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# ORGANISATION OF MIGRATION AND ASYLUM SYSTEM IN ITALY OVERVIEW

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## INTRODUCTION

This document provides an overview of how asylum and migration policies are organised in the (Italian) State, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection. It is based on the information provided by (Italian) State in February 2023.



## OVERVIEW OF ORGANISATION OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

The management of migration and asylum matter is based on institutional cooperation and on multilevel governance.

Within the Presidency of the Council of Ministers, the Department for Equal Opportunities is the structure used by the President of the Council of Ministers or the delegated political authority to carry out the function of promoting and coordinating policies on personal rights, equal opportunities and equal treatment, as well as government action to prevent

and remove all forms and causes of discrimination. In particular, the Department, by virtue of the provisions of Legislative Decree No. 24 of 4 March 2014, implementing Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, is called upon to play a central role in national policies in this area, with particular reference to the activities of directing and coordinating interventions for the social prevention of the phenomenon and assistance to victims, as well as programming financial resources with regard to assistance and social integration interventions for the same victims. Within the Department there is the Office for equal opportunities policies, which is divided into two services with the following specific functions: - "Service for Equality and Equal Opportunity Policies, the prevention and contrast of sexual violence, gender discrimination and persecution acts" with the task of managing initiatives for the promotion of equality and equal opportunity policies, contrasting sexual violence, gender discrimination and persecution acts, in application of the Istanbul Convention. The Service also deals with the development of proposals to combat gender discrimination in all its forms, also

through specific training courses on the territory in conjunction with the central and local administrations responsible for the matter, as well as with associations and organisations in the sector; it also draws up the annual plan for the distribution of financial resources allocated to the regions for the operation of the structures responsible for assisting women victims of violence, the monitoring and supervision of the proper use of resources, and promotes the creation of an integrated information system on anti-violence services operating on the national territory.

- "*Service for preventing and combating trafficking and serious exploitation of human beings, female genital mutilation and other harmful practices*" with the task of implementing the National Plan and coordinating all the initiatives adopted by the competent central and local administrations on trafficking and serious exploitation of human beings, female genital mutilation and other harmful practices; with regard to the above-mentioned matters, it acquires and organises information, also by setting up databases, and promotes, coordinates and manages the consequent activities.

Furthermore, the National Anti-Racial Discrimination Office (UNAR) – Office for the promotion of equal treatment and the removal of discrimination based on race and ethnic origin is the national Equality body established in implementation of the EU directive 2000/43/EC (which implements the principle of equal treatment between people regardless of race and ethnic origin, implemented in the Italian legal system with the Legislative Decree n. 215 of 9 July 2003) "with functions of control and guarantee of equal treatment and the operation of the protection instruments, having the task of carrying out, independently and impartially, activities to promote equality and remove any form of discrimination based on race or ethnic origin". The Legislative Decree n. 215/2003 and the related organization DPCM December 11, 2003 analytically list the different functions of UNAR, which can easily be

grouped into four broad categories, identifiable in relation to the purposes:

- raising awareness of public opinion and sector operators and an information and communication activity;
- removal of any situation involving discrimination;
- promotion of positive actions, studies, research, training courses and exchanges of experiences (also in collaboration with associations and bodies operating in the sector, with specialized statistical survey institutes and with non-governmental organizations);
- monitoring and verification of the effective application of the principle of equal treatment and the effectiveness of the protection mechanisms.

In addition, UNAR has been identified as the Italian Equality Body responsible for dealing with discrimination against EU citizens in the workplace for the purpose of free circulation of the same, in application of the EU Directive 54/2014.

The Ministry of the Interior, through the Department for Civil Liberties and Immigration, contributes to the definition of the Government's migration policies by carrying out functions and tasks in the protection of civil rights, including those concerning immigration and asylum, citizenship and religious confessions. In particular:

- *The Central Directorate for Migration Policies – Asylum, Migration and Integration Fund Authority*, carries out functions of analysis and planning of migration policies and of monitoring and promotion of integration policies for foreign citizens, also through a constant action of enhancement and coordination of the Territorial Councils for Immigration at the Prefectures – Territorial Offices of the Government. It coordinates the planning, drafting and updating of the National Integration Plan for beneficiaries of international protection, contributes to the analysis for the determination of entry flows of foreign workers in the national territory and coordinates the Single Desks for Immigration. It coordinates and stipulates, in agreement

with the Ministry of Labour and Social Policies, memoranda of understanding with associations, patronages and companies with the aim of cooperation between the parties for the implementation of procedures relating to the entry and stay of foreign citizens with specific professional profiles. IT represents Italy in the following European networks: European Migration Network (EMN), European Integration Network (EIN), Contact Group on Legal Migration and EU Legislation on Legal Migration. Pursuant to art. 5,2 lett. b DPCM No. 78 of 11 June 2019 (entered into force on 24 August 2019), the Central Director is the Managing Authority for the Asylum, Migration and Integration Fund.

- *The Central Directorate of Civil Services for Immigration and Asylum*: first assistance to migrants who have arrived irregularly at crisis points (hotspots) and reception of those who express the will to seek asylum, holders of international protection and residence permits for other forms of protection. Liaison in matter of unaccompanied foreign minors. Guidance activities on the monitoring of the standards of reception services. In addition, the Directorate supervises the system of Centres of Permanence for Return – CPR. Verification of Italian competence to examine asylum applications pursuant to the Dublin III Regulation. Verification of the implementation of Assisted Voluntary Return projects.

- *The Central Directorate for Civil Rights, Citizenship and Minorities*, aims to support the expansion of constitutionally protected rights of freedom, with particular regard to citizenship, historical linguistic minorities and measures of assistance for victims of terrorism and the Mafia. In addition, the Office manages, in several African countries (Ivory Coast, Ethiopia, Niger, Nigeria, Mali, Tunisia), sixteen projects launched by the Ministry of the Interior in line with the need to address the migration and development nexus. The Office is responsible for the national resettlement programme, launched in 2015. So far 2,510 refugees have been resettled in Italy. In order to manage the resettlement activities and coordinate the various actors involved, a special team, the Resettlement Unit, has been set up within the Office. Furthermore, the Office is responsible for managing other legal pathways. Among

these, the program called Humanitarian Corridors is noteworthy. The Humanitarian Corridors are a safe and legal programme for transfer and integration in Italy. So far 3262 refugees and asylum seekers have arrived in Italy throughout the Human corridors.

- *The Central Directorate for Religious Affairs and for the Administration of the Religious Buildings Fund* monitors the concrete observance of the principles contained in Articles 3, 8 and 19 of the Italian Constitution and of the current ordinary and special regulations on religious freedom and the regulation of State-religious relations, in order to make the right to religious freedom effective.

- *The International Relations Office (Office II, Central Direction for Planning and General Services, Department for Civil Liberties and Immigration)*, with the participation of a consortium of European Member States (Austria, Belgium, Finland, France, Germany, Greece, Malta, the Netherlands, Norway, Portugal, the Czech Republic, Spain and Sweden) manages the Protection component of the RDPP NA - Regional Development and Protection Programme for North Africa.

- *The National Commission for the Right to Asylum* is the reference authority of the Italian system of international protection, as it has the task of guiding and coordinating the Commissions and the Territorial Sections for the recognition of international protection, which are the authorities competent to recognise the various forms of international protection. Moreover, it is responsible for the preparation of Guidelines and the carrying out of training, updating and monitoring activities on the quality of procedures and activities, in order to maintain uniform standards of decision-making. It is also responsible for collecting statistics on asylum applications and subsequent decisions in our country and for compiling and updating information on the countries of origin of asylum seekers (COI). Finally, it is the Italian contact point for international offices and organisations active in the field (in particular UNHCR and EUAA), participating in networks on asylum and carrying out significant reporting activities at international level.

Moreover, within the Ministry of the Interior, the Department of Public Security of the Ministry of the Interior is responsible for the public security on the migration related matters and, in addition to the fight against other crimes and organized crime groups, the fight against the facilitation of irregular migration and trafficking in human beings and related crimes. Regarding this last point, the Department of Public Security acts in close contact with the countries of origin, transit and final destination and with the European Agencies involved in this issue.

Within the Ministry of Foreign Affairs and International Cooperation, *DGIT - Directorate General for Italians Abroad and Migration Policies*, the Office V – Migration policies, international protection, international adoptions is responsible for: migration policies; dialogue with third countries and agreements on migration, asylum and immigration policies; policies in favour of international refugees and relations with UNHCR and IOM; management and monitoring of funds for migration cooperation with third countries; protection of unaccompanied foreign minors in Italy; participation in inter-ministerial planning of the entry of foreigners into Italy; aspects relating to the implementation of international protection measures in Italy. Moreover, the Office VI – Visas Unit is Italy's central authority for the implementation of the Schengen Agreements and it's responsible for: the application of Italian and EU legislation on the issuance of entry visas to Italy and the Schengen area; visa policies within the EU; visa policies for the promotion of the Italian System; proposals for legislation on the subject, in liaison with the other Administrations concerned; international agreements and assistance to the diplomatic-consular network on visa matters; outsourcing of services ancillary to the management of visa applications; litigation concerning visa refusals; management of printed matter of value relating to visas; travel documents for foreigners; innovation and digitalisation for visa applications.

The Italian Agency for Development Cooperation (AICS), based on the

provisions of Law 125/2014, is responsible for the identification, formulation, management, monitoring and financing of cooperation initiatives in the field of migration and development. The actions are managed by the *AICS Deputy Technical Directorate* which, through *Office III – Opportunities and Economic Development*, has included in its strategic programming a package of initiatives focused on: addressing the structural causes of migration, through social and economic development interventions and the fight against poverty in cooperation partner countries (access to basic services, including registry registration, creation of employment opportunities, gender equality and empowerment of youth and women); ensuring assistance and protection to people in vulnerable situations in cooperation partner countries, in compliance with humanitarian, do-no-harm and human rights principles, with special attention to victims of trafficking, stranded migrants, refugees and asylum seekers, displaced persons.

The Ministry of Justice, through the Department of Penitentiary Administration carries out the tasks related to the execution of precautionary measures, penalties and detention security measures, as well as the tasks provided by the laws for the treatment of detainees and inmates with migratory background and is in charge of the Judgment System for appeals concerning international protection. Through the Department of Juvenile Justice, it manages the interventions in favour of juveniles who have entered the penal circuit.

Within the Ministry of Labour and Social Policies, the *General Directorate for Immigration and Integration Policies*, oversees the promotion and the multi-level coordination of policies for the social and labour integration of TCNs. The main responsibilities include: the management and the monitoring of the entry flows for working reasons, as well as the bilateral cooperation with the countries of origin; the technical support for the implementation of the National Plan to contrast labour exploitation and illegal employment in the agricultural sector; the design and the implementation of social and labour integration measures

especially for vulnerable TCNs; tracking the presence and the protection as well as the level of integration of UAMs during the transition to adulthood procedure; the development and dissemination of tools of knowledge and communication on the integration of TCNs. The General Directorate is the Intermediate Body for the Asylum, Migration and Integration Fund (Legal Migration/Integration) and European Social Fund Plus - NP Inclusion.

The Ministry of Education and of Merit, through the *General Directorate for Students, Integration and Educational Guidance* within the *Educational Department*, the Ministry promotes specific actions to foster the inclusion and school integration of pupils with a migration background and unaccompanied foreign minors (MSNA).

The Ministry of Universities and Research carries out the functions and tasks pertaining to the State in the field of university education, scientific and technological research and high artistic, musical and dance training, also with reference to access to courses for students with migrant backgrounds.

The Ministry of Health promotes access to healthcare for foreigners and fosters the social and health inclusion of the most vulnerable, with a particular responsibility to set guidelines for applicants for international protection who are victims of torture, monitoring their physical and mental health following the violence they have suffered before and during their journey. In particular:

- Within the *General Directorate for Health Prevention*, Office 9 – Protecting the health of women, vulnerable persons and combating inequalities – is responsible, among other things, for the health protection of migrants, stateless persons, political refugees and foreigners.

- Within the *General Directorate for Health Planning*, Office 8 – State functions in the field of health care in the international sphere – is responsible, among other things, for the application of regulations on health care for non-EU foreign citizens and related relations with the Regions, including humanitarian

interventions, as well as health care in Italy for emigrants in countries with no agreements.

Moreover, the Italian legislation on the health of migrants and refugees provides for the National Institute for the Health Promotion of Migrant Populations and the Fight against Poverty-related Diseases (INMP), a public body supervised by the Ministry of Health (former Ministerial Decree no. 158 of September 13, 2012 converted, with amendments, by Law no. 189 of November 8, 2012 and Decree no. 56 of February 22, 2013 on the functioning and organization of the Institute). The Institute's goal is to address, within the framework of the National Health Service, the health challenges of the most vulnerable populations, through an intercultural, holistic and person-oriented approach. The strategic objective is to develop innovative systems to combat health inequalities in Italy, to facilitate access to the National Health Service for the most disadvantaged social groups and to guarantee a high level of quality in the services provided.

The Ministry of Agriculture, Food Sovereignty and Forestry Policies (MIPAAF) deals with the integration of immigrants in the agricultural sector, including through training courses, orientation and job placement on farms and through the fight against 'caporalato' (forced labour).

Within the National Association of Italian Municipalities (ANCI), the Department for Integration and Reception, Immigration Management carries out coordination activities, inter-institutional connections between central and regional administrations and municipalities and is responsible for representing and discussing, together with the other institutions in charge, the positions and needs of Italian municipalities with regard to policies and interventions concerning immigration and integration of foreign citizens. The Department also assists and supports municipalities in the implementation of projects financed by national and European resources, also in conjunction with the ANCI

*Cittalia* Foundation. Law no. 189/2002 also entrusts ANCI with the management of the SPRAR – Protection System for Asylum Seekers and Refugees (now SAI – Reception and Integration System), with the task of rationalising and optimising the System and facilitating the coordination at national level of territorial reception services. The specific structure in charge of this task is the Central Service for information, promotion, advice, monitoring and technical support to Local Authorities providing reception services. Other institutions that can provide guidance on migration policies – each for their respective areas of competence and with specific internal articulations - are the Ministry of Economy and Finance, the Ministry of Defence, the Agency for Territorial Cohesion, the National Institute of Statistics (ISTAT), Regional and Local Authorities.

## THE LEGAL SYSTEM

The core law regulating the field of migration and asylum in Italy is the Consolidated Act on Immigration (legislative decree n. 286/1998). Many of its provisions were introduced and/or amended to ensure conformity with European Union law<sup>1</sup>. The Consolidated Act is divided into six sections (Titles) respectively regulating: general principles; entry, stay and expulsion; economic/labour migration<sup>2</sup>; right to family unity and assistance of minors;

<sup>1</sup> See, most recently, among others: Legislative Decree n. 203/2016 relating the conditions of entry and stay of foreigner seasonal workers; Legislative Decree n. 253/2016 transposing Directive 2014/66/UE and related to the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer; - Legislative Decree n. 71/2018 transposing directive 2016/801/UE- relating to the conditions of entry and residence of third-country nationals for the purposes of research, study, training, voluntary service, pupil exchange schemes or educational projects and au pairing.

<sup>2</sup> and, in particular, entry quotas; seasonal workers; intra corporate transfers; highly skilled workers; Investor Visa for Italy; entry for purposes of research, study, training, voluntary service etc.

<sup>3</sup> - Release/Update /Duplicate of residence permit for non eu family members of an eu citizen.; - Release/Update /Duplicate of permanent residence

health care assistance, education, accommodation; participation and social integration; final provisions.

Every year, the Prime Minister emanates immigration quotas for an established amount of third-country citizens (through a Decree called “Decreto Flussi”) who are granted access to the national territory for labour purposes in the domains of subordinate work, self-employed work and seasonal work. Only specific categories of workers are allowed to enter Italy outside this quota system.

The entry procedures of Italy generally follow the regulations of the Schengen System.

The applications for “nulla osta” (work clearance) for non-EU citizens, for family reunification, for conversion of the residence permit, communication of the data of one's own family unit for the purpose of signing the Integration Agreement and request for admission to the test of knowledge of the Italian language for the purpose of issuing the residence permit CE for long-term residents are to be filled online at <https://nullaostalavoro.dlci.interno.it/Ministero/Index><sup>2</sup>.

Police Headquarters are responsible for receiving the applications for the release and renewal of various residence permits. In this regard, a new platform “Prenotafacile” has been created and is currently under test. This platform covers an exhaustive list of services<sup>3</sup>.

permit for non eu family members of an eu citizen.; - Release/Update /Duplicate of residence permit for medical reasons /pregnancy ; - Release/Update /Duplicate of residence permit for medical reasons - Release/Update /Duplicate of residence permit for minors assistance; - Release/ Duplicate of residence permit for international protection applicants ; - First release of electronic residence permit following a positive decision over the application for international protection of the competent authorities (Territorial Commission or Tribunal); - Renewal/duplicate of the electronic residence permit for beneficiaries of subsidiary /special protection - Conversion of the residence permit from subsidiary / humanitarian/special protection to subordinate / self-employed work; - Travel document for refugees /

The request of release or renewal of other residence permits (including the renewal of the residence permit for refugee status)- not explicitly included in this list- should be submitted through Poste Italiane, by filling a specific form (Kit).

In the field of asylum, the main rules are contained in the following decrees:

- Legislative Decree n. 251/2007 (transposition of directive 2004/83/EC) and subsequent modifications, - regarding qualification of refugees or beneficiaries of subsidiary protection.

This decree was modified, inter alia, by:

- Legislative Decree n. 18/2014 (transposition of Directive 2011/95/EU)

- Decree- Law 113/2018 on Immigration and Security - subsequently converted in Law n. 132/2018 - which introduced more restrictive provisions relating to the so-called exclusion clauses.

- The same text introduced substantial modifications to the provisions of the Consolidated Act. In particular, the Decree - Law 113/118 abolished the so called "humanitarian protection" by substituting it with a new kind of protection, called "special protection" and with a list of administrative

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stateless persons and travel document for foreigners; - Request / renewal / duplicate residence permit for the time of the pending of the appeal procedure;

Law n. 132/2018 - which introduced more restrictive provisions relating to the so-called exclusion clauses.

- The same text introduced substantial modifications to the provisions of the Consolidated Act. In particular, the Decree -Law 113/118 abolished the so called "humanitarian protection" by substituting it with a new kind of protection, called "special protection" and with a list of administrative residence permits for specific reasons. These provisions have been partly amended by the Decree-law 130/2020 which widened the scope for special protection and mitigated the rigidity of the requirements for pre-existing residence permits for specific reasons. In particular, the special protection permit, is released when serious reasons deriving from constitutional or international law run against the expulsion of the foreigner. More specifically, these reasons can be found also, but not exclusively, in the widened scope of art. 19 of the Consolidated Act. Regarding the other residence permits previously

residence permits for specific reasons. These provisions have been partly amended by the Decree-law 130/2020 which widened the scope for special protection and mitigated the rigidity of the requirements for pre-existing residence permits for specific reasons. In particular, the special protection permit, is released when serious reasons deriving from constitutional or international law run against the expulsion of the foreigner. More specifically, these reasons can be found also, but not exclusively, in the widened scope of art. 19 of the Consolidated Act. Regarding the other residence permits previously introduced by the decree- law 113/2018, the reform introduced amendments<sup>4</sup>.

- Legislative Decree n. 142/2015 (transposition of directive 33/2013/EU) and subsequent modifications, relating to the reception system. This legislative decree concerns the reform of the national reception system, in view of the increase of the number of asylum seekers and migrants received by Italy starting in 2013 (from 22 thousand in 2013 to over 176 thousand in 2016). The new system involved an initial phase of reception, ensured by centres run by the State, and a second-level reception phase ensured by the

introduced by the decree- law 113/2018, the reform introduced amendments<sup>4</sup>.

- Issue / Renewal of the residence permit for statelessness request / obtainment.

<sup>4</sup> The definition of the situation required by art. 20-bis of the Consolidated Act to obtain the residence permit for disaster has been changed from "contingent and exceptionally" into "serious". This residence permit is now renewable until the serious situation changes instead of being renewable only once, for not more than six months. The health conditions required to release a special permit for medical reasons are now defined in art. 19, 2 lett. d-bis of the Consolidated Act in a more ample way: they are defined as "serious psychophysical conditions or conditions deriving from serious illnesses" instead of "health conditions of particular seriousness". Moreover, with this definition the reform guarantees the principle of continuity of care, in line with the guidelines issued by the Ministry of Health n. 5 of 24.3.2000. The duration of this permit is of maximum one year and the renewal depends on the presence of the same serious conditions. It has to be underlined that the reform allows, provided that the specific requirements are satisfied (Articles 4,5,22,26 of Legislative Decree 286/1998), for the conversion of these permits in work residence permits

System for the Protection of Asylum Seekers and Refugees (SPRAR), operated by local institutions, in cooperation with third-sector organizations, which provided a full package of integration measures for each asylum seeker/refugee included in the System. In October 2018, following the adoption of Decree-Law 113/2018 on Immigration and Security these centres were renamed in the following SIPROIMI (Italian System of Protection for Beneficiaries of International Protection and Unaccompanied Minors). Integration services within these centers were reserved for holders of international protection permits and vulnerable groups. International protection applicants and holders of other kind of humanitarian protection permits were thus excluded from this system. Recently, the Decree-Law 130/2020, subsequently converted in law 173/2020 reopened for the possibility for international protection applicants and other specific residence permits holders<sup>5</sup> to be admitted in the reception system, which is now called Sistema di Accoglienza e Integrazione-SAI (in English: System for Reception and Integration). Moreover, also ex Unaccompanied minors, who have been entrusted to social services following reaching the age of majority<sup>6</sup>, can be admitted in the SAI. One of the major amendments of the Decree Law 130/2020, apart from the widened scope of beneficiaries, was the introduction of the possibility to provide integration measures other than the ones strictly linked to the period of reception.

- Legislative Decree n. 25/2008 (transposition of the directive 2005/85/CE) and subsequent modifications relating the procedure for granting and withdrawing international protection. This decree has been recently modified by the followings:

- Legislative-Decree 142/2015 (transposition of Directive 2013/32/EU)
- Decree-Law 13/2017, later converted in Law n. 46/2017 established urgent provisions for a swift processing of international protection applications and relevant court proceedings

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<sup>5</sup> These are to be intended as referring, in particular, to special protection beneficiaries or holders of a permit of stay for medical reasons, social protection, victims of domestic violence, disaster, victims of labour exploitation, acts of particular social value, and

with the aim to plan a more rapid turnover of migrants in the reception centres.

- Decree-Law 113/2018 converted in Law n. 132/2018 on Immigration and Security – which increased cases of accelerated procedure for deciding an asylum claim. Again, Decree-Law 130/2020, intervened by mitigating some of the provisions of the previous Decree Law. In particular, the reform was intended to adjust the distinction among prioritized and accelerated procedures, abolish the immediate procedure, and clarify the functioning of border procedures as well as admissibility evaluation.

Since 2017, Italy has signed several Memoranda of Understanding to promote the safe and legal entry in Italy of potential beneficiaries of international protection.

#### Unaccompanied minors

Law n. 47/2017 introduced a comprehensive regulation concerning the protection and treatment of unaccompanied minors, (who are asking for asylum or not) focused on the best interest of the child. *Inter alia*, it provided for the creation of a separated, target-specific reception system for UAMs, the appointment of volunteer guardians and the possibility to study or to start an apprenticeship. The DPR 191/22, which entered into force on the 28th December, amends the Regulations implementing the Consolidated Immigration Act, adapting it to the provisions contained in Law 47/2017 on the protection of unaccompanied foreign minors, specifically with regard to the procedures for the release of the residence permits.

#### Return

Directive 115/2008, concerning the return of irregular migrants has been transposed by Decree-Law 89/2011, later converted in Law 129/2011. This decree-law amended the already existing dedicated provisions contained in the Consolidated Act (Chapter II

special protection as defined by art.1. 9 of d.l. 113/2018. In these cases, they are admitted provided that there are places available and they do not accede to dedicated services.

<sup>6</sup> by a decree adopted by the Court.



of Title II of the Legislative Decree 286/1998). Recently these provisions were modified by the followings:

- Law n. 46/2017 – which changed the name of detention centres, now called “Permanent Centres for Return”, and extended the network of detention centres over the whole national territory.

- Decree-Law 113/2018 converted in Law n. 132/2018 – which extended the length of detention in “Permanent Centres for Return” 90 to 180 days for the verification of identity and nationality of the migrant.

- Decree - Law 130/2020, later converted into law 173/2020, adopted some amendments to the provisions allowing for the detention of migrants and asylum applicants. In particular, it provided for:

- reduction of the time limits for pre-expulsion detention of migrants; but not for the detention of international protection applicants. In these cases, the maximum duration of the measure remains of 12 months. Moreover, the reform widened the situations in which it is allowed to detain an asylum applicant.

- redefinition of categories of migrants to be detained with priority (those which were convicted for specific crimes and those coming from specific countries with which Italy signed MOUs on return matters).

- redefinition of duties of information and adequacy of detention conditions as well as a stronger role for the Guarantor for the rights of persons deprived of their personal liberty.

Regulations on citizenship are contained in Law 91/1992. These were modified by Law n.132/2018 mainly through two relevant changes. Firstly, the knowledge of Italian became a necessary requirement for obtaining the Italian citizenship – either by marriage with an Italian or by naturalization (after 10 years of regular and uninterrupted residence for non-EU citizens). Secondly, the law establishes the withdrawal of the Italian citizenship granted to foreigners who committed particular serious crimes.

The Decree-Law 130/2020, later converted into Law 173/2020, adopted limited amendments to the provisions entailing acquisition of citizenship by marriage (art. 5 of law 91/1992) and by naturalization (art. 9

of law 91/1992). The deadline for the termination of the entire proceeding is now shortened to 24/36 months (instead of the 48 months provided by Law Decree 113/2018, later converted in Law 132/2018).

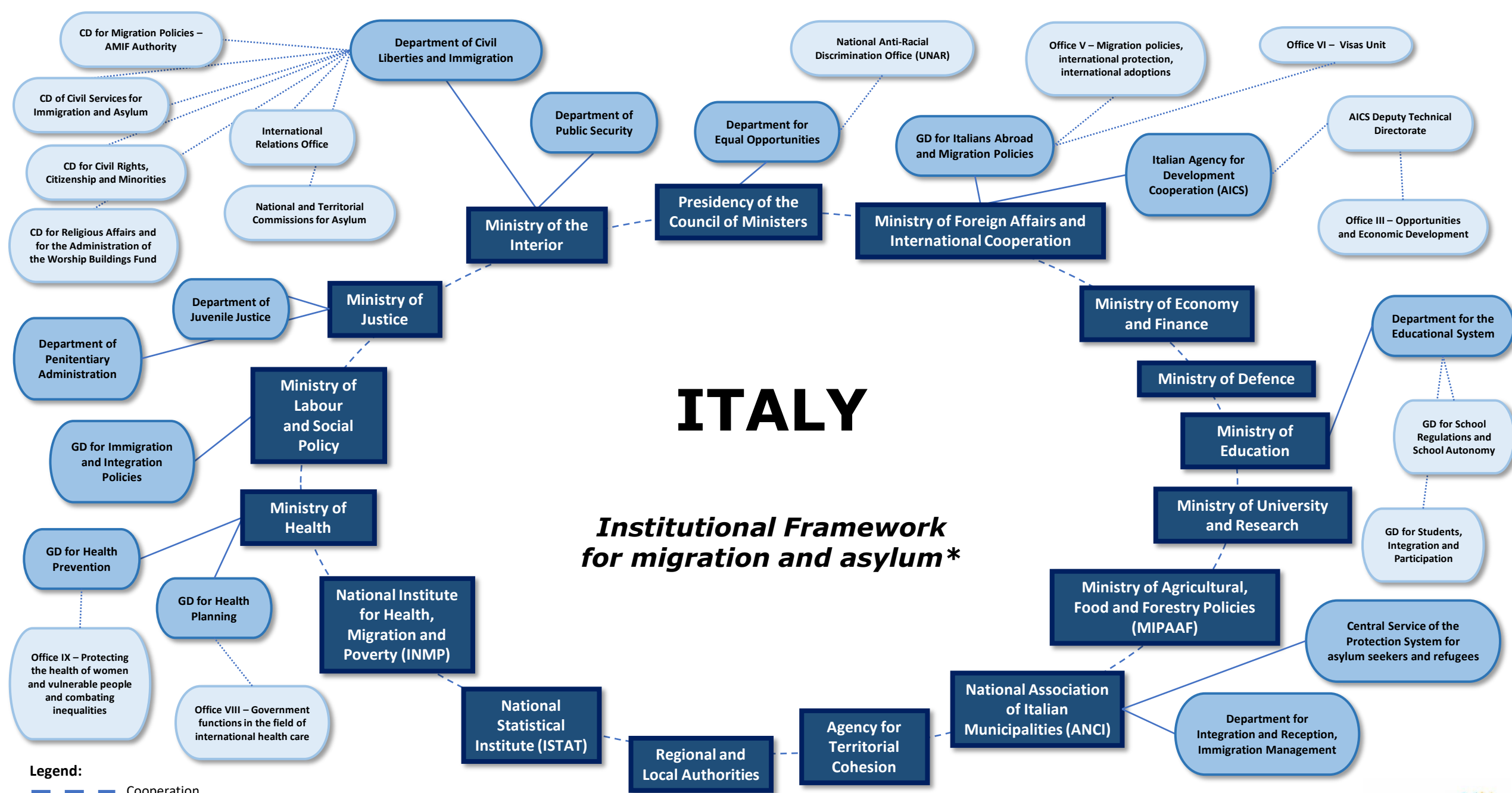


## INSTITUTIONAL CHART

*The most up to date Institutional Chart will be added in as an Annex.*

# ITALY

## *Institutional Framework for migration and asylum\**



- Legend:**
- — — Cooperation
  - ⋯ ⋯ ⋯ Coordination
  - Other input

\*Please note that this institutional chart provides an indicative overview of the asylum and migration system in the MS concerned on February 2022