Decree law No 100/2026 on the implementation of the Pact is converted into Law No 145/2026

The Chamber of Deputies approved Decree Law No 100/2026 on 5 August 2026, which was converted into Law No 145/2026. The law addresses two main areas: urgent measures in the field of justice and the initial legislative changes necessary to implement the EU Pact on Migration and Asylum, in force since 12 June 2026.

While the first nine articles of the text (out of a total of 18) are dedicated to justice, the entire second part of the provision concerns the transposition of the rules of the Pact.

New restrictions on the residence of asylum applicants (Article 10)

A new measure is introduced allowing the authorities to require an asylum applicant to reside in a specific location.

The measure can be imposed:

- For reasons of public order.
- To prevent the applicant from absconding.
- Where there is a risk that the applicant may become untraceable during the asylum procedure.

The Prefect is responsible for issuing the relevant authorisation. The applicant may also be required to report their presence to the authorities. Tthe measure is subject to judicial review: the applicant can challenge it before the specialised immigration section of the competent court within **7 days** of notification.

This new instrument is designed to ensure that asylum applicants remain available to the authorities throughout the examination of their applications.

Changes to asylum procedures and appeals (Article 11)

The rules governing the examination of asylum applications and judicial appeals are substantially revised to align them with EU Regulation 2024/1348.

The main changes concern:

- The distinction between ordinary, accelerated and border procedures.
- Different deadlines for challenging administrative decisions.

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- The circumstances in which an appeal automatically suspends the effects of a refusal.
- The possibility for an applicant to request authorisation to remain in Italy while an appeal is pending, where automatic suspension does not apply.

Appeals against decisions adopted following a border procedure must generally be lodged within five days.

The appeal does not automatically suspend the effects of the decision, except in specified circumstances, including cases involving unaccompanied minors.

The legislation also provides a specific procedure for requesting authorisation to remain during the appeal.

The border procedure is designed to be completed within 12 weeks. If the relevant judicial decision is not adopted within that period, the applicant must be authorised to enter the national territory and receive the relevant documentation.

Border screening, identification and detention (Article 12)

It introduces procedures for identifying and screening third-country nationals found irregularly present in Italy or rescued at sea.

A new procedure for detention for identification and verification purposes (*fermo per accertamenti*) is introduced.

The main features include:

- Detention for the purpose of carrying out identification and security checks.
- Judicial validation where detention continues beyond 48 hours.
- The right to appoint a lawyer.
- Appointment of an interpreter where necessary.
- Access to legal aid at the State's expense.
- Mandatory participation of a lawyer in the validation hearing.

The judicial validation procedure can also take place through audiovisual connection.

Following validation, the individual may remain at the location where the checks are being conducted for a maximum of **72 hours**, calculated from the moment they are placed at the disposal of the public security or border authorities.

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The article also introduces a special procedure before the Court of Cassation for challenging certain decisions concerning detention, extensions of detention and alternative measures. The appeal must generally be lodged within ten days, and the Court of Cassation is required to decide within 30 days.

Implementation of the new Eurodac system (Article 13)

The decree introduces measures to implement the new EU Eurodac Regulation 2024/1358. The Italian authorities are required to strengthen the interoperability of their information systems.

In particular, the decree provides for:

- Greater integration between police databases and biometric identification systems.
- Interconnection between the Ministry of the Interior's databases and Eurodac.
- The designation of a national access point for communication with Eurodac.
- Improved availability and exchange of information between law-enforcement authorities.

The objective is to improve identification, monitoring and information-sharing between the relevant Italian authorities and the European system.

Strengthening the Territorial Commissions (Article 15)

For 2027 and 2028, the decree provides for the recruitment of 280 new officials (Funzionari) and 77 new Assistants, for a total of 317 new positions.

Recruitment can take place through public competitions, the use of existing temporary recruitment lists or temporary employment agencies.

This measure is intended to increase the administrative capacity to process asylum applications.

Changes related to the lodging of application (Article 26)

The Terrirorial Commission are now responsible for the lodging of the application for international protection and issuance of related documentation, taking this duty from the Police headquarters. The lodging may be done by accredited external actors (e.g. reception centres), which, for this purpose, access the dedicated IT portal. A transition period is established allowing this function to police immigration offices, which process making, registering lodging in one

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single step.

Changes to the competence of specialised immigration courts (Article 14)

The specialised immigration sections of ordinary tribunals receive additional responsibilities. They become responsible for:

- Validation and extension of detention of asylum applicants.
- Validation of alternative measures to detention.
- Appeals against decisions requiring asylum applicants to reside in a specific location.

Furthermore, the specialised immigration sections will operate **exclusively with a single judge (monocratic composition)**.

Previously, certain detention-validation proceedings were assigned to the Court of Appeal. That competence is now transferred to the specialised immigration sections, and the relevant previous provision is repealed. The stated objective is to accelerate judicial proceedings and ensure that the courts can handle the increased workload resulting from the EU Pact.

Establishment of special backlog-clearing offices (Article 16)

A new office (*Ufficio per il Processo Stralcio)* is established within each specialised immigration section of ordinary tribunals.

Its purpose is to deal specifically with outstanding immigration and asylum backlog.

The offices will focus on proceedings that were already pending on **11 June 2026**.

The main characteristics are:

- At least three honorary judges of the peace (*giudici onorari di pace*) are assigned to each office.
- They can be delegated responsibility for handling proceedings and issuing final decisions.
- The relevant personnel must receive appropriate training.
- The offices are intended to operate for a limited period, with the delegation of decision-making powers available until 31 October 2029, or earlier if all

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relevant cases have been resolved.

The decree also provides for a three-month extension of certain temporary employment contracts expiring on 30 June 2026, to ensure continuity during the implementation of the new arrangements.

Applications submitted before 12 June 2026

The previous procedural rules continue to apply to applications made before 12 June 2026. However, the second instance decision-making process becomes monocratic (single-judge) in all cases.

Source(s)

- Official Journal | Gazzetta Ufficiale (7 August, 2026), [Legislative Decree 100/2026 has been converted into law. The first phase of implementation of the Asylum and Migration Pact begins.], https://www.gazzettaufficiale.it/eli/id/2026/08/08/26G00164/sg

Related development(s)
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