

A vertical silhouette of a signpost with several directional arrows pointing in different directions, set against a vibrant sunset sky with hues of orange, red, and blue.

Alternatives to detention: towards a more effective and humane migration management

A Project of the **Italian Coalition for Civil Liberties and Rights (CILD)** and the **Progetto Diritti Association**

With the support of:
[European Programme for Integration and Migration \(EPIM\)](#), [European Alternatives to Detention Network \(EATDN\)](#), [International Detention Coalition \(IDC\)](#)

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In 2019 CILD and Progetto Diritti launched the pilot project **Alternatives to detention: towards a more effective and humane migration management**, which aims to promote **case management** as an alternative to immigration detention and reduce the use of immigration detention practices.

This presentation provides an overview of the project and the adopted approach. It is organised as follows:

1. About us
2. Immigration detention in Italy
3. Alternative solutions: a community-based approach
4. Case management: key concepts, phases, beneficiaries, results
5. Our project
6. Contact details

About us



Founded in Rome in 2014, CILD is a network of **41 civil society organisations** that protect and expand the rights and liberties of all, through a combination of **Advocacy, Capacity Building, Legal Action, Research, Public Education & Information.**

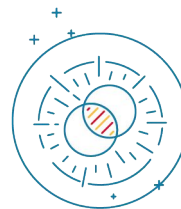
- President: Lawyer Arturo Salerni
- Areas of work:



Asylum & international
protection



Immigration



Equality and
anti-discrimination



Justice



Digital rights

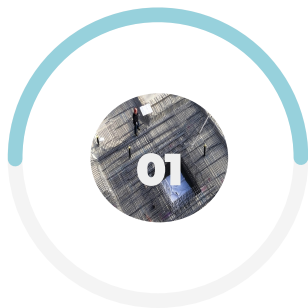
About us



Founded in Rome in 1992, Progetto Diritti is a member organisation of CILD that **protects the rights of the poorest social groups** and promotes actions for local development. It provides **information and advice** to migrants, individuals living in poorer suburb, people with disabilities, unemployed individuals and workers.

- President: Lawyer. Mario Antonio Angelelli
- The organisation currently has several front line offices in Rome, Licata, Catania, Terracina and Ostia.

The four phases of immigration detention in Italy

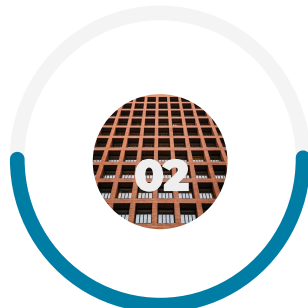


Institutionalisation (1998 - 2010)

Italy's admission in **Schengen area** leads to the adoption of pre-removal detention.

The [Turco-Napolitano Law](#) normalises the practice of immigration detention, setting a 30-day maximum detention period (then extended to 60 days with the [Bossi-Fini Law](#)).

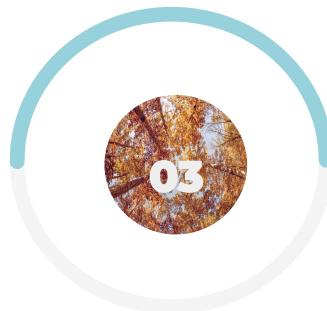
By 2009, there are 13 centres, 1700 beds and a maximum detention limit of 180 days ([Security packet](#)).



Stabilisation (2011 - 2012)

In 2011, Italy transposes the 2008 [Return Directive](#).

It is a period of great expansion of the Italian administrative detention system: there are 10 active centres, almost 2000 beds and the maximum detention period is of 18 months.



Crisis (2013 - 2014)

Also due to the numerous protests taking place in the centres, Italy disinvests in immigration detention.

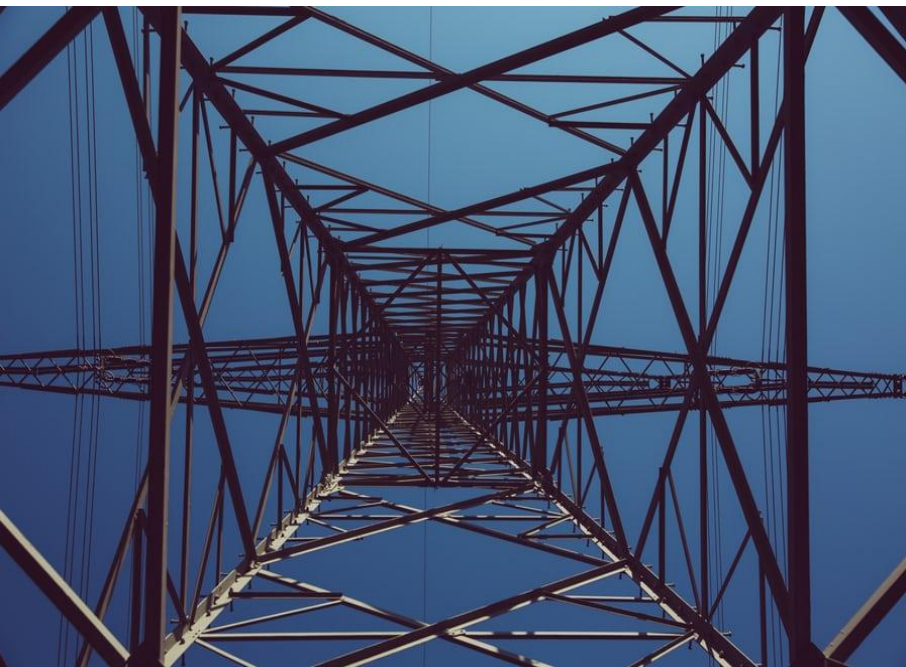
The [2014 reform](#) brings to 90 days the maximum detention period and closes several centres (only 5 are left).



Reinvention (2015 - 2019)

With the increase of arrivals, the European Commission calls for the reestablishment of pre-2013 detention capacity levels. Italy reactivates many of the centres that had been closed and opens up new ones.

In 2018, with the [Salvini Decree](#), the centres' capacity is increased and the maximum detention period is doubled, being set to 180 days.



The system today

With the adoption of the so-called “Lamorgese Decree” ([Decree-Law 130/2020](#)):

- the maximum detention period has been halved (it has been brought to 90 days), with the exception of nationals of countries that have signed readmission agreements with Italy, who may be detained for up to 120 days;
- a provision allowing detained migrants to address complaints to the Guarantors for the rights of people deprived of their personal liberty has been introduced.

As of January 2021, there are **7 active Centres for repatriation** in Turin, Milan, Gradisca d’Isonzo, Rome-Ponte Galeria, Bari, Brindisi, and Macomer.

Analysing the data

The practice of immigration detention seeks to identify third-country nationals that are irregularly present on the Italian territory and arrange their repatriation. It is here that the paradoxes and the most critical aspects of the system emerge:

- Studies have shown that the ratio **between the number of repatriated and detained people has always been around 50%**, regardless of which maximum detention limits are in force.
- Statistics have also shown that, on average, **repatriation of detained migrants either takes place within the first 30-60 days, or becomes very difficult to secure at all**. It is very rare for obstacles (such as the lack of cooperation of the diplomatic representation of foreigners' countries of origin) to be overcome once 60 days have passed.



Although the ineffectiveness of administrative detention is more than evident, one of the main reasons that renders it impossible to give up is its symbolic importance.

(Giuseppe Campesi, 2020)

The COVID-19 Emergency

Reasons for exit from Centres for Repatriation (Cpr) - 01/01/2020 - 15/04/2020

Reason for exit	Women	Men	Total
Arbitrarily removed	-	23	23
Arrested inside the centre	-	32	32
Died inside the centre	-	2	2
Released upon expiration of the term	24	184	204
Repatriated	24	354	378
Released for other reasons	5	125	130
Applied for international protection	7	18	25
Lack of validation or extension by the Judicial Authority	105	253	358
Total	161	991	1152

Source: Department of public security

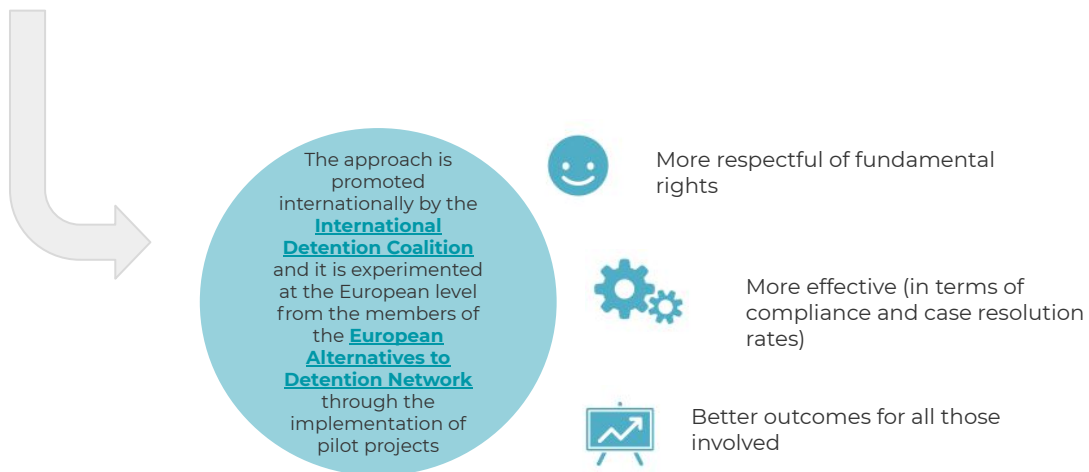
The criticalities of immigration detention emerged even more clearly during the health emergency.

Given the limitations of international mobility and the scarce repatriation, the detention of third-country nationals was defined by the National Guarantor as “**illicit**” in accordance with the 2008 Return Directive.

Alternative solutions: a community-based approach

Italian and EU legislation provide for other tools, such as the “classic” alternatives to detention (e.g. regular reporting, surrender of passport and identity documents and home confinement). Although less afflictive than immigration detention, these measures remain coercive and do not focus on the individuals.

It is possible to **move towards overcoming immigration detention** by other means. These are **“community-based” alternatives** (e.g. case management), which consist in **non-coercive measures, based on the direct involvement of the person concerned**.



The benefits of community-based alternatives

For individuals:

- Informed decision-making
- Access to services and support
- Awareness of rights and legal status
- Increased personal stability

For governments:

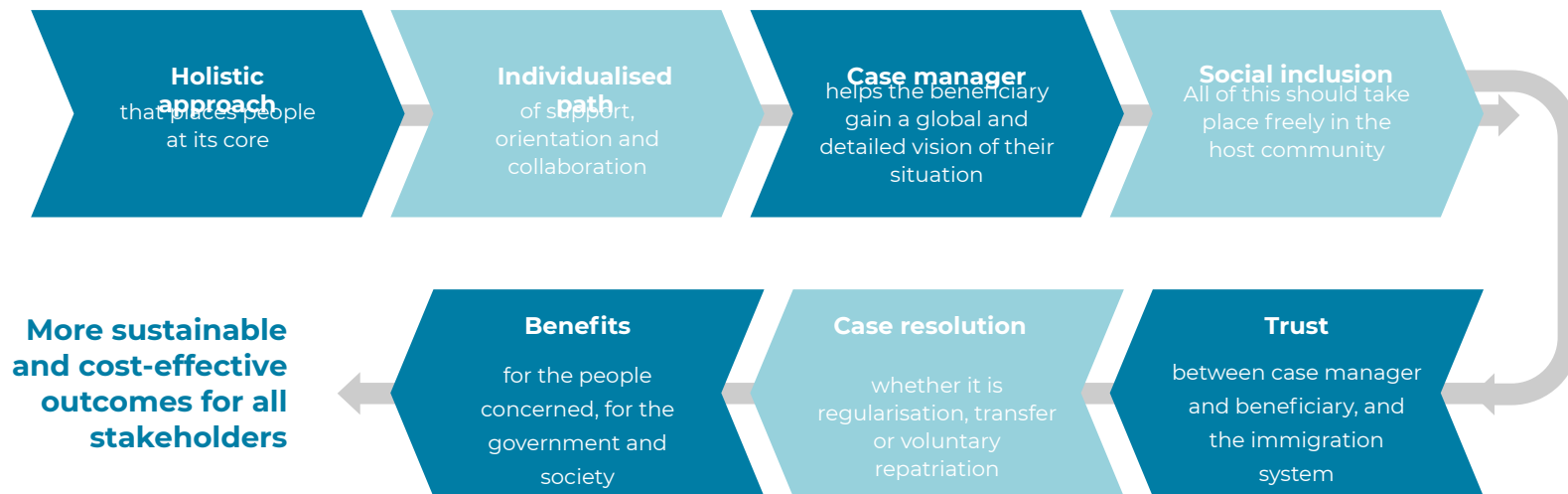
- Compliance with EU legislation
- Prevention of unnecessary immigration detention
- Prompt identification of vulnerabilities and needs
- Increased collaboration and compliance with immigration procedures
- Lower operating costs
- Decreased litigation

Alternatives to detention are a building block for better outcomes for all:

- High case resolution rates
- Sustainable long-term solutions
- Inclusion in the hosting community

Case management

Case management is an **individualised process of support and cooperation** during the migration process. Together with a case manager, assistees explore all the options available to them with regard to their migration status. Aware of their rights and their legal situation, they are able to **make informed decisions and achieve sustainable long-term solutions**.



The case management phases

Screening

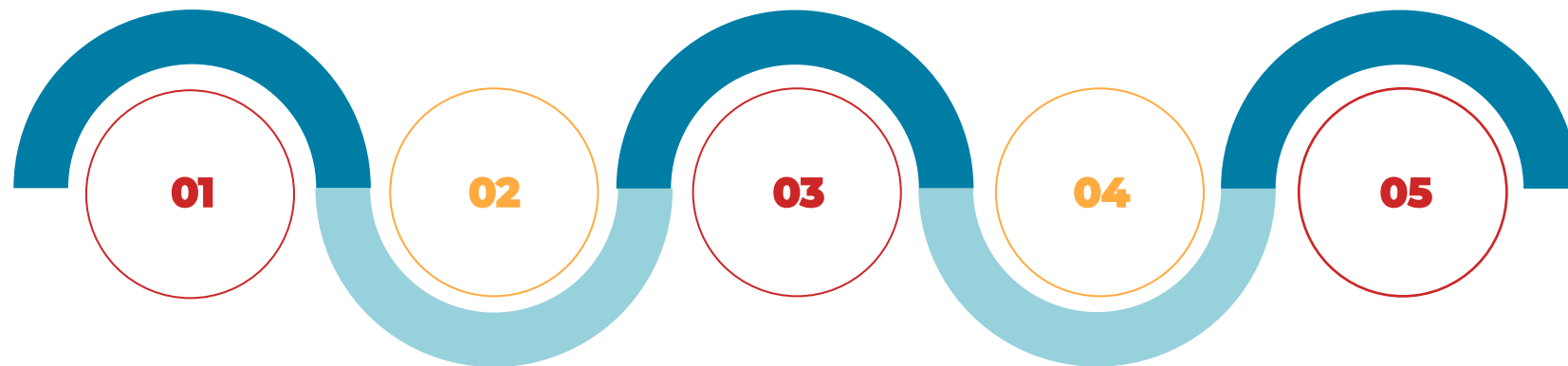
The case manager collects the core information of the individual cases. The sooner this is done, the better.

Case planning

The case manager and the beneficiary identify the path forward together and develop an action plan.

Case closure

The beneficiary reaches a solution: regularisation, transfer to another country, voluntary repatriation.



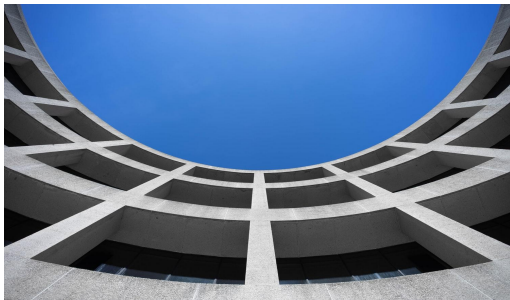
Assessment

The case manager assess case-by-case needs and vulnerabilities.

Intervention

The action plan is implemented. As an intermediary between different actors, the case manager plays a crucial role.

The beneficiaries of case management



People at risk of detention

Many people without a regular residence permit are entitled to apply for one, but are not aware of their options due to lack of information, legislative changes and linguistic barriers. Others would prefer to return voluntarily to their home countries.

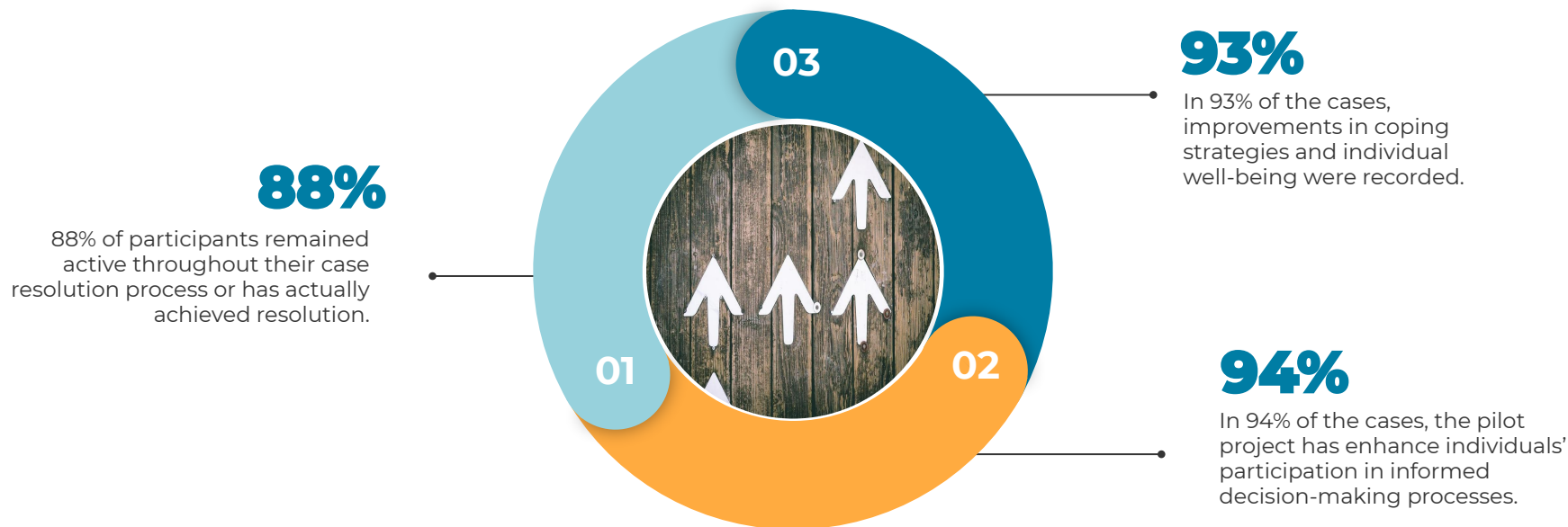


People detained in pre-removal centres

Vulnerable individuals, who would risk serious human rights violations if they were to be repatriated, should be placed in specific protection programmes instead.

The results of the European pilot projects

Two years in, the evaluation of the pilot projects on alternatives to immigration detention implemented by the Buglarian, Cypriot and Polish members of the EATDN presented similar results:





The project aims to promote **case management** as an alternative to immigration detention and reduce the use of immigration detention practices.

The goals of our project

- Increasing the number of people assisted and cases solved
- Reducing the cases in which immigration detention is resorted to
- Making case management a replicable approach
- Increasing moments and spaces for informed debate on alternatives to detention

Our project's cases

The beneficiaries are people at **medium-high risk of detention** and, in some cases, with serious vulnerabilities.

The goal is to follow 40 cases over two years.
As of January 2021, the handled **cases are 26**:

- 4 solved
- 4 in closing stages
- 11 in progress
- 2 pending
- 3 in early stages
- 2 withdrawn

In total, the cases involve:

- 11 women, 15 men
- 13 people from Africa, 2 from America, 2 from Asia, 9 from Europa



Advocacy

In addition to the case management component, our project includes advocacy actions aimed at increasing the knowledge and support of community-based alternatives to detention among institutions and policy makers.



Resources

- [Alternatives to irregularity](#)
- [Migrant Detention in COVID-19 times](#)
- [Open Migration Column](#)

Messaging

We are developing a messaging toolkit to be used to the project and our approach.

Events

- Building on Recent Experience to Promote the Use of Alternatives to Immigration Detention, OSCE-ODIHR, 08/09/2020
- [TUTTO CHIUSO](#), Garante dei diritti delle persone private della libertà personale della Città di Torino, 13/11/2020

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