

TRANSLATION OF THE CRUCIAL PROVISIONS
OF THE DIRECTIVE TEMPORARY PROTECTION 2001/55/EC

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Article 5, §1: The existence of a mass influx of displaced persons shall be established by a Council Decision adopted by a qualified majority on a proposal from the Commission, which shall also examine any request by a Member State that it submit a proposal to the Council.

Translation:

Art. 3 Legislative Decree 7 April 2003, no. 85 (*Temporary protection measures*)

1. A decree of the Prime Minister issued according to art. 20 T.U. (Aliens law), shall decide, within the limits of the funding according to art. 12, the measures of temporary protection to face the mass influx of displaced persons stated with a decision of the Council according to art. 5, dir. 2001/55/EC, for the maximum duration of one year extensible with a Council decision for maximum another year, and within the limits of the declaration of capability to receive displaced persons issued to the Council by the Italian Government.

2. Temporary protection ends when the time of maximum duration has been reached or in any other time by a Council decision.

Article 5, §3: The Council Decision shall have the effect of introducing temporary protection for the displaced persons to which it refers, in all the Member States, in accordance with the provisions of this Directive. The Decision shall include at least:

- (a) a description of the specific groups of persons to whom the temporary protection applies;
- (b) the date on which the temporary protection will take effect;
- (c) information received from Member States on their reception capacity;
- (d) information from the Commission, UNHCR and other relevant international organisations.

Translation:

Art. 4. Legislative Decree 7 April 2003, no. 85 (*Prime minister decree*)

1. The decree according to Art. 3, par. 1, shall establish:

- a) the date when temporary protection starts;
- b) categories of displaced persons admitted to the temporary protection;
- c) reception capability;
- d) procedures and facilities to issue visa to people according to lett. b;
- e) procedures to issue to displaced persons according to lett. b, the permit of stay allowing to study and work, and those relating to family reunification and recording of personal data of displaced persons. The number of permit of stay is taken into account in the yearly plan on immigration according to art. 3, par. 4, T.U.;
- f) the national contact point for the administrative cooperation with other EU countries to implement temporary protection and the exchange of data according to this decree;
- g) measure of assistance, also through the *Conferenza unificata* (Coordination of Regions) and NGOs, including those acting for housing, social assistance, health care, access to the education system and to professional training. Specific measures of assistance are established for people with special needs, such as unaccompanied minors and persons victim of torture, rape or other serious forms of psychological, physical and sexual violence;
- h) measures necessary to allow the voluntary return also in cooperation with NGOs;
- i) other measures to implement the Council decision, including those on the transferral of the protected person to another EU country and those on administrative cooperation according to lett. f;
- l) procedures in case of asylum application by a person temporary protected.

2. Art. 33 T.U. applies to unaccompanied minors.

Article 8, §1: The Member States shall adopt the necessary measures to provide persons enjoying temporary protection with residence permits for the entire duration of the protection. Documents or other equivalent evidence shall be issued for that purpose.

Translation:

Article 8, §3: The Member States shall, if necessary, provide persons to be admitted to their territory for the purposes of temporary protection with every facility for obtaining the necessary visas, including transit visas. Formalities must be reduced to a minimum because of the urgency of the situation. Visas should be free of charge or their cost reduced to a minimum.

Translation:

Not specifically transposed (Please refer to the questionnaire)

Article 9: The Member States shall provide persons enjoying temporary protection with a document, in a language likely to be understood by them, in which the provisions relating to temporary protection and which are relevant to them are clearly set out.

Translation:

Art. 8. Legislative Decree 7 April 2003, no. 85 (*Information*)

1. Persons enjoying temporary protection shall receive a document, in a language likely to be understood by them, or in English, French or Arab, in which the provisions relating to temporary protection and which are relevant to them are clearly set out.
2. Persons enjoying temporary protection who are transferred to another EU country will be provided with a laissez passer according to annex I.

Article 17, §1:

1. Persons enjoying temporary protection must be able to lodge an application for asylum at any time.

Translation:

Art. 7. Legislative Decree 7 April 2003, no. 85 (*Asylum applications*)

1. Persons enjoying temporary protection must be able to lodge an application for asylum at any time. The decree issued according to art. 3, par. 1, establishes the procedure to process those applications also relating to the postponement of the applications after the end of the temporary protection.
2. When the application has not been postponed, the asylum seeker could benefit of the temporary protection only if he retreats the asylum application or if the same application has been rejected.

3. Omissis....

Article 17,§2:

2. The examination of any asylum application not processed before the end of the period of temporary protection shall be completed after the end of that period.

Translation:

Art. 7. Legislative Decree 7 April 2003, no. 85 (*Asylum applications*)

1. Omissis.....

2. Omissis

3. When the exam of the asylum applications has been postponed the decree of art. 3, par. 2, establishes the conditions of stay awaiting the decision.