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Italy

Corrigendum

Paragraph 15

The paragraph should read as follows:

Law 129/2011 has enacted EU Directive 2008/115/EC into national legislation creating an *ad hoc* mechanism of progressive expulsion based always on individual (case-by-case) examination of each alien to be repatriated; immediate repatriation is nevertheless envisaged if there is a risk of escape or if the alien is socially dangerous or has applied evidently without foundation or fraudulently for a residence permit. Otherwise, a time limit is granted for the alien who makes such a request to voluntarily leave Italy. Moreover, voluntary and assisted repatriation programmes have been set up. In accordance with this directive, the maximum stay in an Identification and Expulsion Centre (CIE) is up to 18 months. The stay is motivated during the first 6 months by temporary obstacles to repatriation and expulsion, such as supplementary identification or nationality enquiries or finding an appropriate means of transport. During the above mentioned 6 months the detention must be validated by the court as follows: validation of the first 30 days, extendable by additional 30 days; then the possibility of extension of 60 days (if the alien has not cooperated for his repatriation or if there are delays to obtain the necessary authorizations from the third countries concerned), plus another 60 days (if the above conditions persist and if, notwithstanding any reasonable effort, it has not been possible to carry out the repatriation of the alien). After the 6th month, the detention can exceptionally last up to 18 months, only if, despite all reasonable efforts, the repatriation has not taken place due to the lack of cooperation during the repatriation of the alien in question or delays in obtaining the necessary documentation from his/her country of origin or destination. During these additional 12 months, detention extensions are made from time to time, subject to validation from the judicial authority, for periods not exceeding 60 days for each extension. Furthermore, alternative measures to detention in identification and expulsion

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centers are provided, the penalty of imprisonment with a fine in the event of non-compliance with police orders to leave the country within 7 days is replaced with a fine instead of detention; the forbidden return in Italy of the expelled alien is differently regulated; furthermore special arrangements to repatriate vulnerable persons are provided, and the proceedings for the verification, at a border police Office, of an alien without a legal residence permit, who is exiting from Italy, are regulated. In 2013 an *ad hoc* Committee has prepared a report on the status of CIEs in Italy, suggesting to reduce the maximum present withholding term of 18 months to 12 months, also considering recent case law not validating detention of third-country nationals not identified during the first 12 months. In 2014 the Ministry of the Interior has prioritized the monitoring of all Centres hosting migrants, and a study to improve their management.
