

# DUBLIN-PRE-RETURN COUNSELLING MANUAL IN THE GERMAN-ITALIAN CONTEXT

- FOR SOCIAL WORKERS WORKING WITH WEST AFRICAN  
FEMALE SURVIVORS OF HUMAN TRAFFICKING FOR THE  
PURPOSE OF SEXUAL EXPLOITATION



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This document is only intended to serve as a guide for practitioners and the content within is not binding or obligatory. Users and readers have no claim to legal certainty, complete information or successful conclusion of asylum procedures.

The contents presented in this manual are recommendations based on proven procedures and conceptual values of the authors. Practitioners may find it necessary to utilize the presented action points in part, in a different order, and in some cases, not at all due to feasibility and circumstances.

Please note that the legal situation regarding the Dublin procedure and/or the practical implementation of it may have changed since the publication of this Handbook (June 2021).

Whilst this resource was primarily developed to assist West African, female survivors of human trafficking for the purpose of sexual exploitation, the contents may also be suitable for others who are subject to the Dublin return processes.

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**More information on the European Union is available on the Internet (<https://europa.eu>).**

**More information on SISA is available on the Internet (<https://sisa-europe.eu>).**

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# Glossary

**BAMF:**

The Federal Office for Migration and Refugees (German: Bundesamt für Migration und Flüchtlinge, BAMF) is the German federal office responsible for Asylum, Migration and Integration in Germany. Asylum seekers are invited to a BAMF field office for the asylum hearing. The BAMF is under the Federal Ministry of the Interior (German: Bundesministerium des Innern, für Bau und Heimat).

**Dublin return (also called: Dublin deportation):**

In this manual, involuntary/ forced returns under the Dublin-III-Regulation (see chapter 1) are referred to as Dublin returns.

**German social worker:**

The term German social worker is intended to reference the location of the NGO/social worker which is providing assistance, not the social worker's nationality.

**Italian social worker:**

The term Italian social worker is intended to reference the location of the NGO/social worker which is providing assistance, not the social worker's nationality.

**Anti-trafficking counselling centre:**

A non-governmental organisation (NGO) is "an organization that tries to achieve social or political aims but is not controlled by a government."<sup>1</sup> The term anti-trafficking counselling centre used here refers to NGOs that have employed qualified professionals and offer accompaniment and counselling (possibly also sheltered housing) for survivors of human trafficking.

**Questura:**

The Questura is the Italian police headquarter where asylum seekers apply for asylum in Italy. Find a list of all Questuras here: <https://questure.poliziadistato.it>

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<sup>1</sup>Cambridge Dictionary n.d. Available from: <https://dictionary.cambridge.org/de/worterbuch/englisch/ngo> [retrieved: 18.05.2021]

# Introduction

According to the Dublin-III-Regulation<sup>2</sup>, an asylum application has to be fully processed in the Dublin country<sup>3</sup> where the asylum seeker first lodged an asylum application, or more precisely where an asylum seeker's fingerprints first got transmitted to the Eurodac database. Even in cases where an immediate family member of the asylum seeker was first lodged in another Dublin country, that country will accordingly be declared responsible. In cases of high individual vulnerability of an asylum seeker, the Dublin Regulation can be lifted, and the country of temporary residence takes responsibility for the asylum application (Sovereignty Clause/ *Selbsteintrittsrecht*). If this is not the case, the asylum seeker is at risk of forced return to the responsible Dublin country after all legal means have been exhausted.<sup>4</sup> If the asylum seeker is not deported within 6 months in spite of a known whereabouts (i.e. he/she did not go into hiding), the member state in which the asylum seeker is currently staying is automatically responsible for his/her asylum application (6-month deportations window/ 6-monatige Überstellungsfrist).

SISA (Strengthening the Identification and Integration of Survivors of Sex Trafficking from West Africa) is a project funded by the European Union's Asylum, Migration and Integration Fund and carried out by Associazione Comunità Papa Giovanni XXIII (Italy), The Justice Project e.V. (Germany), Gemeinsam gegen Menschenhandel e.V. (Germany), SOLWODI Deutschland e.V. (Germany) and SURT (Spain). A peer review of this manual was provided by Simon Kolbe, an expert from the Katholische Universität Eichstätt-Ingolstadt, Department of Social Pedagogy (Germany) and Traute Ehlerding, a lawyer with the focus on flight and asylum of the lawyer's office Rudolf, Goldschadt und Kollegen (Germany).

Considering the unique needs of West African survivors of human trafficking for the purpose of sexual exploitation, this Dublin-Pre-Return Counselling Manual was created to equip social workers from anti-trafficking counselling centres in Germany to prepare their clients for a Dublin return to Italy. The counselling walks clients through the return process and pre-emptively connects them to an anti-trafficking counselling NGO in the destination country, namely Italy, who can receive them after the completion of an active deportation. In addition, German social workers<sup>5</sup> shall be equipped to accompany survivors through the return experience, providing psycho-social support throughout the process in real time via phone and text messaging thereby minimising the negative impacts of experiencing forced return.

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<sup>2</sup> Dublin Regulation (EU) No 604/2013

<sup>3</sup> 27 European Union countries (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden) and Norway, Iceland, Switzerland and Liechtenstein.

<sup>4</sup> European Commission 2014: "I have asked for asylum in the EU – which country will handle my claim?" Information about the Dublin Regulation for applicants for international protection pursuant to article 4 of Regulation (EU) No 604/2013.

<sup>5</sup> See glossary.

To prevent re-trafficking, provide immediate assistance and minimise re-traumatisation in such cases, a **Dublin-Return Assistance Network** has been developed within the context of the SISA project. Members of the network will assist in analysing the survivor's safety and provide immediate relocation services when needed, while cooperating with Government/State Actors to facilitate the official residency re-assignment to a city where other network partners exist. An updated list of network Members can be found on the SISA website (<https://sisa-europe.eu>).

With regard to the implementation of this Manual, the authors assume that all possible legal steps to prevent a Dublin return have been or are being made in cooperation with a specialised lawyer. Following is a list of important steps<sup>6</sup> to take in order to convince the Federal Office for Migration and Refugees (BAMF)<sup>7</sup> or the administrative court (Verwaltungsgericht) to make use of the sovereignty clause (Selbsteintrittsrecht) and carry out the asylum procedure in Germany:

- Receiving asylum counselling and support from a specialised counselling centre for asylum seekers.
- Employing a lawyer and fighting for the client's rights at court hearings.
- Collecting any medical certificates on the client's vulnerability from doctors, psychiatrists, psychologists etc.
- Documenting the client's flight/migration story including any form of mistreatment, poor living conditions and human rights violations suffered in other EU Member States.
- Documenting family links in the EU Member State where the client wants to live.
- Legally and practically evaluating the possibility of church asylum as a temporary solution until the deportation window legally closes.
- Applying for witness tolerance (Zeuginnenduldung) at the immigration office (§25 (4) AufenthG) if the client is a victim/witness in a criminal proceeding.
- Evaluating the possibility of bridging the 6-month deportation window with an inpatient stay in a hospital or psychiatric care facility.
- Re-opening the asylum procedure through the client's lawyer if the 6-month deportation window has closed (or typically 18 months in cases of evasion through hiding).

Only when all these attempts have been unsuccessful and the risk of a Dublin return is real (meaning the minimum 6-month deportation window opens OR it is foreseeable that it will open soon), does this manual come into play. Sometimes, of course, the processes run in parallel, and one has to start with pre-return counselling, although some legal options to prevent a Dublin return are currently being exhausted.

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<sup>6</sup> Welcome to Europe (w2eu) 2019: Information against the Fear: How to stop a Dublin deportation from Germany to other EU-countries. Available from: <https://w2eu.info/en/countries/germany/dublin> [retrieved 18.05.2021]

<sup>7</sup> See glossary.

For asylum seekers who have completed the asylum procedure in the first EU member state, i.e. who have received a rejection or a protection status, this list applies only to a limited extent, as they are not included in the Dublin-III-Regulation. For example, there is then no 6-month deportation window. However, since their return is practically equivalent to a Dublin return (insofar as they are usually not deported to their home country), the other chapters of this handbook can also be applied to this target group.

What awaits you in this manual:

**Chapter 1** aims to equip German social workers to carry out Dublin return counselling BEFORE the return takes place.

**Chapter 2** aims to equip German and Italian social workers in providing assistance to Dublin returnees during the return process (by telephone and via online messaging services).

**Chapter 3** aims to equip Italian social workers to provide emergency assistance to newly arriving Dublin returnees.

Some details that the authors considered particularly important based on their own social work experience are highlighted in green boxes.

Unfortunately, due to the current political situation, Dublin returns of trafficked people between Germany and Italy still take place and therefore we consider this manual as necessary. Nevertheless, we take a clear position against involuntary Dublin returns to Italy in general (due to the poor reception conditions for returnees in Italy<sup>8</sup>) and against the forced return of trafficked persons in particular (due to the widespread trafficking networks in Italy where returnees are often known, as Italy was often the country where the sexual exploitation took place<sup>9</sup>).

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<sup>8</sup> Swiss Refugee Council OSAR 2020: Reception conditions in Italy: Updated report on the situation of asylum seekers and beneficiaries of protection, in particular Dublin returnees, in Italy. Berne, January 2020. Online: [https://www.fluechtlingshilfe.ch/fileadmin/user\\_upload/Publikationen/Dublinlaenderberichte/200121-italien-aufnahmebedingungen-en.pdf](https://www.fluechtlingshilfe.ch/fileadmin/user_upload/Publikationen/Dublinlaenderberichte/200121-italien-aufnahmebedingungen-en.pdf) [retrieved: 18.05.2021]

<sup>9</sup> Blöcher, Jessica/ Luisa Eyselein, Simon Kolbe, Anja Wells 2020: Handbook for practitioners: The Integration of Female Nigerian Survivors of Human Trafficking for the Purpose of Sexual Exploitation, AMIF-cofunded INTAP Project. Online: [https://intap-europe.eu/wp-content/uploads/Handbook\\_Nigerian\\_SoT.pdf](https://intap-europe.eu/wp-content/uploads/Handbook_Nigerian_SoT.pdf) [retrieved 18.05.2021]



# BEFORE the Return:

## Pre-Return Counselling in Germany

The responsible German social worker<sup>10</sup> should start Dublin pre-return counselling if, as described in the introduction of this manual, all possible legal steps have been taken (or are still in progress) to prevent a Dublin return and the client is nevertheless obliged to leave the country (i.e. the minimum 6-month deportation window is opening or is foreseeable to open soon).

**1** If necessary, explain to the client again what the Dublin regulation means, what has been done so far by social workers and lawyers to undermine the regulation for her, and why she is now in the situation of being in danger of being forcibly returned.

**2** Explain to your client how a return process works (see chapter 2). If possible, use a positive example of past returns of former clients (anonymised), who managed the return well and have been able to build a good life in Italy with the help of Italian social workers.

## IMPORTANT:

**Provide your client with this list of items to have ready in case of active deportation:**

- Mobile phone (with credit), input German and Italian NGO contact info into the phone
- Mobile phone charging cable
- Travel bag pre-packed with personal items, medicines, important documents
- German Social Worker's business card with relevant contact information
- Italian Social Worker's business card with relevant contact information/address
- 50€ in cash for a train ticket from the airport in Italy to the receiving NGO
- Bank card

<sup>10</sup> See glossary.

- 3 Inform the client about the first steps and the further process after her arrival in Italy (see chapter 3).
- 4 Allow space for the client's questions, fears and anger and respond with psychosocial and trauma-sensitive counselling<sup>11</sup>.
- 5 If you have not already done so, find out the client's responsible Questura<sup>12</sup> from the client. Then contact an NGO member of the I-DAN near that Questura.

The I-DAN (Italian **D**ublin **R**eturn **A**ssistance **N**etwork for trafficked women) includes Italian NGOs which are specialised in assisting and counselling West African trafficked women through a Dublin-return from Germany to Italy. The network is under continuous development. See the current network partners on <https://sisa-europe.eu>.

- 6 Once you have made contact with an NGO that is able to receive your client, send the NGO a password-protected Client Information Sheet (see appendix). The NGO in Italy may ask the client to fill out additional documents such as a confidentiality agreement, intake form, etc.

## IMPORTANT:

7

Arrange a joint video/phone call with a social worker from the Italian NGO to connect your client with the responsible case worker and provide a platform for the client to ask questions and minimise apprehensions. If the receiving NGO provides integration programs or has any regulations for staying in their accommodations the clients should be informed of them at this time.

8

Stay in touch with your client, repeat important information, encourage the client to ask questions and respond psycho-socially and trauma-sensitively to her concerns about the return.

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<sup>11</sup> First aid kit for trauma, Online: <https://traumafirstaid.wordpress.com> [retrieved: 18.05.2021]

Theresa's self-help lab: resources for dealing with trauma and dissociation, Online: <https://www.dis-sos.com> [retrieved: 18.05.2021]

<sup>12</sup> See glossary.

# DURING the Return:

## Dublin Return Process

### How does the Dublin return process actually work?

The date of the scheduled Dublin return is usually undisclosed, but practice shows that exceptions are sometimes made.

In most cases, the police arrive to the returnee's accommodation at night (between 1:00am and 3:00a.m). The returnee usually has about 15 minutes to pack her things and is allowed to take 2-3 bags with her.

### IMPORTANT:

It is important that clients are aware of your operating hours as well as the receiving NGO's operating hours. Knowing what time they can call in the event of an active deportation can be a resource in minimizing trauma. For organisations that run 24/7 emergency hotlines, clients who call at the beginning of an active deportation typically need brief stabilisation, a reminder of what to take along and assurance that someone is ready to receive them in Italy.

At the airport, the returnee is handed over to the airport police and waits until the flight to Italy departs.

#### **To do's for the German social worker:**

While the returnee is in contact with the local police, airport police or other airport staff, she may ask for the destination airport and the planned arrival time in Italy. Prepare her in advance to provide you and the Italian NGO with this information as soon as possible. Weather by phone or via online messenger services, maintaining high communication to all parties will ensure a successful connection to the receiving NGO.

Once you are aware of the active deportation situation, contact the Italian social worker (see chapter 2). Inform him/her about the return progress of your client and ask him/her to get in touch with the client via phone and online messenger service. Staying in contact with your client until she has met the Italian social worker in person is a critical component to the process. Continually encourage her to keep you AND the Italian social worker updated on the return progress. Also stay in contact with the Italian social worker to ensure that all important information is being communicated and that the Italian social worker and the client are in contact.

## What happens once the returnee arrives at the Italian airport?

At the Italian airport, the returnee is met by the border police. After some formalities, the returnee is asked to go to the Questura<sup>13</sup> where she first applied for asylum during her first stay in Italy. Normally, the returnee has a few days to get there and re-register in order to resume the asylum procedure. The returnee needs to have cash with her to purchase the train tickets.<sup>14</sup>

### **To do's for the German and the Italian social worker:**

Although the border police typically inform returnees of their obligation to proceed to the respective Questura, they usually do not provide any assistance to get there. This is where the German and Italian social workers should coordinate together to ensure that the returnee is directed to the right train connection. Within the first few days of arriving, the Italian social worker should take the client to the Questura to restart the asylum process.

### **Important for the Italian social worker:**

If the client's phone has been confiscated and she contacts you through the Border Police, reassure her that after the registration and delivery of a notification to the responsible Police Headquarters, her mobile phone will be returned to her. Briefly stabilise the client psycho-socially and trauma-sensitively. Ask the client to contact you again from her phone as soon as the formalities of the Border Police are over.

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<sup>13</sup> See glossary.

<sup>14</sup> Raphaelswerk e.V. 2020: ITALY: Information for refugees who are returned to Italy. Last update in June 2020. Online: <https://www.raphaelswerk.de/wirberaten/fluechtlinge/zumindest-nicht-ohne-information> [retrieved: 18.05.2021]

Depending on the German counselling centre's hours of operation, communication about the active deportation may initially be delayed. Despite this, once first contact is established between the client and the German social worker, ongoing communication should be maintained until the client has met the Italian social worker in person. Experience shows that the return takes around 12 hours from start to finish.

For social workers who care for, accompany and counsel clients, it is important - despite possible emotional stress and political-administrative dissent - to act according to the laws and rules, or the respective work-related mission and conceptual conditions. It should be emphasised that resistance to the state's enforcement of a Dublin return order should take place exclusively within the framework of legal possibilities.

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<sup>8</sup> Swiss Refugee Council OSAR 2020: Reception conditions in Italy: Updated report on the situation of asylum seekers and beneficiaries of protection, in particular Dublin returnees, in Italy. Berne, January 2020. Online: [https://www.fluechtlingshilfe.ch/fileadmin/user\\_upload/Publikationen/Dublinlaenderberichte/200121-italien-aufnahmebedingungen-en.pdf](https://www.fluechtlingshilfe.ch/fileadmin/user_upload/Publikationen/Dublinlaenderberichte/200121-italien-aufnahmebedingungen-en.pdf) [retrieved: 18.05.2021]

<sup>9</sup> Blöcher, Jessica/ Luisa Eyslein, Simon Kolbe, Anja Wells 2020: Handbook for practitioners: The Integration of Female Nigerian Survivors of Human Trafficking for the Purpose of Sexual Exploitation, AMIF-cofunded INTAP Project. Online: [https://intap-europe.eu/wp-content/uploads/Handbook\\_Nigerian\\_SoT.pdf](https://intap-europe.eu/wp-content/uploads/Handbook_Nigerian_SoT.pdf) [retrieved 18.05.2021]

# AFTER the Return:

## First steps in Italy

Since the destination of the return flight is usually only disclosed during the active return process, it is first necessary that the Italian social worker is equipped with contact information of organisations that offer emergency accommodations in primary airport cities throughout Italy. In the case of mothers with children or pregnant women, suitable accommodation facilities for the protection of motherhood are available (e.g. Life Aid Centres<sup>15</sup>).

The Italian and/or German social worker will play a key role in directing the returnee on where to purchase a train ticket and where she will be spending her first night. The social workers should evaluate the vulnerability of the client and the distance to the final destination to determine if emergency accommodation in the airport city is necessary.

In cases of particular vulnerability, the Italian social worker should meet the client directly at the airport or the client and her children should be placed into temporary custody by the Border Police and be provided with assistance through the local Social Service agency. In the event of a health emergency where an ambulance is contacted through the free telephone number 118, it is necessary that the client gives medical staff the telephone contact information of the Italian social worker.

### **Taking charge<sup>16</sup>: accommodation, legal assistance<sup>17</sup>, healthcare**

**1** The Italian social worker - and linguistic mediator, if necessary – should welcome the returnee at the respective train station and accompany her to the accommodation. After meeting her basic needs, the client should be informed about any regulations and safety measures of the housing facility. Privacy and data protection documents should be signed and information about next steps and legal support should be briefly explained. If applicable, the role of the reintegration programme coordinator and mandatory participation in the reintegration programme should be explained. In the case of mothers with children, clients should be informed that the local Social Service agency will be working in cooperation with the receiving NGO to ensure adequate assistance is given to the child and his/her mother.

**2** The NGO providing accommodation to the client is obligated to give written notice of the client's arrival within 48 hours to the local Authority of public Security<sup>18</sup>. The social worker should inform the client of this standard communication.

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<sup>15</sup> See glossary.

3

If the client qualifies to obtain a health card, the Italian social worker should register the client with the National Health Service<sup>19</sup> by contacting the local Sanitary Service office. In addition, access to urgent medical care for the child and pregnant mothers is available when the client is registered as a foreigner temporarily present in Italy.

## IMPORTANT:

With the client's consent and using a gender-sensitive and trauma-sensitive approach, the Italian social worker should identify any specific medical needs of the returnee. This should include possible state of pregnancy and overall status of physical and mental health. Any disabilities or disorders should be identified, and any mental and psychological violence or serious forms of psychological, physical and sexual violence should also be identified.

4

Depending on the migration route and the exploitation indicators, following the assessment of the competent Questura, the Italian social worker accompanies the client to the competent office of the Questura for the re-application of asylum or, if identified as a victim of trafficking, for the application for a permit for special cases. The social worker ensures the support of a lawyer and, if necessary, a linguistic mediator in preparing for the asylum interview at the Territorial Commission of the competent Prefecture or for the possible complaint at the competent office of the Police Headquarter.

### To do's for the Italian social worker:

At this stage, it is very important to explain the rights relating to health care and the possibility to request a residence permit<sup>20</sup>. These rights, including the right to translation services are guaranteed to the client. Even survivors of trafficking who have completed the assistance and integration programme retain these rights. Allow space for the client's questions, fears and anger and respond with psycho-social and trauma-sensitive counselling. Keep in mind that she has already been rejected for asylum in Germany because of the Dublin Regulation. She should be encouraged repeatedly at this stage to overcome the anxiety and stress of procedures and long waiting times for residence permits.

<sup>19</sup> Pursuant to art. 7 of the Single Text Immigration - D. Lgs. 286/1998 and subsequent modifications, the communication is always due, regardless of the duration of the hospitality or whether it is hospitality to relatives or relatives. The written communication must include, in addition to the complainant's personal details, those of the migrant, the details of the passport or identification document and the exact location of the property transferred or in which the foreigner is housed or housed.

<sup>20</sup> Online: <https://www.salute.gov.it/portale/home.html> [retrieved: 18.05.2021]

<sup>21</sup> According to the Directive 2011/36/EU Art. 11 par. 6 victims of trafficking must be guaranteed the right to receive information on the possibility for States to grant international protection. Refugee status (international protection) or subsidiary protection status may be granted to a foreign national who so requests. Specifically, the refugee is a foreign national who, for well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a certain social group or political opinion, is outside the territory of the country of which he is a citizen and cannot or, because of this fear, does not wish to avail himself of the protection of that country, a foreign national who does not qualify for refugee status but has reasonable grounds to believe that, if he returns to his country of origin, or he would run a real risk of suffering serious damage. Online: [www.interno.gov.it/it/temi/immigrazione-e-asilo/protezione-internazionale](http://www.interno.gov.it/it/temi/immigrazione-e-asilo/protezione-internazionale) [retrieved: 18.05.2021]

# Appendix

## Client Information Sheet

The document is also available for download on the SISA website (<https://sis-europe.eu>).

The document shall be sent password protected via email. If the NGO's standard confidentiality agreement does not cover cases of international information sharing, an additional confidentiality agreement should be drawn up for this case.

### Anti-Trafficking NGO supporting client in Germany:

### Anti-Trafficking NGO receiving client after return to Italy:

### Client's Personal Data:

SURNAME:

FIRST NAME:

DATE OF BIRTH:

PLACE OF BIRTH:

MARITAL STATUS:

HEALTH:

CHILD(REN):

*Does the client have birth  
certificates of the child(ren)?  
Information about the father  
of the child(ren)?*



## Information about client's stay in Italy:

Entry date in Italy

Address(es) in Italy

*(Please indicate any Italian cities where residency assignment would pose a threat to the client due to past forced prostitution or human trafficking experiences.)*

Has the client been in contact with an anti-trafficking organisation or another help organisation (Caritas, Red Cross, SPRAR/SIPROIMI (centres for asylum seekers, clients often call them "camp")) in Italy?

Did the client file a criminal complaint in Italy? If yes, where? Are there any documents?

Questura – police headquarter where the client applied for asylum in Italy

or Prefettura - territorial commission for the recognition of international protection (where the client conducted her asylum interview)

Residence Permits (Permessi di soggiorno) most frequently issued in the past and in recent years:

- Motivi Umanitari (Humanitarian reasons)
- Casi speciali (Special cases)
- Art. 18 (According to art.18 of Legislative Decree 286/98 the permit for humanitarian reasons, now called special cases, is a permit issued to victims of trafficking)
- Asilo
- Protezione internazionale (International Protection)
- Protezione sussidiaria (Subsidiary Protection)

- Cure mediche (Medical care)
- Minore età (Permit for minors)
- Art.31 Assistenza minori (According to art.31 of Legislative Decree 286/98, the Juvenile Court may issue a permit for child care to the parents of a foreign minor if the conditions are met)
- Ricongiungimento familiare (Family reunification)
- Lavoro (Labor)
- Studio (Study)

Does the client have an original document or a copy with her?

#### Information about client's stay in Germany:

Entry date in Germany:

Where and when did the client apply for asylum in Germany?

Address(es) in Germany:

Did the client file a criminal complaint in Germany? If yes, where? Are there any documents?



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