

Law 47/2017-Zampa's law entered into force on May 06 2017

The first and meaningful innovation is the strengthening of the rights and the safeguards for the unaccompanied minors.

First of all they are recognized as children and adolescents, titulars of the rights in subject of protection of the minors with equality of the treatments with the minors from Italy and from the European Union, in reason for the condition of extreme vulnerability. The expected dispositions are applied "to the minors who don't have Italian or European citizenship that they are been at the territory of the State for any reason or otherwise that they are submitted to the Italian's jurisdiction without assistance and representation from their parents or from other legally responsible adults based on laws in force in the Italian judicial system" (art. 2).

The Art. 3 of the new law explicitly introduce an "absolute prohibition to rejected at the border" that it cannot be arranged in any case, unlike the previous art. 19 of the Unified Text for immigration that considered the possibility only if realized with procedures compatible with the single personal situations, which are duly established. Additionally the already planned expulsion for safety reasons for the State, will be possible only if it doesn't implicate the risk of serious damages for the minor.

The law also considers that the Commissioner can release the residency permit for minor, also on application of the minor, and before the nomination of the guardian. The validity of the permit until it comes of age remains unchanged. The conversion of the residency permit at 18 years old will be possible also without the advice of the General direction of the immigration and the Politics of Integration, when, although requested, the advice has not been released under the terms provided for by law itself.

To encourage the success of a way of integration finalized to the autonomy of the unaccompanied minors that has reached the majority and that required an extended support, they planned that the juvenile court can arrange an improvement of the custody to the social services. In any case such prolongation isn't expected beyond the age of twenty-first.

In order to answer to the problem of the escape from the reception facilities, the residence times in the hospitality centers have been reduced by 60 to 30 days. In this phase, it has to conduct the identification of the minor (maximum 10 days) and the possible age assessment. Always in this crucial step of the reception's process it is guaranteed a meeting with a developmental psychologist, if necessary with the participatoin of a mediator. Successively, the unaccompanied foreign minors will be situated in SPRAR structures which spread out the whole national territory.

Such structures as specified by the legislative text, must exclusively be destined to the minors. It is thus instituted a system of first and second reception integrated for the unaccompanied foreign minors and arranged the cancellation by the system of the structures which aren't comply with the normative. It is attributed to the local authorities a central role to support the activities of sensibilization and education of the trustee to advance the family trust by priority in comparison to the permanence in a structure of reception.

The art. 5 disciplines in a uniform way on the national territory the identification's process of the minor. Starting today, it becomes obligatory to notify the provision, both to the minor and to the provisional guardian, guaranteeing in this way the possibility of appeal. In the identification's phase it's epected the presence of cultural mediators, which must follow the whole procedure, to informe the minor about all the passages.

The art. 9 in realization of the legislative decree 09/18/2015, n. 142, it is founded a national informative System of the foreigner not accompanied minors, at the Ministry of Labour and the Social Policies, in which the social briefcases of the unaccompanied minors merge, drafted by the qualified staff which conducts the interview with the minor in the step before the reception. The briefcase includes all the useful elements to the determination of the solution of long period for the minor, in its superior interest.

The articles 6 and 8 introduce changes regarding the discipline of the family investigations and the assisted repatriation. For the family investigations it uses of adequate international organisms, today such assignment is conduct by the OIM (International Organization for the Migrations). For the assisted repatriation, you passe from the competence of an essentially administrative organ (General Direction of the immigration) to the Juvenile Court which represents the constitutionally competent organ to judge the superior interest of the minor.

In order to resolve one of the principal obstacles to the real and timely protection of the minors, that of the lack of adults to which entrust the guardianship of every minor, establishing with this last a direct and continuous relationship, and not only formal, the law arranges that it is established a list of the voluntary guardians in every Juvenile Court, by 90 days from the date of entry into force of the law. It can be registered in the list the private citizens, selected and properly trained from regional Ombudspersons for children, available to the guardianship of one ore more unaccompanied minor when the guardianship concerns brothers and sisters. Memorandum of Understanding are expected among Ombudspensor for children and Presidents of the Juvenile Courts in order to promote and to simplify the nomination of the guardians.

There are only two types of residence permit:

- one for "under age"
- one for family reasons

Instead of permits for custody, integration, waiting for custody, used by force of habit or never used.

From the 14 to 17 the articles provide a major safeguards for the rights to health and education. The law requires the compulsory registration for the unaccompanied migrant minors in the National Health Service also waiting the residence permit, consolidated a deal taken during a conference between State-Regions. For this reason the article 34, co 1 , del D.Lgs. 286/1998 it's changed. Moreover, it is specified, that in case of unaccompanied minors, the registration to the National Health Service must be done by the person responsible of the structure of first asylum. According to the Single Text on Immigration, all the foreign minors, even if they do not have the residence permit, they have the rights to be registered at school. They have the rights to be registered in according to the law. This Law (Law 47) stimulates the educational istitutions, including through conventions, to register these minors, they will be helped by cultural mediators. In all administrative and judicial stages there are protection provisions in the interest of minors and their rights to name a legal representation, supported by the current legislation. With the new text the foreign minors are provided procedural safeguards and procedural to protect them, moreover introduce additional provisions into the article 18 of the decree in order to provide the unaccompanied migrant minors to the emotional and psychological support that they need, with the help of appropriate people indicated by them, also with groups, associations or ONG that have the right experience with unaccompanied migrant minors and this is guaranteed in every administrative and judicial stages.

The ONG or others institutions, provided registered in the Ministry of Labour, have the right to annul acts considered unlawful. Article 17 establish a particular protection for unaccompanied migrant minors that are

victims of trafficking through a specific programme of assistance, even legal assistance (in this case also for the compensation for damage).