

ITALY AND THE RIGHT TO ASYLUM: 12 CONCRETE PROPOSALS BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

National elections 25 September 2022



The world has reached the staggering figure of 100 million people forced to flee persecution and war. This is almost twice the population of Italy. As a frontline state, Italy has for years received mixed migration flows by sea through the central and eastern Mediterranean routes, as well as arrivals by land through its northern borders. In response to this migratory pressure, Italy has developed good practices in ensuring the right to asylum and played a strategic role in the European Union and globally in refugee protection, in the context of protracted international crises and new conflicts, as most recently in the Ukraine.

This document aims at providing key recommendations on refugee protection and asylum to all political parties ahead of the national elections. The recommendations touch upon areas that UNHCR considers of outmost priority and outline the overarching objectives to seek solutions for the situation of refugees in Italy and globally. UNHCR has traditionally enjoyed excellent cooperation with Italian institutions and with civil society on these issues and will continue to remain engaged to support the Government of Italy in responding to humanitarian crises, in managing mixed flows and improving refugee protection in the country and further afield.

1 Strengthen international efforts to address root causes of global displacement

Supporting fragile countries and timely responding to increasingly complex humanitarian crises, worsened by the effects of the climate emergency, are key for conflict prevention and the protection of vulnerable populations. Strengthening global migration management requires addressing root causes of forced displacement and supporting host communities to stabilize populations. Italy, through its humanitarian and development cooperation interventions, membership and major contribution to international multilateral processes such as the Global Compact on Refugees, is a vital partner of UNHCR and a global player. Italy's role in addressing root causes and addressing global displacement should remain steady and, where possible, should aim to expand the country's exemplary whole-of-society approach in promoting development and peace.

2 Promote European cooperation and solidarity on asylum

Settling the EU Pact on Migration and Asylum and reaching an agreement on implementing a common European asylum system based on shared responsibility and solidarity among Member States, facilitates structured management of migration flows and asylum systems in Europe and alleviates pressure on frontline States. It enables States to fulfil their international obligations and deliver protection and solutions for those fleeing persecution and war. As seen in the Ukraine crisis, the core obligation of States to ensure access to territory and international protection can be managed pragmatically and efficiently. Italy has a strategic role to play in this debate and UNHCR will continue to provide its technical support and experience to the Government of Italy.

3 Ensure accountable spending on asylum through improved governance and planning

Higher standards and accountable spending of public funds can be ensured with timely planning, effective coordination of all actors in the asylum system, and regular monitoring. In Italy, a multitude of institutional, national and local actors contribute to protection and solutions for asylum-seekers and refugees throughout the asylum cycle. Cost-effective management can be achieved by empowering institutional *fora*, such as the National Coordination Working Group and the Regional Working Groups, to plan and coordinate activities and engage civil society and refugee-led organizations.

4 Ensure rescue at sea and access to the territory in order to save lives

Rescue at sea is a humanitarian imperative, and a moral and legal obligation for States to observe. Italy has a strong tradition in rescue at sea and in ensuring safe disembarkation and access to territory for people fleeing persecution. Abiding by this tradition, which is firmly rooted in international law, does not, in any way, prejudice the legitimate prerogative of States to maintain protection-sensitive border control and the duty to combat human smuggling and trafficking. UNHCR looks forward to continuing supporting the Government of Italy in identifying practical ways to manage effectively the pressure caused by mixed migratory flows.



5 Continue as frontrunner in legal and safe pathways for refugees

Italy is at the forefront and gaining international acclaim for its multitude and innovative safe and legal pathways for refugees, engaging a wide range of civil society actors. Safe pathways are powerful mechanisms to mitigate the risk of refugees embarking on dangerous journeys to reach safety and to combat the proliferation of the smuggling and trafficking industry. The humanitarian admission programs as well as the university corridors serve as great models which other countries look to replicate. With over two million refugees estimated by UNHCR as being in urgent need of resettlement from countries of first asylum, Italy has a privileged role in setting the agenda for legal and safe pathways for refugees with support from UNHCR and other actors.

6 Make reception a springboard for integration

Timely access to reception measures, improved services for the most vulnerable, and reduced dependency of asylum-seekers and refugees, can be achieved through a single monitored reception system which increasingly relies on local services aimed at facilitating self-reliance. Building on the achievements of the S.A.I. system over the past twenty years, a larger and more systematic engagement of Municipalities across the country should be part of any political agenda on reception. UNHCR will continue to support the Government and refugees with a wide range of programs aimed at the inclusion of refugees including refugee outreach volunteers, community matching and job-placement opportunities, in partnership with civil society and the private sector, and family hosting.

7 Protect and care for the most vulnerable

An unswerving eye has to be kept on the responsibility to protect the most vulnerable, including unaccompanied and separated children, survivors of gender-based violence or torture, persons with disabilities, the elderly and other at-risk-persons, from the moment they arrive and throughout the asylum cycle. Led by the competent authorities, UNHCR will continue

to provide its support in the ongoing efforts to continue to address gaps and build a vulnerability-responsive system with immediate identification, referral to appropriate care and protective reception services, as well as protection-sensitive integration. Dedicated reception capacity needs to be increased. Driven by the best interests of the child, care solutions for unaccompanied minors have to be revisited with a view to build on good global and age-appropriate care practices like foster families.

8 Establish an asylum agency to strengthen the integrity of the system and expedite processing

For almost twenty years, UNHCR has supported Italy in developing its refugee status determination system. Today, the first instance procedure for asylum adjudication is considered a good practice. To ensure the sustainability and integrity of the asylum system, UNHCR recommends the creation of an independent administrative authority with jurisdiction over the procedure for granting international protection and dedicated resources. UNHCR will continue to support key aspects of the asylum adjudication system including through proposing measures to ensure timely registration, expedite processing so as to avoid backlogs.

9 Building a refugee integration system is good for refugees and for the country

Removing legal and administrative obstacles while introducing facilitated pathways to refugee integration is key to avoid marginalization and makes good business sense. In Italy, unmet needs in the labor market are mounting, the population is aging, while asylum-seekers and refugees bring skills and capacities to the country and could fill such gaps. Many companies are employing refugees and some municipalities are setting up one-stop-integration service centers with the help of UNHCR. Yet, a concerted effort is required to remove regulatory barriers to socioeconomic inclusion and mobilize municipalities across Italy in integration and facilitate access to social services and assistance. UNHCR offers its expertise to support, including in the engagement of the private sector and assessing refugee skills on the basis of the needs of the labor market.



10 Address obstacles hindering the return of people not in need of protection

Establishing a timely and effective system for the return of people not in need of international and other forms of protection is an integral part of ensuring the functioning and the integrity of the asylum system and the effective management of migration flows. UNHCR maintains that assisted voluntary returns are the preferred option in the implementation of any return policy and recommends that a review of existing programs be also conducted. An effective return system requires solid agreements and diplomatic relations with countries of origin, which UNHCR could facilitate, close cooperation at the European level, combined with sustainable reintegration measures in the country of origin. UNHCR's maintains its long-standing position that administrative detention of asylum seekers should be used as *extrema ratio* and in line with international standards.

11 Involve affected populations in the identification of solutions

In public life, and during reception and integration, asylum seekers and refugees can contribute valuable knowledge, skills and relevant solutions, if invited into the conversation. Efforts to mainstream the participation of refugees in the decisions affecting their lives should be considered, at the national and local level. This brings about results, reduced costs, and more cohesive communities.

12 Maintain a balanced and fact-based narrative when talking about mixed migration

Public debate on sensitive humanitarian issues such as asylum and refugees should be fact-based, promote empathy towards those forced to flee and the identification of solutions. To foster a climate of inclusion, UNHCR highlights the critical importance of a balanced, objective and constructive debate. In a world where new conflicts erupt every year and the existing ones intensify, the refugee problem is likely to remain protracted: it is therefore in the interest of all States to foster a narrative that promotes coexistence, dialogue and that values diversity among communities today and in years to come. The Rome Charter, code of ethics developed for the Press, can be used as guidance: [Codice deontologico - Associazione Carta di Roma](#).

