SESSION 2 (Wednesday, 30 June, 13:15 – 15:00, BST)

2C - The Challenges of Asylum Adjudication in Italy: Perspectives from the Field

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The international protection before the judge: A study on the decisions of the Tribunal of Bologna

Alessandro Fiorini 
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Asilo in Europa

The presentation focuses on the main findings of a study carried out between June and August 2019, thanks to a cooperation between the Emilia-Romagna Regional Authority (DG Social integration), the Tribunal of Bologna and Asilo in Europa. The study aimed to shed light on the judicial review of asylum decisions, a field which suffers from a chronic lack of research in Italy.

The Tribunal of Bologna – which is competent for reviewing the 1st instance, administrative, decisions taken within the regional territory of Emilia-Romagna – gave Asilo in Europa’s researchers access to its database in order to collect data and information. The study was limited in scope. It covered only appeals lodged after August 2017 - when a thorough legislative reform on asylum appeals entered into force - by asylum seekers coming from Bangladesh and Nigeria, two of the main countries of origin of asylum seekers in Italy.

The presentation follows the structure of the study and is divided into two different sections. The first one shows the figures on recognition rates – broken down by nationality, sex and type of protection. The second section elaborates on the most important findings of the in-depth analysis of 87 decisions taken by the Tribunal, with a focus on the legal reasoning, the credibility assessment, the use of COI, the approach towards the most recurrent claims.

Keywords: Asylum adjudication, recognition rates, legal reasoning, credibility assessments
Mr. Alessandro Fiorini is a lawyer, specialised in EU law on immigration and asylum. He has worked as consultant for NGOs and institutions in the field of asylum since 2006, including national and EU agencies. He is one of the founders of Asilo in Europa.

**Adjudicating refugee cases in Italy: Insights from a judge** (NOT INCLUDED IN VIDEO)

**Matilde Betti**  
Judge, President of International Protection Chamber  
Tribunale di Bologna, Italy

The recent experience of the Italian courts has been of a dramatic increase in refugee law cases. This represents a huge challenge both for our justice system and for our legal culture. On the one hand, the very high increase in the number of these cases has not been matched with a higher number of judges and the backlog of refugee cases is now a national issue in the Italian judiciary. On the other hand, the training of lawyer and judges in this area is poor. The professionals working today in this field did not get any such teaching at University and their training comes either from personal interest or from occasional courses. A civil judge who deals with refugee cases must change their role from merely listening to also gathering evidence and must learn to understand cases related to very different cultural contexts.

In the experience of deciding refugee cases, the tension between law and justice becomes most apparent. Refugee law offers international protection when one’s own state puts somebody’s fundamental human rights at stake. Migration towards Europe starts from very different situations: wars, hope for a better life, persecutions, poverty. The right to migrate is enshrined in different international laws but the European Union has a restrictive legislation towards immigration. Applying as an asylum seeker may appear to be the only way one is allowed to be in Europe. Refugee law has a different scope but can become an arena where human lives ask to be recognized.

**Keywords:**  
Decision making, reasons for migration, European law, Italy

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Ms. Matilde Betti is the president of the International Protection Chamber in the Court of Bologna since 2017. She has worked as a judge since 1984, with experience in different areas of law. She started as judge in the criminal chamber for 20 years, then she worked for 7 years in the court of protection. Later, she was appointed as president of the family court in Bologna and in that capacity was called as a consultant by the local government and was heard in Parliament by legislative commissions.
The asylum waltz: Private feelings and public statements

Maurizio Veglio  
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Lawyering in the asylum field poses an endless list of challenges. Narratives from asylum seekers are conveyed by lawyers into written legal statements aimed at supporting claims for international protection. Throughout the process the former are (often unconscious) authors, while the latter become co-authors, shaping words into a script. Often a mandatory, though ambivalent, in-between-player, the interpreter, offers higher degree of understanding as well as the risk of hidden impasse.

Resulting legal papers encapsulate life diaries and chronicles of violence, obsession and death, a contemporary form of literature mingling history, drama and legal storytelling. Voices from survivors share epic, post-colonial accounts, narrated in rotten languages (pidgin, creole) that defy national standards and borders.

In the quest for success, asylum seekers attempt to satisfy expectations of the decision makers, paving the way for adjustments, exaggerations, coup de théâtre; on the other hand, case workers and judges usually pursue the ideal refugee figure, regardless of its actual existence. Under a cloud of mutual suspicion, both parts second-guess each other and legal papers are the mirror through which the applicant's image gets deflected, and possibly denied, or disclosed, and eventually acknowledged.

The asylum waltz engages basic human feelings: fear, the crucial statement for any asylum seeker, versus trust, the sentimental core of the credibility evaluation; disguise versus moral judgement; and above all, the effort to revert law from a supremacy tool into a justice-generating factor.

**Keywords:** Storytelling, credibility, narrative, literature, Italy

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