

# The Dublin Regulation and the asylum procedure in Italy

*Are you aware of your rights?*



## Guide for asylum seekers

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**CIR**  
CONSIGLIO ITALIANO  
PER I RIFUGIATI



# Glossary

**Cedolino:** document in the form of a strip of paper with the applicant's picture, which is given to him/her when, after having been at the Questura to apply for asylum, he/she has been photographed and his/her fingerprints taken. On the same paper the future appointments with the Questura are also listed.

**Decreto di trasferimento:** official letter of the Dublin Unit delivered from the Questura to the asylum seeker communicating the decision of the transfer to another European country on the basis of the Dublin Regulation. The letter also provides indications regarding the possibility to lodge an appeal.

**EURODAC:** database to which all European States may have access, where, with the aim of comparison, all asylum seekers and some categories of irregular migrants' fingerprints are registered.

**Fotosegnalamento:** when a person goes to the Questura in order to apply for asylum, the Police proceeds to identify the person. During such a procedure the person has to provide his/her personal data, he/she is photographed and his/her fingerprints are taken.

**Person granted subsidiary protection:** a non European citizen, or a stateless person, who does not comply with the criteria to obtain the recognition of the status of refugee, but there are well-grounded reasons to believe that if he/she returns to his/her country of origin, or in the country where he/she usually lives, he/she might run the effective risk of undergoing serious harm and he/she, because of that risk, cannot or does not want to benefit from the protection of that country (Law Decree 19 November 2007, n. 251).

**Person granted humanitarian protection:** Questura may issue a permit of stay for humanitarian reasons any time the Territorial Commissions, not having recognized any form of protection (refugee status or subsidiary protection), consider that there are the grounds for the recognition of a humanitarian protection (Law Decree 28 January 2008, n. 25; art. 5.6 Law Decree 25 July 1998, n. 286).

**Dublin II Regulation:** European Regulation establishing the State competent to examine asylum applications.

**Refugee Status:** status recognised to a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country (Geneva Refugee Convention, Law Decree 19 November 2007, n. 251).

**Dublin Unit:** office of the Ministry of Interior responsible for the enforcement of the Dublin Regulation.

**Verbalizzazione:** phase of the asylum procedure when, at the Questura, the Modello C/3 is filled in (written questions on the applicant, his/her family, his/her journey to Italy).

*The contents of the present information leaflet are addressed to asylum seekers. For this reason it has been intentionally used a more informal language. Consequently information sometimes may result simplified.*

*Considering the complexity of the Dublin II Regulation and the difficulty in summarizing some specific provisions often negligible in the praxis, some exceptions foreseen by the Regulation haven't been included. However, in order to allow asylum seekers to go into more detailed information, a list of associations is provided for their useful reference.*

*The text has been edited by the Italian Council for Refugees.*

*The contents are of the authors' and they cannot represent, under any circumstances, the official positions of the European Commission and/or of the Italian Ministry of Interior.*

# The Asylum Procedure in Italy



## How to lodge an asylum application

If you wish to lodge an asylum application in Italy you can do it as soon as you arrive at a border Police point or, if you are already in the territory,

at the Questura, the Immigration Office of the Police.

In order to lodge an asylum application you are required to indicate a domicile, an address which will be then quoted on your permit of stay. To this end it is important to know that there are associations/organisations which may provide asylum seekers with a domicile declaration.

When you lodge your asylum application, an identification procedure is activated by the Police. During this procedure you are photographed and your fingerprints are taken (this procedure is called **fotosegnalamento**).

In such an occasion, you will be given a **cedolino**, a strip of paper where your next appointments at the Questura are noted down. Later, during future appointments, you will be given a temporary permit of stay.



The timeframe described above may change and, in some cases, the temporary permit of stay may be issued at the first meeting with the Questura. Similarly, the phases we are going to describe below may result different. In the praxis, though, the procedure always remains the same!

Usually, together with the fotosegnalamento, the **formalization (or verbalizzazione) of your application** will also take place. In this occasion the “Modello per il riconoscimento dello status di rifugiato ai sensi della Convenzione di Ginevra” (called **Modello C/3 or simply “verbale”**) is filled in. The Modello C/3 is to be filled in with information regarding yourself, your family, the trip you have done to reach Italy and the reasons why you left your country of origin. During this phase of the procedure you **have the right to be supported by an interpreter speaking your mother tongue**.

Before filling in the Modello C3 you will be requested to provide a written paper regarding your personal story. Please note that you can write this document in your mother-tongue.

In this occasion, if you have your National passport, you will be expected to give it to the Questura. You will be left with a copy and the Questura will keep your passport till the end of the asylum procedure.

In case you have other documents related to your story (i.e. identity card, party cards, medical reports certifying the violences undergone, university cards) you must provide the Police with copies and present the originals at the interview with the Commissione Territoriale per il riconoscimento della protezione internazionale. These documents may prove to be important in demonstrating what happened in your country of origin.

**With the filling in of the Modello C/3 the verbalizzazione of your asylum application is concluded.**

**In big cities the formalisation of your asylum application might occur after your fotosegnalamento. In such a circumstance the Questura will organise a future appointment.**

After this phase, the Police contacts the Dublin Unit of the Ministry of Interior, which will verify whether Italy, on the basis of the Dublin Regulation, is the State responsible for the examination of your asylum application.



For this reason it is very important that at the moment of filling in the Modello C/3 you provide the Police with all the information requested. In particular, if you have relatives in other European countries, if they are asylum seekers or refugees, if you have any special link with another European country, and also information on your health conditions. All this information is important for the determination of the State responsible for the examination of your asylum application.

If from the checks performed by the Dublin Unit, Italy results to be responsible for the examination of your asylum application, you will be invited to go again to the Questura in order to receive your permit of stay and to know the date of the interview with the Commissione.

It is possible that between one phase and another you are invited to go to the Questura more than once, awaiting that the Dublin Unit decides on your case or in case they wish to perform further verifications.



## Asylum seekers' rights

■ **Temporary Permit of stay:** when you apply for asylum, the Police gives you a strip of paper called “cedolino” where the dates of your future appointments with the Questura are listed. Later on a permit of stay for asylum seekers will be issued.

In case you are addressed to a CARA (Accommodation Centre for Asylum Seekers) or to a CIE (Identification and Expulsion Centre) you will not be given a temporary permit of stay.

In case you are addressed to a CARA you will be given an **attestato nominativo** (a paper where all your personal data and your status are registered). In case you are addressed to a CIE, considering that during the procedure you will not be allowed to exit, you will not be given any authorization to stay in Italy.

■ **Health care:** once you obtain the permit of stay or the “cedolino” (only in some regions) you have the right to receive health care. In order to receive it you have to require your fiscal code (codice fiscale) to the *Agenzia delle Entrate*. Afterwards you have to require the issuance of the health card (tessera sanitaria) to the ASL (Local Health Service) and choose a doctor to refer to in case of need.



Please remember that you always have the right to first aid medical care even before you are given a permit of stay or a cedolino.

■ **Access to work:** at the beginning of the asylum procedure you are not allowed to work. If the decision on your application is not taken within six months from the presentation and the delay is not due to your behaviour, the temporary permit of stay is renewed for additional six months and you are allowed to work until the end of the procedure.

■ **Right to education:** underage asylum seekers or asylum seekers' children have the right to attend public schools. Adult asylum seekers have the right to attend vocational courses.

■ **Accommodation:** when you apply for asylum at the Questura, inform the Police if you do not have any accommodation. They will forward your request to the Prefettura. If no places are available in the accommodation system of the SPRAR (Protection System for Asylum Seekers and Refugees) you will be temporarily addressed to a CARA or to a centre for first accommodation (centres where accommodation is provided only for a limited period of time).

Accommodation, both in CARA and in SPRAR, is normally foreseen for six months. In the praxis, this period may be extended until the end of the asylum procedure.

The Italian law foresees the right to accommodation to all asylum seekers. Some private associations also provide accommodation facilities. In spite of this, because of the scarce availability of places, the possibility to find accommodation is sometimes not immediate. It is thus possible that you have to wait for a long time or that, in order to be accommodated, you are transferred to a town different from the one where you lodged your asylum application.

The law foresees that, in case of lack of accommodation, the asylum seeker with no economical means has the right to an allowance. If you are in this condition you have to require the allowance to the Questura where you lodge your asylum application.

**In some cases, established by the law, during the asylum procedure you will be obliged to stay in a CARA or in a CIE.**



#### ACCORDING TO THE LAW, WHEN WILL YOU BE ADDRESSED TO A CARA?

- If you have applied for asylum after having been arrested because you have avoided or have tried to avoid the controls at the border (or immediately after).
- If you have applied for asylum after having been found to be irregularly in the territory or without your identity or travel documents.
- If you have used false or forged documents.

In such cases, during the asylum procedure, you will have to stay in the CARA indicated by the Questura and you will be obliged to go back there every evening.

If you fail to do so you will lose the accommodation. All further communications and information related to your case will be sent to you at the CARA.



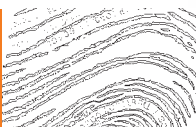
The situation of an asylum seeker obliged to stay in a CARA because of the reasons explained above is different from the situation of an asylum seeker hosted in a CARA because no places are available in the SPRAR system! In the first case, in fact, the procedure is modified (as it will be explained later on), in the second one the procedure is the standard one.



### ACCORDING TO THE LAW, WHEN WILL YOU BE ADDRESSED TO A CIE?

- If you have applied for asylum after having been notified an expulsion order.
- If you have committed a crime or you have been condemned for having committed a serious crime in Italy.

In such cases, during the procedure, you will not be allowed to exit the CIE. Furthermore, in case your application receives a negative decision, the appeal does not automatically suspend the effects of such a decision and you might be repatriated.



### The interview with the Territorial Commission

On the date indicated by the Questura you will have to go to the **Territorial Commission for the Recognition of International protection** (Commissione), which is the authority competent for taking a decision on your asylum application. In Italy there are 10 Commissions. Each of them is composed of 4 members: 2 representatives of the Ministry of Interior, 1 representative of the municipality (or province or region) and 1 representative of the UN High Commissioner for Refugees (UNHCR).

The interview will be assisted by an interpreter of your mother-tongue.

During the interview, the Commissione will ask you questions on yourself, your relatives, the travel you made to reach Italy, your documents, the reasons why you left your country of origin and the reasons why you cannot return.

The law foresees that the interview takes place within **30 days from the application** and that the Commissione decides in the three days following it. In the praxis these terms are much longer.



## WHAT DECISION CAN THE COMMISSIONE TAKE?

The Commissione, after hearing you, may take the following decisions:

- Recognizing **refugee status**.
- Non-recognizing refugee status and providing **subsidiary protection**.
- Non-recognizing any form of protection (either refugee status nor subsidiary protection) but consider that returning to your country is temporarily to be avoided because of serious humanitarian reasons (**humanitarian protection**).
- Recognizing neither any form of protection, nor the existence of serious humanitarian reasons and providing you with an order to leave Italy. In such a case, together with the decision of the Commissione you will receive a paper (called “foglio di via”) informing you that you have to leave Italy within fifteen days.



## WHAT CAN YOU DO IF YOU DO NOT AGREE WITH THE DECISION?

It is possible to lodge an **appeal** within 15 or 30 days (according to the law, 15 days in case during the procedure you were required to stay in a CIE or in a CARA. You have 30 days in all other cases or if you are hosted in a CARA because of accommodation reasons) from the date when the decision was communicated to you. In order to lodge an appeal you need the assistance of a lawyer. If you cannot afford the legal expenses, you have the right to require the “**gratuito patrocinio**”, meaning that the expenses for your lawyer will be paid by the State.



Lodging an appeal within the terms is of utmost importance! After the expiration of the terms the decision on your case will become definitive and you will not have any possibility to ask for revision.

For this reason we advise you contact a lawyer and/or a NGO as soon as you know the decision of the Commissione!

In the majority of cases lodging an appeal automatically suspends the order to leave Italy, which means that while the appeal proceeds you are allowed to live in the country.

The suspension of the order to leave the country is not automatic and you have to present a specific request to the judge in the following situations:

- During the procedure you have been kept in a CIE.

- During the procedure you were obliged to stay in a CARA since you were arrested because you have avoided or have tried to avoid the controls at the border (or immediately after).
- Your request has received a negative decision because your claim was considered “manifestly unfounded”.
- You left the CARA without any justified reason.
- Your request has been declared non-admissible.



## WHAT ARE YOUR RIGHTS DURING THE APPEAL ?

In case you are allowed to remain in Italy you have the same rights as an asylum seeker. The only exception is related to accommodation. If, at the moment of lodging your appeal, you were staying in a SPRAR or in a CARA for accommodation reasons, you may remain there until you are provided with a permit of stay which allows you to work. If, on the contrary, you were staying in a CARA for one of the reasons listed above, you will have to leave the centre after having lodged your appeal.



## Your rights



## YOU HAVE BEEN GRANTED THE STATUS OF REFUGEE

**Who is a refugee?** A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country (Geneva Refugee Convention; Law Decree 19 November 2007, n. 251).

■ **Permit of stay:** a permit valid for five years will be issued. It can be renewed at expiration. In order to obtain the first permit of stay for “political asylum” you will have to go to the Questura. In order to renew it you will have to go to the post office to fill in the so called “kit postale” or to a Patronato to be assisted in filling it in, and then to the Post office to send it to the Questura. The Questura will renew the permit of stay, except in cases of revocation and cessation of the status. In order to complete the “kit postale” you are requested to make a



payment of about 70 euros. The renewal may be done as from one month before expiration of the permit and until two months later. Pending the renewal, if requested within the foreseen terms, all your rights will be maintained.

■ **Enrolment in the register of residents:** you will have the possibility to be enrolled in the municipal register of residents in order to be able to exert some fundamental rights (for example: medical and social care and assistance).

■ **Access to work:** you will be able to access the job market at the same conditions as Italian citizens, including the possibility to apply for public competitive examinations if you satisfy the required criteria.

■ **Right to family reunification:** it is possible to rejoin with some members of your family (spouse/underage and adult children/dependent parents), with no obligation to demonstrate to have an income and a house.

■ **Marriage:** you are allowed to get married in Italy without the necessity to require the “nulla osta” to the embassy of your country of origin. In such a case, the office of UNHCR in Italy will issue the “nulla osta”, on the basis of an affidavit which substitutes and includes your birth certificate (for the affidavit you have to go to the civil court of the town of your residence, accompanied by two witnesses).

■ **Right to social assistance:** right to social assistance (for example: social cheque for persons older than 65, disability pension, maternity cheque, cheque for families with three underage children) at the same conditions as Italian citizens.

■ **Right to health care:** you will enjoy the right to health care at the same conditions as Italian citizens.

■ **Right to public education:** you will have the right to attend public schools at the same conditions as Italian citizens. In case you are older than 18 you have the right to access to public education at the conditions foreseen for foreigners regularly sojourning in Italy.

■ **Travel document:** you will have the right to obtain a travel document valid for five years. You have to require it to the Questura. It costs 40,29 euros plus additional 3,65 euros for the issuance of the document. If you have the necessity to travel abroad, you will have to pay 40 euros per year. If you do not have the necessity to travel abroad you are not required to pay the yearly tax of 40 euros. Such a document substitutes your national passport and allows you to travel abroad at the conditions listed below (“Right to free movement”).

■ **Right to free movement:** you will have the right to travel within the Schengen area (all countries of the European Union, except Denmark, Great Britain, Ireland, Bulgaria, Romania and Cyprus) only with the travel document without any visa for a maximum period of three months and with no authorization to work. If you wish to move to a country of the European Union

to study or to work you have to apply for an entry visa before you leave Italy, as all other foreigners. In order to travel outside the European Union you have to respect the visa rules valid for all citizens from your country of origin.



In May 2011 a European Directive was approved (Directive 2011/51/UE) which foresees that refugees and subsidiary protection holders who have sojourned in a country of the European Union for more than five years have the possibility to require a long-term residents' permit, which authorizes them to work and study in all the Countries of the Union.

The Member States of the Union, including Italy, have two years' time to transform such a European law into a national law. So, within the end of 2013, refugees and subsidiary protection holders who have been residing in Italy for more than five years should have the right to this special permit of stay and will then be able to choose the country of the European Union where they want to live.

■ **Right to require the Italian citizenship:** you may require the Italian citizenship after five years of regular and continuous residence in Italy if in the three previous years you have regularly submitted an income tax declaration (demonstrating your economical self-sufficiency).

■ **Right to participate in the public housing allocation:** right recognized at the same conditions as Italian citizens.



## YOU HAVE BEEN GRANTED THE SUBSIDIARY PROTECTION

**Who is granted subsidiary protection?** A non European citizen, or a stateless person, who does not comply with the criteria to obtain the recognition of the status of refugee, but there are well-grounded reasons to believe that if he/she returns to his/her country of origin, or in the country where he/she usually lives, he/she might run the effective risk of undergoing serious harm and he/she, because of that risk, cannot or does not want to benefit from the protection of that country (Legislative Decree 19 November 2007, n. 251)

What does "serious harm" mean? The risk that in your own country you might be condemned to death or executed because of a death warrant; the risk that you might undergo torture or inhuman or degrading treatment; the existence of a serious threat for your life because of an internal or international armed conflict.

■ **Permit of stay:** a permit of stay valid for three years will be issued. It is renewable after a decision of the Commissione which recognised you the protection. In order to obtain the permit of stay you will have to go to the

Questura. You will have to do the same at the renewal. In this case, the Questura sends your request to the Commissione, which will decide whether to confirm your status. The renewal may be done as from one month before expiration and until two months after expiration at latest. In the period pending the renewal, if it was required within the terms, your rights will be maintained. You may also decide to change your permit of stay into a permit for work reasons. You may do such a change only if you have a job contract and if you have or can obtain a National passport, which is necessary for the renewal of the permit. Being such a decision of utmost importance, we advise you to refer to an association/NGO in order to evaluate your choice.

■ **Enrolment in the register of residents:** it is your right to be enrolled in the municipal register of residents in order to be able to exert some fundamental rights (for example, health care and social assistance).

■ **Access to work:** you will be able to work at the same conditions as Italian citizens (except for public employment).

■ **Right to health care:** you will enjoy the right to health care at the same conditions as Italian citizens.

■ **Right to family reunification:** it is possible to rejoin with some members of your family (spouse/underage and adult children/dependent parents) if you are able to demonstrate that you have an income and a house.

■ **Right to social assistance:** you will enjoy the right to social assistance (for example: social cheque for persons older than 65, disability pension, maternity cheque, cheque for families with three underage children) at the same conditions as Italian citizens.

■ **Travel document for foreigners:** the issuance of a travel document for foreigners is foreseen in case you do not hold your national passport and you are unable to require/obtain it from your Embassy. You have to require it to the Questura. It costs 40,29 euros plus additional 3,65 euros for the issuance of the document. If you have the necessity to travel abroad, you will have to pay 40 euros per year. If you have not the necessity to travel abroad you are not required to pay the yearly tax of 40 euros. Such a document substitutes your national passport and allows you to travel abroad at the conditions listed below ("Right to free movement").

■ **Right to free movement:** you will have the right to travel within the Schengen area (all countries of the European Union, except Denmark, Great Britain, Ireland, Bulgaria, Romania and Cyprus) only with the travel document with no visa for a period of maximum three months and with no authorization to work. If you wish to move to a country of the European Union to study or to work you have to apply for an entry visa before you leave Italy, as all other foreigners. In order to travel outside the European Union you have to respect the visa rules valid for all citizens from your country of origin.

■ **Right to public education:** you will have the right to attend public schools at the same conditions as Italian citizens. In case you are older than 18 you have

the right to access public education at the conditions foreseen for foreigners regularly sojourning in Italy.

■ **Right to participate in the public housing allocation:** right recognized at the same conditions foreseen for Italian citizens.

■ **Right to require the Italian citizenship:** you may require the citizenship after 10 years of regular and continuous residence in Italy if in the three previous years, you have regularly presented an income tax declaration (to demonstrate your economical self-sufficiency).



## YOU HAVE BEEN GRANTED THE HUMANITARIAN PROTECTION

**Who is granted the humanitarian protection?** The Questure may issue a permit of stay for humanitarian reasons any time the Commissione, not recognizing any form of protection (refugee status or subsidiary protection), consider that there are the conditions for the recognition of a humanitarian protection (Law Decree 28 January 2008, n. 25; art. 5.6 Law Decree 25 July 1998, n. 286 ).

■ **Permit of stay:** you will be issued a permit of stay that, in the praxis, is valid for one year. It is renewable at expiration, after the decision of the Commissione which examined your case.

In order to obtain the permit of stay you will have to address to the Questura. You will have to do the same at the renewal (the Questura sends your request to the Commissione, which will decide whether to renew it).

The renewal may be done as from one month before expiration and until two months after expiration at latest. In the period pending the renewal, if it was required in the terms foreseen, your rights will be maintained.



Considering the limited duration of such a permit we advise you to change it into a permit of stay for work reasons before it expires and as soon as you have a regular work contract! Please remember that in case of change you need to have a work contract and your national passport will be necessary. In such a case, please be aware that once you have obtained the change it will be difficult for you to obtain a humanitarian protection again!

■ **Enrolment in the register of residents**

■ **Access to work**

■ **Right to health care**

■ **Limited rights to social assistance** (for example: exclusion from some assistance provisions).

■ **Travel document:** In case you do not hold your passport and you are unable to require/obtain it from your embassy, it is possible to require a travel document for foreigners to the Questura. It costs about 40 euros.

■ **Right to public education**

■ **Right to require the Italian citizenship:** you may require the citizenship after 10 years of regular and continuous residence in Italy if in the three previous years, you have regularly presented an income tax declaration (to demonstrate your economical self-sufficiency).

**With such a permit of stay you are not allowed to family re-unification.**



WHAT ARE THE POSSIBILITIES TO USE ACCOMMODATION CENTRES AFTER HAVING OBTAINED THE RECOGNITION OF THE STATUS OF REFUGEE, SUBSIDIARY OR HUMANITARIAN PROTECTION?

After the end of the asylum procedure, in case you are in a SPRAR centre it is possible to remain there for a period of six months, extendable under extraordinary circumstances.

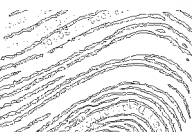
If you have never been in a SPRAR centre in the past you might be hosted there now.

Since in the accommodation system there are not enough places, many people, once the asylum procedure is ended, have to find an accommodation autonomously.

In case you face difficulties in searching an accommodation we advise to refer to NGOs/associations working in the field of asylum, to offices of the municipality or to humanitarian associations.

Even if such bodies cannot grant accommodation themselves, they may help you with your search.

# Applying for asylum in a European country



## The Dublin Regulation

If you are in a European country and you wish to apply for asylum there is an important thing you have to know: there are rules

establishing which country will examine your application. Unfortunately it is not possible to choose the country.

In Europe there is a law, called “Dublin II Regulation”, establishing precise rules indicating the State which is responsible for the examination of your asylum application. Such rules are enforced very strictly. For this reason it is very important to understand which is the State competent for the examination of your asylum application and what are your rights according to this Regulation. To that end, in addition to reading the information in this leaflet, we advise you to refer to a NGO/association working in the field of asylum in Italy to receive all the indications you need.



### WHICH IS THE STATE COMPETENT TO EXAMINE YOUR ASYLUM APPLICATION?

The Dublin Regulation contains precise rules establishing which country can examine your asylum application:

#### ■ Criterion n. 1

If you are an **unaccompanied child** and one of your relatives is legally present in a State of the European Union, this State is competent for the examination of your asylum application.

If no **relatives** of yours are in Europe, the State **where you have applied for asylum** is competent for examining your request.

**Who is an unaccompanied child?** A person younger than 18, unmarried, in a European country without an adult formally responsible for him/her.

The unaccompanied child has the right to be particularly protected by law. **The asylum applications of unaccompanied children are to be examined by the State where they have lodged them, not by the State of their first arrival or by the State where they were photographed and their fingerprints taken.** It is always important to declare the real age, since unaccompanied children are entitled to other forms of protection different from international protection. They may in fact obtain a permit of stay for “underage” which may grant them a legal residence in Italy until they become 18. Such a form of protection does not exclude the possibility to apply for asylum!

### ■ Criteria n. 2 and n. 3

If one of your relatives has already been recognized the refugee status or is an asylum seeker in another European country, if you wish, that State is responsible for examining your asylum application.

**Who is a relative?** The term “relative” indicates your spouse or partner (the partner is not considered a relative in all countries); your underage dependant children who are not married.

If you are underage and you are not married also your father, mother or guardian are considered relatives whom you are allowed to reach.

As far as criteria n. 2 and n. 3 are concerned, it is important that you have documents proving the family link (marriage certificate, birth certificate, etc.).

**If you apply for asylum in Italy, at the moment of formalizing your request (verbalizzazione), it is important that you specify whether you have relatives in another European country!**

### ■ Criterion n. 4

If you are holding any permit of stay, the State competent for examining your asylum application is the one which issued it. For example, if you have a permit of stay for work, tourism or any other reason, the State which will examine your asylum application is the same which issued the permit of stay you are holding.

### ■ Criteria n. 5 and n. 6

If you have a valid visa, the State competent for examining your asylum application is the same which issued or authorised the visa. If you have more than one visa and/or more than one permit of stay there is a criterion to be followed: the State competent for examining your asylum application is determined on the basis of the duration and the expiration of your visas or of your permits of stay.

### ■ Criterion n. 7

If you have one or more permit/s of stay expired less than two years before or one or more visas expired less than 6 months before the same rules indicated under criteria n. 4, 5, 6 are applied.

### ■ Criterion n. 8

If you have entered a State illegally, that State is responsible for examining your asylum application. It is important to underline that such a responsibility ends 12 months after the date of the illegal crossing of the borders. In case, before applying for asylum you have sojourned for 5 months continuously in another State, that State will be responsible for examining your asylum application.

### ■ Criterion n. 9

If you entered legally a Member State for which a visa was not needed, the examination of your asylum application is under the responsibility of such a State.

#### ■ Criterion n. 10

If you lodged your asylum application at an airport international transit area in a State, that State has the responsibility to examine your application.

#### ■ Criterion n. 11

If none of the above criteria comply with your case the State competent for examining your asylum application is the first State where you have applied for asylum.

#### ■ Criterion n. 12

If various members of a family lodge an asylum application in the same State, in case there is a risk that they are separated, on the basis of the Regulation, the criteria to safeguard family unity are enforced.



**Please pay attention:** It is important for you to know that in case you apply for asylum in a country which, on the basis of the criteria above, is not responsible for examining your application, such a State may – but it is not obliged – anyway decide to examine your asylum application. This may happen if:

- Some of your relatives are in such a State or for humanitarian reasons (i.e.: in case there are cultural links between yourself and the country concerned).  
Such a possibility is known as “**clausola umanitaria**” (humanitarian clause). In such a case the word “relatives” refers to any dependant relative.
- In the same way, if you applied for asylum in a country, which, on the basis of the criteria described above, is not responsible for examining the asylum application, this country, may anyway decide to examine your asylum application. Such a possibility is known as “**clausola di sovranità**” (sovereignty clause).

**For such reasons, when you apply for asylum, at the moment of formalising your application (verbalizzazione), it is important that you specify whether you have relatives living in another European country, as well as whether you have any links with another European country!**



### HOW CAN THE STATE WHERE YOU HAVE APPLIED FOR ASYLUM KNOW IF ANOTHER STATE IS COMPETENT TO EXAMINE YOUR APPLICATION?

- When you entered a European country your fingerprints were taken. They are registered in a database, called EURODAC, which is available to all European States.
- You declare and are able to demonstrate to have been or to have crossed another European State (even if your fingerprints were not taken). Please remember that the country where you are has the right to verify your situation, regardless of your declarations!



- It can be proven that a visa/permit of stay for another European country was issued.
- You declare you have relatives in another European country.

**Such criteria apply not only in case you have applied for asylum in a European State, but also in case you have transited or spent there a period of time without applying for asylum!**



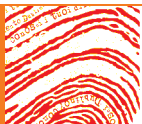
**Please pay attention!!** Provide all information on your situation (for example if you have already applied for asylum or if any decision has already been taken, what countries you transited during your journey, if you have been notified an expulsion or if you have been photographed and your fingerprints taken). Do not provide false information: States cooperate with one another, they exchange evidences of your passage and they have the means to verify your declarations. Hiding information related to you, changing your age, providing false names or tearing documents do not have any other consequence than delaying the procedure. Very often staying in a country without knowing what will happen to you is most difficult to stand, since beginning a new life is made impossible. On the contrary, it is very important to provide additional information: the presence of relatives in Europe, your age, the existence of strong links with a European country and your health conditions (if you have medical certificates stating your health conditions, showing them is very important).



## WHAT STATES DO ENFORCE THE DUBLIN REGULATION?

The Dublin Regulation is enforced in all Countries of the European Union (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lichtenstein, Lithuania, Luxemburg, Malta, Holland, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Great Britain,) and Iceland, Norway and Switzerland. In each of those countries, in case you apply for asylum, the rules explained above would be enforced.





## How does the Dublin Regulation work in practice?



### CASE 1:

YOU HAVE APPLIED FOR ASYLUM IN ITALY BUT THE STATE COMPETENT TO EXAMINE YOUR REQUEST IS ANOTHER ONE

When you went to the Questura to lodge your asylum application the police photographed you and took your fingerprints (**fosegnalamento**). The Police has thus checked, through the database EURODAC, whether your fingerprints had already been registered in another European country.

In such a case and also in case you have declared to have been in/transited through another European country or you have some relatives there, your case will be reported to the Dublin Unit, a Department of the Italian Ministry of Interior responsible for the enforcement of the Dublin Regulation.



From now on you might hear people describing your situation with the sentence “you are a Dublin case”. The words “Dublin case” indicate a person who lodges an asylum application in Italy after having already been in another European country or a person who, after applying for asylum in another European country, was sent back to Italy to complete his/her asylum procedure.

Your permit of stay will read “reason for the permit: Dublin” (motivo del soggiorno: Dublino).

In such a phase if you want to understand what the procedure and your rights are, and whether there are criteria to enforce the “Clausola Umanitaria” or the “Clausola di Sovranità”, we advise you to contact a lawyer or a NGO/Association immediately.

Once the transfer has been decided, as it will be explained later on, the only possibility will be represented by a legal appeal!

The Italian Dublin Unit will get in touch with the Dublin Unit of the State where you were before arriving in Italy. At this point two different ways are open:

- If you have never applied for asylum in that country, Italy will verify whether that country accepts **to take charge** of your asylum application.
- If you had already applied for asylum in that country and the procedure is still open, or your request had been rejected (denial or non admissibility; etc), Italy will require that country **to take back** your asylum application.

**It is a very important difference since the two procedures foresee different time frames!**

**The time frames of the two procedures are:**

	Time limits to be respected by the State presenting the request (i.e. Italy requesting Germany)	Time limits to be respected by the State providing the answer (i.e. Germany answering to Italy)
Taking charge procedure	3 months from the formalisation of the asylum application (in Italy verbalization or Modello C3)	2 months from reception of the request
Taking back procedure	as soon as possible	1 month or 2 weeks (if information is obtained through the EURODAC System)

Once the competence has been decided and it is clear which State is competent to examine your asylum application, you will be officially transferred to that State.

**The time frames for the transfer are:**

	Time frame within which the transfer has to take place, otherwise the responsibility of the States ceases	Maximum duration of the entire Dublin procedure (communication between States and transfers)
Simple transfer	6 months	11 months
Detained asylum seeker	12 months	17 months
Untraceable asylum seeker	18 months	23 months

In case of the “taking back procedure”, the Regulation foresees longer terms than the ones indicated above.

Failing to adhere to those terms, the State which has not complied with the terms established by the Dublin Regulation (i.e. Italy or Germany), is responsible for the examination of your asylum application!

In some cases, when - for example - the States are unable to reach an agreement on their jurisdiction (i.e.: some evidences or medical certificates are not accepted) the procedure may be delayed.



## HOW WILL THE TRANSFER BE CARRIED OUT?

The Dublin Unit sends a decree of transfer (**decreto di trasferimento**) to the Questura. It is a paper which you will be given explaining that, on the basis of the Dublin Regulation, you will be transferred to another country in order to complete your asylum procedure. The decree is normally written in Italian and English, but also in French and German.

Within the following months you will be transferred to the State competent to examine your asylum request.

In such a period you will remain in the accommodation centre where you were addressed when you applied for asylum. Pending your transfer you will not be detained.



## WHAT CAN YOU DO IN CASE YOU DISAGREE WITH THE DECISION TO TRANSFER YOU FROM ITALY TO ANOTHER COUNTRY?

**Within sixty days** from the date when you were notified the decree of transfer you may lodge an appeal to the Regional Administrative Court (TAR). You will need a lawyer to do so. For this a reason it is important that during this phase you contact a NGO working in the field of asylum, or a lawyer to receive assistance.

The possibility to lodge an appeal to the President of the Republic within 120 days from the notification of the decree is also foreseen. You may lodge the appeal without the help of a lawyer.

In case you cannot afford to pay a lawyer, the possibility to require the State to pay for the expenses ("**gratuito patrocinio**") is foreseen. It is necessary to prove that you have no income or any other financial sources.

Lodging an appeal **does not** automatically **suspend** the transfer. The judge, on the basis of your personal situation, will evaluate if you can stay in Italy, while he takes a decision on your appeal.

In case the decision on your appeal is positive your asylum procedure will be continued in Italy. Otherwise you will be transferred to the country competent to examine your asylum request.

What are your rights during this period? The same rights as an asylum seeker for whom the Dublin Regulation is not enforced.



In case you are transferred as soon as you receive the decree of transfer (decreto di trasferimento) remember that you still have the right to present an appeal!



## CASE 2: YOU HAVE APPLIED FOR ASYLUM IN A EUROPEAN COUNTRY BUT ITALY IS THE STATE COMPETENT TO EXAMINE IT.

After you have applied for asylum in a European country, according to the Dublin Regulation, Italy resulted as being the State competent to examine your asylum .

In such a circumstance, the Dublin Unit of the country where you were staying contacted the Italian Dublin Unit and your transfer was organised within the time frame indicated in the chart above.

You have then arrived in Italy.

At the main airports (at the border of Fiumicino – Roma; Malpensa -Varese) there are NGO/associations which may help you to find an accommodation centre and provide you with further information on the asylum procedure.

At the airport, the border Police carries out your **fotosegnalamento** and verifies your identity in the **EURODAC** database. After this, you will be given a letter (called “verbale di invito”) indicating that you have to go to the Questura competent for the continuation of your asylum procedure. You may be addressed to the office of the Questura where you were fotosegnalato, or to the office where you lodged your asylum application or where the documents related to your case are kept.

For example, if during your previous stay in Italy you were accommodated at the CARA in Crotone or in Bari, it is likely that you will invited to go there again.



In the verbal the term within which you will have to go to the Questura will be indicated: it is important that you respect it! Remember to take the letter which was given to you by the border Police.

At the Questura, different situations may take place:

**1. If during your previous stay in Italy you had already presented an asylum application** various situations may take place:

■ **A positive decision on your asylum application had already been taken before you left Italy.**

If such a decision had not been communicated to you then, you will be informed. If the permit of stay you were entitled to have is still valid, the procedure for the first issuance will be started (unless in the meantime there were relevant changes). In case it is expired the procedure for its renewal will be started (unless in the meantime there were relevant changes).

If you had been informed regarding that decision before you left Italy and you had obtained the permit of stay, but you do not have it anymore, or, in case it has expired, the procedure for a new issuance/renewal will be started (unless in the meantime there were relevant changes).

What are your rights? According to the protection which was granted to you, you will have the rights pertaining to refugees, holders of subsidiary or humanitarian protection.

■ **A negative decision on your asylum application had already been taken before you left Italy.**

**In case you had already received the information and you did not lodge an appeal**, you will be notified an expulsion order and possibly sent to a CIE (Centre for Identification and Expulsion).

**In case you are informed about the negative decision for the first time**, you have the possibility to lodge an appeal within 15 or 30 days (depending from your situation the exact term will be indicated on the paper you will receive at the Questura). In order to lodge an appeal you need a lawyer. It is very important that you get in contact, as soon as possible, with a lawyer or with an organisation working in the field of asylum.

In case you decide not to lodge an appeal you will have to leave Italy within 15 days at latest.

What are your rights during the appeal procedure? The same rights as an asylum seeker if in your case the appeal has a suspensive effect.

■ **Your asylum procedure has not come to an end because no decision has been taken on your case.**

The procedure will continue and you will have to wait until a decision is taken. What are your rights? The same rights as an asylum seeker.

■ **When the Commissione summoned you for the interview you were untraceable** (for example because you had already left Italy)

You will be delivered a negative decision. In such a case you may specifically request the competent Commissione to have a new interview.

What are your rights? The same rights as an asylum seeker

**2. If during your previous stay you did not apply for asylum in Italy, you will be able to do it now.**

What are your rights? The same rights as an asylum seeker

## List of associations providing support to asylum seekers and refugees

The majority of the associations listed below have offices in various Italian regions. We suggest to contact the main offices to know the contact details of their regional offices. You may find further information on the supporting organisations on the web-site: [www.helpdubliners.it](http://www.helpdubliners.it)

### CIR Onlus / Consiglio Italiano per i Rifugiati

Via del Velabro, 5/A - 00186 Roma  
Tel: 0039/06/69200114 - Fax: 0039/06/69200116  
E-mail: [cir@cir-onlus.org](mailto:cir@cir-onlus.org)  
Website: [www.cir-onlus.org](http://www.cir-onlus.org)  
Activities: legal and social counselling for asylum seekers, refugees and beneficiaries of subsidiary and humanitarian protection.  
Web-site dedicated to the Dublin II Regulation: [www.helpdubliners.it](http://www.helpdubliners.it)

### Centro Astalli

Via degli Astalli, 14/A - 00187 Roma  
Tel: 0039/06/69700306 - Fax: 0039/06/69782898  
E-mail: [astalli@jrs.net](mailto:astalli@jrs.net)  
Website: <http://www.centroastalli.it>  
Activities: Social and legal counselling, medical and psychological support to asylum seekers, refugees and beneficiaries of subsidiary and humanitarian protection

### Caritas Diocesana di Roma

Via delle Zoccollette, 19 - 00186 Roma  
Tel: 0039/06/6875228 - 6861554 Fax: 0039/06/6833295  
E-mail: [area.immigrati@caritasroma.it](mailto:area.immigrati@caritasroma.it) - Website: <http://www.caritasroma.it>  
Activities: Social and legal counselling, medical and psychological support to asylum seekers, refugees and beneficiaries of subsidiary and humanitarian protection and immigrants

### Arciconfraternita del SS. Sacramento e di S. Trifone

Sportello Polifunzionale "Vallati"  
Lungotevere dei Vallati, 14 - 00186 Roma  
Tel. 0039/06/68210363 Fax: 0039/06/68890858  
E-mail: [legale.sportello@arciconfraternita.org](mailto:legale.sportello@arciconfraternita.org) - [sociale.sportello@arciconfraternita.org](mailto:sociale.sportello@arciconfraternita.org)  
Website: <http://arciconfraternita.org>  
Activities: Social and legal counselling, medical support, Italian language course and vocational training support to asylum seekers, refugees and beneficiaries of subsidiary and humanitarian protection and immigrants

### ACNUR - Alto Commissariato delle Nazioni Unite per i Rifugiati

(UNHCR - United Nations High Commissioner for Refugees)

Via Alberto Caroncini, 19 - 00197 Roma  
Tel: 0039/06/802121 - Fax: 0039/06/80212324  
Tel. / Sez. Protezione: 0039/06/80212308 - .309 - .310  
E-mail: [itaro@unhcr.org](mailto:itaro@unhcr.org)  
Website: [itaropi@unhcr.org](mailto:itaropi@unhcr.org)

### MEDU - Medici per i diritti umani

Via dei Zeno, 10 - 00176 Roma  
Tel/Fax: 0039/0697844892  
E-mail: [posta@mediciperidiritiumani.org](mailto:posta@mediciperidiritiumani.org) - Website: <http://www.mediciperidiritiumani.org/chi.html>  
Activities: Psychological-social-medical prevention and promotion for homeless in Rome and migrants. Assistance, information, orientation and support to public services cared by the street unit.

### Save The Children- Civico Zero

Via dei Bruzi 10 - 00185, Roma.  
Activities: Day Centre offering low-threshold services: consultancy activities, work-shops, outreach, children and teenagers' participation, training and networking.

### ONDS- Osservatorio nazionale sul disagio e la solidarietà nelle stazioni italiane

c/o Help Center Roma Termini Via Marsala, 65 - 00185 - Roma  
Tel: 0039 06478263-64/60 Fax: 0039 0649380240  
Website: [www.onds.it](http://www.onds.it)  
Activities: community centre, orientation, monitoring of the state of hardship in the surroundings of railway stations at Help Centres in various Italian cities.

### ARCI

Numero Verde per Richiedenti e Titolari di Protezione Internazionale (Free phone line for asylum seekers and refugees)  
Via dei Monti di Pietralata, 16 - 00157 Roma  
Tel: 800905570 Fax: 00390641609234  
Website: [www.arci.it](http://www.arci.it)  
Activities: Asylum seekers and refugees can contact the free phoneline from Monday to Friday from 9.30 a.m. to 5.30 p.m. The following services are available: legal and social assistance, support in relation to the services available in the country, sociolinguistic mediation/interpretation services, empowerment/support of the integration processes, monitoring the reception conditions.

# The project "Gente di Dublino"

## Campagna di comunicazione e sensibilizzazione sul Sistema Dublino

The Project "Gente di Dublino"

Campagna di comunicazione e sensibilizzazione sul Sistema

Dublino, is financed by the Ministry of Interior - Department for Civil Liberties and Immigration and the European Commission, within the

framework of the European Refugee Fund,

year 2010, and has the objective to inform asylum seekers and refugees on the functioning of the Dublin II Regulation.



The National campaign of communication and sensitization is directly addressed to asylum seekers and refugees and is implemented by the Italian Council for Refugees (CIR), together with the Italian Association for the Council of European Municipalities and Regions (AICCRE) and Europe Consulting Onlus, social cooperative society.

Aim of the campaign is to try and limit the negative consequences provoked in asylum seekers and refugees' lives by the lack of knowledge and of awareness regarding the Dublin II Regulation and its enforcement.

The Dublin II Regulation, in fact, deeply influences asylum seekers and refugees' existences modifying them dramatically. The transfers from one European country to another, imposed by the Regulation, represent painful uprooting from the social and relational context and have a traumatic impact on the lives of the people undergoing them.

The objective of the Campaign is to facilitate the reduction of asylum seekers and refugees' secondary movements from one Member State to another, thus diminishing the secondary traumatising phenomena, of which "Dublin cases" are often victims.



This leaflet is available in paper and on the web-site [www.helpdubliners.it](http://www.helpdubliners.it) in the following languages: Italian, English, French, Spanish, Arab, Turkish, Pharsi, Pashtu, Somali, Tigrinya.