Total			3,652

Decree-Law 20/2023 provided that, until 31 December 2025, the **Lampedusa** hotspot could be managed by the Italian Red Cross, in derogation from the rules on tendering procedures.⁹⁰⁰ Through DL 146/2025,⁹⁰¹ the management was prolonged until 31 December 2027. This provision became necessary following the continuous mismanagement issues registered in the facility (see **Conditions in hotspots**), in order to ensure the functionality of a structure considered fundamental to the Italian system. The same 2023 Decree also allowed Government to activate new hotspot facilities throughout the national territory, with the same functions of identification, selection and administrative detention, again in derogation from the rules relating to tender procedures.⁹⁰² The identification of suitable locations to host new hotspots and their activation has been entrusted to the Extraordinary Commissioner appointed by the Government as part of the declaration of the state of emergency.⁹⁰³

⁸⁹⁶ Mol response to the FOIA request sent by ASGI to the Ministry of Interior in February 2025.

⁸⁹⁷ Article 8(2) Reception Decree as amended by DL 20/2023 converted into L. 50/2023, and Article 10 ter TUI.

⁸⁹⁸ L. 563/1995.

⁸⁹⁹ Article 10-ter TUI, inserted by Article 17 Decree Law 13/2017 and L. 46/2017.

⁹⁰⁰ Article 5-bis (2) Decree Law 20/2023 converted with modifications into Law 50/2023.

⁹⁰¹ Article 10, DL 146/2025, converted into L. 179/2025.

⁹⁰² Article 5-bis (3) Decree Law 20/2023 converted with modifications into Law 50/2023.

⁹⁰³ Article 2 (1a) Decree of the Chief of the Department of Civil Protection 984/2023.

1.2 Governmental first reception centres

The Reception Decree provides that the governmental first reception centres are managed by public local entities, consortia of municipalities and other public or private bodies, specialised in the assistance of asylum applicants, selected through public tender.⁹⁰⁴

Responding to the FOIA request made by ASGI, the Ministry of Interior reported that, as of 31 December 2025, 8 first reception centres existed in the following regions in Italy:

First reception centres by region as of 31 December 2025			
Region	Province	place	Occupancy
Calabria	Crotone Crotone (Sant'Anna center, Isola di Capo Rizzuto)	Isola di Capo Rizzuto	641
Friuli-Venezia Giulia	Gorizia (CARA Gradisca d'Isonzo)	Gradisca d'Isonzo	303
	Udine (Caserma Cavarzerani)	Udine	550
Puglia	Bari CARA Palese	Bari	640
	Brindisi ((Restinco)	Brindisi	128
	Foggia (Manfredonia)	Manfredonia	110
Sicilia	Caltanissetta ((Pian del Lago)	Caltanissetta	446
Veneto	Treviso (ex Caserma Serena)	Treviso	525
Total			3,343

Source: Mol.

The Hub centre located in **Bologna**, Mattei, is now classified as CAS. Other governmental centres working as first accommodation facilities but not classified as first governmental centres by Mol are the one of **Ferneti**, in Trieste, called Casa Malala, and the one in **Pordenone**, Caserma Monti, both in Friuli Venezia Giulia.⁹⁰⁵

1.3 Temporary facilities: CAS

In case of temporary unavailability of places in the first reception centres, the Reception Decree provides for the use of Emergency Reception Centres (*centri di accoglienza straordinaria*, CAS). The CAS system, originally designed as a temporary measure to prepare for transfer to second-line reception, expanded in recent years to the point of being entrenched in the ordinary system. The Reception Decree adopted in August 2015 missed the opportunity to actually change the system and simply renamed these centres from “emergency centres” to “temporary facilities” (*strutture temporanee*).

The CAS are identified and activated by the Prefectures, in cooperation with the Ministry of Interior. Following Decree Law 113/2018, CAS facilities can be activated only after obtaining the opinion of the local authority on whose territory the structures will be set up.⁹⁰⁶ The law does not condition activation upon obtaining a favourable opinion, it only says that an opinion should be requested. Activation is reserved for emergency cases of substantial arrivals, but applies in practice to all situations in which, as it is currently the case, capacity in ordinary centres is not sufficient to meet the reception demand.

The term CAS is a formal classification related to the temporary function of the reception facility but does not in itself define its nature. The forms that a CAS facility can take are in fact extremely varied, going from small apartments that managing bodies rent from private citizens to collective centres organised within entire buildings, from camps organised with containers and tents to former army barracks. The

⁹⁰⁴ Article 9(2) Reception Decree.

⁹⁰⁵ See Mol, available at: <https://bit.ly/3y4dbFm>.

⁹⁰⁶ Article 11 (2) Reception Decree, as amended by Article 12 Decree Law 113/2018 and L 132/2018. Prior to the reform, the law provided that the local authorities should only be notified and issue a non-binding opinion.

tender specifications scheme, in fact, provides for the possibility of setting up CAS in "single housing units", in collective centres with less than 50 places, centres with a capacity between 50 and 300 places, or collective centres with more than 300 places.⁹⁰⁷

Following the reform of the accommodation system made by Decree Law 20/2023, the CAS are specifically designed for the first accommodation phase and no longer conceived as temporary solutions for the time "strictly necessary" until the transfer of asylum applicants to the SAI system.⁹⁰⁸ The services guaranteed are the same as in the first reception centres (see [Forms and Levels of Material Reception Conditions](#)).⁹⁰⁹

By the end of 2025, there were 101,106 persons hosted in CAS in Italy.⁹¹⁰ The table below shows their distribution across Italy. The fact that most available places are currently in CAS illustrates a reception policy based on leaving asylum applicants in emergency accommodation during the entire asylum procedure.

Province and Region	Actual occupancy	Province and Region	Actual occupancy
Abruzzo		Molise	
Chieti		Campobasso	
L'Aquila		Isernia	
Pescara		Molise Total	998
Teramo		Piedmont	
Abruzzo total	3,877	Alessandria	
Basilicata		Asti	
Matera		Biella	
Potenza		Cuneo	
Basilicata total	1,775	Novara	
Calabria		Torino	
Catanzaro		Verbano Cusio Ossola	
Cosenza		Vercelli	
Crotone		Piemonte Total	9,990
Reggio Calabria		Apulia	
Vibo Valentia		Bari	
Calabria Total	3,336	Barletta Andria Trani	
Campania		Brindisi	
Avellino		Foggia	
Benevento		Lecce	
Caserta		Taranto	
Napoli		Apulia Total	2,417
Salerno		Sardinia	
Campania Total	7,507	Cagliari	
Emilia-Romagna		Nuoro	
Bologna		Oristano	
Ferrara		Sassari	
Forlì Cesena		Sardinia Total	2,384
Modena		Sicily	

⁹⁰⁷ See new Tender Specification Schemes, Ministerial Decree 4 March 2024. Schemes and Decree available at: bit.ly/3JU5KaZ.

⁹⁰⁸ Article 11 (3) Reception Decree, as amended by Decree Law 20/2023.

⁹⁰⁹ Articles 10 (1) and 1 1(2) Reception Decree.

⁹¹⁰ MoI response to the FOIA request made by ASGI.

Parma		Agrigento	
Piacenza		Caltanissetta	
Ravenna		Catania	
Reggio nell'Emilia		Enna	
Rimini		Messina	
Emilia-Romagna Total	9,871	Palermo	
Friuli-Venezia Giulia		Ragusa	
Gorizia		Siracusa	
Pordenone		Trapani	
Trieste		Sicily Total	3,617
Udine		Tuscany	
Friuli-Venezia Giulia Total	3,433	Arezzo	
Lazio		Firenze	
Frosinone		Grosseto	
Latina		Livorno	
Rieti		Lucca	
Roma		Massa Carrara	
Viterbo		Pisa	
Lazio Total	10,372	Pistoia	
Liguria		Prato	
Genova		Siena	
Imperia		Tuscany Total	8,453
La Spezia		Trentino-Alto Adige	
Savona		Bolzano	
Liguria Total	5,159	Trento	
Lombardy		Trentino-Alto Adige Total	1,505
Bergamo		Umbria	
Brescia		Perugia	
Como		Terni	
Cremona		Umbria Total	2,321
Lecco		Valle d'Aosta	
Lodi		Aosta	
Mantova		Valle d'Aosta Total	107
Milano		Veneto	
Monza Brianza		Belluno	
Pavia		Padova	
Sondrio		Rovigo	
Varese		Treviso	
Lombardy Total	13,899	Venezia	
Marche		Verona	
Ancona		Vicenza	
Ascoli Piceno		Veneto Total	7,241
Fermo			
Macerata			
Pesaro Urbino			
Marche Total	2,844		
Total: 101,106			

As highlighted above (see [Forms and Levels of Material Reception Conditions](#)), following the 2018 Mol tender specification schemes, most small CAS facilities were forced to close, leaving on the accommodation scene large centres managed by for-profit organisations or big social cooperatives.

1.4 Provisional centres (CASP)

L. 50/2023 introduced a new type of reception facility: provisional centres, intended to accommodate asylum applicants for the time strictly necessary to identify an available place in a governmental centre or in CAS. Reception in these facilities is arranged by the Prefect and is limited to the provision of basic services, namely food, accommodation, clothing, health care and linguistic-cultural mediation.⁹¹¹ The regulatory provision⁹¹² is included within the law governing temporary centres (CAS) even though these centres are conceived as structures to be used only for the "strictly necessary time" to identify available places in the government centres or in CAS facilities. The tender specifications for CASPs do not even provide for mandatory presence of social workers, but only of day/night operators and cultural mediators. The scheme merely provides for an almost doubled number of hours for linguistic mediation:

	Casp (art. 11 c. 2 bis d.lgs 12/2015) from 76 to 100 places	Collective centres from 76 to 100 places	Casp (art. 11 c. 2 bis d.lgs 12/2015) from 101 to 150 places	Collective centres from 101 to 150 places
Social worker	/	32 h a week	/	40 h a week
Linguistic mediation	40 h a week	20 h a week	45 h a week	26 h a week

The provision presents both positive aspects and some that can be criticised. On the one hand, it could offer greater protection pending the identification of suitable reception places, as it makes it easier to find structures and bodies capable of offering this type of service; on the other hand, it could lead to asylum applicants being hosted in centres providing lower standards in terms of reception conditions for indefinite periods of time.

The few, official, experiences of CASP in Italy so far are not reassuring.⁹¹³ As emerges from a recent investigation, these are, "in most cases, encampments consisting of tents or containers, or even rows of cots in former disused barracks, hamlets of airports or gyms" which mainly "are located several kilometres from inhabited centres, in the countryside and in industrial areas. (...) places of promiscuity, where women, men, families, unaccompanied minors live together".⁹¹⁴

Responding to ASGI's FOIA request, in 2025 the Mol stated that data on CASPs are not available, as they are not collected by the Mol. The same problem was highlighted in 2025 by Openpolis and Actionaid in their latest report on the accommodation system in Italy. However, thanks to cooperation with the organisation CIAC onlus, it was able to determine that 4 temporary structures were activated during 2023. 3 of these were included as CAS for adult asylum seekers in the data released by the Mol: 2 temporary centres in the municipality of Parma ("Martorano" with a capacity of 100 places and one with a capacity of 8 places) and one in the municipality of Varano de' Melegari, with a capacity of 24 places.⁹¹⁵

⁹¹¹ Article 11 (2 bis) Reception Decree introduced by L 50/2023.

⁹¹² Article 11 (2 bis) Reception Decree

⁹¹³ MICHELE ROSSI, "Cornocchio e Martorano (Parma). Two fields lived up close", in RIVOLTI AI BALCANI, *Chiusi Dentro*, Altreconomia, Milan, 2024.

⁹¹⁴ Cf. ANTONIA FERRI, Irpi Media, "The Casp tell us where the reception of migrants in Italy is going", 12 July 2024, available in Italian [here](#).

⁹¹⁵ Actionaid and Openpolis report, Accoglienza al collasso, Centri d'Italia 2024, published in March 2025, available [here](#).

1.5 Second reception - SAI system

The SAI system (Reception and Integration System, *Sistema di Accoglienza e Integrazione*) is dedicated mainly to beneficiaries of international protection and unaccompanied minors.⁹¹⁶ SAI projects can also accommodate: victims of trafficking; domestic violence and serious exploitation; persons issued a residence permit for medical treatment, or natural calamity in the country of origin, or for acts of particular civic value,⁹¹⁷ holders of special protection, holders of a permit for special cases (former humanitarian protection),⁹¹⁸ and former unaccompanied minors, who obtained a prosecution of assistance.⁹¹⁹ Women are also automatically included among vulnerable asylum applicants, with priority given to pregnant women.⁹²⁰ Holders of special protection, who were denied international protection on the basis of the exclusion clauses, are excluded from the SAI network.

Law 50/2023, which converted Decree Law 20/2023, once again (as in 2018) excluded asylum applicants from the possibility to access the SAI system. Access to the SAI is now only possible for asylum applicants identified as vulnerable and to those who have legally entered Italy through complementary pathways (Government-led resettlements or private sponsored humanitarian admission programs).

On 31 January 2026, the SAI network comprised 862 projects, a decrease from the 879 existing in 2024 for a total of 41,475 places financed (a, increase from the 38,696 places in 2024 and 37,920 of 2023). This includes 34,059 places for ordinary beneficiaries, 6,655 places for unaccompanied minors and 761 places for people living with mental health conditions or physical disability. However, historically, the number of SAI places funded by the government and the number of active and available SAI places differ by several thousands, due to bureaucratic delays as well as organisational and logistical issues. As of January 2026, out of the total places financed, 1,978 were not occupied.⁹²¹

The activation of SAI reception projects depends on funding provided directly by the Ministry of the Interior (and not by the Prefectures, as for CAS and first reception centres) to the local authority. The latter must voluntarily apply to host a reception project in its territory and submit a detailed project to the Ministry, asking for funding. The application is evaluated by a commission and, if deemed appropriate, the local project is financed for a period usually equal to 3 years. At the end of the period financed, the municipality holder of the project can ask the Ministry for a new three-year funding.⁹²²

Although SAI projects, are generally more stable than CAS, as they benefit from on multi-year funding that promotes service quality, they remain inherently fragile because their establishment and continuation depend entirely on the voluntary participation of local administrations.⁹²³ This significantly limits SAI's nationwide coverage, and hinders availability of places and immediate access to the system, even for the limited number of asylum applicants who would be entitled to it. Even though the SAI system has been slowly but constantly expanded throughout the country in the 20 years since it was set up,⁹²⁴ the total amount of available places is still largely inadequate to meet the existing needs.

⁹¹⁶ According to Article 1-sexies DL 416/1989, as amended by DL 130/2020, local authorities responsible for the SAI projects “can” host in such projects also asylum seekers and beneficiaries of special protection or other protection titles.

⁹¹⁷ Article 1 sexies (1) DL 416/1989, as amended by DL 130/2020, citing Articles 18, 18-bis, 19(2)(d-bis), 20, 22(12-quater) and 42-bis TUI. The statuses in Articles 20 and 42-bis had been inserted by Decree Law 113/2018.

⁹¹⁸ Ibid, mentioning Articles 1 (9) DL 113/2018 (special cases); Article 19, (1, 1.1) TUI, amended by DL 130/2020.

⁹¹⁹ Article 1 sexies (1 bis) DL 416/1989, introduced by DL 130/2020. In some CAS, according to the law unaccompanied minors becoming adults can benefit from further assistance (accommodation and help) up to 21 years. It is called “prosiegua amministrativo”, administrative continuation.

⁹²⁰ Article 17 (1) LD 142/2015.

⁹²¹ See SAI general data, 31 December 2024, available [here](#).

⁹²² The funding application and assessment mechanism for the project is governed by the Ministerial Decree 18 November 2019.

⁹²³ For a recent analysis of the impact of political preferences on the political willingness to open reception facilities, see the significant contribution from Gamalerio and Negri, Not welcome anymore: the effect of electoral incentives on the reception of refugees, in *Journal of Economic Geography*, available at: <https://doi.org/10.1093/jeg/lbad002>.

⁹²⁴ See Rapporto Annuale SAI 2021, available at: <https://bit.ly/3Z9qQbt>.

Data shows that, in 2025, SAI remained concentrated in Southern Italy and, worryingly, 10 out of 21 regions do not have places for vulnerable asylum applicants or beneficiaries of international protection.⁹²⁵ This has led, including in 2025, to situations in which vulnerable asylum seekers or beneficiaries of international protection were denied to entry in SAI and notified of the cessation of their accommodation measure in CAS after being granted international protection.

On 22 June 2024, the administrative court of Trieste (Friuli Venezia Giulia) suspended a decision to terminate reception concerning a refugee with mental health problems for whom an adequate SAI project could not be found, considering it necessary, in any case, 'to give priority to the to the protection of the applicant's person, exposed to serious and irreparable damage in the event of interruption of the necessary support in reception'.⁹²⁶

On 6 February 2025, the administrative court of Naples (Campania) ordered the Ministry of Interior to immediately arrange for the applicant to be placed in a structure without delay, "other" than the one (CAS) in which he was currently hosted, adapted to his peculiar conditions of physical and mental discomfort.⁹²⁷

On 20 May 2025, the administrative court of Rome (Lazio) ordered the SAI to comply with an earlier ruling concerning access to SAI for an extremely vulnerable refugee. The same court had previously ordered, in proceedings against the Servizio Centrale's silence, that the refugee be admitted to the SAI. Nearly two months later, in November, the Servizio Centrale informed their lawyer by email that it was in the "objective impossibility" to place the client in reception. In the new judgment, the Court ordered compliance with its previous decision within 30 days and appointed a *commissario ad acta* in case of further inaction.⁹²⁸

1.6 Private accommodation with families and churches

In addition to the abovementioned reception centres, there is also a network of private accommodation facilities which are not part of the national public reception system, provided for example by Catholic or voluntary associations, which support multiple asylum applicants and refugees.

It is very difficult to ascertain the number of available places in these forms of reception. These structures are relevant especially in emergency cases or as integration pathways, following or in lieu of accommodation in S.A.I.

Other projects financed by municipalities or AMIF funds and directed at accommodating families and unaccompanied minors have been initiated. For example:

- ❖ In Bologna, the VESTA project, conceived and developed by the Camelot Social Cooperative is operational. The project, designed mainly for beneficiaries of international and special protection who reach the age of majority, provides a contribution towards the costs to the host family.⁹²⁹
- ❖ The OHANA project, financed by AMIF fund, is developing accommodation for families of unaccompanied minors in the cities of Turin, Milan, Pavia, Venice, Verona Padova, Pordenone, Rome, Bari, Catania and Palermo.⁹³⁰
- ❖ The NGO Refugees Welcome Italia promotes numerous initiatives of "welcome in the family" for protection holders who have had to abandon the public reception system, in particular to those who have not found a place in the SAI or have had to leave before the actual conclusion of their path of social inclusion. Refugees Welcome has developed over the years a significant network on the Italian territory, putting itself in relation both with the authorities of the reception centres and with numerous municipal administrations.⁹³¹

⁹²⁵ See SAI general data, 31 December 2024, available [here](#).

⁹²⁶ Administrative Court of Trieste, interim decision no. 46/2024, published on 22 June 2024.

⁹²⁷ Administrative Court of Naples (Campania), decision no. 270/2025, published on 6 February 2025.

⁹²⁸ Administrative court of Rome (Lazio), decision no.9655/2025, published on 20 May 2025.

⁹²⁹ Bologna, Camelot presenta Vesta, per ospitare rifugiati in famiglia, available at: <https://bit.ly/3y9ALDf>.

⁹³⁰ Ohana project, see: <https://bit.ly/3jD0v28>.

⁹³¹ Source Refugees Welcome Italia, Cosa facciamo, available at: <https://bit.ly/42pAXdA>.

2. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

1. Are there instances of asylum seekers not having access to reception accommodation because of a shortage of places? ☒ Yes ☐ No
2. What is the average length of stay of asylum seekers in the reception centres? Not available
3. Are unaccompanied children ever accommodated with adults in practice? ☒ Yes ☐ No
4. Are single women and men accommodated separately? ☒ Yes ☐ No

Reception conditions vary considerably not only among different reception centres but also between the same type of facility. While the services provided are supposed to be the same, the quality can differ depending on the entity managing the centres. The SAI system publishes annual reports on its functioning,⁹³² but there are no comprehensive and updated reports on reception conditions for the entire Italian territory.

The latest CERD report from 2021 expressed concern about the “deplorable living conditions in reception centres for migrants and the further reduction of the availability of psychological and legal services, as well as counselling”.⁹³³

It is not possible to determine an overall average of duration of stay within reception facilities. However, asylum applicants remain in reception centres throughout the whole asylum procedure, which may last several months, as well as during the appeal procedure, that can last up to 3-4 years, depending on the workload and backlog within the relevant court (See [Access and Forms of Reception Conditions](#)).

Services provided

The 2018 “Security Decree” marked a major change in the approach to reception, leading to a system based on large CAS centres, attracting for-profit companies and effectively cutting out small local cooperatives from participating in public calls for the management of centres. The very low numbers of operators benefitting from available funds, compared to the number of guests, led to the loss of many jobs and the services’ cut made reception a mere management of food and accommodation, also reducing the positive effects on the host territories, in terms of income and social and labour integration.

Decree Law 130/2020 maintained the distinction between a range of services addressed to asylum applicants and others reserved exclusively to beneficiaries of protection, thus replicating the policy of restricting high level services only to protection holders - or at least to migrants having obtained a more stable residence permit-, contrary to a logic of generalised protection, ultimately considerably slowing down the process of regaining self-sufficiency for asylum applicants.

As highlighted by ActionAid and Openpolis in their report,⁹³⁴ between 2018 and 2021, over 3,500 reception facilities were closed (-29.1%) throughout the country, while available places fell from 169,471 to 97,670 in the same period. The centres that underwent closure were mainly small-medium sized ones, while at the same time, larger CAS facilities often saw an increase in their capacity.

Following the 2023 reform, on 27 March 2024, new tender specification schemes for reception services in government centres and CAS were published.⁹³⁵ The schemes⁹³⁶ grant discretion to reception bodies regarding the provision of certain services that used to be compulsory under DL 130/2020. According to Article 2 of the tender specifications’ schemes, psychological assistance, Italian language courses and

⁹³² See SAI website, <https://11nq.com/CqISE>.

⁹³³ UNCERD report, CERD/C/ITA/CO/21, available [here](#).

⁹³⁴ Actionaid and Openpolis, Centri d’Italia. Report 2022. Il vuoto dell’accoglienza, available at: <https://bit.ly/3KZSaVo>.

⁹³⁵ As per Minister Decree, 4 March 2024. Schemes and Decree available at: bit.ly/3JU5KaZ.

⁹³⁶ Available at: bit.ly/3ws5KvP.

professional training, legal and territorial orientation, are listed as possible subcategories of social assistance, but there is no obligation for the service provider to ensure their accessibility to asylum applicants.

In addition, in the new provisional centres, the services are even more limited, as only services relating to food, accommodation, clothing, healthcare and linguistic-cultural mediation are ensured.

If applicants are admitted into SAI centres, they still only have access to so-called "first level" services, which do not include support for integration on the territory, job search, job orientation and professional training. These services, that are completely absent within the governmental and temporary centres (CAS), in SAI are restricted only to beneficiaries of national or international protection.⁹³⁷

The 2023 reform unfortunately reflects the same approach as the 2018 reform and maintains the limits of the 2020 reform: SAI are still activated on a voluntary basis at the local level; access to SAI centres is limited to few categories of asylum applicants and essential services are no longer mandatory and therefore left to the discretion of the managing body.

With increasing frequency since 2022, beneficiaries of international protection are notified of the termination of reception conditions in CAS immediately after receiving the residence permit or even the mere decision recognising the international or special protection, without a previous check for available places in SAI being carried out.

Unaccompanied children who, on paper, should have immediate access to SAI, still spend most of their accommodation period in first governmental centres, temporary structures or in residential care facilities (see [Reception for unaccompanied minors](#)) and those who reach majority (18 years of age) while still within the reception system and benefit from an administrative extension of guardianship, who are also entitled to access SAI, still remain, in practice, excluded from these centres.

2.1 Conditions in hotspots

Current contracts provide that the following services should be delivered within the hotspot facilities: information provision on the asylum procedure and the reception system, social assistance, psychological assistance, preparation and distribution of meals, health care, provision of clothing and personal hygiene products, telephone card.⁹³⁸ These services must be provided with the proper care and methodologies when working with unaccompanied minors or vulnerable individuals.

The stay within hotspots should be limited to the time strictly necessary to carry out the identification and initiation of legal procedures. Italian law, however, does not provide for a maximum duration of stay, although these are, in practice, and without a legal basis, closed structures in which personal freedom is limited.

Lampedusa hotspot

This is particularly the case for the hotspot on the island of **Lampedusa**, which, despite its official capacity of 389 places, has often accommodated much higher numbers of newly arrived migrants.

⁹³⁷ Article 1 sexies (2 bis) DL 416/1989, introduced by DL 130/2020.

⁹³⁸ See Mol Decree 29 January 2021, Outline of tender documents for the supply of goods and services relating to the management and operation of the centres, attachment 6-bis, available at: <https://bit.ly/41b1UAt>.

This led to the replacement of the managing body and the subsequent entrusting of the facility to the Italian Red Cross from May 2023 onwards.⁹³⁹ Despite the change in management, the critical issues that had emerged in previous years continue to be denounced by ASGI.⁹⁴⁰

Save the Children, active within the hotspot of Lampedusa, has denounced a now permanent situation of delays and shortcomings in the provision of the most basic services, even when directed to the most vulnerable. In 2023, the NGO reported that 450 minors, 250 of whom unaccompanied, even very small children, had been present in the hotspot for over a month.⁹⁴¹ UNICEF also noted severe crowding and delays identified as risk factors for the most vulnerable.⁹⁴²

According to data provided by the Italian Red Cross, the number of children accommodated at the Lampedusa hotspot as part of family units steadily declined between 2023 and 2025. In 2023, a total of 3,422 children arrived within 2,407 family units. This figure decreased to 2,498 children in 2,069 family units in 2024 and fell further to 1,182 children belonging to 1,107 family units in 2025. In 2025, the average age of these children was 11 years. The largest groups originated from Eritrea (17%), followed by Syria (13%), Sudan (11%), Guinea (11%), Egypt (8%), Tunisia (6%), Libya (4%), Nigeria (4%), Ethiopia (3%), and Côte d'Ivoire (3%), while the remaining 20% came from various other countries. Although these figures indicate a gradual decline in the number of accompanied children transiting through the Lampedusa hotspot, they also highlight the continued diversity of countries of origin and the ongoing need to ensure adequate protection and reception measures for this particularly vulnerable population.⁹⁴³

ASGI, as part of its InLimine project, carried out monitoring, data collection and a visit to the hotspot in March 2022, following which it produced a report highlighting the numerous critical issues identified.⁹⁴⁴

ASGI has presented urgent appeals to the European Court of Human Rights to request the immediate transfer from the hotspot of Lampedusa of three families, including children, who were detained there for varying periods and in degrading material and hygienic conditions. By 10 November 2022, the Court ordered the Government to immediately transfer only one of the families.⁹⁴⁵

In March 2023, the ECtHR delivered its judgement on the case *J.A. and Others v. Italy*,⁹⁴⁶ concerning four Tunisian nationals who were rescued by an Italian ship and taken to the Lampedusa hotspot. The Court ruled that the applicants were subjected to inhuman and degrading treatment during their stay in the Lampedusa hotspot, in violation of Article 3 of the Convention. Additionally, it stated that the impossibility for the applicants to lawfully leave the closed area of the hotspot clearly amounts to deprivation of liberty under Article 5 of the Convention, especially considering that the maximum duration of their stay in the crisis centre was not defined by any law and that the regulatory framework did not allow the use of the Lampedusa hotspot as a detention centre for foreigners. The applicants were neither informed of the legal reasons for their deprivation of liberty nor able to challenge the grounds of their de facto detention. Hence, the Court held that Italy violated Article 5 §§ 1, 2 and 4 of the Convention.

⁹³⁹ Article 5-bis (2) Decree Law 20/2023 converted with modifications into Law 50/2023.

⁹⁴⁰ ASGI, 'Per l'implementazione della libertà di corrispondenza con il mondo esterno e predisposizione di una rete wi-fi presso l'Hotspot di Lampedusa: diverse organizzazioni scrivono alle autorità competenti', March 2023, available in Italian at: <https://lc.cx/maYghO>; ASGI, 'La privazione della libertà personale nell'hotspot di Lampedusa: il riscontro delle autorità competenti', March 2023, available in Italian at: <https://lc.cx/gDj3y9>; ASGI, 'The right to information in the Lampedusa hotspot: the responsibilities of UNHCR', April 2023, available at: <https://lc.cx/MnCT6a>; ASGI, 'La Questura di Agrigento su ingressi e uscite dall'hotspot di Lampedusa', May 2023, available in Italian at: <https://lc.cx/zmx60e>; ASGI, 'La gestione dell'hotspot di Lampedusa: la Convenzione con la CRI', July 2023, available in Italian at: <https://lc.cx/w2w1u6>.

⁹⁴¹ Save the Children, Hotspot sovraffollato a Lampedusa: le condizioni critiche dei minori, 12 April 2023, available at: <https://bit.ly/41YgFqV>.

⁹⁴² UNICEF, Cronache di frontiera. Lampedusa: vite in hotspot, 10 May 2023, available at: <https://bit.ly/3MfcWiC>.

⁹⁴³ Save The Children, Nascosti in piena vista, July 2026, available in Italian [here](#).

⁹⁴⁴ ASGI, Report sulla visita al Centro hotspot di Lampedusa, Agosto 2022, available at: <https://bit.ly/3Oh74rW>.

⁹⁴⁵ See ASGI, Diritti violati nell' hotspot di Lampedusa: per la CEDU il trattamento è disumano e degradante solo per le famiglie con minori, available at: <https://bit.ly/3pLd2XP>.

⁹⁴⁶ *J.A. and Others v. Italy* (dec.), no. 21329/18, 30 March 2023, available [here](#).

In its decision published on 13 June 2024, the Committee of Ministers of the Council of Europe assessed that Italy had failed to adequately implement the judgment of the European Court of Human Rights *J.A. and others v. Italy* (Appeal No. 21329/18) on detention and conditions inside the Lampedusa hotspot and called on the authorities to take the necessary measures for its implementation.⁹⁴⁷

Taranto hotspot

Regarding the **Taranto** hotspot, in its 23 November 2023 decision rendered in case no. 47287/17 (*A.T. and others v. Italy*),⁹⁴⁸ the ECtHR condemned Italy for having unlawfully detained several unaccompanied minors in the hotspot, for having used inhuman and degrading treatment in arranging their reception measures, for not having appointed a guardian nor having provided them with any information on the possibility of challenging this condition in court.

Further critical issues were reported in 2023 in a report published by the University of Bari on the Taranto hotspot, which denounced the inadequacy of the legal information offered to persons entering the facility, the confusion between intelligence and investigative activities carried out during entry security checks, with potential repercussions on the rights of the persons under investigation, the inadequate material reception conditions to guarantee privacy and the protection of persons in particularly vulnerable conditions (women and minors).⁹⁴⁹

Pozzallo hotspot

In June 2023, a delegation of ASGI had access to the Pozzallo hotspot and found several problems including the absence of cultural mediators to support the procedures after entering the hotspot (e.g. during the compilation and signing of the so-called "foglio-notizie") and the duration of detention.⁹⁵⁰

The practice of the Prefecture of Ragusa, particularly with the facilities located in Pozzallo and Contrada Cifali, can be regarded as an early example of broader trends in the management of unaccompanied foreign minors (UFMs) within the Italian reception system. Between October 2023 and November 2025, a total of 542 UFMs transited through the Pozzallo hotspot, including 509 boys and 33 girls. In addition, 158 minors were accommodated at the Contrada Cifali facility between October and December 2023. According to the Prefecture, the average length of stay in both facilities was generally limited to one or two days, with longer stays occurring only in cases where serious health conditions required extended medical care before transfer to appropriate reception facilities.⁹⁵¹

2.2 Overall conditions

According to the law, first reception centres offer accommodation to asylum applicants for the purpose of completion of operations necessary for the determination of their legal status,⁹⁵² and of medical tests for the detection of vulnerabilities, to take into account for a subsequent and more focused placement.⁹⁵³

First reception centres are collective centres, up until now set up in large facilities, isolated from urban centres and with poor or otherwise difficult contacts with the outside world.

Overall, governmental centres are very often overcrowded. Accordingly, the quality of the reception services offered is not equivalent to reception facilities of smaller size.

⁹⁴⁷ ASGI, 'Valutazione del Comitato dei Ministri: Inadempienza dell'Italia nell'attuazione della Sentenza CEDU sull'Hotspot di Lampedusa', July 2024, available in Italian [here](#).

⁹⁴⁸ ECtHR, No. 18911/17 and two others, *A.E. and others v. Italy*, 16 November 2023, available at: <https://bit.ly/3VtXyVY>.

⁹⁴⁹ Università degli Studi di Bari, Rapporto sul centro hotspot di Taranto, Jean Monnet Working Paper 2/2023, October 2023, available in Italian at: <https://lc.cx/8otliD>.

⁹⁵⁰ ASGI, 'Monitoraggio ASGI e Spazi Circolari a Pozzallo: hotspot, Contrada Cifali e il nuovo centro di trattenimento', 9 October 2023, available in Italian at: <https://lc.cx/2n5MBD>.

⁹⁵¹ ActionAid, *La frontiera ovunque. Centri d'Italia 2026*, April 2026, available in Italia [here](#).

⁹⁵² Article 9(1) Reception Decree.

⁹⁵³ Article 9(4) Reception Decree.

Responding to the FOIA request made by ASGI regarding occupancy as of 31 December 2025, the Ministry of Interior only indicated the centres' official capacity, not actual occupancy. As of 31 December 2024, while the capacity of governmental centres was 3,540, the occupancy was 3,724. Some centres were particularly overcrowded: in Gradisca d'Isonzo, with a capacity of 303, 414 asylum applicants were present; in Bari, there were 850 people, on 640 available places, in Manfredonia, 140 people on 80 places and in Treviso 545 asylum applicants compared to a capacity of 450.

These practices were further compounded by Legislative Decree 133/2023, converted with amendments by Law 176/2023, which made it possible to derogate from the maximum capacity of government reception centres and CAS facilities. Under these rules, occupancy may reach up to twice the official capacity to meet 'the needs of public order and security related to the management of migration flows'.⁹⁵⁴

Managers tend to accommodate together people of the same nationality or belonging to the same ethnicities, religions, or political groups to prevent the rise of tensions and violence.

Law 50/2023, which converts Decree Law 20/2023, adopted by the new Government, again drastically reduced the list of mandatory services within governmental centres and CAS, to: health care, social assistance and linguistic-cultural mediation. These new regulations were followed by a new set of tender schemes specifications for these centres, published on 27 March 2024.

The new schemes, as explained above (See [Overview](#), [Services provided](#)) include other services (such as psychological assistance, Italian language courses and professional training, legal and territorial orientation) within the scope of social assistance. These services can be provided at the discretion of the managing body.⁹⁵⁵

According to a field investigation conducted by the NGOs Ospiti in Arrivo and Rete DASI and published on 2 May 2024, at least 150 migrants were sleeping in overcrowded conditions at the Cavarzerani CAS in **Udine** (Friuli Venezia Giulia), without access to basic services. Although they had already been registered in the police database (fotosegnalati), they had not been formally admitted to the reception centre and were therefore not officially registered as residents.⁹⁵⁶ In 2026, the tenders procedure reduced the authorised capacity of the Cavarzerani CAS to 300 places. This reduction coincided with the commencement of demolition works affecting several buildings within the facility.

2.3 Conditions in CAS

According to the Reception Decree, services guaranteed in temporary centres (CAS) are the same as those guaranteed in first reception governmental centres.⁹⁵⁷

Following the reform provided by the Decree Law 20/2023 converted into L. 50/2023, services were drastically reduced (see [conditions in first reception centres](#)). Also, DL 133/2023 converted into L. 176/2023 provided that, in cases of extreme urgency, it is possible to directly entrust management of the centres to the managing bodies and to waive the capacity limits of the centres and governmental facilities structures, allowing access to up to double the places foreseen for each centre.⁹⁵⁸

Given that the term CAS simply defines a legal category and not a type of structure, there are CAS activated in small apartments, as well as in collective centres of hundreds of places. Thus, the actual quality of the services and the very nature of the reception in CAS differ greatly.

⁹⁵⁴ Art. 7, d.l. 133/2023 which amends article 11, par. 2, LD 142/2015.

⁹⁵⁵ According to Article 2 of the tender specification schemes, as per Minister Decree, 4 March 2024. Schemes and Decree available at: bit.ly/3JU5KaZ.

⁹⁵⁶ Invisibili ed escluse, a Udine centinaia di persone tagliate fuori dall'accoglienza, Altreconomia, 2 May 2024, available in Italian at: <https://bit.ly/3VaCkdL>.

⁹⁵⁷ Articles 11(2) and 10(1) Reception Decree.

⁹⁵⁸ Article 11(2) Reception decree as amended by DL 133/2023. See the analysis from Actionaid, 18 October 2023, available in Italian at: <https://l1nq.com/dnM01>.

The chronic emergency state under which the CAS operate has forced the improvisation of interventions and favoured the entry into the reception network of entities lacking the necessary skills or, in the worst cases, only interested in profits.

The functioning of CAS depends on a service contract between the management bodies and the local Prefectures and on the professionalism of the bodies involved.

As discussed in [Forms and Levels of Material Reception Conditions](#), the calls for tenders modelled on the Ministry of Interior tender scheme of 20 November 2018 resulted in the disappearance of many virtuous projects,⁹⁵⁹ while the new tender specification scheme keeps the reception panorama unchanged.

On 16 November 2023, the European Court of Human Rights (ECtHR) issued the judgement on the case of *Sadio v. Italy*, no. 3571/17, regarding a Malian national who stayed in a reception centre in Cona, Italy, for a period of almost eight months. He alleged that his conditions in the reception facility were contrary to Article 3 ECHR, citing overcrowding, lack of proper heating and hot water, lack of medical, psychological, and legal assistance, as well as the centre having insufficient staff members and interpreters. He supported his allegations with photos, reports and a parliamentary question relating to the Cona centre. Additionally, he complained that there had been no effective remedy available in order to challenge this set of circumstances, tantamount to a violation of Article 13 ECHR. The Court relied on the previous case of *Darboe and Camara v. Italy* and saw no significant divergence in material conditions between the two cases. The Court unanimously considered, accordingly, that the length and conditions of Sadio's stay in Cona constituted a breach of Article 3 ECHR. Given that the Italian Government "failed to indicate any specific remedy by which the applicant could have complained about his reception conditions in Cona", the Court again unanimously agreed with the applicant, upholding that Article 13 ECHR had been violated.

In March 2024, the Verona Migrant Observatory filed a complaint with the prosecutor's office against the managing body San Francesco Società Cooperativa Sociale Onlus for the conditions at the Casaleone centre (Verona), where only 10 asylum seekers were accommodated. The observatory had detected: a low presence of operators; insufficient entry kit; no supply of underwear and clothes; deteriorating conditions of the house, broken glass, no furniture; Insufficient beds; not all bathrooms working, frequent absence of hot water; kitchen with mould and cockroaches, state of serious degradation of the boiler. Lack of pocket money and negligence in activating the necessary health protections.⁹⁶⁰

In March 2025, after a visit to two CAS of Canino and Grotte di Castro, in the province of Viterbo (Lazio), MP Scarpa filed a complaint with the Public Prosecutor's Office highlighting "*unhealthy environments, lack of essential services and even children forced to live between infiltration and mould*".⁹⁶¹

2.4 Conditions in Provisional centres

These centres were introduced by the DL 20/2023 converted into L. 50/2023⁹⁶² according to which, in case of unavailability of places in government centres and in CAS centres, people can be accommodated in provisional centres where only food, accommodation, clothing, healthcare and linguistic-cultural mediation are ensured.

⁹⁵⁹ This happened, for example, in Milan, Lombardy, where 11 third sector managers, in many cases small companies with a strong social vocation, decided not to participate in new tenders. See Openpolis and ActionAid, third report, available in Italian at: <https://cutt.ly/7yONsIR>. In Livorno, Tuscany, in 2019, the vast majority of third sector managers have decided not to participate in the new tenders. Therefore, all small and many medium-sized centres have closed and the number of available places in reception has drastically decreased. The migrants hosted in centres that have been closed have often been transferred to other locations. Others, not to abandon the integration paths developed over time, have decided to stay in Livorno with high risks of social marginality. See Openpolis and ActionAid, second report, available in Italian at: <https://cutt.ly/uyONs8z>.

⁹⁶⁰ See Melyingpot, CAS di Casaleone (VR): incuria e stato di abbandono, available [here](#).

⁹⁶¹ Civonline, 3 March 2025, «Condizioni inaccettabili nei Cas»available [here](#).

⁹⁶² Article 11 (2 bis) LD 142/2015.

Starting from the first half of August 2023, two temporary camps, consisting of container tents and gazebos, were set up in **Parma**, the Martorano and Cornocchio camps. The Ciac Onlus association immediately highlighted the disastrous situation in which the people brought to these centres found themselves, even directly after their arrival. For months, people did not have formal access to the asylum procedure and could therefore not be transferred to the CAS or SAI. Between August and October 2023, the Ciac Onlus association collected over 130 declarations of intention to ask for asylum and sent them to the competent Questura. CIAC reported 42 vulnerable people. However, only six of them were able to access the SAI system.⁹⁶³

2.5 Conditions in SAI

The SAI network is mainly made up of small facilities and rented apartments,⁹⁶⁴ located in or close to city centres or, alternatively, well connected to cities through public transport. There, the few categories of asylum applicants who can now access SAI can benefit from first level services, which include more services than the ones guaranteed in first accommodation facilities (CAS and governmental centres): material reception services, health care, social and psychological assistance, linguistic-cultural mediation, Italian language courses, legal orientation and orientation to the territorial services.⁹⁶⁵ Second level services, which include job orientation and professional training, are reserved to beneficiaries of international protection, UAMs and beneficiaries of other forms of protection⁹⁶⁶ (See [Content of protection](#)).

The fact that these projects are permanently structured and that the necessary resources are planned in time, and therefore not dependent on a downward bidding process, means that all these services can be promptly provided to those able to access this system, with no delay.

2.6 Conditions in makeshift camps

As detailed in the previous updates to this country reports, available [here](#), informal migrant settlements with poor or no access to basic services are widespread across Italy, and the 2018 reform worsened the situation. Reports and monitoring activities in Milan, Foggia, Rome, Trieste, Ventimiglia and other areas show persistent overcrowding, precarious living conditions, exploitation, and limited access to reception and services.

The report published in June 2025 by ANCI and Cittalia within the INCAS project financed by the Ministry of Labour, confirms that vulnerable people suffering labour exploitation often include asylum seekers and holders of international protection. The report explains that, "for the former, in particular, vulnerability is linked both to the long wait for their legal status to be defined, and to the fact that a prerequisite for staying in reception centres is not to receive incomes higher than the amount of the social allowance, a prerequisite that leads them to accept irregular working conditions. This fragility is further exacerbated by the pressing need to support the needs of families in the countries of origin, who have invested emotionally and economically in the migrants' journey."⁹⁶⁷

⁹⁶³ See Chiusi dentro, Carnocchio e Martorano, due campi vissuti da vicino, Michele Rossi, pubblicazione a cura di Rivolti ai Balcani. See also Ciac Onlus, Tre mesi di campi: diritti violati e zero servizi Possiamo accettare tutto questo in silenzio? available at: <https://bit.ly/4aLtkBJ>.

⁹⁶⁴ In 2021, more than 84% of the facilities used in the SAI were apartments. See Rapporto Annuale SAI 2021, available at: <https://bit.ly/3JzyJ37>.

⁹⁶⁵ Article 1-sexies (2 bis, a) DL 416/1989, introduced by DL 130/2020.

⁹⁶⁶ Article 1-sexies (2 bis, b) DL 416/1989.

⁹⁶⁷ ANCI and Cittalia, *Servizi e strumenti di governance dei comuni per sostenere le vittime di sfruttamento lavorativo*, June 2025, available in Italian [here](#).

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market	
1. Does the law allow for access to the labour market for asylum seekers? ❖ If yes, when do asylum seekers have access the labour market? Within 2 months	☒ Yes ☐ No
2. Does the law allow access to employment only following a labour market test?	☐ Yes ☒ No
3. Does the law only allow asylum seekers to work in specific sectors? ❖ If yes, specify which sectors:	☐ Yes ☒ No Insert
4. Does the law limit asylum seekers' employment to a maximum working time? ❖ If yes, specify the number of days per year	☐ Yes ☒ No
5. Are there restrictions to accessing employment in practice?	☒ Yes ☐ No

According to the Reception Decree, an asylum applicant can start to work after 60 days from the moment they lodged the asylum application.⁹⁶⁸ However, even if they manage to start working, the asylum applicant permit cannot be converted into a work or residence permit.⁹⁶⁹

Even though the law makes a generic reference to the right to access employment without indicating any limitations, and albeit being entitled to register with Provincial Offices for Labour, in practice asylum applicants face difficulties in obtaining a residence permit which allows them to work. This is due to the delay in the registration of their asylum applications, on the basis of which the permit of stay will be consequently issued, or to the delay in the renewal thereof (for further information, see section on [Registration](#)).

Furthermore, employers are often wary of hiring asylum applicants who are in possession only of the asylum request receipt or the request for renewal of the six-month permit, since they present no expiry date, even if they are legally equal to the residence permit.

ASGI also reports that many Provincial Offices for Labour do not allow asylum applicants under the Dublin procedure to enrol on the lists of unemployed persons and some Questure have expressed a negative opinion about the possibility for these people to be employed before it is confirmed that Italy is responsible for their asylum application. The CJEU decision of 14 January 2021, according to which Article 15 of the Directive 2013/33/EU must be interpreted as precluding national legislation which excludes an applicant for international protection from access to the labour market on the sole ground that a transfer decision has been taken in his or her regard under Dublin Regulation, should overcome the different orientations existing in the national territory.⁹⁷⁰ However, occasionally the same problem arises, still in 2025.

In early 2022, an additional case was highlighted to ASGI in Bolzano, where both the employment office and Questura had denied access to work to a Dublin asylum applicant.

Since then, periodically Dublin asylum applicants are deemed not authorized to work, until the misunderstanding is clarified thanks to protection associations or lawyers.

In addition, the objective factors affecting the possibility of asylum applicants to find a job are language barriers, the remote location of the accommodation and the lack of specific support founded on their needs.

Moreover, DL 20/2023 cancelled the obligation to provide Italian courses and job orientation in reception centres.

⁹⁶⁸ Article 22(1) Reception Decree.

⁹⁶⁹ Article 22(2) Reception Decree.

⁹⁷⁰ CJEU decision joined cases C322/19 and C385/19, 14 January 2021.

2. Access to education

Indicators: Access to Education

1. Does the law provide for access to education for asylum-seeking children? ☒ Yes ☐ No
2. Are children able to access education in practice? ☒ Yes ☐ No

Italian legislation provides that all children until the age of 16, both nationals and foreigners, have the right and obligation to take part in the national education system. Under the Reception Decree, unaccompanied asylum-seeking children and children of asylum applicants exercise these rights and are also admitted to Italian language courses.⁹⁷¹ The Reception Decree refers to Article 38 TUI, which states that foreign children present on Italian territory are subject to compulsory education, emphasising that all provisions concerning the right to education and the access to education services apply to foreign children as well. This principle has been further clarified by Article 45 PD 394/1999, which gives foreign children equal rights to education as Italian children, even when they are in an irregular situation. Asylum seeking children have access to the same public schools as Italian citizens and are entitled to the same assistance and arrangements in case they have special needs. They are automatically integrated in the obligatory National Educational System. No preparatory classes are foreseen at National level, but since the Italian education system envisages some degree of autonomy in the organisation of the study courses, it is possible that some institutions organise additional courses in order to assist the integration of foreign children.

In practice, the main issues concerning school enrolment lie in: the reluctance of some schools to enrol a high number of foreign students; the refusal from family members and/or the child to attend classes; and the insufficiency of places available in schools located near the accommodation centres and the consequent difficulty to reach the schools if the centres are placed in remote areas.

In some cases, attempts to make up for the lack of places in Italian language courses by introducing other courses have not delivered positive results.

A CEDAW report published in February 2024 (CEDAW/C/ITA/CO/8) recommends adopting targeted measures to reduce the school dropout of girls and women belonging to disadvantaged groups, in particular Roma, Sinti and Caminanti women and girls and migrant and refugee women and girls.⁹⁷²

D. Health care

Indicators: Health Care

1. Is access to emergency healthcare for asylum seekers guaranteed in national legislation? ☒ Yes ☐ No
2. Do asylum seekers have adequate access to health care in practice? ☒ Yes ☐ Limited ☐ No
3. Is specialised treatment for victims of torture or traumatised asylum seekers available in practice? ☐ Yes ☒ Limited ☐ No
4. If material conditions are reduced or withdrawn, are asylum seekers still given access to health care? ☐ Yes ☒ Limited ☐ No

Asylum applicants and beneficiaries of international protection are required to register with the National Health Service.⁹⁷³ They enjoy equal treatment and full equality of rights and obligations with Italian citizens regarding the mandatory contributory assistance provided by the National Health Service in Italy.

There is no distinction between asylum applicants benefitting from material reception conditions and those who are out of the reception system, since all asylum applicants benefit from the National Health System.

⁹⁷¹ Article 21(2) Reception Decree.

⁹⁷² CEDAW report, CEDAW/C/ITA/CO/8, available [here](#).

⁹⁷³ Article 34 TUI; Article 16 PD 21/2015; Article 21 Reception Decree.

1. Practical obstacles in accessing health care

The right to medical assistance is acquired at the moment of the lodging of the asylum application. However, very often access to healthcare is hindered and severely delayed, as access to most health services depends on the attribution of an individual tax code, which is only assigned by Questure when lodging the asylum application. The fact the significant delays (up to several months) in the lodging of asylum claims are registered in certain regions thus negatively impacts on the possibility of asylum seekers in these regions to access healthcare (see [Registration](#)).

Pending enrolment, asylum applicants only have access to medical treatment ensured by Article 35 TUI to irregular migrants: they have access to emergency care and essential treatments, and they benefit from preventive medical treatment programmes aimed at safeguarding individual and public health.⁹⁷⁴

Asylum applicants have to register with the national sanitary service in the offices of the Local Health Board (*Azienda sanitaria locale*, ASL) competent for the place they declare to have established their domicile.⁹⁷⁵ Once registered, they are provided with the European Health Insurance Card (*Tessera europea di assicurazione malattia*, TEAM), whose validity is related to the one of the permits of stay.

The right to medical assistance should not expire in the process of the renewal of the permit of stay.⁹⁷⁶ In practice, however, asylum applicants with an expired permit of stay have no guarantee of access to non-urgent sanitary treatments for a significant length of time due to the bureaucratic delays in the renewal procedure. This also means that where asylum applicants do not have a domicile to renew their permit of stay, for example if reception conditions were withdrawn, they cannot renew the health card.

Registration entitles the asylum applicant to the following health services:

- ❖ Free choice of a general doctor from the list presented by the ASL and choice of a paediatrician for children (free medical visits, home visits, prescriptions, certification for access to nursery and maternal schools, obligatory primary, media and secondary schools);
- ❖ Special medical assistance through a general doctor or paediatrician's request and on presentation of the health card;
- ❖ Midwifery and gynaecological visits at the "family planning" (*consultorio familiare*) to which access is direct and does not require doctors' request; and
- ❖ Free hospitalisation in public hospitals and some private subsidised structures.

Delays in the issuance of health cards were exacerbated from 2016, due to the attribution of special tax codes to asylum applicants other than the ones attributed to other people, consisting in numerical and not alphanumeric codes.⁹⁷⁷ Such obstacles have been reported regarding access to health cards since 2019 and continued in 2025. These problems persist also regarding access to other social rights.

Medical assistance is extended to each regularly resident family member under the applicant's care in Italy and is recognised for newborn children of parents registered with the National Health System.⁹⁷⁸

Regarding the effective enjoyment of health services by asylum applicants and refugees, it is worth noting that there is a general misinformation and a lack of specific training on international protection among medical operators.⁹⁷⁹ In addition, medical operators are not specifically trained on the diseases typically affecting asylum applicants and refugees, which may be very different from the diseases affecting the Italian population.

⁹⁷⁴ Article 21 Reception Decree; Article 16 PD 21/2015.

⁹⁷⁵ Article 21(1) Reception Decree, citing Article 34(1) TUI; Accordo della Conferenza Stato-Regioni del 20 dicembre 2012 "Indicazioni per la corretta applicazione della normativa per l'assistenza sanitaria alla popolazione straniera da parte delle Regioni e Province Autonome italiane".

⁹⁷⁶ Article 42 PD 394/1999.

⁹⁷⁷ Ministry of Interior Circular of 1 September 2016; Revenue Agency Circular No 8/2016.

⁹⁷⁸ Article 22 Qualification Decree.

⁹⁷⁹ See M Benvenuti, *La protezione internazionale degli stranieri in Italia*, Jovene Editore, Napoli 2011, 263.

One of the most relevant obstacles to access health services is the language barrier. Usually, medical operators only speak Italian and there are no cultural mediators or interpreters who could facilitate the mutual understanding between operator and patient.⁹⁸⁰ Therefore asylum applicants and refugees often do not address their general doctor and go to the hospital only when their disease gets worse. These problems are worsening due to the adverse conditions of some accommodation centres and of informal settlements (see [Conditions in makeshift camps](#)).

2. Contribution to health care costs

Asylum applicants benefit from free of charge health services on the basis of a self-declaration of destitution submitted to the competent ASL. The medical ticket exemption is due to the fact that asylum applicants are treated under the same rules as unemployed Italian citizens,⁹⁸¹ but the practice is very different throughout the country.

In all regions, the exemption is valid for the period of time in which applicants are unable to work, corresponding by law to 2 months from the lodging of the asylum application⁹⁸² (see [Access to the Labour Market](#)). During this period, they are assimilated to unemployed people and granted the same exemption code.

For the next period, in some regions, asylum applicants are no longer exempted from the sanitary ticket because they are considered inactive instead of unemployed. In other regions such as **Piedmont** and **Lombardy**, the exemption is extended until asylum applicants manage to access the labour market. In order to maintain the ticket exemption, asylum applicants need to register in the registry of the job centres (*centri per l'impiego*) attesting their unemployment.

On 12 January 2023, regarding a case brought by ASGI and Emergency, the Civil Court of Milan ascertained the discriminatory conduct of the Lombardy region which, like other regions, distinguishes, for the purposes of exemption, between unemployed and inactive people, a circumstance which particularly impacts asylum applicants and refugees who, compared to other categories of foreigners, have been staying in the territory for less time and, in most cases, have not had previous working relationships before enrolling in the national health service. The Court acknowledged, with specific reference to the category of asylum applicants, how it is "obvious that an asylum applicant cannot claim a previous employment relationship in Italy (..) especially because, pursuant to art. 22 of Legislative Decree no. 142/2015, asylum applicants can carry out working activities only after 60 days from the request for the relevant residence permit".⁹⁸³

3. Specialised treatment for vulnerable groups

Asylum applicants suffering from mental health problems, including torture survivors, are entitled to the same right to access to health treatment as provided for nationals by Italian legislation. In practice, they may benefit from specialised services provided by the National Health System and by specialised NGOs or private entities.

The Ministry of Interior has clarified that the Guidelines on assistance and rehabilitation of refugees and subsidiary protection beneficiaries, victims of torture or serious violence, issued by Decree on 3 April 2017 to implement Article 27(1-bis) of the Qualification Decree, also apply to asylum applicants (see [Content of Protection: Health Care](#)).

In order to ensure the protection of the health of foreign citizens in Italy, ASGI has collaborated with the Italian Society of Migration Medicine (*Società italiana di medicina delle migrazioni*, SIMM) since 2014, monitoring and reporting cases of violation of the constitutional right to health.

⁹⁸⁰ *Ibid.*

⁹⁸¹ Ministry of Health Circular No 5 of 24 March 2000.

⁹⁸² Article 22 Reception Decree.

⁹⁸³ Civil Court of Milan, decision of 12 January 2023, available at: bit.ly/3LwUuDr.

A protocol was signed in January 2021 by the Prefecture of Massa Carrara (Tuscany) and functional units of mental health for examining the cases of persons applying for international protection who are psychologically vulnerable, aimed at providing them with adequate care and enhanced protection.⁹⁸⁴

In October 2023 the Regions of Emilia - Romagna, Lazio, Tuscany and Sicily created a training program, co-funded by the Asylum, Migration and Integration Fund of the European Union, aimed at improving the competences of healthcare professional employed in the public healthcare system and in refugees' and asylum applicants' hosting programs, especially concerning the forensic certifications for victims of torture.⁹⁸⁵

From 2022 to 2023 in the Veneto region the SPIRNET project was active, funded by the Asylum, Migration and Integration Fund of the European Union. It was aimed specifically at individuating and taking care of asylum applicants and refugees affected by severe psychological distress. The partners were Prefectures, Municipalities and local health authorities (ASLs)⁹⁸⁶ (see also [Content of international protection](#)).

E. Special reception needs of vulnerable groups

Indicators: Special Reception Needs

1. Is there an assessment of special reception needs of vulnerable persons in practice?

☐ Yes

☒ No

Article 17(1) of the Reception Decree establishes that reception is provided taking into account the special needs of the asylum applicants, in particular those of vulnerable persons such as children, unaccompanied children, disabled persons, elderly people, women, with priority given to the pregnant ones,⁹⁸⁷ single parents with minor children, persons who have been subjected to torture, rape or other forms of psychological, physical or sexual violence, victims of trafficking and genital mutilation, as well as persons affected by serious illness or mental disorders (see [Identification](#)).

However, there are no legal provisions on how, when and by whom this assessment should be carried out. The Reception Decree provides that asylum applicants undergo a health check since they enter the first reception centres and in temporary reception structures to assess their health condition and special reception needs.⁹⁸⁸ The Decree provides, in theory, that special services addressed to vulnerable people with special needs shall be ensured in first reception centres.⁹⁸⁹

However, in 2018, the reduction in funding and services provided in first reception centres under the 20 November 2018 tender specifications scheme (*Capitolato*) of the Ministry of Interior and the exclusion of psychologists' services from eligible costs rendered the effective identification and protection of these categories of people even more precarious. The reform of the accommodation system by Decree Law 130/2020 extended the protection afforded to asylum applicants in first reception facilities by extending the number of services to be provided. However, as described above, DL. 20/2023 converted into L. 50/2023, marked a return to a similar situation as in 2018, cancelling important services such as psychological assistance. However, according to the new tender schemes, psychological assistance can currently be provided within the broader category of social assistance but, with some exceptions,⁹⁹⁰ it is rarely provided in a systematic way, and it is in any case only available for a very limited number of hours. Social workers' responsibilities include language courses, legal assistance, orientation to the territory, professional guidance and psychological assistance. However, the number of hours allocated is disproportionately low given the wide scope of these tasks. For instance, under tender specification

⁹⁸⁴ EC, EMN Bulletin, May 2021, available at: <https://bit.ly/3Fioz4r>, 5.

⁹⁸⁵ Program available in Italian at: <https://bitly.cx/cABp>.

⁹⁸⁶ Overview of the project available in Italian at: <https://bit.ly/3UGXm3o>.

⁹⁸⁷ See Article 17 LD 142/2015 as amended by DL 133/2023 converted into L. 176/2023

⁹⁸⁸ Articles 9(4) and 11(1) Reception Decree.

⁹⁸⁹ Article 17(3) Reception Decree.

⁹⁹⁰ See Il Post, "La psiche di chi arriva", June 2024, available in Italian [here](#).

schemes: collective structures from 11 to 20 places are allocated 18 hours per social worker per week; collective structures from 41 to 50 places, 26 hours per week; facilities from 76 to 100 places, 32 hours per week, with a progressively lower number of hours per person as the number of people hosted increases.

Therefore, after DL 20/2023 and even if it provides for the possibility for vulnerable asylum applicants to access SAI,⁹⁹¹ it is increasingly difficult to identify vulnerabilities that are not evident.

According to the law, special reception services should be provided in the reception centres for vulnerable asylum applicants with special needs, also ensured in collaboration with the competent health districts. These services should guarantee special care measures and adequate psychological support.⁹⁹² These services should also guarantee an initial assessment and periodic verification by qualified personnel about the conditions of vulnerability.⁹⁹³

Where possible, adult vulnerable people are placed together with other adult family members already present in the reception centres.⁹⁹⁴ The manager of reception centres shall inform the Prefecture on the presence of vulnerable applicants for the possible activation of procedural safeguards allowing the presence of supporting personnel during the personal interview.⁹⁹⁵

Considering all the above, it is not clear how these guarantees can be ensured.

Currently, only in case vulnerable people access the SAI system before they are granted a title of protection, can they enjoy some additional services allowed by the Decree 18 November 2019 for disabled persons and persons affected by serious illness or mental disorders.⁹⁹⁶

However, access to SAI projects specifically equipped for vulnerable people is not always guaranteed: 10 out of 21 regions do not have places for vulnerable asylum applicants or beneficiaries of international protection.⁹⁹⁷ In January 2026, SAI Central Service reported that there were only 761 places for these applicants, down from the 766 available in 2024.

In the light of this data, it appears clear that the Italian reception system is in practice for the most part devoid of services and facilities dedicated, or at least adequate, to the reception of vulnerable people. The limited places available in the SAI network for people with special needs are completely insufficient to meet the needs of an entire national system. On the other hand, the prefectural reception circuit (which welcomes almost 70% of the total) does not have *ad hoc* facilities, there are no specific services envisioned, nor training requirements of operators, nor is there any provision for enhanced collaboration with the local social and health services. This does not mean that in Italy there are no prefectural reception centres able to take care of vulnerable migrants, but that positive experiences in this regard are very rare and that they have developed only from the good will of the managing entities, without adequate legal or economic support from the competent institutions. The ministerial Guidelines on assistance, rehabilitation and treatment of vulnerable migrants,⁹⁹⁸ while constituting a high-quality document and an important reference point, have in fact remained largely not enforced in the reception context, both because no

⁹⁹¹ Article 9 (1 bis) LD 142/2015.

⁹⁹² Article 17 (3) Reception Decree.

⁹⁹³ Article 17 (6) Reception Decree.

⁹⁹⁴ Article 17(5) Reception Decree.

⁹⁹⁵ Article 17(7) Reception Decree.

⁹⁹⁶ Article 34 MoI Decree 18 November 2019. According to an analysis from 2020, the places intended for the reception of vulnerable people were by that time insufficient; there were 734 places specialised in accommodation of vulnerable refugees, compared to the 2,000 who, according to the Ministry of the Interior, have been officially diagnosed with a disease. Only 2.3% of these people with severe mental illness are adequately assisted. See Linkiesta, La questione irrisolta dei migranti con disturbi mentali, 23 December 2020, available in Italian at: <https://bit.ly/3eGbVR4>; see also Migranti Torino, "La salute mentale nei rifugiati prima, durante e dopo la migrazione", 15 January 2021, available at: <https://bit.ly/3w4iinb>.

⁹⁹⁷ See SAI general data, 31 January 2026, available in Italian [here](#).

⁹⁹⁸ Linee guida per la programmazione degli interventi di assistenza e riabilitazione nonché per il trattamento dei disturbi psichici dei titolari dello status di rifugiato e dello status di protezione sussidiaria che hanno subito torture, stupri o altre forme gravi di violenza psicologica, fisica o sessuale, adopted with Decree of the Ministry of Health on 3 April 2017, available at: <https://t.ly/Wwyp>.

reference is made to them within the Prefectures' tender specifications, and because, in adopting them, the Government has not provided any additional financial resources.

In Italy, the NGO "Doctors for Human Rights" published a 2021 study on post-traumatic stress disorder (PTSD) among refugees and asylum applicants. The study concluded that overcrowding, geographical isolation, prolonged stay, length of legal proceedings, as well as episodes of violence particularly in large reception centres, have detrimental effects on asylum applicants' and refugees' mental health. In a public appeal, 18 civil society organisations – including MEDU, ASGI, Action Aid, Oxfam, and Refugees Welcome Italia – called for a policy that avoids the use of large reception facilities.⁹⁹⁹

In 2025, at least three cases of asylum applicants with mental illnesses who were unable to access SAI due to a lack of projects indicating to have adequate facilities to accommodate people with such conditions were resolved only with an appeal to the Administrative Court (See paragraph 1.5. second reception - SAI system).¹⁰⁰⁰

With respect to accommodation for LGBTQI+ people, only a few places in dedicated public projects exist, led by Arcigay and Caleidos, in Modena, and by Quore Association (R.A.R.O. project) based in the Piedmont region.¹⁰⁰¹ Another relevant experience is that of the network Rise the difference in Bologna, which launched a pilot project for the creation and management of a reception facility - included among the 2017-2019 former Sprar- Siproimi - dedicated to LGBT asylum applicants and refugees.¹⁰⁰² In late 2022, the Municipality of Rome opened a call for tenders for a pilot SAI project dedicated to the reception of LGBT+ migrants.¹⁰⁰³

As pointed out by legal practitioners, reception workers and lawyers, although LGBT+ sexual orientation is a factor of persecution and can motivate the recognition of international protection, it is often hidden for a long time by asylum applicants who do not feel safe as they fear being discriminated against and attacked by other guests of the centres.¹⁰⁰⁴

Regarding reception for vulnerable women (women are also included as such by DL 133/2023 in the category of vulnerable asylum seekers), an Openpolis and Actionaid report points out the project of Befree, the managing body of Sai Aida active in Rome and intended for victims of trafficking and victims of violence. The activity is carried out in favor of women hosted within CAS, carrying out interviews aimed at the emergence of stories of violence and /or trafficking; it can activate referrals mechanism to grant access of these persons to SAI facilities, but it also deals directly with their needs when they access the Sai Aida project.¹⁰⁰⁵

1. Reception of families and children

The Reception Decree specifies that asylum applicants are accommodated in facilities which ensure the protection of family unity consisting of spouses and first-degree relatives.¹⁰⁰⁶ The management body of the reception centres shall respect the family unity principle. Therefore, they cannot separate children from parents who live in the same wing of the facility. In practice, according to ASGI's experience, it may happen that a father is accommodated in a wing for single men and his wife and children in the wing for women. In general, dedicated wings are designed for single parents with children. It may also happen that parents are divided and placed in different centres, and usually the children are accommodated with their mother.

⁹⁹⁹ FRA, *Migration: Key Fundamental Rights Concerns*, Quarterly Bulletin, February 2021, available at: <https://bit.ly/37WS13N>, 17.

¹⁰⁰⁰ Administrative Court of Trieste, interim decision no. 46/2024, published on 22 June 2024; Administrative Court of Naples (Campania), decision no. 270/2025, published on 6 February 2025.

¹⁰⁰¹ Link to the RARO project led by Quore, available at: <https://bit.ly/3vwYzPA>.

¹⁰⁰² Link to the project available at: <https://bit.ly/3vFf2Qt>.

¹⁰⁰³ Comune di Roma, Bando SAI, progetto pilota per migranti LGBT+, available at: <https://bit.ly/3TCuuZi>.

¹⁰⁰⁴ See also: Large movements, Prassi del sistema accoglienza e migranti LGBTQ+, 28 June 2021, available at: <https://bit.ly/3OqqBDX>.

¹⁰⁰⁵ Openpolis and Actionaid report on Accommodation, 2024, Accoglienza al collasso, available [here](#).

¹⁰⁰⁶ Article 10(1) Reception Decree.

It may happen in first reception centres that families are divided in case the accommodation conditions are deemed not adequate and suitable for children. In these situations, mothers and children are hosted in a facility, and men in another. In these cases, it is possible to send a request to the competent Prefecture to find a way to unify the family, but places dedicated to families are very few throughout Italy, both in CAS and within the SAI network.

Some Italian regions almost entirely lack reception places suitable for families. This element of fragility of the reception system became even more evident in the 2021-2022 period, first with the arrival of the Afghan evacuees, among whom there were many large families (between 5 and 10 people per nucleus), and then with the people fleeing from Ukraine, among whom there were mainly single-parent households.

While within the SAI projects specific tools and services are in place for households hosted there, this is almost entirely absent in all other types of reception, in the sense that neither the law nor the regulatory provisions, nor the specifications of services provide for the activation of activities or services dedicated to families as such. This means that services are activated by the NGOs managing the centres of their own free will, but without any guidelines, quality standards and potentially without the possibility to see the related expenses reimbursed by the Government.

On 3 April 2019, the Court of Cassation clarified that minors are considered accompanied only when they can be considered assisted by a present parent. In any case of family members other than parents, the Juvenile Court must activate guardianship.¹⁰⁰⁷ Following this decision, Juvenile Courts gave indications to the authorities not to directly accommodate minors with relatives other than parents. However, such indications are not always respected.

Based on NGOs' experience, no specific or standardised mechanisms are put in place to prevent gender-based violence in reception centres. As a rule, permanent law enforcement personnel are present outside governmental centres with the task of preventing problems and maintaining public order. In practice, the management body of governmental centres divides each family from the others hosted in the centre. Women and men are always separated.

2. Reception of unaccompanied minors

The Reception Decree states that the best interest of the child has priority in the application of reception measures, to ensure living conditions suitable for a child regarding their protection, well-being and development, including social development, in accordance with Article 3 of the Convention on the Rights of the Child.¹⁰⁰⁸

In order to evaluate the best interest of the child, the child shall be heard, taking into account their age, the extent of their maturity and personal development, also for the purpose of understanding their past experiences and to assess the risk of being a victim of trafficking, and the possibility of family reunion pursuant to Article 8(2) of the Dublin Regulation, as long as it corresponds to the best interest.¹⁰⁰⁹

In 2025, 16,228 unaccompanied minors entered Italy. This represented a small increase compared to the numbers recorded in 2024 (14,828) but still a decrease compared to 2023 (27,476). In 2025, the majority of unaccompanied foreign minors continued to enter Italy through sea landings. More than 9,000 minors arrived by sea, representing 56% of all new entries by minors in 2025. The remaining 7,133 unaccompanied minors (44%) were identified within the Italian territory, including at airports, seaports, and land border crossings.¹⁰¹⁰

As in previous years, also in 2025 the main region of arrival for unaccompanied minors was **Sicily** with 7,892 unaccompanied minors, i.e. 48.7% of the total entries into the country. These were mainly minors

¹⁰⁰⁷ Court of Cassation, 3 April 2019, decision 9199/2019.

¹⁰⁰⁸ Article 18(1) Reception Decree.

¹⁰⁰⁹ Article 18(2) Reception Decree.

¹⁰¹⁰ Ministry of Labour, *six months report on unaccompanied minors in Italy*, 31 December 2025, available in Italian [here](#); a summary in English is available [here](#).

disembarked in the ports of Lampedusa (85%). The second region was Lombardy, with 1,850 arrivals (11% of the total for 2025). The third Region was **Friuli-Venezia Giulia**, with 1,328 arrivals by land border (8.2% of the total).¹⁰¹¹

In 2025, unaccompanied foreign minors who entered in Italy were predominantly male (96%), and 82% were over 16 years of age. As of 31 December 2025, the main countries of origin of unaccompanied minors were Egypt (35%) Bangladesh (13%), Eritrea (11%), Somalia (7%), Tunisia (4%), Ethiopia (3%) and Sudan (3%).

In 2025, 5,973 unaccompanied foreign minors left the reception system.¹⁰¹²

17,011 unaccompanied minors were present in Italy at the end of 2025. 82% were hosted in reception facilities, while 18% of minors were in private accommodation.¹⁰¹³ Most of the minors accommodated in families come from Ukraine (87%). 60% were hosted by their own relatives residing in Italy, while the remaining 40% were hosted by families with no kinship ties. Among unaccompanied minors accommodated, 18.7% were accommodated in first reception facilities and 65% in second reception facilities. 1,924 reception facilities hosted unaccompanied children in 2025, of which 223 dedicated to first reception and each hosting an average of 12 minors, and 1,701 facilities belonging to second reception, with an average capacity of 7 minors. The majority of first reception facilities are present in Sicily (25%), the others are mostly in Lombardy, Liguria, Lazio, and Emilia Romagna. The second reception facilities were more distributed throughout the territory, mainly around the cities of Milan, Rome, Naples and Bologna. The Regions with the greatest presence of these structures were Sicily (15% of the national total) Lombardy (14) %, Campania (13%) Lazio (9%), and Emilia-Romagna (8%).¹⁰¹⁴

Since 2015, the management of the Fund for the reception of unaccompanied minors has been transferred from the Ministry of Labour to the Ministry of Interior.¹⁰¹⁵ Through the Fund, the Ministry provides, with its own decree, after hearing the Unified Conference, to cover the costs incurred by local authorities for the reception of unaccompanied foreign minors, within the limits of the resources allocated. DL 145/2023 created the Fund for the reception of migrants and minors with an endowment of €46,859 million for the year 2023¹⁰¹⁶ and the 2024 budget Law stated that the Fund is refinanced in the amount of 172,739,236 euros for the year 2024, of 269,179,697 euros for the year 2025 and of 185,000,000 euros for the year 2026.¹⁰¹⁷

Meltingpot highlighted that the measure will move an amount equal to 45 million euros from funds for the reception of minors to the armed forces for the next 3 years.¹⁰¹⁸

The interventions in favour of unaccompanied foreign minors are also funded by resources from the European Asylum, Migration and Integration Fund (AMIF) 2014-2020¹⁰¹⁹ and 2021-2027.

¹⁰¹¹ Ministry of Labour, *six months report on unaccompanied minors in Italy*, 31 December 2025, available in Italian [here](#); a summary in English is available [here](#).

¹⁰¹² Ministry of Labour, *six months report on unaccompanied minors in Italy*, 31 December 2025, available in Italian [here](#); a summary in English is available [here](#).

¹⁰¹³ Ministry of Labour, *six months report on unaccompanied minors in Italy*, 31 December 2025, available in Italian [here](#); a summary in English is available [here](#).

¹⁰¹⁴ Ministry of Labour, *six months report on unaccompanied minors in Italy*, 31 December 2025, available in Italian [here](#); a summary in English is available [here](#).

¹⁰¹⁵ 2015 Stability Law (Law 190/2014, Article 1 (181-182).

¹⁰¹⁶ Fund regulated by Article 21(1) DL 145/2023 converted into L. 191/2023.

¹⁰¹⁷ Law 213/2023, Article 1 (361).

¹⁰¹⁸ Meltingpot, *Minori non accompagnati senza tutele e diritti, abbandonati in hotspot e grandi centri*, 4 January 2024, available in Italian at: <https://l1nq.com/UadWVy>. As also highlighted by ASGI, the appropriations envisaged in the original text of the budget plan, amounting to 190 million for 2024, 290 million for 2025 and 200 million for 2026, were reduced to 172,739,23 euro for 2024, 269,179,697 euro for 2025 and 185,000,000 euro for 2026. 'Government cuts Fund for child migrants: so the money goes for increases to the police force', available at: <https://bit.ly/4bGTEOT>. See also: <https://bit.ly/3KrXPSr>.

¹⁰¹⁹ Chamber of Deputies, *Study Service*, 19 March 2020, available in Italian at: <https://cutt.ly/myO8ddD>.

2.1 Dedicated facilities for unaccompanied children

Italian legislation provides that for unaccompanied foreign minors, as for unaccompanied minors of Italian citizenship, the main reception response should be the placement in family foster care, while placement in a community should be activated only to the extent that this is not possible.

On 6 October 2023, the Law Decree No. 133, which introduced significant changes related to the reception of unaccompanied foreign minors and age assessment, came into effect.

The Decree extended the possible stay in first reception centres from 30 to 45 days and established that minors are to be moved to a SAI centre after an initial stay in “first phase” accommodation centres, thus making the SAI a second level reception system.¹⁰²⁰

Due to the reform, the reception system for unaccompanied foreign minors now includes two levels of reception.

Moreover the decree, providing a normative basis for what was already happening in practice, established that in case of unavailability of temporary accommodation facilities for minors, the Prefect may order the temporary reception of the minor aged no less than 16 years in a dedicated section in governmental first reception centres for adults or in extraordinary reception centres (so-called CAS) for adults.¹⁰²¹ Before the reform introduced by LD 133/2023 (converted into L. 176/2023), Article 19 of Legislative Decree 142/15 provided that minors who could not be placed in the governmental first reception centres or in the SAI system due to capacity limits, should be placed in Municipality facilities for minors outside SAI and only as a last resort in the CAS for minors. On the other hand, placing UAMs in adult facilities was not allowed by the law. Law no. 176/23 completely overturned the previous system, providing that UAMs who cannot be placed in the governmental first reception centres for minors or in the SAI must be placed in the CAS for minors or, in the absence of places, for minors over the age of 16, in the CAS for adults or in the governmental first reception centres for adults, and only as a last resort in the Municipality facilities for minors outside SAI.

Replying to a FOIA request made by Asgi in February 2025, the Ministry of Interior informed that, in 2024, at least 160 unaccompanied minors were present in adult CAS facilities (despite a new FOIA request, information on 2025 was not provided).

The facilities reserved for first reception include:

- ❖ the government first reception facilities established pursuant to Article 19 (1) LD 142/2015 and financed with resources from the “Asylum, Migration Fund and integration 2014-2020” (AMIF) (maximum 45 days)
- ❖ temporary accommodation facilities activated pursuant to Article 19 (3 bis) LD 142/2015 by the Prefecture exclusively dedicated to UASC more than 14 years old, with a maximum capacity of 50 places for each structure, where the services guaranteed for first reception facilities pursuant to article 19 (1), should be ensured. This category includes the Extraordinary Reception Centres for minors established by order of Prefect (so-called “CAS minors”);
- ❖ first reception facilities authorised by the Municipalities or Regions (pursuant to Article 19 (3) LD 142/2015
- ❖ first reception facilities for minors/adults established pursuant to art. 5 co.1 letter a of the LD 133/2023 converted with amendments by Law 176/2023 where minors over sixteen years of age could be accommodated in a specific section for a maximum period of 90 days, extendable by a maximum of a further 60 days;
- ❖ other emergency and temporary structures, not included in the previous categories such as hotels or other types of emergency reception solutions also managed by the Municipalities (Law no. 563/1995).

To the second level accommodation facilities belong:

¹⁰²⁰ Article 5 (1 lett.a) LD 133/2023.

¹⁰²¹ Article 5, par. 1, lett. a) LD no. 133/23

- ❖ the SAI system facilities, financed with the National Fund for Asylum Policies and Services;¹⁰²²
- ❖ reception facilities financed with AMIF resources and intended as secondary level facilities;
- ❖ reception facilities authorised at regional or municipal level, whose reception is financed through a contribution to the Municipalities from the National Fund for the reception of UAMS.¹⁰²³

According to the law, unaccompanied minors should be placed in AMIF first accommodation centres pursuant to Article 19 (1) LD 142/2015 up to 45 days and then moved to second level accommodation SAI centres (Article 19 (2) LD 142/2015). Lacking places in these centres, unaccompanied minors above 14 years of age can be placed in Cas for minors activated by Prefecture (pursuant to Article 19 3 bis LD 142/2015). In case these centres are not available, unaccompanied minors above 16 years of age can be placed in dedicated section of adults Cas, for a maximum of 90 days, which can be extended to further 60 days (D.L. 133/2023). Finally, in case all these solutions are not available, unaccompanied minors are accommodated by Municipalities where the minor is, with costs reimbursed by Prefecture.¹⁰²⁴

As pointed out by the Ministry of Labour in its report, by the end of 2025, 68% of the structures had a municipal level authorisation, 28% had authorisations at a regional level, the remaining 4% was represented by structures with authorisation from the Ministry of the Interior or without authorization.¹⁰²⁵

In its 2021 report to Parliament, the Children's Ombudsman report pointed out the need to ensure the uniformity of the quality of services provided, through the adoption of guidelines for the national tariff relating to the costs of services offered by the reception facilities and the costs of reimbursements paid to the entrusted parties. The current address lines only indicated macro-items (e.g. clothes or room rents) to which the regions must adhere, but do not contain any indication with respect to the quantification of the expenditure, not even in terms of average costs of reception.

Another important problem in the reception system is the classification of residential structures for minors. The lack of a shared name, which makes it possible to clearly identify the organisational and structural peculiarities of residential services, inevitably affects the effectiveness of monitoring activities and the quality of interventions, given the difficulty of finding detailed information on the type of structure in which the minor is placed.¹⁰²⁶

Without providing for a stable solution for unaccompanied minors present in Italy, the Government tried to limit existing challenges with a number of interventions.

- ❖ In 2022, the contribution paid by the Ministry of the Interior to Municipalities that host at their expense unaccompanied foreign minors (not within SAI projects) was increased from a maximum of 45 euros per day to 60 euros per day, for each day of presence of the child. This quantity was also set as an auction basis for the activation of new first reception facilities.¹⁰²⁷ This intervention was widely requested and shared with the associations of Municipalities, struggling with the high costs related to the reception of children in specialised communities. The National Association of Italian Municipalities (ANCI) had requested the funding of at least 4,000 additional SAI places for minors, deemed strongly necessary, but the proposal was rejected several times by both the Parliament and the Government.¹⁰²⁸
- ❖ On 4 August 2022, the Ministry of Interior published a public call for the submission of projects for the activation of temporary centres functioning as "regional hubs for unaccompanied foreign minors", for

¹⁰²² Article 1 septies DL 416/1989 converted by L. 39/1990.

¹⁰²³ See the report made by the Ministry of Labour, Six months monitoring report on unaccompanied foreign minors, 31 December 2024.

¹⁰²⁴ See, for an analysis of the accommodation system for minors, the Asylum Report 2024 edited by Migrants Foundation, Elena Rozzi, *Minori stranieri non accompagnati in Italia quale accoglienza?*

¹⁰²⁵ Ministry of Labour, *six months report on unaccompanied minors in Italy*, 31 December 2025, available in Italian [here](#); a summary in English is available [here](#).

¹⁰²⁶ See Children's Ombudsman, 2021 report to Parliament, available at: <https://bit.ly/438B0L0>.

¹⁰²⁷ See Circular letter from the Department of Civil Liberties to Prefects on 19 May 2022 and Circular Letter of 17 January 2024.

¹⁰²⁸ Source ANCI, Biffoni: "Ingestibile concentrazione minori stranieri non accompagnati in certi Comuni", 14 April 2023, available at: <https://bit.ly/42TlrHg>.

a total of 1,000 new places to be financed through the AMIF fund, starting on 1 January 2023.¹⁰²⁹ The list of the 15 projects to be financed was published only in May 2023. The operating period for these projects covers the timeframe between 1 July 2023 and 9 January 2026. The activation of regional hubs for unaccompanied minors is an initiative shared with ANCI, aimed at equipping local territories with facilities that can function as bearings that amortise the continuous arrival of minors, giving time to the municipalities to find definitive solutions of reception.¹⁰³⁰

- ❖ The 15 winners of the call approved in May 2023 started their project activities between July and October 2023. Of the 15 projects, 8 are operational in Sicily and 3 in Basilicata. In the regions of Abruzzo, Campania, Molise and Tuscany one project has been approved for each region for a total of 750 places (250 places less than expected), of which almost 10% reserved for reception of female minors.
 - On 2 November 2023, in relation to the need to cover the remaining 250 places, not covered by the notice of May 2023, a new notice was published by the Ministry of the Interior which provides the financing of reception projects for a total amount of just over 15 million and half euros
 - Furthermore, with Decree prot. n 0004376 of 04 August 2023, the MOI has published the Notice for the presentation of projects to be financed by AMIF 2021-2027 with 6 million euros, above all to enhance and increase foster care family members of UASC as an alternative measure to community placement.¹⁰³¹
- ❖ The Government ordered that the communities authorised or accredited for the reception of unaccompanied minors under 14 can derogate from the parameters of capacity provided by local and national rules, in the maximum extent of 25% of the assigned places.¹⁰³²
- ❖ In June 2023, the Italian Ministry of the Interior issued an Handbook for the identification, referral and care of persons living with vulnerabilities entering Italy and within the protection and reception system.¹⁰³³ With the purpose of implementing the Handbook, the Department of Civil Liberties and Immigration established the National Table on Vulnerabilities, which is working within the protection and reception system to enhance the coordination mechanism and to draft standard operating procedures. Since the publication of the Vademecum, it has carried out quarterly monitoring activities in order to raise awareness in the territories for the activation of technical committees for its implementation. Five monitoring cycles were carried out by May 2025.

SAI

As previously mentioned, DL 133/2023 modified the law which previously provided that accommodation of unaccompanied children primarily takes place in SAI facilities. Article 19 (2) of the Reception Decree now provides that access to the SAI takes place at the end of the initial reception phase in the government structures referred to in the art. 19 (1), thus making the SAI a second level system.

Children reaching adulthood in SAI centres can remain there until a final decision on their asylum application.¹⁰³⁴ Circulars of the Ministry of Interior of 27 December 2018 and 3 January 2019 specified that in case the unaccompanied child is granted international protection; they could stay in SAI for another 6 months. The same Circulars specified that unaccompanied children who obtained an administrative extension of their placement can remain in second-line reception for the entire duration of the extension. The former SIPROIMI (now SAI) Guidelines issued by the Ministry of Interior with decree of 18 November 2019 regulated the matter in the same way.¹⁰³⁵ Decree Law 130/2020 finally authorised the access to SAI

¹⁰²⁹ The full documentation of the public notice is available at: <https://bit.ly/407wg7l>.

¹⁰³⁰ Source ANCI, *Minori stranieri non accompagnati, Anci: Puntare sul doppio canale: hub di primissima accoglienza e rete SAI diffuse su territori*, 3 May 2023, available at: <https://bit.ly/3oeCGUA>.

¹⁰³¹ Ministry of Labour, *Monitoring report on unaccompanied foreign minors*, 31 December 2023.

¹⁰³² See Order of the Chief of Department for Civil Protection no. 994 of 11 May 2023, available at: <https://bit.ly/45IRK3e>.

¹⁰³³ Available at [vademecum_vulnerabilities_31-web-eng.pdf](#).

¹⁰³⁴ Article 12(5-bis) Decree Law 113/2018, as amended by L 132/2018.

¹⁰³⁵ Article 38 MoI Decree 18 November 2019.

for unaccompanied minors who became adults obtaining an administrative extension of their placement.¹⁰³⁶

SAI Guidelines provide additional specific activities and services in favour of unaccompanied minors and in particular the activation of services aimed at promoting family foster care, supporting the paths of autonomy, also by promoting forms of support for housing autonomy in the transition to adulthood, encouraging the connection with the voluntary guardians. It also provides specialised services dedicated to minors with particular vulnerabilities.¹⁰³⁷

As of January 2026, 6,655 places for unaccompanied foreign minors were financed in SAI projects.¹⁰³⁸ The number of places dedicated to unaccompanied children still falls short of current needs given that over 3,180 unaccompanied children are currently accommodated in the first reception system.

First reception centres and CAS for unaccompanied children

For immediate relief and protection purposes unaccompanied children may be accommodated in governmental first reception facilities. The system of first reception outlined by Law 47/2017 and Reception Decree remains substantially unrealised, constituting one of the parts of the legislation with respect to which reality is further away from legal provisions. The decree of the Ministry of the Interior that should regulate the government structures of first reception for minors accompanied has not been issued as of March 2025. Practices regarding the placement of children in these structures is not based on a single system, but on a poorly coordinated set of different types of accommodation, with visible management difficulties for the institutions and an undeniable impact on the predictability and linearity of Child protection and inclusion path.

In the absence of the first government reception centres, this phase is in fact covered by different types of structures: the most similar in standards to the regulatory provision, the centres financed by the Migration and Integration Asylum Fund (AMIF) and centrally managed by the Ministry of the Interior; the extraordinary reception centres set up by the Prefects (c.d. CAS minor) and managed by the Prefectures; family homes and socio-educational communities managed by individual Municipalities. It should be highlighted that these are separate reception levels, based on institutions of different scope. This causes a difficult and sometimes lacking coordination, as well as substantial differences regarding rules set depending on the centre. Moreover, the investment, although large, is not sufficient to accommodate all children. Looking at available data,¹⁰³⁹ the percentage of minors that remain in first-reception facilities is 16.4%, which in many cases effectively transforms them into long-term centres, with further problems in terms of planning, placement management and fast transfers of children arriving.

Regarding the quality of reception, alongside efficient reception centres, fruitful collaborations between institutions and non-profit organisations that put boys and girls at the centre, there are also situations where minors are placed inappropriately, also because of the non-compliance with the quality standards laid down by law.

Where implemented, stay in first reception centres cannot exceed 45 days and must last for the strictly necessary time for identification, which must be completed within 10 days. This serves to identify and assess the age of the child and to receive information on the rights recognised to the child and on the modalities of exercise of such rights, including the right to apply for international protection. Throughout the time during which the child is accommodated in the first reception centre, one or more meetings with an age development psychologist are provided, where necessary, in presence of a cultural mediator, in

¹⁰³⁶ DL 130/2020, Article 4 (3) b), amending Article 1-sexies (1 bis) DL 416/1989. In 2020 ASGI had underlined that, although the Ministry of Interior had not clarified it, It was not justified a different treatment of unaccompanied children who obtained an administrative extension of their placement but who, due to the unavailability of places in SIPROIMI, had not been included within this system during the minor age, see ASGI, Emergenza covid-19 e percorsi dei minori non accompagnati dopo i 18 anni, 13 March 2020, available in Italian at: <https://cutt.ly/NyO8h6T>.

¹⁰³⁷ MoI Decree, 18 November 2019, Article 35, available in Italian at: <https://cutt.ly/hyO8jXD>.

¹⁰³⁸ See I numeri del SAI, December 2024, available [here](#).

¹⁰³⁹ Ministry of Labour, Monitoring report on unaccompanied foreign minors, 31 December 2024.

order to understand the personal condition of the child, the reasons and circumstances of departure from their home country and their travel, as well as their future expectations.¹⁰⁴⁰

The Ministry of Interior Decree issued on 1 September 2016 identified the structural requirements and the services ensured in such centres.¹⁰⁴¹ The Decree stated that these centres are located in easily accessible places in order to ensure access to services and social life of the territory and that each structure can accommodate up to a maximum of 30 children.¹⁰⁴²

As reported by the Children's Ombudsman, the frequent stay in these first reception centres well beyond the prescribed 30 days often creates feelings of despondency and abandonment among children. This can play an important role in encouraging children to leave the facilities where they are accommodated.¹⁰⁴³ The Italian NGO Group for the Convention of the Rights of the Child (CRC Group) reached the same conclusions and recalled, in its latest report of 2022, that "a system of "first reception" de facto so organised, in which the standards of health protection and needs related to minors are unclear, is (...) lacking in the ability to ensure an individualised approach to individual minors and therefore unable to identify and manage particularly vulnerable cases. This results in serious negative effects on the psycho-social health of the individual at a young age, a strong detachment and adherence to the rules both in current events and in the future projection, the increased risks of absconding and therefore the high risk of invisibility, because of the escape from the formal and protective reception systems".¹⁰⁴⁴

If even first reception centres are saturated, reception must be temporarily assured by the public authority of the Municipality where the child is located, without prejudice of the possibility to transfer them to another Municipality, in accordance with the best interests of the child.¹⁰⁴⁵ According to Article 19(3-bis) of the Reception Decree, in case of mass arrivals of unaccompanied children and unavailability of the dedicated reception centres, the use of CAS to accommodate children is permitted.¹⁰⁴⁶

Similarly to temporary shelters for adults (see [Types of Accommodation](#)), these CAS are established by Prefectures and directly managed by civil society bodies. The law states that each structure may have a maximum capacity of 50 places and may ensure the same services as governmental first reception centres dedicated to children.¹⁰⁴⁷ However, the law now states that, in cases of extreme urgency, the construction or expansion of CAS for minors is permitted in derogation of the established capacity limit, up to double the number of places.¹⁰⁴⁸ No maximum time limit for the period of stay in such centres is defined by the law; accommodation is limited to the time "strictly necessary" until the transfer to SAI facilities.¹⁰⁴⁹

In any event, these temporary centres cannot host children under the age of 14. The accommodation of children has to be communicated by the manager of the temporary structure to the municipality where the structure is located, for coordination with the services of the territory.¹⁰⁵⁰

In the report "The Frontier of Rights - Migrant and Refugee Minors and UNICEF's Intervention in Italy" published in December 2023, UNICEF reports that "(...) these centres, which are often isolated, do not provide for the activation of a whole range of services essential to foster the protection and inclusion of children, girls and boys, from Italian courses to legal information, from mediation to specialised services. Under these conditions, teams on the ground often find important gaps in the effective identification and referral mechanisms of the most vulnerable cases, often also due to the fact that the number of minors is

¹⁰⁴⁰ *Ibid.*

¹⁰⁴¹ Ministry of Interior Decree of 1 September 2016 on the establishment of first reception centers dedicated to unaccompanied minors.

¹⁰⁴² Article 3 Ministry of Interior Decree of 1 September 2016.

¹⁰⁴³ Children's Ombudsperson, *I movimenti dei minori stranieri non accompagnati alle frontiere settentrionali*, 29 March 2019, available in Italian at: <https://bit.ly/2v2oNt6>.

¹⁰⁴⁴ CRC Group, 12° Updated report 2022, Chapter VIII, available at: <https://bit.ly/3q0yXKD>.

¹⁰⁴⁵ Article 19(3) Reception Decree.

¹⁰⁴⁶ Article 19(3-bis) Reception Decree, citing Article 11.

¹⁰⁴⁷ Article 19 (3-bis) Reception Decree.

¹⁰⁴⁸ Article 19 (3 bis) Reception Decree

¹⁰⁴⁹ Article 19(3-bis) Reception Decree, citing Article 19(2)-(3).

¹⁰⁵⁰ Article 19(3-bis) Reception Decree.

very high compared to the number of caseworkers present. In many of these settings, there is often a lack of access to basic goods (including hygiene kits and clean clothing) and services, including health, psychosocial and cultural mediation support for necessary information."¹⁰⁵¹

The reception of unaccompanied children not transferred to the governmental centres or SAI facilities remains under the responsibility of the city of arrival. The amended Reception Decree states that the interested Municipalities should not have any expenses in charge.¹⁰⁵²

The Ministry of Interior, together with the EUAA, has developed guidelines for the accommodation of unaccompanied minors in first reception centres, with practical information on the procedures to be followed for daily work.¹⁰⁵³

2.2 Children accommodated with adults and left destitute

Unaccompanied children cannot be held or detained in CPR.¹⁰⁵⁴

On 31 August 2023, the European Court of Human Rights condemned Italy for the violation of art. 3 of the ECHR (inhuman and degrading treatment) regarding the reception reserved to a single minor girl, in situations of promiscuity and without the assistance she needed for 8 months at an adult centre in Como (*M.A. v. Italy*, no. 70583/17).

Also, on 23 November 2023, the European Court of Human Rights condemned Italy for the violation of Articles 3 and 13 of ECHR for the de facto detention of 13 unaccompanied minors in the hotspot of Taranto, facility dedicated to adults, overcrowded and in inadequate sanitary conditions. In addition, the Court recognized the violation of Article 5 of the ECHR in that the children were detained without a legal basis, without a measure and without being able to challenge the de facto detention before a court (*A.T. v. Italy*, no. 47287/17).

On 14 September 2023, the ECtHR delivered its judgement *Diakité v. Italy*, no. 44646/17 finding that Italy has violated Article 8 ECHR by failing to diligently assess a minor's age and unlawfully placing him in an adult centre.

However, DL 133/2023 amended the Reception Decree allowing accommodation of minors within dedicated sections of adult accommodation centres.

With a MOI circular dated 17 January 2024, it was established that the sections dedicated to unaccompanied minors over-16 year olds in the adults' centres have to provide the same services and quality standards than those guaranteed in the centres dedicated to minor (those ruled by Article 19 of the Reception Decree).

However, it is not clear how this could happen in practice if those centres do not provide those services. Moreover, as stressed by the associations belonging to Tavolo Minori, reception in adult facilities is not compatible with the protection to be granted to single minors according to the Convention on the Rights of Children and Adolescents, which in art. 20 establishes that the minor without family must be placed in family foster care or in specific structures for minors, excluding the possibility of placement in adult structures. Furthermore, this provision conflicts with the Reception Directive 2013/33/EU, which in art. 24 establishes the possibility of housing unaccompanied minors who have reached the age of 16 in reception centres for adults, but only "if it is in their best interests, as required by article 23, paragraph 2".

In 2023, the associations part of the "Tavolo Minori" for minors also recorded minors accommodated in completely emergency situations, such as tents or containers, where they remained for several months in reception conditions that do not ensure minimum hygiene standards and essential services and where

¹⁰⁵¹ UNICEF, "La frontiera dei diritti – Minori migranti e rifugiati e l'intervento dell'UNICEF in Italia", December 2023, available at: <https://encr.pw/2AdBu>, 22-23.

¹⁰⁵² Article 19(3) Reception Decree, as amended by Article 12 Decree Law 113/2018 and L 132/2018.

¹⁰⁵³ MOI Guidelines available in Italian at: <https://cutt.ly/2yO8nAN>.

¹⁰⁵⁴ Article 19(4) Reception Decree.

the minors remained in the inability to access fundamental rights such as the right to education or the right to apply for international protection or a permit for minors.

Such was the case, for example, at the **Martorano camp** in **Parma** and at the **Rosolini centre (Syracuse)**,¹⁰⁵⁵ closed in December 2023 following an urgent intervention by the Juvenile Court of Catania,¹⁰⁵⁶ after a letter signed by ARCI, ASGI, CNCA, Defence for Children International Italia, INTERSOS and Oxfam Italia.¹⁰⁵⁷

As underlined by ASGI to the Committee of Ministers in January 2024,¹⁰⁵⁸ in the **Rosolini camp** no adequate water supply was guaranteed (the minors were often forced to wash with water from bottles), and only five showers (with no hot water) and ten toilets, located outside and often malfunctioning, were provided, evidently insufficient for the 180 minors housed in the facility (reaching 210 at times of overcrowding). The minors slept on cots, with no guarantee of privacy, the heating was insufficient, and the minors were not provided with blankets by authorities. There were no dining areas, tables and chairs. The minors did not have a guardian appointed and had not had the opportunity to apply for asylum or a residence permit. There were also no legal support or educational activities. According to information provided by the Prefecture of Syracuse¹⁰⁵⁹ between 2 September and 1 December 2023, 512 UAMs were placed in this facility (91 under 16 years of age), for an average stay of 60 days, which for some minors lasted more than three months; 264 minors left independently and unprotected.

In 2023, ASGI also recorded cases where minors were detained in CPRs as adults (see [Detention](#)).

Between October and December 2023, the European Court of Human Rights intervened on three occasions with urgent precautionary measures in favour of unaccompanied foreign minors, de facto detained in the reception centre, ordering their immediate transfer to suitable centres: these were the case of a minor detained for 5 months in the Sant'Anna government centre for adults (Isola di Capo Rizzuto, **Crotone**) in conditions of degradation and severe isolation;¹⁰⁶⁰ in another of a minor held in the **Restinco** adult centre for 2 months¹⁰⁶¹ and in the last one of a minor under 14 years of age held at a police station in **Rome** for 6 days.¹⁰⁶²

Regarding the situation of minors in **Rome**, as underlined by ASGI to the Committee of Ministers in November 2023,¹⁰⁶³ since late 2022, UASC who arrive at police stations and cannot be accommodated in dedicated facilities due to capacity constraints are temporarily held in the police stations while awaiting placement. This arrangement is made under the directives of the judicial authorities and the Municipality of Rome. As stated by the police themselves, the minors "are camped in inhuman conditions, forced to sleep on benches, because there are no suitable lodgings or rooms to accommodate them."¹⁰⁶⁴ According to data released by the Municipality of Rome, at the beginning of September 2023, 15-20 minors were 'housed' in Police Stations.¹⁰⁶⁵

¹⁰⁵⁵ Altreconomia, "Chiudere la struttura per minori di Rosolini": l'appello della società civile, 27 December 2023, available at: <https://l1nq.com/p0G0j>.

¹⁰⁵⁶ See Asgi Il Tribunale per i Minorenni di Catania interviene a tutela dei minori collocati nella tensostruttura di Rosolini, 4 January 2024, available at: <https://l1nq.com/L43UV>.

¹⁰⁵⁷ ASGI, Il Tribunale per i Minorenni di Catania interviene a tutela dei minori collocati nella tensostruttura di Rosolini, 4 January 2024, available at: <https://bit.ly/4bZvjUC>; A parliamentary question was also presented to the Minister of the Interior on the Rosolini facility, available at: <https://bit.ly/4elePHW>, 5938.

¹⁰⁵⁸ See Communication submitted by ASGI on 31 January 2024 under Rule 9.2 of the Rules of the Committee of Minister concerning the case of Darboe and Camara v. Italy (Application No. 5797/17) available at: <https://bit.ly/45bcDyD>.

¹⁰⁵⁹ See ASGI, Inlimine, available at: <https://bit.ly/4c2BKgw>.

¹⁰⁶⁰ European Court of Human Rights, Decision on interim measures, Application no. 41645/23, 5 December 2024 (Annex n. 1).

¹⁰⁶¹ European Court of Human Rights, Decision on interim measures, Application no. 42909/23, 19 December 2024 (Annex n. 2).

¹⁰⁶² Appeal under art. 39 before the European Court of Human Rights (case no. 36616/23).

¹⁰⁶³ Communication made by ASGI to the Committee of Minister on 16 November 2023, concerning the case of Darboe and Camara v. Italy, available at: <https://bit.ly/4c5o6BT>.

¹⁰⁶⁴ See Roma Today, <https://encr.pw/QrGbp>.

¹⁰⁶⁵ See: <https://encr.pw/MYyj3>.

With reference to the condition of minors at the Sant'Anna reception centre in Isola Capo Rizzuto (**Crotone**), the condition of deprivation of liberty and promiscuity in which minors remained was also confirmed by the Guarantor Authority for Childhood and Adolescence, who visited the reception centre in Isola Capo Rizzuto on 13 and 14 November 2023, highlighting how minors inside the structure live "in contact with other adult migrants despite having a part of the camp reserved for them. In fact, there are not enough separation and surveillance systems to avoid promiscuity situations that should always be prevented" and, also, that "(...) the time spent in the centre is much longer than the law provides. Some boys, in particular, told me that they had been there for six or seven months."¹⁰⁶⁶

Regarding the **Restinco** centre, a monitoring visit made by a Parliamentarian on 7 December 2023 allowed to ascertain the condition of *de facto* detention of 88 minors (including 15 fifteen-year-olds and 2 fourteen-year-olds) in very precarious hygienic and housing conditions. Even after the urgent precautionary measure issued by the ECtHR on 29 December 2023 in favour of one of the minors (detained since October 2023), this practice was not changed: several associations continued to monitor how, in particular following disembarkation, unaccompanied minors continue to be transferred to this centre, with identical reception conditions and *de facto* detention.

On 5 October 2023, the head of the Italian Authority for Child Protection, Carla Garlatti, was in Restinco and was able to directly verify the presence of 18 unaccompanied minors, aged between 15 and 16, in inadequate conditions.¹⁰⁶⁷ Some had been there for 45 days and most of them came from Lampedusa, Taranto and Calabria, so their stay in places unsuitable for the reception of minors and in conditions of deprivation of liberty was even longer.

On 23 November 2023, the ECtHR condemned Italy for the illegitimate detention of many minors, accommodated in inhuman and degrading conditions and without a guardian in the **Taranto hotspot** (case *A.T. and others v. Italy*, Appeal no. 47287 /17). As of November 2023, 185 minors were held in this centre, some since August 2023.

Similarly, ASGI monitored such a situation of minors deprived of their personal freedom at the hotspot of **Pozzallo/Contrada Cifali and Lampedusa** (see [Detention](#)).

Regarding the condition of unaccompanied minors at the border between Italy and France ASGI found that in **Ventimiglia**¹⁰⁶⁸ the Italian authorities proceed, in many cases, to notify the person concerned of deferred rejection or administrative expulsion measures without carrying out any age assessment. This happens in all cases where the person, mistakenly identified as an adult after landing or arriving on the territory, is stopped by the French border authorities and returned to Italy.

In its report "The Frontier of Rights - Migrant and Refugee Minors and UNICEF's Intervention in Italy" published in December 2023, UNICEF notes that, "In other places - such as Porto Empedocle, Augusta, Roccella Jonica - tensile structures have been set up. These are tents, often placed inside port areas, unsuitable in both summer and winter, because they lack any form of ventilation and heating, thus being particularly hot in summer and very cold in winter. In these facilities – often set up only with cots to sleep on – the sanitary conditions are often precarious, and many times minors are unable to access even basic necessities, including clothes and blankets. Many complain of not having access to mobile devices, which are essential after the journey to notify family that they have arrived at their destination. Placed near the main disembarkation sites, hotspots and tensile structures are supposed to house people no longer than is necessary to carry out identification procedures, but – except for the island of Lampedusa, where recent months have seen faster transfers – often the stay lasts much longer than expected. Similar to the previous ones are the emergency centres that often are placed in disused buildings – such as the old

¹⁰⁶⁶ See Communication submitted by ASGI on 31 January 2024 under Rule 9.2 of the Rules of the Committee of Minister concerning the case of Darboe and Camara v. Italy (Application No. 5797/17) available at: <https://bit.ly/45bcDyD>.

¹⁰⁶⁷ ANSA, Garante, minori stranieri devono essere separati da adulti, available at: <https://bit.ly/4e6INQU>.

¹⁰⁶⁸ See Asgi, Medea, Breve restituzione del sopralluogo a Ventimiglia e considerazioni a margine della sentenza della Corte di Giustizia c143/22, September 2023, available at: <https://acesse.dev/R8fX1>.

school complex in Ardore or the sites in Stilo, Siderno and Portigliola, which at times of intensified arrivals can be used as temporary reception centres.¹⁰⁶⁹

On 21 July 2022, the ECtHR condemned Italy in the case *Darboe and Camara v. Italy* (no. 5797/17).¹⁰⁷⁰ The Strasbourg judges verified that the Italian authorities unlawfully held that Mr. Darboe was of age, through anachronistic and unreliable age-assessment medical tests, contrary to what was stated by the applicant himself, thus failing to appoint a guardian who could represent him and preventing him from presenting the application for international protection without proper support.

Furthermore, the erroneous age assessment led to his placement in the adult reception centre of Cona, known for its extreme overcrowding, widespread violence and serious sanitation deficiencies, for more than four months. In the light of these findings, the Court considered that the right to respect for Mr. Darboe's private and family life (Article 8 of the Convention) and the prohibition of being subjected to inhuman and degrading treatment (Article 3 of the Convention) had been violated. The Court specifies that the extreme vulnerability of minors together with their status as asylum applicants are a decisive element to be carefully considered and protected through specific guarantees.

The appeal was brought to the attention of the Court by ASGI lawyers in January 2017, when, after an urgent request under Article 39 of the Court regulation, the minor was moved to a dedicated facility, and deemed admissible since the Court also found that, within the Italian legal system, there were no effective judicial remedies (article 13 of the Convention) to act against the living conditions within reception facilities.

Save the Children, active within the hotspot of **Lampedusa**, has denounced a now permanent situation of delays and shortcomings in the provision of the most basic services, even regarding the most vulnerable. The NGO reported that 450 minors, 250 of whom unaccompanied, even very small children, had been present in the hotspot for over a month.¹⁰⁷¹ UNICEF also noted severe crowding and delays identified as risk factors for the most vulnerable.¹⁰⁷² In early May 2023, around 500 unaccompanied minors, locked inside the hotspot, held a demonstration, climbing the roof of the facility and clamouring to be transferred.¹⁰⁷³

ASGI noted that at the **Roccella Ionica** hotspot, unaccompanied minors are subject to *de facto* detention, as they are not permitted to leave the facility.¹⁰⁷⁴

Finally, regarding unaccompanied minors placed in centres destined to adults, as pointed out by the 2024 Asylum Report published by the Migrants Foundation, even if after the 2023 reform the law provides that unaccompanied minors over 16 years can be placed in dedicated section of centres for adult applicants, it does not prohibit promiscuity with adults and it does not explain what is the meaning of a "dedicated section". In practice, as underlined in the report, after the Law, often unaccompanied minors are not hosted in dedicated sections of the centres and are instead sharing living quarters with adults. Also, the report underlines that, according to the law, accommodation in centres for adults, although defined as temporary, can last up to 150 days (90 + 60) and that, as a matter of practice, after these days, minors are not transferred elsewhere, thus reaching the age of 18 in these centres.¹⁰⁷⁵

¹⁰⁶⁹ UNICEF, "La frontiera dei diritti – Minori migranti e rifugiati e l'intervento dell'UNICEF in Italia", December 2023, available at: <https://encr.pw/2AdBu>, 22-23.

¹⁰⁷⁰ ECtHR, *Darboe and Camara v. Italy*, Application No 5797/17, Communicated on 14 February 2017, available at: <https://bit.ly/3Z8AtWY>.

¹⁰⁷¹ Save the Children, Hotspot sovraffollato a Lampedusa: le condizioni critiche dei minori, 12 April 2023, available at: <https://bit.ly/41YgFqV>.

¹⁰⁷² UNICEF, Cronache di frontiera. Lampedusa: vite in hotspot, 10 May 2023, available at: <https://bit.ly/3MfcWiC>.

¹⁰⁷³ See Repubblica, Protesta dei minori non accompagnati all'hotspot di Lampedusa, 1 May 2023, available at: <https://bit.ly/3okux0P>.

¹⁰⁷⁴ See ASGI, Roccella Ionica: situazione attuale e implementazione "approccio hotspot", 21 February 2023, available at: <https://bit.ly/3pXsL65>.

¹⁰⁷⁵ Asylum Report 2024 edited by Migrants Foundation, Elena Rozzi, Minori stranieri non accompagnati in Italia quale accoglienza?

F. Information for asylum seekers and access to reception centres

1. Provision of information on reception

The Reception Decree contains a provision on the right to information, confirming the obligation to hand over the brochure, as stated above, and states that this information is to be provided in reception centres within 15 days from the presentation of the asylum application. This information should be provided through the assistance of an interpreter.¹⁰⁷⁶

In particular, the Reception Decree provides that Questure shall provide information related to reception conditions for asylum applicants and hand over information leaflets accordingly.¹⁰⁷⁷ The brochures distributed also contain the contact details of UNHCR and refugee-assisting NGOs. However, the practice of distribution of these brochures by police authorities is quite rare. Moreover, although Italian legislation does not explicitly state that the information must also be provided orally, this happens in practice at the discretion of Questure but not in a systematic manner. Therefore, adequate information is not constantly and regularly ensured, mainly due to the insufficient number of police staff dealing with the number of asylum applications, as well as to the shortage of professional interpreters and linguistic mediators. According to the Reception Decree such information on reception rights is also provided at the accommodation centres within a maximum of 15 days from the making of the asylum application.¹⁰⁷⁸

Information provision on the asylum procedure and reception is included also among the activities to be conducted in the hotspot facilities.¹⁰⁷⁹ However, ASGI's requests for access and information have shown that this is also a critical aspect, as the Ministry has argued that the information provisioning activities are entrusted exclusively to UNHCR, which, however, has never confirmed or denied this attribution.¹⁰⁸⁰ It has been proven that there is a clear link between authorities' detention practices and information-giving practices carried out by intergovernmental organisations such as the UNHCR and the IOM, and the contribution of this relation to processes of migrant differential inclusion/exclusion.¹⁰⁸¹

Upon arrival in the reception centres, asylum applicants should be properly informed on the benefits and level of material reception conditions. Depending on the type of centre and the rules adopted by the managers of the reception centres, asylum applicants may benefit from proper information of the asylum procedure, access to the labour market or any other information on their integration rights and opportunities.

2. Access to reception centres by third parties

Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?
- ☐ Yes ☒ With limitations ☐ No

According to the Reception Decree, applicants have the opportunity to communicate with UNHCR, NGOs with experience in the field of asylum, religious entities, lawyers and family members.¹⁰⁸² The

¹⁰⁷⁶ Article 3(3) Reception Decree and Article 10 Procedures Decree.

¹⁰⁷⁷ Article 3 Reception Decree.

¹⁰⁷⁸ Article 3 (3) Reception Decree.

¹⁰⁷⁹ Article 10-ter (1, 3 and 4) Legislative Decree 286/1998. See also the Hotspot Standard Operating Procedures, available at: <https://bit.ly/3M0vILX> and the 6-bis attachment to Outline of contract documents for hotspots, see Specifiche tecniche integrative dello schema di capitolato di appalto relative all'erogazione dei servizi di accoglienza ed alla fornitura di beni – lotto unico per centri di cui all'art. 10-ter del d.lgs. 25 luglio 1998, n. 286, available at: <https://bit.ly/41b1UAt>.

¹⁰⁸⁰ See ASGI, Il diritto all'informazione nell'hotspot di Lampedusa: le responsabilità di UNHCR, 27 March 2023, available at: <https://bit.ly/3l0IEjl>.

¹⁰⁸¹ See Calarco R., Managing Migration through Detention and Information-Giving Practices: The Case of the Italian Hotspot and Relocation System, in International Migration Institute working paper, volume 173/2022, available at: <https://bit.ly/432EGxS>. See also Vianelli L., The Implementation of the Hotspot Approach in Italy. CONDISOBS Policy Paper No. 2, January 2022, available at: <https://bit.ly/3ld658j>.

¹⁰⁸² Article 10(3) Reception Decree.

representatives of the aforementioned bodies are allowed to enter these centres, except for security reasons and for the protection of the structures and of the asylum applicants.¹⁰⁸³ The Prefect establishes rules on modalities and the time scheduled for visits by UNHCR, lawyers, NGOs as well as the asylum applicants' family members and Italian citizens who must be authorised by the competent Prefecture on the basis of a previous request made by the asylum applicant living in the centre. The Prefecture notifies these decisions to the managers of the centres.

Article 15(5) of the Reception Decree provides that lawyers and legal counsellors indicated by the applicant, UNHCR as well as other entities and NGOs working in the field of asylum and refugee protection, have access to these facilities to provide assistance to hosted asylum applicants.

It is worth noting that these centres are open, therefore asylum applicants are free to contact NGOs, lawyers and UNHCR offices outside of the centres.

Concerning the governmental first reception centres for unaccompanied children, the law allows entry into the centres for members of the National and European Parliament, as well as to UNHCR, IOM, EUAA and to the Children's Ombudsman, to the mayor or a person delegated by them. Access is also allowed to persons who have a motivated interest, because of their institutional engagement within the region or the local authority where the centre is based, to child protection agencies with long experience, to representatives of the media, and to other persons who present a justified request.¹⁰⁸⁴

G. Differential treatment of specific nationalities in reception

Once in reception, there are no recorded differences among asylum applicants based on their nationalities. However, problems have been reported as regards the possibility to access the asylum procedure and the reception system for specific nationalities (see [Registration](#)).

However, after the takeover by the Taliban in Afghanistan of August 2021 and the war in Ukraine, the Government has provided specific accommodation measures for Afghans, first for those evacuated, and later for people escaping from Ukraine.

Accommodation for people escaping from the Ukrainian conflict

As reported by Actionaid and Openpolis, on 24 January 2025 the Ministry of the Interior established the increase of SAI places (with a maximum of 3,211 beds and until 31 December 2025), through resources for absorption into the system of reception centres for Ukrainian people under the control of civil protection.¹⁰⁸⁵ However, the text clarifies that "the actual number of new places subject to funding will be calculated on the basis of the results of the recognition of households that declare that they need the continuation of public assistance". These are, therefore, already *de facto* reserved posts.¹⁰⁸⁶

See [Annex on Temporary Protection](#).

¹⁰⁸³ Article 10(4) Reception Decree.

¹⁰⁸⁴ Article 7 Ministry of Interior Decree of 1 September 2016.

¹⁰⁸⁵ See MOI Circular available [here](#).

¹⁰⁸⁶ Openpolis Actionaid report, Accoglienza al collasso, March 2025, available [here](#).

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention

1. Total number of persons detained in 2025	
❖ CPR	Not available
❖ Hotspots	Not available
2. Number of persons in detention as of 31 December 2025: ¹⁰⁸⁷	
❖ CPR	Not available
❖ Hotspots	Not available
3. Number of detention centres:	
❖ CPR	11
❖ Hotspots	13
4. Total capacity of detention centres:	
❖ CPR	679 ¹⁰⁸⁸
❖ Hotspots	3,652 ¹⁰⁸⁹

This section will inter alia discuss detention in CPRs. It should be noted that, as CPRs are removal centres, those detained in these centres are generally third country nationals with a return order. Some of them have been and/or are, at time of detention, asylum applicants; some apply for international protection from the CPR; others may not have been able to access asylum; and some have not and did not intention to access the asylum procedure. However, except when specified otherwise, information and statistics on CPRs presented in this chapter pertain to all people detained in CPRs, for lack of disaggregated data.

The Reception Decree prohibits the detention of asylum applicants for the sole purpose of examining their asylum application.¹⁰⁹⁰ However, the provisions introduced by Decree Law 113/2018, implemented by L 132/2018, created a risk of automatic violation of this principle since they foresee detention in suitable facilities set up in hotspots, first reception centres or subsequently in pre-removal centres (*Centri di permanenza per il rimpatrio*, CPR) for the purpose of establishing identity or nationality.¹⁰⁹¹

Decree-Law 20/2023 on urgent provisions concerning the flow of legal entry of foreign workers and the prevention of and fight against irregular immigration, converted with amendments by Law 50/2023 and entered into force on 6 May 2023, introduced several amendments to the previous legislative framework on detention of asylum applicants. Law 50/2023 included additional grounds for detention of asylum applicants (see [Grounds for detention – Asylum detention](#)). In particular:

- ❖ it allows for detention of applicants in the border procedure for the sole purpose of ascertaining they have the right to access the country's territory (see [Border Procedure](#));
- ❖ It allows detention in case it is necessary to determine the elements on which it is based the international protection application (in case they cannot be acquired without imposing a detention measure) and applicants present risk of absconding;¹⁰⁹²
- ❖ it allows to detain asylum applicants who are in a Dublin procedure (see [Dublin](#));
- ❖ it enlarges the cases of detention for identification purposes.¹⁰⁹³

Asylum applicants also risk *de facto* detention in hotspots and other similar facilities.

¹⁰⁸⁷ No official data are yet available for the whole of 2025. For an overview of admissions to Italian CPRs, please refer to the report of Tavolo Asilo e Immigrazione (TAI), *CPR D'Italia: Istituzioni Total, Secondo rapporto di monitoraggio sui CPR di Bari, Brindisi, Caltanissetta, Gradisca d'Isonzo, Macomer, Milano, Palazzo San Gervasio, Roma, Torino, Trapani*, January 2026, available in Italian [here](#).

¹⁰⁸⁸ Effective capacity by December 2024. As of the end of 2024, the official capacity was 1,522 places in total, see See the Action Aid project *Trattenuti 2024. Una radiografia del sistema detentivo per stranieri*, available in Italian [here](#).

¹⁰⁸⁹ Data shared on May 2026 by Moi after a FOIA request by ASGI.

¹⁰⁹⁰ Article 6(1) Reception Decree.

¹⁰⁹¹ Article 6(3-bis) Reception Decree, inserted by Article 3 Decree Law 113/2018 and L 132/2018.

¹⁰⁹² Article 6 (2) (d) of the Reception Decree as replaced by the L. 50/2023.

¹⁰⁹³ Article 6 (3-bis) as amended by the L. 50/2023 converting into law the DL 20/2023.

A new ground for detention of asylum applicants introduced is included in the new Article 6-bis, Legislative Decree 142/2015, which provides for the possibility of detaining the applicant during the border procedure for the sole purpose of ascertaining they have the right to access the country's territory. Detention may take place within hotspots or CPR located near borders and transit zones in cases where the applicant has not presented a valid passport or other equivalent document or does not provide suitable financial guarantees. The detention measure in this case cannot extend beyond the time strictly necessary to carry out the border procedure pursuant to article 28-bis of Legislative Decree 25/2008 and must be subject to validation by a Judge. The validation hearing is held, where possible, remotely. In case of validation of the detention order by the Judge, the detention period would then be of a maximum of four weeks, which cannot be extended.

On 14 September 2023, the MoI decree detailing the rules related to the financial guarantee was adopted. The Civil Court of Catania decided not to validate the detention orders issued on the base of the lack of a financial guarantee, considering that the provisions were incompatible with the European law. The Court of Cassation, on 8 February 2024, requested a preliminary judgement from the CJEU (see [hotspots and border procedure](#)).¹⁰⁹⁴

Article 6-ter of Legislative Decree 142/2015, as recently modified, regulates a further new ground of detention, concerning asylum applicants subjected to the Dublin procedure under EU Regulation No. 604/2013 (see [Dublin](#)).

Among the modifications introduced by Decree-Law 20/2023, are the additions introduced in Article 10-ter, par. 1-bis, of Legislative Decree no. 286/1998, part of the provisions for the identification of foreign nationals found to be illegally present in the national territory or rescued during rescue operations at sea. The first paragraph of Article 10-ter already provided for the detention in hotspots of foreign nationals found illegally crossing the internal or external border or arrived in the national territory following rescue operations at sea. The same, in fact, can be done for rescue and first assistance within these centres, where the photo-dactyloscopy and signal data are then taken and information on the right to asylum, on the relocation program within other EU Member States and on the possibility to access assisted voluntary returns should be guaranteed.

The new paragraph 1-bis expands the possibility of using *de facto* detention within "similar facilities", providing that for the "optimal performance of the fulfilment of the tasks referred to in this Article, the third country nationals hosted at the crisis points referred to in paragraph 1 may be transferred to similar facilities on the national territory, for the performance of the activities referred to in the same paragraph", specifying that the identification of these facilities will be made in agreement with the Ministry of Justice.

Persons applying for asylum in CPRs are subject to the [Accelerated Procedure](#).

In 2024, as reported by the Action Aid project, 6,164 people – 99% of them men – had been detained in CPRs; around 42% (2,570) were actually returned. Tunisia is by far the most represented country of nationality amongst detained migrants, and the country with the highest return rate (2,752 out of 6,164 detained migrants are Tunisians and 1,697 out of 2,570 returned migrants are returned to Tunisia).¹⁰⁹⁵

The number of CPRs has increased from five in 2017 to eleven in 2025: **Restinco** in Brindisi, **Bari**, **Caltanissetta**, **Ponte Galeria** in Rome; **Turin**, **Palazzo San Gervasio** in Potenza, **Trapani**, **Gradisca d'Isonzo** in Gorizia, **Macomer**, **Nuoro** (in Sardinia), **Corelli** in Milan, **Gjadër** in Albania. At the end of 2024, the official capacity was 679 places to which must be added the 485 places available at the Detention Centre for Asylum Seekers (Ctra) opened in September 2023 in Modica (Ragusa) and 2024 Porto Empedolce (Agrigento), bringing the total number of places available to 1164;¹⁰⁹⁶ the effective capacity was however of 2,555 places (1,522 CPRs, 1,033 Ctra).

¹⁰⁹⁴ Court of Cassation, Interlocutory order of 8 February 2024, decision n. 3562/2024, R.G. 20674/2023.

¹⁰⁹⁵ See the Action Aid project Trattenuti. Una radiografia del sistema detentivo per stranieri, available in Italian [here](#).

¹⁰⁹⁶ See the Action Aid project Trattenuti. Una radiografia del sistema detentivo per stranieri, available in Italian [here](#).

The number of persons entering the hotspots in 2024 was not available at the time of writing.

B. Legal framework of detention

1. Grounds for detention

Indicators: Grounds for Detention

- | | | |
|--|---|---|
| 1. In practice, are most asylum seekers detained | | |
| ❖ on the territory: | ☒ Yes | ☐ No |
| ❖ at the border: | ☒ Yes | ☐ No |
| 2. Are asylum seekers detained during a regular procedure in practice? | ☐ Frequently | ☒ Rarely ☐ Never |
| 3. Are asylum seekers detained during a Dublin procedure in practice? | ☐ Frequently | ☒ Rarely ☐ Never |

According to article 14 TUI, amended by Decree Law 130/2020, the Questore asks the Department of Public Security of the Ministry of the Interior to which facility a third country national should be assigned. Furthermore, Decree Law 130/2020 has established a priority to be given to the detention of foreigners who are dangerous to public order and security or who have been convicted even with a non-definitive sentence for an offence impeding entry,¹⁰⁹⁷ and that a priority has to be given in any case to citizens of countries with which repatriation agreements exist.¹⁰⁹⁸

In its report to Parliament of June 2023, the Guarantor for the rights of detained persons expressed concern on the fact that many people had been detained without legal basis, and in fact a significant number had been released based on court decisions.¹⁰⁹⁹

As of 31 December 2024, out of 6,164 people who passed through the CPRs, 1,746 (28%) were released because the detention was not considered legitimate by the Judge. 2,987 (44%) people were repatriated.¹¹⁰⁰

1.1. Asylum detention

Asylum applicants shall not be detained for the sole reason of the examination of their application.¹¹⁰¹ An asylum applicant shall be detained in CPR, on the basis of a case by case evaluation. As a result of the amendments made by the Decree Law 130/2020 converted into Law 173/2020 and by DL 20/2023 converted into L. 50/2023 these cases arise when:¹¹⁰²

- (a) They fall under the exclusion clauses laid down in Article 1F of the 1951 Convention, following a decision of the CNDA; or under Article 12 (1, b, c) and under Article 16 of the Qualification Decree.¹¹⁰³
- (a bis) They submit a subsequent application during the execution of a removal order, according to Article 29 bis Procedure Decree.¹¹⁰⁴

¹⁰⁹⁷ According to Article 4 (3) and 5 (5) TUI.

¹⁰⁹⁸ Article 14 (1.1) TUI.

¹⁰⁹⁹ *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2022, available at: <https://rb.gy/alzvet>.

¹¹⁰⁰ See the Action Aid project Trattenuti. Una radiografia del sistema detentivo per stranieri, available in Italian [here](#).

¹¹⁰¹ Article 6(1) Reception Decree.

¹¹⁰² Article 6(2) Reception Decree.

¹¹⁰³ Decree Law 130/2020 converted by L. 173/2020 has amended Article 6 (2(a)) Reception Decree, enlarging the exclusion clauses to be referred to detain asylum seekers.

¹¹⁰⁴ Introduced by Decree Law 130/2020 converted by L 173/2020.

- (b) They are issued an expulsion order on the basis that they constitutes danger to public order or state security,¹¹⁰⁵ or are suspected of being affiliated to a mafia-related organisation, have conducted or financed terrorist activities, have cooperated in selling or smuggling weapons or habitually conducts any form of criminal activity,¹¹⁰⁶ including with the intention of committing acts of terrorism;¹¹⁰⁷
- (c) May represent a danger for public order and security or in case of crimes mentioned by Article 12 (1, c) and 16 (1, d bis) Qualification Decree and regarding some exclusion clauses.¹¹⁰⁸ According to the law, to assess such a danger, previous convictions, final or non-final, may be taken into account, including the conviction adopted following the enforcement of the penalty at the request of the party pursuant to Article 444 of the Italian Criminal Procedure Code, in relation to certain serious crimes, to drug crimes, sexual crimes, facilitation of illegal immigration, recruiting of persons for prostitution, exploitation of prostitution and of children to be used in illegal activities.
- (d) It is necessary to determine the elements on which the application for international protection is based which could not be acquired without detention and there is a risk of absconding.¹¹⁰⁹

The assessment of such risk is made on a case by case basis, when the applicant has previously and systematically provided false declarations or documents on their personal data in order to avoid the adoption or the enforcement of an expulsion order, or when the applicant has not complied with alternatives to detention such as, stay in an assigned place of residence determined by the competent authority or reporting at given times to the competent authority.¹¹¹⁰

Following Decree Law 13/2017, implemented by L 46/2017, and the subsequent Decree Law 130/2020, converted into L 173/2020, repeated refusal to undergo fingerprinting at hotspots or on the national territory also constitutes a criterion indicating a risk of absconding.¹¹¹¹

The elements to take into account to evaluate the existence of the risk of absconding are equivalent to those provided by article 13, par. 4-bis, Legislative Decree 286/1998 for cases of administrative expulsion. In particular:

 - ❖ the absence of a passport or other equivalent document;
 - ❖ having previously declared or falsely attested one's personal details;
 - ❖ failure to comply with a previous detention order;
 - ❖ violation of the measures ordered in the event of the granting of a time limit for voluntary departure.

1.2. Dublin detention

Law 50/2023, which came into force on 5 May 2023 converting with amendments DL 20/2023, introduced the possibility to detain asylum applicants during the Dublin procedure.

The new Article 6-ter of the Reception Decree foresees the possibility to detain asylum applicants awaiting the Dublin transfer when there is a significant risk of absconding and unless alternative measures to detention can apply.¹¹¹² The risk is assessed on a case-by-case basis and can be considered to exist when the applicant has escaped a first transfer attempt or when one of the following conditions occurs:

- (a) Lack of a travel document;
- (b) Lack of a reliable address;
- (c) Failure to present oneself to the authorities;

¹¹⁰⁵ Article 13(1) TUI.

¹¹⁰⁶ Article 13(2)(c) TUI.

¹¹⁰⁷ Article 3(1) Decree Law 144/2005, implemented by L 155/2005.

¹¹⁰⁸ Article amended by Decree Law 130/2020 converted by L 173/2020

¹¹⁰⁹ Article 6(2) lett. d), amended by Decree Law 20/2023 converted by L. 50/2023.

¹¹¹⁰ Article 13 (4bis)(a, c, d, e), 13(5.2) and 14 to which Article 6 Reception Decree refers.

¹¹¹¹ Article 10-ter(3) TUI, inserted by Decree Law 13/2017 and L 46/2017.

¹¹¹² Article 6 ter (1) of the Reception Decree introduced by L. 50/2023 converting into law with amendments the DL 20/2023.

- (d) Lack of financial resources;
- (e) Systematic false declarations about personal data.

Detention cannot last beyond the time strictly necessary for the execution of the transfer. The detention validation decision allows the stay in the centre for a total period of six weeks. In the event of serious difficulties in carrying out the transfer, the judge, at the request of the police commissioner, may extend the detention for an additional thirty days, up to a maximum of six additional weeks. Before the expiry of this term, the Questore can carry out the transfer by notifying the judge without delay.¹¹¹³

In a case decided on 19 August 2023 by the Civil Court of Trieste, the detention was validated considering that the asylum applicant was 'homeless, moving along the national territory without financial resources, and was the recipient of multiple criminal complaints.'¹¹¹⁴

1.3. Pre-removal detention

The Reception Decree also provides that:

- (e) Third-country nationals who apply for asylum when they are already held in CPR and are waiting for the enforcement of a return order pursuant to Article 10 TUI or an expulsion order pursuant to Articles 13 and 14 TUI shall remain in detention when, in addition to the above-mentioned reasons, there are reasonable grounds to consider that the application has been submitted with the sole reason of delaying or obstructing the enforcement of the expulsion order.¹¹¹⁵

1.4. Detention for identification purposes

Furthermore, a 2018 amendment to the Reception Decree has added that:

- (f) Asylum applicants may be detained in hotspots or first reception centres for the purpose of establishing their identity or nationality, including through the use of photo fingerprinting operations and the verification of databases.¹¹¹⁶ If the determination or verification of identity or nationality is not possible in those premises, they can be transferred to a CPR.¹¹¹⁷

Although the new Article 6(3-bis) of the Reception Decree foresees the possibility of detention for identification purposes in specific places, such places are not identified by law. In a Circular issued on 27 December 2018, the Ministry of Interior specified that it will be the responsibility of the Prefectures in whose territories such structures are found to identify special facilities where this form of detention could be performed. At the time of writing, there is no information on the identification of these premises.

As those dedicated premises have never been identified, detention for identification purposes occurs *de facto* in hotspots.¹¹¹⁸ In **Lampedusa**, ASGI and other civil society organisations have reported that the centre gate is constantly closed and migrants are able to leave the centre only through openings in the fence, regularly adjusted by the administration and then reopened by migrants. More broadly, people taken to Lampedusa are *de facto* detained on the island, considering that they cannot purchase a title of travel and leave without an identity document.¹¹¹⁹

¹¹¹³ Article 6 ter (2 and 3) of the Reception Decree introduced by L. 50/2023 converting into law with amendments the DL 20/2023.

¹¹¹⁴ Civil Court of Trieste, decision of 19 August 2023, procedure no.3333/2023

¹¹¹⁵ Article 6(3) Reception Decree.

¹¹¹⁶ Provision of Decree Law 20/23, converted in L. 50/23.

¹¹¹⁷ Article 6(3-bis) Reception Decree, inserted by Article 3 Decree Law 113/2018 and L 132/2018 amended by DL 130/2020 and L. 173/2020 and DL 20/23 and L 50/23.

¹¹¹⁸ Guarantor for the rights of detained persons, *Relazione al Parlamento*, 15 June 2018, available in Italian at: <http://bit.ly/2TZy9ol>, 233.

¹¹¹⁹ ASGI et al., *Hotspot di Lampedusa: sempre più un luogo di confinamento*, August 2021, available in Italian at: <https://bit.ly/3Js3OVu>.

While the law does not clarify the procedure relating to the validation of this form of detention, the Ministry of Interior Circular of 27 December 2018 generically refers to validation by the judicial authority. According to ASGI, the same procedure envisaged for other grounds for detention of asylum applicants should apply to these cases.

In addition, the law does not specify in which cases the need for identification arises, thus linking detention not to the conduct of the applicant but to an objective circumstance such as the lack of identity documents. According to ASGI, the new detention ground represents a violation of the prohibition on detention of asylum applicants for the sole purpose of examining their application under see Article 8(1) of the recast Reception Conditions Directive. People fleeing their countries often do not have identification documents and cannot contact the authorities of the countries of origin as this could be interpreted as re-availing themselves of the protection of that country.

The number of persons entering the hotspots in 2025 was not available at the time of writing. As of 31 December 2024, 77,267 people entered the hotspots, of whom 11,785 were minors.¹¹²⁰ In 2024, out of 6,164 persons detained in CPRs, 84 (1%) were released given that they were not identified in the timeframe foreseen by the law.¹¹²¹

2. Alternatives to detention

Indicators: Alternatives to Detention

1. Which alternatives to detention have been laid down in the law?
☒ Reporting duties
☒ Surrendering documents
☒ Financial guarantee
☒ Residence restrictions
☐ Other
2. Are alternatives to detention used in practice?
☐ Yes ☒ No

Article 6(5) of the Reception Decree refers to the alternatives to detention provided in the TUI. To this end, authorities should apply Article 14 TUI to the compatible extent, including the provisions on alternative detention measures provided by Article 14(1-bis).

The TUI provides that a foreign national who has received an expulsion order may request to the Prefect a certain period of time for voluntary departure. In that case the person will not be detained and will not be forcibly removed from the territory. However, to benefit from this measure, some strict requirements must be fulfilled:¹¹²²

- ❖ No expulsion order for state security and public order grounds has been issued against the person concerned;
- ❖ There is no risk of absconding; and
- ❖ The request of permit of stay has not been rejected as manifestly unfounded or fraudulent.

In case the Prefect grants a voluntary departure period, then by virtue of Article 13(5.2) of the Consolidated Act on Immigration, the chief of the Questura resorts to one or more alternative measures to detention such as:

1. The obligation to hand over passport to the police until departure;
2. The obligation to reside in a specific domicile where the person can be contacted;
3. The obligation to report to police authorities following police instructions.

No data on alternative measures was made publicly available since 2022.

¹¹²⁰ *Report to Parliament National Guarantor for the rights of detained persons*, June 2026 relating to 2024 and supplemented by data from 2025, available in Italian [here](#).

¹¹²¹ See the Action Aid project *Trattenuti. Una radiografia del sistema detentivo per stranieri*, available in Italian [here](#).

¹¹²² Articles 13(5.2) and 14-ter TUI.

The Reception Decree provides that when the detained applicant requests to be returned to his or her country of origin or to the country from which he or she came from, the removal order¹¹²³ shall be immediately adopted or executed. The repatriation request corresponds to a withdrawal of the application for international protection.¹¹²⁴

In case the applicant is the recipient of an expulsion order,¹¹²⁵ the deadline for the voluntary departure set out by Article 13(5) shall be suspended for the time necessary for the examination of his/her asylum application. In this case, the applicant has access to reception centres.¹¹²⁶

NGOs have been advocating for a community-based approach to alternatives to detention. “Classic” alternatives to detention (e.g. regular reporting, surrender of passport and identity documents and home confinement) are indeed deemed to be coercive and not responsive to individual needs.

It is thus proposed to move towards “community-based” alternatives (e.g. case management), which consist in non-coercive measures, based on the direct involvement of the person concerned. Case management is an individualised process of support and cooperation during the migration process. Together with a case manager, beneficiaries explore all the options available regarding their legal status. Once fully informed, they are empowered to make informed decisions and achieve sustainable long-term solutions. In 2019-2021 NGOs Progetto Diritti and CILD have piloted a project targeting people at medium-high risk of detention.¹¹²⁷

Since 2020, the association Mosaico for Refugees created the “Channels of Solidarity” project offering support to vulnerable people at risk of detention.¹¹²⁸ The project is officially closed, but Mosaico for Refugees continue working through a helpdesk, giving support to foreign nationals.

3. Detention of vulnerable applicants

Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice?
☐ Frequently ☒ Rarely ☐ Never
- ❖ If frequently or rarely, are they only detained in border/transit zones? ☒ Yes ☐ No
2. Are asylum seeking children in families detained in practice?
☐ Frequently ☒ Rarely ☐ Never

3.1 Detention of unaccompanied children¹¹²⁹

The law explicitly provides that unaccompanied children can never be detained.¹¹³⁰ However, there have been cases where unaccompanied children have been placed in CPRs following a wrong age assessment. Minors, both accompanied and unaccompanied, are also de facto detained in hotspots and, in the context of the COVID-19 pandemic, on quarantine vessels.

¹¹²³ Pursuant to Article 13(4) and (5-bis) TUI.

¹¹²⁴ Article 6(9) Reception Decree.

¹¹²⁵ The expulsion order to be executed according to the procedures set out in Article 13(5)-(5.2) TUI.

¹¹²⁶ Article 6(10) Reception Decree.

¹¹²⁷ CILD and Progetto Diritti, *Alternatives to detention: towards a more effective and humane migration management*, 2021, available at: <https://bit.ly/3q794Wl>.

¹¹²⁸ Mosaico for Refugees, ‘Channels of Solidarity’, available at: <https://rb.gy/vnune1>.

¹¹²⁹ See also for an overview on these cases, the communications sent by ASGI under Rule 9.2 of the Rules of the Committee of Minister concerning the case of Darboe and Camara v. Italy (Application No. 5797/17) on November 2023, available at <https://bit.ly/4c5o6BT> and on January 2024, available at: <https://bit.ly/45bcDyD>.

¹¹³⁰ Article 19(4) Reception Decree.

Hotspots: More than 12,000 minors have entered hotspots in Italy since 2016.¹¹³¹ 10,491 children entered in hotspots in 2022; 7,341 were unaccompanied and 3,150 accompanied children.¹¹³² Last report of the National Guarantor for the rights of detained persons reported that 11,785 minors entered in hotspots in 2024.¹¹³³

It has been noted how the practice according to which, quoting the National Guarantor, “the foreign citizen is basically precluded from having correct personal data reported on the entry information sheet [foglio notizie]” in hotspots,¹¹³⁴ may easily lead to unlawful deprivation of liberty in detention facilities, and delayed disclosure/age assessment.

During the first 7 months of the pandemic, unaccompanied minors were also subject to fiduciary isolation or quarantine at hotspots. In the case of **Lampedusa** hotspot, unaccompanied minors were kept in social isolation conditions, accommodated in situations of promiscuity with adults, within often inadequate and overcrowded spaces and deprived of their personal liberty. In these circumstances, access by unaccompanied minors to dedicated and appropriate health and psychosocial support was significantly compromised.¹¹³⁵

In October 2023, a delegation of the Asylum and Immigration Table visited the **Pozzallo** hotspot and its Contrada Cifali extension for unaccompanied foreign minors, finding a condition of social isolation and de facto deprivation of liberty of these minors.¹¹³⁶

The European Court of Human Rights, in its decision of 23 November 2023 rendered in Case No. 47287/17 (*A.T. and Others v. Italy*),¹¹³⁷ condemned Italy for unlawfully detaining several unaccompanied foreign minors in the **Taranto** hotspot (Art. 5, paras. 1, 2, and 4 of the European Convention on Human Rights), for having used inhuman and degrading treatment in arranging their reception measures (Art. 3 of the Convention), for not having appointed a guardian nor having provided them with any information on the possibility of challenging this condition in court (Art. 13 of the Convention, in relation to Art. 3). Even though the judgement refers to events in 2017, the persistent situation in which previous repressive approaches to the detention of unaccompanied foreign minors in hotspots have not been changed requires respect for the rights guaranteed by the Convention.¹¹³⁸

CPR: There is no official consolidated data on the number of persons detained in CPRs that declared to be minors and are recognised as such via the age assessment procedure. One case was reported in Palazzo San Gervasio.¹¹³⁹ According to ASGI, in 2021 a minor was detained in Turin's CPR during an age assessment without the involvement of the Juvenile Court, violating the *favor minoris* principle. He was released after 95 days due to psychological vulnerability.¹¹⁴⁰ It has also been reported that migrants incorrectly registered as adults in Lampedusa often declare themselves to be minors upon arrival at

¹¹³¹ ASGI, *Unaccompanied minors: critical conditions at Italian internal and external borders*, June 2021, available at: <https://bit.ly/34PNMpg>.

¹¹³² *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2023, available at: <https://rb.gy/r73ey6>.

¹¹³³ *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2026, relating to 2024 and supplemented by data from 2025, available in Italian [here](#).

¹¹³⁴ National Guarantor for the rights of detained persons, *Rapporto sulle visite effettuate nei CPR (2019 - 2020)*, available in Italian at: <https://lc.cx/iBkl4R>.

¹¹³⁵ ASGI, *Unaccompanied minors: critical conditions at Italian internal and external borders*, June 2021, available at: <https://bit.ly/34PNMpg>.

¹¹³⁶ ASGI, ‘A 12 anni nell’hotspot “dedicato” ai minori: Report da Pozzallo e Cifali’, October 2023, available in Italian at: <https://lc.cx/KYzoKq>.

¹¹³⁷ ECtHR, No. 47287/17, *A.T. and others v. Italy*, 23 November 2023, available at: <https://bit.ly/3PxZCZ1>.

¹¹³⁸ ASGI, ‘CEDU: minori stranieri detenuti illegalmente nell’hotspot di Taranto. ASGI: vanno ricollocati’, November 2023, available in Italian at: <https://rb.gy/kjrj8l>.

¹¹³⁹ LASCIA TECIENTRARE, *Dietro le mura. Abusi, violenze e diritti negati nei CPR d'Italia*, October 2022, available in Italian at: <https://rb.gy/daoyns>.

¹¹⁴⁰ ASGI, *The Black book on the Pre-Removal Detention Centre (CPR) of migrants in Turin – Corso Brunelleschi*, September 2021, available at: <https://rb.gy/zezi9h>.

Trapani's Milo CPR. While waiting for age assessment, they may remain detained for weeks in areas that do not fully separate minors from adults.¹¹⁴¹

Borders: Cases of *de facto* detention of minors in border areas have also been reported.¹¹⁴²

ASGI has urged Italian authorities to comply with the ban envisaged by current national legislation and by Article 37 of the CRC ("no child shall be deprived of their liberty unlawfully or arbitrarily") concerning the detention of minors and their placement in structures characterised by conditions of promiscuity or forms of *de facto* detention, such as hotspots; ensure that reports concerning persons who declare themselves to be minors and who are present in CPRs, hotspots, or other facilities, are immediately taken in charge by competent authorities and that transfer to suitable structures is immediately arranged.¹¹⁴³

The amendments made by Decree-Law 133/2023, converted by Law 176/2023, introduced exceptions in ascertaining the age of unaccompanied minors in case of large, multiple and close arrivals, following search and rescue activities at sea, or apprehension at the border or in transit zones. In such cases, wide discretion is granted to the public security authorities in the identification procedures, by carrying out anthropometric or other health assessments, including X-rays, aimed at identifying age. The only limit for the public security authorities is the request for authorisation that must be sent in writing to the Public Prosecutor's Office at the Juvenile Court who has to give authorisation. In particularly urgent cases, authorisation may be given orally and only subsequently confirmed in writing.¹¹⁴⁴

ASGI pointed out how the new provisions introduced by Law Decree 133/2023 run the risk of nullifying the rules and protocols that were in force until then, which, although not formally affected, are weakened in relation to the possible extension of the application of the new derogatory procedure, which focuses on the rapidity of the outcome to the detriment of the guarantees for the person.

On a completely discretionary basis, because there are no parameters or reference indications laid down by law, the public security authorities can decide whether to start the ordinary procedure, which, as seen, requires an assessment based on several methods to be applied together and the initiation of proceedings at the Juvenile Court with the adoption of a final decree, or whether to, outside of the multidisciplinary approach, also subject a person claiming to be a minor to individual examinations, including radiological examinations, the (un)reliability of which has been debated for years.¹¹⁴⁵

3.2 Detention of other vulnerable groups

Detention of children in families in CPR is not prohibited. Children can be detained together with their parents if they request it and if decided by the Juvenile Court. In practice, very few children are detained.

The law also prohibits the detention of vulnerable persons,¹¹⁴⁶ although in practice shortcomings regarding identification and age-assessment procedures at the hotspot means that this is not always ensured.¹¹⁴⁷

¹¹⁴¹ National Guarantor for the rights of detained persons, *Rapporto sulle visite effettuate nei CPR* (2019 - 2020), available in Italian at: <https://bit.ly/3MPri93>

¹¹⁴² In 2020, concerns were raised about age assessment procedures at the Italy–Slovenia border, where police reportedly identified some migrants as adults through visual assessment (*de visu*), despite their claims of being minors and without following the safeguards required by Law 47/2017. Directives issued by the Public Prosecutor in Trieste allowed this practice, giving police broad discretion instead of requiring judicial oversight and multidisciplinary age assessment. In at least four cases, the Juvenile Court of Trieste later ordered proper age assessment procedures after appeals from minors who had been wrongly placed in adult facilities. See ASGI, *Unaccompanied minors: critical conditions at Italian internal and external borders*, June 2021, available at: <https://bit.ly/34PNMpg>.

¹¹⁴³ Ibidem.

¹¹⁴⁴ Article 19(6bis) Reception Decree, as amended by Article 5 Decree Law 133/2023 converted by L 176/2023.

¹¹⁴⁵ ASGI, Informal hearing as part of the examination of Bill C. 1458, converting Decree-Law No. 133 of 2023 on urgent provisions on immigration and international protection, as well as on support for security policies and the functionality of the Ministry of the Interior, October 2023, available at: <https://lc.cx/8nQzrf>.

¹¹⁴⁶ Article 7(5) Reception Decree, as amended by Article 8 Decree Law 13/2017 and L 46/2017.

¹¹⁴⁷ ASGI, *Unaccompanied minors: critical conditions at Italian internal and external borders*, June 2021, available at: <https://bit.ly/34PNMpg>.

According to the law, in the framework of the social and health services guaranteed in CPR, an assessment of vulnerability situations requiring specific assistance should be periodically provided.¹¹⁴⁸ In CPR, however, legal assistance and psychological support are not systematically provided, although the latter was foreseen in the tender specifications schemes (*capitolato*) published by the Ministry of Interior on 4 March 2024. Although the standards of services in the CPRs are planned in accordance with national legislation on the management of the centres and on specific procedures to be followed when vulnerability is detected,¹¹⁴⁹ they are insufficient and inadequate, particularly for vulnerable groups of individuals as found by recent simultaneous visits carried out in April 2024 in Italian CPRs.¹¹⁵⁰ Moreover, the quality of services may differ from one CPR to another. In this respect, the Reception Decree provides that, where possible, a specific place should be reserved to asylum applicants,¹¹⁵¹ and Article 4(i) of the Directive of Minister of Interior of May 2022,¹¹⁵² which deleted the previous Regulation of 20 October 2014 of the Minister of Interior, provides the same for persons with special reception needs.

Issues with protection of persons with special needs in detention have been reported by the Guarantor, who has stressed the need for enhanced referral mechanisms and continuous monitoring of health conditions of detained persons, via stipulation of MoU with local sanitary services.¹¹⁵³ ASGI's monitoring of CPRs has stressed that in these places, vulnerabilities are often ignored and unaddressed: minors, people with disabilities, victims of abuse, asylum applicants, people accused of serious crimes or socially dangerous people are mixed together, which increases the tensions and risks of crises.¹¹⁵⁴

In 2024, 87 women had been detained in the CPR; only 6 of them were returned, while 65 were released after the non-validation of the detention ordered by the judges and 1 released because she was not identified by the deadline.¹¹⁵⁵

The enhanced vulnerability of women in detention and the many criticalities of the women's section of Rome's CPR have been repeatedly noted.¹¹⁵⁶

Women are a minority in hotspots, representing only 7% of the total number of persons held in hotspots in 2024 (5,337 out of 77,267).

4. Duration of detention

Indicators: Duration of Detention

- | | |
|--|---------------|
| 1. What is the maximum detention period set in the law (incl. extensions): | |
| ❖ Asylum detention | 12 months |
| ❖ Pre-removal detention | 120 days |
| ❖ Detention for the purpose of identification | 150 days |
| 2. In practice, how long in average are asylum seekers detained? | |
| ❖ CPR | Not available |

¹¹⁴⁸ Article 7(5) Reception Decree.

¹¹⁴⁹ Ministry of Interior, Department for Civil Liberties and Immigration, *Vademecum per la rilevazione, il referral e la presa in carico delle persone portatrici di vulnerabilità in arrivo sul territorio ed inserite nel sistema di protezione e di accoglienza*, 21 June 2023, available in Italian [here](#).

¹¹⁵⁰ Tavolo Asilo e Immigrazione, CPR D'ITALIA: PORRE FINE ALL'ABERRAZIONE. Proposta politica per la chiusura, December 2024, available in Italian [here](#).

¹¹⁵¹ Article 7(1) Reception Decree.

¹¹⁵² Ministry of Interior, Direttiva recante "Criteri per l'organizzazione e la gestione dei centri di permanenza per i rimpatri previsti dall'art. 14 del decreto legislativo 25 luglio 1998, n. 286 e successive modificazioni", available in Italian at: <https://rb.gy/tjhasw>.

¹¹⁵³ National Guarantor for the rights of detained persons, *Summary document concerning the CPRs, also in the light of the monitoring activities carried out by the local Guarantors in the exercise of the visit powers conferred to them by the National Guarantor in January-March 2023*, April 2023, available at: <https://rb.gy/lqzpdg>.

¹¹⁵⁴ ASGI, *The Black book on the Pre-Removal Detention Centre (CPR) of migrants in Turin – Corso Brunelleschi*, September 2021, available at: <https://bit.ly/3CQZQD5>; see also CILD, *Come in un manicomio. Rinchiusa nella sezione femminile del Cpr di Roma*, 5 August 2024, available in Italian [here](#); NAGA, CPR di Macomer: 15 mesi di clausura di una persona fragile, 10 February 2025, available in Italian [here](#).

¹¹⁵⁵ See the Action Aid project Trattenuti. Una radiografia del sistema detentivo per stranieri, available in Italian.

¹¹⁵⁶ Il Post, 'Nessuno aiuta le donne al centro di detenzione di Ponte Galeria', January 2021, available in Italian [here](#); Annalisa Camilli, 'Chi sono le donne rinchiusa nel centro di espulsione di Roma', *Internazionale*, February 2019, available at: <http://bit.ly/3KT7qQD>.

4.1 Duration of detention for identification purposes

According to the SOPs applying at hotspots, from the moment of entry, the period of stay in the facility should be as short as possible, in accordance with the national legal framework.

Article 6(3-bis) of the Reception Decree introduced by Decree Law 113/2018 introduced the possibility to detain asylum applicants in hotspots for the purpose of determining their identity or nationality. After the amendment introduced by Decree law 130/2020 as converted by L. 173/2020, the law states that this should happen in the shortest possible time and for a period not exceeding 30 days and, if identification has not been possible within that time frame, they could be sent to CPR for detention up to 90 days plus an additional 30 days when the migrant belongs to a country with which Italy has signed repatriation agreements.¹¹⁵⁸ The provision of a detention period up to 30 days and extendable to up to 90 plus 30 days in the CPR seems incompatible with the principle laid down in Article 9 of the recast Reception Conditions Directive according to which an applicant shall be detained only for as short a period as possible. For asylum applicants, this cannot be justified as - given the impossibility of contacting the authorities of the country of origin - it could only coincide with the *fotosegnalamento*, which certainly cannot take more than a few days.¹¹⁵⁹

The reform, introduced by L. 132/2018, confirmed by DL 130/2020 and converted by L 173/2020, has given a legal basis to a practice - that of de facto detention in hotspots - already being implemented. However, as underlined by ASGI detention still takes place in hotspots without any clear legal basis, in the absence of a written act adopted by the competent authority and validated by a judge, in the absence of a maximum detention period, without proper information provided, in a manner inconsistent with the need to protect the individuals against arbitrariness.¹¹⁶⁰

The Guarantor, in the parliamentary debate relating to the conversion into law of the D.L. 130/2020, highlighted how "the non-recognition of the possibility of complaints in hotspots" does not satisfy the requirements laid down in the *Khlaifia* case, creating an unequal treatment between those held in the CPRs, who will have access to a whole series of guarantees and be able to exercise a whole series of rights, including the possibility to present requests and complaints, and whoever is detained in a hotspot, who will not be able to access any of the aforementioned prerogatives. The Guarantor raised several critical issues on the detention of asylum applicants in hotspots for identification purposes: "the lack of taxability of the conditions of application, the lack of regulation of the methods of detention in the premises identified in the hotspots/governmental reception centres, the inadequacy of the hotspots for detention of 30 days, the lack of proportionality of the maximum terms of detention with respect to other institutions that the law provides for similar purposes".¹¹⁶¹ The Guarantor had previously defined the condition of applicants detained for identification a "limbo of legal protection". As a result of detention being practised in a grey legal area or on a de facto basis, applicants who face prison-like conditions do not even receive the same guarantees and legal provisions as prison detainees.¹¹⁶² The situation improved in 2024, when the average stay in the hotspot was limited to the identification procedure and took on average 48 hours.

¹¹⁵⁷ The latest available information on average detention times is from 2021 are 5 days in Lampedusa, Pozzallo and Taranto, 23 in Messina, Data as of 31 December 2021, *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2023, available at: <https://rb.gy/r73ey6>.

¹¹⁵⁸ Article 6(3-bis) Reception Decree, inserted by Article 3 Decree Law 113/2018 and L 132/2018 and amended by Article 3 (2, b) DL 130/2020 and L 173/2020.

¹¹⁵⁹ See Guido Savio, *La nuova disciplina del trattenimento per l'esecuzione dell'espulsione*, in *Immigrazione, protezione internazionale e misure penali*, commento al d.l. 130/2020 convertito in L. 173/2020, 2021.

¹¹⁶⁰ ASGI and CILD, *Communication to the Committee of Ministers of the Council of Europe as part of the supervision procedure on the implementation of the Khlaifia ruling of the ECHR*, January 2021, available in English at: <https://bit.ly/3buOhaa>.

¹¹⁶¹ Guarantor for the rights of detained persons, *Parere sul decreto-legge 21 ottobre 2020*, n. 130, available at: <https://bit.ly/33IUnO8>.

¹¹⁶² The Left, *LOCKED UP AND EXCLUDED Informal and illegal detention in Spain, Greece, Italy and Germany*, December 2020, available at: <https://bit.ly/37q36JY>.

The fact that these places are currently also being used for quarantine, means that detention may be prolonged indefinitely, if the period of precautionary isolation starts again every time new people arrive in the quarantine facility.¹¹⁶³

As of 2022, appropriate places for detention for identification purposes have not yet been identified. Thus, the situation remained almost unchanged as regards *de facto* detention, which, in the absence of any control of legitimacy by the judicial authority, continued in the hotspots during the identification phase and, in the case of **Lampedusa** hotspot, even after that phase until the person is finally transferred to another destination depending on his/her legal status.¹¹⁶⁴

As already mentioned, no data on persons identified in hotspots is available for 2023. In 2022, out of 6,383 persons detained in CPRs 869 (14%) were released because they were not identified within the timeframe foreseen by the law. In the first three months of 2023, out of 1,850 persons detained in CPRs, 161 (9%) were released because they were not identified within the timeframe foreseen by the law.

The hotspot approach is used beyond the actual hotspot centres. In October 2020, ASGI reported that the first line reception facility of **Monastir**, in Sardinia, was being used as a *de facto* detention facility.¹¹⁶⁵ In 2021, ASGI reported many critical issues at the “new border” of **Pantelleria**, where newly arrived migrants are also channelled in hotspot-like procedures.¹¹⁶⁶ The new inspection conducted by ASGI in May 2022 confirmed the critical issues that emerged the previous year, which include unlawful detention practices, obstacles in access to the right of defence, violation of freedom of phone correspondence – in light of the seizure of phones –, inadequate detention conditions and promiscuity.¹¹⁶⁷ ASGI carried out a new inspection in Pantelleria in May 2023, finding and denouncing the same critical issues already highlighted in the previous one: unlawful detention practices and obstacles in access to the right of defence; inadequacy of information activities and the total absence of legal assistance; practices hindering access to asylum applications; violation of freedom of telephone correspondence, in the light of the unlawful seizure of the phones of arriving persons, who remain, therefore, in total isolation.¹¹⁶⁸

The site visit carried out by ASGI in May 2025 led to the report published in July of the same year, which identified five structural deficiencies in the management of the island's hotspot, highlighting the persistence of systemic shortcomings despite its formal establishment in 2024. First, individuals are subjected to *de facto* detention without a legal basis, as they are prevented from leaving the facility in the absence of formal detention orders or judicial oversight. Second, restrictions on communication, including the confiscation of mobile phones and limited access to confidential legal assistance, undermine the effective exercise of the right to defence. Third, legal information is provided only after identification procedures and in a collective, non-individualised manner, compromising informed access to international protection. Fourth, age assessment procedures fail to comply with applicable legal standards, resulting in the misidentification of unaccompanied minors as adults and their transfer to return detention facilities. Finally, overcrowding and inadequate infrastructure frequently prevent the separation of adults, women, and children, exposing vulnerable individuals to inappropriate living conditions. Taken together, these deficiencies indicate a systematic erosion of procedural safeguards and fundamental rights within the hotspot system.¹¹⁶⁹

¹¹⁶³ Guarantor for the rights of detained persons, *Report to Parliament*, March 2020, available at: <https://bit.ly/3okpJnx>, para. 22, pp. 105-107.

¹¹⁶⁴ ASGI and CILD, *Communication to the Committee of Ministers of the Council of Europe as part of the supervision procedure on the implementation of the Khlaifia ruling of the ECHR*, available in English at: <https://bit.ly/33FsXZd>, January 2021; see also *Il trattenimento dei richiedenti asilo negli hotspot tra previsioni normative e detenzione arbitraria*, 30 September 2019, available in Italian at: <https://cutt.ly/4yO8GLX>.

¹¹⁶⁵ ASGI, *Report sopralluogo giuridico: la Sardegna come luogo di frontiera e di transito*, December 2020, available at: <https://bit.ly/2SPky3r>.

¹¹⁶⁶ ASGI, *La frontiera di Pantelleria: una sospensione del diritto Report del sopralluogo giuridico di ASGI*, June 2021, available at: <https://bit.ly/39ovdKB>.

¹¹⁶⁷ ASGI, *La frontiera di Pantelleria: una sospensione del diritto Report del sopralluogo giuridico di ASGI*, August 2022, available at: <https://rb.gy/9ndftw>.

¹¹⁶⁸ ASGI, ‘Report e audio sul Punto di Crisi di Pantelleria: implicazioni sul diritto alla libertà personale’, October 2023, available in Italian at: <https://rb.gy/ajp1id>.

¹¹⁶⁹ ASGI, ‘L’Hotspot di Pantelleria: un microcosmo di diritti sospesi’, July 2025, available in Italian [here](https://www.asgi.org/it/la-frontiera-di-pantelleria-un-microcosmo-di-diritti-sospesi).

4.2 Duration of asylum and pre-removal detention

The maximum duration of detention of asylum applicants is 12 months.¹¹⁷⁰ The duration of pre-removal detention increased from 90 days, plus 30 days in cases of repatriation agreements with the countries of origin¹¹⁷¹, to 18 months: this period provides for the validation of detention for 3 months, which can be subsequently extended every 90 days, up to a maximum of 18 months.¹¹⁷²

According to ASGI, the increase to 18 months of the maximum detention period could further highlight the dubious constitutionality of Article 14(5) of Legislative Decree 286/98, as amended, with Article 13(2) of the Constitution.¹¹⁷³

When detention is already taking place at the time of the making of the application, the terms provided by Article 14(5) TUI are suspended and the Questore shall transmit the relevant files to the competent judicial authority to validate the detention for a maximum period of 60 days, in order to allow for the completion of the procedure related to the examination of the asylum application.¹¹⁷⁴ In September 2021, the Specialised Section of the Court of Rome issued a decision clarifying that the validation request by the Questura to the Court is to be presented within 48 hours from the moment in which the applicant made (i.e., making stage) their application for international protection.¹¹⁷⁵ The same conclusions were reached by the Specialised Section of the Courts of Trieste¹¹⁷⁶ and Milan¹¹⁷⁷ in January 2023.

Recently, the Court of Cassation ruled that the 48-hour time limit for the validation of the second detention ordered by the Questore pursuant to Article 6 cited above does not start from the manifestation of the applicant's willingness to apply for international protection, but from the adoption of the second restrictive measure.¹¹⁷⁸

However, the detention or the extension of the detention shall not last longer than the time necessary for the examination of the asylum application under the **Accelerated Procedure**,¹¹⁷⁹ unless additional detention grounds exist pursuant to Article 14 TUI. Any delays in the completion of the administrative procedures required for the examination of the asylum application, if not caused by the applicant, do not constitute a valid ground for the extension of the detention order.¹¹⁸⁰

According to the Reception Decree, the applicant detained in CPR or for identification reasons in hotspots or first governmental reception centres, who appeals against the rejection decision issued by the Territorial Commission, remains in the detention facility until the adoption of the decision on the suspension of the order by the judge.¹¹⁸¹ The detained applicant also remains in detention as long as he or she is authorised to remain on the territory as a consequence of the lodged appeal.¹¹⁸² The way the law was previously worded did not make it clear whether, when the suspensive request was upheld, asylum applicants could leave the CPR, and in practice they did not.

In this respect the Questore shall request the extension of the ongoing detention for additional periods of no longer than 60 days, which can be extended by the judicial authority from time to time, until the above conditions persist. In any case, the maximum detention period cannot last more than 12 months.¹¹⁸³

¹¹⁷⁰ Article 6(8) Reception Decree.

¹¹⁷¹ Article 14(5) TUI, as amended by Decree Law 130/2020 and L. 173/2020.

¹¹⁷² Article 14(5) TUI, as amended by art. 20(1) Decree Law 124/2023 and L. 162/2023.

¹¹⁷³ ASGI, 'CPR: serve una riforma organica e non misure irragionevoli e costose. Le nostre osservazioni alla Commissione Bilancio', October 2023, available in Italian at: <https://rb.gy/jszrmx>.

¹¹⁷⁴ Article 6(5) Reception Decree.

¹¹⁷⁵ ASGI, 'Il Tribunale di Roma: i termini per la convalida del trattenimento decorrono dalla manifestazione di volontà di chiedere asilo in CPR', 20 January 2022, available in Italian at: <https://bit.ly/3qa9iwo>.

¹¹⁷⁶ Tribunale di Trieste, proceeding 81/2023, decision 18 January 2023.

¹¹⁷⁷ Tribunale di Milano, proceeding 23/2023, decision 18 January 2023.

¹¹⁷⁸ Court of Cassation, decision no. 36522/2023 published on 29 December 2023.

¹¹⁷⁹ Pursuant to Article 28-bis(1) and (3) Procedure Decree.

¹¹⁸⁰ Article 6(6) Reception Decree.

¹¹⁸¹ Article 35-bis(4) Procedure Decree.

¹¹⁸² Article 6(7) Reception Decree, as amended by Article 8 Decree Law 13/2017 and L. 46/2017.

¹¹⁸³ Article 6(8) Reception Decree.

The Court of Cassation stressed that an asylum applicant cannot be detained for longer than the time limits scheduled under the accelerated procedure, unless other reasons for detention arise,¹¹⁸⁴ a principle that clashes with recent decisions of the Supreme Court of Cassation, which established the contrary (see also [Judicial Review](#)).¹¹⁸⁵ In December 2021, the Specialised Section of the court of Lecce clarified that the detention of the applicant for international protection cannot be extended once its terms – to be calculated from the making of the application – have expired.¹¹⁸⁶ Other courts have not validated the prorogation of detention because the time limits for the accelerated procedure had not been respected by the competent Territorial Commission or Questura.¹¹⁸⁷

The average duration of detention in CPR is not available. As reported above, in 2024, 1% of persons detained in CPRs were released because they were not identified in the timeframe foreseen by the law, while in 2023, they were 472 out of 6,714 (7%).¹¹⁸⁸

The average length of stay in hotspots in 2024 was of 1.5 days in Lampedusa, 2,5 days Pozzallo, 3 days in Porto Empedocle, Catania and Messina, 1 day in Augusta and Isola di Capo Rizzuto, 2 days in Pantelleria, and 6 days in Vibo Valentia.¹¹⁸⁹ There are no figures for other hotspot and for the 2025

C. Detention conditions

1. Place of detention

Indicators: Place of Detention

1. Does the law allow for asylum seekers to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)? ☐ Yes ☒ No
2. If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure? ☐ Yes ☒ No

1.1 Pre-removal detention centres (CPR)

Under the Reception Decree, asylum applicants can be detained in CPRs, previously known as CIEs , where third-country nationals who have received an expulsion order are generally held.¹¹⁹⁰ The functioning of CPRs and their essential rules are laid out in the CIE Regulation adopted in 2014.¹¹⁹¹ This Regulation was abolished through the Interior Ministry Directive of the 19 May 2022.¹¹⁹² There are 11 Italian CPRs (including one in Albania), as detailed in the list below. The official capacity, with all 11 CPRs active, would be of 1,359 places. Effective capacity was reduced in 2023: by the end of 2023, only 764

¹¹⁸⁴ Court of Cassation, decision no. 2458/2021 published on 2 February 2021.

¹¹⁸⁵ Court of Cassation, decision no. 20656/2022 published on 28 June 2022; Court of Cassation, decision no. 9042/2023 published on 30 March 2023; Court of Cassation, decision no. 14/2024 published on 2 January 2024; Court of Cassation, decision no. 15/2024 published on 2 January 2024; Court of Cassation, decision no. 17/2024 published on 2 January 2024.

¹¹⁸⁶ ASGI, Trattenimento nel CPR, impossibile prorogare un termine già scaduto, January 2022, available in Italian at: <https://bit.ly/3CUlaGL>.

¹¹⁸⁷ Tribunale di Trieste, proceeding 893/2022, decision 5 April 2022; Tribunale di Torino, proceeding 15476/2022, decision 23 August 2022; Tribunale di Torino, proceeding 22329/2022, decision 29 November 2022; Tribunale di Torino, proceeding 23638/2022, decision 14 December 2022.

¹¹⁸⁸ See the Action Aid project Trattenuti. Una radiografia del sistema detentivo per stranieri, available in Italian [here](#).

¹¹⁸⁹ *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2026, relating to 2024 and supplemented by data from 2025, available in Italian [here](#).

¹¹⁹⁰ Article 6(2) Reception Decree.

¹¹⁹¹ Ministero dell'Interno, *Regolamento Unico CIE*, 2014, available in Italian at: <https://bit.ly/3JgGYjp>.

¹¹⁹² Ministero dell'Interno, *Direttiva recante "Criteri per l'organizzazione e la gestione dei centri di permanenza per i rimpatri previsti dall'art. 14 del decreto legislativo 25 luglio 1998, n. 286 e successive modificazioni"*, available in Italian at: <https://rb.gy/wfqcv5>.

places were available.¹¹⁹³ In March 2023, the CPR in **Turin** was temporarily closed following several riots that progressively made its spaces unfit for use, ultimately forcing the transfer of all detained persons to other facilities.¹¹⁹⁴ The latest data available on capacity of CPR and persons detained therein are as follows:¹¹⁹⁵

Capacity and detentions by CPR		
CPR	Official capacity as of 31.12.2023 except for Gjader ¹¹⁹⁶	Persons detained throughout 2024 ¹¹⁹⁷
Bari-Palese	126	542
Brindisi-Restinco	48	173
Caltanissetta-Pian del Lago	92	1,407
Gradisca d'Isonzo (Go)	150	656
Macomer (Nu)	50	248
Palazzo San Gervasio (Pz)	128	841
Roma Ponte Galeria	210	1,127
Torino	210	0
Trapani-Milo	205	328
Milano	140	656
Gjader (Albania) ¹¹⁹⁸	144	20
Total	1,503	6,164

Source: Action Aid project Trattenuti, available in Italian [here](#).

As of 31 December 2024, according to data reported by the Action Aid Project, **Caltanissetta, Roma, Potenza, Milano and Gorizia** were the CPRs with the highest numbers of persons hosted. Decree Law 13/2017, implemented by L 46/2017, had foreseen the extension of the network of the CPR to ensure the distribution across the entire national territory.¹¹⁹⁹ In order to speed up the implementation of CPR, Decree Law 113/2018 encouraged the use of negotiated procedures, without tender, for works whose amounts are below the EU threshold relevance and for a maximum period of three years.¹²⁰⁰

Article 21 of the Decree Law 124/2023, converted in L. 162/2023, simplified and implemented procedures for the design and implementation of reception, stay and repatriation facilities.

The situation as of 31 December 2024 in the 11 CPRs can be described as follows:¹²⁰¹

¹¹⁹³ See the Action Aid project Trattenuti 2024. Una radiografia del sistema detentivo per stranieri, available in Italian at: <https://lc.cx/FBQEPm>.

¹¹⁹⁴ CILD, 'Chiude il Cpr di Torino: la speranza è che non riapra più', 30 March 2023, available in Italian at: <https://rb.gy/0ee2>.

¹¹⁹⁵ See the Action Aid project Trattenuti 2024. Una radiografia del sistema detentivo per stranieri, available in Italian at: <https://lc.cx/FBQEPm>.

¹¹⁹⁶ The Action Aid project provides a breakdown based on official and effective capacity. "Official capacity" refers to the total number of places present in the centre, while "effective capacity" refers to the number of places that can be occupied in a centre in a given year. Effective capacity of the centres is very frequently lower than official capacity, for example as some areas of the centres might not be available due to maintenance issues or need renovations.

¹¹⁹⁷ Ibid.

¹¹⁹⁸ 28 March 2025: the Italian government approves by decree-law an amendment to the law ratifying the Meloni - Rama protocol (no. 37/2025 of 28 March), authorising the forced transfer to Albania of people already detained in Italian CPRs, without any validation by the Judge of Peace.", CILD, Il Protocollo Italia-Albania dal 2023 a oggi, 7 May 2025, available in Italian [here](#).

¹¹⁹⁹ Article 19(3) Decree Law 13/2017 implemented by L 46/2017.

¹²⁰⁰ Article 2(2) Decree Law 113/2018, implemented by L 132/2018.

¹²⁰¹ More recent data are currently unavailable. See the Action Aid project Trattenuti 2024. Una radiografia del sistema detentivo per stranieri, available in Italian at: <https://lc.cx/FBQEPm>.

- ❖ **Milan's** CPR, situated at the outskirts of the city has an official capacity of 120 places; as of December 2023, the total actual capacity of the centre was of only 48 places. Throughout 2023, a total of 501 people had been detained. The new call for tender issued in October 2022 foresaw 72 places and was won by Martinina srl, who took over Engel Italia with the sale of the company branch. Following the investigation of the managing entity by the Milan Public Prosecutor's Office and the request for preventive seizure of the facility, in December 2023, the Judge for Preliminary Investigations of Milan appointed a judicial administrator for the CPR and banned Martinina srl from contracting with the public administration for one year.¹²⁰² In 2024, the Ekene cooperative became the new managing authority of the CPR in Milan. The cooperative won the tender allocating around three million euros launched by the Milan prefecture to manage the 48 places available in the centre.¹²⁰³
- ❖ **Turin's** CPR, which was first opened in 1999, currently has an official capacity of 210 places. It closed in March 2023 and remains closed as of February 2024.¹²⁰⁴ On March 2023, 235 persons were detained of which 46 persons were repatriated. It has been managed since 2015 by GepSa, a multinational society which had previously managed detention centres in Rome and Milan and is considered one of the main actors in the business of detention immigration.¹²⁰⁵ In September 2021, its isolation section known as Ospedaletto was closed down, following the report of the visit of the National Guarantor – which took place shortly after a migrant, Moussa Balde, committed suicide in the isolation section in May 2021 –,¹²⁰⁶ who had deemed detention in this area as an inhumane and degrading treatment and called for its immediate and definitive closure.¹²⁰⁷ From February 2022, it is managed by Ors Italia S.r.l., operating also in Rome's CPR. As previously mentioned, the centre was closed in March 2023.¹²⁰⁸ At the end 2024, the Sanitalia group was awarded the EUR 8.4 million contract for the two-year management of the Turin CPR.¹²⁰⁹ On 24 March 2025, the Turin CPR officially reopened with an initial capacity of 20 places.¹²¹⁰ The first month since reopening has already highlighted the unbearable living conditions within the facility, marked by incidents of self-harm and frequent protests - often sparked by serious shortcomings, such as the lack of hot water.¹²¹¹
- ❖ **Gorizia's** CPR, which was first activated in 2006 but was closed from 2013 to 2019 following protests on its conditions, had an official capacity of 150 places; as of December 2023, it has an effective capacity of 150 places; during 2023 857 persons were detained. It is managed by the Ekene cooperative, the same as the CPR in Milan.
- ❖ **Macomer's** CPR is the first immigration detention facility in Sardinia and was opened in 2020 (after a structure previously hosting a high security prison was repurposed). It is situated on the outskirts of a small town, more than 50 kilometres away from the closest cities (Nuoro and Oristano). It has an official capacity of 50 places; in December 2023, it hosted 273 detainees. From July 2024, it is managed by the social cooperative Officine Sociali.
- ❖ **Rome's** CPR, situated in Ponte Galeria, at the outskirts of the city, has been active since 1998. It currently has an official capacity of 210 places. It is the only Italian immigration detention facility for women; the women's section was partially renovated in 2020, but some parts remain in dire

¹²⁰² ANSA, Giudice commissaria il CPR di Milano, accolta istanza dei PM, December 2023, available at: <https://lc.cx/nfw9IV>.

¹²⁰³ Altreconomia, Ekene si aggiudica la gestione del Cpr di via Corelli a Milano, 26 August 2024, available in Italian [here](#).

¹²⁰⁴ CILD, 'Chiude il CPR di Torino: la speranza è che non riapra più', March 2023, available in Italian: <https://lc.cx/jcWz9Q>.

¹²⁰⁵ Ilaria Sesana, La detenzione amministrativa dei migranti è un affare. Anche in Italia, *Altraeconomia*, 2017, available in Italian at: <https://bit.ly/3leVMxt>.

¹²⁰⁶ National Guarantor for the rights of detained persons, Chiuso l'Ospedaletto del Cpr di Torino: accolta la Raccomandazione del Garante nazionale, September 2021, available in Italian at: <https://bit.ly/3MVVKOz>.

¹²⁰⁷ National Guarantor for the rights of detained persons, Report on the visit to Turin's CPR in June 2021. Available in Italian at: <https://bit.ly/3MVVKOz>.

¹²⁰⁸ CILD, 'Chiude il CPR di Torino: la speranza è che non riapra più', March 2023, available in Italian: <https://lc.cx/jcWz9Q>.

¹²⁰⁹ *Altraeconomia*, Dalla squadra del Torino al Cpr: è Sanitalia il nuovo gestore del "Brunelleschi", 4 December 2024, available in Italian [here](#).

¹²¹⁰ *Altraeconomia*, Riapre il nuovo CPR di Torino. Ecco tutte le promesse del nuovo ente gestore Sanitalia, 20 March 2025, available in Italian [here](#).

¹²¹¹ *Altraeconomia*, Cronaca del primo mese di apertura del Cpr di Torino. Tra atti di autolesionismo e proteste, 27 May 2025, available in Italian [here](#).

conditions. Throughout the year 2023, 1145 persons were detained in the centre, of which 268 were repatriated.

- ❖ **Potenza's** CPR is located in the outskirts of the town of Palazzo San Gervasio, 65 km from Potenza, in a very isolated and hard to reach area. It was reopened in 2018, and it has recently been closed for renovation from May 2020 to February 2021. It has an official capacity of 128 places, but at the end of 2023 it was operating with a reduced capacity of 60 places. Throughout 2023, 839 persons were reportedly detained in the centre. In June 2023, the cooperative Officine Sociali was awarded the contract to manage the CPR.
- ❖ **Bari's** CPR has an official capacity of 126 places and has been managed from 2018 to 2021 by the social cooperative Badia Grande (which also manages Trapani's CPR). In October 2021, several CPR's managers, including the director of the CPR until February 2021, were involved in criminal investigations for serious malpractices in the management of the CPR.¹²¹² On 25 November 2022, the local Prefecture excluded the social cooperative Badia Grande from the European open tender for the award of management services of the local CPR.¹²¹³ Throughout the 2023, 599 people were detained out of 90 places available. From November 2023, the centre is managed by the cooperative La Mano di Francesco.
- ❖ **Brindisi's** CPR has an official capacity of 90 places and as of 31 December 2023 91 persons were detained of which 46 persons had been repatriated. On 31 December 2023 the effective capacity was reduced to 14 places due to a critical event that rendered part of the facility unusable (before there were available 48 places).
- ❖ **Caltanissetta's** CPR currently has an official capacity of 92 places; in 2023, 1,159 persons had been detained there throughout the year. It was closed for renovations, following requests by the National Guarantor, between April 2020 to May 2021. As of September 2023, the centre will be managed by the cooperative Albatros 1973.
- ❖ **Trapani's** CPR currently has an official capacity of 205 places; as of December 2023, 606 persons were detained here, out of an effective capacity of 156 places. It has been closed for renovations from April 2020 to August 2021. On 22 January 2024, the fire started by some detainees led to the temporary unavailability of the facility,¹²¹⁴ which reopened in October of that year. The facility is managed by the cooperative Vivere Con together with Consorzio Hera cooperative.
- ❖ **Gjader's** CPR in Albania has an official capacity of 144 places. Since the end of March 2025, transfers of people already detained in other Italian CPRs have been authorised. On 11 April 2025, 41 people detained in CPRs on Italian territory were transferred to the Gjader CPR. Over the next two weeks, 16 of the detained persons left the centre, without any clear information about the reasons. A new transfer was made at the beginning of May 2025. Transfers are carried out without any communication and there is currently no data available on the number of people currently detained in the centre.¹²¹⁵ On 19 May 2025, Hamid Bodoui committed suicide in Turin prison, after having been detained at the Cpr in Bari and then transferred to the one in Gjader where he had been 33 days before being released and returned to Italy in Turin. Here, after a few days, he was arrested for resisting a public official and transferred to prison, where he committed suicide.¹²¹⁶ (for more information see The Protocol between Italy and Albania in [Access to the procedure and registration](#))

Access to CPRs for rights organisations and civil society remains problematic in practice (see [Access to detention facilities](#)).

Locali idonei

¹²¹² Chiara Spagnolo, 'Migranti, frode sull'assistenza sanitaria nel centro di permanenza di Palese: 4 indagati', *La Repubblica*, October 2021, available in Italian at: <https://bit.ly/3iaqZYc>.

¹²¹³ Prefettura di Bari, provvedimento di esclusione Badia Grande Soc. Coop. Sociale, 25 November 2022, available in Italian at: <https://rb.gy/avqavv>.

¹²¹⁴ ANSA, Migranti: incendi nel CPR di Milo, fermati tre ospiti, 31 January 2024, available in Italian [here](#).

¹²¹⁵ CILD, Il Protocollo Italia-Albania dal 2023 a oggi, 7 May 2025, available in Italian [here](#).

¹²¹⁶ Il Fatto Quotidiano, Il cpr, l'Albania, il carcere, il suicidio: oggi l'autopsia di Hamid Bodoui. Don Ciotti: "Assurdo e disumano", 22 May 2025, available in Italian [here](#).

LD 113/2018, converted into Law 132/2018, expanded the places of deprivation of liberty suitable for the administrative detention of foreign citizens pending the validation of immediate accompaniment to the border. The new Art. 13 para 5-bis of the Consolidated Immigration Act introduced the possibility that the justice of peace, at the request of the Questore, orders the detention of the third country nationals in "suitable structures" ("locali idonei") if there are no available places in CPRs. Furthermore, if the unavailability of places in CPRs persists after the validation hearing, it is possible to order the detention of foreign citizens in "suitable premises at the border office concerned, until the actual removal is carried out and, in any case, no later than forty-eight hours following the hearing of validation". The provision has been criticised by the National Guarantor¹²¹⁷ as well as by ASGI¹²¹⁸ for its indeterminacy, as the methods of detention and the suitability criteria are not specified, leaving it exclusively to the discretion of the public security authorities. The UN Committee on Enforced Disappearances, in the concluding observations of its 2019 report on Italy, expressed concern regarding the unavailability of a list of *locali idonei*, which effectively prevents the Guarantor from monitoring them. The Committee thus recommended the Italian government to immediately publish the list and guarantee access by the National Guarantor to these premises.¹²¹⁹

The 2023 report of the National Guarantor for Detainees shows how 'locali idonei' have been made operational or are being set up by a substantial number of Police Headquarters (36 Police Headquarters state that they have "locali idonei" for the detention of foreigners during the executive phase of expulsion and 15 report the use of security rooms for the same purpose), accentuating the proliferation of administrative detention facilities and the risk of nullifying their related, already fragile, guarantees. The Guarantor also believes that their use appears particularly in line with the current strategy of the Union policies, which are less focused on the detention capacity of individual States and more aimed at creating conditions that guarantee the simplification of procedures and increasingly rapid returns.¹²²⁰

LD 130/2020, converted into Law 173/2020, confirmed the expansion of places of deprivation of liberty intended for the detention of foreign citizens pending validation of the forced repatriation, but – in pursuance of recommendations made by the National Guarantor¹²²¹ – specified that art. 14 of the TUI applies: in such places of detention, adequate sanitary and housing standards must be ensured, and fundamental rights must be guaranteed. These places are thus to be considered as surrogates of CPRs and respond to the same standards. The National Guarantor has further clarified that all the protections provided for in the Cpr compatible with a short stay, including the possibility of visits by persons authorised to access the institutes prisons and security rooms as well as by national and international protection organisations.¹²²²

The June 2026 report of the National Guarantor for Detainees shows some data on the so-called "locali idonei".¹²²³

Police headquarters	Number of places	People detained at 31 December 2024	Duration of the detention (days)	People directly repatriated
Asti	2	0	0	0

¹²¹⁷ National Guarantor, *Opinion on LD 113/2018*, October 2018, available in Italian at: <https://bit.ly/3KJJ63i>.

¹²¹⁸ ASGI, 'I "locali idonei" al trattenimento dei cittadini stranieri: le criticità del dettato normativo, i rilievi mossi dalle autorità di garanzia e i dati raccolti da ASGI', April 2021, available in Italian at: <https://bit.ly/3MXOtxl>.

¹²¹⁹ UN Committee on Enforced Disappearances, *Concluding observations on the report submitted by Italy under article 29 (1) of the Convention*, May 2019, available at: <https://bit.ly/3MYgGVt>.

¹²²⁰ *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2023, available at: <https://rb.gy/r73ey6>.

¹²²¹ National Guarantor, *Opinion on LD 130/2020*, November 2020, available in Italian at: <https://bit.ly/3id2N7z>.

¹²²² National Guarantor, *Thematic report on suitable structures used for detention of third-country nationals*, August 2021, available in Italian at: <https://bit.ly/3Jh0aNS>.

¹²²³ Only data relating to towns and cities where suitable venues are available are shown. *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2026, relating to 2024 and supplemented by data from 2025, available in Italian [here](#).

Bergamo	2	10	1,5	10
Bologna	1	46	3	42
Brescia	2	102	1.4	59
Brindisi	1	0	0	0
Cagliari	1	3	2	3
Caltanissetta	1	0	0	0
Catanzaro	2	4	2	2
Chieti	1	2	1	1
Cosenza	1	11	1	11
Cuneo	1	7	1	0
Enna	1	1	2	1
Firenze	1	0	0	0
Forlì Cesena	1	6	14 hours	0
Imperia	1	3	1	3
Lecce	2	9	1.5	7
Livorno	1	10	2.9	10
Lodi	1	1	1	1
Matera	1	0	0	0
Milano	1	7	1-1.5	4
Novara	1	3	1	2
Padova	1	3	1	2
Parma	2	1	14 hours	1
Pesaro e Urbino	1	5	2	0
Pescara	1	0	0	0
Potenza	1	0	0	0
Rieti	2	12	1	7
Roma	2	0	0	0
Rovigo	2	4	1	3
Salerno	2	15	1.5	10
Siena	1	9	10 hours	9
Siracusa	1	1	2	0
Terni	1	0	0	0

Treviso	1	12	14 hours	6
Verona	2	8	1	5
Vibo Valentia	1	1	2	1

Upon entry, detainees receive and sign an information form on the possibility of requesting voluntary departure and sign the information sheet that will be attached to the deportation decree.

No specific information is provided on the possibility of accessing the procedure for recognition of international protection. Regarding the right to health, there is no reference protocol with the National Health Service and no examination on the suitability of the application of a detention measure. However, it has been reported that a doctor from the National Health Service is contacted in case of specific requests by the detainee. The Questura di Milano argued that, despite the absence of an express provision of law, there is the possibility for detainees to submit complaints to the Guarantor for detainees' rights. Mobile phones are requisitioned upon entering the premises; detainees would then be granted to use it only for the time strictly necessary to contact family members or lawyers, apparently under the surveillance of police officers.

Finally, there is no regulated service regarding the meals provided to detainees, who, if in possession of money, can use the snack machines; otherwise, in the case of longer detention, it was reported that a meal was offered through the canteen service of the operators.¹²²⁴

In May 2022, ASGI had access to locals used by **Milan's** Questura, and could gather information on the detention procedure and its timing, the places used and certain critical issues related to the right of defence of persons detained.¹²²⁵ What emerged is that the maximum duration of detention is 48 hours and only those who receive a deportation decree with accompaniment by public force are detained in the sector, while those who receive deportation decrees for which detention is ordered are immediately transferred to the CPR. Detention validation hearings are mainly conducted remotely, and the detainee's lawyer can speak with the detainee – also remotely – only a few minutes before the hearing. Personnel of the Questura meeting with ASGI's delegation indicated that detainees have the possibility to be visited by family members or the lawyer, but the direct experience of some cases showed that this right is not guaranteed in practice.¹²²⁶ This visit followed Lombardi's Administrative Tribunal precautionary order following the appeal filed by ASGI after Milan Questura rejected the request for access to locali idonei. In October 2022, the same TAR, while noting the lack of interest in the case having occurred in May of the same year of ASGI's visit, reiterated the that reasoning behind the rejection of the request by the local Questura had been erroneous.¹²²⁷

1.2 Hotspots

As described in the [Hotspots](#) section, there are thirteen operating hotspots, a number that has grown exponentially in the last two years, as demonstrated by the Ministry of the Interior's reponse to an ASGI FOIA request in May 2026:¹²²⁸

Hotspot	Capacity
Lampedusa	640
Pozzallo	489

¹²²⁴ Ibid.

¹²²⁵ ASGI, *Il punto sulle strutture idonee nella disponibilità delle autorità di pubblica sicurezza per il trattenimento dei cittadini stranieri in attesa dell'esecuzione del rimpatrio: il monitoraggio di ASGI presso la Questura di Milano*, November 2022, available in Italian at: <https://rb.gy/wf15po>.

¹²²⁶ Ibid.

¹²²⁷ ASGI, 'Il diritto di accesso ai "luoghi idonei" di trattenimento: la sentenza del TAR Milano', November 2022, available in Italian at: <https://rb.gy/gf2jxc>.

¹²²⁸ Data shared on May 2026 by Moi after a FOIA request made by ASGI.

Taranto	293
Messina	200
Crotone	80
Roccella Jonica	200
Reggio Calabria	200
Vibo Valentia	280
Porto Empedocle	280
Porto Empedocle ¹²²⁹	50
Catania	650
Augusta	250
Pantelleria	40
Total	3,652

With reference to the new critical issues that have emerged at the new border of Pantelleria, please refer to what has been reported above under [Duration of detention](#).

The Reception Decree does not provide a legal framework for operations carried out in the First Aid and Reception Centre (CPSA) now converted into hotspots. Both in the past and recently in the CPSA, in the absence of a legislative framework and on the grounds of identification needs, asylum applicants have been unlawfully deprived of their liberty for longer periods than those strictly necessary for identification purposes and held for weeks in conditions detrimental to their personal dignity. The legal vacuum, the lack of places in the reception system and the bureaucratic chaos have legitimised in these places detention of asylum applicants without adopting any formal decision or judicial validation. Currently, as mentioned, people remain in hotspots for significantly shorter periods.

In the case of *Khlaifia v. Italy*, the European Court of Human Rights (ECtHR) strongly condemned Italy for the detention of a group of Tunisians in the **Lampedusa** CPSA in 2011. In particular, the Court found that their detention was unlawful, and that the conditions in which the Tunisians were accommodated – in a situation of overcrowding, poor hygienic conditions, prohibition of contacts with the outside world and continuous surveillance by law enforcement, lack of information on their legal status and the duration and the reasons for detention – constituted a violation of Articles 3 and 5 ECHR, in addition to the violation of Article 13 ECHR due to the lack of an effective remedy against these violations.¹²³⁰ The Grand Chamber judgement of 15 December 2016 confirmed the violation of such fundamental rights.¹²³¹ Despite civil society organisations calling out the continued practice of detention in hotspots in violation of the *Khlaifia* judgement, in December 2021 the supervision procedure on the implementation of the ECtHR judgement was officially closed. ASGI, A Buon Diritto and CILD have expressed concern for the closure of the supervision procedure and stressed again the persistence of serious and systematic violations of fundamental rights.¹²³² Regarding the unlawfulness of detention, the Government asserted that it had fully implemented the *Khlaifia* judgement by enacting L 173/2020.¹²³³ Nevertheless, as pointed out by the National Guarantor for the Rights of Detainees, the 2020 reform did not introduce any new provisions related to hotspots, amending solely the legislation covering CPRs.¹²³⁴

Although the new Article 6(3-bis) of the Reception Decree foresees the possibility of detention for identification purposes in specific places, such places are not identified by law. In a Circular issued on 27 December 2018, the Ministry of Interior specified that it will be the responsibility of the Prefectures in

¹²²⁹ Structure for detention of foreigners during the accelerated border procedures referred to in Article 28-bis, paragraph 2(b) and (b-bis) of Legislative Decree No. 25 of 28 January 2008.

¹²³⁰ ECtHR, *Khlaifia and Others v. Italy*, Application No 16483/12, Judgement of 1 September 2015.

¹²³¹ ECtHR, *Khlaifia and Others v. Italy*, Grand Chamber, Judgement of 15 December 2016.

¹²³² ASGI, 'Trattenimento in hotspot: c'era un giudice a Strasburgo', January 2022, available in Italian at: <https://bit.ly/3JkBXpX>.

¹²³³ Rappresentanza permanente d'Italia presso il Consiglio d'Europa, *Communication of the Italian Government*, February 2021, available at: <https://bit.ly/34NltGJ>.

¹²³⁴ National Guarantor, *Opinion on DL 130/2020*, November 2020, available in Italian at: <https://bit.ly/3id2N7z>.

whose territories such structures are found to identify special facilities where this form of detention could be performed. At the time of writing, there is no information on the identification of these premises.

As those dedicated premises have not been identified, detention for identification purposes occurs *de facto* in hotspots.¹²³⁵

According to ASGI, detention in facilities other than CPRs and prisons violates Article 10 of the recast Reception Conditions Directive, which does not allow for detention to take place in other locations than those designated for this purpose and additionally because in these places the guarantees envisioned by this provision are not in place. According to ASGI, the amended Reception Decree also violates Article 13 of the Italian Constitution, since the law does not indicate the exceptional circumstances and the conditions of necessity and urgency allowing, according to constitutional law, for the application of detention measures. Moreover, the law makes only a generic reference to places of detention, which will be not identified by law but by the prefectures, thus violating the “*riserva di legge*” laid down in the Article 13 of the Constitution, according to which the modalities of personal freedom restrictions can be laid down only in legislation and not in other instruments such as circulars.¹²³⁶

In the *J.A. and Others v. Italy* case¹²³⁷ the European Court of Human Rights condemned Italy for violating Article 3 (prohibition of torture and inhuman and degrading treatment), Article 5 (right to liberty and security) and Article 13 (right to an effective remedy) of the Convention, on the complaint lodged by the four Tunisian nationals rescued and transferred to the Lampedusa hotspot and here victims of *de facto* detention.

In three different judgments rendered in the cases *A.B. v. Italy*, *A.M. v. Italy* and *A. S. v. Italy*, published on 19 October, the European Court of Human Rights (ECtHR)¹²³⁸ once again recognised violations of Article 3 (prohibition of inhuman and degrading treatment) and Article 5 (right to liberty and security) of the European Convention on Human Rights and condemned Italy in relation to the detention conditions suffered by a number of foreign nationals at the **Lampedusa** Hotspot over a period of time between 2017 and 2019. These pronouncements are still relevant given the practices still found in hotspots and informal facilities that are multiplying in different regions of the country.¹²³⁹

A further conviction against Italy by the European Court of Human Rights (ECHR) on the 16 November 2023¹²⁴⁰ ordered compensation of €27,000 against four Sudanese nationals who had been stripped naked, mistreated and deprived of their liberty in the summer of 2016 during the so-called operations to 'relieve the pressure at the border' in **Ventimiglia**, when hundreds of migrants were forcibly transferred to hotspots in southern Italy and, in some cases, transferred to CPRs and then returned to their country of origin.¹²⁴¹

1.3 Transit zones

The lack of a clear legal definition of transit zones has led to a situation of legal ambiguity, on which illegitimate practices of refusal of entry and detention have been built. Border authorities, considering these areas as extraterritorial, act as if they were exempt from the application of constitutional, national and international standards for the protection of fundamental rights. This interpretation is untenable under

¹²³⁵ Guarantor for the rights of detained persons, *Relazione al Parlamento*, 15 June 2018, available in Italian at: <http://bit.ly/2TZy9ol>, 233.

¹²³⁶ ASGI, *Manifeste illegittimità costituzionali delle nuove norme concernenti permessi di soggiorno per esigenze umanitarie, protezione internazionale, immigrazione e cittadinanza previste dal decreto-legge 4 ottobre 2018, n. 113*, 15 October 2018, available in Italian at: <http://bit.ly/2FCsyLW>.

¹²³⁷ ECtHR, No 21329/2018, *J.A. and Others v. Italy*, 30 March 2023, available at: <https://rb.gy/8uq8v>.

¹²³⁸ ECtHR, No. 18911/17 and two others, *A.E. and others v. Italy*, 16 November 2023, available at: <https://bit.ly/3VtXyVY>.

¹²³⁹ ASGI, 'Trattamenti inumani e degradanti: l'Italia condannata a risarcire i migranti detenuti illegittimamente a Lampedusa', 23 October 2023, available in Italian at: <https://lc.cx/8hmVZI>.

¹²⁴⁰ ECtHR, No 18787/17, *W.A. and others v. Italy*, 16 November 2023, available at: <https://bit.ly/3TTgX1n>.

¹²⁴¹ MELTING POT EUROPA, 'Denudati, maltrattati e privati della libertà: la CEDU condanna nuovamente l'Italia', 21 November 2023, available in Italian at: <https://lc.cx/rjsAQ6>.

the rule of law, since the jurisdiction exercised by the State over such places is not in question. People who are denied entry at airports are forced to wait for repatriation to their country of origin in transit zones. In some cases, this wait can last several days. Foreign citizens are brought back by the same company they travelled with to reach Italy. During this period, people are arbitrarily detained in grossly inadequate conditions and in the absence of the basic guarantees accorded to persons deprived of their liberty. Detention takes place in premises that are structurally unsuitable for the purpose, isolated from the outside world, without access to fresh air, with little opportunity to consult a lawyer, without any detention order being issued and therefore without any validation by a judge.

De facto detention is frequently used by the authorities for arrivals at airports. Such deprivation of personal liberty is enforced in the absence of a legal basis, a maximum period of detention and a judicial review of the legitimacy of the detention, in inadequate conditions. Persons detained in airport transit zones have extremely limited possibilities of getting in touch with organisations, protection bodies, family members and lawyers - as their access to such areas is strictly limited. The obstacles put in place by border authorities to reduce outsiders' access to transit areas result in a series of violations, among which the right to information, the right to defence (it is often impossible for detainees to physically contact a lawyer), and effective access to judicial protection. Moreover, the lack of access of civil society to these areas makes them almost invisible to public opinion. Furthermore, while it is difficult for the outside world to enter the transit zones, the authorities do not take any measures to ensure that detained persons can communicate outwardly. On the contrary, on numerous occasions foreign nationals are informally deprived of their mobile phones and, on several occasions, appointed lawyers have been denied entry on the basis that these areas are considered as 'sterile', meaning that only certain categories of persons may have access.¹²⁴²

Responding, on 10 October 2019, to an open letter from ASGI, the Ministry of Interior, Central Directorate for Immigration, declared that the permanence – even if lasting several days - in the transit area should not be considered as detention, and therefore to have the defence rights guarantees related to detention because it is implemented as part of the immediate refoulement procedure that does not provide for jurisdictional validation.¹²⁴³

However, the Guarantor for detained persons maintained *de facto* detention, contrary to Articles 13 of the Italian Constitution and to Article 5 of the ECHR, occurred in the situation where people were unable to enter Italy since they were notified of an immediate refoulement measure and were obliged, at the disposal of the border police, to stay in special rooms in the transit area of the airports.¹²⁴⁴ This period of time varied according to the availability of flight connections with the place of origin.

In 2022, the National Guarantor stressed concerns over *de facto* detention in transit zones, noting the persisting practice at air or port borders where the effective rejection of the foreign citizen present at border crossings does not take place immediately and people are blocked for days in the transit area, and its criticalities in terms of lack of judicial review of detention as well as conditions of detention. In 2024, 5,382 persons received refusals of entry at the borders (2,192 at air borders and 1,400 at sea borders). The National Guarantor reported 231 people detained at the transit zones as follows:¹²⁴⁵

Police border office	2 days	3 days	4 days	5 days	6 days	7 days	Total
Bergamo Orio al Serio	44	7	1	-	1	-	52

¹²⁴² ASGI, *Le zone di transito aeroportuali come luoghi di privazione arbitraria della libertà*, January 2021, available in Italian at: <https://bit.ly/3CLdOqh>.

¹²⁴³ Letter from Ministry of Interior, 8 October 2019, available in Italian at: https://lc.cx/H_QxA9.

¹²⁴⁴ Guarantor report, page 7. See also, *Questione Giustizia*, *Zone di transito internazionali degli aeroporti, zone grigie del diritto*, 9 December 2019, available in Italian at: <https://cutt.ly/EyO4wL9>.

¹²⁴⁵ *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2026, relating to 2024 and supplemented by data from 2025, available in Italian [here](#).

Milano Malpensa	51	6	3	-	-	-	60
Roma Fiumicino	-	28	13	4	1	-	46
Venezia airport	47	13	12	1	-	-	73
Total	142	54	29	5	1	-	231

Article 13 (5 bis) TUI, as amended by DL 113/2018,¹²⁴⁶ introduced the possibility of detaining people, to be expelled after being in Italy, in suitable premises at the concerned border office.

Responding to ASGI requests, the air border police offices of Rome Fiumicino and Milan Malpensa communicated in early 2020 that no premises were identified within the transit areas of the two airports for the detention of those who have to be expelled and that therefore no detention measures had been carried out in these areas.¹²⁴⁷ The situation remained unchanged in 2022, as reported by ASGI's through the InLimine Project,¹²⁴⁸ and up to the present.¹²⁴⁹

With judgement no. 3392/2023, published on 28 February 2023, the Administrative Court (TAR) of Lazio in Rome recognised ASGI's right to access the airport transit areas of **Fiumicino** and **Malpensa** airports. In general, the TAR recognised the detention nature of such areas and therefore the right of civil society to conduct visits there. This ruling followed the appeal filed by ASGI against the decision of the Department of Public Security rejecting the Association's request to access and visit the transit areas of the Rome-Fiumicino and Milan-Malpensa airport border crossing.¹²⁵⁰ Based on this judgement, between May and June 2023 two delegations of ASGI carried out inspections in the transit areas of the Milan-Malpensa and Rome-Fiumicino airports, finding in both places serious deficiencies regarding information on access to the asylum procedure, availability of cultural mediators or interpreters, the right of defence and communication with the outside world.¹²⁵¹

In a decision of 14 October 2024, the Tribunal of Rome condemned the Ministry to pay € 5,500 of compensation for the unlawful detention of a Congolese citizen in the transit area of Fiumicino airport.¹²⁵²

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities

1. Do detainees have access to health care in practice? ☒ Yes ☐ No
 ❖ If yes, is it limited to emergency health care? ☐ Yes ☒ No

2.1 Overall conditions

In relation to detention conditions, the Reception Decree provides that full necessary assistance and respect of dignity shall be guaranteed to the detainees. Separation of persons in respect of gender differences, maintaining, where possible, the family unity and the access to open-air spaces must be

¹²⁴⁶ Article 13(5bis) as amended by Article 4 (1) DL 113/2018 converted by L. 132/2018 introduced the possibility of detaining the people to be expelled, pending the validation procedure and in the event of no availability of places at the CPRs, in structures in the availability of the Public Security Authority. Detention is ordered by the Magistrate (Giudice di Pace) at the request of the Questore with the decree, which sets the hearing to validate the expulsion. After this hearing, the Magistrate, at the request of the Questore, may authorize further detention, for a maximum of 48 hours, in suitable premises at the border office concerned.

¹²⁴⁷ Article 13 (5 bis) TUI.

¹²⁴⁸ ASGI, 'Il trattenimento in attesa di allontanamento in "locali idonei" presso gli uffici di frontiera: le informazioni ottenute dalle autorità competenti', 10 November 2022, available in Italian at: <https://rb.gy/llvjb4>.

¹²⁴⁹ ASGI, 'L'esercizio del diritto di informazione in frontiera: analisi e raccomandazioni ASGI', 26 May 2024, available in Italian [here](#).

¹²⁵⁰ ASGI, 'Le zone di transito aeroportuale di Roma Fiumicino e Milano Malpensa: posizionamento e monitoraggio di ASGI', 6 December 2023, available in Italian at: <https://lc.cx/2qjkl3>.

¹²⁵¹ Ibidem.

¹²⁵² ASGI, 'Risarcimento del danno per illegittima detenzione informale presso l'aeroporto di Roma Fiumicino', 2 December 2024, available in Italian [here](#).

ensured.¹²⁵³ Detention conditions are monitored, *inter alia*, by the Human Rights Commission of the Senate, the Inquiry Commission on the reception system set up by the Chamber of Deputies, as well as the Guarantor for the rights of detained persons.

The decree-law 130/2020 expressly provides that adequate sanitary and housing standards must be ensured in the CPR.¹²⁵⁴ Regarding the former, as pointed out by the Guarantor of prisoners in his reports, the protection of the right to health and adequate assistance is strongly influenced by the organisational factor as the law reserves a secondary role for the National Health System and entrusts the performance of health services within the CPRs to the managing body. The Guarantor has repeatedly called out for the urgent establishment of MoU between CPR's and local health authorities (ASL), but these are not yet in place in all CPRs.

Decree Law 130/2020 introduced the possibility of making requests or complaints in written or oral form to the National Guarantor and to the regional or local Guarantors of the rights of detained persons.¹²⁵⁵ However, as the National Guarantor underlined in his latest report, the effectiveness of this provision is limited by the absence of information on this point and by the limits set by the CIE Regulation which provides that the delivery and use of pencils is forbidden inside the housing modules; and in any case it takes place under the supervision of the managing body which is responsible to collect them after use.¹²⁵⁶ Serious regulatory protection deficits remain with respect to the actual prison regime. These regards, for example:

- ❖ the lack of a mechanism that allows family members to be notified in case of need, a circumstance that has made it extremely difficult to notify the families of people who have lost their lives in detention;
- ❖ the absence of a mechanism for monitoring prison conditions entrusted, as for prisons, to the judicial authority;
- ❖ the absence of a strong role of public health and the decisive role left to the managing body for the protection of health.

The Reception Decree states that foreigners detained in CPR shall be provided by the manager of the facility with relevant information on the possibility of applying for international protection. The asylum applicants detained in such facilities are provided with the relevant information set out by Article 10(1) of the Procedure Decree, by means of an informative leaflet.¹²⁵⁷

The right of detainees to be adequately informed of their rights and of the possibility to apply for asylum is expressly provided for by the Interior Ministry Directive of 19 May 2022,¹²⁵⁸ that abolished the previous CIE Single Regulation. The CPR managing body is in charge of organising a "normative information provision" service, funds for which however have been drastically cut via the draft tender specifications prepared by the Ministry of Interior in 2018 and confirmed in 2021. There was, in fact, a decrease in the number of hours dedicated to this activity: (i) by 66% (for Centres with up to 50 places); (ii) by 70% (for Centres with up to 150 places); (iii) by 78% (for Centres with up to 300 places). This had inevitable repercussions on the effective protection of the right to information of detainees.¹²⁵⁹

2.1.1 Conditions in hotspots

Lampedusa

¹²⁵³ Article 7(1) Reception Decree.

¹²⁵⁴ Article 14 (2) TUI as amended by Article 3 (4 a) of Decree Law 130/2020.

¹²⁵⁵ Article 14 (2 bis) TUI.

¹²⁵⁶ Guarantor for the rights of detained persons, Report on visits in CPR (2019-2020), 12 April 2021, available in Italian at: <https://bit.ly/3ogz2F8>.

¹²⁵⁷ Article 6(4) Reception Decree.

¹²⁵⁸ Ministero dell'interno, Direttiva recante "Criteri per l'organizzazione e la gestione dei centri di permanenza per i rimpatri previsti dall'art. 14 del decreto legislativo 25 luglio 1998, n. 286 e successive modificazioni", available in Italian at: <https://rb.gy/wfqcv5>.

¹²⁵⁹ CILD, *Buchi Neri*, available in Italian at: <https://bit.ly/3JgTwY8>.

The 2016 *Khlaifia* judgment of the European Court of Human Rights found Italy responsible for the arbitrary detention of migrants in the Lampedusa hotspot and criticised the absence of effective legal remedies against such detention and related living conditions. Despite this ruling, Italy has continued to detain migrants, including minors and other vulnerable individuals, without judicial authorisation. Between 2018 and 2021, several NGOs submitted reports to the Council of Europe documenting the persistence of these violations. Although the Committee of Ministers closed the supervision procedure in December 2021, civil society organisations maintained that significant shortcomings remained and called for reforms to ensure compliance with legal, procedural, and reception standards in immigration detention.¹²⁶⁰ According to ASGI's *InLimine* Project, during the peak arrivals of summer 2021, migrants were subjected to prolonged de facto detention in the **Lampedusa** hotspot, sometimes for up to one month, without judicial authorisation and in severely overcrowded and inadequate conditions. The facility, designed for 250 people, at times accommodated around 1,000 individuals, with insufficient hygiene and COVID-19 prevention measures. Vulnerable persons, including unaccompanied minors, survivors of trafficking and shipwrecks, and individuals with serious medical or psychological conditions, were also detained without adequate assistance or timely transfer. Documented cases included families with young children and members suffering from severe illnesses who remained in the hotspot for several weeks despite their urgent healthcare needs.¹²⁶¹

During 2024, the situation significantly improved and the stay in hotspots was reduced to the identification procedure and took on average 48 hours. The situation was the same in 2025.

In September 2021, MSF, who had deployed teams to provide medical and psychological assistance at landings and in the hotspot during the summer, providing help to over 11,000 persons, ceased its activities in Lampedusa, citing the inadequacy of the emergency approach adopted and the need for structural interventions to ensure the respect and protection of fundamental rights.¹²⁶²

In February 2023, the reception conditions inside the facility were very poor, with very serious overcrowding situations (against a capacity of 400 places, there were almost 4,000 people), people forced to sleep on the floor, lack of food, no medical assistance, and bonfires set up to make up for the lack of heating.¹²⁶³ All this led to the replacement of the managing body and the subsequent entrusting of the centre to the Italian Red Cross from May 2023 onwards. Despite the change of management, the criticisms that had emerged in previous years continue to be denounced by ASGI.¹²⁶⁴ In its decision published on 13 June 2024, the Committee of Ministers of the Council of Europe assessed that Italy had failed to adequately implement the judgment of the European Court of Human Rights *J.A. and others v. Italy* (Appeal No. 21329/18) on detention and conditions inside the Lampedusa hotspot and called on the authorities to take the necessary measures for its implementation.¹²⁶⁵

Pozzallo

¹²⁶⁰ ASGI, 'Trattenimento in hotspot: c'era un giudice a Strasburgo', January 2022, available in Italian at: <https://bit.ly/3JkBXpX>. For further details, see previous updates to this country report, available [here](#).

¹²⁶¹ ASGI, 'Una prospettiva di genere sull'Hotspot di Lampedusa: la sistematica e colposa violazione dei diritti delle donne', 15 October 2021, available in Italian at: <https://bit.ly/3tgdRHf>.

¹²⁶² MSF, 'Lampedusa: approccio emergenziale poco efficiente, serve intervento strutturale', 30 September 2021, available in Italian at: <https://bit.ly/37uJIRz>.

¹²⁶³ CILD, *L'AFFARE CPR. Il profitto sulla pelle delle persone migranti*, June 2023, available in Italian at: <https://lc.cx/gY0Ueb>.

¹²⁶⁴ ASGI, 'Per l'implementazione della libertà di corrispondenza con il mondo esterno e predisposizione di una rete wi-fi presso l'Hotspot di Lampedusa: diverse organizzazioni scrivono alle autorità competenti', March 2023, available in Italian at: <https://lc.cx/maYghO>; ASGI, 'La privazione della libertà personale nell'hotspot di Lampedusa: il riscontro delle autorità competenti', March 2023, available in Italian at: <https://lc.cx/gDj3y9>; ASGI, 'The right to information in the Lampedusa hotspot: the responsibilities of UNHCR', April 2023: <https://lc.cx/MnCT6a>; ASGI, *La Questura di Agrigento su ingressi e uscite dall'hotspot di Lampedusa*, May 2023, available in Italian at: <https://lc.cx/zmx60e>; ASGI, *La gestione dell'hotspot di Lampedusa: la Convenzione con la CRI*, July 2023, available in Italian at: <https://lc.cx/w2w1u6>.

¹²⁶⁵ ASGI, 'Valutazione del Comitato dei Ministri: Inadempienza dell'Italia nell'attuazione della Sentenza CEDU sull'Hotspot di Lampedusa', July 2024, available in Italian [here](#).

The **Pozzallo** hotspot is located in the premises of the former customs office in the port of Pozzallo. It is enclosed by a barrier of about 3 metres and has a constantly manned entrance. The structure consists of three large dormitories, divided according to gender and age. During 2019, it mainly welcomed people awaiting transfers to other European countries in the context of the so-called voluntary relocation. From March 2020 to the end of 2021, due to the pandemic, the hotspot has been used for the execution of quarantine and fiduciary isolation periods for arriving foreign citizens, including minors. In July 2021, migrants protesting in the hotspot caused a fire in the building, a few migrants escaped from the hotspot but were traced by authorities.¹²⁶⁶ In June 2023, a delegation of ASGI had access to the Pozzallo hotspot and found several problems including the absence of cultural mediators to support in the procedures after entering the hotspot (e.g. during the compilation and signing of the so-called "foglio-notizie") and the duration of detention in the hotspot following the manifestation of an application for international protection, which on average is about 10 days but can reach several weeks as stated by some people in the hotspot.¹²⁶⁷

Taranto

The **Taranto** hotspot is located a few metres from the entrance to the commercial port of the city, close to the gigantic industrial area. The proximity to the former Ilva steelwork factory and other polluting industrial plants is made evident by the thick patina of red dust that covers the tensile structures and containers that make up the centre's structure. In 2019, ASGI, ActionAid and Oxfam visited the hotspot and reported inadequate structures creating situations of promiscuity and the lack of adequate medical services and support for vulnerable persons.¹²⁶⁸ In November 2020, protests in the hotspots culminated in the escape of 16 persons and, one year later, in the arrest of one migrant held responsible for the protests and for resisting to the police.¹²⁶⁹

The European Court of Human Rights, in its decision of 23 November 2023 rendered in case no. 47287/17 (*A.T. and others v. Italy*),¹²⁷⁰ condemned Italy for having unlawfully detained several unaccompanied foreign minors in the Taranto hotspot, for having used inhuman and degrading treatment in arranging their reception measures, for not having appointed a guardian nor having provided them with any information on the possibility of challenging this condition in court. The relevance of the decision is immediately perceptible in the current context, in which previous repressive approaches have not been changed. ASGI noted the importance of the ruling because at the time of its issuance, there were almost two hundred foreign minors *de facto* detained without any legal basis and without any judicial review inside the Taranto hotspot, some of them even since the previous month of August.¹²⁷¹

Further critical issues were reported in the University of Bari's Report on the Taranto hotspot, which denounced the inadequacy of the legal information offered to persons entering the facility, the confusion between intelligence and investigative activities carried out during entry security checks, with potential repercussions on the rights of persons under investigation, the inadequate material reception conditions to guarantee privacy and the protection of persons in particularly vulnerable conditions (women and minors).¹²⁷²

Messina

¹²⁶⁶ Repubblica, 'Migranti, incendio all'hotspot di Pozzallo: 30 in fuga', July 2021, available in Italian at: <https://bit.ly/3CLcSII>.

¹²⁶⁷ ASGI, *Il monitoraggio della scuola di ASGI e Spazi Circolari: la frontiera di Pozzallo e le sue evoluzioni*, October 2023, available in Italian at: <https://lc.cx/2n5MBD>.

¹²⁶⁸ ASGI, 'Visita all'hotspot di Taranto', 16 July 2019, available in Italian at: <https://bit.ly/3telHjr>.

¹²⁶⁹ Corriere del Mezzogiorno, 'Taranto, fece scappare 16 ospiti: arrestato dalla polizia', November 2021, available in Italian at: <https://bit.ly/3tVK2e8>.

¹²⁷⁰ ECtHR, No. 18911/17 and two others, *A.E. and others v. Italy*, 16 November 2023, available at: <https://bit.ly/3VtXyVY>.

¹²⁷¹ ASGI, 'CEDU: minori stranieri detenuti illegalmente nell'hotspot di Taranto. ASGI: vanno ricollocati', 28 November 2023, available in Italian at: <https://lc.cx/VLycMg>.

¹²⁷² Università degli Studi di Bari, *Rapporto sul centro hotspot di Taranto*, Jean Monnet Working Paper 2/2023, October 2023, available in Italian at: <https://lc.cx/8otliD>.

The **Messina** hotspot is made up of a series of containers of zinc sheets and tensile structures capable of hosting up to 250 people. During 2019, the Messina hotspot mainly welcomed people awaiting transfer to other European countries in the context of the so-called voluntary relocation.¹²⁷³ In 2020, it was mostly used as quarantine facility.¹²⁷⁴ During 2023, ASGI monitored the operability of the Messina hotspot through civic accesses that allowed for the acquisition of primary information on it.¹²⁷⁵

Monastir and Pantelleria

As already noted, in October 2020 and again in April 2021, ASGI reported that the first line reception facility of **Monastir**, in Sardinia, was being used as a de facto hotspot, despite not being defined as a hotspot facility. The Monastir reception centre is located in a military area surrounded by large fences. Although the legal configuration of the centre is not clear, the same evidently has functions attributable to those defined by the hotspot approach; all the typical hotspot procedures are also carried out in the centre, such as health screening, pre-identification via news sheet, identification, fingerprinting and control in databases for the purpose of defining the legal status of the foreign citizen on the territory and for channelling them into asylum procedures or towards repatriation. The same structure has been used for periods of fiduciary isolation and quarantine. With regard to the conditions of stay, it was reported that an area housed 25 people in quarantine, with a single toilet equipped with a shower, and other chemical toilets outside the building.¹²⁷⁶

In 2021, ASGI reported many criticalities in **Pantelleria**, where newly arrived migrants are also channelled in hotspot-like procedures.¹²⁷⁷ Those arriving on the island are hosted in a structure largely unsuitable for reception that previously hosted military barracks. It is a transit centre without any precise legal configuration and with many criticalities in terms of reception conditions and protection of rights.¹²⁷⁸ As mentioned above, the new inspection conducted by ASGI in May 2022 and May 2025 confirmed the critical issues that emerged the previous year.¹²⁷⁹

ASGI, Spazi Circolari, and several individual applicants achieved a positive outcome in collective injunctive proceedings against the management of the **Pantelleria** hotspot concerning restrictions on the right to freedom of communication of foreign nationals de facto detained within the facility. The settlement reached before the Court of Palermo resulted in the removal, from the hotspot's internal regulations, of the ban on the use of personal mobile phones. The action, initiated on the basis of monitoring activities carried out by the InLimine project, challenged a practice considered to be incompatible with fundamental rights, as it prevented people accommodated in the hotspot from communicating freely with relatives, lawyers, and external contacts. The agreement represents an important recognition of the need to guarantee effective communication channels and strengthens the right to defence of migrants, particularly during the initial stages of identification procedures and the assessment of their legal status.¹²⁸⁰

In September 2023, a new facility was inaugurated in the **Pozzallo-Modica** territory, a "Centre for the Detention of Asylum Applicants" (listed among the hotspots by the Ministry of Interior) intended for the carrying out of border procedures pursuant to Article 28-bis of Legislative Decree No. 25 of 28 January 2008 and the administrative detention of applicants for international protection pursuant to Article 6-bis of

¹²⁷³ ASGI, Cosa succede ai migranti nell'hotspot di Messina, 11 February 2019, available in Italian at: <https://bit.ly/3tisWZ7>.

¹²⁷⁴ ASGI, *Hotspot di Messina*, December 2020, available in Italian at: <https://bit.ly/3ljhfpb>.

¹²⁷⁵ ASGI, *L'hotspot di Messina: alcuni riscontri della pubblica amministrazione*, January 2023, available in Italian at: <https://lc.cx/LGBYav>.

¹²⁷⁶ ASGI, 'Un resoconto della visita di ASGI al Centro di accoglienza di Monastir', 28 April 2021, available in Italian at: <https://bit.ly/3CKQecX>.

¹²⁷⁷ ASGI, *La frontiera di Pantelleria: una sospensione del diritto. Report del sopralluogo giuridico di ASGI*, June 2021, available in Italian at: <https://bit.ly/3tcSwyD>.

¹²⁷⁸ Ibid.

¹²⁷⁹ ASGI, *La frontiera di Pantelleria: una sospensione del diritto Report del sopralluogo giuridico di ASGI*, August 2022, available in Italia at: <https://rb.gy/9ndftw>; ASGI, *L'Hotspot di Pantelleria: un microcosmo di diritti sospesi*, 14 July 2025, available in Italian [here](#).

¹²⁸⁰ ASGI, *Pantelleria: accolta l'azione inibitoria collettiva contro il divieto di utilizzo dei telefoni cellulari personali nell'hotspot*, 21 May 2026, available in Italian [here](#).

Legislative Decree 142/2015, which is characterised by serious critical issues strongly affecting the rights of arriving persons (see [Border Procedure](#)).

2.1.2 Conditions in CPR

In providing for a distribution of CPR on the entire national territory, Decree Law 13/2017, implemented by L. 46/2017, specified that this should have followed an expansion of the role of Guarantor for the rights of detained persons, and an extension of the power of access for those who do not require authorisation, and an absolute respect for human dignity. A further expansion of the role of the National Guarantor on monitoring of all places of detention has been foreseen by L. 173/2020. The National Guarantor, in the context of its dedicated focus on immigration detention, has repeatedly noted the lack of an adequate legal framework for detention in CPRs. More recently, the Guarantor has highlighted the importance of the ongoing review of the consolidated regulation for CPRs, currently being undertaken by the Mol's Department of Civil Liberties and Immigration. Even if the regulation does not suffice to ensure a legal basis for detention, it could provide for a more solid central governance of immigration detention and the evolution of the system towards higher standards of protection.¹²⁸¹

CPRs detain people with very different legal statuses, from those coming from prisons to applicants for international protection. According to the law, asylum applicants detained in CPR should be placed in a dedicated space.¹²⁸² The National Guarantor has reported on the overall lack of distinctions made on this respect in CPRs, where separation of persons in different conditions is often not possible due to lack of adequate spaces, affecting the safety of the detention environment.¹²⁸³

“Modalities of detention seriously and physiologically problematic” was the wording used by the National Guarantor to describe the structural issues affecting the immigration detention system in Italy.¹²⁸⁴ The National Guarantor describes regulatory gaps, structural problems, and issues in the management of detention facilities. CPR facilities and resources are generally described as lacking at best, resulting in a very poor quality of life for detained persons. The National Guarantor also describes worrying practices compromising the ability of detained persons to communicate with the outside world. The Guarantor has therefore repeatedly called out for the improvement of detention facilities and of their connection to local services (especially in terms of access to the National Health System) as well as of the ability of detained persons to communicate freely through their mobile phones.¹²⁸⁵

Regarding the general conditions of detention in CPRs, the problems already reported in 2021¹²⁸⁶ have not been overcome over the years due to political choices that tend to make these places invisible and to minimise their management costs. These appear to be the critical issues that still affect most of the CPRs in Italy still today:¹²⁸⁷

- ❖ The privatised management of CPRs (even for health-related services) is one of the most controversial issues in administrative detention. In recent years, the social cooperatives that manage these facilities have been gradually joined by multinational corporations, which manage detention centres or services in prisons all over Europe;
- ❖ The tendency to minimise the costs of managing the CPRs in favour of profit maximisation is evident in the outline of the tender specifications prepared by the Ministry of the Interior in 2018, and partially confirmed in the new outline of the same description in 2021. This has resulted in a drastic decrease in all services for people within CPRs, a reduction in the hours staff employed by the Centres' managing bodies (operators, information and mediation services, health

¹²⁸¹ National Guarantor for the rights of detained persons, *Yearly report to the Parliament 2021*, June 2021, available in Italian at: <https://bit.ly/3NI1P6T>.

¹²⁸² Article 6(2) Reception Decree.

¹²⁸³ National Guarantor for the rights of detained persons, *Rapporto sulle visite effettuate nei CPR (2019 - 2020)*, available in Italian at: <https://bit.ly/35UHwx5>.

¹²⁸⁴ National Guarantor for the rights of detained persons, *Rapporto sulle visite effettuate nei CPR (2019 - 2020)*, available in Italian at: <https://bit.ly/3MPri93>.

¹²⁸⁵ Ibidem

¹²⁸⁶ CILD, *Buchi Neri*, January 2020 – July 2021, available in Italian at: <https://bit.ly/3JgTwY8>.

¹²⁸⁷ CILD, *Buchi Neri*, January 2020 – July 2021, available in Italian at: <https://bit.ly/3JgTwY8>.

personnel) and has thus led to a structural lack of staff in the various CPRs, with pathological drifts recorded in some facilities;

- ❖ In some cases, the square metre size of single rooms does not comply with the minimum living space standard set by the European Court of Human Rights. Further critical issues observed in CPRs concern the lack of natural light in the sleeping rooms, deriving from the presence of screened windows; the lack of possibility for detainees to directly turn lights on or off; in some instances, the presence of cockroaches and non-insulated rooms, of worn-out, mouldy mattresses;
- ❖ In some facilities, there is an inadequate number and/or very poor hygienic conditions of sanitary services, which are often without doors and thus do not ensure any privacy;
- ❖ The poor quality of food, lack of compliance with food safety regulations and menus which do not always take into account diets for religious or medical reasons;
- ❖ The total lack of common living spaces and activities for detainees;
- ❖ Freedom of communication is often partially and completely limited: in most CPRs, the number of landline telephones, which according to the legislation should be present in a number not lower than 1 for every 15 people, was insufficient; in many CPRs, the possibility to make video calls with family members during COVID-19 was not given. Furthermore, the illegitimate practice of seizing mobile phones of detainees upon entrance in centres continues in Torino, Potenza, Roma, Trapani, and Macomer. In February 2021, the Civil Court of Milan accepted the urgent appeal presented by a Tunisian asylum applicant held at the CPR of Milan, in order to obtain the return of his mobile phone which, according to the current practice also in other CPRs, he was prevented from using inside the centre. The Court observed that the impossibility of accessing one's mobile phone constitutes a limitation of the right to freedom of communication of the detainees, not permitted by Italian law, but can also constitute a violation of the right of defence of detainees. In the case of the applicant, the impossibility of communicating with his lawyer before the hearing to validate the detention, prevented him from being able to avail himself of his assistance there. The Court further observed that freedom of correspondence cannot be guaranteed through the availability of fixed or portable devices, generally present within the centre.¹²⁸⁸

Especially dire conditions have been reported in Turin's CPR, whose infamous sanitary isolation section (so-called Ospedaletto) was closed in September 2021 upon insistence of the National Guarantor, following the tragic suicide of Moussa Balde a few months before.¹²⁸⁹

Several cases of self-harm and/or suicide attempts in CPRs have been reported in Milan, Turin, and Bari.¹²⁹⁰ Revolts over detention conditions in CPRs are frequent; in 2021, detained persons protested and revolted in Turin and Milan. In May 2021, a protest over lack of food in Milan's CPR was violently repressed by riot police, resulting in 8 persons harmed and followed up by hunger strikes and cases of self-harm.¹²⁹¹

The National Guarantor reported that, in the course of 2022 five people died while detained in CPRs.¹²⁹² In February 2024, Ousmane Sylla, a young Guinean boy, committed suicide in the CPR in Rome.¹²⁹³ In August of the same year, Belmaan Oussama, a Moroccan citizen, died in the CPR in Palazzo San Gervasio. Investigations are still ongoing to ascertain any responsibility for this death.¹²⁹⁴ On the night between 1 and 2 May of 2024, Abel Okubor, a 37-year-old Nigerian citizen, died in the Brindisi C.P.R.¹²⁹⁵

¹²⁸⁸ Civil Court of Milan, decision of 23 February 2021, available at: <https://bit.ly/3bopoLe>.

¹²⁸⁹ ASGI, *The Black book on the Pre-Removal Detention Centre (CPR) of migrants in Turin – Corso Brunelleschi*, September 2021, available at: <https://bit.ly/3CQZQD5>; National Guarantor for the rights of detained persons, *Chiuso l'Ospedaletto del Cpr di Torino: accolta la Raccomandazione del Garante nazionale*, September 2021, available in Italian at: <https://bit.ly/3MVKOz>.

¹²⁹⁰ CILD, *Buchi Neri*, January 2020 – July 2021, available in Italian at: <https://bit.ly/3JgTwY8>.

¹²⁹¹ Ibidem.

¹²⁹² *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2022, available at: <https://rb.gy/alzvet>.

¹²⁹³ Altreconomia, 'Un altro suicidio nei Cpr. Roma non è un caso, le condizioni disumane a Caltanissetta', February 2024, available in Italian at: <https://lc.cx/-FKERq>.

¹²⁹⁴ ASGI, 'Morte di un ragazzo nel CPR di Palazzo San Gervasio: comunicato del Tavolo Asilo e Immigrazione', 8 August 2024, available in Italian [here](#).

¹²⁹⁵ MELTING POT, 'Un'altra morte di CPR: a Brindisi Abel Okubor perde la vita', 5 May 2025, available in Italian [here](#).

In its 2024 ad hoc visit to Italy, the Committee for the Prevention of Torture of the Council of Europe (CPT) examined the treatment and living conditions of foreign nationals detained in four Removal Detention Centres (CPRs). The CPT identified several serious concerns regarding detention conditions, legal safeguards, healthcare, and the use of force. The report documented cases of alleged ill-treatment and excessive use of force by police officers, insufficient monitoring of such interventions, and inadequate recording of injuries. The CPT also criticised the widespread administration of non-prescribed psychotropic medication in one CPR and prolonged handcuffing during transfers. Material conditions were found to be overly prison-like, with restrictive infrastructure, poor maintenance, inadequate hygiene supplies, and insufficient quality of food. The CPT highlighted the lack of meaningful activities for detainees, who were effectively left idle inside facilities, and called for improved access to recreational activities, cultural mediators, and psychological support, particularly given the extension of the maximum detention period to 18 months. The report also stressed the need to improve healthcare provision, including medical screening, suicide prevention measures, and coordination between healthcare providers and national health authorities. Regarding procedural safeguards, the CPT recommended strengthening access to lawyers, interpreters, and information on rights, as well as ensuring effective complaint mechanisms and better identification of vulnerable individuals. The Committee also raised concerns about migrants detained in facilities outside CPRs, such as police stations, ports, and border areas, where adequate legal guarantees are often lacking. Overall, the CPT called for significant reforms to ensure that immigration detention respects human dignity and fundamental rights.¹²⁹⁶

2.1.3 Conditions in Locali idonei

Very limited information on “locali idonei” is available.

Between December 2020 and January 2021, the National Guarantor visited the ‘*locali idonei*’ (suitable premises) within the Immigration Offices of Parma and Bologna. During these visits, numerous violations of basic standards were observed. Both facilities had dirty walls and were almost entirely unfurnished, with only a bench serving as both daytime seating and a bed at night, accompanied solely by a blanket. Sanitary facilities were located outside the rooms and could be accessed only upon request to the police. No outdoor areas were available for yard time. The Guarantor also highlighted the inadequate protection of detainees’ rights in both locations. Upon arrival, individuals had their mobile phones confiscated, leaving them unable to communicate freely. On the issue of communication, the Guarantor reiterated that the right to make phone calls must be guaranteed, referencing a 2021 judgment from the Milan Court that had already affirmed this principle. No appropriate information materials or activities were available to inform detainees of their rights. In addition, judicial oversight of detention was found to be inconsistent, as different cases in which persons were held without the authorisation of the judge - pending the transfer to CPRs - were reported.¹²⁹⁷

As mentioned above, in May 2022 ASGI had access to the places used by the Questura in Milan.¹²⁹⁸ This visit followed Lombardy’s Administrative Tribunal precautionary order issued following the appeal filed by ASGI after the Questura of Milan rejected the request for access to *locali idonei*.¹²⁹⁹

On 9 July 2025, the National Guarantor for the rights of persons deprived of liberty visited the *locali idonei* managed by the Milan Police Headquarters. The report identified several shortcomings concerning material conditions and organisation. The facilities used for temporary detention were found to have only basic furnishings, limited equipment, and inadequate sanitary facilities. Similar concerns were raised

¹²⁹⁶ Council of Europe, *Anti-torture Committee publishes report on ad hoc visit to Italy*, 13 December 2024, [available here](#).

¹²⁹⁷ National Guarantor, *Thematic report on suitable structures used for detention of third-country nationals*, August 2021, available in Italian at: <https://bit.ly/3Jh0aNS>.

¹²⁹⁸ ASGI, ‘Il punto sulle strutture idonee nella disponibilità delle autorità di pubblica sicurezza per il trattenimento dei cittadini stranieri in attesa dell’esecuzione del rimpatrio: il monitoraggio di ASGI presso la Questura di Milano’, November 2022, available in Italian at: <https://rb.gy/wfl5po>.

¹²⁹⁹ ASGI, ‘Il diritto di accesso ai “luoghi idonei” di trattenimento: la sentenza del TAR Milano’, November 2022, available in Italian at: <https://rb.gy/gf2jxc>.

regarding police cells, including the absence of emergency call systems and light controls accessible to detainees, as well as the lack of an on-site healthcare service. The Guarantor recommended improving staff training, ensuring that detainees receive adequate information on their rights and removal procedures, and guaranteeing effective communication with the outside world by allowing access to personal mobile phones or establishing sufficient periods for their use. Further recommendations included providing hot meals for stays exceeding 24 hours, ensuring access to cultural mediation services, and supplying clothing and basic necessities to detained persons when required.¹³⁰⁰

2.1.4 Conditions in transit zones

In transit zones, people are arbitrarily detained in severely inadequate conditions and in the absence of the basic guarantees accorded to persons deprived of their liberty. Detention takes place in premises that are structurally unsuitable for the purpose, isolated from the outside world, without access to fresh air, with little opportunity to consult a lawyer, without any detention order being issued and therefore without any validation by a judge. Such deprivation of personal liberty is enforced in the absence of a legal basis, a maximum period of detention and a judicial review of the legitimacy of the detention, in inadequate conditions. Persons detained in airport transit zones have extremely limited possibilities of getting in touch with organisations, protection bodies, family members and lawyers - as their access to such areas is strictly limited.

According to information acquired by ASGI via FOIA, from January to 31 October 2022, 980 persons were pushed back at Fiumicino airports, of which 208 were Albanians (21%).¹³⁰¹ In the same period, there were 105 asylum applications, 28 from Turkish people (27%).¹³⁰² Following the inspection carried out in June 2023 at the Milan-Malpensa airport, ASGI reported that from 1 January to 20 June 2023, 214 applications for international protection were lodged at that border crossing.¹³⁰³

In 2024, 5,382 persons received refusals of entry at the borders (2,192 at the air border and 1,400 at sea borders). The National Guarantor reported of 231 people detained in the areas of Bergamo Orio Al Serio, Milan Malpensa, Roma Fiumicino and Venezia airports: the detention time lasted from 2 days to as long as 6 days in some cases registered at Roma Fiumicino and Bergamo Orio al Serio.¹³⁰⁴

2.2 Activities

According to article 4(m) of the Directive of the Ministry of the Interior issued in May 2022, social, recreational and religious activities shall be organized in the centres, and to "this end the manager shall prepare a weekly calendar of planned activities, to be brought to the attention of all foreigners present."

In practice, it has been reported that in most CPRs, apart from unequipped outdoor concrete courtyards, there are no: (i) football fields or libraries; (ii) places of worship; (iii) recreational and cultural activities; (iv) agreements with civil society associations that can provide additional services and activities.¹³⁰⁵ The shortage of recreational activities in CPR bears especially negative impact on living conditions of people staying in the CPR 24 hours a day for prolonged periods, thus being one of the main factors entailing distress among people in detention. As pointed out by the National Guarantor, these shortages mean that CPRs are "empty shells", where people are reduced to bodies to be held and confined.

In April 2024, simultaneous visits were made to all the CPRs in Italy, which confirmed the problems and shortcomings already highlighted earlier: overcrowding in accommodation units, isolation alternating with

¹³⁰⁰ National Guarantor, *Visita del Garante nazionale alle strutture diverse e idonee nella disponibilità della Questura di Milano*, March 2026, available in Italian [here](#).

¹³⁰¹ ASGI, 'La frontiera di Fiumicino: i riscontri della pubblica amministrazione', November 2022, available in Italian at: <https://rb.gy/ylyc6u>.

¹³⁰² Ibid.

¹³⁰³ ASGI, *La situazione emersa dal sopralluogo della Zona di transito internazionale dell'aeroporto di Milano Malpensa*, available in Italian at: <https://lc.cx/xltsAA>.

¹³⁰⁴ *Report to Parliament Annexes to the yearly report of the National Guarantor for the rights of detained persons*, June 2026, relating to 2024 and supplemented by data from 2025, available in Italian [here](#).

¹³⁰⁵ CILD, *Buchi Neri*, January 2020 – July 2021, available in Italian at: <https://bit.ly/3u710qg>.

a lack of privacy, poor and unhealthy quality of meals, critical hygiene and sanitary conditions, lack of cooperation protocols with health bodies and voluntary associations, and a shortage of specialised staff such as cultural mediators, psychologists and health personnel.¹³⁰⁶ The latest report by the Tavolo Asilo e Immigrazione (TAI) reached the same conclusions, based on numerous visits to Italian reception centres for asylum seekers (CPRs) during 2025.¹³⁰⁷

The security approach to administrative detention makes CPRs places of extreme social marginality and isolation from a community which is prevented from entering detention facilities and creating relationships with detainees. The people detained in CPRs live in a condition of permanent forced idleness, where even small daily life choices, such as reading a book, writing, or playing sports are limited and regulated.¹³⁰⁸

2.3 Health care and special needs in detention

Access to health care is guaranteed to all persons in detention. The law provides, as a rule, that full necessary assistance and respect of dignity shall be guaranteed.¹³⁰⁹ The law further states that the fundamental rights of detained persons must be guaranteed and that inside detention centres essential health services are provided.¹³¹⁰

Moreover, the Reception Decree provides that asylum applicants with health problems incompatible with the detention conditions cannot be detained and, after the amendment made by Decree Law 13/2017 and L. 46/2017, it also establishes the incompatibility of detention for vulnerable people, as defined by Article 17 of the Reception Decree. Within the socio-health services provided in the CPR, a periodical assessment of the conditions of vulnerability requiring special reception measures must be ensured.¹³¹¹ The Prefectures are obliged to ensure coordination with local health authorities to ensure access to medical services ex art. 35 of the Consolidated Act on Immigration. Art. 3 of the new Directive of the Ministry of the Interior of May 2022 provides for a medical examination of suitability for life in the CPR to be issued by the competent ASL prior to entry into the facility, or in case the person enter without having had the visit "the examination must be repeated within 24 hours of entering the CPR by the doctor from the ASL with which the Prefecture headquarters of the CPR has entered into a special protocol."¹³¹² The certification of the medical visit shall be forwarded to the Judge's file of the validation of detention.

Health care inside CPRs should be considered "complementary" (not substitutive) to services provided by the National Health Service, implying a necessary link with the latter. This connection should be guaranteed by the above-mentioned MOUs between the relevant Prefecture and the local ASL, which are essential to guarantee a timely access of the detainees to ASL health facilities and periodical inspections of the health authority inside the centres. However, these MOUs are often not adequately implemented. In Turin and Brindisi, despite the existence of MoUs, no inspections have ever been carried out by the ASL in the Centres to verify the hygienic and sanitary conditions, the quality of sanitary services and of the food administered. In Milan, for a long time the absence of a MoU has impaired access of detained persons to health services; only in July 2021, after countless interventions by the National Guarantor, civil society associations and some parliamentarians, the Prefecture of Milan signed two MoU with the ASL of Milan: one being aimed at the detainees' access to the SSN and inspection activities by health authorities. This MOU run from 1 July 2021 to 31 December 2021. The other was aimed at issuing a STP code to detainees who do not have it and run from 1 July 2021 to 30 June 2022. It appears unclear why such strict time limits have been set for their validity. It seems unreasonable to have waited so long for the

¹³⁰⁶ Tavolo Asilo e Immigrazione, *CPR D'ITALIA: PORRE FINE ALL'ABERRAZIONE. Proposta politica per la chiusura*, December 2024, available in Italian [here](#).

¹³⁰⁷ Tavolo Asilo e Immigrazione (TAI), *CPR D'ITALIA: ISTITUZIONI TOTALI, TAVOLO ASILO E IMMIGRAZIONE, Secondo rapporto di monitoraggio sui CPR di Bari, Brindisi, Caltanissetta, Gradisca d'Isonzo, Macomer, Milano, Palazzo San Gervasio, Roma, Torino, Trapani*, January 2026, available in Italian [here](#).

¹³⁰⁸ National Guarantor for the rights of detained persons, *Rapporto sulle visite effettuate nei CPR (2019 - 2020)*, available in Italian at: <https://lc.cx/iBkl4R>.

¹³⁰⁹ Article 14(2) TUI.

¹³¹⁰ Article 21(1) and (2) PD 394/1999.

¹³¹¹ Article 7(5) Reception Decree.

¹³¹² Art. 3(2), Directive of the Ministry of the Interior of May 2022.

finalisation of a MOU between the health authorities and the Prefecture of Milan and then to only provide for a period of operation of six months and one year respectively, of those instruments.¹³¹³

It is to be noted that in CPRs health care is de facto – especially in the light of the absence of adequately implemented MoUs with local health authorities – managed by private parties, being entrusted to the managing body of the CPRs and not to the National Health Service (SSN).

The SSN is merely assigned, at a regulatory level, the task of carrying out the preliminary medical examinations to verify the suitability of the detainee for life in a restricted community. However, this provision is, in most cases, disregarded in practice: it has been indeed found that the certificate for this purpose is issued: by a doctor of the managing institution in the CPRs of Turin, Milan and Potenza; by the health staff of hotspots or quarantine ships in the case of Brindisi, Bari, Caltanissetta, Trapani and Gradisca d'Isonzo. Medical examinations to verify the suitability of detention for an individual are carried out by ASL personnel but they are not, in most cases, carried out in an adequate manner; they are generally rushed, and the medical records of the person concerned are often not properly assessed. The presence of law enforcement personnel during medical examinations also appears to be very frequent in CPRs, despite this practice contradicting what is required by the CIE Single Regulation and what is prescribed by the CPT, as absence of "medical confidentiality" is one of the factors preventing the detection of possible ill-treatment. As a result, the detention of people unsuited for detention conditions, including persons undergoing methadone treatment on a sliding scale, persons suffering from serious diseases and/or mental health issues, has been reported.¹³¹⁴

According to the National Guarantor, the organisation of health services within CPRs appears to be "particularly critical", due to lack of staff adequately trained in medicine related to migration,¹³¹⁵ and to the absence of risk prevention protocols, despite the numerous episodes of self-harm occurring in the Centres.¹³¹⁶

The new scheme of contract of March 2024 replaced the previous one from 2021, which had already raised the average per-capita/per-day cost, reversing the downward trend brought about by the specifications scheme approved in 2018. The latter had in fact significantly reduced the quantity and variety of services offered to inmates. This situation was partly remedied by the new specifications scheme introduced in 2021, which reintroduced the figure of the psychologist and raised the standards in terms of quantity, although without turning back the hands to 2017.¹³¹⁷

As pointed out by Actionaid, with the entry into force of the new specifications scheme approved in 2024, a further increase in the average cost can be expected, also due to the adjustment of the pro-capita/per-day to the renewal of the CCNL for social cooperatives. Services such as psychological support and legal information are also maintained, but the figure of the social assistant is no longer expected, replaced by a "social worker".¹³¹⁸

The monitoring of psychiatric cases and the administration of psychotropic drugs is often managed by psychologists and nurses appointed by the managing body, with no involvement nor supervision of local health authorities. It has been noted how the percentage of detainees subjected to the administration of psychotropic drugs and anxiolytics is very high. As an example, in Milan's CPR, this percentage reaches - according to the managing body itself - 80% of the total detainee population. This situation is made even

¹³¹³ CILD, *Buchi Neri*, January 2020 – July 2021, available in Italian at: <https://bit.ly/3u710qg>.

¹³¹⁴ CILD, *Buchi Neri*, January 2020 – July 2021, available in Italian at: <https://bit.ly/3u710qg>.

¹³¹⁵ Intended as Doctors who are specialised in the assistance and treatment of migrants (such as SAMIFO or INMP in Rome) or S.I.M.M. (Italian society of Migration Medicine).

¹³¹⁶ National Guarantor for the rights of detained persons, *Rapporto sulle visite effettuate nei CPR (2019 - 2020)*, available in Italian at: <https://bit.ly/3tgztlq>.

¹³¹⁷ Action Aid project Trattenuti 2024. Una radiografia del sistema detentivo per stranieri, pp. 16-17 available in Italian [here](#); for a comparison of changes in the per-capita/pro-per-day amount per detention facility, 2018-2023 please refer to table 2 of the same report, p. 16.

¹³¹⁸ Action Aid project Trattenuti 2024. Una radiografia del sistema detentivo per stranieri, pp. 16-17 available in Italian [here](#); for a comparison of the services provided by the different specification schemes 2017-2024 (for Cpr and Ctra up to a maximum of 50 and 75 places) please refer to Table 3 of the same report, p. 17.

more concerning by the lack of connection with the local ASL and, therefore, the total absence of adequate psychiatric assistance. The critical nature of the situation is well illustrated by a survey conducted in 2023 on the abuse of psychotropic drugs within the Italian CPRs,¹³¹⁹ which found that at the Milan CPR, in the period between October 2021 and February 2022, while spending on psychotropic drugs exceeded 60% of the total amount of drugs purchased, only 8 psychiatric visits were made to detainees. In Turin's CPR, according to the medical director of the facility, "psychotropic drugs are used by the litre", but without adequate monitoring, considering that throughout 2020 no psychiatrist has ever visited the facility. In 2021, collaboration with the Mental Health Centre of the local ASL resumed; regardless, visits in these cases are also on call, so there is no constant care of the patient, which tends to be replaced by the constant and continuous administration of psychopharmacological therapies.¹³²⁰ In Rome's CPR, according to the competent health authority, the percentage of detainees who are given psychotropic drugs and anxiolytics is 65-70%. In Gradisca's CPR, according to data provided by the regional Guarantor, 70% of the detained population is subjected to therapies requiring the administration of psychotropic drugs and tranquilisers. The abuse in the administration of psychotropic drugs, which is apparent in most CPRs, can be traced back to the absence of a connection with the national health system and to the management of health services entrusted to private bodies, with the risk of bending medical and pharmacological intervention to the needs of discipline and security of the facilities.¹³²¹

The critical issues highlighted are also reflected in the latest CILD report, which denounces deficiencies in health care, abuses in the administration of psychotropic drugs and the conflict of interest in the health suitability for detention assessment, which is certified by doctors employed by the managing body, which takes a daily fee for each detainee.¹³²²

Access to medical records is difficult. Even though the legislation provides for the right of the detainee to see and obtain a copy of his/her medical file, practices impairing this right have been reported in CPRs. In the Turin centre, not even lawyers, delegated by the detainees, are allowed to have a copy of the medical documentation. Furthermore, in most cases medical records are not adequately compiled. Already in 2017, the CPT had found that in the CPR of Turin, the medical staff of the managing institution were filling in medical files of each detainee in a very general, broad way, with a noticeable absence of detail, especially in registration of possible injuries (necessary to verify possible ill-treatment). The issue has been reported also in 2021 by the National Guarantor, who recommended that the medical records of each detainee should be always properly filled in, including the records of possible complaints of ill-treatment and beatings suffered by the detainee.¹³²³

In two judgments of January 2023,¹³²⁴ the TAR Lombardia ruled that the refusal to grant access to this documentation was unlawful and ordered the manager of the **Milan** CPR to comply with a specific obligation, namely to provide two detainees with complete medical records.¹³²⁵

There is still no reliable, effective and complete system in place within the CPR network to record critical events (e.g. suicides or attempted suicides; episodes of self-harm; hunger strikes; deaths), despite this deficiency being identified and brought to the attention of the Italian Government by the European Committee for the Prevention of Torture already in 2017.¹³²⁶ In addition, the National Guarantor has been

¹³¹⁹ Altraeconomia, 'Rinchiusi e sedati: l'abuso quotidiano di psicofarmaci nei Cpr italiani', 1 April 2023, available in Italian at: <https://rb.gy/489u4>. See also, Il Riformista, 'Migranti rinchiusi e sedati, tutti i soldi spesi dallo Stato per stordirli e tenerli buoni nei Cpr', 7 April 2023, available in Italian at: <https://rb.gy/5wo02>.

¹³²⁰ Monica Cristina Gallo, *Garante per i diritti delle Persone private della Libertà personale del Comune di Torino*, Relazione annuale attività 2022, 27 March 2023, available in Italian at, <https://rb.gy/p030i>.

¹³²¹ CILD, *Buchi Neri*, January 2020 – July 2021, available in Italian at: <https://bit.ly/3u710qg>.

¹³²² CILD, *L'AFFARE CPR. Il profitto sulla pelle delle persone migranti*, June 2023, available in Italian at: <https://lc.cx/gY0Ueb>.

¹³²³ National Guarantor for the rights of detained persons, *Relazione al Parlamento*, June 2021, available in Italian at: <https://bit.ly/3qfLXtg>.

¹³²⁴ TAR Lombardia, Judgment n. 86, 5 January 2023; TAR Lombardia, Judgment n. 87, 5 January 2023.

¹³²⁵ MELTING POT EUROPA, 'CPR - Le persone trattenute hanno diritto all'accesso al proprio diario clinico', February 2023, available in Italian at: <https://lc.cx/xl0A8z>.

¹³²⁶ CPT, *Report to the Italian Government on the visit to Italy carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 13 June 2017*, 10 April 2018, available at: <https://bit.ly/3InPE6e>.

recommending, for several years, that a standardised and centralised system of recording critical events be introduced, which would allow overseeing bodies to have rapid knowledge of the most relevant events occurring in the Centres and ensure greater transparency regarding the functioning of these places of detention.¹³²⁷

Provisions regulating CPRs do not foresee solitary confinement (for justice, health, disciplinary or security reasons), but only the possibility to place detainees in sanitary "observation" rooms, in case the existence of elements that may reflect the incompatibility of a detainee with restricted community life, which did not emerge during the initial certification of suitability for detention, is noted by the personnel. The most striking example of how this provision can lead to severe violations as regards respect of human dignity was the so-called Ospedaletto within Turin's CPR, which, according to the National Guarantor, looked like the "old section of a zoo". In these premises, detainees were put in isolation for a wide range of reasons (from disciplinary reasons to alleged needs of "protection"), without a maximum time limit being fixed, which in some cases reached 5 months. Two detainees died in Ospedaletto in 2019 and 2021 respectively. Following the suicide of Moussa Balde in May 2021, and the insistent requests by the National Guarantor, the Ospedaletto was finally closed in autumn 2021.¹³²⁸ The broader issue of confinement in sanitary rooms in CPRs remains to be addressed.

The number of deaths in CPRs has never been as high as in recent years. Between June 2019 and December 2022, ten foreign nationals lost their lives whilst held in administrative detention, two just in the last 5 months of 2022.¹³²⁹ No cases were publicly reported in 2023. At the beginning of February 2024, the young Guinean Ousmane Sylla committed suicide in the CPR in Rome.¹³³⁰ In August 2024, the Moroccan citizen Belmaan Oussama died in the CPR of Palazzo San Gervasio.¹³³¹ In the night between 1 and 2 May 2025, Abel Okubor, a 37-year-old Nigerian citizen, died in the Brindisi CPR. Investigations are ongoing to ascertain the cause of death.¹³³² In May 2025, Hamid Badoui committed suicide in Torino prison: ASGI denounced the suicide of a foreign national in prison, highlighting the consequences of a highly restrictive migration control system. The person had previously been detained in a Removal Detention Centre due to the lack of a residence permit, transferred to Albania as part of the Italian government's migration policy initiative, returned to Italy following a court decision refusing validation of his detention, and later imprisoned in connection with a criminal offence committed in unclear circumstances. ASGI criticised the repeated deprivation of liberty and the lack of alternatives faced by migrants, pointing to the severe human impact of prolonged confinement and restrictive migration measures.¹³³³

The specific instances differ in terms of causes and circumstances, but what is common between them is a lack of clarity about the circumstances of their deaths, doubts about the suitability of these persons to be placed in this restricted community setting in the first place, and the risks arising from inadequate protection of the health of detainees.¹³³⁴

In its judgment No. 7839 of 7 October 2025, the Council of State partially annulled the 2024 tender specifications governing the management of Italy's CPRs, finding aspects of the Ministry of the Interior's framework unlawful. Following an appeal brought by ASGI and Cittadinanzattiva, the Court required the Ministry to introduce significant changes, particularly concerning healthcare provision and suicide prevention within CPRs. The ruling represents an important step towards strengthening the protection of

¹³²⁷ National Guarantor for the rights of detained persons, *Rapporto sulle visite effettuate nei CPR (2019 - 2020)*, available in Italian at: <https://bit.ly/3tgztlq>.

¹³²⁸ National Guarantor for the rights of detained persons, *Chiuso l'Ospedaletto del Cpr di Torino: accolta la Raccomandazione del Garante nazionale*, September 2021, available in Italian at: <https://bit.ly/3Jmspuu>.

¹³²⁹ Melting Pot Europea, 'Brindisi, un'altra morte di CPR', 22 December 2022, available in Italian at: <https://rb.gy/wmtyi>.

¹³³⁰ Altreconomia, 'Un altro suicidio nei Cpr. Roma non è un caso, le condizioni disumane a Caltanissetta', February 2024, available in Italian at: <https://lc.cx/-FKERq>.

¹³³¹ ASGI, 'Morte di un ragazzo nel CPR di Palazzo San Gervasio: comunicato del Tavolo Asilo e Immigrazione', 8 August 2024, available in Italian [here](#).

¹³³² MELTING POT, 'Un'altra morte di CPR: a Brindisi Abel Okubor perde la vita', 5 May 2025, available in Italian [here](#).

¹³³³ ASGI, *Il dramma di Hamid Badoui depresso in Albania, ennesima vittima di un sistema repressivo che disumanizza e divide la società*, May 2025, available in Italian [here](#).

¹³³⁴ CILD, *Buchi Neri*, available in Italian at: <https://bit.ly/3u710qg>.

the fundamental rights of detained migrants, especially the right to health, in a system where essential services are entrusted to private operators under contracts defined by the Ministry of the Interior.¹³³⁵

Given the Ministry's partial implementation of the principles set out in the Council of State's judgement, a new appeal was lodged in which ASGI and Cittadinanzattiva challenged the persistent and serious shortcoming in the legislation, exacerbated by the failure to actively involve the health and supervisory authorities. In judgment No. 5450/2026, the Council of State upheld the further appeal, finding that the Ministry of the Interior had only partially complied with the Court's previous ruling on the procurement specifications for Italy's Removal Detention Centres (CPRs). The Court held that the Ministry had merely aligned the procurement rules with the 2022 ministerial directive without conducting a substantive assessment of detention conditions. It therefore ordered the Ministry, within six months, to carry out a comprehensive review of healthcare and psychological services, the protection of persons with mental health vulnerabilities, staff training, suicide prevention measures, and critical incidents recorded over the previous five years, in cooperation with the Ministry of Health and the National Guarantor for the Rights of Persons Deprived of Liberty.¹³³⁶

3. Access to detention facilities

Indicators: Access to Detention Facilities

1. Is access to detention centres allowed to:

- | | |
|-------------------|--|
| ❖ Lawyers: | ☐ Yes ☒ Limited ☐ No |
| ❖ NGOs: | ☐ Yes ☒ Limited ☐ No |
| ❖ UNHCR: | ☐ Yes ☒ Limited ☐ No |
| ❖ Family members: | ☐ Yes ☒ Limited ☐ No |

Decree Law 13/2017, implemented by L 46/2017, has clarified that access to CPR is guaranteed under the same conditions as access to prisons. This means that the Guarantor for the rights of detained persons and parliamentarians, among other official bodies, has unrestricted access to CPR.

As CPR and eventually hotspots are places where asylum applicants are detained, Article 7 (2) of the Reception Decree applies. It states that UNHCR or organisations working on its behalf, family members, lawyers assisting asylum applicants, organisations with consolidated experience in the field of asylum, and representatives of religious entities also have access to CPR.¹³³⁷ Access can be limited for public order and security reasons or for reasons related to the administrative management of the centres but not fully impeded.¹³³⁸

However, the regulation of CPRs requires an authorisation from the competent Prefecture for family members, NGOs, representatives of religious entities, journalists and any other person who make the request to enter CPR.¹³³⁹ Prefectures apply the regulation of CPR significantly restricting the scope of the guarantees provided by Law 46/2017 and by Reception decree.

Access to CPR for journalists is also quite difficult. They have to pass through two different stages before gaining authorisation to visit the CPR. Firstly, they need to make a request to the local *prefecture* (the local government representative), which then forwards the request to the Ministry of Interior who investigates the applicant, before finally sending the authorisation back to the Prefecture.

Access to CPRs and hotspots for rights organisations and civil society remains problematic in practice and has often led to litigation in front of national Courts.

¹³³⁵ ASGI, ASGI e Cittadinanzattiva: *Inadeguato il capitolato di appalto dei CPR per la tutela della salute della persone trattenute*, October 2025, available in Italian [here](#).

¹³³⁶ ASGI, CPR, Vittoria di ASGI e Cittadinanzattiva al Consiglio di Stato: *il Ministero dell'Interno ha sei mesi per rifare il capitolato d'appalto a tutela di salute e vulnerabilità*, luglio 2026, available in Italian [here](#).

¹³³⁷ Article 7(2) Reception Decree.

¹³³⁸ Article 7(3) Reception Decree.

¹³³⁹ Article 6 (4) and (5) MoI Decree 20 October 2014

Regarding litigation on access to CPRs in previous years, see previous updates to this country report, available [here](#). In January 2023, Lombardy's TAR clarified that, regardless of the rules of their statutes, associations that promote the protection of fundamental rights, certified through previous experience, can have access to CPRs, cancelling the **Milan** Prefecture's previous refusal of access to the Milan CPR by a local association.¹³⁴⁰

The precautionary ruling of the Regional Administrative Court of Lombardy (Brescia section) No. 1164/2025 annulled the decision by which the Prefecture of Bergamo had denied ASGI access to "suitable facilities" used for the temporary detention of foreign nationals pending removal. Although in this case the Court identified a procedural flaw concerning the failure to provide prior notice of rejection, the case raises broader questions regarding access to facilities that, despite not being formally classified as CPRs, perform the same function of restricting personal liberty. The ruling highlights that, under Italian law, these facilities must be subject to the same procedural safeguards as CPRs, including external monitoring by civil society organisations and rights-protection bodies. The Prefecture's refusal, based on security, privacy, and organisational concerns, was considered problematic because transparency and independent oversight are essential to safeguarding the dignity and fundamental rights of detained persons. The decision may therefore contribute to recognising the role of organisations such as ASGI in monitoring all places where migrants are deprived of their liberty, including facilities outside the formal CPR system.¹³⁴¹

Persons detained in airport transit zones have extremely limited possibilities of contacting organisations, protection bodies, family members and lawyers, as their access to such areas is strictly limited. The obstacles put in place by border authorities to reduce outsiders' access to transit areas result in a series of violations, among which to the right to information, the right to defence (it is often impossible for detainees to physically contact a lawyer), and effective access to judicial protection. Moreover, the lack of access of civil society to these areas makes them almost invisible to public opinion. Furthermore - while it is difficult for the outside world to enter the transit zones, the authorities do not take any measures to ensure that detained persons can communicate outwardly. On the contrary, on numerous occasions third country nationals are informally deprived of their mobile phones and appointed lawyers have often been denied entry on the basis that these areas are considered as 'sterile', meaning that only certain categories of persons may have access, as they are considered of an extraterritorial nature.¹³⁴²

As of November 2019, ASGI asked access to the transit zones, but the competent authorities never answered the request.¹³⁴³ In January 2021, ASGI sent a new request to access to the transit zones of **Malpensa** airport and **Rome Fiumicino** airport. The Central Directorate of Immigration and Border Police at the Ministry of the Interior rejected the request, arguing that the regulations provided for CPRs do not apply to transit zones.¹³⁴⁴ The appeal lodged by ASGI against the negative decision of the Department of Public Security not to authorise the visit of a delegation of the association to the transit areas of the Rome-Fiumicino and Milan-Malpensa airports, led to sentence No. 3392/2023 of the Lazio Regional Administrative Court, which recognised the detention nature of such areas and consequently the right of civil society to conduct visits there.¹³⁴⁵

D. Procedural safeguards

1. Judicial review of the detention order

¹³⁴⁰ ASGI, 'I diritti umani devono entrare nei CPR!', 19 January 2023, available in Italian at: <https://rb.gy/lxw29j>.

¹³⁴¹ ASGI, *Il diritto della società civile di accedere ai "locali idonei": la sentenza del TAR Lombardia*, January 2026, available [here](#).

¹³⁴² ASGI, *Le zone di transito aeroportuali come luoghi di privazione arbitraria della libertà*, January 2021, available in Italian at: <https://bit.ly/3wjvmIG>.

¹³⁴³ ASGI, In Limine Project, 18 February 2020, see: <https://cutt.ly/6yO5rMM>.

¹³⁴⁴ ASGI, 'Accesso della società civile alle zone di transito aeroportuali: il diniego della pubblica amministrazione', 16 April 2021, available in Italian at: <https://rb.gy/ji6und>.

¹³⁴⁵ ASGI, 'Le zone di transito aeroportuale di Roma Fiumicino e Milano Malpensa: posizionamento e monitoraggio di ASGI', 6 December 2023, available in Italian at: <https://lc.cx/2qjkl3>.

Indicators: Judicial Review of Detention

1. Is there an automatic review of the lawfulness of detention? ☒ Yes ☐ No
2. If yes, at what interval is the detention order reviewed?
3 months for irregular migrants and up to 60 days for asylum applicants

Detention and the ability to seek asylum

Asylum applicants should not be sent to CPR before they have had the possibility to apply for asylum due to lack of proper information on the asylum procedure or because they are denied access to the procedure (see [Registration](#)). This however happens in practice. In this case, they are subject to the procedure for irregular migrants provided by the TUI until they are able to apply for asylum. In 2020, in several cases, the Civil Court of Trieste did not validate the detention of Tunisians asylum applicants who had already submitted an asylum application from the quarantine ship and whose application therefore could not be considered as instrumentalisation.¹³⁴⁶ Similar decisions were adopted by the Civil Court of Torino in 2022, arguing, *inter alia*, that the information contained in the 'foglio notizie' signed by the asylum applicant at the time of disembarkation is not sufficient to justify an evaluation of unfoundedness of the application for international protection. In the specific case, the "foglio notizie" had been completed only nine days after disembarkation.¹³⁴⁷

A judgement of November 2023 of the Court of Cassation established the insufficiency and irrelevance of what is contained in the "foglio notizie", in the absence of a complete and effective information on international protection to all migrants brought to the hotspots, and not only to those who express the will to seek international protection. Moreover, the style clause usually inserted in the rejection decrees, according to which the foreigner "has been fully informed in accordance with Directive 2008/115/EC" is insufficient, as it is a mere stereotyped formula, lacking appropriate normative references and actual content.¹³⁴⁸

The subsequent pronouncement of the Court of Cassation, in March 2024, in addition to reiterating what had already been expressed by the previous judgement, specified that the obligation of adequate information 'subsists even in the case where the foreigner has not expressed the need to request international protection, given that silence or a possible declaration incompatible with the will to request it, which must in any case be clearly expressed and not by ambiguous formulas, cannot assume importance if it does not appear that the person has been fully informed beforehand'.¹³⁴⁹

In April 2025, the Court of Appeal of Turin rejected a request for validation of a detention order, confirming the principles already expressed by the Court of Cassation, and pointing out that it did not appear from the records that the detained asylum seeker 'had received adequate information about the right to and the procedures for submitting an application for international protection'.¹³⁵⁰ Again, the Court of Cassation in its judgment of 22 April 2025 confirmed the obligation of full and adequate information on the possibility of applying for asylum before the adoption of an expulsion order and subsequent detention in a CPR.¹³⁵¹

Rules governing validation of detention orders by courts

The detention decision must be validated within 48 hours by the competent Magistrates' Court (*giudice di pace*). After the initial period of detention of 90 days, the judge, upon the request by the Chief of the

¹³⁴⁶ i.e. Civil Court of Trieste, decision of 20 November 2020.

¹³⁴⁷ Tribunale di Torino, proceeding 21367/2022, decision 17 November 2022; Tribunale di Torino, proceeding 21369/2022, decision 17 November 2022; Tribunale di Torino, proceeding 21371/2022, decision 17 November 2022.

¹³⁴⁸ Civil Court of Cassation, decision n. 32070/2023, 20 November 2023; see also ASGI, 'Cassazione: Chi entra in Italia ha diritto a informativa completa ed effettiva sull'asilo dal primo contatto con polizia', 22 November 2023, available in Italian at: <https://lc.cx/OJ1hgh>.

¹³⁴⁹ Civil Court of Cassation, decision n.5797/2024, 5 March 2024.

¹³⁵⁰ Court of Appeal of Torino, decision n. of 18 Aprile 2025. See *Il Sole 24 Ore* 'Migranti, niente CPR senza una corretta informazione sui diritti', 2 May 2025, available in Italian [here](#).

¹³⁵¹ Civil Court of Cassation, I Penal Section, decision n. 15757/2025, 22 April 2025.

Questura, may prolong the detention in CPR for an additional 90 days.¹³⁵² After this first extension, the Questore may request one or more extensions of three months to a lower civil court, where it is decided by a Magistrates' Court, up to a further period of 12 months in cases where, despite all reasonable efforts having been made, the removal operation has lasted longer because of the detainee's lack of cooperation or delays in obtaining the necessary documentation from third countries. In line with recent amendments, the detention of an irregular migrant can last up to 18 months. The assessment concerning the duration of such an extension lies with the magistrate who decides on a case-by-case basis. The third-country national has the right to challenge the detention. The TUI, in fact, provides the right to appeal a detention order or an order extending detention.¹³⁵³

Decree Law 113/2018, implemented by L 132/2018, provides for the possibility of detention in premises other than CPR. According to the amended Article 13(5-bis) TUI, in case there are no places available in the CPR located in the district of the competent Court, the Magistrate, upon request by the Questura, and fixing by decree the hearing to validate the detention, may authorise the temporary stay of a foreigner in different and suitable structures in the availability of the Public Security Authority until the conclusion of the validation procedure. If there are still no places available even after the validation hearing, the Magistrate can authorise the stay in suitable places near the Border Police Office concerned until the effective removal and in any case not exceeding 48 hours following the validation hearing.¹³⁵⁴

If, after being sent to a CPR or other places according to Article 13(5-bis) TUI, third-country nationals apply for asylum, they will be subject to detention pursuant to Article 6 of the Reception Decree. In these cases, the competence to the judicial review on the validation or extension of detention lied with the Specialised Section of the competent Civil Court, based on where the centre is located.¹³⁵⁵ Article 16 of Decree-Law No. 145/2024, as amended by Law No. 187/2024, amended Article 3 para. 1 lett. c) of Decree-Law No. 13/2017, converted by Law No. 46/2017, removes jurisdiction regarding these cases from the specialised sections, also in the cases of applicants subject to border procedures, applicants subject to Dublin proceedings (amending respectively arts. 6, 6-bis and 6-ter of Legislative Decree no. 142/2015) and asylum seekers who evade identification checks (art. 10-ter of Legislative Decree no. 286/1998).¹³⁵⁶

The new law introduces art. 5-bis to Law Decree no. 13/2017, indicating the Court of Appeal would instead be competent for validating detention orders governed by arts. 6, 6-bis, 6-ter, 14, par. 6 of Legislative Decree 142/2015 and art. 10-ter of Legislative Decree no. 286/1998, as of 10 January 2025.¹³⁵⁷ Art. 18-ter also amends Art. 4 Law No. 14/2024 (ratifying the Italy-Albania Protocol) by giving the competence to the Court of Appeal for validations of detentions of asylum seekers conducted in Albania (because they come from safe countries of origin).

Article 14(1)(a)(1) of Decree-Law of 12 June 2026, No. 100, transferred jurisdiction to the single judge of the specialised section of the court of proceedings for the validation of the order by which the Chief of Police orders the detention or extension of the detention of an applicant for international protection, as well as for orders imposing alternative measures to the detention of such applicants, thereby removing the jurisdiction of the Court of Appeal.¹³⁵⁸

Lastly, Article 18-bis of Law No 187/2024, converting Decree-Law No 145/2024, amends paragraph 6 of Article 14 TUI by providing that an appeal against decisions on validation or its extension may be brought before the Court of Cassation within 5 days of the communication of the judicial decision. In doing so, it

¹³⁵² Article 14(5) TUI, as modified by art. 20, Decree Law 124/2023, converted in Law 162/2023.

¹³⁵³ Article 14(6) TUI.

¹³⁵⁴ Article 13(5-bis) TUI, inserted by Article 4 Decree Law 113/2018 and L 132/2018.

¹³⁵⁵ Article 3 (1 c), read in conjunction with art. 4 (3) Law decree 13/2017 converted by Law 46/2017 and Article 6 (7) Reception Decree.

¹³⁵⁶ ASGI, 'La nuova strategia per i trattenimenti. Fuga dal giudice specializzato e dalla Corte di Cassazione', available in Italian [here](#).

¹³⁵⁷ Art. 18-bis Law no. 187/2024, converting Law Decree no. 145/2024, amends art. 10-ter of Legislative Decree no. 286/1998 also in the part concerning the competence of the Court of Appeal and the same amendment is made to art. 14, par. 6 of Legislative Decree no. 142/2015, by art. 18.

¹³⁵⁸ Article 14(1)(a)(1) of the Decree-Law of 12 June 2026, No. 100.

references Law No. 69/2005 (which regulates the procedure for the European arrest warrant) and Article 606 of the Code of Criminal Procedure¹³⁵⁹ Article 12(2)(g) of Decree-Law No. 100 of 12 June 2026 once again amended the rules on how to lodge an appeal with the Court of Cassation against orders validating or extending administrative detention. New Article 14.1 of Legislative Decree No. 286 of 1998 provides that the decree by which the court rules on the authorisation, extension or review of administrative detention, as well as on any alternative measures, may be challenged by an appeal to the Court of Cassation pursuant to Article 360 of the Code of Civil Procedure. The appeal must usually be lodged within ten days of the decision being read in court or of its notification. However, if the other party (e.g. the Questura) serves notice of the decision, the time limit to appeal is of 5 days from the date the decision is served. As regards procedural aspects not expressly governed by this provision, the provisions of the Code of Civil Procedure shall apply, insofar as they are compatible, including Article 369, second paragraph.¹³⁶⁰

The Questore's order related to the detention, or the extension thereof shall be issued in writing, accompanied by an explanatory statement, and shall indicate that the applicant may submit to the court section responsible for validating the order, personally or with the aid of a lawyer, statements of defence. Such order shall be communicated to the applicant in the first language that the applicant has indicated or in a language that the applicant can reasonably understand.¹³⁶¹

According to the law, where possible, the applicant takes part in the hearing on the validation of detention by videoconference, allowing the lawyer to be present at the place where the applicant is located. The presence of a police officer should ensure that there are no impediments or limitations on the exercise of the asylum applicant's rights.¹³⁶² The lawyer is thus forced to choose between being present next to the client or next to the judge at the validation hearing.¹³⁶³

The Questore shall transmit the relevant files to the competent judicial authority to validate the detention for a maximum period of 60 days, to allow the completion of procedure related to the examination of the asylum application.¹³⁶⁴ However, the detention or the prolongation of detention shall not last beyond the time necessary for the examination of the asylum application under accelerated procedure,¹³⁶⁵ unless additional detention grounds are present pursuant to Article 14 TUI. Any delays in the completion of the administrative procedures required for the examination of the asylum application, if not caused by the applicant, should not constitute valid ground for the extension of the detention.¹³⁶⁶

Issues in practice regarding validation of detention orders

There is a longstanding practice of holding detention validation/extension hearings in CPRs.¹³⁶⁷ It has been criticised by the Superior Council of the Judiciary since 2010,¹³⁶⁸ which clarified that these hearings

¹³⁵⁹ Ibid.

¹³⁶⁰ Article 12(2)(g) of Decree-Law No. 100 of 12 June 2026.

¹³⁶¹ Article 6(5) Reception Decree, as amended by L 46/2017. Nevertheless, as reported to ASGI, some Questure, when issuing the detention order, do not provide asylum seekers with copy of such orders nor explanations of the reasons for detention.

¹³⁶² Article 6(5) Reception Decree, as amended by L 46/2017.

¹³⁶³ Senate, *2017 CPR Report*, December 2017.

¹³⁶⁴ Article 6(5) Reception Decree.

¹³⁶⁵ Pursuant to Article 28-bis(1) and (3) Procedure Decree.

¹³⁶⁶ Article 6(6) Reception Decree.

¹³⁶⁷ It was reported that in Turin already in 2015 only 10% of hearings for the validation/extension of immigration detention were taking place at the Judge's chambers, as the majority of hearings took place in the immigration detention centre. Fabrizio Mastromartino, Enrica Rigo, Maurizio Veglio, "Lexilium. Osservatorio sulla giurisprudenza in materia di immigrazione del giudice di pace: sintesi Rapporti 2015", in *Diritto, Immigrazione e Cittadinanza*, 2017, available in Italian at: <https://bit.ly/3u518GP>.

¹³⁶⁸ Consiglio Superiore della Magistratura (CSM), Delibera del 21 luglio 2010, avente ad oggetto: "Convalida dei provvedimenti di allontanamento dei cittadini comunitari emessi dal Questore ai sensi dell'art. 10 c. 11 e 12 dlvo 30/07 (come modificato dal dlvo 32/08): locali da utilizzare e criteri da adottare per la individuazione di quelle esigenze residuali che giustifichino il ricorso al supporto logistico delle questure per l'organizzazione della suddetta udienza". Available in Italian at: <https://bit.ly/3NOZui4>.

should take place in Court, except for cases of absolute impossibility.¹³⁶⁹ Another critical issue is the absence of concerned persons in hearings, since their attendance is not always guaranteed.¹³⁷⁰ Furthermore, the Supreme Court of Cassation has clarified in a recent judgment that the absence of the third-country national at the hearing for the validation or extension of his/her detention is not an absolute ground for invalidity, but merely a nullity which must be promptly objected to by the party. The Court highlighted how the procedure outlined by article 14 of the Consolidated Law on Immigration is a civil proceeding at nature and therefore does not follow the rules of criminal trials; thus, the presence of the party at the hearing is not a public interest but merely an interest of the party.¹³⁷¹ The party's absence at the hearing led to the Supreme Court upholding of the appeal in its decision of February 2023.¹³⁷²

Other critical aspects of the judicial review of detention in the context of the validation and extension hearings regard the appointment of lawyers by the detainees and the timing of communications to the lawyers, which the latter argued amounted to obstacles to the right of defence, as well as the inadequate duration of the hearings, which usually last between 5 and 10 minutes.¹³⁷³

Finally, it has been reported that validation and extension decree are often not well motivated, and rather "standardised" grounds for validation and extension are used. In 2021, the Court of Cassation annulled a detention extension order pointing out that the judicial authority had not adequately explained the motivation behind its decision;¹³⁷⁴ in another ruling, the Supreme Court dismissed the decree of a Justice of the Peace who prolonged for the fourth time the detention of a foreigner in a CPR, pointing out the total absence of adequate reasons for such an order, also considering that the judicial authority, instead of adequately motivating the decision, had simply proceeded to tick specific boxes on a pre-printed form.¹³⁷⁵ In a previous ruling of December 2020, the Court of Cassation had already reiterated that detention must be considered exceptional and considered the extension in object illegitimate because it was not adequately motivated with respect to the corresponding functionality for repatriation.¹³⁷⁶ Various recent decisions of the Supreme Court are in line with earlier ones.¹³⁷⁷

The Court of Cassation affirmed an important principle regarding the need not to limit personal freedom for asylum applicants beyond the time limits established for examining the application under the accelerated procedure, unless there are other reasons for detention. In the case examined by the Court, the applicant had submitted an application, while held in the CPR that was deemed as motivated by the sole purpose of preventing or avoiding a removal order. After around two months, the Civil Court of Turin extended the detention of the applicant, even though the Territorial Commission had not yet summoned him for a personal interview. Therefore, the time taken to examine the application had exceeded the limits set out in Article 28 bis of the Procedure Decree and the provisions of Article 6 of the Reception Decree were violated, as according to such article any delays in the procedure not attributable to the applicant do not justify the extension of the detention.¹³⁷⁸ On 24 April 2025, the Court of Cassation ruled annulling the detention order of the first instance judge for violation of the deadline for formalising the asylum application under Article 26, legislative decree 25/08.¹³⁷⁹

By extending the scope of this ruling to the judicial phase, the Civil Court of Trieste rejected the extension of detention in a case in which the suspension of the refusal issued by the Territorial Commission had

¹³⁶⁹ Melting Pot, 'Aspetti critici delle udienze di convalida e/o proroga del trattenimento presso il Cpr di Palazzo San Gervasio', November 2021, available in Italian at: <https://bit.ly/3wfv2uK>.

¹³⁷⁰ CILD, *Buchi Neri*, available in Italian at: <https://bit.ly/3u710qg>.

¹³⁷¹ Supreme Court of Cassation, I Civil Section, 5520/2021, published in March 2021 and available in Italian at: <https://bit.ly/3Jk6dl1>.

¹³⁷² Supreme Court, I Civil Section, 4961/2023, 16 February 2023.

¹³⁷³ ASGI, 'La giurisdizione apparente nel Centro per il rimpatrio di Torino', 6 May 2024, available in Italian [here](#).

¹³⁷⁴ Supreme Court, I Civil Section, 9440/2021, available in Italian at: <https://bit.ly/3CMAciZ>.

¹³⁷⁵ Supreme Court, III Civil Section, 13172/2021, available in Italian at: <https://bit.ly/3CPHkeo>.

¹³⁷⁶ Court of Cassation, decision of 23 July 2020, published on 9 December 2020, no. 28063.

¹³⁷⁷ Supreme Court, VI Civil Section, 32570/2022, 4 November 2022; Supreme Court, VI Civil Section, 504/2023, 11 January 2023; Supreme Court, I Civil Section, 4858/2023, 16 February 2023; Supreme Court, I Civil Section, 4855/2023, 16 February 2023.

¹³⁷⁸ Court of Cassation, decision no. 2548/2021, of 11 December 2020, published on 3 February 2021. See also for a note to the decision: <https://bit.ly/3oeonus>.

¹³⁷⁹ Court of Cassation, I Penal Section, decision 15984/25, 24 April 2025.

been requested with the appeal for more than two and a half months. The Court observed that the Court of Trieste itself had omitted to rule about the suspension within 5 days from the request, as required under accelerated procedure by the Procedure Decree.¹³⁸⁰

The practice of the “double information paper” – for which a decision of the EU court is expected in the coming months to assess impact on access to the procedure - has already been addressed (see [Different treatment of specific nationalities in the procedure](#)), affects also the review of detention. For instance, in 2019 the Civil Court of Palermo assessed the legitimacy of the detention of some foreign citizens transferred from the Lampedusa hotspot to the Trapani CPR. During their stay in hotspot these persons had already expressed their will to seek asylum but before their transfer they were asked to sign an information sheet “scheda informativa” declaring to be no longer interested in seeking international protection. Transferred to the CPR of Trapani these persons again expressed their will to seek asylum before the Magistrate (*Giudice di Pace*) during the detention validation hearing. Their detention was validated as the Magistrates based their decision on the statements contained in the information sheet (*scheda informativa*). Only after about 20 days, they were able to lodge applications for international protection at the competent Questura. Deciding on the validity of their detention order, in two out of three cases the Civil Court of Palermo did not validate the detention, statement contained in the *scheda informativa* by considering it was not sufficient to fulfil the duty of information on the right of asylum pursuant to art. 10-ter TUI and in any case considering it was unreliable for the way it was hired.¹³⁸¹ In 2020, in two relevant cases the Court of Cassation confirmed the inadequacy of “foglio notizie” to determine the legal status of migrants. The principle has been recently confirmed by the Civil Court of Cassation in decisions n. 32070/2023, 20 November 2023 and n. 5797/2024, 5 March 2024 (see [Information at the border](#)).¹³⁸²

2. Legal assistance for review of detention

Indicators: Legal Assistance for Review of Detention

1. Does the law provide for access to free legal assistance for the review of detention?
☒ Yes ☐ No
2. Do asylum seekers have effective access to free legal assistance in practice?
☒ Yes ☐ No

According to Article 2 of Interior Ministry Directive of the 19 May 2022, that abolished the CIE Regulation, the individual is informed of their rights and duties in a language they understand and is provided with the list of lawyers. Due to the broad discretion of each Prefecture in authorising access to CPR (see section on [Access to Detention Facilities](#)), however, lawyers may have problems accessing these detention structures.¹³⁸³

Under the TUI, free legal aid must be provided in case of appeal against the person’s expulsion order, on the basis of which third-country nationals who have not lodged their asylum application can be detained.¹³⁸⁴ Free legal aid is also provided for the validation of the detention order for asylum applicants, as well. In this case, the asylum applicant concerned can also request a court-appointed lawyer. Lawyers appointed by the State have no specific expertise in the field of refugee law and they may not offer effective legal assistance. In addition, according to some legal experts, assigned attorneys may not have enough time to prepare the case as they are usually appointed in the morning of the hearing.

Free legal aid is provided for the validation or extension of detention of third-country nationals. However, the effectiveness of the legal defence is compromised due to the circumstance that relevant documents

¹³⁸⁰ Civil Court of Trieste, decision 16 March 2021.

¹³⁸¹ Civil Court of Palermo, decision available in Italian at: <https://cutt.ly/myO5LIE>.

¹³⁸² See ASGI, ‘Cassazione sulle prassi hotspot: il secondo foglio notizie non può limitare l’accesso al diritto di asilo’, 10 September 2020, available at: <https://bit.ly/3u8sl5O>; see also ASGI, ‘Cassazione: Chi entra in Italia ha diritto a informativa completa ed effettiva sull’asilo dal primo contatto con polizia’, 22 November 2023, available in Italian at: <https://lc.cx/OJ1hgh>.

¹³⁸³ LASCIAECIENTRARE, *Dietro le mura. Abusi, violenze e diritti negati nei CPR d’Italia*, October 2022, available in Italian [here](#).

¹³⁸⁴ Article 13(5-bis) TUI.

are sent in advance to the judge (Giudice di Pace) but not to the lawyer who, therefore, generally manages to see the reasons underlying the request for validation or extension of the detention only immediately before the hearing. The same situation concerns the defence of asylum applicants who do not have or no longer have the right to remain in the centre (therefore in Italy) pending the judicial decision on their asylum application, since in such cases the jurisdiction is of the Giudice di Pace and not of the Civil Court.¹³⁸⁵

CPRs' managing bodies are in charge of organising a "normative information provision" service. The funds for such service, however, have been drastically cut in the tender specifications for 2018 and 2021. There was, in fact, a decrease in the number of hours dedicated to this activity: by 66% (for Centres with up to 50 places); by 70% (for Centres with up to 150 places); by 78% (for Centres with up to 300 places). This had inevitable repercussions on the effective protection of the right to information of detainees.¹³⁸⁶ The new tender of specifications of 2024 have also attracted considerable criticism because, whilst retaining these obligations, they have drastically reduced the number of staff hours allocated to providing information and legal advice, merging this service with other personal care activities and cutting the funding allocated to it.¹³⁸⁷

Another relevant obstacle which limits the possibility for persons detained in CPR to obtaining information on their rights and thus enjoying their right to legal assistance is the shortage of interpreters available in the detention centres, who should be provided by the specific body running the structure.

Regarding interviews with lawyers, limitations on access to the Centres for the conduct of defence interviews were reported. It was also reported, up to 2023, that confidentiality is not always guaranteed during defence interviews and that there is no adequate linguistic support personnel in the CPR to support.¹³⁸⁸

Significant limitations to freedom of communication – which is guaranteed in theory but often significantly limited, if not completely denied (with inadequate number of landline phones and/or seizing of personal mobile phones) – may also affect the concrete exercise of the right to defence. In this context, a Tunisian citizen detained at the **Milan** CPR urgently appealed in front of the Specialised Section of the Court of Milan to obtain the return of his cell phone. The Tribunal ordered the Prefecture, the Police Headquarters and the managing body to allow the applicant to use his cell phone in the manner indicated in Article 7 of the CIE Unified Regulations (Ministerial Regulation October 20, 2014) for visits within the centre: that means, on the basis of daily shifts, in premises under surveillance but respecting the privacy of the person and for a sufficient time, which the order indicates as at least two hours.¹³⁸⁹ The right to phone correspondence is established by art. 5 of the Ministry Interior Directive of May 2022.

E. Differential treatment of specific nationalities in detention

In 2024, the most represented countries of origin of people detained in CPRs were Tunisia (2,756 persons, representing almost 45% of CPRs' population), Egypt (488 persons, 8%), Morocco (856, 14%) and Nigeria (418, 7%).¹³⁹⁰ These numbers are similar to those registered in 2023, when the most the most represented countries of origin for CPR detainees were Tunisia (3,211 persons, representing almost 48% of CPRs' population), Egypt (574 persons, 8%), Morocco (305 persons, 5%), and Nigeria (142, 2%).¹³⁹¹

¹³⁸⁵ Article 6 (7) LD 142/2015.

¹³⁸⁶ CILD, *Buchi Neri*, available in Italian at: <https://bit.ly/3u710qg>.

¹³⁸⁷ Decreto Ministeriale del 4 marzo 2024, relativo allo schema di capitolato di appalto dei Centri di Permanenza per il Rimpatrio, available in Italian [here](#).

¹³⁸⁸ CILD, *L'AFFARE CPR. Il profitto sulla pelle delle persone migranti*, June 2023, available in Italian at: <https://lc.cx/gY0Ueb>.

¹³⁸⁹ ASGI, 'Il Tribunale di Milano: consentire l'utilizzo del cellulare all'interno del CPR', 16 March 2021, available in Italian at: <https://rb.gy/bcmuot>.

¹³⁹⁰ See the Action Aid project Trattenuti. Una radiografia del sistema detentivo per stranieri, available in Italian [here](#).

¹³⁹¹ See the Action Aid project Trattenuti. Una radiografia del sistema detentivo per stranieri, available in Italian [here](#).

Similar to what already noted in [Differential treatment of specific nationalities in the procedure](#), persons coming from specific countries – and especially Tunisia – are particularly targeted for what concerns detention. Tunisia is indeed by far the most represented nationality in CPRs, as well as the Country where most returns are carried out to.

In 2024, as reported by Action Aid project, 6,164 people - 99% of them men - were detained in CPRs, roughly 42% of which (2,570) were actually returned. Tunisia is by far the most represented nationality amongst detained migrants and the country with the highest return rate (2,756 out of 6,164 detained migrants are Tunisians and 1,697 out of 2,570 returned migrants are returned to Tunisia).¹³⁹² The speed with which returns to Tunisia continue being carried out has led to serious violations of the rights of Tunisian nationals transiting through CPRs, from the violation of the right to be informed about the possibility of applying for asylum, to the practice of not formalising applications for international protection, to, where an application for international protection is finalised, subjecting Tunisian asylum applicants to a fast track procedure.¹³⁹³

In the past, other nationalities have been targeted for detention and repatriation. This was the case of Nigeria: in 2017, the MoI issued a circular ordering the emptying of all immigration detention centres (at that time, these were still called CIEs) to make room for Nigerian nationals.¹³⁹⁴

For an analysis of the phenomenon from a gender perspective, see section on [Detention of vulnerable applicants](#).

¹³⁹² See the Action Aid project *Trattenuti. Una radiografia del sistema detentivo per stranieri*, available in Italian [here](#).

¹³⁹³ CILD, *Buchi Neri*, available in Italian at: <https://bit.ly/3u710qg>.

¹³⁹⁴ Open Migration, *Perché sono i nigeriani a venire rimpatriati più spesso*, July 2017, available at: <https://bit.ly/3tgbuV1>.

A. Status and residence

1. Residence permit

Indicators: Residence Permit

- | | |
|--|---------|
| 1. What is the duration of residence permits granted to beneficiaries of protection? | |
| ❖ Refugee status | 5 years |
| ❖ Subsidiary protection | 5 years |
| ❖ Special protection | 2 years |

International protection permits for both refugee status and subsidiary protection are granted for a period of 5 years.¹³⁹⁵

The application is submitted to the territorially competent Questura of the place where the person has a registered domicile.

A common problem regarding the issuance of residence permits for international protection beneficiaries is the lack of a registered domicile address, which must be provided to the police. Proof of domicile has to be attached to the application submitted to the Questura, but some beneficiaries of international protection do not have a fixed address to provide and Questura often reject issuance or renewal requests submitted by beneficiaries who lack a real domicile and provide either a fictitious/virtual residence or a registered legal address at an organisation's office.¹³⁹⁶

As mentioned in [previous AIDA reports](#), to discourage such practice, in 2015, the Ministry of Interior issued a circular remarking that the law does not require beneficiaries of international protection to attach a registered address certificate to the residence permit issuance or renewal request being sufficient a declaration by the person concerning their domicile is considered sufficient.¹³⁹⁷ In 2019, the Civil Court of Rome had accepted an urgent appeal submitted by a beneficiary of subsidiary protection on the matter.¹³⁹⁸ However, in ASGI's experience, Police offices in the entire national territory still request proof of domicile to renew residence permits for beneficiaries of international protection. Some Police Offices even request proof of residence, not only of domicile, on the national territory to issue the permit of stay. This policy, combined with the extreme difficulty with finding proper accommodations for foreign citizens, makes the procedures for issuing permits of stay slower and more difficult.¹³⁹⁹

The renewal of the residence permit for asylum is done by filling out the appropriate form and sending it through the post office. After the application for renewal has been submitted, people have to wait a long time up to several months to know the outcome of the request and to obtain the new permit. The delay seems to be due to the chronic problems of organization and lack of personnel of Immigration Offices throughout Italy, but in the past two years the waiting time for the whole procedure can reach sixteen to eighteen months, as for other categories of permits. During this time, the beneficiary of international protection holds only a receipt, released by the post office as proof of the renewal application, which in theory substitutes the permit for every purpose. In practice however, after the first months, the receipt is not considered a valid document and beneficiaries of international protection experience great difficulties, for example, obtaining or renewing a work contract, renewing the registration to the national healthcare system, or obtaining a driving license. In 2024, the Ministry of Interiors issued a circular stating that the receipt has a validity of 9 months. As a consequence of the circular, after the ninth month many

¹³⁹⁵ Article 23(1) and (2) Qualification Decree.

¹³⁹⁶ Please refer to CSD Diaconia Valdese, Monitoring report on illegitimate practices by Questura, July 2021, available in Italian at: <https://bit.ly/3CPlo1S>.

¹³⁹⁷ Ministry of Interior Department of Civil Liberties and Immigration, Circular 18 May 2015, Beneficiaries of international protection - Domicile and residence permit renewal request, available at: <https://bit.ly/3tgckB9>.

¹³⁹⁸ Civil Court of Rome, 25 June 2019, decision available in Italian at: <https://bit.ly/36qfUiY>.

¹³⁹⁹ Experience of ASGI lawyers with different Questura - Police Headquarters on the national territory

beneficiaries (as well as the holders of other permits) experience many difficulties and obstacles in maintaining access to the benefits connected to their status. These issues are the subject of a second class action (following those concerning access to the asylum procedure) relating to delays in the issuance and renewal of electronic residence permits. These procedures were also before the Veneto Regional Administrative Court (TAR), which on 3 July 2026 issued an interlocutory order requesting the Ministry of the Interior to provide data to clarify the reasons for the delays.

According to the law, the residence permit for **subsidiary protection** can be renewed after verification that the conditions imposed in Article 14 of the Qualification Decree are still satisfied.¹⁴⁰⁰ The application is sent back to the administrative Territorial Commission that decided on the original asylum application, which has to assess the renewal request and either express a favourable opinion to the renewal or send the file to the National Asylum Commission, which is responsible for the proceedings concerning the cessation or withdrawal of protection status. The Territorial Commission also considers information provided by the police concerning crimes committed during the person's stay in Italy, while assessing the renewal request. In practice, these permits are usually renewed and the main reason why renewal may not happen is that the procedure to withdraw protection status started due to the beneficiary having committed a serious crime.

Another frequent reason permits are not renewed is evidence that the refugee has had contacts with their embassy or has returned to the country of origin, even if for a short period. Sometimes, on this basis, the non-renewal procedure has been initiated even for **subsidiary protection** beneficiaries. To this regard it has to be underlined that L. 132/2018 which amended Decree Law 113/2018, introduced Article 15 (2 - ter) to the Qualification Decree, according to which, for the purpose of terminating the needs of subsidiary protection, "any return to the country of origin is relevant, if not justified by serious and proven reasons". Following legal action initiated by ASGI the cessation of international protection by NAC in a few of such cases has been cancelled, even if the provision is still in place.

Some Questure illegitimately require that subsidiary protection beneficiaries present their passport to be issued their residence permit. On 31 January 2020, the Civil Court of Brescia upheld the appeal lodged by an ASGI lawyer for a Nigerian beneficiary of subsidiary protection to whom the Questura of Bergamo refused to issue the residence permit because he did not have a passport.¹⁴⁰¹

On 10 March 2022, the Civil Court of Brescia upheld the appeal lodged by the applicant, a beneficiary of subsidiary protection, clarifying how, according to the Article 23 of the Qualification Directive, national implementing authorities are not given discretion as to additional requirements, not set in law, for the issuance of a residence permit for subsidiary protection beneficiaries.¹⁴⁰²

Special protection

Decree Law 130/2020 and L 173/2020 reintroduced the need to consider, in rejecting residence permits, the existence of constitutional and international obligations, and changed the substance of the special protection (*protezione speciale*) permits which could be granted when the hypothesis of non-expulsion or refoulement arises.¹⁴⁰³ Decree Law 130/2020 specified that the refoulement or expulsion of a person was not admitted when there are good reasons to believe that removal from the national territory involves a violation of the right to respect for their private and family life, unless it is necessary for national security reasons, public order and safety as well as health protection. It also stated that the nature and effectiveness of the family ties of the person concerned, their effective social insertion in Italy, the duration of their stay on the national territory as well as the existence of family, cultural or social ties with their country of origin, have to be taken into account.¹⁴⁰⁴

¹⁴⁰⁰ Article 23(2) Qualification Decree.

¹⁴⁰¹ Civil Court of Brescia, Decision 18250/2019, 31 January 2020, available in Italian at: <https://bit.ly/3u84JDZ>.

¹⁴⁰² Civil Court of Brescia, Decision of 10 March 2022.

¹⁴⁰³ Articles 19(1) as amended by Decree Law 130/2020 and L. 173/2020.

¹⁴⁰⁴ Article 32 (3) Procedure Decree and Article 19 (1.1) TUI as amended by Decree Law 130/2020 and L 173/2020.

In such cases, special protection permits (*protezione speciale*) were granted, either through the international protection procedure or following the submission of a direct request to the Questura subject to a favourable opinion by the Territorial Commission.

Law 50/2023 has significantly changed previous rules, by deleting from Article 19 TUI any reference to the protection of private and family life. Even if these rights are covered by Article 8 of ECHR, this led Territorial Commissions to limit the number of cases in which national protection is recognised.¹⁴⁰⁵

L. 50/2023 also cancelled the possibility to submit a direct request for a special protection permit to Questura.

Special protection permits have a duration of two years and are renewable - upon expression of a favourable opinion by the Territorial Commission.¹⁴⁰⁶ L. 50/2023 also changed the duration of the special protection permit, reducing it to one year. This applies only to the permits requested after the entry into force of L. 50/2023.

Based on L. 50/2023, the permits to stay for special protection issued after the entry into force of the new law, will be not convertible in labour residence permits.¹⁴⁰⁷ However, a transitional regime was introduced, so that the new provisions on special protection permits do not apply to all pending cases before the Territorial Commissions, and to requests submitted to the Questore before the coming into force of the law itself (6 May 2023).¹⁴⁰⁸

During 2023, in several cases the Administrative regional Courts stated that special protection is unique regardless of the authority that recognises it (Territorial Commission or Questore) and therefore there must be no difference between the convertibility regimes. (see the decisions¹⁴⁰⁹ mentioned in the [Regular procedure](#)).

2. Civil registration

Beneficiaries of international protection or special protection can apply for registration.

No data on beneficiaries of international or national protection resident in Italy is available.

However, according to Istat, the number of foreign citizens residing in Italy grew from 5,307,598 in 2024 to 5,560,000, an increase of 188,000 individuals.¹⁴¹⁰

2.1 Registration of childbirth

The birth of a child can be registered at the hospital within 3 days from the birth, or within ten days from the birth at the municipality, with the presentation of a valid identification document.

¹⁴⁰⁵ According to Eurostat, humanitarian permits recognised in 2023 are 380 less than those granted in 2022 (see Eurostat data available at: <https://acesse.dev/II39P>). However, these statistics should be read keeping in mind that the overall recognition rate is significantly decreased in 2023 going from 47% in 2022 to 37%.

¹⁴⁰⁶ Article 32(3) Procedure Decree, as amended by Decree Law 113/2018 and L 132/2018 and later by Decree Law 130/2020 and L 173/2020.

¹⁴⁰⁷ L 50/2023 repealed Article 6 (1 bis a) referring to special protection permits among the permits which can be converted into labour permits.

¹⁴⁰⁸ Article 7 (2) and (3) DL. 20/2023 converted with amendments by L 50/2023.

¹⁴⁰⁹ Administrative Court for Tuscany region, interim decision no. 24/2024 of 10 January 2024; Administrative Court for Piedmont Interim decision no. 10/2024 of 12 January 2024; Administrative Court for Marche region, decision no. 00913/2023 of 28 December 2023; Administrative Court for Friuli Venezia Giulia region, decision no. 87/2024 of 27 February 2024.

¹⁴¹⁰ Istat, Foreign population residing in Italy, available at: <https://bitly.cx/82ID>.

2.2 Registration of marriage

According to the Italian Civil Code, foreign citizens who intend to contract a marriage in Italy must present a certification of the absence of impediments to contracting the marriage (*nulla osta*), issued by their embassy.¹⁴¹¹ Until recently **refugees** could substitute the *nulla osta* with a UNHCR certification. This practice was established following a formal note sent on 9 April 1974 by the Ministry of Justice to the Ministry of Foreign Affairs.

Following the evolution of the legislation on the recognition of refugee status, which has entrusted the entire international protection procedure to the Ministry of Interior, UNHCR encouraged the latter to define new procedures regarding the clearance for marriage for beneficiaries of refugee status. On 12 January 2022, the Ministry of Interior, following up on the suggestion made by the UN Agency, published a circular which introduces a new procedure, informed by the procedure described in Article 1 paragraph 2 of Legislative Decree 19 January 2017, n. 7, for the clearance for marriage for refugees: to the request for publication of the marriage submitted to the municipality, the refugee has only to attach a substitutive declaration, pursuant to Presidential Decree no. 445 of 28 December 2000.¹⁴¹²

The law does not provide a solution for applicants for international protection and beneficiaries of **subsidiary or national protection** who cannot request the authorisation (*nulla osta*) from their embassies with a view to registering a marriage. In this case, they can follow the procedure set out in Article 98 of the Italian Civil Code, which entails a request for the marriage authorisation to the municipality and, after the refusal of the request for want of *nulla osta*, an appeal to the Civil Court, asking the Court to ascertain that there are no impediments to the marriage.

In such cases, and when the applicants do not want or cannot apply to the authorities of their countries of origin, a request can be submitted, pursuant to the procedure set out in article 98 of the Italian Civil Code, to the register of the municipality of residence for the publication of the marriage (attaching a notarial act signed in court or before a notary or a declaration in lieu of affidavit - with a written statement explaining the reasons why the person cannot submit the clearance issued by the authorities of their country of origin). In cases of rejection of the request by the register, the person can appeal to the court, asking the judge to establish that there are no impediments to the marriage and to order the registrar to proceed with the publication of the marriage.

3. Long-term residence

Indicators: Long-Term Residence

1. Number of long-term residence permits issued to beneficiaries in 2025: 4,323

As indicated by the national statistical institute (Istat), between 2023 and 2024 the number of non-EU citizens with regular residence permit in Italy diminished, going from 3,727,706 on 1 January 2021 to 3,607,160 to 1 January 2024. Long-term residence permits are almost 66% out of the total residency permits currently valid in the country, corresponding to 2,341,857 residence permits.¹⁴¹³

In response to a civic access request (*accesso civico*) submitted by ASGI, the Ministry of the Interior stated that in 2025, 78 EU long-term residence permits were issued to foreign nationals already holding international protection status; 25 refugees and 53 to beneficiaries of subsidiary protection. Renewals or updates of EU long-term residence permits issued to foreign nationals already holding international protection status, on the other hand, were 4,245; 1,927 for refugees and 2,318 for beneficiaries of subsidiary protection.¹⁴¹⁴

¹⁴¹¹ Article 116 Civil Code.

¹⁴¹² Ministry of Interior, Department for Internal and Territorial Affairs, Circular n. 1/2022, on the clearance for the refugee who intends to contract marriage in Italy, available at: <https://bit.ly/3MYvzqv>.

¹⁴¹³ Istat, Non-EU Citizens in Italy, in 2023- 2024, March 2025, available in Italian at: <https://bitly.cx/NzGuC>. See also ASGI in-dept sheet, 12 January 2024, available at: <https://bit.ly/4aM6eLs>.

¹⁴¹⁴ Data provided by the Ministry of Interior in response to a FOIA access by ASGI.

According to Article 9(1-bis) TUI, refugees and subsidiary protection beneficiaries residing in Italy for at least 5 years can obtain a long-term resident status if they have an income equal or higher than the minimum income guaranteed by the State. The starting point to count the period of stay for beneficiaries of international protection is the date of submission of the application for international protection.¹⁴¹⁵

In case of vulnerabilities, the availability of a free dwelling granted by recognised charities and aid organisations, contributes figuratively toward the income to the extent of 15% of the amount.

Contrary to other third-country nationals, international protection beneficiaries do not have to prove the availability of adequate accommodation responding to hygiene and health conditions, nor to pass the Italian language test, before obtaining long-term residence.¹⁴¹⁶

The application to obtain the long-term residence permit is submitted to the territorially competent Questura and should be issued within 90 days.¹⁴¹⁷ However, according to ASGI's experience, the actual issuance of the permit requires considerably longer times. The issuance of the permit is subject to a contribution of €130.46.¹⁴¹⁸

In 2024, 4,456 beneficiaries of international protection obtained a long-term residence permit; 1,926 of them were holders of refugee status; 2,530 of subsidiary protection.¹⁴¹⁹

4. Naturalisation

Indicators: Naturalisation

1. What is the waiting period for obtaining citizenship?
 1. Refugee status 5 years
 2. Subsidiary protection 10 years
2. Number of citizenship grants to beneficiaries of refugee status in 2025: 923¹⁴²⁰

Responding to a Foia request made by ASGI, the Ministry of Interior informed that, in 2025, 923 refugees were granted Italian citizenship. The Ministry of interior was not able to provide data on citizenships granted to beneficiaries of subsidiary protection.

In 2025, approximately 196,000 foreign nationals acquired Italian citizenship —a decrease compared to the 217,000 in the previous year. The decrease is mainly due to the changes in the regulatory framework introduced by Decree-Law 36/2025 (D.L. 36/2025). The three most represented countries of origin were Albania (26,000), Morocco (23,000), and Romania (16,000), with Romania overtaking Argentina for third place compared to 2024. Approximately one third of the total acquisitions is held by these three nationalities.

Compared to 2024, the number of Italian citizenships granted to citizens of some countries in 2025 decreased: Argentinians (-6,000), Moroccans (-4,000), Brazilians (-3,000), Indians (-3,000), and Moldovans (-2,000). An increase was seen, however, by Pakistani (+2,000), Filipino (+1,500), and Romanian (+1,000) citizens.¹⁴²¹

Italian citizenship can be granted to **refugees** legally resident in Italy for at least 5 years.¹⁴²² Beneficiaries of **subsidiary protection** are instead subject to the general rule applied to third-country nationals: they can apply for naturalisation after 10 years of legal residence.¹⁴²³

¹⁴¹⁵ Article 9(5-bis) TUI.

¹⁴¹⁶ Article 9 (1-ter) and (2-ter) TUI.

¹⁴¹⁷ Article 9(2) TUI.

¹⁴¹⁸ Ministerial Decree of 8 June 2017.

¹⁴¹⁹ Data provided by Ministry of Interior on ASGI FOIA request, 24 March 2025.

¹⁴²⁰ The Ministry of Interior only provided data concerning holders of refugee status that the elaboration of data concerning holders of subsidiary protection would have entailed an excessive amount of work (see communication of 16.6.2026).

¹⁴²¹ Data available on Istat website at <https://bitly.cx/HspL3>.

¹⁴²² Articles 9 and 16 L 91/1992 (Citizenship Act).

¹⁴²³ Article 9(1)(f) Citizenship Act.

In both cases, the beneficiary's registration at the registry office must be uninterrupted. This can be particularly challenging for beneficiaries of international protection, as the law does not ensure any support or long-term accommodation for them and some might be forced to live in precarious situations. Moreover, following the entry into force of the Decree Law 113/2018, implemented by L 132/2018, registration at the registry could only be obtained after the grant of a protection status ([Civil Registration](#)).

The situation changed after the decision of the Constitutional Court n. 186/2020, which declared the legal provision introduced to create a different legal regime for asylum applicants contrary to the principle of equality stated by the Italian Constitution. The Decree Law 130/2020 was amended and expressly recognises to asylum applicants the right to civil registration. However, under Decree Law 113/2018, many asylum applicants received a denial of civil registration and, even after the ruling by the Constitutional Court, several municipalities were initially reluctant to recognise the right to register them retroactively.

The 2018 reform also introduced the requirement of the sufficient knowledge of the Italian language (at least B1 level), attested through specific certifications or through the qualification in an educational institution recognised by the Ministry of Education.¹⁴²⁴ Applications presented after 5 December 2018 without meeting this requirement have been rejected.¹⁴²⁵

The amended Citizenship Act also provides that citizenship obtained by way of naturalisation can be revoked in the event of a final conviction for crimes committed for terrorist purposes.¹⁴²⁶ The law does not provide any guarantee to prevent statelessness.

From a territorial point of view, the foreign presence is concentrated mainly in the North, where 3,230,000 individuals reside (equal to 58.1% foreign residents in Italy), representing 11.7% of the total resident population in that area. In the Centre, 1,344,000 foreigners reside (24.2% of the total), with an incidence of 11.5%. The presence of foreign residents is more limited in the South (Mezzogiorno), with 986,000 people (17.7%), who represent just 5.0% of the resident population in that geographic area.¹⁴²⁷

Naturalisation procedure

The application is submitted online through the website of the Ministry of Interior, by attaching the extract of the original birth certificate and the criminal records certificate, issued by the authorities of the country of origin and duly translated and legalised. Since the 2018 reform, applicants must also submit a certification of knowledge of the Italian language. The originals are submitted to the Prefecture of the place of residence.

Refugees may submit, in lieu of the original birth certificate and criminal records certificate, a declaration (affidavit), signed before a Court and certified by two witnesses. The law does not provide this possibility for beneficiaries of **subsidiary protection**. However, on 13 November 2019, the Civil Court of Rome recognised a woman of Sierra Leone with subsidiary protection status the right to produce self-signed certificates, instead of a criminal record and birth certificates, to request the Italian citizenship, assessing the risk she would have incurred in by turning to the authorities of her country of origin.¹⁴²⁸ In 2024 the Administrative Court of Veneto granted the same right to a woman from Ethiopia, beneficiary of subsidiary protection, who was initially denied the right to submit her application for not being able to attach a birth certificate and asking to substitute it with an affidavit¹⁴²⁹.

The application is subject to the payment of a €250 fee.

¹⁴²⁴ Article 9.1 Citizenship Act, inserted by Article 14 Decree Law 113/2018 and L 132/2018.

¹⁴²⁵ Ministry of Interior Circular No 666 of 28 January 2019.

¹⁴²⁶ Article 10-bis Citizenship Act, inserted by Article 14 Decree Law 113/2018 and L 132/2018.

¹⁴²⁷ Data available on the website of Istat at <https://bitly.cx/HspL3>.

¹⁴²⁸ Civil Court of Rome, decision 21785 of 13 November 2019.

¹⁴²⁹ Administrative Court of Veneto, Decision 594/2024, 27 March 2024.

The evaluation of the citizenship application is largely discretionary. As consistently confirmed by the case law of the Administrative Courts,¹⁴³⁰ the denial may be motivated by insufficient social inclusion in the national context. Even if not provided by law, a further general requirement established by the Ministry of Interior for those who apply for citizenship by residency is the necessary to have an income produced on Italian territory, which amount shall not be less than those established by the Decree-Law 382/1989, signed into law 8/1990 as confirmed by art. 2 of the Act 549/1995.¹⁴³¹ The benchmarks are euro 8,263.31 for the unmarried applicant, euro 11,362.05 for the applicant with a spouse, and euro 516.00 to be added for each child. If the applicant does not possess their own income or has an income below those established by law, it is possible to consider the incomes of other household members (in the same family status of the applicant). Pending the acceptance of the citizenship request the applicant must retain, without interruptions, both the residence and the income capacity.

Decree Law 113/2018, implemented by L 132/2018 extended the time limit for the completion of the procedure from 730 days to 48 months from the date of application.¹⁴³² The Administrative Court of Lazio decided that it also applied to cases brought to Court before the date of coming into force of the Decree Law, since the Decree Law was silent on the date of entry into force.¹⁴³³

The Decree Law 130/2020 has repealed the provision of Decree Law 113/2018 which extended the 48 months term applicable to citizenship applications pending at the time of the entry into force of the decree law.¹⁴³⁴ Thus, the previous term of 730 days will be applied to the applications submitted before the entry into force of Decree Law 113/2018.¹⁴³⁵

Decree Law 130/2020 converted into L. 173/2020 has introduced a new time limit for the completion of the citizenship procedure by Prefectures, set in 24 months extendable up to a maximum of 36 months, which applies to requests submitted on or after 20 December 2020.¹⁴³⁶

Thus, currently, there are different deadlines for the conclusion of the procedure, depending on when the application was submitted, whether before, during or after the end of the validity of the provision of Decree-Law 113/2018.

It should be noted that these are indicative non-mandatory time limits. However, if they are exceeded, it is possible to appeal to the court.

The person concerned is notified about the conclusion of the procedure by the Prefecture. In case of approval, he or she is invited to give, within 6 months, the oath to be faithful to the Italian Republic and to observe the Constitution and the laws of the State. In case of denial, they can appeal to the Administrative Court.

¹⁴³⁰ See e.g. Administrative Court of Lazio, Decision 8967/2016, 2 August 2016.

¹⁴³¹ Ministry of Interior, Income required for the application for citizenship by residence and modalities for their indication and updating, 30 November 2020, available in Italian at: <https://bit.ly/3ihIS7o>.

¹⁴³² Article 19-ter Citizenship Act, inserted by Article 14 Decree Law 113/2018 and L 132/2018.

¹⁴³³ Administrative Court of Lazio, Decision 1323/2019.

¹⁴³⁴ Article 4 of Decree Law 130/2020 repealed Article 14 (2) of the Decree Law 113/2018 which had set the deadline for the definition of the proceedings pending at the time of entry onto force of the Decree Law 113/2018 in 48 months.

¹⁴³⁵ According to Article 3 DPR 18.4.1964 n. 362.

¹⁴³⁶ Article 9-ter Citizenship Act as amended by Decree Law 130/2020 and L 173/2020. According to Article 4(6) of Decree Law 130/2020 the provision applies to the applications submitted from the entry into force of the L 173/2020.

5. Cessation and review of protection status

Indicators: Cessation

1. Is a personal interview of the beneficiary in most cases conducted in practice in the cessation procedure? ☒ Yes ☐ No
2. Does the law provide for an appeal against the first instance decision in the cessation procedure? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☐ Yes ☐ With difficulty ☒ No

5.1 Grounds for cessation

According to Article 9 of the Qualification Decree, a third-country national shall cease to be a **refugee** if the person:

- ❖ Has voluntarily re-availed themselves of the protection of the country of nationality;
- ❖ Having lost their nationality, has voluntarily re-acquired it;
- ❖ Has acquired Italian nationality, or other nationality, and enjoys the protection of the country of their new nationality;
- ❖ Has voluntarily re-established themselves in the country which they left or outside which they remained owing to fear of persecution;
- ❖ Can no longer, because the circumstances in connection with which they have been recognised as a refugee have ceased to exist, continue to refuse to avail themselves of the protection of the country of nationality; or
- ❖ In the case of a stateless person, they are able, because the circumstances in connection with which he or she has been recognised as a refugee have ceased to exist, to return to the country of former habitual residence.

The change of circumstances which led to the recognition of protection constitutes also a ground for cessation of **subsidiary protection**.¹⁴³⁷

In both cases, the change must be of non-temporary nature and there must not exist serious humanitarian reasons preventing return to the country of origin.¹⁴³⁸ The Qualification Decree states that, even when the situation in the country of origin has changed, the beneficiary of international protection can invoke compelling reasons arising out of previous persecution for refusing to avail themselves of the protection of the country of nationality not to be returned.¹⁴³⁹

In practice, Territorial Commissions may express a negative opinion on the renewal of subsidiary protection (art. 14 c, of the legislative decree no. 251 of 2007) recognised by Civil Courts following an appeal, when in disagreement with the orientation of the judicial authority circa the situation of indiscriminate violence in the country of origin of the person, and send instead the documents to the National Asylum Commission for an assessment of the applicability of cessation clauses based on changed circumstances. In practice, cessation based on changed circumstances appears to be rarely applied. Decree Law 113/2018 has introduced a new provision to the Qualification Decree according to which any return to the country of origin which is not justified by serious and proven reasons is relevant for the assessment of cessation of both refugee status and subsidiary protection.¹⁴⁴⁰

¹⁴³⁷ Article 15(1) Qualification Decree.

¹⁴³⁸ Articles 9(2) and 15(2) Qualification Decree.

¹⁴³⁹ Articles 9(2-bis) and 15(2-bis) Qualification Decree.

¹⁴⁴⁰ Articles 9(2-ter) and 15(2-ter) Qualification Decree, inserted by Article 8 Decree Law 113/2018 and L 132/2018.

The circumstances taken into consideration to assess termination are the frequency of trips to the country of origin; length of stay in the country of origin; place of stay in the country of origin; reasons for travel to the country of origin.¹⁴⁴¹

5.2 Cessation procedure

The NAC is responsible for deciding on cessation of international protection.¹⁴⁴² According to the law, cessation is declared on the basis of an individual evaluation of the refugee's personal situation.¹⁴⁴³ No specific group of beneficiaries in Italy face cessation of international protection.

However, on 7 October 2021, UNHCR recommended that States hosting Ivorian refugees expatriated due to political crises in their country of origin end their refugee status as of 30 June 2022 and facilitate their voluntary repatriation, reintegration, or acquisition of permanent residency or naturalisation for those wishing to remain in host countries, highlighting that those who have ongoing international protection needs will be entitled to request an exemption from cessation.¹⁴⁴⁴ No circular was however adopted during 2025.

Data on cessation rates has not been publicly available since 2019. For data on previous years, see [AIDA Country Report on Italy – 2019 Update](#).

The new provision introduced by Decree Law 113/2018 on the relevance, for the application of cessation clauses, of any return of the beneficiary to the country of origin, will likely continue to result in the automatic initiation of the cessation procedure for all those signalled to NAC by the border police.

DL 20/2023 converted by L. 50/2023 amended the Qualification Decree, establishing that both for refugee status and subsidiary protection, any return to the country of origin - even if for a short time - is relevant to open a cessation procedure, unless justified by serious and proven reasons and for the period strictly necessary.¹⁴⁴⁵

In a case recorded by ASGI in early 2024, the cessation procedure was started, according to Article 9 (1 lett. a) because the refugee was found in possession of his national passport. The procedure is ongoing before the NAC.

The person concerned must be informed in writing that the National Commission is re-assessing their eligibility to international protection and the reasons for the re-examination; he or she must be given the opportunity to set out in a personal interview or in a written statement, the reasons why his or her status should not be terminated. In most cases, in practice, a personal interview of the beneficiary of international protection is conducted by NAC. If the person, duly invited, fails to appear, the decision is made based on the available documentation. The NAC shall, in the course of this procedure, apply *mutatis mutandis* the basic principles and safeguards set forth for the assessment of international protection applications. During the proceedings, the person concerned has no access to free legal assistance. NAC should decide within 30 days from the date of the interview or from the expiration of the deadline for submitting documents. In the event of a decision to terminate international protection statuses, the NAC must assess whether, as prescribed by the TUI, a residence permit on other grounds may be granted, or if, in application of the principle of non-refoulement, a special protection must be granted to the person (the special protection residence permit issued subsequently a termination has a validity of two years, is renewable, subject to the opinion of the Commission, allows the person to work, and is convertible in a permit for work reasons).

¹⁴⁴¹ EMN, Studio del Punto di Contatto Italiano European Migration Network (EMN), 2020, available at: <https://bit.ly/3fiWCwP>.

¹⁴⁴² Article 5 Procedure Decree; Article 13 PD 21/2015.

¹⁴⁴³ Article 9(1) Qualification Decree.

¹⁴⁴⁴ UNHCR, UNHCR recommends the cessation of refugee status for Ivorians, 7 October 2021, available at: <https://bit.ly/3idupt4>.

¹⁴⁴⁵ Article 9 ter DL 20/2023 amended Article 9 (2 ter) and Article 15 (2 ter) of LD 251/2007.

If the residence permit for refugee status or subsidiary protection expires during proceedings before the NAC, or if proceedings before NAC were initiated following a negative opinion by the Territorial Commission on the renewal of the subsidiary protection, the permit is renewed by the Questura until a final decision is reached by NAC.¹⁴⁴⁶

An appeal against the decision can be lodged before a Civil Court, within 30 days from notification. Territorial competence is established on the basis of which Territorial Commission recognised international protection to the beneficiary. The appeal has automatic suspensive effect and follows the same rules as in the [Regular Procedure: Appeal](#).¹⁴⁴⁷

In response to a request by ASGI, the Ministry of Interior provided data about withdrawals and cessations of international protection statuses for 2025. There were 471 cessation decisions and 175 withdrawal decisions. The Ministry of Interior didn't provide any data regarding the countries of origin of the beneficiaries concerned by these decisions.

6. Withdrawal of protection status

Indicators: Withdrawal

1. Is a personal interview of the beneficiary in most cases conducted in practice in the withdrawal procedure? ☒ Yes ☐ No
2. Does the law provide for an appeal against the withdrawal decision? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice?
☐ Yes ☐ With difficulty ☒ No

Cases of withdrawal of international protection are provided by Article 13 of the Qualification Decree for **refugee status** and by Article 18 of the same Decree for **subsidiary protection**.

Both provisions state that protection status can be revoked when it is found that its recognition was based, exclusively, on facts presented incorrectly or on their omission, or on facts proved by false documentation. International protection is withdrawn also when, after the recognition, it is ascertained that the status should have been refused to the person concerned because:

- ❖ They fall within the exclusion clauses.

Decree Law 113/2018, implemented by L 132/2018, has significantly extended the list of crimes triggering exclusion and withdrawal of international protection, including, inter alia, violence or threat to a public official; serious personal injury; female genital mutilation; serious personal injury to a public official during sporting events; theft if the person wears weapons or narcotics, without using them; home theft; non-aggravated drug-related offences.¹⁴⁴⁸

- ❖ There are reasonable grounds for considering him or her as a danger to the security of Italy or, having been convicted by a final judgement of a particularly serious crime, he or she constitutes a danger for the public order and public security.

The withdrawal of a protection status,¹⁴⁴⁹ and the appeals against it,¹⁴⁵⁰ are subject to the same procedure foreseen for [Cessation](#) decisions. The only exception worth mentioning concerns beneficiaries of international protection for whom the protection is revoked because they fall within the exclusion clauses: when the NAC assesses that, in application of the principle of non-refoulement, a special protection must

¹⁴⁴⁶ Articles 32(3) and 33 Procedure Decree; Article 6(1-bis)a TUI; Article 33 Procedure Decree; Article 14 PD 21/2015.

¹⁴⁴⁷ Article 35-bis(3) Procedure Decree.

¹⁴⁴⁸ Articles 12(1)(c) and 16(d-bis) Qualification Decree, as amended by Article 8 Decree Law 113/2018 and L 132/2018.

¹⁴⁴⁹ Article 33 Procedure Decree; Article 14 PD 21/2015.

¹⁴⁵⁰ Article 19(2) LD 150/2011.

be granted, the residence permit issued by the Questura will not be convertible in a permit for work reasons pursuant to art. 6 TUI.

B. Family reunification

1. Criteria and conditions

Indicators: Family Reunification

1. Is there a waiting period before a beneficiary can apply for family reunification?
☐ Yes ☒ No
❖ If yes, what is the waiting period?
2. Does the law set a maximum time limit for submitting a family reunification application?
☐ Yes ☒ No
❖ If yes, what is the time limit?
3. Does the law set a minimum income requirement? ☐ Yes ☒ No

Since the entry into force of LD 18/2014, the family reunification procedure governed by Article 29bis TUI, previously only applicable for refugees, is applied to both **refugees** and beneficiaries of **subsidiary protection**.

Beneficiaries can apply at a Prefecture as soon as they obtain the electronic **residence permit** – which can mean several months in some regions – and there is no maximum time limit for applying for family reunification. Beneficiaries of international protection are not affected by the changes brought to the discipline of family reunification following the entry into force of Law Decree n. 145 of 11 October 2024, which (amending art. 28 TUI) introduces the limit of at least two years of previous legal residence in Italy before a third-country national can apply for family reunification, with the only exception of beneficiaries of international protection who can continue to apply immediately after having received the electronic permit.

Law Decree No. 145/2024 (by introducing paragraph 7-bis to Article 4 of Legislative Decree No. 286/1998) has removed the obligation to provide prior notice of denial ("*preavviso di rigetto*") to the applicant when there are grounds for refusing the issuance of any type of entry visa, including visas for the family reunification of beneficiaries of international protection.

The prior notice of denial was a useful safeguard, as it gave applicants the opportunity to supplement or clarify their application before a final decision was made. Its removal may limit the applicant's ability to respond to potential objections and could lead to more immediate rejections without the chance for correction or integration of the documentation.

Contrary to what is prescribed for other third-country nationals,¹⁴⁵¹ beneficiaries of international protection are not required to prove a minimum income and adequate housing to apply for family reunification. They are also exempted from subscribing a health insurance for parents aged 65 and over.

Beneficiaries may apply for reunification with:¹⁴⁵²

- ❖ The spouse who is not legally separated from the applicant and who must not be under the age of 18 years;
- ❖ Minor children, including those of spouse, or those born outside marriage, on the condition that the other parent, in the case where they are available, has given their consent;
- ❖ Dependent children over 18 who, for objective reasons, are incapable of supporting themselves due to severe health problems resulting in complete invalidity;

¹⁴⁵¹ Article 29-bis TUI, citing Article 29(3) TUI.

¹⁴⁵² Article 29(1) TUI.

- ❖ Dependent parents in the following cases: no other children in the country of origin or birth; parents over the age of 65 years whose other children are incapable of supporting them due to documented severe health problems.

Article 29 bis of the TUI establishes that, if a beneficiary of international protection cannot provide official documents proving their family relationships, due to their status or to the absence of a recognised authority able to issue such documents, or to the presumed unreliability of the documents issued by the local authority, the Italian diplomatic missions or consular posts shall issue relevant certificates based on the checks considered necessary. Other means may be used to prove a family relationship, including elements taken from documents issued by international organisations, if considered suitable by the Ministry of Foreign Affairs.

Under Paragraph 1bis of Article 29 of the TUI, when the applicant cannot find documentary evidence of family relationship with the family member they intend to reunite with, they may request DNA testing. The DNA testing may be also requested by diplomatic or consular authorities responsible for issuing the family reunification visa if there are doubts over the existence of a family relationship or over the authenticity of the documentation produced. All costs of testing and related expenses must be borne by the applicant. Article 29 bis of the TUI specifies that an application cannot be rejected solely on grounds of lack of documentary evidence.

However, in practice, the phase of the procedure falling under the competence of embassies and consular authorities is characterised by unpredictable, and often illegitimate, practices that factually hinder beneficiaries' access to the right to reunification with their families, including, inter alia: obstacles in accessing the premises of the embassy or consular office; difficulties in communicating with the authorities; frequent recourse to DNA testing; recourse made to external companies that take responsibility for handling visa applications and collecting documentation; administrative delays and setbacks in visa issuance; incorrect and restrictive interpretation of the normative framework.¹⁴⁵³

The Court of Cassation interpreted Article 29-bis (established in ruling No. 28200/2021 of 14 July 2021 and later confirmed by decision No. 2168/2023 of 24 January 2023)¹⁴⁵⁴ consistently with Directive 2003/86/EC. The Court's rulings achieved two significant expansions: first, it extended the scope of application of Article 29-bis to include beneficiaries of subsidiary protection; second, it broadened the scope of evidentiary facilitations provided by the provision, extending them from merely proving family relationships to covering all requirements necessary for obtaining family reunification visas.

Pursuant to Article 30 of TUI, and Article 20 of LD 50/2011, the decision accepting the appeal may order the issuance of the visa even in the absence of a 'nulla osta'. However, in many cases between 2022 and 2023, as in 2021, the Civil Court of Rome intervened by ordering the competent embassy to make an appointment for the visa request or for the legalisation of documents. Only in some cases, the Court directly ordered the issuance of family visas.

In 2024, the Civil Court of Rome had to decide on a case regarding a Pakistani refugee whose visa request for his wife and children was pending for two years. After the submission of the appeal and before the hearing the Embassy released the visas.¹⁴⁵⁵

The Civil Court of Rome, in its decision of 24 July 2024,¹⁴⁵⁶ ordered the Italian Embassy in Casablanca to schedule an appointment within 10 days at the diplomatic mission for a Moroccan mother of a beneficiary of refugee status in Italy. The appeal resulted from the inability to book an appointment through the platform of the intermediary agency and despite repeated requests from the defence attorney

¹⁴⁵³ Caritas Italiana, Consorzio Communitas, UNHCR, Family First - In Italy with your family, November 2019, available in Italian at: <https://bit.ly/3IqmPq0>.

¹⁴⁵⁴ Court of Cassation ruling No. 28200/2021 of 14 July 2021 available [here](#), Court of Cassation ruling No. 2168/2023 of 24 January 2023.

¹⁴⁵⁵ Civil Court of Rome, case no. 19464 / 2024.

¹⁴⁵⁶ Civil Court of Rome case no. 29025/2024

to arrange an ad hoc appointment, given that the platform remained blocked at all hours every day (notwithstanding the diplomatic office's sole response advising to try again).

In another recent decision the Civil Court of Rome, in its judgment of 8 April 2025,¹⁴⁵⁷ recognized the damage resulting from forced family separation and the impediment to exercising parental functions. In applying these principles, the judge, in this specific case, awarded damages of €1,050.00 (€350.00 for each month of delay) in favour of the plaintiff, to be paid by the Ministry of Foreign Affairs and International Cooperation.

The decision emphasized the importance of the right to family unity, particularly in cases involving minors, reaffirming the centrality of the principle of the best interests of the child in the interpretation and application of national and international laws regarding immigration and fundamental rights.

Starting from 2020 and until 31 July 2021, the validity of the authorisations for family reunification issued by the Prefectures, which in normal circumstances have a duration of six months, was extended by law due to the pandemic and to the difficulties family members might encounter in requesting the visa or in travelling and entering Italy. As of June 2025, no further extensions have been granted.¹⁴⁵⁸

Despite this, during the proceedings Italian diplomatic authorities claimed that no response was given because they considered the authorisation expired. It should be noted that authorisations for family reunification were extended by law until 30 April 2021 due to the pandemic. The judge ordered the immediate formalisation of the visa request, reiterating the validity of the clearance.¹⁴⁵⁹

The Civil Court of Rome has on multiple occasions upheld the validity of the *nulla osta* (clearance) even when applicants were unable to secure an appointment within its six-month period of validity. The Court found that the applicants' documented efforts to obtain an appointment for visa issuance were sufficient to interrupt the expiration of the *nulla osta*'s validity. For example, a recent decision by the Civil Court of Rome dated 29 July 2024¹⁴⁶⁰ granted a Sri Lankan citizen the issuance of a visa for family reunification following the appeal of the visa rejection, which was based on the grounds that the clearance had expired. As stated in the judgment, the six-month validity period had expired because the Italian Embassy in Colombo (Sri Lanka) deferred the scheduling of appointments to the external agency VFS Global, making it impossible to book one. The tribunal recognized that the certified email (PEC), even though the embassy had delegated to VFS Global, interrupted the running of the six-month period, as the embassy remains responsible for the procedure.

As recorded by ASGI, in many cases Italian embassies refused family visas in cases where the marriage had been celebrated with one of the spouses being in the country of origin. With decision of 11 February 2023, the Civil Court of Rome accepted the appeal filed by a couple in such situation and observed that the assessment of the actual existence of an emotional bond to affirm the fictitiousness or not of a marriage cannot be only evaluated based on the cultural parameters of the country of asylum.¹⁴⁶¹

Following the Taliban's takeover of Afghanistan in August 2021, ASGI repeatedly denounced the inertia of Italian institutions in addressing and resolving the serious situation of Afghan men and women who can no longer remain in their country because of the high risk that would pose to their safety.

As of May 2025, the Italian embassy in Afghanistan remains closed and Afghan citizens who apply for family reunification visas at embassies in nearby countries need to reside legally in the country where the embassy is located in order to be able to access the embassy.

¹⁴⁵⁷ Court of Rome, Decision, 8 April 2025, case n. 4136/2025, available [here](#).

¹⁴⁵⁸ Article 103 (2 quarter, e) DL 18/2020 converted by L. 27/2020, extended the validity up to 30 August 2020; later, L. 159/2020, converting the Decree Law 125/2020, extended it up to 30 December 2021, and the Decree Law 2/2021, converted by L. 29/2021 extended it up to 30 April 2021 and Decree Law 56/2021, converted by L. 27/2021.

¹⁴⁵⁹ Civil Court of Rome, Decision 12457/2021, 17 March 2021, available in Italian at: <https://bit.ly/3lqnkQU>; see also Civil Court of Rome, Decision 39375/2021, 15 July 2021, available at: <https://bit.ly/3u7PuL4>.

¹⁴⁶⁰ Civil Court of Rome, Decision 16 April 2024, Case n. 20990/2024 available [here](#).

¹⁴⁶¹ Civil Court of Rome, decision of 11 February 2023.

This tends to make the procedure for issuing a family reunification visa longer and more difficult, since it requires legal residence in that country and, moreover, it requires that the official documents needed to prove the family link must first be legalised at the Afghan Embassy of the country where the Italian Embassy is located and then legalised by the Italian Embassy.

Italian courts (Rome and Florence, 2021–2022) have consistently affirmed their jurisdiction to protect the right to family reunification of beneficiaries of international protection, even where the obstacle stemmed from the inertia or obstructive conduct of the public administration and Italian embassies abroad, particularly the embassy in Islamabad. In the cases examined, family members who already held or were awaiting the required *nulla osta* were prevented from formalising their visa applications due to a lack of response, appointments communicated with insufficient notice, or delays on the part of the competent prefecture — circumstances that exposed the applicants, often women who had remained in Afghanistan or taken refuge irregularly in Pakistan, to the concrete risk of forced repatriation. Applying the criteria of *fumus boni iuris* (the likely existence of the right to reunification) and *periculum in mora* (grounded both in the imminent expiry of authorisation periods and in the danger to the safety of family members), the courts issued urgent orders compelling the embassies to schedule appointments within short, mandatory deadlines, in one instance even ordering the direct issuance of a visa notwithstanding the absence of the *nulla osta*.¹⁴⁶²

As mentioned, the Court of Cassation has adopted an interpretation of Article 29-bis (established in ruling No. 28200/2021 of 14 July 2021¹ and later confirmed by decision No. 2168/2023 of 24 January 2023),¹⁴⁶³ regarding the family reunification of a refugee with her mother, under 65 years of age, who had another son in her country of origin, and recalling Article 8 of the ECHR, stated that the **presence of the other child** is not decisive in excluding the right to family reunification if the latter cannot provide for the financial support of the parent who, in this case, depended on the assistance of the refugee who had requested reunification.¹⁴⁶⁴

Regarding the frequent cases in which reunification with parents is denied due to lack of proof that they are dependent on the applicant, the Court of Cassation with a decision of 24 January 2023,¹⁴⁶⁵ affirmed the need to extend the benefits provided for by the art. 29-bis, (2), TUI for refugees to the beneficiaries of subsidiary protection. The Court further ruled that these provisions should not be interpreted in a restrictive sense, as intended solely for the demonstration of the family bond. In the case submitted to it, the Court rejected the appeal of the Ministry of Foreign Affairs presented against the decision which had deemed met the conditions for issuing the *nulla-osta* to reunite the applicant with his parent, also considering that the affidavit on the dependence of the parent by the applicant himself can be considered as atypical evidence freely assessable by the judge.

On the same matter, the Civil Court of Rome, with a decision of 2 February 2024, upheld the appeal submitted by a Somali subsidiary protected, considering the money transfer receipts filed in court (around twenty receipts) sufficient to provide proof of the financial support provided by the appellant to the mother in a continuous and prolonged manner. Regarding the absence of other sons/daughter in the country of origin, the Court considered that the reported disappearance of the other sons following their expulsion from Saudi Arabia was credible because it coincided with what the appellant had already reported in 2017 during the hearing before the Territorial Commission, and because the administration had not provided elements capable of casting doubt on the truth of the statements.¹⁴⁶⁶

The Court of Rome with a decision taken on 25 March 2025¹⁴⁶⁷ granted the appeal in full, recognizing the father's right to family reunification, after proper legalization of Afghan documentation demonstrated the

¹⁴⁶² Civil Court of Rome, decisions of 10 June 2022, 18 March 2022, 20 September 2022, 24 December 2021.

¹⁴⁶³ Court of Cassation, decision 20127 of 14 July 2021, available at: <https://bit.ly/37hKk84>.

¹⁴⁶⁴ Meltingpot, Status di rifugiato e ricongiungimento familiare – La sola presenza di figli nel Paese di origine non esclude l'ingresso del genitore infrasestantacinquenne, available at: <https://bit.ly/3xMApIA>.

¹⁴⁶⁵ Court of Cassation, Decision of 24 January 2023, no. 2168.

¹⁴⁶⁶ Civil Court of Rome, decision of 2 February 2024.

¹⁴⁶⁷ Civil Court of Rome, Decision 25 March 2025, Case n. 31089 / 2024.

family relationship and the father's vulnerable medical condition requiring urgent reunification and applying the principle stated by the Court of Cassation regarding the proof of financial support of the parent.

The case involved an urgent appeal filed by an Afghan citizen with subsidiary protection status, challenging the visa denial for family reunification issued by the Italian Embassy in Tehran regarding his father. The Embassy issued a final rejection on alleged failure to prove family ties, the father's dependency status, and the absence of other children in the country of origin.

2. Status and rights of family members

According to the law and in application of the principle of family unity,¹⁴⁶⁸ family members who are not individually entitled to international protection status have the same rights as those granted to the relative who holds international protection. The family members of the beneficiary of international protection present in the national territory who are not individually entitled to such protection are issued a residence permit for family reasons pursuant to article 30 of the TUI.¹⁴⁶⁹ According to the latter, in the case of family members of beneficiaries of international protection, the residence permit for family reasons has to be issued also in case the family member was previously not in possession of a valid residence permit and was irregularly present on the territory.¹⁴⁷⁰ These provisions do not apply to family members who are or would be excluded from international protection¹⁴⁷¹

The application for international protection for minor children of beneficiaries has to be submitted by a pat. According to the law, this provision is considered extended also to the unmarried minor children present on the national territory with the parent at the time of its submission. This implies that any decision to recognise international protection will also be extended to the minor children of the applicant, who will be issued the same residence permits as the parent.¹⁴⁷²

Furthermore, the law provides that the minor child of a third country national living with him/her and resides regularly in Italy is subject to the legal status of the parent - or to the most favourable status of the parents - with whom they live.¹⁴⁷³ In the implementation of the Qualification Decree, the best interests of the child are taken into consideration as a priority.¹⁴⁷⁴

A circular issued by NAC in July 2014,¹⁴⁷⁵ definitively clarified that, pursuant to Articles 19(2-bis) and 22(1) of the Qualification Decree, minor children born in Italy after the recognition of refugee or subsidiary protection status to their parents are entitled to the same rights, also from the point of view of the right to international protection, as the parent entitled to such protection, until they reach adult age.

The application for the extension of international protection to minor children born after the recognition of international protection to the parent, i.e. the request for the issuance of a residence permit for international protection, must be lodged at the Questura by the parent beneficiary of international protection, who must submit a copy of the original birth certificate of the child and of the decision granting international protection.

¹⁴⁶⁸ Article 22 Qualification Decree.

¹⁴⁶⁹ Article 30 TUI.

¹⁴⁷⁰ Article 30 TUI.

¹⁴⁷¹ Occurring cases governed by Articles 10 and 16 Qualification Decree.

¹⁴⁷² Article 6(2) TUI.

¹⁴⁷³ Article 31(1) TUI.

¹⁴⁷⁴ Article 19(2-bis) Qualification Decree.

¹⁴⁷⁵ National Asylum Commission, Circular 2267 - Beneficiaries of international protection and extension to minor children, 17 July 2014, available in Italian at: <https://bit.ly/3wb3AOB>.

C. Movement and mobility

1. Freedom of movement

Refugees, beneficiaries of subsidiary protection, and applicants for international protection, can freely circulate within the Italian territory.¹⁴⁷⁶ If beneficiaries of international protection are not accommodated in reception centres (by choice, revocation of the reception measures or end of the period of reception foreseen by law), they can settle in the city or town of their choice.

If accommodated in a government reception centre, beneficiaries of international protection could be requested to return to the structure by a certain time in the early evening. More generally, in order not to lose the accommodation, beneficiaries of international protection are not allowed to spend more than a certain amount of days outside of reception structures without authorisation (see [Reception Conditions](#)). Once and if beneficiaries of international protection obtain a place in a SAI project, they must necessarily accept the place assigned to them, even if it implies moving to another city. If the assigned place is refused, the beneficiary definitively loses the right to be accommodated in a SAI reception centre.

2. Travel documents

Travel documents for beneficiaries of international protection are regulated by Article 24 of the Qualification Decree.

For **refugees**, the provision refers to the 1951 Refugee Convention and states that travel documents (*documenti di viaggio*) issued are valid for 5 years and are renewable. The issuance of travel documents is refused by Questura, or, if already issued, the document is withdrawn, if there are very serious reasons relating to national security and public order that prevent its release. In practice, travel documents are usually issued automatically to beneficiaries of refugee status by Questura.

When there are well-founded reasons that do not allow the beneficiary of subsidiary protection to request a passport from the diplomatic authorities of the country of citizenship, the competent Questura issues a travel permit (*titolo di viaggio*, as opposed to the travel document, *documento di viaggio*, issued to refugees) to the person concerned. When applying for a travel permit in Questura, beneficiaries of subsidiary protection must therefore submit a note or documentation explaining why they cannot apply for or obtain a passport from the authorities of their countries of origin. Beneficiaries of subsidiary protection whose diplomatic or consular authorities are not present in Italy are usually issued a travel permit by Questura.

The administrative procedure aimed at issuing the travel document can be activated upon request of the beneficiary of subsidiary protection (and, as explained below, of the beneficiary of humanitarian/special protection). Questura is required not only to receive the request for the issuance of the travel document but also to assess the request and adopt an express decision on the application.¹⁴⁷⁷ As for the competence to deal with disputes relating to the failure to issue the travel document for refugees, beneficiaries of subsidiary protection and of humanitarian/special protection alike, despite several rulings from ordinary judges although there is no lack of rulings by the ordinary judge, administrative jurisprudence has affirmed its competence by recalling art. 133, paragraph 1, letter u), of the administrative procedure code which attributes to the exclusive jurisdiction of the administrative judge disputes concerning the provisions relating to passports as well as art. 21 of Law 21 November 1967, n.

¹⁴⁷⁶ Pursuant to art. 6(6) TUI, besides what is established in the military laws, the Prefect can prohibit third country nationals from staying in municipalities or in places that interest the military defence of the State. Such prohibition is communicated to third country nationals by the Local Authority of Public Security or by means of public notices. Those who violate the prohibition can be removed by means of public force.

¹⁴⁷⁷ Regional Administrative Court of Catania, Decision 179/2015, available in Italian at: <https://bit.ly/3ljcs7f>.

1185, which also refers to the documents, equivalent to the passport, in favour of foreigners and stateless persons.¹⁴⁷⁸

Regarding the prerequisites for the issuance of the travel document, as already mentioned, it is indisputable that for the beneficiary of subsidiary protection it is sufficient to state the well-founded reasons why he/she cannot apply to the diplomatic representation of his/her country of origin to request the passport, reasons that can be found in the grounds for applying for international protection or in the conduct of the authorities of the country of origin. Beneficiaries of subsidiary protection can thus invoke, inter alia, reasons linked to their status and to their international protection claim to the procedures applied by their embassies or to the lack of documentation requested, such as original identity cards or birth certificates. Evidence, such as a written note from the embassy refusing a passport, is not required but helpful if provided. The Questura usually verifies whether the person concerned in fact is not in possession of these documents, looking at the documents he or she provided during the international protection procedure. In some cases, immigration offices contact the embassies asking for confirmation of the reported procedure. The applicant assumes responsibility, under criminal law, for his or her statements. The Questura can reject the application lodged by beneficiaries of international protection if the reasons adduced are deemed unfounded or not confirmed by embassies. According to the law, if there are reasonable grounds to doubt the identity of the beneficiary of subsidiary protection, the document is refused or withdrawn by Questura. However, the administrative case-law has established that it appears contradictory to attribute a status to a subject and deny the same subject one of the concrete projections of this status (in this case, the travel permit) due to a profile (that of identity) that pertains to the very core of this type of administrative measures considering that in the absence of certainty about the applicant's identity, the Commission could not have granted the requested protection and the Questura issued the relative residence permit.¹⁴⁷⁹

Important to note is that, while the travel document issued to refugees is valid for all countries recognised by the Italian State, excluding the country of citizenship of the refugee, Italian law does not prohibit beneficiaries of subsidiary protection from using the Italian travel permit to go back to their country of origin. However, after the 2018 reform, each return to the country of origin can cause the opening of the cessation procedure (See [Cessation](#)).

For beneficiaries of national protection (either the former humanitarian protection or the current special protection, please consider that for the latter no jurisprudence is available as of July 2026), already back in 1961 the Ministry of Foreign Affairs and International Cooperation with Circular n. 48¹⁴⁸⁰ clarified that third-country nationals who do not have the qualification of refugees and who, for various reasons, cannot obtain the passport from the authorities of their country of origin, will be issued a new document, in the shape of a light green booklet, called "Travel permit for third-country nationals". The Ministry further stated that the granting of the document may take place, except in cases of urgent necessity, only after the interested party has proved that he/she is unable to obtain a passport from the authorities of his/her country and that he/she has no pending lawsuits or obligations towards the family. In 2003 the Ministry of Interior,¹⁴⁸¹ - responded to several clarification requests received by different Questura on the renewal of humanitarian protection residence permits for those who continue to be without a passport or equivalent document or who, although possessing it at the time of the first release, no longer possess it or its validity has expired. It underlined that beneficiaries of humanitarian protection are allowed to remain in Italy by reason of their particular situation which is connected, on the basis of elements assessed by the Territorial Commissions, to a concrete exposure to risks to personal safety or to the exercise of fundamental personal rights. By its very nature this situation, although not equivalent to that of a refugee, often precludes the issuance of a passport by the authorities of the country of origin, also depriving the individual

¹⁴⁷⁸ Regional Administrative Court of Rome, Decision 7390/2014, 30 September 2015, available at: <https://bit.ly/3JeilOR>; Regional Administrative Court of Rome, Decision 7768/2011, 2 March 2015, available at: <https://bit.ly/3thuPFe>.

¹⁴⁷⁹ Regional Administrative Court of Lazio, Decision 11465/2015, 30 September 2015, available at: <https://bit.ly/3uoT2sP>.

¹⁴⁸⁰ Ministry of Foreign Affairs and International Cooperation, Circular n. 48 - Travel permit for third-country nationals, 5 March 2004, available at: <https://bit.ly/36pZPtU>.

¹⁴⁸¹ Ministry of Interior, Circular n. N.300/C/2003/331/P/12.214.5/1^DIV - On provisions regarding the renewal of residence permits for humanitarian reasons, 24 February 2003, available at: <https://bit.ly/3MUe62N>.

of the right to travel abroad. The Ministry then, recalling that the above-mentioned circular by the Ministry of Foreign Affairs had never been repealed, reiterated to the Questure that the release of travel permits for beneficiaries of national protection has to be granted, adding that otherwise there would be a reduction of the rights recognised to legally residing third-country nationals also in relation to the Italian Constitution.

However, on several instances Questure have hindered the issuance of travel permits for beneficiaries of subsidiary protection and national protection through illegitimate practices which have been generally sanctioned by the resulting case-law, as proven by the collected jurisprudence mentioned in the previous reports (See [AIDA Country Report on Italy – 2021 Update](#)).

On 13 July 2022, the Council of State upheld the appeal submitted by a national protection holder who was refused a travel document as he had not proven the impossibility to obtain such document from his embassy. The Council of State considered that the impossibility of contacting authorities from the country of origin in order to obtain the travel document cannot be understood as only including those cases where the contact or return of the foreigner to his country of origin would expose him to serious risks for his own safety, but must be extended to all those circumstances in which the bureaucratic systems of the country of origin make it impossible for the citizen to obtain the requested document. With the same decision, the Council of State clarified that Article 24 (3) of the Procedures Decree concerning the subsidiary protection status, applicable by analogy to the case under its exam, allows the issuance of the travel document if there are no imperative reasons of national security "or" public order, while it is not enough to refuse it automatically referring to the mere existence of a criminal record.¹⁴⁸²

D. Housing

Indicators: Housing	
1. For how long are beneficiaries entitled to stay in/SAI?	6 months ¹⁴⁸³
2. Number of beneficiaries staying in reception centres as of 31 May 2025:	38,180 ¹⁴⁸⁴

As underlined under [Reception conditions](#), Decree Law 20/2023 converted into Law 50/2023 introduced a new reform of the reception system, providing a clear division between the reception system for asylum applicants (hosted in government centres, CAS and provisional centres) and the reception system for beneficiaries of international protection in SAI system. The latter, given the scarcity of places in turn and since many prefectures turn away the beneficiaries when they obtain protection without waiting for access to the SAI, becomes even more a mere eventuality.

The system remains based on the voluntary adhesion of the municipalities and still does not have enough places to meet the reception needs of all those who are entitled to accessing it.

A solution always presented by Asgi would be a reform that transfers the administrative functions of reception management to the Municipalities: this would lead to the gradual absorption of specific services for reception within the social services guaranteed at the territorial level, as part of the related welfare system and, therefore, no longer optional. This way, Municipalities could no longer choose, as is the case now, whether to activate a SAI project or not, that is, whether or not to deal with reception services for

¹⁴⁸² Council of State, Decision 5947 published on 13 July 2022, available at: bit.ly/3q0Mt0M.

¹⁴⁸³ The reception period in SAI projects is fixed at 6 months for beneficiaries of international protection. This period can be extended up to one year and in exceptional cases (for example during the COVID-19 emergency or for particularly critical situations) even beyond that limit.

¹⁴⁸⁴ Source: Mol Cruscotto statistico giornaliero, available at: <https://bit.ly/3SQSqYx>. 38,180 is the total number of people hosted in SAI projects as of 31 May 2025. A breakdown on the respective numbers of asylum seekers and beneficiaries of protection are not yet available.

refugees: reception would become an integral part of local welfare and minimum levels of assistance could also be established which the Municipalities should adhere to.¹⁴⁸⁵

On paper, access to SAI is open to some categories of asylum applicants (asylum applicants identified as vulnerable and to those who have legally accessed Italy through complementary pathways (Government-led resettlements or private sponsored humanitarian admission programs (see [Access and forms of reception conditions](#))).

However, also due to the reform, the SAI system is conceived and indicated as primarily intended for beneficiaries of international protection and unaccompanied foreign minors. Other third-country nationals could only access SAI in case of available places.¹⁴⁸⁶

It is also important to underline that L. 50/2023 introduced Article 1 sexies (1- quater) of DL 416/1989, according to which holders of international protection and holders of residence permits which allow access to the SAI lose the possibility of being accommodated in SAI centres if, except in cases of force majeure, they do not show up at the assigned facility within seven days of the relevant communication, unless that there are objective and justified reasons for delay, according to the assessment of the prefect of the Province where the beneficiary is located.

1. Stay in first reception centres and CAS

A protection status does not allow the beneficiary to remain in first reception facilities or CAS. For this reason, beneficiaries who have obtained a protection title should be quickly transferred, if they wish so, into a SAI project. However, the scarcity of available places in the SAI network and numerous procedural issues often mean that people are discharged from the reception centre where they were accepted as beneficiaries of international protection before their entry into a SAI centre is arranged. The beneficiary of protection is then forced to temporarily leave the reception system. As described under [Reception](#), frequently the request for inclusion in SAI is not even made. In some cases, depending on the discretionary decisions of the responsible Prefectures and on bureaucratic delays, beneficiaries of national/international protection, after obtaining protection status, might be allowed to stay in the reception centre a few months or a few days after the notification or until access to a SAI project. According to the information collected by ASGI, in 2024 most Prefectures allowed beneficiaries of an international or national protection to remain in CAS only a few days.

2. Accommodation in SAI

Following the 2023 reform, reception of beneficiaries of international protection is carried out in the SAI system, Reception and Integration System (*Sistema di accoglienza ed integrazione*), the former SPRAR established by L. 189/2002. SAI is a publicly funded network of local authorities and NGOs which accommodates unaccompanied children - under some conditions also after they become adults - (see [Reception of Unaccompanied Children](#)), beneficiaries of international protection and, in case of available places, people who have obtained some other residence permits for specific reasons (among which beneficiaries of national protection) and some applicants for international protection.

Unaccompanied children should have immediate access to SAI even though after the 2023 reform, SAI is indicated as a second reception step (see [Reception of unaccompanied minors](#)). Local authorities can also accommodate in SAI: THB survivors; domestic violence survivors and labour exploitation survivors; persons issued a residence permit for medical treatment, or for natural calamity in the country of origin,

¹⁴⁸⁵ According to Article 118 of the Italian Constitution, administrative functions are attributed to the municipalities. See ASGI, *Manifeste illegittimità costituzionali delle nuove norme concernenti permessi di soggiorno per esigenze umanitarie, protezione internazionale, immigrazione e cittadinanza previste dal decreto-legge 4 ottobre 2018, n. 113*, 15 October 2018, available in Italian at: <https://bit.ly/2W4am3n>. For a more detailed analysis, see Gianfranco Schiavone, 'Le Prospettive Di Evoluzione Del Sistema Unico Di Asilo Nell'unione Europea E Il Sistema Di Accoglienza Italiano. Riflessioni Sui Possibili Scenari' in *Fondazione Migrantes, Il diritto d'asilo, minori rifugati e vulnerabili senza voce, Report 2017*, February 2017.

¹⁴⁸⁶ Article 1 sexies (1) DL 516/1989 according to which in the SAI system, dedicated to beneficiaries of international protection and unaccompanied minors, municipalities can also accommodate asylum seekers and holders of specified permits to stay.

or for acts of particular civic value.¹⁴⁸⁷ Moreover, Decree Law 130/2020 stated that local authorities can also accommodate in these facilities beneficiaries of special protection, beneficiaries of a special cases permit (former humanitarian protection),¹⁴⁸⁸ and former unaccompanied minors who turned 18 and obtained the continuation of assistance.¹⁴⁸⁹ Access to the SAI is not available to beneficiaries of special protection who have obtained the permit because of international protection exclusion clauses¹⁴⁹⁰ and to asylum applicants, except for asylum applicants identified as vulnerable and those who have legally accessed Italy through complementary pathways.¹⁴⁹¹

The SAI system consists small reception structures where assistance and integration services are provided. SAI projects are run by local authorities together with civil society actors such as NGOs. According to the Ministry of Interior Decree of 18 November 2019, SAI accommodation centres ensure interpretation and linguistic-cultural mediation services, legal counselling, teaching of the Italian language and access to schools for minors, health assistance, socio-psychological support in particular to vulnerable persons, training, support at providing employment, counselling on the services available at local level to allow integration locally, information on (assisted) voluntary return programmes, as well as information on recreational, sport and cultural activities.¹⁴⁹² Such Decree,¹⁴⁹³ which includes the Guidelines for the former Siproimi system, has not yet been replaced by a new one reflecting the actual new configuration of the SAI.

Decree Law 130/2020 introduced two different levels of services for persons accommodated in SAI projects:

- ❖ First level services: applicants for international protection who are accommodated in SAI (before being granted international or special protection) will be able to benefit from "first level" services. First level services include, in addition to material reception services, health care, social and psychological assistance, linguistic-cultural mediation, the teaching of Italian language courses and legal and territorial guidance services.¹⁴⁹⁴
- ❖ Second level services: only available for beneficiaries of an international or special protection, include support for integration, job research, job orientation and professional training.¹⁴⁹⁵

In contrast to the large-scale buildings provided in Governmental centres CPSA (former CARA and CDA) and CAS, according to official data from the SAI network, as of 31 December 2025, the SAI network had 867 active projects (621 for ordinary reception, 206 for unaccompanied foreign minors, and 40 for persons with mental health issues and/or disabilities), managed by 727 lead local authorities — mainly municipalities (639), alongside provinces, unions of municipalities, and other bodies. These projects made available a total of 41,736 places, of which 41,159 were occupied and 1,577 remained vacant. The majority of places (about 82%, or 34,235) were dedicated to ordinary reception, while 16% (6,739) were allocated to unaccompanied foreign minors and the remainder (762) to beneficiaries with mental health and/or health-related issues.¹⁴⁹⁶

The MoI Decree of 18 November 2019 establishes that reception in the SAI system lasts six months (for holders of a form of protection).¹⁴⁹⁷

¹⁴⁸⁷ Article 1 sexies (1) DL 416/1989, as amended by DL 130/2020, citing Articles 18, 18-bis, 19(2)(d-bis), 20, 22(12-quater) and 42-bis TUI. The statuses in Articles 20 and 42-bis had been inserted by Decree Law 113/2018.

¹⁴⁸⁸ Ibid, mentioning Articles 1 (9) DL 113/2018 (special cases); Article 19, (1, 1.1) TUI, amended by DL 130/2020, special protection.

¹⁴⁸⁹ Article 1 sexies (1 bis) DL 416/1989, introduced by DL 130/2020.

¹⁴⁹⁰ Articles 10(2), 12 (1) (b) and (c) and 16 of the Qualification Decree; Article 1 sexies (1) (a) DL 416/1989, as amended by DL 130/2020.

¹⁴⁹¹ Article 1 sexies (1 bis) DL 416/1989 converted into L. 39/1990, introduced by DL 20/2023 converted by L. 50/2023.

¹⁴⁹² Article 34 MoI Decree 18 November 2019.

¹⁴⁹³ Decree of the Ministry of Interior, 18 November 2019, published on 18 November 2019 on Gazzetta Ufficiale, available in Italian at: <https://cutt.ly/ayPqqeE>.

¹⁴⁹⁴ Article 1 sexies (2 bis, a) DL 416/1989, introduced by DL 130/2020.

¹⁴⁹⁵ Article 1 sexies (2 bis) DL 416/1989, introduced by DL 130/2020.

¹⁴⁹⁶ I numeri della rete SAI, june 2025, available at <https://bitly.cx/aLcPc>

¹⁴⁹⁷ Article 38 MoI Decree 18 November 2019.

Only in some cases, indicated by the Decree, reception conditions may be extended for a further six months, with adequate motivation and with prior authorisation from the competent Prefecture. In particular, the decree allows the extension for the conclusion of integration paths, or for extraordinary circumstances related to health reasons. Furthermore, the extension of six months could be authorised in case of vulnerabilities or special needs (as listed in Article 17(1) of the Reception decree). In this case, the request for extension must contain the explicit indication and evidence of the vulnerability.

A further six months could be granted in case of persistent serious health reasons or to allow the completion of the school year.¹⁴⁹⁸

Decree Law 130/2020 did not specifically regulate the duration of the reception in the SAI. However, it stated that at the expiry of the period of stay, all the people accommodated are included in further integration paths for which the competent Municipalities are responsible within the limits of human, instrumental and financial available resources.¹⁴⁹⁹ Despite this, the Annual Report of the Sprar/Siproimi reception system shows that refugees who are accommodated in Sprar/Siproimi facilities face many obstacles in achieving housing autonomy.¹⁵⁰⁰

According to the SAI report about the year 2025, 19,307 beneficiaries left SAI facilities in 2025. The proportion of those who leave the System due to the completion of their reception/socio-economic inclusion pathway rose to 61.6%, a further increase compared to 55.8% in 2024 and 52.1% in 2023. The share of early departures due to the beneficiary's own decision decreases further, dropping to 34.6% in 2025, following 39.6% in 2024 and 43.8% in 2023.¹⁵⁰¹

More in detail, regarding beneficiaries of international protection, the National Plan drawn up for the years 2022 - 2024 by the National Coordination Table set up at the Ministry of the Interior - Department for Civil Liberties and Immigration,¹⁵⁰² identifies interventions on:

1. linguistic training aimed at the knowledge of Italian language at least at A1 level;
2. knowledge of the fundamental rights and duties enshrined in the Constitution of the Italian Republic;
3. orientation to essential public services;
4. orientation to job placement.¹⁵⁰³

The withdrawal of reception conditions governed by the Accommodation Decree only refers to first reception facilities and CAS.

The Mol Decree also dictates specific rules for the withdrawal of reception conditions which could be ordered in the event of:

- a) serious or repeated violation of the house rules, including damages to the facilities or serious and violent behaviour;
- b) unjustified failure to report to the facility identified by the SAI Central Service;
- c) unjustified abandonment of the facility for over 72 hours, without prior authorisation from the Prefecture;
- d) application of the measure of pre-trial detention in prison for the beneficiary.

The withdrawal of the reception measures is ordered by the responsible Prefecture.¹⁵⁰⁴

¹⁴⁹⁸ Article 39 Mol Decree 18 November 2019.

¹⁴⁹⁹ Article 5 (1) Decree Law 130/2020 converted by L 173/2020.

¹⁵⁰⁰ UNHCR, ASGI and SUNIA, The refugee house - Guide to housing autonomy for beneficiaries of international protection in Italy, February 2021, available at: <https://bit.ly/3weRsMI>.

¹⁵⁰¹ Rapporto Annuale SAI, available at <https://bitly.cx/LRVGh>

¹⁵⁰² According to Article 29 (3) of the Qualification Decree.

¹⁵⁰³ Article 5 (2) Decree Law 130/2020 converted by L 173/2020.

¹⁵⁰⁴ Article 40 Mol Decree 18 November 2019.

Article 14 of Decree Law 130/2020 sets a financial invariance clause for all the changes made by the decree and, for what concerns the SAI, it states that this also applies to any increase in places in the related projects.

Furthermore, the Decree provides that financial invariance is also ensured, where necessary, through compensatory variations in the Ministry of the Interior's budget dedicated to the management of migratory flows.¹⁵⁰⁵ As observed by some studies,¹⁵⁰⁶ this clause makes it unlikely that the SAI will actually be able to accommodate the categories of people, to whom the decree gives the right to access the SAI system. Due to the exceptional reception needs resulting from the crisis in Afghanistan, art. 7 of Law Decree no. 139 of 8 October 2021 provided for an increase in the financial allocation to the National Fund for Asylum Policies and Services corresponding to 11,335,320 euros for the year 2021 and 44,971,650 euros for each of the years 2022 and 2023, to increase the SAI network by 3,000 places for the ordinary category.¹⁵⁰⁷

In December 2021, 2,000 additional SAI places were activated, to meet accommodation needs of Afghan asylum applicants.¹⁵⁰⁸

Later, DL 16 of 28 February 2022,¹⁵⁰⁹ transposed into DL 14/2022 converted with modification by L 28/2022, established the *ad hoc* expansion of 3,000 SAI places and the possibility for people escaped from Ukrainian's war to access the SAI places already activated for Afghans.¹⁵¹⁰

To implement them, Article 5 quater (3) of DL 14/2022 allocated part of the National Fund for asylum policies and services, referred to in article 1-septies of DL 416/1989, in the amount of 37,702,260 euros for the year 2022 and 44,971,650 euros for each year in 2023 and 2024.

The communication of the Ministry of the Interior (Department for Civil Liberties and Immigration, Central Directorate of Civil Services for Immigration and Asylum) of 24 January 2025 provided for the addition of a maximum of 3,211 places within the SAI system, to be allocated to family units and single-parent households, on the basis of the resources allocated pursuant to Article 20 of Decree-Law No. 202 of 27 December 2024, which provides for the extension of the support measures and assistance activities currently in place for Ukrainian citizens holding a residence permit for temporary protection, as well as pursuant to OCDPC No. 1123 of 29 December 2024 – Urgent civil protection provisions to regulate the progressive consolidation, into ordinary forms, of the extraordinary and temporary assistance and reception measures currently in place as a result of the ongoing events in the territory of Ukraine.¹⁵¹¹

While the SAI system has been slowly but constantly expanded throughout the country in the 20 years since it was set up¹⁵¹², the total amount of available places is still falling short and largely inadequate to meet the existing needs. Furthermore, historically, the number of SAI places funded by the Government and the number of SAI places actually active and available differ by several thousands, as a consequence of bureaucratic delays, as well as organisational and logistical issues.

¹⁵⁰⁵ Article 14 (3) Decree Law 130/2020 converted by L 173/2020.

¹⁵⁰⁶ See Francesca Biondi Dal Monte, I percorsi di accoglienza e integrazione e il loro finanziamento, in Immigrazione, protezione internazionale e misure penali, commento al decreto legge 130/2020, conv. In L 173/2020, Pacini Giuridica.

¹⁵⁰⁷ Ministero dell'Interno, Published the funding decree for additional SAI network projects, 21 December 2021, available in Italian at: <https://bit.ly/37sGF6W>. Places increased by Article 7 (1) DL 139/2021, converted into L 205/2021, as modified by Article 5 quater (5) DL 14/2022 converted into L 28/2022

¹⁵⁰⁸ 2,000 places according to Article 3(4) DL 16/2022, modifying Article 1 (390) L 234/2021, later transposed in DL 14/2022 as modified by Article 5 quater (6) DL 14/2022 converted into L 28/2022.

¹⁵⁰⁹ DL 16/2022, Article 3, then repealed and transposed in the DL 14/2022, Article 5 quater as modified by the conversion Law n. 28 of 5 April 2022, without prejudice to all effects, acts and measures adopted in the meantime on the base of DL 16/2022.

¹⁵¹⁰ Article 5 quater DL 14/2022 converted with modifications into L 28/2022.

¹⁵¹¹ Ampliamento Posti SAI, available at: <https://bitly.cx/mV6Lt>.

¹⁵¹² See Rapporto Annuale SAI 2021, available at: <https://bit.ly/3Z9qQbt>.

3. Access to public housing

From the point of view of international and supranational law, the issue of housing is of particular importance. Art. 21 of the Convention on the Status of Refugees states that "As regards housing, the Contracting States, in so far as the matter is regulated by law or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances". Therefore, according to the Convention, refugees must enjoy the most favourable treatment possible when accessing housing, in a manner that is not, in any case, disadvantageous compared to other foreigners. The European law is also in line with the Convention: in fact, art. 32 of EU Directive 95/2011 provides for the principle of equal treatment in access to housing between beneficiaries of international protection and third countries citizens who are legally residing in their territories.

National legislation on this subject is even clearer: art. 29 paragraph 3-ter of Legislative Decree 19 November 2007, n. 251, provides that "Access to housing benefits provided for in Article 40, paragraph 6, of Legislative Decree 25 July 1998, no. 286, is open to beneficiaries of refugee status and of subsidiary protection, on equal terms with Italian citizens". The right to access housing support measures is therefore among those rights for which the Italian legal system provides for equal treatment between refugees and Italian citizens.¹⁵¹³

Consistent with the relevance of the issue, housing integration is addressed by the National Integration Plan for beneficiaries of international protection, the most important institutional policy document on the issue of refugee integration in recent years, published by the Ministry of the Interior in 2017. This document identifies access to housing as one of the priority interventions.¹⁵¹⁴

However, some structural characteristics of the Italian housing system limit its responsiveness to the needs of beneficiaries of international protection. According to a study from 2019, the share of public housing appeared to be low: in the last thirty years, public housing has steadily represented between 5 and 6% of the overall housing market. In absolute terms, the public housing stock is estimated at around 800,000 units, with a capacity of nearly two million people, with 650,000 applications pending housing allocation in municipal rankings. Furthermore, in many cases the criteria for the allocation of public housing is disadvantageous for many immigrants, even when they have a very low income, as a minimum seniority of residence is required: this criterion can exclude all those beneficiaries of international protection who have been residing in Italy for a shorter time.¹⁵¹⁵

In Italy, people with no income or with an income that does not allow them to buy a house or to pay rent can ask their Municipality to access publicly owned housing (commonly called "social housing"), within Public Residential Housing ("Edilizia Residenziale Pubblica", or ERP). Regions have the power to issue laws that regulate access criteria and distribution of economic resources. Municipalities are responsible for issuing calls for tenders for the submission of access applications and for selecting people to whom housing is assigned.¹⁵¹⁶

The possibility of competing for the allocation of housing is given to Italian citizens, citizens of an EU member state, as well as foreign citizens legally residing in Italy, either with an EU residence permit for long-term residents or with a two-year permit at least. Beneficiaries of international protection are treated on the same footing as Italian citizens regarding access to public housing: they can always apply, and they cannot be asked to meet additional or different requirements than those provided for Italian citizens.

¹⁵¹³ Article 29 Qualification Decree; Article 40(6) TUI; UNHCR, ASGI and SUNIA, The refugee house - Guide to housing autonomy for beneficiaries of international protection in Italy, February 2021, available at: <https://bit.ly/3weRsMI>.

¹⁵¹⁴ Ministry of the Interior, National Integration Plan for beneficiaries of international protection, 2017, available at: <https://bit.ly/34PTS99>.

¹⁵¹⁵ Colombo, F., Housing autonomy of applicants and beneficiaries of international protection in Italy, University of Urbino Carlo Bo, DESP - Department of Economics, Society, Politics, 2019, available at: <https://bit.ly/3ifGKgZ>.

¹⁵¹⁶ UNHCR, ASGI and SUNIA, The refugee house - Guide to housing autonomy for beneficiaries of international protection in Italy, February 2021, available at: <https://bit.ly/3weRsMI>.

Application requirements vary among regions, and sometimes even among Municipalities within the same Region. Some Regions have specific scores for refugees. In general terms, criteria can be: maximum income (normally measured through ISEE), non-ownership of housing, residence in the Municipality where the application is submitted, no previous allocation of public residential housing, no illegal occupations.¹⁵¹⁷

When calls to access residential housing, published by locally responsible Municipalities, are closed, applications duly complying with the call's requirements are given scores for ranking purposes. The methods of giving scores vary depending on Regions and Municipalities. Scores can be attributed for income, family composition, seniority of residence, overcrowding, cohabitation with other families, presence of severely disabled persons within the family, inadequate or unhygienic accommodation, expulsion or eviction decisions, and newly-formed family units. The Municipality publishes the provisional ranking with the indication of the deadline by which any appeals can be filed for scoring mistakes. The final ranking is then published, and available accommodation is assigned on its basis.¹⁵¹⁸

Numerous regional laws provide that only those individuals who do not own a property in any country in the world or, at least, in their country of origin can access public housing. This limitation entails discrimination to the extent that the Region (or the Municipality) only asks non-EU citizens for documents issued by a competent authority in the country of origin to certify the absence of real estate in that country. In any case, beneficiaries of international protection cannot contact the authorities in their countries, so they are not required to provide evidence regarding real estate property in the country of origin.¹⁵¹⁹

The procedure to access social housing is regulated by regional provisions and Municipalities' administrative acts. Among the documents necessary to access the application procedure, some Regions require documents translated and certified by the Italian Embassy, attesting the absence of real estate properties abroad or in the country of origin. Beneficiaries of international protection cannot be asked for this documentation, as stateless citizens or political refugees are treated on equal footing with Italian citizens. This means that, for the purposes of assessing their economic circumstances, there is no need to submit declarations issued by Embassies or Consulates, since only income and assets potentially held in Italy must be taken into account and, if existent, be self-certified, as is required of Italian citizens. In any case, two judgments of the Court of Milan in 2020 established that requesting the above documents to all non-EU citizens is discriminatory. As a further requirement to access the public housing application procedure, some Regions and Municipalities require prolonged residence or work activity in the area for a few years. The regional law of Lombardy, which required 5 years of residence and was particularly disadvantageous for foreign citizens, was declared unlawful by the Constitutional Court, and therefore repealed. Moreover, with judgement no. 9/2021, the Constitutional Court established that the seniority of residence cannot be included among the criteria for attributing a higher score for the assignment of public housing because it does not determine a condition of greater need.¹⁵²⁰ In the same judgement, the Constitutional Court declared that the requirement of legalised documents attesting the absence of real estate properties abroad or in the country of origin represent a discriminatory provision, contrary to Article 3 of the Italian Constitution.

The Constitutional Court, with judgement no. 67/2024, reiterated that the requirement of seniority of residence is not legitimate, this time regarding the regional law of Veneto which, required 5 years of previous residence to access the public housing system.

¹⁵¹⁷ UNHCR, ASGI and SUNIA, The refugee house - Guide to housing autonomy for beneficiaries of international protection in Italy, February 2021, available at: <https://bit.ly/3weRsMI>.

¹⁵¹⁸ Ibid.

¹⁵¹⁹ Ibid.

¹⁵²⁰ Ibid.

E. Employment and education

1. Access to the labour market

The residence permit issued to refugees and beneficiaries of subsidiary protection enables them to have access to work and to public employment, the only limitation being positions involving the exercise of public authority or responsibility for safeguarding the general interests of the State. However, the Code of Navigation establishes that the enrolment of cadets, students and trainees is reserved only for EU or Italian citizens, a rule that appears discriminatory.¹⁵²¹

Beneficiaries are entitled to the same treatment as Italian citizens with regard to employment, self-employment, registration with professional associations, professional training, including refresher courses, on-the-job training and services provided by employment centres.

According to the law, the Prefects, in agreement with the Municipalities, promote initiatives for the voluntary involvement of applicants and beneficiaries of international protection in activities of social utility in favour of local communities. The activities are unpaid, and relevant projects are financed through EU funds.¹⁵²²

A 2021 study based on 17 interviews with beneficiaries of international protection outside Italy's reception system found that job prospects depend less on prior skills or qualifications than on social networks and family economic obligations. Those under strong pressure to support their families tend to rely on quickly-activated community networks (often compatriots met in Libya or reception centres) to find work fast, frequently accepting informal or illegal jobs, or moving to other European countries—while showing little interest in building ties with locals or learning Italian. Those with fewer economic obligations (typically younger, without dependents) are more likely to pursue paths involving local networks, internships, or social contacts through activities like sport, even with lower income. However, this openness to integration does not necessarily translate into a desire to remain in Italy: only one interviewee expressed willingness to stay, while all others planned to return home.¹⁵²³

In January 2024, the Welcome-in-one-click platform, created by UNHCR in collaboration with the Adecco Foundation, was launched online, to facilitate refugees and asylum applicants' access to the job market. The platform is linked to the Welcome program "Working for refugee integration", created by UNHCR in 2017 with the aim of promoting the work integration of refugee people. As of January 2024, UNHCR had involved around 700 companies in the Welcome program and promoted around 30,000 work inclusion paths.¹⁵²⁴

2. Access to education

According to the law, minors present in Italy have the right to education regardless of their legal status. They are subject to compulsory education, and they are enrolled in Italian schools under the conditions provided for Italian minors. Enrolment may be requested at any time during the school year.¹⁵²⁵

The law distinguishes between minors under the age of 16 and over 16.

- ❖ Minors under 16 are subject to compulsory education and they are enrolled in a grade corresponding to their actual age. Taking into account the curriculum followed by the pupil in the country of origin and his or her skills, the Teachers' Board can decide otherwise, providing the assignment to the class immediately below or above the one corresponding to the minor's age.¹⁵²⁶

¹⁵²¹ Article 119 Navigation Code.

¹⁵²² Article 22-bis Reception Decree, as amended by Article 8 Decree Law 13/2017 and L 46/2017, amended by L 173/2020 in order to include asylum seekers.

¹⁵²³ Rapporto di ricerca "Rifugiati al lavoro - Quali reti? Quali politiche?", IRES Piemonte, December 2021, available at: <https://bit.ly/3MBXhZg>.

¹⁵²⁴ See Integrazione migranti, 24 January 2024, available at: <https://acesse.dev/4mFwc>.

¹⁵²⁵ Article 38 TUI; Article 45 PD 394/1999.

¹⁵²⁶ Article 45(2) PD 394/1999.

- ❖ Minors over 16 and no longer subject to compulsory education are enrolled if they prove proper self-preparation on the entire prescribed programme for the class they wish to follow.¹⁵²⁷

Current legislation does not allow the establishment of special classes for foreign students and the Circular of the Ministry of Education of 8 January 2010 maintains that the number of non-nationals in school classes should be limited to 30%.

Schools are not obliged to provide specific language support for non-national students but, according to the law, the Teachers' Board defines, in relation to the level of competence of foreign students, the necessary adaptation of curricula and can adopt specific individualised or group interventions to facilitate learning of the Italian language.

As underlined by the Ministry of Education in guidelines issued in February 2014, special attention should be paid to Italian language labs. The Ministry observes that an effective intervention should provide about 8-10 hours per week dedicated to Italian language labs (about 2 hours per day) for a duration of 3-4 months.¹⁵²⁸

The Qualification Decree also specifies that minors holding refugee status or subsidiary protection status have access to education of all levels, under the same procedures provided for Italian citizens,¹⁵²⁹ while adult beneficiaries have the right of access to education under the conditions provided for the other third-country nationals.

International protection beneficiaries can require the recognition of the equivalence of the education qualifications.

Paragraph 3-bis of Art. 26 of the Qualification Decree provides that: "to recognise professional qualifications, diplomas, certificates and other qualifications obtained by refugees or beneficiaries of subsidiary protection abroad, competent authorities shall identify appropriate systems of assessment, validation and accreditation allowing for the recognition of qualifications under Art. 49 of Decree of the President of the Republic No. 394 of 31 August, 1999, even when the country where the degree was obtained will not issue a certification, provided that the person concerned will prove his/her impossibility to acquire such certification".¹⁵³⁰

The General Direction for students, development and higher education internationalisation of the Ministry for Education, University and Research, inside its "Procedures for entry, residency and enrolment of international students and the respective recognition of qualifications, for higher education courses in Italy" has invited Italian higher education institutions to "recognise cycles and periods of study conducted abroad and foreign study qualifications, with a view to entering higher education, proceeding with university studies and obtaining Italian university qualifications (Art. 2 Law 148/2002)" and "to make all necessary efforts to introduce internal procedures and mechanisms to evaluate refugee and subsidiary protection holder qualifications, even in cases where all or part of the relative documents certifying the qualifications are missing".¹⁵³¹

Despite the above mentioned normative having the potential to have a significant and positive impact on the integration of beneficiaries of international protection, until recently such provision has been implemented only on an occasional basis, mostly by single universities that have autonomously recognised qualifications even in the absence of original certificates.

¹⁵²⁷ Article 192(3) LD 297/1994.

¹⁵²⁸ For more information, see ASGI, *Minori stranieri e diritto all'istruzione e alla formazione professionale. Sintesi della normativa vigente e delle indicazioni ministeriali*, ASGI, March 2014, available at <http://bit.ly/2kHi5Sf>.

¹⁵²⁹ Article 26 Qualification Decree.

¹⁵³⁰ Article 26 Qualification Decree.

¹⁵³¹ Information Centre on Academic Mobility and Equivalence (Cimea), Recognition of qualifications held by refugees, available at: <https://bit.ly/3ljdxjf>.

In 2017, the Council of Europe launched the European Qualifications Passport for Refugees (EQPR) through a pilot project involving four countries, including Italy, as well as the UNHCR. The purpose of the EQPR is to provide a methodology for assessing refugees' qualifications even when these cannot be fully documented and to have the assessment accepted across borders and to assess refugees' qualifications—even without full documentation—through a structured interview and available evidence, and having that assessment recognised across borders. In Italy, it has mainly served to facilitate access to higher education: 143 interviews have been conducted, resulting in 49 EQPR holders currently enrolled in Italian universities. This outcome stems from a coordinated system involving the Ministry of University and Research, CIMEA (the Italian ENIC), and 34 higher education institutions under the National Coordination for the Evaluation of Refugee Qualifications (CNVQR).¹⁵³²

In 2025 the Council of Europe conducted a [survey](#) on the use of the EQPR among EQPR holders, gathering responses from 336 passport holders representing more than 40 nationalities. The results of the survey are available on the Council of Europe website.¹⁵³³

F. Social welfare

Article 27 of the Qualification Decree specifies that beneficiaries of international protection are entitled to equal treatment with Italian citizens in the area of health care and social security.¹⁵³⁴

Social security contributions in Italy are mainly provided by the National Institute of Social Security (*Istituto Nazionale di Previdenza Sociale*, INPS), the National Institute for Insurance against Accidents at Work (*Istituto Nazionale Assicurazione Infortuni sul Lavoro*, INAIL), municipalities and regions.

The provision of social welfare is not conditioned on residence in a specific region but in some cases is subject to a minimum residence requirement on the national territory. This is namely the case for income support (*Reddito di Cittadinanza*), to be paid from 1 April 2019, which is subject to 10 years of residence on the national territory out of which at least 2 years' uninterrupted residence.¹⁵³⁵

This can entail serious obstacles for beneficiaries of international protection in practice, due to the difficulties in obtaining housing after leaving the reception system.

The CJEU ruled in C-462/20 that it is contrary to EU law to give different rights to citizens and beneficiaries of international protection. The case concerned family discount cards in Italy that can be used to obtain reduced rates on goods and services, but the cards are not provided to beneficiaries.¹⁵³⁶

From 1 January 2024, income support has been substituted with different social welfare provisions called “inclusion income” (*Reddito di inclusione*) and “support income for training and work” (*Supporto per la formazione e il lavoro*). Beneficiaries of international protection have access to both provisions if they can give proof of having 5 years of previous residence in Italy. Statistics show that these two provisions do not work equally for Italian and foreign families, but they exclude foreign families to a greater extent, with discriminatory effects: although the incidence of absolute poverty for foreign families (or families with foreign members) is almost six times higher than that of Italian-only families, only 9.5% of the families benefitting from the inclusion income and 6.9% of the people who received the support income for training and work in May 2024 were foreigners.¹⁵³⁷

¹⁵³² University World News, Opening up education opportunities for refugee scholars, 27 March 2021, available at: <https://bit.ly/363MZBD>; Council of Europe (CoE), European Qualifications Passport for Refugees, <https://www.coe.int/en/web/education/recognition-of-refugees-qualifications>; ASGI, Recognition of academic and employment qualifications of refugees, 27 January 2020, available at: <https://bit.ly/3u3DFpi>.

¹⁵³³ Available at: <https://bitly.cx/vcbGk>.

¹⁵³⁴ Article 27 Qualification Decree.

¹⁵³⁵ Article 2(1)(a)(2) Decree Law 4/2019.

¹⁵³⁶ EUAA, Annual Asylum Report (2022), available at: <https://bit.ly/43bVK4W>, 55.

¹⁵³⁷ Available at <https://bitly.cx/5tXFY>.

G. Health care

Article 27 of the Qualification Decree specifies that beneficiaries of international protection are entitled to equal treatment with Italian citizens in the area of health care and social security.

Like asylum applicants, beneficiaries of international protection have to register with the National Health Service.¹⁵³⁸ They have equal treatment and full equality of rights and duties as Italian nationals concerning the obligation to pay contributions and the assistance provided in Italy by the National Health Service. Registration is valid for the duration of the residence permit, and it does not expire in the renewal phase of the residence permit.¹⁵³⁹

1. Contribution to health spending

Beneficiaries of international protection and national protection (humanitarian/special), similarly to applicants for international protection, are obliged to register with the National Health Service and are entitled to equal treatment and full equality of rights and duties compared to Italian citizens both with regard to the obligation to contribute and to the assistance provided in Italy by the NHS and its temporal validity (art. 34 of TUI). On the subject of exemption, of particular relevance is what is provided for by art. 17(4) of the Reception Conditions Directive, transposed in Italy by the Reception Decree, pursuant to which "*member States may oblige applicants to bear or contribute to the costs of the material reception conditions and health care provided for in this Directive, if the applicants have sufficient resources, for example where they have been employed for a reasonable period of time*". Despite this, access to health care for beneficiaries of international protection varies greatly across regions. The main differences and difficulties are found with reference to the exemption from the cost-sharing of healthcare costs. Only some regions, among which Friuli-Venezia Giulia and Apulia, currently extend the exemption until the beneficiaries of international and national protection find a job.¹⁵⁴⁰

Following the adoption of DL 150/2015 distinctions can no longer be made between the unemployed and the inactive about the granting of the right to exemption from participation in health care costs. After ASGI and other NGOs urged the Ministry of Health to implement Article 17(4) of the recast Reception Conditions Directive and to put in place policies guaranteeing effective access to healthcare, the Ministry of Health responded that it had engaged the Ministry of the Economy and the Ministry of Labour and Social Policies in order to obtain a uniform interpretation of these regulations.¹⁵⁴¹

While waiting for the Government to take an official position on the matter, from 2017 to 2022 different Courts and Courts of Appeal repeatedly reaffirmed the right to exemption from healthcare spending for unemployed refugees, unanimously reiterated that the distinction between inactive and unemployed is not applicable for purposes of accessing health care services.¹⁵⁴²

On 19 July 2022, the Council of State (the Upper administrative Court in Italy), replying to the request submitted by the Ministry of Health, expressed the opinion that, following the repeal of Legislative Decree 181/2000, the distinction between unemployed and inactive people for the purposes of exemption from participation in health care costs is to be considered obsolete.¹⁵⁴³

¹⁵³⁸ Article 34 TUI; Article 16 PD 21/2015; Article 21 Reception Decree.

¹⁵³⁹ Article 42 PD 394/1999.

¹⁵⁴⁰ SAI and ASGI, Legal Handbook for Workers - International protection and other forms of protection, July 2019, available at: <https://bit.ly/3u0wRZA>.

¹⁵⁴¹ Article 19 LD 150/2015 states that "unemployed" are workers who declare, in electronic form, their immediate availability to exercise work activities.

¹⁵⁴² Civil Court of Rome, Decision 33627/16, 17 February 2017, available at: <http://bit.ly/2nIv0HF>; Civil Court of Rome, Decision 5034/2018, 13 June 2018; Court of Appeal of Venice, Decision 15/2020 of 27 April 2020; Civil Court of Milan, Decision 5688/2019, 18 July 2019, available in Italian at: <https://bit.ly/34SqYFm>; Civil Court of Milan, Decision 3568/2019, 21 May 2019, available in Italian at: <https://bit.ly/3u4mcNA>.

¹⁵⁴³ Council of State, opinion published on 19 July 2022, available at: bit.ly/40byAK4

Moreover, on 12 January 2023, on a case brought by ASGI and Emergency, the Civil Court of Milan ascertained the discriminatory conduct of the Lombardy region which, like other regions, distinguishes, for the purposes of exemption, between the unemployed and the inactive. This particularly affects asylum applicants and refugees who, compared to other categories of foreigners, have been staying in the territory for less time and, in most cases, have not had previous working relationships before enrolling in the national health service. The Court acknowledged, with specific reference to the category of asylum applicants, how it is "obvious that an asylum applicant cannot claim a previous employment relationship in Italy, especially because, pursuant to art. 22 of Legislative Decree no. 142/2015, asylum applicants can carry out working activities only after 60 days from the request for the relevant residence permit".¹⁵⁴⁴

2. Specialised treatment

To implement Article 27(1-bis) of the Qualification Decree, the Ministry of Health published on 22 March 2017 the Guidelines for the planning of assistance and rehabilitation as well as for treatment of psychological disorders of refugees and beneficiaries of international protection victims of torture, rape or other serious forms of psychological, physical or sexual violence.¹⁵⁴⁵ The Guidelines explicitly specify that also applicants for international protection are entitled to specialised assistance and rehabilitation.

The Guidelines emphasise the importance of early identification of these vulnerable cases in order to provide probative support for the application for international protection, to direct the person to appropriate reception facilities and towards a path of protection even after that international protection has been granted, but also to provide for rehabilitation and assistance. According to the guidelines, the recognition of a traumatic experience is the first step towards rehabilitation. The work of multidisciplinary teams and the synergy of local health services with all those who, for various reasons, come in contact with beneficiaries of international protection or applicants for international protection - reception operators, educators, lawyers - is considered crucial in these cases.

The Guidelines highlight the importance of early detection of such vulnerable cases in order to provide probative support for the international protection application, to direct the person to appropriate reception facilities and to a path of protection even after the grant of protection, but also to provide for rehabilitation itself. According to the Guidelines, the recognition of a traumatic experience is the first step for rehabilitation. The work of multidisciplinary teams and the synergy of local health services with all those who in various ways encounter protection holders or asylum applicants – reception operators, educators, lawyers – is deemed decisive in these cases.

According to the Guidelines, the medical certification, to be understood not as a merely technical act but as the result of a network collaboration, must follow the standards set out by the Istanbul Protocol and maintain maximum impartiality, assessing the consistency of the person's statements with the examination findings without expressing any judgment on the truthfulness of the individual's narrative. The Guidelines also propose templates of health certificates to be adopted in cases of torture, trauma, psychiatric or psychological disorders and propose the use of the final formulas suggested by the Istanbul Protocol: evaluation of non-compatibility, compatibility, high compatibility, typicality, specificity.

Five years after the guidelines' publication, the required activation by each local health authority of a multidisciplinary therapeutic and assistance program - the cornerstone of the assistance and rehabilitation of torture victims - has, however, remained a dead letter: the few services that already existed have barely managed to continue operating, and little to no new ones have been created.

In October 2023, the Regions of Emilia - Romagna, Lazio, Tuscany and Sicily created a training program, co-funded by the Asylum, Migration and Integration Fund of the European Union, aimed at improving the competences of healthcare professional employed in the public healthcare system and in refugees' and

¹⁵⁴⁴ Civil Court of Milan, decision of 12 January 2023, available at: bit.ly/3LwUuDr.

¹⁵⁴⁵ Ministry of Health, Linee guida per la programmazione degli interventi di assistenza e riabilitazione nonché per il trattamento dei disturbi psichici dei titolari dello status di rifugiato e dello status di protezione sussidiaria che hanno subito torture, stupri o altre forme gravi di violenza psicologica, fisica o sessuale, 22 March 2017, available in Italian at: <http://bit.ly/2EalNAY>.

asylum applicants' hosting programs, especially concerning the forensic certifications for victims of torture¹⁵⁴⁶

From 2022 to 2023 in the Veneto region the SPIRNET project was active, funded by the Asylum, Migration and Integration Fund of the European Union. It was aimed specifically at identifying and taking care of asylum applicants and refugees affected by severe psychological distress. The partners were Prefectures, Municipalities, and local health authorities (ASLs).¹⁵⁴⁷

On 1 August 2024 the Ministry of Interior published the definitive list of projects for "Protection of health for vulnerable asylum applicants and holders of international protection" funded by the Asylum, migration and integration fund (FAMI - Fondo Asilo, migrazione e integrazione 2021 - 2027; the SPIRNET project received new funds and in total 17 projects received funding. The projects aim at implementing assistance for the mental health of asylum applicants and beneficiaries of international protection, defined as "a population at high risk of developing psychopathological syndromes due to the frequent incidence of stressful or traumatic experiences".¹⁵⁴⁸

¹⁵⁴⁶ Program available in Italian at: <https://bitly.cx/cABp>.

¹⁵⁴⁷ Overview of the project available in Italian at: <https://bit.ly/3UGXm3o>.

¹⁵⁴⁸ List of projects available at <https://bitly.cx/kw1Kj>.

ANNEX I – EU Pact on Migration and Asylum

DL no. 100/2026, which entered into force on 12 June 2026, introduces urgent measures to implement the EU Pact on Migration and Asylum. The following paragraphs provide a summary of some changes introduced.

Asylum procedures

- Statement regarding the rules on deadlines of the procedure as laid down in the Asylum Procedure Regulation (APR), while not expressly mentioning time limits.¹⁵⁴⁹
- Decisions should be taken within 8 months under the ordinary procedure or 4 months under the accelerated procedure.
- An asylum application will now be considered implicitly withdrawn in cases stated in Article 41 APR.¹⁵⁵⁰
- No measure to suspend a withdrawal decision is provided, although Article 41(4) APR leaves Member States the option of providing for such a measure.
- The possibility provided for in Article 41(5) APR is introduced into national law, so that the Territorial Commission will reject an asylum application as unfounded or as manifestly unfounded where, at the stage that the application is implicitly withdrawn, it already found that the applicant does not qualify for international protection pursuant to Regulation (EU) 2024/1347.
- The possibility provided for in Article 39(4) APR is also introduced: an application can now be deemed “manifestly unfounded” when conditions laid down by Article 42 (1) and (3) APR apply.
- Regarding subsequent applications as a ground for inadmissibility, the relevant legislation now recalls the rules laid down in Article 38(2) APR.
- As of June 2026, Dublin provisions have not been changed in transposing the EU Pact.
- As a transitional period: administrative or judicial proceedings initiated following the submission of an application for international protection prior to 12 June 2026, the prior legal regime shall continue to apply until the conclusion of said proceedings.¹⁵⁵¹

Border procedures

Border procedure rules have been significantly amended.

- The border and transit zones for the purpose of conducting the accelerated border procedure shall be designated by Mol decree.¹⁵⁵²
- In order to ensure the carrying out of the accelerated procedures at the border, one or more sections may be established at each Territorial Commission, up to a maximum of twenty-four (in addition to the 30 envisaged in the event of an exceptional increase in asylum applications as provided for in Article 4(2 bis) Procedure Decree).¹⁵⁵³
- While the previous legislation explicitly provided for the exclusion of vulnerable persons from the border procedure, now accelerated procedures will also apply to vulnerable persons, following an individual assessment conducted in accordance with guidelines drawn up by the Ministry of the Interior, in collaboration with other competent authorities and relevant organizations, provided that the necessary support can be offered to the applicants in question.¹⁵⁵⁴
- In accordance with the time limits laid down in Articles 51 and 73 APR, where an application is subject to the accelerated border procedure, the competent Territorial Commission must examine the application and adopt and notify its decision within four weeks.¹⁵⁵⁵

¹⁵⁴⁹ Article 11 Decree Law 100/2026 amending Article 26 of the Procedure Decree and introducing Article 26 bis, 26 ter of the Procedure Decree

¹⁵⁵⁰ According to Article 11 (1, f) of DL no. 100/2026.

¹⁵⁵¹ Article 17 DL 100/2026 of 12 June 2026

¹⁵⁵² Article 28 bis Procedure Decree.

¹⁵⁵³ Article 4 (2 ter) Procedure Decree as amended by DL 100/2026.

¹⁵⁵⁴ Article 28 (2) Procedure Decree which recalls Article 53 (2 b) c) and d) of the Regulation Procedure.

¹⁵⁵⁵ Article 28 bis.1 Procedure Decree introduced by DL 100/2026.

A Mol circular note dated 8 May 2026 divided border areas where border procedure applies into “Air border areas” and “Maritime border areas”. However, immediately after 12 June 2026, the border police of Trieste (included in the maritime border areas) started to apply the border procedure to asylum applicants crossing the internal land border between Italy and Slovenia.

On 27 June 2026, the Civil Court of Palermo suspended the enforceability of the 12-week residence obligation order under Article 5-ter of Reception Decree and Article 54 of Regulation (EU) 1348/2024, imposed upon an asylum seeker placed in the accelerated border procedure and accommodated at Villa Sikania (Agrigento). The person had arrived in Lampedusa on 14 June 2026, where he applied for asylum and underwent screening on 15 June, which was completed the same day. The screening report mentioned a referral to the anti-trafficking authority. The border procedure was nevertheless applied, together with the residence obligation at the Villa Sikania centre in Agrigento. ASGI lawyers filed an appeal under Article 5-quinquies of Reception decree, arguing that the information obligations in relation to both the decision and the authorisation to stay had been breached since both were drafted only in Italian and did not mention the consequences of breaching the residence authorisation. They also argued that the place of mandatory residence was unsuitable in light of the vulnerabilities identified during screening. The court upheld the interim request, noting in particular that the applicant’s vulnerability, already apparent during the screening stage, had not been properly taken into account, and stressing the serious impact of the measure, which directly affects the applicant’s personal liberty and his freedom of movement.¹⁵⁵⁶

Appeals

- As a transitional period: administrative or judicial proceedings initiated following the submission of an application for international protection prior to 12 June 2026, the prior legal regime shall continue to apply until the conclusion of said proceedings.¹⁵⁵⁷
- Appeals must be lodged within 30 calendar days from the notification of the first instance decision, or within 60 days if the person stays abroad.
- In cases where the accelerated procedure of Article 67(7)(a) APR applies, the appeal must be lodged within 7 days.¹⁵⁵⁸
- A new time limit of 5 days is introduced to appeal decisions in the border procedure, except where the applicant is an unaccompanied minor.¹⁵⁵⁹
- The appeal now will have an automatic suspensive effect, except in cases laid out by Article 68(3) APR.¹⁵⁶⁰ However, the government chose to avail themselves of the possibility laid down in Article 56 and 68(6) APR not to allow asylum applicants to stay on the territory during the appeal in case of:
 - First subsequent applications lodged merely in order to delay or frustrate the enforcement of a decision which would result in the applicant’s imminent removal from that Member State (article 56 APR).
 - A second or further subsequent application made in any Member State following a final decision rejecting a previous subsequent application as inadmissible or unfounded or manifestly unfounded (article 56 APR).
 - In cases of subsequent applications if the appeal is considered to have been lodged merely in order to delay or frustrate the enforcement of a return decision which would result in the applicant’s imminent removal from the Member State (Article 68(6) APR).¹⁵⁶¹
- The Civil Court can either reject the appeal or grant a form of protection to the asylum applicant.

¹⁵⁵⁶ Civil Court of Palermo, interim decision of 27 June 2026.

¹⁵⁵⁷ Article 17 DL 100/2026 of 12 June 2026

¹⁵⁵⁸ Article 35 bis of the Procedure Decree as amended by DL 100/2026.

¹⁵⁵⁹ Article 35 ter Procedure decree as amended by DL 100/2026.

¹⁵⁶⁰ Article 35 bis Procedure Decree, as amended by DI 100/2026

¹⁵⁶¹ Article 35 bis (5) as amended by DL 100/2026.

ANNEX II – Transposition of the CEAS in national legislation

Directives and other CEAS measures transposed into national legislation

Directive	Deadline for transposition	Date of transposition	Official title of corresponding act	Web Link
Directive 2011/95/EU Recast Qualification Directive	21 December 2013	21 February 2014	Legislative Decree of 21 February 2014, no. 18	
Directive 2013/32/EU Recast Asylum Procedures Directive	20 July 2015	18 August 2015	Legislative Decree 18 August 2015, no. 142	
Directive 2013/33/EU Recast Reception Conditions Directive	20 July 2015	18 August 2015	Legislative Decree 18 August 2015, no. 142	
Regulation (EU) No 604/2013 Dublin III Regulation	Directly applicable 20 July 2013		Decree Law no. 13 of 17 February 2017 ruled the appeal procedure against the transfer measures issued by the Dublin unit (Article 27 of the Dublin III Regulation) by amending Article 3 of the Procedure Decree LD 25/2008	

The following section contains an overview of incompatibilities in transposition of the CEAS in national legislation:

Directive	Provision	Domestic law provision	Non-transposition or incorrect transposition
Directive 2011/95/EU Recast Qualification Directive	Article 16	Article 15 (2 - ter) Qualification Decree	According to Article 15 (2 ter) any return to the country of origin is relevant for cessation of subsidiary protection, if not justified by serious and proven reasons. This relevance is not accorded by the Recast Qualification Directive
Directive 2013/32/EU Recast Asylum Procedures Directive	Article 40 Article 41 and Article 46 (5) (6) and (8) Articles 43 and 31 (8)	Article 29 bis Procedure Decree Article 35 bis (5) Procedure Decree Article 28 bis (1 ter) Procedure Decree	Article 29 bis allows to automatically avoid the exam of the subsequent asylum application in cases not included in the Procedures Directive Need to leave the national territory after inadmissibility decision issued on a first subsequent application: Article 41 of Directive 2013/32 / EU does not include this hypothesis in cases where it is not possible to await on the national territory the judge's decision on the suspension request. Article 46 states the right to an effective remedy does not exclude the right to await the decision on the request for suspension in these cases. Border procedure: the attempt to evade border controls is not included in the acceleration grounds laid down in Article 31(8) of the Directive which could lead to the application of a border procedure. Also, the requirement of Article 43 of the Directive to allow the applicant to enter the territory if the determining authority has not taken a decision within 4 weeks has not been incorporated in the Procedure Decree. In case of asylum applicants coming from a safe country of origin, the decision rejecting the application is based on the fact that the person concerned has not shown that there are serious reasons to believe that the designated safe country of origin is not safe in relation to his or her particular situation. The law allows TC not to motivate the reasons of rejections but to only refer to the country of origin

	Article 11 (2)	Article 9(2-bis) Procedure Decree	According to ASGI, the law transposing the rule concerning the implicit withdrawal of an application set out in Article 28 of Directive 2013/32/EU is not a correct implementation of art. 28 (2a) and 2b). This can be argued considering the whole procedure in Italy and in particular two aspects: first, the information included in the C3 (lodging of asylum application) should not allow to issue a rejection decision, as it is not sufficient to carry out an adequate examination of the case on its merits. Second, as the law makes no reference to a reasonable time limit or to the reasonable times required by the Directive to consider the application as implicitly withdrawn.
	Article 28 (2 a) and b)	Article 23 bis Procedure Decree	
Directive 2013/33/EU Recast Reception Conditions Directive	Article 20 (1)	Article 23 Reception Decree	The law generally provides for the withdrawal of reception conditions without any progression and proportion to the contested behaviour. Also, the Italian law does not oblige authorities to ascertain, before issuing the withdrawal decision, that the asylum applicant can maintain dignified standards of living (Article 20 (5) of the Directive)
	Article 20 (4)		
	Article 20 (5) and (6)		
	Article 8 (1) and (3)	Article 6 (3 bis) Reception Decree	The law allowing detention of asylum applicants for identification purposes does not specify in which cases the need for identification arises, thus linking detention not to the conduct of the applicant but to an objective circumstance such as the lack of identity documents. According to ASGI, the new detention ground represents a violation of the prohibition on detention of asylum applicants for the sole purpose of examining their application under Article 8(1) of the recast Reception Conditions Directive. Additionally, it seems to violate Article 8(3) of the recast Reception Conditions Directive, according to which the grounds for detention shall be laid down in national law.

	Article 20 (2)	Article 1 (2 bis) Reception Decree.	Law 187/2024 modified the Reception Decree introducing a hypothesis of exclusion from reception measures for those who, without justified reason, apply for asylum after 90 days of entering Italy. Even if the rule recalls art. 20 of the Reception Directive, it does not respect its content since while the Directive provides for a mere hypothesis of reduction of reception measures, the rule regulates the exclusion from reception measures.
--	----------------	-------------------------------------	---