

Reception conditions in Italy

Report on the current situation of asylum seekers and beneficiaries of protection, in particular Dublin returnees

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Information on the organisation: The Swiss Refugee Council (SFH/OSAR) is a politically and religiously independent non-profit organisation and the umbrella association of the Swiss refugee relief organisations Caritas, Swiss Interchurch Aid (HEKS), Swiss Workers' Relief Agency (SAH), the Association of Swiss Jewish Welfare (VSJF), the Salvation Army Foundation in Switzerland and the Swiss section of Amnesty International. As an expert organisation, SFH/OSAR is involved in the political consultation process regarding asylum and immigration legislation. SFH/OSAR also provides legal advice and coordinates the Swiss legal advice network for asylum seekers. Furthermore, it trains and coordinates the representatives of the refugee relief organisations that participate in the asylum hearings as neutral observers. SFH/OSAR systematically observes developments in asylum law and practice, provides country of origin information reports, is active in education projects and contributes toward public awareness-raising.

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1 Introduction

1.1 Background and objectives

Switzerland returns a large number of asylum seekers through the Dublin procedure as well as recognised refugees to Italy based on bilateral readmission agreements. In autumn 2010, SFH-OSAR undertook a fact-finding mission to Italy together with the Norwegian organisations Juss-Buss and NOAS and published a report¹ in 2011 describing the Italian asylum system, the asylum procedure and terms of admission. Numerous recent reports indicate that the situation in Italy has since deteriorated, especially following the Arab Spring. However, little attention has been paid to these reports by the Swiss asylum authorities. Their handling of the situation is very strict: The Federal Office for Migration (BFM) and the Federal Administrative Court (BVGer) only refrain from transferring asylum seekers to Italy in exceptional cases. Against this background, SFH-OSAR sees a need to clarify the current situation once more.

This report brings the SFH/Juss-Buss report from 2011 up to date with regard to the reception situation in Italy. The aim of the report is to provide an overview of the current accommodation and living situation for asylum seekers and refugees in Rome and Milan with a special focus on returnees who are beneficiaries of protection as well as vulnerable persons and families. It does not deal with the subject of unaccompanied minor asylum seekers as these are accommodated in a separate system.

1.2 Method

A delegation comprising three employees from the legal service of SFH-OSAR and Felicina Proserpio from CSERPE (Center for Migration Research), Basel, undertook a fact-finding mission to Italy from 27 May to 7 June 2013. The delegation was in Rome from 27 May to 3 June and in Milan from 3 to 7 June 2013. In between, an interview was held in Bologna. The delegation interviewed various representatives of NGOs, authorities and refugees. In addition to the knowledge gained from these interviews, the report also includes recent reports on the situation in Italy.

This report describes the situation in Italy based on the example of Rome and Milan. As the situation differs considerably in different regions and municipalities, this report cannot reflect the situation in the country overall.

¹ Swiss Refugee Council/Juss-Buss, Asylum procedure and reception conditions in Italy, Berne and Oslo, May 2011: www.fluechtlingshilfe.ch/asylrecht/eu-international/schengen-dublin-und-die-schweiz/asylum-procedure-and-reception-conditions-in-italy/at_download/file.

1.3 Interview and cooperation partners

The delegation would like to express its thanks in particular to the following organisations and authorities for their valuable information and cooperation during the fact-finding visit to Italy:

1.3.1 In Rome

- Misericordia, Aurelio Muscarà, responsible Ufficio Accoglienza Migranti at Fiumicino airport until the end of May 2013, 27 May 2013 (Ufficio Accoglienza Migranti Fiumicino)
- ASGI (Associazione per gli Studi Giuridici sull'Immigrazione), Cristina Laura Cecchini, Loredana Leo, lawyers, 28 May 2013 (ASGI)
- Questura Rome, Ufficio Immigrazione, Via T. Patini, Franca Zappacosta, chief inspector, 28 May 2013 (Questura Rome)
- Rome, Ufficio Immigrazione, Via Assisi 39A, Alfredo Romani, responsible Ufficio Immigrazione, 28 May 2013 (municipality of Rome)
- Sant'Egidio, Via San Gallicano 25, Cecilia Pani, Maria Quinto, 30 May 2013
- Accompanying volunteers of Sant'Egidio distributing food to homeless people, 28 May 2013
- CIR (Consiglio Italiano per i Rifugiati), Daniela Di Rado, legal department, Anna Galosi, responsible front office, Fiorella Rathaus, responsible for social and integration department, 29 May 2013 (CIR)
- Carlo Ruggiero, journalist at Rassegna.it, 29 May 2013 (Carlo Ruggiero)
- MEDU (Medici per i Diritti Umani), Adelaide Massimi, volunteer, 29 May 2013 (MEDU)
- Volunteers from MEDU, who we accompanied to the Tor Marancia tent accommodation for Afghan refugees in Rome, interviews with various Afghan refugees there, 29 May 2013
- Fondazione Centro Astalli, Chiara Peri, and SaMiFo (Salute Migranti Forzati), Martino Volpatti, 30 May 2013 (Centro Astalli / SaMiFo)
- Ferite Invisibili, Marco Mazzetti, psychiatrist and clinic director, Estela Camilo da Silva, assistant, 30 May 2013 (Ferite Invisibili)
- Cittadini del Mondo, Donatella d'Angelo, doctor, Maria Rosaria, lawyer, Arianna Cascelli, project coordinator at Selam Palace, Arcangelo Patriarca, responsible for social counselling, 30 May 2013 (Cittadini del Mondo)
- Cittadini del Mondo, who we were able to accompany to the Selam Palace squat (Romanina/Anagnina) on 30 May 2013

- Italian Ministry of Interior: Dipartimento per le libertà civili e l'immigrazione: Angela Pria, Prefect and Head of Department, Carmelita Ammendola, Deputy Prefect, external and international relations unit, Roberta Pozzuoli, Questura di Roma, Ufficio Immigrazione, Sonia Boccia, Deputy Prefect, Ufficio Immigrazione Prefettura di Roma, Marina Cestelli, Ufficio Immigrazione Prefettura di Roma, Carmen Cosentino, Deputy Prefect, first reception system, evaluation of reception conditions and structure management, Antonella Dinacci, Dublin Unit, Martha Matscher, Deputy Prefect, Capo Ufficio Asilo, protezione speciali e sussidiarie, management of ERF and second reception system, Rosetta G. L. Scotto Lavina, Direttore Centrale di servizi civili per l'immigrazione e l'asilo DLCL / security department: Maria Cristina Longarzia, immigration unit of the directorate-central for immigration and border police, Raffaella Navarra, Fiumicino border police, Palazzo Viminale, 31 May 2013 (Ministry of Interior)
- Caritas Rome, Lorenzo Chialastri, head of Area Immigrati, Caterina Boca, legal adviser, 31 May 2013 (Caritas Rome)
- Four Eritreans with subsidiary protection in Italy who live in the squat Collatina and who we interviewed on 1 June 2013
- Eritrean refugee with her small child from the Selam Palace squat, who we were able to interview in Berne, 27 Juni 2013
- Inspection in Ponte Mammolo, a shanty town with huts mainly occupied by Eritrean refugees, 2 June 2013
- SPRAR (Sistema di protezione per richiedenti asilo e rifugiati/Protection System for Asylum Seekers and Refugees), Servizio Centrale, Lucia Iuzzolini, Cristina Passacantando, Settore Legale, Assistenza tecnica e Monitoraggio, 3 June 2013 (SPRAR)
- Fondazione Roma Solidale, Maurizio Saggion, head of foundation, and Programma Integra, Valentina Fabbri, coordinator, 3 June 2013 (Fondazione Roma Solidale / Programma Integra)
- UNHCR, Beat Schuler, Senior Regional Protection Associate, Responsabile Sezione Legale, Hélène Behr, Senior Regional Protection Associate, Fabiola Conti, Funzionario della Protezione, 3 June 2013 (UNHCR)

1.3.2 In Milan

- Interview at Malpensa Airport: Laura Brambilla, Andrea Polichetti, Prefecture of Varese / Valentina Ameta and two colleagues, Cooperativa Sociale Mediazione Integrazione onlus / Angela de Santi and one colleague, Malpensa border police, 4 June 2013 (Malpensa Airport)
- Commissione protezione internazionale Milano, Maria Luisa Inversini, Presidente, 4 June 2013
- Naga (Naga Associazione Volontaria di Assistenza Socio - Sanitaria e per i Diritti di Cittadini Stranieri, Rom e Sinti), Riccardo Canitano, coordinator, Elisa Morelli-

ni, Coordinamento Legale, interview and visit to the centre offering advice and leisure activities for migrants, Naga-Har, Via San Colombano 8, 4 June 2013 (Naga)

- Naga, interview with Dr. Italo Siena, psychiatrist and founder of Naga-Har centre, 6 June 2013 (psychiatrist, Naga)
- Farsi Prossimo, Paolo Grassini, head of department, Monica Molteni, head of information desk for legal advice, Via Barabino 8, 5 June 2013 (Farsi Prossimo)
- Asnada, interview with Sara Honegger, Margherita Giorgio and Anna Brambilla, Avvocato ASGI Milano e Pisa, as well as a refugee from Afghanistan and five people with protection status on humanitarian grounds from various African countries, Via Ippocrate 45, 5 June 2013 (Asnada)
- Interview with a recognised refugee from Côte d'Ivoire, 5 June 2013
- Caritas Ambrosiana, Servizio Accoglienza Immigrati, Luca Bettinelli, lawyer and head, Daniela Varisco, counsellor, 6 June 2013 (Caritas Ambrosiana)
- Municipality of Milan, Servizio dell'Ufficio Stranieri, Sportello Centri Accoglienza, Giancarla Boreatti, responsible Ufficio Stranieri, Daniela Donelli, social worker, Marco Sfirra, administrative staff / Sarah Nocita, lawyer Farsi Prossimo, Via Barabino 8, 6 June 2013 (municipality of Milan)
- Maria Cristina Romano and Luce Bonzano, lawyers, 7 June 2013. Luce Bonzano is currently working on a study about reception centers in Puglia.

1.3.3 Bologna

On a stopover between Rome and Milan, the delegation was able to interview a female Eritrean refugee in Bologna, 3 June 2013.

2 Summary

From 27 May to 7 June 2013, a delegation from SFH-OSAR travelled to Rome and Milan, where they interviewed NGOs, authorities and refugees to clarify the current reception conditions for asylum seekers and refugees.

The vast majority (83.9 percent) of asylum seekers and refugees returned to Italy under the Dublin Regulation are returned from Switzerland. In 2012, a total of 3,551 people were transferred to Italy under the Dublin Regulation compared to 8,000 state-funded places in reception centres. 64,000 recognised refugees already live in Italy.

The so-called **North African Emergency** was declared to be over at the end of 2013. Approximately 16,000 people had to leave emergency housing. Around 3,000 vulnerable people were allowed to stay longer with the aim of transferring them to

places in SPRAR centres (Sistema di Protezione per Richiedenti Asilo e Rifugiati/ Protection System for Asylum Seekers and Refugees).

There are still **deficiencies regarding access to the asylum procedure**. In Milan, a residence permit is required to submit an application for asylum. In Rome, too, asylum seekers must be able to produce an address. Both in Milan and Rome, it can last several months before an asylum application is formally registered (*verbalizzazione*). During this time, asylum seekers have no shelter.

NGOs at Fiumicino Airport in Rome and Malpensa Airport in Milan offer advice for **asylum seekers transferred to Italy under the Dublin Regulation**. They can also refer them to a place in a FER project (Fondo Europeo per i Rifugiati: accommodation funded by the European Refugee Fund) if there is free capacity and as long as the Prefecture of Rome or Varese is responsible for the person. If a different Prefecture is responsible, the asylum seekers can be housed in a FER project for a few days at the most until they move on. The number of places in FER projects is restricted to just 220 in total. Both the length of stay and the project duration are usually limited.

In theory, Dublin returnees now also have access to **CARA** reception centres (Centri di Accoglienza per Richiedenti Asilo / Accommodation Centres for Asylum Seekers). However, they are currently already full.

Unlike asylum seekers who are returned to Italy, **returnees who already have protection status in Italy are not entitled to support**. They do not have recourse to the NGOs at the airports and are not eligible for shelter in FER projects. They are free to travel into Italy, but must be able to look after themselves. Italian law allows people eligible for protection to work at the latest when they receive their protection status. They are therefore expected to be able to provide for themselves from this time onward. They no longer have access to CARA centres and may only stay in **SPRAR** centres if they have not done so in the past. The number of SPRAR places is very limited (4,800 at present, to be increased to 16,000 from 2014), and there are 5,000 people on the waiting list. Applicants are allowed to stay for six months with the possibility of extending this to twelve months, or even longer for vulnerable persons. However, in most cases this is not long enough to gain independence.

The municipalities of both Rome and Milan have information counters where they arrange **accommodation at municipality level**. However, these are also available to other foreigners (not only asylum seekers and beneficiaries of protection). There are 1,300 such places in **Rome** with a waiting list of at least three months. In some cases, people never get a place despite trying several times. More than half the places are taken by asylum seekers, leaving fewer places for those with protection status. They are often emergency places in dormitories that are only open at night. You are allowed to stay here for up to six months.

The municipality of **Milan** has 400 places in its Morcone system. The centres for men are only open at night. You can stay in them for ten months. They do not take in persons who have already stayed in a SPRAR project. Neither do they accept people with psychiatric problems, as they cannot accommodate them adequately. Families are always housed separately in Milan. In Milan, too, most people do not manage to stand on their own two feet after these ten months are over.

In addition, **NGOs or church organisations** in both Rome and Milan offer some accommodation, but their capacity is extremely limited. Frequently they only offer emergency accommodation in dormitories. Volunteers from NGOs often telephone around for hours to find somewhere for individual asylum seekers to sleep for a night.

Many people therefore end up **living on the streets or in squats and slums**. The delegation visited Selam Palace, a squat in Rome. Some 800 East Africans live here, including families and single mothers with children. The house is self-governed by a committee with a strict hierarchical order. The sanitary conditions are poor and women are exposed to sexual assaults. The living conditions are inadequate for children. People with mental illnesses are not accepted in the squat as they are not considered fit for communal living. Large numbers of homeless refugees can be seen in Rome and many sleep under a projecting roof at the Termini railway station. In Milan there are occupied railway buildings where people with protection status also live.

With a view to the current **economic crisis and the high level of unemployment in Italy** (12 percent or 39.5 percent among young adults) it is more or less impossible for asylum seekers and those with protection status to find work. If they do manage, it is usually unreported work, poorly paid and temporary. They do not earn enough to rent a flat and support themselves. And so they roam the streets the whole day, queuing up for food and looking for a bed for the night or a place to wash. Their everyday existence is determined by covering their basic needs. Under these circumstances, it is almost impossible for them to become integrated into society, for example by visiting a language course. It is even more difficult for single mothers or fathers who have to look after their children. The integration schemes available are very limited as it is.

In terms of **social welfare**, recognised refugees enjoy the same legal status as Italians. However, the Italian social welfare system is very weak and cannot guarantee a minimum subsistence level. The waiting time for social housing is several years, even for families. The Italian system strongly relies on family support for those affected. However, refugees cannot build on an informal network such as this.

Families with children are sometimes allowed to stay longer in reception centres, but it is more difficult for them to find a suitable place and they often have to wait longer. In addition, they are often put into separate accommodation. Homeless women with children also risk their child being taken away from them and placed in separate accommodation. This prevents many mothers from applying for a place at all.

Access to **health care** is restricted in practice by the fact that many asylum seekers and people with protection status are not informed about their rights and the administrative procedure to obtain a health card. Furthermore, there are too few suitable reception places for people with mental illness. People with mental illnesses such as post-traumatic stress disorder cannot be treated effectively if they are living on the streets.

The **Italian reception system** for asylum seekers and beneficiaries of international protection is **insufficient**. As a result, Italy does not comply with its international

obligations. In view of this situation, member states of the Dublin Regulation that return people to Italy have a **duty to investigate** individual cases. If a person to be transferred risks ending up on the streets in all probability without the possibility of achieving independence, the **sovereignty clause** should be applied.

3 Italy and Asylum: Facts and Figures

3.1 Number of applications for asylum and protection rate

As a result of its geographic position, Italy is the first European country that many asylum seekers reach. Most come to Italy by boat from Northern Africa. In its important judgment *Hirsi Jamaa* in 2012,² The European Court of Human Rights (ECtHR) reaffirmed that refugees by boat who are intercepted at sea have a right of access to an asylum procedure.

Following the Arab Spring in 2011, the number of applications for asylum in Italy rose to 34,115,³ but dropped again afterwards to 15,715 in 2012.⁴ In summer 2013, the number of boat refugees arriving in southern Italy rose sharply again.⁵

More than half of asylum seekers in Italy receive protection status. In 2012, for example, 9,270 of a total of 14,970 decisions (first instance and appeal) were positive (61.9 percent). Of these, 2,095 were recognised as refugees, 4,770 received subsidiary protection and 2,405 a permit for humanitarian reasons.⁶ According to UNHCR estimates, approximately 64,000 refugees live in Italy.⁷

3.2 Dublin and other third country transfers

In 2012, Italy received a total of 17,631 take charge or take back requests from other European countries based on the Dublin II Regulation.^{8,9} Of these, 6,605 were from Switzerland alone.¹⁰ The number of people transferred to Italy was 3,551,¹¹ in-

² EGMR, *Hirsi Jamaa and Others vs. Italy*, application no. 27765/09, judgment of 23 February 2012.

³ Eurostat press release 46/2012, 23 March 2012, p. 2:
http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-23032012-AP/EN/3-23032012-AP-EN.PDF.

⁴ Eurostat press release 48/2013, 22 March 2013, p. 2:
http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-22032013-BP/EN/3-22032013-BP-EN.PDF.

⁵ Migration News Sheet, July 2013, p. 17.

⁶ Eurostat press release 96/2013, 18 June 2013, p. 3:
http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-18062013-AP/EN/3-18062013-AP-EN.PDF.

⁷ UNHCR, UNHCR Recommendations on Important Aspects of Refugee Protection in Italy, July 2013, p. 2: www.refworld.org/docid/522f0efe4.html.

⁸ Council Regulation (EC) No. 343/2003 from 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

⁹ Italy's Dublin Unit, Dati relativi alle richieste di competenza e ai trasferimenti di immigrati richiedenti asilo effettuati nell'applicazione del Regolamento CE 343/2003 (Dublino II), 27 May 2013.

¹⁰ Federal Office for Migration, Asylum Statistics 2012, p. 63:
www.bfm.admin.ch/content/dam/data/migration/statistik/asylstatistik/jahr/2012/stat-jahr-2012-d.pdf.

¹¹ Italy's Dublin Unit, Dati Regolamento Dublino II, 27 May 2013.

cluding 2,981 from Switzerland.¹² There were also transfers of recognised refugees, who are not included in the Dublin II Regulation, but fall under bilateral readmission agreements. There are no statistics for this group.

Most Dublin transferees are sent by plane to Fiumicino Airport in Rome and Malpensa Airport in Milan, although some are also sent to Bari, Florence, Naples, Verona or Venice.¹³ In 2012, a total of 1,819 persons were transferred to Malpensa Airport under the Dublin Regulation, including 1,221 from Switzerland. From 1 January to 2 June 2013, there were 878 Dublin transfers to Malpensa, of which 549 were from Switzerland.¹⁴ Some people were flown to Italy with a stopover in Linate Airport in Milan; these people often leave the airport at this point. The Prefecture of Milan is responsible for these cases and not Varese, which covers arrivals in Malpensa.¹⁵ In 2012 there were 2,256 Dublin transfers to Fiumicino Airport in Rome.¹⁶

3.3 Number of places in accommodation

In 2012 alone, 3,551 asylum seekers were transferred to Italy under the Dublin Regulation,¹⁷ as well as recognised refugees. They add to the grand total of 64,000 refugees who already live in Italy.¹⁸ A total of 8,000 places in state accommodation are available for all these people.¹⁹ The municipalities and NGOs as well as church organisations also offer accommodation with are a total of 3,000 places in Rome²⁰ and around 500 places in Milan.²¹ However, these figures should be treated with caution as the many players involved are not coordinated and it is impossible to get the full picture.

At municipal level, on the one hand there are centres run by NGOs and funded by the municipality. On the other hand, NGOs (partly the same) and church organisations run other accommodation centres independent of this that are funded in some other way (for example through donations). This situation makes it difficult to get an exact overview of the total number of places available. It also means that not all the places offered by NGOs and church organisations are in addition to the state system, but that many of them are part of the state system or are integrated into it. This is significant as Swiss asylum authorities often base their arguments in favour of returning refugees to Italy on the number of places offered by NGOs and churches.

¹² Federal Office for Migration, Asylum Statistics 2012, p. 63.

¹³ Interview Malpensa Airport, 4 June 2013.

¹⁴ Ibid. The Ministry of Interior cites 1798 transfers to Malpensa in 2012: Ministry of Interior, Department for civil liberties and immigration, information by email, 3 October 2013.

¹⁵ Interview with the municipality of Milan, 6 June 2013.

¹⁶ Ministry of Interior, Department for civil liberties and immigration, information by email, 3 October 2013. This number together with the number of transferees to Malpensa Airport in 2012 is higher than the total of Dublin transfers to Italy according to the Dublin Unit (see footnote 11). The Ministry of Interior explains this discrepancy with the fact that it received figures from different authorities. In future, each border police unit will be able to enter its figures into the Dublinet system itself: Ministry of Interior, Department for civil liberties and immigration, information by e-mail, 9 October 2013.

¹⁷ Italian Dublin Unit, Dati Regolamento Dublino II, 27 May 2013.

¹⁸ UNHCR Recommendations Italy, July 2013, p. 2.

¹⁹ Interview with the Ministry of Interior, Rome, 31 May 2013.

²⁰ Ibid. These comprise municipal places, SPRAR places, CARA places and places with state funding.

²¹ 400 places for first-stage accommodation and 102 places for second-stage accommodation: Interview with Farsi Prossimo, Milan, 5 June 2013.

It is also important to know that many of these places are not exclusively available to asylum seekers and beneficiaries of protection. See chapter 5.2 for more information on this.

3.4 North African Emergency

In the course of the Arab Spring, some 60,000 refugees arrived in Italy. Italy reacted to this huge inflow with the concept of the so-called «North African Emergency» and granted approximately 24,000 people protection on humanitarian grounds for a period of one year.²² An additional 26,000 places were funded led by the civil protection agency (*Protezione Civile*). Various providers (NGOs and hotel owners) were paid 46 euros per day and person for accommodating these people.²³ Despite this financial compensation, the emergency accommodation often consisted of just a bed and food; it rarely included language courses or legal support, and some accommodation was very remote.²⁴ Most places were offered by organisations with little or no experience. The asylum seekers had no access to many of the statutory benefits linked to accommodation.²⁵ Many interviewees were critical of the emergency concept. The Commissioner for Human Rights of the Council of Europe also pointed out the inconsistent standards and insufficient support in emergency reception centres.²⁶ It would seem that mainly hotel owners took advantage of this concept to make money instead of giving asylum seekers adequate accommodation.²⁷ Furthermore, the emergency compromised the entire reception system in Italy.²⁸

The end of the North African Emergency managed by the civil protection agency was declared on 31 December 2012. It was extended until the end of February 2013 under the direct responsibility of the Ministry of Interior. When the emergency reception centres closed down, the 16,000 or so remaining refugees were each given 500 euros as an incentive to leave the accommodation or as a means to integrate into society in Italy. Basically, their protection status on humanitarian grounds (twelve months work and residence permit for Italy and a travel document) allowed them to travel to other European countries without a visa for a period of three months. UNHCR does not know how many people made use of this «freedom to travel».²⁹ Neither is there any official data concerning the socio-economic integration of those who had to leave the emergency shelters. UNHCR voices concern regarding the poor quality of the reception services and the economic situation in Italy.³⁰ The Ministry of Interior told the delegation that many of these people had found work,³¹ but failed to provide exact information when asked. According to the NGO Naga, it is not

²² As long as they arrived in Italy between 1 January and 5 February 2011.

²³ In comparison, a SPRAR place in Milan costs 35 euros per person and day: Interview with Naga, Milan, 4 June 2013.

²⁴ Interview with Naga, Milan, 4 June 2013.

²⁵ UNHCR Recommendations Italy, July 2013, p. 9.

²⁶ Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, following his visit to Italy from 3 to 6 July 2012 18 September 2012, para. 143:
<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2143096&SecMode=1&DocId=1926434&Usage=2>.

²⁷ See: Der Spiegel 25/2013, Mogadischu in Apulia, p. 34ff.

²⁸ Interview with Caritas Rome, 31 May 2013; interview with Cittadini del Mondo, Rome, 30 May 2013.

²⁹ Interview with UNHCR, Rome, 3 June 2013.

³⁰ UNHCR Recommendations Italy, July 2013, p. 10.

³¹ Interview with the Ministry of Interior, Rome, 31 May 2013.

known what happened to these people. In Milan, during the winter many found a place to stay in homeless shelters and then ended up on the street.³² In Rome, too, many wound up being homeless.³³ The numerous reports of demonstrations by refugees who travelled on to Germany³⁴ cast doubt on the claim that the majority of people from the emergency reception centres found work in Italy.

Vulnerable persons (sick people, single mothers, families) on the other hand were able to stay longer in the reception centres.³⁵ The aim is to gradually transfer these some 3,000 people to SPRAR³⁶ centers.³⁷ It is doubtful whether this is realistic as SPRAR currently has a total of 4,800 places and 5,000 people on the waiting list³⁸ (see 5.2.1).

3.5 EU infringement proceedings

The EU Commission invoked infringement proceedings against Italy on 24 October 2012 with regard to the Procedures Directive³⁹, the Reception Conditions Directive⁴⁰, the Qualification Directive⁴¹ and the Dublin II Regulation.⁴² According to UNHCR and ASGI, the proceedings are concerned with accommodation, access to the asylum procedure, the Dublin procedure and possibly integration. From the perspective of UNHCR, the lack of accommodation capacity is the greatest problem.⁴³ Details on the infringement proceedings are not accessible.

During its visit, the delegation gained the impression that representatives of the authorities were very reticent in providing information. As the EU infringement proceedings were mentioned frequently, it can be assumed that this was the reason for the lack of information provided.

³² Interview with Naga, Milan, 4 June 2013.

³³ Corriere Della Sera, Rifugiati: il governo chiude i centri, 3 mila richiedenti asilo senza casa nel Lazio, 3 aprile 2013: http://roma.corriere.it/roma/notizie/cronaca/13_aprile_3/chiusura-centri-rifugiati-roma-212459607081.shtml.

³⁴ See the situation in Hamburg, for example: Die Zeit, Letzte Zuflucht, Flüchtlinge in Hamburg, 19 July 2013: www.zeit.de/2013/30/fluechtlinge-libyen-st-pauli.

³⁵ Interview with the Ministry of Interior, Rome, 31 May 2013.

³⁶ Sistema di protezione per richiedenti asilo e rifugiati / Protection System for Asylum Seekers and Refugees.

³⁷ Interview with UNHCR, Rome, 3 June 2013.

³⁸ Interview with SPRAR, Rome, 3 June 2013.

³⁹ Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status.

⁴⁰ Council Directive 2003/9/EC of 27 January 2003 on laying down minimum standards for the reception of asylum seekers.

⁴¹ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

⁴² EU Commission, infringement proceedings according to Art. 258 of the Treaty on the Functioning of the European Union, No. 2012/2189, 24 October 2012: http://ec.europa.eu/dgs/home-affairs/what-is-new/eu-law-and-monitoring/infringements_by_country_italy_en.htm.

⁴³ Interview with UNHCR, Rome, 3 June 2013; interview with ASGI, Rome, 28 May 2013.

4 Reception of asylum seekers

4.1 Access to the asylum procedure

4.1.1 Residence permit

People who want to apply for asylum at the Questura⁴⁴ in Milan have to produce a so-called *dichiarazione di ospitalità*. This is a document from a host or landlord confirming that the person lives there. In Milan, the issuer of such documents is often Casa della Carità, a church-run hostel. However, not all applicants know that they can turn to the hostel. Some even pay to have a confirmation of residence issued by a resident. The Questura accepts confirmations from Casa della Carità, even though it is aware that not all applicants actually live there. An asylum application cannot be lodged without such a document. There are two reasons for requiring proof of residence: On the one hand, it gives the authorities an address where they can reach the asylum applicant. On the other hand, it also absolves them from the responsibility of finding accommodation for the person involved, because they have just confirmed that they already have somewhere to live.⁴⁵ According to Farsi Prossimo, this declaration does not prevent asylum seekers from gaining access to accommodation.⁴⁶ Asnada, however, claims that this rule results in fewer applications for SPRAR places in Milan. The practice enforced by the Questura of Milan of demanding proof of residence has already been contested by NGOs but was confirmed by the responsible court.⁴⁷

Apparently, other local authorities (but not all) also demand documents providing proof of residence.⁴⁸ In Rome, various NGOs, especially Centro Astalli, provide virtual addresses. Several sources confirm that an address is also a prerequisite when filing an asylum application.⁴⁹

Demanding proof of residence is an unlawful barrier to gaining access to the asylum procedure and to accommodation at the beginning of the procedure.⁵⁰

4.1.2 Gap between the asylum application and «verbalizzazione»

Between filing the initial application for asylum at the Questura and formal registration (*verbalizzazione*), there is a considerable time delay. This is longer in larger cities or in cases where there are staff shortages at the Questura. In Rome, accord-

⁴⁴ The Questura is the local administrative body that is responsible for registering asylum applications, among other tasks.

⁴⁵ Interview with Naga, Milan, 4 June 2013; interview with Asnada, Milan, 5 June 2013; interview with Maria Cristina Romano and Luce Bonzano, lawyers, Milan, 7 June 2013.

⁴⁶ Farsi Prossimo, information by e-mail, 2 August 2013.

⁴⁷ Interview with Naga, Milan, 4 June 2013; interview with Asnada, Milan, 5 June 2013.

⁴⁸ Interview with Maria Cristina Romano and Luce Bonzano, lawyers, Milan, 7 June 2013.

⁴⁹ Interview with ASGI, Rome, 28 May 2013; Centro Astalli, Accettazione, www.centroastalli.it/index.php?id=201. According to UNHCR, a residential address is necessary for the Questura Rome to accept responsibility: Interview with UNHCR, Rome, 3 June 2013.

⁵⁰ See section 7 for the legal analysis.

ing to several sources, it can take several months before the *verbalizzazione*.⁵¹ Representatives of the authorities say that it takes one month at the most.⁵² In Milan, the waiting time is three months.⁵³ Dublin returnees are also affected by such delays.⁵⁴

According to Italian law, asylum seekers have access to accommodation as soon as they apply for asylum.⁵⁵ In practice, however, this is only granted after the *verbalizzazione*. In the meantime, therefore, asylum seekers are left to their own devices and often end up on the streets.⁵⁶

Based on the specifications of the EU Commission, the Italian Ministry of Interior has issued new instructions to the Questure, according to which the *verbalizzazione* should take place at the same time as the asylum application is filed.⁵⁷ It is hoped that this together with the new IT system Vestanet will result in shorter waiting times. However, it will take time until the new system is implemented nationwide and there have been technical teething problems.⁵⁸ Furthermore, too few additional jobs have been created by the Questure to process the applications.⁵⁹ It therefore remains to be seen whether these measures will actually lead to improvements.

4.1.3 Conclusion

There are still incongruous administrative barriers and considerable time delays in gaining access to the asylum procedure and accommodation at the beginning of the procedure.

4.2 Arrival of asylum seekers returned under the Dublin Regulation

This group can be divided into two categories:

1. People who have not yet applied for asylum in Italy: They have to submit their application for asylum to the office of the Questura at the airport when they arrive at Fiumicino or Malpensa Airport. They are then given an appointment to register at the Questura in Rome or in Varese for the *verbalizzazione*. Until this appointment, they have access to accommodation in a

⁵¹ Interview with UNHCR, Rome, 3 June 2013; interview with ASGI, Rome, 28 May 2013; interview with MEDU, Rome, 29 May 2013.

⁵² According to the Ministry of Interior, this took longer during the North African Emergency, currently it only takes 20-25 days: Interview with the Ministry of Interior, Rome, 31 May 2013. According to the Questura Rome, it takes one month at the most: Interview with Questura Rome, 28 May 2013.

⁵³ Interview with Naga, Milan, 4 June 2013; interview with psychiatrists, Naga, Milan, 6 June 2013.

⁵⁴ UNHCR Recommendations Italy, July 2013, p. 6.

⁵⁵ No. 5 art. 5 Decreto Legislativo no. 140 dated 30 May 2005, which implements the EU Reception Conditions Directive, see: www.cir-onlus.org/index.php?option=com_content&view=article&id=429&Itemid=189&lang=it.

⁵⁶ Also see Judith Gleitze, *borderline-europe*, report on the order of the administrative court of Brunswick to hear evidence from 28.09.2012, December 2012, p. 9: www.borderline-europe.de/sites/default/files/readingtips/2012_12_02_Gutachten_Antworten_finale_anonym.pdf.

⁵⁷ Interview with the Ministry of Interior, Rome, 31 May 2013; Ministero dell'Interno, Dipartimento della Pubblica Sicurezza, Direzione Centrale Immigrazione, Circolare Nr. 400, 8 February 2013, p. 3.

⁵⁸ Interview with UNHCR, Rome, 3 June 2013.

⁵⁹ Interview with CIR, Rome, 29 May 2013.

FER project⁶⁰, if there are free places. They can also be sent to a CARA⁶¹ centre anywhere in Italy.⁶² This also depends on the available capacity.

2. People who have travelled on to another European country during their ongoing asylum procedure (according to information by the Questura Rome, there are only few such cases⁶³):

- If the Prefecture of Rome or Varese is responsible for these people (i.e. if they have already been in proceedings in Rome or Varese), they can be housed in a FER project if there are free places.⁶⁴
- If the Prefecture of Rome or Varese is not responsible for them, they are given a train ticket by the NGO at the airport to continue their journey to the responsible region. Until they continue their journey, they can stay for a few days in FER accommodation (only if there are free places, and in Varese only in exceptional cases). They must then register at the responsible Questura for their asylum procedure to be resumed.⁶⁵ The same waiting times apply here as for other asylum seekers.⁶⁶ To gain access to accommodation in a CARA centre they require authorization from the responsible Prefecture.⁶⁷

People in both of these categories are met by the border police on arrival at Malpensa or Fiumicino Airport and accompanied to the Questura at the airport, where their fingerprints and photographs are taken for identification purposes. From there, they are accompanied to the responsible NGO in the airport's transit area, which offers advice for asylum seekers on behalf of the Prefecture (not only for Dublin returnees, but also for people who are filing an asylum application for the first time).⁶⁸ In Malpensa, this is the Cooperativa Sociale Mediazione Integrazione. In Fiumicino Airport in Rome it was the organisation Misericordia (Ufficio Accoglienza Migranti) at the time of the fact-finding visit to Italy. Immediately after our visit, this was changed: The NGO Badia Grande is now responsible.⁶⁹

In contrast to asylum seekers, returnees with protection status in Italy are not eligible for support from NGOs at the airports, even if they are vulnerable. See 5.1 for more information on this.

⁶⁰ Accommodation funded by the European Refugee Fund (Fondo europeo per i rifugiati) especially for Dublin returnees, see 4.3.1.

⁶¹ Centro di accoglienza per richiedenti asilo / Accommodation Center for asylum seekers.

⁶² Interview with UNHCR, Rome, 3 June 2013.

⁶³ Interview with Questura Rome, 28 May 2013.

⁶⁴ Interview with Misericordia, Rome, 27 May 2013.

⁶⁵ Interview with UNHCR, Rome, 3 June 2013; interview with Misericordia, Rome, 27 May 2013; interview at Malpensa Airport, 4 June 2013; Cooperativa Intrecci, telephone interview, 23 July 2013.

⁶⁶ Interview with the Ministry of Interior, Dublin Unit, Rome, 31 May 2013.

⁶⁷ Judith Gleitze, *borderline-europe*, report, December 2012, p. 14f.

⁶⁸ Interview with the Ministry of Interior, Rome, 31 May 2013; interview at Malpensa Airport, 4 June 2013; interview with Misericordia, Rome, 28 May 2013.

⁶⁹ Caritas Rome points out that funds are used inefficiently due to the frequently changing organisations. Each time there is a change, everything is done differently; each organisation has to start again from scratch: Interview with Caritas Rome, 31 May 2013. The former representative of Ufficio Accoglienza Migranti Fiumicino also emphasises that there was a loss of quality due to the lack of continuity caused by abrupt change in June 2013: former representative of Ufficio Accoglienza Migranti Fiumicino, information by e-mail, 22 September 2013.

According to the NGOs in Malpensa and Fiumicino airports, Dublin returnees sometimes stay for a few days at the airport (without accommodation) until housing can be found for them.⁷⁰ UNHCR also reports in its most recent publication on Italy that Dublin returnees sometimes spend several nights at the airport until they are given accommodation.⁷¹

Both the NGOs at the airports and the border police at Malpensa pointed out that often, they are not sufficiently informed about the arrival of Dublin transferees and their needs (for example medical). For example, there have been cases where people have been transferred from other European countries on crutches or in a wheelchair, and the airlines have then taken back their medical aids. The airport staff then had to look for a replacement ad hoc. Malpensa border police now look for information on imminent arrivals in the Dublinet system so that they are prepared. Obviously, the supply of information from other European states to the responsible authorities and to NGOs at the airport of arrival via the Italian Dublin unit does not work well.⁷²

An employee of the Ufficio Accoglienza Migranti at Fiumicino Airport in Rome also claimed that transferred refugees often have problems finding their luggage because it is placed in various baggage rooms. Several operators with different systems are responsible for luggage. As a result, the refugees often have to leave the airport without their bags, which makes them nervous and angry, especially if the baggage contains important medication such as insulin syringes. Staff at the Ufficio Accoglienza Migranti have to look for the luggage at the airport, which takes a great deal of their time.⁷³ The Cooperativa at Malpensa airport also reported cases where asylum seekers from Switzerland lost their suitcases and assumes that these people are given too little time at Zurich airport to check in their luggage.⁷⁴

Conclusion: Only people who are in the asylum procedure have recourse to the NGO at the airport. Even vulnerable people with protection status such as ill persons or single mothers with children do not have access to the NGO at the airport. The NGOs can arrange accommodation if the local Prefecture is responsible for the refugee, but if another Prefecture is responsible, it can only arrange short-term accommodation in a FER project at the most as well as a train ticket. The organisations at the airport are often insufficiently informed about the needs of the new arrivals. They are often shocked at what bad shape many of the returnees are in.⁷⁵

4.3 Accommodation facilities for returned asylum seekers

Asylum seekers who are returned to Italy under the Dublin II Regulation can generally find accommodation in the following centres:

- FER projects (Fondo Europeo per i Rifugiati)

⁷⁰ Malpensa Airport, 4 June 2013; interview with Misericordia, Rome, 27 May 2013.

⁷¹ UNHCR Recommendations Italy, July 2013.

⁷² Ibid.

⁷³ Interview with Ufficio Accoglienza Migranti Fiumicino, Rome, 27 May 2013.

⁷⁴ Interview at Malpensa airport, 4 June 2013.

⁷⁵ Ibid.

- CARA (Centri di Accoglienza per Richiedenti Asilo)
- SPRAR (Sistema di Protezione per Richiedenti Asilo e Rifugiati)
- Municipal accommodation

This section only discusses accommodation provided exclusively for asylum seekers. Other centres that are also accessible for persons with protection status (SPRAR and municipal accommodation) are dealt with in chapter 5.2.

If the Prefecture of Rome or Varese is responsible for the asylum seekers (i.e. they have already been in proceedings in Rome or Varese or filed their first application for asylum there), they can be given accommodation in a FER project, as long as there are free places.

In Italy, the first accommodation centres CSPA (Centro di Soccorso e Prima Accoglienza) and CDA (Centro di Accoglienza) are available for refugees who have just arrived by boat.⁷⁶ As Dublin returnees are not given accommodation in these centres, they are not included here.

4.3.1 FER projects

The EU's European Refugee Fund finances various projects that offer accommodation especially for asylum seekers returned to Italy under the Dublin Regulation. According to EU requirements, only asylum seekers have access to this system, i.e. not returnees who already have a protection status in Italy. The Ministry of Interior has given clear directions in this respect to the NGOs that run the projects.⁷⁷ People with protection status are only accepted in exceptional cases, according to the Ministry of Interior.⁷⁸ However, in an interview with the NGOs at Fiumicino and Malpensa Airport as well as with the Cooperativa Intrecci,⁷⁹ which runs the FER projects in Varese, it became clear that people with protection status are not accepted as they do not have access to the NGOs at the airports: These NGOs are in the transit area in the non-Schengen zone. Only refugees who are collected by the border police from the airplane (which usually lands in the Schengen zone) and escorted to the NGOs have access. This only applies to asylum seekers. People with protection status in Italy are not escorted to the NGOs and can therefore not be referred to FER accommodation. See 5.1 for more details.

These EU projects are temporary. They started in summer 2012 and are extended each year for a further period of one year.⁸⁰ The Ministry of Interior sent out a request for proposal for the period from summer 2014 to summer 2015 in June 2013.⁸¹

⁷⁶ Judith Gleitze, *borderline-europe*, report, December 2012, p. 12f.

⁷⁷ Interview with UNHCR, Rome, 3 June 2013; Cooperativa Intrecci, telephone interview, 23 July 2013.

⁷⁸ Interview with the Ministry of Interior, Rome, 31 May 2013.

⁷⁹ Cooperativa Intrecci, telephone interview, 23 July 2013.

⁸⁰ Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013; interview with CIR, Rome, 29 May 2013.

⁸¹ Ministry of Interior, *Bandi di Gara*, Dipartimento per le libertà civili e l'immigrazione, Azione 2A - 3D, 13 June 2013:

The number of places in these projects is very limited. Furthermore, Centro Astalli points out that for the costs to be repaid by the EU fund, the accommodation effectively has to be full from the very start.⁸²

FER accommodation in Rome

- Amici: 80 places for vulnerable people as well as families with both parents. Asylum seekers for whom the Prefecture of Rome is not responsible can stay there for five days at most. If Rome is responsible, they can stay there for several months.⁸³ The centre is run by the Italian Red Cross and the Catholic University of Rome.⁸⁴
- Casa della Solidarietà: 70 places for non-vulnerable persons.⁸⁵ If Rome is not responsible, asylum seekers can stay there for five days at most, or for several months if Rome is responsible.⁸⁶ The centre is run by the organisation Consorzio Casa della Solidarietà.⁸⁷

FER accommodation in Varese/Rho⁸⁸

- Centro di accoglienza, Via Luini 9, Varese: 10 places for pregnant women and women with children under 14 years of age (boys) or 18 years (girls)
- Casa di accoglienza, Via Conciliazione 2, Varese: 12 places for single vulnerable men
- Casa Futuro, Via Gorizia 27, Rho: 13 places for men and women with severe disabilities

These projects are run by the Cooperativa Intrecci and are in force until the end of June 2014.⁸⁹ They are only open to vulnerable asylum seekers for whom the Questura Varese is responsible. If another Questura is responsible, the person is generally sent there directly from the airport. In exceptional cases only, the person might be accepted in a FER centre for a few days. The Cooperativa Intrecci does not have a waiting list. It receives several e-mail requests every week from the Dublin Unit to accept vulnerable returnees, but it cannot offer a place for everyone: At the end of July, 29 of the total of 30 places were taken. The length of stay in these projects varies depending on the person's chances of finding accommodation afterwards. There is no maximum length of stay. Many people stay just three weeks, and difficult cases may stay for more than a year. The Ministry of Interior has instructed the Cooperativa Intrecci to refer the people it accommodates to a SPRAR centre and not to

www.interno.gov.it/mininterno/site/it/sezioni/servizi/bandi_gara/dip_liberta_civili/2013_06_12_avvis_o_fondo_europeo_rifugiati.html.

⁸² Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013.

⁸³ Interview with Ufficio Accoglienza Migranti Fiumicino, Rome, 27 May 2013. According to ASGI, the length of stay is 90 days: Interview with ASGI, Rome, 28 June 2013.

⁸⁴ Italian Red Cross, information by e-mail, 31 May 2013.

⁸⁵ Interview with the Ministry of Interior, Rome, 31 May 2013.

⁸⁶ Interview with Ufficio Accoglienza Migranti Fiumicino, Rome, 27 May 2013. According to ASGI, the length of stay is 90 days: Interview with ASGI, Rome, 28 June 2013.

⁸⁷ Interview with CIR, Rome, 29 May 2013.

⁸⁸ Cooperativa Intrecci, Progetto FER Play II, www.coopintrecci.it/index.php?option=com_content&view=article&id=110&Itemid=104.

⁸⁹ Ibid.

a CARA.⁹⁰ Cooperativa Intrecci therefore asks SPRAR for subsequent accommodation. It can take weeks or months until it gets an answer from SPRAR.⁹¹ As explained in section 5.2.1, the number of SPRAR places is very limited and there are 5,000 people on the waiting list. For people with special needs, it is even more difficult to find a follow-on solution. This means that they tend to stay longer in FER centres, taking up places that should be available for new arrivals.

There are additional FER projects in Bari and Venice. Bari has 20 places.⁹² The project in Venice started on 5 July 2013 and is run by CIR. From 1 August 2013, 40 non-vulnerable Dublin returnees will be housed there. The places are open to asylum seekers. People with subsidiary protection status can also be accepted in individual cases if they have a special approval from the Ministry of Interior, but not people with permits on humanitarian grounds and recognised refugees.⁹³

The request for proposal issued by the Minister of the Interior for the period from summer 2014 to summer 2015 includes some additional places in FER projects.⁹⁴ However, it remains to be seen how this is implemented and which organisations are awarded the contract.

Conclusion

The FER projects offer a total of 220 places for Dublin returnees.⁹⁵ There were 3,551 Dublin returnees in 2012.⁹⁶ Of these, 1,819 arrived in Malpensa,⁹⁷ although there are only 35 FER places in Varese. Another 2,256 people were transferred to Rome⁹⁸ where there are 150 FER places. The FER places are not open to the largest group of returnees – those with protection status in Italy. In addition, both the length of stay and the project duration are generally limited. These projects can therefore only offer temporary accommodation for some Dublin transferees, but they do not result in a significant increase in accommodation capacity in Italy.⁹⁹

4.3.2 CARA¹⁰⁰

CARA are first-stage accommodation centres in Italy. They are large and often very remote. They only offer very few integration measures. The conditions in these centres with mass accommodation and minimum support are unsuited to families and

⁹⁰ UNHCR also confirmed this with regard to all FER projects: Interview with UNHCR, Rome, 3 June 2013.

⁹¹ Cooperativa Intrecci, telephone interview, 23 July 2013.

⁹² Interview with UNHCR, Rome, 3 June 2013.

⁹³ CIR, information by e-mail, 16 July 2013.

⁹⁴ Ministry of Interior, Bandi di Gara, Azione 2A - 3D, 13 June 2013, p. 5.

⁹⁵ Interview with CIR, Rome, 29 June 2013.

⁹⁶ Italian Dublin Unit, Dati Regolamento Dublino II, 27 May 2013.

⁹⁷ Interview at Malpensa Airport, 4 June 2013.

⁹⁸ Ministry of Interior, Department for Civil Liberties and Immigration, information by e-mail, 3 October 2013. Regarding the discrepancy in the numbers for Malpensa and Fiumicino compared to the total number of Dublin transferees to Italy, see footnote 16.

⁹⁹ Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013.

¹⁰⁰ Centri di accoglienza per richiedenti asilo.

other vulnerable groups.¹⁰¹ There are a total of 5,000 CARA places in the whole of Italy.¹⁰²

In **Milan**, there are no CARA centres; the Morcone system¹⁰³ provides first accommodation centres here. The delegation was given inconsistent information on whether people applying for asylum in Milan can nevertheless be sent to a CARA in another part of the country.

Asylum seekers who are returned to Italy through the Dublin procedure can be given accommodation in a CARA in principle if they are referred there by the Prefecture responsible for them¹⁰⁴ and there are free places.¹⁰⁵ Although the CARA centres had some free capacity for a time, they have recently filled up again and it is now more difficult to find a place there.¹⁰⁶ Whereas refugees who arrive in Italy by boat are given accommodation in a CARA more quickly, other asylum seekers have to wait.¹⁰⁷ According to UNHCR, however, even people arriving on Lampedusa sometimes have to wait until a place in a CARA becomes free.¹⁰⁸ The Ministry of Interior claimed in an interview with the delegation at the end of May that they have to wait a few days at most.¹⁰⁹ In a letter to SPRAR in July 2013, however, it stated that the CARA centres were fully occupied. Additional SPRAR places were therefore necessary to house asylum seekers who had just arrived on the Italian coast.¹¹⁰ (See chapter 5.2.1. on plans to expand the number of SPRAR places). ASGI considers it very unlikely that Dublin returnees will be given places in a CARA.¹¹¹

Asylum seekers often stay longer in CARA centres than planned because they cannot find a place in a SPRAR.¹¹² This means that CARA places are occupied for longer, taking up potential places for other asylum seekers.¹¹³ For example, the CARA in **Rome** (Castelnuovo di Porto) with 650 places is currently full as people sometimes

¹⁰¹ Interview with Maria Cristina Romano and Luce Bonzano, lawyers, Milan, 7 June 2013; interview with Sant'Egidio, Rome, 30 May 2013.

¹⁰² Interview with SPRAR, Rome, 3 June 2013.

¹⁰³ See 5.2.3.

¹⁰⁴ Judith Gleitze, *borderline-europe*, report, December 2012, p. 14f.

¹⁰⁵ Interview with MEDU, Rome, 29 May 2013; interview with Caritas Rome, 31 May 2013; interview with ASGI, Rome, 28 May 2013.

¹⁰⁶ Interview with Maria Cristina Romano and Luce Bonzano, lawyers, Milan, 7 June 2013; interview with UNHCR, Rome, 3 June 2013.

¹⁰⁷ Interview with Sant'Egidio, Rome, 30 May 2013.

¹⁰⁸ Interview with UNHCR, Rome, 3 June 2013; Cooperativa Intrecci, telephone interview, 23 July 2013.

¹⁰⁹ Interview with the Ministry of Interior, Rome, 31 May 2013.

¹¹⁰ *Borderline-europe*, information by e-mail, 7 August 2013. See also: *La Repubblica Bari*, «Nei Cara non c'è più posto, noi rifugiati lasciati per strada», 3 June 2013, <http://bari.repubblica.it/cronaca/2013/07/03/news/rifugiati-60205327/> (with confirmation from the Questura that the person cannot be given accommodation in a CARA centre due to a lack of available space); *La Repubblica Bari*, «Scandalo rifugiati, sistema al collasso», il CIR: «Garantire subito l'accoglienza», 4 June 2013, <http://bari.repubblica.it/cronaca/2013/06/04/news/migranti-60353062/>; *Famiglia Cristiana*, Bari, «Al CARA si violano i diritti umani», 15 August 2013, www.famigliacristiana.it/articolo/bari-al-cara-si-violano-i-diritti-umani.aspx; *Corriere del Mezzogiorno*, Carà di Mineo: sovraffollato e pericoloso, 20 July 2013, <http://corrieredelmezzogiorno.corriere.it/catania/notizie/cronaca/2013/20-luglio-2013/cara-mineo-sovraffollato-pericoloso-2222253903281.shtml>.

¹¹¹ Interview with ASGI, Rome, 28 May 2013.

¹¹² Interview with CIR, Rome, 29 May 2013. The Commissioner for Human Rights of the European Council also attributes the longer stays in CARA centres to the insufficient number of places in the SPRAR system: Report by Nils Muižnieks, 18 September 2012, para. 147.

¹¹³ Interview with Centro Astalli /SaMiFo, Rome, 30 May 2013.

stay longer (between several months and a year) than the legally intended maximum duration of 35 days.¹¹⁴

As not all asylum seekers can find a place in a CARA, many turn up in municipal accommodation (see 5.2.2).

Conclusion: Theoretically, asylum seekers returned under the Dublin Regulation have the possibility of finding accommodation in a CARA centre. However, this always depends on there being free space; at the moment, the CARA centres are full. As there are not enough SPRAR places, asylum seekers take up CARA places for longer; due to the resulting lack of places, asylum seekers again occupy a large share of municipal places.

4.3.3 Further accommodation places

The Prefecture of **Varese** offers 25 places for non-vulnerable Dublin returnees and other asylum seekers who arrive in Malpensa Airport in its so-called Hotel Monte Marzio. Only people who have not received a decision on asylum in the first instance have access. The length of time they are allowed to stay depends on how fast a place can be found in a CARA or SPRAR. It is more difficult for families to find a place, which makes the process longer (see also 5.2 and 6.1).¹¹⁵

In **Rome**, Centro Enea run by Arciconfraternita previously reserved 80 places for Dublin returnees who arrived at Fiumicino Airport.¹¹⁶ The Centro Enea project is due to be phased out at the end of 2013. It is not clear whether it will be extended or not. It also remains unclear whether the project currently reserves places for Dublin returnees. The delegation received conflicting statements from different interviewees. According to an employee of the Ufficio Accoglienza Migranti at Fiumicino Airport, the places no longer exist, which is why they no longer send any Dublin returnees there from the airport.¹¹⁷

4.3.4 Conclusion

Dublin returnees who are still in the asylum procedure can theoretically find accommodation in CARA first accommodation centres that are open to all asylum seekers. However, these are currently full and do not even have places for new arrivals. In addition, there are projects especially geared to Dublin returnees such as the FER centres with an extremely limited number of places. There are also places intended both for asylum seekers and for beneficiaries of protection, see 5.2. However, all centres have an extremely limited number of places. As the CARA are currently full, there is a risk of asylum seekers staying longer in temporary places in FER projects and putting a strain on the reception system provided by the municipalities. This again compromises the chances for new arrivals of finding accommodation.

¹¹⁴ Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013; interview with Caritas Rome, 31 May 2013.

¹¹⁵ Interview at Malpensa Airport, 4 June 2013.

¹¹⁶ SFH/Juss-Buss, Asylum procedure and reception conditions in Italy, May 2011, p. 34.

¹¹⁷ Interview with Ufficio Accoglienza Migranti Fiumicino, Rome, 27 May 2013.

5 Reception of persons with protection status in Italy

5.1 Arrival of returnees with protection status

Based on its counselling experience at Fiumicino Airport in Rome up to 2008, CIR states that most returnees are people who already have protection status or a residence permit for humanitarian reasons.¹¹⁸ In 2010, far more than 50 percent of those returned to Fiumicino Airport already had protection status. Of those sent to Malpensa Airport in Milan, this figure was just about 27 percent.¹¹⁹

The following three types of protection status exist in Italy: Recognition as a refugee under the terms of the Geneva Convention (five-year permit), subsidiary protection under the terms of the EU Qualification Directive (three-year permit) and humanitarian protection under national law (one-year permit).¹²⁰ People with subsidiary or humanitarian protection are sent to Italy by other European countries under the Dublin Regulation.¹²¹ Official refugees are returned not under the Dublin II Regulation, but under bilateral readmission agreements.

However, upon arrival in Italy, all people with protection status are in the same situation: From the Italian standpoint, they are people with a valid residence permit. As such, they can enter Italy unaccompanied and travel freely throughout the country. However, this also means that they receive no assistance at the airport, for instance in searching for accommodation. At a meeting with various representatives of the Ministry of Interior, a representative of the Fiumicino border police claimed that people holding a residence permit are also picked up after landing and can go to an NGO if need be.¹²² According to UNHCR, the airport NGOs are indeed informed of the arrival of refugees with protection status.¹²³ However, the airport NGOs reported to the delegation that only people who are still in the asylum procedure are brought to them. People with protection status in Italy have no access to the NGOs at the airport; they do not fall within their mandate. This also applies to vulnerable persons with protection status.¹²⁴ The two NGOs are in the non-Schengen zone of the airport, meaning that returnees with protection status who arrive in the Schengen zone cannot reach the NGOs at all without a police escort.

The NGO at Malpensa Airport, Cooperativa Sociale Mediazione Integrazione, provided assistance to only 400 of a total of 1,819 people who were returned to Mal-

¹¹⁸ Interview with CIR, Rome, 29 May 2013.

¹¹⁹ ASGI et al., *Il diritto alla protezione, La protezione internazionale in Italia: Quale futuro? Studio sullo stato del sistema di asilo in Italia e proposte per una sua evoluzione*, project by the European Refugee Fund, co-financed by the Italian Ministry of Interior, 2011, p. 164f.

¹²⁰ See SFH/OSAR/Juss-Buss, *Asylum procedure and reception conditions in Italy*, May 2011, p. 15.

¹²¹ It must be kept in mind that persons with subsidiary protection no longer fall under the revised Dublin III Regulation, which enters into force in January 2014. From that time onwards, these people will be transferred – like official refugees today – under bilateral readmission agreements.

¹²² Interview with the Ministry of Interior, Rome, 31 May 2013.

¹²³ Interview with UNHCR, Rome, 3 June 2013.

¹²⁴ Interview Malpensa Airport, 4 June 2013; Interview with Ufficio Accoglienza Migranti Fiumicino, Rome, 28 May 2013.

pensa under the Dublin Regulation in 2012.¹²⁵ These figures show that a large percentage of people returned by other European countries do not receive support from the airport NGO. We were unable to obtain statistics on assistance from the NGO at Fiumicino Airport in Rome on account of the sudden change in mandate.

5.2 Accommodation options for returnees with protection status

People with protection status generally have no access to FER accommodation for asylum seekers returned under the Dublin Regulation (see 4.3.1). Neither can they stay in a CARA accommodation.¹²⁶

Therefore, the following sections deal with accommodation in the SPRAR system and in the municipalities of Rome and Milan. These two types of housing are available not only to beneficiaries of protection, but also to asylum seekers (for more on accommodation provided exclusively for asylum seekers, see 4.3.)

Generally speaking, it is extremely difficult for people who have been granted protection status who are returned to Italy to find accommodation. The Italian system is based on the assumption that once protection status has been granted, people are permitted to work and must therefore also provide for themselves. Those who travel on to another European country due to a lack of accommodation end up in the same situation after being returned. When it comes to social rights, beneficiaries of protection have the same status as native Italians, for whom the social system is also insufficient (see 5.4.)

In other words, from a purely legal standpoint, beneficiaries of protection have a better status than asylum seekers, but receive significantly less actual support.¹²⁷

5.2.1 SPRAR¹²⁸

SPRAR (Protection System for Asylum Seekers) is the second-stage reception system in Italy. It is a network of accommodation centres based on collaboration between the Ministry of Interior, the municipalities and various NGOs.¹²⁹ SPRAR projects not only provide a place to live, but also an intense, individual integration programme with language courses, vocational education, job-search assistance, etc.¹³⁰

Asylum seekers and people with protection status have access to SPRAR. In 2011/2012, 72 percent of those who stayed in these accommodation centres were beneficiaries of protection; 28 percent were asylum seekers.¹³¹

¹²⁵ Ibid.

¹²⁶ Interview with ASGI, Rome, 28 May 2013.

¹²⁷ Interview with UNHCR, Rome, 3 June 2013.

¹²⁸ Sistema di Protezione per Richiedenti Asilo e Rifugiati.

¹²⁹ See SFH/OSAR/Juss-Buss, Asylum procedure and reception conditions in Italy, May 2011, p. 23.

¹³⁰ Interview with SPRAR, Rome, 3 June 2013.

¹³¹ SPRAR, Annual Report 2011/2012, p. 19.

Number of available places

Following his visit to Italy in summer 2012, the Human Rights Commissioner of the Council of Europe called the SPRAR capacities «woefully inadequate» considering the need.¹³² The original number of 3,000 SPRAR places has been increased, mainly to relieve the CARAs in southern Italy. In September 2013, the Ministry of Interior issued a decree, according to which SPRAR capacity is to be increased to 16,000 places between 2014 and 2016.¹³³ At the time of the delegation's fact-finding visit, 5,000 places had been planned initially for 2014. This would nearly double the network of municipalities participating in the SPRAR system. In June 2013, the number had already reached 4,800 places. It must be kept in mind, however, that most of the «additional» 2,000 places already existed as accommodation for people in the asylum process (for instance under the responsibility of a municipality) and have now been included in the SPRAR system and upgraded with integration measures. In other words, the increase in SPRAR places does not lead to 2,000 more places in accommodation in Italy, but to fewer additional places. According to SPRAR, 5,000 places are still not sufficient.¹³⁴ In a letter to SPRAR in July 2013, the Ministry of Interior issued an urgent call for an increase in the number of places by a maximum of 3,000 for six months to house newly arriving asylum seekers. These people can no longer find shelter in the CARAs, because they are full.¹³⁵ Finally, as mentioned above, an increase to 16,000 places was announced.

It will remain to be seen how many of the future 16,000 places will be reserved for which groups. At the time when 5,000 places were planned for 2014, 150 of those were earmarked for people with mental illness (currently: 50). It is important here to differentiate between psychological (e.g. traumatization) and psychiatric problems (e.g. schizophrenia): Only those with psychological problems can be admitted to the SPRAR projects, not those with psychiatric problems, because SPRAR does not have any clinics.¹³⁶ This situation is illustrated most effectively in the case of a Sudanese woman with borderline syndrome, for whom the NGO Cittadini del Mondo applied for a SPRAR place. SPRAR advised the NGO not to mention the woman's psychiatric problem in their report, because she otherwise would not have access to the system.¹³⁷

According to SPRAR, these 150 places for people with mental illness are still completely insufficient. The number of mentally ill people increased last year. Most were traumatised by the events of their flight. The SPRAR projects for these people work closely with specialised psychiatrists from the public health systems, as well as with NGOs like NIRAST (Doctors Against Torture), Ferite Invisibili and SaMiFo¹³⁸ (see also 6.3.).

¹³² Report by Nils Muižnieks, 18 September 2012, para. 157.

¹³³ UNHCR, Soddissfazione per l'ampliamento dei posti in accoglienza per richiedenti asilo e rifugiati, press release, 19 September 2013: www.unhcr.it/news/dir/18/view/1577/soddissfazione-per-la-ampliamento-dei-posti-in-accoglienza-per-richiedenti-asilo-e-rifugiati-157700.html.

¹³⁴ Interview with SPRAR, Rome, 3 June 2013.

¹³⁵ Borderline-europe, information by e-mail, 7 August 2013.

¹³⁶ Ibid.

¹³⁷ Interview with Cittadini del Mondo, Rome, 30 May 2013. See also 5.2.5 for more on this individual case.

¹³⁸ Interview with SPRAR, Rome, 3 June 2013.

How many places will be reserved for families is still unclear. From 2011 to 2012, 500 of the 3,000 places were reserved for vulnerable persons. However, only single-parent families fall into this category.¹³⁹ In 2011, 24 percent of those in accommodation were families.¹⁴⁰

Rome has 170 places financed by SPRAR.¹⁴¹ These funds flow into the centres managed by the municipality of Rome (see 5.2.2).¹⁴² In other words, they are not additional places. Milan has only 62 SPRAR places for single men. Of those, only two are reserved for vulnerable cases involving people with psychological or physical impairments,¹⁴³ but not for persons with psychiatric problems.

According to SPRAR, only a small percentage of asylum seekers go from the CARA to the SPRAR system. Most prefer to find a job or look for a place to sleep with a church-run organisation.¹⁴⁴ Only 10 percent of those housed in first-stage reception centres in Milan are subsequently accommodated in SPRAR.¹⁴⁵

Waiting list

A total of 5,000 people were on the waiting list for a SPRAR place in 2012. According to SPRAR, the list has been longer in the past. Vulnerable people are given priority. However, the waiting time for people with mental illness is longer, because there are only few suitable places for them.¹⁴⁶ UNHCR says it is difficult at present to find a place in a SPRAR. There are examples of vulnerable persons who are not able to find accommodation in SPRAR centres and therefore end up staying in FER housing for Dublin returnees for a very long time.¹⁴⁷ According to the Centro Astalli, the SPRAR places in Rome are always full, and it therefore makes no sense to apply there.¹⁴⁸ Milan does not have a waiting list for SPRAR places. Inquiries are made by personnel in the Morcone system of first accommodation centres. It is a matter of luck whether a place is available at any given time. Moreover, priority for admission to the SPRAR system is given to people with greater chances of becoming integrated, for example because they already have an internship.¹⁴⁹ In view of the extremely limited number of SPRAR places and the immensely long waiting list, it is no wonder that refugees do not even try to get such a rare spot. They have no choice but to look for a place to sleep with a church-run organisation from the outset (usually emergency places).

¹³⁹ SPRAR, Annual Report 2011/2012, p. 14.

¹⁴⁰ Ibid., p. 30.

¹⁴¹ Interview with the Ministry of Interior, Rome, 31 May 2013.

¹⁴² Valentina Fabbri/Maurizio Saggion, I rifugiati a Roma. I numeri dell'accoglienza, i percorsi di integrazione, in: Caritas di Roma/Camera di Commercio e Provincia di Roma, Osservatorio Romano Sulle Migrazioni, Nono Rapporto, dicembre 2012, p. 210.

¹⁴³ Interview with the municipality of Milan, 6 June 2013; Interview with Farsi Prossimo, Milan, 5 June 2013.

¹⁴⁴ Interview with SPRAR, Rome, 3 June 2013.

¹⁴⁵ Farsi Prossimo, information by e-mail, 2 August 2013.

¹⁴⁶ Interview with SPRAR, Rome, 3 June 2013.

¹⁴⁷ Interview with UNHCR, Rome, 3 June 2013. See also 4.3.1.

¹⁴⁸ Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013.

¹⁴⁹ Interview with Farsi Prossimo, Milan, 5 June 2013.

Length of stay

The maximum length of stay in a SPRAR project is six months. This can be extended to one year or longer in the case of vulnerable persons. The longest case of a person staying in a SPRAR for three years, was a man who had lost several fingers and suffered burns in a bomb explosion, and was receiving medical treatment.¹⁵⁰ In Puglia, families can stay in the SPRAR system for up to one-and-a-half years.¹⁵¹

The length of stay is insufficient to enable people to provide for themselves subsequently – especially in view of the current situation on the job market (see 5.3). At the end of their maximum stay, participants are entirely on their own.

Access for transferees from other European countries

Transferees have access to the SPRAR system if they have not previously exhausted the maximum period of stay in SPRAR and if a place is available. People are assigned to the SPRAR system by the Prefecture or Questura, or in the case of vulnerable Dublin returnees, by the Dublin Office directly.¹⁵² In Milan, staff of the Morcone first-stage reception system look for a SPRAR place for people who are leaving their centres.¹⁵³ For people in FER housing, the application is made by the responsible NGO.¹⁵⁴

SPRAR staff frequently learn only afterwards (when a person is already accommodated with them) that a person has been transferred from another European country.¹⁵⁵ Only five percent of those accommodated in the SPRAR system are Dublin cases. Of those, only 6.5 percent were returned from Switzerland.¹⁵⁶ This low number is surprising in view of the fact that Dublin returnees from Switzerland make up nearly 84 percent of all Dublin returnees to Italy.¹⁵⁷ It indicates that only a very small percentage of those returned from Switzerland to Italy under the Dublin Regulation are accommodated in the SPRAR system. According to SPRAR, people who have left the SPRAR system and travelled to another European country rarely return to SPRAR.¹⁵⁸

Reasons for leaving SPRAR and subsequent solutions

According to the annual report, 37 percent of those who left SPRAR in 2011 did so as the result of so-called successful integration. For SPRAR, integration means that a person can move independently in Italian society (through having knowledge of the language, finding housing, possibly getting an education and finding a job). However, this does not necessarily mean that an actual job has been found for this person.

¹⁵⁰ Interview with SPRAR, Rome, 3 June 2013.

¹⁵¹ Interview with Maria Cristina Romano and Luce Bonzano, lawyers, Milan, 7 June 2013.

¹⁵² Interview with SPRAR, Rome, 3 June 2013.

¹⁵³ Interview with Farsi Prossimo, Milan, 5 June 2013.

¹⁵⁴ See 4.3.1.

¹⁵⁵ Interview with SPRAR, Rome, 3 June 2013.

¹⁵⁶ SPRAR, Annual Report 2011/2012, p. 33f.

¹⁵⁷ See the statistics in chapter 3.

¹⁵⁸ Interview with SPRAR, Rome, 3 June 2013.

Employment and tenancy contracts are also frequently only short term. In other words, the term «integration» should be used with caution.¹⁵⁹

The share of people who have left SPRAR on account of «successful integration» was down in 2011 compared to the previous year because of the extremely difficult situation on the job market. Twenty-eight percent had to leave the project because they had exceeded the maximum term. Thirty percent left of their own accord, four percent were excluded and one percent chose to return voluntarily.¹⁶⁰ A study by Caritas and the Jesuit Refugee Service (JRS) produced somewhat different figures – albeit in reference to various accommodation types (not only SPRAR): Of the residents in squats and slums in Rome, Milan and Florence, only six percent left their previous housing place because they had completed the integration process. For 56.2 percent of them, the reason was because their maximum duration of stay had expired.¹⁶¹

The SPRAR central office does not follow up on what happens to people after they leave the system. Similarly, no figures are available on how many people find a job after leaving the system. After they leave, SPRAR can pay former participants a one-time sum of EUR 250 as exit money and the first few months' rent for a flat. However, the SPRAR central office admits that it is possible that people who have left the SPRAR system end up in squats or on the street, especially in large cities like Rome.¹⁶²

Conclusion

The SPRAR system offers good support to those who get in. However, it does not provide enough places by far: The waiting list is long and obtaining a place is a matter of luck. Plans exist to significantly increase the number of places from 3,000 to 16,000 starting in 2014. It remains to be seen whether implementation will be successful and the extent to which this will defuse the accommodation problem in Italy. SPRAR places are always temporary, and the length of stay in the project is not long enough to ensure lasting independence afterwards. Dublin returnees make up only a small percentage of SPRAR participants. It is striking how few of those returned from Switzerland are accommodated in SPRAR. For this reason, the chances of finding a place in a SPRAR programme appear to be very small for returnees with protection status.

5.2.2 Municipal accommodation in Rome

Information counter

The city operates an information counter in Via Assisi, where asylum seekers and beneficiaries of protection can check in three times a week and enter their names on

¹⁵⁹ Judith Gleitze, *borderline-europe*, report, December 2012, footnote 46.

¹⁶⁰ SPRAR, Annual Report 2011/2012, p. 37.

¹⁶¹ Cooperativa Roma Solidarietà/Caritas Roma/Centro Astalli/Caritas Ambrosiana/Associazione di Volontariato Solidarietà Caritas Onlus Firenze (eds.), *Mediazioni Metropolitane*, study financed by the Italian Ministry of Interior and the EU Refugee Fund, June 2012, p. 24.

¹⁶² Interview with SPRAR, Rome, 3 June 2013.

the waiting list. The people must report of their own accord. They receive no support and the Prefecture does not refer them to municipal places.¹⁶³

Asylum seekers and beneficiaries of protection who are returned to Italy can apply for a municipal place. This is also possible if they have already been accommodated there before. On account of the difficult economic situation, there are currently several known cases of this kind in the city.¹⁶⁴ According to Centro Astalli (Jesuit Refugee Service), however, repeat registration is only possible if at least one year has passed since the last stay. Previously this requirement was even as long as three years. This is an informal regulation, and it therefore is a matter of luck whether a person is allowed to enrol again after a year or not.¹⁶⁵ According to the municipal foundation Fondazione Roma Solidale, because of the long waiting times and the many people on the waiting list, it is only possible in practice to receive a municipal place once.¹⁶⁶

Number of places

The municipality of Rome runs 22 accommodation centres with 1,300 places,¹⁶⁷ including the places funded by SPRAR in Rome (see 5.2.1). The 1,300 places are available not only to people from the asylum system, but also to other homeless foreigners. The Ministry of Interior reports that another 1,050 places exist, which it co-finances through a joint project.¹⁶⁸ However, our inquiry into more details on these places remained unanswered. Furthermore, these places were not mentioned by any other interviewee in Rome. An additional 250 places are provided by NGOs or church-run institutions (see 5.2.4).¹⁶⁹

Roughly 80 percent of the 1,300 municipal centres accommodate men. Two centres are provided for women. The centres usually are managed by religious or other organisations on behalf of the municipality. They are accessible to all persons who live legally in Rome.¹⁷⁰ Candidates are not required to have their official residence in Rome. However, this is an exception specific to Rome. Other municipalities require residence in the respective municipality as a precondition for access to their accommodation.¹⁷¹

Because not all asylum seekers can be accommodated in a CARA as intended by the system, many of them turn up in community institutions: 1,413 persons were in Rome's municipal housing from 1 July 2011 to 30 June 2012. A total of 872 of these were asylum seekers.¹⁷² In other words, over 60 percent of municipal places are tak-

¹⁶³ Interview with Fondazione Roma Solidale / Programma Integra, Rome, 3 June 2013.

¹⁶⁴ Interview with the municipality of Rome, 28 May 2013.

¹⁶⁵ Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013.

¹⁶⁶ Interview with Fondazione Roma Solidale / Programma Integra, Rome, 3 June 2013.

¹⁶⁷ Interview with the municipality of Rome, 28 May 2013.

¹⁶⁸ Interview with the Ministry of Interior, Rome, 31 May 2013.

¹⁶⁹ Interview with the Ministry of Interior, Rome, 31 May 2013.

¹⁷⁰ All homeless people basically have access, however 95 percent of those accommodated there at present are asylum seekers and beneficiaries of protection: Interview with Fondazione Roma Solidale / Programma Integra, Rome, 3 June 2013.

¹⁷¹ Interview with the municipality of Rome, 28 May 2013.

¹⁷² Fabbri/ Saggion in: Caritas di Roma et al., Osservatorio Romano Sulle Migrazioni, December 2012, p. 210. It is unclear whether these percentages are still the same today. The two municipal centers

en by asylum seekers and therefore no longer available to persons with protection status.

Waiting list

In early June 2013, there were 1,000 people on the waiting list for municipal places.¹⁷³ From mid-June 2012 to mid-2013, the municipality received 3,315 applications, of which only 1,816 could be accommodated.¹⁷⁴ According to the head of the Ufficio Immigrazione, the waiting time for a place is three months on average.¹⁷⁵ The CIR says it is three to four months, and sometimes even six months for single men.¹⁷⁶ However, there are also cases where people had applied repeatedly at Via Assisi and put themselves on the waiting list without ever having received a place.¹⁷⁷ A woman from Eritrea had to wait over a year the first time, and five months the second, before a place became free.¹⁷⁸ The waiting time for families is longer (usually six months) because it is more difficult to find a place for them. Families are frequently separated for this reason¹⁷⁹ (see also 6.1.). As long as people are on the waiting list, they are left to their own devices. During these periods, they try to obtain one of the rare emergency places at a church-run institution, live on the street or in squats (cf. 5.2.4, 5.2.5, 5.2.6).

Organisation of the centres

According to information from the municipality of Rome, their projects offer not only a place to sleep, but also language courses and other forms of support through social workers, psychologists and cultural mediators. Contrary to this statement, many interviewees emphasise that most municipal accommodation centres are nothing more than emergency places to sleep that are open only at night. Residents have to leave the centres during the day.¹⁸⁰ Some accommodation only has very rudimentary arrangements. There are extreme differences from one to the next. The range of programmes depends on the organisation in charge of a specific centre. Each centre works with different partners; there are no coordinated procedures.¹⁸¹

One example of a basic emergency place run by the municipality and only open at night is the tent for Afghans in Tor Marancia, which the delegation visited. Afghan men – most of whom had protection status – were relocated to this tent from the

managed by Caritas Rome only had people with protection status in late May 2013: Interview with Caritas Rome, 31 May 2013.

¹⁷³ Interview with Fondazione Roma Solidale / Programma Integra, Rome, 3 June 2013.

¹⁷⁴ Municipality of Rome, quoted in: La Repubblica, Dormitorio Roma-Termini, Aumentano i rifugiati, 13 June 2013, www.repubblica.it/solidarieta/volontariato/2013/06/13/news/dormitorio_roma-termini_aumentano_i_rifugiati-61036493/.

¹⁷⁵ Interview with the municipality of Rome, 28 May 2013.

¹⁷⁶ Interview with CIR, Rome, 29 May 2013.

¹⁷⁷ Interview with a female Eritrean refugee with her small child from the Selam Palace squat, Berne, 27 June 2013; interview with Sant'Egidio, Rome, 30 May 2013; interview with four Eritreans with subsidiary protection in Italy who live in the Collatina squat, 1 June 2013.

¹⁷⁸ The second time she could not take advantage of the place because she had already traveled to another country: Interview with a female Eritrean refugee with her small child from the Selam Palace squat, Berne, 27 June 2013.

¹⁷⁹ Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013. UNHCR also confirms that waiting times for families are longer: Interview with UNHCR, Rome, 3 June 2013.

¹⁸⁰ Interview with MEDU, Rome, 29 May 2013; interview with UNHCR, Rome, 3 June 2013; interview with an Eritrean with subsidiary protection, Rome 1 June 2013; talks with Afghan refugees, tent at Tor Marancia, Rome, 29 May 2013.

¹⁸¹ Interview with Fondazione Roma Solidale / Programma Integra, Rome, 3 June 2013.

smaller tents they were living in previously in the vicinity of Ostiense train station. The area was cleared to make way for a new building and the municipality instead provided an enormous tent in Tor Marancia. It is operated by the Osa Mayor cooperative. One hundred and fifty men sleep in bunk beds in the tent. It is open from 7:00 p.m. to 9 a.m. only. WCs and showers (cold water only) are available in containers adjacent to the tent. Each person is given a fitted sheet and a thin flat sheet, which the residents say does not protect them against the cold. Hygiene conditions are a problem. Many of the residents suffer from scabies. Volunteers from MEDU come once a week in their camper to offer counselling and medical support.¹⁸²

Length of stay

The length of stay in the municipal centres is six months. If a person participates in an integration project, their stay can be extended by another six months. Women and families can be accommodated for up to two years. In individual cases, trauma victims or people with other specific problems can also stay longer. Like SPRAR, the municipality of Rome also confirms that the number of trauma victims is on the rise. Nearly 20 percent of those housed in municipal centres have psychological or psychiatric problems.¹⁸³

Reasons for leaving the system and subsequent solutions

The period spent in the municipal centres is often not sufficient for becoming independent. This means that many are forced to leave the centres before they are integrated. After that, they are on their own and receive no further support.¹⁸⁴

Conclusion

The number of places on the municipal level is completely inadequate to meet demand. Many places are occupied by asylum seekers and therefore no longer available to beneficiaries of protection. The waiting time is at least three months in every case. However, there are also cases where even single mothers with small children are not able to find a place even after repeated efforts. Many of the centres are only open at night. The length of stay is limited and is not sufficient for lasting integration or for achieving financial independence.

5.2.3 Municipal accommodation in Milan

Because there are no CARAs in Milan, the Morcone system¹⁸⁵ provides first-stage reception. Funding for the Morcone project runs out at the end of 2014; it is unclear whether it will be extended.¹⁸⁶

¹⁸² Interview with MEDU, Rome, 29 May 2013; visit to the Tor Marancia tent, Rome, 29 May 2013. Other municipal accommodation centres only open at night are: Casa della Pace (near the Via Casilina, 200 places), Il Faro, Ambillara and Arco Travertino (Fremotel): Interview with MEDU, Rome, 29 May 2013; interview with an Eritran with subsidiary protection, Rome, 1 June 2013.

¹⁸³ Interview with the municipality of Rome, 28 May 2013.

¹⁸⁴ Ibid.; Interview with MEDU, Rome, 29 May 2013.

¹⁸⁵ Due to the high demand for places, the cities of Milan, Rome, Turin and Florence concluded an agreement in 2007 with the Ministry of Interior, under which the government will contribute to financing the centres for seven years (known as the Morcone project).

¹⁸⁶ Interview with Farsi Prossimo, Milan, 5 June 2013.

Information counter

The municipality of Milan operates an information counter in Via Barabino. Asylum seekers and beneficiaries of protection can report there daily from Monday to Thursday and receive social and legal counselling from municipal social workers and lawyers from the Farsi Prossimo cooperative. This counter is also open to Dublin returnees. Among other things, the counsellors try to organise accommodation places in the Morcone system. However, the counter does not refer applicants to places in the SPRAR system – this is only handled after the refugees have been received in a Morcone centre by the employees there.¹⁸⁷

People for whom Milan is not responsible also receive counselling. If they are still in the asylum process, they must then travel to the town responsible for them for their interview with the commission. Most people with protection status who go to the counter for help do not have their residence permit from Milan.¹⁸⁸ The municipality tries to offer support particularly to vulnerable persons, even if they do not have their residence (*residenza*) in Milan. However, this is done on the initiative of the municipality of Milan and depends on its funding options.¹⁸⁹

In 2012, the counter served 1,092 people, of whom 67.3 percent had protection status in Italy, 18.7 percent were asylum seekers and 14 percent had some other status. People seeking accommodation in a first-stage reception system account for 46.2 percent of cases.¹⁹⁰

Number of places

The Morcone centres in Milan have over 400 places in eight different centres with 10 to 70 people each. One centre is managed directly by the municipality of Milan. It is one of several buildings with emergency places in Viale Ortles. Five of the centres are managed by Farsi Prossimo, of which four are for men and one for women and women with children (the latter has 70 places, currently with 26 children). Ten places are reserved for vulnerable persons (five each for men and women).¹⁹¹

According to the municipality of Milan, 800 people are accommodated in the Morcone centres every year.¹⁹² This, however, is only possible if some of them leave the system prematurely, because if every person stays ten months, it is impossible to house 800 people yearly with a total of only 400 places. Furthermore, many people have recently stayed longer than ten months (see reasons for leaving the system below).

¹⁸⁷ Interview with the municipality of Milan, 6 June 2013.

¹⁸⁸ Interview with Farsi Prossimo, Milan, 5 June 2013.

¹⁸⁹ Ibid.

¹⁹⁰ Comune di Milano, Settore Statistica, La rilevazione delle fonti sui Rifugiati, Titolari di protezione Sussidiaria, Umanitaria e dei Richiedenti Asilo in carico ai servizi del Comune di Milano nel 2012, charts 5, 8, 9.

¹⁹¹ Interview with Farsi Prossimo, Milan, 5 June 2013.

¹⁹² Interview with the municipality of Milan, 6 June 2013.

In 2012, 77.9 percent of those accepted into the Morcone centres had protection status in Italy, 14.6 percent were asylum seekers and 7.5 percent had some other status.¹⁹³

Waiting list

The data on waiting times vary widely. According to Naga, people have to wait three months for a place,¹⁹⁴ whereas Farsi Prossimo says it is one month (or virtually zero for families; see 6.1). Currently there are about 50 people on the waiting list.¹⁹⁵ According to the municipality, the waiting time varies: It was about 3 months for a time in 2012, but currently (early June 2013) there are free places, meaning that people can be accepted within two days.¹⁹⁶

*Requirements for acceptance*¹⁹⁷

- Arrival in Italy no more than four years ago.
- No possibility of being accommodated in another centre in Italy: A person who was previously accommodated in a SPRAR project somewhere in Italy can no longer receive a Morcone place. However, a previous stay in a CARA does not exclude acceptance into the Morcone system. A person who lived previously in a Morcone centre, but did not stay the entire ten months, can be reaccepted for the remaining months – but only if they left the centre for a legitimate reason (e.g. found work and then lost it again).
- The first-instance asylum decision was not negative. Refugees in a pending appeal process do not have access to the Morcone system.
- Health, particularly no psychiatric problems, because the structures are not suitable for such persons. Neither do physically handicapped people have access theoretically. But because there is no alternative for them, they are accepted into one of the five centres managed by Farsi Prossimo in practice (the only centre without physical barriers for the handicapped). Ten special accommodation places are available for people with recognizable mental problems (five each for men and women) and a day centre with activities run by a private organisation, where they receive support. Farsi Prossimo says the number of places for these cases is completely inadequate, and that many people with mental problems therefore have to sleep in emergency accommodation (see also 5.5.3.).

If mental problems are not identified until after a person has been accepted into the Morcone system, the person remains at the Morcone centre and treatment is organised in cooperation with various institutions that specialise in ethnic psychiatry.

¹⁹³ Comune di Milano, Settore Statistica, 2012, chart 18.

¹⁹⁴ Interview with Naga, Milan, 4 June 2013.

¹⁹⁵ Interview with Farsi Prossimo, Milan, 5 June 2013.

¹⁹⁶ Interview with the municipality of Milan, 6 June 2013.

¹⁹⁷ Interview with Farsi Prossimo, Milan, 5 June 2013.

Organisation of the centres

Families generally are accommodated separately in Milan: The mother and children in one centre, the father in another¹⁹⁸ (see 6.1.1 for more details).

While the centre for women and children is open around the clock, the centres for men are closed from 9 a.m. to 4 p.m. A day centre is therefore also provided in Via San Cristoforo, which offers information events, language courses, vocational training and assistance in searching for a job, internships and housing. It further offers social and legal counselling. The people housed in the municipal centres also receive a pass for public transportation.¹⁹⁹

Length of stay

The maximum length of stay in the Morcone centres is 300 days (10 months).²⁰⁰

Reasons for leaving the system and subsequent solutions

In 2012, 38.7 percent of those who left the Morcone system did so because they had reached the maximum length of stay (2011: 51.1 percent, 2010: 70.6 percent), 20.4 percent were relocated (the statistics do not include details on where to), 28.5 percent left the institution of their own accord, 3.1 percent disappeared and 9.3 percent were excluded for other reasons.²⁰¹

According to the municipality of Milan's official statistics, 25 percent of those who left the Morcone centres in 2012 were accommodated in public structures, 23 percent in private social housing institutions, ten percent shared a flat with others and 16 percent fall into the category of "other". However, these statistics are based on a disclosure rate of less than 20 percent and are therefore not very informative.²⁰²

According to the municipality of Milan and Farsi Prossimo, a ten-month stay in the municipal system is not long enough today to gain independence, because the economic crisis has made access to the job market extremely difficult (see 5.3). This fact represents a critical change since 2009, when it was easier for many to achieve independence after a stay in a municipal centre. Cases of people remaining in municipal structures for longer than ten months while a suitable follow-up solution is found increased in 2012. Particularly for vulnerable persons, the municipality tries to find another solution if they are not independent after the maximum length of stay.²⁰³

The rate of those who had work when leaving the Morcone system has dropped dramatically in recent years from 70.2 percent in 2009 to 17.6 percent in 2012.²⁰⁴ The work they did find was primarily irregular jobs and apprenticeships.

¹⁹⁸ Ibid.

¹⁹⁹ Interview with Farsi Prossimo, Milan, 5 June 2013.

²⁰⁰ Interview with the municipality of Milan, 6 June 2013.

²⁰¹ Comune di Milano, Settore Statistica, 2012, chart 20.

²⁰² Ibid., chart 21.

²⁰³ Interview with the municipality of Milan, 6 June 2013.

²⁰⁴ Comune di Milano, Settore Statistica, 2012, chart 24.

A large percentage of people apparently are incapable of supporting themselves after leaving the Morcone system. Many of them leave Italy for this reason and travel to other European countries. Some are accommodated in the second-stage reception system. Others again end up in emergency accommodation or on the street. Farsi Prossimo does not follow up on people who leave their accommodation. However, they assume that some end up on the street or in precarious situations of unreported employment and exploitation. For the last year or so, many people have turned up repeatedly at the municipality's information counter after having been accommodated in the Morcone system. Despite integration programmes, they cannot make the transition into independence due to the economic crisis. If people are repeatedly accepted into housing, this also reduces the number of places available to newcomers.²⁰⁵

Conclusion

The Morcone places in the municipality of Milan are frequently simply places to sleep that are accessible only at night. Although this is the first-stage reception system, the majority of people accommodated there already have protection status. Refugees who have spent time in a SPRAR previously do not have access to the Morcone system. The ten-month length of stay is not enough to achieve financial independence. As a result, many people who leave the system end up in precarious situations or reapply to the municipality. However, it is difficult to gain access to housing a second time. Therefore, many see no other option than to travel to another European country.

5.2.4 Non-government structures and emergency accommodation

Religious organisations and other NGOs also offer emergency accommodation in addition to the centres they manage on behalf of the municipalities. Emergency accommodation centres for the homeless run by the municipality also exist. However, these are not specifically for asylum seekers and people entitled to protection, but rather for all those who need them – foreigners and Italians.

As mentioned previously, much of the municipal housing for asylum seekers and beneficiaries of protection is in practice only emergency accommodation. To avoid any overlap, this section addresses only those structures not already described in chapters 5.2.2 and 5.2.3. These are only short-term emergency places.

It is impossible to determine the precise number of church and NGO places in Rome. Capacities are in any case very limited.²⁰⁶ A city guide from Sant'Egidio contains addresses of help programmes, such as places to sleep, eat or shower in Rome, Milan, Genoa and Naples.²⁰⁷

²⁰⁵ Interview with Farsi Prossimo, Milan, 5 June 2013.

²⁰⁶ Judith Gleitze, *borderline-europe*, report, December 2012, p. 21.

²⁰⁷ Comunità di Sant'Egidio, *Where to eat, to sleep, to wash oneself*, 2011: www.santegidio.org/index.php%3F%26pageID%3D228.

Rome

The church-run organisation Sant'Egidio offers 90 places for the homeless and an additional 20 in winter. These are only places to sleep; other organisations offer meals.²⁰⁸ Centro Astalli operates both emergency accommodation for single adults and families, and a soup kitchen.²⁰⁹

Milan

Farsi Prossimo and other private organisations manage several small centres and flats for second-stage accommodation with a total of around 40 places, including a family centre. These centres are necessary because the ten-month maximum length of stay in municipal structures is not enough to achieve independence. Moreover, the number of SPRAR places in Milan is totally inadequate.

Because the number of people who have left the first-stage reception centres and need a follow-up solution is much larger than the number of places available, a selection takes place: Those people already in an advanced phase of integration (vocational training, job search, language course) are given priority for acceptance in a SPRAR or in the non-government centres for second-stage reception (see also 5.2.1). The maximum length of stay depends on the project: sometimes it is six months, on average one year. Women in particular often stay longer.²¹⁰

Apart from these second-stage reception centres run by NGOs, there are also a number of religious organisations that offer emergency accommodation. These are open to all homeless people, i.e. not only people in the asylum system. Examples include the Sisters of Mother Teresa and the Fondazione Casa della Carità. The length of stay in the Casa della Carità depends on individual circumstances. People can stay with the Sisters of Mother Teresa for a few nights to a maximum of three months.²¹¹ According to Caritas, it can be as long as six months to two years.²¹²

Milan's main station also has emergency overnight accommodation, which is managed jointly by the municipality of Milan and an NGO (Centro di aiuto stazione centrale).²¹³ During the winter months, the municipality of Milan operates additional emergency accommodation for all homeless people (Italians and foreigners). In winter 2011/2012, they received 2,506 people, 31 percent of whom were asylum seekers or beneficiaries of protection.²¹⁴ The emergency places in winter 2012/2013 were extended through the end of June 2013 for persons in vulnerable situations.²¹⁵ In these emergency accommodation centres, asylum seekers and beneficiaries of protection share large dormitories with alcoholics, drug addicts and other homeless people. They can sleep there for three months over the winter, but only for one or

²⁰⁸ Interview with Sant'Egidio, Rome, 30 May 2013.

²⁰⁹ Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013.

²¹⁰ Interview with Farsi Prossimo, Milan, 5 June 2013.

²¹¹ Interview with Farsi Prossimo, Milan, 5 June 2013.

²¹² Interview with Caritas Ambrosiana, Milan, 5 June 2013.

²¹³ Interview with Farsi Prossimo, Milan, 5 June 2013.

²¹⁴ Municipality of Milan, quoted in: Cooperativa Roma Solidarietà et al. (eds.), *Mediazioni Metropolitane*, June 2012, p. 95.

²¹⁵ Interview with the municipality of Milan, 6 June 2013.

one-and-half weeks during the other seasons. There are not enough places for all those in need.²¹⁶

The state-funded emergency overnight places in Milan are generally for men; women tend to be accommodated in church-run facilities.²¹⁷ Milan has three institutions with a total of about 65 places for mothers with children (all, not just those in the asylum system). It is easier for mothers with children under three years of age to find a place together. However, even among this group, some cannot find a place (if they already have protection status). In the case of children over three, the child is often placed in a home while the mother has to look for a place to stay on her own. In practice most women reject this setup.²¹⁸ Some women are afraid to report to the municipality and apply for a place at all, because they fear their child will be taken away from them²¹⁹ (see 6.1.1 for more on family separations in Milan).

Because municipality accommodation centres for men in Milan are only open at night, the NGOs Naga and Asnada offer a variety of leisure time activities, languages courses and counselling. They have no overnight facilities, rather their goal is to give people a place where they can stay during the day. The programme gives refugees a structured day and is therefore very popular and highly appreciated. This fact was also very evident to the delegation during its visit there. It is very difficult for refugees to be forced to spend the entire day on the streets. Many hang around in the vicinity of retail shops or bars. These circumstances «slowly make you go crazy», refugees say.²²⁰

The Fratelli San Francesco Foundation offers meals at lunchtime and in the evening and shower facilities if a person has a Caritas card. Over 2,000 people eat there.²²¹

Conclusion

Because the system is extremely fragmented and there is a lack of coordination between the individual assistance providers, it is impossible to get an overview of the total number of programmes and places offered by NGOs and church institutions. In any case, capacities are very limited. They frequently involve merely an emergency place to spend the night for a short period of time.²²² This is far from being a sustainable solution to enable people to gain a foothold in Italy and ultimately become independent.

5.2.5 Squats and slums

Because of the lack of capacity in the official reception system, asylum seekers and beneficiaries of protection live in squats or shanty towns in various Italian cities.

²¹⁶ Interview with a person holding a permit on humanitarian grounds and a recognised refugee at Asnada, Milan, 5 June 2013.

²¹⁷ Interview with Caritas Ambrosiana, Milan, 6 June 2013; interview with psychiatrist, Naga, Milan, 6 June 2013.

²¹⁸ Interview with Caritas Ambrosiana, Milan, 6 June 2013.

²¹⁹ Interview with Maria Cristina Romano and Luce Bonzano, lawyers, Milan, 7 June 2013.

²²⁰ Interview with a person holding a permit on humanitarian grounds and a recognised refugee at Asnada, Milan, 5 June 2013.

²²¹ Ibid.

²²² See also Judith Gleitze, *borderline-europe*, report, December 2012, p. 21.

Several interviewees said that some people would rather live in a squat than accept a place in a state-run accommodation in a remote region. This is due in part to the strict rules in state or church-run accommodation (open only at night, fixed times for leaving the facility, limited lengths of stay). In contrast, they can stay in a squat for an unlimited amount of time and during the day.²²³ However, these statements must be read with caution. In view of the scarcity of official accommodation, there are obviously a lot of people who live in a squat because they have no other choice. The SPRAR central office also admitted this.²²⁴ According to a study in 2012 by Caritas and JRS, 80 percent of those surveyed in squats and slums in Rome, Milan and Florence were looking for an alternative place to live. Only 14 percent said they were satisfied with their current living situation.²²⁵

Residents have been in a variety of accommodation centres in the past, either in state or municipal housing, in private or NGO accommodation, or in some other informal accommodation.²²⁶ Eighty-eight percent of residents are unemployed and only six percent have regular work²²⁷ (see 5.3 for the current employment situation in Italy).

Several interviewees emphasised that the ethnic community can be supportive on one hand, but it can also be stifling and a barrier to integration on the other. If people move only in their community circles, it is difficult for them to make contacts within Italian society and become integrated.²²⁸

Rome

Rome has an estimated 1,200 to 1,500²²⁹ or 1,700 people²³⁰ living in slums and squats.

1. Selam Palace (Romanina/Anagnina)

On its fact-finding tour, the delegation met with the NGO Cittadini del Mondo to visit Selam Palace. This NGO visits the Palace regularly. About 800 people from East Africa (Somalia, Eritrea, Ethiopia, Sudan) live in the former university building, including asylum seekers, people with protection status and Dublin returnees. The majority are men, although single women and families with children also live there. Many children were even born there. The squat has been in existence for several years. The city tried once before to relocate the residents, an attempt the residents rejected, however, because they were not included in the process and would have been separated.²³¹

²²³ Interview with Fondazione Roma Solidale / Programma Integra, Rome, 3 June 2013.

²²⁴ Interview with SPRAR, Rome, 3 June 2013.

²²⁵ Cooperativa Roma Solidarietà et al. (eds.), *Mediazioni Metropolitane*, June 2012, p. 24.

²²⁶ *Ibid.*, p. 23.

²²⁷ *Ibid.*, p. 60.

²²⁸ Interview with Fondazione Roma Solidale / Programma Integra, Rome, 3 June 2013; interview with Farsi Prossimo, Milan, 5 June 2013.

²²⁹ Cooperativa Roma Solidarietà et al. (eds.), *Mediazioni Metropolitane*, June 2012, p. 18.

²³⁰ Interview with Carlo Ruggiero, Rome, 29 May 2013.

²³¹ Interview with Cittadini del Mondo, Rome, 30 May 2013.

Selam Palace is a self-contained system with an autonomous system of administration. All important decisions are made by a committee, comprising equal numbers of representatives of the various countries of origin. Only men are on the committee at present. According to the NGOs, the committee runs the house in a military fashion. Residents therefore are afraid to speak candidly about the situation there. This is only possible outside the building.²³² Cooperation between the NGO Cittadini del Mondo and the current committee is difficult: The committee shows little initiative and it is unclear whether information is passed on to the residents.²³³

Conditions in this self-governing community, which is virtually a legal black hole, encourage cases of exploitation and violence, particularly against **women**. The head of Rome's Ufficio Immigrazione (Office of Immigration) confirms the threat to women. According to this office, women living in a squat who apply to the municipality are given priority in the allocation of municipal housing.²³⁴ However, different interviewees confirmed to us that this is often not the case in practice,²³⁵ which is hardly surprising in view of the long waiting list.

The committee charges a monthly rent of up to 300 euros for a place to sleep in one of the dormitories in Selam Palace. Anyone who cannot afford this rent is not given access to the dormitories and must sleep in the hallway. On account of the desolate living conditions in the squat and their hopeless prospects, the men display a very high propensity towards violence, which is intensified by excessive alcohol consumption.²³⁶ Especially at night, single women have no protection against the drunken and violent men. This also applies to single mothers with their children who cannot afford a place to sleep.²³⁷ A female refugee from Eritrea, who had to go through this situation with her child, applied repeatedly for a municipal place without ever receiving one.²³⁸

The NGO Cittadini del Mondo described to the delegation another individual case of a Sudanese woman with subsidiary protection. She suffered from severe psychiatric problems (borderline syndrome), was pregnant and living in Selam Palace with her distraught toddler, whom she could not care for adequately. She too had to spend the night in the corridor, together with women from Eritrea. She was the only Sudanese woman in the squat at the time. She wanted to abort her child, but this was not possible because she did not get into contact with Cittadini del Mondo until shortly before the legal deadline for an abortion. She tried to commit suicide. Cittadini del Mondo wrote a report and tried to find a place for the woman in the SPRAR system. SPRAR recommended that they should not write in the report that the woman had psychiatric problems, because otherwise she would not be allowed into the system. Several days later the woman had disappeared.²³⁹

²³² Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013.

²³³ Interview with Cittadini del Mondo, Rome, 30 May 2013.

²³⁴ Interview with the municipality of Rome, 28 May 2013.

²³⁵ Interview with Cittadini del Mondo, Rome, 30 May 2013; interview with a female Eritrean refugee with her small child from the Selam Palace squat, Berne, 27 June 2013; interview with four Eritreans with subsidiary protection who live in the Collatina squat, 1 June 2013.

²³⁶ Interview with a committee member during the visit to Selam Palace, 30 May 2013.

²³⁷ Interview with Cittadini del Mondo, Rome, 30 May 2013; interview with a female Eritrean refugee with her small child from the Selam Palace squat, Berne, 27 June 2013.

²³⁸ Interview with a female Eritrean refugee with her small child from the Selam Palace squat, Berne, 27 June 2013.

²³⁹ Interview with Cittadini del Mondo, Rome, 30 May 2013.

Another woman with protection status contacted Centro Astalli, because she was threatened every night in Selam Palace on account of the violence there. Centro Astalli tried unsuccessfully to find a place for her. She also was on the waiting list for a municipal place that she never received²⁴⁰ (see also 6.2 for the situation of women).

During the fact-finding visit of SFH/OSAR, NOAS and Juss-Buss in 2010, an incident was described in which a person was thrown out of a fourth-floor window of Selam Palace. The police merely looked on from the outside without intervening.²⁴¹ Violence therefore seems to remain without adequate consequences, even if the residents call the police. This illustrates the character of the squat as a «black box», a legal void.

The sanitary conditions are precarious: There is only one shower and one WC for 250 people. The municipality has shut off the water temporarily in the past and only restored service after an NGO intervened.²⁴² There is no heat in the high-rise building. Residents therefore try to heat the rooms with open fires. This is a major hazard for small **children**, because they burn themselves in the flames. Furthermore, the building has only cold running water. The children who live there are frequently ill in winter.²⁴³

One major problem is that many residents are not informed of their rights, for example regarding access to health care. The Cittadini del Mondo organisation therefore visits the building on a regular basis to offer counselling and medical support. One individual case dramatically illustrates the risks of a lack of information on access to the health care system: A female resident of Salem Palace was four months pregnant and had not yet had an ultrasound scan. However, she was in desperate need of one because she had bleeding. Because her health card (*tessera sanitaria*) had expired, she had to wait two weeks for the scan. Since this would have taken too long, a doctor from Cittadini del Mondo organised the examination privately.²⁴⁴

The situation for people with **mental illness** also appears to be very precarious: At the time of the delegation's visit, a man with a mental disorder had his bed outside under the entryway roof of the building. He was not permitted to spend the night inside the building because he reportedly caused problems there. Other residents brought him meals outside. This example provides drastic evidence that people with mental illnesses do not even find accommodation in squats, because they are considered unfit for communal living. This situation is similar to that in the state-run CARA and SPRAR centres and in the municipal centres, all of which have few or no suitable places for people with mental illness (see also 5.5 and 6.3 for health care and sick people).

The current atmosphere in Selam Palace is oppressive. Cittadini del Mondo uses the term «collective depression», because the residents have no prospects for improving their situation. This also was very apparent to the delegation during its visit to Selam

²⁴⁰ Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013.

²⁴¹ SFH/Juss-Buss, Asylum procedure and reception conditions in Italy, May 2011, p. 35.

²⁴² Report by Nils Muižnieks, 18 September 2012, para. 159f.

²⁴³ Interview with Cittadini del Mondo, Rome, 30 May 2013; interview with a female Eritrean refugee with her small child from the Selam Palace squat, Berne, 27 June 2013.

²⁴⁴ Interview with Cittadini del Mondo, Rome, 30 May 2013.

Palace. In a discussion with a member of the committee – an older Eritrean man – he described in an exhausted voice how all the people are just tired of this life, void of hope and any chance of improvement. Their day consists of getting up early in the morning, washing their faces and walking into town to queue up in time at the soup kitchen. They spend the whole day trying to get something to eat at charity organisations. Because the distances are considerable, they have to travel long distances on foot. In the evening they return to Selam Palace and the next morning, they are back to square one. Every day looks the same. None of them have any hope anymore and no one cares how they have to live.²⁴⁵ In his latest report, the Council of Europe Commissioner of Human Rights likewise emphasised the complete lack of future prospects.²⁴⁶

2. Other squats and slums in Rome

Collatina: Roughly 700 people live in this squat.²⁴⁷ Residents come from Eritrea and Ethiopia, and include women and children.²⁴⁸ One Eritrean told of a woman who lives there with her small children: Her efforts to obtain a municipal place have been unsuccessful to date.²⁴⁹

Ponte Mammolo: This is a shanty town near the metro station of the same name. Some 150 people live there.²⁵⁰ Their living quarters are divided into blocks by ethnic origin: Eritrea (largest group, virtually all with protection status), Ethiopia, Eastern Europe, Latin America, Morocco, Bangladesh, India. The residents are almost all men, as well as a few women with children and several families from Ecuador.²⁵¹

Ararat: Two-story building in the centre of town with 80 male residents.²⁵²

Milan

In Milan, unlike Rome, squats are much less tolerated. Nevertheless, there are some occupied railway station buildings near the **Scalo di Porta Romana**, where about 80 people lived until the premises were cleared in March 2013. According to information from volunteers from Naga and refugees, however, people have already started living there again.²⁵³ According to statements from refugees, this group also includes women. However, the situation is also dangerous for single men; numerous violent attacks occur. Some therefore try to sneak into private gardens and spend the night there. Many of these people already have protection status.²⁵⁴

²⁴⁵ Interview with a committee member during the visit to Selam Palace, 30 May 2013.

²⁴⁶ Report by Nils Muižnieks, 18 September 2012, para. 162.

²⁴⁷ Interview with MEDU, Rome, 29 May 2013.

²⁴⁸ Cooperativa Roma Solidarietà et al. (eds.), *Mediazioni Metropolitane*, June 2012, p. 33.

²⁴⁹ Interview with four Eritreans with subsidiary protection who live in the Collatina squat, 1 June 2013.

²⁵⁰ Cooperativa Roma Solidarietà et al. (eds.), *Mediazioni Metropolitane*, June 2012, p. 33.

²⁵¹ Ibid., p. 29f.

²⁵² Ibid., p. 36.

²⁵³ Interview with Naga, Milan, 4 June 2013; interview with a person holding a permit on humanitarian grounds and a recognised refugee at Asnada, Milan, 5 June 2013.

²⁵⁴ Interview with a person holding a permit on humanitarian grounds and a recognised refugee at Asnada, Milan, 5 June 2013.

Milan also has a **squat in a hospital building**, where between 40 and 100 Eritreans live including families and children. No more information on this squat is known.²⁵⁵

For more information, we refer to the June 2012 «Mediazioni Metropolitane» report from Caritas and JRS. It describes in detail the situation in the various informal accommodation centres in Rome, Florence and Milan.²⁵⁶

Conclusion

Rome above all has an overwhelmingly high number of asylum seekers and people with protection status living in squats and slums. Most have no job and, because of the economic crisis, they have no chance of finding one. Their everyday life is therefore determined by trying to cover their most basic needs. Under these circumstances, it is impossible to participate in language courses or other activities organised by NGOs. The closed nature of the system in the ethnic community can initially have a supportive effect, but it can also make integration into Italian society more difficult. This isolation and the military style of leadership in Selam Palace promote violence inside the building, particularly against women. Conditions in the building are completely inadequate for children and pose a risk to their development. The potential for violence also in the other squats is a threat not only to women and children, but also to men. The people have no hope of improving their situation.

5.2.6 Homelessness

Many asylum seekers and people with protection status in Rome are homeless. According to an article in the German «Spiegel» magazine, 4,000 refugees were living on the street or in squats in 2012.²⁵⁷ If the estimated 1,200 to 1,700²⁵⁸ who live in squats is subtracted from this figure, then about 2,300 to 2,800 homeless people live in Rome (not including homeless Italians).

The homeless are frequently visible, particularly at night at Termini railway station. Later in the evening, dozens of homeless people (other foreigners and Italians as well as people in the asylum system) spread out their boxes and blankets to spend the night under the roof running along the railway station building. During the day they have to leave the station grounds; at night they are tolerated by the police. Homeless people are also seen in many other places at night, sleeping on street corners, sidewalks or on temporarily abandoned construction sites. Volunteers from the NGOs Sant'Egidio and MEDU visit the homeless once a week to distribute meals and give them information. One member of the delegation accompanied Sant'Egidio on a visit.²⁵⁹

Milan also has homeless refugees, but these are less visible there. As mentioned in chapter 5.2.5, some refugees sleep in private gardens or in the occupied Scalo di Porta Romana railway buildings. At the train station, people without a train ticket are

²⁵⁵ Interview with Caritas Ambrosiana, Milan, 6 June 2013; Cooperativa Roma Solidarietà et al. (eds.), Mediazioni Metropolitane, June 2012, p. 97.

²⁵⁶ Cooperativa Roma Solidarietà et al. (eds.), Mediazioni Metropolitane, June 2012.

²⁵⁷ Der Spiegel 25/2013, Mogadischu in Apulien, p. 34ff.

²⁵⁸ See 5.2.5.

²⁵⁹ Accompanying volunteers from Sant'Egidio while they distributed meals to the homeless, 28 May 2013.

thrown out at night.²⁶⁰ Usually only newcomers sleep there for a few days. During the winter months, Milan has additional accommodation for the homeless, where some of the people found a place after the end of the North African emergency²⁶¹. It can be assumed that many ended up on the streets after it closed in spring. Every day, the NGO Naga sees refugees with nowhere to sleep. The volunteers spend hours on the telephone trying to find a place for them to spend the night. Naga also has a room where homeless refugees can store their luggage, which is used actively.²⁶²

The municipality of Milan confirms that there are cases where they have had to turn people away from the information counter because they could not find a place for them.²⁶³

Dublin returnees also are affected by homelessness. According to Centro Astalli, people who are sent back from other European countries relatively frequently end up on the streets. People with protection status have virtually no chance of getting accommodation.²⁶⁴

Various interviewees said that a place can more likely be found for mothers and children at a church organisation. Due to the general legal mandate to protect children, they are not simply put out on the streets. However, this often results in families being separated, something that is even done systematically in Milan (see 6.1.1). Furthermore, several NGOs confirm that there are also cases where families do not find a place, including single refugee mothers with small children.²⁶⁵ According to Sant'Egidio, families with children are homeless only for a couple of days at most.²⁶⁶ UNHCR has also received desperate inquiries from families, who said they were on the street with their children. In these cases, the families are given a temporary overnight place in emergency housing. Finding a suitable place for families is difficult, UNHCR reported further, and they therefore have to wait longer for a place together. If the family has already been in a SPRAR or municipal centre, it is difficult to find a place.²⁶⁷ One female recognised refugee from Eritrea had to spend several nights with her four-month-old baby at Termini railway station in Rome, after she was sent back from Switzerland in winter. She had no other choice since she had applied unsuccessfully to the municipality's waiting list as well as to a church organisation and the squats; even the latter were overcrowded at the time²⁶⁸ (see 6.1 for more on the situation of families).

People with no place in an accommodation centre also do not receive state-provided meals. As described previously in reference to people in the squats and in the 2011 SFH/OSAR/Juss-Buss report,²⁶⁹ refugees still spend most of their time covering their

²⁶⁰ Interview with a person holding a permit on humanitarian grounds and a recognised refugee at Asnada, Milan, 5 June 2013.

²⁶¹ See 3.4.

²⁶² Interview with Naga, Milan, 4. Juni 2013; interview with a psychiatrist, Naga, Milan, 6 June 2013.

²⁶³ Interview with the municipality of Milan, 6 June 2013.

²⁶⁴ Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013.

²⁶⁵ Interview with Caritas Ambrosiana, Milan, 6 June 2013; interview with a psychiatrist, Naga, Milan, 6 June 2013.

²⁶⁶ Interview with Sant'Egidio, Rome, 30 May 2013.

²⁶⁷ Interview with UNHCR, Rome, 3 June 2013.

²⁶⁸ Interview with a female Eritrean refugee with her small child from the Selam Palace squat, Berne, 27 June 2013.

²⁶⁹ SFH/OSAR/Juss-Buss, Asylum procedure and reception conditions in Italy, May 2011, p. 39.

basic needs: queuing up at soup kitchens for meals, finding somewhere to shower and wash and a place to sleep. Under these circumstances, it is not evident how a person can participate in a language course or other integration programme, if these are even offered in the first place.

5.2.7 Conclusion

The Italian system is based on the assumption that persons with protection status must take care of themselves. Accordingly, there are only few accommodation places for them and these are only temporary. Especially if someone has already exceeded the maximum length of stay at a centre, the chances of finding accommodation are very small. Centro Astalli even refers to the chances of finding a place in this case as «virtually zero».²⁷⁰

Several examples show that even if several attempts are made to get housing with the municipality or a church organisation, refugees are very likely to end up in a squat or on the street. This also applies to returnees with protection status in Italy. Even women, single mothers, families and the (above all mentally) ill are exposed to this risk.

The living conditions for asylum seekers and refugees in the squats, slums and on the street are abysmal. They live on the margins of society without any prospects of improving their situation. Their everyday life consists of covering their basic needs, such as searching for food and a place to sleep.

Compared to its last fact-finding visit, the delegation had the impression that the hopelessness among refugees has reached an oppressive level. The economic crisis and the associated lack of possibilities for finding work even on the black market has destroyed any and all hope among refugees of improving their living situation by their own means (see 5.3).

5.3 Employment and integration

Asylum seekers may work after six months or after protection status has been granted and must provide for themselves as of that time. This transition into sudden, total independence after months of staying in a centre, where they cannot usually even cook for themselves, is very difficult for refugees.²⁷¹

Even before the economic crisis, there was a lack of housing and integration support in Italy. The crisis has greatly intensified this problem by making it more difficult to gain access to the job market.

²⁷⁰ Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013.

²⁷¹ Interview with a person holding a permit on humanitarian grounds and a recognised refugee at Asnada, Milan, 5 June 2013

5.3.1 Regular employment

The unemployment rate in Italy was 12 percent overall in July 2013 and 39.5 percent among those under the age of 25.²⁷² All interviewees emphasised that it is also very difficult for native Italians to find a job because of the economic crisis.

It is even more difficult for asylum seekers and people with protection status to find one, especially when they have little knowledge of the language and inadequate vocational training. Many refugees are young men and thus fall into the group with the highest unemployment rate. Furthermore, like other foreigners, they are affected by discrimination on the job market.²⁷³

Therefore, it can be assumed that the unemployment rate among refugees is higher than for the overall population. This was confirmed in a June 2012 study by the CIR on the integration of people with international protection status in Italy: 44.6 percent of those surveyed were unemployed.²⁷⁴ As mentioned previously in chapter 5.2.5, 88 percent of residents in the squats in Rome, Milan and Florence are unemployed and only six percent have regular work.²⁷⁵

Several years ago, a person with protection status and some language skills could still find a regular job at the factories in Northern Italy. These people were then able to gradually become independent, relieving the pressure on the housing system. Now these jobs no longer exist because industry has been hit hard by the economic crisis.²⁷⁶ It is even difficult at present to find a temporary job for two or three months. Finding longer-term jobs is virtually impossible. However, a three-month job is not sufficient to rent a flat.²⁷⁷ The people who turn to the NGO Naga in Milan have unreported employment at most, but not legal employment.²⁷⁸

On account of the poor job market situation, positions previously taken by refugees or migrants are now going to native Italians (e.g. in the patient care sector). This makes it even more difficult for refugees to access the job market. Other jobs are disappearing altogether: For example Italians are caring for their parents themselves at home, because they can no longer afford to pay for third-party care. It is difficult today to find work in the low-wage sector.²⁷⁹

The municipality of Milan reported that people accommodated in the Morcone system last year were not as well trained as earlier residents. No reasons for this de-

²⁷² Eurostat Press Release STAT/13/126, 30 August 2013: http://europa.eu/rapid/press-release_STAT-13-126_en.pdf.

²⁷³ The UN Antiracism Committee expresses its concern over the ongoing discrimination of foreigners on the job market: Committee on the Elimination of Racial Discrimination (CERD), Eightieth Session, Concluding observations, Italy, CERD/C/ITA/CO/16-18, 9 March 2012, para. 23: www2.ohchr.org/english/bodies/cerd/docs/CERD.C.ITA.CO.16-18.pdf.

²⁷⁴ CIR/Sapienza Università di Roma/Comitato Centro Sociale/Xenia, *Le Strade dell'Integrazione*, Study financed by the Italian Ministry of Interior and the EU Refugee Fund, June 2012, p. 45: www.cir-onlus.org/RICERCA%20PER%20presentazione_LE%20STRADE%20DELL'INTEGRAZIONE.pdf.

²⁷⁵ Cooperativa Roma Solidarietà et al. (eds.), *Mediazioni Metropolitane*, June 2012, p. 60.

²⁷⁶ Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013; interview with SPRAR, Rome, 3 June 2013.

²⁷⁷ Ibid.

²⁷⁸ Interview with Naga, Milan, 4. June 2013.

²⁷⁹ Interview with Caritas Ambrosiana, Milan, 6 June 2013.

velopment were given. In view of the economic crisis, access to the job market is particularly difficult for those with an inadequate education.²⁸⁰ The number of people who become independent after ten months in the system has dropped. In 2012, only 17.6 percent of those who left the system had employment (see 5.2.3).

Among those leaving the SPRAR programme, the percentage of those who were independent at the end of their stay has also decreased (see 5.2.1).

For the last year or so, more and more people who have already been referred to accommodation places by the municipality of Milan's information counter in the past have started returning there. The economic crisis has thrown many people back to square one even though they were relatively well integrated, because they lost their job and thus also their flat.²⁸¹ The municipality of Rome also reported various cases of people who repeatedly return to their counter.²⁸²

According to the EU directive on long-term residence,²⁸³ which now also applies to official refugees and those with subsidiary protection, refugees can apply for long-term residence status after five years. This also enables them to look for employment in another EU country. It is still unclear how Italy will implement this directive, particularly in terms of the demand for financial independence. According to the Ministry of Interior, there are no other requirements apart from five years' residency.²⁸⁴ However, the implementation process is still not completed, and UNHCR says it remains to be seen how it will affect the situation in practice.²⁸⁵

5.3.2 Unreported employment and exploitation

Because of the lack of opportunities on the regular job market, many look for work on the black market, where it is somewhat easier to find jobs, since it is cheaper for employers. Under the effects of the economic crisis, some employers today are only willing to give people work without reporting it, although just a few years ago, they would have provided these jobs legally. In some sectors today, almost only unreported employment is available, such as fruit-picking in southern Italy or work on construction sites. Many companies in the building industry have folded.²⁸⁶

Some refugees go south in summer to earn a little money picking fruit. Here they are exploited by employers: They earn about 20 euros per day, one third the normal wage in a regular job.²⁸⁷ According to the UN Committee on the Elimination of Racial Discrimination, migrants have no suitable legal protection against exploitation and abusive working conditions.²⁸⁸

²⁸⁰ Interview with the municipality of Milan, 6 June 2013.

²⁸¹ Interview with Farsi Prossimo, Milan, 5 June 2013.

²⁸² Interview with the municipality of Rome, 28 May 2013.

²⁸³ Council Directive 2003/109/EC dated 25 November 2003 concerning the status of third-country nationals who are long-term residents.

²⁸⁴ Interview with the Ministry of Interior, Rome, 31 May 2013.

²⁸⁵ Interview with UNHCR, Rome, 3 June 2013.

²⁸⁶ Ibid.

²⁸⁷ Ibid.

²⁸⁸ CERD, concluding observations, Italy, 9 March 2012, para. 23.

Others sell umbrellas, sunglasses and the like on the street. It is highly questionable whether they earn enough doing this to make ends meet.

It can be assumed that a number of women turn to prostitution due to the hopeless situation. A current article in «Spiegel» magazine quotes prostitutes in a brothel in a slum in Apulia who were abused by customers. The slum is virtually a legal black hole, where bordello owners are not subject to any inspections.²⁸⁹

Trafficking in women is a serious problem affecting mostly women from Nigeria. The women have to spend five years working off their debts of 10,000 dollars.²⁹⁰ Trafficking in women also takes place in the large CARAs, Mineo and Crotone, in southern Italy.²⁹¹

There are special legal protection mechanisms and information for victims of trafficking in women (outside the asylum process).²⁹² However, it is unclear how effective these measures are. The complexity of the problem, the dependencies and the practical absence of legal consequences in the squats leads to the assumption that it is extremely difficult to take action against such crimes. The subject of trafficking in persons should be investigated in depth. However, this goes beyond the scope of this report.

The hopelessness of refugees in Italy leads to depression. Sufferers report that the endless everyday worries and the continuous search for a place to sleep and food drive them crazy.²⁹³ For this reason, many travel to other European countries, even though they know they will be sent back to Italy from there. These include many single mothers with their children.

5.3.3 Housing

Many interviewees pointed out that the cost of rent for flats, particularly in large cities like Rome and Milan, is very high. A temporary, low-wage job is not sufficient to rent a flat.²⁹⁴ For example, if a person earns 700 to 900 euros a month, he or she must pay the same or more for a flat in Rome.²⁹⁵ A two-room flat in Milan costs around 800 euros.²⁹⁶

Some asylum seekers and beneficiaries of protection can sublet from their fellow countrymen. As a result, numerous people frequently end up sharing a flat. They pay a relatively high amount for a place to sleep: at least 105 euros per month in Milan.²⁹⁷ This suggests that some people probably make money at the expense of their fellow countrymen.

²⁸⁹ Der Spiegel 25/2013, Mogadishu in Apulia, p. 37.

²⁹⁰ Interview with the Commissione Protezione Internazionale Milano, 4 June 2013.

²⁹¹ Interview with Maria Cristina Romano and Luce Bonzano, lawyers, Milan, 7 June 2013.

²⁹² Interview with Questura Rome, 28 May 2013.

²⁹³ Interview with Cittadini del Mondo, Rome, 30 May 2013; interview with a person holding a permit on humanitarian grounds and an official refugee at Asnada, Milan, 5 June 2013.

²⁹⁴ Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013.

²⁹⁵ Interview with the municipality of Rome, 28 May 2013.

²⁹⁶ Interview with Caritas Ambrosiana, Milan, 6 June 2013.

²⁹⁷ Ibid.

Discrimination is another barrier to the housing market: Many landlords do not want foreigners as tenants, especially in small villages.²⁹⁸

5.3.4 Language courses and other integration programmes

UNHCR describes the integration chances for beneficiaries of protection in Italy as being severely limited and therefore one of the biggest problems in the Italian asylum system. There is no comprehensive strategy and no specific programmes for local integration. What is more, the current economic situation further limits chances of integration.²⁹⁹ UNHCR calls for positive support programmes («affirmative action») to benefit newly recognised refugees at the beginning of their integration process.³⁰⁰

The language courses in the first-stage reception centres are limited. In the second-stage reception centres, particularly SPRAR, more intensive courses are offered and further integration support provided. Programmes of this kind are also provided in some municipal accommodation centres.

An integration fund (Fondo di accompagnamento all'integrazione) is available to support a few selected people in initiating small projects (e.g. opening a bakery or a fruit and vegetable shop). SPRAR also participates in this system and tries to obtain support of this kind for some of its residents. Similarly, small start-up projects are also promoted by the *Otto per mille* tax component.³⁰¹ However, the number of people who receive this support is limited and the programmes require a specific project.

As soon as a person leaves the system, it is difficult to keep attending a language course or other integration programme. Firstly, they are no longer entitled to such support measures (people with protection status have to rely on programmes offered by the NGOs). Secondly, their everyday life is spent covering their basic needs like sleeping and eating (see 5.2.5 and 5.2.6). Refugees say it is difficult to learn the language well when they are forced to move from one place to another, because every language course they attend starts at the very beginning.³⁰²

5.3.5 Conclusion

In view of the acute economic crisis and Italy's high unemployment, it appears nearly impossible at present for refugees to find a job. At most they can get jobs on the black market, where they are exploited. Existing jobs are usually temporary. The wage is not sufficient to rent a flat and build up a life with long-term prospects in Italy. The necessary integration programmes are missing. People therefore inevitably end up homeless and dependent on soup kitchens and emergency places to sleep (see 5.2.5-5.2.6). Constantly having to look for a place to sleep and the next meal makes it impossible for refugees to effectively integrate. Except for a few for-

²⁹⁸ Interview with SPRAR, Rome, 3 June 2013; interview with Maria Cristina Romano and Luce Bonzano, lawyers, Milan, 7 June 2013.

²⁹⁹ UNHCR Recommendations Italy, July 2013, p. 12.

³⁰⁰ UNHCR Recommendations Italy, July 2013, p. 21.

³⁰¹ Interview with SPRAR, Rome, 3 June 2013.

³⁰² Interview with a person holding a permit on humanitarian grounds and an official refugee at Asnada, Milan, 5 June 2013.

fortunate cases, it is unclear how beneficiaries of protection can escape this vicious circle. This situation equally affects people who are sent back to Italy from other European countries.

5.4 Social welfare

5.4.1 Italian system

As mentioned, the Italian asylum system initially grants asylum seekers support. As soon as they receive protection status, however, they are on their own and are expected to take care of themselves.

Formally, people with protection status have the same social rights as native Italians. Numerous interviewees from both NGOs and government authorities confirm that the social system is very weak even for Italian citizens and cannot meet demand. Unlike the Swiss system, there are no regular, monthly social welfare payments that secure a minimum subsistence level. The Italian system is strongly based on support from the family.³⁰³ While Italians can count on the help of their relatives should they need to, refugees naturally lack such a family network.³⁰⁴ As a result, they are in fact worse off than native Italians. The Commissioner of Human Rights of the Council of Europe emphasises this fact in his recent report on Italy.³⁰⁵

The municipality of residence is responsible for social welfare. Any benefits therefore vary strongly. What is more, a person must have a place of residence in that municipality to have access to any benefits. The residents of Selam Palace have problems accessing welfare benefits. At present they are numbering the individual rooms with the help of UNHCR and the NGOs, in order to be able to register with the municipality. However, it still is unclear whether this will be successful. The government introduced a welfare card a year ago, which beneficiaries of protection can also obtain under law. In practice, however, there have been technical and administrative problems with regard to access.³⁰⁶ The UN Anti-Racism Committee also describes difficulties for foreigners in accessing social welfare benefits.³⁰⁷ In any case, the municipalities only have very limited financial capacities for social welfare benefits (see 5.4.2 and 5.4.3 below).

5.4.2 Social housing

The municipalities have social housing, for which all people in need including refugees with protection status can apply. However, the municipalities do not have sufficient funds to meet demand. Accordingly, the waiting time is very long, up to ten years in Rome.³⁰⁸ Although families have priority, it usually takes several years be-

³⁰³ Several interviewees criticised the comprehensive welfare benefits in northern countries because, in their opinion, they offer no incentive to become independent.

³⁰⁴ Interview with Carlo Ruggiero, Rome, 29 May 2013.

³⁰⁵ Report by Nils Muižnieks, 18 September 2012, para. 155.

³⁰⁶ Interview with UNHCR, Rome, 3 June 2013.

³⁰⁷ CERD, concluding observations, Italy, 9 March 2012, para. 23.

³⁰⁸ Interview with Fondazione Roma Solidale / Programma Integra, Rome, 3 June 2013.

fore they receive a flat.³⁰⁹ For example, a family in Rome has been waiting for a flat for six years.³¹⁰ Several thousand people are on the waiting list for social housing in Milan. To even get on the list in the first place, a person must have resided in Milan for five years.³¹¹

5.4.3 Financial contributions

According to Farsi Prossimo, although some financial support is theoretically possible in Milan, it has effectively been cut for everyone because less funding is available. The conditions for receiving financial support have been tightened; only a small amount is paid, and increasingly rarely.³¹²

According to MEDU, the municipality of Rome does not pay any social welfare benefits any more, not even to disabled people, because of budget cuts.³¹³ Approximately 10,000 people in Rome have registered the addresses of NGOs like Centro Astalli as their place of residence. It is impossible for all these people to report to the municipality of Rome for social welfare benefits.³¹⁴ The system of virtual addresses also leads to an imbalance in the distribution of funding for social work: For example, district one in central Rome, where the NGOs and thus the virtual addresses are located, receives the highest funding for social work. In contrast, social workers in district ten, where many of those in need effectively live, receives significantly less funding.³¹⁵

As described in chapter 5.2.1, SPRAR can pay those leaving its projects a one-time sum of 250 euros and the first few months' rent. However, this is not sufficient for securing a person's livelihood in the long term, because even if he or she should find a job, it is most likely to be limited to a few months and poorly paid (see 5.3.1-5.3.2).

5.4.4 Conclusion

Like native Italians, beneficiaries of protection do not necessarily have a right to social welfare payments that could secure their livelihood. The social welfare system in Italy is based primarily on private support from the family. However, beneficiaries of protection lack this support. The waiting time for social housing is several years, even for families. These people are therefore left to their own devices.

³⁰⁹ Interview with Farsi Prossimo, Milan, 5 June 2013.

³¹⁰ Interview with UNHCR, Rome, 3 June 2013.

³¹¹ Interview with Caritas Ambrosiana, Milan, 6 June 2013.

³¹² Interview with Farsi Prossimo, Milan, 5 June 2013.

³¹³ Interview with MEDU, Rome, 29 May 2013.

³¹⁴ Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013.

³¹⁵ Interview with Cittadini del Mondo, Rome, 30 May 2013.

5.5 Health care

5.5.1 Access to health care

Beneficiaries of protection likewise have the same status as native Italians when it comes to health care. Health insurance is organised by the public regional local health units ASL (Azienda Sanitaria Locale).

Access to emergency hospital treatment appears to function well according to several interviewees.

On the other hand, a health care card (*tessera sanitaria*) is required to gain access to a general practitioner and other medical services. The card can be obtained from the municipality where a person has their place of residence (*residenza*). For asylum seekers in the asylum procedure, all they need to do is give a virtual address with an NGO like Centro Astalli. However, as soon as a person receives protection status, a residential address is specified on the residence permit. If this person then moves to a different location, he or she remains bound to the original location when it comes to their choice of doctors, until they re-register at a new address. To do so, they must rent a flat under their name. According to SaMiFo, this causes major problems.³¹⁶ On leaving SPRAR, people keep the address of that location for another six months. In the case of Dublin returnees, the municipality where a person had his or her last address is responsible.³¹⁷ Cittadini del Mondo says it is possible for people to have a general practitioner at a temporary place of residence, although the choice of doctor must then be extended every year. If this is not done in time, the doctor chosen originally can no longer prescribe any medicines.³¹⁸

The main problem in obtaining health care is that many people are not informed about their rights and about the procedure for getting a *tessera sanitaria*. NGOs like MEDU and Cittadini del Mondo in Rome and Naga in Milan therefore visit refugees in squats and on the streets to inform them of their rights and offer them medical treatment. Another problem is the language difficulties between medical personnel and refugees.³¹⁹ Furthermore, some doctors will not treat refugees or residents in squats.³²⁰ As the example of the pregnant woman in Selam Palace (see 5.2.5) shows, a lack of information about access to health care can lead to necessary treatment being omitted and thus to health-threatening situations.

5.5.2 Psychological/psychiatric care

According to the municipality of Rome, nearly 20 percent of those accommodated in municipal housing have mental problems. SPRAR likewise mentions an increase in cases of traumatised people.³²¹

³¹⁶ Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013.

³¹⁷ Interview with Maria Cristina Romano und Luce Bonzano, lawyers, Milan, 7 June 2013.

³¹⁸ Interview with Cittadini del Mondo, Rome, 30 May 2013.

³¹⁹ Interview with MEDU, Rome, 29 May 2013.

³²⁰ Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013.

³²¹ Interview with the municipality of Rome, 28 May 2013; interview with SPRAR, Rome, 3 June 2013.

Both Rome and Milan have programmes that offer psychological or psychiatric treatment:

The **Ferite Invisibili** (invisible injuries) project run by Caritas Rome is for victims of torture, because Italy does not have enough specialists for these people. Two psychiatrists and four psychologists treat about 20 people per week. A total of 215 patients have been treated since the project was initiated eight years ago. Most of them are men. An appointment can be given with a waiting time of a few months. Referrals are made by the supervisors of the accommodation where the people live. Those treated in the project either have a place to sleep, or Ferite Invisibili makes a great effort to find one. Treatment takes about three to four months (15 to 20 sessions). The project also has interpreters and intercultural mediators.³²²

SaMiFo (Salute Migranti Forzati) is a joint project by the national health service and Centro Astalli. In an out-patient facility, it offers psychiatric care primarily for asylum seekers. To gain access, a person must already be registered in the public health care system.³²³

In Milan, **Naga** volunteers offer traumatised people someone to talk to and activities. In most cases, the aim is not to offer psychological treatment, but above all to give these people some stability so that they can learn to trust in people again. If someone has severe mental problems, they are referred to a psychologist from the public health care system.³²⁴

These out-patient services have limited capacity. Furthermore, they can only help people who are already in a stable living situation, as explained in the next section.

5.5.3 Relationship between housing situation and health

A person's housing situation has a major impact on their health and medical treatment. According to SaMiFo, it is impossible to stay healthy when living on the street. In particular, it is impossible to provide suitable treatment for mental illness under these circumstances. One example is that of a traumatised person suffering from sleep disorder: If they have to sleep on the streets, the doctor cannot prescribe strong sleeping pills that would otherwise impair their reflexes, because they must be capable of reacting if danger threatens. In other words, treatment must be adapted to the living situation. Frequently, doctors can at most relieve the symptoms somewhat, but not really provide proper treatment.

Another example involves an asylum seeker from Mali, who lives on the streets of Rome. The Prefecture offered him a place in a CARA in Bari. He rejected it because he was still receiving psychiatric treatment in Rome at SaMiFo, where he also had an intercultural mediator as a support person. Because he did not want to interrupt treatment, he had to continue living on the street.³²⁵ According to a psychiatrist from Naga, however, a place to sleep is a key prerequisite in trying to heal mental ill-

³²² Interview with Ferite Invisibili, Rome, 30 May 2013.

³²³ Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013.

³²⁴ Interview with a psychiatrist, Naga, Milan, 6 June 2013.

³²⁵ Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013.

ness.³²⁶ People who spend all their time hunting down the next meal and the next place to sleep have no time to address their mental health.

The housing situation is also decisive for other groups, not just the mentally ill: A homeless person may get a necessary operation at most, but afterwards he or she will end up on the street again or in emergency accommodation. Under these circumstances, it would appear questionable whether real convalescence is possible.³²⁷ A female Eritrean refugee in Bologna with a tumour was homeless right up until the day of her operation. Although she was very weak from the disease and had haemorrhaged, she had to leave the emergency accommodation early every morning and had no place to stay during the day. After the operation, she will be permitted to stay in the hospital until she recovers. What happens after that is still uncertain. Most likely she will end up in the same situation as before the operation.³²⁸

As described in chapters 4.3 and 5.2, only a few suitable accommodation places exist for people with mental problems. SPRAR currently has only 50 special places (possibly more as of 2014) where it can work together with specialised professionals. Only people with psychological - not psychiatric - problems have access to these places (see 5.2.1). The waiting period for a SPRAR place is longer for people with mental illnesses, because so few places exist.³²⁹ SPRAR Milan has only two places for vulnerable people with mental or physical problems.³³⁰ On account of their mass accommodation, CARAs in general are not suitable for people in this group, and furthermore they are overfilled at present (see 4.3.2). The municipal places in Rome and Milan are also unsuitable. Milan has only ten places for mentally ill people (see 5.2.2 and 5.2.3). People with mental disorders can even be excluded from the squats, because they are considered unfit for communal living (see 5.2.5).

The **Kairos project** in Rome has six places for the mentally ill.³³¹ In cases of severe illness, Naga applies for disability insurance to finance an accommodation place. However, this only works in very severe, exceptional cases.³³² A joint project by **Centro Astalli and Caritas** offers eight places, which are far too few. As a result, there is the risk that the most vulnerable persons will be excluded from the accommodation system.³³³ On account of the limited number of specialised accommodation places and the large number of people with mental problems, it must be assumed that many of them end up on the street.

5.5.4 Conclusion

Access to emergency treatment is possible. When it comes to other health care services, however, administrative hurdles, language problems and insufficient information make access difficult. The health care system must be viewed in relation to the housing situation. There are far too few suitable accommodation places for the ill

³²⁶ Interview with a psychiatrist, Naga, Milan, 6 June 2013.

³²⁷ Interview with a person holding a permit on humanitarian grounds and a recognised refugee at Asnada, Milan, 5 June 2013.

³²⁸ Interview with a female Eritrean refugee, Bologna, 3 June 2013.

³²⁹ Interview with SPRAR, Rome, 3 June 2013.

³³⁰ Interview with Farsi Prossimo, Milan, 5 June 2013.

³³¹ Interview with MEDU, Rome, 29 May 2013.

³³² Interview with a psychiatrist, Naga, Milan, 6 June 2013.

³³³ Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013.

(especially the mentally ill). Many therefore live on the street or spend the night in emergency accommodation. Suitable treatment and healing is impossible under these circumstances.

6 Situation for vulnerable persons

Several interviewees were of the opinion that no vulnerable persons should be returned to Italy.³³⁴ According to the Ministry of Interior, vulnerable persons may be transferred, but only one person (and not five) per day, for example.³³⁵ UNHCR demands that each case should be reviewed individually, the Italian authorities informed adequately before a vulnerable person is transferred, and existing family members in other countries taken more into account.³³⁶

In the following, the significance of housing problems for specific categories of asylum seekers and people with protection status will be shown. Reference will be made to the relevant passages of this report.

6.1 Families and children, single mothers

The head of the Ufficio Immigrazione of the municipality of Rome objects to returning families with children because this is a traumatic experience, especially for children.³³⁷

Families with both parents are not considered vulnerable in Italy (unlike one-parent families).³³⁸ Many interviewees referred to the general protection rights of children in Italy, according to which all children must have accommodation. However, Italian law does not give children the right to live with their parents.³³⁹ This often results in families being separated.

6.1.1 Family separations

In the municipality of Milan's asylum system, families are systematically accommodated separately: mothers and children in one centre, fathers in another.³⁴⁰ There are even cases where the mother, father and child are accommodated in three separate centres.³⁴¹ This situation is intolerable for families. Sometimes they have the option of staying in a SPRAR project somewhere in a remote part of Italy. Often,

³³⁴ As these are personal opinions, the sources are not named to protect the individuals.

³³⁵ Interview with the Ministry of Interior, Rome, 31. May 2013.

³³⁶ Interview with UNHCR, Rome, 3 June 2013.

³³⁷ Interview with the municipality of Rome, 28. May 2013.

³³⁸ Interview with the Ministry of Interior, Rome, 31. May 2013.

³³⁹ Interview with Caritas Ambrosiana, Milan, 6 June 2013.

³⁴⁰ Interview with Farsi Prossimo, Milan, 5 June 2013.

³⁴¹ Interview with psychiatrists, Naga, Milan, 6 June 2013

families nevertheless prefer to stay in Milan but be separated.³⁴² Others choose to live on the streets in Milan rather than being accommodated separately.³⁴³

In the case of single mothers with children over three years of age, the children may be put into a home while the mother is left to find accommodation for herself. The risk of this happening prevents mothers from applying for a place at all. (See 5.2.4.)

Farsi Prossimo criticises this systematic separation of families. It makes it more difficult to help families (two different care teams involved). It also usually means that the job of looking after the children is left to the mothers, making it even more difficult for them to become integrated, take language courses or try to find work. Ultimately, the family has to readjust again when it is rejoined in the second-stage reception centre. When families have reached the maximum length of stay, women and children can sometimes stay longer, but the husband has to look for accommodation elsewhere himself.³⁴⁴

In Rome, too, families are sometimes housed separately.³⁴⁵ According to a member of staff of Ufficio Accoglienza Migranti Fiumicino, families returned to Italy under the Dublin Regulation who arrive at Fiumicino airport are sometimes put into separate accommodation.³⁴⁶

In the CARA system, families can be separated if the conditions (accommodation in mass dormitories) are considered to be unsuitable for children. In such cases, mothers and children are put in one centre and fathers in another.³⁴⁷ However, there are also CARAs that put families in accommodation together, for example the CARA in Casteluovo di Porta near Rome (50 places for families)³⁴⁸ or the CARA in Mineo in southern Italy³⁴⁹.

In addition to families that are officially separated in different accommodation centres, there are families that are factually separated. Many refugees have children or partners who live in their country of origin or in another country, who they may have not seen for months or even years. Even if it were legally possible for them to bring their family to Italy, they do not have the means to provide for their upkeep. As many refugees are homeless, bringing their families to live with them would mean having to live with children in squats or on the streets. This makes it practically impossible for families to join them and is a cause of great distress for those affected: As recognised refugees, they cannot return to their home country, and because they are homeless, they cannot bring their families to live with them in Italy.³⁵⁰

³⁴² Interview with Farsi Prossimo, Milan, 5 June 2013.

³⁴³ Interview with psychiatrist, Naga, Milan, 6 June 2013.

³⁴⁴ Interview with Farsi Prossimo, Milan, 5 June 2013.

³⁴⁵ Interview with CIR, Rome, 29 May 2013; interview with Centro Astalli / SaMiFo, Rome, 30 May 2013; interview with UNHCR, Rome, 3 June 2013. From the point of view of UNHCR this is an exception and not a main problem.

³⁴⁶ Interview with Ufficio Accoglienza Migranti Fiumicino, Rome, 27 May 2013.

³⁴⁷ Interview with SPRAR, Rome, 3 June 2013.

³⁴⁸ Interview with the Ministry of Interior, Rome, 31 May 2013.

³⁴⁹ Interview with Sant'Egidio, Rome, 30 May 2013.

³⁵⁰ Interview with a female Eritrean refugee, Bologna, 3 June 2013; interview with an Eritrean with subsidiary protection, Rome, 1 June 2013.

6.1.2 Reception conditions for families and single mothers

As already mentioned in section 5.2.2, families have to wait longer for municipal housing in **Rome** (at least six months according to Centro Astalli), because it is more difficult to find a suitable place for them.³⁵¹ In **Milan**, women and children do not have to wait for a municipal place, according to Farsi Prossimo. Fathers with a family are also given priority, so that the waiting time is shorter for them than for single men.³⁵²

According to Sant'Egidio, there are generally too few places for families and accommodation is not suitable for families.³⁵³ There are some designated places for families returned under the Dublin Regulation in FER projects (see 4.3.1). However, only asylum seekers can stay in them (not beneficiaries of protection) and the length of stay is limited. As described in section 5.2.1, 24 percent of people accommodated in SPRAR in 2011 were families. It is still unclear how many places will be available in the SPRAR system for families from 2014. In addition, some church-run organisations offer places for single women with children (see 5.2.4). However, it is almost impossible for single mothers with children (or women accommodated separately from their husband) to become integrated because they are busy looking after their children (see 6.1.1). Especially single mothers (and fathers) would not be able to take a job even if they could find one, because they have to care for their children. In these cases, it is practically impossible for them to achieve financial independence.

As described in chapters 5.2.1 to 5.2.3, families and single parents are often allowed to stay in accommodation longer than individuals. However, at some point, they too are barred from the system and left to fend for themselves. According to SPRAR, it is particularly difficult for families to gain independence after their time in the SPRAR has expired. In difficult cases, they have to be put into social housing. According to SPRAR, there have been no cases of families having to leave the SPRAR without subsequent accommodation being provided (see 5.2.1). However, this statement contradicts the fact confirmed by numerous interviewees that there is not enough social housing by far and the waiting time is several years, even for families (see 5.4.2).

As the delegation's visit to the Selam Palace squat in Rome shows, many families with children and single mothers with children live there despite the mandate to protect children. According to Cittadini del Mondo, there are 50 to 60 children in the squat, most of whom are still small (under eight or nine years of age) and have lived there since birth. The conditions are in no way compatible with children's well-being (see 5.2.5). Single mothers with children often do not get a place in municipal accommodation (see 5.2.5).

As mentioned in section 5.2.6, UNHCR has received desperate calls from homeless families. It does not leave them on the streets, but it is difficult to find a permanent solution for them.³⁵⁴ According to Sant'Egidio, families are usually on the streets for

³⁵¹ Interview with Centro Astalli / SaMiFo, Rome, 30 May 2013; interview with UNHCR, Rome, 3 June 2013.

³⁵² Interview with Farsi Prossimo, Milan, 5 June 2013.

³⁵³ Interview with Sant'Egidio, Rome, 30 May 2013.

³⁵⁴ Interview with UNHCR, Rome, 3 June 2013.

a few days at most; on the other hand, however, they live in squats and slums.³⁵⁵
This also applies to single mothers and fathers.³⁵⁶

6.1.3 School

Children in the asylum procedure and with protection status have a right to schooling, just like Italian children. Usually, children go to school in their place of residence (*residenza*). The delegation received inconsistent information on whether this leads to problems in practice.

Until recently, children in Selam Palace, for example, had to travel a considerable distance to go to school in the centre of **Rome**, because their official address was with an NGO, where they were registered.³⁵⁷ For a while, they were then allowed to attend a school near Selam Palace. This decision was reversed again and only changed back once Cittadini del Mondo intervened. A definite decision has still not been made. If a child loses its residency in the town concerned in the course of the school year, it can usually continue going to the school until the end of the school year.³⁵⁸

In **Milan**, children can also attend a school without living nearby, according to lawyers.³⁵⁹

For asylum seekers who live in a CARA, there are practical problems in getting to school, as these centres are often very remote.³⁶⁰

6.2 Women

Single women are not classified as being vulnerable in Italy. There are certain places for women in critical situations. Separate, secret accommodation is available for victims of trafficking. However, there are not enough places for women to meet demand. Single women returned to Italy under the Dublin Regulation are therefore also unlikely to find a place in accommodation.³⁶¹ (See 4.3 and 5.2 for more on accommodation in different asylum systems).

In **Milan**, women enjoy greater protection according to Farsi Prossimo, i.e. it is hard to imagine them being dismissed from of a centre and left to live on the street.³⁶² On the other hand, several interviewees claimed that women also live on the occupied railway premises at Scalo di Porta Romana. It is also possible that mothers with infants have problems finding accommodation.³⁶³

³⁵⁵ Interview with Sant'Egidio, Rome, 30 May 2013.

³⁵⁶ Interview with Cittadini del Mondo, Rome, 30 May 2013.

³⁵⁷ Interview with MEDU, Rome, 29 May 2013; interview with Cittadini del Mondo, Rome, 30 May 2013.

³⁵⁸ Interview with Cittadini del Mondo, Rome, 30 May 2013.

³⁵⁹ Interview with Maria Cristina Romano and Luce Bonzano, lawyers, Milan, 7 June 2013.

³⁶⁰ Interview with CIR, Rome, 29 May 2013.

³⁶¹ Interview with Caritas Ambrosiana, Milan, 6 June 2013.

³⁶² Interview with Farsi Prossimo, Milan, 5 June 2013.

³⁶³ Interview with people holding a permit on humanitarian grounds and a recognised refugee at Asnada, Milan, 5 June 2013; interview with psychiatrists, Naga, Milan, 6 June 2013.

There have also been cases where pregnant women were transferred from other European countries without the Italian authorities or NGOs being informed about the pregnancy.³⁶⁴

Women in squats are often exposed to sexual violence. As living on the street is even more dangerous, they often have no choice but to accept the limited protection that living among their own people in a squat offers (see 5.2.5). Cittadini del Mondo points out that in addition to the danger of sexual attacks that single women and single mothers are exposed to, domestic violence by their husbands is a widespread phenomenon in squats. However, the organisation is unfortunately not able to offer help due to capacity reasons in the light of the immense problems that prevail in squats.³⁶⁵

In view of the current economic crisis and the lack of perspectives, it can be assumed that many women have no choice but to earn their living with prostitution. In addition, trafficking in women is a major problem. (See 5.3.2. for more on this topic.)

6.3 Persons with medical problems

As already mentioned in chapter 4.2, many interviewees indicated that authorities and organisations on site are insufficiently informed about the needs of returnees with medical problems.

(See 4.3, 5.2 and 5.5.3. for more on the accommodation available for ill persons.)

The number of places, especially for persons with mental illness, is not sufficient by far. As a result, they have to wait longer for a place or they do not find one at all and end up on the streets. This again has negative repercussions for their medical treatment and the chances of recovery. (See 5.5.3. for more.) One major problem is that refugees are not informed sufficiently about access to the health system, especially those living in squats. Persons with mental illness are often not allowed to live in accommodation because they are considered unfit for communal living – this also applies to squats. (See 5.2.5.)

6.4 Single men

Single men are not considered vulnerable. On the other hand, many refugees interviewed pointed out that anyone who is in the precarious situation of being homeless, constantly afraid of attacks and having to cover their basic needs is vulnerable, regardless of whether they are young or old, healthy or ill.³⁶⁶

Young, healthy men in particular are expected to be able to look after themselves. For this reason, many centres give them low priority when it comes to accommodation. At the same time, they belong to the group of people most affected by unemployment in Italy (see 5.3.1).

³⁶⁴ Interview with Caritas Rome, 31 May 2013.

³⁶⁵ Interview with Cittadini del Mondo, Rome, 30 May 2013.

³⁶⁶ Interview with people holding a permit on humanitarian grounds and a recognised refugee at Asnada, Milan, 5 June 2013.

Single men with protection status who are sent back to Italy are therefore highly likely to end up homeless or in a squat, without any hope of improving their situation.

As described in chapter 6.1.1, fathers may not have seen their children or wives they have left behind in their home country for years because they do not have the means to bring them to Italy and do not want to subject them to homelessness. Women, too, who have had to leave their children behind in their country of origin, report on this desperate situation.³⁶⁷

6.5 Conclusion

Vulnerable persons are given priority to the extent that there are special places for them in accommodation centres and they are allowed to stay in most centres for longer. On the other hand, the number of suitable places is very limited, and as a result, the waiting time for vulnerable persons is often longer and they risk ending up on the streets. This is particularly true for persons with mental illness. Families are often separated and therefore prefer to live in squats, which are not suitable for children. Women are exposed to sexual violence in squats. There is also no guarantee, even for vulnerable persons with protection status, that they will find accommodation after they have been returned. They too risk ending up on the streets.

7 Legal Analysis

The main issue is whether the situation of refugees in Italy is compatible with European and international law. The currently pending EU infringement proceedings are one official indication for Italy's breach of its obligations under European law. In December 2012 Italy also requested special support from the European Asylum Support Office (EASO), including in relation to Italy's reception system, and a special support plan was signed by EASO and Italy.³⁶⁸ This is a further clear indication for the existing deficiencies.

This section will elaborate in a non-exhaustive manner on different legal provisions, which may need to be examined in individual cases. As regards EU law, reference will be made to the recast Qualification Directive of 13 December 2011³⁶⁹, which is to be transposed by the relevant Member States (including Italy) by 21 December 2013. As the deadline for transposition of the recast Reception Conditions Directive³⁷⁰ and the recast Procedures Directive³⁷¹ only expires on 20 July 2015, refer-

³⁶⁷ Interview with a female Eritrean refugee, Bologna, 3 June 2013.

³⁶⁸ European Asylum Support Office, EASO and Italy sign Special Support Plan, Press Release PR 02/2013, 4 June 2013: <http://easo.europa.eu/wp-content/uploads/EASO-Italy-Special-Support-Plan-Press-Release.pdf>.

³⁶⁹ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast).

³⁷⁰ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast).

ence will mainly be made to the currently applicable versions of these two Directives.

7.1 Access to the Asylum Procedure

In Milan it is only possible to apply for asylum on production of a confirmation of residence. According to the currently applicable Procedures Directive Member States shall ensure that each adult having legal capacity has the right to make an application for asylum on his or her own behalf (Art. 6 (2)). The required confirmation of residence restricts access to the asylum procedure and therefore violates the right of every adult to make an application for asylum according to the Procedures Directive.

In the major Italian cities like Rome and Milan the formal registration of an asylum application (*verbalizzazione*) takes several months. The currently applicable Procedures Directive does not provide for specific time limits for the registration of asylum applications. However, according to the recast Procedures Directive asylum applications will have to be registered no later than three working days after the application is made (Art. 6 (1)). This time limit can be extended to ten working days in case of simultaneous applications by a large number of applicants (Art. 6 (5)). Member States will have to ensure that a person who has made an application for asylum has an effective opportunity to formally lodge it as soon as possible (Art. 6 (2)). Italy will have to transpose the recast Procedures Directive by 20 July 2015. The current practice in the major Italian cities of delaying the formal registration of asylum applications by several months stands in stark contrast to the strict time limits as provided in the recast Procedures Directive.

7.2 Complete lack of housing at the beginning of the procedure

In Rome and Milan asylum applicants are left homeless during the several months' delay until the formal registration of their application for asylum. According to the currently applicable Reception Conditions Directive Member States have to ensure that material reception conditions are available to applicants from the moment they make their application (Art. 13 (1)). Similarly, according to the recast Reception Conditions Directive Member States will have to ensure that material reception conditions are available to applicants, when they make their application for international protection (Art. 17 (1)). The Reception Conditions Directive was transposed into Italian law in Decreto Legislativo No. 140 of 30 May 2005. The Decreto provides for access to accommodation from the moment of making an asylum application (Art. 5 (5)). The factual gap in access to accommodation during the initial phase of the asylum procedure is thus also in breach of Italian law.³⁷² As this occurs regularly, this is a matter of structural deficiency.³⁷³

³⁷¹ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast).

³⁷² See also CIR, Press Release, 20 June 2013.

³⁷³ Administrative Court of Frankfurt am Main, Ref. No. 7 K 560/11.F.A., judgment of 9 July 2013, p. 16.

7.3 Lack of sufficient housing for applicants

The first-stage reception centres CARA are currently at full capacity. As a result, not all of the newly arrived asylum seekers can be accommodated in CARA any more. According to the Procedures Directive Italy is under an obligation to provide asylum applicants with material reception conditions (Art. 13 (1)). This includes housing, food, clothing provided in kind, or as financial allowances or in vouchers and a daily expenses allowance (Art. 2 (j)). Such material reception conditions must ensure a standard of living adequate for the health of the applicants and capable of ensuring their subsistence, particularly in relation to vulnerable persons (Art. 13 (2)). The only permissible condition for the provision of material reception conditions is the lack of sufficient means for a standard of living adequate for their health and to enable their subsistence (Art. 13 (3)). By failing to accommodate all asylum applicants Italy is in breach of its obligations under the Reception Conditions Directive.

Access to some of the accommodation centres (Morcone places in Milan, Hotel Monte Marzio in Varese) is limited to applicants during the first instance procedure. This conflicts with the following definition of an asylum applicant in Art. 2 (c) of the Reception Conditions Directive: «third country national or a stateless person who has made an application for asylum in respect of which a final decision has not yet been taken.»

In addition, there is an evident lack of sufficient and adequate accommodation for vulnerable persons, particularly mentally ill persons. Especially the larger CARA are inappropriate for vulnerable persons. According to the currently applicable Reception Conditions Directive Member States have to take account of the specific situation of vulnerable persons, such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence (Art. 17 (1)). Given the glaring and serious lack of appropriate accommodation for vulnerable persons Italy cannot adequately meet the needs of such persons and thus violates Article 17 (1) of the Reception Conditions Directive.

While Article 3 ECHR does not guarantee the right to financial support for an adequate standard of living, the obligation to adequately accommodate asylum seekers clearly arises under the Procedures Directive and domestic law. The ECtHR stressed in its judgment in the case of *M.S.S. v. Belgium and Greece* that asylum seekers are particularly vulnerable. If they have to live in the streets for months unable to cater for their most basic needs, with the ever-present fear of being attacked and robbed and with the total lack of any likelihood of the situation improving, this can amount to a violation of Art. 3 ECHR.³⁷⁴ According to a judgment of the Administrative Court of Frankfurt, a state's failure to guarantee to asylum seekers their rights arising under the Reception Conditions Directive constitutes inhuman and degrading treatment.³⁷⁵ Italy is in breach of the asylum seekers' right to housing and support under the Reception Conditions Directive, because not all asylum seekers

³⁷⁴ ECtHR, *M.S.S. v. Belgium and Greece*, App. No. 30696/09, judgment of 21 January 2011, paras. 249 et seq., paras. 263-264.

³⁷⁵ Administrative Court of Frankfurt am Main, Ref. No. 7 K 560/11.F.A., judgment of 9 July 2013, p. 9. The Administrative Court of Düsseldorf also found a real risk of a violation of Art. 3 ECHR in the case of a Dublin-removal of an Iranian asylum seeker to Italy: Administrative Court of Düsseldorf, Ref. No. 2 K 2471/11.A, judgment of 24 June 2013, p. 9.

can be accommodated. Where asylum seekers have to live on the streets with the total lack of any likelihood of the situation improving, this may also constitute a violation of Article 3 ECHR.

In its judgment in the case of *Mohammed Hussein v. the Netherlands and Italy*³⁷⁶ the ECtHR closely examined Italy's reception conditions. The Court declared the application inadmissible, because the applicant had made false representations. However, this does not necessarily mean that the ECtHR does not consider the situation in Italy problematic; on the contrary, the reasoning behind the declaration of inadmissibility was based solely on the applicant's false representations in relation to the facts of the case. While the ECtHR could have limited its observations to the false representations, the Court nevertheless decided to elaborate in detail on the situation in Italy. This is an indication that the ECtHR may well find a violation of Article 3 ECHR in a different case.³⁷⁷

7.4 Lack of support for beneficiaries of protection

Beneficiaries of protection have the same rights of access to housing and social assistance as nationals. But there is hardly any government support and the Italian social security system relies heavily on family support. Applicants for social housing have to wait for several years, but unlike nationals, beneficiaries of protection cannot rely on a family or social network for support. According to the recast Qualification Directive beneficiaries of international protection should have access to accommodation under equivalent conditions as other third-country nationals (Art. 32 (1)). Member States further have to endeavour to implement policies aimed at preventing discrimination of beneficiaries of international protection and at ensuring equal opportunities regarding access to accommodation when implementing a national practice of dispersal (Art. 32 (2)). The Refugee Convention also provides in relation to housing that refugees must be treated no less favourably than other third-country nationals in the same circumstances (Art. 21). As regards social assistance the Refugee Convention provides for the same treatment of refugees as is accorded to nationals (Art. 23). The same standard is guaranteed to recognised refugees and beneficiaries of subsidiary protection pursuant to the recast Qualification Directive (Art. 29 (1)). Refugees in Italy are de facto worse placed than nationals in relation to access to housing and financial support, since they lack a family network which could support them. The issue therefore is whether treatment equal to that accorded to nationals pursuant to the Refugee Convention and the recast Qualification Directive is implemented in practice. This may amount to indirect discrimination, where beneficiaries of international protection are in a different and less favourable position than nationals (lack of family network). Italy would have to take positive support measures, as stipulated in Art. 32 (2) of the Qualification Directive and called for by the Council of Europe Commissioner for Human Rights and UNHCR.³⁷⁸

³⁷⁶ ECtHR, *Samsam Mohammed Hussein and Others v. the Netherlands and Italy*, App. No. 27725/10, judgment of 2 April 2013.

³⁷⁷ Administrative Court of Frankfurt am Main, Ref. No. 7 K 560/11.F.A., judgment of 9 July 2013, pp. 21-22.

³⁷⁸ Report by Nils Muižnieks, 18 September 2012, para. 166; UNHCR Recommendations Italy, July 2013, p. 21.

There is a serious lack of sufficient adequate accommodation for vulnerable beneficiaries of protection in Italy (particularly the mentally ill). Numerous vulnerable beneficiaries live in precarious circumstances on the streets or in squats like all other beneficiaries of protection. According to the recast Qualification Directive Member States are obliged to take account of the specific situation of persons with special needs, and it expressly refers to minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence (Art. 20 (3)). In addition, paragraph 16 of the preamble to the recast Qualification Directive refers to the EU Charter of Fundamental Rights³⁷⁹ and the full respect for human dignity (Art. 1 of the Charter). By failing to adequately support vulnerable beneficiaries of international protection Italy fails to comply with the requirements of the recast Qualification Directive. The desperate situation of numerous beneficiaries of international protection, who permanently live on the streets or in squats is not compatible with full respect for human dignity and thus violates the EU Charter of Fundamental Rights.

Under the recast Qualification Directive the positive duties in relation to beneficiaries of international protection are less clear than those relating to asylum seekers under the Reception Conditions Directive. Nevertheless there are serious indications that Italy fails to comply with its duties owed to beneficiaries of international protection. It is necessary to examine on a case-by-case basis whether the situation of beneficiaries of international protection, who live in desperate circumstances on the streets, without any likelihood of the situation improving, amounts to a violation of Art. 3 ECHR. For many such beneficiaries are in a situation comparable to that of the asylum seeker in the case of *M.S.S.*, where the ECtHR found a violation of Art. 3 ECHR (see below, 7.3). In addition to the desperate living conditions on the streets, single women and single mothers are frequently exposed to sexual violence. The Administrative Court of Giessen found a violation of Art. 3 ECHR in the case of a Dublin-removal of a family with two minor children who were beneficiaries of subsidiary protection.³⁸⁰

Italy's measures for the integration of beneficiaries of international protection do not adequately support such beneficiaries to be in a position to support themselves in Italian society. Much of the existing support comes from independent NGOs. The recast Qualification Directive provides for access to integration programmes, which Member States consider to be appropriate so as to take into account the specific needs of beneficiaries of international protection (Art. 34). Member States are thus under a positive obligation to create integration programmes. Italy will have to seriously develop its integration measures further in order to comply with this requirement.

7.5 Health care

In principle, health care is available in Italy. However, there is a lack of specialised support for traumatised persons. In addition, adequate treatment of mental illnesses

³⁷⁹ Charter of Fundamental Rights of the European Union of 18 December 2000, 2000/C 364/01.

³⁸⁰ Administrative Court of Giessen, Ref. No. 6 K 1329/12.GI.A, judgment of 24 January 2013, pp. 10 et seq.

in particular is often impossible due to the precarious living conditions. According to the Reception Conditions Directive Member States have to ensure that asylum applicants receive the necessary health care which includes, at least, emergency care and essential treatment of illness (Art. 15 (1)). Member States provide necessary medical or other assistance to applicants who have special needs (Art. 15 (2)). The recast Qualification Directive provides that recognised refugees and beneficiaries of subsidiary protection have access to health care under the same eligibility conditions as nationals, including the treatment of mental disorders (Art. 30 (1) and (2)). In particular in relation to the treatment of mentally ill persons Italy does not comply with the requirements of the Reception Conditions Directive and the recast Qualification Directive.

In Italy, health care is also not accessible due to a lack of information on the rights of the relevant persons and on the administrative procedure for obtaining an Italian health card.

According to the Reception Conditions Directive, Member States have to provide asylum seekers with information on organisations that might be able to help with access to health care (Art. 5 (1)). The recast Qualification Directive stipulates that as soon as possible after international protection status has been granted, the beneficiaries are to be provided with access to information, in a language that they understand or are reasonably supposed to understand, on the rights and obligations relating to that status (Art. 22). The fact that many persons are not provided with the necessary information regarding access to health care demonstrates that the requirements of the Reception Conditions Directive and the recast Qualification Directive are not being met.

7.6 Children

There is lack of adequate accommodation for families and children in Italy. The larger CARAs provide inadequate accommodation for asylum-seeking children. Children with an international protection status are accommodated for a limited period of time at best. Numerous families and single parents with minor children therefore live in squats or church emergency shelters. Sometimes children are accommodated separately from their parents and placed in institutional care.

According to the UN Convention on the Rights of the Child (CRC) the best interests of the child have to be a primary consideration in all actions concerning children (Art. 3 (1)). Inaction or failure to take action can also constitute such «action», especially where social welfare authorities fail to take action to protect children from neglect or abuse.³⁸¹ The child's best interests may not be considered on the same level as all other considerations, but more weight must be attached to what serves the child best.³⁸² In the case of vulnerable children, the child's best interests are to be determined with due regard to other human rights norms related to these specific situations, such as the Refugee Convention in relation to refugee children.³⁸³ The

³⁸¹ Committee on the Rights of the Child, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), 2 May 2013, para. 18: www.refworld.org/docid/51a84b5e4.html.

³⁸² Ibid., paras. 37, 39.

³⁸³ Ibid., para. 75.

recast Qualification Directive refers to the CRC and stresses that the best interests of the child should be a primary consideration when implementing the Directive (para. 18 of the preamble). Similarly, the Dublin III Regulation refers to the best interests of the child as a primary consideration (Art. 6(1)).

Pursuant to the right to non-discrimination under Art. 2 CRC Member States are under an obligation to take adequate measures to protect a child from discrimination. This is not a passive obligation, but also requires proactive state measures on effective equal opportunities for all children to enjoy the rights under the Convention. This may require positive measures aimed at redressing a situation of real inequality.³⁸⁴

Art. 6 CRC provides for the child's right to life, survival and development. States must create an environment that respects human dignity and ensures the holistic development of every child.³⁸⁵ The same risks and protective factors that underlie the life, survival, growth and development of the child need to be considered for the realisation of the child's right to health pursuant to Art. 24 CRC. In particular, these factors include the socioeconomic status and domicile of the child.³⁸⁶ Art. 24 CRC imposes a strong duty of action on States Parties to ensure that a primary health care system is available and accessible to all children, with special attention to under-served areas and populations.³⁸⁷ Adequate nutrition and growth monitoring in early childhood are particularly important measures for the implementation of the right to health.³⁸⁸

The right to social security pursuant to Art. 26 CRC is also closely related to these rights. According to Art. 26 CRC States Parties recognise the right to benefit from social security, including social insurance, and take the necessary measures to achieve the full realisation of this right in accordance with their national law. Pursuant to Art. 27 CRC States Parties also recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. Further, children have the right to rest and leisure, to engage in play and recreational activities appropriate to the age of the child in accordance with Art. 31 CRC. Without these measures children can suffer irreversible physical and psychological damage. The right in Art. 31 has to be guaranteed without discrimination of any kind, including to children living in poor or hazardous environments or street situations and expressly also to asylum-seeking and refugee children.³⁸⁹ They are generally entitled to receive appropriate protection and humanitarian assistance in the enjoyment of their rights (Art. 22).

Art. 37 (a) CRC prohibits that children are subjected to torture or other cruel, inhuman or degrading treatment or punishment. According to Art. 19 CRC the States Parties take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or

³⁸⁴ Ibid., para. 41.

³⁸⁵ Ibid., para. 42.

³⁸⁶ Committee on the Rights of the Child, General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24), 17 April 2013, paras. 16-17: www2.ohchr.org/english/bodies/crc/docs/GC/CRC-C-GC-15_en.doc.

³⁸⁷ Ibid., para. 28.

³⁸⁸ Ibid., para. 45.

³⁸⁹ Committee on the Rights of the Child, General Comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31), 17 April 2013, para. 13, 16, 23 und 26: www2.ohchr.org/english/bodies/crc/docs/GC/CRC-C-GC-17_en.doc.

abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse. The term «violence» includes all forms of neglect, such as failure to protect a child from harm or failure to provide the child with basic necessities including adequate food, shelter, clothing and basic medical care. Psychological neglect also includes exposure to violence, drug or alcohol abuse.³⁹⁰ According to Art. 39 CRC the States Parties take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse, torture or any other form of cruel, inhuman or degrading treatment or punishment. Such recovery and reintegration has to take place in an environment which fosters the health, self-respect and dignity of the child.

According to Art. 9 CRC children must not be separated from their parents against their will, except when this is necessary for the best interests of the child. Such separation should only occur as a measure of last resort.

Before resorting to separation, parents should be supported in assuming their parental responsibilities. Economic reasons cannot be a justification for separating a child from his or her parents and poverty should never be the only justification for the removal of a child from parental care.³⁹¹

In Italy, the living conditions of children in squats and emergency shelters constitute a risk to their physical and psychological safety, health and development. Italy is in breach of the right to have the best interests of the child taken into account as a primary consideration by leaving children in these situations or separating them from their parents. Further, Italy is in breach of its positive duties arising under the CRC, particularly as regards special measures for the protection of asylum-seeking and refugee children. In relation to the de facto unequal treatment of nationals regarding social assistance, positive discrimination measures are required particularly where children are affected. Finally, the placement of children in institutional care is in breach of the CRC whenever this is not necessary in the best interests of the child.

7.7 Separation of families

In Milan, families are systematically accommodated separately during the asylum procedure. In Rome this can also happen. The Reception Conditions Directive provides for the protection of the family life of applicants (Art. 14 (2) (a)) and stipulates that children should be lodged with their parents (Art. 14 (3)). Concerning beneficiaries of international protection the recast Qualification Directive provides that Member States must ensure that family unity can be maintained (Art. 23 (1)). By systematically separating families Italy fails to respect these provisions.

The CRC only allows for a separation of the child from his or her parents, where this is in the best interests of the child, see 7.6 above.

Art. 8 ECHR provides for the right to respect for family life. This can only be interfered with, where such interference is in accordance with the law and is necessary in

³⁹⁰ Committee on the Rights of the Child, General Comment No. 13 (2011), The right of the child to freedom from all forms of violence, 18 April 2011, paras. 4 und 20: www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.13_en.pdf.

³⁹¹ Committee on the Rights of the Child, General comment No. 14 (2013), 29 May 2013, paras. 61-62.

a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. The systematic separation of families in Milan without any assessment of the individual facts of the case raises the question whether such systematic interferences can be justified by any public interests. Single mothers are additionally left with the dilemma of giving their children into institutional care to ensure that at least they are housed, or living together with them in desperate circumstances. This situation also violates the CRC and Art. 8 ECHR.

In addition, beneficiaries of international protection are factually separated from their family in their home country, because they lack the ability to apply for family reunification due to a lack of funds and their precarious living conditions. While the Refugee Convention does not provide for the right to family reunification, the UNHCR Executive Committee has stressed that family reunification should be facilitated by special measures of assistance so that economic and housing difficulties in the country of asylum do not unduly delay family reunification.³⁹² Yet, family reunification is factually impossible in Italy for precisely those impermissible reasons and refugees are not granted any special assistance. This is contrary to the objectives of the Refugee Convention.

7.8 Duty of enquiry

In January 2014 the Dublin III Regulation³⁹³ will enter into force and this will provide for a Member States' duty to examine the legal and factual situation in the Member State to which the applicant will be transferred (para. 19 of the preamble). In this context the right to be heard will also be strengthened: as a general rule, asylum seekers shall be informed in a personal interview about the Dublin-system and be provided with an opportunity to make representations on the relevant facts (Art. 5). The ECtHR and the Court of Justice of the European Union (CJEU) have stressed the duty of Member States to verify the legal and factual situation in their leading judgments on Greece. The ECtHR held that the Belgian authorities should have been aware of the situation in Greece given the numerous reports and materials on it. In these circumstances the applicant could not be expected to bear the entire burden of proof and the Belgian authorities were not entitled to merely assume that the applicant would be treated in conformity with the Convention standards upon his return to Greece. Instead, the Belgian authorities were under a duty to verify how the Greek authorities applied their legislation on asylum in practice.³⁹⁴ The CJEU held that Member States may not transfer an asylum seeker to the Member State responsible where they «cannot be unaware» that systemic deficiencies in the asylum procedure and in the reception conditions of asylum seekers in that Member State amount to substantial grounds for believing that the asylum seeker would face

³⁹² ExCom Conclusion No. 24 (XXXII), 1981, para. 9: www.unhcr.org/41b041534.html.

³⁹³ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).

³⁹⁴ ECtHR, *M.S.S. v. Belgium and Greece*, App. No. 30696/09, judgment of 21 January 2011, paras. 352, 359.

a real risk of being subjected to inhuman or degrading treatment.³⁹⁵ These principles have been implemented in Art. 3 (2) of the Dublin III Regulation.

Regarding access to asylum procedures the situation in Italy cannot be compared to the situation in Greece. However, based on numerous reports and court judgments particularly from German courts there are now substantial grounds for believing that there are systemic deficiencies in the reception conditions of asylum seekers and beneficiaries of international protection in Italy.³⁹⁶ The Administrative Court of Frankfurt found that at best 50 percent of the asylum seekers returned to Italy can find accommodation and that they are actually at risk of being exposed to inhuman and degrading treatment.³⁹⁷ Based on the findings of SFH/OSAR's fact-finding visit the likelihood for beneficiaries of protection of finding accommodation is significantly smaller than for asylum seekers.

In these circumstances Member States may no longer merely assume that Italy complies with all of its legal obligations. Rather, Member States are under a duty of enquiry in relation to what will happen to the person concerned upon removal to Italy on a case-by-case basis. As held by the ECtHR and the CJEU the asylum seeker no longer bears the entire burden of proof. The Swiss asylum authorities and other Member States fail to sufficiently comply with their duty of enquiry regarding the situation in individual cases. They fail to adequately verify the factual situation and asylum refusal decisions frequently rely on standard phrases and general observations without any reference to the individual circumstances and specific risks of the case. Generally there is no rigorous scrutiny of the individual case.

7.9 Enforcing rights in Italy

The Swiss asylum authorities frequently rely on the applicants' ability to enforce their rights before the Italian authorities. However, this is hardly realistic for the following reasons.

If EU Member States fail to transpose a Directive properly and on time, they may under certain conditions be liable for state compensation for any resulting damage (Francovich judgment).³⁹⁸ However, the problem in Italy does not consist in the failure to transpose EU legal obligations into domestic law, but rather the lack of support in practice. In particular for beneficiaries of international protection neither the Italian courts nor the Italian lawyers recognise that this group has enforceable rights to state support.³⁹⁹ Even if the criteria according to the Francovich case law were met, there would be no lawyers and no NGOs that would represent applicants in such cases. In addition, Italian administrative law proceedings are of an excessive duration and Italy has been criticised for this numerous times by the ECtHR and the

³⁹⁵ CJEU, joined cases C-411/10 and C-493/10, N.S. v Secretary of State for the Home Department and M.E. et al. v Refugee Applications Commissioner, judgment of 21 December 2011, para. 94.

³⁹⁶ See for instance Administrative Court of Braunschweig, Ref. No. 2 A 126/11, judgment of 21 February 2013; Administrative Court of Frankfurt am Main, Ref. No. 9 K 28/11, judgment of 18 April 2013; Administrative Court of Frankfurt am Main, Ref. No. 7 K 560/11.F.A., judgment of 9 July 2013.

³⁹⁷ Administrative Court of Frankfurt am Main, Ref. No. 7 K 560/11.F.A., judgment of 9 July 2013, p. 17.

³⁹⁸ CJEU, joined cases C-6/90 and C-9/90, Andrea Francovich and Danila Bonifaci et al. v Italian Republic, judgment of 19 November 1991.

³⁹⁹ Interview with ASGI, Rome, 28 May 2013.

Committee of Ministers.⁴⁰⁰ For persons who live in precarious conditions all of these constitute insurmountable obstacles.

7.10 Conclusion

In relation to the housing of asylum seekers and beneficiaries of international protection Italy presents systemic deficiencies. Italy is in breach of its obligations arising out of the EU asylum law acquis, particularly the Reception Conditions Directive and the Qualification Directive. Further, Italy fails to comply with its obligations as regards access to health care by failing to provide information on access to this and by failing to take due account of the needs of vulnerable persons. In addition, Italy fails to adequately respect the rights of the child and the right to family life under the ECHR. The failure to support asylum seekers and beneficiaries of international protection may also constitute a violation of Art. 3 ECHR. Whether a violation of these rights has taken place, needs to be carefully assessed on an individual basis. In relation to this Member States are under a clear duty to examine the legal and factual situation on a case-by-case basis. Member States are no longer able to merely rely on the fact that the person can enforce his or her rights in Italy, as this is not an option in practice.

8 Recommendations

The Dublin-system is supposed to ensure that every person in the European area is able to apply for asylum and have his asylum claim properly examined. The aim is to avoid several repeat asylum applications in different Member States. Such a system can only work if Member States have equivalent standards of asylum procedures and reception conditions. Otherwise there is an inevitable stream of secondary migration between Member States.

Where the responsibility for a Dublin case lies with Italy, Italy would have to provide an adequate asylum and reception system. However, as long as this is not the case, as detailed in the instant report, all Dublin Member States have to adequately take this into account.

Based on our findings from our fact-finding visit and the above legal analysis SFH/OSAR recommends the following to the Swiss asylum authorities and those of other countries:

1. It is necessary to adequately verify in each individual case what would happen to the person upon return to Italy. Due account needs to be taken of the situation of vulnerable persons, such as women and families with children.

⁴⁰⁰ Council of Europe, Committee of Ministers, Cases concerning the excessive length of judicial proceedings in Italy and dysfunctions of the «Pinto» remedy, Status of the execution of the general measures, Memorandum prepared by the Department for the Execution of the judgments and decisions of the European Court of Human Rights, CM/Inf/DH(2013)21, 6. Mai 2013, RZ 66: [https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Inf/DH\(2013\)21&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383#P249_32182](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Inf/DH(2013)21&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383#P249_32182).

2. Where an individual assessment leads to the conclusion that the persons would receive no support upon return to Italy and would have no possibility to support themselves, countries should make use of the sovereignty clause.⁴⁰¹ This is particularly the case for persons who already have a protection status in Italy. Where it is evident that an asylum seeker will be left on the streets, the exercise of the sovereignty clause should be considered.
3. Where the Dublin return is found to be admissible after a rigorous scrutiny of the facts of a case, it is necessary to inform the Italian authorities at the point of arrival about all special needs of the persons, particularly regarding medical needs. The Dublin-III-Regulation also stresses this obligation (Art 31, 32).

9 Conclusion

There are serious deficiencies in the Italian housing system, which does not provide nearly enough places for asylum seekers and beneficiaries of protection. Once one centre is at full capacity, there is additional pressure on the other centres and this creates a knock-on-effect: currently all CARA are at full capacity and newly arrived asylum seekers and Dublin returnees are accommodated in SPRAR or community centres rather than CARA. Because it has become more difficult for such persons to support themselves, many of them stay longer and use up desperately needed spaces for new arrivals.

Worst affected by this are beneficiaries of protection. They do not receive any support and are left to their own devices. Only those who are housed in a centre receive food from the state. Others rely on welfare organisations, which distribute food in the cities. In view of the current economic situation the prospects of being able to support themselves are close to nil. Today's lack of any prospects for beneficiaries of protection is even more overwhelming than it was on our fact-finding visit in autumn 2010. The prospects of finding accommodation after a Dublin return are very small. Once the official asylum accommodation system runs at full capacity (CARA, FER, SPRAR), any other housing solutions are always temporary and often consist in emergency shelters that are open to all residents. But these fall far short of meeting the demand. It is therefore highly likely that Dublin returnees face an inhuman existence on the streets. Their day-to-day life centres on satisfying their most basic needs: queuing at NGOs or churches for food vouchers, queuing for a sandwich, looking for a place to sleep at night, looking for a place to wash. In the major cities they have to travel long distances and either dodge transport fares or walk for hours, often with small children. In these circumstances the integration into Italian society is all but impossible. Vulnerable persons, such as single parents with children and ill persons, are particularly affected, as their ability to integrate into society is even more seriously affected. But also young men, who fall within the group of the highest unemployment rate, are hardly able to find employment and support themselves.

⁴⁰¹ This concerns cases that fall within the scope of the Dublin-II-Regulation. Where recognised refugees are concerned (and with Dublin III also beneficiaries of international protection), who fall within the rules on safe third countries, the asylum application should be examined on the merits.

In view of the efforts of Europe to build a Common European Asylum System, all Member States bear equal responsibility for refugees. The EU Member States in the North and West have to demonstrate their solidarity with the States with an external EU border, which have to take care of a disproportionately high number of asylum seekers. Further, the Common European Asylum System should also include the right to free movement of beneficiaries of international protection within Europe.