

Contents

International and Regional Instruments	3
1954 Convention	3
1961 Convention	3
Other conventions	4
Stateless Population Data	8
Availability and sources	8
Stateless in detention data	12
Statelessness Determination and Status	13
Definition of a stateless person	13
Existence of a dedicated SDP	13
Assessment	19
Procedural Protections	22
Protection during SDP	25
Appeals	27
Stateless Status	29
Access to citizenship	34
Detention	37
Detention screening	37
Alternatives to immigration detention	43
Procedural safeguards	46
Protections on release	51

ENS Statelessness Index Survey: Italy

Return & readmission agreements	52
Prevention and Reduction	54
Stateless born on territory.....	54
Foundlings	59
Adoption	60
Ius sanguinis and discrimination	61
Access to birth registration	62
Late Birth Registration	64
Reduction	65
Withdrawal of nationality	67
Jurisprudence and Training.....	69
Published judgements.....	69
Legal training.....	71
Pro Bono.....	72
Literature	73

International and Regional Instruments

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
IOB	1	a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	UN Convention Relating to the Status of Stateless Persons, 1954	Yes	United Nations, Treaty Series, vol. 360, p.117. Convention relating to the Status of Stateless Persons New York, 28 September 1954: http://www.refworld.org/docid/3ae6b3840.html
IOB	1	b		If yes, when was ratification/accession ?		Signature: 20 October 1954 Ratification: 1 February 1962	Italy's ratification of the Convention relating to the Status of Stateless Persons, adopted in New York, on 28 September 1954, Law n. 306 of 1 February 1962: http://www.gazzettaufficiale.it/eli/gu/1962/06/07/142/sg/pdf (IT)
IOB	1	c		Are there reservations in place? Please list them.	Best practice is to have no reservations. If there are, they should have little or no effect on the rights of stateless persons.	Yes, the provisions of Articles 17 & 18 on wage-earning employment and self-employment, are recognised as recommendations only.	https://treaties.un.org/doc/publication/mtdsg/volume%20i/chapter%20v/v-3.en.pdf
IOB	1	d		Does Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on legal regime.	Yes. Ratification of international treaties through enactment gives automatic legal effect at national level, even without the adoption of implementing legislation (in the case of the 1954 Convention, there is no comprehensive legislation implementing its provisions).	Arts. 80 & 87 of the Italian Constitution: https://www.quirinale.it/allegati_statici/costituzione/costituzione.pdf (IT)
IOB	2	a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	UN Convention on the Reduction of Statelessness, 1961	Yes.	Accession to the 1961 Convention on the Reduction of Statelessness, approved in New York on August 30 th , 1961 (2802): http://www.gazzettaufficiale.it/eli/id/2015/10/12/15G00176/sg (IT)

IOB	2	b		If yes, when was ratification/accession ?		Acceded on 1 Dec 2015.	United Nations, Treaty Series, vol. 989, p. 175. Convention on the Reduction of Statelessness, New York, 30 August 1961: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtsg_no=V-4&chapter=5&clang=en Ratification law of 29 Sept 2015 n° 162, G.U. 12 Oct 2015: http://www.gazzettaufficiale.it/eli/id/2015/10/12/15G00176/sg (IT)
IOB	2	c		Are there reservations in place? Please list them.	As above	No.	
IOB	2	d		Does Convention have direct effect?	As above	Yes. Italy ratified the 1961 Convention, which means that it has legal effect. In practice, the rules and safeguards provided in the 1961 Convention are incorporated in national legislation through the Citizenship Law.	Law n. 91, New norms on citizenship of 5 February 1992, as amended by Law 132/18: http://www.cir-onlus.org/wp-content/uploads/2018/12/Legge-91_92-modificata-legge-132_18.pdf (IT)
IOB	3	a	Other conventions	State party to European Convention on Nationality 1997? Are there reservations in place? Please list them.	European Convention on Nationality, 1997	Italy has only signed the Convention [06 Nov 1997], not acceded.	European Convention on Nationality: https://www.coe.int/it/web/conventions/full-list/-/conventions/treaty/166/signatures
IOB	3	b		State Party to European Convention on Human Rights 1950? Are there reservations in place? Please list them.	European Convention on Human Rights, 1950	Yes. Signature: 04/11/1950 Ratification: 26/10/1955 Entry into force: 26/10/1955 No reservations.	Treaty list for a specific State: Italy: https://www.coe.int/en/web/conventions/search-on-treaties/-/conventions/treaty/country/ITA?p_auth=eBKpHUjG

IOB	3	c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Are there reservations in place? Please list them.	Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006	No.	Chart of signatures and ratifications of Treaty 200 Council of Europe Convention on the avoidance of statelessness in relation to State succession: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/200/signatures?p_auth=eBKpHUjG
IOB	3	d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive). Are there reservations in place? Please list them.	Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive)	Yes.	Law 2 August 2011, n. 129 Conversione in legge, con modificazioni, del decreto-legge 23 giugno 2011, n. 89, recante disposizioni urgenti per il completamento dell'attuazione della direttiva 2004/38/CE sulla libera circolazione dei cittadini comunitari e per il recepimento della direttiva 2008/115/CE sul rimpatrio dei cittadini di Paesi terzi irregolari. Entrata in vigore del provvedimento: 06/08/2011 http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2011-08-05&atto.codiceRedazionale=011G0178&elenco30giorni=false (IT)
IOB	3	e		State Party to Convention on the Rights of the Child 1989? Are there reservations in place? Please list them.	Convention on the Rights of the Child 1989	Yes. No reservations.	Commissione parlamentare per l'infanzia, Legge 27 maggio 1991, n. 176, Ratifica ed esecuzione della convenzione sui diritti del fanciullo: http://www.camera.it/bicamerale/leg14/infanzia/leggi/Legge%20176%20del%201991.htm (IT) Convention on the Rights of the Child, New York, 20 November 1989: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-11&chapter=4&lang=en Declarations and Reservations: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-11&chapter=4&lang=en

International and Regional Instruments – February 2019

IOB	3	f		State Party to International Covenant on Civil and Political Rights 1966? Are there reservations in place? Please list them.	International Covenant on Civil and Political Rights 1966	Yes. Italy entered reservations to Articles 15(1) and 19(3) but these do not impact on statelessness.	Declarations and Reservations: https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-4&chapter=4&lang=en#EndDec
IOB	3	g		State Party to International Covenant on Economic, Social and Cultural Rights 1966? Are there reservations in place? Please list them.	International Covenant on Economic, Social and Cultural Rights 1966	Yes. No reservations.	International Covenant on Economic, Social and Cultural Rights, New York, 16 December 1966: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-3&chapter=4&clang=en
IOB	3	h		State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Are there reservations in place? Please list them.	Convention on the Elimination of all Forms of Discrimination Against Women 1979 Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness.	Yes. No reservations.	Convention on the Elimination of All Forms of Discrimination against Women, New York, 18 December 1979: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-8&chapter=4&clang=en#EndDec
IOB	3	i		State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Are there reservations in place? Please list them.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984	Yes. No reservations.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-9&chapter=4&lang=en

IOB	3	j		State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Are there reservations in place? Please list them.	International Convention on the Elimination of All Forms of Racial Discrimination 1965	Yes. No reservations.	International Convention on the Elimination of All Forms of Racial Discrimination, New York, 7 March 1966: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-2&chapter=4&clang=en#EndDec
IOB	3	k		State Party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families 1990? Are there reservations in place? Please list them.	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990	No.	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, New York, 18 December 1990: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-13&chapter=4&clang=en

Stateless Population Data

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
POP	1	a	Availability and sources	Does the Govt have a discrete category for statelessness in its data collection system (e.g. in the census)? If so, what are the Govt figures for the total stateless population on the territory? Is the data disaggregated? If so, how?	<ul style="list-style-type: none"> • Gen. Rec. 32 of CEDAW (para.39): States parties should... gather, analyse and make available sex-disaggregated statistical data and trends... • European Council, Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness: Recognise the importance of exchanging good practices...concerning the collection of reliable data on stateless persons... • UNHCR Global Action Plan to End Statelessness 2014-2024 (Action 10): Improve quantitative and qualitative data on stateless populations... • Institute on Statelessness and Inclusion (The World's Stateless) pg.11: States should adopt and/or strengthen measures to count stateless persons on their territory... 	<p>Yes, there is a category for stateless people in the Government's annual censuses. The most recent data is provided by the Istituto Nazionale di Statistica (ISTAT) dated 1 January 2018. The statistical data from population censuses as of 1 January 2018 counts as many as 732 stateless persons (377 men and 355 women). The number is low because the Italian Government census counts only stateless persons that are <i>officially recognised</i> as stateless and residing in Italy. The data is disaggregated but the annual census on stateless people available shows only sex-disaggregated data for recognised stateless persons. In the Government Census, stateless persons are distinguished by Regions where they have their residence.</p>	<p>ISTAT data on stateless people by sex and region of residence including trends in recent years: https://www.tuttitalia.it/statistiche/cittadini-stranieri/apolidi/ (IT)</p> <p>Italian National Institute of Statistics: http://dati.istat.it/</p> <p>Istat, Gli stranieri al 15° Censimento della popolazione, 23 dic 2013 (data on foreigners in Italy registered for the 15° population Census): https://www.istat.it/it/files/2013/12/Notadiffusione_stranieri20122013.pdf (IT)</p>
POP	1	b		Do Govt authorities define categories of persons who may overlap with stateless	As above	Yes, there are other categories that overlap with statelessness. In the portal of the Italian census on the resident population counted per year, the definitions of "foreigner" and "stateless" are in the same check box (section), so it may overlap.	Censimento Popolazione Abitazioni 2011 ('local population distinguished by citizenship'): http://dati-censimentopopolazione.istat.it/Index.aspx (IT)

				(e.g. unknown nationality, unspecified nationality, other)? Are statistics on these available? If, yes, please indicate categories and statistics.			
POP	1	c		What is the UNHCR estimate for the population of stateless persons and/or those at risk of statelessness on the territory? What is UNHCR's source for this information?	As above	<p>UNHCR states on its website, <i>"Although statistics on the exact size of the stateless population in Italy are not available; it is estimated that the majority of stateless people living in Italy are of Roma descent, originating from former Yugoslavia. Many have not been recognised as Italian nationals despite living in the country for generations."</i></p> <p>The working group on statelessness in Italy, in which UNHCR participates, estimates there to be between 3,000 to 15,000 people stateless or at risk of statelessness in Italy. Most belong to the Roma community originating from former Yugoslavia; the rest come from Tibet, Palestine, Eritrea and Ethiopia.</p>	<p>UNHCR, Italy joins top league of countries reducing statelessness: http://www.unhcr.org/ibelong/italy-joins-top-league-of-countries-reducing-statelessness/</p> <p>Raccomandazioni del tavolo di lavoro sull'apolidia sulla protezione degli apolidi e sulla riduzione dell'apolidia in Italia, ottobre 2017: https://tavoloapolidia.org/app/uploads/2018/12/Advocacy-Paper-Tavolo-Apolidia_def.pdf (IT)</p> <p>Sources listed in recommendations: Associazione 21 luglio ONLUS-Rapporto Annuale 2016, aprile 2017: http://www.21luglio.org/21luglio/wp-content/uploads/2018/04/Rapporto_Annuale-2017_web.pdf (IT)</p> <p>XVI Legislatura, Senato della Repubblica, Commissione straordinaria per la tutela e la promozione dei diritti umani, Rapporto conclusivo dell'indagine sulla condizione di Rom, Sinti e Caminanti in Italia, p. 23: http://www.senato.it/documenti/repository/commissioni/dirittiumani16/Rapporto%20conclusivo</p>

							%20indagine%20rom,%20sinti%20e%20caminanti.pdf (IT)
POP	1	d		Are there indirect (proxy) sources of statistics on stateless persons? E.g. categories of persons for which statistics are available where stateless persons may be more highly represented (e.g. relevant country of origin or profiles (e.g. Palestinians or Syrian Kurds)? Please provide explanation and figures.	As above	See 1c.	<p>CIR, IN THE SUN, Survey on the phenomenon of statelessness among Roma communities living in Italy, February 2013: http://www.cir-onlus.org/wp-content/uploads/2018/07/In-the-sun_CIR_last-review_final.pdf</p> <p>XVI Legislatura, Senato della Repubblica, Commissione straordinaria per la tutela e la promozione dei diritti umani, Rapporto conclusivo dell'indagine sulla condizione di Rom, Sinti e Caminanti in Italia: http://www.senato.it/documenti/repository/commissioni/dirittiumani16/Rapporto%20conclusivo%20indagine%20rom,%20sinti%20e%20caminanti.pdf (IT)</p> <p>Presidenza del Consiglio dei Ministri, Ufficio per la promozione della parità di trattamento e la rimozione delle discriminazioni fondate sulla razza o sull'origine étnica, Strategia Nazionale d'inclusione dei Rom, dei Sinti e dei Caminanti, Attuazione Comunicazione Commissione Europea N.173/2011, pp. 14-17: https://www.comune.roma.it/resources/cms/documents/Strategia_italiana_rom.pdf (IT)</p> <p>Council of Europe: Commissioner for Human Rights, Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Italy from 26 to 27 May 2011 , 7 September 2011, CommDH(2011)26: https://www.refworld.org/docid/4ecb8b182.html</p>

Stateless Population Data – February 2019

							Council of Europe: Commissioner for Human Rights, Report by Nils Muiznieks Commissioner for Human Rights of the Council of Europe: Following his visit to Italy from 3 to 6 July 2012, 18 September 2012, CommDH(2012)26: https://www.refworld.org/docid/5058413c2.html
POP	1	e		Have there been surveys or mapping studies done to estimate the population of stateless persons in the country?	UNHCR Global Action Plan to End Statelessness 2014-2024: Action 10	See sources under 1d and 1c.	
POP	1	f		Are there other sources of estimates for the population of stateless persons (not covered by the above)? If so, list sources and figures.	As above	Not to our knowledge.	
POP	1	g		Are there issues with reliability of stateless data? If yes, please describe why.	As above	Issues are mainly related to the difficulty of mapping stateless persons without a residence permit about whom very little information is available.	Consiglio Italiano per i Rifugiati (CIR) practice
POP	1	h		Are there indications that the stateless population is either over or under reported? Please describe.	As above	Yes, data on the stateless population is likely underreported and underestimated and there are many contradictions in available data. The Italian census system counts only persons <i>recognised</i> as stateless in a dedicated determination procedure. The actual situation is largely underreported.	

Stateless Population Data – February 2019

POP	1	i		Please provide any available figures on stateless refugees or asylum seekers (if there is data, please clarify whether Govt also counts stateless refugees and asylum seekers in the stateless population to avoid under/over reporting).	As above	There is no official data available on stateless refugees or asylum seekers.	
POP	2	a	Stateless in detention data	Number of stateless persons in immigration detention	As above and see also norms in Detention section.	There is no official data available on stateless people in immigration detention (pre-removal centres) in Italy.	
POP	2	b		Are there statistics on individuals released from immigration detention who were unremovable, their country of origin and length of detention? If yes, please provide.	As above	There is no official data available on stateless people in administrative immigration detention (pre-removal centres) in Italy. Some general data on immigration detention in Italy is reported by the Global Detention Project. Some general data can also be found in the Report to the Parliament by the National Guarantor for the rights of persons detained or deprived of liberty.	Global Detention Project, Italy Immigration Detention: https://www.globaldetentionproject.org/countries/europe/italy Garante Nazionale dei diritti delle persone detenute o private della libertà personale, Relazione al Parlamento 2018, p.226: http://www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/bbb00eb9f2e4ded380c05b72a2985184.pdf (IT)

Statelessness Determination and Status

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
IDP	1	a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	UN Convention Relating to the Status of Stateless Persons, 1954: Article 1(1) and 1(2).	Italy ratified the 1954 Convention in February 1962. National law does not provide a definition of a 'stateless person' so the 1954 Convention definition applies.	LEGGE 1 febbraio 1962, n. 306, Ratifica ed esecuzione della Convenzione relativa allo status degli apolidi, adottata a New York il 28 settembre 1954: http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=1962-06-07&atto.codiceRedazionale=062U0306&elenco30giorni=false (IT)
IDP	1	b	Existence of a dedicated SDP	Which of the following best describes the situation in your country? 1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure	UNHCR (2014), Handbook on Protection of Stateless Persons: ... it is implicit in the 1954 Convention that States must identify stateless persons within their jurisdictions so as to provide them appropriate treatment in order to comply with their Convention commitments. UNHCR (Good Practices Paper 6): Establishing a statelessness determination procedure is the most efficient means for States Parties to the 1954 Convention to identify the beneficiaries of that Convention.	#1 - The Italian legal system provides for two paths to the recognition of the status of stateless persons: an administrative procedure and a judicial one.	DECRETO DEL PRESIDENTE DELLA REPUBBLICA 12 ottobre 1993, n. 572, Regolamento di esecuzione della legge 5 febbraio 1992, n. 91, recante nuove norme sulla cittadinanza, Art 17: http://www.gazzettaufficiale.it/eli/id/1994/01/04/093G0625/sg (IT) DECRETO-LEGGE 17 febbraio 2017, n. 13 Disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonché per il contrasto dell'immigrazione illegale: http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2017-02-17;13 (IT) As converted into, LEGGE 13 aprile 2017 n. 46 (GU n.90 del 18-4-2017), Disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonché per il contrasto

							all'immigrazione illegale: http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2017-04-13;46 (IT)
IDP	2	a	Access to procedure	You have identified that your country has a dedicated SDP established in law, administrative guidance or judicial procedure. Which authority is responsible for determining statelessness?	ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices : There is no general rule for appointing the most appropriate authority for statelessness determination... the structure must be evaluated in light of the specific national circumstances.	In the administrative procedure, the Ministry of the Interior is responsible for the certification of statelessness. Since reforms in 2017 (Decree 13/17; Law 46/17), competence for the judicial procedure is now attributed to specialised sections of the Civil Court in the applicant's place of residence.	DECRETO DEL PRESIDENTE DELLA REPUBBLICA, 12 ottobre 1993, n. 572, Regolamento di esecuzione della legge 5 febbraio 1992, n. 91, recante nuove norme sulla cittadinanza, Art 17: http://www.gazzettaufficiale.it/eli/id/1994/01/04/093G0625/sg (IT) DECRETO-LEGGE 17 febbraio 2017, n. 13 Disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonche' per il contrasto dell'immigrazione illegale, Art 3(2): http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2017-02-17;13 (IT) As converted into, LEGGE 13 aprile 2017 n. 46 (GU n.90 del 18-4-2017), Disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonché per il contrasto all'immigrazione illegale: http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2017-04-13;46 (IT)
IDP	2	b		Must an application for statelessness status be made on a specific form? Are there clear instructions on how to make a claim for statelessness or how to fill in	UNHCR (2014), Handbook on Protection of Stateless Persons : For procedures to be fair and efficient, access to them must be ensured. Dissemination of information, including through targeted information campaigns... counselling on the procedures ... Given that individuals are sometimes unaware of SDPs or hesitant to apply...procedures can usefully contain safeguards	In the administrative procedure, the application must be on a written form. Moreover, the applicant must provide several documents including a birth certificate, documentation certifying residence in Italy, and either documentation demonstrating statelessness or a declaration from the consulate of the state of origin or former residence certifying they are not a national. The Ministry of Interior may ask for additional documentation and will only determine statelessness based on the documentation provided, so the application may be refused	DECRETO DEL PRESIDENTE DELLA REPUBBLICA, 12 ottobre 1993, n. 572, Regolamento di esecuzione della legge 5 febbraio 1992, n. 91, recante nuove norme sulla cittadinanza, Art 17: http://www.gazzettaufficiale.it/eli/id/1994/01/04/093G0625/sg (IT)

				<p>the relevant forms?</p>	<p>permitting State authorities to initiate a procedure. UNHCR (Good Practices Paper 6): ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: Bureaucratic difficulties (such as complicated application forms, inflexible procedures, strict language requirements, limited places where claims can be submitted, high costs, etc.) can encumber, or even impede access to SDPs. ENS (2016), Protecting Stateless Persons from Arbitrary Detention in the United Kingdom: Any application form to apply for stateless status should be simplified and offered in a variety of languages... [and] made freely available, including in immigration detention centres.</p>	<p>without an interview if the applicant does not provide all the required documentation.</p> <p>In the judicial procedure, the applicant does not need to provide specific documents to access the procedure, but they must be assisted by a lawyer (the lawyer must lodge the application) before the Civil Court. Hearings are scheduled by the Judge taking into consideration the complexity of the case.</p>	<p>DECRETO-LEGGE 17 febbraio 2017, n. 13, Disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonché per il contrasto dell'immigrazione illegale: http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2017-02-17;13 as converted into, LEGGE 13 aprile 2017 n. 46 (GU n.90 del 18-4-2017), Disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonché per il contrasto all'immigrazione illegale: http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2017-04-13;46 (IT)</p> <p>Art. 702 <i>bis</i> of the Civil Procedural Law: https://www.brocardi.it/codice-di-procedura-civile/libro-quarto/titolo-i/capo-iii/sezione-v/art702bis.html (IT)</p>
IDP	2	c		<p>Do submissions and/or other written evidence have to be submitted in an official language?</p>	<p>UNHCR (Good Practices Paper 6): As above.</p>	<p>There is no provision requiring that the application in the administrative procedure be submitted in any specific language. Practice shows that applicants present their applications in Italian. In the judicial procedure, the appeal must be lodged in Italian and there is no obligation to present evidence in Italian (certified translations). In practice, depending on the language, translation is required to understand the content. Most lawyers prefer to have a certified translation of the documents.</p>	<p>Consiglio Italiano per i Rifugiati (CIR) practice</p> <p>Codice di procedura civile, Libro I, Titolo VI, Art. 122: http://www.altalex.com/documents/news/2014/10/29/disposizioni-general-degli-atti-processuali (IT)</p>

IDP	2	d		Can an application for stateless status be made orally to a public official?	<p>UNHCR (Good Practices Paper 6): As above.</p> <p>UNHCR (2014), Handbook on Protection of Stateless Persons: Given that individuals are sometimes unaware of SDPs or hesitant to apply for statelessness status, procedures can usefully contain safeguards permitting State authorities to initiate a procedure.</p>	No, the administrative procedure should be made in written form, through the local Prefecture, to the Ministry of Interior. An applicant who wants to claim stateless status at the Police Headquarters, for example, can ask for information orally, but they are then invited to lodge the application with the Prefecture. All judicial procedures require a written application.	<p>DECRETO DEL PRESIDENTE DELLA REPUBBLICA, 12 ottobre 1993, n. 572, Regolamento di esecuzione della legge 5 febbraio 1992, n. 91, recante nuove norme sulla cittadinanza, Art 17: http://www.gazzettaufficiale.it/eli/id/1994/01/04/093G0625/sg (IT)</p> <p>CIR, IN THE SUN: Survey on the phenomenon of statelessness among Roma communities living in Italy, February 2013: http://www.cir-onlus.org/wp-content/uploads/2018/07/In-the-sun_CIR_last-review_final.pdf</p>
IDP	2	e		Are there obligations in law on authorities to consider the application?	<p>UNHCR (Good Practices Paper 6): access to the SDP must be guaranteed.</p>	As there is a specific procedure in law, the authorities are obliged to consider all applications.	DECRETO DEL PRESIDENTE DELLA REPUBBLICA, 12 ottobre 1993, n. 572, Regolamento di esecuzione della legge 5 febbraio 1992, n. 91, recante nuove norme sulla cittadinanza, Art 17: http://www.gazzettaufficiale.it/eli/id/1994/01/04/093G0625/sg (IT)
IDP	2	f		Are government authorities authorised to initiate SDPs ex officio?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): ...it is recommended that governmental authorities be authorised to initiate these procedures ex officio... • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: as above. 	No.	
IDP	2	g		Is there an application fee?	<p>UNHCR (Good Practices Paper 6): access to the SDP must be guaranteed.</p>	No, there is no fee for submitting an application in the administrative procedure. Applicants can be requested to pay bureaucratic expenses or taxes (e.g. stamps). In the judicial procedure free legal assistance can be obtained by law if the applicant can fulfil specific income requirements (annual income of around 11,000 Euros (amount is modified every year) and no assets.	<p>D.P.R., testo coordinato 30/05/2002 n. 115, Testo unico in materia di spese di giustizia, Gazzetta Ufficiale N. 139 del 15 Giugno 2002: http://www.altalex.com/documents/codici-altalex/2015/01/14/testo-unico-in-materia-di-spesse-di-giustizia (IT)</p> <p>ASGI, Il patrocinio a spese dello stato nei procedimenti giurisdizionali per l'accertamento della protezione internazionale e/o umanitaria,</p>

						<p>Bianchini reports that ‘a stateless person has the right to receive legal aid if he resides lawfully in the territory of the State. Nevertheless, the majority of the case law also extends this right to persons with unlawful status. In these cases, to access legal aid, the person is exempt from providing a number of documents, such as the Italian Tax Code for himself and his family. The Constitutional Court held that in these cases, it is sufficient that the person states on his application for legal aid his name, last name, place and date of birth and State in which he is normally liable to pay taxes. The main problems concern the availability and quality of legal aid, which vary considerably, depending on the region where an applicant resides.’</p>	<p>2016: https://www.asgi.it/wp-content/uploads/2016/09/2016_DEF-Scheda-ASGI-patrocinio-a-spese-dello-Stato.pdf (IT)</p> <p>Bianchini K., Protecting Stateless Persons. The Implementation of the Convention Relating to the Status of Stateless Persons Across Europe (Brill 2018), pp. 171-172</p>
IDP	2	h		Is there a requirement for lawful stay to access the SDP?	<p>UNHCR (Good Practices Paper 6): Access to the procedure needs to be open to anyone who claims to be stateless, regardless of...lawful stay or residence...</p> <p>ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: Everyone in a state’s territory must have access to SDPs. There is no basis in the 1954 Convention for requiring that applicant ... be lawfully within a state.</p>	<p>Yes, in practice, in the administrative procedure. The law does not require an applicant to demonstrate “lawful” residence in Italy, referring only to “residence”. In practice the Ministry of Interior requires a residence permit to submit the application. There is no requirement to demonstrate lawful stay to access the judicial procedure.</p>	<p>DECRETO DEL PRESIDENTE DELLA REPUBBLICA, 12 ottobre 1993, n. 572, Regolamento di esecuzione della legge 5 febbraio 1992, n. 91, recante nuove norme sulla cittadinanza, Art 17: http://www.gazzettaufficiale.it/eli/id/1994/01/04/093G0625/sg (IT)</p>
IDP	2	i		Is there a time limit beyond which a person cannot access the SDP? If so, what is this and can the	<p>UNHCR (Good Practices Paper 6): For procedures to be fair and efficient... access to the SDP must be guaranteed and not subject to time limits.</p> <p>ENS (2013), Statelessness Determination and the Protection</p>	<p>No, there is no time limit to access either the administrative or judicial procedure.</p>	<p>DECRETO DEL PRESIDENTE DELLA REPUBBLICA, 12 ottobre 1993, n. 572, Regolamento di esecuzione della legge 5 febbraio 1992, n. 91, recante nuove norme sulla cittadinanza, Art 17: http://www.gazzettaufficiale.it/eli/id/1994/01/04/093G0625/sg (IT)</p>

				requirement be waived?	of Stateless Persons: a summary guide of good practices : There is... no basis in the 1954 Convention to set time limits for individuals to claim stateless status...		
IDP	2	j		Is the examination of statelessness claims conducted by a dedicated centralised body with relevant expertise? If yes, please specify.	<p>UNHCR (2014), Handbook on Protection of Stateless Persons: States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise...</p> <p>UNHCR (Good Practices Paper 6): Where to situate SDPs institutionally is a matter of State discretion and can vary from one country to the next. Regardless...it is important that examiners develop expertise... while ensuring that the procedures are accessible...</p>	Applications submitted under the administrative procedure are processed by the Citizenship Office of the Ministry of the Interior, the competent authority for processing statelessness applications. In the judicial procedure, specialised sections of the Civil Court examine applications and appeals.	<p>DECRETO DEL PRESIDENTE DELLA REPUBBLICA, 12 ottobre 1993, n. 572, Regolamento di esecuzione della legge 5 febbraio 1992, n. 91, recante nuove norme sulla cittadinanza, Art 17: http://www.gazzettaufficiale.it/eli/id/1994/01/04/093G0625/sg (IT)</p> <p>DECRETO-LEGGE 17 febbraio 2017, n. 13 Disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonché per il contrasto dell'immigrazione illegale, Art 3(2): http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2017-02-17;13 (IT)</p> <p>As converted into, LEGGE 13 aprile 2017 n. 46 (GU n.90 del 18-4-2017), Disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonché per il contrasto all'immigrazione illegale: http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2017-04-13;46 (IT)</p>
IDP	2	k		Is there training to inform different government bodies about statelessness and SDPs? If yes, please provide details	UNHCR Executive Committee, Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons No. 106 (LVII) – 2006 : Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for	No compulsory trainings are provided on this issue. UNHCR delivers ad hoc stateless related training to courts and asylum decision-makers.	Consiglio Italiano per i Rifugiati (CIR) practice

				(e.g. who provides training to whom and how often?)	identifying, recording, and granting a status to stateless persons. UNHCR (Good Practices Paper 6) : Training sessions for officials and meetings between the various decentralised bodies, UNHCR and civil society take place on a regular basis, allowing for an exchange of information and discussion...		
IDP	2	I		Is there cooperation between agencies that may have contact with stateless people? If so, how are cases referred to the appropriate authority for determination?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice. 	The asylum determining authorities may inform stateless persons about the SDP but there is no standardised procedure for referral or cooperation.	Consiglio Italiano per i Rifugiati (CIR) practice
IDP	3	a	Assessment	Who has the burden of proof in the SDP? Is this shared in practice, even if not in law?	UNHCR (2014), Handbook on Protection of Stateless Persons : ...the burden of proof is in principle shared, in that both the applicant and examiner must cooperate to obtain evidence and to establish the facts. UNHCR (Good Practices Paper 6) : SDPs must... take into consideration the difficulties inherent in proving statelessness. UNHCR recommends that SDPs provide for a shared burden of proof...	The burden of proof in the administrative procedure is on the applicant who must provide all required documentary evidence for the application to be processed. In the judicial procedure, caselaw has underlined that the burden of proof is shared between the applicant and the authority. The applicant should make all possible efforts to clarify their condition of statelessness and support their declarations with evidence. If the applicant does not manage to provide evidence, despite all efforts, the judge can use <i>ex officio</i> powers to assist them.	<p>DECRETO DEL PRESIDENTE DELLA REPUBBLICA, 12 ottobre 1993, n. 572, Regolamento di esecuzione della legge 5 febbraio 1992, n. 91, recante nuove norme sulla cittadinanza, Art 17: http://www.gazzettaufficiale.it/eli/id/1994/01/04/093G0625/sg (IT)</p> <p>Bianchini K., Protecting Stateless Persons. The Implementation of the Convention Relating to the Status of Stateless Persons Across Europe (Brill 2018), p. 162</p> <p>Corte di Cassazione, sez. I Civile, sentenza n. 28153 del 23/06/2017:</p>

					<p>ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: The applicant has a duty to provide as full and truthful account...as possible and to submit all evidence reasonably available. Similarly, the determination authority is required to obtain and present all relevant evidence reasonably available to it... authorities need to... [give] sympathetic consideration to testimonial explanations regarding the absence of certain kinds of evidence.</p> <p>UNHCR Expert Meeting, Statelessness Determination Procedures and the Status of Stateless Persons 2010: It is incumbent on individuals to cooperate to establish relevant facts. If an individual can demonstrate, on the basis of all reasonably available evidence, that he or she is evidently not a national, then the burden should shift to the State to prove that the individual is a national of a State.</p>		<p>http://briguglio.asgi.it/immigrazione-e-asilo/2017/dicembre/sent-cass-28153-2017.pdf (IT)</p> <p>Cass. civ. Sez. I, 18/01/2018, no. 1183 http://www.rassegnasentenze.it/cass-civ-sez-18-01-2018-n-1182-4/ (IT)</p> <p>Perin G., La tutela degli apolidi in Italia, Scheda pratica, June 2017, p. 12-13 https://www.asgi.it/wp-content/uploads/2017/07/2017_scheda-apolidia.pdf (IT)</p>
IDP	3	b		What is the standard of proof? Is it the same as in asylum applications?	<p>UNHCR (2014), Handbook on Protection of Stateless Persons: States are...advised to adopt the same standard of proof as ... in refugee status determination, namely... to a “reasonable degree”...</p>	The standard of proof is the same as in the asylum procedure. The reduced standard of proof is the result of case law. For example, in 2017, the Cassation Court stated that formal proof of loss of citizenship is not required to be granted stateless status. Statelessness can be inferred from other facts, such as the refusal to grant the person rights usually linked to citizenship.	<p>Bittoni G., Statelessness determination procedure in Italy: who bears the burden of proof? ENS Blog, 6 May 2015: https://www.statelessness.eu/blog/statelessness-determination-procedure-italy-who-bears-burden-proof</p>

					<p>UNHCR, Nationality and Statelessness, Handbook for Parliamentarians No. 22, 2014: Because of the difficulties inherent in proving statelessness, the threshold of evidence required ... should not be too high. States are therefore advised to adopt the same standard of proof as in refugee status determination.</p>		<p>Corte Cassazione, Sentenza 4262/2015: http://www.italgiure.giustizia.it/xway/application/nif/clean/hc.dll?verbo=attach&db=snciv&id=../20150304/snciv@s61@a2015@n04262@tS.clean.pdf (IT)</p> <p>Corte Cassazione, Sentenza 14918/2017</p> <p>Bianchini K., Protecting Stateless Persons. The Implementation of the Convention Relating to the Status of Stateless Persons Across Europe (Brill 2018), p. 166</p> <p>Giulia Perin, La tutela degli apolidi in Italia, Scheda pratica, June 2017, p. 12 https://www.asgi.it/wp-content/uploads/2017/07/2017_scheda-apolidia.pdf (IT)</p>
IDP	3	c		<p>Is there respect for specific protection needs and evidentiary challenges presented by women, children and people with disabilities in the SDP?</p>	<p>UNHCR (2014), Handbook on Protection of Stateless Persons: As a result of discrimination, women might face additional barriers in acquiring relevant documentation, such as birth certificates or other identification documents that would be pertinent to establishing their nationality status... Children, especially unaccompanied children, may face acute challenges in communicating basic facts with respect to their nationality. States...must follow the principle of pursuing the best interests of the child ... Gen. Rec. 32 of CEDAW: Nationality laws may discriminate directly or indirectly against</p>	There are no such provisions.	

					women. Legislative provisions that appear gender neutral may in practice have a disproportionate and negative impact on the enjoyment of the right to nationality by women...		
IDP	3	d		Are decision makers presented with clear guidance on how to determine statelessness, including sources of evidence and procedures for evidence gathering to establish statelessness? Please provide details.	ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: determining authorities can benefit significantly from any concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances...	There is no public information on this. It is possible that the Ministry of Interior has distributed internal guidance for their decision makers, but this is not publicly available.	
IDP	4	a	Procedural Protections	Is there free legal aid available during the application?	UNHCR (2014), Handbook on Protection of Stateless Persons: applicants are to have access to legal counsel; where free legal assistance is available, it is to be offered to applicants without financial means. ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: If state funded legal aid is available in the country it should be provided to stateless claimants. If there is no state funded legal aid... but	It is not necessary to have the assistance of a lawyer for the administrative procedure and the law does not provide for legal aid in this matter. NGOs may assist applicants to complete the form. In the judicial procedure free legal assistance can be obtained by law if the applicant can fulfil specific income requirements (annual income of around 11,000 Euros (amount is modified every year) and no assets. Bianchini reports that <i>'a stateless person has the right to receive legal aid if he resides lawfully in the territory of the State. Nevertheless, the majority of the case law also extends this right to persons with unlawful status. In these cases, to access legal aid, the person is exempt from providing a number of documents,</i>	Consiglio Italiano per i Rifugiati (CIR) practice Bianchini K., Protecting Stateless Persons. The Implementation of the Convention Relating to the Status of Stateless Persons Across Europe (Brill 2018), pp. 171-172

					asylum claimants can access legal aid free of charge, then the same level of access should be provided to stateless claimants.	<i>such as the Italian Tax Code for himself and his family. The Constitutional Court held that in these cases, it is sufficient that the person states on his application for legal aid his name, last name, place and date of birth and State in which he is normally liable to pay taxes. The main problems concern the availability and quality of legal aid, which vary considerably, depending on the region where an applicant resides.'</i>	
IDP	4	b		Is an interview always offered (unless granting without interview)?	<p>UNHCR (2014), Handbook on Protection of Stateless Persons: The right to an individual interview, and necessary assistance with translation/interpretation throughout the process, are essential ...</p>	<p>In the administrative procedure, an individual interview is not foreseen. In the judicial procedure, the judge arranges the hearing according to the complexity of the case.</p>	<p>Consiglio Italiano per i Rifugiati (CIR) practice</p> <p>DECRETO DEL PRESIDENTE DELLA REPUBBLICA, 12 ottobre 1993, n. 572, Regolamento di esecuzione della legge 5 febbraio 1992, n. 91, recante nuove norme sulla cittadinanza, Art 17: http://www.gazzettaufficiale.it/eli/id/1994/01/04/093G0625/sg (IT)</p> <p>DECRETO-LEGGE 17 febbraio 2017, n. 13 Disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonché per il contrasto dell'immigrazione illegale: http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2017-02-17;13 as converted into, LEGGE 13 aprile 2017 n. 46 (GU n.90 del 18-4-2017), Disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonché per il contrasto all'immigrazione illegale: http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2017-04-13;46 (IT)</p> <p>Art. 702 <i>bis</i> of the Civil Procedural Law: https://www.brocardi.it/codice-di-procedura-civile/libro-quarto/titolo-i/capo-iii/sezione-v/art702bis.html (IT)</p>

							DECRETO-LEGGE 12 settembre 2014, n. 132, Misure urgenti di degiurisdizionalizzazione ed altri interventi per la definizione dell'arretrato in materia di processo civile, (14G00147) (GU Serie Generale n.212 del 12-09-2014): (http://www.gazzettaufficiale.it/eli/id/2014/09/12/14G00147/sg) (IT)
IDP	4	c		Are interpreters provided for statelessness determination interviews? Are they free of charge?	ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: assistance should be available for translation and interpretation in respect of written applications and interviews (good practice is free of charge).	No, in the administrative procedure there is no individual interview. In the judicial procedure, claimants can be heard, but interpreters are usually not provided in practice.	Bianchini K., Protecting Stateless Persons. The Implementation of the Convention Relating to the Status of Stateless Persons Across Europe (Brill 2018), p. 175.
IDP	4	d		Are there quality assurance audits of the SDP? Does UNHCR participate in the proceedings? Can they access files? Do they play a quality monitoring or training role?	UNHCR (2014), Handbook on Protection of Stateless Persons: States are encouraged... to incorporate the following safeguards: [...] access to UNHCR is guaranteed. UNHCR (Good Practices Paper 6): Quality assurance audits of SDPs are considered good practice.	UNHCR does not participate in the proceedings.	Consiglio Italiano per i Rifugiati (CIR) practice
IDP	4	e		Are decisions (refusals and grants) given with reasons? And in writing?	UNHCR (2014), Handbook on Protection of Stateless Persons: States are encouraged, therefore, to incorporate the following safeguards: [...] decisions are made in writing with reasons.	Administrative decisions are notified to the persons concerned in writing with reasons, but these are usually very brief. The recognition provided by the Civil Court in the judicial procedure gives the reasons on which the judgment is based.	Bianchini K., Protecting Stateless Persons, International Refugee Law Series, V. II, 2018, pp. 170-171 Codice di procedura civile, Libro I, Titolo VI, Art. 132 & 133: http://www.altalex.com/documents/news/2014/1

							0/29/disposizioni-general-degli-atti-processuali (IT)
IDP	4	f		Is there a referral mechanism if an individual has been refused asylum but may be stateless?	UNHCR (Good Practices Paper 6): Efficient referral mechanisms should be established... officials who may be in contact with stateless persons need to be trained to identify potential applicants ...and refer them to appropriate channels. ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: The regulation should... guarantee that proper cross-referral systems exist for cases where the two determination procedures are not conducted in a joint framework...	No.	Consiglio Italiano per i Rifugiati (CIR) practice
IDP	5	a	Protection during SDP	Does the applicant have automatic legal admission while their claim for stateless status is assessed? Is expulsion possible during the process? If yes, are there verified reports of expulsions?	UNHCR (2014), Handbook on Protection of Stateless Persons: An individual awaiting a decision is entitled, at a minimum, to all rights based on jurisdiction or presence in the territory as well as “lawfully in” rights... inter alia, identity papers, the right to self-employment, freedom of movement and protection against expulsion... it is recommended that individuals... receive the same standards of treatment as asylum-seekers... ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: States should refrain from expelling or	People who apply for recognition of stateless status to the Ministry of the Interior or Civil Court may apply and are generally granted temporary permission to stay, renewable while their application is being processed. However, practice shows that the issuance of a residence permit pending the judicial procedure is discretionary to the Police. It is possible that pending the judicial procedure applicants may be stopped by the police and asked about their status.	CIR, IN THE SUN, Survey on the phenomenon of statelessness among Roma communities living in Italy, February 2013: http://www.cir-onlus.org/wp-content/uploads/2018/07/In-the-sun_CIR_last-review_final.pdf ASGI Project, Out of Limbo: Promoting the right of undocumented and stateless Roma migrants to a legal status in Italy, May 2015: http://www.asgi.it/progetti/out-of-limbo-english-version/

					removing an individual from their territory pending the outcome of the determination process.		
IDP	5	b		Do applicants for stateless status who are awaiting a decision have permission to work, if they have no other permission to stay in the country?	UNHCR (2014), Handbook on Protection of Stateless Persons: Allowing individuals...to engage in wage-earning employment...may reduce the pressure on State resources and contributes to the dignity and self-sufficiency of the individuals concerned.	The law does not specify the right to work pending the procedure. In practice, different sources report different and inconsistent practice in relation to the temporary permit and the right to work.	Bianchini K., Protecting Stateless Persons: The Implementation of the Convention Relating to the Status of Stateless Persons Across Europe (Brill 2018), pp. 166-167 Consiglio Italiano per i Rifugiati (CIR) practice
IDP	5	c		Do applicants for stateless status with limited means have access to assistance to meet their basic needs (shelter and welfare support)? Please describe.	UNHCR (2014), Handbook on Protection of Stateless Persons: The status of those awaiting statelessness determination must also reflect applicable human rights such as... assistance to meet basic needs.	The law does not specify the right to assistance for applicants to meet their basic needs.	
IDP	5	d		Is it possible to detain an applicant while they are in the SDP?	UNHCR (2014), Handbook on Protection of Stateless Persons: Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary... Detention is therefore a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient to safeguard the lawful	In the administrative procedure applicants are issued with a temporary residence permit, so they are not detained. In the judicial procedure, if applicants are not in possession of a residence permit, there is a risk of detention.	CIR, IN THE SUN, Survey on the phenomenon of statelessness among Roma communities living in Italy, February 2013, pp.16-17: http://www.cir-onlus.org/wp-content/uploads/2018/07/In-the-sun_CIR_last-review_final.pdf Bianchini K., Protecting Stateless Persons: The Implementation of the Convention Relating to the Status of Stateless Persons Across Europe (Brill 2018), p. 168

					governmental objective pursued by detention.		Tavolo apolidia (coalition of civil society organisations in Italy working together to protect stateless people): https://tavoloapolidia.org/apolidia-italia/diritti/ (IT)
IDP	5	e		Does law or policy set out a timeframe for the SDP? If so, is it complied with? Can the decision maker extend the timeframe?	UNHCR (Good Practices Paper 6) : Some of the most fundamental guarantees reflected in current State practice include: a time limit for a decision following submission of a statelessness status application. UNHCR (2014), Handbook on Protection of Stateless Persons : In general, it is undesirable for a first instance decision to be issued more than six months from the submission of an application... in exceptional circumstances it may be appropriate to allow the proceedings to last up to 12 months...	A maximum timeframe of 350 days - or 895 days in case the opinion of a foreign authority or Ministry of Foreign Affairs is requested - is set for the administrative procedure, but it is seldom respected in practice. Some clients assisted by CIR have waited for five years for a decision in the administrative procedure and in one case, the person concerned waited approximately 13 years.	Decreto Ministeriale 18 aprile 2000 n.142, p.46: http://www.sanzioniamministrative.it/collegamenti/RicercaGiuridica/altra_Normativa/Leggi/Semplif_proc_amministrativo/DM_18Aprile2000-142_Tab-A.pdf (IT) Bianchini K., The Implementation of the Convention Relating to the Status of Stateless Persons: Procedures and Practice in Selected EU States, Phd thesis, University of York, 2015, p. 100: http://etheses.whiterose.ac.uk/11243/1/PhD%20thesis%20-%20Katia%20Bianchini.pdf Consiglio Italiano per i Rifugiati (CIR) practice
IDP	6	a	Appeals	Is there an automatic right of appeal in the case of refusal (on grounds of both law and fact)?	UNHCR (2014), Handbook on Protection of Stateless Persons : An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.	In the case of a negative outcome in the administrative procedure it is possible to undertake the judicial procedure before the Civil Court. In the judicial procedure it is possible to appeal before the Court of Appeal and then before the Court of Cassation.	DECRETO-LEGGE 17 febbraio 2017, n. 13 Disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonche' per il contrasto dell'immigrazione illegale: http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2017-02-17;13 (IT) As converted into, LEGGE 13 aprile 2017 n. 46 (GU n.90 del 18-4-2017), Disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonché per il contrasto all'immigrazione illegale: http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2017-04-13;46 (IT)

IDP	6	b		Is legal aid available for appealing/appl ying to review a negative determination?	<p>UNHCR (2014), Handbook on Protection of Stateless Persons: The applicant is to have access to legal counsel and, where free legal assistance is available, it is to be offered to applicants without financial means.</p> <p>ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: Applicants are to have access to legal counsel both at first instance and upon appeal.</p>	In a court procedure free legal assistance can be obtained if the applicant can fulfil specific income requirements (annual income of around 11,000 Euros (amount is modified every year) and no assets. Bianchini reports that <i>'a stateless person has the right to receive legal aid if he resides lawfully in the territory of the State. Nevertheless, the majority of the case law also extends this right to persons with unlawful status. In these cases, to access legal aid, the person is exempt from providing a number of documents, such as the Italian Tax Code for himself and his family. The Constitutional Court held that in these cases, it is sufficient that the person states on his application for legal aid his name, last name, place and date of birth and State in which he is normally liable to pay taxes. The main problems concern the availability and quality of legal aid, which vary considerably, depending on the region where an applicant resides.'</i>	Bianchini K., Protecting Stateless Persons. The Implementation of the Convention Relating to the Status of Stateless Persons Across Europe (Brill 2018), pp. 171-172
IDP	6	c		Is there a fee for the appeal application?	<p>UNHCR (2014), Handbook on Protection of Stateless Persons: An effective right to appeal against a negative first instance decision is an essential safeguard..</p>	If free legal aid is provided there is no fee to lodge the appeal. In case the applicant does not qualify for legal aid, they should pay a fee for the judicial procedure, which is usually 516 Euro for the first court level.	<p>D.P.R., testo coordinato 30/05/2002 n. 115, Testo unico in materia di spese di giustizia, Gazzetta Ufficiale N. 139 del 15 Giugno 2002: http://www.altalex.com/documents/codici-altalex/2015/01/14/testo-unico-in-materia-di-spesa-di-justizia (IT)</p> <p>Giulia Perin, La tutela degli apolidi in Italia, Scheda pratica, June 2017: https://www.asgi.it/wp-content/uploads/2017/07/2017_scheda-apolidia.pdf (IT)</p>
IDP	6	d		Is there evidence of significant errors in decision making? If so,		No.	Consiglio Italiano per i Rifugiati (CIR) practice

				is there a publicly available source (e.g. audits, independent reports, academic research etc.)? If yes, please provide this. If anecdotal, please describe.			
IDP	7	a	Stateless Status	Does recognition of statelessness result in permission to stay/legal status? Is status granted immediately or automatically upon recognition or identification as stateless?	UNHCR (2014), Handbook on Protection of Stateless Persons: The 1954 Convention ...[grants] stateless persons a core set of rights. Its provisions, along with applicable standards of international human rights law, establish the minimum rights and the obligations of stateless persons in States party to the 1954 Convention. The status granted to a stateless person in a State Party... must reflect these international standards... Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty...	Recognition of statelessness by the Ministry of the Interior or a civil court allows the person to immediately apply for a residence permit, which is normally granted for two years and is renewable. However, in practice, the duration of the residence permit is at the discretion of the Police, so there is huge variation. As there is no law or decree providing detailed rules on this matter, the issuing of the residence permit is based on the 1954 Convention.	Bianchini K., Protecting Stateless Persons. The Implementation of the Convention Relating to the Status of Stateless Persons Across Europe (Brill 2018), p. 241 Tavolo apolidia (coalition of civil society organisations in Italy working together to protect stateless people): https://tavoloapolidia.org/apolidia-italia/diritti/ (IT)

	7	b		Are there additional requirements beyond meeting the definition of a stateless person and satisfying the exclusion provisions that a stateless person must meet to be granted permission to stay/legal status?	As above.	Once recognised as stateless, there are no additional requirements.	Consiglio Italiano per i Rifugiati (CIR) practice
IDP	7	c		How long is initial status? Is residence status renewable?	UNHCR (2014), Handbook on Protection of Stateless Persons : It is recommended that States grant persons recognised as stateless a residence permit valid for at least two years, although permits for a longer duration, such as five years, are preferable in the interests of stability. Such permits are to be renewable, providing the possibility of facilitated naturalisation...	Legally recognised stateless persons are normally granted a permit to stay that is valid for two years and is renewable. However, in practice, the duration of the residence permit is at the discretion of the Police, so there is huge variation. As there is no law or decree providing detailed rules on this matter, the issuing of the residence permit is based on the 1954 Convention.	Consiglio Italiano per i Rifugiati (CIR) practice Giulia Perin, La tutela degli apolidi in Italia, Scheda pratica, June 2017: https://www.asgi.it/wp-content/uploads/2017/07/2017_scheda-apolidia.pdf (IT)

IDP	7	d		Is a travel document issued to those recognised as stateless?	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954, Art. 28: The Contracting States shall issue to stateless persons lawfully staying in their territory travel documents for the purpose of travel outside their territory... 	Individuals recognised as stateless may apply for a 1954 Convention travel document for stateless persons.	<p>Convention relating to the Status of Stateless Persons. New York, 28 September 1954 Art. 18 - Travel Documents: https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf</p> <p>DECRETO 7 maggio 2015, Caratteristiche di sicurezza ed elementi biometrici dei documenti di viaggio di apolidi, rifugiati e stranieri. (15A03553) (GU Serie Generale n.111 del 15-05-2015): http://www.gazzettaufficiale.it/eli/id/2015/05/15/15A03553/sg (IT)</p> <p>Paolo Farci, "Apolidia" Il diritto di famiglia e delle persone, Giuffrè editore, pag 324 e segg.</p>
IDP	7	e		What are the family reunion provisions for individuals recognised as stateless?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Although the 1954 Convention does not address family unity, States parties are nevertheless encouraged to facilitate the reunion of those with recognised stateless status in their territory with their spouses and dependents. Indeed, some States have obligations arising under relevant international or regional human rights treaties to do so. 	There are no specific family reunion provisions for stateless people, so the same family reunion rules for lawfully resident non-EU citizens apply.	Decreto Legislativo 25 Luglio 1998, N. 286, Testo Unico delle Disposizioni Concernenti la Disciplina dell'immigrazione e Norme sulla Condizione dello Straniero, Art. 29: http://www.cir-onlus.org/2018/12/17/decreto-legislativo-25-luglio-1998-n-286-testo-unico-delle-disposizioni-concernenti-la-disciplina-dellimmigrazione-e-norme-sulla-condizione-dello-straniero/ (IT)
IDP	7	f		Is residence status granted to stateless people revocable? If yes, on what grounds?	UNHCR (2014), Handbook on Protection of Stateless Persons : If an individual recognised as stateless subsequently acquires or reacquires the nationality of another State... he or she will cease to be stateless in terms of the 1954 Convention. This may justify the cancellation of a	Although reference to the withdrawal of residence status is not explicitly provided for stateless persons, by analogy, the same provisions as are in place for refugees apply.	Decreto legislativo 19 novembre 2007, n. 251 come modificato dal Decreto legislativo 21 febbraio 2014, n. 18, Attuazione della direttiva 2004/83/CE recante norme minime sull'attribuzione, a cittadini di Paesi terzi o apolidi, della qualifica del rifugiato o di persona altrimenti bisognosa di protezione internazionale, nonché norme minime sul contenuto della protezione riconosciuta testo in vigore dal: 19-1-2008:

					residence permit obtained on the basis of statelessness status, although proportionality considerations in relation to acquired rights and factors arising under international human rights law, such as the degree to which the individual has established a private and family life in the State, need to be taken into account.		https://www.unhcr.it/wp-content/uploads/2015/12/decreto_2014.pdf (IT)
IDP	7	g		Do people granted stateless status have permission to work?	<p>UN Convention Relating to the Status of Stateless Persons, 1954: The Contracting States shall accord to stateless persons lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to foreigners generally in the same circumstances, as regards the right to engage in wage-earning employment.</p> <p>UNHCR (2014), Handbook on Protection of Stateless Persons: Recognition of an individual as a stateless person under the 1954 Convention also triggers the “lawfully staying” rights, in addition to a right to residence. Thus, the right to work [...] must accompany a residence permit.</p>	Persons with recognised stateless status are granted permission to stay, which allows employment and self-employment on the basis of the relevant provisions in the 1954 Convention.	<p>Perin G., La Tutela degli apolidi in Italia, Scheda Pratica, June 2017: https://www.asgi.it/wp-content/uploads/2017/07/2017_scheda-apolidia.pdf (IT)</p> <p>Tavolo apolidia (coalition of civil society organisations in Italy working together to protect stateless people): https://tavoloapolidia.org/apolidia-italia/diritti/ (IT)</p>
IDP	7	h		Do people granted stateless status have access to primary education?	<p>UN Convention Relating to the Status of Stateless Persons, 1954: (Art. 22) The Contracting States shall accord to stateless persons the same treatment as is</p>	Yes.	Decreto Legislativo 25 Luglio 1998, N. 286, Testo Unico delle Disposizioni Concernenti la Disciplina dell’immigrazione e Norme sulla Condizione dello Straniero: http://www.cir-onlus.org/2018/12/17/decreto-legislativo-25-luglio-1998-n-286-testo-unico-delle-disposizioni-

					accorded to nationals with respect to elementary education.		concernenti-la-disciplina-dellimmigrazione-e-norme-sulla-condizione-dello-straniero/ (IT) The Constitution of the Italian Republic, Art. 34: http://www.quirinale.it/page/costituzione (ENG available)
IDP	7	i		Do people granted stateless status have access to secondary and higher education?	UN Convention Relating to the Status of Stateless Persons, 1954: (Art. 22) The Contracting States shall accord to stateless persons treatment as favourable as possible and, in any event, not less favourable than that accorded to foreigners generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.	Yes, in line with other lawful residents.	The Constitution of the Italian Republic, Art. 34: http://www.quirinale.it/page/costituzione (ENG available) 1954 Convention Paolo Farci, “Apolidia” Il diritto di famiglia e delle persone, Giuffrè editore, pag 324 e segg.
IDP	7	j		Do people granted stateless status have access to social welfare and healthcare?	UN Convention Relating to the Status of Stateless Persons, 1954: (Art. 23, 24) UNHCR (2014), Handbook on Protection of Stateless Persons: Recognition of an individual as a stateless person under the 1954 Convention also triggers the “lawfully staying” rights, in addition to a right to residence. Thus, the right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.	Yes, in line with other <i>lawfully resident</i> foreigners.	Decreto Legislativo 25 Luglio 1998, N. 286, Testo Unico delle Disposizioni Concernenti la Disciplina dell’immigrazione e Norme sulla Condizione dello Straniero: http://www.cir-onlus.org/2018/12/17/decreto-legislativo-25-luglio-1998-n-286-testo-unico-delle-disposizioni-concernenti-la-disciplina-dellimmigrazione-e-norme-sulla-condizione-dello-straniero/ (IT) Bianchini K., Protecting Stateless Persons: The Implementation of the Convention Relating to the Status of Stateless Persons Across Europe (Brill 2018), pp. 166-167

IDP	8	a	Access to citizenship	Are stateless people able to naturalise as citizens? In what timeframe?	<p>UN Convention Relating to the Status of Stateless Persons, 1954 (Art. 32): The Contracting States shall as far as possible facilitate the assimilation and naturalisation of stateless persons. They shall in particular make every effort to expedite naturalisation proceedings and to reduce as far as possible the charges and costs of such proceedings.</p> <p>UNHCR (Good Practices Paper 6): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. This may be achieved, e.g. by reducing or waiving residence, income and language requirements for applicants and by exempting them from fees or the obligation to provide documentary evidence.</p>	Persons with stateless status may apply for naturalisation after five years of uninterrupted lawful residence if other requirements are also met (i.e. income, good character, etc.)	<p>La Cittadinanza Italiana (website of the Italian Government): http://www.integrazionemigranti.gov.it/normativa/procedureitalia/Pagine/Cittadinanza.aspx (IT)</p> <p>LEGGE 5 febbraio 1992, n. 91, Nuove norme sulla cittadinanza, Legge 132/18, Art. 9(1)(e): http://www.cir-onlus.org/wp-content/uploads/2018/12/Legge-91_92-modificata-legge-132_18.pdf (IT)</p>
IDP	8	b		If stateless people can naturalise, are there accelerated naturalisation procedures (e.g. reduced qualification periods) which apply to stateless persons? If yes, please provide comparative	<p>UN Convention Relating to the Status of Stateless Persons, 1954 (Art. 32): as above.</p> <p>UNHCR (Good Practices Paper 6): as above.</p> <p>ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: ...the main benchmark is whether there is any preferential treatment for stateless persons as compared to the general rules applied to those with a foreign nationality...</p>	The lawful residence requirement for naturalisation is reduced from 10 years (non-EU citizens) to five years for applicants with recognised stateless status.	LEGGE 5 febbraio 1992, n. 91, Nuove norme sulla cittadinanza, Legge 132/18, Art. 9(1)(e): http://www.cir-onlus.org/wp-content/uploads/2018/12/Legge-91_92-modificata-legge-132_18.pdf (IT)

				timeframes for naturalisation in other situations.			
IDP	8	c		<p>Are previous criminal convictions a bar to naturalisation? If yes, please describe the requirement. Is there a good character clause (separate from criminal record requirement)? If yes, please describe.</p>	<p>Council of the European Union, Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness, December 2015: Each state should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory, and...: d) ensure that offences, when they are relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state. Human Rights Watch, Roma in the Czech Republic: Foreigners in their Own Land (1996): ... denying citizenship to previously convicted criminals effectively adds an additional, ex post facto punishment to the individual who committed a crime.</p>	<p>Yes, criminal records are grounds for exclusion from obtaining Italian citizenship. However, caselaw issued by the Council of State in 2014 established that citizenship cannot be denied only because the applicant has committed a crime. The new citizenship law introduces the possibility for revocation of citizenship in the event of a final sentence for the following crimes: terroristic acts; subversion of the constitutional order; subversive association; constitution, promotion or participation to armed groups; assistance and training of members of armed groups; assistance of members of subversive associations and of terroristic associations; misappropriation of properties and funds seized in order to prevent from financially supporting terroristic activities.</p>	<p>LEGGE 5 febbraio 1992, n. 91, Nuove norme sulla cittadinanza, Legge 132/18, Art. 6 & Art. 14(1)(e): http://www.cir-onlus.org/wp-content/uploads/2018/12/Legge-91_92-modificata-legge-132_18.pdf (IT)</p> <p>Sentenza n. 5544 del 11 novembre 2014 Consiglio di Stato: http://briguglio.asgi.it/immigrazione-e-asilo/2014/dicembre/sent-cds-5544-2014.pdf (IT)</p>
IDP	8	d		<p>Is there a citizenship/integration test?</p>	<p>ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: ...the main benchmark is whether there is any preferential treatment for stateless persons as compared to the general rules ...</p>	<p>Yes. The applicant must demonstrate a B1 level of Italian language and applicants who do not subscribe to the integration contract as provided by the Immigration Law or are not beneficiaries of a long-term EU residence permit must demonstrate the possession of a diploma issued or validated by the Minister of Education or by the Minister of Foreigner Affairs and Cooperation.</p>	<p>LEGGE 5 febbraio 1992, n. 91, Nuove norme sulla cittadinanza, Legge 132/18, Art. 9(1): http://www.cir-onlus.org/wp-content/uploads/2018/12/Legge-91_92-modificata-legge-132_18.pdf (IT)</p>

IDP	8	e		<p>Are there language requirement exemptions for stateless people?</p> <p>UNHCR (Good Practices Paper 6): It is...recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons...for example, by reducing or waiving residence, income and language requirements...and by exempting them from fees or the obligation to provide documentary evidence. Council of the European Union, Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness, December 2015: as above ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: as above.</p>	No (see above).	<p>LEGGE 5 febbraio 1992, n. 91, Nuove norme sulla cittadinanza, Legge 132/18, Art. 9(1): http://www.cir-onlus.org/wp-content/uploads/2018/12/Legge-91_92-modificata-legge-132_18.pdf (IT)</p>
IDP	8	f		<p>Are there income exemptions for stateless persons if a level of income is required for naturalisation?</p> <p>UNHCR (Good Practices Paper 6): as above.</p>	No.	<p>Guida Fisco, 'Cittadinanza Italiana: a chi Spetta, Requisiti e Come Richiederla?', 28 August 2018: https://www.guidafisco.it/cittadinanza-italiana-stranieri-richiesta-online-1293 (IT)</p>

Detention

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
DET	1	a	Detention screening	Are immigration detention powers provided for in law?	<p>ICCPR Art 9 (1): Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.</p> <p>ECHR Art 5 (1): Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:</p> <p>...(f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.</p>	<p>Yes, immigration detention is provided for in the Consolidated Immigration Act (TUI), which, although amended several times, constitutes the main legislation relevant to immigration detention. The last reforms were in Law 46/2017 and Law 132/2018. Law 132/2018 introduces an additional article for the detention of applicants for the purpose of identification and verification of nationality. There is a specific provision for the detention of asylum seekers Decree 142/2015.</p>	<p>Decreto Legislativo 25 Luglio 1998, n. 286, Testo Unico delle Disposizioni Concernenti la Disciplina dell'immigrazione e Norme sulla Condizione dello Straniero: http://www.cir-onlus.org/2018/12/17/decreto-legislativo-25-luglio-1998-n-286-testo-unico-delle-disposizioni-concernenti-la-disciplina-dellimmigrazione-e-norme-sulla-condizione-dello-straniero/ (IT)</p> <p>LEGGE 13 aprile 2017 n. 46 (GU n.90 del 18-4-2017), Disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonché per il contrasto all'immigrazione illegale: http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2017-04-13;46 (IT)</p> <p>DECRETO LEGISLATIVO 18 agosto 2015, n. 142, Attuazione della direttiva 2013/33/UE recante norme relative all'accoglienza dei richiedenti protezione internazionale, nonché della direttiva 2013/32/UE, recante procedure comuni ai fini del riconoscimento e della revoca dello status di protezione internazionale, (15G00158), Art. 6.8: http://www.cir-onlus.org/2018/12/19/decreto-legislativo-18-agosto-2015-n-142/ (IT)</p>

DET	1	b		Does domestic law allow immigration detention for purposes other than those allowed under ECHR 5(1)(f)?	ECHR Art 5 (1)(f)	<p>No, but in practice there are some violations of ECHR highlighted by caselaw (not necessarily referred to stateless people).</p> <p>Grand Chamber Judgment Khlaifia and Others v. Italy - holding of irregular migrants on Lampedusa and Palermo: http://hudoc.echr.coe.int/eng-press?i=003-5579738-7042078</p> <p>European Court of Human Rights, Migrants in detention, April 2018: https://www.echr.coe.int/Documents/FS_Migrants_detention_ENG.pdf</p> <p>Global Detention Project and Access Info Europe, THE UNCOUNTED: The Detention of Migrants and Asylum Seekers in Europe, December 2015: https://www.globaldetentionproject.org/the-uncounted-the-detention-of-migrants-and-asylum-seekers-in-europe</p> <p>Senato della Repubblica, Commissione Straordinaria per la Tutela e la Promozione dei Diritti Umani, Rapporto Sui Centri di Identificazione ed Espulsione in Italia, Jan 2017: https://www.senato.it/application/xmanager/projects/leg17/file/Cie%20rapporto%20aggiornato%20(2%20gennaio%202017).pdf (IT)</p> <p>ECRE in collaboration with CIR and others, Strengthening NGO involvement and capacities around EU 'hotspots': Update on the implementation of the hotspots in Greece and Italy, 2017: https://www.cir-onlus.org/2017/11/29/18134/</p> <p>ECRE in collaboration with CIR and others, The implementation of the hotspots in Italy and Greece: A study, December 2016:</p>
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							http://www.refworld.org/docid/584ad1734.html AIDA, ITALY, Country Report 2017, p. 103: http://www.asylumineurope.org/reports/country/italy
DET	1	c		Does a proposed country of removal need to be identified before a person is detained for the purpose of removal? Please describe the situation in law and in practice.	<u>ICCPR</u> Art 7: Repeated attempts to expel a person ... to a country that is refusing to admit the individual in question could amount to inhuman or degrading treatment. <u>ECHR</u> Art 5 (1)(f) <u>Auad v Bulgaria [2011] Application no 46390/10 (ECtHR)</u> : ...the only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant. <u>EU Returns Directive</u> : Any detention shall be for as short a period as possible and only maintained as long as removal arrangements are in progress and executed with due diligence. <u>ECRE, Point of No Return: The Futile Detention of Unreturnable Migrants, 2014</u> : Once un-returnability is established, migrants should not be detained.	There is no explicit provision in law on the obligation to identify the country of removal before a person is detained for the purpose of removal. Administrative immigration detention is subject to judicial review within 30 days from the first judicial validation for the detention. If it is necessary to ascertain the person's identity, nationality or to acquire travel documents the length of detention can be extended to further 30 days. The Police Headquarters Chief can ask the judge for an extension of detention up to 180 days if it is likely that the person can be identified or if preparation for removal requires more time. In practice, the identification of country of removal is not a condition to authorise detention and it is possible to be detained in order to be identified. Moreover, information acquired during interviews carried out in the detention centre in Rome (CPR) suggests that nationality information is provided initially by the detainee.	Decreto Legislativo 25 Luglio 1998, n. 286, Testo Unico delle Disposizioni Concernenti la Disciplina dell'immigrazione e Norme sulla Condizione dello Straniero, Art. 14: http://www.cir-onlus.org/2018/12/17/decreto-legislativo-25-luglio-1998-n-286-testo-unico-delle-disposizioni-concernenti-la-disciplina-dellimmigrazione-e-norme-sulla-condizione-dello-straniero/ (IT) LEGGE 1 dicembre 2018, n. 132, Conversione in legge, con modificazioni, del decreto-legge 4 ottobre 2018, n. 113, recante disposizioni urgenti in materia di protezione internazionale e immigrazione, sicurezza pubblica, ...etc. (18G00161) (GU Serie Generale n.281 del 03-12-2018): http://www.gazzettaufficiale.it/eli/id/2018/12/03/18G00161/sg (IT)
DET	1	d		Is statelessness a juridically relevant fact in any decision to detain (in practice and in law)? If so,	<u>Auad v Bulgaria [2011] Application no 46390/10 (ECtHR)</u> : as above. <u>Mikolenko v. Estonia, Application no. 10664/05, 8 October 2009 (ECtHR)</u> : Detention is justified as long as "deportation proceedings are being conducted" and these proceedings must be carried out with due diligence...	Yes, statelessness is juridically relevant in administrative immigration detention decisions because it affects the prospects of removability. Administrative detention cannot be applied to a recognised stateless person who is legally resident in the territory. If a person is at risk of statelessness, they are at risk of detention if lacking documents and/or a residence permit. In the Italian system, the	CIR, IN THE SUN, Survey on the phenomenon of statelessness among Roma communities living in Italy, February 2013, p. 52 (footnote 73): http://www.cir-onlus.org/wp-content/uploads/2018/07/in-the-sun_CIR_last-review_final.pdf Decreto Legislativo 25 Luglio 1998, n. 286, Testo Unico delle Disposizioni Concernenti la

				<p>at what point(s) is a risk of statelessness identified? Is referral to an SDP possible within the detention regime?</p>	<p>UNHCR (2014), Handbook on Protection of Stateless Persons: Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary... the absence of status determination procedures to verify identity or nationality can lead to prolonged or indefinite detention. SDPs are therefore an important mechanism to reduce the risk of prolonged and/or arbitrary detention.</p> <p>Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 13 – states must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights.</p> <p>International Commission of Jurists, Migration and International Human Rights Law: a Practitioner's Guide 2014: the detention of stateless persons can never be justified when there is 'no active or realistic progress towards transfer to another State'.</p>	<p>juridical position of a person at risk of statelessness is similar to that of an irregularly staying migrant. The authorities must verify the nationality of foreign nationals on arrival, during detention, and in the course of reviews of the lawfulness of detention. Referral to an SDP is possible in practice from detention but there is no specific mechanism or rule on this matter.</p>	<p>Disciplina dell'immigrazione e Norme sulla Condizione dello Straniero, Art. 14: http://www.cir-onlus.org/2018/12/17/decreto-legislativo-25-luglio-1998-n-286-testo-unico-delle-disposizioni-concernenti-la-disciplina-dellimmigrazione-e-norme-sulla-condizione-dello-straniero/ (IT)</p> <p>Consiglio Italiano per i Rifugiati (CIR) practice</p>
DET	1	e		<p>Are stateless people detained in practice? Please provide figures and source of information if available.</p>	<p>As above.</p>	<p>Yes, people at risk of statelessness can be detained in practice as a direct consequence of their lack of documents and their irregular status in Italy. Although no official data is published on the detention of stateless people, the Human Rights Committee of the Italian Senate in 2017 noted the detention of a number of people at risk of statelessness, many from Roma communities living in Italy for many years. There is also a 2015 judgement concerning a woman with five children detained in a pre-removal centre despite it</p>	<p>Senato della Repubblica, Commissione Straordinaria per la Tutela e la Promozione dei Diritti Umani, Rapporto Sui Centri di Identificazione ed Espulsione in Italia, Jan 2017: https://www.senato.it/application/xmanager/projects/leg17/file/Cie%20rapporto%20aggiornato%20(2%20gennaio%202017).pdf (IT)</p> <p>Decreto Legislativo 25 Luglio 1998, n. 286, Testo Unico delle Disposizioni Concernenti la Disciplina dell'immigrazione e Norme sulla</p>

						<p>being clear that repatriation was impossible because of the impossibility to identify a 'country of origin'. The judge ruled in favour of the family, reasoning that in the absence of the actual possibility to be removed, detention in pre-removal centres is illegal.</p>	<p>Condizione dello Straniero, Art. 14: http://www.cir-onlus.org/2018/12/17/decreto-legislativo-25-luglio-1998-n-286-testo-unico-delle-disposizioni-concernenti-la-disciplina-dellimmigrazione-e-norme-sulla-condizione-dello-straniero/ (IT)</p> <p>ASGI, Cassazione: se mancano le prospettive di rimpatrio, il trattenimento nel CIE è illegittimo (Cass.civ.sez. VI, ord. 7.7.2015, n. 19201): https://www.asgi.it/notizie/cassazione-apolidia-se-mancano-le-prospettive-di-rimpatrio-il-trattenimento-e-illegittimo/ (IT)</p> <p>ASGI, Out of limbo: Verso uno status legale per le persone rom prive di documenti, apolidi o a rischio di apolidia, maggio 2015: https://www.asgi.it/wp-content/uploads/2014/04/Rapporto-OUT-OF-LIMBO_def.pdf (IT)</p>
DET	1	f		Does law (and/or policy) provide that immigration detention should be used only as a last resort, after all alternatives to detention have been exhausted?	<p>UNHCR (2014), Handbook on Protection of Stateless Persons: Detention is therefore a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient to safeguard the lawful governmental objective pursued by detention.</p> <p>EU Returns Directive: Art 15(1) Unless other sufficient but less coercive measures can be applied effectively in a specific case, Member States may only keep in detention a third-country national who is the subject of return procedures in order to prepare the return and/or carry out the removal process.</p>	<p>The principle of the state being obliged to consider all less coercive measures prior to issuing a decision to detain is not clearly laid down in law.</p>	<p>Decreto Legislativo 25 Luglio 1998, n. 286, Testo Unico delle Disposizioni Concernenti la Disciplina dell'immigrazione e Norme sulla Condizione dello Straniero: http://www.cir-onlus.org/2018/12/17/decreto-legislativo-25-luglio-1998-n-286-testo-unico-delle-disposizioni-concernenti-la-disciplina-dellimmigrazione-e-norme-sulla-condizione-dello-straniero/ (IT)</p>

DET	1	g		<p>Are individual vulnerability assessments carried out before a decision to detain (or shortly thereafter), and are stateless persons defined as a vulnerable group?</p>	<p>ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless persons are not understood and addressed...</p> <p>EU Returns Directive: Art 16(3) Particular attention shall be paid to the situation of vulnerable persons...</p> <p>Council of the European Union Guidelines to Promote and Protect the Enjoyment of All Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons 2013: European entities should assess the situation of LGBTI persons in detention...</p>	<p>According to the Reception Decree (as amended) vulnerable persons cannot be detained in pre-removal centres (CPR). Both the Procedure and Reception Decrees define as vulnerable: minors, unaccompanied minors, pregnant women, single parents with minor children, victims of trafficking, disabled, elderly people, persons affected by serious illness or mental disorders, persons for whom it has been proved they have experienced torture, rape or other serious forms of psychological, physical or sexual violence, victims of genital mutilation. In practice, the experience of CIR is that the only vulnerabilities considered in practice are victims of human trafficking, drug addiction, and mental ill-health. Stateless people are not considered <i>per se</i> as vulnerable.</p>	<p>DECRETO LEGISLATIVO 18 agosto 2015, n. 142, Attuazione della direttiva 2013/33/UE recante norme relative all'accoglienza dei richiedenti protezione internazionale, nonché della direttiva 2013/32/UE, recante procedure comuni ai fini del riconoscimento e della revoca dello status di protezione internazionale, (15G00158), Art. 7(5): http://www.cir-onlus.org/2018/12/19/decreto-legislativo-18-agosto-2015-n-142/ (IT)</p> <p>LEGGE 1 dicembre 2018, n. 132, Conversione in legge, con modificazioni, del decreto-legge 4 ottobre 2018, n. 113, recante disposizioni urgenti in materia di protezione internazionale e immigrazione, sicurezza pubblica, ...etc. (18G00161) (GU Serie Generale n.281 del 03-12-2018): http://www.gazzettaufficiale.it/eli/id/2018/12/03/18G00161/sg (IT)</p> <p>Decreto Legislativo 28 gennaio 2008, n. 25, Attuazione della direttiva 2005/85/CE recante norme minime per le procedure applicate negli Stati membri ai fini del riconoscimento e della revoca dello status di rifugiato, Art. 2(1)(h-bis): http://www.cir-onlus.org/2018/12/19/decreto-legislativo-28-gennaio-2008-n-25/ (IT)</p> <p>DECRETO-LEGGE 17 febbraio 2017, n. 13 Disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonché per il contrasto dell'immigrazione illegale: http://www.normattiva.it/uri-</p>
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							res/N2Ls?urn:nir:stato:decreto.legge:2017-02-17;13 (IT) As converted into, LEGGE 13 aprile 2017 n. 46 (GU n.90 del 18-4-2017), Disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonché per il contrasto all'immigrazione illegale: http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2017-04-13;46 (IT) De Donato M., and. Di Rado D, (CIR), AIDA Country Report: Italy, ECRE, December 2015: http://www.asylumineurope.org/reports/country/italy Senato della Repubblica, Commissione Straordinaria per la Tutela e la Promozione dei Diritti Umani, Rapporto Sui Centri di Identificazione ed Espulsione in Italia, Jan 2017: https://www.senato.it/application/xmanager/projects/leg17/file/Cie%20rapporto%20aggiornato%20(2%20gennaio%202017).pdf (IT) Regolamento recante criteri per l'organizzazione e la gestione dei CIE, Nota del Ministro dell'Interno del 20 ottobre 2014: http://www.meltingpot.org/Regolamento-recante-criteri-per-l-organizzazione-e-la.html#.WzuZLNuZbIU (IT)
DET	2	a	Alternatives to immigration detention	Does the country have alternatives to detention which individuals are considered for	ICCPR Art 9 FKAG v Australia (HRC) : Any decision relating to detention must take into account less invasive means of achieving the same ends... UN General Assembly Resolution on the protection of migrants 63/184 2009 :	Alternatives to detention are set in law. The Consolidated Immigration Act (TUI) states that a foreign national notified with an expulsion order, may ask the Prefecture for the possibility to benefit from voluntary departure if:	DECRETO-LEGGE 23 giugno 2011, n. 89, Disposizioni urgenti per il completamento dell'attuazione della direttiva 2004/38/CE sulla libera circolazione dei cittadini comunitari e per il recepimento della direttiva 2008/115/CE sul rimpatrio dei cittadini di Paesi terzi irregolari, (11G0128) (GU n.144 del 23-6-

				<p>prior to any decision to detain? Are alternatives to detention established in law? Are they subject to a statutory time limit and proportionality test?</p>	<p>Calls upon all States ... to adopt, where applicable, alternative measures to detention. UNHCR (2014), Handbook on Protection of Stateless Persons: Detention...can only be justified where other less invasive or coercive measures have been considered and found insufficient... UNHCR (2012), Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention : alternatives to detention refers to any legislation, policy or practice that allows asylum-seekers to reside in the community subject to a number of conditions or restrictions on their freedom of movement and since they can involve restrictions on movement of liberty they are bound by human right standards. Human Rights Council (HRC), Report of the Special Rapporteur on the human rights of migrants, François Crépeau (2012) A/HRC/20/24: Alternatives to detention should not become alternatives to unconditional release [...] the obligation to always consider alternatives to detention (non-custodial measures) before resorting to detention should be established by law. Council of Europe (2005), Twenty Guidelines of the Committee of Ministers of Europe on Forced Return: After a careful examination of the necessity of deprivation of liberty in each individual case, the authorities...have concluded that</p>	<ol style="list-style-type: none"> 1. No expulsion order for state security and public order grounds has been issued against them; 2. There is no risk of absconding; 3. The request of permit to stay has not been rejected as manifestly unfounded or fraudulent. <p>If the prefecture authorises voluntary departure, the Chief of Police Headquarters applies one or more of the following measures:</p> <ol style="list-style-type: none"> a) handing over a valid national passport or an equivalent document; b) residing at a specific domicile; c) reporting to the police. <p>The timeline for voluntary departure is from 7 to 30 days, which can be prolonged in specific circumstances and on a case by case basis (e.g. family related-needs).</p>	<p>2011): http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto-legge:2011;89 (IT)</p> <p>Decreto Legislativo 25 Luglio 1998, n. 286, Testo Unico delle Disposizioni Concernenti la Disciplina dell'immigrazione e Norme sulla Condizione dello Straniero, Art. 13(5): http://www.cir-onlus.org/2018/12/17/decreto-legislativo-25-luglio-1998-n-286-testo-unico-delle-disposizioni-concernenti-la-disciplina-dellimmigrazione-e-norme-sulla-condizione-dello-straniero/ (IT)</p> <p>ASGI, AIDA, ITALY, Country Report 2017, p. 103: http://www.asylumineurope.org/reports/country/italy</p>
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					<p>compliance with the removal order cannot be ensured as effectively by resorting to non-custodial measures ...</p> <p>EU Returns Directive: Art 15(1) Unless other sufficient but less coercive measures can be applied effectively in a specific case, Member States may only keep in detention a third-country national who is the subject of return procedures in order to prepare the return and/or carry out the removal process.</p> <p>Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: (31) ...states have an obligation in the first instance to consider and apply appropriate and viable alternatives to immigration detention that are less coercive and intrusive...</p> <p>International Detention Coalition (2015), There Are Alternatives: A handbook for preventing unnecessary immigration detention (revised edition): immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>		
DET	2	b		Is there evidence that immigration detention is used in practice prior to all alternatives being considered?	As above.	Yes, there are reports confirming that in practice immigration detention is used prior to alternatives to detention.	<p>Denise Venturi, The Grand Chamber's ruling in <i>Khlaifia and Others v Italy</i>: one step forward, one step back?, Strasbourg Observers, 10 January 2017</p> <p>Senato della Repubblica, Commissione Straordinaria per la Tutela e la Promozione dei Diritti Umani, Rapporto Sui Centri di Identificazione ed Espulsione in Italia, Jan 2017:</p>

				Please cite relevant reports.			https://www.senato.it/application/xmanager/projects/leg17/file/Cie%20rapporto%20aggiornato%20(2%20gennaio%202017).pdf (IT)
DET	3	a	Procedural safeguards	<p>Is there a maximum time period for immigration detention set in law? What is it?</p>	<p>UN Human Rights Council (HRC) (2010), Report of the UN Working Group on Arbitrary Detention to the Human Rights Council, 13th Session, A/HRC/13/30: a maximum period of detention must be established by law and upon expiry ...the detainee must be automatically released.</p> <p>UNHCR (2012), Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention : to guard against arbitrariness, maximum periods of detention should be set in national law.</p> <p>EU Returns Directive:http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:en:PDF</p> <p>Art 15(5) Each Member State shall set a limited period of detention ...</p> <p>ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: It is desirable that states clearly specify a reasonable maximum time limit.</p> <p>Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 39: Detention should always be for the shortest time possible. There should be</p>	<p>Yes, there is. The maximum length of pre-removal detention under the Consolidated Immigration Act is 180 days. For asylum seekers in pre-removal centres (under the Reception Decree), the time limit is 12 months.</p>	<p>https://www.globaldetentionproject.org/immigration-detention-in-italy-2</p> <p>Global Detention Project, Italy Immigration Detention Profile, January 2018:</p> <p>https://www.globaldetentionproject.org/immigration-detention-in-italy-2</p> <p>Decreto Legislativo 25 Luglio 1998, n. 286, Testo Unico delle Disposizioni Concernenti la Disciplina dell'immigrazione e Norme sulla Condizione dello Straniero, Art. 14(5): http://www.cir-onlus.org/2018/12/17/decreto-legislativo-25-luglio-1998-n-286-testo-unico-delle-disposizioni-concernenti-la-disciplina-dellimmigrazione-e-norme-sulla-condizione-dello-straniero/ (IT)</p> <p>LEGGE 1 dicembre 2018, n. 132, Conversione in legge, con modificazioni, del decreto-legge 4 ottobre 2018, n. 113, recante disposizioni urgenti in materia di protezione internazionale e immigrazione, sicurezza pubblica, ...etc. (18G00161) (GU Serie Generale n.281 del 03-12-2018): http://www.gazzettaufficiale.it/eli/id/2018/12/03/18G00161/sg (IT)</p> <p>DECRETO LEGISLATIVO 18 agosto 2015, n. 142, Attuazione della direttiva 2013/33/UE recante norme relative all'accoglienza dei richiedenti protezione internazionale, nonché della direttiva 2013/32/UE, recante procedure comuni ai fini del riconoscimento e della revoca dello status di protezione internazionale, (15G00158), Art. 6.8: http://www.cir-</p>

					a reasonable maximum time-limit for detention...		onlus.org/2018/12/19/decreto-legislativo-18-agosto-2015-n-142/ (IT)
DET	3	b		<p>Does law/policy provide that individuals must be informed in writing of the reasons for immigration detention?</p> <p>Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?</p>	<ul style="list-style-type: none"> • UN General Assembly (UNGA) (1988), Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Resolution A/RES/43/173: Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him. • EU Returns Directive: Detention shall be ordered in writing with reasons being given in fact and in law. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 37: Stateless detainees shall receive their order of detention in writing and in a language they understand, and this must outline the reasons for their detention... Detainees must be informed of their rights... • International Commission of Jurists (ICJ) (2014), Migration and International Human Rights Law: a Practitioner's Guide (updated edition): The authorities are required to ...ensure that sufficient information is available to detained persons in a language they understand, regarding the nature of their detention, the reasons for it, the process for reviewing or challenging the decision to detain. 	<p>Yes. Under the Consolidated Immigration Act, the expulsion must contain the reasons for detention and remedies. The order is delivered in writing in a language the person understands or French, English or Spanish. It also provides for legal aid to appeal against an expulsion order. There is no reference to an SDP for detainees. The administrative immigration detention centre regulations provide for an obligation to inform all detainees of their rights and duties in an understandable language, and a list of lawyers.</p>	<p>Decreto Legislativo 25 Luglio 1998, n. 286, Testo Unico delle Disposizioni Concernenti la Disciplina dell'immigrazione e Norme sulla Condizione dello Straniero, Art. 13: http://www.cir-onlus.org/2018/12/17/decreto-legislativo-25-luglio-1998-n-286-testo-unico-delle-disposizioni-concernenti-la-disciplina-dellimmigrazione-e-norme-sulla-condizione-dello-straniero/ (IT)</p> <p>Criteri per l'organizzazione e la gestione dei Centri di identificazione ed Espulsione di cui all'art 14 del TU 286/98 e successive modificazioni, Ministero dell'Interno, 20/10/2014, Art. 2: http://www.meltingpot.org/IMG/pdf/2014_12_02_regolamento_cie.pdf (IT)</p>
DET	3	c		Are there regular periodic	EU Returns Directive : Any detention shall ... only be maintained as long as	Regular periodic reviews are provided for in the Consolidated Immigration Act. The first validation (judicial check) is made by the Judge	Decreto Legislativo 25 Luglio 1998, n. 286, Testo Unico delle Disposizioni Concernenti la Disciplina dell'immigrazione e Norme sulla

				<p>reviews of the necessity for the continuation of detention before a court or an independent body? If yes, are detainees released when it becomes evident that their removal will not be possible within a reasonable time?</p>	<p>removal arrangements are in progress and executed with due diligence. Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): ...the only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant... the length of the detention should not exceed that reasonably required for the purpose pursued. Kim v Russia [2014] Application no 44260/13 (ECtHR): The purpose of Art 5(4) ECHR is to guarantee to persons who are arrested and detained the right to judicial supervision of the lawfulness of the measure... A. v. Australia, CCPR/C/59/D/560/1993, (HRC): Decisions to detain should be open to review periodically... Saïd Shamilovich Kadzoev v Direktsia Migratsia' pri Ministerstvo na vnatreshniteraboti [2009] Case C-357/09 (ECJ): There must, at the time of the national Court's review of the lawfulness of detention, be a real prospect that the removal can be carried out successfully. Council of Europe (2005), Twenty Guidelines of the Committee of Ministers of Europe on Forced Return: Detention pending removal shall be justified only for as long as removal arrangements are in progress. Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 41: To avoid arbitrariness, detention should be subject to automatic, regular and</p>	<p>of Peace within 96 hours of issuing the expulsion order. The subsequent validation (judicial check) takes place if the Chief of the Police Headquarters asks for an extension of the detention. The second validation made by the Judge, takes place after 30 days. Additional validations are possible but within a maximum detention length of 180 days.</p>	<p>Condizione dello Straniero, Art. 14: http://www.cir-onlus.org/2018/12/17/decreto-legislativo-25-luglio-1998-n-286-testo-unico-delle-disposizioni-concernenti-la-disciplina-dellimmigrazione-e-norme-sulla-condizione-dello-straniero/ (IT)</p>
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					periodic review throughout the period of detention, before a judicial body independent of the detaining authorities.		
DET	3	d		What remedies are available to an individual to challenge detention? How often can these be invoked? Are there any obstacles in practice?	<p>ICCPR Art 9(4): Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court...</p> <p>ECHR: Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court....</p> <p>Kim v Russia [2014] Application no 44260/13 (ECtHR): the purpose of Art 5(4) ECHR is to guarantee to persons who are arrested and detained the right to judicial supervision of the lawfulness of the measure...</p>	Detainees can appeal to the Court of Cassation against the “validation” (judicial check) order and the appeal does not have suspensive effect. An appeal can be lodged against each validation during the period of detention.	<p>Decreto Legislativo 25 Luglio 1998, n. 286, Testo Unico delle Disposizioni Concernenti la Disciplina dell’immigrazione e Norme sulla Condizione dello Straniero, Art. 14(6): http://www.cir-onlus.org/2018/12/17/decreto-legislativo-25-luglio-1998-n-286-testo-unico-delle-disposizioni-concernenti-la-disciplina-dellimmigrazione-e-norme-sulla-condizione-dello-straniero/ (IT)</p> <p>Global Detention Project, Italy Immigration Detention Profile, January 2018: https://www.globaldetentionproject.org/immigration-detention-in-italy-2</p>
DET	3	e		Are there rules/guidance in place that govern the process of re-documentation and/or ascertaining entitlement to nationality for the purpose of removal? Do these articulate the respective roles that state and individual are	<p>Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): The only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant.</p> <p>Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation.</p> <p>ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality...</p>	Not to our knowledge.	Consiglio Italiano per i Rifugiati (CIR) practice

				expected to play? Are there time limits clearly set out? Are the outcomes considered relevant for subsequent determination of statelessness?	ECRE, Point of No Return: The Futile Detention of Unreturnable Migrants, 2014 : Once un-returnability is established, migrants should not be detained.		
DET	3	f		Is free legal aid available to challenge detention? Are there any barriers to accessing this in practice?	UNHCR (2014), Handbook on Protection of Stateless Persons : Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means. EU Returns Directive : Art 13(3) The third-country national concerned shall have the possibility to obtain legal advice, representation and, where necessary, linguistic assistance.	The right to legal aid is provided by law, however, in practice, some lawyers have reported that it is difficult to contact clients in detention.	Decreto Legislativo 25 Luglio 1998, n. 286, Testo Unico delle Disposizioni Concernenti la Disciplina dell'immigrazione e Norme sulla Condizione dello Straniero, Art. 14(4): http://www.cir-onlus.org/2018/12/17/decreto-legislativo-25-luglio-1998-n-286-testo-unico-delle-disposizioni-concernenti-la-disciplina-dellimmigrazione-e-norme-sulla-condizione-dello-straniero/ (IT) Consiglio Italiano per i Rifugiati (CIR) practice

DET	4	a	Protections on release	<p>Are those released from detention issued with any identification, including confirmation of their stateless status, and thus protected from arbitrary re-detention?</p> <p>UN Convention Relating to the Status of Stateless Persons, 1954: Art 27 UNHCR (2014), Handbook on Protection of Stateless Persons: ...being undocumented or lacking the necessary immigration permits cannot be used as a general justification for detention... ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: ...state parties to the 1954 Convention have an obligation to provide stay rights to stateless persons who have been released from detention. Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guidelines 55 & 56: Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	<p>People who are released from detention without any identification or confirmation of their statelessness do not have any guarantee against re-detention and are not routinely issued with documentation.</p>	<p>Consiglio Italiano per i Rifugiati (CIR) practice</p>
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DET	4	b		<p>If the purpose of detention cannot be fulfilled (e.g. removal) and the person is released, what legal status is provided to them by law? Can they access social security accommodation, education and healthcare? Do they have the right to work?</p>	<p>Saïd Shamilovich Kadzoev v Direktsia Migratsia' pri Ministerstvo na vatreshnite raboti [2009] Case C-357/09 (ECJ): Article 15(4) and (6) of the Directive should be interpreted as requiring that after the maximum period of detention has expired, the person must be released immediately... the individual's lack of valid documentation, his/her inability to support him/herself or his/her "aggressive conduct" should not be a deterrent to his/her release. Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 55 as above.</p>	<p>Generally, the person is released with an expulsion order. In the absence of legal status, they have only basic rights including access to medical care.</p>	<p>Decreto Legislativo 25 Luglio 1998, n. 286, Testo Unico delle Disposizioni Concernenti la Disciplina dell'immigrazione e Norme sulla Condizione dello Straniero: http://www.cir-onlus.org/2018/12/17/decreto-legislativo-25-luglio-1998-n-286-testo-unico-delle-disposizioni-concernenti-la-disciplina-dellimmigrazione-e-norme-sulla-condizione-dello-straniero/ (IT)</p>
DET	4	c		<p>If re-detention does occur, is the cumulative time spent in detention counted towards any maximum time limits?</p>	<p>Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 40: When calculating the total time spent by an individual in detention, it is highly desirable that time spent in detention on previous occasions is taken into consideration.</p>	<p>No.</p>	<p>Decreto Legislativo 25 Luglio 1998, n. 286, Testo Unico delle Disposizioni Concernenti la Disciplina dell'immigrazione e Norme sulla Condizione dello Straniero: http://www.cir-onlus.org/2018/12/17/decreto-legislativo-25-luglio-1998-n-286-testo-unico-delle-disposizioni-concernenti-la-disciplina-dellimmigrazione-e-norme-sulla-condizione-dello-straniero/ (IT)</p>
DET	5	a	Return & readmission agreements	<p>Is statelessness considered a juridically relevant fact in any</p>	<p>UNHCR (2014), Handbook on Protection of Stateless Persons: Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.</p>	<p>No information is available on the content of bilateral return or readmission agreements.</p>	<p>Consiglio Italiano per i Rifugiati (CIR) practice</p>

				readmission and/or bilateral return agreements?			
DET	5	b		Are you aware of cases of stateless people being returned under such agreements?		Not to our knowledge.	Consiglio Italiano per i Rifugiati (CIR) practice

Prevention and Reduction

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
PRS	1	a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to be granted nationality?	<p>UN Convention on the Reduction of Statelessness, 1961: A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless...</p> <p>European Convention on Nationality, 1997: Each State Party shall provide in its internal law for its nationality to be acquired by children born on its territory who do not acquire at birth another nationality...</p> <p>Convention on the Rights of the Child 1989: The child shall have... the right to acquire a nationality... States Parties shall ensure the implementation of these rights...in particular where the child would otherwise be stateless... States Parties undertake to respect the right of the child to preserve his or her identity, including nationality...</p> <p>Genovese v. Malta (ECtHR) Application No. 53124/09, 11 October 2011</p>	<p>In the Italian system, citizenship is regulated by Law 91/1992 and implementing decrees 572/1993 and 362/1994. Generally, the acquisition of citizenship is based on the <i>jus sanguinis</i> principle. The criterion of <i>jus soli</i> is applied exclusively in a residual manner. An Italian citizen at birth is anyone “(...) <i>who is born on the territory of the Republic if both parents are unknown or stateless, or if the child does not follow the citizenship of his/her parents in accordance with the laws of their State of origin</i>”. In practice, children born in Italy to stateless parents acquire citizenship:</p> <ol style="list-style-type: none"> 1. When both parents are unknown or recognised as stateless by law; 2. When under the law of the parents’ country of origin, children born abroad do not acquire their parents’ nationality (e.g. because <i>ius soli</i> is applied). <p>Italian Nationality is also recognised at birth to a child found on the Italian territory, whose parents are both unknown. However, a further requirement must be fulfilled in that “<i>it has not been proven [that the person concerned] possesses any other citizenship</i>”.</p>	<p>LEGGE 5 febbraio 1992, n. 91, Nuove norme sulla cittadinanza, modificata dalla Legge 132/18, Arts. 1(1)(b) & (2): http://www.cir-onlus.org/wp-content/uploads/2018/12/Legge-91_92-modificata-legge-132_18.pdf (IT)</p> <p>DECRETO DEL PRESIDENTE DELLA REPUBBLICA 12 ottobre 1993, n. 572 Regolamento di esecuzione della legge 5 febbraio 1992, n. 91, recante nuove norme sulla cittadinanza. (GU Serie Generale n.2 del 04-01-1994): https://www.refworld.org/docid/46b84a1f2.html (IT)</p> <p>Decreto del Presidente della Repubblica di 18 aprile 1994, n. 362, Regolamento recante disciplina dei procedimenti di acquisto della cittadinanza italiana, G.U. No. 136, June 13, 1994, https://perma.cc/ZF3K-U6XM (IT)</p> <p>Ministry of the Interior, Circular K.60.1 of 5 Jan 2007; Circular N.22/07 of 7 Nov 2007; Circular N.9 of 7 Aug 2009.</p> <p>CIR-ENS, Ending Childhood Statelessness: A study on Italy, Working paper 07/15, June 2015: https://www.statelessness.eu/resource/s/ending-childhood-statelessness-study-italy</p>

PRS	1	b	Is the provision for stateless children to access nationality automatic or non-automatic (i.e. by application)?	<p>UNHCR Guidelines on Statelessness #4 2012: Article 1 of the 1961 Convention provides Contracting States with two alternatives ...for granting nationality to children who would otherwise be stateless born in their territory...either...automatic acquisition ...upon birth pursuant to Article 1(1)(a), or ...upon application pursuant to Article 1(1)(b) ...</p> <p>ENS (2015), No Child Should Be Stateless: Article 1 of the 1961 Convention and article 6(2) of the ECN ... oblige the conferral of nationality to children born on the territory if they would otherwise be stateless ... The ...optimal method ...is to grant nationality to otherwise stateless children automatically, at birth.</p>	It is automatic by law, but non-automatic in practice. Italian law states that children born in Italy obtain Italian citizenship at birth by operation of the law when born to stateless parents or to parents who cannot transmit their nationality according to the law of their country of origin. However, in practice, parents must provide relevant supporting documents to the municipal Citizenship Office for their children to obtain Italian nationality (e.g. in the case of a child born in Italy to Cuban parents (where jus soli applies), parents are often requested to provide a declaration from the Cuban Embassy to confirm this).	<p>LEGGE 5 febbraio 1992, n. 91, Nuove norme sulla cittadinanza, modificata dalla Legge 132/18, Art. 1(1)(b): http://www.cir-onlus.org/wp-content/uploads/2018/12/Legge-91_92-modificata-legge-132_18.pdf (IT)</p> <p>CIR-ENS, Ending Childhood Statelessness: A study on Italy, Working paper 07/15, June 2015: https://www.statelessness.eu/resources/ending-childhood-statelessness-study-italy</p>
PRS	1	c	Is it a requirement that the parents are also stateless for the child to acquire the nationality of the host state?	<p>UNHCR Guidelines on Statelessness #4 2012: The test is whether a child is stateless because he or she acquires neither the nationality of his or her parents nor that of the State of his or her birth; it is not an inquiry into whether a child's parents are stateless.</p> <p>ENS (2015), No Child Should Be Stateless: Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the child's parent(s) do hold a nationality themselves, but are unable to pass this on...</p>	No.	<p>LEGGE 5 febbraio 1992, n. 91, Nuove norme sulla cittadinanza, modificata dalla Legge 132/18, Art. 1(1)(b): http://www.cir-onlus.org/wp-content/uploads/2018/12/Legge-91_92-modificata-legge-132_18.pdf (IT)</p>
PRS	1	d	Are children born stateless required to prove they cannot access another	<p>UNHCR Guidelines on Statelessness #4 2012: A Contracting State to the 1961 Convention cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless...based on its own interpretation of another State's</p>	The provision is automatic in law, but in practice parents must provide relevant supporting document. At the registration of birth, parents are required to provide a declaration of birth and an identification document (e.g. a permit to stay or a passport).	<p>LEGGE 5 febbraio 1992, n. 91, Nuove norme sulla cittadinanza, modificata dalla Legge 132/18, Art. 1(1)(b): http://www.cir-onlus.org/wp-content/uploads/2018/12/Legge-91_92-modificata-legge-132_18.pdf (IT)</p>

				<p>nationality to acquire nationality of the country of birth? If yes, please describe the requirement e.g. what is the standard and burden of proof, and how this is determined in practice?</p>	<p>nationality laws where this conflicts with the interpretation applied by the State concerned... the burden of proof must be shared between the claimant and the authorities... decision makers need to take into account Articles 3 and 7 of the CRC and adopt an appropriate standard of proof... Special procedural considerations to address the acute challenges faced by children... in communicating basic facts with respect to their nationality are to be respected.</p>	<p>Documentation can be substituted by two witnesses in the case of undocumented migrants. In this situation, the child is registered with the nationality of their parents based on their alleged origin. In the case of statelessness, undetermined or uncertain nationality (e.g. Roma people facing problems acquiring evidence from their 'country of origin'), or parents who cannot transmit their citizenship due to the law in their country of nationality, they must be proactive in filing a request and supporting it with relevant documentation for the acquisition of Italian nationality at birth to the municipal Citizenship Office. Practice shows for example that parents are required to provide a declaration by their country of origin stating that the child is not a national under domestic law. When the evidence is seemed insufficient, the child will not be granted Italian nationality, even if they don't acquire another nationality.</p>	<p>CIR-ENS, Ending Childhood Statelessness: A study on Italy, Working paper 07/15, June 2015: https://www.statelessness.eu/resources/ending-childhood-statelessness-study-italy</p>
PRS	1	e		<p>Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, what is it? Must this be legal and/or permanent residence?</p>	<p>UN Convention on the Reduction of Statelessness, 1961: A Contracting State may make the grant of its nationality...subject to one or more of the following conditions: ...b) that the person concerned has habitually resided in the territory ... for such period...not exceeding five years immediately preceding the ... application nor ten years in all. UNHCR Guidelines on Statelessness #4 2012: States may stipulate that an individual who would otherwise be stateless born in its territory fulfils a period of "habitual residence". This period is not to exceed five years immediately preceding an application</p>	<p>No, but there is a further safeguard in law based on residence without interruption until the age of majority for otherwise stateless children who, albeit born on Italian territory, do not obtain Italian citizenship at birth under Art. 1 Law 91/92.</p>	<p>LEGGE 5 febbraio 1992, n. 91, Nuove norme sulla cittadinanza, modificata dalla Legge 132/18, Art. 1(1)(b): http://www.cir-onlus.org/wp-content/uploads/2018/12/Legge-91_92-modificata-legge-132_18.pdf (IT)</p> <p>DECRETO DEL PRESIDENTE DELLA REPUBBLICA 12 ottobre 1993, n. 572 Regolamento di esecuzione della legge 5 febbraio 1992, n. 91, recante nuove norme sulla cittadinanza. (GU Serie Generale n.2 del 04-01-1994): https://www.refworld.org/docid/46b84a1f2.html (IT)</p>

					<p>nor ten years in all...The term “habitual residence” is ...to be understood as stable, factual residence. It does not imply a legal or formal residence requirement.</p> <p>Convention on the Rights of the Child 1989: Arts 3 & 7</p> <p>Committee on the Rights of the Child, Concluding observations on the 4th periodic report of the Netherlands CRC/C/NDL/CO/4, 2015: The Committee recommends that the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to citizenship without any conditions.</p> <p>European Convention on Nationality, 1997: Article 6 (2)(b) ... Such an application may be made subject to the lawful and habitual residence on its territory for a period not exceeding five years....</p>		<p>Testo del decreto-legge 21 giugno 2013, n. 69 (in S.O. n. 50/L alla Gazzetta Ufficiale - Serie generale - n. 144 del 21 giugno 2013), coordinato con la legge di conversione 9 agosto 2013, n. 98 (in questo stesso S.O. alla pag. 1), recante: «Disposizioni urgenti per il rilancio dell'economia». (13A07086) (GU Serie Generale n.194 del 20-08-2013 - Suppl. Ordinario n. 63), (known as ‘Decreto del Fare’):</p> <p>http://www.gazzettaufficiale.it/eli/id/2013/08/20/13A07086/sg (IT)</p>
PRS	1	f		<p>Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, what is it? Must this be legal and/or permanent residence?</p>	<p>Committee on the Rights of the Child, Concluding Observations Czech Republic CRC/C/CZE/CO/3-4, 2011: The outcome of an application...by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State...</p> <p>ENS (2015), No Child Should Be Stateless: Demanding that the child or his/her parents reside lawfully on the territory is... prohibited by the 1961 Convention....</p>	No.	

PRS	1	g		<p>What are the age limits, if any, for making an application for nationality for a stateless person born on the territory?</p>	<p>UN Convention on the Reduction of Statelessness, 1961: A Contracting State may make the grant of its nationality...subject to one or more of the following conditions: (a) that the application is lodged during a period... beginning not later than at the age of 18 years and ending not earlier than at the age of 21 years...</p> <p>UNHCR Guidelines on Statelessness #4 2012: ...Contracting States ...need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21...</p> <p>ENS (2015), No Child Should Be Stateless: ...any application procedure which only becomes available in late childhood or even upon reaching majority is particularly problematic [...] closing the window of opportunity to apply for a nationality ... has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child...</p>	<p>In addition to situations where nationality is granted at birth, Italian legislation provides another mode of acquisition of nationality based on <i>conditional jus soli</i>. This criterion is applied to otherwise stateless children who, albeit born on Italian territory do not obtain Italian citizenship at birth since they do not fall in the legal situations enshrined in art 1 of law 91/92.</p> <p>Article 4 paragraph 2 of Law n. 91/1992 states that “<i>the foreign person born in Italy, who has been legally resident without interruption on its territory until the age of majority, becomes a national upon application, filed within one year from turning 18, where (s)he expresses the willingness to acquire Italian citizenship</i>”. This rule must be considered as a safeguard for children born in Italy whose parents are at risk of statelessness. If the child remains stateless on reaching the age of majority, they may submit an application for Italian nationality up to the age of 19 if they can meet certain conditions, including a declaration of will (<i>dichiarazione di volontà</i>) to the competent authority, and uninterrupted residence proven through residence permits, school reports, vaccination records, medical certificates etc.</p>	<p>LEGGE 5 febbraio 1992, n. 91, Nuove norme sulla cittadinanza, modificata dalla Legge 132/18, Arts. 4(2) & 1(1)(b): http://www.cir-onlus.org/wp-content/uploads/2018/12/Legge-91_92-modificata-legge-132_18.pdf (IT)</p> <p><i>Read in conjunction with:</i> DECRETO DEL PRESIDENTE DELLA REPUBBLICA 12 ottobre 1993, n. 572 Regolamento di esecuzione della legge 5 febbraio 1992, n. 91, recante nuove norme sulla cittadinanza. (GU Serie Generale n.2 del 04-01-1994), Art. 3(4): https://www.refworld.org/docid/46b84a1f2.html (IT)</p> <p>Testo del decreto-legge 21 giugno 2013, n. 69 (in S.O. n. 50/L alla Gazzetta Ufficiale - Serie generale - n. 144 del 21 giugno 2013), coordinato con la legge di conversione 9 agosto 2013, n. 98 (in questo stesso S.O. alla pag. 1), recante: «Disposizioni urgenti per il rilancio dell'economia». (13A07086) (GU Serie Generale n.194 del 20-08-2013 - Suppl. Ordinario n. 63), (known as ‘Decreto del Fare’): http://www.gazzettaufficiale.it/eli/id/2013/08/20/13A07086/sg (IT)</p> <p>CIR-ENS, Ending Childhood Statelessness: A study on Italy, Working paper 07/15, .June 2015: https://www.statelessness.eu/resources/ending-childhood-statelessness-study-italy</p> <p>ASGI, L’acquisto della Cittadinanza Italiana da Parte dello Straniero Nato in Italia ai Sensi dell’Art. 4, Comma 2, Legge 91/1992, Scheda</p>
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PRS	1	h		Are there specific provisions for the nationality of children born to beneficiaries of international protection?	UNHCR Guidelines on Statelessness #4 2012 : Some children are born to refugee parents who are themselves stateless or cannot acquire the nationality of their parents owing to restrictions on transmission of nationality to children born abroad. Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.	No.	
PRS	2	a	Foundlings	Are foundlings granted citizenship by law? If it's not automatic, is there an application procedure?	UN Convention on the Reduction of Statelessness, 1961 : A foundling found in the territory of a Contracting State shall, in the absence of proof to the contrary, be considered to have been born within that territory of parents possessing the nationality of that State. European Convention on Nationality, 1997 : Each State Party shall provide in its internal law for its nationality to be acquired ex lege by the following persons: [...] b) foundlings found in its territory who would otherwise be stateless.	By law, a person found on the Italian territory is an Italian national at birth. However, a further requirement is that 'it has not been proven [that the person concerned] possesses any other citizenship'. This criterion is impossible to satisfy so the provision is interpreted to mean the child acquires Italian nationality unless there is proof that (s)he has obtained another. If an unrecognised child is abandoned in a hospital or other institution, or anywhere on Italian territory, the child is automatically granted Italian citizenship at the moment of registration at the Population Registry Office. The civil officer who receives the communication of abandonment, drafts a report, gives a name and surname to the child, immediately informs the competent authorities, and registers the child in the Municipality as an Italian national.	LEGGE 5 febbraio 1992, n. 91, Nuove norme sulla cittadinanza, modificata dalla Legge 132/18, Art. 1(2): http://www.cir-onlus.org/wp-content/uploads/2018/12/Legge-91_92-modificata-legge-132_18.pdf (IT) CIR-ENS, Ending Childhood Statelessness: A study on Italy, Working paper 07/15, .June 2015: https://www.statelessness.eu/resources/ending-childhood-statelessness-study-italy

PRS	2	b		If yes, is there an age limit (or status e.g. 'newborn') specified for foundlings to be granted citizenship? If not, when would a child usually qualify in practice?	UNHCR Guidelines on Statelessness #4 2012 : At a minimum, the safeguard ... is to apply to all young children who are not yet able to communicate accurately information pertaining to the identity of their parents or their place of birth...	There is no reference to an age limit in the citizenship law. In the Civil Code, the word 'foundling' is connected to the birth of the child. In CIR's opinion, the concept of 'foundling' could not be connected to a teenager, for example.	D.P.R. 3 novembre 2000, n. 396 (1), Regolamento per la revisione e la semplificazione dell'ordinamento dello stato civile, a norma dell'articolo 2, comma 12, della L. 15 maggio 1997, n. 127, Art. 38: https://www.esteri.it/mae/doc/dpr396_2000.pdf (IT)
PRS	2	c		Can citizenship be withdrawn from foundlings if parents are identified even if this leads to statelessness?	UNHCR Guidelines on Statelessness #4 2012 : Nationality acquired by foundlings... may only be lost if it is proven that the child concerned possesses another State's nationality.	Not to our knowledge.	Consiglio Italiano per i Refugiati (CIR) practice
PRS	3	a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	UN Convention on the Reduction of Statelessness, 1961 : If the law of a Contracting State entails loss of nationality as a consequence of any change in the personal status of a person such as...adoption, such loss shall be conditional upon possession or acquisition of another nationality. ENS (2015), No Child Should Be Stateless : ...the "sending" state in a situation of inter-country adoption may be a non-European one, so even if Europe's nationality laws were all in alignment with international standards, children may be exposed to a (temporary) risk of statelessness during the adoption process.	No.	LEGGE 5 febbraio 1992, n. 91, Nuove norme sulla cittadinanza, modificata dalla Legge 132/18, Art. 11: http://www.cir-onlus.org/wp-content/uploads/2018/12/Legge-91_92-modificata-legge-132_18.pdf (IT)

PRS	3	b		Does a foreign child adopted by national parents acquire nationality? Is there a risk of statelessness during the adoption process? Are there any age limits?	<p>European Convention on Nationality, 1997: Each State Party shall facilitate in its internal law the acquisition of its nationality for the following persons: ...d) children adopted by one of its nationals...</p> <p>Committee on the Rights of the Child, Concluding Observations: Switzerland, CRC/C/CHE/CO/2-04, 2015: ...ensure that a child adopted from abroad is not stateless or discriminated against during the waiting period between...arrival...and formal adoption.</p>	Law 91/92 states that any minor adopted by an Italian national is considered an Italian citizen. The age limit is 18 years-old. In the framework of Italian legislation there is no risk of statelessness for minors during the adoption process.	<p>LEGGE 5 febbraio 1992, n. 91, Nuove norme sulla cittadinanza, modificata dalla Legge 132/18, Art. 3(1): http://www.cir-onlus.org/wp-content/uploads/2018/12/Legge-91_92-modificata-legge-132_18.pdf (IT)</p> <p>LEGGE 4 maggio 1983, n. 184, Disciplina dell'adozione e dell'affidamento dei minori. (GU Serie Generale n.133 del 17-05-1983 - Suppl. Ordinario), Art. 34: http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=1983-05-17&atto.codiceRedazionale=083U0184&elenco30giorni=false (IT)</p>
PRS	4	a	Ius sanguinis and discrimination	Can children born to nationals abroad acquire nationality by descent (<i>ius sanguinis</i>)? Are there any conditions? Are these conditions discriminatory? (see below if child would otherwise be stateless)	<p>UN Convention on the Reduction of Statelessness, 1961: Art 4 UNHCR Guidelines on Statelessness #4 2012: ...where a child who would otherwise be stateless is born in a Contracting State to parents of another Contracting State but does not acquire the nationality of the State of birth... responsibility falls to the Contracting State of the parents to grant its nationality to the child...</p> <p>Genovese v. Malta (ECtHR) Application No. 53124/09, 11 October 2011: the impact of denial of citizenship on the applicant's social identity was such as to bring it within the general scope and ambit of Article 8... the state ... must ensure that the right is secured without discrimination...</p> <p>Convention on the Elimination of all Forms of Discrimination Against Women, General recommendation No. 32 on the</p>	<i>Jus sanguinis</i> is the principle determining Italian citizenship irrespective of where the child is born. The acquisition of citizenship occurs automatically where Italian descent is registered at birth. The law also states that for children born in wedlock, the father is the person married to the mother. Where children are born out of wedlock, paternity must be declared.	<p>LEGGE 5 febbraio 1992, n. 91, Nuove norme sulla cittadinanza, modificata dalla Legge 132/18: http://www.cir-onlus.org/wp-content/uploads/2018/12/Legge-91_92-modificata-legge-132_18.pdf (IT)</p> <p>Arts. 231 & 250 of the Civil Code: https://www.altalex.com/documents/news/2014/08/22/della-filiazione (IT)</p>

					gender-related dimensions of refugee status, asylum, nationality and statelessness of women, November 2014 UNHCR Global Action Plan to End Statelessness 2014-24: Action 4 Fighting statelessness and discriminatory nationality law in Europe, Laura van Waas, 2012		
PRS	4	b		Can children born to nationals outside the country access nationality by descent (<i>ius sanguinis</i>) if they would otherwise be stateless? Are there any conditions? Are these conditions discriminatory?	UNHCR Guidelines on Statelessness #4 2012 : ... where children of a national of a Contracting State who would otherwise be stateless are born in a non-Contracting State... the Contracting State of the parents [is required] to grant its nationality to the child (or children) of its nationals born abroad...	Yes.	
PRS	5	a	Access to birth registration	Does the law provide that all children are registered immediately upon birth? Can children be registered if parents are undocumented and/or not legally residing	Convention on the Rights of the Child 1989 : The child shall be registered immediately after birth and shall have the right from birth to a name [and] the right to acquire a nationality... International Covenant on Civil and Political Rights 1966 : Art 24(2) Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children UNHCR Guidelines on Statelessness #4 2012 : ... registration of the birth provides	Birth registration is compulsory by law. Italian legislation ensures birth registration for every child born on the territory, regardless of nationality and legal status of the parents, as well as to every child born abroad to an Italian citizen. Children of irregular migrants are not prevented from registering a birth by law. A ministerial circular (19/2009) states that “ <i>in order to file a declaration of birth or a document concerning the recognition of filiation for registration in the municipal population registry it is not required to exhibit a permit of stay since the mentioned</i>	DECRETO DEL PRESIDENTE DELLA REPUBBLICA 3 novembre 2000, n. 396, Regolamento per la revisione e la semplificazione dell'ordinamento dello stato civile, a norma dell'articolo 2, comma 12, della legge 15 maggio 1997, n. 127. (GU Serie Generale n.303 del 30-12-2000-Suppl. Ordinario n. 223): http://www.gazzettaufficiale.it/eli/id/2000/12/30/000G0442/sg (IT) Ministero dello'Interno, Circolare n.19 del 7 agosto 2009, Legge 15 luglio 2009, n. 94,

				in the country (by law)?	<p>proof of descent and of place of birth and therefore underpins implementation of the 1961 Convention...Article 7 CRC ...applies irrespective of the nationality, statelessness or residence status of the parents.</p> <p>UNHCR Global Action Plan to End Statelessness 2014-24: Action 7</p> <p>UN Sustainable Development Goal 16</p> <p>UN Human Rights Council, Resolution A/HRC/RES/20/4: ... ensure free birth registration, including free or low-fee late birth registration, for every child...irrespective of his or her immigration status and that of his or her parents or family members...</p>	<p><i>declarations are made with the purpose of protecting the minor concerned as well as in the public interest of the certainty of factual situations”.</i></p>	<p>recante "Disposizioni in materia di sicurezza pubblica". Indicazioni in materia di anagrafe e di stato civile:</p> <p>http://dait.interno.gov.it/servizi-demografici/circolari/circolare-n19-del-7-agosto-2009 (IT)</p>
PRS	5	b		Are there credible reports to suggest that children are prevented from registering in practice because of parents' status?	As above	<p>Despite the good practice of children explicitly being allowed to be registered regardless of the status of their parents in Italy, there is concern that children born outside hospitals or health structures may remain unregistered because parents do not register their births. The scale of this phenomenon is hard to estimate.</p>	<p>Canetta, T. & Pruneddu, P., Neonati 'clandestini' invisibili per lo Stato, Linkiesta, 20 december 2013: http://www.linkiesta.it/immigrati-figli-anagrafe (IT)</p> <p>CIR-ENS, Ending Childhood Statelessness: A study on Italy, Working paper 07/15, June 2015: https://www.statelessness.eu/resources/ending-childhood-statelessness-study-italy</p>

PRS	5	c		Are there mandatory reporting requirements for authorities which would deter undocumented parents coming forward to register their children (e.g. health authorities required to report undocumented migrants)?	UNICEF, Access to Civil, Economic and Social Rights for Children in the Context of Irregular Migration, 2012 : While there is generally a separation between civil registries and immigration enforcement, undocumented parents may also fear detection, particularly in countries where civil servants have a duty to report undocumented migrants... PICUM, Rights of Accompanied Children in an Irregular Situation, 2011 : Certain barriers that prevent access to basic rights for children in an irregular migration situation arise across the registry, health, education and housing sectors. National legislation is often...contradicted by other rules and practices, such as the duty to denounce ...	No.	
PRS	6	a	Late Birth Registration	Is there a statutory deadline before which birth registration should be completed? If yes, what is it? Is late birth registration possible by law?	UNHCR Global Action Plan to End Statelessness 2014-24 : Low levels of birth registration can be difficult to correct subsequently because procedures for late birth registration have not been established or are lengthy, costly and complex and therefore inaccessible ... UN Human Rights Council, Resolution A/HRC/RES/20/4 Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children ENS (2015), No Child Should Be Stateless : One of the ways in which states have sought to deal with an intergenerational lack of documentation is by simplifying the procedures for the late registration	The law states that the declaration of birth may be presented either to the municipality within 10 days of the birth, or to the hospital management within three days. Late registration is possible and the reason for the delay should be provided. The reasons for the delay are assessed by the public prosecutor (<i>procuratore della Repubblica</i>). If reasons are not well-founded or supported by reliable documents, the birth certificate can be registered only after an order adopted by the judge. The judge assesses the legality and authorises the registration in the Population Registry.	DECRETO DEL PRESIDENTE DELLA REPUBBLICA 3 novembre 2000, n. 396, Regolamento per la revisione e la semplificazione dell'ordinamento dello stato civile, a norma dell'articolo 2, comma 12, della legge 15 maggio 1997, n. 127. (GU Serie Generale n.303 del 30-12-2000-Suppl. Ordinario n. 223), Art. 31(2): http://www.gazzettaufficiale.it/eli/id/2000/12/30/000G0442/sg (IT)

					of births, making it easier for adults who do not have a birth certificate to acquire one, which can subsequently be used to register their own children's births...		
PRS	6	b		Is late birth registration possible in practice?	As above	Yes.	Consiglio Italiano per i Rifugiati (CIR) practice
PRS	6	c		Are there any additional requirements (e.g. fee) for the late birth registration procedure? Are these problematic or do they cause lengthy delays?	UN Human Rights Council, Resolution A/HRC/RES/20/4	The reasons for the delay are assessed by the public prosecutor (<i>procuratore della Repubblica</i>). If reasons are not well-founded or supported by reliable documents, the birth certificate can be registered only after an order adopted by the judge. The judge assesses the legality and authorises the registration in the Population Registry. This provision is considered as a protective measure for children.	DECRETO DEL PRESIDENTE DELLA REPUBBLICA 3 novembre 2000, n. 396, Regolamento per la revisione e la semplificazione dell'ordinamento dello stato civile, a norma dell'articolo 2, comma 12, della legge 15 maggio 1997, n. 127. (GU Serie Generale n.303 del 30-12-2000-Suppl. Ordinario n. 223), Art. 31(2): http://www.gazzettaufficiale.it/eli/id/2000/12/30/000G0442/sg (IT)
PRS	7	a	Reduction	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	UNHCR, Action 7 Council of Europe, 3rd European Conference on Nationality, 11-12 October 2004 : Taken together Art 7 & 8 ECHR should be understood to encourage States Parties not only to take positive steps to avoid statelessness – including the promotion of birth registration – but also to grant citizenship to children who would otherwise be stateless...	Not to our knowledge.	Consiglio Italiano per i Rifugiati (CIR) practice
PRS	7	b		Are there sections of the population believed to be stateless/at risk of	UN Convention on the Reduction of Statelessness, 1961 Article 9 UNHCR Global Action Plan to End Statelessness 2014-24 : Action 4	Yes. There are estimated to be between 3,000 to 15,000 people stateless or at risk of statelessness in Italy. Most belong to the Roma community originating from former Yugoslavia; the rest come from Tibet, Palestine, Eritrea and Ethiopia. Since the dissolution of Yugoslavia, it	CIR, IN THE SUN, Survey on the phenomenon of statelessness among Roma communities living in Italy, February 2013, p. 52 (footnote 73): http://www.cir-onlus.org/wp-content/uploads/2018/07/In-the-sun_CIR_last-review_final.pdf

				<p>statelessness? Are minorities disproportionately affected? Please provide details and source of information.</p>		<p>became difficult (or impossible), for ex-citizens of the former Yugoslavia to obtain citizenship from the new states that emerged. The problem disproportionately affected Roma communities who had already arrived in Italy before the dissolution but also those who arrived after. They often lack any documentation and encounter obstacles when seeking to clarify their civil status. Roma children born in Italy to displaced families from the former Yugoslavia are thus disproportionately impacted. They often face difficulties accessing legal status and obtaining Italian citizenship, passing on the risk of statelessness from generation to generation.</p>	<p>ASGI, Out of limbo: Verso uno status legale per le persone rom prive di documenti, apolidi o a rischio di apolidia, maggio 2015: https://www.asgi.it/wp-content/uploads/2014/04/Rapporto-OUT-OF-LIMBO_def.pdf (IT)</p> <p>UNHCR, UNHCR Recommendations on the Relevant Aspects of the Protection of Stateless Persons in Italy, October 2014: https://www.refworld.org/docid/5513cff14.html</p> <p>Associazione 21 luglio ONLUS-Rapporto Annuale 2016, Aprile 2017: http://www.21luglio.org/21luglio/wp-content/uploads/2018/04/Rapporto_Annuale-2017_web.pdf (IT)</p> <p>Raccomandazioni del tavolo di lavoro sull'apolidia sulla protezione degli apolidi e sulla riduzione dell'apolidia in Italia, Ottobre 2017: https://tavoloapolidia.org/app/uploads/2018/12/Advocacy-Paper-Tavolo-Apolidia_def.pdf (IT)</p> <p>Presidenza del Consiglio dei Ministri, Ufficio per la promozione della parità di trattamento e la rimozione delle discriminazioni fondate sulla razza o sull'origine étnica, Strategia Nazionale d'inclusione dei Rom, dei Sinti e dei Caminanti, Attuazione Comunicazione Commissione Europea N.173/2011: https://www.comune.roma.it/resources/cms/documents/Strategia_italiana_rom.pdf (IT)</p>
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PRS	7	c		Has the Government implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	UN Convention on the Reduction of Statelessness, 1961 UNHCR Global Action Plan to End Statelessness 2014-24: Action 1, Action 8 UNHCR, Good Practices Paper - Action 1: Resolving Existing Major Situations of Statelessness, 2015	No. In 2012, a 'National Strategy for the Social Inclusion of Roma People' was introduced, which aimed to reduce statelessness/risk of statelessness by 2020. However, no significant activity or campaign has been undertaken towards achieving this goal. Under the National Strategy, a 'Juridical Roundtable' was established with the support of the Italian Ministry of Interior along with other competent ministries and civil society (including CIR) to elaborate concrete proposals for the reduction of statelessness among Roma Communities. However, it has not met for some time.	<p>Presidenza del Consiglio dei Ministri, Ufficio per la promozione della parità di trattamento e la rimozione delle discriminazioni fondate sulla razza o sull'origine étnica, Strategia Nazionale d'inclusione dei Rom, dei Sinti e dei Caminanti, Attuazione Comunicazione Commissione Europea N.173/2011: https://www.comune.roma.it/resources/cms/documents/Strategia_italiana_rom.pdf (IT)</p> <p>Consiglio Italiano per i Rifugiati (CIR) practice</p>
PRS	8	a	Withdrawal of nationality	Are there any provisions on loss and/or deprivation of nationality? If yes, are these established in law? If not, where can they be found?	UN Convention on the Reduction of Statelessness, 1961 : Article 8: A contracting state shall not deprive a person of its nationality if such deprivation would render him stateless. European Convention on Nationality, 1997 : Article 7(3): A State party may not provide in its internal law for the loss of its nationality...if the person concerned would thereby become stateless... Universal Declaration of Human Rights : Article 15(2) No one shall be arbitrarily deprived of his nationality ...	The law sets out when loss and/or deprivation of nationality can occur. Automatic loss occurs when a person joins the army of another state; accepts a public position with another state or public body or an international body that Italy does not recognise; acquires citizenship or a government post in a state with which Italy is in a state of war. The competent authority in ordering any procedure for loss of nationality is the Ministry of the interior. The Civil Officer registers a declaration of loss of nationality in the Population Register and transfers it to the Mayor. The assessment should be carried out within 120 days from the receipt of the documentation. The citizenship law, recently amended, introduces the possibility for revocation of citizenship in the event of a final	<p>LEGGE 5 febbraio 1992, n. 91, Nuove norme sulla cittadinanza, modificata dalla Legge 132/18: http://www.cir-onlus.org/wp-content/uploads/2018/12/Legge-91_92-modificata-legge-132_18.pdf (IT)</p> <p>DECRETO DEL PRESIDENTE DELLA REPUBBLICA 12 ottobre 1993, n. 572 Regolamento di esecuzione della legge 5 febbraio 1992, n. 91, recante nuove norme sulla cittadinanza. (GU Serie Generale n.2 del 04-01-1994): https://www.refworld.org/docid/46b84a1f2.html (IT)</p>

						<p>sentence for the following crimes: terrorist acts; subversion of the constitutional order; subversive association; constitution, promotion or participation in armed groups; assistance and training of members of armed groups; assistance of members of subversive associations and of terrorist associations; misappropriation of properties and funds seized in order to prevent from financially supporting terrorist activities. This provision does not apply to people who acquired Italian citizenship by birth.</p>	<p>DECRETO DEL PRESIDENTE DELLA REPUBBLICA 18 aprile 1994, n. 362, Regolamento recante disciplina dei procedimenti di acquisto della cittadinanza italiana, (GU Serie Generale n.136 del 13-06-1994 - Suppl. Ordinario n. 91): http://www.gazzettaufficiale.it/eli/id/1994/06/13/094G0368/sg</p>
PRS	8	b		<p>Who is the competent authority in any procedure for ordering deprivation of nationality? What procedural guarantees are there? (e.g. judicial oversight, time limit, subject to prior sentencing, appeal rights, legal aid)</p>	<p>UN Convention on the Reduction of Statelessness, 1961: Article 8(4): A contracting state shall not exercise a power of deprivation...except in accordance with the law, which shall provide for ...the right to a fair hearing by a court or other independent body. European Convention on Nationality, 1997: Article 11: Each state party shall ensure that decisions relating to the acquisition, retention, loss, recovery or certification of its nationality contain reasons in writing...</p>	<p>The deprivation of nationality can be proposed by the Ministry of Interior within 3 years from the criminal conviction and it is adopted through a Decree of the President of the Republic. There are no exceptions even where the measure results in statelessness.</p>	<p>LEGGE 5 febbraio 1992, n. 91, Nuove norme sulla cittadinanza, modificata dalla Legge 132/18: http://www.cir-onlus.org/wp-content/uploads/2018/12/Legge-91_92-modificata-legge-132_18.pdf (IT)</p>
PRS	8	c		<p>Are withdrawal provisions (both for loss and deprivation) applied in practice?</p>		<p>No information is available.</p>	

Jurisprudence and Training

Cat	Q	Sub	Subtheme	Question	International Norms/Good Practice	Answer	Source
LIT	1	a	Published judgements	Number of published judgements adjudicating statelessness (broken down by level of jurisdiction). Please list.		<p>There are several significant Supreme Court judgements adjudicating statelessness in Italy. Key issues decided on include:</p> <ul style="list-style-type: none"> Formal proof of loss of citizenship is not required to be granted stateless status; statelessness can be inferred from other facts, such as refusal to grant the person rights usually linked to citizenship. Stateless persons can access the ordinary jurisdiction for the statelessness determination procedure, instead of the more complicated administrative one. Requests to be granted stateless status must be presented and decided within the ordinary jurisdiction system, and the adversarial principle needs to be respected. Statelessness determination procedures must consider the provisions regulating citizenship in the state with which the applicant has significant legal links. The 1954 Convention applies only to those who do not have any citizenship and not to those who, although entitled, did not activate the procedure to obtain it. The condition of statelessness must be evaluated not only formally, but also substantially. The burden of proof on the claimant in statelessness determination procedures should be attenuated and judges may use their investigative powers when intervention is needed. Stateless persons are entitled to the same reduced burden of proof as international protection seekers. 	<p>Court of Cassation n.14918, 20/03/2007</p> <p>Court of Cassation SU n.28873, 09/12/2008</p> <p>Court of Cassation n.7614, 04/04/2011</p> <p>Court of Cassation n.15679, 21/06/2013</p> <p>Court of Cassation n.25212, 08/11/2013</p> <p>Court of Cassation n.4262, 03/03/2015</p> <p>Court of Cassation n.19201, 28/09/2015</p>

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					<ul style="list-style-type: none"> • When deciding on the validation of a measure to detain a person for the purpose of expulsion, the Justice of the Peace must duly take into account the absence of reasonable prospects of repatriation, such as in cases of stateless persons. • A formal act demonstrating loss of citizenship is not required in the context of a statelessness determination procedure, since statelessness can also be proven <i>de facto</i>. At the same time, applicants must give proof of such facts from which it is possible to infer that they are deprived of (some of) those prerogatives linked to citizenship. • The burden of proof is shared between the applicant and the authority. The applicant should make all possible efforts to clarify their condition of statelessness. The declarations provided by the applicant should be supported by evidence. If the applicant, despite all possible efforts, does not manage to provide evidence, the judge can use <i>ex officio</i> powers to assist the applicant. • Recognition of stateless status to a bidoon refugee from Kuwait 	<p>Court of Cassation n.12643,17/06/2016</p> <p>Court of Cassation n.28153, 24/11/2017 http://briguglio.asgi.it/immigrazione-e-asilo/2017/dicembre/sent-cass-28153-2017.pdf</p> <p>Court of Cassation n.1183, 18/01/2018</p> <p>Accertamento dello status di apolide: il richiedente deve allegare i non possedere la cittadinanza dello Stato con cui intrattenga o abbia intrattenuto legami significativi, Cass. civ. Sez. I, 18/01/2018, n.1183: http://www.rassegnasentenze.it/cass-civ-sez-18-01-2018-n-1182-4/ (IT)</p> <p>Progetto Melting Pot, Riconoscimento dello status di apolide a rifugiato proveniente dal Kuwait di etnia Bedoon, Tribunale di Roma, ordinanza del 24 gennaio 2018:</p>
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							http://www.meltingpot.org/Riconoscimento-dello-status-di-apolide-a-rifugiato.html#.W2qu2rh9jI (IT)
LIT	1	b		Number of published judgements mentioning statelessness (broken down by level of jurisdiction). Please list.		There are too many to list here.	Tavolo Apolidia, Giurisprudenza: https://tavoloapolidia.org/apolidia-italia/giurisprudenza/ (IT) ASGI, Banca dati – giurisprudenza, Temática: Cittadinanza/Apolidia: https://www.asgi.it/giurisprudenza/?fwptematica=cittadinanzaapolidia (IT)
LIT	2	a	Legal training	Is there judicial training on statelessness? If yes, please provide details (e.g. provider, frequency).	UNHCR (Good Practices Paper 6): Officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels. UNHCR Expert Meeting, Statelessness Determination Procedures and the Status of Stateless Persons 2010 : It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.	There is no compulsory training on statelessness. A draft law on the recognition of stateless status submitted during the previous parliamentary term (2015) provided that public administration personnel and administrative stakeholders should receive basic training on the implementation of the regulations of the offices and services in which they perform their activity. The parliamentary term ended in December 2017, so this draft law must now be resubmitted. UNHCR occasionally cooperates with the courts to deliver ad hoc statelessness trainings. Law 13/2017 states that specialised training is compulsory for judges of the specialised sections and members of territorial commission.	DISEGNO DI LEGGE COMUNICATO ALLA PRESIDENZA IL 26 NOVEMBRE 2015, Disposizioni concernenti la procedura per il riconoscimento dello status di apolidia in attuazione della Convenzione del 1954 sullo status delle persone apolidi, No. 2184, Art.14: http://www.senato.it/japp/bgt/showdoc/17/DDLPRES/0/967066/index.html?stampa=si&spart=si&toc=no (IT) DECRETO-LEGGE 17 febbraio 2017, n. 13, Disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonché per il contrasto dell'immigrazione illegale. (17G00026) (GU Serie Generale n.40 del 17-02-2017), Art. 2: http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2017-02-17&atto.codiceRedazionale=17G00026&elenco30giorni=false (IT)

LIT	2	b		Is there training for lawyers on statelessness? If yes, please describe.	UNHCR Expert Meeting, Statelessness Determination Procedures and the Status of Stateless Persons 2010 : as above	Yes, there are ad hoc trainings, but these are not provided at the institutional level. Training courses are mostly provided by academics, professionals, lawyers' associations, NGOs, UNHCR and other civil society associations with trainers from different professional backgrounds. They are mainly focused on immigration issues and are not exclusively concerned with statelessness but do provide some knowledge, tools and skills to address statelessness and the right to nationality.	<p>Fondazione Formazione Forense Ordine Avvocati di Firenze, Firenze, L'apolidia secondo il diritto interno e nel diritto internazionale, Giugno 2013</p> <p>Fondazione Formazione Forense Ordine Avvocati di Pistoia, Pistoia, Il diritto degli apolidi e stato della giurisprudenza in Italia. Il progetto "In the sun", Aprile 2013</p> <p>Consiglio Nazionale Forense CIR – Europe Consulting, Roma – Corso sull'apolidia, Peregrini sine civitate, Novembre 2012- Marzo 2013</p> <p>Convegno del 30.03.2017, Biblioteca Medicea Laurenziana, Firenze, "Perdere la propria cittadinanza è come scomparire dal mondo": http://apolidia.org/index.php/notizie-ed-eventi/139-convegno-del-30-03-2017-biblioteca-medicea-laurenziana-firenze-perdere-la-propria-cittadinanza-e-come-scomparire-dal-mondo </p> <p>Ius e Nomos, Specialist training, Session XII, 27 April 2018, Il riconoscimento della Protezione Internazionale, la Protezione Umanitaria, l'Apolidia: https://www.iusnomos.eu/ </p>
LIT	3	a	Pro Bono	Are there specialised lawyers, law firms or organisations providing free	UNHCR (2014), Handbook on Protection of Stateless Persons : Applicants are to have access to legal counsel. UNHCR (Good Practices Paper 6) : Gives the example of Liverpool Law	Yes, there are several law firms and organisations providing specialist advice, including civil society organisations providing free advice and specialist services. In 2016, UNHCR set up a network of organisations and lawyers working on statelessness. The network - Tavolo Apolidia – aims	<p>Some examples of organisations providing specialist advice include:</p> <ul style="list-style-type: none"> • Progetto Meltingpot • ASGI – Associazione per gli Studi Giuridici sull'Immigrazione • Consiglio Italiano per I Rifugiati

				advice to stateless persons or those at risk of statelessness? If yes, please describe.	Clinic providing legal assistance to stateless clients in the UK.	to elaborate proposals and recommendations on addressing statelessness for governments and authorities and to raise public awareness on the issue. In addition, several members of the network also provide individual counselling to stateless people.	<ul style="list-style-type: none"> • Association 21 luglio • Council of Europe JUSTROM Programme (legal clinic) <p>Tavolo Apolidia: https://tavoloapolidia.org/ (IT)</p>
LIT	4	a	Literature	Is there domestic academic literature on statelessness? If possible, please list and provide references and hyperlinks (where available).		Yes, there is - it is mostly concerned with jurisprudence, law analysis and application.	<p>Tavolo Apolidia: https://tavoloapolidia.org/ (IT)</p> <p>http://apolidia.org/index.php (IT)</p>