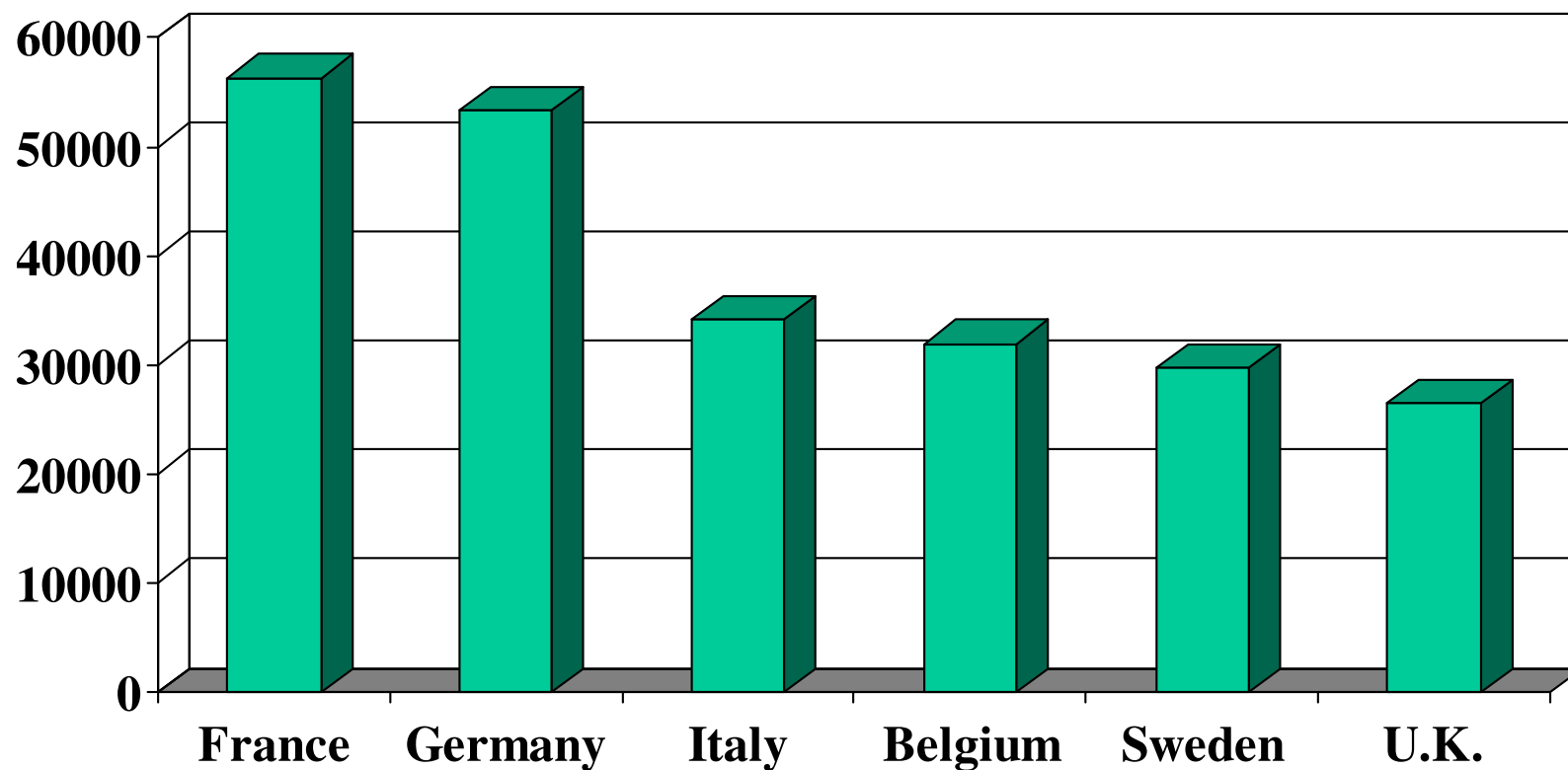


Assisting asylum seekers
from Commissions to Courts:
a lawyer's perspective

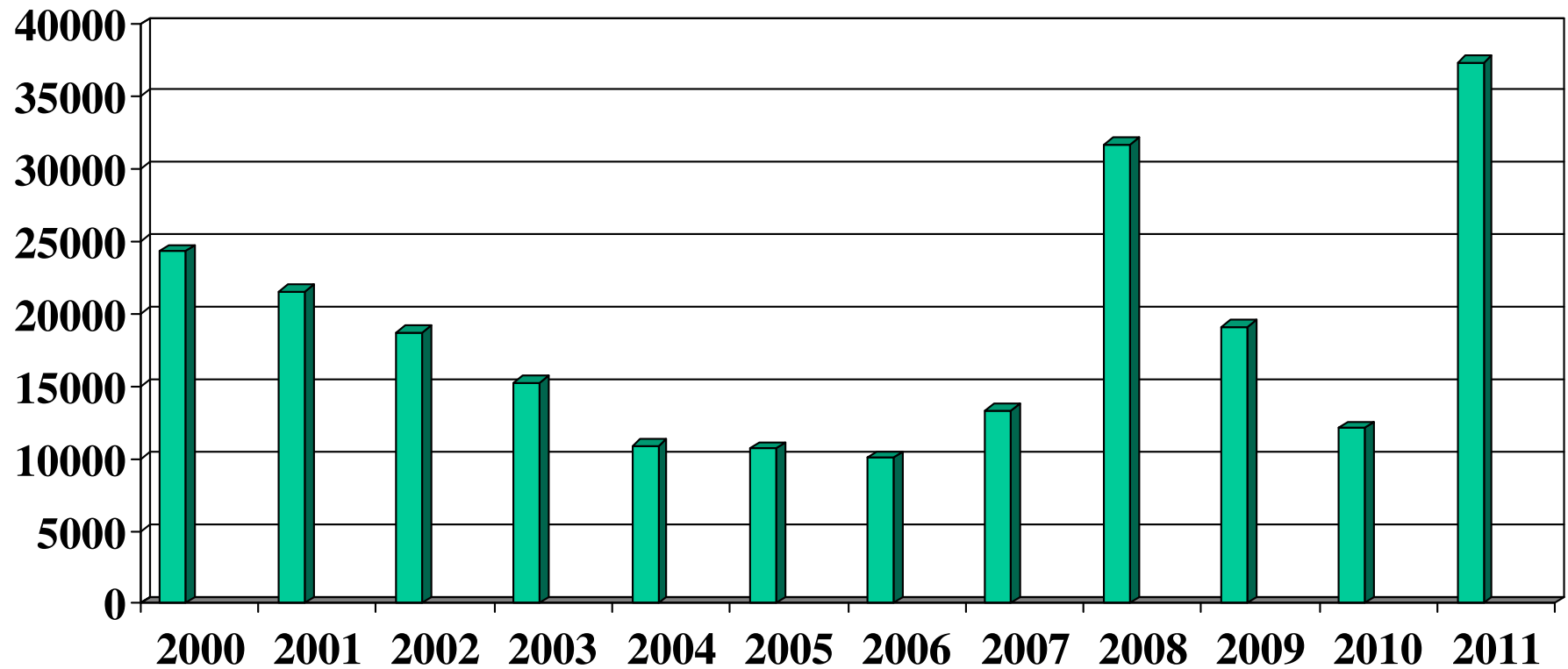
Turin, October 8th, 2012

2011 asylum applications in EU



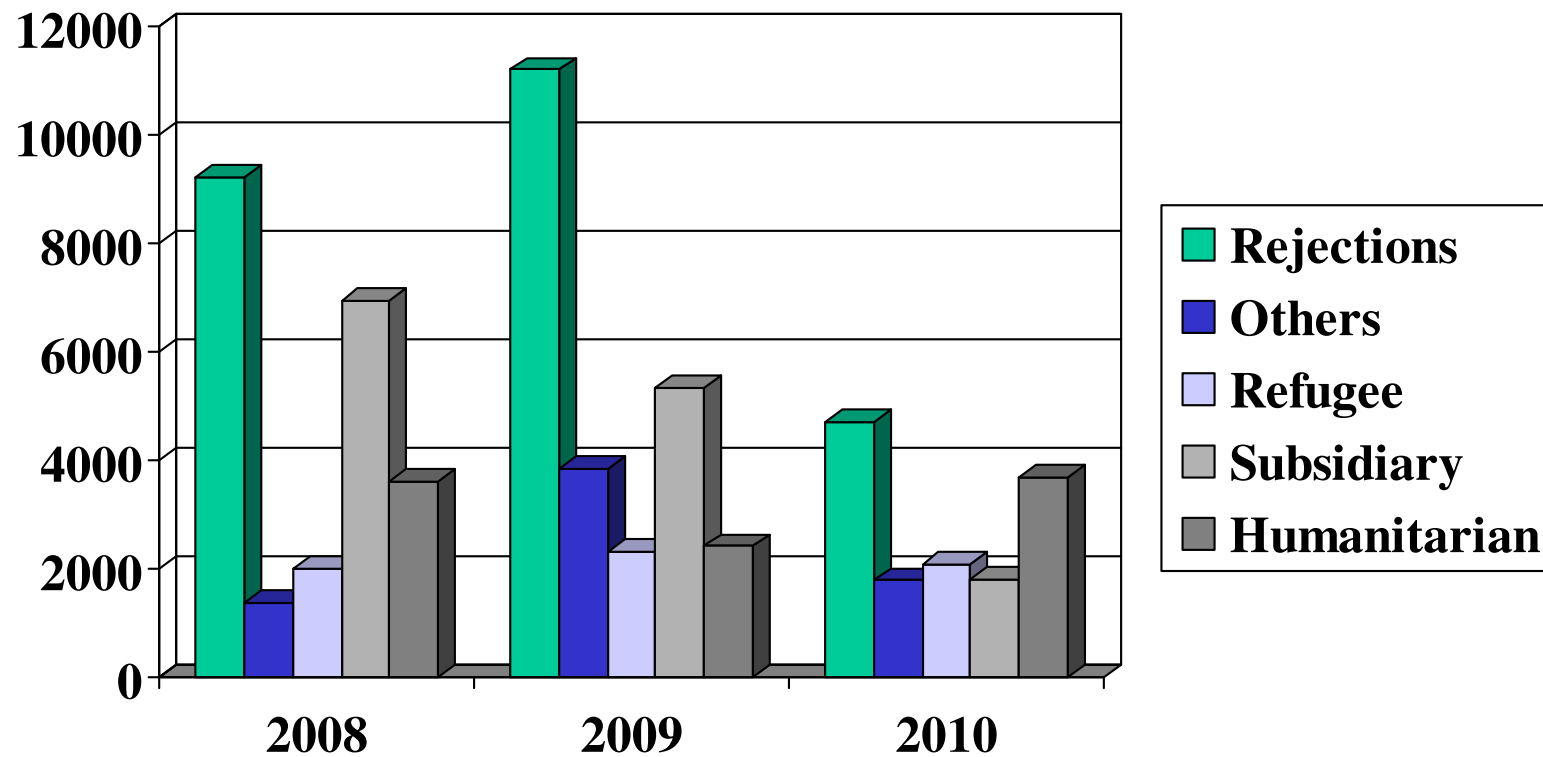
Source: Eurostat, March 2012

Applications in Italy 2000-2011



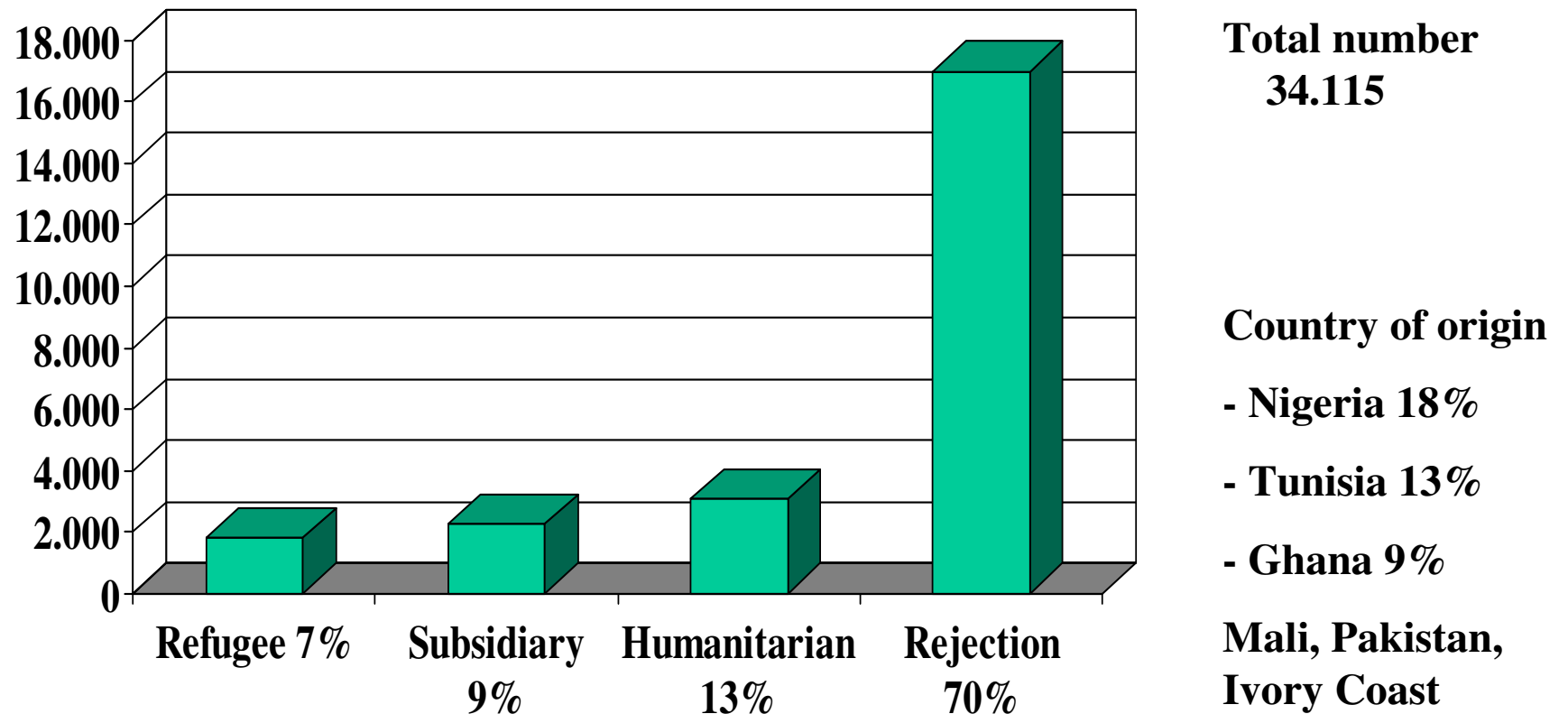
Source: Eurostat, March 2012

2008-2010 applications outcomes



Source: Ministry of Interior, 2012

2011 detailed outcomes



Source: Eurostat, March 2012

Legal assistance

- Borders: not regulated, at a.s. cost
- Police office: allowed, at a.s. cost
- Territorial Commission: allowed (not mandatory), at a.s. cost
- Court: mandatory, including free legal aid

Applications at borders

Out of total 100.000 submitted between 2005-2010

4,2%

- Aerial borders:
 - Milano Malpensa
(Somalia and Sri Lanka)
 - Roma Fiumicino
(Turkey and Siria)

65% of applications successful

0,3%

- Sea borders:
 - Venezia
 - Ancona
 - Bari
 - Brindisi
(Afghanistan, Iran, Iraq)

2168 foreigners readmitted

Territorial Commissions

- Lacking regulation on members selection
- Full board interviews usually replaced with individual auditions
- Significant delays in procedures
- High turn over of Commission members
- No right to translation of the full decision

Judicial remedies

- Territorial competence criteria
- Binding requirements in appointing interpreters
- Deadline (especially in case of detention)

Unaccompanied minors

- Age assessment: lacking of a common national practice
- Border removal: 160 cases in 2008-2010 of Afghan minors to Greece (highly conservative)
M.S.S. v. Belgium and Greece, 21.1.11, appl. 30696/09, Grand Chamber ECHR

Regulation no. 343/2003/EC the “Dublin Regulation”

- Call for case-by-case evaluation of EU members
State compliance with minimum asylum standards
(Greece, Italy)
- Suspension of transfer until judicial validation
- Stronger respect of family reunification
- Majority of those removed to Italy from a third
EU country were already granted protection