Decree law No 23 on security and migration is converted into Law No 54/2026

The Parliament gave final approval to the bill converting Decree Law No 23 of 24 February 2026 into Law No 54 of 24 April 2026, following its earlier passage in the Senate. The measure introduces provisions on public security, policing and migration, including aspects related to international protection.

The decree, now converted into law with amendments, includes a section dedicated to immigration and asylum. Measures cover areas such as the obligation of detained foreign nationals to cooperate in identity verification procedures, rules on border rejections, expulsion and return, and the expansion of reception facilities and pre-removal detention centres. The legislation also introduces changes aimed at simplifying notification procedures for applicants for international protection and includes provisions linked to cooperation agreements on migration, as well as humanitarian activities carried out by the Italian Red Cross.

Cooperation by foreign prisoners and detainees

Article 28 introduces a specific duty for foreign nationals who are imprisoned or held in detention to cooperate in establishing their identity.

They must provide information or documents in their possession concerning:

- Their age, identity and nationality.
- The countries in which they have lived or through which they have travelled.

The information is to be recorded in the person's prison file, together with whether they have complied with the duty to cooperate.

Consequences of non-cooperation:

- It can be taken into account when assessing eligibility for *liberazione anticipata* (early release), which can reduce a prison sentence by 45 days for each qualifying 6-month period.
- It can also be considered when assessing the person's social dangerousness (*pericolosità sociale*), which is a prerequisite for expelling a foreign national convicted of offences for which arrest in flagrante delicto is compulsory or

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optional.

Border transfers, expulsion and repatriation

Article 29 introduces four main changes.

1. Transfer of people found at internal EU borders

The border police office, or the Questore where exercising border-police functions, is made responsible for organising the transfer to the Member State of arrival of people found in areas corresponding to internal EU borders who do not have a right to stay.

This implements the transfer procedure introduced into the Schengen Borders Code by Regulation (EU) 2024/1717.

The procedure applies in specified circumstances, including where a person is identified through bilateral cooperation between Member States or where there are clear indications that the person arrived directly from another Member State and has no right to stay.

The procedure does not apply to applicants for international protection or people already granted international protection. Transfers are generally to take place immediately and within 24 hours. The relevant transfer decisions can be challenged before the competent Regional Administrative Court (TAR).

2. Repeated violation of an expulsion order

The law changes the procedure for a foreign national who violates a second order to leave Italy.

Previously, the procedure could involve issuing another expulsion order, followed by further enforcement steps if that order was also violated.

Under the new provision, following violation of the second order, **a further expulsion order is no longer required**. Unless the person's individual circumstances have changed, the authorities can proceed directly to:

- Detention in a Centre for Repatriation (*Centro di permanenza per il rimpatrio – CPR*); or
- Administrative expulsion, where this is possible.

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This provision is intended to avoid repeatedly restarting the expulsion procedure. Changes in the person's individual circumstances, including any risk of refoulement, must still be taken into account.

3. Passenger data collected from ships

Passenger information collected on passenger ships is to be entered separately into the information system used by the Department of Public Security for border controls.

The data is to be handled under rules corresponding to those governing API passenger information. These include restrictions on visibility and access: information not needed for preventing irregular immigration is to become unavailable to border-control offices after the specified period, and the relevant data is generally made unavailable to those offices after six months.

4. Removal of automatic access to free legal aid for expulsion appeals

The article repeals the provision that gave non-EU foreign nationals automatic access to state-funded legal aid when appealing expulsion decisions, irrespective of the ordinary income requirements.

As a result, the ordinary income-based eligibility limits for legal aid apply. The dossier gives the threshold in force at the time of its preparation as annual taxable income of EUR 13,659.64.

A person appealing an expulsion decision can no longer rely on that particular automatic entitlement to free legal assistance.

Reception centres, CPRs and notification of asylum decisions

Article 30 contains two particularly important measures.

1. Wider powers to build and renovate migration centres

Until 31 December 2028, the Ministry of the Interior is authorised to derogate from ordinary legal provisions when locating, constructing, acquiring, completing, adapting or renovating infrastructure for the assistance, reception and detention of foreign nationals.

The measure concerns, in particular:

- Reception centres.

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- Centres providing assistance to migrants.
- Centres for detention pending repatriation (CPRs).

The article also extends until 31 December 2028 an existing derogation concerning the location, construction, expansion and restoration of CPRs.

2. Electronic notification of acts to asylum applicants not staying in reception or detention centres

For applicants who are not staying in reception or detention centres, notifications can be made through certified electronic mail (*posta elettronica certificata (PEC)*), as an alternative to ordinary postal service.

This can include notification to the applicant's legal representative where the applicant has elected that address as their domicile.

The change concerns procedures for recognition of Refugee status and Subsidiary protection.

This is intended to align Italian notification procedures with Article 9(3) of EU Regulation 2024/1348, which provides for communications to applicants using contact details, including telephone numbers and email addresses, supplied to the competent authorities. the change aims to facilitate electronic communication in asylum proceedings, potentially making notifications faster and less dependent on postal delivery.

Financial contribution from Switzerland

Article 31 implements the Italy–Switzerland framework agreement of 17 May 2024.

It authorises the payment by the Swiss authorities of a second contribution of CHF 20 million into the Italian State budget.

The funds are then to be allocated to the Ministry of the Interior's Department for Civil Liberties and Immigration, to cover expenditure on:

- Construction and acquisition of buildings for reception centres.
- Completion and adaptation of existing facilities.
- Renovation of buildings intended for reception and detention centres for foreign nationals.

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The dossier describes this as part of Switzerland's broader contribution to supporting migration-management structures in selected EU Member States. The provision includes a financial neutrality clause: implementation is not supposed to generate additional costs for Italy beyond the financial resources already available under existing legislation.

Humanitarian activities of the Italian Red Cross

The provision allows the Ministry to do this by derogating from the ordinary rules governing public procurement. The Ministry can establish a direct relationship with the Red Cross without following the usual competitive tendering procedures and related requirements.

The Ministry of the Interior, until 31 December 2028, entrust the Italian Red Cross (*Croce Rossa Italiana (CRI)*) directly with the management of humanitarian activities inside CPRs.

The purpose is to ensure that humanitarian activities in CPRs can be organised promptly and that Italy can meet the requirements arising from the EU Pact on Migration and Asylum.

The dossier also recalls that the Red Cross has an established role in humanitarian assistance and can undertake activities in both repatriation centres and reception facilities, including those for asylum applicants.

Assisted voluntary returns

- It expressly involves the **National Bar Council** (*Consiglio nazionale forense*) in cooperation on assisted voluntary return programmes.
- It provides for payment to the individual lawyer who assists a foreign national in submitting an application to participate in an assisted voluntary return programme.
- The lawyer's fee is equal to the financial contribution provided for the foreign national's initial needs.
- Payment is due following the foreign national's departure.

The provision allocates EUR 246,000 for 2026 and EUR 492,000 for each of 2027 and 2028.

Expulsion of detained foreign nationals

It requires the relevant decision concerning the expulsion of a detained foreign national to be taken within 15 days and with priority over other applications

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submitted or pending in relation to that detainee.

Source(s)

- Ministry of Labour and Social Policies | Ministero del Lavoro e delle Politiche Sociali (24 April, 2026), Convertito in legge il DL 23/2026 su sicurezza e migrazione [Law Decree 23/2026 on security and migration converted into law], https://integrazionemigranti.gov.it/it-it/Ricerca-news/Dettaglio-news/id/4715/Convertito-in-legge-il-DL-232026-su-sicurezza-e-migrazione-

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