First instance determination - Italy

Overview of first instance procedures

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Relevant EU legislation

Italy is bound by the recast Asylum Procedures Directive, the recast Reception Conditions Directive and the Dublin III Regulation and has transposed their provisions respectively through Legislative Decree No 25/2008 and Legislative Decree No 142/2015.

National legislation

Legislative Decree No 25/2008, as amended by Law No 50/2023, regulates asylum procedures at first instance. In particular, Article 6 describes the procedural aspects to access the asylum procedure, Articles 10 and 11 outline the rights and obligations of an applicant for international protection, Articles 12-14 regulate the personal interview, Article 16 outlines access to legal assistance, and Article 19 depicts guarantees for minors. Articles 26-32 provide the procedures at first instance (regular procedure, accelerated procedure and border procedure).

Article 7 of Law No 50/2023 amended Article 32 of Legislative Decree No 25/2008.

Legislative Decree No 251/2007 provides the grounds for international protection and regulates the assessment of applications at first instance.

Competent authority and other stakeholders

Territorial Commissions for the Recognition of International Protection are responsible for examining applications for international protection. Territorial Commissions are responsible for first instance procedures, border procedures,

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the personal interview, the assessment of applications, country of origin information, the provision of interpretation at first instance and decisions at first instance, including in cases of implicit and explicit withdrawals. The competence of the commissions, identified by decree of the Minister of the Interior on 10 November 2014, is determined based on the place in which the application is presented or of the centre in which the applicant is accepted or detained, as provided by Article 4(5) of Legislative Decree No 25/2008. The location and competence of the Territorial Commissions are available on the Ministry of the Interior website.

The National Commission for the Right to Asylum (CNA) operates within the Department for Civil Liberties and Immigration and constitutes the main authority of the Italian system for international protection, responsible for revoking and ceasing international protection. It is responsible for guiding and coordinating Territorial Commissions, which are responsible for examining applications for international protection. The National Commission also prepares guidelines and training activities, as well as monitors the quality of procedures and activities in order to maintain uniform decision-making standards. It also collects data on asylum applications and decisions on applications and establishes and updates information on the countries of origin of asylum seekers.

The Territorial Police Headquarters (Questure) is responsible for issuing residence permits for asylum seekers.

UNHCR plays a crucial role in supporting the Italian asylum system. It holds a seat in each Territorial Commission for the Recognition of International Protection, where it has voting rights. In addition to its consultative role, UNHCR assists the Territorial Commission by disseminating guidelines, positions and information related to countries of origin. It also provides updates on relevant national and international jurisprudence.

UNHCR works closely with the CNA, offering advisory support especially in cases concerning the cessation or revocation of international protection status. This collaboration extends to training, coordination and monitoring activities for Territorial Commissions, ensuring that the asylum process remains efficient and aligned with international protection standards.

Types of procedures and case processing

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Regular procedure: Standard procedure for processing asylum applications, the case is examined by the Territorial Commission.

Accelerated procedure: An application can be prioritised when:

- The application is clearly founded during the first assessment;
- The application is submitted by a vulnerable applicant, in particular by an unaccompanied minor or a person who requires special procedural guarantees;
- The application is made by an applicant from one of the countries listed by the National Commission for which the personal interview can be omitted because there are sufficient grounds to grant subsidiary protection. Before adopting a decision, the competent Territorial Commission informs the applicant of the opportunity for a personal interview within 3 days from the communication. In the absence of a request, the Territorial Commission takes the decision.

Border procedure: The examination of the application for international protection can be made directly at the border when the application is made at the border or in transit zones:

- by an individual apprehended for evading or attempting to evade border controls;
- by an individual from a designed safe country of origin.

Subsequent application: A subsequent application is made after a final and binding decision has been taken. It is allowed when the first application is closed and the applicant has not left the EU territory. After the Territorial Commission takes a decision, if the applicant reiterates the same application without presenting new elements on personal conditions and the situation in the country of origin, the President of the Territorial Commission makes a preliminary examination of the application to verify whether new elements have emerged which are relevant for recognising international protection status.

Time limit for a decision and length of the procedure

Measures to enforce the legal time limit for processing an application: According to Article 27 of Legislative Decree No 25/2008, the Territorial Commission interviews the applicant within 30 days of receipt of the application

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and decides within the following 3 working days. If the Territorial Commission, due to the need to acquire new elements, has not been able to adopt a decision within the time limits, it must inform the applicant and the competent Police Headquarters of the delay. In this case, the procedure to examine the application is completed within 6 months. The deadline is extended by a further 9 months when:

1. the examination of the application requires the assessment of complex questions of fact or law;
2. a large number of applications were submitted simultaneously;
3. the delay is attributable to the applicant's failure to comply with the cooperation obligations referred to in Article 11.

In exceptional, duly-justified cases, the 9-month period may be further extended by 3 months when necessary to ensure an adequate and complete examination of the application.

Penalty payment for exceeding processing time: not applicable, however, if the Territorial Commission exceeds the legal timeframe without justification, the applicant may file legal action providing evidence of harm caused by delays.

Prioritisation policies: For accelerated procedures, the decisions must be made within 30 days from the lodging of an application, and for border procedures, decisions are expected within 7 days.

Usually, time limits are expanded due to a large number of simultaneous applications. The applicants must be informed of any delays and extensions and the reasons for them in a language they understand.

Quality assurance of first instance procedures

Who: Quality is continuously monitored by EUAA and UNCHR.

Methods/criteria: Information currently not available

Frequency: Information currently not available

Interinstitutional cooperation

No cooperation mechanism is currently in place

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Regular asylum procedure at first instance

Legal basis

Articles 26, 27, 30, 31 and 32 of Legislative Decree No 25/2008, as amended by Law No 50/2023, regulate the regular procedure at first instance.

Competent authority and stakeholders

According to Articles 4 and 27 of Legislative Decree No 25/2008, the Territorial Commissions for the Recognition of International Protection are responsible for examining applications for international protection in the first instance procedures.

Personal interview

The personal interview is regulated by Legislative Decree No 25/2008. Applicants for international protection are notified of their interview date and time through official communication. Usually, the interview takes place at the offices of the competent Territorial Commission, in the presence of the officer acting as the interviewer and a cultural mediator or interpreter if requested by the applicant. Applicants may also request to be assisted by a legal representative through the asylum procedure at first instance, while their presence during the interview is optional.

Applicants are informed about the purpose of the interview, their rights and obligations, and the overall asylum process. The interview focuses on verifying personal details, exploring the reasons for leaving the country of origin, and assessing documents, evidence or material presented. Information disclosed during the interview is confidential and only used to assess the application.

Special procedures for vulnerable persons, including minors, are granted. The interview is recorded in writing or electronically, and the applicant has the right to access the transcript. The consequences of the personal interview may lead to a credibility assessment to evaluate the case. A positive or negative decision can be appealed within the time limits set by law.

Assessment of an application

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The assessment of an application at first instance is regulated by Legislative Decree No 25/2008 and Legislative Decree No 251/2007. After an asylum application is lodged at the Police Headquarters, the case file is forwarded to the competent Territorial Commission for an assessment. The assessment includes the collection of evidence (e.g. statements, documentation and country of origin information). If necessary, the Territorial Commission may request input from professionals (e.g. medical experts and psychologists).

The personal interview aims to understand the applicant's statements, clarify inconsistencies or gaps, and evaluate credibility by checking the plausibility of the applicant's statements and comparing to country-of-origin information and other reports.

A decision is typically issued within 6 months but may be extended in complex cases. The outcomes of an assessment may be to grant international protection (with the issuance of a residence permit) or a negative decision with a removal order, which can be appealed).

Scope and outcomes of a decision

According to Article 32 of Legislative Decree No 25/2008, the Territorial Commission for the Right to Asylum shall adopt one of the following decisions:

- Granting of international protection through:

  - Refugee status when the applicant is recognised as a refugee based on a well-founded fear of persecution (under the 1951 Refugee Convention), in accordance with the provisions of Articles 11 and 17 of Legislative Decree No 251 of 19 November 2007.

  - Subsidiary protection when the applicant does not qualify as a refugee but faces a real risk of serious harm (such as torture, inhuman or degrading treatment, or threats of death) if returned to their home country, in accordance with the provisions of Articles 11 and 17 of Legislative Decree No 251 of 19 November 2007.

- Rejection of the application: If the asylum application does not meet the criteria for international protection (either refugee status or subsidiary protection), the application is rejected. According to Article 7ter of Law No 50/2023, in the case of a negative decision, the Territorial Commission

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acquires information from the quaestor on the non-existence of one of the causes preventing a rejection at the border and expulsion, in the event that the conditions for granting international protection and the conditions for the transmission of the files to the quaestor for the purpose of issuing a residence permit for special protection or for medical treatment are not met.

- National protection (if international protection is not provided): The Territorial Commission may examine whether the applicant can be granted other forms of protection under national law, including temporary protection in exceptional cases. Article 5 of Legislative Decree No 25/2008 provides that national forms of protection (such as humanitarian protection or a temporary stay) may be considered when international protection is not granted. While humanitarian protection was previously common, this form was effectively abolished by Decree Law No 113/2018 (converted into Law No 132/2018) and replaced with more limited avenues for protection.
- Return decision: If the application for international protection is rejected, the first instance decision will include a return decision, meaning that the applicant may be ordered to leave Italy. This is a two-in-one decision; it combines both the decision on the asylum claim (whether to grant or reject protection) and the decision to return (if protection is not granted).

Withdrawal of an application

Competent authority to withdraw an application

The Territorial Commission is responsible for withdrawing an application, both implicitly and explicitly.

Implicit withdrawal

The legal provisions for an implicit withdrawal of an application are outlined in Article 23bis of Legislative Decree No 25/2008, as amended by Decree Law No 145/2024. These provisions define the circumstances under which an applicant's asylum request may be considered implicitly withdrawn. The specific grounds are:

1. Leaving the reception facilities or avoiding detention: An applicant is considered to have implicitly withdrawn their application if, without a

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justified reason and before being summoned for the personal interview under Article 12, they leave the reception facility where they are accommodated or avoid detention measures prescribed under Article 10ter of Legislative Decree No 286 (25 July 1998) or the detention centre specified in Article 14. These facilities are designed to ensure that the applicant remains accessible to the relevant authorities during the asylum process.

2. Failure to appear for a personal interview: An implicit withdrawal applies if the applicant fails to attend the personal interview ordered by the Territorial Commission under Article 12, provided that notification of the interview was properly served in accordance with Article 11(3) or (3bis) and notification is deemed completed under Article 11(3ter) which includes scenarios when the applicant deliberately avoids receiving the notification.

When an application is deemed implicitly withdrawn, the Territorial Commission takes one of the following actions:

1. If sufficient information is available for an adequate examination of the merits, the Territorial Commission may reject the application under Article 3 of Legislative Decree No 251 of 19 November 2007. The rejection confirms that the applicant's claims do not meet the criteria for international protection.
2. If there are insufficient elements to evaluate the application, the examination is suspended. This occurs when the applicant's absence or failure to cooperate prevents the Territorial Commission from conducting a meaningful review of their claims.

An applicant whose proceedings are suspended has the right to request a reopening of the procedure, but only once and within a 9-month period. If no such request is made within this timeframe, the procedure is considered extinguished.

If the applicant is from a safe country of origin and fails to substantiate serious reasons why the country should be considered unsafe in their specific circumstances, the burden of proof is deemed unmet. In such cases the application may be rejected under Articles 9(2bis) and 32(4) and (4bis) of the applicable legislation and the rejection is further justified if the applicant’s non-compliance undermines their credibility.

An application submitted after a rejection decision or after the termination of the procedure is treated as a subsequent application. Under Article 29(1bis), a

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preliminary examination is conducted to assess the admissibility of the new application and the applicant's reasons for prior non-compliance, such as failure to attend the interview or leaving the reception facility.

Applicants have the right to appeal a decision on an implicit withdrawal. The procedures and guidelines for appeals are governed by Legislative Decree No 25/2008. Appeals are lodged with the Territorial Court (*Tribunale Ordinario*), which specialises in immigration and asylum matters and must be filed within 30 days of receiving the decision. For applicants in detention, the timeframe is reduced to 15 days.

The court may uphold the appeal, leading to the resumption of the examination. Alternatively, it may dismiss the appeal, confirming the termination of the application process.

If dissatisfied with the Territorial Court's ruling, the applicant can file a second appeal with the Court of Appeal (*Corte d'Appello*). A third appeal, if permissible, can be filed with the Supreme Court of Cassation (*Corte di Cassazione*). Courts aim to issue decisions within 4-6 months, depending on the complexity of the case and judicial backlogs.

Explicit withdrawal

According to Article 23 of Legislative Decree No 25/2008, an applicant may withdraw an application before the hearing before the competent Territorial Commission by submitting a formal request in writing to the Territorial Commission which declares the termination of the procedure. A report is drawn to document the applicant's withdrawal request and its acceptance by the authority. If necessary, an interpreter is involved to ensure that the applicant fully understands the implications of the withdrawal. Also, an interview or meeting with the applicant may be conducted to confirm the withdrawal request and inform them about the consequences.

If the applicant does not hold a valid residence permit, they are informed about their obligation to leave the country, as their legal status as an asylum seeker ceases following the withdrawal of their application.

An appeal must be filed with the Territorial Court (*Tribunale Ordinario*), which is specialised in immigration and asylum matters. Appeals are generally be submitted within 30 days of the decision being notified. This period is reduced to

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15 days if the applicant is in detention.

The court may uphold the appeal ordering the resumption of the examination or dismiss the appeal. Decisions on appeals are typically expected within 4-6 months, though this can vary based on the complexity of the case.

A second appeal can be filed with the Court of Appeal (*Corte d'Appello*) if the applicant believes the first ruling was incorrect. A final appeal may be lodged with the Supreme Court of Cassation *(Corte di Cassazione*), although this is limited to points of law.

Personal interview

Competent authority: Interviewers

According to Articles 4 and 27 of Legislative Decree No 25/2008, Territorial Commissions for the Recognition of International Protection are responsible for conducting interviews. Each Territorial Commission operates with a four-member, gender-balanced composition: a prefecture officer as president, a representative from UNHCR and two highly-qualified administrative representatives from the Ministry of the Interior, appointed by a public tender. In specific cases, Territorial Commissions may request additional expertise from the Ministry of Foreign Affairs, particularly for cases where in-depth knowledge of the applicant's country of origin is needed. This allows for a more accurate assessment when the situation in the applicant's home country requires specialised understanding.

Only one member typically conducts the interview with the asylum seeker, although the applicant may request that the interview be conducted in plenary (i.e. with multiple members present). After the interview, decisions are made collectively by the entire Territorial Commission.

Recruitments are public competitions where anyone with a degree in social-economic subject can participate. Successful candidates are trained by UNHCR and EUAA before starting their duties.

Special procedural guarantees during the interview

All applicants for international protection are required to undergo a personal interview. The procedure includes specific considerations for minors, vulnerable

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applicants and individuals with special needs to ensure that their unique circumstances are respected and accommodated.

Legislative Decree No 145/2024 highlights that case officers who conduct interviews, particularly with minors and vulnerable applicants, must receive specialised training in areas such as trauma-informed interviewing, child psychology and cultural sensitivity.

Vulnerable applicants, such as survivors of violence, human trafficking or people with disabilities, are prioritised for the interview to ensure that they receive timely consideration. The police notify the Territorial Commissions of an applicant's vulnerability status, which may come from medical reports provided by health centres, reception facilities or NGOs. These cases are scheduled for an interview as soon as possible, taking precedence over others in the regular procedure.

Legislative Decree No 142/2015 mandates that children must be interviewed by a member of the Territorial Commission who is specifically trained to work with minors. For accompanied minors, the interview is conducted in the presence of a parent or legal guardian, ensuring that the child's best interests and comfort are prioritised.

Unaccompanied minors are generally under a special protection scheme outlined by Law No 47/2017 and do not usually apply for international protection until they are at least 14 years old. Although the law does not set a minimum age for interviewing unaccompanied minors, interviews for those under 14 are rare in practice. According to Article 13 of Legislative Decree No 25/2008, when interviewed, unaccompanied minors must be accompanied by a legal guardian who is appointed by the court, regardless of the minor's marital status or proximity to the age of majority. The minor also has access to a free legal adviser or other counsellor.

According to the Decree of the President of the Council of Ministers No 98 of 10 May 2024, an interview should be conducted within 3 days of a minor's entry into the reception facility, within an environment that fosters comfort and active listening. They are typically carried out by qualified personnel, such as social workers, developmental psychologists or educators, with the presence of a legal guardian or person exercising parental responsibility, along with a cultural mediator.

Applicants detained in Identification and Expulsion Centres (CIEs/CPRs) who wish to apply for international protection are entitled to an interview, even if they

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initially received a rejection or expulsion order based on nationality.

Possibility to omit the personal interview

Positive decision	According to Article 12(2) of Legislative Decree No 25/2008, international protection is granted: • When the determining authority has enough information to grant refugee status under the 1951 Geneva Convention without interviewing the applicant. • When the applicants is from a country for which subsidiary protection or refugee status is likely to be recognised, as identified by the National Commission for Asylum (NCA).
Previous meeting - essential information	n/a
Issues raised are not relevant or of minimal relevance	n/a
Safe country of origin	n/a
Safe third countries	n/a
Inconsistent, contradictory, improbable, insufficient representations	n/a

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Subsequent application	The Territorial Commission makes a preliminary assessment to evaluate whether new elements have been added to the asylum request. If there are no new elements, the Territorial Commission takes a decision without proceeding to an examination on the merits of the asylum application or conducting a personal interview.
Application to merely delay/frustrate enforcement	n/a
Not reasonably practical to conduct it	n/a
Applicant unfit or unable to be interviewed	According to Article 12(3) of Legislative Decree No 25/2008, an interview may be postponed if the applicant is recognised as unable or unfit to be interviewed, as certified by a public health unit or a doctor working with the national health system.

Organisational aspects

Under the regular procedure outlined in Article 27 of Legislative Decree No 25/2008, the personal interview should ideally take place within 30 days of receiving the asylum application. Following the interview, a decision is generally expected within 3 days, though delays are common, with some cases extending for up to 18 months or longer.

Before formal registration (*verbalizzazione*), a pre-registration step (*fotosegnalamento*) is conducted to photograph and fingerprint the applicant. This process can take anywhere from 1 week to 6 months, depending on administrative capacity and the caseload.

For applications under the accelerated procedure, the interview is typically scheduled within 7 days of submission at the *Questura*, with a decision to follow

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within 2 days of the interview. However, similar to the regular procedure, delays can occur and the *fotosegnalamento* phase may take 1 week to 6 months.

Before the interview, officials have access to written information on the applicant's grounds for seeking protection. This includes any prior documentation provided by the applicant during the preliminary phase. Officials also review country of origin information reports to better understand the applicant's conditions, which may affect the credibility of the claim. Territorial Commissions have access to the EU Common COI Portal, which helps in assessing the application with updated and reliable data on the applicant's country of origin.

The personal interview includes the following steps:

- Purpose of the interview: The applicant is informed about the reasons for the interview, its role in the asylum procedure and the significance of their testimony.
- Collection of personal information: The applicant's name, nationality and other identifying details are gathered.
- Interpreter assessment: The applicant's ability to understand the interpreter is checked to ensure effective communication, with appropriate arrangements made if necessary.
- Health and well-being check: The applicant's mental and physical condition is evaluated to ensure that vulnerabilities are addressed, and the interview is conducted by taking into consideration any special needs.
- Decision outcomes and legal consequences: The applicant is informed of the potential outcomes of the decision and the legal consequences of both positive and negative rulings.
- Appeal and evidence submission: The applicant is informed of their right to appeal a negative decision and how to submit any further evidence to support their application.

Information provision (before the personal interview)

The Territorial Commission or the relevant asylum authority schedules the personal interview, typically after the registration process is completed. The applicant is informed of the interview date, time and location. The notification is usually provided by the Territorial Commission through Certified Electronic Email (PEC), if the applicant resides in a centre or sent by registered mail in case the applicant resides in private accommodation. In some cases, depending on the applicant's contact details and the urgency of the situation, the notification may also be sent by email or phone call or be informed by the Immigration Police

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Office if the applicant absconded in the territory.

The written notification typically outlines several key details to ensure that the applicant fully understands what to expect during the personal interview. It explains the purpose of the interview. It also emphasises that the interview is a critical part of the asylum process and will directly influence the outcome of the application.

Applicants are also informed about the procedure during the interview. This includes an explanation of the structure of the interview, when the asylum seeker will meet with an official from the Territorial Commission who will ask questions about their application. The interviewer's role is explained, so the applicant knows who will be present and what their responsibilities are during the process.

Additionally, applicants are provided with important information about their rights and obligations during the interview. They are reminded of their right to an interpreter, for which the authorities will bear the cost. Furthermore, the applicant is informed of their right to legal assistance, as they can bring a lawyer or other legal representative to the interview.

They are reminded of their responsibility to cooperate with the interviewer, answer all questions truthfully and provide relevant information about their reasons for seeking asylum. The applicant is also informed that the interview is confidential, meaning that all information shared during the interview will be treated with respect and only accessible to relevant authorities involved in the asylum procedure.

The letter addresses the consequences of non-attendance. If the applicant does not attend the interview without a valid reason, they are informed that this could have negative consequences on the application for international protection. A failure to attend could potentially result in delays or even a rejection of the application, as authorities may view the applicant as uncooperative.

If the applicant has vulnerabilities, such as psychological or physical challenges, the notification may explain how they can request reasonable accommodations to ensure that the interview process is accessible. For example, additional time or a more supportive environment may be provided if needed. The notification may also clarify how the applicant can inform the authorities of such needs and request adjustments to interview conditions.

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Lastly, the applicant is encouraged to bring any documents or evidence that may support their case.

Modalities of carrying out the interview

The personal interview in the asylum procedure typically takes place at the Territorial Commission for Recognition of International Protection. The interview is held in person at one of the territorial offices.

There are no specific rules on the setting of hearing rooms. However, specific guidelines and the interview technique course (which is received by all the officers involved in interview sessions) provide instructions on the ideal setting for an applicant. All hearing rooms are sound-proof to ensure confidentiality. The interview takes place where the competent Territorial Commission is based in premises made available by the prefectures.

According to Law No 173/2020, in some exceptional cases the personal interview can be conducted remotely. Remote interviews are typically conducted through video conferencing or telephone, provided that both the applicant and the interviewer have the necessary technology to communicate effectively. Remote interviews are more likely to occur if the applicant is unable to attend due to vulnerability issues, such as health concerns, or practical obstacles like being detained at a distance from the Territorial Commission’s offices.

Remote interviews are allowed, but they must still respect the rights of the applicant to have access to an interpreter if needed and legal representation. Also, the confidentiality of the interview must be preserved, ensuring that the process remains as secure and private as an in-person interview would be.

Choice of gender of the interviewer/interpreter

According to Article 12(1bis) of Legislative Decree No 25/2008, the personal interview usually takes place in the presence of an administrative officer who is the same gender of the applicant, if possible. The applicant may request a specific gender for the interviewer or interpreter, without providing a specific justification.

Objecting to the interviewer/interpreter

Information not currently available

Language and interpretation

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According to Article 10(4) of Legislative Decree No 25/2008, when lodging an application, the applicant shall communicate the first language for all communications on the asylum procedure. At all stages of the procedure related to the submission and examination of the application, the applicant must be ensured, if necessary, the assistance of an interpreter in his/her own language or another language he/she understands.

Persons present during the interview

A legal adviser may attend the personal interview and is permitted to make observations to ensure that the applicant's legal rights are upheld. The presence of a legal adviser or guardian is mandatory for unaccompanied minors, ensuring that their best interests are safeguarded throughout the process. In cases involving particularly vulnerable individuals or those with complex circumstances, a social worker may also be present to provide support and make observations, assisting the applicant during the interview.

However, the presence of any such individuals can be denied if the authorities believe their involvement could conflict with the applicant's interests. This decision, though, can only be made with the applicant's consent.

Structure/steps of the interview

Italy follows the EUAA and UNHCR guidelines for conducting interview

Audio/Video recording and written report

The interview may be recorded and the recordings are admissible as evidence in judicial appeals against the decision of the Territorial Commission for the Right to Asylum. Both audio and video recordings can be used. Video recording was established under Law No 46/2017, which mandates that interviews as of 17 August 2017 should be video-recorded, with transcription in Italian using automatic voice recognition systems.

If the applicant refuses the recording, the Territorial Commission must decide on the request, and their decision is final and non-appealable. If the applicant refuses or if there are technical issues preventing the recording, the interview will be transcribed into a written report (*verbale*), which is signed by the applicant.

The written report is an official record of the interview. If a recording is made, the transcription serves as the official account of what occurred during the interview. If no recording is made, the report is simply a transcription of the hearing, signed

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by the applicant.

The applicant has the right to clarify or rectify the personal interview report. They can make further comments or corrections shortly after the interview before the official report is finalised and handed over to them.

Applicants can access the personal interview report after the interview process. It is typically provided to the applicant in writing, and they are given the opportunity to make comments or corrections. The report is usually handed over to the applicant at the end of the process, and in cases of a negative decision, a copy of the report may be included.

Postponing the personal interview

According to Article 12(3) of the Legislative Decree 25/2008, interviews may be postponed if the applicant is recognised as unable or unfit to be interviewed, as certified by a public health unit or by a doctor working with the national health system. Applicant may ask to postpone the personal interview through a specific request confirmed by a medical certificate from a public health unit or by a doctor working with the national health system.

Failure to appear

When an applicant fails to appear for the personal interview without a valid justification, they are classified as a "person not to be found". This classification does not automatically equate to an implicit withdrawal of the application for international protection. Instead, the decision on the application may still be made based on the evidence available.

The authority may allow the applicant another opportunity to attend the interview if the applicant demonstrates that they were not aware of the summons beforehand. In this case, a new interview date may be set. If the applicant cannot provide a valid reason for their absence or cannot prove they were unaware of the interview notice, the process will proceed without their presence, and the decision will be made based on the existing documentation and evidence.

Other aspects

The Territorial Commission may invite the applicant for a second interview when:

- new evidence emerges that could affect the final outcome and decision;

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- if there is a need to clarify some inconsistencies or when the case is particularly complex and requires additional factual analysis;
- if the applicant is vulnerable and the vulnerability was not sufficiently addressed in the first interview;
- as part of the appeal process if the applicant has appealed a negative decision.

Special asylum procedures at first instance

Admissibility procedure

Legal basis and grounds:

The admissibility of asylum applications is regulated by Article 29 of Legislative Decree No 25/2008

An asylum application may be considered inadmissible under the following grounds

- refugee protection in another country that is a party to the Refugee Convention
- A subsequent asylum application may be declared inadmissible if it is filed with no new elements or evidence that was not available at the time of the initial application.
- If the applicant is under a pending removal order, the submission of a subsequent asylum application may not interrupt the removal procedure, unless the application presents new, relevant elements for protection or non-refoulement. In this case, as provided by Legislative Decree No 50/2023, the application is examined by the Quaestor following consultation with the president of the competent Territorial Commission, which verifies if new, relevant elements apply for the recognition of a form of protection or the non-refoulement principle. The submission of a subsequent application will not interrupt the procedure for a removal unless the Quaestor detects within 3 days if there are risks of direct or indirect refoulement and declares the inadmissibility of the application if there are no new elements in accordance with Article 29(1b).
- The application may be inadmissible if the applicant arrived from a safe third country where they could have sought protection but did not.

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Competent authority and other stakeholders

Territorial Commission and Immigration Police office

Procedural aspects

These grounds are assessed by the Territorial Commission and the Quaestor in the context of the asylum admissibility procedure.

The applicant is initially registered, which includes the collection of biometric data (fingerprints and photographs). This step can take from 1 week to several months depending on the case load and administrative resources.

The interview focuses on whether the application should be declared admissible but may also address eligibility in cases where new facts are presented.

Then, the Territorial Commission reviews the application and considers all factors, such as the presence of new evidence, prior protection status and whether the applicant comes from a safe third country.

Decision and time limits to decide

According to Article 27 of Legislative Decree No 25/2008, the admissibility decision is expected within 3 days after the personal interview. However, delays are common, and the procedure may take longer. If the time limits are not respected, applicants may be transferred to the regular asylum procedure, where more detailed assessments of their claim is conducted. In some cases, applicants may continue to receive reception conditions until a final decision is made.

The decision may be admissible, and the application shall be further examined and assessed by the competent Territorial Commission or rejected at the admissibility stage and the applicant may be subject to a removal procedure.

Appeal

Applicants have the right to legal assistance, the right to appeal inadmissibility decisions and the right to reception during the procedure. They must be informed about the procedures and their rights.

If an application is declared inadmissible, the applicant has the right to appeal the decision. The appeal must be lodged within 30 days from receiving the inadmissibility decision. The appeal may have a suspensive effect, meaning that removal procedures are suspended while the appeal is being processed.

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However, this is not automatic, and applicants must explicitly request a suspension in certain cases.

Impact on reception conditions

Asylum seekers are generally entitled to reception conditions (housing, food, etc.) during the admissibility procedure. These conditions are provided in reception centres or other accommodation facilities. If the procedure exceeds the prescribed time limits, the applicant may continue to receive reception conditions until the final decision is made or until the applicant is transferred to another procedure.

Applicants who lodge an appeal following an inadmissibility decision continue to receive reception conditions, either fully or partially, until the appeal is resolved. If the appeal is successful, they will be transferred into the regular asylum procedure.

Accelerated procedure

Legal basis and grounds

The accelerated procedure is regulated under Articles 28 and 28bis of Legislative Decree No 25/2008, as amended by Law No 173/2020 and Law No 50/2023.

The grounds for prioritising an application include:

1. When the application is deemed clearly founded during the first assessment.
2. Applications submitted by vulnerable individuals, such as unaccompanied minors or persons requiring special procedural guarantees.
3. According to Article 12(2bis), the application is made by an applicant from one of the countries listed by the National Commission for which the personal interview can be omitted when there are sufficient grounds to grant subsidiary protection. The competent Territorial Commission, before adopting such a decision, informs the applicant of the opportunity within 3 days from the communication to be admitted to the personal interview. In the absence of a request, the Territorial Commission takes the decision.

Competent authority and other stakeholders

The president of the Territorial Commission

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Procedural aspects

The president of the Territorial Commission may prioritise an application or process it through an accelerated procedure after conducting a preliminary assessment, in accordance with Article 28(1).

Decision and time limits to decide

In the 5-day procedure, the Territorial Commission takes a decision within 5 days of receipt of the file from the Questura. For persons convicted or being persecuted for serious crimes, the decision is taken after the interview. In the 9-day procedure (e.g. when an application was made in detention), the Questura (which manages detention centres) immediately transmits the documentation to the Territorial Commission for the Recognition of International Protection which arranges the personal interview within 7 days. The decision is then taken within the following 2 days.

The Territorial Commission may exceed these time limits when necessary to ensure an adequate and complete examination of the application, subject to a maximum time limit of 18 months. When the application is made by an applicant who is detained in a CPR, a hotspot or a first reception centre, the maximum duration of the procedure cannot exceed 6 months. The law does not clarify whether the procedure can be declared accelerated even if the procedure and the time limit set out in the law have not been respected.

Decisions generally address international protection status (refugee or subsidiary protection) or rejection, but may include return orders

The competent Territorial Commission informs the applicant during the personal interview about the decision to process the application in a regular or prioritised procedure.

Appeal

The time limits for an appeal of a negative decision (either 30 or 15 days) depend on the type of accelerated procedure applied by the Territorial Commission. The automatic suspensive effect of the appeal also depends on the ground for applying the accelerated procedure.

Impact on reception conditions

There are no direct or indirect consequences on reception conditions, applicants are entitled to reception conditions until a decision is taken.

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Border procedure

Legal basis and grounds

The border procedures for examining applications for international protection are regulated under Legislative Decree No 25/2008 (Articles 26, 28 and 28bis), as amended by Decree Law No 145/2024, Law No 50/2023 and Decree of 5 August 2019.

Applications for international protection may be processed directly at the border or in transit zones when:

1. The application is submitted by an individual apprehended while evading or attempting to evade border controls;
2. The applicant is from a designated safe country of origin, as provided by Article 2bis(1) of Legislative Decree No 25 of 28 January 2008.

Competent authority and other stakeholders

Territorial Commissions are the main authority responsible for assessing border procedure applications. To enhance efficiency at key border locations, dedicated Territorial Commissions are located in areas identified under the Decree of 5 August 2019, including:

- Trieste, Gorizia;
- Crotone, Cosenza, Matera, Taranto, Lecce, Brindisi;
- Caltanissetta, Ragusa, Siracusa, Catania, Messina;
- Trapani, Agrigento;
- Città Metropolitana di Cagliari, Sud Sardegna.

To strengthen the capacity of border operations, the decree also established two additional sections of the Territorial Commissions in Matera and Ragusa.

Other key stakeholders include the competent Immigration Police Office, responsible for the documentation transmission and coordination between border authorities and the Territorial Commissions, and the EUAA, Frontex, UNHCR and civil society organisations to ensure compliance with EU standards at the borders.

Procedural aspects

Certain categories of applicants are exempt from border procedures, such as individuals requiring special procedural guarantees or those with recognised

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vulnerabilities (e.g. unaccompanied minors).

Decision and time limits to decide

Border procedures follow an accelerated procedure, with decisions issued within 7 days of receiving the file from the Questura. The personal interview is conducted directly at the border or transit zone, and the competent Questura transmits the applicant's documentation to the Territorial Commission for review.

Decisions may include granting international protection, rejecting the application or issuing a return order. No provisions explicitly allow for extending time limits in the border procedure. If limits are exceeded, the application may default to the regular procedure.

Appeal

Appeals must be lodged within 15 days of receiving a decision. Appeals do not have an automatic suspensive effect, as per Decree-Law No 145/2024. Applicants may request a suspensive effect, but it is subject to a judicial review. Applicants retain the right to legal assistance, interpretation and representation.

Impact on reception conditions

During a border procedure, applicants are accommodated in a border facility or hotspot until a decision is rendered. According to Article 7bis of Law No 50/2023, an asylum seeker may be detained during the accelerated procedure conducted at the border or in a transit zone. Detention is allowed solely for the purpose of verifying the applicant's right to enter the territory. If an applicant lodges an appeal against the decision of the competent Territorial Commission, they may continue to receive accommodation under reception conditions, either fully or partially, until the final decision is taken. Delays or missed deadlines in the border procedure generally do not directly affect reception standards. However, prolonged processing may lead to shifts in facility arrangements.

Subsequent application procedure

Legal basis and grounds

Subsequent applications are regulated by art. 2, 7. 28 bis, 29 bis and 35 bis of the Legislative Decree No 25/2008, as amended by Law No 50/2023.

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A subsequent application is permitted if the applicant remains within the EU territory after the conclusion of their earlier procedure and presents new elements or evidence relevant to their claim for international protection.

Competent authority and other stakeholders

Territorial Commission and Immigration Police office

Procedural aspects

If no new elements are submitted, the president of the Territorial Commission conducts a preliminary examination to assess whether the application is admissible. This evaluation considers whether new evidence or circumstances related to the applicant's personal situation or the conditions in their country of origin justify further examination. Italian law does not establish specific time limits for completing this preliminary assessment. If no new elements are identified, the application is declared inadmissible without further examination or the need for a personal interview.

When new elements are provided, the subsequent application proceeds to a full examination of its merits. Applicants must explain and substantiate why these new elements were not submitted earlier. If no valid justification or evidence is provided, the application is dismissed as inadmissible.

When a subsequent application is lodged during the enforcement of a removal order, Legislative Decree No 50/2023 provides that the Quaestor, in consultation with the president of the competent Territorial Commission, examines the application. This process assesses whether new elements justify international protection or whether the principle of non-refoulement applies.

Decision and time limits to decide

Italian law does not establish specific time limits for completing the Territorial Commission preliminary assessment.

A decision on admissibility is issued following the preliminary assessment. While no legal deadlines exist for this assessment, delays could lead to the applicant being moved into the regular procedure based on individual circumstances. If no new elements are identified, the application is dismissed without an examination of its merits.

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If the decision is taken in the context of a return order, the Quaestor must determine within 3 days whether risks of direct or indirect refoulement exist. If no such risks or new elements are identified, the application is deemed inadmissible and the removal proceeds.

Appeal

Applicants have the right to appeal an inadmissibility decision, but the burden of proof rests on them to demonstrate the admissibility of their claim. In such cases, a personal interview is not conducted if the application is dismissed during the preliminary assessment. An appeal for subsequent applications does not automatically suspend the removal procedures. Applicants can request a suspension, but this is granted only when serious and well-founded reasons are presented. The suspensive effect is further restricted for repeated subsequent applications, especially when prior applications have been declared inadmissible.

Impact on reception conditions

During the preliminary assessment phase, applicants retain the right to reception conditions. However, if the application is deemed inadmissible, reception conditions may be withdrawn. Applicants remain entitled to the reception facility during the assessment phase, even if procedural time limits are exceeded. Once a decision on inadmissibility is issued, reception conditions may continue partially or fully until a final decision on admissibility or an appeal is reached. Applicants are typically accommodated in standard reception facilities until the conclusion of the admissibility proceedings.

Last-minute application pending removal

Last-minute applications lodged by first time applicants pending a removal

Last-minute applications pending a removal are provided by Article 29bis of Legislative Decree No 25/2008 as amended by Law No 50/2023.

Last-minute applications are typically channelled into accelerated or border procedures rather than the regular procedure to ensure swift processing. When the application is filed just before a removal, the competent authority must temporarily suspend the execution of the removal order until the application is processed.

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The reception conditions for first-time last-minute applicants depend on the detention status. Individuals are often detained throughout the procedure if detention is justified on grounds such as verifying identity, assessing flight risk or ensuring compliance with removal procedures. Detention is carried out in dedicated facilities (CPRs). Vulnerable groups, such as minors or individuals with specific needs, are exempt from detention or placed in alternative accommodations.

Communication between asylum and return authorities is streamlined to handle such cases efficiently. Return authorities are granted full IT access to the administrative records of the applicant, ensuring coordinated decision-making. A law provision from October 2020 requires that the asylum authority assesses and affirms the inadmissibility of a last-minute application within 3 days. During this period, the return authority must immediately forward the application to the asylum authority, and the removal is temporarily suspended.

Last-minute applications lodged as subsequent applications pending a removal

Last-minute subsequent applications are also addressed under the same legislative framework. These applications often occur in similar contexts, particularly in detention or during deportation operations. If a subsequent application is filed just before a removal, the removal process is temporarily paused to allow a preliminary examination of the application. The procedure applied depends on whether the subsequent application introduces new elements relevant to the claim for international protection.

Under Legislative Decree No 50/2023, subsequent last-minute applications are subject to a rapid review process. The competent authority, typically the Quaestor in consultation with the president of the Territorial Commission, must assess within 3 days whether new and relevant elements exist. If the application is deemed inadmissible, a removal may proceed without further delay. If new elements are identified, the application undergoes further examination, and the applicant retains the right to remain during this period.

Detention remains a key consideration for subsequent applicants. Applicants filing subsequent applications during removal procedures are typically detained to prevent absconding, provided their detention complies with the law. Vulnerability assessments are conducted to identify and address specific needs, and individuals falling under vulnerable categories may be placed in alternative reception arrangements.

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Appeals for last-minute subsequent applications face stricter procedural rules, including shorter deadlines for filing and processing. A suspensive effect for such appeals is not automatic and must be requested, with decisions based on serious and well-founded reasons. The non-refoulement principle is reassessed during these procedures to ensure compliance with international obligations.

As with first-time applications, communication between asylum and return authorities is crucial. Return authorities have full IT access to the administrative records of applicants to facilitate efficient information-sharing and coordination. The October 2020 law provision requiring last-minute application reviews within 3 days also applies to subsequent applications, ensuring timely decisions to avoid undue delays in the enforcement of removal orders.

Safe country concept

Safe country of origin

National list of safe countries of origin

1. Albania
2. Algeria
3. Bangladesh
4. Bosnia and Herzegovina
5. Cabo Verde
6. Egypt
7. Cote d’Ivoire
8. Gambia
9. Georgia
10. Ghana
11. Kosovo
12. North Macedonia
13. Morocco
14. Montenegro
15. 1Peru
16. Senegal
17. Serbia
18. Sri Lanka
19. Tunisia

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The concept of a safe country of origin is defined in Article 2bis(1) of Legislative Decree No 25 of 28 January 2008. This concept is applied in practice within an accelerated procedure.

The designation of safe countries of origin is initially adopted in the Decree on the Identification of safe countries of origin, pursuant to Article 2bis of the legislation of 28 January 2008, No 25 (Official Gazette No 235/7 October 2019). The most recent amendments occurring on 7 May 2024 by a Decree which added Bangladesh, Cameroon, Colombia, Egypt, Peru and Sri Lanka in the list of safe countries of origin, and on 21 October 2024, by a Legislative Decree which removed Cameroon, Colombia and Nigeria from the list of safe countries of origin.

According to Article 2-bis, paragraph 4-bis of Decree-Law No. 25 of 28 January 2008, the list of safe countries of origin is periodically updated by an act having the force of law and is notified to the European Commission. For the purposes of updating the list, the Council of Ministers, by 15 January of each year, adopts a report in which it provides an assessment of the situation in the countries included in the current list and in those whose inclusion is being considered. This assessment is carried out in accordance with overriding security requirements and the continuity of international relations, and takes into account the information referred to in paragraph 4. The Government transmits the report to the competent parliamentary committees.

According to Article 2-bis, paragraph 2 of Decree-Law No. 25 of 28 January 2008, the designation of a country as a safe country of origin may be made with exceptions for specific categories of persons.

The designation criteria require that a country be free from persecution, torture, inhumane treatment and the risk of indiscriminate violence in internal or international conflicts. The evaluation includes the country's legal system, democratic integrity and political stability, as well as:

- Legal protection against persecution and inhumane treatment;
- Respect for non-derogable rights outlined in the ECHR, the International Covenant on Civil and Political Rights, and the UN Convention against Torture;
- Compliance with Article 33 of the 1951 Refugee Convention (protection from *refoulement*);
- The presence of effective remedies for rights violations.

When a country is designated as safe, an application for protection from nationals of that country is presumed to be manifestly unfounded. These

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applications are handled with priority in an accelerated procedure. Applicants are responsible for providing evidence that their country is not safe considering their specific circumstances. If an applicant successfully challenges the application of the safe country concept in their case, their application will proceed under the regular asylum procedure, where the safe country of origin concept is not applicable.

Safe third country

The concept of a safe third country is not defined in law and it is not applied in practice.

First country of asylum

The concept of a first country of asylum is defined under Legislative Decree of 28 January 2008, No 25, Section 29(1a). Despite its inclusion in the legal framework, this concept is currently not implemented in practice. When it is considered, it would apply within the context of admissibility procedures.

European safe third country

The concept of a European safe third country is not defined in law and it is not applied in practice.

Assessment of an application at first instance

Legal provisions relevant for an assessment

- Legislative Decree No 25/2008 as amended by Law No 50/2023.
- Law No 142/2017.
- Legislative Decree No 251/2007.

Competent authority for the assessment

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Required qualifications

According to Article 27 of Legislative Decree No 25/2008, the Territorial Commission for the Recognition of International Protection (*Commissione Territoriale per il Riconoscimento della Protezione Internazionale*, CTRPI) is the primary authority responsible for assessing asylum applications. Each Territorial Commission operates with a composition of four members, in accordance with gender balance representation. This includes:

- A prefecture officer who serves as the president;
- Two highly-qualified administrative representatives from the Ministry of the Interior;
- A UNHCR representative, whose role is to ensure the quality of interviews, particularly for vulnerable persons and to participate in decision-making discussions.

In some cases, the Territorial Commission may be supplemented by an official from the Ministry of Foreign Affairs, upon the request of the president of the National Commission for Asylum (NCA), when specific expertise on the country of origin of the asylum seeker is necessary.

The decisions are taken collectively by the members of the Territorial Commission. In the case of a tie, the president's vote counts double. Interviews are typically conducted by one member of the Territorial Commission, unless the applicant specifically requests a plenary session.

Training

The NCA is responsible for ensuring that members of the Territorial Commissions receive training and refresher courses. The training is mandated by Law No 142/2015 and aims to enhance the skills of case officers to take account of the asylum seeker's personal circumstances, cultural background and any vulnerability factors.

Since 2014, training has been provided based on EUAA modules, covering important topics such as inclusion, evidence assessment, country of origin information and interview techniques. Additional courses focus on critical areas such as exclusion, trafficking in human beings, sexual orientation and gender identity (SOGI) and interviewing vulnerable persons.

In February 2020, the NCA organised a technical workshop on quality assurance in asylum assessments. This involved participation from UNHCR, the EUAA and

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experts from EU countries. Since December 2021, the quality monitoring process has expanded with the creation of a trilateral quality unit (NCA/UNHCR/EUAA), focusing on various aspects of the asylum process, including personal interviews, decision-making, interpretation and timelines.

Grounds

Grounds for protection are outlined in the Article 7 of Legislative Decree No 251/2007 (for the purposes of assessing the refugee status granting according to Article 1A of the Geneva Convention) and Article 14 of Legislative Decree No 251/2007 (for the purposes of granting subsidiary protection).

Acts of persecution within the meaning of Article 1A of the Geneva Convention are defined in the Articles 7 and 8 of Legislative Decree No 251/2007 as:

1. being sufficiently serious, by their nature or frequency, to constitute a serious violation of fundamental human rights, in particular rights for which any derogation is excluded under Article 15(2) of the Convention on Human Rights;
2. constituting the sum of several measures, including human rights violations, the impact of which is sufficiently serious to have an effect on the individual similar to that referred to in point i).

The following are examples of acts which may amount to acts of persecution according to Article 7(2):

- acts of physical or psychological violence, including sexual violence;
- legislative, administrative, police or judicial measures, which are discriminatory by their very nature or implemented in a discriminatory manner;
- disproportionate or discriminatory prosecution or criminal sanctions;
- refusal of access to legal remedies and consequent disproportionate or discriminatory sanction;
- prosecution or criminal sanctions as a result of refusal to perform military service in a conflict, where this could lead to the commission of crimes, offences or acts covered by the exclusion clauses referred to in Article 10(2);
- disproportionate or discriminatory prosecutions or criminal penalties involving serious violations of fundamental human rights as a result of refusal to perform military service on grounds of a moral, religious, political

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or ethnic or national nature;
- acts specifically directed against a gender or against children.

For the purposes of granting subsidiary protection, the following shall be considered serious damage:

- the death penalty or the execution of the death penalty;
- torture or other form of inhuman or degrading treatment or punishment against the applicant in his or her country of origin;
- a serious and individual threat to the life or person of a civilian resulting from indiscriminate violence in situations of internal or international armed conflict.

Guidelines for case officers

The National Commission for the Right to Asylum (NCA) issues guidelines and specific instructions to Territorial Commissions through circulars. In collaboration with UNHCR, the guidelines on procedures for the Territorial Commissions have been regularly updated.

Credibility assessment

Assessment of facts and circumstances when aspects of the applicant's statements are not supported by documentary or other evidence

According to Article 3(5) of Legislative Decree No 251/2007, where certain elements or aspects of the statements of the applicant for international protection are not substantiated, they are considered to be true if the authority competent to decide on the application considers that:

1. the applicant has made reasonable efforts to substantiate the application;
2. all relevant evidence in its possession has been produced and appropriate justification has been provided for the possible absence of other significant evidence;
3. the applicant's statements are considered to be consistent and plausible and do not contradict the general and specific information relevant to his or her case, which is available;
4. the applicant lodged the application for international protection as soon as possible, unless they demonstrate that there was a justified reason for

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delaying it;
5. from the findings made, the applicant is, in general, reliable. In assessing a child's trustworthiness, his/her degree of maturity and personal development are taken into account.

According to Article 3(3) of Legislative Decree No 251/2007, the examination of the application for international protection is carried out on an individual basis and includes the assessment of:

1. all relevant facts concerning the country of origin at the time of the decision on the application, including, where possible, the laws and regulations of the country of origin and how they are applied;
2. the relevant declaration and documentation submitted by the applicant, who must also disclose whether he or she has already suffered or is at risk of persecution or serious harm;
3. the individual situation and personal circumstances of the applicant, in particular social status, gender and age, in order to assess whether, on the basis of the applicant's personal circumstances, the acts to which he or she has been or may be exposed amount to persecution or serious harm;
4. whether the activities carried out by the applicant, after leaving the country of origin, were aimed, exclusively or principally, at creating the conditions necessary for the submission of an application for international protection, in order to establish whether those activities expose the applicant to persecution or serious harm in the event of return to the country;
5. the possibility that, in view of the documentation produced or collected or the declarations made or, in any case, on the basis of other circumstances, it can be presumed that the applicant could have recourse to the protection of another country, of which he could declare himself a national.

Time limit for submitting evidence during credibility

According to Article 3(1) of Legislative Decree No 251/2007, the applicant is required to submit as soon as they are available all the elements and documentation necessary to justify the application.

COI research

The COI Unit produces tailored responses to specific questions raised during individual case assessments and provides them to the competent authorities

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which submitted the request. The COI products of the National Commission mainly focus on political, ethnic, religious and social developments in countries of origin of asylum seekers. Case officers and judges may conduct their own COI research but can also request specific information to from the COI Unit. The COI Unit produces various types of outputs, consulting among others reports from international organisations and databases at the EUAA COI Portal.

While certain reports and updates are shared internally within the determining authorities, not all COI materials are made publicly available.

Decision and outcomes

According to Article 32 of Legislative Decree No 25/2008, following a first instance determination, the Territorial Commission issues decisions that may recognise international protection, reject the application or propose alternative outcomes such as granting special protection. The interviewer writes down a proposal decision and the Territorial Commission adopts the decision in a plenary session. The decision is in a written statement with an indication of the grounds for its adoption. It reflects a template that assures a minimum standard of elements and content. The decision's part on the legal ruling (dispositivo), along with instructions on how to appeal it are written up in one of the following languages: French, English, Arabic or Spanish.

A positive decision can recognise the applicant as a refugee under Article 11 of Legislative Decree No 251/2007 based on a well-founded fear of persecution due to race, religion, nationality, political opinion or membership in a particular social group. Alternatively, the Territorial Commission may grant subsidiary protection under Article 17 if the applicant faces a real risk of serious harm, such as torture, inhumane treatment or threats to life due to indiscriminate violence in conflict zones.

If the application is rejected, the Territorial Commission's decision details why the applicant does not meet the conditions for international protection. Manifestly unfounded claims, such as those based on fraudulent or implausible accounts, may be rejected under Article 28ter of Legislative Decree No 25/2008. Additionally, if the applicant can safely and legally relocate within their country of origin, the claim may be denied under Article 32(1bter).

When a negative decision is issued, the Territorial Commission acquires information from the Police Headquarters on the non-existence of one of the

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causes preventing a rejection at the border and expulsion, in the event that the conditions for granting international protection and the conditions for the transmission of the files to the Quaestor for the purpose of issuing a residence permit for special protection or medical treatment are not met.

When international protection is denied but non-refoulement obligations or humanitarian grounds apply, the Territorial Commission may issue a 2-year renewable special protection residence permit, allowing the applicant to work legally.

Cases involving vulnerable applicants, such as victims of human trafficking or unaccompanied minors, may be referred to the competent prosecutor or juvenile courts.

Decisions include a detailed summary of the facts, legal reasoning, the outcome and the rights of the applicant. A standardised official form ensures consistency. For negative decisions, a return order is typically included, obligating the applicant to leave Italy unless another residence permit applies. The decision specifies the reasons for the rejection, outlines appeal rights and provides information on legal aid. Applicants typically have 30 days to appeal the decision, with a suspensive effect during the appeal process.

Decisions are usually notified in person at the Territorial Commission's premises or sent by registered mail. When an applicant is unreachable, the decision may be posted at the Territorial Commission's office. Applicants are notified by the manager of the reception centre. If they are not in the reception system, they will be notified by post.

For family units, decisions may be consolidated into a single document with specific details for each member. Decisions for unaccompanied minors are directed to their guardian or legal representative, ensuring child protection principles are respected.

Although Italian law does not mandate strict timeframes for notifying decisions after signing, the authorities strive for prompt communication. If notification is unsuccessful, complementary measures may be employed and applicants retain the right to access their files, particularly for the preparation of an appeal.

COI units

Background information

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Established under Article 5 of Legislative Decree No 25/2008, the COI Unit has been active since the decree's entry into force.

Structure and capacity

Organisation: The national COI Unit operates within the National Asylum Commission (NAC), which is part of the Department of Civil Liberties and Immigration under the Italian Ministry of the Interior. Currently, the COI Unit has no an appointed Head of Unit and its team consists of three researchers and one research assistant. Due to the small size of the team, there is no formal internal structure in place.

Mandate and tasks: The primary mandate of the COI Unit is to conduct research on countries of origin of asylum seekers, producing information that assists the Territorial Commissions, the National Asylum Commission and judges in their decision-making on asylum processes While the legal basis for its role is outlined in Legislative Decree No 25/2008, there is no law providing details about the tasks.

The main tasks include researching conditions in the home countries of asylum seekers and providing relevant COI’s, with staff trained specifically in COI research methodology through EUAA COI Training. The unit, however, does not engage in tasks like document verification or biometric analysis, as its focus is strictly on information gathering and analysis related to the situation in countries of origin.

Staff capacity: Information currently not available

Requirements: Information currently not available

Regular training and updates: Specialists in the COI Unit are required to undergo EUAA COI training to standardise their research methodology. As of august 2025, there have been no methodological changes in COI practices or updates beyond standard EUAA training.

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COI products

Type of COI products produced and frequency:

The COI Unit primarily produces replies to individual queries, with an average of seven responses per month. In 2024, the Unit drafted around 90 COI products for Territorial Commissions and National Asylum Commissions, and 5 products for the Tribunals. From January to August 2025, the Unit drafted around 50 COI products for TCs and NAC, and 15 for the Tribunals (some of which are still being produced) Some of the products focus on medical aspects (MedCOI).

The COI Unit does not produce security maps nor Country Guidance reports.

The COI Unit did not collaborate with other EU countries in drafting documents during 2024. The small size of the team has made it challenging for researchers to focus on specific regions in detail.

The COI Unit provided country of origin information that was useful to NAC and MAECI in identifying safe countries of origin. These documents assess factors such as judiciary independence, political stability, rule of law, protection from persecution and respect for human rights, in line with Directive 2013/32/EU. The safe countries list was then finalised by the Ministry of Foreign Affairs and adopted through an inter-ministerial decree.

By January 15th of each year, the Government adopts a resolution concerning the situation of the countries included in the list, as well as any new countries proposed for inclusion, and submits this report to the competent parliamentary committees.

Languages:

The sources consulted are mainly in English, but also in French, German and Spanish. The final COI products are produced in Italian.

Methodology and sources:

The COI Unit relies on publicly available, reliable sources and portals for its research, including RefWorld, ecoi.net, the EUAA COI Portal, as well as country-specific sources, national and local sources, academia and reports from NGOs. Key sources include USDOS, Human Rights Watch, Amnesty International and UNHCR. The COI Unit does not carry out fact-finding missions.

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Quality check:

All COI products undergo a peer review process, where the work is reviewed by a colleague-researcher and validated by the Head of Unit or their substitute before publication or dissemination.

These documents assess factors such as judiciary independence, political stability, rule of law, protection from persecution and respect for human rights, in line with Directive 2013/32/EU. The list of safe countries of origin is established by Legislative Decree (DL) 158/2024, which requires that the list be periodically updated by means of acts having the force of law and subsequently notified to the European Commission.

Other aspects of COI units

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