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ANNEX 4

ANNEX

to the

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL**

First report on relocation and resettlement

Annex IV: Italy – State of Play Report

Recommendations December 2015		Status
HOTSPOT AREAS	<p>The hotspots in Pozzallo and Villa Sikanìa/Porto Empedocle should be opened by end 2015. Refurbishment works for additional hotspots should also start with a view to having them ready by end of February 2016.</p>	<ul style="list-style-type: none"> ✓ Lampedusa (since October 2015) and Pozzallo (since 19 January 2016) are open and operational. ✓ Trapani was declared open in December 2015, additional works in terms of construction and procedures have been completed in February; the Hotspot is fully operational. X Taranto was declared open on 29 February 2016 by Italy and visited by the Commission the same day. The Hotspot facility is being tested this week. X No clear plans for the refurbishment of Augusta and Porto Empedocle have been developed. Minister Alfano has confirmed at the JHA Council on 10.03 the opening of a fifth location, the official determination should be confirmed as soon as possible. ✓ To support the procedure of assignment of the place of disembarkation following search and rescue events and to reinforce coordination, direct contacts between the Ministry of the Interior and the International Coordination Centre have been established via the Frontex operational coordinator based at Pratica di Mare. ✓ Standard Operating Procedures (SOP) outlining the activities and their logical sequence in the hotspots have been drafted by the Ministry of the Interior with support from the Commission, Frontex, Europol, the European Asylum Support Office (EASO), the International Organization for Migration (IOM) and the UNHCR. A consolidated draft was delivered to the Ministry of the Interior on 8 February 2016. The Italian Ministry of the Interior is to adopt and circulate those SOPs to all relevant actors as a matter of urgency.
	<p>The Italian authorities should take measures immediately to increase medical presence in the hotspots so as to enable a multiplication of</p>	<ul style="list-style-type: none"> ✓ The requirement to have a 24/7 medical presence was inserted in the Standard Operating Procedures for hotspots. X The Italian authorities have to ensure that medical presence in open and forthcoming

	<p>screening and fingerprinting lines, streamlining the overall time it takes for a migrant to complete all steps/formalities in the hotspot.</p>	<p>hotspots will effectively be 24/7 in all locations. Specialized medical assistance should also be developed if need be. Such presence needs to be increased to enable multiple screening and fingerprinting lines, shortening the overall time it takes for a migrant to complete all steps/formalities in the hotspot. Coordination among the stakeholders intervening should be developed.</p> <p>X Ideally, a uniform health record would be used for all IT disembarkation (the "Personal Health Record" developed by IOM with support of the Commission and the European Centre for Disease Prevention and Control could serve as an example).</p>
	<p>Further efforts, also at legislative level, should be accelerated by the Italian authorities in order to provide a more solid legal framework to perform hotspot activities and in particular to allow the use of force for fingerprinting and to include provisions on longer term retention for those migrants that resist fingerprinting. The target of a 100% fingerprinting rate for arriving migrants needs to be achieved without delay.</p>	<p>✓ Fingerprinting rates reported by the Italian authorities, the IOM and Frontex have almost reached 100% in recent disembarkations in operational hotspots.</p> <p>✓ The Ministry of the Interior submitted an application for emergency funds to procure additional fingerprinting machines and update computer systems to avoid double fingerprinting. The Commission adopted the award decision on 8 February 2016. Roll-out of the purchased machines will take place soon.</p> <p>X A draft law to improve legal framework with regard to longer retention and to clarify fingerprinting operations (including, as a last resort, the proportionate use of force) has been ready at technical level for some time now.</p> <p>X Fingerprinting of migrants disembarked outside hotspot facility cannot be independently confirmed. All disembarkation should take place in designated and operational hotspot facilities or should be covered by interventions of the mobile Hotspot team which is in the process of being established.</p>
	<p>The presence of EUROPOL in hotspot operations needs to be extended, improved and clarified to step up investigation against migrant smugglers. Clear,</p>	<p>✓ The role of Europol is described in hotspot Standard Operating Procedures. Contacts between Europol, the Commission and police branch (the Ministry of the Interior), including the Europol National Unit, are ongoing to improve Europol's</p>

	<p>standardised provisions on the part of the Italian State Police and judicial authorities have to be issued in order to enable a purposeful exchange of (real-time) information with EUROPOL, both with staff that would be additionally deployed on the ground and through contact with Headquarters in The Hague as needed via SIENA.</p>	<p>involvement on the ground on the basis of good practices developed with some prosecutors and of a needs assessment developed by the Commission on the ground.</p> <p>X Currently, the presence of Europol is limited to one staff member deployed to the EU Regional Task Force Catania. With the recent opening of the European Smuggling Centre at Europol, at least a second staff member is to be deployed soon to reinforce the mobile Hotspot team based in Sicily. Further resources continue to be necessary to ensure a proper and effective presence of Europol.</p>
	<p>IT systems should be updated without delay to ensure that interconnections between national and EU/international databases are established, allowing for a full check of arriving migrants against SIS II/Interpol STLD databases.</p>	<p>✓ The Italian authorities provided clarifications insofar as taken fingerprints are systematically checked by forensic police staff against the national AFIS (Automated Fingerprint Identification System) and against Eurodac. In case of migrants carrying documents or of positive AFIS/Eurodac hits, nominal data is checked against the main IT police database, Sistema di Indagine (SDI). SDI is connected to SIS and Interpol databases. The Italian authorities will need to provide further information concerning the interconnection with the Interpol database.</p> <p>X Interconnection between databases is still limited. In particular there is no direct and automatic connection between the registration process (foglio notizie) and the SIS, Europol and Interpol databases. This should be established as a matter of priority in order to allow systematic checks.</p> <p>X The Italian authorities are upgrading their procedures to ensure systematic checks of arriving migrants against existing databases at national, European and international level are conducted (for fingerprints: against AFIS and Eurodac, for nominal data: against SDI, SIS and Interpol databases).</p>
	<p>The Italian authorities should continue improving their system of transfers from hotspot areas to the mainland, in particular by</p>	<p>X Tender procedure for plane transportation to be launched, review by IT procurement authority (CONSIP) has been concluded, the terms of reference are being drafted. The Italian authorities should take action</p>

	<p>developing a system of air transportation. If necessary, this could be supported by the Asylum, Migration and Integration Fund (AMIF – national programme).</p>	<p>to swiftly finalise the procedure.</p>
<p><i>Additional measures identified after the adoption of the Communication in December</i></p>		
	<p>Need to assess needs and develop a dedicated workflow to identify and adequately host unaccompanied minors and other vulnerable after disembarkations waiting to be channelled through dedicated reception centres and procedures.</p>	<p>X Dedicated assistance, facilities and trained staff should be made available in all hotspots to cater for the need of minors and vulnerable groups.</p>
	<p>Considering that some disembarkation will continue to take place outside hotspot locations due to causes of force majeure/sea conditions there is a need to ensure mobile disembarkation and registration procedures.</p>	<p>X To handle the continued disembarkations outside opened or designated hotspot locations, agreement was reached in January between Italy and the Commission to establish a mobile hotspot team. Ministry of the Interior departments of Civil Liberty and Migration (DCLI) and Police (P.S.) plus EU agencies agreed on a draft proposal. The Ministry of the Interior P.S. is currently finalising concrete planning. A mobile van-based solution, with Italian P.S. staff based in Catania, is envisaged. This solution would allow AFIS (and Eurodac) registration and checks as well as police database checks of nominal data on the go, in disembarkation sites other than hotspots. An initial nucleus could be operational by the end of March, financing of additional equipment/vehicles with EU funds could be considered if Italy prepares a respective funding application.</p>
	<p>Italian Authorities should assess whether further upgrades of the hotspot facilities are necessary in view of the summer period.</p>	<p>X A set of joint visits by the Italian authorities, the Commission and relevant agencies should be undertaken to detail any additional needs in order to strengthen the processing capacity of the hotspots in view of the summer months. The Italian Ministry of the Interior is expected to provide the Commission quickly with the</p>

		result of their assessment.
	The Italian Ministry of the Interior has asked COM and FX on 08.03.2016 to assess the possibility to provide at least four additional small to mid-sized naval assets (OPV)	X Current pledging levels in the framework of JO Triton 2016 are not sufficient, both with regard to expert staff and assets deployed to Italy. Member States are urged – despite the focus on Greece – to provide sufficient pledges to Italy.
RELOCATION	In order to avoid confusion in the provision of information about their rights and obligations, a common narrative to inform migrants is currently being produced for all players involved in the hotspot and relocation process.	<ul style="list-style-type: none"> ✓ An information leaflet on relocation has been produced by EASO in cooperation with the Commission and published in January 2016. Work is ongoing to expand the current leaflet with more detailed information on relocation. ✓ A short information video on relocation has been produced by EASO in 2015. Work is ongoing to produce other videomaterial to provide information and explanations on the relocation process. ✓ Work has been finalised on a manual with procedural and operational steps of the relocation process for the benefit of operators in the relocation process. ✓ A checklist for relocation procedures and documentation for the benefit of Italian territorial authorities (notably 'Questure') will be circulated. ✓ EASO in cooperation with the Commission and Italian Authorities has organised specific trainings in the proximity of hotspots and disembarkation areas for the benefit of civil society.
	The Italian authorities should develop early 2016 a dedicated workflow to allow the transfer of unaccompanied minors under the relocation scheme.	X No procedure is currently in place for the transfer of unaccompanied minors under the Council Decision on Relocation. Initial contacts have been undertaken with the Ministry of the Interior and the Ministry of Justice to make progress.
	EASO should swiftly deploy cultural mediators alongside its teams in order to increase the impact of its deployments and not rely on national authorities.	✓ EASO has signed the framework contract with the service provider for cultural mediators and is now able to deploy cultural mediators in Italy.
	Member States should	X Response time remains too long, reducing

	<p>substantially reduce the response time to relocation applications submitted by the Italian authorities.</p>	<p>the efficiency and effectiveness of the relocation process.</p> <ul style="list-style-type: none"> ✓ The Commission is deploying every effort towards Member States in order to accelerate the relocation process and will continue to do so. In particular communications from the Commission to Liaison Officers and National Contact Points for relocation have been sent in early March 2016 in order to significantly accelerate relocation transfers. Meetings of the Member States' Liaison Officers to Italy for relocation to facilitate the acceleration of relocation activities take place on a regular basis and their frequency may be intensified if needed. X The Italian authorities should submit a clarification to Member States' liaison officers concerning the security procedures in place in the hotspots in order to reduce the need for further security checks. X Member States should provide motivations to the Italian authorities when cases of national security, public order or exclusion are invoked to reject relocation candidates in order to ensure appropriate treatment by the Italian authorities. X Member States should facilitate the exchange of information related to security among their relevant authorities.
	<p>Member States should further increase their pledges under the relocation programme and extend the validity of the pledges already made to take into account the current low level of arrivals in Italy.</p>	<ul style="list-style-type: none"> X Although the number of pledges is sufficient Member States should accelerate acceptances and facilitate additional relocations to swiftly take place (See Annex 4) X Member States which have submitted pledges should extend the validity of pledges already made to take into account seasonal levels of arrivals in Italy.
	<p>The relocation process should be further optimised on the basis of the recommendations on the working group and the results of the Relocation forum of 16 December 2015.</p>	<ul style="list-style-type: none"> X The relocation process needs to be further optimised on the basis of recommendations and clarifications provided by the Commission and discussions in the relevant working groups and fora.
<p><i>Additional measures identified after the adoption of the Communication in</i></p>		

	<i>December</i>	
	Some Member States have invoked criteria other than those foreseen in the Council Decision to reject relocation files.	X Member States should strictly apply the criteria foreseen under the Council Decision when rejecting relocation applications. In particular relocation applications should not be rejected for reasons linked to the preferences expressed by the Member State concerning the profiles of the applicants to be relocated.
RETURN	The Italian authorities need to strengthen their dialogue with the main countries of origin of irregular migrants and streamline their administrative procedures in order to guarantee swift forced returns.	<ul style="list-style-type: none"> ✓ Returns have taken place to Egypt, Tunisia and Nigeria with which bilateral agreements are in place. ✓ Meetings have been held with Ghana, Senegal, Gambia and Ivory Coast also with the participation of the Italian Prime Minister and the Head of the Italian Police to conclude bilateral agreements. The Commission has been present at meetings at technical level. <p>X Italy, together with Frontex, should define and launch as a matter of priority a clear operational plan for return and readmission activities, based on a clear planning and needs assessment by Italy, providing support to all elements in the execution return procedure, where necessary. Discussion between Frontex and Italy started at the beginning of March.</p>
	In the light of the fact that the proportion of migrants that are not in need of international protection among the arrivals in Italy is steadily increasing (at this point over 50% according to the Italian authorities), it can be considered that the current detention capacity in Italy (some 604 places in total) is already insufficient. Full use of the existing detention capacity, already foreseen to be funded through the AMIF National Programme and (urgent) planning for (temporary)	<p>X Available places in detention centres (CIE-Centri di identificazione ed espulsione) have been further reduced by Italy to 271 available places (on 9 March 2016, with the majority of places reserved for female persons) as opposed to 1,248 places foreseen in the Italian Roadmap. The Italian authorities should remedy this deficiency as a matter of utmost urgency and increase, instead of decrease, the number of available places, with the view of preventing irregular migrants from absconding and moving on to other Member States in irregular manner Such plans are currently being developed.</p> <p>X Italy should also foresee the possibility to increase the duration of administrative detention within the 18-month maximum</p>

	<p>enlargement of Italy's detention capacity should be considered.</p>	<p>limit allowed by the Return Directive, to ensure that all procedures can be successfully conducted without running the risk that the returnees are set free and abscond.</p> <p>X Furthermore, Italy should foresee the possibility of voluntary return of all categories of migrants, including (unaccompanied) minors, families, persons with vulnerabilities, taking into account the particular circumstances of each case.</p>
	<p>Italy has already launched a tender and should resume as quickly as possible the Assisted Voluntary Return programme to reduce the significant case load of persons ready to return, possibly considering an application for AMIF Emergency assistance to bridge the period until the new Assisted Voluntary Return programme will be in place.</p>	<p>✓ A call for tender for Assisted Voluntary Return (AVR) was launched on 24 December 2015, before selection of applicants and award. The new AVR scheme is to be operational by around June 2016.</p> <p>✓ IOM filed an application for AMIF funding with the Commission in order to bridge the gap until the start of the new AVR scheme. The request is currently on hold.</p>
	<p>The European Commission, supported by Member States, should further step up engagement with third countries to ensure easier readmission of migrants which are not entitled to international protection including through the targeted use of the Trust Fund for Africa.</p>	<p>✓ The Joint Committees on Readmission with Turkey and Pakistan were held on 19 January and 2 February 2016 respectively. The Commission visited Afghanistan and Nigeria to discuss readmission.</p> <p>✓ On a general note, Italy has already promoted projects to be financed under the Trust Fund for Africa and is working to propose the approval of new ones. Full coordination between the Ministry of Foreign Affairs and the Ministry of the Interiors should be ensured to maximize coherence of objectives.</p>
<p><i>Additional measures identified after the adoption of the Communication in December</i></p>		
	<p>The guidelines regulating the Assisted Voluntary Return system in Italy are outdated and need to become more efficient.</p>	<p>X In view of the new national programme for AVR the Italian authorities should review the guidelines applicable to the AVR programmes.</p> <p>X Italy should make the fullest possible use of the existing EU funded programmes, in particular ERIN, with regard to</p>

		reintegration of returnees.
IMPROVING BORDER MANAGEMENT	Considering the possible risk of increasing arrivals on the Slovenian-Italian border, the Italian authorities should develop contingency plans including the possibility to request additional assistance from Frontex/EASO.	<ul style="list-style-type: none"> ✓ The extension of Joint Operation Triton's operational area to cover the Southern Adriatic sea has been agreed between the Italian Authorities and Frontex. The Frontex Triton operation now consists of 181 officers. An airborne asset has been placed to Brindisi to support surveillance operations. ✓ Italy requested and received clarification concerning the possibility to relocate migrants who enter from the Western Balkans route. ✓ The Italian authorities have met with the respective counterparts in Albania and have indicated a list of possible needs to improve border surveillance in Albania and reduce the risk of flows in the Adriatic sea.
	Member States should continue ensuring that assets are made available for both the Triton and the EUNAVFOR MED operations in the Mediterranean.	<ul style="list-style-type: none"> ✓ Member States should continue ensuring that assets and experts are made available for both Triton and EUNAVFOR MED operations in the Mediterranean. This applies especially to the availability of fingerprinting experts that are required to ensure full operational functionality of Italian hotspots; such deployments must at least cover minimum levels in all open hotspots and the mobile hotspot team.
RECEPTION CAPACITY	The ongoing work on the reform of the asylum and reception system should continue and lead to a leaner asylum procedure in particular concerning the appeal process and to reduce the fragmentation in the quality of decision making across the country.	<ul style="list-style-type: none"> X A working group for asylum reform has been set up at the Ministry of the Interior to propose a new asylum law to address shortcomings and accelerate procedures. X The works towards the reform should be completed before the summer period also in view of addressing the concerns expressed by the Commission in the context of the ongoing infringement procedures.
	Monitoring systems should be enhanced in order to reduce the differences in the quality of the reception conditions across the country and to avoid risks of corruption in the	<ul style="list-style-type: none"> ✓ The Italian authorities have indicated that the Italian monitoring system for reception conditions has been enhanced already in 2015 through agreements with the UNHCR and the IOM to carry out further monitoring visits in addition to those already carried out by Italian Prefectures.

	management of reception.	During 2016 new initiatives will be undertaken to further enhance the monitoring system.
	A single database should be established linking the asylum and reception processes in order to facilitate the management of the flow.	X The new national database for registering migrants for the planning of their distribution and the reception system is not yet in force, although it is being finalised in view of becoming operational in the second semester of 2016. X IT solutions to link the database for reception, for asylum and the new system monitoring migrant's presence should be developed.
	The Italian authorities should conclude without delays the tender for the establishment of a system of flights for the transfer of migrants. The European Commission may consider supporting the scheme as a stopgap measure and for a limited period of time until the full tender is in place.	X The tendering procedure has not been finalised so far and its enactment should be accelerated.
<i>Additional measures identified after the adoption of the Communication in December</i>		
	Reception system for Unaccompanied Minors	X Coordination at national level between ministerial, regional and municipally managed reception centres should be ensured. This should imply the use of a comprehensive and up to date database of available places in all kind of reception facilities for Unaccompanied Minors on Italian territory
	First Reception places for Unaccompanied Minors.	✓ 2014 AMIF emergency funding allowed the creation of a new system of first level reception centres under the responsibility of the Ministry of the Interior ended in February 2016 (15 facilities, 737 places). 13 out of these 15 highly specialised reception facilities are in the process of renewing their activities till 22 August 2016 (641 places available). X A new call will be launched to ensure continuation after this date.
	Second level reception system for unaccompanied	✓ 961 places for second level reception for Unaccompanied Minors were available

	minors.	<p>according to the roadmap.</p> <p>✓ A Call for tender for additional places for Unaccompanied Minors independently from their legal status (SPRAR system) has been concluded in December 2015.</p> <p>X Around 2/3 of the additional 1010 places assigned under the call have currently been made available. Further places should be made available to ensure smooth transition between first and second level reception</p>
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