

MIGRATION AND SECURITY DECREE LAW 113/2018



Legislation

A refugee is someone who has a well founded fear of persecution in his/her home country or is lacking of citizenship in the country of habitual residence, for reason of race, religion, culture, political persecution and is unable to receive protection from the government of his/her home

IL PROFUGO : it is a term without legal content

After WWII the UNHCR; United Nations High Commissioner for Refugees, UNHCR) was founded to protect migrants rights.

The Convention signed in Geneva on 28 th July 1951 contains the first official definition of refugee



ASYLUM SEEKER; he/she is persecuted in his/her country for political, humanitarian reason and can be protected in a different country applying for asylum according to the multilateral and international Dublin Agreement. Some EU Member States haven't respected the Agreement in terms of Asylum.

IMMIGRANT : he/she has settled down in a different country for economic, social, familiar reasons. He/she has to apply for a residence permit for recognized reason: job, education, family

UNDOCUMENTED IMMIGRANT CLANDESTINO: Who is without any required documents and visa

IRREGULAR IMMIGRANT: Who has settled down without the requirements for recognition illegally and over the time.

ITALIAN LAWS BEFORE LAW 113/ 2018



LEGISLATIVE Decree 286/1998

- Particular procedure to access to work by foreign citizens based on input flows planned by the government
- Establishment of reception centres based on the work of volunteers
- Health and care benefits for subjects with a residence permit not shorter than one year
- Special visa in case of victims of violence or exploitation.

LAW 189/2002 (BOSSI/FINI)

- The visa becomes a visitor's contract
- The employer must guarantee adequate housing
- The employer pays the travel expenses for the return
- In case of illegal labour the employer is liable to a fine and imprisonment

Fingerprints are taken to the applicant for a visa or at the renewal of the visa





SPRAR PROGRAM

System for the Protection of Asylum Seekers and Refugees – Now restricted



It was established by Law 189/2002 , coordinated by the Ministry of Internal affairs with the collaboration with ANCI (the National Association of Italian Municipalities); Local authorities that choose to join the SPRAR can apply for access to ministerial funds through the presentation of a project;

The project must implement the basic principle of the SPRAR System:

INTEGRATED RECEPTION

- This implies the establishing of a local network with third sector organizations, volunteering and other actors to realize integration in the local community through activities of social, educational, work and cultural inclusion.



SPRAR SYSTEM'S SERVICES- NOW RESTRICTED

The Care Services comprise of:

- ✓ accommodation in a small house;
- ✓ supply of food vouchers for board;
- ✓ orientation in relation to local services;
- ✓ support of a linguistic mediator;
- ✓ assistance in procedures to access social, health and educational services (L2 Italian language courses for adults, enrolment in school for minors)



The Integration Services comprise of:

- ❖ orientation in relation to employment;
- ❖ enrolment in training courses;
- ❖ professional re-training;
- ❖ support in looking for a job and a home.



International Protection and Subsidiary Protection

Eu Directive 83/2004 implemented in Italy with legislative Decree no 251/2007



- International Protection
- The refugee can apply for the international protection
- He/she has to demonstrate a personal persecution under article 1 of the Geneva Convention
- He /she can get the residence permit for political asylum
- It lasts 5 years and is renewable
- Subsidiary Protection
- The refugee can apply for subsidiary protection
- He /she has to demonstrate the risk of suffering serious harm in the case of return to his country (torture, death sentence, life threatening in case of war)
- He / she can get the residence permit for subsidiary protection for 5 years-renewable

Refugee Status and Subsidiary Protection Status

- The refugee Status enables
 - Registration to the National Health Service
 - Right to access to the study
 - Right to work
 - Right to welfare benefit
 - Right to access to SPRAR reception system
 - Can apply for family reunification
 - After 5 years of residency can apply for citizenship by naturalization
- The subsidiary protection status allows
 - Right to access to the study
 - Registration for the National Health Service
 - Right to work
 - Right to welfare benefits
 - Right access to SPRA reception system
 - Can apply for family reunification



FOREIGN UNACCOMPANIED MINORS

Under the New York Convention on the rights of children –enforced with
L.176/91,L47/2017



- They get
- Residence permit for minor age or
- Residence permit for family reasons or
- Residence permit for validation or
- Residence permit for social protection for children victims of exploitation or
- ACCORDING TO THE INTERNATIONAL PROTECTION
- The permit to stay for political asylum or
- Residence permit for subsidiary protection
- Right to assistance and protection from the state: entrustment to a family or a community
- Right to family unit
- Right to health care : following the L.47/2017 they are entitled to enrollment in the National Health Service even while awaiting the issue of the residence permit
- Right to education: registration for each order and degree at any time of the school year
- Right to work: After the completion of the sixteenth year of age and fulfillment of compulsory education and training
- Right to stay in ITALY AFTER 18 YEARS OF AGE



DECREE LAW 113/2018 – SECURITY DECREE



- Since June 2018 Italy has a new government elected by the people formed by the agreement between the Five Stars Movement and the Lega Nord.
- Prime Minister is Mr Giuseppe Conte
- The new Minister of the Interior Mr. Matteo Salvini has presented a new decree law voted by the Italian Parliament Decree Law 113/2018 called « Security Decree » which profoundly modifies the system of international protection both in term of recognition, of application and acceptance.



SECURITY DECREE 2018



BEFORE THE DECREE

- RESIDENCE PERMIT FOR HUMANITARIAN REASON
- It lasted 2 years allowing access to employment, the national health service, social assistance, housing
- CENTERS OF PERMANENCE
- Maximun duration 90 days for the identification off identity and nationality
- INTERNATIONAL PROTECTION
- War situation, political persecution in the country of origin
- SPRAR CHARTS
- Protection system managed by the municipalities – unaccompanied minors
- ITALIAN CITIZENSHIP

IL DECRETO SICUREZZA
È LEGGE

NOW

- Double 4 years for granting by marriage and residence. Revocation in case of terrorism or subversion of the constitutinal order
- Permit for « special protection «-one year, for « natural disaster inthe country of origin-six months, for « serious health condisitons» one year, for special case –vicitm of severe violence and exploitation
- The duration is lenghtened from the current 90 to 180 days
- Revocation of humanitarian protection to refugees without a serious adn proven reasons in the country of origin once an asylum request has been applied
- Only holder of international protection and unaccompanied foreign minors (but not when they are at age)
- Double 4 years for granting by marriage and residence. Revocation in case of terrorism or subversion of the constitutinal order

IL DECRETO SICUREZZA
È LEGGE