



Reception conditions in Italy

Latest developments

Update of the report on the situation of asylum seekers and beneficiaries of protection, in particular Dublin returnees, in Italy from January 2020

Berne/Palermo, 10 June 2021

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1 Introduction

Italy's former Minister for the Interior, Matteo Salvini, has been out of the public eye lately, but the impact of his short-sighted, misanthropic refugee policy still lingers: In early 2020, the Swiss Refugee Council (OSAR) presented a comprehensive report describing in detail the dramatic consequences of the changes to asylum law made in October 2018. Several of these have since been amended on paper and partly revoked by Salvini's successor Luciana Lamorgese, who is not affiliated to any political party. However, this does not resolve the problems that existed before Salvini's time, nor can the status quo ante be quickly restored by a legislative act. It is therefore all the more important to ask how the reception conditions for persons returned to Italy under the Dublin III Regulation or under a readmission agreement are at present and taking into account the COVID-19 pandemic.

OSAR has observed the situation in Italy for some years now. In addition to reports on the reception conditions in Italy, OSAR has published two reports¹ on documented cases of the ongoing *Dublin Returnee Monitoring* project.² The fourth and most recent report³ on reception conditions in Italy contains an extensive description of the Italian asylum and reception system and is referred to here for basic explanations. The report also describes in detail the impact of changes made by Salvini to the law on the asylum system, which was already highly fragmented and under considerable strain. Subject to the amendments by the Lamorgese Decree addressed in this paper, the statements made in the 2020 report are still valid.

For clarifications on the situation in Italy and the Dublin Returnee Monitoring project, OSAR works closely with the association *borderline-europe*⁴, which has observed the situation on Europe's borders since 2007 and also opened an outpost on Sicily in 2009.

To understand the present situation, it is necessary to take a look at the changes to the law made by Matteo Salvini. Keen to deliver on his election promises to lower both the number of migrants in Italy and the costs in the asylum sector, he initiated several amendments to the laws on migration and asylum, which were implemented in 2018 and 2019. The so-called Salvini Decree⁵, adopted on 4 October 2018, was particularly devastating for asylum seekers.

1 Swiss Refugee Council OSAR (Schweizerische Flüchtlingshilfe SFH) and Danish Refugee Council, Is mutual trust enough? – The situation of persons with special reception needs upon return to Italy, 9 February 2017, and Swiss Refugee Council and Danish Refugee Council, Mutual trust is still not enough – The situation of persons with special reception needs transferred to Italy under the Dublin III Regulation, 12 December 2018, both of which can be found at: www.refugeecouncil.ch/publications/dublin-state-situation-reports.

2 The project is still ongoing and is happy to take on new cases. For more information, see www.fluechtlingshilfe.ch/themen/laenderinformationen/dublinlaender-und-sichere-drittstaaten/italien/dublin-returnee-monitoring-project-drmp.

3 OSAR, Reception conditions in Italy – Updated report on the situation of asylum seekers and beneficiaries of protection, in particular Dublin returnees, in Italy, January 2020, www.fluechtlingshilfe.ch/publikationen/dublin-laenderberichte, available in English (original), German and French.

4 www.borderline-europe.de.

5 Legal Decree 113/2018, 4 October 2018.

In the following, we will address the latest amendments to the law by the so-called Lamorgese Decree. References to the Salvini Decree will only be made in cases where its consequences are still palpable and therefore relevant. This applies in particular to cuts to funding for temporary accommodation in first-line reception centres and registration at the civil registry. We need to look into the past in order to understand the problems and deficits that still exist today.

2 Reception system

The Salvini Decree drastically cut funding for reception centres. As a result, accommodation centres have had to close and the services reduced in centres that are still open.

Luciana Lamorgese's Legislative Decree (*decreto legge*) 130/2020 from 21 October 2020, confirmed by Legislation (*legge*) 173/2020 from 18 December 2020, revoked many of the restrictions imposed during the Salvini era. Lamorgese amended the terms for the tendering process for CAS centres (*strutture temporanee*) to provide them with a more secure financial basis. In addition, asylum seekers are again allowed to access the second-line reception system SAI⁶, at least in theory. The integration services offered in these centres distinguish between people with protection status and people whose applications are being processed. However, these two improvements should be treated with caution. We have to wait and see what impact they have. So far, the changes only exist on paper, and there have been no noticeable real improvements.⁷

2.1 Changes as a result of the Lamorgese Decree

2.1.1 First-line reception system

Art. 4 para 1 lit. c of Legislative Decree 130/2020, which amends Art. 10 of Legislative Decree 142/2015, aligns the services provided by emergency first-line reception centres (CAS) to those offered in regular first-line reception centres. To this end, the so-called *Capitolato*⁸, on which tenders for the CAS centres are based, has been modified to include psychological support and Italian language courses. However, this is only a very modest improvement.⁹ Take the specifications for language courses: The number of translation hours for a facility with 100 places corresponds to 1.02 minutes per person per day. That is not enough time for any meaningful discussion with a doctor, lawyer or a psychiatrist or psychologist. The time allowed for legal support in a facility of the same size amounts to 4.2 minutes per

⁶ *Sistema Accoglienza Integrazione* (formerly SIPROIMI, before that SPRAR), www.retesai.it.

⁷ Information from Bordeline Sicilia from 6 May 2021.

⁸ The new *Capitolato* was published on 24 February 2021 and can be found here together with the corresponding addenda: www.interno.gov.it/it/amministrazione-trasparente/bandi-gara-e-contratti/nuovo-schema-capitolato-appalto-fornitura-beni-e-servizi-relativi-alla-gestione-e-funzionamento-dei-centri.

⁹ Art. 14 of Legislative Decree 130/2020 states that the new regulations may not include a spending increase for the state, but that any costs associated with them must be devolved to the local authorities.

person per week, or 16 minutes per month. Under these conditions, adequate legal consultation is impossible.¹⁰ It would therefore be wrong to assume that the situation has been restored to how it was before Salvini (having said that, the first-line reception centres were also previously criticized and their quality varied considerably¹¹).

A further problem is in connection with the operators of centres: Whenever a service contract expires, the responsible prefecture has the choice between issuing a new tender for management of the centre or extending the contract with the previous operating company, taking into consideration the current conditions. The second option is generally chosen as it requires much less effort and the municipalities are under great pressure due to the COVID-19 pandemic. This means that those organizations with an ideological, non-profit background that were forced to withdraw from the accommodation sector following the Salvini Decree¹² have little chance of applying to run a centre again, so that the management of CAS is assigned to mostly non-specialized, profit-oriented institutions.

From our perspective, the changes to the requirements for CAS centres are not sufficient to fulfil the minimum standards. The conditions still vary strongly between regions and centres.

We refer to the explanations in the OSAR report from January 2020¹³, page 39 ff.

¹⁰ Gianfranco Schiavone, President of Consorzio Italiano di Solidarietà – Italian Consortium of Solidarity (ICS), responsible for refugees, ONLUS, Trieste, member of the Italian association ASGI for legal studies on immigration, translated by borderline-europe, interview with borderline-europe, 10 May 2021.

¹¹ See in particular the report by OSAR on reception conditions in Italy from August 2016.

¹² See OSAR, Updated report on the situation of asylum seekers and beneficiaries of protection, in particular Dublin returnees, in Italy, January 2020, available at: www.fluechtlingshilfe.ch/themen/laenderinformationen/dublinlaender-und-sichere-drittstaaten/italien, p. 41.

¹³ OSAR, Reception conditions in Italy. Updated report on the situation of asylum seekers and beneficiaries of protection, in particular Dublin returnees, in Italy, January 2020, available at: www.fluechtlingshilfe.ch/themen/laenderinformationen/dublinlaender-und-sichere-drittstaaten/italien.

2.1.2 Second-line reception system

Decree 173/2020 came into force in December 2020 and expanded the circle of people entitled to access to the second-line reception system SAI (formerly known as SPRAR, then SIPROIMI) to include asylum seekers. However, they can only be accommodated if there are available places, and there are no plans to increase the number of places. The existing places are by no means sufficient to meet demand. Priority is given to vulnerable people.¹⁴

This development is a welcome improvement, but does not change the basic problem of a lack of places. Even before the Salvini Decree came into effect, asylum seekers were generally eligible for a place in the second-line reception system for a period of six months. The demand, especially for specialized places, for example for people with mental or physical impairments or for families, is much bigger than the availability. For more on this topic, see the OSAR report from January 2020. The difficulties in gaining access to SIPROIMI places described there still apply under the new rules for SAI.

The SAI system comprises two service levels: People with protection status have additional access to integration services; asylum seekers do not. This has raised concern, as revealed in the following section from the article «La riforma del sistema di accoglienza e integrazione per richiedenti e titolari di protezione internazionale»¹⁵ by Monia Giovannetti (ASGI) from January 2021, translated by *borderline-europe*:

«Finally, although the reform initiated by Legislative Decree 130/2020 is undoubtedly positive, it is a mystery that the reception conditions do not include services for work guidance or training for applicants of international protection, since, as already mentioned, both the length of time required to determine their legal status (administrative or judicial) and the far-reaching new definition of special protection (*protezione speciale*) introduced by the same decree, should have suggested equal treatment for all. After all, it is possible today to switch from one legal status to another if the subjective conditions also change. (...)»

¹⁴ This corresponds to the group of persons mentioned in Art. 21 of the EU reception guidelines.

¹⁵ www.dirittoimmigrazionecittadinanza.it/archivio-saggi-commenti/saggi/fascicolo-n-1-2021-1/703-giro-di-boa-la-riforma-del-sistema-di-accoglienza-e-integrazione-per-richiedenti-e-titolari-di-protezione-internazionale.

From the OSAR Italian report from January 2020, page 51/52:

Applications for placement in a SIPROIMI project must be sent to the *Servizio Centrale*. The applications are principally made by the prefecture, the *Questura* or, in some cases, lawyers, who have to fill out an appropriate form and send it in. The *Servizio Centrale* then assesses the application. If the person for whom the application was made is entitled to placement in the SIPROIMI, the *Servizio Centrale* then checks whether an appropriate place is free in one of the projects. If there is a free slot, the person is placed immediately. The *Servizio Centrale* is also the only stakeholder that has an overview of the projects and vacant places in the projects. The availability of places in the projects varies almost daily and is not communicated publicly.

During the interview with the *Servizio Centrale* in Rome in September 2019, the *Servizio Centrale* stated that places are generally available for “regular” cases of individuals who have their asylum application approved (new status holders). However, it is not guaranteed that there will always be available places. There are no waiting lists. Therefore, if an application for placement in a SIPROIMI is approved but there is no appropriate place in a SIPROIMI project available, the lawyer/*Questura*/prefecture will have to apply again a month later, or even several times, until there is a place available for this person. During this waiting time, no accommodation is provided to the person.

As it is up to the local authorities to decide whether to create new, adequate reception facilities, it is impossible to make consistent plans. In addition, the new decree contains a financial immutability clause, which stipulates that the new reception measures must be implemented using the human, financial and instrumental resources available under existing law, without creating a new or increased burden on public finances. The reform is paralysed by this financial immutability, so that no new SAI projects have been initiated, nor will they be. The SIPROIMI projects remain in place, but they only provide a small part of the required places and are still used for status holders. As a result of this shortage of places, it is almost impossible for asylum seekers at present to gain access to an SAI. The improved access promised by the new decree therefore only exists on paper.¹⁶

2.1.3 Withdrawal of rights to accommodation and associated services

There is no new regulation to harmonize Italian legislation on the withdrawal of reception measures with EU law. Nothing has changed with regard to the loss of the right to accommodation. The statements made in the report from 2020 still apply.

¹⁶ Gianfranco Schiavone, President of Consorzio Italiano di Solidarietà – Italian Consortium of Solidarity (ICS), responsible for refugees, ONLUS, Trieste, member of the Italian association ASGI for legal studies on immigration, translated by borderline-europe, interview with borderline-europe, 10 May 2021.

From the OSAR Italian report from January 2020, page 41:

Under Italian law, reception conditions can be withdrawn in certain cases:

Legislative Decree 142/2015, Article 23: Withdrawal of reception conditions

1. The prefect of the province in which the facilities referred to in Articles 9 and 11 are located, shall order the revocation of reception measures with a motivated decree in the following cases:

- a) the applicant does not show up to the designated reception centre or abandons it, without prior notification to the prefecture – territorial office of the competent government;*
- b) the applicant fails to appear at the hearing before the body entitled to examine his or her application;*
- c) the applicant submits a subsequent application under Article 29 of Legal Decree no. 25 of 28 January 2008, as amended;*
- d) the applicant has sufficient financial resources;*
- e) repeated or serious violations of the rules of reception centres, including the intentional damage on movable or immovable property, or seriously violent behaviours.*

Article 23 of Legislative Decree 142/2015 refers to the *centri governativi di prima accoglienza* (CARA, Article 9) and *strutture temporanee* (CAS, Article 11). Withdrawal of reception conditions is also foreseen in SIPROIMI.

The practical application of the possibility of withdrawal is very strict. Asylum seekers can be thrown out onto the street for even minor charges. A frequent problem occurs to Dublin returnees who have been accommodated in (or even only allocated to) a governmental first-line reception centre or a temporary facility and did not show up to make use of the reception centre or left this centre without notification. In these cases, they will nevertheless have lost their right to be accommodated.

2.2 Covid-19 pandemic

In the Covid-19 pandemic, newly arrived asylum seekers, including returnees from other countries, are obliged to self-quarantine. Their accommodation during this time varies considerably within Italy.¹⁷ In many cases, refugees who arrive in Italy are accommodated on quarantine ships, often for much longer than necessary. The problems related to these ships are described in detail in the report, «Critical issues in the quarantine-ship system for migrants: analysis and requests» from 10 December 2020.¹⁸

¹⁷ For a positive example, see: www.comune.roma.it/web/it/notizia.page?contentId=NWS711338; negatives example where refugees are accommodated in buses for more than 20 days: www.asgi.it/asilo-e-protezione-internazionale/udine-dopo-piu-di-20-giorni-e-finita-per-i-migranti-la-quarantena-nei-bus/.

¹⁸ www.borderline-europe.de/sites/default/files/projekte_files/DOC%20-%20EN_CRITICAL%20IS-SUES%20IN%20THE%20QUARANTINE-SHIP%20SYSTEM%20FOR%20MIGRANTS-%20ANALYSIS%20AND%20REQUESTS.pdf

3 Situation for asylum seekers transferred to Italy

Asylum seekers transferred to Italy under the Dublin III Regulation are very likely to be accommodated in a CAS, since there are no new projects in the SAI system and the places available in what was formerly called the SPRAR system are insufficient. However, many organizations to protect the rights of asylum seekers have pointed out that asylum seekers who return to Italy are not always guaranteed access to a CAS, as they are frequently left to themselves and without support once they arrive at the airport.¹⁹

The situation is the same as for all asylum seekers in Italy: As soon as the transferees arrive in Italy from another Dublin country, they are considered asylum seekers and are treated the same as other new arrivals. They are not given priority treatment, according to the Ministry of the Interior, and no specific places in accommodation are reserved for them.²⁰ However, the biggest risk for Dublin returnees is that they will have lost their right to housing (see chapter 2.1.3 above).

3.1 Access to the asylum system

Regarding access to the asylum procedure, there have been no changes and the statements in the OSAR report from January 2020 still apply. However, waiting times are now longer due to the pandemic.²¹

Gaining access to the asylum procedure is very difficult for those who, for whatever reason, have been excluded from the public reception system or have not been accepted into it, because the police headquarters (*Questure*) demand proof of a private accommodation, even if this is contrary to the law. In the absence of a valid address, the asylum application is not registered and the person remains in an irregular situation for an indefinite period of time.²² People seeking asylum in Italy at the time of the Salvini Decree had no way of applying for a place of residence. This decree is no longer in force, but its impact can still be clearly felt today.

Asylum seekers, who have left Italy for longer than twelve months and whose asylum procedure has already started, face a further problem. If an asylum seeker leaves an accommodation centre without reason before their interview with the Territorial Commission and/or does not show up for their personal interview, their asylum application is suspended.

¹⁹ Gianfranco Schiavone, President of Consorzio Italiano di Solidarietà – Italian Consortium of Solidarity (ICS), responsible for refugees, ONLUS, Trieste, member of the Italian association ASGI for legal studies on immigration, translated by borderline-europe, interview with borderline-europe, 10 May 2021; see also the two reports by OSAR on Dublin Returnee Monitoring project from 2017 (Is mutual trust enough?) and 2018 (Mutual trust is still not enough), www.refugeecouncil.ch/topics/countries-information/dublin-states/italy/dublin-returnee-monitoring-project-drmp.

²⁰ Information from the Italian ELENA coordinator from 3 May 2021 («The Ministry of Interior confirms that there are no reserved places for Dublin asylum seekers in the Italian reception system »).

²¹ According to Borderline Sicilia from 21 April 2021.

²² Gianfranco Schiavone, ICS and ASGI, in an interview with borderline-europe, 10 May 2021.

If, within twelve months after their procedure in Italy has been suspended, the asylum seeker does not apply to reopen the procedure (giving reasons for their unauthorized absence), they will be closed (Art. 23 bis, Legislative Decree 25/2008). If the asylum seeker returns to Italy after the procedure has been closed and makes a new application, this is considered a subsequent application (Art. 2 para 1, lit b) bis, Legislative Decree 25/2008), as long as no new reasons for asylum are brought forward. In other words, for the new application not to be deemed identical (and therefore invalid, in which case it will be rejected without further examination), it must be supported by new reasons and evidence.

If the second application is considered a subsequent application due to identical grounds for asylum, the applicant can lodge a complaint, but this objection does not automatically cause the decision to be postponed. To do this, preliminary measures must be proposed. If the court does not approve these measures, the applicant is not allowed to wait for the end of the court proceedings in Italy, and is in danger of being deported to their home country before the court makes its decision.²³

4 People with protection status in Italy

4.1 Accommodation

4.1.1 SAI projects

Theoretically, recognized beneficiaries of protection in Italy are accommodated in SAI centres after they have been transferred to Italy, as long as there are free places and the person was not previously given accommodation in a second-line reception system. In this respect, the situation has not changed for people with international protection status when it comes to gaining access to second-line reception facilities (SAI, previously SIPROIMI, before that SPRAR).

The statements in the Italy report²⁴ by OSAR from January 2020, pages 50 ff. still apply.

According to the statutory regulations (Decree 173/2020, Art. 4), access to second-line accommodation for people with international protection status in Italy must be «within the scope of available places». It is therefore by no means a legal right guaranteed to holders of international protection, but a mere possibility that depends on other conditions.²⁵

For people with international protection status, Article 5 of Legislative Decree 130/2020, converted into Decree 173/2020, provides for additional integration measures that are implemented at the end of their time in the SAI network. These services are entrusted to the

²³ borderline-europe, interview from 7 May 2021.

²⁴ OSAR, Reception conditions in Italy, Updated report on the situation of asylum seekers and beneficiaries of protection, in particular Dublin returnees, in Italy, January 2020, available at: www.fluechtlingshilfe.ch/themen/laenderinformationen/dublinlaender-und-sichere-drittstaaten/italien.

²⁵ Gianfranco Schiavone, President of Consorzio Italiano di Solidarietà – Italian Consortium of Solidarity (ICS), responsible for refugees, ONLUS, Trieste, member of the Italian association ASGI for legal studies on immigration, translated by borderline-europe, interview with borderline-europe, 10 May 2021.

responsible authorities within the limits of their human and financial resources and comprise the following:

- Language training with the aim of achieving Italian language proficiency at A1 level as defined by the Common European Framework of Reference for Languages;
- Knowledge of the basic rights and obligations as specified in the Constitution of the Italian Republic;
- Guidance to the main public services;
- Guidance to finding employment.

All of these services are entrusted to local authorities, which are currently in a serious economic crisis. For this reason, there is a risk that the services available on paper will not be put into practice.²⁶ Without the necessary financial means, the rules of the decree from 18 November 2019 apply de facto.²⁷

It is expected that new guidelines will be issued on overseeing the new SAI system, but these have not yet been published.²⁸ It can be assumed that the length of time refugees will be able to spend in the second-line reception system will be limited to shorter periods (six months, possibly longer in the case of specific, documented needs). This is not enough to help these people integrate into society, with the aim of gaining independence and earning a living.²⁹

The situation has not changed regarding loss of access to accommodation services. We refer to the statements in the OSAR report from January 2020, page 52 ff.

4.1.2 Homelessness

The probability that people sent back to Italy will be left without anywhere to live is very high, and has been exacerbated by the Covid-19 pandemic.³⁰ Italy does not have a national plan to increase the number of places in temporary accommodation for homeless people, and leaves it up to local authorities to resolve the problem. The latter have recorded a sharp rise in the number of requests for support from people in need in connection with the Covid-19 pandemic, and a person with protection status (who by law has the same rights as an Italian citizen) has little chance of being considered and given support.³¹

It is also difficult to gain access to alternative forms of accommodation, as described in the following sub-chapters.

²⁶ See www.ilpost.it/2021/04/12/soldi-comuni-bilanci-perdite/.

²⁷ Borderline Sicilia, 6 May 2021.

²⁸ Gianfranco Schiavone, in an interview with *borderline-europe*, 10 May 2021.

²⁹ Gianfranco Schiavone, in an interview with *borderline-europe*, 10 May 2021.

³⁰ Gianfranco Schiavone, in an interview with *borderline-europe*, 10 May 2021.

³¹ Gianfranco Schiavone, in an interview with *borderline-europe*, 10 May 2021; see also the article at www.uil.it/Documents/focus1-2021.pdf.

4.1.3 Municipal accommodation

To be eligible for minimum support from the municipality, it is necessary to have a place of residence in that municipality. As the Salvini Decree (113/2018) banned asylum seekers from registering at the civil registry office, asylum seekers who have made their application in the past three years do not have a registered place of residence (*residenza*). This unconstitutional regulation was intended to prevent asylum seekers from gaining access to social services and was only rescinded in December 2020 by Decree 173/2020. Anyone who registers after this date can expect longer waiting times. As the municipalities have more pressing matters to deal with and have shortened their opening times due to the Covid-19 pandemic, this has led to an additional registration backlog.

Moreover, people who have left Italy lose their *residenza*. Benefits for homeless people are not obligatory in Italy and mainly consist of emergency winter programmes (*emergenza freddo*) from December to April. Only the municipality that has been allocated as the person's place of residence is obliged to provide support services.³²

4.1.4 Emergency accommodation

The number of places in emergency accommodation that are not reserved specifically for migrants has been cut by half in the course of the pandemic.

4.2 Earning a living

Considering the currently high unemployment rate in Italy, it is extremely difficult for asylum seekers and people with protection status to find work. If they do manage to do so, it is usually on the black market, where they are exploited.

Generally speaking, the few jobs available to asylum seekers and beneficiaries of protection are low paid and temporary. The wages are usually not enough to rent an apartment or to provide families with a secure income.

The situation on the job market has further deteriorated in the course of the Covid-19 pandemic and the general economic slump in 2020 and 2021, and many people with protection status who had found work have since lost their job. According to an interview with the Italian ELENA coordinator from 3 May 2021, numerous work contracts with status holders were not extended because of the pandemic. The job market situation in Italy, which was already difficult before, has worsened again over the past year. Unemployment is forecast to rise further until 2023.³³ The tourism sector, which offered migrants at least seasonal job opportunities, has been hit particularly hard by the pandemic and shrunk by 69% over the past year.³⁴

³² Gianfranco Schiavone, in an interview with *borderline-europe*, 10 May 2021.

³³ <https://de.statista.com/statistik/daten/studie/17316/umfrage/arbeitslosenquote-in-italien/#:~:text=Im%20Jahr%202020%20lag%20die,rund%2010%2C3%20Prozent%20prognostiziert.>

³⁴ www.htr.ch/story/italien-verzeichnet-touristenrueckgang-um-69-prozent-29984.html; see also: www.ismu.org/immigrati-e-pandemia-contagi-e-impatto-sul-lavoro-durante-il-primo-lockdown-comunicato-stampa-31-3-2021/.

4.3 Social benefits

There has been no change in the situation regarding the provision of social benefits.³⁵

The situation is the same as described in the Italy report by OSAR from January 2020 on page 58 ff.

5 Further changes

5.1 National protection status

The Salvini Decree put an end to humanitarian protection³⁶ almost overnight.

Although humanitarian protection status has not been fully reinstated, the scope of so-called *protezione speciale* has been extended so that certain refugees, who used to be eligible for humanitarian protection status, might have the possibility to refer to it. It remains to be seen how this regulation will work in practice.

5.2 Registering at the civil registry

One piece of good news is that asylum seekers can once again register at the civil registry (*iscrizione anagrafica*). This means that they can now meet the requirements for basic support. Many are still without a place of residence (*residenza*), because asylum seekers were not able to register while the Salvini Decree was in force (see also chapter 4.1.3). Although this regulation has been abolished, its impact can still be seen. It will take a long time to work through the backlog of registrations, and the authorities are fully stretched due to the pandemic and their opening times restricted. For the affected asylum seekers, not being registered entails considerable restrictions.

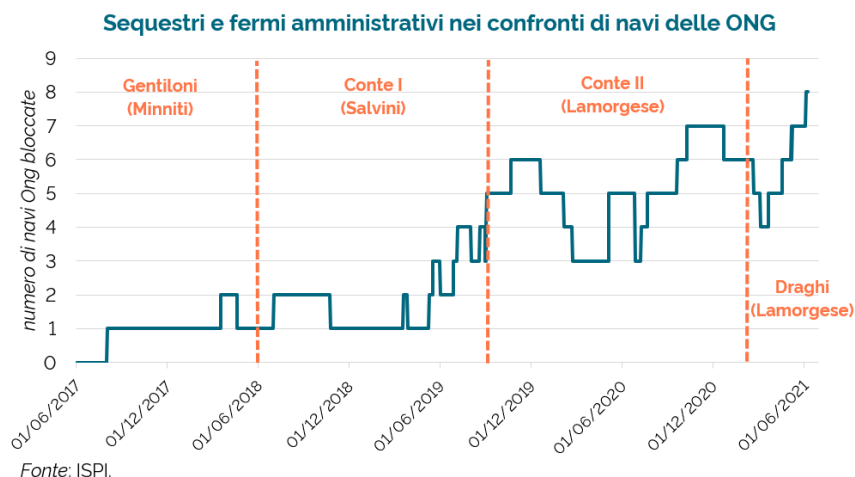
We refer to the OSAR report from 2020, pages 74 ff.

³⁵ Borderline Sicilia, 6 May 2021.

³⁶ National protection status, not a form of international protection status; until it was abolished, humanitarian protection status was the most frequently granted form of protection.

5.3 Search and rescue (SAR)

Salvini also insisted that all Italian ports be closed for boats holding migrants in need of protection who are rescued at sea. This is a gross violation of the mandatory provisions of international maritime law. The changes he made to the law, which were adopted by the Italian parliament on 8 August 2019, raised the penalty fees for private rescue ships to a maximum of one million euros. Luciana Lamorgese reduced the fines for ships entering Italian territorial waters without authorization to the former amount of max. 50,000 euros. Matteo Salvini also ordered the confiscation of civil rescue boats. This should no longer happen according to Lamorgese, yet it is becoming clear that civil sea rescue boats continue to be detained by Draghi's government.³⁷ The Ispi institute issued the following graph on this topic on 7 June 2021³⁸:



This shows a clear increase in the number of administrative decisions to confiscate civil boats since Lamorgese has been in office. The tactic used by the Italian government has changed: Whereas under Salvini, the ports were closed completely for rescue ships, they are now allowed in, but no longer out, thus blocking civil sea rescue in its entirety.

³⁷ See, e.g., www.tagesschau.de/ausland/europa/sea-eye-palermo-101.html, notice from 5 June 2021.

³⁸ <https://twitter.com/emmevilla/status/1401783983625498625>.

6 Recommendations

Given the deficits in the reception system described above that still exist today, together with the additional problems caused by the Covid-19 pandemic in Italy, OSAR and borderline-europe stand by their recommendations:

- Transfers of vulnerable asylum seekers to Italy must stop and the sovereignty clause of the Dublin III Regulation should be applied proactively in cases where returning a vulnerable asylum seeker to Italy involves the risk of their human rights being infringed.
- The reception conditions for asylum seekers who are deported to Italy are still extremely precarious. These people should therefore not be transferred as a rule, if it is not possible to clarify in detail and on a case-by-case basis whether they can be guaranteed accommodation outside an emergency shelter. Especially when transferring vulnerable asylum seekers, individual guarantees must be obtained from the Italian authorities that the reception conditions will be in line with the relevant provisions of international and European law.
- For holders of international protection status in Italy, a detailed case-by-case assessment must also be made of the conditions awaiting them in Italy if they are deported in order to decide on the legality of readmission in each particular case.
- Transfers must be stopped if there is the risk that the person will become homeless, as no guarantee of accommodation can be given. As a result, they can find themselves in extreme material difficulties – exacerbated by the Covid-19 pandemic and the generally poor economic situation in Italy – and have little chance of providing for themselves through work and leading a self-determined life.

OSAR publications on Italy and other Dublin countries are available at www.refugeecouncil.ch/publications/dublin-state-situation-reports.

The OSAR newsletter (in German and French) provides information about the latest publications. Subscribe to it here: www.refugeecouncil.ch/subscribe-to-the-newsletter.

borderline-europe publications on Italy (in German) can be found at www.borderline-europe.de/projekte/newsletter-italien and www.borderline-europe.de/projekte/central-med-info-20

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