



No. 4, April 2009

## Policy Oriented Executive Summary – Italy

Italy's experience within the European migratory system is now fairly well established. In a very short period of time its foreign population has become one of the largest in the EU, and in recent years the country has seen some of the highest net migration rates of the Union. Immigration is at an advanced stage, as shown by the presence of a large and growing share of foreigners born or raised in Italy. Italy also has a well-developed, albeit recent, experience involving the formulation of migration policies. The Italian experience provides some points of general interest for countries with comparable patterns and for countries that could experience a similar evolution.

### Repeated regularisations

The most prominent characteristic of the Italian migration system is the recurring use of regularisations, notwithstanding that most of the political parties have generally stated their opposition to these kinds of measures. The regularisation programmes were implemented in 1986, 1990, 1995, 1998 and 2002 by governments of different political leanings. In particular, the last regularisation implemented by the centre-right government with the Bossi-Fini Law (Law 189/2002) was the most far-reaching measure ever introduced in a European country, though it was equalled later by the 2005 regularisation in Spain. More than 705,000 applications were made and nearly 647,000 were accepted.

Three years later, according to an available estimate, irregular immigrants already numbered 541,000. After 2002, there were no other regularisation procedures, even though some provisions to control immigration flows have been similar in substance to the mechanisms and rules used in the previous amnesties. In fact, the Prodi government of the centre-left decided, in 2006, to issue a second decree-law on immigration flows which allowed all 540,000 foreigners who presented an application to enter the country for economic reasons to be regularly employed. The effects of this measure have been only temporary, considering that at the beginning of 2008 the volume of irregular immigration was estimated to be 650,000.

## **The unintended results of overly restrictive immigration policies**

The lack of legislation governing migration flows is generally considered one of the main causes for the start of foreign immigration into Italy, but the first law of 1986 already restricted official immigration channels. This was fulfilment of the requests of European countries with established immigration flows who saw the countries of southern Europe as the backdoors for the entry because of their lack of controls. One of the results was the substantial irregularity of a good part of immigration during this period, an aspect destined to become a constant in Italy's immigration history, along with repeated regularisations. According to official data, regularizations in Italy from 1986 onward rectified the situation of almost 1,500,000 immigrants, roughly corresponding to two-thirds of the foreign presence in 2004. As a result, it would seem that the status of being "clandestine" is a transitory condition that has been common to much of the foreign immigration into Italy. Therefore, the functioning of immigration policy entry mechanisms do not seem able to ensure satisfactory results as regards the control and selection of migration flows.

The reason for this is the unfeasibility of maintaining regular entry channels, notwithstanding the choice, made in the early 1990s and confirmed by the law of 1998, to introduce a system of annual quotas for economic migrants which seemed to run counter to European guidelines. In some ways, it would seem that the choices made by Italy were precursors of the European Union's later statement that it was on a path toward the "zero option", based on the recognition of the current and potential role of immigrant labour in the European economies.

The limits of the quota system adopted in Italy can be explained by the fact that it does not sufficiently take into account the changes that have taken place in European immigration flows, as well as the magnitude of its domestic pull forces. The large numbers of immigrants working in the low-paid, low-skilled segments of the labour market in Italy are meeting a demand for labour that the quota system has difficulty quantifying. This means that the demand for labour is underestimated. In addition, the directions and dimensions of the new immigration flows are constantly changing: any predetermined estimate of the maximum quotas for new entries should take into account new factors, and the system should be more flexible than it is currently.

The result has been a growth of irregular immigration, irrespective of the different attitudes towards migration issues of the incumbent governments. The lesson to draw from this is that if the entry channels for labour migration underestimate the real needs of the national economy, irregular migration increases. One useful suggestion as regards adopting more flexible regulatory instruments and concerning the possible tools to adopt has been made recently by the European Parliament, when it suggested the Commission consider the possibility of granting a job-seeker's permit to stay, to be valid for six months, as was the case in Italy until 2001 through the sponsor system.

Overly restrictive entry channels have also had the effect of discouraging highly skilled migrants, whose contribution is increasingly considered a basic step towards improving the competitiveness of national economies.

A further suggestion is to have well-differentiated channels for labour migration and for family reunions and asylum seekers or refugees. Direct and indirect effects on the labour market of these two other types of migration should be taken into account, but it is important to avoid overlaps between flows for different reasons and with different legal backgrounds.

Last but not least, the creation of a well-grounded system of statistical evaluation of the effects of political measures appears to be an essential instrument for the political decision-making process.

### **A comprehensive approach to the formulation of immigration policies**

When Italy began to see growth in immigration in the early 1970s, the country was basically open to migration flows because of the absence of any particular rules controlling the entry of foreign workers and delineating the conditions under which they could stay. In the beginning, immigration in Italy was, as it was in other southern European countries, considered a transitory phenomenon. The prevailing view was such that it would not involve large numbers and would certainly only be temporary because it was thought that Italy was only a stage of the journey for these migrants, who were presumed to be on their way to the more traditional European immigration countries.

This supposition was based on the hypothesis that this phenomenon was mainly caused by a worsening of the social and economic conditions which contributed to the push effects in the sending countries, and did not take into consideration the fact that the demand for labour might attract migrants. The role played by the demand for labour was underestimated because it was mainly a result of a segmentation of the labour market, where there was a significant increase in job opportunities precisely in the second category: i.e., the precarious, dangerous and badly paid jobs which the national labour force refused to do and which were performed by the immigrant labour force.

In Italy, the demand for foreign labour has rapidly increased in the present decade because of the concurrent effects of some structural imbalances of the country. The result has been impressive growth in the size of regular immigration flows in recent years: from 1.8 million to almost 4 million in the five-year period from 2003 to 2008. The main structural imbalances that have caused this trend are:

- The significance of the underground economy (16-17% of GDP);
- A chronically low fertility rate, which has caused a reduction of 1.9 million people in the age group 15-39 within the native population in the period 1991-2007 (99% in the Centre-North of the country);
- The low level of internal migration from the South, despite the relevant economic and social imbalances with the other divisions;
- The Mediterranean welfare system, largely unable to face the effects of a massive aging process: in 2007, people over the age of 65 numbered 11.8 million (of which 2.3 million are disabled persons), with an increase of 3 million in fifteen years.

These structural factors have largely affected the recent immigration trends and should be considered more seriously in the formulation and implementation of migration policies. The same European Commission Green Paper proposes to devote more attention to the general context of international migration and to the positive effects of the flows, including on the economic development of the sending countries and on both the economies and the demographics of the countries of arrival.

In the Italian case, the relevance of the structural imbalances behind immigration suggests that an even more comprehensive approach is necessary. In fact, so far immigration has been an unplanned reply to the problems posed by the economic, demographic and social regimes of the country, but it is well known that it cannot be the long-term solution for these kinds of problems. The aging of population, the decline of working age population, and the structural deficiencies of the welfare system are mitigated by immigration, but in order for immigration flows to effectively counteract the consequences of these factors, multifaceted political measures must be implemented. The inclusion of migration policies in a comprehensive approach requires the consideration, in detail, of the structural determinants of the flows and their direct and indirect effects. An emphasis should be placed on the positive contribution of immigration and a more concrete discussion should be animated about the beneficial effects on the perception of the problems by the public.

### **Effects of regularisations**

Despite the negative stigma generally attached to regularisations, amnesties often resolve a situation of consolidated and pervasive illegality. The evidence gathered from research provide valuable input in support of the hypothesis that each amnesty seems to have substantially reduced the number of illegal immigrants that had been amassed in the intervals between one measure and the next. Moreover, while the amnesties probably captured a good deal of attention, especially when preceded by a broad political debate echoed in public opinion, it appears that this effect was quite low and accounted for about one quarter of the cases at most. Even the last regularisation essentially involved an area of illegality that had formed in the years after the previous amnesty, also due to the fact that the projected number of immigrants to be accepted was too low to meet the effective demand for immigrant workers from companies and households.

Some additional elements show how the regularisations have, for a large majority of foreigners in Italy, been a vital step in the process of settling down and integrating in their adopted country, which involve the transition from illegality to legality. Indeed, compared with the 784,000 applications accepted in the first four measures, no fewer than 566,000 individuals were still in possession of a valid permit in early 2000. The high proportion of foreigners settling down in the country is also confirmed in the great regularisation of 2002. Of the approximately 647,000 foreigners who obtained permits in 2003, more than 505,000, representing 78 per cent, still had a valid permit to stay in early 2007, despite the fact that the annual renewal of permits depended on the existence of an employment contract. The effect of regularisation programmes carried out so far has not been to repeatedly regularise the same individuals who returned to a state of illegality, but to effectively initiate a course of legality for most foreign nationals submitting applications. In general, the low numbers of illegal immigrants among the beneficiaries of the amnesties confirms the hypothesis that the non-renewal of regularisation permits, in several cases, does not mean a return to illegality, but rather could provide for the natural completion of the immigration experience in Italy.

### **Immigration as a controversial political issue**

Since the beginning of the 1990s, immigration began to be a controversial issue on the Italian political scene. In the current decade, the Consolidation act of the centre-left government was amended in some ways by the centre-right government with the Law 189/2002. The regulatory framework of this law sees the immigration question principally as a problem of public order, in which the basic idea is that foreigners on national territory are an issue, first

and foremost, for State security in the “true” sense of the protection and defence of public order. Consequently, a series of instruments was devised to provide continuous control of the immigrant population on two fronts. First, control of the flow of new entries and of the irregular immigrant population was enhanced by stricter policing of regular entry channels and an increase in the number of expulsions. Second, the control of regular immigrants already present was reinforced by creating a new kind of permit to stay linked to a work contract, and by complicating the procedures for the renewal of that permit in order to make immigration more temporary in nature and to discourage stabilization. In short, the measures contained in this law seem to depict a migration regime having what might be termed a “reluctant” approach.

The centre-left Prodi government that came into power after the elections of April 2006 had a different attitude towards immigration, and attempted to move from a policy based on a posteriori regularisation to an active immigration policy. In particular, a second decree-law on migration flows was passed, which enabled 350,000 immigrants to be regularly employed; abolished the transition period limitations on workers from eight of the new EU member countries; implemented the Community directives on family reunion and long-term residents, with more favourable rules than those in force at the time; and proposed one bill to revise the law on acquiring citizenship and another to modify the Bossi-Fini law. The latter also had the two-fold objective of making the connection between entry and employment more realistic and creating a preferential system for qualified workers.

The fall of the Prodi Government at the start of 2008 and the dissolution of Parliament prevented the approval of two measures presented by the executive regarding naturalization and immigration. The victory of the centre-right parties in the April elections ensured a more literal application of the Bossi-Fini law, even if the problem of the lack of truly effective channels for managing regular entries remains.

Undoubtedly, apart from the different approaches to immigration on the part of left and right, over the last few years the economic system has demonstrated its growing need for foreign workers. The extraordinary growth in the numbers of officially registered foreigners in this decade suggests an increasing stabilisation of numerous immigrant communities and the work of various migration networks, but it also demonstrates an increasingly strong demand for foreign labour in Italian factories and homes as a result of specific demographic, economic and social factors.

The Italian political system has always tried to mediate between these two positions on immigration. Even when the political scene was dominated by the right wing, the needs of firms and families were considered because they needed an open policy for immigrants. This led to the largest regularization campaign ever witnessed in Italy. This mediation essentially consisted of the adoption of the quota mechanism for determining the number of new migrant entries. The results have not been completely satisfactory if one considers the large gap between the demand and the supply of regular migrant workers and the lack of an active recruitment policy of high-skilled migrants.

This difference in handling immigration exists in other countries and makes the management of migration issues more difficult. In this respect, the EU regulations and rules have the important purpose and function of ensuring a common and binding basis for some crucial aspects of migration policies.

## **Integration policies**

The controversy becomes less marked when immigrant integration problems are addressed. The social and economic integration of immigrants in this stage of Italy's migration history does not suffer from any particular legislative problems, except perhaps in the lack of implementation of the law and the difficulty of gaining access to certain social services. Even among those political parties most opposed to the immigrant population, objections become less heated if it is a question of *those who are already here and have a job*. The general agreement on the equality of rights between Italians and immigrants is perhaps due to the fact that for now it is limited to the functional aspect of immigration, i.e., what it produces. It is to be expected that, as the migration phenomenon matures, the immigrant population will begin to express needs that go beyond this and will then meet with greater resistance from the political parties opposed to immigration.

All regular immigrants in Italy with permits to stay will benefit from social policies. Further, the law also recognizes that the right to healthcare and education are fundamental human rights that must be guaranteed regardless of a person's legal status. Consequently, urgent hospital or other medical treatment is also available for foreigners without permits to stay, as is the right to compulsory schooling for foreign minors who are, in any case, living in Italy.

The number of immigrants who use social services is increasing. This result is mainly attributable to the growth of the resident foreign population and to its stabilisation rather than to the creation of new social services for immigrants. This does not mean that there was no effort, in terms of legislation and its implementation, to produce adequate rules for immigration. It was less than effective, however, partly due to intrinsic limitations and also due to the numerous obstacles encountered during implementation. The limited application of social policies for immigrants is due to the substantial reduction in funding that has taken place in recent years. The legislative and institutional framework has remained basically unchanged but there has been a striking lack of implementation, with great regional inequalities in the use of social services.

Data on poverty and school results of young foreigners reveal a problematic situation. Integration policies need more consideration and increased funding in order to avoid the risk of marginalizing and segregating the second generation. The resulting social problems are already being experienced by many old countries of immigration.

## **Citizenship**

The granting of citizenship in the country of arrival is one of the final outcomes of the migration process. It leads to the acquisition of political rights, and therefore to full participation in the life of the community to which people have immigrated. In Italy, the rules on citizenship are inspired by an ethnic concept of citizenship, since the criterion for acquisition by birth is that of *ius sanguinis* (blood right), while the acquisition of citizenship by *iure soli* is wholly marginal.

As regards immigrants and their children, Italian citizenship may be conferred upon a foreign citizen who has been legally resident in Italy for at least ten years by decree from the President of the Republic. The length of this process – a minimum of two years - must also be

taken into consideration, meaning the overall duration is at least twelve years. The children of immigrants who were born in Italy may apply for citizenship when they reach their eighteenth birthday. An application for citizenship on the part of children of immigrants also requires proof of uninterrupted legal residency since birth. This rule has given rise to several controversies.

These criteria made naturalisation difficult for immigrants, despite the fairly high number of them having met the necessary requisites for obtaining citizenship. The increasing number of foreigners born or raised in Italy suggests their naturalisation process should be made easier in order to promote their complete integration in the Italian society.