

# Judicial review on decisions of Territorial Commissions

Turin, October 8th, 2012

# Civil procedural system

- First instance Court - full decision on merit
- Second instance Court – decision only on appealed instances
- High Court – decision only on procedure and fair interpretation of the law

# Procedural details

- Judicial authority in charge is the civil judge
- Court in charge is the one based in the same judicial district of the Territorial Commission
- Decision passed by a single judge (not a board) through a highly-simplified procedure
- Deadline to submit the appeal is 30 days (60 days if the asylum seeker resides abroad)
- Government is usually not attending the cases

# Legal guarantees

- Asylum seeker is entitled to stay in Italy until the first instance Court ruling gets issued
- Legal assistance before the Court is mandatory (governmental lawyer if needed)
- Free legal aid is granted
- Asylum seeker gets interviewed by the judge, linguistic assistance is granted and paid for by the State
- Judicial procedure follows a high priority schedule

# Key notes for decision

- Diminished burden of proof on asylum seekers
- Individual reliability test
- Reliable and up-to-date information on the country of origin (Unhcr + judge search)

# Asylum seeker detained in deportation camps

- No repatriation until decision from Territorial Commissions
- Shorter deadline to lodge the appeal (15 days)
- No automatic suspension of deportation (case by case decision from judge)
- Asylum could be granted even after deportation