



EUROPEAN COMMISSION
DIRECTORATE-GENERAL MIGRATION AND HOME AFFAIRS

Directorate E – Migration and Security Funds
Unit E1 – Programming

Brussels, **06 FEB. 2015**

Subject: Observations on the proposed multiannual national programme under the Asylum, Migration and Integration Fund for Italy

Dear [REDACTED]

Thank you for the proposed national programme under the Asylum, Migration and Integration Fund for Italy formally submitted on 2 December 2014.

In accordance with Article 14(6) of Regulation (EU) No 514/2014 of the European Parliament and of the Council (Horizontal Regulation) *"The Commission shall make observations within three months of the date of submission of the proposed national programme. Where the Commission considers that a proposed national programme is inconsistent with the objectives of the Specific Regulation, in the light of the national strategy, or that the Union funding to be allocated to those objectives is insufficient or that the programme does not comply with Union law, it shall invite the Member State concerned to provide all necessary additional information and, where appropriate, to modify the proposed national programme."*

Following the examination by the Commission, we would like to provide you with our observations at this stage of the process and invite you to present us with an amended version of the programme as soon as possible.

In general, the proposed programme has been prepared against the background set up in the applicable legal framework. Nevertheless, we would like to draw your attention to the observations provided for each section and kindly ask you to modify the programme in this respect.

We would like to assure that we stand ready to assist you in drafting the national programme and speed up the approval process.

The period of six months set for the approval of the multiannual national programme by the Commission referred to in Article 14(7) of Regulation (EU) No 514/2014 is hereby suspended until an amended version of the programme is provided.

Yours sincerely,

[REDACTED]

Head of Unit

Encl.: Annex: Observations on the proposed national programme

ANNEX: Observations on the proposed national programme

Identification of the designated authorities

1. We take note that no formal designation of the Responsible Authority (RA) has taken place yet (provisionally or fully). Please note that the RA shall be formally designated before making payments eligible to the Funds. We would like to furthermore draw your attention to Article 35 of Regulation n°514/2014 in which it is stipulated that the initial pre-financing payments by the Commission following the approval of national programme shall be paid to the designated RA.
2. In accordance with article 2 of Delegated Regulation n°1042/2014, we invite Italy to transmit via SFC 2014 detailed information on the management and control system covering the three points in Art. 2.4, notably the main division of responsibilities between the organisational units of the Responsible Authority, its relationship with the delegated authority, the activities to be delegated and the main procedures for supervising these delegated activities, as well as a summary of the main procedures for processing financial claims from beneficiaries and for authorising and recording expenditure.
3. Moreover, should the RA be provisionally designated, we invite Italy to inform about the duration of the provisional designation and, in line with article 31 of Regulation n°514/2014 and to allow the Commission to have a clear view on the reasons leading to the provisional designation as well as the content of the action plan, to transmit also the respective audit reports (including the conclusions i.e. non-compliances, the timeframes to address these non-compliances, etc.).

Section 2: Baseline situation in the Member State

3. Although the draft provides a fairly good presentation of the baseline situation, it still needs to be completed, in particular as regards the following points:
 - While we appreciate the disaggregated data provided as regards positive decisions by the Territorial Commissions and the percentage of persons being granted respectively refugee status and subsidiary protection, we would appreciate to have also the percentage of persons being granted humanitarian protection in 2014, as well as the number of persons with humanitarian protection status residing in Italy at the end of 2013;
 - As regards the SPRAR capacity, as 16.000 places are indicated for the 2014-2016 period, please clarify to which period the 20.000 places refer to and if they are already effective. Please also clarify whether the "*centri governativi*" correspond to the "hubs";
 - Please indicate the implementation timeline for the new national operation plan and its reception system respectively for asylum seekers and unaccompanied minors (UAMs).
 - Please provide data on the number of asylum seekers in detention and on the available alternatives to detention;
 - Please also provide data on the integration of beneficiaries of international protection (e.g. percentage of refugees and persons with subsidiary protection having achieved economic independence within a year from the positive decision, housing situation, access to education, etc.): such baseline data should be available also on the basis of the legislative decree N.18 of 21/2/2014 (transposing the Qualification Directive), which foresees the definition of a national integration plan for beneficiaries of international protection;
 - Please provide also information on the amounts mobilised from SOLID funds for asylum and return measures, as well as on the national resources allocated to return measures.

Section 3: Programme objectives

4. It is important that Italy's draft national programme is fully consistent with the actions to be funded under emergency assistance, in particular the actions "*Praesidium*" and on UAMs.

SO1 – Asylum

5. The draft presents essentially the objectives, it should be completed with concrete actions/funding priorities. Targets /desired outcomes should also be clearly identified as such.

6. On National Objective 1 (*Reception / Asylum*)

- The draft indicates the increase of the first reception and, wherever needed ("*ove necessario*"), of the second level reception: however, it seems, that based on the reception model outlined by Italy in the Unified Conference of last July, the increase of the second level reception, consisting in the SPRAR centres, is undoubtedly needed, given that the second level system is supposed to host, according to the new model, not only beneficiaries of international protection, but also asylum seekers and unaccompanied minors. This need seems to be confirmed also by the current situation on the ground, whereby the second level reception is still very often provided by temporary centres. Overall, it should be clarified how the two systems will be strengthened, also taking into consideration the ongoing broadening of capacity in the second level reception. The draft should also make clear how a centralized management of reception places (i.e. database) will be established as today this is one of the main shortcomings of the system. The linkage between the reception system and the early warning system should also be clarified;

- We would recommend specifying the reinforcement of the Dublin Unit;

- We would appreciate having more information concerning the plans to strengthen the Country of Origin Information (COI) system: we believe that the objective of establishing a more efficient COI system should be specified, also in the light of what has been agreed in the Policy Dialogue (PD);

- We would also recommend that reference to the use of EASO modules for the training of Territorial Commissions is mentioned in the draft, also in light of the ongoing Special Support Programme provided by the agency;

- It would also be necessary to clarify whether the monitoring of the reception system (quality and capacity) will be undertaken in line with the current practices (Prefects) or whether there is the intention to pursue, consolidate and fully integrate the good practice of external monitoring by *Praesidium* members, in cooperation with the Italian authorities.

7. On National Objective 2 (*Evaluation*) – Italy's funding priorities under this NO are not clear. To note also that indent i) ("strengthening monitoring systems..."), which was placed under the previous NO, would be better placed under NO2. Reference should also be made to EASO and Eurostat regarding the issue of asylum data collection.

8. On National Objective 3 (*Resettlement*) – We note that the scope of actions it mentions under this NO is rather limited (estimated at 1M€), even though Italy pledges to resettle 500 persons in 2014-2015.

SO2 – Integration / Legal Migration

9. We would appreciate if the draft provides a brief outline of the governance system for the implementation of the national integration strategy: in fact, in the document (see baseline situation, national objectives, specific objective) reference is made to different organs/bodies such as CPIA, CTPs, Prefectures, Regions, "*Sportelli unici*" and antidiscrimination centres, without explaining clearly the role and competences of each of those entities. We note also that no reference is made to the European Agenda on Integration (although it was mentioned in the PD).

10. The main actions are given but in too vague terms (e.g. "the promotion of actions aimed at preventing and combating discrimination"), often just quoting the funding priorities agreed under the PD, with no further specification. Besides, no clear distinction is made between those funded by the EU and others: Italy needs to explain which actions are to be supported through AMIF (funding priorities). Also in this case, the targets /desired outcomes are not clearly identified as such.

11. On National Objective 2 (*Integration*), under Action 6 it is not clear how Italy intends to promote participation of third-country nationals (TCN) and dialogue: this Action is too vague and needs to be further clarified. On the other hand, under Action 7 (preparatory actions related to access to work) in brackets is mentioned also “vocational training”, which should fall under FSE only.

12. On National Objective 3 (*Capacity*), under indent a. (Governance), reference is made to the “piloting of territorial centres (one-stop service)”: we would appreciate further information, notably by specifying if such centres are at local / regional / provincial level, and how they would interact with the other centres/organs/bodies (*please see comment 9 above*).

13. Reference is made under Specific Action 3 (*Joint Initiatives*) to four actions Italy proposed to implement with other EU MS, titled respectively “*Comparative assessment and benchmarking of integration practices*”, “*E.M.A Engaging Migrants Associations in EUMS to the integration of new comers*”, “*Protection Programme: Consolidating the Moldovan System of addressing the negative effects of migration from Moldova*”, and “*Pre-departure orientation for relatives of migrant workers*”. As none of those projects has been selected for funding, reference to such specific actions should be deleted from the draft.

14. Reference is made under Specific Action 4 (*Unaccompanied minors*), to the project titled “*PRUMA II - Promoting Family Reunification and Transfer of Unaccompanied Minor Asylum Seekers (UMASs) under the Dublin Regulation*”. As such project has not been selected for funding, reference to such specific action should be deleted from the draft.

SO3 – Return

15. The main actions are given but no clear distinction is made between those funded by the EU and others: Italy needs to explain which actions are to be supported through AMIF (funding priorities). Also in this case, the targets /desired outcomes are not clearly identified as such.

16. As regards National Objective 1 (*Accompanying measures*), no information is given as regards the improvement of detention conditions (Art. 11 f)), although it was agreed as funding priority in the PD. Also, we believe that the action foreseen in the first bullet point under paragraph 3, concerning communication initiatives and campaigns with other MS and consular services of third countries, is a cooperation measure (see Art 13 AMIF Regulation) and should therefore be moved to NO3.

17. As regards National Objective 2 (*Return measures*), further clarification should be provided on the following points:

- The draft mentions the increased priority given to Assisted Voluntary Return (AVR): to complete the information, it would be useful to give an indication of the size of funding from AMIF that will be allocated respectively to AVR and forced return;

- We also believe that measures such as “AVR promotion” and “training of staff” are rather accompanying measures (see Articles 11 and 12 AMIF Regulation) and should therefore be placed under NO1, while actions such as “interviews to returnees” and “monitoring of reintegration to identify best practices” should be placed under NO1 or NO3: in this respect, it would also be useful to know if the development of an IT tool where such data would be entered is foreseen. The action “preliminary inquiries on third countries” (first bullet point under a)) should also be moved to NO3.

18. On National Objective 3 (*Cooperation*) - We note that no actions are proposed for this NO. As noted above, we believe that the first bullet point under paragraph 3 of NO1, concerning communication initiatives and campaigns with other MS and consular services of third countries, is a cooperation measure (see Art 13 AMIF Regulation) and should therefore be placed under NO3. Also, as noted above, the action “interviews to returnees and the monitoring of reintegration to identify best practices” placed under NO2 should be placed either under NO1 or NO3. The “preliminary inquiries on third countries” mentioned under NO2 should be moved to NO3. Finally, we believe that the draft should also include under this NO actions of

cooperation with consular authorities and immigration services of third countries with a view to obtaining travel documents, facilitating repatriation and ensuring readmission (art. 11 b) of AMIF Regulation), since those actions are essential for AVR.

19. Reference is made in the draft to the Specific Action 6 (*Joint reintegration*), "European Re-integration Network (ERIN)", project led by The Netherlands. Please confirm your participation in this action, indicating also whether you intend to contribute financially to the action (if this is the case) and providing a short and general indication (1 line would suffice) of Italy's potential role as participating Member State.

20. As regards Specific Action 7 (*Joint family unity and unaccompanied minor reintegration*), reference is made to the project "*Organisation of joint reintegration projects targeted towards UAM*" lead by France. Please confirm your participation in this action, indicating also whether you intend to contribute financially to the action (if this is the case) and providing a short and general indication (1 line would suffice) of Italy's potential role as participating Member State.

SO4 – Solidarity

21. We note that Italy declares its willingness to implement pilot projects in this area with other EU MS (an amount of 0.6 M€ for this NO is foreseen in the funding plan). We would appreciate to have further clarifications on this point, as it is not clear what Italy's intentions are, notably if it intends to relocate migrants/asylum seekers in its territory.

Section 3: Indicative timetable

22. We note that no actions are indicated for 2014 (not even the planning phase): we would like to receive confirmation of such time-plan.

Section 5: Common Indicators and Programme Specific Indicators

23. As regards SO1 (*Asylum*), we would like to note the following:

- C2.1 indicator should be expressed in number of places and not in number of structures.
- No target is given for the C4 indicator on COI, in spite of what is foreseen under the respective NO).
- No target is given for the C5 indicator on monitoring of policies, in spite of what is foreseen under the respective NO.

24. As regards SO2 (*Integration and legal migration*), the C2 indicator on 300.000 persons assisted might be too low, considering that in 2014 were registered 110.000 persons more than in 2013: we suggest that such indicator is looked at again with a seven years perspective.

25. As regards SO3 (*Return*), the C4 indicator on 6.000 removed persons might be too low, considering that in six years (June 2009-June 2014) 24.000 persons were removed. We note also that no target is given for the C5 indicator on monitoring removal operations, as well as for the C6 indicator on monitoring return policies, in spite of what is foreseen under the respective NO.

Section 6: Framework for preparation and implementation of the programme by the Member State

26. We note that Italy consulted civil society and international organisations at a very late stage, giving them just a working week to provide comments. We would therefore strongly recommend that such stakeholders are consulted again in due time before the re-submission of Italy's national programme for AMIF.

27. We would appreciate further information on the role of the "*Forum del terzo settore*". Besides, the draft declares that this Forum has been set up by the RA, while it seems it exists since 1997.

28. The draft refers to awarding and executing bodies but does not provide any clear information on the possible use of direct awards. It also states that the executing body mode will be used for projects that have effects nationwide, which does not correspond to the cases in which this modality needs to be used (*please see Art. 8 of Delegated Regulation n°1042/2014*).

Section 7: The financing plan of the programme

29. We note that Italy does not intend to allocate any funding from AMIF to NO3 (*Cooperation*) under SO3. We would appreciate that further consideration is given to this issue, in the light of the observations made above.

