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DANISH REFUGEE COUNCIL
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Berne, 22 April 2016

Situation of Dublin returnees in Italy

Dear Ms. Vester Kofoed,

Thank you for your request regarding the situation of Dublin-returnees in Italy.

A delegation of the Swiss Refugee Council (OSAR) was on a fact-finding mission in Italy in the beginning of March 2016. The focus of the mission was to clarify the situation and the reception conditions for Dublin-returnees in Italy, mainly in Rome and Milano, where the majority of the persons transferred under the Dublin-III-Regulation are transferred to.

Hence it is too soon for us to quote interview-partners or to give a conclusion regarding the reception conditions for Dublin-returnees in Italy. What we can offer you is to provide some information about the impressions we got during the fact-finding mission.

Since our information about the situation of Dublin returnees in Milano seems to be inconsistent and insufficient, we'll not yet be able to give you a conclusion about the situation of persons transferred to the airport of Milano. For concrete information about the situation at Malpensa airport we'll have to refer to our report. The following information refers to the situation in Rome.

Please note that our fact-finding mission took place at the end of winter time, the numbers of sea arrivals were very low. As the reception situation is linked to the number of arrivals, these numbers have to be taken into account.

Under the reservations mentioned we are happy to share the following information with you:

General comments

Dublin-returnees landing at the Rome airport (Fiumicino) should be assisted by the present NGO with legal and practical advice. Every person returned under the Dublin regulation has access to the service of the present NGO, but the NGO working there is not informed which persons have actually been transferred, therefore they are not able to know if their service reached all of the persons arrived. However, as the responsible organization has just recently changed, there is no experience yet regarding the assistance this new organization actually provides.

It seems that people staying in the airport for some nights is nothing unusual, especially if someone arrives on or just before a weekend.

What seems to be a significant problem is the lack of coordination by the Italian authorities which can lead to confusion and problems regarding the procedure and consequently the reception situation.

1) Does the Swiss Refugee Council have any information on Dublin Returnees' access to the SPRAR system when returned from other Member States? Is it possible for families returned to Italy to gain access directly to the SPRAR reception facilities in Italy? If not, what are the available reception facilities for families when returned to Italy from other Member States?

Until last year, FER-projects for persons returning under the Dublin-regulation were running, those expired without replacement in summer 2015.

According to our information, persons transferred to Rome never directly enter the SPRAR system. Neither families nor other Dublin returnees. Currently, Dublin returnees are accommodated in the usual asylum reception system, like other asylum seekers.

The reception conditions depend on the single case and if the person(s) concerned already applied for asylum before in Italy or not. As the second question concerns persons who already applied for asylum before in Italy and therefore already had access to the reception system, this part is focussing on persons who did not apply for asylum in Italy before.

In this case, the asylum application takes place at Fiumicino airport. The access to the reception system is the same than for persons arriving from third states and apply for asylum at the airport.

According to our information, it is not possible to leave the airport without applying for asylum – if not done so before leaving Italy, or if the person does not already have a residence permit (protection status) in Italy. The Migration Office

Police is present in the airport, the asylum request can be made there. The asylum seeker then receives an appointment with the «Questura» of Rome for the formalization («verbalizzazione») of the request at a later stage.

2) Does the Swiss Refugee Council have any information regarding the Italian legislation regarding the available reception facilities for Dublin returnees, who have previously had access to the reception system in Italy? Is it possible for Dublin-returnees, who have previously had access to the Italian reception system to regain access when returned from another Member States?

If someone already applied before for asylum in Italy and therefore had access to the reception system, the same «Questura» will still be responsible for the asylum procedure. In those cases, the NGO at the airport provides a train ticket for the persons to reach the «Questura» responsible. They will not be able to arrange any accommodation as this is also the task of the responsible «Prefettura».

If a person already had access to the reception system and left the center, it can be complicated and take some time to be readmitted in the system as the person loses the right to be accommodated (Article 23, Decree 142/2015 from 18 August 2015). The right to accommodation can be regained by making an appointment at the responsible «Prefettura» and explaining why one has left the center without notification. The «Prefettura» decides if the person regains access to the reception system. Until this decision the person normally has no access to the reception system. The length of this situation varies from region to region and depends on the case, the «Prefettura» and the places available.¹

The report on the current situation of asylum seekers and beneficiaries of protection, in particular Dublin returnees, is expected to be published in June 2016. By then, we will be able to provide you with more particular information about the current situation.

Yours faithfully,

SWISS REFUGEE COUNCIL



Adriana Romer

¹ The Swiss Refugee Council is in contact with couple – the woman is pregnant – returned under Dublin from Switzerland. Until today, they had no access to the reception system, according to them, they live on the street for more than one week now.