

SURVIVAL KIT FOR THE UNACCOMPANIED FOREIGN MINOR

(and for his legal guardian)

Promoted by:



**MELTING
POT
EUROPA**

In collaboration with:

welcome to europe network

Supported by:

**otto
per
8mille**
CHIESA VALDESE
UNIONE DELLE CHIESE METODISTE E VALDESE



INDEX

Words, words, words.

Let's figure out what they mean page 4

- 1** I'm coming to Italy: Non-refoulement principle and ban on expulsion page 8
- 2** The police identify me page 11
- 3** Where do they take me? a new home: The reception centre page 14
- 4** The age assessment: How does it work page 25
- 5** My legal guardian page 29
- 6** Issue of residence permits page 34
 - A) The residence permit for minors page 35
 - B) The residence permit for family reasons page 37
- 7** The request for international protection page 40
- 8** The right of family reunification page 53
- 9** My main rights as a child page 54
 - A) My right to study page 54
 - B) My right to be cured, to receive hospital treatment and to have a doctor for children page 55
 - C) Can i work? page 58

-
- 10** I'm about to turn 18, what's up now? page 61
- A) Conversion of the residence permit page 62
- B) The admin continuation page 69
- FOCUS** → I've already turned 18 and
my residence permit for humanitarian reasons
is about to expire. The conversion of
the residence permit of the young adult page 70
- 11** The police arrested me. what can i do?
What are my rights? page 72
- 12** I want to travel to another european country page 77
- A) It's a temporary travel page 78
- B) I want to move permanently
to another european country.
What happens if i leave Italy? page 82
- C) Passport and travel document page 85
- 13** The labor and sexual exploitation
of unaccompanied foreign minors page 86
-

Project coordinator:

Andrea Panico

Drawings by:

Chiara Zamboni

Texts by (in alphabetical order):

Andrea Panico, Angela Maria Bitonti, Daria Storia, Elena Prestt, Francesca Martini, Giulia Pelizzo, Giuseppina Palamara, Pietro Giovanni Panico

A project by:

MeltingPot Europa

www.meltingpot.org

[www.twitter.com/MeltingPotEU](https://twitter.com/MeltingPotEU)

Welcome to Europe network

<https://w2eu.info>

contact@w2eu.info

WORDS, WORDS, WORDS. LET'S FIGURE OUT WHAT THEY MEAN

Lawyer

He is someone who has studied and has knowledge of the Italian law. The lawyer can help you, defend you and assert your reasons in all proceedings that involve you, before a judge (or before the Territorial Commission, if you decide to seek asylum). The law provides that you are always entitled to have a lawyer, in some cases it's compulsory, in other cases only upon your request.

Cultural mediator / interpreter

The cultural mediator, or interpreter, is a person who speaks your language and can help you to talk to police officers, social services, your legal guardian and those who help you in the reception centre.

The law provides that you are always entitled to have a cultural mediator during the interview in which you will be identified, as during the age assessment procedure, in the Court and before the Territorial Commission (if and in case you decide to apply for International Protection).

Minor

In Italy, "minore" or "minorenne" (minor or under-aged) is a girl or a boy who has not yet reached the age of 18.

Please note → In other countries of the world, the adult age could be reached at different stages (for example 16 years or 21 years).

Residence permit

It is a document issued by the Immigration Office of the so called Questura (which is the Police Headquarters). The residence permit contains your name and surname, your date and place of birth and your photograph, and it proves that you have the right to stay in Italy because:

- You are an unaccompanied minor; you have been issued a residence permit for **"minore età"** (minor age). See § 6, section A), p. 35.
- You have been granted a residence permit for **"motivi familiari"** (family reasons). See § 6, section B), p. 37.
- You have submitted the request for International Protection and you're waiting for the Territorial Commission's outcome. It is on paper, with the written formula **"richiesta di asilo"** (request for asylum). See § 7, p. 40.
- You have obtained the International Protection from the Commission. It is an electronic plastic card, bearing the words **"asilo"** (asylum) or **"protezione sussidiaria"** (subsidiary protection), depending on the case. See § 7, p. 40.
- You have asked for International Protection and got another form of protection from the Territorial Commission. It is an

electronic plastic card, with the words **“casi speciali”** (special cases) and **“protezione speciale”** (special protection) according to the case. See § 7, p. 40.

Polizia and Carabinieri

Polizia (State Police) and Carabinieri (Carabinieri Corps) wear different uniforms, but both are law enforcement agencies that have public security duties such as ensuring compliance with the maintenance of public order as the safety of people. When in need or danger, you can ask them for help, as to the Associations and NGOs whose contact details you will find in this manual (see Annex 1).

For example, seek the help of Polizia and Carabinieri - if you have nowhere to go; if you need to get in touch with social services or to report people who are threatening or exploiting you (e.g. someone is forcing you to work or to do anything against your will, see § 13, p. 86). Contact them in case you don't have any identity documents! You must explain your situation as good as you can.

Cooperate with the authorities when you are being asked to identify yourself and show them your residence permit (see § 11, p. 72). Inform your caretakers (e.g. your guardian, the manager of the facility where you are welcomed, etc.), or report to the references you find in this guide, if you believe that you have been treated unfairly / wrongly by them or if they have not helped you in situations of need or danger.

You don't have to pay the Police nor the Carabinieri for helping you.

International protection: Political asylum and subsidiary protection See § 7, p. 40.

Social services and social worker

Social Services could be found in a public office in each Italian city. They are responsible of helping people who are in difficulty, including unaccompanied children. The social worker - who is employed in the social services' public offices - must listen to you and activate all those measures made available by the Government to guarantee the rights of unaccompanied minors.

SAI (formerly called SPRAR and then SIPROIMI)

SAI is an acronym for "SISTEMA DI ACCOGLIENZA E INTEGRAZIONE" which means RECEPTION AND INTEGRATION SYSTEM. It comprehends the network of reception centres for the beneficiaries of international protection and for ALL the unaccompanied minors. SAI reception centres are public facilities run by private associations or cooperatives with Italian Government's funds. See § 3, p. 14.

Legal guardian

He is an adult appointed by the Juvenile Court to help you, represent you and ensure that all your rights are always guaranteed. See § 5, p. 29.



**MELTING
POT
EUROPA**

In collaboration with:

welcome to europe network

1. I'M COMING TO ITALY: NON-REFOULEMENT PRINCIPLE AND BAN ON EXPULSION



You are about to cross the border of Italy (by land, at the seaport or airport) or you are already inside the Italian territory.

Why is it important to be honest and claim to be a minor?

Because, as an unaccompanied foreign minor, the law provides for you that you cannot be rejected at any border and you cannot be expelled from Italy (except in certain specific cases *).

What does that actually mean?

NON-REFOULEMENT PRINCIPLE

If you plan to reach Italy from France, Slovenia, Austria or Switzerland, the police cannot prevent you from entering the Italian territory. In case the police stop you at the border, do not oppose resistance but clearly state that you are a minor, you are alone, and you are traveling without your parents or any adult of reference..

**"I AM A MINOR. I'M UNDER 18 YEARS OLD/
I AM UNDER-AGE.**

**I AM ALONE, I DON'T HAVE MOTHER
OR FATHER/FAMILY"**

If your intention is to seek asylum, do not hesitate to say it.

"I ASK FOR ASYLUM. I ASK FOR INTERNATIONAL PROTECTION".

Likewise, if you have been rescued at sea, declare your minor age immediately after landing!

BAN ON EXPULSION

Since you are under the age of 18 - save in exceptional cases * - as an unaccompanied foreign minor you cannot be expelled from Italy (you cannot be sent away from Italy).

* on grounds of public policy or state security, provided that such a measure does not entail a risk of serious harm for the minor. This provision is adopted by the Juvenile Court, upon the request of the Chief of the Police.

2. THE POLICE IDENTIFY ME

As soon as you engage with the Police it is mandatory by law to be identified, in order to assess who you are and your age.

For example:

- If you arrive by sea, the identification should take place once landed.
- If you entered Italy by land and no one has spotted you at the border, be aware that the Police could stop you on the territory later on.

The Police is responsible of identifying you.

During the assessment of your identity, you have the right to be assisted by a cultural mediator. If you have any document which can certify your identity and age, such as your passport, ID card, any paper from school, birth certificate, etc., even if those are out of date, show them immediately!

The Police could/may borrow your passport during the identification procedure. If this is the case, it is very important that the agent who took it at least states his name and surname and leaves you with a photocopy of your passport.

Photo identification and fingerprinting.

The identification procedure consists in taking a photo of your face, giving you of an ID number and getting the fingerprints of all the fingers of your hand. If you are under 14, the police cannot take your fingerprints.

After that, your information/data will be stored/entered inside the so-called EURODAC, which is a database shared between all European (EU) countries.

For this reason, if you go to another EU country to apply for International Protection, the authorities there will know that you have passed through Italy where you have been previously/already identified. In fact, through your photo identification and the data collected in EURODAC, it is possible to determine the first European country you entered.

EURODAC. It is a system which collect and compare asylum seekers and irregular migrants' fingerprints. It has been adopted by all EU countries (plus United Kingdom, Switzerland, Norway and Iceland). Its main purpose is to implement the Dublin Regulation and therefore to determine which Member State is responsible for dealing with an application for International Protection presented within the EU.

For more information visit the links:
<https://bit.ly/GM-eurodac>

If it will happen that the police would ask you for your fingerprints again, cooperate with them (never oppose resistance to the police). Anyway, once you have given your fingerprints upon landing or whenever you have been spotted on the ground, your fingerprints have been recorded forever in a computer. So, they are not taking them a second time, they are just verifying your identity (i.e. who you are).

IMPORTANT! Identification procedures have never to violate your basic human rights, so Police forces cannot use violence and/or threaten you in order to take your fingerprints or to carry out those procedures.

It is never allowed to carry out body inspections against your will. By law, any form of torture and/or physical or psychological violence is prohibited (but if you attempt to wriggle out/free, your behavior could be pointed out as *“resistance to arrest/a public official”* which is considered a crime in Italy).

Anyone who is acquainted or a direct witness of an identification conducted by force violating the rules described above has the right to file a report to the police or directly to the Public Prosecutor's Office.

3. WHERE DO THEY TAKE ME?

A NEW HOME: THE RECEPTION CENTRE

After being identified as a minor, you will be transferred to a reception centre for minors. In this place you will be offered food/eat, you will sleep and you will find people ready to help you and answer all your doubts/questions.

Remember →

- You have the right to stay in a centre for children even if it has been disposed for you to undergo a multidisciplinary assessment of your age (i.e. when the authorities are not sure of the age you have declared and they want to verify it). In fact, you must be treated as a minor, until the Juvenile Court by its provision establishes your age of majority. See § 4, p. 25.
- If you have been relocated in a Reception Centre for adults and they have mistakenly identified you as an adult (an incorrect date of birth is written on your residence permit or asylum application), do not hesitate to report this error immediately to the chief of the centre. He/She has to help you as soon as possible to be correctly identified as a minor! See following §.



**MELTING
POT
EUROPA**

In collaboration with:

welcome to europe network



31 I'M IN THE RECEPTION CENTRE. WHAT ARE MY RIGHTS?

As an unaccompanied foreign minor, it is your right to be welcomed in a centre dedicated to under-age (there must be no adults hosted with you). At least these things must be provided to you:

- appropriate clothes for both hot and cold weather (including shoes) and underclothes (socks and underwear);
- products for your personal hygiene (soap, shampoo, shaving kit, pads/tampons, etc.);
- a bed to sleep in and blankets;
- food;
- pocket money, a small amount of money to be used as you prefer. It is usually given weekly but each centre decides when and how much to give you;
- legal assistance, through a person who is able to explain you what is it going to happen now that you are in Italy and what your rights are;
- language support, through a cultural mediator who can help you to understand and be understood when you interact with the staff of the centre;
- a course of Italian language;
- psychological support.

If this is not the case (i.e. if you are not provided with even one of the rights listed above or in case there are adults as well hosted in the centre where you sleep) do not hesitate to contact your Legal Guardian, see § 5. If you find it difficult to contact him/her (it is not possible to meet him/her), talk about it to the social workers!

Having a mobile phone is not one of the rights that must be guaranteed to you in the centre, but it is your right to be always able to contact your family. Talk to the operators to establish by what means and how often you can do this.

Please note →

Your Legal Guardian has the right to ask your reception centre the access to their Regolamento Interno (i.e. Internal Regulation) and Patto di accoglienza (i.e. the so-called Welcome Agreement). These two documents must be presented to you upon accessing the centre if possible in your language, or in a language that you understand.

Your Legal Guardian must be kept informed of what happens in the reception centre where you are hosted and of all those situations that may not meet the standards set by law. In fact, he/she can demand to the Juvenile Court to verify the quality of the accommodation in the facility that hosts you.

32 THE FIRST INTERVIEWS

The operators of the reception centre will carry few interviews with you to get to know you. During those, it is your right to be assisted by a cultural mediator. During these interviews:

- you will be asked some questions to learn more about your own story (such as the purpose of your trip, and/or if you have any relative in other countries, etc.),
- the operators have the duty to explain you what the request of international protection is about.

This might not always happen. In fact, the operators of the centre where you are hosted could opt to apply directly for the permit for minors, without checking properly whether or not your case could be potentially considered eligible for international protection. Since it is your right to have an explanation of what international protection implies, if the operators of your centre do not give you such information, ask them to do so!

THE JUDGE, SOMEONE TO BE TRUSTED

You should be summoned to appear before the juvenile court for an interview with the judge. Usually this happens before your legal guardian is appointed, but not only in that case! Some courts tend to maintain a close relationship with all the unaccompanied foreign minors present in their area of jurisdiction, calling them for updates about their situation on a regular basis. If this is the case for you, feel free to report your reception centre for all that is not good enough in your opinion. The judge's job is to guarantee your protection and the respect of your rights, the Judge is someone you can trust!

3.3 IN WHICH KIND OF CENTRE SHOULD I BE WELCOMED AND HOW?

As a minor you have the right to be welcomed in a centre called SAI (previously called SPRAR or SIPROIMI). SAI - an acronym for "Sistema di Accoglienza e Integrazione" (i.e. RECEPTION AND INTEGRATION SYSTEM) - is the network of reception centres where are hosted:

- asylum seekers;
- beneficiaries of international protection;
- unaccompanied foreign minors (both asylum seekers and non-asylum seekers)
- holders of residence permit for special protection, for special cases (humanitarians in a transitional regime, holders of social protection, victims of domestic violence, victims of labor exploitation), for disasters, for acts of particular civil value, for medical treatment.

Remember that in order for you to be welcomed in a SAI centre it is enough that you are an unaccompanied minor and you do not have either to apply for or to have been entitled with international protection. Your legal guardian can urge for you to be transferred to a SAI centre, talk to him about this!

If no place is available in the SAI centres you might be temporarily hosted in another type of centre, which is usually a community for minors in the Comune (City) where you are.

As an exception, if you cannot be placed in the communities for minors of the Comune, and you are over 14 years old, the Prefecture (the Government) can send you to an Extraordinary Reception Centre (CAS) where maximum 50 minors are present. Under no circumstances you can be placed in a centre where adults are also accommodated!

For how long can i stay in the SAI centre?

Unaccompanied minors hosted in the SAI centres have the right to stay there throughout the minor age until the age of 18 and for another 6 months (either they have applied for international protection or not). Further extensions are also possible, for personal needs, due to ongoing integration paths (as study, vocational training, internship, etc.) or for proven health reasons.

Upon reaching the age of majority, also unaccompanied minors' asylum-seekers have the right to remain in the SAIs at least until the Commission's decision is notified: - in case of rejection of the application, until the outcome of the appeal submitted to the Court; - if international protection is recognized, they can be hosted for another 6 months, except for further extensions.

For more info visit the link:

<https://bit.ly/GM-manualesprar>

What services should be guaranteed to me in a SAI centre?

There, you will live with a small number of other kids, minors as you.

There will be a dedicated team ready to help you throughout your integration path: they will encourage you to settle down into the social, educational, cultural and working environment. There will be a teacher who will support you to learn Italian, a legal operator or a lawyer who will assist you in the procedure of obtaining the residence permit, a psychologist, and someone who will undertake the progress of your social and work integration.

3.4 CAN I GET KICKED OUT OF THE RECEPTION CENTRE? NO!

Unlike adults, the person in charge of the centre is never allowed to ask for your accommodation to be revoked (for example, if you walk away without a warning or to punish you). If you are threatened to be kicked out, do not hesitate to tell your legal guardian or to inform the social workers or the police.

4. THE AGE ASSESSMENT: HOW DOES IT WORK?



Even if during your identification the authorities have doubts about your real age, they will have to comply with the age shown in the documents that you gave them.

If you do not have any document certifying your age, the Police can contact your embassy to check on you and obtain from them your personal details.

The Police can NEVER contact the embassy 1) if you are an asylum-seeker, 2) if you stated that you are afraid of retaliation (serious damage, any kind of threat, revenge against you or your family), 3) if you clearly express that you do not want the police to contact your embassy.

However, if you do not have any document that proves your age and you do not want the embassy involved or it is actually not possible to get any information about you, the Public Prosecutor at the Juvenile Court may require to carry out social and health tests to assess your age.

Throughout the age assessment, you have the right to be assisted by your legal guardian, if he has already been appointed, otherwise by who is temporarily entitled with your legal guardianship, see § 5), and a cultural mediator.

They have to explain you, with the support of a cultural mediator, in your language or in a language you know, how the age assessment will be done.

The assessment consists in a series of interdisciplinary exams. This means that it is a comprehensive evaluation, you will talk to several doctors and practitioners (a psychologist, a social worker, a pediatrician etc.) who have to establish your approximate age.

The assessment is done step-by-step and it has to be less intrusive as possible. If after the interview with the social assistant, the psychologist's evaluation and a visit to the pediatrician, it is still not possible to determine your age, x-ray examinations could be carried out, through a wrist, hand or teeth X-ray.

All this procedure ends with the multidisciplinary team's report. In order to be valid, the final report shall state an estimated age, specifying which it could be the margin of error (biological variability).

Once all the tests to assess your age are over, the judge will issue a provision in which it will be clarified if you are a minor or not. This provision, with the attached translation, must be sent both to you and to your legal guardian.

If you were declared an adult and you want to appeal this decision, speak immediately with your legal guardian because you only have 30 days to make a complaint from the moment you received the communication! If you do not have a legal guardian because he/she has not been appointed yet, contact a lawyer for help as soon as possible.



Keep always in mind: →

- **The presumption of minor age throughout the age assessment.** You have the right to stay in a childcare facility during the all procedure!
- **The presumption of minor age at the time of the decision.** If in the final report your age is approximate so it is not possible to define with certainty whether you have reached the age of majority or not, you must be declared as a minor (for example; it will be written that your age is estimated to be between 16 and 18 years old, or 18 years old with 2 years' range as a margin of error, etc.).
- **Objection to the age assessment.** The age assessment can be objected: 1) in case they did not take into consideration the date of birth shown in your passport or in any other document, even if those are expired but as long as there are no doubts about their authenticity; 2) if in the final report it is not specified neither the margin of error nor the method used to ascertain your age.



**MELTING
POT
EUROPA**

In collaboration with:

welcome to europe network

5. MY LEGAL GUARDIAN



Since you are under the age of 18 years old, you cannot perform certain actions for which the presence of a legal guardian is required. The legal guardian is an adult who is appointed by the Juvenile Court to help you, represent you and ensure that all your rights are always met and your best interest is safeguarded.

The Guardian should be appointed as soon as possible the minute when the authorities get to know of your presence on the Italian land, or maximum within 48 hours if you are an asylum seeker.

Please note →

Until the Guardian is appointed, all the tasks related to the request for a residence permit (see § 6, p. 34) or for International Protection (see § 7, p. 40) must be carried out by those operators working in the first reception centre where you are welcomed.

At first, it might be temporarily appointed as your Guardian: the responsible of the reception centre where you are hosted; but also the Mayor (who will generally delegate this function to another person who works in the Comune); or eventually a person who works for the Social Services.

However, this is only a temporary situation, waiting for the judge to appoint another person available to follow and support you, the so-called **Volunteer Guardian**.

Unfortunately, due to the small number of people available in Italy to hold that position, it may happen that you will never be assisted by a Volunteer Guardian. So, your Guardian in charge will still remain the manager of the centre where you are welcomed, the mayor, or the person who works for the social services. If so, remember that the Guardian must always guarantee your rights to be respected and he has to take all the measures to protect you.

In particular, if your guardian is the responsible of the centre where you are welcomed, the mayor, or a person who works for the Social Services:

- **Pay attention because he might have to take care of other minors as you.** This can lead to some interpersonal issues with him. This person may not be able to follow you properly and be present in your life as he should because he has many cases to follow. Many children said they have never met or spoke to their guardian. If you are in this situation, ask the responsible of the centre for help, or contact a child protection association (see Annex 1).
- **Remember he must act by law with complete independence, free from any economic interest.** Your guardian's sole aim must be your best interest. If you believe that your guardian has not made choices led by your best interest, do not hesitate to contact a lawyer or child protection association.

For example, this could happen, if a person not fully independent from the organization that manages the reception centre you are in - is appointed as your guardian.

In any case - whoever has been made your guardian - remember he is obligated by law to be there for you. So, always when in need, contact him/her and also meet him if you think is important.

What can and should my legal guardian do for me?

These are the main tasks and duties of your guardian:

- to help you submit the application for a residence permit and finalize the request for International Protection,
- to monitor if your rights are fulfilled in the reception centre and you have everything you need,
- to support you and explain you what it's going to happen in case an assessment about your age has been set up,
- to deal with all the paperwork at the police station (payments, fees, duty stamps, photographs, etc.),

and much, much more...

Please Note →

Your guardian shouldn't be your lawyer as well.



6. THE RESIDENCE PERMIT



Foreign minors, for those refoulement and expulsion are prohibited, have the right to stay in Italy and hold a residence permit.

Therefore, depending on the case, you will get a “*permit for minors*” or a “*permit for family reasons*”.

A) THE RESIDENCE PERMIT FOR MINORS

You can apply for a residence permit for minors:

- on your own (we recommend you to do so only if your guardian has not been appointed yet);
- with the support of your guardian or the responsible of the reception centre whom is your temporary guardian for all the tasks concerning the request for International Protection and the application for a Residence Permit.

The residence permit for minors is valid up to 18 years old and it is issued in paper form (it is a yellow sheet of paper).

To obtain a residence permit for minors, it is necessary to go to the Immigration Office of the **Questura** (i.e. police headquarters) of the area where you live and to submit an application for it.

You may need to take an appointment in advance in order to be received. Ask your guardian to call the Questura, or visit its website (<https://questure.poliziadistato.it>), to find out the Immigration Office desks' opening days and hours.

For the issue of a residence permit for minors, you need to have a:

- **Passport or identity document.** If you don't have a passport or any other ID document, do not worry. Unaccompanied foreign minors always have the right to get a residence permit for minors, even if a passport or a proof of identity was not provided.

According to the provisions of Law 47/2017, art. 10, c. 1, lett. a) and by the Minister of Interior's Instructions released on the 24.03.2017 and on the 28.08.2017, it has been asked to the Questura to issue the permit for minors even in the absence of a passport or other ID document due to a difficulty for the minor to obtain them.

For more info visit the link:

<https://bit.ly/GM-permessominori>

If you do not have a passport or a document and there is a legitimate doubt regarding your minor age, a sociomedical age assessment may be required.

- 1 duty stamp of 16.00 euros,
- 4 passport-sized photos,
- The decree of the Juvenile Court of your custody to the social services and your placement in the reception centre that hosts you, or - if the Decree of the Juvenile Court has not yet been issued - the Police's statement by which you have been placed in that centre.

B) THE RESIDENCE PERMIT FOR FAMILY REASONS

You can get a "*residence permit for family reasons*" in the following cases:

- if you are under the age of 14 and a relative within the fourth degree got your custody, even only *de facto*, or you have been entrusted to an Italian citizen whom you live with,
- if you are over the age of 14 and a relative within the fourth degree got your custody, even only *de facto*, or you have been entrusted to a citizen - Italian or legally resident foreigner - whom you live with.

DE FACTO CUSTODY(Article 9 paragraph 4 of Law 184/1983) → The Italian law says that when a child is entrusted to a relative within the fourth degree it is not necessary to formalize the custody. Relatives up to the 4th degree are in addition to parents, grandparents and their siblings, great-grandparents, children and grandchildren, brothers and sisters, plus their children, and cousins.

The residence permit for family reasons is valid until you turn 18 years old. To obtain a residence permit for family reasons, your guardian or the person to whom you have been entrusted must contact the Immigration Office of the local **Questura** (i.e. police headquarters), inquiring on how to submit the application.

If you have to fill-in the Postal Kit at the authorized Post Offices to apply for the residence permit, your guardian or caretaker can contact the so-called CAF or Patronato that are instructed to deal with these applications. You can find the nearest CAF or Patronato office to you on the website “*Portale Immigrazione*” available at the link portaleimmigrazione.it/default.aspx.

From the Home Page it is possible to make a search: in the left column, select the item “*patronati*” and your city, all the available offices will appear. There you will find qualified people who will support you in filling out properly the Postal Kit.

If, otherwise, the application must be presented directly to the Questura, you have to book an appointment in advance. Call the Questura, or visit its website (questure.poliziadistato.it), to find out the Immigration Office's opening times and days. If your appointment has been set too many months after and you are in need of obtaining the residence permit as soon as possible, try to ask to re-schedule the appointment in advance.

To apply for the residence permit for family reasons, it is necessary to have:

- the decision of the Court about your custody, or the appointment of the guardian/caretaker you are living with,
- a document that either certify the Italian citizenship of the guardian or caretaker/foster (ID card), or the legality of his/her stay if a foreigner (residence permit),
- 4 passport-sized photos,
- if you are over 14, the payment of 16.00 euro for the duty stamp + the payment (via postal order) of 30.46 euro for the issue of the electronic residence permit
- if you are under the age of 14, only the payment (via postal order) of 30.46 euros for the issue of the electronic residence permit
- some Questura may ask for a passport or any other document certifying your identity.



**MELTING
POT
EUROPA**

In collaboration with:

welcome to europe network

7. THE REQUEST FOR INTERNATIONAL PROTECTION



You have the right to ask for International Protection both at the Police offices while you are still at the border, or at any time you and your guardian prefer after your arrival in Italy!

The law establishes indeed that you can always ask, at any time, for International Protection (for example, even if you have already been in Italy for a year and you have not done it yet, or even if you have got already a residence permit for minors or family reasons).

7.1 WHAT DOES IT MEAN INTERNATIONAL PROTECTION? WHAT IS A REFUGEE OR SUBSIDIARY PROTECTION STATUS?

International Protection could be declined in two ways: **Refugee Status** (commonly called *asylum* or *political asylum*) and **Subsidiary Protection**.

Refugee Status →

It is granted a refugee status to "A THIRD-COUNTRY NATIONAL WHO, OWING TO A WELL-FOUNDED FEAR OF BEING PERSECUTED FOR REASONS OF RACE, RELIGION, NATIONALITY, POLITICAL OPINION OR MEMBERSHIP OF A PARTICULAR SOCIAL GROUP, IS OUTSIDE THE COUNTRY OF NATIONALITY AND IS UNABLE OR, OWING TO SUCH FEAR, IS UNWILLING TO AVAIL HIMSELF OR HERSELF OF THE PROTECTION OF THAT COUNTRY".

Similarly, the right to be recognized as a refugee goes to "A STATELESS PERSON, WHO, BEING OUTSIDE OF THE COUNTRY OF FORMER HABITUAL RESIDENCE FOR THE SAME REASONS AS MENTIONED ABOVE, IS UNABLE OR, OWING TO SUCH FEAR, UNWILLING TO RETURN TO IT" (European Union, EU Directive 2011 n.95, art.2 letter d).

Subsidiary Protection →

It is eligible for a subsidiary protection "A THIRD-COUNTRY NATIONAL OR A STATELESS PERSON WHO DOES NOT QUALIFY AS A REFUGEE BUT IN RESPECT OF WHOM SUBSTANTIAL GROUNDS HAVE BEEN SHOWN FOR BELIEVING THAT THE PERSON CONCERNED, IF RETURNED TO HIS OR HER COUNTRY OF ORIGIN, OR IN THE CASE OF A STATELESS PERSON, TO HIS OR HER COUNTRY OF FORMER HABITUAL RESIDENCE, WOULD FACE A REAL RISK OF SUFFERING SERIOUS HARM [...] AND IS UNABLE, OR, OWING TO SUCH RISK, UNWILLING TO AVAIL HIMSELF OR HERSELF OF THE PROTECTION OF THAT COUNTRY". (European Union, Directive 2011 n.95, art.2 letter f).

THE DUBLIN REGULATION

WHICH IS THE EU STATE RESPONSIBLE TO EXAMINE YOUR APPLICATION FOR INTERNATIONAL PROTECTION?

Since you are an unaccompanied foreign minor, the following rules define the Member State responsible to evaluate your application:

- **If you have a family member (father, mother, uncles, grandparents, brothers, sisters), or eventually a relative** who can take care of you, and who is legally living in another EU country, that country will be the one responsible to judge your application of international protection, as long as this is in your best interests as a child. If this is the case, we speak of family reunification (see §7).
- **If you have more family members or relatives**, who are in different EU countries, the competent Member State is determined on the basis of your best interests.
- **In the absence of a family member or relative** it is responsible the Member State in which you submitted the application for international protection (as long as that is in your best interest, see what has been

said in § 12 lett. B "I want to go and live in another EU country", p. 82.

Therefore, for example, if you arrived in Italy where you have been identified and here you have applied for international protection, Italy will be responsible of examining your application.

However, if your family member or relative lives legally in another country - for example in Germany - once your relationship link has been confirmed, you will be reunited with him/her and, even if you submit the application in Italy, Germany will be responsible to judge your request.

7.2 HOW TO APPLY FOR INTERNATIONAL PROTECTION?

You can express at any time your will to ask for International Protection in oral or written form before the Italian authorities.

In order to officially register (formalize) your request for international protection, you have to go with your guardian (or if not yet appointed, with the responsible of the centre where you are hosted) at the Immigration Office of the Questura (i.e. police headquarters) of the city where you live.

When you make your application official - by filling out a form called C3 - you will be asked for your personal details, some information about your ethnic-religious affiliation, your family, your school or work curriculum, your migratory journey. You will be also asked if you have already applied for asylum in another EU country and if you have relatives in Italy or in any other Member State. And, ultimately, they will ask you to state the reasons that lead you to seek international protection.

C3 form has to signed by both you and your guardian.

Remember that →

- Due to your minor age, if you show up alone at the Questura asking for International Protection, whoever receive your application is obligated to pause the procedure and notify first the Juvenile Court to appoint a Guardian within 48 hours.
- To make sure that your motivations are well understood, it is advisable to write on C3 form that you will explain them better during the interview with the Territorial Commission.
- Regarding the question about your family members living in Italy or in another EU country, see § 8 of this Manual.

After you have formalized your application for International Protection, you will be issued with a Residence Permit for Asylum Seeker (on a yellow paper).

Please Note →

Applying for international protection allows you, even if turned 18 years old in the meantime, to stay in the centre where you are hosted until the Territorial Commission's decision.

If your application for International Protection is accepted, you have the right to stay in the SAI centre for other 6 months, except for further extensions. In case the Commission rejected your application, if you appeal, you have the right to be hosted until the end of the trial (i.e. up to the decision of the Judge).

7.3 FIRST NOTICE BEFORE THE TERRITORIAL COMMISSION

Consult the link below for all the references of the Territorial Commissions in Italy (address, phone number, President of the Commission etc.):

<https://bit.ly/GM-com-territoriali>

The decision regarding your application is taken by the Territorial Commission for international protection recognition.

A notice will be sent to the centre where you are hosted (your guardian should receive one as well but unfortunately this does not always happen). In this communication you will be invited for an interview before the Territorial Commission who is responsible to examine your application.

At the appointment with the Territorial Commission:

- You have to be with your guardian: it is your right to have him there with you during the hearing.
- An interpreter must be there to support you; someone who understands your language and who is able to express correctly the information you give to the Commission. You can interrupt the interpreter if you feel that he is not telling your story or answering to the Territorial Commission's questions properly.
- During the interview you have the right to be supported by a lawyer if you ask for it.
- If during the audience you feel uncomfortable about the gender of the Commissioner you can ask to be interviewed by a commissioner of the opposite sex (for example if you are a girl and you prefer to be heard by a woman).

It is essential that you are properly prepared in advance for this occasion. Ask the responsible of your reception centre and your guardian to contact a legal practitioner or a lawyer who helps you to get ready for the interview through simulations, and who advises you on how to expose your own story as clearly as possible.

In particular, we recommend you:

- When telling your story, try to follow a precise timeline.
 - Do not say facts that are not true.
 - Speak openly about your past without shame, whoever listens to your story just wants to help you and not judge you for who you are or for the choices you have made.
 - Unless you speak Italian fluently, make sure to always have an interpreter to support you during the audition.
 - Take all the time you need to explain your personal experience in detail.
 - At the end of the interview, always reread the transcript of your audition before to sign it. Do not sign it if what you read does not correspond, even in part, to what you have declared. Ask to add any content to the minute if you realize that you have not displayed them orally.
-

Please note →

Poverty, economic and / or environmental problems in the country of origin and your desire to find a job in Italy are not alone valid reasons for obtaining international protection.



7.4 THE TERRITORIAL COMMISSION'S DECISION

The Territorial Commission will take a decision regarding your request, after the interview.

The Commission by granting your request will order the Questura (i.e. police headquarters) to issue a residence permit for asylum or a residence permit for subsidiary protection, both of them are valid for five years and renewable.

Both these permits allow you to work, assuming that you meet all the other requirements established by law for those minors who intend to work (such as minimum age, compulsory school attendance, etc. see §9.3 p. 58).

It might happen that the requirements to be granted with subsidiary protection or refugee status are not met, but still the Territorial Commission believes you may suffer persecution or torture returning to your country. If this risk is evaluated, the Commission can ask the Questura to issue for you a residence permit for special protection. It has a duration of two years, it is renewable, and it can be converted into a residence permit for work.

The Commission can refuse your request for International Protection (rejection). In this case, speak to your guardian immediately and consider an appeal against this decision, through which you will demand a judge to re-evaluate your request and to change the Territorial Commission's decision. Remember you only have 30 days to appeal from the day you received the notice!

7.5 THE RIGHTS OF INTERNATIONAL PROTECTION HOLDER

- Both the permit for asylum and subsidiary protection are valid for 5 years, renewable and convertible.
- The residence permit for political asylum, upon its expiry, is automatically renewed by submitting an appropriate renewal motion through the postal kit. For more info visit the link: <https://bit.ly/GM-kitpostale>
- The residence permit for subsidiary protection can be renewed only after it has been verified that there are still those previous conditions that allowed it to be issued initially.

For more info visit the link:
<https://bit.ly/GM-prot-sussidiaria>

- When you turn 18 years old, if your permit (asylum or subsidiary protection) has not yet expired, you can stay on the Italian territory without worrying about its conversion or any other duty.
- To apply for the Italian citizenship, if you have been granted with political asylum, 5 years of residence in Italy are enough for you. If you hold another kind of residence permit, including that for subsidiary protection, you need at least 10 years of residence (plus the additional law requirements of a proper income and accommodation).

Pay careful attention! →

Remember that once you have obtained international protection (political asylum or subsidiary protection), you will no longer be able to return to your country of origin. If you do it, even just once, you risk that your permit will be withdrawn.

8. THE RIGHT OF FAMILY REUNIFICATION

During the first interviews at the reception centre (see § 3.2, p. 19) information should be collected regarding the presence of your relatives (mother, father, brothers and sisters, grandparents and uncles) in another country. This information is very important. In fact, if your relative lives in Italy or in another country, and it is in your best interest to reunite, this is your right (both if you have applied for international protection or if you have not).

It is critically important that during these stages you and your guardian seek the support of a lawyer or an association. If you are an asylum seeker it is essential when filling the C3 form that you clearly write about those members of your family living in other EU countries. Once your family relationship has been assessed, the country in which you will reunite will be responsible to judge your application.

Remember that minors who turn 18 during the reunification procedure maintain the right to reunite with their family members even after becoming adult.

Family reunification takes on average no less than six months, so be patient! Disappearing by leaving the centre where you are hosted, and making them lose your track because you want to travel to your relative independently, it is extremely dangerous.

9. MY MAIN RIGHTS AS A CHILD

Since you are a minor, no matter if foreigner, the Italian law establishes that you have the same exact rights as an Italian minor!

9.1 MY RIGHT TO STUDY

Even if you don't have a residence permit yet, you still have the right to go to school! Ask your guardian or the responsible of the centre where you are hosted to be immediately enrolled to school.



In case the school refuses to enroll you because you are not up to date with your residence permit, do not worry. In fact, even if you do not have an identity document or you lack further documentation, it is your right to be enrolled anyway and after that to furnish them with all the required documentation as soon as you have them (it is called reservation for enrolment). You can be enrolled to school at any time of the year.

92 MY RIGHT TO BE CURED, TO RECEIVE HOSPITAL TREATMENT AND TO HAVE A DOCTOR FOR CHILDREN



Anyone in Italy, even if illegal, has the right to receive first aid and emergency care. This is valid for both undocumented adults and minors.

For you as a minor who is alone here in Italy, it is compulsory to register with the Sistema Sanitario Nazionale (SSN)/National Health System. In other words, you have the right to receive all the treatments as an Italian child and to have your own personal doctor specialized in caring for children (at least up to 14 years old). You have the right to be registered with the SSN even if you have not yet received the residence permit.

It is your guardian or, if not yet appointed, the responsible of the centre where you are hosted who has to apply for your registration with the Local Health Authority (ASL). They must go to the ASL of the area where you are resident or where you actually live (it is the ASL closest to the centre where you are hosted), with these necessary documents:

- a personal identity document, if any;
- a fiscal code, if already issued;
- the residence permit, if already issued;
- the certification of residence or domicile if you have not yet been recorded in the registry office.

In case your guardian finds it difficult to register you with the SSN, he can ask for the help of the Director of the competent ASL.

Please note →

If you have just turned 18 and you do not have a residence permit, do not hesitate to go to the Emergency if you need it! Doctors cannot report you to the police! It is your right to always receive urgent and basic health care!



9.3 CAN I WORK?



You can work with all the residence permits, but only if you comply with some legal requirements: you should be at least 16 years old, you have to prove that you have attended a school for at least 10 years having obtained an upper secondary school qualification or a professional qualification lasting at least three years.

If you are an unaccompanied foreign minor asylum seeker or refugee and you do not have the possibility to find the documentation certifying the 10 years of school required by law, contact a lawyer to find a solution together.

Instead, if you have turned 16 but you have not attended a school for at least 10 years, you cannot work but you have good alternatives. Ask your guardian or the responsible of the centre where you are hosted to:

- attend high school or a three-year course of education and vocational training;
- start working with an apprenticeship contract which is aimed to obtain a professional qualification;
- attend a school for adults at a Provincial Centre for Adult Education (i.e. CPIA).



That been said, remember:

- You can do some small jobs even before the age of 16, in the cultural, artistic, sports, advertising and show business' fields as long as this decision is made together with your guardian and in your best interest.
- Even if you are only 15 years old and by law you cannot work because you have to attend school, you can be employed on an apprenticeship contract aimed to obtain a qualification, a vocational diploma, a technical specialization or a secondary education diploma.

Please note →

In any case, the Italian law establishes that you cannot do any heavy and excessively tiring work, and that you have two days of rest, possibly consecutive and with Sunday included!

10. I'M ABOUT TO TURN 18, WHAT'S UP NOW?



A) CONVERSION OF THE RESIDENCE PERMIT

For more info related to this particularly sensitive topic, ask your guardian to read the following documents and manuals.

- <https://bit.ly/GM-articolo32>
- <https://bit.ly/GM-guidatutori> (p. 100 and following)

The law says that you can convert your residence permit, when you turn 18 years old, into a permit for study, work, for job-seeker or medical treatment.

How to apply for the conversion of the residence permit

Your guardian has to submit the application 60 days before you turn 18 years old, or within 60 days from the date of your birthday (in this latter case you can also do it by yourself).

The request for the conversion of your residence permit is sent to the Questura (i.e. police headquarters) by filling in a specific Kit that you can get from the authorized post offices. To be supported while drafting the Postal Kit, it is possible to take an appointment at a Patronage or a CAF responsible for handling these practices (to find the nearest Patronage see § 6 The residence permit for family reasons).

Ask the Questura of your city if it is possible to apply for the conversion of the residence permit directly at the Immigration Office (avoiding the compilation of the postal kit).

Required documents for the conversion of the residence permit.

To apply for the conversion of your residence permit you must have:

- **A photocopy of the passport.** If you do not have a passport, remember that it is important not to wait until your 18th birthday to obtain it! Act in advance.

In fact, the passport is one of the basic requirements to convert your permit. Find out what documents you need to get your passport by contacting your Embassy or Consulate. If it is possible, ask your family / friends in your country to ask for and send you the documents you need to be able to get your passport.

If you do not have the chance to receive the documentation you need from your family / friends still living in your country (as the birth certificate, identity card, etc.), please note that some Embassies require an interview to determine a citizenship.

Not all the countries have an embassy in Italy so in some cases it might be necessary to travel to another European country. To be received in an embassy or consulate usually you have to make an appointment first, so call or send them an e-mail for information!

When you do not have a passport, and you are unable to obtain it, the Questura (i.e. police headquarters) should at first accept your application by asking you for a proof of nationality or for another identity paper issued by your consulate or your embassy. Subsequently, the Questura should ask you to add the passport to your application. They may refuse to issue your residence permit if even then you will not be able to bring them your passport.

For more information on how to get a passport or a certificate of nationality from the embassies of Albania, Bangladesh, Ivory Coast, Gambia, Ghana, Guinea Bissau, Guinea Conakry, Egypt, Kosovo, Mali, Morocco, Nigeria, Pakistan, Senegal, Tunisia, open the following link: <https://bit.ly/GM-pass4you>.

- **photocopy of the residence permit;**
- **photocopy of the fiscal code;**
- **photocopy of the opinion of the Directorate-General for Immigration and Integration Policies (see next §);**
- As mentioned before, depending on the kind of conversion you are applying for, you have to prove: **to be enrolled in a**

course of study; to be registered at the Employment Centre as a job-seeker; to have already a paid job.

Therefore, bring them either a photocopy of the school enrollment certificate, or a photocopy of the job contract (with one payroll if already available), or a photocopy of your registration at the Employment Centre.

- **evidence of having a place to live** (for example an apartment or a room) - **or eventually a declaration of hospitality** - and a photocopy of the identity card of the owner of the accommodation.
- 4 photos;
- duty stamp of 16 euros;
- payment (via postal order) of 30.46 euros for the residence permit in digital format.

The opinion of the directorate-general for immigration.

To convert your residence permit you need the favourable opinion of the Directorate-General for Immigration and Integration Policies of the Ministry of Labor and Social Policies.

This is not necessary only in the following cases:

- if you have been in Italy for at least three years and you have joined a social integration project for at least two years;
- if you have been entrusted to a relative within the 4-th degree (see box of §6 letter A);
- if you have been granted with a residence permit for asylum or subsidiary protection, but also if you have a permit for special protection or special cases [ask about that to your local Questura (i.e. police headquarters)].

Despite these cases, you must act in advance to ask for the Directorate-General's opinion in order to be able to convert your permit. In fact, the request for its opinion must be sent preferably 90 days before you turn 18, or no later than 60 days after you reach the age of majority. If it is sent before your 18th birthday, the request should be submitted by the social services of the local authority that welcomed you.

It is very important that your guardian makes sure that the Social Services have sent the request to the Directorate-General for Immigration for its opinion. If they didn't, your guardian must urge them to do so, or instead he can submit the request to the DG Immigration himself.

Remember, if you are the one to send the request, or if your guardian will do it because you are not yet 18 years old, to send it for information also to the Social Services.

To request the opinion, you must fill out the Form G (available at the following internet address: <https://bit.ly/GM-schedaG>) and send it to the Directorate-General for Immigration and Integration Policies at one of the following e-mail addresses:

`minori.art32@pec.lavoro.gov.it`
`minori-art32@lavoro.gov.it`

The necessary documents to be attached to the request for opinion (Form G) are:

- **Photocopy of your passport** or certificate of identity issued and / or validated by the Embassy / Consulate of your country of origin in Italy. In case you have problems to find this documentation, see previous §;
- **Photocopy of the residence permit** (or the slip ("cedolino") certifying that you applied for the issuance of the residence permit);
- **Photocopy of the decree of protection** (or custody pursuant to Law 184/1983 or copy of the custody request);
- **Documentation as proof of the integration path pursued by the minor before the age of 18 (school / training / work) or, if any, a plan that will be carried out after becoming an adult**

Contact the DG Immigration for further information:

The helpline of the Directorate General for Immigration and Integration Policies is active on Monday, Wednesday and Friday, from 10.00 to 13.00 - Tuesday and Thursday, from 15.00 to 17.00. You can also write to the following e-mail addresses: **minoristranieri@lavoro.gov.it** and **minori-art32@lavoro.gov.it** or to the PEC addresses **minoristranieri@pec.lavoro.gov.it** or **minori.art32@pec.lavoro.gov.it**

If you do not receive a response from DG Immigration within a reasonable time regarding your request for its opinion, ask your guardian to contact a lawyer or a qualified individual to urge on the procedure.

However, if you do not receive any response to your request within 30 days, you should know that you can still apply for the conversion of your residence permit because their non-response is equivalent to a consent.

B) THE ADMIN CONTINUATION

You ought to know that the law provides for those who are about to turn 18 the possibility, in some cases, to obtain the so-called administrative continuation. You are entitled to it if you are engaged in a social integration path and you still need further support to achieve full autonomy.

The application has to be submitted to the Juvenile Court:

- by the Social Services,
- or by your guardian if the previous ones did not provide yet. You should attach the Social Services' report and all the documentation certifying and explaining your integration path.

The Juvenile Court may decide to extend your assignment to the Social Services up to the age of 21. This means that you will continue to be protected and safeguarded within the reception system. It will be issued to you a residence permit with the wording "custody".

FOCUS → I'VE ALREADY TURNED 18 AND MY RESIDENCE PERMIT FOR HUMANITARIAN REASONS IS ABOUT TO EXPIRE. THE CONVERSION OF THE RESIDENCE PERMIT OF THE YOUNG ADULT.

If you have just turned 18 years old, you had a residence permit for minors, and you have not requested and/or obtained the admin continuation, this could represent a problem for you.

The main solutions available for you today are:

- asking for the conversion into a residence permit for work. But pay attention to the income requirements!
- applying for the renewal and obtaining the issuance of a residence permit for special protection. This one - which allows you to work - when it is expired, can be renewed and converted into a permit for work;
- asking for the conversion into a residence permit for job-seekers which not all the Questura (i.e. police headquarters), however, issue;

-
- requesting the conversion into a residence permit for study reasons, if the conditions are met;
 - asking for the conversion into a residence permit for medical care, if you have serious health problems;
 - evaluating whether or not to apply for international protection.

Given the extremely sensitive nature of this issue, contact always a lawyer to advise you on the best procedure to follow!

Remember to verify the regularity of your registration before your residence permit for humanitarian reasons will be expired and if necessary to regularise it. To have a residence is very important to obtain the conversion of your residence permit!



11. THE POLICE ARRESTED ME. WHAT CAN I DO? WHAT ARE MY RIGHTS?



Imputability. Children under the age of 14 cannot be charged: if you commit a crime and you are under the age of 14, you cannot be held responsible for it in a trial because, by law, you are unable to understand the seriousness of the facts committed. However, the Juvenile Court could apply a safety measure (probation or reformatories).

If, on the other hand, you are over 14 years old, you will be subjected to trial before the Juvenile Court.

Routine and identification checks. Whenever the Police or the Carabinieri Corps ask you to show them your ID documents you must do so. It is important that you always have with you your residence permit and your identity card (or another document to identify you as your passport). Never refuse to show your documents, do not try to escape or resist - because you could be arrested.

Body-search. The Police forces can search you when they have reason to believe that you are hiding things or traces regarding a crime or in case of arrest in flagrante delicto (i.e. while you are committing a crime) or in case of escaping.

They can body-search you but also search your luggage or your room, when they believe you could be in possession of drugs, weapons, ammunition, explosives, etc., and for some crimes (such as those with terrorist purposes, mafia association, drug trafficking).

In case they did not stop you while committing a crime, and the security forces want to search you, they must first show you a legitimate document to conduct the operations, as well as inform you of the possibility of being assisted by a lawyer or a trusted person (the Guardian or the responsible of the reception centre) who should be promptly available.

The body-search must always be carried out with respect for your dignity, your sense of shame, and your mental and physical well-being and you will always have the right to be searched only by a person of your same gender, except in certain cases of proven urgency or unavailability.

Arrest in flagrante delicto/ Being stopped by the Police.

For some crimes (as theft, robbery, drugs, weapons, sexual violence) the police can arrest you if you have been caught red-handed (while you are doing it). Furthermore, if they suspect you for the crimes above or for those subject to a prison sentence of no less than two years, you can be arrested.

If the police have the intention to arrest you, do not oppose resistance for any reason. Remember that, as a minor, the law states that you cannot be handcuffed (i.e. they cannot put handcuffs or restraint bands on you to lock your hands), unless there are serious security reasons (danger of escape or aggression).

In case you have been arrested or stopped:

- the Police must immediately inform your guardian of what happened and let you meet him;
- you have the right to be assisted by a lawyer in all the stages of the proceedings from the arrest / detention, and he can intervene in the event of a search. If you do not have an independent lawyer, they will appoint for you a public defender. Both will be paid by the State if you have no disposable income to do so;
- when asked, provide your personal details (name, surname, date and place of birth) and your document. Do not answer any other question until your lawyer is present;
- unless you speak Italian fluently, ask immediately to be helped by a cultural mediator and / or an interpreter: it is your right.

After your arrest, you will be taken to a First Reception Centre (CPA) or to a public or authorised community, recommended by the Public Prosecutor. The Centre or Community where you will be conducted must host other boys / girls of the same gender as you.

You cannot stay in the CPA or in the community for more than 96 hours, within this time the Judge will decide whether to release you or impose a precautionary measure (such as prescriptions, house arrest, placement in a community and, the most serious, pre-trial detention).

For more info read *"La carta dei diritti e dei doveri dei minorenni che incontrano i servizi minorili della giustizia"* available in Arabic, Romanian, Chinese, Russian, French, Spanish, English, German, at the following link:

<https://bit.ly/GM-cartadeidiritti>

The mentioned law is the Decree of the President of the Republic September 22, 1988 n. 448, together with the Legislative Decree July 28, 1989 n. 272.



12. I WANT TO TRAVEL TO ANOTHER EUROPEAN COUNTRY



A) IT'S A TEMPORARY TRAVEL

Once your residence permit has been issued, and you are in possession of a valid passport or a travel document issued by the Questura, i.e. police headquarters, (see § 12 letter C, p. 85), you can go to another Schengen area's Country, for example to meet your friends or to go on a school trip (these are trips you can join when you go to school).

In particular:

- Up to the age of 14 you can only travel with your guardian. If you are not accompanied by your guardian, in order to leave Italy with another adult you need a document called "Accompanying Statement" that must be signed by your guardian.

<https://bit.ly/GM-accompagnamento>

- If you are over 14 years old, you can travel alone, but you need to have with you your residence permit and a valid identification document (passport or another valid travel document).

Keep in mind that your residence permit has always to be with you. However, be aware that not all the residence permits allow free movement inside the Schengen area. For example, you are allowed to circulate holding residence permits for asylum, subsidiary protection, family reasons and foster care. Instead, residence permits for asylum-seekers or those for minor age do not allow it.

You can move freely within the Schengen Area Countries for a maximum of 90 days within six months (with your passport or another valid travel document).

If you want to reach a country outside the Schengen Area, you need a passport (or another valid travel document) together with the entry visa issued by the country you want to visit, through their consular and diplomatic representation in Italy, or via online mode, etc.

COUNTRIES OF THE SCHENGEN AREA

Remember that →

- 1) Not all the countries that are part of the European Union have joined the Schengen Agreement.
- 2) Not all the countries that joined the Schengen Agreement are members of the European Union.
- 3) There are countries which have part of their territory where the Schengen Agreement is not valid.

EU Schengen countries. In the following countries, if your residence permit is still valid, you can move freely without special border controls: Austria, Belgium, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Norway, Netherlands, Poland, Portugal, Czech Republic, Slovakia, Slovenia, Spain, Sweden, Switzerland, Hungary (in addition to San Marino, Vatican City and Monaco*).

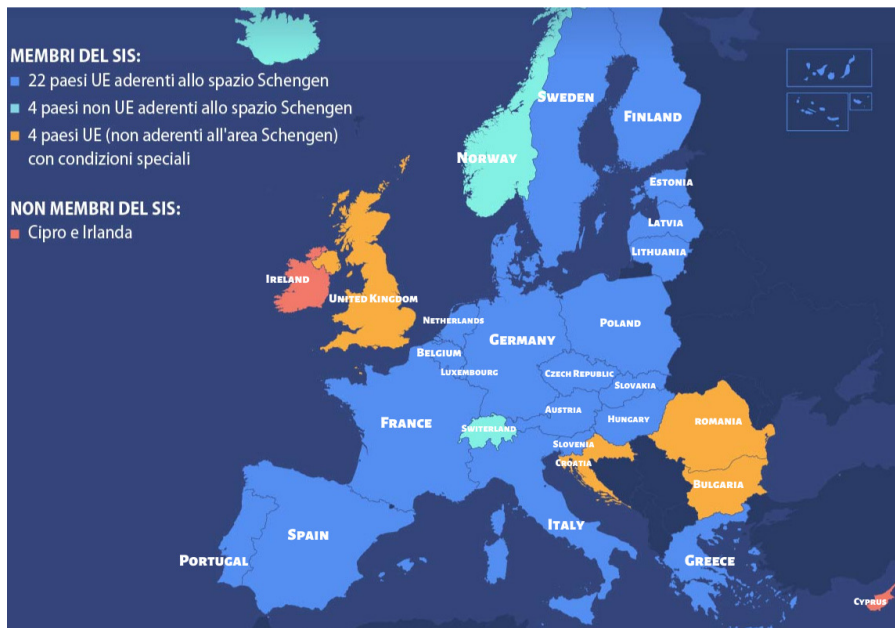
Exceptions of EU countries for which all border controls are currently active:

Bulgaria, Cyprus, Croatia and Romania.

EU countries outside the Schengen area

Ireland

Please note: The UK is no longer part of the EU!



Schengen Information System (SIS)

*non-EU countries but with open borders

For more info visit the links:

<https://bit.ly/GM-schengen>

<https://bit.ly/GM-eu-noborders>

B) I WANT TO MOVE PERMANENTLY TO ANOTHER EUROPEAN COUNTRY. WHAT HAPPENS IF I LEAVE ITALY?

For more information and further clarification on the subject, see the ASGI card *"Can I go to a European country other than Italy?"*, page 2 and following, available at the link: <https://bit.ly/GM-statodiverso>

Pay attention if you do not intend to stay in Italy because you plan to move to another European country where you want to apply or re-apply for international protection.

For example, you are an Afghan boy, you arrived in Greece where you were identified and then you traveled to Italy and now you want to reach France and stay there where part of your community live, and therefore ask for asylum there, what happens?

The Dublin Regulation and unaccompanied foreign minors who move from one EU country to another. As an unaccompanied foreign minor, you do not fall under the general rule of the so-called *"country of first arrival"* which is the first EU country in which an adult arrives (or rather where he is identified) and it is the one competent to assess his application (except if his family members live in other countries etc.).

On the contrary - due to your vulnerability and the condition of being a minor and being alone - if you decide to reach another EU country where you decide to apply (or re-submit once again your application) for international protection, it will be that country, the one responsible to examine your application.

So, for example:

- If your fingerprints have been taken in Italy and you have now arrived in France where you have applied for international protection, then France will be responsible to assess your application.
- Even if you have submitted more than one application in different countries, for example first in Italy and later on in France, it is the latter country to be competent.

This - obviously - happens just if it is not against your best interest: your parents live in Sweden, for example!

Regarding the chance of reuniting with your family members, see what has been said in § 7.1 in the box *"The Dublin regulation - which EU state is competent to examine your application for international protection?"* on p. 43.

Once more: it is important to declare you are a minor!

Except, as mentioned before, in consideration of your best interest; as a minor, **you should not be sent back to the country that first took your fingerprints**, and it is important that you NEVER lie about your age. Once you have been identified as a minor in a European country, you should be considered as such in all the rest of the EU countries. On the other hand in fact, if you declared to be an adult, you will have to prove otherwise (i.e. that you are a minor) later, and this could be very difficult and be time-consuming for you.

Beware of traveling alone, borders are dangerous!

Traveling alone is extremely dangerous. Don't put your life at further risk! If you are in Italy, we always recommend you to listen to the advices of your guardian and those of your caretakers throughout the whole reception period. Explain them the reasons why you want to live in another country so they can help you reunite with your loved ones.

In fact, crossing borders with the help of traffickers (smugglers, passeurs) or on a solo journey through mountain trails, tunnels and railway tracks, or hiding in a car or a truck can expose you to a high risk of death.

Furthermore, the border areas are heavily watched by the police forces. Despite the Italian law forbids the refoulement of unaccompanied foreign minors, in recent years many minors

have been rejected - with several cases of verbal and physical violence - at the border crossing points of: Ventimiglia (between Italy and France), Chiasso (between Italy and Switzerland) and the Brenner Pass (between Italy and Austria).

"Practical guide on the border between Italy and France"
(created by Welcome to Europe network, Carovane Migranti and Progetto 20K):

<https://borderguide.info/en> (in English)

<https://borderguide.info/fr> (in French)

C) PASSPORT AND TRAVEL DOCUMENT

Having a passport is very important, not only for traveling but also to avoid problems when you will need to convert your residence permit (see § 10. letter A), p. [...] in which we talk about the issuance of the passport and the granting of the citizenship).

If you have expressed a will to seek international protection, it is important that you do not contact the diplomatic/consular representation (i.e. embassies and consulates) of your country of origin to avoid any possible problems and retaliations there against you or your family. But do not worry, because you will get an alternative document instead of your passport.

In fact, if you hold a refugee status, you have the right to ask the Questura (i.e. police headquarters) for a TRAVEL DOCUMENT, which has the same value as the passport. In case you have been granted with subsidiary protection and you can prove that you are unable to obtain a passport from the embassy of your country (due to a refusal from the diplomatic consular authorities) - you have then the right to receive a TRAVEL PASS FOR FOREIGNERS at the Questura which also fully replaces the passport.

13. THE LABOR AND SEXUAL EXPLOITATION OF UNACCOMPANIED FOREIGN MINORS

You are a victim of trafficking when you are recruited, transported, transferred, hosted or welcomed for the purpose of being exploited for sexual, work or illegal purposes (drug dealing, sale of stolen objects, thefts, robberies, scams). This could take place both at the time of departure from your country of origin, during the travel to Europe, in the transit from a country to another or in the country of arrival or destination. Trafficking is a crime and therefore it is punished. However, it is not easy to recognize it neither for those who are subjected to it nor for those committed to fight it; that's why it is important to know who is the victim of trafficking, who is the exploiter, in which fields it is carried out and which tools are used.

13.1 WHAT DOES IT MEAN TO BE EXPLOITED FOR SEXUAL, WORKING OR ILLEGAL PURPOSES?

Sexual exploitation →

It means forcing paid sex against your will.

Usually, who (he or she) force the minor to this:

- decides the time and place where he is obliged to perform a sexual service;
- makes sure that the minor does not run away and does not report him to the authorities;
- confiscates the money given to the minor;
- uses force or violence, deceives and/or makes fake promises to convince him to continue to be exploited. These promises could concern both personal life (to get the residence permit soon, or to get a job and a house, etc.) and your family (to pay off your travel debts, family members in prison, in hospital or in Libya, death threats, etc.).

Sexual exploitation can take place outdoors (in the street, in the stations or in the car parks) or indoors (apartments, clubs, bars) and you may also be involved in the production of pornographic materials (videos or photos) uploaded on the web and/or shared.



Labour exploitation →

It means being forced to any kind of work, for many consecutive hours, in inappropriate and unhealthy places (like old warehouses, sheds, not compliant factories), with very low salaries (for example 2 or 3 euros per hour) with fake contracts or without a contract at all or in unhygienic conditions.

This happens not only in the countryside fields for vegetable and fruit harvesting (the so called “caporalato”), but also in the cities (inside restaurants, bars, pizzerias, hotels, and even in the building industry, in trading, in the markets, or in cleaning services).



Exploitation in illegal economies →

Exploitation in illegal economies means to be involved in robbery, theft, extortion, drug dealing or fencing (sale of stolen goods) with the use of force, threat or deception or with false promises regarding you or your family.



132 WHO IS THE EXPLOITER?

The exploiter (he or she) could be:

- An Italian citizen who, individually or as part of an organized gang, carries out activities of exploitation, threat or blackmail against others;
- A fellow citizen (a person originally from your country) who lives in Italy. The one who exploits you can be the one who knows more about your worries, such as the need to work to send money home to pay off your travel debt as soon as possible and avoid that this could cause harm to your family (expropriations, arrests, etc.);
- A person from other countries. In fact, they can be long-term migrants who know very well the territory and the local people (for example, small or large Italian entrepreneurs) with whom to “do business” at your expense.

You may have met him in your country of origin, during the journey or crossing borders, in the reception center where you are welcomed, in the workplace or in the places you usually spend your time in your daily life.

13.3 HOW DOES THE EXPLOITER ACT?

The exploiter (he or she) can trap its victims:

- using force on them so they are compelled to those abusive methods;
- threatening them with the traditional rituals of their country in order to make them believe to be in danger if they refuse to do what they order;
- using other forms of deception (such as proposing to host you in exchange for money or sexual benefits). Moreover, through fake promises (for example, making themselves available to offer you a declaration of hospitality/domicile for the renewal of your residence permit, to get the residence permit for you with ease, or a faster family reunification).

If you're a victim of trafficking, to make sure you can't escape, the people who exploit you usually take your passport and all your documents away from you.

Very often the exploiter tries to convince you:

- **not to trust neither the responsible of your hosting centre, or your legal guardian**, the educator, the social worker when they propose you job training, internships, any job offers, or to attend the school, which could actually help you to become independent;

- **not to give your correct details.** This is the case especially with regard to your age, by asking you to declare yourself an adult. By doing so (saying that you are over 18 years old) you will not be hosted in a reception center for minors and you will not be entrusted to a guardian. This is risky: you could turn to be completely attached to him, relaying on the exploitation and being isolated from the rest of the world.

13.4 CONCRETE TOOLS TO HELP YOU

Italy and Europe have recognised long ago trafficking as a crime and have implemented very effective instruments to fight it. Over the years many people have been reported and this has made it possible to learn more about it and to train specialists capable of combating it effectively. Italy, in particular, has implemented two tools to help victims of trafficking and exploitation:

- A residence permit and a special social protection programme for victims of trafficking (ex Art. 18 of Legislative Decree no. 286 of 1998). You have the right to a permit and special protection even if you do not press charges or file a formal complaint where there are specific indicators of trafficking;
- A special assistance programme for victims of trafficking which temporarily provides housing, food and health care (Art. 13 of Law 228/2003).

Please note →

If you are a victim of trafficking and you have applied for international protection (see § 7, p. 40) tell your whole story before the Territorial Commission. In fact, the Commission can immediately adopt tools to protect you, working together with the Anti-trafficking Agency, composed of experts called both to rebuild your story of trafficking and exploitation, and to implement protection programmes for victims of trafficking.

135 WHAT SHOULD YOU DO IF YOU ARE A VICTIM OF TRAFFICKING OR YOU KNOW A MINOR WHO IS EXPLOITED FOR SEXUAL, WORKING OR ANY ILLEGAL PURPOSES?

Without holding back, just tell your fears and story to your guardian.

If you do not yet have a tutor, talk to the supervisor/ manager of the facility/ chief of the reception center where you are hosted or, alternatively, speak to any educator with/ whom you feel confident with.

Be aware that you can contact directly: the Police/ security forces (including the border authorities); any NGO or association present in the area; the lawyer who assists you; or the social workers.

There is the Anti-Trafficking Toll-Free Number **800290290** which is a free service, active 24/7 and it covers the entire national territory. You can call at any time of the day or the night, even if you don't know Italian because it offers a mediation service for all languages. It's completely anonymous, so you can get information even if you don't say your name. However, obviously, the truer information you give, the more they will be able to help you.

FREE COPY