



■ Current Immigration
Debates in Europe:
A Publication of the
European Migration
Dialogue

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The Migration Policy Group (MPG) is an independent organisation committed to policy development on migration and mobility, and diversity and anti-discrimination by facilitating the exchange between stakeholders from all sectors of society, with the aim of contributing to innovative and effective responses to the challenges posed by migration and diversity.

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The individual reports on Austria, Belgium, the Czech Republic, Denmark, Finland, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Poland, Portugal, Spain, Switzerland, and the UK are available from MPG's website, together with a preface and introduction. See Jan Niessen, Yongmi Schibel and Cressida Thompson (eds.), *Current Immigration Debates in Europe: A Publication of the European Migration Dialogue*, MPG/Brussels, September 2005, ISBN 2-930399-18-X.

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1. Making the case

Governing the ‘emergency’

The spontaneous, or unregulated, nature of the vast majority of entries of immigrants into Italy has meant that immigration policies have always addressed a situation considered an ‘emergency’. In some cases, legislation is passed as an ‘emergency measure’ (as in the case of the 1989 measures later codified in the Martelli law – see below). More recently, legislation has been announced as “finally ending the emergency paradigm”. The boundaries of government justification, therefore, are limited to the management of migration.

Labour migration has been an accepted and legislatively recognised phenomenon in Italy since the mid-1980s. In fact, the first attempt to create modern immigration legislation was in 1986 (Law 943/1986), which regulated the entry of immigrants for employment, and offered the first regularisation of undocumented foreign workers. All subsequent immigration reform would also contain a regularisation. A sharp rise in migration in the late 1980s led to another law in 1990 (Law 39/1990, known as the Martelli law after the Socialist Minister who promoted its passage). The Martelli law reflected a conviction – widespread in parties on both the left and right – that the proper Italian response to the ‘immigration emergency’ would be special annual planning of migratory flows, and certain norms regarding the rights and obligations of foreigners in Italy, their stay and work conditions and other matters (family reunion, and social integration).

Asylum, which had not yet seriously affected Italy, was also addressed, although it has always been a distinct issue, both in public discussion of migration and in policy.

1990 also saw a landmark government conference on immigration, in which social partners and other traditional stakeholders (anti-racism groups and civil society umbrella groups) were called upon to discuss the details of migration management – but not the assumptions underlying the Martelli law.

It was not until the mid-1990s that a rise in the visibility of undocumented migration and increased crime led to the application of quotas (Einaudi 2004).

The centre-left government, which came to power in 1996, decided to pass a new framework immigration law with more restrictive elements compared to the Martelli law. Here, too, asylum was dropped from the law in the hope of making passage easier. The framework law eventually passed in 1998, Law 40 (the so-called *Turco-Napolitano* law or *Testo Unico*). This created a three-pillar immigration policy that has since been upheld by the centre-right coalition based on: a) fighting illegal migration; b) regulating legal migration; and c) integrating resident foreigners. The first pillar concentrated on bilateral agreements and criminal penalties, the second on a quota system, and the third on a national integration fund distributed to regions. The government was required to publish three-year planning documents for immigration. Entry to Italy was allowed within the national quotas and with either a job offer, or ‘sponsorship’ by a legal Italian resident.

¹ This report is based on information up to 9 August 2005.

The three pillar system became the basis for government justification of migration policy, surviving the change of coalitions and the transition to a centre-right government after 2000. Even the 2002 Law 189/2002 (known as the *Bossi-Fini* Law), which was generally perceived as imposing stricter conditions, remains within the paradigm of three pillars.

Public opinion continues to be led by the media, which maintains a paradigm of criminality and poverty when discussing migration (Censis, 2003). The dominant image is that of boatloads of 'clandestines', or long lines of visibly foreign people waiting in front of police stations or post offices in order to receive their documents. This reinforces the images of invasion.

Consensus issues: inevitability, development, governance

The idea that foreign labour is essential for economic growth is shared across the political spectrum. It should be noted that within the centre-right coalition, the Northern League, which has the strongest anti-immigrant rhetoric (often xenophobic, occasionally racist), was a partner in drafting the law. Its interest was in making the link between employment and entry even stronger. Likewise, the National Alliance, a right-wing party which evolved from the post-fascist Italian Social Movement, also concentrated on reinforcing the first pillar, the fight against illegal migration, while ignoring rather than eliminating the second or third pillar. Both parties also supported the 2002 regularisation, with the Northern League particularly interested in helping its voters to regularise their domestic workers. The apparent contradiction between a stricter entry system and a vast regularisation was resolved by attributing the widespread undocumented presence to the errors of the previous government.

The idea that foreign labour is inevitable has permeated the public discourse. This is partly due to the continuous demands by employers' associations for additional foreign labour and partly due to the vast expansion in domestic employment of foreign women, which has made Italian families acutely dependent on immigrants and sensitive to immigration policy. Immigrant workers generally take jobs that Italians are unwilling to take, occupying a complementary role in sectors where it is difficult to recruit Italians (Chaloff, 2005). As elsewhere, immigrants perform the 3-D jobs (dirty, dangerous and difficult), leading one researcher (Ambrosini, 2004) to coin an Italian equivalent, the 5-P jobs (*pesanti, precari, pericolosi, poco pagati, penalizzati socialmente* (taxing, precarious, dangerous, poorly paid, socially penalised)).

Most of the discussion on the economic benefits of immigration therefore concentrates on the immigrant as an employee of an Italian business or family. There is less attention given to immigrants as taxpayers or as consumers. A commercial website providing information on immigration in Italy estimated that in 2005 immigrant workers would earn € 27.3 billion, of which they would spend € 21.5 billion in Italy (€ 5.8 billion would be kept as savings or sent as remittances) ("Il reddito degli immigrati", stranieriinitalia.it, 13 June 2005). In 2004, 12 per cent of all home purchases were made by foreigners (18 May 2005 - www.edilizia.ance.it/edilizia_privata/145_casa_acquirenti.asp). There can be little doubt that the Italian economy, which has had only fractional growth in the last two years, would have contracted without the contribution of immigrants as new consumers and workers.

The National Statistics Institute (ISTAT), examining the municipal registries for 2004, quietly announced a significant rise in population from 57,888 million to 58,462 million, a rise of 574,130 inhabitants. This one per cent rise stands out after years of

stability. ISTAT attributed most of the rise to arrivals from abroad (444,566 in 2004 after 470,491 in 2003). Not all of these were foreigners, and there was some outflow from municipal registries, but ISTAT attributes the growth to the registration of those foreigners who participated in the 2002 regularisation. The remainder of the rise was due mostly to a statistical correction following the 2001 census.

The population of Italian citizens has been in decline for some time, and even the positive natural increase in 2004 was due exclusively to births to foreign parents (in 2003, 6.1 per cent of all newborns had two foreign parents, although foreigners represented only 3.4 per cent of the resident population).

While demographics and projections of the dependence ratio were briefly used in discussion of the 1998 immigration law (a lengthy annex to the 1998-2001 Planning Document), they failed to attract consensus and they have been noticeably absent from public documents since. In fact, appeals to demographic considerations seem to carry little political weight. The realisation that migrants will also age and receive pensions has also contributed to mute the idea that the dependency ratio can be significantly changed through migration.

Local development interests are given a major voice and role in the discussion of migration. This is partly due to the quota system, which assigns quotas for entry of workers on a geographical basis, and partly due to the tradition of local development pacts, which include actors who are acutely aware of immigration needs.

The three-pillar system is based on the assumption that only regulated migration (pillar 1 and 2) can create the conditions for integration (pillar 3). The prior and necessary condition for integration is legal entry; the law makes a distinction between those who are entitled to access to public resources and those who should not be in the country. The periodic regularisations of the latter – admitting them into the former category – are not considered to undermine the three-pillar logic.

Considerations of the 'welfare state' are not central in discussing and defending choices in immigration policy because of the limited social contributions available to Italian citizens and migrants alike. Welfare programmes that might benefit migrants are limited. Social housing covers less than five per cent of the housing market (nonetheless, there are many instances of limits being placed on equal access to social housing for immigrants). Unemployment benefits are extremely limited, as are subsidies for poor families.

Labour Market Shortages

Labour market shortages are identified by the Excelsior Information System, which is run by the Italian Union of Chambers of Commerce, Industry, Crafts and Agriculture (*Unioncamere*) with support from the Ministry of Labour. Excelsior surveys businesses annually on labour market demand (For more information see <http://excelsior.unioncamere.net>). The system examines expected hires in the next year according to: sector and geographic location of business activity, experience level of personnel sought, and intention to train, distinguishing between Italian and foreign workers.

Excelsior provides a minimum to maximum range of expected hires for the following year. This data is published on the system's Internet site and widely used in the media and in the government, although entry quotas were always been far below the Excelsior estimates until the admission of 'new' EU Member States in 2004 allowed the government to 'open a back door' in the quota system.

Additional input comes from the employers' associations, especially as regards seasonal work. The agriculture confederations and the tourism associations lobby for additional seasonal workers, usually providing a breakdown of expected labour demand at the provincial level.

Foreign students graduating from an Italian university were not generally expected to remain in Italy. However, under current rules, up to half of the annual self-employment quota may be used for conversion of permits from study to work upon graduation. This allows, but does not encourage, students to remain in Italy after their studies.

Current debate within the opposition over proposals for their election platforms have focused on whether the quotas – the ceilings on admission – should be scrapped or maintained, and whether the 'sponsor' system for job-seekers should be reinstated. There has been little discussion about transition to a points system for the admission of qualified immigrants.

Implicit in the migration system is the priority assigned to workers. The system is employer driven, with priority given to those sought by an Italian firm. Almost all of these have been low-skilled workers. Some professional categories (ranging from athletes to interpreters to nurses) are unrestricted. Past quotas have favoured seasonal workers with higher quotas.

Labour supply shortages have been felt in specific sectors, mostly those demanding low-skilled workers. In addition, there has more recently been a supply shortage for some specialised workers, especially in the construction sector, but also in industry, tourism and services. In 2003, according to Excelsior, the leading non-agricultural sectors for foreign dependent employment were hotels and restaurants; construction; transport; metals; and trade. Agriculture is also important; while the social contributions suggest that only ten per cent of workers in agriculture are foreign-born, those working in the sector confirm that almost all new employment (and almost all fieldhands) are foreigners.

No point or quota system is used for admission criteria. Certain categories of highly specialised individuals have been placed outside the quota system (art. 27 of the 1998 framework law), but these categories reflect specific employment situations (intracorporate transfers, athletes and performers, etc.) and do not account for a high number of entries. In 2003, 72 per cent of employers planning to hire foreign workers expected to have to train them, and more than half sought completely unskilled workers.

Regularisation as an ongoing corrective measure

Regularisation has always been a provision of Italian immigration policy reform. Each change in legislation since 1986 – at roughly four-year intervals – has been accompanied by a mass regularisation, although in each case the government thunders that "this is the last regularisation". In fact, in the intervening years it is traditional to deny that any further regularisation is contemplated and to deny any rumours of another amnesty.

It should be noted that regularisations are common in Italy in areas other than immigration. There have been numerous tax amnesties, employment 'emersion' regularisations for undeclared workers, and even amnesties for illegally constructed buildings. In Italy, the distinction between a crime and an acceptable response to a

complex and inefficient administrative policy is blurry. Most policy makers, when faced with widespread illegality, prefer to blame the rule rather than the rule-breaker, especially when it is possible to benefit from one-off amnesty fees.

The rapid rate at which Italy fills with undocumented migrants is attributed to the large undeclared economy in which employment is available (Reyneri, 2003). The undeclared segment of the economy – various estimates range between 25 and 40 per cent – offers ready employment to immigrants. In a survey of almost 750 employment stakeholders (Censis, 2005), 60 per cent identified undeclared work by immigrants to be the most important growth sector in the undeclared economy. About 40 per cent of the immigrants working in this ‘black’ sector do not have documents. Half of the respondents noted a substantial presence of completely undeclared businesses run by immigrants, even in such industrial sectors as shoe or clothing production.

National Action Plans for Employment - and Immigration

The National Action Plans for Employment do not assign a specific role to immigration. The Plans themselves are drawn up based on contributions from different departments of the Ministry of Labour and Social Policy, with relatively little co-ordination and with care taken by each department to promote its own action and not to address any issues outside its assigned domain and responsibility. As a result, the National Action Plan considers *immigrants* but not *immigration*.

The 2002 National Action Plan for Employment makes reference to immigration only twice: first, in terms of possible benefits of the labour market reform and immigration law reform in reducing the ‘undeclared work of undocumented immigrants’ (p. 8) and as a priority category for ‘reinsertion’ in the labour market (along with adult women, the disadvantaged, people with disabilities and those who have been laid-off) by regional and local policy making in the various Regional Action Plans (p. 22).

The 2004 National Action Plan makes explicit reference to the 2002 immigration law (189/02) as one of the central structural employment policies implemented by the centre-right coalition (preamble). The projects conducted using Equal social funds (especially measure 1.2) are cited (p. 18). The regularisation is considered to have reduced undeclared work by 18 per cent (p. 20). Adult education for foreigners is also cited (p. 11), perhaps because of the availability of reliable data from the Ministry of Education.

1.2 The integration debate

It is important to specify the meaning of ‘integration’ in Italian immigration policy. Italy as a whole is not formally a ‘migration’ country, like Canada or Australia, nor is it declaredly ‘multicultural’, as Holland and Sweden have announced in recent years. Its migration policy is based on limiting migration into the country to meet specific labour demands and fill particular positions. At the same time, immigrant workers have certain rights: parity of access to public services, eventual family reunification, and a permanent residence permit after six years.

The Italian citizenship law is separate from the 1998 immigration framework law and is highly restrictive in both letter and practice, with 90 per cent of applications for naturalisation being rejected. Decisions are made – after a three-year delay – by the Ministry of Interior, which enjoys a wide margin of discretion and is not required to explain the reason for the rejection of the application. The 1992 reform of the Italian

citizenship law increased obstacles for access to citizenship by immigrants – raising the residence requirement from five to ten years – even as it greatly facilitated access to citizenship by descendents of Italian emigrants abroad.

Despite the near-impossible access to citizenship, one of the three pillars of Law 40/1998 is 'integration'. The broad assumption underlying the legislation is that labour market integration – employment – is a necessary and sufficient condition to guarantee social integration, when coupled with parity of right of access to public services.

The route to integration is still seen as through employment. The immigration phenomenon is sufficiently recent that it is difficult to identify pockets of chronic unemployment among immigrants. This is also because of the lack of reliable statistics on labour force participation among immigrants and the vast informal segment of the labour market, which attracts both regular and undocumented foreigners.

The 'integration' pillar was initially supported by an annual fund of about €40 million filtered through the regions to local authorities and civil society. Most of these initiatives were concentrated on social services and orientation for immigrants, although some regions allocated funding for employment centres and housing projects. This fund was later merged with the National Social Policy Fund, freeing local governments for the requirement to spend these monies on immigrant-specific initiatives. Many regions continue to invest in such initiatives, but they are no longer required to report back to the Ministry.

Programmes for immigrants have therefore been mainstreamed into general social policy. Because the principal funding comes from the European Social Fund, which works to integrate disadvantaged subjects into the labour market, most of the resources dedicated to integration of immigrants have consequently been employment related. Language courses, which are already provided by the Adult Education Centres scattered around the country, are also included in these employment initiatives.

Anti-discrimination measures have only recently been strengthened. The 1998 law included an anti-discrimination article, but this placed the burden of proof on the victim and was almost never used. In 2003, the National Office for Promoting Equal Treatment and Removal of Racial and Ethnic Discrimination² was created, known by its Italian acronym UNAR. The national hotline for reporting discrimination went public on 10 December 2004. The hotline gathers cases of reported discrimination and provides advice to callers. The Office can also investigate cases of discrimination. The service was created in part to satisfy European guidelines, but the centre-right government placed the UNAR in the Equal Opportunity Ministry and appointed a well-known equal rights lawyer to coordinate it.

The **second generation of immigrants** has not attracted much policy attention either. The Ministry of Instruction does not have direct control over schools, which have been granted broad independence. The Ministry publishes annual statistics on foreign students, those of immigrant origin but those with Italian citizenship are not counted. Educational policy within the Ministry during the mid-1990s concentrated on multiculturalism, with a series of high-minded and vague documents outlining an official multicultural policy in 1994. Later, the Ministry did carry out some work on

² L'Ufficio per la promozione della parità di trattamento e la rimozione delle discriminazioni fondate sulla razza o sull'origine etnica

'Italian as a second language' through the provision of guidelines, but without special resources attached. The recent education reforms launched by the Ministry of Instruction, University and Research (notwithstanding the deep changes made in the public education system) make no mention of immigrants. University training for education usually addresses diversity in the classroom, now that a number of respected professors have emerged in the main universities. However, (limited) empirical research has shown that schools have great difficulty in achieving respect for diversity.

The idea of '**new citizens**' was a main talking point for the now-defunct Ministry of Social Affairs under the centre-left government 1996-2001. This campaign culminated not in legislation but in the declaration of 1999 as *Year of the New Citizens*, with associated conferences and stationery, although few new citizens were actually minted. In the following years no governing figures have participated in conferences on this issue, nor have the opposition parties formulated any programme regarding the second generation.

Concerns about potential difficulties in integrating immigrants have surfaced in regard to the social integration of **Muslims**. Some representatives of parties on the right demand conformity to prevailing Italian social and religious mores and worry about the risk of failed social integration of Muslim immigrants. Others, notably the Church, wish to preserve a Catholic identity in Italy. One of the more conservative Cardinals insisted in 2000 that admission criteria should favour Catholics, since Muslims were 'too different'. While Catholic volunteer organisations rushed to distance themselves from this position, the Church itself was silent. There has been a perennial debate over the placement of crucifixes in public buildings, especially in classrooms. In 2003, a Muslim convert known for his provocations contested the crucifix at the public school in his mountain village. The local judge ruled in his favour, which quickly caused national outrage. No parties dared support the removal of this religious symbol. The decision was overturned after a neglected rule dating back to the Fascist period was found.

Attempts to guarantee the gradual assimilation of Muslim immigrants to Italian Catholic practices have not been exercised through integration measures but through control over the entry and expulsion of so-called extremist Islamic figures. In 2003, a Senegalese Imam (married to an Italian woman) was expelled for 'disturbance of public order' after announcing that other attacks would follow the suicide bombing of an Italian base in Iraq.

The *Piano di azione nazionale contro la povertà e l'esclusione sociale 2003-2005* (**National Action Plan on Social Inclusion 2003-2005**) notes that the "growth of the non-EU population makes it ever more important to rethink social integration policies, also in light of numerous demands made by Community legislation. Italy was among the first four countries to transpose Directive 2000/43 on equal treatment regardless of race or ethnic origin, creating a special Anti-Discrimination Office in the Equal Opportunity Department of the Prime Minister's Office" (p. 5).

Immigrants are considered one of a number of 'disadvantaged groups', with a set of initiatives destined exclusively for immigrants (p. 19). The cited initiatives include the 2002 regularisation, the creation of a priority queue for aspirant immigrants, local education programmes for minors and adults, and the Foreign Minor Committee for unaccompanied minors. This is a surprising list, since only the local education programmes, defined by regions and other local authorities, are activities that can traditionally be associated with integration.

Transposition of EU directives for integration

The Italian Parliament prepares an annual bill (the so-called Community Law) granting authority to the Government to decree the transposition of all the EU directives for the year. The bill approved in 2005 (Senate 2742B) regards those directives to be transposed in 2004.

Both the Family Reunification Directive (2003/86 – OJ 2003 L 251/12) and the Status of Third Country Nationals Directive (2003/109 – 25/11/2003 OJ 2004 L 16/44) are included in the 2004 Community Law. This means that the directive can be transposed into national legislation through a legislative decree by the Government. The relevant Ministry has up to 18 months from the time the omnibus bill becomes law to prepare the decree.

There are different Annexes to this omnibus bill, listing the category to which the directive belongs. For directives in Annex B – as are both the above directives – the proposed decree is reviewed by the Parliamentary Commissions, which have 40 days to make comments before the decree takes effect. Comments from the Parliamentary Commissions are not binding and do not affect the decree.

While the authority (*delega*) is valid for 18 months from the passage of the Community Law, the relevant Ministry may fail to decree the transposition. In this case, a new law is required to authorise the transposition decree; meanwhile, Italy may be subject to sanctions for failure to respect Community law.

All immigration decrees are prepared by an inter-departmental committee, however, the Ministry of Interior is responsible for preparing the decrees for the above mentioned directives. An important role is played by the Ministry of the Treasury, which must identify and appropriate the funding for any additional commitments, or use the standard article "... without additional funding from the State". The choice of the latter often dooms any initiative to never be realised.

One example is the Directive laying down minimum standards for the Reception of Asylum Seekers (2003/9 – 27/1/2003), which was supposed to be transposed by 6 February 2005. This was included in the authorisation of the 2003 Community Law, passed on (31/10/2003, Law 306, Annex A, with no consultation of the Parliamentary Commission). The European deadline was not respected. The Ministry published the Decree on 30 May 2005, barely a day before its 18-month mandate expired.

1.3 The brain drain debate

Brain drain has not been cited in discussing or determining immigration policy. The Italian labour market has not attracted immigrants for high-skilled positions, with the notable exception of nursing staff, who have been exempted from the quotas since 2002. Notwithstanding this exemption, Italy still struggles to attract nurses, since it competes with other European countries for the same personnel and is uncompetitive in terms of salary and working conditions. Language barriers also make nurse recruitment slow and difficult.

The immigrants arriving in Italy to work in unqualified sectors are often educated (some nationalities have more than 25 per cent university graduates), but rarely work in qualified sectors. Little attention is therefore devoted to brain drain issues. Skill recognition, on the other hand, is a central issue for trained immigrants. This issue is

still largely neglected by Italian institutions and stakeholders, while it is one of the central demands of immigrant associations.

Immigration and foreign policy

Since the mid-1990's, Italian foreign policy regarding migration has been to seek to sign bilateral agreements on readmission before any completing agreements on labour migration (Chaloff, 2004). This priority has not been limited to the Ministry of Interior but is shared among ministries.

In 1998, during the centre-left coalition government, the Minister of the Interior stated: "It is Italy's intention to promote this sort of collaboration, by setting it as a prerequisite condition for the allocation of a preferential quota of legal entry work permits on a country basis" (Pastore, 1998). The 2002 law strengthened this explicit foreign policy priority by allocating privileged quotas to countries which "actively collaborate in the fight against undocumented migration" to Italy (Art. 1, par. 2, L. 189/02). The quota system has therefore become one of the main mechanisms in foreign policy and negotiations of bilateral agreements.

The quota system for foreign labour, as defined by the 1998 law, foresees an annual decree stating the maximum number of foreign workers whose entry can be authorised. This national quota can be divided according to at least three parameters:³ type of labour, with the usual divisions being seasonal, contract (dependent) and independent work; job category, with occasional sub-quotas given to certain categories (nurses, technology workers); and nationalities, with certain sub-quotas reserved for citizens of specific nationalities. The last parameter has nothing to do with the labour market; it is used exclusively for foreign policy objectives, and is closely related to the bilateral agreements signed so far. In fact, 'co-operation in the fight against illegal migration' is the stated precondition for assignment of preferential quotas to single countries. The Italian Foreign Ministry is careful not to make explicit reference to these quotas in the bilateral agreements on readmission. Sending countries do generally attempt to negotiate a clear promise of preferential quotas but have not yet been successful.

The priority in foreign policy has been to sign agreements on readmission, especially along the transit routes between Italy and North Africa and the Balkan states. Bilateral agreements on readmission have been signed with 28 strategic countries; 21 are currently in force. The 1998 law states that "*the Ministry of Foreign Affairs and the Ministry of the Interior must promote the appropriate measures of agreement with relevant countries to accelerate identification and issuance of documents necessary to improve the effectiveness of the measures foreseen by this law*". Most agreements also cover readmission of transiting third-country nationals.

The Italian Foreign Ministry even uses the term 'second generation agreement' to refer to a wide variety of agreements on migration signed after a readmission agreement: seasonal labour migration; registries; and training and recruitment.

The first category of second generation agreements is specifically related to labour migration. Agreements are in place with Albania, Tunisia and Moldova.

³ An additional parameter is applied to the quota after it has been published: the overall quota is divided by the Ministry of Labour into subquotas for the 20 regions, which then allocate the quotas to 104 provinces.

Another agreement which falls under the heading of second generation agreements is the launch of the Digital Registry of Foreign Workers (AILE). This system, first tested with Albania in a pilot project between the Italian Ministry of Foreign Affairs and the IOM, was meant to provide a list of foreign workers available for emigration to Italy under the anonymous request system. The AILE includes basic information on training, skills and objectives of these foreign workers. The same principle underlies the registry of foreign workers open to Tunisians and to Moroccans. A similar principle underlies the limited but effective database for seasonal workers (SILES).

The third kind of second generation agreement is for training and recruitment of foreign labour. The Ministry of Foreign Affairs has prioritised this kind of activity in its development policy. Programmes are agreed upon in a bilateral statement and the funding would be passed through Italian NGOs, training firms and employers' associations. This kind of co-operation has been growing steadily, as Italian Regions redefine their development goals and gain experience.

The Ministry of Labour has, since 2002, enthusiastically promoted training programmes in the country of origin for workers who would then have priority in immigration to Italy. This kind of second generation agreement, codified in the 2002 law, has become the cornerstone of the policy presented by the Ministry of Labour, even though the numbers involved are quite low and the early indicators of outcome are not particularly far-reaching. These training programmes, in fact, usually only involve a handful of immigrants. Nonetheless, the Ministry of Labour uses every opportunity to showcase these pilot projects and has even developed promotional material such as videos and brochures.

Voluntary returns have also attracted little attention in the public debate or in policy. Even forced returns – which are a priority in the three-pillar immigration policy - do not include repatriation assistance. Assisted repatriation has been offered in the framework of specific events such as the repatriation of Bosnian or Kossovian refugees. The National Asylum System also uses the IOM for assisted voluntary return programmes and there are specific social intervention initiatives (i.e., projects for trafficked women), and assisted repatriation for unaccompanied minors, conducted by the International Social Service (D.P.C.M. 535/99). For other categories, such as released prisoners, there is still no Italian policy (CeSPI, 2005).

Italian development policy rarely links migration and development (Chaloff & Piperno, 2004). As for Development Assistance, Italy offers only about 60 per cent of the EU average. The last three annual reports published by the Ministry of Foreign Affairs Department for Development Cooperation (DGCS) (www.esteri.it/ita/4_28_66_79.asp) make no explicit reference to co-development and migrant organisations are not recognised as possible partners in development cooperation.

The DGCS stated in 2002 affirmed that: "Recognising the important role played by the private sector and above all by small and medium enterprises (SME) with regard to wealth production and distribution, job creation and poverty reduction, and its positive effect on migratory pressure containment, the DGCS set up an action plan which increases on the one hand the SME competitiveness, and on the other allows our economic system to take advantage of the economic opportunities that can be developed in those countries" (Ministero degli Affari Esteri, DGCS, 2002:17). Local development and even economic integration goals exclude migrant participation within a mobility-friendly space. This policy aims to alleviate push factors and deter migratory flows without turning foreign citizens into development agents. A similar approach is pursued in the Balkans and in particular in Albania; in 2001 the DGCS

stated that: "Italian cooperation supports the economic transition and the political democratisation in the Balkans, with the objective of favouring the regional stability particularly relevant for our political and economic interests with regard to emigration and security" (Ministero degli Affari Esteri, DGCS, 2001:140).

Development aid aims to diminish the root causes of migration through increased growth and political stabilisation in the source country (Pastore, 2003). As noted above, cooperation in the fight against illegal migration is a condition for obtaining aid, of which Albania is a best-case example. For the DGCS, the security cooperation led to reduction in undocumented emigration and "is demonstrated by the positive Albanian social and economic reaction to the Italian development policy" (Ministero degli Affari Esteri, DGCS, 2002:141).

Cooperation policy is also discussed in the three-year planning document prepared by the Government with the aim of guiding migration policy and determining quotas. The 2004-2006 planning document, which was published in mid-2005, refers to the role of cooperation in a special section. (Documento Programmatico, 2005). Here, again, a series of development initiatives are considered important because "stimulating social development and productive capacity in receiving countries helps reduce migratory pressure, especially illegal pressure, helping create conditions for orderly management of migration flows". Debt conversion, SME development, technical assistance, emigration information and micro-credit are all considered as contributing to this objective. Even voluntary repatriation schemes are considered 'development aid' in this document.

In 1999 the Ministry of Foreign Affairs Development Department presented a research paper to the EU Commission entitled *Promoting local development through small size enterprise clusters: the role of migrants*, where migrants were seen as development agents in the position to set up and aggregate SMEs in their countries of origin (Ministero degli Affari Esteri, DGCS, 2002:127). This was one of the first Italian attempts in this direction, although it did not have a significant impact on subsequent national development strategy. Only pilot projects have been funded, in Afghanistan, with the return of qualified emigrants, and in Senegal, in collaboration with Italian NGOs.

Some innovative pilot projects linking migration and development have been conducted, and the two major ones are still ongoing in Sub-Saharan Africa and Egypt, run (and perhaps inspired) by the IOM.

Remittances make up another key issue around which the Italian debate on migration and development has recently addressed. In 2003 remittances sent from Italy through banking channels amounted to €1.17bn, up 47 per cent from the previous year. Due to their constant increase and to the new concerns about security (informal money transfers have been suspected of use in financing international terrorism), remittances have drawn more attention from Italian policy makers, government and banking institutions. There have been no attempts at active support, however, the Department for Development and Cooperation has not yet funded a project dealing with remittances. Most of the attention has been in the private sector, where Italian banks are starting to pay attention to migrant clients. The organisation of an important conference on *Migrant banking in Italy. Migrants' remittances and development* (June 2004), promoted by the Italian Banking Association (ABI), and attended by senior politicians, development cooperation officers and banking institutions, demonstrated this new interest.

The late and still inchoate approach to co-development policies by the Ministry of Foreign Affairs is partially compensated at the **local level**. Regional, provincial and municipal governments have come to play an increasingly important role in both migration and decentralised cooperation. Local government has long had to make up for poor coverage of reception and integration by the Italian central government. The boom in immigration, in fact, coincided with the transfer of responsibility to the Regions. Migration also coincided with the transformation and segmentation of the labour market and demand, leading to important differences in regional migrant labour needs, which are difficult to address centrally.

Italy is also on the border of Europe, exposing some regions to emergency flows such as during the Kosovo war. Since the 1990s, local governments have also intensified and institutionalised their international cooperation activities, in particular towards the Mediterranean and the Balkan areas (Albania, the former Yugoslavia, Morocco, Tunisia, Palestinian Authority), often creating innovative partnership initiatives with LDCs.

These two sides of policy planning, migration and development, are often structurally connected at the regional level and, as a result, a broad range of pilot schemes in the area of co-development have been attempted. The main sectors of action by Italian decentralised cooperation are the following (Piperno & Reina, 2005):

- a) productive return and creation of economic circuits;
- b) assisted repatriation for vulnerable categories;
- c) concentration and exploitation of remittances;
- d) community development projects; and
- e) recruitment.

These projects, despite their diffusion, are poorly coordinated and do not represent a single global approach. On the other hand, they do allow for the participation of a broad universe of local actors in Italy, who lobby for development projects and guide local debate over the link between migration and development.

2. Basing policies on evidence and consultation

2.1 Making use of knowledge

Italian immigration policy has developed within the institutions of a limited number of key stakeholders and has taken its current form due to input from a circle of self-appointed experts. A number of actors are involved in policy-making in the field of immigration. The principal Ministries are the Ministry of the Interior (*Ministero dell'Interno*), which includes the local Police (dealing with residence permit issuing), and the Prefectures (dealing with local security issues and the regularisation of immigration flows) and the Ministry of Labour and Social Policy, which regulates issues concerning the labour market. Within the Ministry of Labour, the Non-EU Immigrants' Service (*Servizio Extracomunitari*) is responsible for publishing the annual quotas, monitoring the regularisation of immigrants, bilateral agreements, etc. Other stakeholders include local authorities, a national conference, and NGOs and social parties (Chaloff, 2004).

Immigration policy in Italy has developed with little reference to policies used abroad. There are two levels of policy: the first is that set by politicians, both in party platforms and programmes and in political initiatives taken in Parliament; the second is that set in the drafting and application of immigration law and relevant regulations.

As far as political parties are concerned, Italian migration policy has developed in response to specific characteristics of the Italian labour market and trends in undocumented migration. The major legislative initiatives in 1986 and 1989 were more in reaction to a situation of perceived emergency than any attempt to define a policy in comparison with that of other countries. The quota system in Italy – ceilings rather than targets, with no point system – was also developed domestically without reference to international systems.

The second level, that of the legislative staff and Ministry bureaucrats responsible for determining the specific regulations rarely defined in the national legislation passed by Parliament has been more important. The major immigration laws required applicatory regulations; those for the 2002 law were debated and contested for years, delaying application of the law. Those responsible for hammering out the details of application are sometimes the leading decision makers in determining real migration policy in Italy. One of the most important developments in exchange of information in Italy are the informal Thursday night meetings held at the home of a high-level bureaucrat formerly responsible for immigration at the Ministry of Labour and unseated after the last change of government. This bureaucrat hosts regular meetings where representatives of NGOs, research institutes, centre-left politicians and leading functionaries meet to discuss specific immigration policies and issues. Many of the same figures also participate in the technical meetings to define the immigration platform for the opposition in light of the national election to be held in 2006.

Statistics on immigration in Italy are highly problematic and have not been able to quickly inform policy decisions. Residence permits are the main source for statistics on foreigners and are recorded and reported by the Ministry of Interior. These data are usually released with a great delay. Further, in the past few years, no data on new permits has been released. Another source of data has therefore grown more important: municipal registries (reported by ISTAT). These registries provide greater demographic detail and the basis for population data between censuses.

Some employment related data, however, are based on tax codes, which reflect country of birth rather than citizenship status. This includes most data from the pension system (INPS), the workplace insurance institute (INAIL), and entrepreneurial data (from the Chambers of Commerce). This is occasionally the source of some apparent discrepancies in the statistics. Rather astonishingly, the Labour Force Survey does not provide data on foreigners, although this is planned. The revenue service has not provided data on tax receipts from foreigners either, although this would be useful in a cost-benefit analysis.

One of the most startling peculiarities of immigration statistics in Italy is the fact that the most widely used source for data on migration is not the government but the annual report compiled by the Catholic charity Caritas (Caritas 2004). Since the early 1990s, Caritas has requested data from the Ministry of Interior and has enjoyed a privileged relationship in acquiring such data. The annual presentation of the report is a major media occasion and usually involves the leading government figures in immigration policy. Italian press and many researchers rely on the volume for data, which cannot be found elsewhere. Caritas' estimates, for example, a 21 per cent increase applied to all figures to account for unreported minors – are accepted without question in public debate. Caritas also formulates estimates on the religious faith of immigrants. Some years, however, even Caritas is unable to obtain statistics from the Ministry of Interior and relies on other sources for its estimates.

While the statistical data is limited, there are quite a wide range of **research studies** funded by government programmes and specific Ministries. Research into the employment system and training is conducted by the ISFOL, a public employment and training agency. ItaliaLavoro, another public agency, also conducts evaluations of the employment system for immigrants. Yet most studies are tendered to research institutes, since the Ministries do not have their own research departments. The main research institutes active in immigration studies in Italy include ISMU, Censis and some University departments. Foreign Policy research institutes such as CeSPI, and foundations, such as the Agnelli, Nordest or Cesar Foundation, conduct research within their strategic areas (i.e., foreign policy outcomes, second generation, employment, security and crime). The non-profit sector also competes for funding; many of the associations conducting research were historically involved in cooperation and development abroad (ARCI, ICS, COSPE, CIES, etc.). Most of these research projects see their greatest dissemination in their final public conferences where press and political attention is sought.

The Ministry of Labour maintains a portion of the National Fund for Integration with which it funds a variety of research projects, occasionally within the framework of national and regional structural programmes. It has funded two research projects analysing the 2002 regularisation, as well as funding monitoring and evaluation of the admission system and pilot recruitment projects. The projects funded by the Ministry of Labour are meant to assist in refining the labour market integration measures, from employment and training to admission. The Ministry is also responsible for the Committee on Minors, which monitors the situation of unaccompanied minors. Lately the Ministry has relied heavily on a small psychoanalytic institute, IPRS, to conduct its monitoring and evaluation.

The Ministry of Interior, Department of Civil Liberties and Immigration, occasionally commissions outside evaluation for specific issues, such as the functioning of the Local Immigration Councils.

The 1998 law created a National Commission for the integration of immigrants which funded a wide range of research studies in the 1999-2001 period, publishing two

annual reports on immigration (*Commissione per le politiche di Integrazione*, 1999, 2000), with many small research studies tendered out to individuals, universities and research institutes. The Commission was never reinstated after the victory of the centre-right in 2001 and was eliminated by the 2002 law.

The National Labour and Economics Council (CNEL) funds at least one major research study each year, organising a public conference to present the results. Recent research has focused on families, political activity among immigrants, seasonal workers and domestic caretakers.

Other research is conducted within the framework of programmes of the European Commission. The 4th, 5th and 6th Framework Programmes have all seen research projects on immigration-related issues in Italy. DG Justice has funded research on trafficking and asylum issues. DG Employment also offers a number of opportunities for research in the anti-discrimination context. Large ESF projects have also addressed immigrants. Here, too, the main actors are the institutes, think tanks and non-profit associations mentioned above.

There have been several attempts to define **indicators** of integration, although these have not been linked to any policy outcomes. The National Labour and Economics Council (CNEL) has funded an annual report on 'Indicators of Local Insertion of Immigrants' since 2002, favouring the term 'insertion' over 'immigration' (CNEL, 2004). The report, based on data collected by Caritas for its own annual statistical publication, defines four indices: polarisation; cultural diversification; social stability; and labour market insertion. The indices imply a number of assumptions, for example that a variety of nationalities means cultural diversity (which in turn guarantees integration), or that fewer workers and more family reunification means social stability. The indicators also use some crude guesswork in estimating, for example, the religion of immigrants. The four indices are then added up to provide an 'integration' rating for each region, with results that contradict most other information about immigrant integration patterns in Italy.

A further attempt at developing indicators of integration (an 'integrometro') was led by the demographer Antonio Golini of the University of Rome I and published in 2004. Here, too, for example, gender balance within nationalities and mixed marriages are taken to mean positive integration, and indicators were based on the problematic permit and pension data available. Both the CNEL and the Integrometro indices were constrained by the frame of the available statistics.

The primary means for estimating **labour market shortages** is the Excelsior Information System, created for *Unioncamere* in agreement with the Ministry of Labour. This system is run by Italian Union of Chambers of Commerce, Industry, Crafts and Agriculture, and uses a survey of businesses to produce an annual analysis of expected Italian labour market demand by enterprises (<http://excelsior.unioncamere.net>). The system is reasonably detailed, looking at planned hires in the following year according to a number of parameters: sector and geographic location of business activity, experience level of personnel sought, intention to train, and nationality (Italian or foreign).

The Excelsior system yields an estimate of the range (minimum to maximum) of expected hires during the following year. This data is published on the system's Internet site and widely used in the media and in the government. On the one hand, the high estimates have led employers' associations to demand higher entry quotas for foreign workers. On the other hand, governments have countered that unemployment among Italians and currently resident foreigners justify entry quotas

invariably well below the maximum Excelsior estimates. Although the Ministry of Labour supports the Excelsior system, the system plays no formal role in establishing quotas and there is no legislation or regulation linking Excelsior to the quota system. Excelsior estimates are cited in the latest three-year planning document, but citation does not imply any obligation to base quotas on these estimates. No longer-term labour market estimates seem to inform immigration policy.

Additional input from employers' associations pertains to seasonal work. The agriculture confederations and the tourism associations lobby for additional seasonal workers, usually providing a breakdown of expected labour demand at the provincial level.

Excelsior uses a sample of more than 90,000 of the 5.8 million registered businesses in Italy, with a follow-up of all 4000 businesses with more than 250 employees. The first phase uses telephone interviews, while the second phase is done through direct face-to-face assisted compilation of questionnaires. The system is funded by the Ministry of Labour, the European Commission (ESF) and the Chambers of Commerce. Staff from the latter are responsible for conducting the survey. Employers' associations are not directly involved in the survey. The Excelsior system operates on a year-to-year basis.

The Excelsior system is relied on in part because of the shortcomings of the existing Employment Centres. The Centres, target of a major reform launched in 1997 and meant to be the vanguard of the strategy for achieving the Lisbon objectives, have been transferred from the Ministry of Labour to local authorities as part of the ongoing devolution of powers in Italy. The system of Employment Centres, however, is poorly suited to identifying shortages on both the supply and the demand side. On the one hand, the Employment Centres have only a small part of the market share for matching supply and demand, rarely more than five per cent of all job starts and often far fewer. Employers generally use informal channels and networks of family, friends and current employees to find workers, rather than use the formal system. At the same time, Employment Centres have difficulty accurately assessing the skills and qualifications of immigrant users. A recent study conducted by the International Organisation for Migration (IOM, 2005) for the Italian Ministry of Labour revealed how staff at the Employment Centres understated immigrant qualifications for two reasons. First, the staff was skeptical about the quality of the education that immigrants claimed to have received in the home country. Second, even where immigrants had professional and academic qualifications, they generally lacked official recognition of these qualifications. While a private employer might accept foreign qualifications, the Employment Centre requires official recognition. Even where the Employment Centre offers a skills assessment, these recognition problems persist.

The result is an immigrant labour force that appears to be overqualified and mismatched to the low skill work performed. Surveys of domestic workers, for example, have consistently found a high ratio of university graduates (about 25 per cent, both in a 1998 survey by CERFE and a 2003 survey by the Silvano Andolfi Foundation). Even the Employment Centre survey by IOM found that about ten per cent of unemployed immigrants held university degrees.

As for periodic **evaluation**, the three-year planning document required under the 1998 framework law is meant to take stock of past immigration flows and the state of integration of immigrants into the Italian labour market and, more generally, their social settlement into the country. The three-year documents have tended to concentrate on the aspect of control and repression of undocumented migration. The

principal evaluation undertaken up to now was a verification of the number of actual entries following authorisation in comparison to the quotas issued at a regional level. This analysis, for 2002-2003, was assigned to ISTAT, but the Ministry has not released the results. Similar silence reigns over the results of an evaluation of the quota system conducted by ItaliaLavoro in 2004.

The periodic regularisations represent an implicit assessment of the impact of the migration management system, and have been studied in order to make adjustments to the system itself.

Italy does not conduct a cost-benefit analysis, or use tax receipts or other indicators to measure output over time.

As a member of the OECD, Italy participates in the OECD activities on migration (both the Working Party on Migration and the SOPEMI Observatory System), and usually contributes to the case studies and analyses conducted periodically by the OECD. Participation in the working party is considered relatively unimportant and lower-ranking officials and consultants are assigned to these groups.

The same is true for other 'obligatory' networks, which usually involve mid-level career bureaucrats chosen for their language skills and willingness to travel rather than their policy influence.

Despite the discussion of a so-called 'Southern European' model of migration management, collaboration between Mediterranean European countries is no more close than with other EU countries.

2.2 Including stakeholders

Given that Italian immigration policy is largely home-grown and developed by domestic policy makers, framed by a domestic debate and constrained by limited empirical data, the consultation process often appears to be a matter of making noise from outside the institutional door.

Inter-ministerial consultation takes place between the Ministry of Labour and Social Affairs, the Ministry of Interior, as far as most immigration measures are concerned. Bilateral agreements and the quotas also involve the Ministry of Foreign Affairs. The Prime Minister's Office is also involved. Such consultation usually takes the form of technical working groups. There is also an informal network of "immigration experts" within the various ministries.

The main stakeholders at a national level are:

- Employer's associations. The umbrella organisations for industry, commerce and agriculture, as well as their sector associations (hospitality, retail, transportation, construction, etc.). These organisations lobby publicly for higher labour quotas and for improvement in the administration of the admission system. They provide estimates and express positions regarding immigration reform. Most organisations have a specialised spokesman on immigration related issues, identifiable by journalists and who participates in conferences and seminars. Some, such as CNA, the national artisan's association, count many immigrants among their members.
- Trade unions. The main trade unions – CGIL, CISL and UIL – all have an Immigration spokesperson. CISL also has a national association specifically

devoted to immigration, ANOLF, with its own specialised staff. Representatives usually provide position papers and lobby for respect of worker's rights. Active union membership is increasingly due to immigrant recruits.

- NGOs and associations. These can be roughly divided into the Catholic organisations (Caritas, ACLI, etc.) and those that emerged from non-religious environments. Some, such as MSF or Amnesty International, are connected with international movements. Others, such as ARCI, are rooted in post-war political divisions and related to political parties. Others still come from a history of foreign development work (ICS, CIES, etc). Some are issue-related, such as the refugee protection organisations (CIR, and even the UNHCR). These organisations all have spokespersons for immigration issues, publish reports and tend to be highly critical of immigration policy. They provide position papers on key issues (for example, the recent debate over pre-expulsion detention centres, or the EU White Paper on Labour Migration) and lobby during the phases of drafting legislation and writing the regulations for applying the legislation.

One other important and influential stakeholder in the debate is ANCI, the National Association of Municipalities, which provides services to municipalities and lobbies on their behalf. ANCI has taken on a formal role of managing the asylum reception system, and has led the political battle for voting rights for immigrants. The fact that it manages services and participates in European projects have given it a sizable staff and clout with which to advance its interests, and it has a number of political and 'technical' representatives who are present in most working groups and public conferences on the issue.

The Commission on Integration mentioned above, which was never reinstated after the centre-left lost the 2001 elections, has seen its role taken on by the *Organismo Nazionale di Coordinamento per le politiche di integrazione sociale dei cittadini stranieri a livello locale*, the National Coordinating Body on Local Social Integration Policy for Foreigners (abbreviated as ONC) at the CNEL (National Labour and Economy Council). This body, run by a veteran trade-unionist, emerged surprisingly as an advocate of a more progressive immigration policy, taking on more of a political role rather than the consultation imagined in the original legislation and what was expected given the CNEL's institutional vocation. The ONC comprises representatives of the social parties: trade unions, employers' associations and local authorities. It is a clearing house for innovation and proposals which, in the absence of other fora for discussion, has become very important.

The specific role of these actors is to provide contributions during the drafting of legislation, either through conferences and documents or through lobbying of members of parliament in political parties sympathetic to their causes (there are about 20 parliamentarians whose pet issue is immigration; most are in the *Democratici di Sinistra*, the post-communist Left Democrats, but some can be found all across the political spectrum). Once again, many can be found in the informal meetings mentioned above.

Once legislation has been passed, there is still an important phase of writing the regulations. Here, too, stakeholders intervene with demands and suggestions. Proposed regulations are reviewed by an inter-ministerial committee, and intense lobbying is conducted, as stakeholders connive to obtain copies of the draft regulations and to leak them to the press and to interest groups.

Finally, once the law is applied, stakeholders can place pressure on parliamentarians to demand a parliamentary session on related issues. Question time, when Ministers answer Parliament, is also an opportunity to place pressure on the Government.

Immigrants themselves are largely excluded from this process. Some have been co-opted by institutions and organisations to represent immigrants within their structures, and others have been appointed by institutions without being able to boast any real representativity (CNEL-Codres, 2000). The 'paternalism' with which Italian institutions assign a role to immigrants and their associations in their own integration process may have a role in this (Kosic & Triandafyllidou, 2005). In any case, policy has not so far given priority the daily issues which plague immigrant residents, such as administrative delays, discrimination and precarious working conditions.

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