

Italian Migrant Policy

FEBRUARY 2012

April 2008: After general elections, a new center-right coalition government is formed in Italy, led by prime-minister Silvio Berlusconi and including the avowedly anti-immigration Northern League party. The Northern League's Roberto Maroni becomes Minister of the Interior.

May 2008: The Ministry of the Interior announces a new “security” focused approach to migration issues, affecting both third-part nationals from outside the European Union and Roma. This involves the passage of a series of laws, decrees and regulations dubbed the *pacchetto sicurreza*, or security package.

July 2008: Parliament approves its first security act (Law 125/2008). This makes the status as undocumented migrant an aggravating circumstance in criminal sentencing, requiring judges to increase any sentence by one third. It also imposes mandatory prison detention on migrants who ignored administrative expulsion orders. Both provisions are overturned subsequently by court rulings.

August 2008: Italy and Libya sign a friendship treaty that includes an agreement to reduce the flow of immigrant boats from the Libyan coast to southern Italy. Libya agrees to intercept boats leaving its shores, and to take back migrants intercepted at sea by Italian patrols.

May 2009: Italian vessels begin interceptions of migrants at sea. International human rights groups criticize the policy of returning migrants---including potential asylum seekers---to Libya, which has not ratified the UN convention on refugees. The policy is subsequently informally abandoned but not officially repudiated.

July 2009: Parliament approves the second security act (Law 94/2009) which makes being without proper permit of stay a criminal offence, imposing fines up to €10,000 for those found without a valid permit of stay and facilitating the adoption of expulsion orders. The act also increases the maximum period during which newly arrived migrants or expellees can be detained in Centers for Identification and Expulsion (CIEs) from 3 months to up to 6 months. The law also required third country nationals to show their permit of stay in order to access



any public service, including getting married, a provision subsequently struck down by Italy's constitutional court.

Early 2011: Political turmoil in Tunisia and Libya leads to an increase in the number of migrants arriving by boat in southern Italy. The government [establishes a national State of Emergency due to the influx of migrants](#) and opens new tent-towns designed as centers for identification and expulsion. Italy concludes new agreements with the Moroccan government on sea patrolling and repatriation of migrants.

April 2011: Amid critical coverage by Italian reporters and by aid agencies of conditions in the detention centers, the government restricts access to the centers, and stops giving permission for journalists to visit.

Italy signs new repatriation agreements with the new Tunisian authorities and, two months later, with the Libyan Transitional Government.

June 2011: the European Court of Human Rights hears *Hirsi v. Italy*, [a case brought by a group of Somali and Eritrean migrants](#) who were pushed back to Libya in 2009 by Italian naval vessels in their attempt to reach the Italian coast. The court is assessing whether the interception violated the applicants' rights as to seek political asylum, while also exposing them to the risk of torture or inhuman or degrading treatment in detention camps in Libya, or in their home countries.

August 2011: Parliament ratifies a government decree (No. 89/2011) aimed at bringing Italy's law in line with the European Union's [Returns Directive, passed in June 2008](#). The directive sought to standardise procedures for managing undocumented migrants across the EU. This new law extends the maximum period of administrative detention from 6 months to up to 18 months.

A boat carrying over 100 migrants is intercepted at sea by Italian vessels and its passengers transferred to a Tunisian ship for repatriation, provoking complaints from Italian NGOs and the Italian UNHCR spokesperson.

November 2011: Italy's new government led by Mario Monti extends the national state of emergency declared in February 2011 due to the influx of North African migrants.

February 2012: The European Court of Human Rights releases its decision in *Hirsi v. Italy*.

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