

The Italian Magnet

Deaths, arrivals and returns in the Central Mediterranean

13 March 2018

625,000	Arrivals by boat to Italy 2014-2017
13,500	Deaths at sea 2014-2017
130,180	Asylum applications in Italy in 2017
6,827	Refugee status given
6,880	Subsidiary protection given

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More boats, more claims, more decisions

The number of people arriving in Italy by boat has increased dramatically since 2010. The number of asylum applications has also grown more than ten-fold. So has the number of decisions made, though these have not kept up with the increase in applications.

Sea arrivals, asylum applications, and first-instance decisions in Italy¹

Year	Arrivals	Applications	Decisions
2010	4,406	12,121	14,042
2011	62,692	37,350	25,626
2012	13,267	17,352	29,969
2013	42,925	26,620	23,634
2014	170,100	63,456	36,270
2015	153,842	83,970	71,117
2016	181,436	123,600	91,102
2017	119,369	130,180	81,527

Anybody applying for asylum stays for years ...

Somebody applying for asylum in Italy in early 2018 is likely to wait **at least two years** until a first instance decision, and **another two years** until a first appeal decision is made. Recent reforms are unlikely to change this.

By the end of 2016 there were 105,000 pending asylum applications.² By the end of 2017 the backlog had increased to more than 150,000.³

If 80,000 decisions are taken each year, anybody applying for asylum in 2018 will have to wait at least until 2020 (see more about how the territorial commissions work in the Annex). Anybody who appeals against a negative first instance decision now will wait until 2020 as well.

This problem has been recognised for a long time. In 2016 an official study looking at a sample of 5,400 asylum seekers noted that it took on average 403 days from first registration to first instance decision.⁴ From there it took another 349 days until a decision from the first appeals court (*Tribunale Civile*), and another 373 days to receive a decision from the second appeals court (*Corte d'Appello*). In case of a final appeal to the Supreme Court of Appeal (*Corte di Cassazione*) it took another 688 days. The average duration of an asylum application, from registration to final appeal, was 1,813 days, or almost 5 years.

A reform in 2017 eliminated one level, the *Corte d'Appello*. It also created special asylum chambers in 26 appeals courts (*Tribunale Civile*).⁵

¹ 2017 added 130,000 new applications, while 81,000 decisions were taken Fondazione ISMU, "[Sbarchi e richieste d'asilo 1997 – 2014](#)", 2014; UNHCR, [Operational Portal Refugee Situations, Italy](#); Italian Ministry of Interior, "[Quaderno statistico 1990–2016](#)"; Italian Ministry of Interior, "[Cruscotto statistico](#)", 31 January 2018.

² Protection System for Asylum Aseekers and Refugees (SPRAR), "[Rapporto sulla Protezione Internazionale in Italia 2017](#)", December 2017.

³ Italian Ministry of Interior, "[Cruscotto statistico](#)".

⁴ Protection System for Asylum Seekers and Refugees (SPRAR), [Annual Report 2016](#), June 2017.

⁵ [Law 46/2017](#).

Reform of Italian asylum procedure⁶

Until August 2017	After August 2017
Territorial commission	Territorial commission
Appeal to ordinary <i>Tribunale Civile</i>	Appeal to <i>Tribunale Civile (special chambers)</i>
Appeal to <i>Corte d'Appello</i>	Final appeal to <i>Corte di Cassazione</i>
Final appeal to <i>Corte di Cassazione</i>	

However, in February 2018 the chief judge of the special asylum chamber in Florence predicted that, as currently staffed, her court could decide around 1,900 appeals per year. The Florence chamber already had a backlog of 5,440 cases at the end of 2017. It expects around 2,600 new appeals in 2018.

Since cases are decided in chronological order, by the end of 2018 none of the appeals lodged in 2017 or 2018 would be addressed, and 960 submitted in 2016 would still be unresolved.

Appeals backlog (Florence chamber jurisdiction)⁷

Year of submission	Pending early 2018
2014	13
2015	354
2016	2,493
2017	2,580
Total	5,440

...in fact, almost everybody who arrives stays

Most decisions issued by the territorial asylum commissions are rejections. Only a small number of applicants receive international protection (refugee status and subsidiary protection). Despite this almost everybody who arrives in Italy stays. Here is why.

In 2017 the Italian asylum commissions made 81,527 decisions.⁸ They granted:

6,827 times refugee status (8 percent), to those who have a well-founded fear of being persecuted on account of race, religion, nationality, and/or membership of a particular social group or political opinion.

6,880 times subsidiary protection (8 percent), to those who do not qualify for refugee status but who would be at risk of serious harm if returned to their home country.

Both are given a 5-year renewable residence permit allowing family reunification.

⁶ Protection System for Asylum seekers and Refugees (SPRAR), [Annual Report 2016](#), June 2017.

⁷ Florence Bar Association, [Tribunale Di Firenze – Specialized Section in Matters Of Immigration And International Protection](#).

⁸ Italian Ministry of Interior, [“Cruscotto statistico”](#), 6 March 2018.

In 20,166 cases (25 percent), asylum commissions' recommendations resulted in the police granting residence permits on humanitarian grounds, based on "serious reasons of a humanitarian nature" (such as health problems) or other reasons (such as preserving family unity). Humanitarian beneficiaries are entitled to a 2-year renewable residence permit without family reunification.⁹

The majority of positive decisions granted in Italy are for humanitarian protection. Data from Eurostat for 2016 shows the difference between Italy and other European countries:

Humanitarian protection granted in 2016¹⁰

	Positive decisions	Humanitarian	(%)
Italy	35,405	18,515	52
Germany	433,910	24,080	6
Sweden	66,590	2,500	4
Netherlands	20,810	365	2
Greece	28,755	0	0

In 2017 there were also 46,992 (58 percent) rejected asylum applications. It is not known how often international or humanitarian protection was granted on appeal. What *is* known is that Italy – like all other EU countries – is failing to return almost anyone even after a final rejection.

Italy: Ordered to leave and actual returns¹¹

	2014	2015	2016
Ordered to leave	25,300	27,305	32,365
Forced and voluntary returns	5,310	4,670	5,715

⁹ Department for Civil Protection, "[Protezione umanitaria](#)".

¹⁰ Eurostat, [First instance decisions on applications by citizenship, age and sex Annual aggregated data \(rounded\) \[migr_asydcfst\]](#). In Sweden, the asylum law was amended to remove the possibility of granting humanitarian protection on 20 July 2016.

¹¹ Eurostat, [Third country nationals ordered to leave – annual data \(rounded\) \[migr_eiord\]](#), [Third country nationals returned following an order to leave – annual data \(rounded\) \[migr_eirtn\]](#).

Only citizens from North Africa (Tunisia, Morocco and Egypt) and Albania face any likelihood of having to leave Italy. This has not changed in many years.

Actual returns (voluntary and forced): top ten countries¹²

Country	2014	2015	2016
Tunisia	1,205	910	1,200
Albania	1,070	1,160	1,115
Morocco	680	675	895
Egypt	1,050	565	690
Pakistan	30	135	175
Nigeria	185	210	165
Moldova	130	125	130
Ukraine	65	65	115
Afghanistan	25	0	115
China	60	45	85
Georgia	85	80	55

West Africans: many arrive, few are returned

Among the nationalities arriving in Italy in the last two years, six West African nations are among the top ten: Nigeria, Guinea, Cote d'Ivoire, Senegal, Mali and Gambia. Around half of all arrivals were from these countries (96,555 in 2016 and 50,458 in 2017).

Top nationalities in 2016¹³

Country	Arrivals
Nigeria	37,551
Eritrea	20,718
Guinea	13,342
Cote d'Ivoire	12,396
Gambia	11,929
Senegal	10,327
Mali	10,010
Sudan	9,327
Bangladesh	8,131
Somalia	7,281
Others	40,424
Total	181,436

Top nationalities in 2017¹⁴

Country	Arrivals
Nigeria	18,153
Guinea	9,693
Cote d'Ivoire	9,504
Bangladesh	8,995
Mali	7,114
Eritrea	6,953
Sudan	6,172
Tunisia	6,092
Senegal	5,994
Morocco	5,928
Others	33,460
Total	119,310

¹² Eurostat, [Third country nationals returned following an order to leave – annual data \(rounded\) \[migr_eirtn\]](#).

¹³ Italian Ministry of Interior, [“Cruscotto statistico”](#), 31 December 2016.

¹⁴ Ibid.

Among West African arrivals, only a minority received international protection.

West Africans – International protection granted in 2016¹⁵

Country	Applications	Refugee	(%)	Subsidiary	(%)
Mali	7,167	62	1	1,579	22
Cote d'Ivoire	3,908	115	3	215	6
Nigeria	18,542	521	4	951	5
Gambia	8,720	228	3	246	3
Senegal	6,646	79	1	210	3
Guinea	2,605	41	2	54	2
Total	47,588	1,046	2	3,255	7

More West Africans received humanitarian protection.

West Africans – Humanitarian protection in 2016¹⁶

Country	Humanitarian	(%)
Nigeria	3,247	12
Senegal	1,455	22
Guinea	675	26
Cote d'Ivoire	924	24
Gambia	2,413	28
Mali	1,667	23
Total	10,381	22

However, the majority of claims were rejected.

West Africans – Rejections in 2016¹⁷

Country	Rejection	(%)
Nigeria	13,823	74
Senegal	4,902	73
Guinea	1,835	70
Cote d'Ivoire	2,654	67
Gambia	5,833	67
Mali	3,661	54
Total	32,708	69

And yet, very few West African nationals are ever returned to their countries of origin. This is true for Italy, but also for Germany and France.

¹⁵ Italian Ministry of Interior, [“Quaderno statistico 1990–2016”](#).

¹⁶ Ibid.

¹⁷ Ibid.

*Italy: returns (voluntary and forced)*¹⁸

Country	2014	2015	2016
Nigeria	185	210	165
Senegal	60	65	70
Gambia	5	20	10
Cote d'Ivoire	10	5	10
Mali	5	0	0
Guinea	0	0	0
Total	265	300	255

*France: returns (voluntary and forced)*¹⁹

Country	2014	2015	2016
Senegal	575	540	350
Mali	320	290	245
Cote d'Ivoire	250	270	205
Guinea	170	165	160
Nigeria	204	235	155
Gambia	55	60	70
Total	1,574	1,560	1,185

*Germany: returns (voluntary and forced)*²⁰

Country	2014	2015	2016
Nigeria	145	170	200
Gambia	40	35	70
Senegal	20	35	50
Guinea	25	20	50
Mali	20	15	30
Cote d'Ivoire	15	10	15
Total	265	285	415

If nobody is ever returned, how does Italy reduce arrivals?

In the past two decades, there have been strong fluctuations in the number of migrants who reached Italy by the Mediterranean Sea. Arrivals have more than tripled from 2008 to 2017 compared to the previous decade.

- In 2003, 2004, 2009, 2010 and 2012 arrivals were below 15,000.
- In 2014, 2015 and 2016 arrivals were over 150,000.

¹⁸ Eurostat, [Third country nationals returned following an order to leave – annual data \(rounded\) \[migr_eirtn\]](#).

¹⁹ Ibid.

²⁰ Ibid.

Two decades of arrivals in Italy by sea²¹

<u>Year</u>	<u>Arrivals</u>	<u>Year</u>	<u>Arrivals</u>
1998	38,134	2008	36,951
1999	49,999	2009	9,573
2000	26,817	2010	4,406
2001	20,143	2011	62,692
2002	23,719	2012	13,267
2003	14,331	2013	42,925
2004	13,635	2014	170,100
2005	22,939	2015	153,842
2006	22,016	2016	181,436
2007	20,455	2017	119,369
Total	252,188	Total	794,561

Every time the number of arrivals rose sharply, public opinion shifted in favour of measures to reduce them. Different governments have usually resorted to similar strategies: asking North African countries (especially Libya) to prevent people from getting into boats; and pushing back people without allowing them to apply for asylum in Italy. There is a correlation between migration cooperation policies with North African countries and rises and falls in maritime arrivals in Italy.

The idea of close cooperation on migration with Libya is not new, therefore.²² In July 2003 Italy (under Berlusconi) and Libya signed a first cooperation agreement on migration. Details were not made public.²³ It later emerged that Italy provided military equipment and financial support to Libya in order for Libya to intercept migrants trying to reach Italy. Libya agreed to take back migrants who reached Italy via sea.²⁴ The Italian Ministry of Interior also issued a decree that allowed the Italian navy to return boats “suspected of carrying illegal migrants” to their home port.²⁵

In August 2008 Italy (again under Berlusconi) and Libya signed a Treaty of Friendship. In February 2009 a protocol on cooperation to fight irregular migration was added. It stated that Italy and Libya would patrol the sea together.²⁶ Italy provided Libya with patrol boats.²⁷ In 2009 Italy also sent its own coastguard to intercept a total of eight boats carrying 700 migrants and return them to North Africa.²⁸ In February 2012, the European Court of Human Rights

²¹ Fondazione ISMU, [“Sbarchi e richieste d’asilo 1997 – 2014”](#), 2014; UNHCR, [Operational Portal Refugee Situations, Italy](#).

²² Until the early 2000s, most migrants coming to Italy were Albanians crossing the Adriatic Sea. 2002 saw a dramatic fall in arrivals on the coasts of Apulia and Calabria. [“Response of the Italian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) on its visit to Italy from 21 November to 3 December 2004”](#), 27 April 2006.

²³ Paolo Cuttitta, [“Readmission in the Relations between Italy and North African Mediterranean Countries”](#), 1 August 2010.

²⁴ Silja Klepp, [“Italy and its Libyan Cooperation Program: Pioneer of the European Union’s Refugee Policy?”](#), 1 August 2010. Italy and Libya had signed the very first agreement in 2000 in order to increase police cooperation to fight against terrorism, crime and illegal immigration.

²⁵ Italian Ministry of Interior, [“Disposizioni in materia di contrasto all’immigrazione clandestina \(Art. 7\)”](#), 14 July 2003. Rutvica Andrijasevic, [“Deported: The Right to Asylum at EU’s External Border of Italy and Libya”](#), 2010.

²⁶ Anne T. Gallagher, Fiona David, “The international law of migrant smuggling”, 2014.

²⁷ BBC, [“Libya given migrant patrol boats”](#), 15 May 2009.

²⁸ Council of Europe, [“Report to the Italian Government on the visit to Italy carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 27 to 31 July 2009”](#), 28 June 2010.

declared that any migrants picked up by Italian boats fell under Italian jurisdiction, and that Italy had violated the principle of *non-refoulement* in 2009.²⁹

In January 2009, after a surge in arrivals from Tunisia, the two countries signed an agreement under which Italy agreed to provide technical and financial support to the Tunisian coastguard in return for Tunisia quickly taking back all Tunisians reaching Italy via sea.³⁰

In April 2011, Italy and Tunisia concluded a new agreement. Italy provided technical equipment and training to the Tunisian coastguard.³¹ A second agreement on returns was concluded in September.³² Between April and October 2011, Italy returned a total of 3,385 Tunisians before they could apply for asylum, again breaching the principle of *non-refoulement*.³³

2017 – Looking to Libya again

In early 2017, faced with unprecedented arrivals, Italian interior minister Marco Minniti revived the earlier policy of Berlusconi. Minniti personally met with Libyan tribal leaders and mayors to stop arrivals.³⁴

In February Italy concluded a Memorandum of Understanding on migration with the UN-backed interim government in Tripoli. It stated that Italy would support projects in Libya in exchange for Libya patrolling its coast and southern border.³⁵

On 10 August, the Libyan navy announced its search and rescue (SAR) zone and warned foreign ships from entering it. Some NGOs, fearing for the security of their crews, stopped operations.³⁶

In January 2017, the European Commission declared it would expand its training program for the Libyan coastguard.³⁷ It also stated that it would assist Libya in establishing its own Maritime Rescue Coordination Centre. In July the EU Trust Fund for Africa allocated 46 million euro primarily to increase the capacity of the Libyan coastguard and to support its rescue/interception operations.³⁸

Minniti's outreach to Libya resulted in a sharp drop in arrivals in mid-2017.

²⁹ ECtHR, "[Hirsi Jamaa and Others v Italy \[GC\], Application No. 27765/09](#)", 23 February 2012. The case was brought to the court by 24 of the migrants – 11 Somalis and 13 Eritreans – who had been returned to Libya.

³⁰ Ludovica Marchi, Richard Whitman, Geoffrey Edwards, "[Italy's Foreign Policy in the Twenty-first Century: A Contested Nature?](#)", 2014, p. 166.

³¹ A similar solution was adopted by the Italian Government in respect of the Albanian crisis of 1997.

³² Tunisia would accept a maximum of 1,500 expelled migrants over a three-week period.

³³ Italian Senate, "[Indagine Conoscitiva flussi migratori e ONG](#)", June 2017.

³⁴ *The Local*, "[Italy has reached an agreement with Libya aimed at curbing migration](#)", 3 April 2017.

Reuters, "[Italy's interior minister meets with Libyan mayors over people's smuggling](#)", 26 August 2017.

³⁵ ASGI, "[Italy-Libya Memorandum](#)", 2 February 2017.

³⁶ *The Guardian*, "[Three NGOs halt Mediterranean migrant rescues after Libyan hostility](#)", 14 August 2017.

³⁷ European Commission, "[Managing migration along the Central Mediterranean Route – Commission contributes to Malta discussion](#)", 25 January 2017.

³⁸ European Commission, "[EU Trust Fund for Africa adopts €46 million programme to support integrated migration and border management in Libya](#)", 28 July 2017.

*Sea arrivals, Italy, 2017*³⁹

Month	Arrivals
January	4,467
February	8,972
March	10,853
April	12,943
May	22,993
June	23,524
July	11,461
August	3,914
September	6,291
October	5,979
November	5,645
December	2,327
Total	119,369

However, there was no dramatic increase in the number of boats intercepted by the Libyan coastguard between 2016 and 2017.⁴⁰ This suggests that the falling numbers were the result of efforts by Libyan authorities and militias to stop migrants from even getting into boats.

*Libyan coastguard – people intercepted*⁴¹

Month	2016	2017
January	349	1,025
February	120	929
March	2,333	1,433
April	880	122
May	3,688	2,734
June	1,769	1,922
July	739	686
August	213	1,741
September	1,180	1,780
October	1,504	615
November	1,116	1,214
December	441	1,157
Total	14,332	15,358

The rest of the EU has backed Minniti's Libya policy, while NGOs and UN agencies have criticised it.⁴² The Libyan coast guard hands over those it intercepts to be detained in detention centres, where conditions are inhumane, and abuse is common. And yet, as Italians headed to national elections in March 2018, no major political party was opposing Minniti's policy.

³⁹ UNHCR, [Operational Portal Refugee Situations, Italy](#), 6 March 2018.

⁴⁰ UNHCR, [“Flash update: Libya \(29 December – 5 January 2018\)”](#), 5 January 2018.

⁴¹ UNHCR, [Libya: Activities at Disembarkation](#), November 2017, UNHCR, [Libya: Activities at Disembarkation](#), January 2018.

⁴² See: Amnesty International, [Libya's Dark Web of Collusion](#), December 2017.

Death at sea

IOM estimates that in the 4 years from 2014 to 2017 around 15,300 people died in the Mediterranean. This is more than in the 25 years from 1988 to 2013, when the number was around 14,000.⁴³ The vast majority of the victims of the last four years, 13,460, died in the Central Mediterranean on the way to Italy.

The periods with the lowest number of deaths at sea (early 2014, late 2017) were those with the lowest number of arrivals. Deaths at sea have fallen sharply in the second half of 2017, though they remain high.

Deaths at sea in the Central Mediterranean⁴⁴

Year		Arrivals	Deaths
2014	1st half	63,884	703
	2nd half	106,216	2,462
2015	1st half	70,347	1,764
	2nd half	83,488	1,113
2016	1st half	70,222	2,484
	2nd half	111,214	2,097
2017	1st half	83,752	2,171
	2nd half	35,617	682

Deaths in the Central Mediterranean 2017⁴⁵

Month	Deaths
January	225
February	217
March	300
April	279
May	621
June	529
July	68
August	143
September	102
October	167
November	193
December	9
Total	2,853

There is (almost) no legal access to Italy

Italy – like most European countries – offers limited legal access to third-country nationals, both to refugees (through resettlement) and to economic migrants (through residence and work permits). When it comes to resettlement, Italy (with a population of 60 million people) offers significantly fewer places than Sweden (10 million) or Canada (35 million).

⁴³ IOM, “[Fatal Journeys](#)”, 2014; IOM, IOM/Missing Migrants Project, “[Region: Mediterranean](#)”.

⁴⁴ IOM/Missing Migrants Project, “[Region: Mediterranean](#)”, 6 March 2018.

⁴⁵ Ibid.

*UNHCR refugee resettlement*⁴⁶

Year	Canada	Sweden	Italy
2010	6,706	1,789	58
2011	6,827	1,896	0
2012	4,755	1,483	9
2013	5,113	1,832	0
2014	7,233	1,812	0
2015	10,236	1,808	96
2016	21,865	1,868	528
2017	8,354	3,327	889

There are also few possibilities to apply for a work visa in Italy. Since 2001, Italy has operated an annual quota system. At the beginning of each year the Ministry of Interior sets a limit for each type of permit. In the past seven years these quotas have fluctuated. Many of the envisaged permits are not actually being issued.

*Italian work permit quotas*⁴⁷

Year	Quota
2010	98,080
2011	52,080
2012	13,850
2013	30,000
2014	15,000
2015	13,000
2016	30,850
2017	30,850

Out of the envisaged 30,850 work permits in 2016 Italy issued only 11,000.⁴⁸

- 13,000 permits were reserved for seasonal work in tourism and agriculture (6-month work permits). Italian employers requested 34,000. Only 7,000 were granted.

Nationals from 26 countries were eligible to compete for these permits. West Africans (Gambia, Ghana, Niger, Nigeria, Senegal) competed with nationals from Albania, Algeria, Bosnia-Herzegovina, Egypt, Ethiopia, India, Japan, Kosovo, Macedonia, Mauritius, Moldova, Montenegro, Morocco, Pakistan, Philippines, Serbia, South Korea, Sri Lanka, Sudan, Tunisia and Ukraine.

- 17,850 permits were reserved for non-seasonal workers – entrepreneurs, free-lance workers, the highly skilled, renowned artists, founders of start-up companies – and to convert temporary work or study permits into longer-term permits for applicants *already* residing legally in Italy.

⁴⁶ UNHCR, [“Resettlement Data”](#), 2017.

⁴⁷ *La Stampa*, [“Decreto flussi, ecco i dati del flop. Permesso solo a un richiedente su tre”](#), 19 July 2017.

⁴⁸ *Ibid.*

Conclusion – what next?

The EU, and Italy especially, remains a magnet, as almost nobody who arrives is ever returned, regardless of the decisions of asylum bodies. The political debate returns like a pendulum to earlier experiences of agreements with North African states (Tunisia and Libya) as the only way to stop boats arriving.

The Italian asylum system is overburdened. The number of applications has risen sharply. Making quality assessments of protection needs under these conditions is a huge challenge. It takes a long time to receive a first-instance decision; it takes a long time until any final rejection. In the end, even if there is a rejection, very few people are sent back home. The reception system is also stretched to its limits.

Italy would benefit enormously from a Europeanisation of the reception, asylum and return efforts, but so would the whole European Union, as many migrants who arrive in Italy move on to other EU countries. The following measures are therefore in the common European interest:

- a) An Italian-EU pilot project, supported by a coalition of member states through EASO, to provide sufficient resources to shorten asylum procedures (including appeals) without sacrificing quality. The Dutch asylum system shows how speed can be combined with quality, as discussed in a recent ESI paper on “Amsterdam in the Mediterranean.”⁴⁹

Those granted protection should be relocated as recognised refugees to other EU member states on a voluntary basis through a fully EU-funded effort.

- b) Return statements/arrangements between the EU and the main countries of origin (in West Africa and beyond) which increase legal access to some EU countries and thus give the countries of origin an incentive to cooperate in taking back those of their nationals who have arrived after an agreed date and are subsequently rejected.

Legal Access and Return Statement (LARS)

Fix a DAY X after which a country of origin helps identify and take back all its citizens from Italy who arrived after this day and who are found not to be in need of protection.

In return, EU member states set an annual contingent for regular safe and legal access (residence and work permits) for a number of citizens (workers, students) for a number of years in the future from this country of origin. If some member states do not want to offer places for work migration, they can offer scholarships.

In all countries of origin with a serious problem of internal displacement (such as Nigeria) include increased humanitarian support to those displaced inside the country, as well as possibilities for refugee resettlement via UNHCR.

⁴⁹ See ESI paper [“Amsterdam in the Mediterranean” – How a Dutch-style asylum system can help resolve the Mediterranean refugee crisis](#), 26 January 2018.

ANNEX: How it works – an asylum system under pressure

The right of asylum was enshrined in Article 10 of the Italian Constitution in 1947:

“A foreigner who, in his home country, is *denied the actual exercise of the democratic freedoms guaranteed by the Italian constitution* shall be entitled to the right of asylum under the conditions established by law.”⁵⁰

However, non-Europeans were not allowed to apply for asylum in Italy until 1990. Not until 1991 was a central commission set up in Rome to process asylum applications. At that time appeals had to be made to the same body. Not until 2002 were (seven) territorial commissions set up in different regions to deal with applications. Only in 2008 did Italy establish the possibility for asylum seekers to appeal a rejection to a court.

In 2016 Italy had 48 administrative bodies (20 commissions and 28 so-called sections) to assess asylum applications. Each had four members, including a president appointed by the Ministry of Interior and one UNHCR representative.

Asylum commission/sections and decisions in 2016⁵¹

Area	Bodies	Positive	Negative	Total
Rome	5	4,765	5,544	10,309
Verona	4	2,087	5,215	7,302
Milan	3	2,922	4,235	7,157
Turin	4	2,619	3,923	6,542
Crotone	3	2,632	3,605	6,237
Bologna	2	2,959	2,970	5,929
Florence	3	1,061	3,861	4,922
Bari	2	1,785	3,043	4,828
Ancona	2	1,088	2,995	4,083
Salerno	2	1,520	2,487	4,007
Caserta	2	1,158	2,390	3,548
Syracuse	3	1,594	1,925	3,519
Gorizia	1	2,410	953	3,363
Brescia	2	822	2,517	3,339
Cagliari	1	1,136	2,116	3,252
Trapani	3	1,581	1,607	3,188
Catania	3	944	1,944	2,888
Foggia	1	1,296	1,430	2,726
Lecce	1	962	1,073	2,035
Palermo	1	1,320	638	1,958
Total	48	36,661	54,471	91,132

Each commission/section member has substitutes. Each member/substitute is in charge of conducting personal interviews with asylum seekers and preparing the draft decisions (usually in the morning). All four members meet (usually the same afternoon) and decide on these draft decisions by majority. If there is a tie (2:2) the president decides.

⁵⁰ Article 10(3), [Constitution of the Italian Republic](#), 1947.

⁵¹ Italian Ministry of Interior, [“Quaderno statistico 1990 – 2016”](#).

The workload facing Italian territorial commissions is very high. In 2016 the commission in Cagliari, in the South of Sardinia, took 3,252 decisions. If it worked, as foreseen, four days a week for 44 weeks a year, this would amount to 74 joint decisions a week, or 18 a day. This means each of the four commission members interviews more than four people a day. The territorial commission in Gorizia, near the Slovenian border, had even more work: 76 joint decisions a week, or 19 a day. Each commissioner had to conduct almost 5 interviews in the morning and each commission decided on 19 cases in the afternoon every day.⁵²

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⁵² Protection System for asylum seekers and refugees (SPRAR), [“Rapporto sulla Protezione Internazionale in Italia 2017”](#), December 2017.