

ASGI'S MANIFESTO TO REFORM IMMIGRATION LAW

10 key points to reform immigration, asylum and citizenship law in Italy's 2013-8 legislature

ASGI believes that a reform is urgently needed, and should focus on:

1. Diversify and simplify entry permits.

Amend the existing *'Decreto Flussi'*, to be issued once a year, and ensure entry of foreign citizens in a faster way and effectively match it with the domestic job market. Introduce a new entry mechanisms, issuing foreign citizens a one-year 'job seeking permit' and providing a subsidy to return to the country of origin if unable to find a job. Simplify procedures for recognition of academic and professional qualifications obtained abroad. Encourage development of bilateral agreements to run professional and vocational trainings in the countries of origin. Ensure taxes refund when the individual is denied pension benefits upon final return to the country of origin.

2. Develop a mechanism for customary regularisation of foreigners residing in the country having an occupation or holding meaningful family and personal ties in the country. Ensure convertibility of all stay permits. Transfer jurisdiction over permit renewals to local municipalities. Abolish the so-called 'integration agreement,' the 'stay contract' and the tax on stay permit. Repeal provisions granting automatic rejection of stay permits.

3. Strengthen the right to family reunion, granting partial waivers on requirements related to income and accommodation standards. In order to do so, applications on grounds of family reunion should foresee same requirements for parents and spouses, and regularisation of irregular family members already living in the country should be fostered. Ensure that all minors are guaranteed equal rights, with no discrimination based on nationality and parents' juridical status. Ensure that minors whose parents are living in the country illegally are granted a permit of stay. Develop and apply a fair and effective mechanism for age identification. Ensure that every person, upon reaching adult age, acquires the right to obtain a stay permit if requirements related to work and accommodation standards are met.

4. Close down all Centers of Identification and Expulsion (Centri di identificazione ed espulsione- CIE) currently functioning. Guarantee that any limitation of migrant people's right to personal liberty must be disposed by a judge, as it occurs for Italian citizens. Ensure that identification of socially dangerous individuals takes place during detention in prison facilities instead of during administrative detention periods. Issue expulsion orders only to those who have been convicted of serious crimes and encouraging voluntary return practices. Submit to the Parliament's approval all 'special return agreements' with third countries. Repeal provisions criminalizing illegal entry and stay.

5. Respect, protect and fulfil the right to asylum and its enforcement at all borders, especially sea frontiers. Develop a comprehensive piece of law on asylum. Ensure asylum seekers reception system is up European standards and close existing Shelters for reception of asylum seekers (CARA). Limit administrative detention of asylum seekers to exceptional circumstances. Reform the functioning of Territorial Commissions (Commissioni Territoriali) and national humanitarian protection law. Ensure that asylum seekers are provided free legal aid to challenge rejection of asylum application in Courts and have the right to remain in the country during the proceedings.

6. Respect the principle of non-discrimination. Develop standard procedures for cases of discrimination by organizing and integrating existing jurisprudence and norms. Establish a National Independent Antidiscrimination Authority with investigative and redressal powers. Provide access to procedure for recognition of statelessness status and ensure individuals who have lodged such

application are immediately issued a permit of stay, irrespective of their previous juridical condition. Develop adequate legislation ensuring equal opportunities for Roma and Sinti linguistic minority.

7. Ensure equal access to welfare benefits and State employment for foreign citizens -in line with international and European law- removing all discriminatory conditions and requirements that prevent access to social and health services. Recognize foreign citizens' right to access to public employment, with exceptions allowed exclusively for the law enforcement sector or positions of strategic importance for the national interest.

8. Protect victims of smuggling, trafficking and forced/bonded labor, providing adequate compensation, a permit of stay (irrespective of previous collaboration with Italian authorities) and immunity for crimes committed under exploitation..

9. Respect foreign individuals' right to a fair trial, by attributing ordinary judges jurisdiction over cases concerning foreign citizens (currently competence rests with administrative judges) and ensuring adequate representation of foreign citizens in courts. Extend the rights of migrant citizens detained in prison or entitled to alternative detention measures as well as their opportunities to regulate their stay permanently.

10. Reform laws on citizenship and administrative elections by recognizing all foreign citizens regularly residing in the country the right vote at administrative elections and to obtain naturalisation through a faster and more efficient process. Enforce the principle of *ius soli*. Provide all minors, especially those born on Italian territory, ad hoc procedures to speed up naturalisation process.