



# CAMMINO DIRITTO

Rivista di informazione giuridica



## THE APPROBATION OF A NEW REGULATION, CONCERNING THE INTERNATIONAL PROTECTION OF REFUGEES.

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*On March 20th, the Regulation concerning the procedures for the approval and the revocation of international protection entered into force, in accordance with article 38, clause 1 of the Italian Legislative Decree 28 January 2008 No.25.*

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On March 20<sup>th</sup> in Italy the **Regulation of procedures for acknowledgement and revocation of international protection** has been approved, as defined by the article 38, clause 1 of the Legislative Decree 28.01. 2015 No.25. This act recognizes the **directive 2005/85/CE** - concerning the acquisition and the revocation of **refugee status** – whose aim is to establish general and common rules for all European states, especially specific procedures to apply to acknowledge and revoke the status of refugee.

First of all, what do we mean by *refugee*? In accordance with article 1A of 1951 Geneva Convention, a refugee is someone who, *“owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”*

Most relevant aspects of the Regulation are:

- clarifications on selection and training of members of Territorial Committees, whose function is the examination of international protection requests (art. 2) and the requests of competence transfer of Territorial Committees, in case the applicant moves elsewhere (art.4, clause 3);
- explanations about the moment in which the international protection request should be considered **“presented”** (art.3);
- a two-year residency permit for **humanitarian reasons** (art. 6, clause 2);
- the meeting (arranged by the Territorial Committee) with the **asylum seeker** is to take place in the presence of at least 3 members of the Committee, except in case of disapproval by the asylum seeker;
- clarifications on **free legal aid** (art. 8).

According the Italian Government, the Regulation aims to simplify and actualize the access to procedures and to the safeguard of asylum seekers, guaranteeing means for support and assistance, *since the moment of the presentation of the request.*