

## **Clarification 1. Rationale for counting in-donor refugee costs as ODA** **Q1/ Describe in a nutshell the asylum procedure in your country.**

Italy reports ODA in line with the Clarifications since their approval. The Clarifications did not affect significantly ODA reporting since the methodology for assessing costs has not changed. However, the Clarifications were very useful to establish regular and constant contacts with the competent departments of the Ministry of Interior and allowed exchange of information and mutual understanding. This will improve ODA reporting and data quality.

According to the Legislative Decree Nr. 142/2015, as amended and supplemented by the Decree Law n. 113/2018, converted into Law n. 132 dated December 1, 2018, the Italian reception system is structured in a first reception level, firstly ensured at the hotspot facilities for the period of time which is strictly required in order to proceed with the first interventions of material and health assistance and the identification and photo-fingerprinting procedures, as well as at the reception facilities (Art. 9 and 11 of the Legislative Decree n. 142/2015), placed on the whole national territory, where all necessary reception services are provided to migrants who are transferred therein, pending the definition of their international protection application.

The second reception level, provided until 2018 in the framework of the Asylum Seekers and Refugees Protection System (SPRAR), is characterized by a network of local bodies which operate in cooperation with social private and third-sector organisations and provide a set of services to ensure to migrants in reception facilities not only basic material assistance (food and shelter) but also services aimed at social inclusion pathways, functional to acquiring the individual autonomy.

In relation to the second reception level, after the reform implemented through the abovementioned Decree Law n. 113/2018, the SPRAR system has been renamed Protection System for International Protection Beneficiaries and Foreign Unaccompanied Minors (hereinafter referred to as SIPROIMI) and, to date, it is reserved to those entitled to any form of international protection; to foreign unaccompanied minors, even if they are not asylum applicants; to foreigners entitled to residence permits for special cases (social protection such as victims of trafficking, domestic violence, serious labour exploitation), whenever they do not access to dedicated pathways; to migrants who were granted a residence permit for medical care, issued in favour of foreigners who are in extremely serious health conditions; and to those who were granted a residence permit either for natural disasters in their country of origin or for acts of particular civic value.

Although SIPROIMI is designed for the beneficiaries of any form of international protection only, according to the Decree Law n. 113/2018 and until December 31st 2019, expiry date of most of funded projects, this system continued to receive asylum seekers, who afterwards were gradually transferred to the first reception facilities.

At the date of December 31 2019, 66,958 migrants were hosted in the first reception facilities. At the same date, 23,981 migrants were hosted in the second reception facilities.

In 2018, the main countries of origin of asylum seekers were Pakistan, Nigeria, Bangladesh, Senegal, Ukraine, Mali, and Gambia.

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### **PROCEDURE FOR ASYLUM APPLICATIONS IN ITALY**

The main legislative instrument providing the national asylum process is the Legislative Decree n. 25/2008, which has implemented the Procedure Directive 2005/85/EC as amended by the Directive 2013/32/EU.

The procedure is divided into three main steps, in which two different authorities play a specific role according to Art.3 of the Legislative Decree 25/2008: a) application; b) examination; c) decision.

A) Introductory step: registering and lodging the application

The willingness to apply for asylum can be stated at the Border Police Office or at Immigration Office of the Police (“Questura”).

The Questura is responsible for receiving asylum claims whether the applicant resides in a private domicile or he/she is hosted in public reception centres. Secondly, the Questura is responsible for the formal registration of applications for international protection, via a written questionnaire (C3 form). An interpreter assists the applicant if necessary.

Where the Dublin Regulation must be applied, the Questura involves the Dublin Unit in the procedure. The Unit is responsible for the enforcement of the Dublin Regulation, in particular for establishing the competent Member State for the examination of the application. Costs related to the Dublin procedure are included prior to the decision.

B) The examination by the Territorial Commission for recognition of international protection Once the competent country for the examination of the asylum claim is identified, the

Questura transmits the file to the competent Territorial Commission.

The Territorial Commissions for the recognition of International Protection are the administrative authorities in charge of examining international protection applications and making a decision.

According to the national law, a maximum of 20 Territorial Commissions and 30 Sections can be established. They operate independently and are coordinated by the National Asylum Commission. Currently, there are 20 Territorial Commissions supported by 21 Sections, for a total of 41 Committees.

More specifically, the structure of Territorial Commission is made up of a Vice-Prefect as President, at least four highly qualified Officers in charge of interviewing the applicant as caseworkers and an Expert in human rights/international protection appointed by UNHCR as a member with the right of vote.

C) The decision process

According to the “principle of collegiality”, the decision panel is composed by the President, the UNHCR Expert and two Case Officers (each of them presenting the proposal of decision related to the applicants they interviewed). The decision is legally taken with a favorable vote of at least three members. However, in the event of an equal number of votes, the vote of the President prevails.

According to the Legislative Decree n. 113/18 converted into Law 132/2018, the Territorial Commission, after an individual, objective and impartial examination of the claim, may decide to:

- grant international protection (refugee status or subsidiary protection);
- grant special protection (applying the criteria of non refoulement);
- reject the application;
- reject the application as manifestly unfounded when the application is not related to international protection elements, or when the applicant comes from a safe country of origin.
- define the application inadmissible when the applicant is already recognized as a refugee by a State signatory of the Geneva Convention, or the subsequent application has been lodged without new elements or made for the only purpose of avoiding expulsion.

Moreover, in compliance with the abovementioned regulations, the humanitarian protection has been replaced with complementary types of protection. In this case, the Questura is the authority responsible for the assessment, issuing a residence permit for the following “special cases”:

- victims of domestic violence (art. 18bis TUI);
- medical care (art. 19, c. 2, d-bis TUI);
- natural disasters (art. 20bis TUI);
- exceptional labour exploitation (art. 22 TUI);

- exceptional civil acts (art. 42-bis TUI);
- victims of trafficking in human beings (art. 18 TUI).

According to the Decree, the national asylum system provides for two main types of procedure: ordinary and accelerated. The difference lies in the time of examination of the application in the preliminary process, in the different expiration of time for the appeal against the Territorial Commission's decision and, in several cases, in the applicant's right to remain in the national territory until the final decision.

The accelerated procedure is used when: the applicant comes from a "safe" country of origin; the asylum application is made at the border and is subject to the Border Procedure, i.e. following apprehension for evading or attempting to evade border controls; subsequent application without presenting new elements; the asylum application is made by a person detained in a Migrant Repatriation Centre (CPR) or detained for serious offences. Case-by-case exams can also be done. The accelerated procedure is not used for vulnerable cases and unaccompanied minors.

For the time being, we include costs related to persons who presented an asylum request in the reference year, regardless the type of procedure applied. In 2019, the accelerated procedure was not applied. We will try to split these costs based on the availability of information recorded in the system, in order to exclude the costs related to asylum seekers undergoing the accelerated procedure.

Once the administrative decision-making phase is concluded, there is the possibility to appeal against the Territorial Commission decision.

In the first instance appeal, applicants can appeal on the merits of the decision before the Specialized Sections of the Civil Court; if necessary, in the second and onwards appeals, the claimant can appeal the decision only on the grounds of legitimacy before the Supreme Court (Civil Section).

#### **Clarification 2. Meaning of the term "refugees"**

**Q2/ Indicate the categories of refugees for which costs are included in your ODA reporting: asylum seekers, recognised refugees, persons granted temporary or subsidiary protection.**

Asylum seekers are the category referred to as refugees included in ODA reporting. Costs for ultimately accepted as well as ultimately rejected asylum seekers are included prior to the decision, starting when the asylum request is made until the first instance decision and for a period of twelve months, as the average duration of the asylum request procedure is twelve months.

Italy does not include costs for refugees granted status, persons granted temporary or subsidiary protection and refugees under a resettlement programme.

Italy includes costs related to discontinued cases only for the period before applicants' unavailability or withdrawal of request and up to a maximum of 12 months.

#### **Clarification 3. Twelve-month rule**

**Q3/ When does the twelve-month rule start (date of application, date of entry into the country, date of start of support)?**

The twelve – month rule starts at the date of application. It is referred to asylum seekers who lodged an international protection application starting from January 1st and were hosted in reception facilities until December 31st.



Our system allows tracking the date of application at the level of individual asylum seeker. We use the date of application to calculate the number of requests submitted in the year.

#### **Clarification 4. Eligibility of specific cost items**

**Q4/ Provide the list of cost items included in ODA for each category of refugee and a justification for their inclusion.**

Italy reports costs related to the provision of temporary assistance to asylum seekers in the first and second reception facilities calculated based on an average daily cost per person / minor which includes: food and shelter (including upkeep and renting costs for temporary reception facilities, if necessary), cultural mediation and language support, psycho-social support, legal assistance, interpretation, translation of documents, supply of goods for basic needs (bedding components, hygiene products, first-entry kit, school material for children), pocket money, administrative costs (personnel working in the reception facilities for the provision of services such as cooking, laundry, cleaning), medical care (initial screening and first aid).

Costs include the expenditures for interpretation services for the local Commissions for the recognition of the international protection and for the UNHCR contribution. The National Commission for Asylum (NCA) signs annual agreements with UNHCR for the provision of support related to granting international protection, including training, participation to meetings of the Territorial Commissions, technical assistance to the NCA, monitoring of the procedure.

Italy does not include in ODA: integration costs, health costs beyond basic medical care; education costs beyond language training; voluntary repatriation; transport; and rescue at sea. Activities co-funded by the AMIF fund are not included.

The daily cost per person is calculated in an average of Euro 27, according to the new tender specifications approved by Ministerial Decree of November 20, 2018. An average of Euro 45 is calculated for unaccompanied minors in line with the grant contribution provided to the Fund for reception of minors. The average daily cost per person / minor is all-inclusive and cannot be disaggregated in specific cost components.

Final ODA figures for 2019 include in-donor refugee costs: US dollar 444.83 million.

#### **Clarification 5. Methodology for assessing costs**

**Q5/ Describe the methodology used for assessing ODA-eligible costs and provide the actual data points and detailed calculations used to reach the figures reported as ODA.**

The methodology takes into account the number of asylum seekers who lodged an application starting from January 1 (equal to 56,388 in 2021, 3,257 of them are unaccompanied minors), the average time of the application decision by the competent bodies and the average cost per day per person (Euro 27.271, Euro 45 for unaccompanied minors).

The annual reception expenditure is taken into account, according to the relevant budget lines of the Ministry of Interior (chapters 2351 PG 2 and 2353), in relation to the percentage of asylum seekers who lodged the application starting from January 1.

In the light of the above, the annual expenditure is based on the total number of persons who lodged an application starting from January 1, the average decision time and the daily cost per person (in 2021:  $53,131 * 56\%$  (rejected

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<sup>1</sup> Euro 27.27 is the average pro-die pro-capite of all tenders (concerning first line reception centres) published in 2021

adults) \*7/12 + 53,131 \* 44% (accepted adults)] \* 365\* 27.27 + 3,257 (unaccompanied minors) \* 365 \* 45). The average cost for minors equal to Euro 45 is in line with the grant contribution provided to the Fund for the reception of minors.

*Is the same methodology used to assess costs for different categories of refugees?*

Yes, the methodology is the same for all the different categories of refugees.

*How does your methodology ensure there is no double-counting (e.g. counting the costs for the same person for 12 months as an asylum seeker and another 12 months as a refugee granted status)?*

The methodology ensures that there is no double-counting. All asylum seekers are taken into account for at least 6 months. For rejected asylum seekers we consider an additional period of one month, during which support is provided, in case of potential appeal (7 months of support counted in total). For accepted refugees we consider an additional period of 6 months (for this category the period of permanence in the reception centres does not exceed 12 months).

*Do you use imputations when refugees benefit from the services available to all citizens (e.g. education or health)? How do you clearly define the estimate of the number of refugees/asylums seekers benefiting from a particular service for up to 12 months?*

We do not use imputations, as costs included in ODA refer to reception costs only. Costs related to services available to all citizens are not included.

*What estimates do you use? What is their source and their frequency of updating?*

Concerning the initial definition of expenditures, reference is made to the allocations in the Budget Law. Reported expenditures are used as final definition. Allocations are yearly updated in the budget plan.

*How do you assess the share of rejected asylum seekers: based on real data, estimates, well founded expectations? Based on first instance or final rejection?*

The share of rejected asylum seekers is based on real data of first instance decisions in 2021.

*Provide data on the number of refugees and per capita costs (included in ODA), the average time to get a decision on status, the average time on support, the share of rejected asylum seekers.*

- asylum seekers in 2021: 56,388, out of which 3,257 unaccompanied minors;
- the average cost per day per person is equal to Euro 27.27, Euro 45 for unaccompanied minors.
- the average decision time on asylum applications is 6 months;
- the average time on support is 12 months for accepted asylum seekers, 6 + 1 months for rejected asylum seekers;
- the share of rejected asylum seekers is 56% in 2021.

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