

The Importance of Being Southern: The Making of Policies of Immigration Control in Italy

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Abstract

The distinction between ‘weak’ Southern European and ‘strong’ Northern European migration regimes has often been used to explain the shortcomings of Italian immigration policies. This article challenges such a bipolar perspective, by analyzing Italy’s evolution as an immigration country beyond the so-called the ‘Southern’ regime stereotype. We show that the unsatisfactory outcomes of Italian mechanisms of immigration controls are not necessarily the epiphany of a weak policy apparatus. We argue that they are the result of a much more complex mix of factors shaping Italian immigration policies since the 1980s: unrealistic policy goals, contradictory international pressures, structural internal constraints and fragile party coalitions.

Keywords

immigration policy; Italy; immigration controls; irregular migration; regularization processes; immigration politics

Introduction

The recent history of migration in Europe is characterized by a heavy tension between large officially unwanted migration flows and the growing support for active restrictionist interventions. Since the migration crisis of the early 1990s, the political climate across Europe is expressed by a generalized restrictive orthodoxy on the entry and residence of foreigners. The coexistence of these restrictive goals of immigration policy and their reality of large-scale unwanted migratory systems has been often interpreted as the epiphany of the loss of sovereignty of European nation-states and as a failure of their control policies.¹ The debate on the ‘European migration crisis’, however, does not contain only an (important) theoretical discussion on the regulative capacity of the nation-states. The analysis

¹) Cornelis, Wayne, Philip Martin and James Hollifield, 1994. *Controlling Immigration. A Global Perspective*, Stanford: Stanford University Press; C. Joppke, Why Liberal States Accept Unwanted Immigration, 50 *World Politics* (1998) 266–293; Yasemin Soysal, 1994. *Limits of Citizenship*. Chicago: Chicago University Press.

of immigration in Europe often takes for granted that the some European states are less able to develop effective control systems. As a matter of fact, some migration regimes are assumed to be more effective than others. In particular, the Southern European control systems have been traditionally perceived as the weak underbelly of the EU control system, acting as ports of entry for huge masses of unwanted immigrants in transit for Northern Europe.² Therefore, it has been suggested the existence of a correlation between “weak states” and “strong immigration”.³ In general, being Southern meant lax border controls, cyclical amnesties and a high degree of public ambiguity toward irregular migration.⁴

The Italian case, with its unstable immigration control policies and poor humanitarian standards, has been often taken as paradigmatic of such ‘Southern’ condition. Having become a country of immigration only at the end of the 1980s, Italy has indeed struggled for quite a long time with its new condition. The lack of immigration experience, the absence of an adequate legal framework and a strained public administration have been significant stumbling blocks for the development of Italian immigration management. Furthermore, Italy’s transformation into an immigration country was embedded in a deep political crisis that favoured the birth of quite successful populist parties. The general European political climate in those formative years has actually provided a wealth of stimuli for an early politicization of immigration policy, making unusually short the phase of benign neglect. Already in the early 1990s, Italy shocked European public opinion with the electoral success of a xenophobic party, the *Lega Nord*, bound to become a stable partner of the centre-right coalitions of the last 15 years.

In the first years, irregularity has been an endemic feature for immigrants in Italy, a large majority of whom has attained legal status only through ex-post adjustments, nearly always through participation in regularization programs. After each regularization, moreover, a reproduction of a sizeable segment of irregular migrants has always quickly reproduced. Although irregular migrants are by now only a minority of the population of foreign workers living in Italy, their number is still far from being frictional. Despite three legislative reforms and five regularization programs, the sizeable irregular rate among the foreign population in Italy is the best proof that the strong concern for immigration policy in Italian public opinion is far from being farfetched.

Should the wide presence of irregular migrants be taken as an empirical proof of the soundness of the ‘Southern regime’ thesis? Does it imply that Italian efforts at immigration controls have been weak? Does it imply that the many rounds of

² M. Baldwin-Edwards, *Semi-reluctant Hosts: Southern Europe’s Ambivalent Re-sponse to Immigration*, 8(2) *Brown Journal of World Affairs* (2001).

³ F. Pastore, 2007. “La politica migratoria italiana a una svolta: ostacoli immediati e dilemmi strategici”. At: <http://www.cespi.it/PDF/Pastore-POL-MIG-IT-07.pdf>.

⁴ G. Brochmann, *Immigration Control, the Welfare State and Xenophobia towards an Integrated Europe*, 18(2) *Migration* (1993); Baldwin-Edwards, 2001.

policy reform in the last two decades should be seen as merely rhetorical? In recent years, there have been an increasing number of analyses arguing that the idea of a Mediterranean soft underbelly is actually out of step with reality.⁵ In addition, recent research has shown that the differentiation between “weak” Southern European migration regimes and “strong” Northern European regimes seems to be more an easy stereotype than a distinction rooted in empirical evidence.⁶

The time is consequently ripe to assess the mechanisms and the outcomes of Italian migration regime in more adequate terms. In the following pages, we will argue that the shortcomings and difficulties of the Italian migration policy do not only derive from their “being weak”. On the contrary, we will argue that such operative and legislative weaknesses derive from the variety of pressures and expectations unleashed on migration policy. Since the beginning of current migratory flows, Italy has been actively involved in the protection of the by-now common European border, and strongly pressured to adopt the non-immigration dogma of other EU member states. At the same time, powerful demographic, economic and social forces have sustained and expanded the demand for foreign workers.

Medium-term observation carried out at the end of the 1990s revealed that the evolution of the Italian migration regime had been deeply informed by European pressures. Migration has also become a hotly charged issue in Italian partisan politics. The resulting policy trends have been complex: Italy has quickly adopted a stop-and-contain attitude toward the incoming flows and has paid priority to external controls over internal ones and it has adopted an exclusionary definition of social membership for its naturalization procedures. At the same time, Italy is one of the very few European countries willing to acknowledge the need of an active entry policy and it has actually implemented comparatively liberal provisions for irregular immigrants in many social services. Clearly, Italian reality defies any easy stereotype.⁷ In the following pages we will analyze Italian immigration control policies in detail, showing how many of their puzzling features may be understood only taking into account the interaction of regulative intentions and structural constraints.

The article is divided into three sections. In the first section, we provide a general overview of the legal frame developed since Italy’s transition into an immigration country. In the second, we focus on the development of immigration policies,

⁵ P. Monzini, F. Pastore et al., Schengen’s soft underbelly? Irregular migration and human smuggling across land and sea borders to Italy, 44(4) *International Migration* (2006) 1–25; C. Joppke, European immigration Policies at the Crossroads, in P. Heywood, E. Jones, M. Rhodes (Eds.), *Developments in West European Politics*, Basingstoke, 2002, pp. 259–276.

⁶ C. Finotelli, *Illegale Einwanderung, Flüchtlingsmigration und das Ende des Nord-Süd-Mythos. Zur funktionalen Äquivalenz des deutschen und des italienischen Einwanderungsregimes*, Münster: LIT, 2007.

⁷ L. Einaudi, *Le politiche dell’immigrazione in Italia dall’unità a oggi*, Bari: Laterza 2007.

considering the outcomes of active policies as well as the evolution and effectiveness of internal and external controls. In the third section, we focus the attention on the role of political parties in the construction of the Italian migration regime. The main aim of the paper is not only to provide an overview of the evolution of the Italian migration regime in the last two decades, but also to outline its lights and shadows at the beginning of the 21st century.

1. The Development of a Legal Framework

Immigration to Italy is not as recent as often assumed. As a matter of fact, some migration systems were already active in the late 1960s.⁸ The real upsurge in entries, however, has taken place since the early 1990s. At the end of 2007, there were 2.9 million foreigners living regularly in Italy and the number of foreign residents was almost four times higher than in 1992. Most of the foreign residents have still a work-related permit, making the Italian foreign population particularly present in the economic system. In two decades, immigrants have entered nearly all sectors of low-skilled employment, gaining a particularly significant role in labour-intensive manufacturing, construction and domestic services.⁹ The immigrant labour force has become a structural presence in the Italian labour market, particularly in the North.¹⁰

The development of these migration flows has not been triggered nor sustained by programs of active recruitments.¹¹ In the 1970s, no consistent immigration law regulated the entry and residence of foreign workers in Italy. Most of the immigrant pioneers entered easily a visa-free Italy and settled in the country either working in the informal economy or finding some loophole in the Italian legislation. For most of the 1970s and mid 1980s, the presence of foreign workers in the emigration country *par excellence* was discussed in public debate mostly as a curiosity. Although their uncertain legal status was often discussed, it was not seen as a challenge to state controls, but rather as an attack on foreigners' rights that should have been quickly redressed.¹²

The Act n. 943/1986 represented the first attempt to design a comprehensive immigration policy. The Act, that accompanied the first large scale regularization

⁸ A. Colombo and G. Sciortino, Italian Immigration: The origins, nature and evolution of Italian migratory systems, 9(1) *Journal of Italian Modern Studies* (2004) 49–70.

⁹ The structural significance of the service sector is explained mostly by the household services, where a large number of migrants is employed, both in cleaning and care work (G. Sciortino, Immigration in a mediterranean welfare state: the italian experience in a comparative perspective, 6(2) *Journal of Comparative Policy Analysis* (2004) 111–128; A. Colombo, Il mito del lavoro domestico: struttura e cambiamenti in Italia (1970–2003), 19 (3) *Polis* (2005) 435–466.

¹⁰ M. Ambrosini, 2001. *La fatica di integrarsi. Immigrati e lavoro in Italia*. Bologna: Il Mulino.

¹¹ L. Einaudi, *Le politiche dell'immigrazione in Italia dall'unità a oggi*, Bari: Laterza 2007.

¹² G. Sciortino and A. Colombo, The Flow and the Flood: Immigrants in the Italian newspaper discourse, 9(1) *Journal of Modern Italian Studies* (2004) 94–113.

program, mandated the creation of enrolment lists of prospective immigrants in the Italian embassies, regulated the status of foreign workers according to the principle of equal work for equal pay and granted access to foreign salaried workers to all social services and welfare provisions. However, the entry program was never implemented. The Act, moreover, did not reform both external controls and security procedures. The gaps started to be filled by Act n. 39/90, the so-called *legge Martelli*. The Act introduced visa requirements for most sending countries, reformed the deportation procedures for irregular immigrants and introduced sanctions for migrant smugglers and traffickers. For the first time the *legge Martelli* reformed some aspects of the Italian asylum-seeking procedure, making it possible for non-Europeans to seek asylum in the country.¹³

Overall, the rationale behind Act 39/90 was part of the Schengen process, as a way to both implement some requirements for membership and to reassure “old” immigration countries like Germany or the Netherlands that Italy was indeed able to prevent the entry of unwanted immigrants into the Schengen space.¹⁴ As in the previous one, Act 39/90 recognized the demand for foreign labour. For the past, it aimed at cleaning out the backlog through a very liberal regularization program. For the future, it introduced the notion of a yearly contingent of legal entries for foreign workers (the so-called *numero programmato*). Such a contingent was supposed to be the main planning tool for managing immigration to Italy. These planning tools, however, have never become an effective regulative instrument, as the enactment of the yearly contingent decrees was limited, delayed and often based on unreasonable assumptions on the state of the Italian labour market. The procedures were tiresome, making the informal hiring of irregular migrants often easier to carry for employers and the decrees were sometimes released a few days before the end of the year they were supposed to regulate. Act 39/90 helped however to strengthen the control apparatus. In 1991, the measures introduced allowed a quite heavy-handed management of arrivals from Albania. The number of expulsions started slowly to increase though enforced expulsions remained a small percentage of the overall expulsion orders. The difficulty to enforce them was partly due to the absence of detention centres for irregular immigrants who had to be expelled. Police forces, moreover, often did not have the administrative resources needed to carry out successfully the implementation of expulsion orders. In addition, the expulsion procedure was too long and bureaucratic, because expulsions could not be enforced without the *nihil obstat* of the competent judge.

A new round of policy reforms took place in the second half of the 1990s, during the centre-left governments. In 1998, Immigration Act 40/1998, the so-called

¹³) However, the right of asylum remained based on the Convention of Geneva, while the constitutional right of asylum of Art. 10 III It. Cost. was not converted into a law.

¹⁴) Italy had signed the Schengen agreement on 27 November 1990 and ratified it in 1993. However, the agreement became operative only in April 1998.

legge Turco-Napolitano, was the first systematic Italian immigration law. The law established that an annual decree had to determine the entry contingent for non-EU citizens including seasonal and self-employed workers. With some exceptions for artists, high-skilled workers and academics, work-related residence permits had to be issued in agreement with the contingent system. The law expanded the channels through which a prospective migrant could become part of the yearly contingent. Beside being requested individually by a specific employer while still abroad – a procedure hardly feasible for most small firms and private households – the law allowed also the entry of future foreign workers “sponsored” by individuals, family-members, NGO, trade unions or local public bodies.¹⁵

The Act n. 40/1998 also contained measures targeted to make clandestine entries more difficult and to repatriate more effectively migrants detected upon entry. The new procedure allowed the *Questore* (Police Head) to treat irregular migrants whose irregular entry was not older than six months to be considered as cases of refused entry. Furthermore, the law increased sanctions for smuggling migrants. Finally, the law authorized the opening of centres for the temporary detention of irregular migrants (*Centri di Permanenza Temporanea*) where migrants could be detained up to 30 days while their deportation was organized. A further tool developed to strengthen external border control was the signing of bilateral agreements with some of the most important sending countries. According to such agreements, the Italian government offered its partners specific privileged slots in the yearly contingent as compensation for an easier readmission of their expelled citizens.¹⁶

The *legge Turco-Napolitano* also introduced norms aimed to stabilize the residence status. The length of residence permits, moreover, were standardized, and a new, long-term, title was introduced for settled foreigners. After five years of permanent residence, foreigners can apply for *carta di soggiorno*, a permanent residence permit. Furthermore, the law attributed to the regions and the local governments the possibility to develop integration policies in cooperation with NGOs and philanthropic institutions. For this purpose, the same law instituted a “Fund for Migration Policies” (*Fondo per le Politiche Migratorie*) to finance integration initiatives. Finally, the law also minimized the social exclusion of “weak” migrant groups, like irregular migrants, providing for them access to education and to the National Health System.¹⁷

¹⁵ The contingent planned for such a procedure, however, was set at a very limited amount, thus making it mostly symbolic.

¹⁶ The first bilateral agreement was signed with Poland (1994), Georgia (1997), Albania (1998) followed by Lithuania (1997), Tunisia (1998) and Sri Lanka (2001). The Italian government also signed readmission agreements with Algeria (1998), Morocco (1998), Nigeria (2000) and Pakistan (2000) as well as Moldova (2002).

¹⁷ The access to the national health system was regulated by the administrative memo of the ministry of Health n. 5 of 24 March 2000 based on Art. 35 of the L. 40/1998.

In spite of all its critics, the *legge Turco-Napolitano* represented a serious effort to provide a middle ground for the management of the Italian migratory context. It tried to define a comprehensive law able to combine control and management measures. Its implementation, however, ran quickly into several difficulties, including a lack of political will in the face of the growing dissatisfaction of public opinion and the renewed strength of right-wing political parties, able to exploit the security worries widespread in the electorate.¹⁸ Moreover, Act n. 40/1998, designed with an emphasis on the strengthening of border controls, was unable to deal with the growing significance of the irregular migratory systems rooted in Eastern Europe, that operate through visa overstaying rather than clandestine entry.¹⁹

The return to power of the centre-right coalition in 2001, after an electoral campaign where immigration had been a particularly intense point of contention, triggered a new round of policy reform. The second Berlusconi-government (2001–2006) modified law n. 40/1998 through a new immigration law, known also as *legge Bossi-Fini* (law n. 189/2002), approved in 2002. The new law increased the political discretionality in the definition of the yearly contingents, making it possible to reserve most of it to seasonal workers rather than for long-term entries. Residence permits were made more subject to administrative scrutiny, through the reduction of their length and the lengthening of the period necessary to process them. The vision of the immigrant as worker was enshrined in an attempt to tighten strictly the length of the residence permit to the length of the employment contract²⁰ (the so-called *contratto di soggiorno*). In order to discourage the entries of further immigrants, the law requested that the prospective employer had to guarantee the availability of a lodging and pay the trip back home of the immigrant at the end of the employment relationship. The *legge Bossi-Fini* also reformed the asylum procedure instituting territorial commissions and establishing identification centers for a fast track procedure at the border.²¹

Unsurprisingly, the legislative action of the centre-right coalition was driven not only by the intention of limiting legal entries. It was also, and above all, meant to deliver, through the increasing severity of controls, a sharp reduction in

¹⁸ A. Colombo and G. Sciortino, The Bossi-Fini Law: explicit fanaticism, implicit moderation and poisoned fruits, *Italian Politics* (2003) 162–180.

¹⁹ C. Finotelli and G. Sciortino, Looking for the European Soft Underbelly: Visa Policies and Amnesties for Irregular Migrants in Germany and Italy, in: S. Baring-Horst, J.F. Hollifield and U. Hunger, *Herausforderung Migration – Perspektiven der vergleichenden Politikwissenschaft*, Münster: LIT Verlag, 2006, pp. 249–280.

²⁰ The measure, never actually implemented strictly, would have implied that the foreign workers becoming unemployed during the renovation period, would have little possibilities to renew their residence permits. Thus, the new law would have not only introduced an element of further rigidity in the recruitment of foreign workers, but it would also have greatly increased the chances of becoming irregular for settled workers.

²¹ However, Italy still lacks an organic asylum law, though since 1997 it is possible to apply for constitutional asylum directly to the court.

the volume of unwanted inflows. For this reason, the Italian Navy was entrusted with the control of ships in open sea suspected to carry clandestine immigrants through the so-called “sea landings-decree” (*decreto-sbarchi*). Secondly, it extended the temporary detention of irregular immigrants to be deported to a maximum of 60 days. It also made heavier the sanctions for traffickers and smugglers. Finally, it made possible to imprison those foreigners that had been detected still on Italian territory in violation of the conditions set in an expulsion order (such section of the law was rejected by the Constitutional Court two years later).

The law n. 189/2002 was clearly inspired by a strong restrictive ambition. Interestingly, however, such intention could not deny the structural nature of immigration. The law had to be accompanied by a massive regularization program, with more than 600,000 irregular migrants getting their papers in a few months. The restrictionist intention, kept firm in the first years of the Berlusconi government, gradually evolved in a kind of recalcitrant acceptance of the growing need of further inflows of workers. At the end of the legislature, the very same government emanated the most generous decree for new entries of Italian history.

The centre-left government that won the election for a handful of votes in 2006 had presented during the campaign a quite ambitious platform on immigration: overhauling of the entry procedures to make it work, severe-but-fair control measures, reform of the citizenship law. The lack of a consistent parliamentary majority and the continuing frictions between moderate and radical segments of the left did not make possible any substantial innovation in immigration matters during the (short) life of the legislature.

The return of Silvio Berlusconi to premiership in 2008 seems to have implied the return also of heavy restrictionist formats for immigration policy-making. This time, however, immigration as a policy issue mostly appears as a security, public order, measure. Rather than rushing to modify the immigration law, the government seems to have chosen a more indirect route, tackling migration mostly through the introduction of public order measures. The law n. 125/2008 has changed the Italian Penal Code, making possible to deport a foreigner or expel an EU-citizen in case he/she has been found guilty of a crime with a sentence of more than two years. Finally, the government has also drafted a legislative bill with “urgent norms on security matters” that is supposed to introduce the “crime” of illegal entry. If approved, irregular immigrants could be arrested and imprisoned for a period between six months and four years. The bill would also extend the length of the possible detention spell in the deportation centres. The overall goal of these legislative reforms is obviously to strengthen the repressive components of immigration policies, without triggering a political conflict on integration.

From the point of view of this article, this new round of policy measures is in a line of strong continuity with previous history of Italian immigration policy. First of all, these measures are again more concerned about the entry than about

the residence of immigrants. They try to repress irregular migration through the control of spatial movements, rather than acting on the internal factors – such as the size of the Italian shadow economy – that motivate and reward these movements. Second, they do not distinguish adequately the internal differentiation of the foreign population, where recent arrivals are by now only a segment of the whole. Eventually, they are still embedded in a situation where the acknowledgment of a demand of foreign labour is matched by the lack of reasonable and active entry channels. These elements, rooted in political rather than administrative causes, have a strong continuity in the last two decades, explaining why a series of Italian governments has made a significant investment on control measures, without however, succeeding in dealing with the structural mechanisms sustaining irregular migration systems.

2. Immigration Regulation between Economic Demand and Restrictive Imperatives

Contrary to many stereotypes, we have argued that Italian governments have made sustained regulative efforts to manage migratory inflows and to repress irregular entries. We have also mentioned the existence of valid evidence of the fact that such efforts have been successful to a reasonable degree. Why, then, Italian immigration policy is deemed unsatisfactory by most policy-makers, by a large majority of Italian public opinion and by many EU partners? Why do the continuous policy innovations seem to be unable to tackle the constant reproduction of irregular migration after each amnesty? Our argument is that the unsatisfactory outcomes of Italian migration policy are rooted in the lack of an adequate choice of the goals that migration policy should pursue. Specifically, Italian migration policy seems always to develop in an uneasy and always shifting “truce” between restrictive orthodoxy, rooted in EU pressures as well as in the early politicisation of the issue, and expansionist tendencies rooted in the structural demand for foreign labour by firms and households. As a result, Italy is at the same time the first European country to acknowledge the need for an active entry policy for foreign workers and a country where a large majority of foreign workers has to endure a significant spell of irregularity before “getting the papers”, often through the fiction of a new entry from outside.

The fact is that the preconditions for irregular migration resonate with some structural features of Italian society: the presence of irregular migrants is embedded in a mix of a lack of an active recruitment channel for foreign labour, poor or weak internal controls and the existence of an extended informal economy.

First of all, Italy has never had a reliable channel for recruiting legally potential immigrant workers. Although Italian governments have never subscribed to the non-immigration dogma, the tools chosen have always been ineffective. To

determine the size of the needed contingent is neither easy nor automatic. It is difficult to mediate between the different political and social groups involved in the concrete use of quotas. In addition, the effectiveness of quota systems depended on reliable estimations of the necessities of the Italian labour market. Eventually, as Einaudi²² points out, the demand of foreign workers is not only labour-market-driven, but also embedded in the mechanisms of migrant networks, family reunion and the strategies of companies which prefer to employ migrant workers rather than natives. The yearly contingent has been set for years far below the real necessities of the labour market (at least as far as permanent jobs are concerned).²³ The planning of new entries has also suffered from several implementation problems. The first is represented by long and slow bureaucratic recruitment procedures. It is not unusual that the processing of a new entry requires more than a year from the moment in which the application is filed to the moment in which the residence permit may be signed. And there is a long waiting period where the employers do not know if the application has been successful or not. Unsurprisingly, most employers just ignore the procedure. Last but not least, any program of managed entries needs to be accompanied by realistic measures to deter unauthorized hiring: otherwise, irregular migrants will always be competitive in comparison to managed entries. This is the Achilles' heel of the Italian entry policies: all researches document how hiring irregular migrants in Italy is astonishingly easy, and how the fear of sanctions ranges from little to non-existent. Nevertheless, the various Italian governments have done a lot to tighten the borders. There is little doubt that the efficiency and effectiveness of Italian border controls have increased noticeably in the last two decades. It is enough to say that the phenomenon of clandestine entries across the sea borders have severely diminished, particularly along the Adriatic coasts.²⁴

The international embedded liberalism is particularly strong about international seas, placing several constraints on the capacity of governments to prevent illegal sea-landings. Still, the Italian governments have been able to severely reduce the significance of clandestine entries across blue borders (Table 1).

As we can see in Table 1, the regions of Puglia and Calabria have lost their importance as ports of entry while most of the clandestine entries through the sea borders are currently concentrated on Sicily and, increasingly, on Sardinia. In this new geography of entries, Libya plays a new important role as a departure point for most clandestine migrants directed to Italy. A large part of them proceed from Morocco and have chosen the Libyan-Italian route after that Spain

²² L. Einaudi, *Le politiche dell'immigrazione in Italia dall'unità a oggi*, Bari: Laterza, 2007.

²³ In recent years, from 2006 on, the numbers of planned legal entries have markedly increased, but a large percentage of them is basically absorbed by the ex-post regularization of workers already present on the territory.

²⁴ P. Monzini, F. Pastore et al., Schengen's soft underbelly? Irregular migration and human smuggling across land and sea borders to Italy, 44(4) *International Migration* (2006) 1–25.

Table 1 Sea landings in Italy (1998–2006)

	Italy	Puglia	Sicily	Calabria	Sardinia
1998	38,134	28,458	8,828	848	
1999	49,999	46,481	1,973	1,545	
2000	26,817	18,990	2,782	5,045	
2001	20,143	8,546	5,504	6,093	
2002	23,719	3,372	18,225	2,122	
2003	14,331	137	14,017	177	n.d.
2004	13,635	n.d.	13,594	n.d.	n.d.
2005	22,939	38	22,824	176	16
2006	22,016	486	21,400	564	182
2007	20,165	61	16,585	1,971	1,548

Source: Ministry of Interior 2007.

has enforced controls in the Mediterranean.²⁵ Only a very limited number of the current irregular migrant population in Italy has entered the country through a clandestine route.

Moreover, the Italian state has increased its capacity to return irregular immigrants detected on the Italian territory, as well as the effectiveness of its expulsion measures (Table 2). In particular, the construction of the detention centres as well as quicker expulsion procedures established by law n. 40/1998 have contributed to reduce the difference between expulsion orders (*intimazioni*) and expulsions enforced.

However, the improvement of border controls was followed by a relevant decrease of expulsions since the beginning of 2002.²⁶ The decreasing trend is surely related to the lasting effects of the regularization program of 2002 and to the entry of Rumania and Bulgaria into the EU. At the same time, there is also a policy-related effect, concerning the readmission agreements with sending and transit countries. As a matter of fact, the percentage of expelled foreigners is much higher for citizens from countries that have signed a readmission agreement with Italy. This tool, however, creates several problems to the centre-right

²⁵ L. Coslovi, *Brevi note sull'immigrazione via mare in Italia e in Spagna*, 2007, available on <http://www.cespi.it/PDF/mig-mare.pdf>; P. Monzini, *Il traffico di migranti per mare verso l'Italia. Sviluppi recenti*, Cespi WP 43, Rome, 2008 at: <http://www.cespi.it/WP/WP43-Traffico-Monzini.pdf>. For this reason both the Prodi (2006–2008) and the Berlusconi governments (2008–) have intensified their cooperation efforts with the Libyan government. In August 2008, the Italian government had signed an agreement with the Libyan government aimed, among other things, at increasing mutual cooperation in the struggle against irregular migration.

²⁶ Ministero dell'Interno, *Rapporto sulla criminalità in Italia*, Rome, 2007 at: http://www.anolf.it/download/rapporto_criminalit%E0_minint_20_06_2007.pdf.

Table 2 Expulsions of immigrants (1991–2006)

	Ordered expulsions	Enforced expulsions	Readmitted according to readmission agreements
1991	28,733		
1992	35,120		
1993	52,918		
1994	61,627		
1995	58,894		
1996	37,362		
1997	52,111		
1998	44,121		
1999	40,489	12,556	11,399
2000	64,734	15,398	8,438
2001	58,171	21,639	12,751
2002	53,125	25,226	17,019
2003	9,378	19,729	9,901
2004	9,524	17,200	7,996
2005	4,514	16,690	10,295
2006	4,065	13,397	8,293

Source: Ministero dell'Interno, 2007.

coalition, as it implies the strengthening of coordination with sending countries rather than the 'free-hands' approach advocated by most of the parties involved. After a period of open refusal, the centre-right coalition has developed also in this field a kind a reluctant acceptance, as it may be seen from the alternate fortunes of the Italian agreement with Libya. Finally, the Italian governments had more and more difficulties in guaranteeing adequate funding for expulsions due to budgetary problems.

Such successes, however, have not had any particular impact on the availability of irregular foreign workers in the Italian labour market. On the contrary, in the same years there has been a slow re-constitution of a segment of long-term irregular foreigner population estimated – at the end of 2008 – at over a half a million individuals.²⁷ The fact is that clandestine entries trigger intense media coverage but they vehiculate comparatively small numbers: more than six out of ten irregular migrants have entered the country with a duly issued tourist visa.²⁸ Moreover, under Schengen conditions, the process of visa-overstaying has little to do with

²⁷ G.C. Blangiardo (Ed.), *L'immigrazione straniera in Lombardia. La settima indagine regionale*, Milano: Osservatorio Regionale per l'integrazione e la multietnicità, 2008.

²⁸ Einaudi, 2007; Ministero dell'Interno, 2007.

the single control system of each country. Italy has a very tight, verging on the oppressive, visa policy. Most of visa-overstayers in Italy – and the same applies to Spain – have entered the Schengen space thanks to a German-issued visa. The German liberal visa policy creates a soft underbelly of the Fortress Europe much more significant than the shores of the Mediterranean.²⁹

The availability of tourist visa is a necessary, but hardly sufficient, condition for the development of large migratory systems. An equally important factor is the presence in Italy of a large shadow economy, able to absorb sizeable numbers of undocumented workers, natives as well as foreigners. Estimated at more than one fifth of the Italian national GDP, the shadow economy is a structural component of the Italian dual labour market and a very important factor of attractiveness for irregular migrants.³⁰ The fight against illegal work is the real missing piece of Italian immigration legislation. First of all, Italy lacks the necessary administrative infrastructure to carry out adequate controls. Inspectors and controls are unevenly distributed across the Italian regions and only one third of them are active in the field, while the average time from a denounce to the inspection is of three years.³¹ Furthermore, the informal economy is part of a civic culture that does not consider informal work as a crime. For those reasons, any repressive action is at risk of triggering a quite heated moral scandal.³² The most suitable and pragmatic way of dealing with the incorporation of immigrants in the shadow economy identified by the Italian state has been the launch of regularization programs. Italy has carried out five regularization processes between 1986 and 2002.³³ Regularisation processes are well-rooted in the Italian political culture and have little political and monetary costs for the Italian governments.³⁴ Of the regularization programs, one regularized the foreigner on grounds of residence; four were meant to regularize the foreign worker together with its employment relationship. Amnesties try to transfer significant segments of the migrant labour force from the informal to the formal economy, thus fulfilling an internal control function which had not been possible through other channels.³⁵

²⁹ C. Finotelli and G. Sciortino, Looking for the European Soft Underbelly: Visa Policies and Amnesties for Irregular Migrants in Germany and Italy, in: S. Baring-Horst, J.F. Hollifield and U. Hunger, *Herausforderung Migration – Perspektiven der vergleichenden Politikwissenschaft*, Münster: LIT Verlag, 2006, pp. 249–280.

³⁰ Emilio Reyneri, The Role of the Underground Economy in irregular migration to Italy: Cause or Effect?, 24(2) *Journal of Ethnic and Migration Studies* (1998) 131–331.

³¹ Information provided by the Italians Trade Unions.

³² G. Sciortino, 'Just Before the Fall', The Northern League and the Cultural Construction of a Secessionist Claim, 14 *International Sociology* (1999) 321–336.

³³ The Italian governments carried out two more regularizations in 1977 and 1982 on the basis of two administrative memos of the Italian Ministry of Work.

³⁴ A. Colombo and G. Sciortino, Semir, il questore e la sardina. Rappresentazioni delle sanatorie sulle pagine de 'La Repubblica', in Marzio Barbagli, Asher Colombo and Giuseppe Sciortino (eds.), *I sommersi e i sanati. Le regolarizzazioni degli immigrati*, Bologna: Il Mulino, 2004, pp. 223–261.

³⁵ M. Barbagli, et al.

Amnesties have had usually quite beneficial effects both on the migrants and on the Italian economic system. The appearance of large numbers of new foreign workers in the legal labour market has triggered no competition, as unemployment in Italy affects mostly well-educated young people waiting for better chances on the labour market.³⁶ On the whole, amnesties have contributed to overcome the contradiction between the need of foreign workers in certain economic sectors and the restrictive orthodoxy turning “wanted but not welcome”³⁷ migrants into welcome workers.³⁸ Furthermore, the high number of regularized immigrants in Italy in contrast with the low number of refugees³⁹ shows clearly that the mechanisms to handle unwanted immigration in Italy are embedded in the economic legitimation of immigration rather than in humanitarian commitments.⁴⁰ The available data confirms that regularization programs have played an important stabilization function. Since 1986, 1.4 million migrants have gotten their residence permit participating in a regularization program. According to recent Italian research, more than 50 percent of regularized migrants between 1986 and 1998 still had a duly issued residence permit at the beginning of 2000. What is more, the number of individuals that have applied to more than one regularization program is negligible.⁴¹ Very few regularized immigrants relapse to an irregular status subsequently.

The tension between restrictionist intentions and acknowledgment of the demand for foreign labour is consequently a key aspect of Italian migration policy. It has become embedded not only in specific norms or regulation, but also in a more generalized discourse, centered on a polarization between “good” migrants/workers – to be integrated in the Italian economic system, possibly in a second-class position – and “bad” immigrants/criminals, unwilling to work and

³⁶ Emilio Reyneri and Maria Baganha, 2001. *Migration and the Labour Market in Southern Europe*, IMIS-Beiträge, Nr. 17, pp. 33–53.

³⁷ A. Zolberg, *Wanted but not Welcome: Alien Labor in Western Development, Population in an Interacting World*. Cambridge, MA: Harvard University Press, 1987, pp. 36–73.

³⁸ The Pact of Immigration signed in 2008 by all European Member States forbids carrying further mass regularization processes. If this has made the enactment of new amnesties politically unfeasible, it has not ruled out to obtain the same goal with different means and under different names. In 2006, the Prodi government has greatly enlarged the yearly contingent bringing the total number of entry slots in line with the number of application previously filed. Such decision was based on the (not unreasonable) assumption that most applications had been actually filed on behalf of workers already irregularly living within the country.

³⁹ According to the UNHCR Statistics, in 2006 the refugee population in Italy (28,875) was considerably lower than the number of refugees registered in Germany (606,000) or in the United Kingdom (301,000).

⁴⁰ C. Finotelli, *Illegale Einwanderung, Flüchtlingsmigration und das Ende des Nord-Süd-Mythos. Zur funktionalen Äquivalenz des deutschen und des italienischen Einwanderungsregimes*, Münster: LIT, 2007.

⁴¹ M. Carfagna, I sommersi e i sanati. Le regolarizzazioni degli immigrati in Italia, in A. Colombo and G. Sciortino (Eds.), *Stranieri in Italia. Assimilati ed esclusi*, Bologna: Il Mulino, 2002, pp. 53–91; G.C. Blangiardo (Ed.), *L'immigrazione straniera in Lombardia. La settima indagine regionale*, Milano: Osservatorio Regionale per l'integrazione e la multiethnicità, 2008.

Table 3 Regularized immigrants and foreign population (2007)

Regularized migrants Main countries of origin	(1986–2002)	Foreign population 1.1.2007
Morocco	181.311	343.288
Romania	168.726	342.200
Albania	118.251	375.947
Ukraine	102.140	120.070
China	77.649	144.855
Philippines	59.592	101.377
Senegal	56.865	59.857
Tunisia	55.034	88.932
Ecuador	41.571	68.880
Serbia and Montenegro	36.094	64.411
Peru	35.831	66.506
Moldavia	30.121	55.803
Nigeria	26.417	37.733
Sri Lanka	27.507	56.745
Pakistan	27.711	46.085
India	27.124	69.504

Source: Finotelli (2007), based on data of Carfagna (2002) and Istat (2007).

involved in criminal activities. Such distinction has become fundamental not only to understand the mechanisms of the Italian control system, but also the attitude of Italian citizens as well as the (apparently) contradictory discourse of the main political parties that has shaped the making of immigration policies in the last 20 years.

3. Parties, Politics and Immigration

According to the results of recent surveys, the attitude of the Italian population toward immigration seems to be quite ambiguous.⁴² On the one hand, Italians are convinced that immigrants are necessary for the Italian economy, an attitude which is in line with the overall acceptance of economic migration and regularization processes. On the other, a sizeable part of the Italian population has developed

⁴² For a more extensive analysis on this issue see C. Bonifazi, 2006. *Italians and Foreign Immigration*, in: I. Söderling (ed.), *Finnish Yearbook of Population Research*, XLII, 42–112; A. Colombo, 2007. *Gli stranieri e noi. Immigrazione e opinione pubblica in Emilia-Romagna*. Bologna: Il Mulino.

the perception that illegality and criminality are deeply interrelated.⁴³ As a matter of fact, the number of denounced and condemned immigrants, usually for small crimes, has increased significantly in the last two decades. Irregular migrants are definitely over-represented in the criminal statistics, confirming that the relationship between immigration and criminality seems to be rooted in the capacity of the Italian migration regime to generate irregularity.⁴⁴ The fear of immigration as a source of criminality has been at the centre of the political action of populist right-wing parties such as the *Lega Nord*. The electoral program of the *Lega*, which was first separatist and then federalist, was based on the construction of an imaginary community (the *Padania*) in the Northern part of Italy.⁴⁵ In a short time, the *Lega* however shifted from an anti-southern into an anti-immigration platform which blamed the central government for its ineffective struggle against criminality and irregularity. However, the political decisions and actuations of the *Lega* were not always in line with its aggressive rhetoric. On the one hand, the *Lega* was one of the harshest critics of the Martelli Law in 1990 and of the regularization process carried out in 1998/1999. On the other, in 2002 the *Lega*, as a member of the second Berlusconi government, tolerated the launch of the largest regularization ever carried out in Italy. In the last years, as a member of the third Berlusconi government, the party is supporting a set of differentiated measures unified by the goal of strengthening the repressive dimension of Italian immigration policies. The party is also quite active in the opposition to any alteration of “Italian” lifestyle to accommodate migrants: it is a vocal opponent of the construction of mosques, advocates a strong control of Islamic associations and pushed for the introduction of differential treatments in fields such as schools and public housing. On the whole, however, the *Lega Nord* has shifted from an anti-immigration to an anti-immigrant party: it acknowledges the need for foreign workers but it fights to keep it as small as possible (and within as rigid constraints as possible).

Such ambiguous change of attitude of Italy’s only xenophobic party, reflects a deep contrast between rhetoric strategy and public action on immigration issues. The reasons for such a contradictory development are to be found both in the evolution of the *Lega Nord* but also in the unstable configuration of the Italian fragmented party system. Within Italian political spectrum, the attitudes toward immigration ranges from xenophobic (*Lega*) to complete unqualified openness (*Rifondazione Comunista*) passing through parties willing to negotiate in between (*Forza Italia*, *Alleanza Nazionale* and the *Partito Democratico*.) Within all these parties, however, there are internally quite differentiated stances. Both in centre-

⁴³ However, the fear of welfare overuse has recently become another important factor in the attitude of Italians towards immigration. (Colombo 2007).

⁴⁴ M. Barbagli, *Immigrazione e reati in Italia*, Bologna: Il Mulino, 2002.

⁴⁵ G. Sciortino, ‘Just Before the Fall’, *The Northern League and the Cultural Construction of a Secessionist Claim*, *International Sociology* 14 (1999) 321–336.

left and centre-right coalitions there are Catholic parties sensible to the solidaristic duty toward migrants, as well as the massive advocacy coalitions of Catholic agencies and groups. In both coalitions there are niches highly critical of immigration and fearful of the disgregative consequences it may entail. Both coalitions have consequently developed a stance on migration issues out of a variety of contrasting pressures. Giovanna Zincone,⁴⁶ in her study of Italian immigration policy-making, claims that the relationship between the parties' attitude toward immigration and actual immigration policies may be understood embedding each party in the coalition they are part of.⁴⁷ This seems particularly true for the left-wing coalitions. In the two occasions in which the centre-left has been a majority in Parliament, it has suffered heavily in finding a reasonable middle path between the solidaristic approach for immigrants, the need to answer the growing concern about crime and insecurity and the development of a stronger political control over migration dynamics. Both the moderate left and the Catholics in centre-left coalitions were looking for the right balance between judicial guarantees and repressive norms. Such attempts were, however, contrary to the general vision of the radical groups in the left, who define any form of coercive measure as a violation of human rights. In some moments, the centre-left coalition was able to find a precarious balance: in 1998, the *legge Turco-Napolitano* succeeded for instance in balancing both the solidarist and the legalitarian component, drafting a bill containing new integration measures as well as new regulations of expulsions and deportations.⁴⁸ In other cases, the compromise turned out to be impossible, bringing to a series of deadlocks that seriously compromised the credibility of the coalition in front of the electorate.

The centre-right coalition has a degree of instability for opposite motives. The harsh tones and frequent xenophobic position of the *Lega Nord* make necessary for other parties to stress frequently the existence of differences and the reasons of solidarity. Moderate Catholics are so often forced to define themselves as having a 'moderating role' of the *Lega's* extremism. At the same time, immigration issues may be used, and frequently are, by moderate parties to highlight the isolation of the *Lega*. An example of this coalitional process has been provided by the approval of the Bossi-Fini law in 2002. The centre-right government was formed at the time by the populist *Lega*, by *Alleanza Nazionale*,⁴⁹ Berlusconi's party *Forza Italia* and the Catholic party CCD (*Cristiano Cattolici Democratici*). During the electoral campaign, all parties had a different position on immigration issues. *Alleanza*

⁴⁶ G. Zincone, The Making of Policies: Immigration and Immigrants in Italy, *32 Journal of Ethnic and Migration Studies* (2006) 347–375.

⁴⁷ *Ibid.*, Zincone identifies five possible attitudes of decision-makers toward immigration: solidarist, multiculturalist, functionalist, identitarian and repressive/legalitarian.

⁴⁸ *Ibid.*

⁴⁹ AN is the successor party, established in 1994, of the former *Movimento Sociale Italiano*, considered to be the heritage of the Italian Fascist Party of Benito Mussolini.

Nazionale had campaigned for severe control measures against clandestine migration and criminality distancing at the same time from the xenophobic tones of the *Legge*. Such a position was close to that of *Forza Italia* which tended to stress more the economic function of immigration, to be managed in ways that could fulfill the necessities of the economic system, reflecting the interests of the Italian entrepreneurs defending a liberal concept of foreign workers recruitment. Finally, the CCD represented the solidaristic component influenced by lobbying actions of Catholic associations such as Caritas which have played a fundamental role in the reception and shelter of immigrants during the 90s.

The Bossi-Fini-law and the related debate was a coalitional “patchwork” combining once again harsh (and mostly dysfunctional) control measures with a very generous regularization process. On most issues, the law drafters had to find a compromise. As an example, the drafter did not modify a single norm about integration – as it would have opened up the Pandora’s Box of the differences within the coalition – but made most of the surviving norms ineffective through underfunding.

In spite of rhetorical differences and the several parties involved in policy making, the Italian immigration policy has a relative continuity in the last fifteen years, where the results achieved by the centre-right coalition were not very different from those of the leftist parties.⁵⁰ The same *Legge*, in spite of being a xenophobic party, had not a very relevant influence on the making of Italian immigration policies at least at the legislative level.⁵¹ According to Zincone, the presence of Catholic parties in both coalitions, the undeniable demand for foreign labour by firms and households, the high costs of indiscriminate repression and the action of the Courts represent some of the most important factors that influenced both the politics of the left and the right. Furthermore, policies of immigration control are embedded in a complex frame of actors and decisions which do not only depend on the parties’ attitude and their debt to public opinion. It has been the case of the Trade Unions that recognized – perhaps even before politicians – the urgent need of labour force in certain economic sectors and had, thus, a very important lobbying function on Italian immigration policies.⁵²

Stressing the importance of such continuity does not mean, however, to neglect the differences. It is undeniable that right-wing parties, at least symbolically, are more restrictionist and suspicious of new legal entries, while the left-wing parties

⁵⁰ Sciortino and Colombo, 2004.

⁵¹ T. Perlmutter, *The Politics of Restriction: The Effect of Xenophobic Parties on Italian Immigration Policy and German Asylum Policy*, in Martin Schain, Aristide Zolberg and Patrick Hossay, (Eds.), *Shadows over Europe: The Development and Impact of the Extreme Right in Western Europe*, London: Palgrave, 2002, pp. 269–298.

⁵² G. Mottura and P. Pinto, *Immigrazione e cambiamento sociale: Strategie sindacali e lavoro straniero in Italia*. Roma: Ediesse, 1996.

systematically show more engagement for the integration of immigrants and their access to civil rights. Nearly all the measures targeted to the long-term settlement and integration of immigrants have been elaborated and approved within the left-wing coalitions, although they have sometimes been easily accepted by significant sectors of the centre-right. At the same time, the very strong differentiation between legal immigration, defined as useful for the economy, and illegal immigration, seen as a source of deviance, has been more consistently elaborated within the centre-right coalition but has become quite important also in wide sectors of left-wing coalitions. In October 2007, as example, the centre-left government chaired by Romano Prodi (2006–2008) has presented a decree that allowed police forces to deport EU citizens and their family-members from the Italian soil, if they were considered dangerous for public order.⁵³ The decree n. 181/2007 was a political reaction to the heinous murder of an Italian woman committed by a Rumanian citizen, a crime that caused a wave of panic in the population. Left-wing critics of the Prodi government defined the decree as an element of discontinuity in the Italian Left. On the contrary, the moderate left defined these measures as reasonable and necessary to deal with the unexpected consequences of Eastern enlargement. The then vice-president of the Italian government, Francesco Rutelli, argued that it was a political and institutional duty to guarantee a serene life to Italian citizens through the “rigor and severity” of the law. During the national election campaign in 2008, both centre-right and centre-left made the improvement of public order a key issue in their platform, often both establishing explicit links between irregular migration and criminality.

Conclusions

The paper argues that the fact of being a “new European immigration country” has influenced the evolution of Italian immigration control policies in the last two decades. Since Italy’s transition into an immigration country, the Italian governments have had to deal with the various requirements of the Schengen system, including a stop-and contain-attitude towards immigration, that were not necessarily reflecting the policy need of a country at that stage of the migratory transition. Since then, Italian governments have acknowledged the need for an active labour migration policy but failed severely in implementing it. The difficulties in programming the new entries, weak internal controls as well as the attractiveness of the informal economy and the “expansionist” outcomes of a common visa policy have favoured the growth of irregular migration. Despite strong investments on repressive measures, no coalition has succeeded in struggling effectively against irregular migration. In this context, regularizations of irregular migrants

⁵³ The collapse of the Prodi-government implied that the proposed legislation was never approved by the Houses.

have been as a very useful measure to re-establish periodically the balance between Market and State, although at the price of a loss of credibility. Regularizations have enjoyed a high acceptance because they were based on the economic legitimation of immigration, which is in line with the general attitude of Italian citizens. The failures of the Italian migration regime have been constantly repaired *a posteriori* independently from the coalition ruling the country.

In spite of a very unstable political system from 1992 on, a certain degree of stability has been reached. Italy's legal foreign population in 2007 was five times higher than in 1991. Half of the foreigners have been in the country for at least five years. Family reunions are constantly increasing due to the stabilization of foreign population. One fifth of the foreigners is a minor, pointing to the fact that a second generation of 'new Italians' is already in the making. Despite overall scepticism, a negative attitude of the population and the ambiguity of the party system, the challenge of absorbing immigrant has been somewhat met.

The analysis carried out in this paper shows that the EU-mandated strategy focused exclusively on external border controls has been, and still is, a serious stumbling block in the development of an adequate Italian migration policy. There is an urgent need of reforming the contingent system, and to struggle effectively against the informal labour market reinforcing internal controls. At the same time, issues of long-term integration are not any more a concern for the future, but rather pressing exigencies of the present times. If the challenge of immigration policies of the 1990s was embedded in the necessity to follow the European trend, the new challenge for Italy and the other Southern European migration regimes could be more related to the necessity to learn from the mistakes of other "older" immigration countries in Europe.