

Italy: Information for stateless people and those at risk of statelessness fleeing Ukraine



European
Network on
Statelessness

ENS Focal Point: [Consiglio Italiano per i Rifugiati](#) & [Associazione per gli Studi Giuridici sull'Immigrazione](#)

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This briefing provides country-specific information for stateless people and those at risk of statelessness fleeing Ukraine. It is intended as a source of information for refugee response actors and affected individuals. The focus is on stateless people and people at risk of statelessness, including those who are undocumented. Links to more general information for refugees from Ukraine are provided throughout. We will endeavour to keep this information updated. Please contact Ukraine.crisis@statelessness.eu if you have relevant updates. Unless otherwise shown, the source of information provided is the ENS Focal Point.

1. ENTRY REQUIREMENTS & REGISTRATION

As of 31 May 2022, 125,907 refugees fleeing the conflict in Ukraine had arrived in Italy. There is no disaggregated data on stateless or undocumented people, or unaccompanied minors. All people fleeing the war in Ukraine who can prove a connection with Ukraine will be allowed to enter Italy. The [European Commission](#) confirms that a lack of travel documents or medical documents (certificate of vaccination, COVID-19 test) should not be an obstacle to entering the EU throughout the Ukraine crisis.

For more information on entry and stay in Italy, see the Ministry of the Interior [Information page for Ukrainian refugees](#) and the relevant [Provincial Police Headquarters \(Questura\)](#).

Documents required	<ul style="list-style-type: none">• <u>Stateless persons</u>: to apply for temporary protection, must show birth certificate, proof of residence in Ukraine, proof of entitlement to international or national protection in Ukraine before 24 February 2022, or document attesting statelessness status in Ukraine; no documents required to apply for other forms of protection or to enter the territory; connection with Ukraine can be evidenced through non-documentary proof (e.g. testimony from other people travelling with the person)• <u>Ukrainian nationals without proof of nationality</u>: must attend Ukrainian Embassy or Consulate in Italy for identification and confirmation of nationality• <u>Other adults</u>: biometric passport or ID• <u>Children</u>: ID cards, passport, or birth certificate, proof of family relationship with accompanying relative or declaration by parent or guardian entrusting child to accompanying adult• <u>Unaccompanied minors</u>: must be referred to the police
Entry and registration	<ul style="list-style-type: none">• People fleeing Ukraine should register with local authorities to apply for protection (i.e., Provincial Police Headquarters (<i>Questura</i>))• <u>Unaccompanied children</u>: permitted entry; must be assigned a legal guardian; should be referred to local police, Provincial Police Headquarters (<i>Questura</i>), or NGOs
Documents issued	<ul style="list-style-type: none">• <u>Beneficiaries of temporary protection</u>: temporary residence permit• <u>Asylum-seekers</u>: residence permit for asylum-seekers
Entry status	<ul style="list-style-type: none">• Visitor under Schengen rules, beneficiary of temporary protection, or asylum-seeker

2. ROUTES TO INTERNATIONAL PROTECTION

Italy offers four routes to international protection, which are all open to eligible stateless people: refugee status, subsidiary protection, special protection, and temporary protection. However, Italy has not yet adopted measures to implement the EU temporary protection mechanism so there are no details on the procedure. Available routes to protection are summarised in the table below.

Special Protection partially replaced the former 'Humanitarian Protection' in 2018. It is reported that local police authorities may confuse the two types of protection or erroneously consider that there are bureaucratic impediments to grant or renew Special Protection permits.

	Refugee Status & Subsidiary Protection	Special Protection	Temporary Protection
What is it?	<p><u>Refugee Status:</u> Protection under the 1951 Convention Relating to the Status of Refugees</p> <p><u>Subsidiary Protection:</u> For persons who do not meet the 1951 Convention definition but face a serious threat in their country of origin</p>	For persons whose application for international protection has been rejected, but who would be at risk of persecution in their country of origin/ residence or in another State to which they may be returned; or if there are reasonable grounds to believe they may be subjected to torture if expelled or removed	Temporary Protection under EU law for eligible persons fleeing Ukraine
Can stateless and/or undocumented persons apply?	Yes	Yes	<p><u>Stateless persons:</u> yes, if they meet eligibility criteria (i.e., beneficiaries of international protection or equivalent national protection in Ukraine, permanent residents in Ukraine who cannot safely return to their country of origin, and their family members)</p> <p><u>Undocumented person:</u> yes, should provide any available documents (e.g. from competent authorities stating inability to prove nationality, etc.); Ukrainian nationals without ID documents will be identified at Ukrainian Embassy/Consulate upon arrival and receive a certificate of identification; asylum-seekers may apply, but not beneficiaries of international protection</p>
Where to apply?	<u>In Italy:</u> at Immigration Office (<i>Ufficio Immigrazione</i>) of	Same as Refugee Status and Subsidiary Protection	At Immigration Office (<i>Ufficio Immigrazione</i>) of

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	<p>nearest Provincial Police Headquarters (<i>Questura</i>) <u>Upon arrival</u>: at Border Police Station; will be directed to Provincial Police Headquarters (<i>Questura</i>) for formal registration</p>		<p>nearest Provincial Police Headquarters (<i>Questura</i>)</p>
<p>Procedure & rights</p>	<p><u>Procedure</u>: expression of intention to apply orally or in writing; biometric data collected; applicants may be held at reception centre for one month, or in detention for six months if identity cannot be ascertained; after identification, application is formalised through “C3 Form”; required to hand over all relevant documents to Police; interpreters available</p> <p><u>Rights</u>: residence permit allowing stay and freedom of movement; free basic assistance including accommodation and meals (in reception centres); legal, medical and psychosocial assistance; work 60 days after submitting application; education for children; right if vulnerable to stay at special facilities, receive expert support, and priority examination of the application</p>	<p>Same as Refugee Status and Subsidiary Protection; unclear if applicants have right to work</p>	<p>Procedure not yet established; eligible persons go to police station (<i>Questura</i>); apply for temporary protection residence permit; obtain receipt of application; <i>Questura</i> issues form (mod. 209); stateless persons should provide any proof of lack of nationality (e.g. expulsion decision noting impossibility to determine country for removal); photo ID; declaration of sponsor willing to host applicant (or contact local prefecture (<i>Prefettura</i>) to report need for accommodation in a reception centre); “declaration of presence”; proof of parental or kinship ties for minors</p>
<p>Rights upon recognition</p>	<p>Right to a renewable residence permit for five years; registration of residence to access rights; right to work; education; social welfare; and medical care on same basis as Italian nationals; right to apply for travel document; right to apply for long-term residence permit after five years (subject to other requirements); family reunification; right to obtain Italian nationality after five years (for refugees); or 10 years (for beneficiaries of subsidiary protection)</p>	<p>Right to renewable residence permit for two years; registration of residence to access rights; right to work; education; social welfare; medical care on same basis as Italian nationals; right to apply for travel document</p>	<p>Right to a renewable residence permit for one year; temporary registration of residence to access rights; right to work; education; social welfare; medical care on same basis as Italian nationals; right to apply for international protection</p>

For more information, see:

- UNHCR Italy, [Asylum in Italy](#)
- Ministry of the Interior, [Page on refugees from Ukraine](#), [Practical Guide for Asylum-seekers in Italy](#)
- Bocconi University, [Project UASI \(Ukraine – support and information\)](#)
- Sant’Anna, [Essential Guidelines for People Fleeing Ukraine](#)
- Mazzeschi, [About the Temporary Protection for Ukrainian Citizens in Italy](#)
- Right to Protection, [Who are stateless persons who fled Ukraine after the Russian invasion on 24 of February, 2022](#)
- KIND & Child Circle, [Note on unaccompanied children fleeing Ukraine](#)
- ECRE, [Information Sheet, Measures in response to the arrival of displaced people fleeing the war in Ukraine](#)

3. STATELESSNESS DETERMINATION AND PROTECTION STATUS

For stateless people, it is important to determine both a claim for international protection and their statelessness. Each application should be assessed and both types of status should be explicitly recognised so that even if international protection ceases, the person remains entitled to protection as a stateless person. Statelessness determination should be conducted either in parallel with or following the refugee status determination, with due regard to the primacy of the asylum claim and the principle of confidentiality for refugees in statelessness determination procedures. For more information, see: [ENS briefing on statelessness determination & protection in Europe](#).

Italy has a dedicated statelessness determination procedure and statelessness protection status. The procedure is summarised in the table below. For more information, see: [ENS Statelessness Index Italy](#). Stateless persons are strongly advised to seek expert legal advice on their rights in Italy (e.g., from [Consiglio Italiano per i Rifugiati](#)).

	Statelessness Status
What is it?	Protection for stateless people under the 1954 Convention Relating to the Status of Stateless Persons; two routes are available - an administrative procedure (for stateless people who already have a residence permit in Italy) and a judicial procedure (for all stateless people); applicants are strongly advised to seek legal advice to select the appropriate procedure
Can stateless and/or undocumented persons apply?	Yes
Where to apply?	<u>Administrative procedure</u> : Ministry of Interior, directly or through local prefecture (<i>Prefettura</i>) where the applicant is residing <u>Judicial procedure</u> : Court of the municipality where the applicant is residing
Procedure & rights	<u>Administrative procedure</u> : provide birth certificate; proof of lawful residence in Italy; evidence of statelessness; burden of proof lies with the applicant; no interview; decisions can take up to several years; decisions provided in writing and reasoned <u>Judicial procedure</u> : no requirement to demonstrate lawful residence; legal assistance required (free legal aid may be obtained subject to eligibility); court hearing; shared burden of proof; decisions in writing and reasoned; right to appeal; applicants may apply to the court for a temporary residence permit while the decision is pending; applicants with a temporary residence permit are not detained
Rights upon recognition	Apply for renewable residence permit (normally granted for two years but practice varies); travel document; right to work; social security; healthcare; education; reduced residency requirement for naturalisation

4. REQUIREMENTS FOR ONWARD TRAVEL TO THIRD COUNTRIES

Applicants for statelessness status cannot travel during the procedure. Recognised stateless persons with a travel document may travel. Beneficiaries of temporary protection may travel to other EU Member States for 90 days within a 180-day period. Asylum-seekers may not leave Italy until a decision is made on their application. Beneficiaries of international protection (refugee status and subsidiary protection) and beneficiaries of special protection with a travel document may travel to third countries.

5. OTHER RELEVANT INFORMATION

The Ukrainian Consulate in Milan has set up an email address (milanoconsolato1@gmail.com) and an online platform to collect reports of all people (including stateless people, undocumented people, and unaccompanied minors) from Ukraine arriving in Milan, in order to link reception services with the Prefecture and the Municipality. The Consulate will liaise with the Prefecture's Migrant Emergency Office and will also be able to collect any requests for support.

6. ORGANISATIONS ASSISTING STATELESS PEOPLE

Consiglio Italiano per i Rifugiati (CIR) https://www.cir-onlus.org/ +39 06 69200114 cir@cir-onlus.org	UNHCR Italy https://www.unhcr.org/it/ Front Desk Protection: +39 800 093222 Refugees Helpline: 800 905 570 / itaro@unhcr.org
Ministry of Interior https://www.interno.gov.it/it/info-utili-lingresso-dei-profughi-ucraini-italia +39 06.4651	Associazione per gli Studi Giuridici sull'Immigrazione (ASGI) https://www.asgi.it/ +39 011 4369158 / segreteria@asgi.it Legal Service Anti-Discrimination: + 39 3515542008 antidiscriminazione@asgi.it
Bocconi University, Project UASI (Ukraine) https://blest.unibocconi.eu/focus-europe-and-ukraine/focus-ukraine/uasi-ucraina-supporto-e-informazione uasi.blest@unibocconi.it	