

Legal and political aspects of integration

Roubaix, 27th – 30th of June, 2007

Project FUTURE
Giusy Lopardo and Luisa Pagano

Juridical situation of foreigners

- ❖ **Foreigner:** people without Italian citizenship
- ❖ **Communitarian foreigner:** People with citizenship of a state member of European Union.
- ❖ **Extra communitarian foreigner:** People without citizenship of a state member of European Union.
- ❖ **Refugees:** People who are forced to leave his own State because of persecutions for race, religion, nationality, politic opinion.
- ❖ **Clandestine:** People being in the State territory without a regular residence permit, **for the State they don't exist.**
- ❖ **Foreigners under age without attendance,** are young people in Italy without parent's care and without legal representation

Admission in Italy

Foreign people can be admitted in the State territory for this reasons :

- ❖ Tourism
- ❖ Study
- ❖ Rejoining with family
- ❖ To get a job

The Legislative Decree 286/98 regulate the condition to enter and to stay on Italian territory

Extra communitarian citizens:

Entry visa, demonstration of the reasons of staying and of financial situation

Having a visa is not a guarantee of admission in the State territory.

At the border is possible that the foreigner is not admitted inside the State territory, if there aren't security conditions

The foreigner who enter Italy legally needs within 8 day the residence permit.

The document will show the same motivation of visa.

A person with visa who doesn't request the resident permit within 8 days is subjected to expulsion

Permits of short duration: 2 June 2007 (law 68/2007)

holidays, tourism, job or study for three months: foreign people doesn't have to request resident permit but just communicate his presence to the authorities.

Communitarian citizens:

valid identity card. The entrance of Communitarian citizen is regulated by Schengen agreement

Residence

- ❖ Residence permit must be submitted to the police headquarters or to Italian post offices
- ❖ Police headquarters: subordinate job, family reasons.
- ❖ Postal Offices : self-employed, students, tourists.
- ❖ Forms: they are free in every postal office, but must be submitted in the entitled offices (about 5.000)
- ❖ Cost: about 70 Euro
- ❖ This procedure for issue residence permits is recent:
- ❖ On December 2006 the Agreement between Ministry of the Interior and Poste Italiane has been stipulated

The aims of its introduction is to simplify procedures and reducing waiting time

Citizenship

Citizenship Law n. 91 of 1992, regulating the status of Italian citizen: rights and duties

The acquisition of Italian citizenship is founded on the principle of *ius sanguinis*, is Italian citizen who is born from Italian father or Italian mother; is recognized equality of the sexes; stateless must be reject

Italian citizenship is automatically acquired :

- ❖ Origin
- ❖ Born on territory
- ❖ Recognized of paternity and maternity
- ❖ Adoption

Italian citizenship can be achieved by submitting application in case of:

- ❖ Descendent of an Italian citizen by birth (until sixth degree)
- ❖ Born on Italian territory
- ❖ For marriage with an Italian citizen (only if all other requisites exist)
- ❖ Naturalization
- ❖ The law provides also for the cases where citizenship can be loosen

Citizenship

Proposals to modify the law on citizenship with the aim to award Italian citizenship to:

- ❖ Young people leaving in Italy since they were a child for family reunification
- ❖ Young people who live in Italy, attended Italian schools and that arrived in Italy when child. For them in fact the acquisition of citizenship is not automatic
- ❖ Children, borne in Italy by foreign parents

Proposal to give the citizenship to :

- ❖ People who was born in Italy from foreign parents, whose at least one is regularly resident in Italy since 3 years
- ❖ People who was born in Italy from foreign parents, whose at least one is regularly resident in Italy and born in Italy
- ❖ Children of foreign parents whose at least one is resident in Italy legally from five years, with continuity, that attended school or a vocational training or that worked for at least one year, can get Italian citizenship, if parents require it

Right to vote

The right to vote is not recognized to the extra communitarian citizens, who lives in Italy.

This issue is debated a lot, and often it becomes reason for political clash of opinion. Big part of Italian majors and a lot of Italian citizens agree with the extension of the voting right to immigrants. They recognize the big importance of this issue as a way to involve them in the society.

Beside the political meaning, the necessity to extend the voting right to immigrants is important because:

- ❖ With the right to vote foreigners should be more responsible about the place they live in
- ❖ Who can't vote feels as a stranger in the territory and can't take care of this territory
- ❖ Who can't vote, is recognized as a person mentally incompetent.
- ❖ The foreign citizen who contribute to the social and political life of the city, feels the law of a State as a way to be guaranteed

Immigration Centres

Structures to receive and assist irregular immigrants :

Hosting Centres: structures that guaranty first help to the irregular immigrants tracked down in the territory

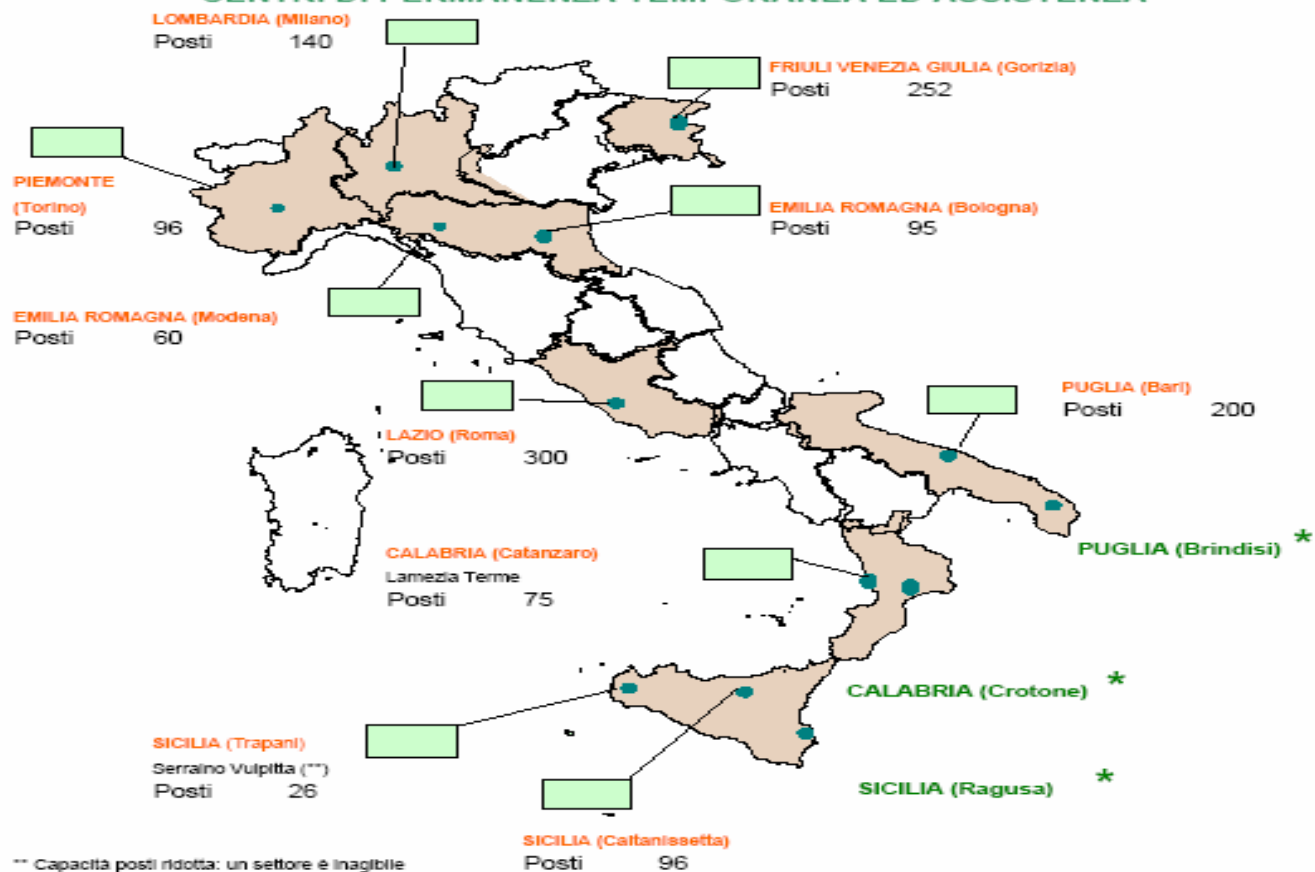
The permanence of immigrants in these structures must be temporary and functional to establish the legitimacy of staying on Italian territory

Identification Centre: structures hosting asylum seekers applying for asylum in Italy

Temporary Host Centre

- ❖ These centres have been introduced in 1998 and they detain illegal migrants before expulsion
- ❖ The purpose is to avoid the dispersion of irregular immigrants on the territory
- ❖ The immigrant can stay in the centre not more of 60 days (30 days plus 30 days, extended by the head of the police headquarter)

CENTRI DI PERMANENZA TEMPORANEA ED ASSISTENZA



* *Chiuso in base alla Direttiva del Ministro del 24 aprile 2007*

15.05.2007

TOTALE POSTI 1340

FONTE: Enti Gestori
Elaborazione dati: Ufficio monitoraggio e movimentazione - Resp. Dr.ssa Giola Mantero

TEMPORARY HOST CENTERS

Centri di Permanenza Temporanea - CPT

- ❖ The CPT became detention centres: following the actual legislation, the illegal immigrant is detained if the expulsion can't be executed immediately
- ❖ Although migrants in the centre are considered hosts, their stay is in fact a detention, as they are deprived of their personal freedom, and they are under a coercive regime, with no rights to visits and legal assistance
- ❖ Through the CPT a system of administrative detention has been created, as immigrants detained in the centres are those that have violated an administrative rule and not a penal regulation
- ❖ Its function is regulated by the Prefect and police forces stay in the front
- ❖ No entrance is permitted to journalists, NGOs, international humanitarian organisations

Refugees and asylum seekers

- ❖ The foreign citizen that has been persecuted in his country for race, religion, nationality, cultural minority, or political opinion or that might be persecuted if he return to his country can be recognised as refugee in Italy
- ❖ In Italy doesn't exist an organic law on asylum. The actual legislation is based on article 10 of Italian Constitution
- ❖ Awaiting for a national Law, the asylum is regulated through norms and regulations included in the actual immigration laws
- ❖ Italy ratified the Geneva Convention of 1951 that states the conditions for being recognised as refugees
- ❖ People escaping from war, natural disaster, calamities or political crises are safeguard under the temporary humanitarian protection
- ❖ Italy recognised humanitarian protection to citizens from Ex Yugoslavia, Somalia and Albania

Refugees and asylum seekers

- ❖ The National Law n.189/2002 (Bossi –Fini) and its regulation D.P.R. n.303/2004 have introduced **some innovations** regarding the procedures for screening the asylum applications and the modalities for protecting asylum seekers and refugees
- ❖ The law introduces the **Identification Centres** and simplified the application procedures
- ❖ It substituted the Central Commission for refugee recognition with the National Commission for the asylum right and created **7 Local Commissions**.
- ❖ It implemented the **Protection System** for asylum seekers and refugees and the National Fund for asylum polices and services
- ❖ The European Union since some years, is harmonizing the different national laws on asylum. The Directive 2003 /9/CE gives the minimum standards for hosting asylum seekers. Italy ratified the directive with the decree n. 140/2005
- ❖ The decree obliges the State to host the asylum seekers in needs during the whole period of his asylum application

The Protection System for asylum seekers and refugees

- ❖ **The Protection System for asylum seekers and refugees** was established by immigration Law n. 189/2002. The above mentioned Law set up the **National Fund for asylum policies and services** which can be accessed by Local Authorities running protection and reception services for asylum seekers, refugees and foreigners holding a residence permit on humanitarian grounds.
- ❖ The Protection System for asylum seekers and refugees draws on the expertise developed by the **National Asylum Program**

The Protection System for asylum seekers and refugees

- ❖ **Local authorities** play a crucial role in the national Protection System for asylum seekers and refugees
- ❖ Projects managed by Local Authorities and financed by the **National Fund** for asylum policies and services, offer assistance and protection as well as support for the social and economical integration of asylum seekers and refugees
- ❖ **Non Governmental Organizations**, institutions and associations with proven experience in the sector also work in close cooperation with local Authorities
- ❖ The Protection System is coordinated by a national structure called the **Central Service**
- ❖ The Central Service has been established by the Ministry of Interior and has been assigned to **ANCI** (National Association of Italian Municipalities)

The Protection System for asylum seekers and refugees

- ❖ The Central Service has the tasks to monitoring the presence of asylum seekers, refugees and foreigners under humanitarian protection
- ❖ Establishing and updating a database on local interventions for asylum seekers and refugees
- ❖ Providing local Authorities with technical assistance, also with regards to the implementation of reception measures
- ❖ Promoting and performing, in accordance with the Ministry of Foreign Affairs, repatriation programs through the International Organization for Migration or other national or international humanitarian institutions

The Protection System for asylum seekers and refugees

- ❖ The **Central Service** coordinates the admission of beneficiaries in local projects
- ❖ Beneficiaries are sent to the System by the Prefectures, various bodies (local projects, municipalities, Police headquarters, asylum organisations, etc.) and the so called Identification Centres
- ❖ The **Central Service** and/or the local Authorities financed by the national Fund also offers the following services in the Identification Centres:
 - ❖ Italian language courses, legal counselling, psychological support and information on voluntary repatriation programs

The Protection System for asylum seekers and refugees

Services provided include:

- ❖ Reception
- ❖ registration with the National Health Service
- ❖ school enrolment for minors
- ❖ literacy and language courses for adults
- ❖ legal counseling
- ❖ vocational training
- ❖ cultural mediation
- ❖ and housing assistance

The beneficiaries of the System in 2006 are:

- ❖ 2.300 holders of humanitarian protection
- ❖ 2.294 asylum seekers
- ❖ 750 refugees
- ❖ Coming from 74 countries, 67, 1% from Africa

The Protection System for asylum seekers and refugees

- ❖ 70,40% of beneficiaries stayed in the Protection System for less than 12 months

Reasons for leaving are:

- ❖ 45,50% for integration
- ❖ 31,20% for time limit
- ❖ 20,00% for abandon
- ❖ 1,2% for repatriation



**THANK YOU
FOR YOUR ATTENTION**

THE END