

INFORMATION BOOKLET FOR THE REFUGEE SEEKER

1. IN WHICH CASES CAN I ASK FOR RECOGNITION OF REFUGEE STATUS?

In Italy with law no. 189, of 30th July 2002, a new set of rules was approved in the field of immigration and asylum.

In particular as for asylum, art. 32 of this law and the attendant regulations of implementation (Presidential Decree no.303 16/9/2004) have established a new procedure for the examination of applications submitted by aliens who ask for the recognition of refugee status on the basis of the Geneva Convention.

It is desirable that you know, above all, that according to the Geneva Convention, you can ask for refugee status recognition only if in your Country you have undergone direct and personal persecutions due to race, religion, nationality, belonging to a determined social group or for your political opinions, or if you have a reasonable and sound fear of undergoing such persecution in case you go back to your Country.

In fact, art. 1 of the Geneva Convention explicitly establishes that the title of refugee will be applied to those who **“fearing rightly to be persecuted for motives of race, religion, nationality, belonging to a determined social group or for his/her political opinions, finds himself/herself outside the country of his/her citizenship and cannot or does not want, due to this fear, to avail himself/herself of the protection of this Country; or who, not possessing citizenship and outside the country of his/her habitual residence, following such events, cannot or does not want to go back to his/her country due to the above mentioned fear.”**

If you deem yourself to be in such a condition, you will find, in the following text, the answers to your most urgent questions on what to do to obtain asylum in Italy. Read this carefully and follow the instructions which you will find, they will help you to save time and not to make mistakes or run into setbacks which can compromise the positive outcome of your asylum request.

However, before deciding to submit an application for refugee status recognition, it is advisable that you bear in mind that you cannot submit your application in Italy, if:

- 1 You have already obtained refugee status in another State;
- 2 You come from a State, other than that of your origin, that adheres to the Geneva Convention and where you sojourned for a period of time prior to your arrival in Italy, irrespective of the circumstances and whether you, in that State, asked or not for recognition of refugee status. A simple transit is obviously not considered while calculating this period of time;
- 3 You have already been convicted in Italy of having committed a crime against the State or State security, that is to say a crime against public safety, or the crime of reducing to slavery, or theft, burglary, or the crime of devastation and pillage or a crime connected with the fabrication, introduction, selling and illegal trafficking of weapons, narcotics and explosives, or possession of such . The same applies if you have been convicted of the crime of criminal association or belonging to terrorist organisations, or if you have committed other crimes with the aim of terrorism.

The Provincial Police Authority (Questura), in fact, once they have ascertained that you find yourself in one of these conditions of impediment, will declare your application unacceptable.

2. WHERE AND TO WHO SHOULD I SUBMIT MY APPLICATION?

The request for refugee status recognition is to be submitted immediately upon your arrival in Italy, to the border police where you disembark or arrive. If in the place where you entered Italy, there is no border police, you should apply to the Provincial Police Authority (Questura) competent for the territory. In any case, as soon as you arrive, go to the closest Provincial Police Authority (Questura), where you can obtain any necessary information.

You should declare your motives for asking for refugee status while drawing up the request on the relevant forms, with which the police will provide you, and present all the documentation that you consider necessary for corroborating your request. Do not worry if you do not speak Italian well or at all, because an interpreter will assist you while

formalizing your application, and the declaration where you will state your reasons for leaving your country you can draw up in your language.

The Provincial Police Authority (Questura) will release a copy of your application and of any documentation that you may have produced to them.

3. WHAT HAPPENS AFTER I HAVE SUBMITTED MY APPLICATION?

If you arrived in Italy having evaded– or attempting to evade- border controls, or if you, for any reason, find yourself in Italy under conditions of irregular stay, you will be detained in one of the identification centres. If you have received in the past an expulsion or return order, you will be detained in one of the centres of temporary stay and assistance.

If you arrived in Italy without ID papers or other documents stating your nationality and your particulars, or if your application for refugee status recognition is based on elements that you are not able to render immediately available to the Italian authorities and which require verification, the police who you submitted your application to can order that you be hosted in one of the identification centres.

The order communicating to you that you will be hosted in one of the identification centres will also indicate a maximum period of stay in the centre, which cannot exceed twenty days.

If within that time limit your application has not yet been decided on by the competent Territorial Commission, you will be released from your hosting centre and you will be given a permit of stay valid for three months and renewable until the completion of the procedure.

During your stay at the identification centre, you will have time during which you can receive visits from your family or your lawyer, or from UNHCR or other organisations or bodies authorised by the Ministry of the Interior aimed at the protection of refugees. As the identification centre is not a coercive structure, you may apply to the director of the centre for permission to be absent from the centre on a regular basis from 08,00 to 20,00. In case you need to be out of the centre for a longer period of time, due to personal reasons, health or family reasons or relating to the examination of your application, and times of the procedure permitting, you should ask the official in charge of the centre for authorisation.

You should bear in mind that you have been hosted at the centre to verify and determine your nationality or your exact identity, or to verify if you have been halted for having evaded or attempting to evade border controls, or if the conditions of your stay have

been found somehow irregular, therefore your exit from the centre must be authorised by the official in charge of the centre.

You should bear in mind that a non-authorized exit from the centre where you are being hosted is equated with your renouncement of your application for refugee status recognition, due to a very precise law provision.

Remember that at any time during the procedure for the examination of your application, you have the possibility of contacting the UNHCR, at 19 via Caroncini, 00197 Rome, tel 06/802121.

During your stay at the centre, you will be guaranteed urgent or essential ambulatory and hospital treatments.

In the case that you arrived in Italy with documents estimated valid for your identification by the police and there is no need for further ascertainment, the police will grant you a permit of stay valid for three months and renewable until the completion of the procedure of recognition.

It is important that you see to the renewal of your permit of stay, because this will give you the right to be present at the hearing of the Territorial Commission, otherwise your application can be decided by the Commission without your presence.

We inform you that if you have not been invited to a centre and you do not have the possibility to maintain yourself or to receive hospitality in our country, you can request, through the Police Office at the Prefecture, monetary assistance equal to 790,20 € This contribution will be soon replaced by the possibility of being hosted at the reception structures, which will offer you hospitality for the whole period of the examination of your asylum application.

4. TO WHOM MAY I TURN FOR HELP OR FOR ASSISTANCE IN ORDER TO APPLY FOR THE RECOGNITION OF REFUGEE STATUS?

In Italy several organizations and bodies either religious or laic exist, which are involved in the protection and assistance to refugees. At the end of this booklet you will find the telephone numbers of the relevant national organizations.

In any case, you should know that you can already meet the representatives of these organizations or bodies within the centres in which you will be hosted. The representatives, in fact are admitted to enter the above-mentioned centres. Moreover, you should know that the law also provides for the possibility that, in the centre, you can meet the representatives of the special and central information service that the Ministry of the Interior, together with the UNHCR and local authorities, has established for the refugee protection, for the asylum seeker and for the alien with a humanitarian permit. You can turn to them (the representatives) in order to apply to attend teaching courses of the Italian language, for legal assistance and for any other useful information as well, included those ones regarding the voluntary repatriation programme.

In any case, the telephone number of the Central Service is 06-69768201

5. WHO WILL DECIDE ON MY APPLICATION?

The organization, who decides on your application for the recognition of refugee status, is the **Territorial Commission for the Recognition of Refugee Status** with territorial jurisdiction. The Provincial Police Authority (Questura), to which you have submitted the application, is responsible for submitting to the above-mentioned Commission your application and all documents, produced by you. In Italy the Territorial Commissions are seven, (Gorizia, Milano, Roma, Foggia, Siracusa, Crotona, Trapani), and have competence in examining the applications for the recognition of refugee status, which have been submitted to the territorial district that the law confers on each of the Territorial Commissions.

The Provincial Police Authority (Questura) will send to your address, previously indicated by you on applying for the recognition, the convocation date at the Commission. Therefore, it is important that you always inform the Provincial Police Authority, about any changing of domicile.

Obviously, if you are hosted in an identification centre, you will be informed about the convocation in the centre.

You can ask for an adjournment for health problems, fairly certified, that is, for other serious and well-founded problems.

Remember, if you do not present yourself at the convocation and your permit of stay is expired and you have not renewed it, the Commission can decide on your application even lacking your personal examination and only examining the available documents.

In any case we advise you to go to the examination. It is an important moment of the procedure and above all it is an opportunity for you to talk, with the necessary calm, about your own life and your fear of persecution. During the examination the declarations and information given by you, are absolutely confidential.

Moreover, we remind you, that you have authority over being defended by a lawyer.

The Commission adopts the decision on your application within three days of the examination.

6. WHAT CAN I DO IF MY APPLICATION HAS BEEN REFUSED?

If your application for recognition of refugee status has been refused and if you do not have a permit of stay which authorizes you to stay in Italy for any other reasons (for example, for job or for study..), the police will escort you to the border and you will have to leave the national territory.

Nevertheless, you can appeal against the negative decision adopted by the Territorial Commission to the ordinary **Court** with territorial jurisdiction, within 15 days. You can appeal even if you are abroad, through a diplomatic delegation.

If on submitting the application for the recognition you are hosted in an identification centre and if your request is refused, you will have another opportunity.

You can, in fact, **make a petition** (request of the review) to the President of the Territorial Commission within 15 days of the negative decision.

Even in this case, it is desirable to know that such a request of the review can only be based either on elements intervening in regard to the decision of the Commission, or also on facts existing before but not fairly considered by the Commission.

Following up your request of review, a National Commission member, in order to assure you a more in-depth evaluation of your case, will be integrated into the Territorial Commission. The National Commission member can also decide to interview you again.

Your request of review is decided within a few days and naturally if it confirms the first negative decision of the Territorial Commission, you can appeal against such decision, as already above mentioned, to the ordinary Court, with territorial jurisdiction, within 15 days.

In that case, you can also ask the Prefect to authorize you to stay in the national territory until the date of decision of the review.

But, in that case, you have to accept to be detained in a Temporary Stay and Assistance Centre.

It is desirable to know that such request, fairly motivated, has to be based either on facts intervening in regard to the decision of the Territorial Commission, which would cause serious and proved risks for your personal safety if you came back to your Country, or on personal and health problems which you will have specified and certified and which require your stay in Italy.

The Prefect's decision is communicated to you within 5 days of the request and in case of admitting of the request you are also informed about the modalities of stay in Italy.

7. I HAVE BEEN RECOGNIZED!....AND NOW?

The Territorial Commission, which has examined your application, if considers that the conditions experienced by you, as envisaged by the Geneva Convention, exist, will recognize you the refugee status. In that case, the same Commission will issue you a **card**, which certifies your recognition.

It is desirable to know that the card issued by the Territorial Commission, is not an identification card, it is, in fact, a simple certificate attesting the recognition of refugee status.

If you want to get the identification documents, you have to go to the local public authority (Comune) where you have chosen your residence.

If you have obtained the recognition of refugee status, the Italian State will grant you a treatment and a juridical status, that is, the same set of rights and duties of those foreigners who have a more favourable treatment.

This means that you actually have the same rights and duties of the Italian citizens with the only exclusion of access to those rights expecting the Italian citizenship (for example the application for working in the state public offices).

With the recognition of refugee status you are entitled to have a **permit of stay valid for 2 years**.

After at least 6 years you have had the recognition of refugee status and you have settled permanently in Italy, you can apply for the "***residence card***" having an open-ended validity.

The Geneva Convention also provides that even if in Italy you have to exercise a right requiring the aid from foreign authorities, which you cannot appeal to, (for example to the authorities of your own Country) in order to get some specific documents or certificates, the Italian authorities will try to supply you with such an aid. The Italian authorities will also try to supply you with the above-mentioned documents or certificates, that is, they will provide for substituting them with their own acts. Therefore, the Italian authorities issue you such document or certificates or, under their control, require you to obtain them, which normally would be issued to you by your national authorities, that is, through them. Therefore, the issued documents or certificates will substitute, in every respect, the official acts of your own Country and they will bear witness until proved the contrary.

Together with the card, the Provincial Police Authority (Questura) also issues you a **travel document**, which permits you to go abroad and return to Italy. This travel document has the same period of validity of the permit of stay and so periodically you have to renew either it or the permit of stay. With such a travel document you can go for a period not exceeding three months and without any visa in the Signatory Countries of the Strasbourg Agreement of 20th April 1959 concerning the refugee having residence in the territory of the State Members of the European Council.

With regard to this, it is very important that you know that you absolutely cannot go back to your own Country, which you belong to. This circumstance, in fact, could cause the suspension of your recognition, because it would be interpreted as a manifestation of your will to avail yourself again of the protection of your own Country.

Likewise, any application for passport at the diplomatic delegations of your own Country in Italy, is interpreted as a your will to avail yourself of the protection of your own State, having as a consequent the suspension of the refugee status.

The Provincial Police Authority (Questura) issues you the travel document, which permits you to go abroad for a period not exceeding three months, without any *visa*. If you have necessity to reside abroad for a longer period, for example, for a job, you have to apply for a visa at the diplomatic delegation of the Country where you want to reside in and then you can initiate the procedure at the new State which hosts you in order to "*transfer the responsibility*" as envisaged by the Strasbourg Convention in 1980.

Even if it seems superfluous, it is important to remind you that you will be subject to observe all civil, penal and administrative regulations in law and in case of non-observance of them, you will be subject to the relative sanctions.