

DISCUSSION PAPER

Lessons from the *Legge Zampa*:

The Promise and Fragility of Italy's Human Rights Framework
for Unaccompanied Migrant Children

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Executive Summary

In *Independent Children, Inconsistent Adults*, an influential Discussion Paper published by UNICEF-Innocenti in 2008, human rights scholar Jacqueline Bhabha lamented that no existing legal framework addressed the diverse needs of children migrating on their own. In 2017, Italy sought to address some of these deficiencies by adopting the first holistic national framework for the migration of unaccompanied children, grounded in the human rights protections enshrined in the United Nations Convention on the Rights of the Child (CRC). Italy's Law 47/2017 – also referred to as the *Legge Zampa* for its namesake Senator – was immediately hailed by UNICEF, Save the Children Italia and other children's rights groups as setting a new standard for addressing unaccompanied child migration within a human rights framework.

This Discussion Paper revisits Bhabha's foundational work and provides an essential retrospective on the legacy of Italy's landmark law, contributing to UNICEF-Innocenti's ongoing efforts to protect children on the move within a rights-based order. First, this Discussion Paper reshines light on the key features of the Zampa Law that continue to deserve recognition as an innovative conceptual model for the protection of unaccompanied migrant children. Second, it analyses gaps in implementation that have surfaced between the law's text and the reality on the ground. Third, looking to the future, this Discussion Paper identifies three intersecting challenges that threaten the integrity of the Zampa Law's core protections: the externalisation of border enforcement, the increased criminalisation of foreign youth, and the fragile transition of migrant children to adulthood.

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In Search of a Human Rights Framework for Migrant Children

Almost two decades have passed since UNICEF’s global research headquarters published an influential 2008 Discussion Paper by children’s rights scholar Jacqueline Bhabha calling for a human rights-based legal framework to address the manifold needs of children who migrate on their own.¹ In the years since *Independent Children, Inconsistent Adults* was released, the number of children who cross borders without a parent or other responsible adult has grown.² In the United States, apprehensions of unaccompanied migrant children increased more than twelvefold, from 8,041 in 2008 to 98,356 in 2024.³ The European Union (EU) has witnessed similar trends: whereas 7,405 unaccompanied children applied for asylum in 2008, 33,160 did so in 2024.⁴ At the same time, children on the move face new barriers to their mobility, protection and independence.

This Discussion Paper revisits Bhabha’s search for a human rights framework for child migration. It does so through a case study of Italy, a leading EU destination for unaccompanied child migrants and the first EU country to enact a comprehensive, human rights-based approach to govern the treatment of unaccompanied children.⁵ In so doing, this Discussion Paper shines light on the accomplishments of the Italian model introduced in 2017, while also analysing implementation gaps and emerging challenges that limit its application and reach.

Independent Children, Inconsistent Adults

In *Independent Children, Inconsistent Adults*, Bhabha emphasised that children, like adults, “migrate across borders” and “face legal consequences as a result of their migration”.⁶ Yet children migrate within a legal

- 1 Bhabha, Jacqueline, ‘Independent Children, Inconsistent Adults: International child migration and the legal framework’, Discussion paper, United Nations Children’s Fund Innocenti Research Centre, Florence, May 2008, p. i, <www.un-ilibrary.org/content/papers/25211110/3/read>, accessed 14 March 2026.
- 2 This Discussion Paper uses umbrella terms including “unaccompanied migrant children”, “children on the move” and “children migrating on their own” to refer to children crossing borders “as defined in article 1 of the Convention on the Rights of the Child of 20 November 1989 (CRC), who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so”. International Organization for Migration, ‘Unaccompanied Children on the Move’, IOM, Geneva, 2011, p. 11, <<https://publications.iom.int/books/unaccompanied-children-move>>, accessed 20 March 2026. See also International Data Alliance for Children on the Move, *Children on the Move: Key terms, definitions and concepts*, IDAC, 2023, p. 6, <www.onlinelibrary.iihl.org/wp-content/uploads/2025/02/2023-International-Data-Alliance-for-Children-on-the-Move-IDAC-Children-on-the-move-Key-terms-definitions-and-concepts.pdf>, accessed 20 March 2026 (defining “children on the move” as including “child migrants” and “children in need of international protection, such as refugees and asylum-seekers”); Menjívar, Cecilia, and Krista M. Ferreira, ‘Undocumented and Unaccompanied: Children of migration in the European Union and the United States’, *Journal of Ethnic and Migration Studies*, vol. 45, no. 2, 2019, p. 201 (noting that “the term ‘unaccompanied’ can veil the presence of many social actors who shape these [child] migrations at the onset, during the journey, and at the destination”).
- 3 Kandel, William A., ‘Unaccompanied Alien Children: An overview’, Congressional Research Service, no. R43599, 5 September 2024; United States Office of Refugee Resettlement, ‘Unaccompanied Alien Children: Data – Referrals’, Administration for Children and Families, Washington, D.C., 11 March 2026, <<https://acf.gov/orr/about/ucs/facts-and-data>>, accessed 20 March 2026 (data measured by fiscal year, spanning from 1 October to 30 September of the following year).
- 4 Eurostat, ‘Asylum Applicants Considered to Be Unaccompanied Minors by Citizenship, Age and Sex - Annual Data’, Eurostat, 22 May 2026, <https://doi.org/10.2908/MIGR_ASYUNAA>, accessed 6 June 2026. The number for 2008 excludes an additional 4,285 unaccompanied children who applied for asylum in the United Kingdom, which is no longer part of the European Union. It also excludes Croatia, which was not yet part of the EU.
- 5 United Nations High Commissioner for Refugees, United Nations Children’s Fund and International Organization for Migration, ‘Migrant and Refugee Children via Mixed Migration Routes in Europe: Accompanied, unaccompanied and separated – Overview of trends – 2024’, UNICEF Europe and Central Asia Regional Office, 2025, p. 2 <www.unicef.org/eca/documents/migrant-and-refugee-children-2024-mixed-migration-routes-europe>, accessed 14 March 2026.
- 6 Bhabha, ‘Independent Children, Inconsistent Adults’, p. i.

regime constructed for adults that does not address their particular vulnerabilities or adequately protect them from harm.⁷ To illustrate this point, Bhabha surveyed the three existing legal approaches to child migration, none of which were satisfactory. The first framework constructed child migrants as victims of trafficking crimes.⁸ The second framework treated child migrants as “family dependents”, allowing them to migrate lawfully only as part of a family unit that meets “the parameters for legal migration”.⁹ The third framework recognised only children who suffer human rights violations that qualify them for asylum, such as sexual exploitation or torture.¹⁰

To Bhabha, each of these three frameworks was necessarily an “incomplete” solution that failed to engage children’s interests “systematically and comprehensively”.¹¹ Missing was a holistic approach capable of encompassing all child migrants, regardless of their reason for migrating or individual life stories. Indeed, at the time, there was no “single piece of international or regional legislation” that simultaneously governed the status of child migrants as noncitizens and their survival in a “new social environment”.¹²

Achieving such an all-encompassing mechanism, Bhabha urged, would require a broader conceptualisation of children who migrate. Such a framework would have to acknowledge that children are not just victims of trafficking, travelling with family members or seeking asylum, but may also be what Bhabha called “independent child migrants”.¹³ That is, children who travel on their own “to survive”, for family reunification or “in search of opportunities, whether educational or employment related”.¹⁴

According to Bhabha, a holistic policy structure would include a range of protections vital to child welfare, such as “the protection of rights to education, to health, to shelter, [and] the prohibition on discrimination, arbitrary detention, [and] inhuman treatment”.¹⁵ It would also ensure that children could achieve “permanent legal status”, beyond just asylum, which applies only to select migrants fleeing persecution.¹⁶ Furthermore, to facilitate effective legal pathways, the framework must grant children “access to effective mentorship and legal representation” to guide them through the legalisation process and ensure they do not “give up” their rights and “end up undocumented”.¹⁷ Additionally, Bhabha stressed that a comprehensive regulatory scheme would need to foster the “inclusion” of child migrants, promote opportunities for their “participation in policy formation” and acknowledge their “capacity for ... action”.¹⁸

7 Bhabha defines independent child migrants as “children who migrate across national borders separately (though not necessarily divorced) from their families”. Ibid., p. 2.

8 Ibid., p. 1.

9 Ibid.

10 Ibid., p. 2.

11 Ibid., p. i.

12 Ibid.

13 Ibid., p. 2.

14 Ibid.

15 Ibid., p. 5. Similar concepts were later enshrined in the New York Declaration for Refugees and Migrants, unanimously adopted by the United Nations General Assembly on 19 September 2016. See, e.g., A/Res/71/1, para. 32 (“We are determined to ensure that all children are receiving education within a few months of arrival, and we will prioritize budgetary provision to facilitate this, including support for host countries as required. We will strive to provide refugee and migrant children with a nurturing environment for the full realization of their rights and capabilities”); para. 33 (“[R]ecognizing that detention for the purposes of determining migration status is seldom, if ever, in the best interest of the child, we will use it only as a measure of last resort, in the least restrictive setting, for the shortest possible period of time, under conditions that respect their human rights and in a manner that takes into account, as a primary consideration, the best interest of the child, and we will work towards the ending of this practice”).

16 Bhabha, ‘Independent Children, Inconsistent Adults’, p. 7.

17 Ibid.

18 Ibid., p. 2. Bhabha’s framework elevates “the principle of child agency or voice”, as enumerated in Article 12 of the Convention on the Rights of the Child, alongside the best interest principle to create a more comprehensive schema capable of addressing the complexities of international child migration. Ibid. For further development of the tensions between a children’s rights framework and the lived experiences of children on the move, see Klaassen, Mark, Stephanie Rap, Peter Rodrigues and Ton Liefwaard, eds., *Safeguarding Children’s Rights in Immigration Law*, Intersentia, Cambridge, UK, 2020.

Mounting Pressure to Reform Italy's Reception of Migrant Children

The lack of a comprehensive human rights framework for the protection and support of child migrants gained worldwide attention as the number of children crossing borders on their own began to surge in the early 2010s. Fuelled by events such as the Arab Spring and the Libyan and Syrian Civil Wars, more children were forced to embark on the often treacherous journey to safety.¹⁹ Italy soon emerged as a focal point in political debates on how states should respond to the arrival of children on their territory.

In the first months of 2011, thousands of migrants, including many children unaccompanied by any parent or guardian, arrived by boat on the tiny Italian island of Lampedusa near the coast of Tunisia.²⁰ Italian officials were unprepared, and many migrants were left sleeping in the streets and unable to access medical care.²¹ The situation was particularly dire for unaccompanied children who were left to fend for themselves without appropriate supervision or support to ensure their welfare.²²

The nightmarish scene laid bare the tragic consequences of having no system in place to adequately respond to the needs of unaccompanied child migrants. Reacting to the emerging chaos, members of the Council of Europe's Parliamentary Assembly visited Lampedusa and discovered children housed in "unsuitable" and overcrowded conditions with unrelated adults.²³ The situation in Lampedusa was deemed "critical", with the island "just one boat" away from being completely overwhelmed.²⁴

As conditions deteriorated, demands from the international community for a response grounded in human rights standards intensified.²⁵ In late 2011, the United Nations Committee on the Rights of the Child expressed concern "at the lack of a holistic and common approach" within Italy, made acute because of the "absence of comprehensive guidelines and legal framework on unaccompanied children".²⁶ In particular, the Committee noted Italy's uneven application of "existing legal protections and procedures for appointing guardians and issuing residence permits for unaccompanied children".²⁷ It also critiqued the inappropriate use of "a medical approach" for age assessments at the border that failed to give children "the benefit of the doubt" where

19 Maneggia, Amina, 'The Principle of the Best Interests of the Child in the Italian System of Protection of Unaccompanied Migrant Children', in *Children in Migration: Status and identity*, edited by Joanna Markiewicz-Stanny, Tomasz Milej and Agnieszka Wedel-Domaradzka, Nomos, Baden-Baden, Germany, 2022, p. 235.

20 Amnesty International, 'Italy: Amnesty International findings and recommendations to the Italian authorities following the research visit to Lampedusa and Mineo', Briefing paper, 21 April 2011, pp. 1, 3, <www.amnesty.org/en/documents/eur30/007/2011/en>, accessed 15 March 2026.

21 Ibid., pp. 1–2; Amnesty International Italia, 'Lampedusa: migliaia di persone in condizioni "fagghiaccianti"', Press release, Amnesty International Italia, Rome, 30 March 2011, <www.amnesty.it/lampedusa-migliaia-di-persone-in-condizioni-agghiaccianti>, accessed 15 March 2026.

22 'Italy: Amnesty International findings and recommendations', p. 3.

23 Ad Hoc Sub-Committee on the Large-Scale Arrival of Irregular Migrants, Asylum-Seekers and Refugees on Europe's Southern Shores, *Report on the Visit to Lampedusa (Italy): 23-24 May 2011*, AS/Mig/AhLarg (2011) 03 Rev 2, Parliamentary Assembly of the Council of Europe, 30 September 2011, paras. 35, 63, 66.

24 Ibid., paras. 16, 35.

25 While this Discussion Paper focuses on Italy, it is important to emphasise that during this period other EU nations were also criticised for failing to address the plight of unaccompanied migrant children. For example, concerns were raised regarding the detention of unaccompanied minors in Greece "for long periods in inadequate or poor conditions", including keeping them in shared facilities with adults. Amnesty International, 'Greece: Irregular migrants and asylum-seekers routinely detained in substandard conditions', Amnesty International Publications, London, 27 July 2010, pp. 6–7, <www.amnesty.org/en/documents/eur25/002/2010/en>, accessed 16 March 2026. Spain was found to have repatriated unaccompanied children "with no heed to the best interests of the child", subjected them to "ill" treatment in reception centres and detained them "without the benefit of a lawyer's assistance". Human Rights Committee, Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant: Concluding observations of the Human Rights Committee – Spain, CCPR/C/ESP/CO/5, United Nations, October 2008, para. 21. Indeed, in 2015, the European Commission described the situation as a "human tragedy in the whole of the Mediterranean" necessitating a common "European approach". European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A European agenda on migration, COM/2015/0240 final, p. 3.

26 Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Concluding observations – Italy, CRC/C/ITA/CO/3-4, United Nations, 31 October 2011, para. 66.

27 Ibid.

there was uncertainty regarding age.²⁸ The Committee recommended that Italy “introduce comprehensive legislation ensuring the assistance and protection of unaccompanied children”.²⁹

In 2014, the European Commission initiated a proceeding alleging that Italy fell below EU standards for the treatment of unaccompanied minors.³⁰ The Commission called out Italy’s inadequate guardianship system for allowing children to languish months at a time without the appointment of a guardian.³¹ These extreme delays meant that older children often turned 18 without being able to applying for asylum, since children could not formally register their asylum claim without a guardian.³² The severe shortage of guardians also gave way to a regular practice of appointing the mayor as guardian for dozens of minors, with the mayor’s responsibilities later delegated to overburdened social workers who could not adequately address the children’s acute needs.³³

Further complicating the situation was the EU’s 2015 adoption of a “hotspot” strategy for border management. By designating high-volume arrival sites as hotspots, this approach aimed to swiftly identify and register incoming migrants and promote the sharing of responsibilities for migration management across the EU.³⁴ However, hotspots soon prompted concerns about poor living conditions, overcrowding and prolonged detention.³⁵ As implemented in Italy, hotspots proved especially difficult for unaccompanied children, who present with unique challenges and vulnerabilities.³⁶ Efforts to contain arriving migrants in Italian hotspots

28 Ibid. This critique of Italy’s age assessment procedures is consistent with General Comment No. 6, which addresses the treatment of unaccompanied minors outside of their country of origin. See Committee on the Rights of the Child, General Comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin, CRC/GC/2005/6, United Nations, 1 September 2005, para. 31(i) (providing that children must be accorded “the benefit of the doubt such that if there is a possibility that the individual is a child, she or he should be treated as such”).

29 Consideration of Reports Submitted by State Parties under Article 44, para. 67. Specific recommendations of the Committee, grounded in principles set forth in General Comment No. 6, included the need to “establish a specific and permanent national authority to oversee the condition of unaccompanied children, identify their needs and address challenges in the current system, and to develop operational guidelines on unaccompanied children, including on reception, identification, needs assessment and protection strategy”. Ibid. In addition, the Committee recommended that Italy “adopt a unified age-assessment procedure for unaccompanied children that is multidisciplinary and fully upholds the principle of the benefit of the doubt”. Ibid.

30 The European Commission initiated these infringement proceedings pursuant to Article 258 of the Treaty on the Functioning of the European Union, asserting that Italy had failed to fulfil its obligations under Council Directive 2003/9/EC of 27 January 2003, which established minimum standards for the reception of asylum seekers, and Council Directive 2005/85/EC of 1 December 2005, which set out minimum standards on procedures in Member States for granting and withdrawing refugee status. Italy, *Procedura di infrazione n. 2014/2171 – ex art. 258 del. TFUE: Protezione dei minori non accompagnati richiedenti asilo – Violazione della ‘Direttiva procedure’, Documenti XVII legislatura, Doc. LXXIII, n. 8, p. 65*. In January 2018, after passage of the Zampa Law, the Commission closed the infringement procedure. Osservatorio Nazionale sui Minori Stranieri non Accompagnati, ‘Approfondimento n. 6/luglio 2020: La normativa e le basi giuridiche a tutela dei MSNA – Un’analisi fra Unione Europea, Italia e Regioni’, edited by Marianna Lunardini, Centro Studi di Politica Internazionale, July 2020, p. 21, <https://www.cespi.it/sites/default/files/osservatori/allegati/approf_6_-_attuazione_della_legge_zampa_-_parte_giuridica_marianna_lunardini.pdf>, accessed 17 June 2026. See also Maneggia, ‘Principle of the Best Interests of the Child’, p. 254 (characterising Law No. 47/2017 as partially a response to the infraction procedure brought against Italy).

31 *Procedura di infrazione n. 2014/2171*, p. 58. In Rome, guardians represented as many as 100 children at a time. European Council of Refugees and Exiles, ‘Right to Justice: Quality legal assistance for unaccompanied children – Comparative report’, ECRE, July 2014, p. 30, <www.refworld.org/reference/themreport/ecre/2014/101372>, accessed 16 March 2026.

32 Ibid., p. 58 (noting that unaccompanied children in Italy could “claim asylum on their own”, but the asylum procedure was “suspended” until the guardian was appointed and “present to formally register the claim”).

33 *Procedura di infrazione n. 2014/2171*, p. 65.

34 European Commission, Communication from the Commission to the European Parliament and the Council on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration, COM/2016/085 final. See generally Amnesty International, ‘Hotspot Italy: How EU’s flagship approach leads to violations of refugee and migrant rights’, Amnesty International, 3 November 2016, <www.amnesty.org/en/documents/eur30/5004/2016/en>, accessed 16 March 2026 (highlighting the flaws in the new hotspot procedures in Italy).

35 See generally Radjenovic, Anja, ‘The Hotspot Approach in Greece and Italy’, European Parliamentary Research Service, October 2023, <[www.europarl.europa.eu/RegData/etudes/BRIE/2023/754569/EPRS_BRI\(2023\)754569_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2023/754569/EPRS_BRI(2023)754569_EN.pdf)>, accessed 15 March 2026, pp. 1, 8, 10.

36 Ibid., pp. 7–8.

during registration and fingerprinting also led to the de facto detention of unaccompanied minors, sometimes for weeks,³⁷ in direct contravention of the CRC.³⁸

Meanwhile, the number of unaccompanied child migrants arriving in Italy continued to increase. In 2016, 25,856 unaccompanied children arrived by sea to Italy, doubling the number of arrivals from the prior year.³⁹ In 2017, the number of unaccompanied children seeking asylum in the country reached a high of 10,005 – exceeding the number of asylum applications filed by unaccompanied children in any other EU Member State.⁴⁰ To place these numbers in context, in 2017, Italy had over four times the number of unaccompanied children apply for asylum as Greece and one-tenth more than Germany.⁴¹

Finally, litigation before the European Court of Human Rights also compelled Italy to address the situation of unaccompanied child migrants. Two unaccompanied boys who arrived on the coast of Italy in 2016 challenged that their treatment violated the European Convention on Human Rights (ECHR).⁴² The boys had been placed in a severely overcrowded adult detention centre in Cona that lacked basic amenities, resulting in children sleeping in cramped quarters with unrelated adults.⁴³ Relying on faulty wrist and hand X-Rays to assess age,⁴⁴ Italian officials classified the boys as adults and did not assign them guardians.⁴⁵ In an exceptional move, in February of 2017, the Strasbourg Court issued a provisional ruling ordering Italy to transfer the boys to a facility suitable for children that complied with domestic and international standards regarding the protection of unaccompanied minors.⁴⁶ By thus making clear that Italy would be held accountable for the conditions facing unaccompanied children, this development further encouraged the formulation of a national response to protect the wellbeing of migrant children present in the territory.⁴⁷

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- 37 Human Rights Watch, 'Italy: Children stuck in unsafe migrant hotspot – Extended stays, no separation from adults', HRW, Milan, 23 June 2016, <www.hrw.org/news/2016/06/23/italy-children-stuck-unsafe-migrant-hotspot>, accessed 10 March 2026 (reporting that unaccompanied "[c]hildren as young as 12 ... are kept for weeks in overcrowded and unsafe conditions" at a Sicilian migrant registration centre designated by the EU as a "hotspot").
- 38 See General Comment No. 6, para. 61 ("In application of article 37 of the Convention and the principle of the best interests of the child, unaccompanied or separated children should not, as a general rule, be detained").
- 39 United Nations Children's Fund, 'Number of Unaccompanied or Separated children Arriving by Sea to Italy Doubles in 2016', Press release, Lampedusa, Italy, 13 January 2017, <www.unicef.org/press-releases/number-unaccompanied-or-separated-children-arriving-sea-italy-doubles-2016>, accessed 14 March 2026.
- 40 'Asylum Applicants Considered to Be Unaccompanied Minors by Citizenship, Age and Sex - Annual Data'.
- 41 Ibid. (reporting 2,455 asylum applications from unaccompanied children in Greece and 9,085 in Germany in 2017, compared to 10,005 in Italy).
- 42 European Court of Human Rights, *Darboe and Camara v. Italy*, Application No. 5797/17, Judgment, 21 October 2022, paras. 1–2, 5, 8, 11.
- 43 Ibid., paras. 22–23, 29.
- 44 Ibid., para. 12. The European Asylum Support Office considered the measuring of bones with X-Rays to be "physically intrusive" and objectionable "on ethical grounds" because it exposed children to harmful radiation without a medical necessity. Ibid., para. 87. Additionally, the European Committee of Social Rights found that bone testing was "inappropriate and unreliable" and violated Article 17 of the European Social Charter. Ibid., para. 70.
- 45 Ibid., paras. 17, 70. The applicant's physician stated that the method employed was insufficient to conclusively determine the applicant's age. Subsequently, using a more reliable technique, the physician confirmed that the applicant's declared date of birth was "compatible with that initially indicated by him". Ibid., para. 33.
- 46 European Court of Human Rights, *Darboe and Camara c. Italie*, Application no. 5797/17, Affaire communiquée, 14 February 2017. Adding mounting scrutiny, the following month, the Strasbourg Court issued a provisional ruling in another case brought by minors improperly held at the same adult facility in Italy, ordering their transfer to an appropriate accommodation for unaccompanied children. *Dansu et autres c. Italie*, Application no. 16030/17, Affaire Communiquée, 20 March 2017.
- 47 See generally Rozzi, Elena, 'L'accertamento dell'età e l'accoglienza dei minori non accompagnati all'esame della Corte Edu', *Minorigiustizia*, no. 3, 2017, pp. 220–228 (arguing that the use of provisional measures to improve reception conditions by the Strasbourg Court was an essential tool to protect the rights of unaccompanied minors). Before the final judgment, Camara's representatives "lost contact" with applicant Moussa Camara, resulting in striking his claim from the application. *Darboe and Camara v. Italy*, paras. 6, 97–98. In its final judgment in 2022, the Strasbourg Court held that placement of the remaining applicant, Ousainou Darboe, in an adult reception centre violated Article 3 of the ECHR by inflicting "inhuman and degrading treatment" and found that Italian authorities had breached Article 8 of the ECHR by failing to exercise reasonable diligence in age assessments. *Darboe and Camara v. Italy*, paras. 157, 183, 199, 203.

Italy's *Legge Zampa*

Confronted with multiple pressures for reform, Italy sought to address the situation of child migrants through parliamentary action. On April 7, 2017, the legislature passed Law Number 47/2017 with enthusiastic and broad support – 375 “yes” votes and only 13 “no” votes.⁴⁸ The new law set forth a series of substantive protections, grounded in children’s rights principles, to govern the situation of all unaccompanied minors.⁴⁹ The law quickly became popularly known as the *Legge Zampa*, or the Zampa Law, after one of the senators who championed the reforms, Sandra Zampa.⁵⁰

By “harmoniz[ing] the legal, international and national regulation of the unaccompanied foreign minors’ protection system”, the Zampa Law sought to foster an “integrated approach of practices to ensure full protection of the best interests of minors”.⁵¹ The new law broke ground by responding to Bhabha’s call for a holistic legal structure grounded in human rights to address the situation of “independent child migrants”, regardless of their migration status or reason for crossing borders.⁵² Consistent with the Italian Constitution’s embrace of fundamental human rights and the protection of children,⁵³ the legislation closely followed the principles outlined in the CRC.⁵⁴ Written with the participation of leading child rights experts,⁵⁵ the Zampa Law was immediately celebrated as the first comprehensive framework for protecting the rights of unaccompanied migrant children – a model for other countries in Europe and around the world.⁵⁶

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- 48 Italy, Legge 7 aprile 2017, n. 47, Disposizioni in materia di misure di protezione dei minori stranieri non accompagnati [Law No. 47 of 7 April 2017, Provisions on Protective Measures for Unaccompanied Foreign Minors] (17G00062), translated by the Autorità Garante per l’Infanzia e l’Adolescenza, 2017, <www.garanteinfanzia.org/sites/default/files/2020-03/law-no-47-of-2017-on-uams-en.pdf>, accessed 20 March 2026.
- 49 The Zampa Law defines “unaccompanied foreign minor” as a child “who has neither Italian nor EU citizenship, who is, for any reason, in the territory of the State or who is otherwise subject to the Italian jurisdiction, without any assistance and representation by his parents or other adults legally responsible for him”. Law No. 47 of 7 April 2017, art. 2(1).
- 50 OXFAM Italy et al., ‘Teach Us for What Is Coming: The transition into adulthood for unaccompanied minors in Europe – Case studies from France, Greece, Ireland, Italy, and the Netherlands’, OXFAM, 2021, p. 18, <https://oi-files-d8-prod.s3.eu-west-2.amazonaws.com/s3fs-public/2021-06/Teach%20us%20for%20what%20is%20coming%20report_2.pdf>, accessed 14 March 2026.
- 51 Law No. 47 of 7 April 2017, art. 20.
- 52 Bhabha, ‘Independent Children, Inconsistent Adults’, p. 2 (cataloguing the range of reasons why children “migrate across national borders separately” from their families and noting that those who travel “in search of education and/or work opportunities are the least catered to by specific child migration measures”).
- 53 The Italian Constitution recognises the human rights of all individuals, requires the protection of children and youth and provides that the Republic is responsible for the support and education of children in instances where their parents are unable. Italy, Constitution of the Italian Republic, Parliamentary Information, Archives and Publications Office of the Senate Service for Official Reports and Communication, Rome, 27 December 1947, arts. 2, 30, 31.
- 54 The Zampa Law gives effect to several guarantees enshrined in the CRC, including the right to be heard (art. 12), to healthcare (art. 24) and to education (art. 28), as well as the principle of non-discrimination (art. 2) and the best interests of the child (art. 3). See United Nations, Convention on the Rights of the Child, United Nations, New York, 20 November 1989.
- 55 Lelliott, Joseph, ‘Italy’s ‘Zampa’ Law: Increasing protection for unaccompanied children’, *Forced Migration Review*, no. 57, February 2018, p. 79.
- 56 See, e.g., United Nations Children’s Fund Europe and Central Asia Regional Office, ‘UNICEF Hails New Italian Law to Protect Unaccompanied Refugee and Migrant Children as Model for Europe’, Press release, ECARO, Rome/Geneva, 29 March 2017, <www.unicef.org/eca/press-releases/italian-law-protect-refugee-children>, accessed 14 March 2026 (arguing that the Zampa Law provides “refugee and migrant children a sense of predictability in their uncertain lives after risking so much to get to Europe” while serving as “a model for how other European countries could put in place a legislative framework that supports protection”); Save the Children Italia, ‘Minori stranieri non accompagnati, le Associazioni: “Finalmente una legge per proteggerli”’, Save the Children Italia, Rome, 29 March 2017, <www.savethechildren.it/press/minori-stranieri-non-accompagnati-le-associazioni-finalmente-una-legge-proteggerli>, accessed 14 March 2026 (stating that Law 47/2017 is the first comprehensive measure in Europe specifically targeting the protection of unaccompanied minors and that it should serve as a model for other European countries); European Council on Refugees and Exiles, ‘Italy: Developing Europe’s most elaborate system for protecting refugee children’, ECRE, 7 April 2017, <<https://ecre.org/italy-developing-europes-most-elaborate-system-for-protecting-refugee-children>>, accessed 14 March 2026 (commending Italy’s new children’s rights reforms as “positive measures”).

At its core, Law 47/2017 recognised unaccompanied foreign children as equals to Italian children and sought to protect them from discrimination by requiring affirmative measures to ensure their success.⁵⁷ Article 1 declared that all “unaccompanied foreign minors are holders of the rights concerning children’s protection and enjoy equal treatment with minors of Italian or European citizenship”.⁵⁸ This equality mandate meant that unaccompanied migrant children had the same rights as Italian children – such as access to public educational and health services.⁵⁹ To achieve the guarantee of equal treatment, the law required consideration of unaccompanied migrant children’s “condition of greater vulnerability” and affirmed the necessity of ensuring their integration into Italian society.⁶⁰

As the discussion that follows describes, the law’s signature reforms can be divided into four main pillars: guardianship, age assessment, reception conditions and pathways to lawful status.

The New Figure of Voluntary Guardian

The first pillar of Law 47/2017 was the introduction of a new figure, the voluntary guardian. As Article 11 specified, “voluntary guardians” are private citizens who are “selected and adequately trained” and “available to take on the protection” of up to three unaccompanied minors.⁶¹ Voluntary guardians must be at least 25 years old, proficient in Italian and have a good record of conduct.⁶² The Juvenile Courts were ordered to maintain a list of all volunteer guardians available to assist unaccompanied minors.⁶³ Voluntary guardianship was immediately hailed as an innovative “best practice” for the EU.⁶⁴

The voluntary guardian position is entirely unpaid and, depending on the child’s needs, can be time-consuming.⁶⁵ After receiving training, volunteers are sworn in by the Juvenile Court and tasked with assisting the unaccompanied children they represent in all matters affecting their health, welfare or immigration status. For example, the voluntary guardian assists the minor at all stages of the international protection procedure,

57 In this way, the Zampa Law mirrors the CRC’s protections from discrimination and requirement of “proactive measures to ensure equal treatment and equal opportunities”. Kanics, Jyothi, ‘The Best Interests of Unaccompanied and Separated Children: A normative framework based on the Convention on the Rights of the Child’, ch. 3 in *Unaccompanied Children in European Migration and Asylum Practices: In whose best interests?*, edited by Mateja Sedmak, Birgit Sauer and Barbara Gornik, Routledge, Oxfordshire, 2019, p. 39.

58 Law No. 47 of 7 April 2017, art. 1(1).

59 With respect to ensuring access to health care, the Zampa Law amended Article 34(1) of the Decreto Legislativo 25 luglio 1998, no. 286, which required unaccompanied foreign minors to register with the National Health Service as soon as their presence became known to Italian authorities. With respect to education, the Zampa Law provided additional measures to facilitate “the fulfilment of compulsory education”, as set out in Article 38 of the same Decreto Legislativo. Ibid., art. 14. In both respects, the Zampa Law operationalised the guarantees provided by the Italian Constitution, including Article 34, which provides that “schools are open to everyone” and “capable and deserving pupils have the right to attain the highest levels of education”, as well as Article 32, which “safeguards health as a fundamental right of the individual and as a collective interest, and guarantees free medical care to the indigent”. Constitution of the Italian Republic, arts. 32, 34.

60 Law No. 47 of 7 April 2017, art. 1(2).

61 Ibid., art. 11(1).

62 These standards were set out in the first public notice of recruitment for the voluntary guardian position by the Ombudsman. Autorità Garante per l’Infanzia e l’Adolescenza, ‘Avviso pubblico per la selezione di soggetti idonei a svolgere la funzione di tutori legali di minori stranieri non accompagnati a titolo volontario e gratuito in Abruzzo, Molise, Sardegna, Toscana, Valle d’Aosta (art. 11 Legge 7 aprile 2017, n. 47’, AGIA, art. 1(1), <www.garanteinfanzia.org/wp-content/uploads/2025/06/Tutori20Volontari_AvvPubb20AGIA.pdf>, accessed 1 March 2026.

63 Law No. 47 of 7 April 2017, art. 11(1). As of 2026, Italy is in the process of reconstituting the Juvenile Courts as part of a new Tribunal for Persons, Families and Minors (Tribunale per le persone, per i minorenni e per le famiglie). Tribunale per i minorenni di Cagliari, ‘Prospettive: la Riforma Cartabia ed il tribunale per le persone, i minorenni e le famiglie’, Ministero della Giustizia, Cagliari, <https://tribmin-cagliari.giustizia.it/it/la_riforma_cartabia.page> accessed 10 July 2026.

64 Autorità Garante per l’Infanzia e l’Adolescenza, ‘La tutela legale dei minori stranieri non accompagnati in Italia alla luce della legge 7 aprile 2017, n. 47 recante “Disposizioni in materia di misure di protezione dei minori stranieri non accompagnati” come modificata dal decreto legislativo 22 dicembre 2017, n. 220’, EU Agency for Fundamental Rights, 2018, p. 6, <https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-it-guardianship-legal-update_it.pdf>, accessed 1 March 2026.

65 Long, Joëlle, ‘Voluntary Guardianship for Unaccompanied Children in Italy: Strengths and weaknesses of a new model’, in *The Rights of Unaccompanied Minors: Perspectives and case studies on migrant children*, edited by Yvonne Vissing and Sofia Leitao, Springer, Cham, Switzerland, 2021, p. 190.

including during the individual asylum interview and in the case of an appeal.⁶⁶ One study in Turin found that guardianship of a single unaccompanied child requires around five hours of engagement each week.⁶⁷

The invention of voluntary guardianship offered an alternative to the untenable situation in which mayors or their delegates were assigned mass numbers of unaccompanied minors.⁶⁸ It also had another function: promoting “social parenting and active citizenship”.⁶⁹ As Ester di Napoli writes, the model of voluntary guardianship was noteworthy because it involved “the private citizen ... in the construction of a relationship of trust with the minor(s) in guardianship”.⁷⁰ In the ideal development of the model, the voluntary guardian establishes a “one-on-one relationship that goes beyond helping with the paperwork” to assist the child “in a real path of integration” that includes sharing the guardian’s “knowledge and social and relational resources”.⁷¹ By supporting migrant children, voluntary guardians become “positive agents of change” that foster “an inclusive society attentive to the needs of the most vulnerable”.⁷²

Procedures for Identifying Foreign Minors

A second pillar of the Zampa Law was a revamped procedure to identify unaccompanied children when they arrived in Italy. Prior to Zampa, local practices for initial interviews and age assessments varied widely and often failed to respect standards set out by the Committee on the Rights of the Child.⁷³ For example, some regions treated children undergoing age assessments as adults and adjudicated minor age using problematic skeletal measurements known to yield an error rate of up to two years.⁷⁴

The Zampa Law, in contrast, endorsed a protective, multidisciplinary protocol for initial interviews and resolving any doubts about a child’s age.⁷⁵ Pursuant to Zampa, the reception facility’s staff, in the presence of a cultural

66 United Nations Children’s Fund Italia, ‘Toolkit metodologico e strumenti pratici per l’implementazione di interventi a supporto del sistema di tutela volontaria’, UNICEF Italia, 2025, pp. 19–20, <www.datocms-assets.com/30196/1740147375-annessi-toolkit.pdf>, accessed 1 March 2026.

67 ‘La tutela legale dei minori stranieri non accompagnati in Italia’, p. 5 (stating that when the Zampa Law was adopted in 2017, no reimbursements were offered to support voluntary guardians).

68 Turino, Rita, ‘L’informazione e la formazione dei tutori volontari di MSNA nelle Regioni Piemonte e Valle d’Aosta’, ch. 1 in *Tutori volontari di minori stranieri non accompagnati: Materiali per l’informazione e la formazione*, edited by Joëlle Long, Wolters Kluwer Italia, Milan, 2018, p. 2.

69 Autorità Garante per l’Infanzia e l’Adolescenza, ‘Linee guida per la selezione, la formazione e l’iscrizione negli elenchi dei tutori volontari ex art. 11 della l. 7 aprile 2017, n. 47’, AGIA, <www.garanteinfanzia.org/sites/default/files/2020-03/Linee%20guida%20tutori%20volontari.pdf>, accessed 20 March 2026.

70 Di Napoli, Ester, ‘La Tutela Volontaria Dopo la Legge N. 47/2017’ in *La Protezione dei Minori Non Accompagnati al Centro del Dibattito Europeo e Politico*, edited by Alessandra Annoni, Jovene Editore, Naples, 2019, p. 82.

71 Turino, ‘L’informazione e la formazione dei tutori volontari di MSNA nelle Regioni Piemonte e Valle d’Aosta’, p. 3.

72 Autorità Garante per l’Infanzia e l’Adolescenza, ‘Ascolto e partecipazione dei minori stranieri non accompagnati come metodologia di intervento: Risultanze delle visite dell’Autorità garante per l’infanzia e adolescenza nelle strutture di accoglienza SAI per minori stranieri non accompagnati (2022)’, AGIA, Rome, 2023, p. 8, <www.garanteinfanzia.org/wp-content/uploads/2025/06/report-visite-sai-2023.pdf>, accessed 1 March 2026 (quoting in Italian a statement of Matteo Biffoni, Mayor of Prato and delegate of the Associazione nazionale dei comuni italiani).

73 Rozzi, Elena, ‘L’Italia, un modello per la protezione dei minori stranieri non accompagnati a livello europeo?’, in *Il diritto d’asilo: Report 2018 – Accogliere, proteggere, promuovere, Integrare*, edited by Mariacristina Molfetta and Chiara Marchetti, Fondazione Migrantes, Rome, 2018, pp. 89–90 (arguing that the Zampa Law’s explicit reference to unaccompanied minors operationalises the CRC’s protections, including ensuring the recognition and protection of their rights in accordance with the principle of non-discrimination under Article 2 of the CRC).

74 Milani, Silvano, and Lodovico Benso, ‘Why We Can’t Determine Reliably the Age of a Subject on the Basis of His Maturation Degree’, *Journal of Forensic and Legal Medicine*, vol. 61, February 2019, p. 97, <<https://pubmed.ncbi.nlm.nih.gov/30537639/>>, accessed 1 March 2026.

75 The Zampa Law was built on earlier iterations of laws in Italy governing age assessment procedures. See, e.g., Italy, Decreto Legislativo 28 gennaio 2008, n. 25, Attuazione della direttiva 2005/85/CE recante norme minime per le procedure applicate negli Stati membri a fini del riconoscimento e della revoca dello status di rifugiato, art. 19 (providing for non-invasive medical age assessments for unaccompanied children seeking asylum, with the minor’s consent, when doubts arise as to their age); Italy, Decreto Legislativo 18 agosto 2015, n. 142, Attuazione della direttiva 2013/33/UE recante norme relative all’accoglienza dei richiedenti protezione internazionale, nonché della direttiva 2013/32/UE, recante procedure comuni ai fini del riconoscimento e della revoca dello status di

mediator, must first “carry out an interview with the minor, aimed at deepening his personal and family history and at bringing out every other element useful for his protection”.⁷⁶ In addition, where possible, the child should be assisted “by organisations, bodies or associations with proven and specific experience in the protection of minors”.⁷⁷

If “serious doubts” about the minor’s declared age emerge from this interview, the minor must be accompanied by a voluntary guardian and assisted by a “cultural mediator” during further inquiry.⁷⁸ Any such doubts are to be resolved primarily through examination of the minor’s “identity document”, but if uncertainty persists, the Public Prosecutor’s Office of the Juvenile Court “may arrange for social and health examinations” to assess age.⁷⁹ A “socio-health” assessment must “be carried out in a suitable environment”, offer the support of a cultural mediator, follow “a multidisciplinary approach” with “appropriately trained professionals” and utilise “the least invasive ways possible”.⁸⁰ Throughout this age-assessment process, “the minor’s reception is guaranteed by the appropriate reception facilities for minors”.⁸¹ Finally, even if the results of the procedure remain inconclusive, the child is “presumed” to be a minor “for all legal purposes”.⁸²

Reception Capacity and Conditions

The third pillar of Law 47/2017 addressed reception capacity and conditions. Responding directly to concerns about the dismal conditions endured by migrant children, the reform required development of dedicated reception facilities that meet the protection needs of minors.⁸³ To enhance integration and support, Law 47/2017 reduced the period of time (from 60 to 30 days) unaccompanied children could be placed in temporary reception centres – known as sites of first reception – that do not meet minimum standards for the care of Italian children.⁸⁴ Moreover, the law ensured that, even while in first reception, children receive “emotional and psychological assistance” as well as representation by a guardian.⁸⁵

The Zampa Law also fostered integration by granting migrant children, like Italian children, access to placement with Italian foster families.⁸⁶ In fact, the Zampa Law prioritised the placement of migrant children with suitable families over other residential options, facilitated through the “awareness and training” of local authorities.⁸⁷ As UNICEF has found, Italy’s foster care system “offers a relationship-based and inclusive solution for both families and the children placed with them”.⁸⁸ When compared to an institutional setting, family placement can lead “to improved health, better educational outcomes, and greater social participation in adulthood”.⁸⁹

protezione internazionale (15G00158), art. 19-bis (authorising a Juvenile Court prosecutor to order a socio-medical age assessment when doubts about age persist after the reception centre interview and identity document verification).

76 Law No. 47 of 7 April 2017, art. 5(1) (amending Decreto Legislativo 18 agosto 2015, n. 142, art. 19-bis(1)).

77 Ibid.

78 Ibid., art. 5(1) (amending art. 19-bis(2)–(3)).

79 Ibid., art. 5(1) (amending art. 19-bis(3)–(4)).

80 Ibid., art. 5(1) (amending art. 19-bis(5)–(6)).

81 Ibid., art. 5(1) (amending art. 19-bis(2)).

82 Ibid., art. 5(1) (amending art. 19-bis(8)).

83 Ibid., art. 4(1) (adding to the existing Italian law that unaccompanied minors must be received in facilities “dedicated to them”).

84 Ibid.

85 Ibid., art. 5(1) (amending art. 19-bis(3)) and art. 15(1). This aspect of the Zampa Law expanded on an earlier law which provided for a meeting with a developmental psychologist to evaluate a minor’s personal situation while in first reception. Decreto Legislativo 18 agosto 2015, n. 142, art. 19(1) (requiring a developmental psychologist to evaluate the minor’s personal circumstances, the context of their departure from their country of origin and their future expectations).

86 Law No. 47 of 7 April 2017, art. 7(1).

87 Ibid., art. 6(2).

88 United Nations Children’s Fund Europe and Central Asia Regional Office, ‘Family Values: An investment case for prioritizing foster care for unaccompanied migrant and refugee children in Italy’, ECARO, June 2025, p. 3, <www.unicef.org/eca/media/40931/file/Investment%20case:%20prioritizing%20foster%20care%20for%20unaccompanied%20migrant%20and%20refugee%20children%20in%20Italy.pdf>, accessed 4 March 2026.

89 Ibid., p. 2.

Only when foster placements are unavailable may unaccompanied children be assigned to a second reception facility that offers long-term housing managed by local municipalities and funded by the Ministry of the Interior, which are designed to integrate migrant minors with psychosocial, educational and practical supports (known at the time of the Zampa Law as SPRAR (Sistema di Protezione per Richiedenti Asilo e Rifugiati). Under Zampa, these second reception sites must satisfy “the minimum standards of services and assistance” for Italian minors as outlined in “relevant national and regional legislation”.⁹⁰

In addition to limiting the time that minors could spend in first reception to 30 days, the Zampa Law sought to expand the capacity of SPRAR facilities to meet the housing needs of minors present in the territory.⁹¹ In practice, these second reception sites include apartments, small residential communities and group centres of varying sizes.⁹² The ongoing shortage of SPRAR-funded slots had resulted in many eligible children living instead in inferior, temporary reception centres for minors, known as Centri di Accoglienza Straordinaria or CAS minori.⁹³

Pathways to Regularise Migration Status

The fourth pillar of the Zampa Law protected unaccompanied children from expulsion or rejection at the border.⁹⁴ Unaccompanied children may enter the territory and regularise their status. Under no circumstances may they be deported or pushed back.

After Law 47/2017, migrant children follow one of two migration “pathways”.⁹⁵ The first pathway is asylum. Minors seeking asylum may file an application and participate in an interview process before a Territorial Committee (la Commissione territoriale per il riconoscimento della protezione internazionale) established within the Prefecture where they reside.⁹⁶ The Zampa Law revised the asylum process so that asylum can be requested before the Juvenile Court judge appoints a guardian. Minors could now lodge their asylum application “on their own” – or with the support of a professional at the reception facility.⁹⁷ While the

90 Law No. 47 of 7 April 2017, art. 12(1)(b).

91 Ibid., art. 12(1)(a).

92 Fondazione Cittalia, ANCI and Servizio centrale del Sistema di Accoglienza e Integrazione, *Rapporto Annuale del Sistema di Accoglienza e Integrazione*, XXIV ed., Servizio centrale SAI, Rome, 2026, pp. 43–44, <www.retesai.it/wp-content/uploads/2026/06/Rapporto-SAI-2026.pdf>, accessed 10 July 2026.

93 At the time the Zampa Law was passed, there were only 2,865 spots available in the SPRAR system for minors, meaning that many minors were instead transferred to CAS facilities. Direzione Generale dell’Immigrazione e delle Politiche di Integrazione, ‘Report di Monitoraggio: Dati al 31 agosto 2017’, Ministero del Lavoro e delle Politiche Sociali, Rome, 2017, p. 13, <www.lavoro.gov.it/en/documenti-e-norme/studi-e-statistiche/Documents/Report%20di%20monitoraggio%20I%20Quadrimestre%20-%20I%20Minori%20Stranieri%20Non%20Accompagnati%20MSNA%20in%20Italia/Report-di-monitoraggio-MSNA-31-agosto-2017.pdf>, accessed 10 July 2026.

94 Article 3 declares that unaccompanied minors can neither “be rejected at the border”, nor expelled. Ibid., art. 3(1). Expulsion may only occur if the minor’s presence endangers public order or national security, and the Juvenile Court decides “that the measure does not imply the risk of serious damage to the minor”. Ibid., art. 3(1)(b). This provision of the Zampa Law reinforced the expulsion bar for unaccompanied minors laid out in earlier Italian legislation. See Italy, Decreto Legislativo 25 luglio 1998, n. 286, Testo unico delle disposizioni concernenti la disciplina dell’immigrazione e norme sulla condizione dello straniero, art. 19(1-bis)–19(2).

95 Rozzi, Elena, ‘L’accoglienza dei minori stranieri non accompagnati e il rilascio dei documenti’, in *Tutori volontari di minori stranieri non accompagnati. Materiali per l’informazione e la formazione*, edited by Joëlle Long, Wolters Kluwer Italia, Milan, 2018, p. 70.

96 Cordiano, Alessandra, ‘Unaccompanied Foreign Minors and Asylum Seekers Under Italian Law: The issue of minors attaining majority’, in *The Rights of Unaccompanied Minors: Perspectives and case studies on migrant children*, edited by Yvonne Vissing and Sofia Leitao, Springer, Cham, Switzerland, 2021, p. 132.

97 Law No. 47 of 7 April 2017, art. 6(3); ‘Right to Justice’, p. 58. Although the child can lodge the claim on their own, the guardian needs to later “be present to formally register the claim (so-called *verbalizzazione*). The procedure is therefore suspended until a guardian is appointed”. Ibid.

application is pending, children receive a residence permit authorising them to remain lawfully in the country (*permesso di soggiorno per richiesta asilo*).⁹⁸

The second migration pathway is to regularise status through a special residency permit, without having to pursue asylum. Under Zampa, unaccompanied children qualify for a lawful residency based solely on their minor age (*permesso di soggiorno per minore età*).⁹⁹ Alternatively, unaccompanied children placed in family-based foster care may qualify for a residence permit “for family reasons” (*permesso di soggiorno per motivi familiari*).¹⁰⁰ Both the age-based and family-reason-based permits are valid until age 18.¹⁰¹ The Zampa Law simplified the procedures for obtaining these permits, allowing children to be issued residence permits at the police headquarters (*Questura*) without the need to appoint a guardian.¹⁰²

As seen in Figure 1, the number of asylum applications filed by unaccompanied children in Italy has declined since 2017, when the Zampa Law was passed.¹⁰³ In part, this decline reflects the availability of the alternative pathway just described that provides automatic eligibility for a residency permit. Obtaining a residency permit based on migrant age in lieu of asylum may be especially appealing, given a topic discussed later – the frequent rejection of minors’ asylum applications by Italy’s Territorial Commission (see Figure 3).

98 Rozzi, Elena, ‘L’accoglienza dei minori stranieri non accompagnati e il rilascio dei documenti’, pp. 70–71. See also National Commission for the Right to Asylum, ‘Practical Guide for Asylum Seekers in Italy’, Ministry of the Interior of Italy, 2024, pp. 18–19, <www.interno.gov.it/sites/default/files/allegati/la_guida_in_inglese.pdf>, accessed 14 March 2026.

99 Article 10 provides that foreign minors “for whom *refoulement* or expulsion are prohibited” can be issued residence permits for minor age or family reasons. Law No. 47 of 7 April 2017, art. 10. Article 3 of the Zampa Law introduces an unconditional prohibition on the *refoulement* of unaccompanied foreign minors at borders. *Ibid.*, art. 3. Unless ordered by a Juvenile Court judge in exceptional circumstances, unaccompanied minors cannot be expelled from Italy. Decreto Legislativo 25 luglio 1998, n. 286, art. 19(1-bis)–19(2). As a result, as Elena Rozzi explains, the vast majority of “unaccompanied children have the right to be issued a residence permit ‘for minor age’ simply on the grounds of their age”. Rozzi, Elena, ‘Unaccompanied Minors in Italy: Children or aliens?’, ch. 16 in *Research Handbook on Child Migration*, Edward Elgar Publishing, Cheltenham, UK, 2018, p. 245.

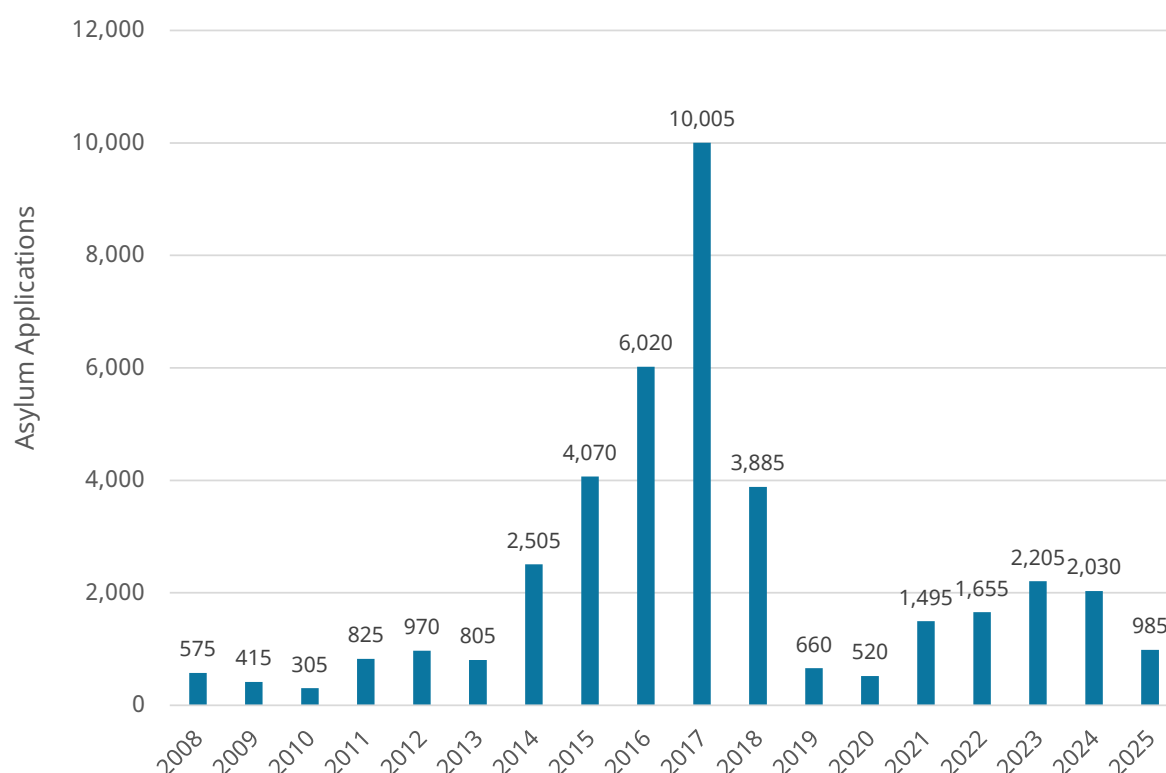
100 Law No. 47 of 7 April 2017, art. 10. For further explanation on residence permits for minor age and family reasons, see Manegga, ‘Principle of the Best Interests of the Child’, p. 243.

101 Law No. 47 of 7 April 2017, art. 10; Decreto Legislativo 25 luglio 1998, n. 286, art. 31(1).

102 Law No. 47 of 7 April 2017, arts. 1(1), 10.

103 Data included in Figure 1 were obtained from ‘Asylum Applicants Considered to Be Unaccompanied Minors by Citizenship, Age and Sex - Annual Data’. All applications shown in this Figure are from minors who were determined to be under 18 by the responsible authority after any age assessment procedure. Eurostat, ‘Technical Guidelines for the Data Collection under Art. 41-4.3 of Amended Regulation 862/2007 – Statistics on Asylum: Version 5.0 amended in December 2020 – 2021 reference periods onwards’, European Commission, Luxembourg, December 2020, p. 39, <https://ec.europa.eu/eurostat/cache/metadata/Annexes/migr_asyapp_esms_an_1.pdf>, accessed 20 March 2026.

Figure 1: Asylum Applications of Unaccompanied Children in Italy, 2008–2025



Although the number of asylum applications has shrunk since the time that the Zampa Law passed, Italy has still received a comparatively high number of child asylum applications within the EU, ranking fifth in 2024 and 2025 among EU Member States.¹⁰⁴ Italy has also remained one of the top intended destinations in Europe for migrant children. As of 2024, 77 per cent of children and young adults migrating along the Central Mediterranean route reported plans “to primarily reach Italy”.¹⁰⁵ That year, unaccompanied minors in Italy, including those not seeking asylum, hailed primarily from Gambia (15 per cent), Guinea (11 per cent), Pakistan (8 per cent), Mali (8 per cent), Afghanistan (8 per cent), Burkina Faso (7 per cent), Côte d'Ivoire (5 per cent) and Tunisia (5 per cent).¹⁰⁶

Implementation: Successes and Gaps

To summarise, the Zampa Law contained a range of protections that addressed the situation of unaccompanied migrant children through a human rights lens. Minors cannot be rejected at the border or be unnecessarily subjected to invasive, medicalised age-assessment procedures. They also have the right to be assisted by a voluntary guardian, can qualify for lawful immigration status based solely on their minor age and have equal rights to Italian children, including access to health care and education. On paper, the law was the first comprehensive legal framework for unaccompanied minors, responding directly to Bhabha’s vision for a

104 'Asylum Applicants Considered to Be Unaccompanied Minors by Citizenship, Age and Sex - Annual Data' (reporting for 2024: 2,030 asylum applications by unaccompanied children in Italy, compared to 13,345 in Germany, 4,710 in Greece, 3,930 in the Netherlands and 2,600 in Bulgaria; and for 2025: 985 in Italy, compared to 4,925 in Germany, 3,510 in the Netherlands, 2,945 in Greece and 1,560 (provisional) for Spain).

105 'Migrant and Refugee Children via Mixed Migration Routes in Europe', p. 4. Other top EU countries of arrival were Germany, Spain and France. Ibid.

106 Italy, Ministero del Lavoro e delle Politiche Sociali, 'I Minori Stranieri non Accompagnati (MSNA) in Italia: Rapporto di approfondimento semestrale – Dati al 30 giugno 2024', 2025, p. 18, <www.lavoro.gov.it/temi-e-priorita-immigrazione/focus/report-approfondimento-semestrale-msna-30-giugno-2024>, accessed 1 March 2026.

unified approach applicable to all child migrants.¹⁰⁷ At the same time, however, Bhabha was deeply concerned about implementation failures.¹⁰⁸ As this Part outlines, implementation of the Zampa Law has achieved many successes, but serious gaps have hindered activation of the landmark law's full protections.¹⁰⁹

Recruiting and Training Sufficient Voluntary Guardians

Since Law 47/2017 created a model program for voluntary guardians, the number of guardians accepting appointments in Italy has increased each year. While there were just 505 registered guardians in the year the Zampa Law passed in 2017, there were 4,588 in 2024 (see Figure 2). The majority (74 per cent) of volunteer guardians were women, generally between 46 and 60 years of age, with a high level of education.¹¹⁰

These strides in developing a corps of volunteer tutors reflect the involvement of the Italian Ombudsman for Children and Adolescents (Autorità garante per l'infanzia e l'adolescenza) in organising regional training courses to recruit and prepare new voluntary guardians.¹¹¹ Success can also be attributed to the active involvement of children's rights groups – including UNICEF Italia, Save the Children Italia and Defence for Children International Italia – in designing educational materials, speaking at training events and counselling guardians on questions that arise (such as how to help a minor make decisions about medical treatment).¹¹² These organisations have also worked to raise awareness of the guardian role, to generate interest in participating in the program and to design helpful orientation materials so guardians can better understand the rights of unaccompanied children (such as in the asylum process) before beginning in the role.¹¹³ Another innovative development is the emergence of local voluntary guardian associations for tutors (*tutori in rete*) that offer peer-to-peer training, facilitation and informal support to strengthen networking among voluntary

107 Bhabha, 'Independent Children, Inconsistent Adults', p. 7.

108 Ibid. (arguing that legislative measures addressing unaccompanied child migrants are "dramatically ineffective, because even where binding obligations or legal requirements exist, their implementation is erratic, left to the vagaries of under-funded and ill-equipped legal services").

109 One cause of this problem is that the Parliament required that the new law be implemented at no additional cost to the public. Law No. 47 of 7 April 2017, art. 21(3).

110 Based on data from 2022. Autorità Garante per l'Infanzia e l'Adolescenza, 'Rapporto di monitoraggio sul sistema della tutela volontaria: Quinto rapporto di monitoraggio – Periodo rilevazione: 01 gennaio 2022 – 31 dicembre 2022', AGIA, 2023, pp. 54, 56–57, <https://tutelavolontaria.garanteinfanzia.org/wp-content/uploads/2025/04/DEFINITIVO_V-Report-monitoraggio-03.11.2023-DEFINITIVO__0.pdf>, accessed 1 March 2026.

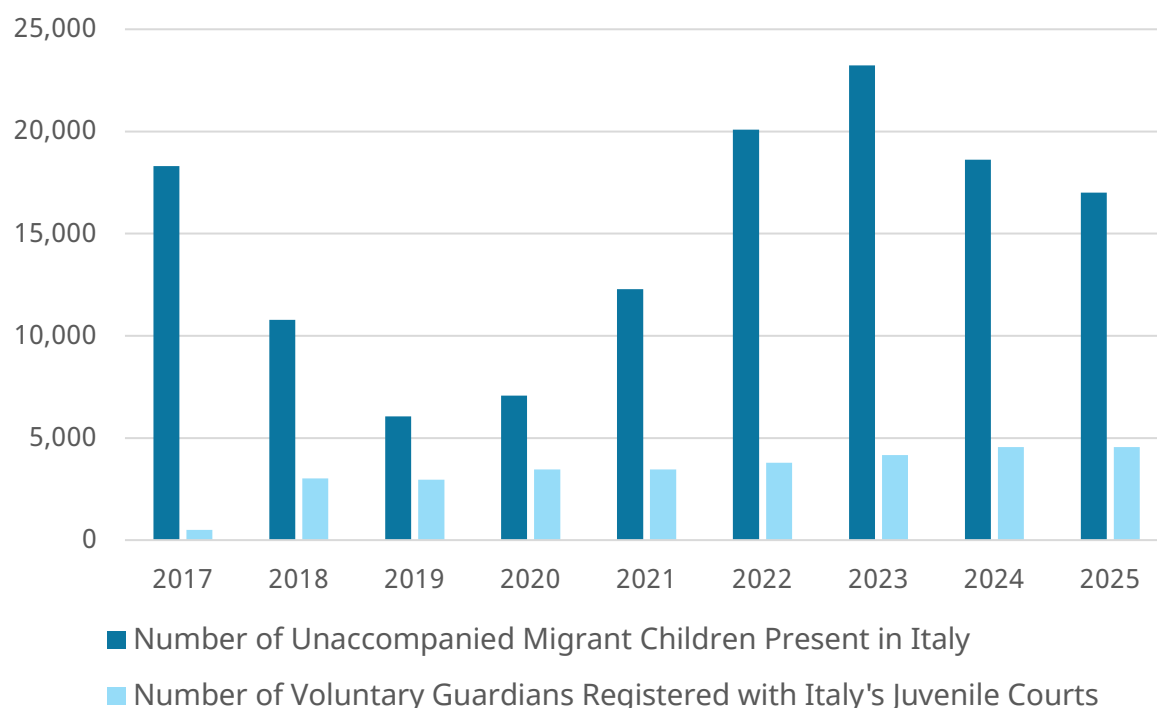
111 Autorità Garante per l'Infanzia e l'Adolescenza, 'Relazione al Parlamento 2018', AGIA, 2018, pp. 23, 125, <www.garanteinfanzia.org/relazioni-annuali/>, accessed 1 March 2026 (noting that Law 47/2017 gave the national Ombudsman the responsibility to select and train volunteer guardians in regions without a regional Ombudsman and that an additional ten training courses were held in 2018 in regions without a guarantor). A subsequent decree assigned the Ombudsman the task of ongoing monitoring of the voluntary guardian system. Italy, Decreto Legislativo 22 dicembre 2017, n. 220, Disposizioni integrative e correttive del decreto legislativo 18 agosto 2015, n. 142, di attuazione della direttiva 2013/33/UE recante norme relative all'accoglienza dei richiedenti protezione internazionale nonché della direttiva 2013/32/UE recante procedure comuni ai fini del riconoscimento e della revoca dello status di protezione internazionale (18G00005), art. 2(3).

112 See, e.g., United Nations Children's Fund Italia, 'Come altalene annodate agli alberi: Il ruolo di tutrici e tutori volontari nel sostegno ai minori stranieri/e non accompagnati/e – Report finale sulle attività di progetto e raccomandazioni per il rafforzamento del sistema di tutela volontaria in Friuli Venezia Giulia, Lazio e distretti di Catania, Palermo e Reggio Calabria', UNICEF Italia, Rome, 2025, pp. 6–7, <www.datocms-assets.com/30196/1740147375-report-come-altalene.pdf>, accessed 1 March 2026.

113 See, e.g., United Nations Children's Fund Italia, 'L'accompagnamento dei Minori Stranieri Non Accompagnati (MSNA) nella procedura di protezione internazionale dinanzi alla Commissione Territoriale: Indicazioni operative per tutori volontari', January 2024, on file with author; Save the Children and United Nations High Commissioner for Refugees, 'Vita da tutore 2: Novità e approfondimenti – Informazioni utili e indicazioni pratiche per tutrici e tutori volontari dei minori stranieri non accompagnati', Save the Children Italia, November 2025, <www.savethechildren.it/cosa-facciamo/pubblicazioni/vita-da-tutore-2-novita-e-approfondimenti>, accessed 14 March 2026.

guardians and promote information sharing.¹¹⁴ Save the Children has also established a helpdesk that gives guardians a place to turn when questions arise about their guardianship role.¹¹⁵

Figure 2. Voluntary Guardians and Unaccompanied Migrant Children in Italy, 2017–2025



Despite these advances, there are still far too few guardians to provide representation for all unaccompanied children present in Italy. Figure 2 shows how the number of unaccompanied minors has consistently outpaced the number of voluntary guardians registered with the Juvenile Courts.¹¹⁶ For example, in 2023, there were only 4,169 guardians to support 23,229 unaccompanied children present in Italy (see Figure 2). Even if every guardian took on three children, Italy would still have been unable to meet the demand for guardianship.

In part, the insufficient number of guardians stems from the fact that the Zampa Law did not allocate funding for the new role.¹¹⁷ As a result, regional trainings generally take place only once a year, undercutting

114 Tutori in Rete, 'About Us: The network of organizations that support Unaccompanied Foreign Minors on Italian territory', <<https://tutorinrete.org/en/about-us/>>, accessed 1 March 2026.

115 Associazione Toscana Tutori Volontari, 'Helpline per tutori e tutrici', 8 March 2023, <www.tutorivolontaritoscana.it/helpline-per-tutori-e-tutrici>, accessed 7 March 2026 (discussing the establishment of a free telephone helpdesk that answers questions from guardians and people interested in becoming guardians).

116 The data reported in Figure 2 on the number of unaccompanied minors present in Italy were obtained from reports published by the Ministry of Labour and Social Policy. Italy, Ministero del Lavoro e delle Politiche Sociali, 'Rapporti di approfondimento sulla presenza dei MSNA in Italia', <www.lavoro.gov.it/temi-e-priorita/immigrazione/focus-on/minori-stranieri/pagine/rapporti-di-approfondimento-sulla-presenza-dei-msna-in-italia>, accessed 14 March 2026. The data reported in Figure 2 for the number of voluntary guardians on the roles of the Juvenile Courts from 2017 to 2024 were obtained from reports published by the Autorità Garante per l'Infanzia e l'Adolescenza. Autorità Garante per l'Infanzia e l'Adolescenza, 'Rapporti di monitoraggio', AGIA, <<https://tutelavolontaria.garanteinfanzia.org/rapporti-di-monitoraggio>>, accessed 4 March 2026. The number of voluntary guardians for 2025 represents an undercount, as it is measured as of 30 June 2025 (rather than 31 December) and does not yet include reporting from Bologna, Bolzano and Caltanissetta. Autorità Garante per l'Infanzia e l'Adolescenza, 'Benvenuto nel centro di documentazione della Tutela Volontaria: Dashboard – Tutela Volontaria', AGIA, <<https://tutelavolontaria.garanteinfanzia.org/dashboard/>>, accessed 11 July 2026.

117 Law No. 47 of 7 April 2017, art. 21(3) (specifying that aside from provisions for the support of trafficked unaccompanied minors and legal assistance, 'no new or greater burdens shall arise for public finance').

recruitment efforts. One study found that, on average, volunteers wait seven months between applying to become a voluntary guardian and attending their first training.¹¹⁸ Also, although some changes were later made to allow volunteers to receive at least minimal reimbursements for expenses, the fact that voluntary guardians must expend their own resources to support the youth they represent continues to hamper participation.¹¹⁹

The insufficient supply of guardians has two major effects. First, some voluntary guardians take on far more children than the three allowed under Law 47/2017, perpetuating the problems that existed prior to the Zampa Law.¹²⁰ Quality of care is undermined when guardians are overworked and under-resourced, and when volunteers feel discouraged from continuing to participate in the program.¹²¹ Some regions have even reverted to appointing mayors, persons in charge of reception facilities and lawyers as guardians, reducing guardianship to an administrative formality, rather than the comprehensive, community-based support system it was designed to be.¹²²

Second, the dearth of voluntary guardians means prolonged appointment delays remain common.¹²³ These delays mean that children are unable to build a positive, supportive relationship with their guardians as envisioned by the Zampa Law. The failure to quickly appoint guardians can also produce latent legal effects by undermining children's ability to understand and promptly assert their rights under the law. In addition, delays in securing an assignment due to court backlogs can cause newly trained guardians to lose the motivation to accept an eventual appointment.¹²⁴

Promoting Best Practices in Age Assessments

The official determination of age is crucial and at times contested. This is because the rights set forth in the Zampa Law – such as to a voluntary guardian and a residence permit – attach to minor age. Although Law 47/2017 required an initial interview to develop personal and family history and identify the protection needs of the arriving minor, the precise procedures to be followed were not fully elaborated in the law.¹²⁵

118 Long, 'Voluntary Guardianship for Unaccompanied Children in Italy', pp. 196–197.

119 For example, voluntary guardians can now be reimbursed for travel expenses, and their employers can be reimbursed for up to half of the costs associated with paid work leave used to perform guardianship duties. Italy, Ministero dell'Interno, Decreto 8 agosto 2022, Disciplina delle modalità dei rimborsi e degli interventi in favore dei tutori volontari dei minori stranieri non accompagnati (22A05278), arts. 2, 3.

120 Save the Children Italia, 'Mappatura sul tema dell'accertamento dell'età, la tutela volontaria e i cambiamenti nel sistema d'accoglienza: Un approfondimento in Sicilia e Friuli-Venezia Giulia', Save the Children Italia, Rome, 19 December 2024, pp. 31–32, <www.savethechildren.it/cosa-facciamo/pubblicazioni/mappatura-su-accertamento-dell-eta-tutela-volontaria-e-cambiamenti-nel-sistema-accoglienza>, accessed 14 March 2026 (finding that voluntary guardians in some regions represented far more unaccompanied children than allowed under the Zampa Law's limit of three).

121 Ibid., p. 35. As Lluís Cancio explains, "[a] high percentage of guardians (56% in 2022) renounced guardianship after accepting the assignment". Cancio, Lluís Francesc Peris, 'The Role of Volunteer Guardians as a Key Actor in Providing Social Protection for Unaccompanied Minors in Italy', *International Journal of Social Welfare*, vol. 34, no. 1, January 2025, pp. 3–5.

122 'Mappatura sul tema dell'accertamento dell'età', p. 36. See also Law No. 47 of 7 April 2017, art. 6(3) ("Pending the appointment of the guardian, the tasks relating to the application for a residence permit or international protection can be carried out by the person responsible for the first reception facility").

123 Osservatorio Nazionale sui Minori Stranieri non Accompagnati, 'Quarto Rapporto: Osservatorio Nazionale sui Minori Stranieri non Accompagnati in Italia', Centro Studi di Politica Internazionale, 2023, p. 36, <www.cespi.it/sites/default/files/osservatori/allegati/rapporto_msna_2023_-_def_light.pdf>, accessed 8 June 2026 (finding that the Juvenile Court in Milan took up to ten months to appoint a guardian to an unaccompanied minor, far longer than the 48 hours required under the Zampa Law).

124 Ibid. (noting that some of the newly trained guardians lost motivation after waiting a long time to be appointed).

125 The Zampa Law required the President of the Council of Ministers to issue a decree within 120 days providing further details on the interview process. Law No. 47 of 7 April 2017, art. 5(1) (amending art. 19-bis(1)). However, not until May 10, 2024, did the President of the Council of Ministers finally issue this decree, which contains additional procedures for carrying out interviews with unaccompanied minors. See Italy, Decreto del Presidente del Consiglio dei Ministri 10 maggio 2024, n. 98, Regolamento recante attuazione dell'articolo 19-bis del decreto legislativo 18 agosto 2015, n. 142, introdotto con l'articolo 5 della legge 7 aprile 2017, n. 47, recante le modalità di svolgimento del colloquio che il minore straniero non accompagnato deve effettuare al momento dell'ingresso nelle strutture di prima accoglienza (24G00114).

Furthermore, despite the Zampa Law's requirement that multidisciplinary teams complete the socio-health age assessment, the law prohibited an increase in public funding, hindering implementation.¹²⁶

One positive step in the intervening years has been the development of a detailed age-assessment protocol by the National Institute for Health, Migration and Poverty (INMP) that was approved by the Unified Conference on July 9, 2020.¹²⁷ The protocol "identifies a multidisciplinary, sequential and incremental approach for age assessment" that should "be applied when there are well-founded doubts about the declared age of the minor and it cannot be proved with identification documents or other procedures, in accordance with Article 5 of Law No. 47/2017".¹²⁸ The multidisciplinary team must include a paediatrician "with auxological skills", a developmental psychologist or a child neuropsychiatrist, a social worker and a cultural mediator.¹²⁹ To ensure that age assessments are requested when necessary and carried out in accordance with best practices, members of the multidisciplinary team must also coordinate with other institutional actors, including juvenile court judges, police and local authorities.¹³⁰

The method approved by the Unified Conference includes three progressive steps, beginning with the least invasive: (1) "a social interview" by a social worker, (2) "a psychological or neuropsychiatric assessment" by medical professionals carried out through in-depth interviews and, finally, (3) an "auxological" paediatric exam "using the least invasive methods possible" that can include "anthropometric measurements, evaluation of the degree of general body maturation and pubertal development, [and] identification of any developmental disorders".¹³¹ The protocol further set forth sample interview questions, listed suitable psychological tests, and warned that radiological examinations should be used only as a "last resort" due to their high error rate.¹³² Also, any final report on minor age must include the estimated chronological age and its margin of error.¹³³

Although the INMP's multidisciplinary protocol set out a shared national standard for conducting age assessments in cases of well-founded doubt, these best practices have been inadequately applied on the ground. A 2022 study by INMP found that 64 per cent of health authorities surveyed had not yet established the prescribed multidisciplinary teams and were instead resorting to objectionable and outdated practices.¹³⁴ Furthermore, even among jurisdictions with multidisciplinary teams in place, almost a quarter still used

126 Law No. 47 of 7 April 2017, art. 5(2) ("The implementation of the provisions contained in this Article is provided within the limits of human, financial and instrumental resources available under the current legislation and in any case without new or greater burdens for the public finance").

127 Agreement of the Conferenza Unificata on the document titled 'Protocollo multidisciplinare per la determinazione dell'età anagrafica dei minori stranieri non accompagnati', 9 July 2020, <www.statoregioni.it/media/2751/p3-cu-atto-rep-n-73-9lug2020.pdf>, accessed 14 March 2026. For an English translation, see 'Multidisciplinary Protocol for Age Assessment of Unaccompanied Migrant Minors in Execution of Law no. 47 of April 7, 2017', translated by Istituto Nazionale per la promozione della salute delle popolazioni Migranti e per il contrasto delle malattie della Povertà, <https://www.inmp.it/upload/pdf/Protocol_English.pdf>, accessed 14 March 2026. The Unified Conference is a key institutional body for cooperation among national, regional and local authorities in decision-making and implementation. Bolgherini, Silvia, and Andrea Lippi, 'Politicization without Institutionalization: Relations between state and regions in crisis governance', *Contemporary Italian Politics*, vol. 14, no. 2, 4 April 2022, pp. 225–226, 228, 238.

128 'Multidisciplinary Protocol for Age Assessment of Unaccompanied Migrant Minors', p. 3.

129 *Ibid.*, p. 4.

130 *Ibid.*, p. 7.

131 *Ibid.*, pp. 3–5; see also Ministero dell'Interno, *Presa in Carico e Accoglienza dei Minori Stranieri Non Accompagnati: Vademecum operativo*, Publications Office of the European Union, Luxembourg, October 2025, p. 72, <www.interno.gov.it/sites/default/files/2025-10/vademecum_operativo_per_la_presa_in_carico_e_laccoglienza_msna_rev_2025.pdf>, accessed 15 March 2026.

132 'Multidisciplinary Protocol for Age Assessment of Unaccompanied Migrant Minors', pp. 8–13, 15.

133 *Ibid.*, p. 5. The best practices outlined in the INMP protocol are consistent with a 2022 recommendation from the Council of Europe Committee of Ministers. See Council of Europe Committee of Ministers, Recommendation of the Committee of Ministers to member States on human rights principles and guidelines on age assessment in the context of migration, CM/Rec(2022)22, 14 December 2022, paras. 25, 43, 65.

134 INMP requested participation from 118 health authorities, and 102 completed the questionnaire. Istituto Nazionale per la promozione della salute delle popolazioni Migranti e per il contrasto delle malattie della Povertà, 'Primo rapporto nazionale sull'attuazione del protocollo per la determinazione dell'età dei minori stranieri non accompagnati', INMP, Rome, September 2022, pp. 9–10, <www.inmp.it/pubblicazioni/Primo_rapporto_MSNA_2022.pdf>, accessed 1 March 2026.

methods not aligned with the protocol.¹³⁵ In other jurisdictions, authorities rejected the minor's stated age even after being presented with official documents confirming the child was under 18.¹³⁶ Other localities improperly relied on X-rays or CT scans without first pursuing less invasive techniques.¹³⁷ Minors reported not being informed about their rights, not receiving any explanation of why they were being medically examined and not being supported by someone who spoke their language.¹³⁸ Occasionally, there was evidence of discriminatory application, such as in Rome, where all persons declaring minor age from Bangladesh and Pakistan were reportedly required to undergo age assessments.¹³⁹ And, while awaiting the result of an age assessment, some authorities treated minors as adults, rather than children, as required by Zampa.¹⁴⁰ This practice has resulted in children being placed in adult facilities, not receiving a guardian or even being pushed back at the border in violation of the Zampa Law's core obligation of non-refoulement of minors.

Developing Reception Programming

After Zampa, defects in reception programming have persisted.¹⁴¹ Although the Zampa Law prioritised placement of migrant youth in foster care, in practice, foster care is rarely available for foreign minors.¹⁴² As of 2021, only 3 per cent of unaccompanied noncitizen minors had secured a family foster care placement.¹⁴³ By the end of 2025, 7 per cent of unaccompanied minors were placed with families with whom they had no relationship, an increase largely associated with the successful placement of children fleeing the war in Ukraine.¹⁴⁴ Efforts by civil society to promote foster care participation through in-person and online events are crucial to foster more active involvement by Italians in supporting migrant children.¹⁴⁵

Sadly, migrant youth are also often turned away from second reception centres that comply with the higher levels of care observed by the general Italian residential system for children.¹⁴⁶ For example, as of December

135 Ibid., p. 10. Many multidisciplinary teams were also incomplete, lacking a linguistic-cultural mediator or one or more of the recommended trained professionals. Ibid., p. 29.

136 International Rescue Committee Italy, 'Protection Monitoring Report: October - December 2024', IRC, 4 February 2025, p. 7, <www.rescue.org/sites/default/files/2025-02/IRC%20Italy_%20Protection%20Monitoring%20Report%20%28October-December%202024%29%202.pdf>, accessed 20 March 2026 (observing that authorities in Trieste rejected minors' age claims "even when youth provided copies of IDs proving they were under 18").

137 Save the Children Italia and United Nations High Commissioner for Refugees, 'Mappatura sullo stato attuale delle procedure di identificazione e accertamento dell'età', Save the Children Italia, Rome, June 2023, pp. 25–26, <www.savethechildren.it/cosa-facciamo/pubblicazioni/mappatura-sullo-stato-attuale-delle-procedure-di-identificazione-e-0>, accessed 14 March 2026.

138 Ibid., pp. 24, 42–46.

139 Ibid., p. 35.

140 Ibid., p. 24.

141 Rozzi, Elena, 'The New Italian Law on Unaccompanied Minors: A model for the EU?', EU Immigration and Asylum Law and Policy, 13 November 2017, <<https://eumigrationlawblog.eu/the-new-italian-law-on-unaccompanied-minors-a-model-for-the-eu>>, accessed 14 March 2026.

142 Osservatorio Nazionale sui Minori Stranieri non Accompagnati, 'Approfondimento n. 22/marzo 2025: Monitoraggio normativo 2024 I MSNA in Europa e Italia', edited by Giovanni Meledandri, Centro Studi di Politica Internazionale, March 2025, p. 27, <www.cespi.it/sites/default/files/osservatori/allegati/approf._22_monitoraggio_legislativo_msna_-_meledandri.pdf>, accessed 11 July 2026.

143 Save the Children Italia, 'Minori stranieri soli: Che cos'è l'affido familiare', Save the Children Italia, Rome, 8 December 2021, <www.savethechildren.it/blog-notizie/minori-stranieri-soli-che-cosa-e-affido-famigliare>, accessed 14 March 2026. See also 'I Minori Stranieri non Accompagnati (MSNA) in Italia: Dati al 31 dicembre 2024', p. 59 (confirming that the use of foster care for unaccompanied minors remains negligible).

144 Italy, Ministero del Lavoro e delle Politiche Sociali, 'I Minori Stranieri non Accompagnati (MSNA) in Italia: Rapporto di approfondimento semestrale – Dati al 31 dicembre 2025', 2026, p. 31, <<https://www.lavoro.gov.it/documenti-e-norme/studi-e-statistiche/rapporto-di-approfondimento-semestrale-sulla-presenza-dei-msna-31122025>>, accessed 11 July 2026 (providing that 87 per cent of children placed with host families in Italy were from the Ukraine).

145 Pantusa, Anna Lisa, 'Storie che aprono le porte: Mappatura operativa delle pratiche per l'accoglienza di minori stranieri/e non accompagnati/e e neomaggioranni in Italia', United Nations Children's Fund, Rome, January 2026, pp. 33–36, <www.datocms-assets.com/30196/1768401139-mappatura.pdf>, accessed 11 July 2026.

146 Associazione per gli Studi Giuridici sull'Immigrazione, 'Unaccompanied Minors: Critical conditions at Italian external and internal borders', ASGI, June 2021, p. 5, <www.asgi.it/wp-content/uploads/2021/07/ASGI_Unaccompanied-Minors_DEF.pdf>, accessed 15 March 2026.

2024, there were 18,625 unaccompanied minors present in Italy, but only 5,976 placements available in the higher-quality system now known as SAI (Sistema di Accoglienza e Integrazione).¹⁴⁷ Thus, despite the promises of the human rights framework set forth in the Zampa Law, many migrant children continue to reside in first reception centres and hotspots that lack the basic conditions and support services necessary for the effective protection of their rights. First reception facilities include temporary tents “in port areas” and near “arrival and disembarkation” that “lack any form of ventilation or heating” with only “camp beds for people to sleep on” and often no “clothing and blankets”.¹⁴⁸ Many first reception locations fail to provide basic services such as health care, psychological assistance,¹⁴⁹ legal information or educational programming.¹⁵⁰ In some cases, children are placed in overcrowded facilities in close proximity to adults, resembling the very conditions condemned by the Strasbourg Court in *Darboe and Camara*.¹⁵¹

In April 2026, the Strasbourg Court condemned Italy’s treatment of unaccompanied children in *HD v. Italy*.¹⁵² The underlying case addressed the situation of an unaccompanied boy from Burkina Faso who had been recognised as a minor and granted a residence permit based on his age, but remained detained in overcrowded and substandard conditions for over five months in one of Europe’s largest reception centres, located on the coast of southern Calabria.¹⁵³ Moreover, the boy was held together with adult asylum seekers, with no educational or psychological support services for minors.¹⁵⁴ The child was never given a reason for his detention, and lawyers were unable to enter the facility to meet with him.¹⁵⁵ When he did challenge his detention before the Court of Catanzaro, the proceedings were postponed for four months.¹⁵⁶

Evidence brought before the European Court of Human Rights indicated that the accommodation of unaccompanied minors in the centre was not an isolated occurrence;¹⁵⁷ more than 200 children were also detained there.¹⁵⁸ Moreover, it condemned the fact that children detained there were held in close contact with adults, in conditions that did not address their needs as minors and were not allowed to leave the centre.¹⁵⁹ The Court found the child’s detention violated three fundamental rights protected by the ECHR: the right to personal liberty, the right to be free from inhuman or degrading treatment, and the right to an effective remedy before a national authority.¹⁶⁰

Nongovernmental organisations have intervened to address some of these institutional shortcomings. For example, Civicozero, a project of Save the Children, has established centres in Milan and Rome where unaccompanied children can access legal and employment guidance, psychological support, socialisation with

147 ‘I Minori Stranieri non Accompagnati (MSNA) in Italia: Dati al 31 dicembre 2024’, p. 58. By the end of 2025, the number of SAI spots for minors had expanded to 6,646, while the number of unaccompanied minors present in Italy had declined to 17,017. ‘I Minori Stranieri non Accompagnati (MSNA) in Italia: Dati al 31 dicembre 2025’, pp. 57, 60.

148 United Nations Children’s Fund, ‘The Frontier of Rights: Life-saving support for unaccompanied and separated children arriving in Italy’, UNICEF, December 2023, p. 20, <www.datocms-assets.com/30196/1715332158-20240412_unicef_stato_emergenza_report_eng.pdf>, accessed 15 March 2026.

149 Elena Rozzi, ASGI, ‘Execution of Judgment: *Darboe and Camara v. Italy*’, European Implementation Network Briefing, Strasbourg, 1 March 2024, p. 7, <https://static1.squarespace.com/static/55815c4fe4b077ee5306577f/t/65eed919fcd6bc1aec4cc008/1710151963426/Darboe+and+Camara_Strasbourg_28.2.24.pdf>, accessed 9 March 2026.

150 ‘Frontier of Rights’, pp. 12, 21.

151 Rozzi, ‘Execution of Judgment’, p. 7.

152 European Court of Human Rights, *HD v. Italy*, Application No. 41645/23, Judgment, 9 April 2026.

153 *Ibid.*, paras. 5–7, 16–18.

154 *Ibid.*, 115–116. The boy’s detention took place in 2023 before the passage of Decree Law 133/2023 which, as discussed *infra* notes 180–183 and accompanying text, has emboldened more widespread detention of minors in adult facilities.

155 *HD v. Italy*, paras. 19, 54, 66.

156 *Ibid.*, para. 80.

157 *Ibid.*, para. 21 (referencing a report by the National Guarantor of the rights of people detained or deprived of their liberty (Garante nazionale dei detenuti e delle persone private della libert  personale) stating that ‘the presence of unaccompanied minors was chronic rather than temporary or exceptional’).

158 *Ibid.*, paras. 18, 22.

159 *Ibid.*, paras. 114–117.

160 *Ibid.*, paras. 36, 67, 86, 107, 121.

other young people, language courses and recreational activities.¹⁶¹ In Trieste, the International Rescue Committee provides legal orientations and helps link children arriving along the Balkan route to safety net services, including medical care, shelters and food.¹⁶² While such initiatives provide valuable support to unaccompanied minors and help mitigate some of the immediate consequences of institutional deficiencies, they cannot substitute for the ongoing systemic shortcomings in Italy's child protection framework.

Ensuring Children Have Lawful Immigration Status

Attaining lawful status is crucial to ensuring unaccompanied children's integration into the communities in which they live and their access to basic rights, such as schooling and health care.¹⁶³ Although Law 47/2017 gave unaccompanied children the right to regularise their migration status based solely on minor age, unaccompanied minors in Italy have encountered practical barriers to this process. One issue is that, contrary to the Zampa Law, some police authorities will not accept an application unless children first provide identity documents and are accompanied by a guardian.¹⁶⁴ Because children may need assistance to obtain the required identity documents and a guardian may not yet have been appointed, these demands functionally deny or delay access to a residence permit. However, other police districts follow the more flexible approach set forth in the Zampa Law. These districts allow minors to obtain a residence permit on their own if a guardian is not available.¹⁶⁵ Additionally, in accordance with Zampa's guarantee of lawful status and an advisal issued to all police headquarters by the Ministry of the Interior, these police districts do not demand identity documents if they are not immediately available.¹⁶⁶

Unaccompanied children seeking the alternative asylum-based pathway also face significant challenges. As seen in Figure 3, rejection was the most common case outcome for unaccompanied children in Italy who pursued the asylum pathway between 2021 and 2025.¹⁶⁷ The least likely outcome was a full grant of Convention status (see Figure 3).¹⁶⁸ Children more commonly received lesser and more temporary forms of special protection¹⁶⁹ or subsidiary protection¹⁷⁰ (see Figure 3).

161 Civicozero, 'Chi siamo', Rome, <<https://civicozero.eu/chi-siamo>>, accessed 9 March 2026.

162 International Rescue Committee Italia, Milan, <www.rescue.org/eu/country/italia>, accessed 11 July 2026.

163 See General Comment No. 6, para. 89 (providing that "[l]ocal integration must be based on a secure legal status").

164 Maneggia, 'Principle of the Best Interests of the Child', p. 243 (describing how implementation of the Zampa Law has been stalled by "an enduring practice by the police authorities to reject requests directly submitted by minors, and/or to ask for identity documents as a condition for issuing the permit").

165 *Living, Studying, Working in Italy*, p. 124 (highlighting that minors can now apply on their own for a residence permit, "even before the appointment of a guardian").

166 Ministero dell'Interno, Permesso di soggiorno per minore età: Esclusione dell'obbligo di esibizione del passaporto o di altro documento equipollente, qualora non disponibili, N.400/A/2017/12.214.32, Rome, 24 March 2017 <www.asgi.it/wp-content/uploads/2017/11/2017_3_24_Interno_10337_minore_eta.pdf>, accessed 20 March 2026 (instructing police departments to issue a residence permit for minor age regardless of whether the minor has an identity document).

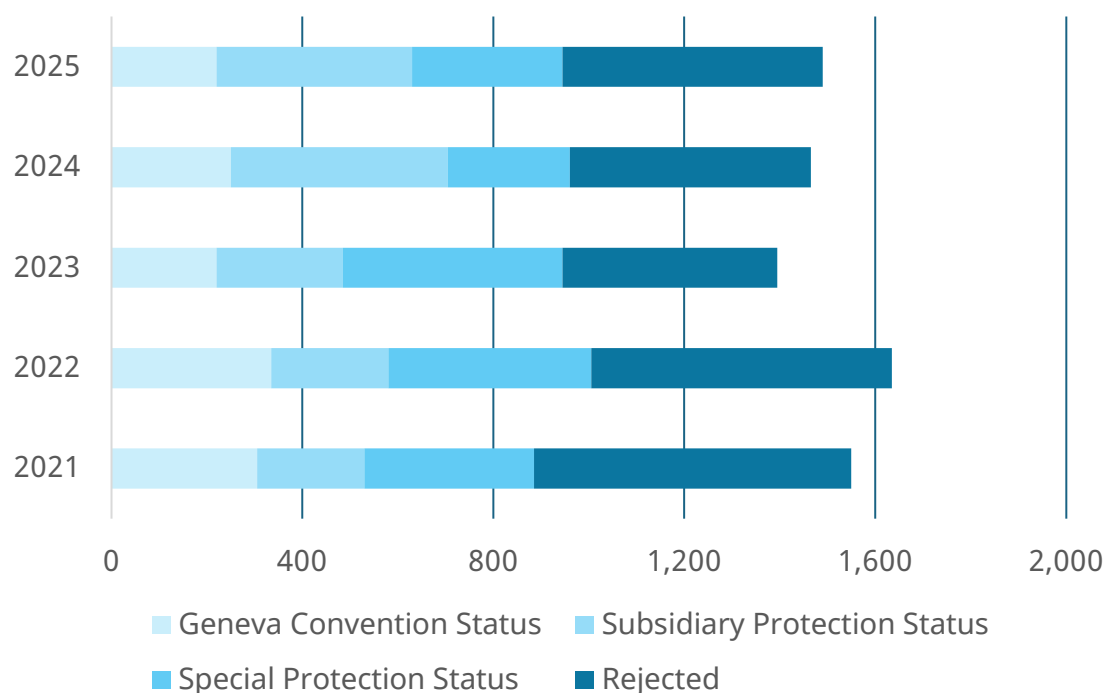
167 Eurostat, 'First Instance Decision on Applications of Unaccompanied Minors by Type of Decision, Citizenship, Age and Sex - Annual Aggregated Data', Eurostat, 2 June 2026, https://doi.org/10.2908/MIGR_ASYUMDCFA, accessed 6 June 2026. As of 2022, unaccompanied minors with rejected asylum claims may qualify for a residence permit for work or study purposes, even after turning 18. See Italy, Decreto del Presidente della Repubblica 4 ottobre 2022, n. 191, Regolamento recante modifiche al decreto del Presidente della Repubblica 31 agosto 1999, n. 394, in attuazione dell'articolo 22 della legge 7 aprile 2017, n. 47, recante misure di protezione dei minori stranieri non accompagnati (22G00202).

168 See Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), OJ L 337/9, Strasbourg, 11 December 2011, art. 13 ("Member States shall grant refugee status to a third-country national or a stateless person who qualifies as a refugee").

169 Under Italian law, a residence permit for special protection (*permesso di soggiorno per protezione speciale*) requires demonstrating that removal risks violating fundamental rights. Decreto Legislativo 25 luglio 1998, n. 286, art. 19(1)–(1.1).

170 Directive 2011/95/EU, art. 2(f) (providing that a "'person eligible for subsidiary protection' means a third country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm").

Figure 3. First Instance Decisions in Asylum Applications of Unaccompanied Minors in Italy, 2021–2025



Before 2018, a more robust form of protection known as “humanitarian protection” was available to applicants who did not receive refugee or subsidiary protection.¹⁷¹ However, this was abolished in 2018 by the *Decreto Sicurezza*, commonly referred to as the Salvini Decree.¹⁷² The new special-protection permits are more difficult to obtain and more limited in duration.¹⁷³

Rights-Based Protection in a Changing Institutional Landscape

Today, the Zampa Law remains a paradigmatic example of rights-based legislation for migrant children. As the preceding discussion has demonstrated, implementation of the framework in Italy has produced substantial achievements while also revealing persistent gaps in protection and coverage. This final Part situates Italy’s child rights framework for migrant children within a broader set of legal and institutional transformations that have unfolded in the decade since the Zampa Law was passed. These developments include structural changes

171 Humanitarian protection could be granted on grounds “such as health or age-related factors, risks of severe violence or political instability, and exposure to famine or other environmental disasters”. Lodos, Silvia Talavera, ‘Reframing Special Protection and Immigration as an Emergency: Italy’s not-so-novel approach’, *Italian Review of International and Comparative Law*, vol. 3, no. 2, 15 November 2023, pp. 584–585.

172 Italy, Decreto-Legge 4 ottobre 2018, n. 113, Disposizioni urgenti in materia di protezione internazionale e immigrazione, sicurezza pubblica, nonché misure per la funzionalità del Ministero dell’interno e l’organizzazione e il funzionamento dell’Agenzia nazionale per l’amministrazione e la destinazione dei beni sequestrati e confiscati alla criminalità organizzata (18G00140), converted with amendments by Legge 1 dicembre 2018, n. 132, art. 1(1).

173 Lodos, ‘Reframing Special Protection and Immigration as an Emergency’, p. 585 (reporting that while 19,970 humanitarian protection permits were issued in 2018 to asylum applicants of all ages, in 2019, when the new special protection permit replaced humanitarian protection, only 1,385 permits were issued). See also Corsi, Cecilia, ‘Evaluating the ‘Salvini Decree’: Doubts of constitutional legitimacy’, RSC Policy Briefs, no. 6, European University Institute, Fiesole, Italy, March 2019, pp. 3–4, <<https://cadmus.eui.eu/entities/publication/b727ad71-4047-53dc-8908-b3fe2b72c22d>>, accessed 15 March 2026 (outlining how the substantive provisions of the Salvini Decree conflict with the Italian Constitution and international standards).

in the governance of human mobility, an increasingly punitive orientation within Italy's juvenile justice system, and mounting challenges confronting migrant youth as they transition to adulthood and age out of child-specific protections. The continued vitality of Italy's comprehensive, rights-based framework will depend on its capacity to adapt to these evolving institutional dynamics while maintaining its foundational commitment to children's rights.

Externalisation, Emergency and Border Control

The years since the Zampa Law's passage have been marked by gradual yet significant shifts in border enforcement. Italy, like the rest of the EU, has witnessed a "hardening of migration governance", externalisation of border regimes, and increased framing of migration as a state of emergency.¹⁷⁴ As Giuseppe Campesi has noted, Italy has positioned itself "at the forefront of anticipating EU policy trends" that treat migration as a "crisis" and embrace greater "containment" at EU borders.¹⁷⁵ This construction has complicated the implementation of the Zampa Law, and in some cases, explicitly rolled back its protections.

Following international trends, Italy has taken steps to externalise its border enforcement, escalating concerns about possible pushbacks and detention of unaccompanied children, in violation of both the Zampa Law and the CRC's core commitments. In 2023, Italy entered into an agreement to send refugees intercepted at sea to detention facilities in Albania while their asylum applications were processed through an accelerated procedure.¹⁷⁶ The Commissioner for Human Rights of the Council of Europe stated the Albania agreement reflected "a worrying European trend towards the externalisation of asylum responsibilities" and created an "ad hoc extra-territorial asylum regime characterised by many legal ambiguities".¹⁷⁷ Bringing into focus the protection challenges posed by the Italy–Albania offshore processing arrangement, the first transfer of migrants to Albania erroneously included several unaccompanied children that had to be brought back to Italy to ensure protection of their rights under the Zampa Law.¹⁷⁸ Although these extraterritorial detentions were soon called into question by Italy's Supreme Court of Cassation (Corte Suprema di Cassazione),¹⁷⁹ the EU

174 Tabar, Omid Firouzi, 'From the "Reception Trap" to "Denied Reception": The tightening of migration policies and the centrality of informal settlements between segregation and resistance', *Fuori Luogo: Journal of sociology of territory, tourism, technology*, vol. 19, no. 2, September 2024, p. 93.

175 Campesi, Giuseppe, 'Regulating Mobility through Detention: Understanding the new geography of control and containment at the Southern European border', *Theoretical Criminology*, vol. 24, no. 4, 4 November 2024, pp. 555, 563. See also Ramji-Nogales, Jaya, 'Migration Emergencies', *UC Law Journal*, vol. 68, no. 3, April 2017, p. 612 (critiquing the tendency to treat international migration law 'as an inadequate response to migration crises' rather than 'a root cause').

176 Agreement between Italy and Albania, 'Protocollo tra il Governo della Repubblica Italiana e il Consiglio dei Ministri della Repubblica di Albania per il rafforzamento della collaborazione in materia migratoria', Rome, 2023, <www.esteri.it/wp-content/uploads/2023/11/Accordo-Italia-Albania_compressed.pdf>, accessed 20 March 2026; Consiglio Italiano per i Rifugiati, 'National Asylum and Immigration Platform: Beyond the border – The Italy-Albania agreement between propaganda and the suspension of rights', CIR, February 2025, p. 4, <<https://cir-rifugiati.org/wp-content/uploads/2025/03/Beyond-the-border-The-Italy-Albania-Agreement-between-Propaganda-and-the-Suspension-of-Rights.pdf>>, accessed 6 March 2026.

177 Council of Europe Commissioner for Human Rights, 'Italy-Albania Agreement Adds to Worrying European Trend Towards Externalising Asylum Procedures', Statement, 13 November 2023, <www.coe.int/en/web/commissioner/-/italy-albania-agreement-adds-to-worrying-european-trend-towards-externalising-asylum-procedures>, accessed 6 March 2026.

178 'National Asylum and Immigration Platform', p. 8.

179 Flamini, Martina, 'Trattenimento del Cittadino Straniero: Decreto-legge 28 marzo 2025, n. 37, recante "Disposizioni urgenti per il contrasto dell'immigrazione irregolare", convertito, con modificazioni, in legge 23 maggio 2025, n. 75', Report on new legislation, no. 65, Ufficio del Massimario e del Ruolo, Corte Suprema di Cassazione, Rome, 17 June 2025, <www.unionediritiumani.it/wp-content/uploads/2025/07/Rel060-2025.pdf> accessed 6 June 2026 (noting concerns about the Albania agreement's compatibility with the Italian Constitution and EU law). The Court of Cassation and the Court of Appeal of Rome subsequently requested preliminary rulings from the Court of Justice of the European Union to determine whether transferring migrants to Albania and processing their asylum claims there complies with the EU's Return Directive and Asylum Procedure Directive. Court of Justice of the European Union Media Centre, 'Hearings: Joined cases C-706/25 Comeri and C-706/25 Sidilli, and C-414/25 Sedrata' Court of Justice of the European Union, Luxembourg, 23 March 2026, <https://curia.europa.eu/site/jcms/p1_1000081788/en/hearings-joined-cases-c-706/25-comeri-and-c-707/25-sidilli-and-c-414/25-sedrata>, accessed 7 June 2026. After the cases were heard in March, the Advocates General delivered their non-binding Opinions concluding that Italy's agreement with Albania is largely compatible with EU law. Opinion of Advocate General Emiliou, *Ministero dell'Interno, Questura di Roma v SH, AH, Joined Parties: Procuratore Generale della Repubblica presso la Corte Suprema di Cassazione, Case C-414/25 [Sedrata]*, 23 April 2026; Opinion of Advocate General

subsequently opened the door to sending asylum seekers to third countries deemed “safe”.¹⁸⁰ More broadly, the EU’s new Pact on Migration and Asylum, which entered into force in 2026, exposes all migrants to an initial screening procedure upon arrival, without any age-based exceptions.¹⁸¹ Experts have sounded the alarm that children will now be subjected to widespread detention and de facto detention, exposing them to harm and making it difficult for them to assert their rights and be assisted by social services.¹⁸²

Crystallising the heightened framing of migration as a crisis compelling a deterrence-driven response was the so-called Cutro Decree issued in response to the tragic sinking of a boat of migrants at Steccato di Cutro in early 2023.¹⁸³ At least 35 children were among those who perished.¹⁸⁴ Rather than addressing rising irregular arrivals through a humanitarian framework, the emergency Decree restricted asylum procedures and services, including slashing funding for legal, psychological and educational programming for children at reception centres.¹⁸⁵ Additionally, in tension with the Zampa Law’s guarantee of separate reception facilities for children, the Cutro Decree established “new temporary camps” where unaccompanied children could be confined together with adults.¹⁸⁶

The crisis framing of the Cutro Decree was followed by a declaration of a state of emergency on migration in April 2023, which enabled further expedited measures through administrative processes rather than ordinary legislative processes.¹⁸⁷ In October, Italy passed Decree Law 133/2023, extending the state of emergency and further eroding the Zampa Law’s protections.¹⁸⁸ The length of time that minors can stay in first reception centres was raised from 30 days, as required by the Zampa Law, to 45 days.¹⁸⁹ In cases where there is no available first reception slot, minors over the age of 16 can now be placed in a dedicated section of adult

Medina, *Questura di Roma v SG and JA*, Joined Cases C-706/25 and C-707/25 [Comeri and Sidilli], 11 June 2026. However, the Court has yet to publish judgments on these matters.

180 European Union, Regulation (EU) 2026/463 of the European Parliament and of the Council of 24 February 2026 Amending Regulation (EU) 2024/1348 as Regards the Application of the Concept of Safe Third Country, OJ L 2026/463 (2026).

181 Eagly, Ingrid V., ‘After the Pact: Access to legal support by unaccompanied migrant children in the European Union’, *International Journal of Refugee Law*, vol. 38, no. 2, forthcoming in 2026 (finding that the Pact’s new screening procedure poses particular risks for children and undermines the effective enforcement of their rights).

182 See, e.g., Platform for International Cooperation on Undocumented Migrants, ‘Children’s Rights in the 2024 Migration and Asylum Pact: Analysis of the Screening Regulation, the Asylum Procedures Regulation, the Return Border Procedure Regulation and Eurodac’, PICUM, Brussels, October 2024, pp. 7–10 (discussing how the Pact will result in the detention of children and the “widespread use of de facto detention ... a measure which in practice amounts to deprivation of liberty but which states do not formally qualify as such, and where safeguards are not applied”); Di Gianni, Francesca, ‘Il trattamento dei minori stranieri negli atti del Nuovo Patto sulla migrazione e l’asilo’, *Quaderni AISDUE: Rivista quadrimestrale*, Fascicolo speciale, no. 4, 2024, pp. 8–9 (raising the concern that the Pact could result in the detention of migrant minors).

183 Italy, Decreto-Legge 10 marzo 2023, n. 20, Disposizioni urgenti in materia di flussi di ingresso legale dei lavoratori stranieri e di prevenzione e contrasto all’immigrazione irregolare (23G00030), converted with amendments by Legge 5 maggio 2023, n. 50.

184 Zampano, Giada, and Valeria Ferraro, ‘Survivors and Families of 94 Migrants Who Died in a Shipwreck off Italy Call for Justice a Year On’, AP News, 26 February 2024, <<https://apnews.com/article/italy-shipwreck-migrants-eu-trials-human-rights-bff0cfb53f78837884e3c6385d4c377c>>, accessed 15 March 2026.

185 Tabar, ‘From the “Reception Trap” to “Denied Reception”’, p. 95.

186 Ibid.

187 Italy, Delibera del Consiglio dei Ministri 11 aprile 2023, Dichiarazione dello stato di emergenza in conseguenza dell’eccezionale incremento dei flussi di persone migranti in ingresso sul territorio nazionale attraverso le rotte migratorie del Mediterraneo. (23A02609). For discussion of other instances where a “state of emergency” for migration governance in Italy, see Talavera, ‘Reframing Special Protection and Immigration as an Emergency’, pp. 580–583.

188 Italy, Decreto-Legge 5 ottobre 2023, n. 133, Disposizioni urgenti in materia di immigrazione e protezione internazionale, nonché per il supporto alle politiche di sicurezza e la funzionalità del Ministero dell’interno (23G00145), converted with amendments by Legge 1 dicembre 2023, n. 176.

189 Ibid., art. 5(1). UNICEF has argued that this provision impermissibly discriminates against unaccompanied foreign minors, in violation of the Convention on the Rights of the Child and Adolescents. United Nations Children’s Fund Italia, ‘DL 133/2023: Disposizioni urgenti in materia di immigrazione e protezione internazionale, nonché per il supporto alle politiche di sicurezza e la funzionalità del Ministero dell’interno – Nota tecnica’, Camera dei deputati, p. 1, <<https://documenti.camera.it/leg19/documentiAcquisiti/COM01/Audizioni/leg19.com01.Audizioni.Memoria.PUBBLICO.ideGes.2189.7.24-10-2023-11-05-20.416.pdf>>, accessed 15 March 2026.

detention facilities for up to 90 days.¹⁹⁰ And, contrary to the multidisciplinary age-assessment procedure outlined in the Zampa Law, Decree Law 133/2023 permits public safety authorities to order an anthropometric survey, X-ray or other medicalised age assessment “in case of substantial, multiple and closely spaced arrivals”.¹⁹¹

One response to the threats to children’s rights posed by the ever more securitised border regime is strengthening children’s access to counsel, a strategy that goes back to the Zampa Law’s recognition of children’s “right to participate, through a legal representative, in all judicial and administrative proceedings concerning him and to be heard on the merits”.¹⁹² Existing nongovernmental and intergovernmental organisations in Italy have developed innovative legal programs to support children with legal counselling and representation. At some coastal reception points and urban destinations, lawyers and social workers provide legal information and counselling to children about their rights. For example, Save the Children Italia opened a “free legal counselling office” in Rome to assist child migrants and developed a website through which unaccompanied children throughout Italy could find legal information.¹⁹³ Save the Children also offers a hotline for unaccompanied children to call for information about their rights in Italy.¹⁹⁴ UNICEF launched a “U-Report on the Move”, a digital platform that allows migrant children to receive information about their rights and share information that relates to their experiences.¹⁹⁵ These direct service initiatives have been reinforced through strategic litigation and on-the-ground advocacy rooted in human rights norms. Particularly active in this space is Associazione per gli Studi Giuridici sull’Immigrazione (ASGI), a membership-based organisation of attorneys, academics and civil society representatives engaged in the field of migration. ASGI has played a leading role in informing courts, legislative bodies and policymakers about ongoing violations of human rights standards for children occurring at Italian points of reception.¹⁹⁶

190 Decreto-Legge 5 ottobre 2023, n. 133, art. 5(1). See also Asylum Information Database, ‘Country Report: Italy – 2023 Update’, AIDA, July 2024, pp. 167–168, <https://asylumineurope.org/wp-content/uploads/2024/07/AIDA-IT_2023-Update.pdf>, accessed 9 March 2026 (noting that the amendment also allowed for the 90-day period to be extended for another 60 days in some circumstances).

191 Decreto-Legge 5 ottobre 2023, n. 133, art. 5(1)(a), translated in ‘Country Report: Italy’, p. 97. The United Nations High Commissioner for Refugees has expressed concern that the problematic emergency procedure could come to replace the holistic, multidisciplinary standard celebrated by the Zampa Law. United Nations High Commissioner for Refugees Italia, ‘Legge n. 176/2023 di conversione, con modificazioni, del decreto-legge n. 133/2023 - “Disposizioni urgenti in materia di immigrazione e protezione internazionale, nonché per il supporto alle politiche di sicurezza e la funzionalità del Ministero dell’Interno”’: Nota tecnica dell’Ufficio dell’Alto Commissariato delle Nazioni Unite per i Rifugiati (UNHCR)’, UNHCR Italia, Rome, pp. 3–4, <www.unhcr.org/it/sites/it/files/legacy-pdf/Nota-Tecnica-di-commento-Legge-n.-176-2023-di-conversione-con-modificazioni-del-decreto-legge-n.-133-2023.pdf>, accessed 20 March 2026. The Società Italiana di Medicina Legale e delle Assicurazioni (SIMLA) e delle Scienze forensi e Criminalistiche has warned that the new law risks inaccurate age assessments and compromises the multidisciplinary approach intended by Zampa. Letter from Francesco Introna, President of SIMLA, and Cristina Cattaneo, President of Gruppo Italiano di Antropologia e Odontologia Forense, to Giorgia Meloni, President of the Council of Ministers, SIMLA, Rome, 5 October 2023, <www.simlaweb.it/wp-content/uploads/2023/10/SIMLA-GIAOF-2023-legge-msna-short.pdf>, accessed 1 March 2026.

192 Law No. 47 of 7 April 2017, art. 15(1).

193 ‘Right to Justice’, pp. 42–44, 50, 58, 65.

194 Save the Children, ‘Migrant Minors Helpline’, <<https://helpline-minori-migranti.savethechildren.it/>>, accessed 1 March 2026. For more on the role of lawyers in supporting unaccompanied children as they navigate complex migration systems, see Galli, Chiara and Tatiana Padilla, ‘The Justice Gap for Unaccompanied Minors in US Immigration Court: Rurality, resources, & client characteristics as determinants of access to counsel’, *Law & Social Inquiry*, First view, April 2026.

195 ‘Relazione al Parlamento 2018’, p. 134.

196 See, e.g., Associazione per gli Studi Giuridici sull’Immigrazione, ‘Accertamento dell’età, due direttive della Procura della Repubblica per i minori di Trieste in contrasto con la legge’, ASGI, 10 February 2021, <www.asgi.it/famiglia-minori/trieste-minori-eta>, accessed 7 March 2026 (calling attention to failures in the implementation of the age assessment procedure outlined by the Zampa Law); Association for Juridical Studies on Immigration and Association Maldusa, ‘Communication: In accordance with Rule 9.2 of the Rules of the Committee of Ministers regarding the supervision of the execution of judgments and of terms of friendly settlements by the Association for Juridical Studies on Immigration (ASGI) – J.A. and Others v. Italy (application no. 21329/18)’, DH-DD(2024)482, Council of Europe, Strasbourg, 17 April 2024 (informing the Committee of Ministers about practices that effectively detain children in Italian reception points with limited or no access to essential services).

Increasing Criminalisation of Youth

A second major shift facing migrant minors concerns punitive reforms within the Italian youth justice system that increasingly treat young people as criminals rather than vulnerable children. Two decades ago, Italy's juvenile system was understood as notably distinct from "that of many Western countries",¹⁹⁷ and regarded as "one of the most lenient in the world".¹⁹⁸ The law in place at the time stipulated "that prison use be avoided to the utmost and, more in general, that care be taken in legal proceedings not to interrupt the normal process of growing up".¹⁹⁹ A comprehensive empirical study of juvenile case files found that most minors were diverted from the penal system through case dismissals, pardons, or pretrial probation with rehabilitative programming, displaying "relative tolerance towards deviant youth".²⁰⁰ Police in Italy also gave low priority to juvenile crime, leading to few arrests.²⁰¹ Further underscoring Italy's commitment to a non-punitive approach for juveniles, a 2003 legislative effort to "increase custodial sentencing for juveniles" failed "by a wide majority, from all political persuasions".²⁰²

More recently, however, Italy's approach to youth has experienced a punitive turn. Of major import was the 2023 Caivano Decree (Decreto Caivano), which greatly expanded the carceral treatment of youth. After the Caivano Decree, children as young as 14 could be arrested and detained for a range of crimes where such detention was not previously allowed.²⁰³ Additionally, whereas previously children in the juvenile justice system could remain in juvenile prisons until age 25, the Caivano Decree permitted their transfer to adult prisons as soon as they turned 18.²⁰⁴ These developments reveal a marked reorientation in Italy's treatment of children who commit crimes, with the system now prioritising public safety and custodial sentences over rehabilitative programming and the well-being of children.²⁰⁵

Importantly, Italy's increasingly punitive juvenile justice system disproportionately impacts migrant minors. In 2024, although only about 8 per cent of youth in Italy were foreign-born,²⁰⁶ over half the youth admitted to juvenile detention centres were foreign-born.²⁰⁷ This uneven criminalisation of migrant youth underscores how

197 Scalia, Vincenzo, 'A Lesson in Tolerance? Juvenile Justice in Italy', *Youth Justice*, vol. 5, no. 1, April 2005, p. 33.

198 Nelken, David, 'When Is a Society Non-Punitive? The Italian Case', in *The New Punitiveness: Trends, theories, perspectives*, edited by John Pratt et al., Willan Publishing, Cullompton, UK, 2005, p. 226.

199 Ibid., p. 227.

200 Scalia, 'A Lesson in Tolerance?', pp. 33, 35–36.

201 Lemert, Edwin M., 'Juvenile Justice Italian Style', *Law & Society Review*, vol. 20, no. 4, 1986, pp. 529–534 (recognising the Italian juvenile justice system as one that showed "considerable net leniency" toward minors, including by granting judicial pardons, amnesties, suspended sentences and probation).

202 Scalia, 'A Lesson in Tolerance?', p. 35.

203 Italy, Decreto-Legge 15 settembre 2023 n. 123, Misure urgenti di contrasto al disagio giovanile, alla povertà educativa e alla criminalità minorile, nonché per la sicurezza dei minori in ambito digitale (23G00135), arts. 3(1), 4. Children under the age of 14 cannot be found criminally responsible in Italy. Defence for Children International Italy, 'Executive Summary: National report on the youth justice system – Italy', DCI Italy, Genoa, 16 April 2024, p. 42, <www.defenceforchildren.it/easyUp/file/justcloser_execsum_nationalreport_italy.pdf>, accessed 14 March 2026.

204 Gaino, Alberto, 'Gli effetti del decreto Caivano', *gli asini*, Pistoia, Italy, 29 June 2025, <<https://gliasinirivista.org/gli-effetti-del-decreto-caivano/>>, accessed 14 March 2026.

205 Marking the rise of juvenile incarceration, in 2025, the Museo degli Innocenti in Florence hosted the first-ever photography exhibit of life inside Italy's juvenile penal institutions, "Dalla mia prospettiva", or "From my perspective". Bispuri, Valerio, 'Dalla mia prospettiva', Photography exhibition at the Museo degli Innocenti, Florence, 20 February–30 April 2025, <www.museodeglinnocenti.it/en/mostra/dalla-mia-prospettiva>, accessed 14 March 2026.

206 Eurostat, 'Migrant Integration Statistics: Socioeconomic situation of young people', Eurostat, 28 October 2024, <https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migrant_integration_statistics_-_socioeconomic_situation_of_young_people>, accessed 10 March 2026 (reporting percentage of total population aged 15 to 29 in Italy that were citizens of a non-EU country in 2024).

207 Italy, Dipartimento per la Giustizia minorile e di comunità, 'Minorenni e giovani adulti in carico ai Servizi minorili: Analisi statistica dei dati', Rome, 30 June 2025, p. 28, <www.giustizia.it/cmsresources/cms/documents/Analisi_Servizi_minorili_31.08.2025_G.pdf>, accessed 20 March 2026. Statistics available from the Department of Juvenile and Community Justice separate individuals in the Italian juvenile justice system by citizenship, designating them as either Italian or foreign. Although it is likely that a significant proportion of the foreign youth in detention were unaccompanied minors, the data do not provide specific breakdowns on family status.

youth of colour have been falsely portrayed as dangerous, racialised as other, and subjected to over-policing by authorities.²⁰⁸ As the United Nations Human Rights Council has acknowledged, the “overrepresentation” of immigrant youth in Italy’s juvenile justice system is “exacerbated by racial profiling and the criminalisation of individuals on the basis of their migration status”, which particularly impacts “Africans and people of African descent”.²⁰⁹ Laila Hlass explains that these discriminatory results can occur because migrant youth of colour are seen “as more adult-like”, which “creates a presumption that they should be held to a higher standard of responsibility and [treated] with less forgiveness”.²¹⁰ “Adultified” children suffer “systemic harm” across a diverse range of systems, including juvenile justice systems.²¹¹

Today, unaccompanied migrant children who enter Italy’s youth system are especially likely to remain detained.²¹² Access to probation (*messa alla prova*) generally requires “the presence of the family and, often, of parents in the role of supervisors”.²¹³ Without a family home to return to, unaccompanied migrant children wind up incarcerated at higher rates than Italian-born children.²¹⁴ This dynamic holds true for migrant minors who have only committed a petty crime that would not result in detention for Italian children in the care of their parents.²¹⁵ Indeed, although foreign minors were half of the children in juvenile detention centres, they were only one-fifth of those who received probationary sentences, leading scholars to conclude that Italy has a dual-track system of juvenile justice that subjects non-Italian minors to harsher punishment.²¹⁶ With regard to case resolution, the disparate treatment of migrant and citizen children also threatens the CRC’s founding non-discrimination principle.²¹⁷

One essential protection in Italy for incarcerated migrant children is the residence permit for social protection (*permesso di soggiorno per protezione sociale*).²¹⁸ A juvenile court judge can issue this type of residence permit upon completion of a prison sentence imposed for a crime committed as a minor.²¹⁹ In order for youth

208 Massa, Ester, and Stefania Crocitti, ‘Délinquance juvénile et justice pénale en Italie’, *Insaniyat*, vol. 83–84, 2019, paras. 11, 14, 40–41, 48, <<https://doi.org/10.4000/insaniyat.20536>>, accessed 7 June 2026. See also Kanics, ‘Best Interests of Unaccompanied and Separated Children’, p. 37 (observing that “as non-nationals”, unaccompanied migrant children “often face discrimination and violations of their rights”).

209 Human Rights Council, *Visit to Italy: Report of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement*, A/HRC/57/71/Add.2, United Nations, 2 December 2024, para. 78. Other important factors that track migrant children into the juvenile justice system include “poverty, limited access to quality education, employment, healthcare and adequate housing and lack of social and family networks”. Ibid.

210 Hlass, Laila, ‘The Adultification of Immigrant Children’, *Georgetown Immigration Law Journal*, vol. 34, no. 2, 2020, p. 203.

211 Ibid., pp. 203–204.

212 Valente, Adriana, and Silvia Caravita, ‘Foreign Minors and Young Adults in Detention Facilities in Italy: Successful pathways and critical factors in the education process’, *Italian Journal of Sociology of Education*, vol. 13, no. 3, October 2021, p. 119.

213 Milieu Law & Policy Consulting and ICF International, ‘Study on Children’s Involvement in Judicial Proceedings: Contextual overview for the criminal justice phase – Italy’, European Union, June 2013, p. 22, <<https://data.europa.eu/euodp/repository/ec-dg-justi/criminal-justice/contextual-overviews/Italy.pdf>>, accessed 9 April 2026.

214 Valente and Caravita, ‘Foreign Minors and Young Adults in Detention Facilities in Italy’, pp. 118–119.

215 Ibid., p. 119 (observing that Italy’s juvenile detention “rules produce a different effect” on unaccompanied migrant minors as they often “lack a reliable family structure to count on to avoid detention in the case of minor crimes, or to support them in a recovery programme”).

216 Monniello, Arianna, ‘Adolescent Offenders with a Migrant Background: Educational paths in Italian residential care’, in *ICERI2022 Proceedings*, International Academy of Technology, Education and Development, Seville, 2022, p. 8208, <<https://doi.org/10.21125/iceri.2022.2126>>, accessed 10 March 2026.

217 Convention on the Rights of the Child, art. 2. Jacqueline Bhabha aptly highlights that “[t]he most fundamental principle” of international human rights law is non-discrimination. Bhabha, ‘Independent Children, Inconsistent Adults’, p. 3.

218 Refugee.Info Italy, ‘For Victims of Exploitation: Permesso per Casi Speciali’, Refugee.Info Italy, 20 July 2025, <<https://italy.refugee.info/hc/en-us/articles/5388950876439-For-victims-of-criminal-activity-permessi-issued-by-the-police>>, accessed 15 March 2026 (explaining that the permit for social protection can be received upon release from jail for crimes committed as a minor if the minor participates in a social reintegration program).

219 Decreto Legislativo 25 luglio 1998, n. 286, art. 18(6), translated by Integrazione Migranti, <www.integrazionemigranti.gov.it/AnteprimaPDF.aspx?id=1693>, accessed 20 March 2026 (“The residence permit provided for by this article can also be issued, upon dismissal from the detention institute, also upon proposal by the public prosecutor or the surveillance judge operating at the court for minors, as regards the alien ending his serving of imprisonment imposed for crimes committed while not of age, and giving proof of actual participation in assistance and social integration programmes”).

detained in juvenile jails to later regularise their immigration status under this type of permit, however, they must partake in educational and integration programming while in custody.²²⁰ Italian law recognises a “re-education path” that enables an incarcerated child to participate in “an educational programme proposed by the Public Prosecutor and accepted by the child’s lawyer or the child himself/herself”.²²¹ As Arianna Monniello explains, educational programming can include “socially useful work as well as co-operation in activities of a non-profit nature within the local community”.²²² Attorneys and social service providers in some regions have begun working with young migrants while they are in jail to ensure they can follow an integration path and obtain lawful residency upon release. For example, at the Università di Torino, a legal clinic helps incarcerated young people activate this migration pathway by linking them to integration programming and an attorney who can assist with the permit application process.²²³

The Precarious Transition to Adulthood

A third intersecting challenge to ensuring the success of a human rights framework is the fragility of the migrant child’s eventual transition to adulthood. Elaine Chase has called for “a critical assessment” of what newly minted adults – often called “emerging adults” – require to “take command of their environments and create the futures they aspire to”.²²⁴ For unaccompanied minors on the move, these challenges are intensified by the absence of familial support and past experiences of persecution or trauma. Lise Hacquebord and colleagues have described the coming of age of migrant children as “a multilayered challenge, with each of the layers (care, housing, education, income and family reunification) having its own set of specific challenges to overcome”.²²⁵

The rights and protections found in the Zampa Law are centred around the rigid legal boundary between “child” and “adult” that is drawn on the child’s eighteenth birthday.²²⁶ Experience has revealed that this structure can leave emerging adults without the social and legal protections necessary to ensure their success. The sudden loss of accommodations, health care, educational services and migrant status can exacerbate the “trauma, distress and fears” suffered by these young people.²²⁷ Some young adults are left homeless, undocumented and without a strategy to achieve self-sufficiency.²²⁸ In 2023 alone, 11,700 young migrants left the child protective system when they turned 18, most without any ongoing support.²²⁹

In Italy, emerging adults enjoy greater autonomy but are often unprepared for the daunting tasks that await them when the supportive services they received as children are abruptly discontinued. For example, emerging adults face significant barriers in regularising their legal status. For those with pending asylum applications, a denial of asylum after they turn 18 will generally leave them ineligible for an alternative residency permit.²³⁰

220 Monniello, ‘Adolescent Offenders with a Migrant Background’, pp. 8207–8213.

221 Maoli, Francesca, and Laura Carpaneto, ‘National Report on the Youth Justice System: Italy’, Defence for Children International Italy, April 2024, p. 12, <www.defenceforchildren.it/easyUp/file/justcloser_nationalreport_italy.pdf>, accessed 15 March 2026 (citing Decreto del Presidente della Repubblica 22 settembre 1988, n. 448, Approvazione delle disposizioni sul processo penale a carico di imputati minorenni, art. 27-bis).

222 Monniello, ‘Adolescent Offenders with a Migrant Background’, p. 8207.

223 Carro, Giuseppe, and Ornella Fiore, ‘I minori nel circuito penale e la regolarità del soggiorno alla maggiore età’, *Accompagnare i minori non accompagnati: Strumenti di tutela e percorsi di integrazione nel passaggio alla maggiore età del MSNA*, Conference presentation, Turin, 9 May 2025.

224 Chase, Elaine, ‘Transitions, Capabilities and Wellbeing: How Afghan unaccompanied young people experience becoming ‘adult’ in the UK and beyond’, *Journal of Ethnic and Migration Studies*, vol. 46, no. 2, January 2020, p. 453.

225 Hacquebord, Lise, et al., ‘We Guide Them to Independence: Experiences of professionals involved in the transition to adulthood of unaccompanied refugee adolescents’, *Child & Family Social Work*, 2025, p. 6, <<https://doi.org/10.1111/cfs.13305>>, accessed 10 March 2026.

226 Article 1 of the Convention on the Rights of the Child and Italian law define a “child” as up to the age of 18 years.

227 Sollima, Iolanda Roberta, ‘The Rights of Unaccompanied Migrants from Their Arrival to the Adulthood’, in *In and Out: Rights of Migrants in the European Space*, edited by Francesco Lo Piccolo et al., Springer, Cham, Switzerland, 2024, p. 221.

228 Ibid.

229 Save the Children Ricerca, *Nascosti in piena vista: Frontiera 18*, edited by Save the Children Italia, December 2024, p. 59, <<https://s3-www.savethechildren.it/public/allegati/nascosti-piena-vista-2024.pdf>>, accessed 11 July 2026.

230 Cordiano, ‘Unaccompanied Foreign Minors and Asylum Seekers Under Italian Law’, p. 142.

Migrant minors who obtained a permit based on their age will face the complex task of converting their residency permit for minor age into a permit for work or study.²³¹ Eighteen-year-olds who have not been present in Italy for at least three years and participated in a social and civil integration project for at least two years²³² cannot obtain lawful status unless they first obtain approval from the Directorate General of Immigration and Integration Policies at the Ministry of Labour and Social Policies.²³³ These prerequisites pose significant bureaucratic and practical hurdles, especially for children living in first reception centres that lack quality programming.²³⁴ The end result is that emerging adults risk becoming undocumented, invisible and victims of organised crime. Moreover, in Italy, this transition to adulthood can be particularly abrupt, as most of the unaccompanied children in Italy are near the age of majority.²³⁵

One innovative response by local communities has involved activating a lesser-used provision of the Zampa Law that allows for a juvenile court judge to administratively continue supports for emerging adults (*il prosieguo amministrativo*).²³⁶ This process, which has been successfully used in cities such as Florence,²³⁷ enables those who immigrated to Italy as unaccompanied minors to continue receiving housing, education and other support services during the delicate period after reaching the age of majority, through the age of 21.²³⁸ Qualifying for this supportive continuation requires the young person to demonstrate strides toward social integration, such as past participation in language courses and civic programs, as well as ongoing attendance in a course of study or employment.²³⁹ Emerging adults granted an administrative continuation can then extend their lawful status through a residence permit for integration (*permesso di soggiorno per integrazione*).²⁴⁰ As

231 Qualifying for conversion requires youth to have an identity document and an employment contract or a course of study. ‘Teach Us for What Is Coming’, p. 21. See generally Allsopp, Jennifer and Elaine Chase, *Youth Migration and the Politics of Wellbeing*, Bristol University Press, Bristol, UK, 2021, p. 71 (clarifying that “Italy’s post-18 regularization pathway for former unaccompanied minors is one of the few EU models that seek to provide pragmatic pathways to legality and labour market integration for this group”).

232 Decreto Legislativo 25 luglio 1998, n. 286, art. 32(1-bis)–32(1-ter).

233 Ibid., art. 32(1-bis). Such approval requires at least six months of residency before turning 18 and prior participation in social and civic integration programming. Socioeconomic Research Institute of Piedmont, Association for Juridical Studies on Immigration and Multiethnic Association of Intercultural Mediators, *Living, Studying, Working in Italy: A practical guide for foreign citizens and professionals*, edited by ASGI, 2022, p. 125, <www.asgi.it/wp-content/uploads/2022/12/0_Guida_Inglese_29nov_compressed.pdf>, accessed 10 March 2026. See also Rozzi, ‘L’accoglienza dei minori stranieri non accompagnati e il rilascio dei documenti’, pp. 101–104 (providing that to convert a permit for minor age at 18, the applicant must have (1) entered before the age of 15 and have secured at least two years of integration programming or (2) received a positive opinion from the Direzione Generale Immigrazione del Ministero del lavoro e delle politiche Sociali); Regione Autonoma Friuli Venezia Giulia: Consiglio Regionale e Grante Regionale dei Diritti della Persona, ‘Vademecum per tutori volontari di minori stranieri non accompagnati (MSNA): Aggiornamento anno 2024’, I Quaderni dei Diritti series 10/2022, Garante Diritti FVG, 2024, p. 6, <<https://garante-diritti.regione.fvg.it/cms/export/sites/garante/attivita/pubblicazioni/pubblicazioni-del-garante-regionale/Revisione-quaderno-10-pieghevole.pdf>>, accessed 20 March 2026 (same).

234 For example, as Elena Rozzi clarifies, approval from the Directorate General of Immigration and Integration Policies at the Ministry of Labour and Social Policies is discretionary and requires a showing that the minor was present in Italy for at least six months, has available housing and has started on a social and civil integration pathway (such as by enrolling in school, learning Italian and working). Rozzi, ‘L’accoglienza dei minori stranieri non accompagnati e il rilascio dei documenti’, pp. 70, 101.

235 As of January 2026, 78 per cent of unaccompanied minors present in Italy were 16 or 17 years of age. Italy, Ministero del Lavoro e delle Politiche Sociali, ‘Presenza dei Minori stranieri non accompagnati in Italia’, <<https://analytics.lavoro.gov.it/t/PublicSIM/views/HomePage/HomePage-SIM?%3Aembed=y&%3Aiid=1&%3AisGuestRedirectFromVizportal=y>>, accessed 1 March 2026.

236 See generally JumaMap, ‘FAQ: What is “proseguo amministrativo”?’, Rome, 4 December 2025, <www.jumamap.it/en/faq-what-is-proseguo-amministrativo-continuation-of-administrative-status>, accessed 6 March 2026 (outlining the procedures for requesting *proseguo*).

237 ‘Teach Us for What Is Coming’, pp. 20, 77.

238 Law No. 47 of 7 April 2017, art. 13(2) (providing that to further the “path of social integration”, minors who reach the age of majority but still find themselves in need of “prolonged support” to ensure their “success” may obtain a decree from the Juvenile Court to assign “social services” through the age of 21).

239 Italian Council for Refugees et al., ‘The Coming of Age of Unaccompanied Foreign Minors in Six European Countries’, Kids in Need of Defense, 19 August 2025, <<https://supportkind.org/resources/the-coming-of-age-of-unaccompanied-foreign-minors-in-six-european-countries>>, accessed 11 July 2026.

240 See Decreto del Presidente della Repubblica 4 ottobre 2022, n. 191, art. 1 (specifying that residence permits issued based on a Juvenile Court judge’s order for administrative continuation are considered residence permits for integration purposes). See also Associazione per gli Studi Giuridici sull’Immigrazione, Progetto NOMiS della Compagnia di San Paolo and A.P.S. Tutori e tutori

Italy's Court of Cassation has recently found, the rationale of the Zampa Law's administrative continuation provision is to avoid abrupt interruptions in support measures upon reaching the age of majority to protect the pathway of social inclusion.²⁴¹

Satisfying the standard for continuation can be burdensome and complex. Social workers have reported many challenges, including long delays in granting extensions that place young people in a precarious position of uncertainty.²⁴² The stability of this pathway is also threatened by a draft law approved by the Council of Ministers in February 2026 and now under consideration by the Senate that would reduce the administrative continuation period to only one year (through the age of 19), thus shortening the time available to achieve a stable transition to independent adulthood.²⁴³

Another interesting project has been initiated in Pescara by the Caritas Diocesana organisation to assist young people coming of age to work with the Juvenile Court and local voluntary guardians to register with an Employment Centre (Centro per l'Impiego) to have access to key vocational training programs and internships.²⁴⁴ This path can allow young people who do not qualify for administrative continuation to apply for a residence permit based on employment after reaching the age of majority.²⁴⁵ These and other approaches mirror those advocated by sociologist Ulrike Bialas, who has argued that the personal circumstances and vulnerabilities of young migrants should carry greater weight than chronological age assessments in determining their needs and the allocation of support.²⁴⁶

Finally, an important project to ease the transition to adulthood is the creation of the "social guardian" role (*tutela sociale*).²⁴⁷ This initiative allows the voluntary guardian relationship to continue informally after the child reaches the age of majority. The social guardian is not part of the Zampa Law or subsequent legislation, but in some regions (such as Sicily, Tuscany and Piedmont) has been legitimised by Juvenile Court judges who have issued decrees formalising the continuation of a guardian's role.²⁴⁸ Social guardians can guide and support these young people in various complex aspects of their transition, such as regularising their status, finding employment, opening a bank account, and securing housing. The overarching goal of the social guardian is to serve as a point of support for the emerging adult and assist them in their integration into society.

Conclusion

In 2017, the Italian Parliament enacted a reform that established the first holistic human rights framework for addressing the condition of children migrating on their own. Drafted in consultation with children's rights experts and incorporating human rights principles of the CRC and European law, as well as the Italian Constitution, the law's core promise was to ensure equality between Italian children and children migrating independently, regardless of their reason for coming to Italy or citizenship status. In so doing, the law

volontari di M.S.N.A.: Piemonte e Valle d'Aosta, 'Il prosiegua amministrativo', Piemonte Immigrazione, Turin, 3 February 2025, p. 4, <https://piemonteimmigrazione.it/images/Scheda_Ilprosieguoamministrativo_2025-02-04.pdf>, accessed 20 March 2026 (clarifying that the resident permit for integration can be issued after an order of administrative continuation and does not require a positive opinion of the Ministry of Labour and Social Policies).

241 La Corte Suprema di Cassazione Prima Sezione Civile, General Register No. 9113/2025, Judgment, 21 January 2026, p. 7, <[https://giuricivile.it/wp-content/uploads/2026/01/1674_2026_SENTENZA.pdf?_gl=1*xz0txe*_up*MQ..*_ga*OTI1ODkzNzc0LjE3ODM3OTY0Njc.*_ga_5TEH2C3XVZ*czE3ODM3OTY0NjUkbzEkZzAkdDE3ODM3OTY0NjUkajYwJGwwJGgw](https://giuricivile.it/wp-content/uploads/2026/01/1674_2026_SENTENZA.pdf?_gl=1*xz0txe*_up*MQ..*_ga*OTI1ODkzNzc0LjE3ODM3OTY0Njc.*_ga_5TEH2C3XVZ*czE3ODM3OTY0NjUkbzEkZzAkdDE3ODM3OTY0NjUkajYwJGwwJGgw>)>, accessed 11 July 2026.

242 *Rapporto Annuale del Sistema di Accoglienza e Integrazione*, pp. 83–84.

243 See Italy, Presidenza del Consiglio dei Ministri, 'Comunicato stampa del Consiglio dei Ministri', Press release, 11 February 2026, <www.governo.it/it/articolo/comunicato-stampa-del-consiglio-dei-ministri-n-161/31102>, accessed 9 April 2026.

244 'I Minori Stranieri non Accompagnati (MSNA) in Italia: Dati al 31 dicembre 2025', p. 65.

245 *Ibid.*, p. 64.

246 Bialas, Ulrike, *Forever 17: Coming of age in the German asylum system*, University of Chicago Press, Chicago, 2023, pp. 169–170.

247 Melting Pot: Europa, 'La tutela del minore straniero non accompagnato oltre il 18° anno di età', Melting Pot, 7 June 2023, <www.meltingpot.org/2023/06/la-tutela-del-minore-straniero-non-accompagnato-oltre-il-18-anno-di-eta>, accessed 20 March 2026 (discussing the Tutori Never Alone social protection project to assist emerging adults in several Italian regions).

248 'Quarto Rapporto', p. 38.

addressed Bhabha's call for a system that did not silo children migrating on their own into narrow categories or leave some unaccompanied children unprotected by the law.

This Discussion Paper revisited Italy's landmark legislation and explored how it has endured as a comprehensive human rights framework. As this Discussion Paper has highlighted, the Italian model for protecting unaccompanied migrant children remains an important benchmark and continues to evolve in ways that can serve as a model for innovation and replication. Many regions in Italy have made strides in implementing a multidisciplinary framework for age assessment. The voluntary guardian system offers an innovative pathway for integration that actively involves citizens in supporting migrant youth. Numerous children's rights organisations have established child-friendly programmes to provide counselling and advocate for the rights of migrant youth. And the migratory pathways that ensure that unaccompanied children can reside lawfully in Italy without fear of deportation remain intact.

At the same time, this Discussion Paper has identified implementation gaps and broader policy developments that threaten the integrity of the Zampa Law's comprehensive, rights-based framework. The intervening decade since Law 47/2017 was passed has witnessed numerous rollbacks of children's rights, including emergency measures that allow children to languish in inadequate reception facilities, domestic laws that make migrant youth especially vulnerable to arrest and incarceration and the increasingly restrictive application of adult migration laws to vulnerable young people transitioning out of child-specific protections. In the years to come, sustained support for voluntary guardians, together with educational and integration programmes for migrant youth, will be imperative to facilitating the successful transition of migrant children into adulthood. Additionally, as migration governance in Italy and across the European Union increasingly embraces externalisation and detention, it is essential to ensure that vulnerable children remain within the human rights framework and are not swept up in these accelerated enforcement measures. Italy's experience under the Zampa Law demonstrates both the promise and the fragility of a holistic human rights framework for migrant children and underscores the importance of safeguarding those protections amid evolving migration policies and governance frameworks.

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