

EUROPEAN TASK FORCE ON IRREGULAR MIGRATIONS

Country Report: Italy

Center for Migrations and Citizenship

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Introduction

In order to understand the present configuration of immigration policies in Italy, it is necessary to follow a path of double logic at every step of the analysis. On one side, the study will identify consistent trends in the country's "immigration history" that continue to shape the main features of the reality of immigration today (see §§ 2.1 and 2.2). On the other side, the study will focus on major changes in the regulation of immigration and the policies addressing undocumented migrants that occurred in more recent times (see § 2.3.).

Of course, the evolution of the overall situation concerning migration in Italy is highly dependent upon national historical and political situations, seeing as it is the central authority that is responsible for establishing the guidelines upon which immigration policy is built. However, it is at the local level that these guidelines must be implemented, and it is local authorities that are called to deal with undocumented migrants in the territories they administrate. However, local authorities cannot really intervene in setting the rules concerning the legal admission of third-country nationals and the rights to which (even) undocumented migrants are entitled. The action of local powers in the field of housing, schooling, health services etc. can therefore have a big impact on migrants' everyday lives. Moreover, since immigration has become one of the most important issues in the political agenda of European States, all types of governments wanted to leave their own mark in the field. Immigration is discussed either in terms of good or bad, opportunity or threat, reception or expulsion. Even if, in practice, the guidelines of national policies had remained more or less the same since the nineties, the subsequent legislative reforms and the public discourse on this matter have been shaped in many different ways by these opposite political sides. Even in this sense, local authorities can make the difference either by following the "mainstream" established at the central level, or by opposing it. Local authorities deal with issues people experience in everyday life. They can concentrate on reception and integration policies or on "command and control" measures, and at the same time influence the public opinion much more effectively than the national authority.

That is why in the following paragraphs, after offering an overview of the evolution of national immigration policies and the causes of irregularity, the study will concentrate on the interplay between the different policy levels, and particularly on the scope of action that local powers have in dealing with undocumented migrants while performing their ordinary administrative functions. This point of view

can reveal itself as a very useful tool in the analysis of public policies concerning undocumented migration in which the local perspective has often been neglected. In this respect, it shall be taken into consideration as well that, since 2001, Italy has undergone important changes in the territorial distribution of power in accordance with the subsidiarity principle¹. Even if this decentralization process did not affect the core of immigration policy (see § 3.1), it still provided local authorities with essential competencies in the access to basic social rights, along with enhancing the role of the local level in the overall administrative policy of the State. Since then, the local perspective has become a strategic point of view in the analysis of public policies in Italy, as it should in immigration issues as well.

¹ See Constitutional law n. 3/2001, which reformed the Titolo V of Italian Constitution, related to the territorial distribution of power.

National Politics and Policies

Pull factors and criteria of admission of third-country nationals in Italy: the interplay between admission quotas, undocumented migration and regularization policies

As is widely known in relation to Italy's immigration history, Italy became a country of immigration only in the late seventies after having been a country of emigration since the beginning of the twentieth century. Only in 1974 did the flow of incoming immigrants exceed the flow of outgoing citizens. This explains the low interest that public powers have paid to the immigration phenomenon until very recently. The rise of immigrant populations has been quick and steady, almost doubling the number of foreign residents every ten years to date. At present, according to the yearly survey carried out by the ISMU foundation, foreigners in Italy amount to around 5,3 million, 500,000 of which are not (or not yet) included in the municipal registers. Around 550,000 are irregular immigrants, and regular residents number 4,253,000 as of January 1, 2010 (Fondazione ISMU, 2010)².

With respect to this relatively sudden change, the government's reaction has been slow and confused. One set of hypotheses concerning the causes of undocumented migrants in the country can be based on the following structural aspects: the initial lack of regulation, the presence of a widespread shadow economy in the country, and its geographical position (Italy is one of the closest points of access to the territory of the European Union for third-

² About one half of these foreigners living in Italy originate from Eastern European countries. The North African and Asian components are also very numerous, while the presence of Latin American and Sub-Saharan African immigrants is less relevant; the data reflects a variegated population made up of numerous different nationalities (Fondazione ISMU, 2009). Also, the distribution of the foreign community over the Italian territory is not uniform: about 65 percent of the foreign population lives in the north and 23 percent in the central areas of the country (Blangiardo, 2008) due to the higher demand of the labour market, both industry and agriculture, in these areas. The biggest communities are settled in Milan and Rome, but smaller urban centres also have a relevant percentage of foreign residents due to the number of employees in family care and small firms.

country nationals coming from Central and Northern Africa and Eastern Europe). The combination of these push-and-pull factors with restrictive policies that seem to enhance rather than avoid irregularity contributed to make the presence of non-regularised migrants a structural feature in Italy.

In the last five years, the overall stock of undocumented migrants has fluctuated between 500,000 and 750,000 units in addition to more detailed estimates showing that the yearly values can be underrepresented due to the regularization processes which allow a large part of undocumented migrants to exit through a “black hole” and enter the documented migrants’ stock (OECD, 2010; Fondazione ISMU, 2009; Idem, 2010)³. The use of sample surveys is probably the best way to calculate an estimate of the presence of irregular migrants in the country (Bonifazi, Strozza, 2005), but usually different techniques are combined to estimate the number of irregular migrants or the total number of residing foreigners (Strozza, 2004). One technique frequently used in Italy, due to the enforcement of mass regularizations, is based on the difference between the number of applications submitted at each “flow decree” (see § 2.2) and the upper limit of new residence permits to be released as set previously by the government. Moreover, according to some of the stakeholders cited in the “Clandestino” project field visit report, similar values to those already cited can be inferred from this kind of estimate (PICUM, 2008; see also EMN, 2008). As we will see, this is also one of the most useful methods to calculate the non-documented population residing in a specific territory (see § 4.1).⁴

The abovementioned figures demonstrate that despite regularisation processes, more restrictive policies to contrast irregularity and, most of all, the general decrease in incoming immigrants due to the economic crisis that has affected Europe in recent times (Fondazione ISMU, 2010), it seems that the “real” stock of non-documented migrants has been quite steady throughout the years. Therefore, changes in the political approach to irregular immigration can only minimally affect the incoming flows of this particular population. The key factors for understanding the evolution of irregular immigration in Italy must instead be found in the so-called “push factors” commonly identified with reference to the immigration pressure and in some particular “pull factors” specific to the Italian case. In other words, assuming that irregularity is a structural feature, it is necessary to get back to the (structural) causes in order to analyse the phenomenon.

³ According to ISMU estimates, the total number of the undocumented population was approximately 650,000 in 2006, 349,000 in 2007, 651,000 in 2008, 422,000 in 2009 and 550,000 in 2010 (Fondazione ISMU, 2009; Idem, 2010).

⁴ For an overall review of the most commonly used techniques to calculate the stock of non-documented migrants, see, Delaunay and Tapinos, 1998; Jandl, 2004; Strozza, 2005.

In this respect, we will review the main causes of irregularity that make up the vast majority of cases: overstaying a visa, irregular entry, refusal of refugee status and refusal of renewing a residence permit after the loss of a regular job. Some reflections shall be made with relation to the “irregular entry” and “refusal of refugees status” hypotheses above. Of course, the vast majority of asylum applicants enter the country illegally. But, on the other hand, asylum-seekers, once they have formally logged an application, no longer reside illegally. They may remain in the country as non-documented migrants once they are refused, and in that way contribute to the increase of undocumented foreigners. However, in Italy’s case, the number of refused asylum seekers contributing to irregularity does not seem to have a major impact. According to the Ministry of Interior, in 2009 there have been a total of 12,410 refused applications.⁵ On the contrary, no data on rejected asylum seekers remaining in the country exists. What we do know is that during the year 2008, 75 per cent of all third-country nationals arriving by sea submitted an asylum request, and that 50 per cent received some form of international protection (UNHCR, 2009). Moreover, considering that the recognition rates from the determining authorities located in the areas of the largest inflows of people by sea (namely Siracusa and Trapani in Sicily) are quite high (approximately, 41 per cent and 56 per cent, respectively⁶), it is possible to say that the famously sad image of the ship filled with immigrants landing on the coasts of Lampedusa does not belong among the major causes of irregularity in Italy.

In fact, according to the Ministry of the Interior, estimates for the years 2000 – 2006 report that irregular entries by sea represent 14 per cent of all irregular entries, while 29 per cent is comprised of those who cross terrestrial boundaries (Barbagli, 2007). The remaining 57 per cent is composed of over-stayers, which represent the largest proportion of the non-documented population (OCDE, 2010; Fasani, 2008). However, there is no doubt that Italy carries a heavy burden as one of Europe’s most exposed “doors,” having to control 7,400 miles of sea coasts and 1,958 km of terrestrial boundaries. The costs in terms of economic and human resources due to its geographic position are very high and cannot be underestimated in an overall evaluation of the country’s policy concerning non-documented migrants.

If the major causes of irregularity in Italy include overstaying a visa, and considering that the stock of undocumented migrants has been rather steady over the years, there must be a more or less constant inflow of people who enter the country in a regular way and stay irregularly once their visas expire. Once again, then, push-and-pull factors that normally drive the migration phenomenon are proving

⁵ See the Ministry of Interior website at:

<http://www.interno.it/mininterno/export/sites/default/it/temi/asilo/sottotema009.html>

⁶ For further information, see the Ministry of Interior website at:

<http://www.interno.it/mininterno/export/sites/default/it/temi/asilo/sottotema009.html>

stronger than any attempt undertaken to legally manage the phenomenon (Colombo, Sciortino, 2004).

This is even more applicable to Italy, where it is possible to identify some particular issues that enable this “push-and-pull” mechanism to work even better. The first issue is the high (even highly unstable) work demand, particularly in specific sectors such as agriculture and building (Jandl, 2004; Chiuri, Coniglio, 2007; Reyneri, 2005), where there is a preference for flexible assumptions (Cicerchia, Pallara, 2009). Secondly, Italy’s unbalanced demographic structure, with the continuous growth of the elderly population, creates a strong need for family assistant workers (Terra Abrami, 2005). A transversal element, the presence of a widespread shadow economy, is a third issue that some researchers use to represent one of the main causes of irregular immigration (Ferri, 2008)⁷. As a consequence of such a system there is widespread diffusion of the shadow economy and a tendency to indulge in irregular employment of immigrants (Jandl, 2004), particularly in economic sectors such as agriculture, building and certain parts of the service sector.

Legislative framework

Besides the aforementioned structural (economic, demographic and social) causes, some very important political and legislative factors must also be included among the causes of irregularity. First of all, the adoption of a complete legislative framework concerning admission of third-country nationals in Italy arrived late, and was not always properly applied. As already mentioned, the first organic national regulation on immigration was introduced in 1998, with law no. 40 of 1998 (the so-called “Turco-Napolitano” law), then transposed in d.lgs. 286 of 1998 (Testo Unico), which still constitutes the main legislative framework concerning immigration even if it has been modified several times since 1998. This legislative text confirmed the criteria adopted by public powers since 1990 to regulate legal access to Italian territory, based on yearly “flow decrees” (so-called quotas). Every year the government establishes an upper limit on the number of legal entries based on an estimate of labour market needs. In principle, third country citizens are eligible for a permit to stay after having received a job offer while they are still residing in their country of origin. In practice, the majority of applicants for work positions

⁷ Some of the reasons that can explain the diffusion of the informal economy in Italy can also be identified by two characteristics that distinguish the Italian productive system from the other economies of Western Europe: the significant diffusion of small firms and the large proportion of professionals and self-employed with respect to the total workforce. These two features make it harder to enforce effective public controls in some economic areas. In this respect, some authors stressed how the higher the rate of self-employment, the larger is the shadow economy, *ceteris paribus* (Bordignon, Zanardi, 2007).

registered in the “quotas” already reside in the national territory as non-documented due to the objective difficulty that employers face in offering a work position to someone who is in another country and whom they have never met. In other words, as some authors point out, whether they are firms or families, employers hire a worker when they need him or her, and not when bureaucracy allows them to do so (Golini, 2005).

Moreover, the number of legal entries established by governmental annual quotas in application of the law has often been underestimated in relation to the actual job demand (Colombo, Sciortino, 2004; Barbagli, 2007). Since the first attempts to adopt a regulation of the phenomenon, the solution to increasingly growing numbers of non-documented and illegally employed foreign citizens has often been found in *ex-post* regularisations. Over the last two decades, governments from all sides recurred to such emergency solutions, starting with the administrative regularisation of 1982, whereby the Ministry of Labour offered a work permit to all foreigners who could prove that an employer was willing to employ them legally or that they had been steadily employed in the past, and which concerned about 5,000 foreigners (EMN, 2005). Then, in 1986 (law no. 943 of 1986), 105,000 migrants were regularized (more than one half of which were unemployed, or not in the position to support their condition as subordinate workers with documented evidence; (Cesareo, 2007). In 1990, (law no. 39 of 1990, the so-called “Martelli” law), 222,000 foreigners overall were granted a residence permit (Cesareo, 2007). Then, in 1996 (Law Decree no. 489 of 1995), 246,000 people were regularised. For the first time there was the possibility to gain a residence permit for family reunification purposes, along with the possibility to become regularized on the basis of the “job” and “effective residence” criteria, a sign that immigration flows were beginning to gain stability within the social and economic context of the country (Ruspini, 2009). In 1998, coinciding with the organic reform introduced by the so-called “Turco-Napolitano” law, a new amnesty was approved (D.P.C.M. 16 October 1998) which involved 217,000 irregular immigrants. Finally, in 2002, parallel to a complex reform of immigration law introduced by law no. 189 of 2002 (the so-called “Bossi-Fini” law), a total of 650,000 foreigners emerged from illegality (EMN, 2005) through the two channels provided for housekeepers and domestic workers for families (art. 33 of law no. 189 of 2002). Also emergent were dependent workers employed in productive sectors covered by a specific law (legislative decree no. 195 of 2002, converted with modifications with Law no. 222 of 2002 becoming “Urgent regulations on the legalisation of the irregular work of non-EU immigrants”).

In total, more than 1.5 million immigrants have been regularized by the aforementioned amnesties. The most recent analysis has shown that over $\frac{3}{4}$ of actual foreign workers in Italy have passed through irregularity and regularisations (Morozzo della Rocca, 2009; Fasani, 2008). This data offers a practical confirmation of what lies

behind the quotas system: the main pathway that an immigrant can follow to stay regularly in Italy is to get into the country without appropriate immigration documents, seek and find a job in the informal economy (as he or she cannot be regularly employed), and finally find a way to regularise him or herself both as a worker and as an immigrant (Codini, 2007).

Over time, the rules concerning admission of immigrants in Italy have undergone an elevated number of reforms, setting up a more and more restrictive frame-work which makes it even more difficult to enter the country legally and to maintain a regular status through time. In particular, law no. 198 of 2002 eliminated the so-called “sponsor,” the only solution introduced by the previous legislation which could represent a (partial) solution to the already mentioned problem of hiring someone from abroad. Arising from the system of flow decrees, it subsisted on the possibility that an Italian citizen or a regular resident foreigner could guarantee an immigrant entering the country a job with a special temporary permit.. However, due to the limited application of this option when it was in force, it did not constitute the most problematic aspect of the 2002 reform. One feature that proved highly problematic for regular immigrants to maintain their *status*, forcing many into the non-documented condition, is the marked reduction in the average duration of residence permits, as well as the marked preference of the Italian government for allowing foreigners in only as seasonal workers, who normally have great difficulty in finding new employment in time to renew their permits (Ruspini, 2009). In this respect, it has been said that “Precariousness is one of the most troubled aspects of the situation created by the rules introduced in 2002,” (*Ibidem*, p. 74; for more insights, see Scevi, 2002; Algostino, 2003; Nascimbene, 2003).⁸

When trying to identify some turning points in national policy addressing non-documented immigrants, this reform shall be recalled as one of the main policy-paradigm changes. For the first time, the balance between the fight against irregularity and the enhancement of

⁸ To this respect, it is useful to remind the major changes introduced by the 2002 reform, in particular with reference to the validity of a residence permit in case of loss of job, reduced from one year to six months (current art.. 22, par. 11 T.U.). On the other side, the time limit within which to submit the request for renewal of a residence permit increased from thirty to ninety days before the expiring date. In this framework, it should also not be forgotten that, in some cases, the timing for issuing the new residence permit can be very long (in the order of several months): so that until 2006, when the validity of the renewal request has been recognized by the law, even foreigners waiting for the renewal of their residence permit were forced in a state of semi-legality.

⁹ Sixty days was the maximum time for retention of foreigners who received an expulsion order in the centres re-named by law no. 125/2008 “Identification and Expulsion Centers,” or CIE (once these centres, introduced by law 40/1998, were called Temporary Retention Centers or CPT). After the adoption of law n. 94 of 2009, the Questore (police chief in a province) can ask the Justice of the peace to extend retention for 60+60 days after the first sixty days in case of delay in executing the repatriation.

integration shifted towards the first of the two factors, considering that one of the most important instruments of control, the possession of a regular job contract, had been changed into a condition of instability for (documented) migrants.

The present situation: the “security rationale” and criminalisation of irregularity (a second policy paradigm change)

In recent times, however, a second important policy-paradigm change can be registered: between the years 2008 and 2009, after the electoral success of the right-wing parties in the 2007 elections (in particular of the Lega Nord party, which chooses the “security rationale” as one of the most important points of its political programme), several legislative reforms concerning immigration, normally referred to as “security packages,” have been adopted.

One particular objective of this set of reforms concerning the condition of non-documented migrants was turning irregularity into a criminal offence. Law no. 94 of 2009 introduced the so-called “irregular entry and stay offence,” along with an extension of up to six months for those in retention centres.⁹

Other measures introduced by this law were punishments in the form of 10,000.00€ fines for any person who entered Italian soil irregularly and to irregular aliens found during inspections. But the heaviest of the consequences stemming from the introduction of the irregular stay offence on the condition of non-documented migrants affected the public administration. In fact, due to the combined articles no. 361 and no. 362 of the Criminal Code (which punishes any public official or person in charge of public services who doesn't comply to the “obligation to report a crime of which he gained knowledge during or on account of his duties”), when a public official comes into contact with an irregular immigrant during or on account of his duties, he or she will be required to report the “irregular stay offence” to the police. Moreover, showing a residence permit is also mandatory for every action or service required by the PA, with the exception of health care and schooling. Even if this provision has yet to be interpreted as an obligation (so that public officials cannot presume that a foreigner is irregularly staying in Italy only because he

⁹ Sixty days was the maximum time for retention of foreigners who received an expulsion order in the centres re-named by law no. 125/2008 “Identification and Expulsion Centers,” or CIE (once these centres, introduced by law 40/1998, were called Temporary Retention Centers or CPT). After the adoption of law n. 94 of 2009, the Questore (police chief in a province) can ask the Justice of the peace to extend retention for 60+60 days after the first sixty days in case of delay in executing the repatriation.

fails to show his residence permit), the combination of all these measures is likely to have major consequences for the access of non-documented migrants to those public services that even they are entitled to (such as basic health care and compulsory education, ex art. 35, par. 5, of the “Testo Unico” and art. 38, par. 1). For example, it is sufficient to say that the introduction of the illegal stay offence created doubts even in relation to the obligation of health facilities to report (Geraci, S., Bonciani, M., Martinelli, 2010; see below, par. 4.2).¹⁰ In addition, a deep contrast between the central government and some regional administrations emerged, since health care is among the legislative competences that the central State shares with regional powers (ex art. 117, par. 3 Italian Constitution). In 2009, fourteen regions adopted Circular Letters addressed to all the sanitary structures in their territories which defended the prohibition to report, making clear that it was still in power since law n. 94 of 2009 did not abrogate the above mentioned art. 35, par. 5 of the “Testo Unico” (Geraci, S., Bonciani, M., Martinelli, 2010).

Finally, the security package also established that, in order to obtain a residence permit, foreigners will be obligated to sign a specific “agreement of integration.” This agreement, also referred to as a “points-based residence permit” will be composed of several items, each with a corresponding score. To maintain their legal status, immigrants will need to increase the number of points at their disposal (by, as an example, getting a certificate for their level of Italian as a second language) and to avoid those behaviours that can translate into a decrease. The legislation concerning the “agreement of integration” has not been adopted yet, but the way it has been laid out for the time being suggests that its application may be complex and confusing, and that it is very likely to be turned into another instrument to increase precariousness in immigrants’ individual positions towards public authorities.¹¹

¹⁰ But in the first stage of discussion of the security package, the government also proposed the abrogation of the prohibition to inform the police on the legal conditions of patients who go to hospitals and sanitary structures. This proposal has eventually been deleted by the commissions on constitutional affairs and justice after the strong opposition of the civil society and the health professionals (see Geraci, S., Bonciani, M., Martinelli, 2010).

¹¹ Other measures related to non-documented migrants established by the security package include the obligation for those who work in money transfer services to photocopy (and keep for ten years) their customers’ residence permits and to inform the police (within twelve hours) of those who are devoid of one, as well as the doubling of sentence (from six months to one year) for an alien who does not produce required documents (residence permit, passport, etc.) to public security authorities. The case in point becomes even more detailed and the penalties more severe for those who deal in “trafficking in human beings.” There is also a reduction of what had been previously laid down, from the fourth to the second degree of parentage, which prevents the deportation of irregular aliens. In other words, those foreigners who have Italian relatives of the third and fourth degree can now be expelled. Imprisonment from six months to three years applies to anyone who gives a lease of rent on property to a foreigner not possessing a residence permit. The same

Not only did the reform in question worsen the situation of (documented and undocumented) migrants, but it also came with the establishment of even more restrictive admission quotas. In fact, the last flow decrees were approved in 2008, allowing for 150,000 regular residence permits. For the year 2009, the government did not adopt new quotas of admission for non-seasonal workers, but another mass regularisation was launched (d.l. no. 78 of 2009). However, this amnesty concerned only domestic and care workers, and its implementation has been highly controversial due to some Questuras reporting non-documented migrants who already received expulsion orders, while other Questuras admitted them into the regularization process.

In April 2010, a new decree was approved. Once again it applied only to domestic and care workers and allowed 86,580 new entries and 11,500 conversions of residence permits. However, according to the data available to date, as of February 3rd 2011 the applications submitted to the computer system of the Ministry of Interior totalled 392,310, meaning that only one out of four applications will be successful, and that a great number of foreigners who may fulfil the requirements to be regularised will nonetheless be forced into a condition of irregularity.

As a partial conclusion of this outlook on national politics, it can be said that Italy does not seem to learn from past experiences; in particular, the reforms introduced with the so-called “security package,” which essentially served to tighten measures for contrasting illegal migration and a worsening of conditions of regular immigrants. This seems to renew the main contradiction of Italian immigration policy – namely the combination of its restrictive framework and its strong demand for foreign workers – and even introduced extreme consequences in criminalising the condition of non-documented migrants without addressing the causes of the phenomenon of irregularity. Not surprisingly, then, “in studies on migration it has been generally recognised that Italian migration policies, explicitly designed to combat ‘illegality’, are in fact an instrument that produces and institutionalises casualization in its utmost form” (which is, precisely, “illegality;” Ruspini, 2009).

Within this framework, the role played by local powers acquires a new importance. On one hand, local governments are called to deal with the communities of undocumented migrants living in their territories in order to fulfil basic services, have some control over their living conditions, and at least to avoid public security problems. On the other hand, especially after the introduction of the illegal stay offence, local governments are pushed to deal with this issue by ignoring it as a component of the society, and dealing with it

rule also provides for the eventual confiscation of the property. The establishment of the so-called “Return Fund” in order to finance the repatriation of foreigners to their countries of origin.

only from the perspective of public order. Also, as we will see, with the granting of special powers to city mayors in the framework of the “security package,” the central government aimed to encourage local authorities to contribute to the detection of irregularity and the promotion of “social security.” At present times, then, local authorities can play a major role either by backing and enhancing the “security rationale” of national policy, or by challenging it and concentrating on reception services, regularization and inclusion measures.

In this ever-changing framework, it will be of special interest to analyse the example of Rome, due to the high number of foreign citizens living in the capital and the presence of strong civil society networks and third-sector associations dealing with (documented and undocumented) immigrants, both in collaboration and in contrast with local and national powers.

Policy Levels

Contradictions in the interaction between national and European levels

As it is widely known, the legal framework on immigration is built on a combination of measures adopted by the EC, the national authorities and the regional authorities, which in Italy have legislative powers in the areas listed in art. 117 of the Italian Constitution. However, notwithstanding the increase of EU and regional competences in the field of immigration and asylum, the core of immigration policy (the rules concerning admission of third country nationals, the concrete rights to which they are entitled in the receiving State and, especially, the treatment of non-documented migrants in terms of basic rights, expulsion, regularization etc.) still lies in the hands of national authorities.

Particularly in the situation of non-documented migrants, the legal and political framework analysed in the previous section is entirely State-run. Therefore, what needs to be considered in the interaction of the different policy levels (national and European) lies beyond the established legislation, and shall be identified in the political declarations and the bilateral agreements given and subscribed by the national government (and most of all, in the contradictions they present). On one side, Italy's government pledges stronger intervention from European authorities in the management of the immigration phenomenon, mostly in cases of mass inflows of immigrants or asylum seekers arriving by sea on its coasts.¹² On the other side, however, national application of European legislation on immigration and asylum is often late, incomplete, or even manipulated. As some authors demonstrate, one of the aims of introducing the illegal stay crime with the new "security package" was to avoid the application of EU directive on return, which makes voluntary repatriation the rule except for deportation provided in substitution of a punishment for a crime (Puggiotto, 2009). Moreover, according to the same author, the

¹² To cite the latest episode, see the declarations released by the Italian Ministry of Interior after the European Council on Justice and Home affairs on February 24, 2011, available at http://tg24.sky.it/tg24/politica/2011/02/24/immigrazione_roberto_maroni_europa.html

entire new regulation of the sector is inspired by a “bulimic” use of deportations (Puggiotto, 2009, p. 6), accompanied by the extension of time limits for the permanence of expellees in retention centres, regardless of the decreasing effectiveness of the policy of expulsions, in absolute and as a share of the total number of identified irregulars (Ministry of Interior, 2007).¹³ Moreover, it might be useful to recall that the directive introducing new administrative sanctions for those who take in workers having an irregular status has not yet been implemented in Italy, notwithstanding the number of proposals backed by several sectors of the civil society in this sense (see below, par. 5).

Another main contradiction in the interactions between national and European governments with respect to the management of immigration is that, despite the “call” for more cooperation, Italy clearly started to follow its own path regarding bilateral agreements aimed to contrast irregular immigration and in which Europe has only rarely been explicitly involved. For example, as of May 2009, the “friendship agreement” with Lybia allows for the direct rejection by sea of immigrant boats on their way to Italy (UNHCR, 2009; HRW, 2009). According to UNHCR, one of the major results of this policy is hindering access to asylum procedure, considering that 75 per cent of people coming by sea in 2008 asked for asylum and many of them were granted a form of international protection (see above, par. 2.1). In fact, as of May 2009, asylum applications in Italy have fallen from 30,492 submitted in 2008 to 17,603 in 2009 (a fall of 90 per cent; UNHCR, 2009).

This practice has been condemned by several NGOs, as well as by some institutional representatives (see the Resolution of European Parliament of January 14, 2009 on the Situation of Fundamental Rights in Europe 2004-2008, and the Report of Human Rights Commissioner of the Council of Europe, Thomas Hammarberg, during his visit to Italy January 13-15 2009) which reported the violation of the principle of ‘non-refoulement’ by the Italian authorities against some migrants intercepted at sea and returned to Libya without giving them the opportunity to seek asylum (HRW, 2010; Save the Children,

¹³ In this regard, it must be remembered that the regulation concerning retention centres and expulsion has undertaken several reforms since 1998, specifically with relation to the extension of the time limits for retention and the hypothesis on whose basis the public security authority could provide for an expulsion order (see above, par. 2.3., in particular footnote 6). To this respect, it must be recalled once again that, as already shown by the report of the Investigative Commission on immigrants centres created by the Ministry of Interior on January 30, 2007 (so-called Commissione De Mistura), most of the time contrast measures such as retention and expulsion are not effective, especially due to the decreasing collaboration of third countries in readmitting their own citizens even when a readmission agreement has been subscribed (Commissione de Mistura, 2007; Ministry of Interior, 2007; for a comprehensive discussion on the evolution of Italian immigration regulation since 1998, see, for all, Bonetti, 2004).

2010¹⁴). Various sources have reported how migrants, refugees and asylum-seekers fleeing persecution and armed conflict faced torture and prison indefinitely in their attempt to reach Europe through Libya (Amnesty International, 2010). Despite all these protests, the agreement remained in force until very recently, when the popular revolution in Libya and the violent repression perpetrated by the Libyan government pushed the Italian government to stop its application *de facto*.¹⁵

National and local level: State-run control, local measures on integration

Vis-à-vis the territorial distribution of competencies, it must be recalled that art. 117, 2, b) of the Italian Constitution sets “immigration” under the central State exclusive competencies, so that local authorities can only carry out some specific tasks if enabled by national law. The Testo Unico established in each region a *Consulta Regionale per l’immigrazione*, and in each Province the so-called “Territorial Councils for Immigration” (*Consigli Territoriali per l’Immigrazione*), with the aim of identifying the needs and promoting the necessary actions in matters related to immigration at regional and local levels. Finally, referring to legislative competencies only, it is worth recalling that within regional competencies, as established by national law, each region issues its own legislation on immigration. Considering the case of Rome, the Lazio regional legislation on immigration shall be taken into account. Lazio region approved a new law on June 25, 2008 (Regional Law no. 10 of 2008, abrogating the L.R. no. 17 of 1990), which re-launches a shared decision-making process in the territory by renovating the members of the *Consulta regionale* and creating new participatory decision-centres, such as the “Regional Permanent Assembly of Immigrant Citizens” (art. 23 L.R. no. 10 of 2008).

However, apart from these consultation centres, which in practice do not have any concrete power of intervention, local authorities are scarcely involved in the general decision-making process. The only intervention areas belonging to sub-national authorities in the overall planning of national immigration policy are, firstly, the

¹⁴ In this respect, see also the letter of the European Commissioner of JHA, Jacques Barrot, in *Corriere della Sera*, 3 September 2009; the speech of the High Commissioner for Human rights Navi Pillay, in *la Repubblica*, 15 September 2009; however, for similar condemned behaviours in the past, see the Resolution of European Parliament PT_TA(2005)0138, of 14 April 2005, with reference to collective expulsions to Libya between October 2004 and march 2005; Human Rights Watch report, September 2006, Volume 18, No. 5(E), *Libia. Arginare i flussi: gli abusi contro migranti, richiedenti asilo e rifugiati*, in www.hrw.org.

¹⁵ *Corriere della Sera*, 26 February 2011

State-regions Permanent Conference's participation in the drafting of the Programmatic Document (*Documento programmatico triennale*), which contains the State's commitments and planned actions in the field of immigration for the three years to come and the criteria for the definition of the annual quotas of third-country nationals to be admitted in the country. Secondly, the big reform of immigration law, introduced by law no. 189/2002, established the possibility once a year for regional authorities to transmit a document to the Presidency of the Council of Ministers reporting the numbers and social conditions of third-country nationals residing in the region and indicating the quotas of new immigrants that the regional territory can absorb in the coming year (art. 4-ter Testo Unico).

Local authorities can only implement interventions and actions programmed at a regional, national or European level. However, according to the principle of subsidiarity, national legislation set down procedural rules to involve local authorities in the concrete implementation of immigration policies by empowering them, for example, to manage State financial resources for actions directed to third-country nationals in the field of first reception, integration and non-discrimination, education, training, and health care. It also establishes that local authorities will, with their own budget, support actions to enhance third-country nationals' concrete possibilities to enjoy the rights to which they are entitled in the receiving State, in particular those concerning housing, language training and integration (art. 3, par. 5, Testo Unico).

In these fields, then, local powers have a major role to play, and they carry out or support many of the actions related directly or indirectly to non-documented migrants, including improvements to health care, education, the fight against human trafficking, Roma communities and first reception centres (with relation to the case of Rome, the so-called "Cold plan," a set of measures managed by the municipality of Rome to set up reception structures for homeless populations in winter months.)

New powers to the mayors and spot interventions to grant "social security"

After what has been identified as the second "policy paradigm change," local authorities have also been involved in contrasting measures. The first legislative instrument to be adopted in the framework of the so-called "security package," (law-decree no. 92 of 2008, then converted in law n. 125 of 2008), modified, among many other interventions, art. 54 of the unified text of the laws on local administrations, providing city mayors with more power to adopt measures on public security (eliminating the limitation that bound them to intervene only in case of urgency; see Zorzella, 2008).

Since then, mayors have adopted more than 500 bylaws against beggars, street artists and other informal street workers (e.g. car window cleaners at traffic lights, street merchants etc.), as well as street prostitution, with the only result being to make these realities less visible for a few months (for a first review of the measures adopted see ANCI-Cittalia, 2009). However, in this attempt to involve local powers in the “security rationale,” it must be said that, after the introduction of the illegal stay offence, municipal policy must also report non-documented migrants and, when applicable, send them to retention centres to be expelled. In some cases, this “security obsession” also instigated provocative declarations and behaviours which pushed the press to label the provision of the security package concerning local authorities as the “mayor-sheriff’s reform.” Milan constitutes one evocative example: as of May 2008, after the approval of an internal circular letter, the municipal police in charge of public transport security identified non-documented migrants during ticket controlling and led those foreigners found without documents to the police headquarters in a sort of “jail-tramway” normally used to conduct hooligans to the stadium.¹⁶

The highest number of bylaws approved after the enactment of the cited reform are concentrated in northern Italy (ANCI-Cittalia, 2009), where several Northern League polls have proposed a variety of measures. The most infamous example of this new wave of proposals, finding a great resonance in national and international press, is probably the so-called “white Christmas” operation, launched by the mayor of Coccaglio. In December 2009, the municipality of Coccaglio started a special plan to identify and expel as many non-documented migrants as possible before Christmas, with officials calling at the homes of the town’s immigrants in order to scrutinize their papers.¹⁷ It is not possible to know, for the time being, to what extent this measure has been put into force, nor how many of the hundreds of adopted municipal bylaws are actually applied. However, some consequences can already be inferred from these facts. On one side, the recent policy paradigm change gave way to a sort of competition among certain local administrators, mostly representative of the Lega Nord party, to gain the reputation of leaders in contrasting irregular migration (or immigration *tout court*), and, regardless of the effectiveness of the measures adopted, turning attention toward their media impact. This process, from a sociological point of view, eventually legitimizes racism and xenophobia as normal components of the political discourse (see Guadagnucci, 2010). On the other side, the abovementioned examples clearly show how local policies are having an increasingly significant impact on the everyday lives of

¹⁶ For more information, see:

http://www.stranieriinitalia.it/attualita-caccia_ai_clandestini_sui_bus_di_milano_4135.html.

¹⁷ The independent 19 November 2009; Time, 1 December 2009, Repubblica, 20 novembre 2009.

foreigners residing in their territories, both in a positive and in a negative way. Nonetheless, with regard to the latter it is worth noting that the extension of local powers, mostly in the field of immigration and public order, depends heavily on the national framework after the reform introduced by the security package (and in particular, following the criminalization of irregularity). The only scope of action that has been left to local powers with regard to irregular immigration seems to be the implementation of even more restrictive policies.

Local Case-Study: Rome

Immigration in Rome

The short introduction that has been proposed on local powers and the management of irregularity, with particular reference to the more recent political reforms related to this issue, obviously fits the case of Rome. Even so, the capital remains a unique case due to features such as the particular kind of irregular migration in this city, important informal economy and accommodation sectors and strong roles played by civil society, local NGOs, the church, and some Catholic associations.

To quote some numbers according to data issued by the municipal registers, as of January 1, 2010, a total of 320,409 foreigners resided in Rome, with an increase by 9 per cent compared to the previous year (Osservatorio Romano, 2010). The percentage of foreign residents over the total population is 11.2 per cent, a number that sets Rome among the municipalities with the largest foreign populations. Immigration in Rome is characterized by a large female component (53.5 per cent of total residents), a small percentage of children compared to the national framework and the continuing growth of the second generation (an incidence of 11.2 per cent on foreign residents). Lastly, the capital registers a high incidence of refugees and Roma populations (Osservatorio Romano, 2010).

If the only way to calculate the number of undocumented migrants at a national level is through estimates, it seems to be even more difficult to find official statistics at the local level. One of the most useful criteria is to get an estimate of the phenomenon taking into account one of the previously mentioned criteria, the evidence based on regularisation data, and to infer an index of migration pressure on the local level from the number of applications submitted from single territories. Using this method following the extensive regularisation programme of 2002 which involved around 700,000 people, it has been shown that Rome and Milan rank “first as the cities most involved in regularisation with one-fourth of all regularisation application: Rome tops the list for domestic help (67,000 applications) and comes second for subordinate work (40,000), whereas Milan is first for subordinate work (51,000) and second for domestic help (40,000),” (EMN, 2005, p. 14). The numbers from the 2009 amnesty confirm this tendency. In fact, according to the estimates issued by

the EMN on the basis of the numbers provided by the Ministry of Interior, out of the 300,000 applications sent (180,408 for domestic workers and 114,336 for assistants to the sick/disabled), 15 per cent came from the province of Milan and 11 per cent from that of Rome (EMN, 2009). Finally, the data issued by the Ministry of Interior on February 3, 2011 relating to the last flow decree show that out of 392,310 applications, 28,565 were submitted in Rome, 22,305 of which were for domestic help and 6,260 were for subordinate work (Ministry of Interior, 2011¹⁸).

In conclusion, it can be said that the population of undocumented migrants in the capital fluctuates from 30,000 to more than 70,000 persons, varying from one year to another based on the number of regular permits issued by national authorities. Notwithstanding the scarcity of official statistics, even the perception of different stake-holders seem to support these estimates (PICUM, 2008).

Main areas of intervention of the municipality of Rome

The areas of action in the municipality of Rome concerning its particular population are highly diverse. In the absence of any kind of specific intervention on non-documented migrants with the exception of measures related to public security (which usually take the shape of “spot” interventions such as dismantling informal camps or clearing out occupied buildings), the kind of “positive” actions driven by local authorities regarding non-documented migrants are bound to basic healthcare and compulsory education services, two rights that are guaranteed to all migrants by Italian immigration law regardless of their legal status (art. 35 par. 3, and art. 38, par. 1 of the Testo Unico).

In this sense, the intervention of local authorities falls under their normal competencies related to public health services and public schooling; the access of non-documented foreigners to these services does not seem to raise any particular problem. Healthcare law established the very effective provision of introducing a register for temporary present foreigners (STP). Upon enrolment non-documented migrants receive a personal number that identifies them before the public health system. Doctors, nurses, and administrative employees are bound by the prohibition to report non-documented immigrants to the police authorities, except when a mandatory medical report is required on occasion of the most serious cases (art. 35 par. 3, Testo Unico). The law also establishes that foreigners have the

¹⁸ http://www.interno.it/mininterno/export/sites/default/it/assets/files/20/0400_-_Regionix_Province_e_Modelli_-_Domande_Pervenute.pdf

right to outpatient, emergency and essential or continuing healthcare services for illness or accidents, as well as preventive medicine programmes free of charge if the patient does not provide sufficient resources (art. 35 par. 3 and 4, Testo Unico).

Other fields of intervention by local authorities which directly or indirectly involve non-documented migrants are housing and accommodation, the fight against human trafficking, reception measures for asylum-seekers and interventions concerning Roma communities. In relation to housing, as irregular immigrants are not given access to housing services, the only solution lies in Rome's multiple collective residence facilities, called Hospitality Centres (EMN, 2005), often managed by local NGOs or Catholic associations. The civil society network providing assistance for (regular and irregular) migrants and the homeless is strong and widespread in the capital. Though it is not fully sufficient, it provides a large number of services (food, shelter, orientation to medical services etc.) that offer practical solutions to some of the problems faced by non-documented migrants residing in the city in the absence of a clear public intervention.¹⁹

In this sense, the only true programme implemented by the municipality of Rome on housing for homeless people is the so-called "cold plan," implemented by the Department of Social Affairs of the municipality in co-operation with five local public health structures: the National Institute for Infectious Diseases "Lazzaro Spallanzani" (IRCSS), the Jewish Hospital, the National Institute for the Promotion of Health of the Migrant Population (NIHMP), the Social Operating Room of the City of Rome, and the local associations and parishes. During the winter season, the municipality arranges for accommodation in homeless shelters to which people in need usually have access to regardless of their legal *status*. From December 8 - December 31, 2010, 10 facilities located in the city offered hospitality to more than 650 people 24 hours a day, including shower facilities, canteens, common rooms, hot meals and social workers for a minimum of 2 hours per day.²⁰

The services provided for asylum-seekers and unaccompanied minors are worth mentioning in conjunction with homeless shelters. In cooperation with associations of the civil society, the Immigration Office of the municipality manages 22 reception centres for asylum-seekers and 22 intercultural centres for minors aged 0-6 years and 6-18 years that are available to both Italians and immi-

19 For an overview of the homeless shelters and of the services offered by the Roman Civil Society Network, see the guide for homeless and immigrants "Dove mangiare, dormire, lavarsi," Comunità di S. Egidio, 2006.

20 For more information, see the Municipality of Rome website at: http://comune.roma.it/was/wps/portal/!ut/p/_s.7_0_A/7_0_21L?menuPage=/Area_di_navigazione/Sezioni_del_portale/Dipartimenti_e_altri_uffici/Dipartimento_promozione_dei_servizi_sociali_e_della_salute/&targetPage=/Area_di_navigazione/Sezioni_del_portale/Dipartimenti_e_altri_uffici/Dipartimento_promozione_dei_servizi_sociali_e_della_salute/Homepage/Primo_piano/info-1990335338.jsp

grants.²¹ However, the more common solution regarding undocumented migrants cannot be found in homeless shelters. In fact, they are often reduced to renting accommodations on the black market (Sica, Martinelli, 2009) or are, in the case of the illegally-employed housekeepers and care-givers who constitute a wide share of Rom's undocumented population, hosted by their employers.²²

Another aspect that characterizes the immigration phenomenon in Rome is the population of Roma and Sinti people, which has been estimated at 6-8,000 in 2009 (Osservatorio Romano, 2010). With relation to the issue of Roma people, the municipality of Rome often adopts special programmes aimed at the residential and social integration of the communities living in informal camps (Masala, 2008). In recent times, control measures have prevailed along with the described shift in national policy that made national and some local institutions converge towards more restrictive policies. This led to the clearing up of several informal settlements. In some cases, this entailed moving the population into authorised structures and identification measures, such as fingerprinting, taken in the (informal and authorised) camps (EMN, 2008).

It is not surprising, then, that some recent publications still reported high levels of discrimination against Roma and Sinti living in precarious conditions. Even the Committee of Social Rights of the European Council condemned Italy because of discriminations against Roma communities in terms of access to housing, justice, and social and economic life (HRW, 2010; for more insights on this issue, see Sigona, 2002; *Idem*, 2003).

One good involvement of local authorities in the framework of a national policy aimed at a particular population of non-documented migrants is the fight against human trafficking. In compliance with the provisions of the 1998 law on immigration (the "original" art. 18 of the

21 For more information, see the Municipality of Rome website at:

http://www.comune.roma.it/was/wps/portal/!ut/p/_s.7_0_A/7_0_21L?menuPage=/Area_di_navigazione/Sezioni_del_portale/Dipartimenti_e_altri_uffici/Dipartimento_promozione_dei_servizi_sociali_e_della_salute/Popolazioni_migranti_e_Inclusione_sociale/Ufficio_Immigrazione/&flagSub

²² With relation to this issue, it is noteworthy that, according to the most recent data issued by the Roman Observatory of Migration, the shelter system in Rome is not sufficient even for regular (beneficiaries of international protection) migrants. As mentioned above, only 22 reception structures are offered by the Department for the Promotion of Social Services and Health of the City of Rome and managed by the Immigration Office. As of June 30, 2010, 1,332 people have been hosted (with a total of 1,366 places), of which over 90 per cent came from Eritrea, Afghanistan, Nigeria, Ethiopia, Guinea, Somalia, Cote d'Ivoire and held a form of international protection. To these structures we must add the homeless shelters of the Sprar system (Service for Asylum-Seekers and Refugees), which manages 150 places. Nevertheless, as of July 31, 2010, there were still 1,500 people waiting for a post, with an average waiting time of 45 days, seeing as the places available are not sufficient to shelter all the beneficiaries of international protection who reside in the city. This has led over the years to a squatters' movement parallel to the hosting institutions (Osservatorio Romano, 2010).

Testo Unico, untouched by following legislative reform), victims of trafficking are allowed a special residence permit for reasons of social protection, to help them escape the control of criminal organisations and to participate in assistance and social integration programmes. The procedure for the implementation of art. 18 projects is clearly established by the law and the implementing decree (art. 25 D.P.R. 394 of 99). Every year, the Ministry of Equal Opportunities issues a call for proposals aimed at the protection and social inclusion of victims of trafficking. Local authorities and civil society associations are eligible to submit proposals for financing. However, the implementing decree also establishes that the proportion of financial support from the central authority will not exceed 70 per cent of the cost of the project, while the remaining 30 per cent must be covered by a local authority. The local authority's commitment to co-finance the project must be stated in the proposal to be submitted, the absence of which constitutes a reason for exclusion from the selection process. Consequently, when the proposing organisation is a civil society association rather than a local authority, the involvement of local authorities in the evaluation of the proposals (and, at a second stage, in the supervision of the projects' implementation) is vital, therefore creating the need for previous agreement between the proposing organization and the interested local authority.

The municipality of Rome, in cooperation with local associations, has used this framework since 1999 to implement the so-called "Roxanne Project," which provides victims of human trafficking with contact points that offer information, legal advice, shelter to victims enrolled in the social inclusion programme, job profiling and job placement services.²³ This project contributed to the creation of a network of NGOs and associations working in the territory of the capital (Carchedi, 2000), and can be considered a success story in the fight against a hideous facet of illegal trafficking of migrant populations. In May 2009, a protocol agreement was signed between the Ministry of Interior (Department of Civil Liberties and Immigration) and the Italian Association for the Council of European Municipalities and Regions (AICCRE) for the purpose of establishing stronger collaboration between national and local authorities in the fight against human trafficking (EMN, 2009).

²³ For more information, see the Municipality of Rome website at http://comune.roma.it/was/wps/portal/!ut/p/_s.7_0_A/7_0_21L?menuPage=/Area_di_navigazione/Sezioni_del_portale/Dipartimenti_e_altri_uffici/Dipartimento_promozione_dei_servizi_sociali_e_della_salute/Minori_e_Famiglie/Servizio_Roxanne/

Conclusions and Recommendations

At the end of this brief overview of national and local policies regarding undocumented migrants in Italy, several features stand out with the potential to propose recommendations to policymakers regarding the more urgent issues at stake. One crucial issue is the labour exploitation of illegally-employed foreigners, which needs to be addressed at the national level. The outcome of a reform in this area could also have strong effects at the local level as well..

The protection system for victims of human trafficking established by the provision contained in art. 18 of the Testo Unico has proven itself rather effective over time, and several stakeholders have proposed its application in the case of undocumented workers who report their labour exploitation to the police. After a particular episode of violence in the city of Rosarno (Calabria) which caused serious conflicts between the local population and immigrants working in the country, even the Ministry of Interior opened to the possibility of providing residence permits for reasons of social protection to foreigners who report their exploiters to the authorities.²⁴ However, the actual configuration of the law allows doing so only in the most serious cases, as the CGIL trade union pointed out while pledging for a legislative reform in this respect.²⁵ Several members of the parliament proposed a reform along these lines.²⁶ Also, the first draft of the 2009 European law (A.S. 1781-A) contained a provision introduced by the chamber of deputies which bound the government to transpose the 2009/52/EC Directive relating to sanctions and measures against those who illegally employ foreign citizens. Such a directive could be the starting point for the inclusion of victims of labour exploitation in social protection plans (Senato della Repubblica, 2010). This provision was erased in the second draft (A.S. 1781-B) by the Senate, which stated that the government was already drafting a proposal

²⁴ See the declarations of the Ministry of Interior reported in www.stranieriinitalia.it, 26 November 2010

²⁵ On this issue, <http://www.cgil.it/tematiche/Documento.aspx?ARG=IMMIGRAZIONE&TAB=0&ID=15047>

²⁶ Agenda 9/3778-A/131 of Italian parliament, proposed by deputies Turco, De Pasquale, Vaccaro and approved by the assembly; in http://www.cgil.it/Archivio/Immigrazione/documenti/Lavoro/Odg_Camera_su_lavoratori_migranti.pdf

concerning this issue.²⁷ However, to this day no drafts have been proposed in this respect, nor has the European directive been transposed.

Within the context of policies concerning immigration (and in particular undocumented migration), the absence of a system to provide assistance for those who fall into labour exploitation is an extremely serious problem that needs to be addressed as soon as possible. The aforementioned case study regarding the implementation of art. 18 project in the municipality of Rome can be taken as an example of a good practice of coordination between national and local institutions in the fight against some of the most serious consequences of irregular migration, including labour exploitation. There is hope that Rome's success can expand once the aforementioned reform is taken up again by the parliament.

Useful policy recommendations can clearly be derived from the management of undocumented migration in Rome by singling out the more relevant issues. As it has been demonstrated, a significant part of the population in question is composed of housekeepers and care-workers, for whom access to health services does not seem to present serious problems (Geraci, S., Bonciani, M., Martinelli, B., 2010), and neither does access to compulsory education services. Housing remains a major issue, although not one specific to irregular migrants, but rather it involves all the beneficiaries of international protection. The main issue at the local level concerning irregularity, then, is irregularity itself, provided that its management does not seem to pose specific problems to the local administration (at least, not bigger than the problem of missing accommodations for refugees).

The information collected seems to show that part of the undocumented population in Rome, as in many other Italian cities, is able to find its way by seeking work and accommodation and then becoming its own stable population (Mellina, 2008). Taking into consideration the flow decrees and mass regularization system which proved so problematic, a case by case regularization policy on the basis of the duration of the stay, inspired by the Spanish model of "arraigo," could be proposed. Moreover, the municipality of Rome already applies a registration system for homeless people, who are then given a virtual address for addition to the municipal registers (similar to the Spanish "padrón municipal") on the basis of D.G.C. 84/2002, with the only obligation being the maintenance of periodical contacts with the municipality's social services. This system could serve the objective of providing for case-by-case regularization once its application is extended to undocumented migrants.²⁸ In fact, based

²⁷ For the complete negotiation process, see http://www.parlamento.it/leg/16/BGT/Schede/Ddliter/testi/35290_testi.htm

²⁸ See the website of the municipality of Rome at:

http://www.comune.roma.it/repository/ContentManagement/node/N564811882/via_modesta_valente.pdf

on the enrolments of local registers (e.g. by means of a code similar to the one provided by health systems, ensuring that the data in the registers is not used to report the illegal stay crime to the police), undocumented migrants could be allowed to ask for a regular residence permit once they can demonstrate they have lived and worked for some time (e.g. five years) in the same territory, without committing any crime. This option could allow undocumented migrants living in one territory to be regularized based on fair criteria (the length of the stay) instead of implicating them in the race for mass regularizations, which have proven to be ineffective in dealing with irregularity (Ruspini, 2009). If properly applied, this option could represent a real turning point for the Italian immigration policy.

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