



PRACTICAL GUIDE FOR THE PROTECTION OF STATELESS PERSONS IN ITALY

AM I STATELESS?

If **you do not have a citizenship** because you are not considered as a citizen by any State, you are stateless. The rights of stateless persons are recognized by **the 1954 Convention relating to the Status of Stateless Persons**. The rules for obtaining citizenship vary from country to country.

AM I AT RISK OF STATELESSNESS?

You may be at risk of statelessness if you cannot prove your citizenship or your relevant ties to a country, and this affects your ability to exercise your fundamental social, economic, cultural, and political rights. **The inability to obtain personal documents, lack of birth registration, or absence from the civil registry are all valid indicators** of this risk.

I THINK I AM STATELESS, WHO CAN I CONTACT FOR HELP?

If, after reading this practical guide, you need more information on the procedures for recognizing stateless status in Italy, help in obtaining qualified legal assistance, or advice on accessing the rights and services to which stateless persons are entitled, you can contact UNHCR Italy (www.unhcr.it; itaroprotection@unhcr.org), Tavolo Apolidia (www.tavoloapolidia.org), a network of organizations and experts working to protect stateless persons living in Italy, or a legal clinic on statelessness (Naples: formazioneclinicolegalell@unina.it; Rome: humanrightslegalclinic@uniroma3.it; Turin: lawclinic@iuctorino.it).

Neither UNHCR, nor the legal clinics or the organizations of Tavolo Apolidia ask for money for any services. Their help is always free of charge. You should never be asked to pay for any of the services they provide.

I AM STATELESS, WHAT ARE MY RIGHTS?

Italy has acceded to the 1954 United Nations Convention relating to the Status of Stateless Persons, and therefore recognizes and guarantees a series of rights to stateless persons.



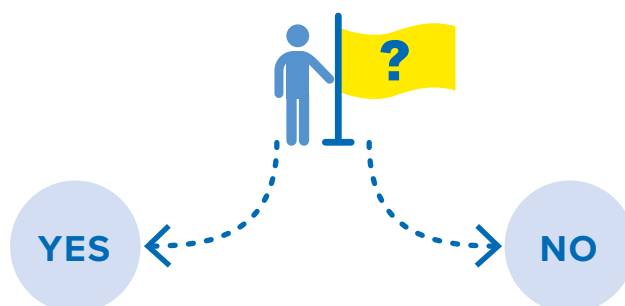
ATTENTION

To enjoy these rights, you must be recognized as stateless by the Italian State or another country. To find out how to apply for recognition of stateless status, see the section "How to seek protection in Italy?" (page 4).

If **you** are **recognized as stateless**, you have the right to:

- ▶ obtain a **residence permit for stateless persons and live in Italy**;
- ▶ receive a **travel document for stateless persons** and travel outside Italy;
- ▶ **work and study**, including at university;
- ▶ access **public and social assistance services** (e.g., **public healthcare, financial aid, pensions, public housing**);
- ▶ apply for **citizenship** after **5 years** of living and working in Italy;
- ▶ obtain **Italian citizenship at birth for your children** if they were born in Italy and would otherwise be stateless.

DOES BEING STATELESS GIVE ME THE RIGHT TO OBTAIN A RESIDENCE PERMIT?



IF YOU ARE RECOGNIZED AS STATELESS

You have the right to apply to the police headquarters for a **residence permit for stateless persons**, which usually lasts for 2 to 5 years. The residence permit is renewable: as long as you are stateless, you have the right to remain in Italy. Once you have obtained the permit, remember to renew it 60 days before it expires.

IF YOU HAVE NOT YET BEEN RECOGNIZED AS STATELESS AND DO NOT HAVE ANY OTHER TYPE OF RESIDENCE PERMIT

The law does not grant you the right to obtain a residence permit on statelessness grounds. Without recognition of stateless status, you are at **risk of detention and expulsion and do not have access to the rights** listed earlier in this guide. To obtain a residence permit for stateless persons, we recommend that you seek qualified legal assistance and begin the process of applying for recognition of stateless status. For more information, see the section "How to seek protection in Italy?" (page 4).



PLEASE NOTE

Even if you already benefit from a form of international protection, **it is important that you also apply for recognition of stateless status**. Such protection may cease in the future, but you may not yet have any citizenship and **may need assistance and protection as a stateless person**.

HOW TO REQUEST PROTECTION IN ITALY?

If you are stateless, there are two alternative ways to apply for recognition of stateless status and obtain protection in Italy: an administrative procedure before the Ministry of the Interior and a judicial procedure before the courts.



PLEASE NOTE

Depending on your situation, you can choose which of the two procedures to use. There is no need to exhaust the administrative procedure in order to initiate the judicial procedure.

It can often be **difficult** for stateless persons **to gather sufficient documentation** to support their application for recognition of their status. In such cases, **we recommend that you seek qualified legal assistance** to support you in gathering all the relevant documentation and preparing the file before starting the procedure for recognition of stateless status.



THE ADMINISTRATIVE PROCEDURE

TO WHOM SHOULD I SUBMIT THE APPLICATION?

You can submit your application to the Ministry of the Interior either by certified email (apolidiaistanze@pecdlci.interno.it), by registered mail with return receipt or to the Prefecture of the place where you live. You do not need the assistance of a lawyer to submit your application and can do so in yourself. However, given the difficulties that may be encountered in gathering all the necessary documentation, we recommend that you seek qualified legal assistance before submitting your application.

WHAT DOCUMENTS DO I NEED TO HAVE?

In addition to the completed application form for recognition of stateless status (which can be downloaded from the Ministry of the Interior website), you must also provide:



PLEASE NOTE

The countries with which you have significant ties are your country of birth, the country(ies) where you have lived permanently, and the country(ies) of which your parents are citizens, if they hold a nationality.

- ▶ your **birth certificate** – if available, or alternatively other documentation from which your place and date of birth can be ascertained, including those of your parents if possible;
- ▶ documentation proving your **residence in Italy** (e.g., a valid residence permit). If you do not have a residence permit, you can still submit your application;
- ▶ If you have it, documentation proving **your registered residence in an Italian municipality** (for example, your certificate of residence).

In addition, you will need to submit any other documentation in your possession or that you are able to collect that helps to prove that you are stateless (e.g., certificates issued by the consular authorities of countries with which you have relevant ties, showing that you do not hold that citizenship, or that you have lost or been deprived of citizenship). Foreign documents must be legalized and translated.



ATTENTION

There will be no interview, so make sure you have sufficient documentation to prove that you are stateless, otherwise your application is likely to be rejected or not processed further.

Please also note that, depending on your situation and the documentation you have added to your application, **the Ministry of Interior may contact the relevant authorities of the countries with which you have ties** to verify whether you have citizenship there. Once the assessment is complete, the Ministry of Interior may **approve or reject your application**. If your application is rejected, you can still **appeal to the court and** initiate a new assessment through legal proceedings.

◉ WHAT IS THE COST?

You will only have to pay a €16 revenue stamp, in addition to the costs of legalizing and translating foreign documents. No additional fees are due.

◉ HOW LONG DOES IT TAKE?

The time it takes to evaluate your application can vary and depends on the documentation you have submitted, any requests for additional documentation from the Ministry of Interior, and the response time when contacting foreign authorities. Generally, the decision is taken and notified within 12 – 24 months.



THE JUDICIAL PROCEDURE

TO WHOM SHOULD I SUBMIT THE APPLICATION?

The application must be submitted to the court. You cannot do this yourself but must contact a lawyer, who will submit the application to the court in the place where you live.

WHAT DOCUMENTS DO I NEED TO HAVE?

You do not need to have identity documents or a residence permit to initiate judicial proceedings. However, it is important that you provide your lawyer with all the documentation you have been able to gather to prove that you are stateless (for example, certificates issued by the consular authorities of countries with which you have relevant ties, showing that you do not hold that citizenship, or that you have lost or been deprived of citizenship). During the proceedings, you can ask the judge to hear your testimony and that of people who can confirm your story.



PLEASE NOTE

Even though you can be heard by the judge and tell your story, it is always important to present all the documentation you have managed to gather to prove that you are stateless.

Once the assessment is complete, the judge may accept or reject your application. If your application is rejected, you can decide with your lawyer whether to appeal and request a new assessment.

WHAT IS THE COST?

When you start the judicial procedure, you'll need to pay a fee of €518 and cover your lawyer's costs. If you don't have enough money, you can apply for State funded legal aid, which covers both your lawyer's fees and the Court's fees.

HOW LONG DOES IT TAKE?

After the procedure has begun, your lawyer will inform you of the date of the first hearing and subsequent hearings. The procedure usually **lasts two years**, but depending on the court, a decision may be reached sooner.

AM I ENTITLED TO A RESIDENCE PERMIT WHEN I START THE PROCEDURE?



IF YOU HAVE STARTED THE PROCEDURE AND ALREADY HAVE ANOTHER TYPE OF RESIDENCE PERMIT:

You are entitled to a **residence permit "pending statelessness determination"** only if you have initiated the procedure and already hold another residence permit.

ATTENTION

If you already have another residence permit, carefully consider whether to apply for a residence permit "pending statelessness determination", as with this residence permit you may have difficulty to work formally.

IF YOU HAVE STARTED THE PROCEDURE BUT DO NOT HAVE ANY OTHER TYPE OF RESIDENCE PERMIT:

The law does not give you the right to obtain a residence permit while you are awaiting the decision. Through your lawyer, **you can ask the judge to order the Questura to issue a residence permit "pending statelessness determination"**, but the outcome of the request may vary depending on the Court.

The residence permit "pending statelessness determination" is **renewable** for the entire duration of the procedure. To obtain it, you must go to the police headquarters and present your current residence permit and a copy of your application for recognition of stateless status.

WHAT HAPPENS IF I AM RECOGNIZED AS STATELESS?

If you are recognized as stateless, regardless of the procedure you used, you will be entitled to a residence permit for stateless persons. For more information on your rights after being recognized as stateless, see the section "I am stateless, what are my rights?" (page 2).



This practical guide was developed as part of the "Statelessness Legal Clinics" project, carried out by the University of Naples Federico II, Roma Tre University, and the International University College of Turin, in partnership with UNHCR.