

INFO LEAFLET ON LAW 1/12/18 N. 132 (LAW CONVERSION OF “SECURITY DECREE OR “SALVINI DECREE”)

The Decree/Law on “migration” and “security” issued by the Italian government has been approved by Parliament on December 2018. This Decree/Law represents an attack on the rights and freedom of every citizen, especially foreign people living in Italy, and violates the principles enshrined in the Italian Constitution and in major international treaties and conventions about Human Rights and Asylum Rights.

The Law provides for the following:

- **The extension of detention time within CPR** (Centre for Permanence before Repatriation) from 90 to 180 days.
- **New measures for administrative detention of foreigners and asylum-seekers:** asylum seekers can be held for up to 30 days in the so-called *hotspots* for identification procedures or to verify identity, and for up to 180 days in the CPRs (amounting to 210 days in total). Undocumented foreign nationals can also be held within border offices and informal areas.
- **Cutback of the reception system SPRAR:** the ordinary reception system for asylum seekers and refugees called SPRAR and run by Italian municipalities will host only recipients of international protection and unaccompanied minors, therefore greatly reducing SPRAR’s capacity. Its new name will be SIPROIMI (Protection system for international protection holders and unaccompanied minors).
- **Issues for asylum-seekers at Registry Office (*Anagrafe*):** the law impedes registration at the Registry Office (*Anagrafe*) for asylum seekers (but it will also depend on how and if mayors will decide to apply this law). The lack of registration at the Registry Office impedes the possibility of settling one’s own residence in the city and obtaining an ID card (*carta di identità*). It is an individual’s right to register at the Registry Office and in case of a negative response, everyone has the right to a lawyer and to legal aid (including also the possibility to free legal aid called *gratuito patrocinio*).
- **Abolition of humanitarian protection:** (the two-year protection that could be recognized by the Territorial Commission following an application for international protection). New typologies of short-term residence permits (6 months or one year) have been introduced for “special protection”, “natural disasters in the country of origin”, “medical care”, “specific acts of civic values” and for other “special cases” (domestic violence, social protection, labor exploitation). Some permits will be requested directly to the “Questore” (the local police commissioner).
- **Widening the offence spectrum to revoke the “residence permit” for refugee status and subsidiary protection:** the revocation of refugee status or subsidiary protection is extended to new crimes such as sexual offence, production, possession and trafficking of drugs, robbery and extortion, theft, threat or violence to a public official.
- **Introduction of new criteria to consider a request of international protection/political asylum as “manifestly unfounded” (namely groundless):** notable among these the requests of international protection made by those who “entered the country illegally or illegally extended their stay and, without justified reasons, did not submit an immediate request”.
- **Reintroduction of roadblock as a crime:** Roadblocks and obstruction of railways become a crime again ((including also the obstruction or encumbrance of the train tracks) while “trespassing property and lands” can be punished with a maximum of two years reclusion, with the time doubled (4 years) if committed by a group of five people or more.