

The Italian Legal Framework for the Protection of Unaccompanied Foreign Minors

Law No. 47/2017 (the so-called Zampa Law) and the integrated protection system

CHILD LAW

MIGRATION POLICY

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A Complex System: The Puzzle Metaphor

Managing an unaccompanied foreign minor (UAM) can be compared to a **puzzle**: if even a single piece fails to fit, the entire picture becomes incomprehensible, incomplete, or ineffective.

The Italian regulatory framework coordinates across multiple levels:

Legislative Decree 142/2015

Transposition of the EU Reception Directive

Legislative Decree 286/1998

Consolidated Immigration Act

UN Convention – Art. 3

Best interests of the child

EU Charter – Art. 24

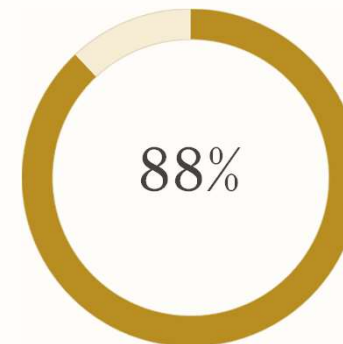
Fundamental rights of the child

The Data: Who Are the Minors Present in Italy?



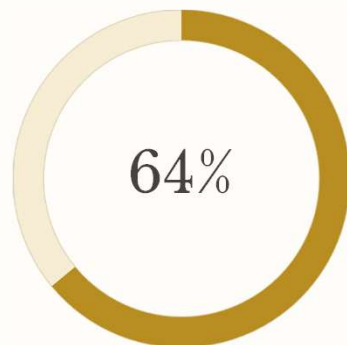
UAMs Present

As of 28 February 2026 (source: Ministry of Labour)



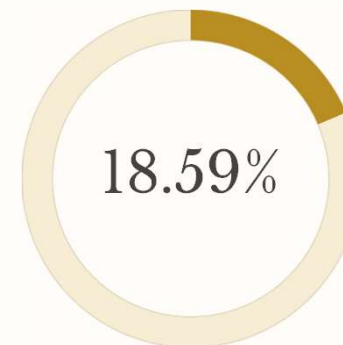
Male

Predominantly between 16 and 17 years old



African

Primary geographic area; Egypt is the top country of origin



Ukrainian

Increased following the war emergency; lower average age

The distribution across the territory is concentrated in **Sicily** (proximity to landings), **Lombardy** (Balkan route, employment prospects) and **Campania** (strong networking capacity among local authorities and the third sector).

The Zampa Law: Founding Principles

Law No. 47/2017 represented a systemic turning point, establishing for the first time a comprehensive and organic body of legislation dedicated entirely to UAMs.

Equal Treatment

Art. 1: no distinction between Italian and foreign minors in terms of protections afforded

Non-Refoulement

Immediate protection regardless of administrative status

Family Preference

Art. 7: family foster care takes priority over placement in residential facilities

Best Interests of the Child

The guiding criterion for every decision, also enshrined in Art. 24 of the EU Charter

The Reception System: Two Levels

Second Reception

Integration, education, and progressive autonomy

Health Services

Medical care and psychological support

First Reception

Immediate protection and initial assessment

82% of minors present are housed in facilities; **18%** are placed with private individuals. Of the latter, **87%** are from Ukraine, often hosted by family members already residing in Italy. As of December 2025, **11,060 minors** (65% of the total) are in second-level reception within the SAI system.

First Reception: Structure of Facilities

01

Specialised Government Facilities

Art. 19 para. 1 Legislative Decree 142/2015

02

CAS Minori (Prefecture)

Max 50 places per facility; activated in situations of extraordinary influx

03

Sections in Adult Centres

Minors ≥ 16 years, max 90 days + 60-day extension — a residual and controversial measure

04

Emergency Facilities

Hotels and municipal emergency response (Law 563/1995) — temporary solutions

An Empowering Reception: Operational Principles

The system must not simply protect: it must **guide towards autonomy**. The principle of the best interests of the child cannot remain an abstract formula — it must translate into concrete action.

Holistic Approach

Linguistic and cultural mediation, school integration, vocational training, legal protection, and housing and employment guidance

Reciprocity

A collaborative pact between services and minors that produces favourable outcomes for both parties, not a one-directional welfare relationship

Time Perspective

Even a few months of quality reception can have a decisive impact on the future of a young person

Age Determination: A Critical Juncture

The procedure under **Art. 19-bis Legislative Decree 142/2015** is built on three fundamental principles:

1 Residuality

Assessment is triggered only in the presence of *well-founded doubts*, not automatically

2 Multidisciplinarity

Comprehensive evaluation: social, psychological, and medical elements — not a single radiological examination

3 Presumption of Minority

In cases of residual doubt, the person **must be considered a minor** (Art. 19-bis, para. 8)

Practical Shortcomings: The Gap Between Law and Practice

The regulatory framework appears advanced. In practice, however, implementation presents **serious and widespread discrepancies** that risk hollowing out the legislative safeguards.

Interpretation of "Well-Founded Doubt"

Not uniform across the territory: in some cases based on physical appearance, influenced by cultural and nutritional factors that are not comparable

Bone X-Ray Still in Use

A scientifically unreliable method for migrant populations, developed on non-comparable samples — yet still widely used (e.g. the Pantelleria case)

Assessment Imbalance

Medical aspects predominate at the expense of social and psychological ones, undermining the multidisciplinary character prescribed by law

Limited Access to Justice

Minors are rarely able to pursue effective judicial protection: administrative distortions remain without concrete sanction

Conclusions: The Challenge Lies in Implementation

The Italian system offers a solid normative foundation that is recognised at the European level. The challenge lies not so much in the law itself, but in its concrete, uniform, and rights-protective application.

Territorial Uniformity

Overcoming the serious discrepancies in local practices that produce inequalities in access to rights

Procedural Quality

Ensuring cultural mediation, informed consent, and genuine multidisciplinary in every age assessment procedure

Access to Justice

Strengthening judicial protection mechanisms so that legal violations can be effectively sanctioned

📌 The principle of the best interests of the child must guide every decision