

U-CARE REPORT

Migrants & Refugees in Italy

1. Development of the migration phenomenon in Italy¹

The history of immigration in Italy, which is shorter than that of Central and Northern European countries, can be divided in two parts. The first phase consists in the beginning and first development of the phenomenon, and was marked by an atmosphere of emergency. The second part is characterized by the propensity to create a stable system and by a strong need of social and political cooperation. Such aim, however, still has to be completely reached.

First migration flows started to be visible in Italy from the mid-Seventies and continued in a mild manner through the Eighties (the first immigration Law appeared in 1986). During the Nineties, after the Berlin wall's fall and the end of the two political blocs in Europe, the migration flows became a mass phenomenon. At the beginning of the Nineties, however, the flows were still quite low due to two factors: in the Eastern European countries the liberalization of the rigid Marxist legislative system was quite slow, and Italy faced a difficult economic situation. Some years later strong migration flows started, which have continued until now. In that period, Eastern Europe became the area mainly represented in Italy (IOM, 2011).

The number of immigrants (both EU and third-country nationals) reached half a million in 1987. 10 years later, they were over one million. In the following years the number of immigrants continued to grow: 1.5 million in 2002, 2 millions in 2004, 3.5 millions in 2006, nearly 5 millions in 2010. Similar trends, which are proportionally higher than those in the USA, were observed in Spain, which also changed *from being a country of emigration to a country of immigration*.

On January 1st 2012 there were 60,851,000 Italian residents of whom less than 56 million were Italian citizens². There were 4,859,000 foreign residents (**8% of the overall population**) an increase of 289,000 compared to the previous year.

Italy has become a country with a high immigration rate but has yet to put in place sufficient mechanisms to promote integration and inclusion.

In recent years Italy has seen a demographic growth due to the migration flows. The average fertility rate of foreign-born women is 2.07 children compared to 1.33 among Italian women. An increasing number of foreign minors (i.e. 'second generation' immigrants) have also been registered. According to official data, on 1 January 2011 993,000 foreign-born minors were resident in Italy (21.7% of the foreign population).

150 years after its foundation, Italy must therefore manage a population that grows only thanks to the immigrant contribution. In the near future it will have to deal with a considerable presence of 'dash Italians' .³

The non-EU foreigners holding a residence permit in Italy on 1st January 2012 are over 3 million 600 thousand. From 2008 to 2011 there was an increase of approximately 102 thousand units. The most relevant citizenships are: Morocco (506,369), Albania (491,495), China (277,570), Ukraine (223,782) and Philippines (152,382).

In 2012 the share of non-EU children in Italy amounted to 23.9% of the total foreign population holding a residence permit while in 2011 they accounted for 21.5%. Children and youths (people under 18 years) born in our country are now more than 500,000, just under 60% of total.

1 Fifth European Migration Network Italy

2 Istat, *Indicatori demografici. Stime per l'anno 2011*, <http://www.istat.it/it/archivio/51645>, accessed 05 August 2012

3 ENAR Shadow report 2011-2012

The share of long-term permits is continuing to grow. In 2011 they were 1,638,734, and in 2012 they are 1,896,223 representing the largest part of the regular presence (52.1%).

Net decrease in the new inflows of non-EU foreigners: in 2011 361,690 new permits were issued, nearly 40% less than the previous year. The decrease in the new permits has affected women (-45.7%) more than men (-33.6%). The new permits issued for work in 2011 decreased by 65% respect the number of new permits issued for the same reason in 2010; also the number of the new permits for family reasons declined (-21.2%).

The number of permits issued for asylum and for humanitarian reasons rose from 10,336 in 2010 to 42,672 in 2011. The top three citizenships accounted for over 50% of the total of this type of inflow: Tunisia (27.5%), Nigeria (16.3%) and Ghana (7.4%)⁴.

Amnesty report⁵ shows that "At the beginning of 2011, foreign nationals in Italy were estimated to be 5.4 million, i.e. about 8.9 per cent of the population. Of these, 4.9 million have a regular migration status (i.e. hold a valid residence permit or other valid document allowing them to stay in the country), including 1.3 million EU citizens. The foreign nationals in an irregular migration status are estimated to be between 440,000 and 540,000. However, the actual migration status of migrant workers in the country is often more complex in reality than it appears to be on paper.

Migration status: more complex than it appears

The distinction between regular and irregular migrants is often not as simple as it may appear at first instance. The category of "irregular migrants" is, in fact, very heterogeneous. It includes: individuals who arrived in Italy "irregularly", often referred to in Italian with the derogatory term *clandestini*, "clandestine" migrants; those who arrived in Italy regularly but then became irregular by, for example, overstaying their visa; and rejected asylum-seekers and others who have sought international protection and whose claims have been dismissed. "Irregular migrants" may or may not have been issued with one or more expulsion orders from Italian territory. Some of them may have spent time in administrative detention, having then been released without further action because Italian authorities have found it impossible to enforce the expulsion order.

The category of "regular migrants" is equally heterogeneous, as it generally includes European Union nationals, as well as non-EU nationals who are granted residence permits for reasons other than work (including family reunification, study, health reasons, etc.). Non-nationals with a regular migration status also include refugees. Regular migrants are typically employed as domestic workers or caregivers for children, disabled or elderly people (14.8 per cent); construction workers (12.1 per cent); providing services for businesses (11.3 per cent); in hotels and restaurants (10.3)

Exploited labour Migrant workers in Italy's agricultural sector per cent); and in agriculture (8.8 per cent).¹¹ The latter sector, in particular, is heavily reliant on the foreign national migrant workforce. According to official data, in 2010 regular migrants carried out 23.6 per cent of the total working days in the agricultural sector. Official statistics, however, do not capture the work of irregular migrants and the work of "undeclared" migrant workers (regular migrants whose employment relationship employers fail to declare to the authorities to avoid paying taxes and social security).

Under Italian law it is a criminal offence to employ an irregular migrant – whose employment would thus always be irregular. Regular migrants, on the other hand, may or may not hold a residence permit allowing them to work regularly in Italy: for example, holders of residence permits for "justice reasons" (*permessi di soggiorno per motivi di giustizia*) are not allowed to work.¹³ However, even regular migrants with a residence permit which would entitle them to access the job market lawfully are often denied an official contract by their employers, who also

4 ISTAT 2001

5 Amnesty International Report 2012

fail to register them with the authorities to avoid paying taxes and social security. As a result, many regular migrants end up being employed irregularly, as many Italian nationals are.

2. The Organisation of Asylum and Migration Policies ⁶

Asylum and migration systems

Given the economic situation and geographical location of Italy, immigration pressure on the Italian borders has been considerable in recent years. Italy has concluded a large number of agreements on readmission (some 30 in total), which establish specific methods and procedures for the identification and return of irregular migrants. Irregular immigration from North Africa is increasingly posing a challenge to the whole EU system, but in particular to the Mediterranean EU Countries. National immigration policy increasingly has had to focus on removing the incentives of 'human traffickers' and criminal activities rather than just 'securing the borders

Overview of migration and international protection policy

The entry procedures of Italy generally follow the regulations of the Schengen System. A Decree of the Ministry of Foreign Affairs of May 2011 implemented the new EU regulations but still contains 21 different types of visa, some of which have been redefined.

With regards to admissions conditions, only third-country-nationals planning a stay longer than three months are obliged to apply for a residence permit – in a number of cases (e.g. study, family reasons or work) are required to apply to the so called “Sportello Amico” of Poste Italiane (a specific Help Desk of the Italian post offices), where they can obtain and fill in the necessary forms. All the documentation is then transferred to the Single Desk operating in the “Prefettura” (the Territorial Governmental Office). Applications for asylum can be submitted at the Border Police offices upon entry or at the Immigration Offices. The evaluation of the application is made by the relevant Territorial Commission for Refugee Status Recognition.

Italy has recently taken steps aimed at transferring the administrative jurisdiction for the renewal of residence permits to Municipalities. In this regard a new “online network for assistance with residence permit renewal” has been created and was in November 2011 joined by more than 450 Municipalities. As an alternative to paper forms, the foreign citizen may submit his/her application to any Municipality (or to specific offices specialized on free assistance, called “Patronati”) enabled to process the online submission. Furthermore, the Ministry of Interior has developed an automated system for the presentation of foreign citizens to the Police Headquarters for the validation or delivery of their residence permits.

In 2010, the Council of Ministers approved the “*Plan for Integration in Security*” which defines the main lines of action and tools to be adopted in order to promote a successful integration process of immigrants, thus meeting the needs for both security and reception. The Plan is based on five basic principles of integration: education and learning, work, housing and local administration, access to the most essential services, integration of minors and second generations.

To obtain citizenship, foreigners residing in Italy have two main options: marrying an Italian citizen (once six months and now two years of residence in Italy since the date of the marriage are required), or continuously residing in the country for period of time (i.e. 10 years of regular and uninterrupted residence for non-EU citizens).

An employer hiring a non-EU worker must go to the Single Desk for Immigration at the Prefecture of the province where the work will take place. The Single Desk issues an authorization certificate; the worker then has a 6 month window to apply for an entry visa.

Key institutions involved in the return process include the Border Police (executing refusals at the

6 Fifth European Migration Network Italy

border), the Immigration Office at Police Headquarters (issuing orders of expulsion) and the Identification and Expulsion Centres (responsible for detention of foreigners while an expulsion order is pending).

The legal framework

The central law regulating the field of asylum and migration in Italy is the Consolidation Act on Immigration (Legislative Decree no. 286/1998) which was partially modified in 2002, and at several other times to implement the EU Directives. Another important law is the so-called "security package" (Law no. 94 of July, 15, 2009), which includes also issues relating to migration.

Development of migration and international protection systems

In the last three years, important new legislation has been introduced in Italy. The "Security Package" from 2009 entailed changes to the length of detention and imprisonment of irregular immigrants, funding for return of aliens, a 200 euro fee for citizenship applications, an 80-200 euro fee also for stay permits (first issue and renewal), and stricter family reunification regulations, amongst others. In 2010, the "Integration Agreement" was also introduced. The agreement, which regulates the so-called "Point-based Permit of Stay," must be signed by all adult foreigners applying for a residence permit in Italy, and is valid for two years. In 2010, language tests were also made mandatory for obtaining a long-term residence permit. Later in 2010, the "Second Security Package" was adopted *inter alia* initiating a delegation of the responsibility to renew residence-permits to the Municipalities (see below). In 2011, the implementation of EU Directives 38/2004 and 115/2008 was also completed, introducing new requirements for economic resources, new detention measures and forced returns of EU citizens.

Focus on work migration system

Amnesty International considers that the measures adopted in Italy with the stated view of controlling and regulating migration flows, in particular the way in which the "decree flows" system operates in practice, increase the already heightened risk for irregular migrant workers of being subjected to labour exploitation. Several experts have criticised the "Bossi-Fini Law", which requires a formal employment contract to obtain a residence permit, for exposing migrant workers, who are already at risk of labour exploitation because of their migration status, to an increased risk. This is because the need to have a formal labour contract in order to obtain or renew a residence permit makes migrant workers dependent on the willingness and cooperation of their employer. The employer's effective power to determine the worker's migration status can easily become a tool to intimidate or threaten workers, undermining their ability to negotiate better wages and working conditions. Often, the promise of regular documents is used by employers to induce migrant workers to accept exploitative labour conditions.

In a 2009 survey of 291 victims of serious **labour exploitation**, 47 per cent of the workers interviewed indicated that their exploitative working relationship was characterised by false promises on the part of the employer to conclude residence contracts and/or other documents necessary to regularise the worker's status. In other words, the workers could not regularise their migration status because of the lack of cooperation on the part of the employer, which kept the worker in a situation of risk, resulting in labour exploitation.

3. Racism and related discriminatory practices in Italy ⁷

Racism remains an *unresolved problem* in Italy. The Roma population, Muslims, migrants, refugees and asylum seekers are particularly vulnerable. Housing segregation of Roma and Sinti communities is a serious concern: they are often subjected to forced evictions without the possibility of legal redress. The 'Arab spring' and the related difficulties in the management of flows of people escaping from North African countries have had a negative impact for migrants and asylum seekers. Muslim communities have been increasingly targeted by hate speech and violations of their freedom of religion.

The most important legal development during the period under review was the transposition into the national legislation of the European Directive 2008/115/CE on the repatriation of irregular third-country citizens. In accordance with the directive, the law now provides that the expulsion is no longer a mandatory provision for the Police Commissioner, but it must now be decided on a case-by-case basis, taking into account the particular circumstances of the foreign citizen in question.

Public and political discourses continue to discuss migrants' issues in the context of an emergency; the North African crisis has been addressed the same way as the so called 'Roma emergency' in 2008.

The period from January 2011 to July 2012 has seen significant changes for immigrant communities and minorities in Italy. Although some progress has been made by the current government, the economic crisis and the spending cuts are likely to reset the commitments that the government has taken towards protecting minorities which are vulnerable to discrimination.

Employment

Direct and indirect discrimination are widespread in employment, in recruitment as well as in the workplace. The economic crisis has had a disproportionate impact on immigrants. The slowdown of entry flows is an immediate consequence of deterioration in employment opportunities and conditions. In 2012 the Ministry of Labour and Social Policy - Immigration Office stopped the procedures (so-called 'click day') for hiring of domestic workers, carers and non-EU employee provided for by the 2012 Flows Decree.

Education

Italy has a poor record in terms of integration of immigrant pupils⁴. In the early years of secondary school, some immigrant children experience exclusion and academic difficulties. Non-Italian students (CNI5) encounter problems including: delay in entering the school, poor academic performance⁶ and the concentration in vocational and technical schools.⁷ Roma, Sinti and Caminanti students experience particularly serious difficulties; dropout levels are high and they encounter severe forms of discrimination.

- It is necessary to provide welcome and introductory courses to facilitate integration in the Italian school system and to provide information and administrative forms in several foreign languages. A protocol must be established for the reception of immigrant children and the permanent presence of cultural mediators in the schools.
- Revise the 'volunteer system' which currently characterizes the Italian school

system, in which the school or even the teacher assumes responsibility for solving the problems related to immigrants or students encountering discrimination.

Housing

Italy lacks instruments to enhance housing welfare and social protection. Social housing policies at local and national level are ineffective, in spite of the fact that immigrants have represented a significant proportion of demand for housing in recent years.

The economic crisis has hit all the weaker sections of the Italian society, in particular immigrants. The scope of persons who lack the means to access to private rental market has grown in recent years. In Italy a widespread prejudice towards immigrants persists, and this sector is particularly characterized by ethnic segmentation.

- The Italian authorities should ensure that legislation countering direct and indirect racial discrimination in access to housing is rigorously applied, both in the private and public sectors.
- The Italian authorities should identify and encourage the best practices at local and national level

Political participation

In Italy, the issues of voting rights and citizenship for immigrants are become more central to public discussion. A definitive and positive result has not been reached yet. Italy has a relatively restrictive regime regarding the right to vote.

The current government is showing a greater openness to the possibility of extending the right to citizenship to those who were not born from Italian parents through a partial overcoming of the principle of jus sanguinis.

Media

In 2011 discrimination is prevalent in the media: online, on television and in the press. The media help to create and perpetuate negative stereotypes of immigrants and other vulnerable groups. Xenophobic and racist expression online spread rapidly.

In particular, the phenomenon of anti-Semitism on the Internet gives no sign of slowing down.

Muslims are particularly vulnerable to discrimination and racist attacks. The mass media are characterized by prejudice against this group¹¹and contribute to the consolidation of a negative image of Islam and Muslims in general, especially with their insistence of discussing the supposed incompatibility between Islam, democracy and modernity

- Take steps to promote the importance of fair and objective reporting
- The media should stop portraying cases involving Muslims as proof that Islam is basically a violent religion, but should instead present them as isolated episodes, in order to minimize the negative impact on public opinion.

Access to goods and service in the public and private sector

While discrimination in access to services and goods both public and private, continues to be a problem, between 2010 and 2011 the complaints of discrimination in access to goods and services decreased: those regarding the provision of financial services went from representing 3.3% of the overall total in 2010 to 1% in 2011. However, there are still areas where discrimination is widespread, notably in sports. Discrimination in public services is a concern; many public service providers are unaware of regulations and national laws. Discrimination in this area is generally related to the restrictive application of national rules by regions.

- Supervise the correct application of laws in public administration.
- Provide appropriate training to public administration personnel to enable them to avoid discrimination in the execution of their duties.

The most significant developments in the last year include:

- Impact of court decisions against discrimination. These demonstrate that institutional racism can be tackled through legal measures
- Increasingly widespread recognition of racist motivation as an aggravating factor in sentencing for violent crimes.
- Involvement of civil society in matters relating to the acquisition of citizenship and the right to vote in local elections for non-EU immigrants.