

2011-12-16

Landinformationsenheten

Fråga-svar

Förlängning av uppehållstillstånd för personer som beviljats subsidiärt skydd i Italien

Fråga

Vad gäller avseende förlängning av uppehållstillstånd för personer som beviljats så kallat subsidiärt skydd i Italien (nationell lag)?

Såvitt vi har förstått beviljas dessa personer normalt ut i tre år. Vad händer med tillståndet om personen lämnar Italien och ansöker om asyl i annat land, exempelvis Sverige?

Enligt skyddsgrundsdirektivet artikel 24, ska tillstånd meddelas för "... minst ett år och vara förnybart om inte tvingande hänsyn till den nationella säkerheten eller den allmänna ordningen kräver något annat." (Avser status som skyddsbehövande i övrigt/subsidiary protection.)

Svar

Schweizerische Flüchtlingshilfe skriver i maj 2011:

Sid.15

"2.5 Renewal of permits

If a person is recognized as a refugee, he or she is given a permit that is valid for five years and is renewable upon expiration. If there are changes in conditions in the country of origin or one of the conditions listed in Article 1 C of the Geneva Convention applies, the permit can be withdrawn. Subsidiary protection status will provide a permit valid for three years, and a permit on humanitarian grounds is valid for one year. These permits are renewable, but only upon verification of the requirements that led to their release.

A precondition for renewing a permit is an application to the responsible Questura. It is important to provide the original permit paper. If the person no longer possesses this paper, the reissue of a new copy is intrinsically connected to difficulties. If it turns out that the permit is actually stolen or lost, the applicant is likely to receive a new one. But in general, the authorities have a distinctly restrictive approach in respect to missing permits, in order to prevent abusive behavior of permit holders, especially by passing on and trading permits. This can be a severe problem for Dublin returnees, who usually no longer have the permit in their possession when they are transferred to Italy.

Sid. 29

"4.2.3 Subsidiary protection

The beneficiary of subsidiary protection is granted a residence permit valid for three years. It is renewable, but only upon verification of the requirements that led to its release. Holders are allowed to receive a travel document, but only when there are reasons to assume that the person in question is unable to make a request for a passport to the diplomatic authorities of his country of origin. Beneficiaries will receive the same treatment as Italian citizens with regard to employment, education, healthcare, and social assistance. They have the right to family reunification, but only if they meet necessary income and housing requirements."

Sid 41

"Asylum seekers who prima-facie qualify for refugee protection status or subsidiary protection should not be transferred at all, as the protection they might gain in Italy after being awarded their status is not sufficient to secure them a decent life. The sovereignty clause of the Dublin II Regulation should be applied in a manner similar to the still valid exception clause of Swiss asylum law ..."

Norwegian Association for Asylum Seekers skriver i april 2011:

Sid.15

"2.4. Permits and renewals

... Subsidiary protection status and permits on humanitarian grounds are also renewable, but only if the conditions upon which they were first granted persist.

Returnees: Renewing permits can be problematic for those leaving Italy after receiving a permit and returning after the deadline for renewal. This is especially the case for those with permits based on humanitarian grounds. It is in general difficult to predict if such permits can be renewed on return, as renewal is based on many factors such as the length of time the applicant has been away, the quality of legal assistance provided, and the manner in which the police and courts in Italy choose to handle the situation. Although NGO representatives and lawyers interviewed indicated that" Italian authorities in general are quite liberal in their dealing with these issues, the situation remains unpredictable.

In any case, a major precondition for renewing a permit is applying at the Questura responsible for the specific case. It is important to bring the original permit document. This poses a problem for many returnees, who often have left their documents in Italy before moving on to a second country. If it can be documented that the permit has been lost or stolen, it is possible to receive a new one. In general, however, the authorities have a restrictive approach in respect to missing permits in order to prevent misuse of the documents.”

Denna sammanställning av information/länkar är baserad på informationssökningar gjorda av Migrationsverkets landinformationsenhet under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

Källförteckning

Norwegian Association for Asylum Seekers, *The Italian approach to asylum: System and core problems*, april 2011

<http://www.noas.org/file.php?id=379>

Schweizerische Flüchtlingshilfe, *Asylum procedure and reception conditions in Italy*, maj 2011, (Lifos 26422)

http://www.ecoi.net/file_upload/1226_1306236033_110504-italy-report-sfhjussbuss-edited-final.pdf