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## **Regularisations and Employment in Italy**

### **REGANE Assessment Report**

Martin Baldwin-Edwards and Francesca Zampagni<sup>1</sup>

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## **Introduction**

This report presents the results from the collection of background information, interviews with experts and stakeholders conducted in Milan and Naples in May 2013, and qualitative semi-structured interviews with migrants in these two regions of Italy.

Section one provides an overview of Italy's relatively recent emergence as a major receiver of labour immigration, along with policy responses and outcomes and recent legislative changes. The succeeding section details the various regularisations and other forms of amnesty since 1990, along with estimates of changed stocks of irregular migrants over time, and for the first time estimation of Italy's irregularity rate over the last decade.

The third section provides in the first instance a summary of the more important literature concerning labour market outcomes of regularisations in Italy. This is followed by a synopsis of the results of the 20 interviews conducted with immigrants in Milan and Naples. Some broad patterns are identified, along with tabular presentation of some major variables

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<sup>1</sup> This report was reviewed by Gian Carlo Blangiardo. The authors thank for the valuable comments and input received and the responsibility for the content of this report and any errors and omissions solely lies with the authors. The views expressed in this study are those of the authors and do not necessarily reflect the point of view of the European Commission or ICMPD as an intergovernmental organisation.

concerning the responses. Four case studies are presented in some detail – each representing a fairly common pattern of interaction with the immigration legislative framework of Italy.

The report concludes with some thoughts on the problematic of conducting large-scale surveys in Naples and Milan to establish the impact of regularisations on the labour market and on immigrants themselves.

## **1. General context – migration history and policy**

Like many of its Mediterranean neighbours, Italy's migration history has been primarily as a sender of migrants, especially to the United States during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. In the late 1970s, this pattern shifted and Italy became a migrant-receiving country. The first positive balance between emigration and immigration (return immigration included) dates to 1973. Inflows started after the oil crisis of 1973, when the United Kingdom, Germany and, in particular, neighbouring France closed their borders to immigrants (Einaudi 2007). The geographical position of Italy makes it a transit and destination country for migrants fleeing political and economic crises in the region. In addition, migrants have been increasingly attracted by the growth of certain sectors in Italy's economy, although mainly in the informal sector (Reyneri 1998). The demographic decline and low fertility rate in Italy has also fuelled the country's need for foreign labour since the mid-1970s. While the government has primarily responded to the growth of the foreign population by enacting restrictive legislation, the country has also taken the lead in Europe in enacting regularisation programmes for migrants (Barbagli, Colombo et al. 2004). Manifold scholars have affirmed the nexus between regularisation and the increasing flow of irregular migrants in Italy; moreover, much of the immigrant population in Italy acquired their legal status through regularisation programmes. Between 1986 and 2009, the country legalised over 1.6 million migrants (1,661,291), a number surpassed only by the United States (Caritas/Migrantes 2013).

Over the last decade, the number of foreigners legally residing in Italy has almost tripled, despite the economic crisis. However, much of this increase in recent years is attributable to foreign children born in Italy along with family reunification inflows. In 2012, minors accounted for 24.1% of the immigrant population and family reunification visas were 45% of new entries (Caritas/Migrantes 2013). On 1 January 2013, 4,387,721 resident foreigners (7.4% of the total population) were registered in Italy (Istat 2013). As regards non-EU

citizens, there were 3,764,236 people with residence permits, with Morocco, Albania and China the main countries of origin – see Table 1, below. Since 2008, a few nationalities have vastly increased their holding of residence permits – in particular, citizens of China, the Philippines, India, Moldova, Egypt, Bangladesh and Peru. Over this same timeframe, Italy has issued increasingly more long-term permits (both national and EU) such that 55% of permit holders are now with permanent residence. Table 2 shows the trend and top 10 nationalities. Interestingly, Moldovans and Tunisians are under-represented in their holding of permanent residence permits, and Pakistanis and Senegalese replace them in the top ten.<sup>2</sup>

Despite the overall trend of increasing stock of foreign residents, return flows and non-renewed permits are also visible. In 2012, 180,000 permits expired without being renewed; in 2011, it was 263,000 – before the enactment of the law extending the employment search duration of permits from 6 to 12 months (Caritas/Migrantes 2013). First residence permits have considerably reduced in number, from just under 600,000 in 2010 to 250,000 in 2012 (see Table 3). Moreover, by 2012 some 50% of first time permits were issued for family reasons, and only 27% for employment-related reasons. Also in 2012, for the first time the leading citizenship (with the highest growth in stocks) was Chinese, with Albanians and Moroccans at reduced levels.

Table 1: Total valid residence permits at 31 December each year, principal nationalities, 2008-2012

<b>Citizens of:</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>% in 2012</b>
Morocco	438,897	507,370	501,308	506,474	517,146	13.7%
Albania	448,447	522,851	483,705	491,560	501,542	13.3%
China	205,819	280,766	278,863	277,581	304,846	8.1%
Ukraine	177,473	229,427	218,191	223,790	224,681	6.0%
Philippines	118,316	137,300	138,359	152,406	158,956	4.2%
India	101,870	145,186	144,791	145,172	150,877	4.0%
Moldova	103,232	138,274	140,954	147,522	149,087	3.9%
Egypt	83,051	99,547	108,524	117,174	124,629	3.3%
Tunisia	101,659	118,030	116,504	122,633	122,438	3.2%
Bangladesh	78,295	95,558	101,757	106,679	113,529	3.0%
<b>Total</b>	<b>3,035,573</b>	<b>3,587,653</b>	<b>3,525,586</b>	<b>3,638,301</b>	<b>3,774,613</b>	<b>100.0%</b>

<sup>2</sup> It should not be forgotten that Romanians, numbering just under 1.1 million in 2012, remain the most numerous foreign population in Italy. As EU citizens, they are no longer counted as immigrants.

Source: Eurostat

Table 2: Total long-term residence permits at 31 December each year, principal nationalities, 2008-2012

<b>Citizens of:</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>% in 2012</b>
Morocco	123,853	163,291	190,194	310,672	333,451	16.1%
Albania	125,749	175,560	205,690	308,529	332,916	16.1%
China	33,932	47,740	62,161	108,296	119,123	5.8%
Ukraine	16,489	54,945	77,202	98,785	111,021	5.4%
Philippines	29,136	38,500	46,780	72,075	78,964	3.8%
India	24,181	35,905	45,405	73,345	78,699	3.8%
Egypt	22,442	28,663	36,036	66,749	73,213	3.5%
Bangladesh	20,806	28,677	35,183	56,348	61,408	3.0%
Senegal	25,018	32,073	38,242	55,016	59,407	2.9%
Pakistan	17,959	25,857	32,745	54,512	59,323	2.9%
<b>Total</b>	<b>716,217</b>	<b>1,006,541</b>	<b>1,223,729</b>	<b>1,893,735</b>	<b>2,070,333</b>	<b>100.0%</b>

Source: Eurostat

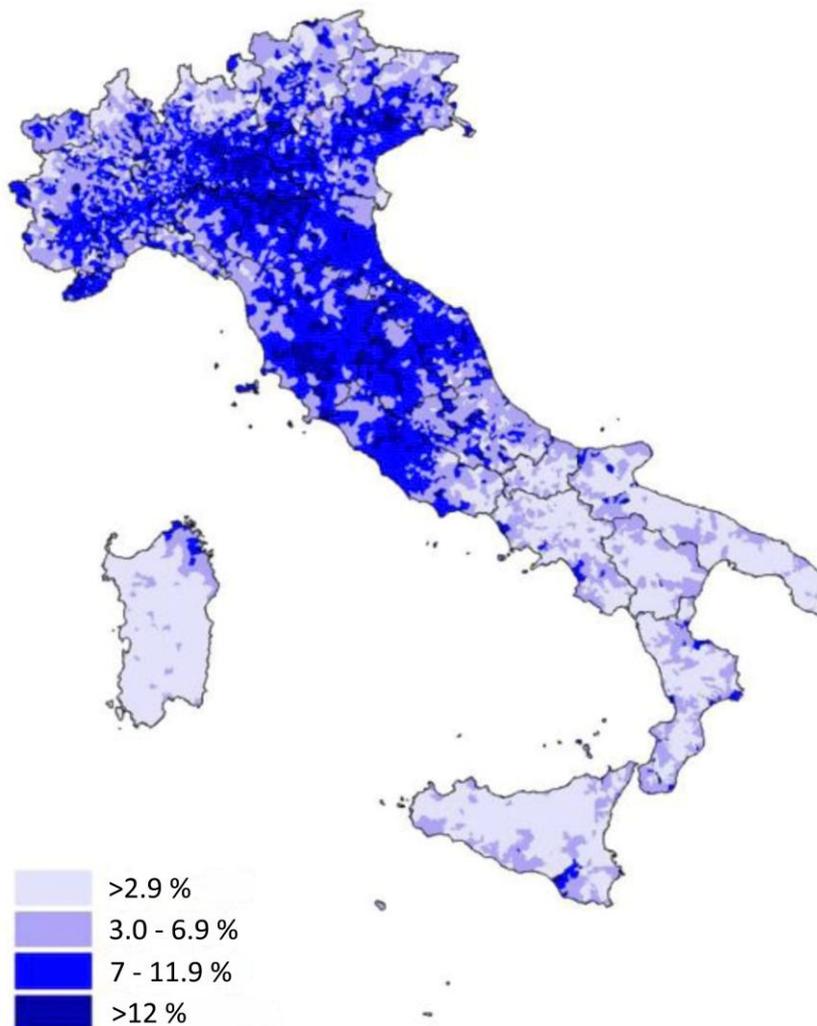
Table 3: First residence permits issued, by reason, 2008-2012

	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>% in 2012</b>
Family	76,764	75,153	180,391	141,403	119,745	48.5%
Education	28,609	32,634	25,676	30,260	30,631	12.4%
Employment	272,791	235,966	359,051	119,342	66,742	27.0%
Other	172,062	163,080	24,870	40,078	29,642	12.0%
<b>Total</b>	<b>550,226</b>	<b>506,833</b>	<b>589,988</b>	<b>331,083</b>	<b>246,760</b>	<b>100.0%</b>

Source: Eurostat

The regional distribution of resident foreigners is skewed towards the North and the Centre of Italy, where 86% reside. Specifically, 35% are in the North West, 27% in the North East, 24% in the Centre and only 10% in the South (Istat 2013). More immigrants are in Lombardy than any other region (1.03 million). Moreover, the regional distribution of immigrants does not reflect the distribution of the Italian population, with the result that the ratio of immigrants to total population is much higher in the North – frequently exceeding 12% of the population. Figure 1 below shows immigrant/population ratios by commune of Italy, as of 1 January 2013.

Figure 1: Resident foreigners as a percentage of total population, by commune, on 1 January 2013



Source: Istat (2013)

## **Regular admission and stay system**

The only way of entering Italy 'legally' for a stay of more than 3 months is by benefiting from planned quotas of flow Decrees (detailed below) and having a visa issued by one of the Italian diplomatic posts abroad. Moreover, there are extra-quota channels ex art. 27 of the Consolidated Act on Immigration for high-skilled migrants as academics, artists and others, as well as holders of the EU Blue Card (since August 2012). The possible motivations which entitle migrants to a regular residence permit are:

- business, religion, tourism and study (a limited number of study-permits can be converted into permits for work);
- family reunification (when the sponsor fulfils requirements on income and accommodation);
- asylum and international protection; and
- seasonal and non-seasonal work (on the basis of quotas).

As regards labour migration, Italy has moved from the absence of any kind of planning to the adoption of a yearly decision on the prospects of entries of migrants, according to the need of the labour market. According to Law No 39/1990 (known as the 'Martelli law'), the Minister of Foreign Affairs shall each year issue a 'flows Decree' (*decreto flussi*) concerning the number of foreign workers who are allowed to enter the country the subsequent year.

The current procedure regarding subordinate employees hired for a fixed or non-fixed period of time or non-EU foreigners residing abroad hired on a seasonal basis stipulates that the employer (Italian or foreigner legally residing in the country) has the duty to present himself to the appropriate Single Desk for Immigration. In cases where the employer knows the employee he wants to hire, he must make a request by name for a work permit (the documentation of a suitable housing accommodation has been removed by Legislative Decree No 76/2013), as well as the relevant 'proposal for a residence permit'. Once the assessment is positive, the Single Desk issues the authorisation (*nulla osta*) to work, and transmits the documentation to the consular offices in the applicant's country of residence. The latter, then, has up to six months to obtain the relevant visa to enter Italy.

The duration of the residence permit is the same as that indicated on the entry visa and in any case not more than:

- 6 months for seasonal work or 9 months in specific sectors requiring this extension;
- 1 year if attending a course of study or a vocational training course;
- 1 year for subordinate employment (fixed-term contract); and

- 2 years for subordinate employment (open-ended contract), self-employment and family reunification.

### **Recent legal developments**

The current Italian legislation on migration is based on the systematic structure of the 'Consolidated Act of measures governing immigration and norms on the condition of foreign citizens' (Legislative Decree No. 286 of 25 July 1998), and its subsequent modifications and integrations (Law No. 189 of 30 July 2002, widely referred to as 'Bossi-Fini'; the so-called 'Security Decree' No. 92/2008 and a year later Law No. 94 of 15 July 2009, better known as 'Security Package'). The Security Package of 2009 introduced, for the first time in Italy, the so-called 'crime of illegal immigration', giving the irregular stay a new degree of illegality, in addition to the usual administrative expulsion measure (see Di Martino 2013).

Among others, it foresees the production of a residence permit as a requirement to benefit from certain services (healthcare and education are excluded from this) and for the purpose of concluding various acts of civil status, such as the recording of birth, death or recognition of the natural child (marriage, initially included, was deleted as a result of a judgment by the Constitutional Court); the extension of time required before one can apply for Italian citizenship by marriage (increased from 6 months to 2 years) and the extension of arrest duration for the alien who does not show the documents to the authorities (from 6 months to a year); the reduction from fourth to second degree of relationship necessary to prevent an irregular foreigner's expulsion; imprisonment from 6 months to 3 years for anyone who rents property to an irregular foreigner; the obligation for operators of money transfer services to photocopy the residence permits of their customers (and keep them for 10 years) and report to the police the customers without a permit. Furthermore, although since 1998 the annual flow Decrees provide 'preferential quotas' to the signatory States of readmission agreements (EMN 2009), Law 94/2009 introduces numerical restrictions on the flows of foreign workers coming from 'countries not adequately cooperating in the fight against irregular migration, or in the readmission of their nationals who are subject to orders of removal'.

As of March 2012 all foreigners applying for a first residence permit of more than a year's duration had to sign an 'integration contract' and commit to acquire basic knowledge of the Italian language and civic principles. This is required within two or three years. Points may be lost for violation of terms, and if they reach zero the permit may not be renewed or an expulsion order issued. BY November 2012, 57,000 such agreements had been signed (EMN 2013). Moreover, since 2011 long-term residence permits have been granted only to

those who pass an Italian language test; by October 2011, 69,000 tests had been taken with a 70% pass rate (OECD 2012: 242). The impact of these policy changes on residence rights has not been evaluated, but clearly is likely to diminish security of legal residence for some.

According to Law No 92 of 28 June 2012, the duration of the permit for 'pending employment' (*attesa occupazione*: issued to the third country national who wants to renew his permit, but would not comply with the residence condition because of unemployment, art. 22 Consolidated Act) is extended from six months to a year. The permits can also be issued in case of turn up unavailability of the employer during the entry procedure with flows Decrees. It is not renewable, but it allows avoiding irregularity due to the connection between the residence permit and the employment, giving the alien further time to find a job and possibly ask for a new permit for work, and then interrupting the 'pending employment' permit.

As for the reception of Directive 2009/52/CE, with Law No 109 of 16 July 2012 Italy introduced stiffer penalties for the employment of undocumented workers. In case of particularly exploitative working conditions, the Police Commissioner (*Questore*), on the proposal or with the approval of the Attorney General (*Procuratore della Repubblica*), can grant residence permits to foreigners who reported the fact and who cooperate in the penal proceeding against the employer. The stay permit issued ex art. 5 co.6 of the Consolidated Act (permit for humanitarian reasons) has a duration of six months, renewable for a year or for the length of the relevant proceedings, and allows to work.

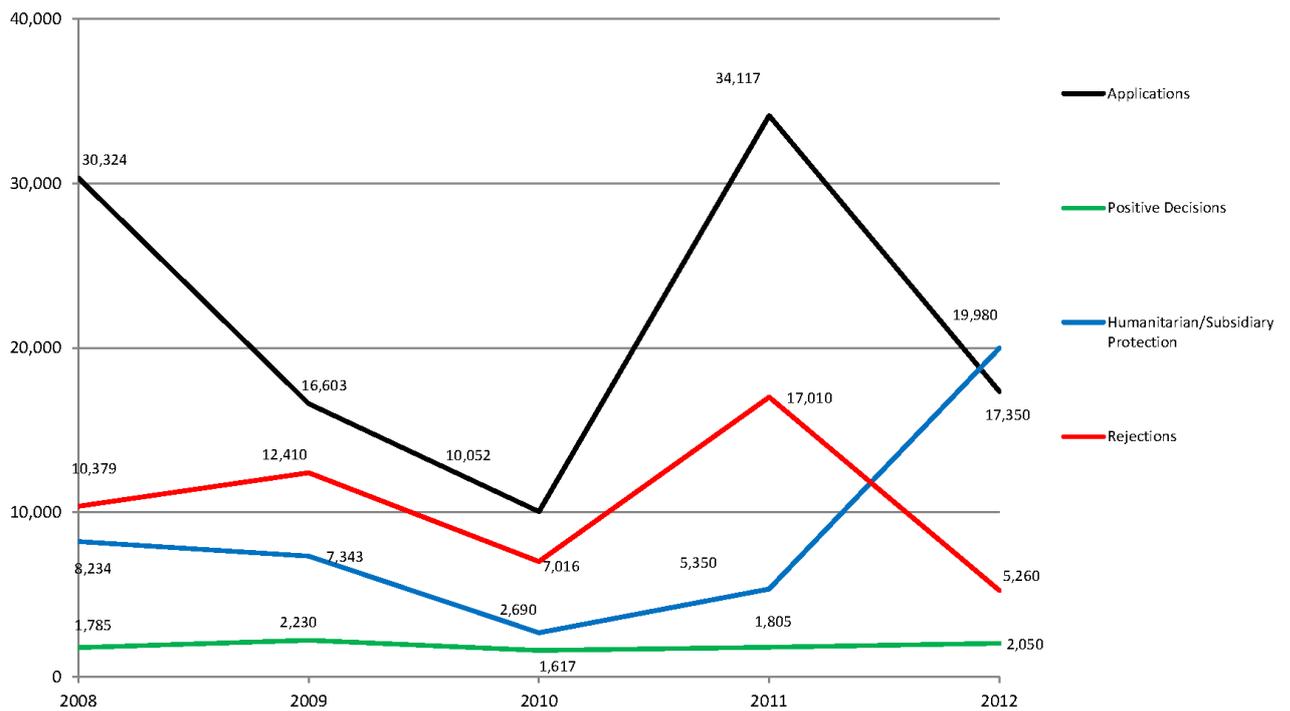
### **Asylum in Italy: mind the gap**

The number of recognised refugees in Italy in 2012 was 64,732, coupled with 14,625 asylum seekers (UNHCR Statistical Database). This is not only modest when compared to the total number of regular and irregular foreigners in the country, but also when measured against the situation in other large European countries, such as Germany, which hosts ten times as many refugees. The relative marginality of asylum seekers and refugees in Italy owes partly to the fact that the phenomenon is relatively new in the country. Until 1990, the country was only open for European asylum seekers. Italy then opened for receiving non-European asylum seekers, but during the following years the asylum procedure was disorganised and reception conditions poor. The turning point came in the second half of the decade, as in 1997 the Dublin Convention came into effect, making Italy responsible for a much greater portion of asylum seekers entering the country.

During the last decade, Italian authorities have responded to the measures towards a

common European asylum system by introducing initiatives and reforms to improve the asylum mechanism. However, the basic well-being of asylum seekers and refugees is far from properly secured. In 2010, Italy was condemned by the European Court of Human Rights for push back to Libya of people seeking protection. The most striking characteristic of the Italian asylum system is the lack of support, in terms of accommodation and integration, for the majority of asylum seekers and those granted a permit. The situation leaves thousands of people – including many considered vulnerable – without proper means for taking care of themselves. Asylum seekers waiting for the Commission are issued a temporary permit of three months (renewable till the asylum interview), which allows them to work only after six months of presence in the Italian territory without being heard by the asylum Commission. See Figure 2, below, for recent data on applications for asylum and international protection.

Figure 2: Asylum applications in Italy: Number of applications, positive decisions, other protections, rejections (2008-2012)



Source: Dossier Caritas/Migrantes 2013

## 2. Regularisation policies

As previously noted, Italy over several decades has experienced considerable inflows of irregular labour migrants – primarily through visa overstaying and informal working. Entire economic sectors became niches for the informal employment of irregular and regular immigrants. Estimating the extent of the irregular immigrant presence is a difficult, if not impossible, task. Using an innovative sampling technique,<sup>3</sup> Blangiardo and his colleagues at ISMU<sup>4</sup> in Milan have been able to combine their own survey data with Istat official data, and estimate with some degree of credibility the extent of irregular immigrant stocks. Figure 3 below shows the latest revised estimates of irregular stocks, since 1990.

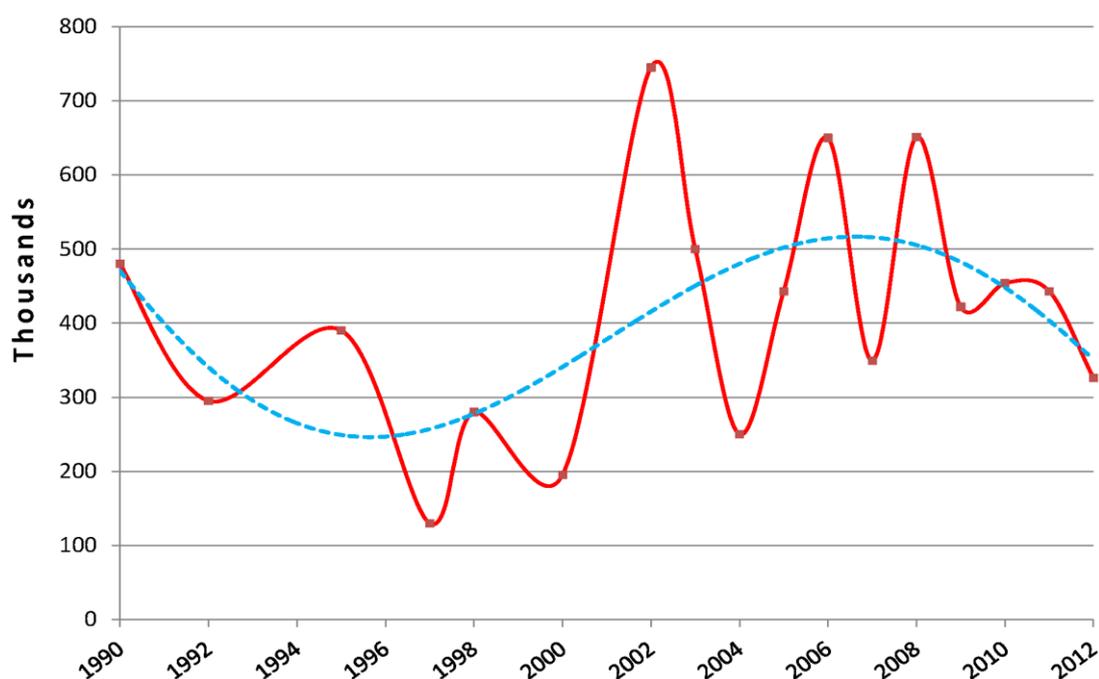
As is clearly visible, Italy's stock of undocumented immigrant population fluctuates rapidly as a result of frequent regularisations and other policies of amnesty: the troughs occur in the periods immediately following such policies. The fitted trend line shows a rapid rise in stocks from the mid-1990s, peaking in 2007. Moreover, over the period 2000-2009 the fluctuations become increasingly wild; interpretation of this fluctuation is open to debate, but is related to one or both of regular immigrants losing their legal status and new inflows of undocumented immigrants. Given the increased immigrant stocks of this period, along with strong economic growth, the latter is probably more important. Since 2010, the economic crisis has impacted massively on both labour immigration and the structure of employment in Italy. Employment visas for 2011 and 2012 were only 90,843 and 52,328 (both less than pre-crisis levels) and the immigrant employment rate increased over the period 2008-2012. While Italian nationals' employment was reduced by nearly one million, non-

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<sup>3</sup> The 'centre sampling technique'; see Baio et al. (2011)

<sup>4</sup> Iniziative e Studi sulla Multiethnicità

Figure 3: Estimated stock of irregular immigrants in Italy, 1990-2012

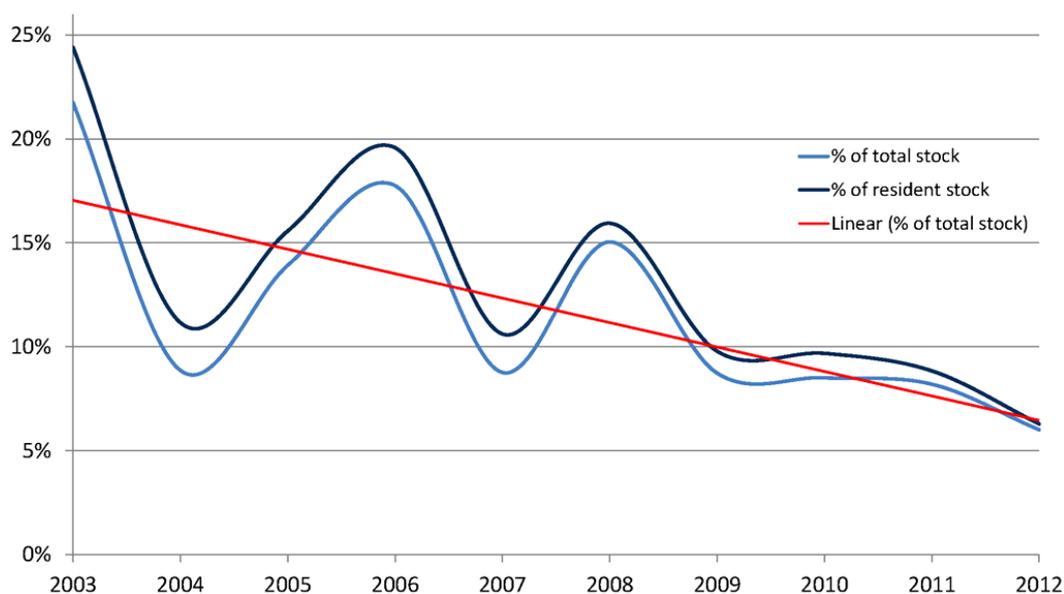


Source: data derived from ISMU (2013)

nationals in employment increased from 1.75 to 2.3 million reaching 10% of the total labour force. In the highly segmented labour market of Italy, most of these new jobs were low-skill and/or part-time – and traditionally shunned by Italians (Caritas/Migrantes 2013).

Figure 4 shows the estimated rate of irregularity of immigrants over the period 2003-2012, calculated as a proportion of total stock of immigrants and as a proportion of resident stock of immigrants (in both cases including the irregular component as included in the total). Although fluctuations are still visible, the large immigrant inflows over this period both dampen the swings and also result in a trend of decreasing irregularity rate. The fitted linear trend line shows a decrease of 10% (from 17% down to 7%) over a period of nine years. From 2009 onward, the fluctuations cease and are replaced by a shallow decline in the irregularity rate. This apparent stabilisation is the result of very small inflows and the linkage of employment with permit renewals: given that more (low-pay) work is available for immigrants, it is easier for them to renew short-term permits. There is also the fact that 55% of immigrants hold long-term residence permits – making renewal more or less automatic.

Figure 4: Estimated irregularity rate, 2003-2012



Source: own calculations from data in ISMU (2013)

Irregular migration can be seen as a primary functional equivalent of legal labour migration in Italy (Salis 2012: 30ff) and the recognition of this role is reflected in the recurrent use of regularisation programmes, carried out by governments ruled by any political coalition. It has been argued that the peculiar element of the Italian case is exactly the systematic use of regularisations as a functional equivalent of an active labour migration policy (Barbagli, Colombo et al. 2004). These measures have traditionally accompanied periodical normative changes in migration laws and were typically presented as necessary to rebalance the situation.

### **Amnesties (1986-2002)**

Minor regularisations were initially introduced in 1977 and 1982, though the major amnesties (*sanatorie*) started in 1986, when Italy enacted its first large-scale regularisation programme, regularising 105,000 migrant workers. This programme required migrants to have an employer sponsor and to have been in Italy prior to 27 January 1987. The programme has been criticised for having requirements that were too difficult to be met, leading to a low turnout of applicants in comparison to the numbers of irregular migrants who were probably already present.

The 1990 regularisation programme was geared towards workers and students who had been living in Italy prior to 31 December 1989 and regularised 222,000 people. The majority of them (180,000) were regularised as job seekers, rather than as migrants with existing

employment. Then, a government decree regularised 246,000 foreign workers out of 258,761 applications between 1995 and 1996. The requirements for this programme were stricter than those of previous programmes: applicants had to demonstrate that they had been living in Italy, employed during the past six months or have a job offer from an employer, and had paid three months of social welfare contributions.

In 1998 there was a regularisation, offering a permit to all foreigners who could prove they were in the country on the date that the law took effect (16 October 1998) and also that they were irregularly employed. At first there were a limited number of permits available, but when the difference between available permits and applications increased, it was transformed into an actual amnesty. Overall, 217,000 regularisations were accepted out of 250,747 applications (Baldwin-Edwards & Kraler 2009).

The sixth and largest regularisation was carried out in 2002. Just after the enforcement of the Bossi-Fini law, the amnesty was open to domestic and care workers, and soon after extended to all other categories of workers. The outcome of that campaign has been the highest number of regularised migrants in the recent Italian migratory experience, that is almost 650,000 people (around 93% of the applications presented), half of which as domestic workers and caregivers (Salis 2012). The only ones entitled to present applications were Italian (or regularly resident foreigners) employers who had been employing irregular foreign workers during at least the three months preceding the opening of the application procedures. It was possible to regularise only dependent workers, either in standard or temporary employment. The applicants had to pay a lump sum of 290 Euros (for domestic workers) or 700 Euros (for all other categories) for each worker as a compensation for forgone fiscal and social welfare contributions. Irregular foreign workers who had previously received an expulsion order did not have in principle the possibility to regularise their position although subsequent implementing rules have opened the possibility to repeal the pending expulsion orders and gave some discretionary decision power to the Prefects, which are reported by some interviewed officials to have used it to a large extent (Salis 2012).

### **Amnesties (2009-2012)**

Differently from the past experiences, the 2009 regularisation scheme has been highly selective in its scope, only targeting irregular foreign workers in the personal and homecare services (*sanatoria colf e badanti*). It is worth mentioning the new provision on criminalisation of irregularity just approved in the same year, which would have had very serious consequences on the high number of migrant domestic workers with irregular status and consequently on their employers. The eligibility criteria for the regularisation were overall quite lax: native or EU nationals and non-EU long term residents could request the regularisation of up to 3 irregular migrant domestic workers living and working in Italy since at least 5 months; as for the income criteria, a minimum annual gross income of 25,000 Euro was required for the regularisation of housekeepers (*colf*) whereas no minimum income was required for those willing to regularise caregivers for elderly or disabled people (*badanti*): for this latter category the only requirement was the provision of an official certification attesting the disability and the need for constant assistance. In addition, a lump sum of 500 Euro had to be paid as a compensation for forgone social welfare contributions. An important point is that only employers could apply, therefore irregular immigrant workers were completely dependent on the preparedness of their employers to legalise their situation.

A total of 294,744 applications was filed, 61% of which were for housekeepers and 39% for caregivers. Because of the unavailability of other effective mechanisms to regularise their status, however, many other migrant workers, who were not employed as carers or domestic workers and were not entitled to benefit from the measure, tried to find a way to benefit from it. While Eastern European nationals were mostly requested as caregivers, in line with what observed in official administrative data, workers of all other nationalities were mainly requested as housekeepers, for which eligibility criteria were less difficult to fulfill (Salis 2012). Some migrant workers were helped by their employers, who declared that their migrant employees were working as carers or domestic workers. Many fell prey to unscrupulous 'agencies', 'consultants' and other individuals, both Italian and foreign, who cashed thousands of Euros, often borrowed from family and friends, to provide figurehead employers and sell fake documents (Amnesty International 2013).

In Padova, the migrants who had reported cases of fraud enjoyed *de facto* toleration for about a year, as local authorities refrained from detaining and expelling them. In Massa Carrara, some of the migrants who reported cases of fraud were given a residence permit for 'justice reasons'. In Verona, prosecution authorities declared that each individual case would be examined to determine whether a residence permit for 'social protection' could be issued. In the majority of cases, no allegation of responsibility or complicity in the frauds was

formulated against the migrants, showing a recognition that they had been victims of a crime; at the same time, however, regularisation procedures were stopped and expulsion procedures initiated (Amnesty International 2013).

Table 4, below, shows some broad characteristics of applications for the 2009 regularisation.<sup>5</sup> Some 37% of applications came from the North West region, with only 18% from the South and 5% from the islands. By broad area of geographical origin, applications concerned roughly 30% each from Asia, Africa and Eastern Europe. The two main nationalities were Ukrainians and Moroccans (at just over 12% each) followed by Moldovans, Chinese and Bangladeshi.

Table 4: Distribution of applications for the 2009 regularisation, by regional area, geographical origin of the workers, and top five citizenships

	%
<b>Regional area</b>	
North West	37.4
North East	18.1
Centre	21.7
South	18.0
Islands	4.8
<b>Geographical origin</b>	
Africa	29.7
Asia	32.1
E. Europe	28.0
S. America	10.0
<b>Major nationalities</b>	
Ukraine	12.6
Morocco	12.2
Moldova	8.7
China	7.4
Bangladesh	6.3

Source: EMN (2012: 67)

<sup>5</sup> Data relating to final outcomes of the procedure have not been made available; provisional data are also insufficiently detailed as not to be worth reproducing. As of 10 October 2011, 276,750 applications had been processed with 233,244 grants of permits.

### **The 2012 regularisation**

Following the reception of the Directive 2009/52/CE, a new regularisation was announced in 2012, when 134,576 applications were filed, among which were 86% domestic workers (Censis 2013). The number of applications is low, considering that 300,000 potential regularisations were envisaged. The eligibility criteria were: Italian/EU nationals or non-EU long term resident employer; irregular migrant present in Italy since 31 December 2011 and working since at least 3 months; not less than 30,000 Euro income of the employer. In addition, a lump sum of 1,000 euros had to be paid, as well as social contributions for the whole period of employment and however not less than 6 months.

### **Article 18: permit for social protection**

One regularisation mechanisms is foreseen by Italian legislation. In compliance with article 18 of the Consolidated Act (Decree Law no. 286/1998) foreign nationals who find themselves in situations of violence, confinement and severe exploitation on Italian territory can receive a residence permit for reason of social protection. From 2000 to 2012, 21,795 victims of trafficking (among which 1,171 minors) have benefited from integration programmes ex art.18 (Caritas/Migrantes 2013).

Article 18 provides the possibility to obtain a six-month residence permit which can be renewed for up to 18 months. The permit can be obtained through two different channels. The first one foresees a collaboration between the applicant and the law enforcement: a denunciation (*denuncia*) against someone accused of exploiting, abusing and profiting from the applicants' stay in Italy has to be made by the applicant. The second channel goes through the social services of the local councils and NGOs. In this case, it is up to the General Headquarter of the Internal Police (*Questura*) of each province to decide if the residence permit should be available with or without a denunciation. As a matter of fact, the first channel is the most prevailing. Applicants are in both cases obliged to participate in protection and reintegration programs of NGOs, offered in different degrees: legal, medical, material and financial assistance, counseling, education/job training as well as assistance in finding employment. The participation in the programs gives access to the social services and educational institutions, as well as to the State's employment bureau, enabling the possible transformation of the permit for social protection into a residence permit for employment, with the requirement of a halftime employment contract.

In 2003, another article was introduced, making it easier to include men in the programs of protection and integration. In previous years, there were situations of exploitation where it was not possible to apply article 18 due to its strict focus on exploitation linked to (female) prostitution. The introduction of article 13 facilitates the application of article 18, moving beyond exploitation linked to prostitution to also cover situations of violence, segregation and submission due to the condition of irregularity. Nowadays, the two articles are often combined (article 13 for the first three months of a program and then article 18) (Johansson 2012).

### **Postponement of removal order (toleration)**

Article 19 of the Consolidated Act foresees three cases in which removal/expulsion of foreigners is temporarily forbidden:

- Minors (they cannot be expelled until they reach maturity unless it is to follow an expelled parent);
- Pregnancy, or after giving birth within the past six months (the postponement is extended to the husband after decision No 376/2000 of the Italian Constitutional Court to protect the unity of the family); and
- Serious illness and under treatment (they cannot be expelled until their treatment is completed).

In these cases, according to art. 28 of the Implementation Decree No 394/1999, a stay permit for humanitarian reasons is issued to the third-country nationals, giving them legal stay status and rights comparable to other regular migrants. The Decree does not foresee the duration of these permits or their renewal. There is no prohibition that third-country nationals holding this type of permit cannot apply for a normal permit for work or study or other reasons as long as it is in line with policy provisions (European Commission 2013).

### **The ‘quota system’: a yearly informal regularisation mechanism**

Admission of non-EU foreign workers is subject to a mechanism of quantitative selectivity based on the determination of ceilings to new entries on a yearly basis. Quotas are therefore the main policy tool designed and implemented with the goal of opening a legal entry channel for working purposes. They are meant to regulate the admission of third country nationals and their access to Italian labour market, by combining a purely quantitative selectivity with some elements of qualitative selectivity, distinguish between different occupational sectors and countries of origin (EMN 2010). The main responsibility for the determination of annual quotas of new inflows is given to the government (and in particular to the Ministry of Interior and the Ministry of Labour), which sets up the quota, through a

Prime Minister Decree (so called *Decreto Flussi*). Quotas have to be set in accordance to the principles and general criteria stated in the Document of Migration Policy Planning (DMPP). This Document has to be adopted every three years after a process of in-depth consultation of the relevant stakeholders and authorities, in particular: the involved ministries, relevant parliamentary committees, the Regional and Local Authorities, the National Council of Economy and Labour (CNEL, a high-level independent advisory body established by the Constitution), the main NGOs active in the assistance and integration of migrants, as well as trade unions and employers' organizations. However, the adoption of the DMPP has proven to be a quite burdensome task and its contents much too general to adequately and effectively orient migratory policies. As a matter of fact, only the first two DMPP for the period 1998-2000 and 2001-2003 have been produced without delay, while the DMPP for the period 2004-2006 was only adopted at mid-2005 and after that no other Document has been adopted. Thus, the planning of quotas worked till 2005, although it was already 'purely ritualistic', as Sciortino (1999: 243) argues. In the case where the DMPP is not published, the President of the Council of Ministers is able to provide an interim decree within the ceilings of the previous year's quotas, and this is how it has been done since then. In the most recent years, quotas for entries were 170,000 non-seasonal workers for 2007 and 150,000 non-seasonal workers for 2008, while 80,000 seasonal workers for 2009.

With regard to the 2006 quota, it must be noted that the 170,000 new entries for work originally planned by the flows decree, passed by the Cabinet Decree of 02/15/06, were increased through another 350,000 additional job positions (established by the new Cabinet Decree of 25/10/06) to cover all of the approximately 500,000 applications presented in March 2006 at the first decree and those further advanced by 21 July of the same year. This can be considered as a de facto amnesty.<sup>6</sup>

Recently, the Consolidated Act was amended by law 25/2010, according to which transitional programming must refer to the last issued decree. Therefore, in 2010 there was a transitional programming of entry quotas for seasonal (80,000) and non-seasonal workers (98,080). Among the non-seasonal employments, which were implemented in the following year, 52,080 were reserved for countries which had signed cooperation agreements on migration matters, 30,000 for other countries (but these were restricted to the domestic field), 11,000 for the conversion of stay permits, and 4,000 were assigned to workers who had completed training programmes abroad. Quotas for seasonal employments were lowered down to 60,000 in 2011 and to 35,000 in 2012, when there were no quotas for subordinate

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<sup>6</sup> See Blangiardo (2007: 41-42).

work. In 2013, there were 30,000 seasonal workers, among which 5,000 workers who have already been employed for two consecutive seasons.

On one hand, the quota system of flow decrees has been structured in a selective manner, since a great many of the authorised slots are reserved for migrants from countries with which Italy has stipulated bilateral agreements. On the other hand, the system has increasingly come to be structured in a manner reminiscent of the old *Gastarbeiter* model, clearly encouraging entries for seasonal work rather than for permanent employment. Legal entry remains anchored to this system of annual entry quotas, which in the last years have been improperly used as ‘mini-amnesties’ to rectify situations of previous irregularity. The intent to use the flows decrees to regularise migrant workers already present in the country had become very clear (Zincone 2011), and quotas can be seen as informal regularisation mechanism part of the regular migration policy, running almost every year.

### **Emergency North Africa, a *de facto* toleration**

In the midst of an escalating influx of irregular migrants from Tunisia to Italy, on 5 April 2011 Italy and Tunisia signed an ‘exchange of notes.’ This agreement set concrete measures to prevent irregular arrivals in Italy and to repatriate Tunisian nationals arriving in the country. According to the Italian Decree of the President of the Council of Ministries ‘Emergency North Africa - Humanitarian measures for citizens from North Africa’, Tunisian migrants who landed in Italy between 1 January and 5 April 2011 were granted temporary protection status ex art. 20 of the Consolidated Act providing for ‘Extraordinary reception measures for exceptional events’. Conversely, Tunisians arriving in Italy after 5 April 2011 would be returned to Tunisia. The permits were valid for six months (then renewed for other six months) and grant the holder the possibility to work and also travel throughout the Schengen area. Some countries like France and Germany as well as the EU Commission have raised concerns about the validity of these permits in the Schengen area.

This *ad hoc* regularisation measure, clearly without the intention of regularising Tunisian nationals for them to stay in Italy, from the perspective of the Italian authorities would allow the permit holders to move freely within the Schengen area, and presumably to France. It was a self-interested way for Italy to unilaterally activate the temporary protection instrument that the European institutions were reluctant to utilise.

### **3. Impact of regularisation on the labour market outcomes of regularised immigrants**

#### **3.1 Review of existing studies**

The earliest research on regularisations in Italy, including post-legalisation trajectories, is that undertaken by Emilio Reyneri concerning the 1996 regularisation. In fact, even before the survey research, ISTAT (1998) had estimated that a third of migrants legalized in 1991 had failed to renew their residence permits two years later. Moreover, Reyneri estimates – on the basis of surveys conducted in 1993-4 – that some 15% of applications for the 1996 programme were based on false labour contracts. Among the regularised migrants, only 3% had permanent contracts, 11% were unemployed, and 86% had mere offers of employment (Reyneri 2001: 50).

After the regularisation in 1996, he suggested three typical sequences that reflect the wide range of labour market situations of applicants (based on survey work conducted in the Milan area). The first (and ideal situation) was where the employer paid the necessary social security contributions for a worker in a steady employment relationship; typically, the employee would remain in the same job, with the same conditions except that he would now be legally employed and registered within the social security system. The second category concerned workers whose employers refused to make the social security payments necessary for the application, and obliged the workers to pay them. In these cases, the workers tended to abandon their jobs (since the employers were clearly unprepared to pay the higher labour costs) and sought alternative employment. The third category concerned those persons engaged in informal activities such as street-selling and odd jobs. In order to participate in the regularisation, they had to present a work contract. Those who presented a fake contract, typically continued with their original activities after legalization; on the other hand, those who arranged a real job and contract specifically for the regularisation, tended not to return to street selling – even if they returned to irregular employment. A small number of persons engaged in casual employment (but not street selling) succeeded in managing the transition to formal employment, despite presenting fake employment contracts (Reyneri 1999: 99-101). Based on unemployment register data, Reyneri (2001: 50) estimates that a third of regularised migrants lost their jobs within a few months, returning to unemployment and/or informal activity.

A government-funded research programme investigating the employment trajectories of immigrants after the large 2002 regularisation was carried out by Fondazione ISMU in partnership with partners in Campania and Bari.<sup>7</sup> The project utilized application data provided by government agencies, a 2005 survey of 30,000 foreign workers across Italy (22,000 in 30 provinces classed as EU Objective 1, and 8,000 in ten provinces of the Centre-North) selected so as to provide statistically significant results to enable construction of an overall national result.<sup>8</sup> This survey was followed by semi-structured interviews with 1,400 employers who had submitted applications in 2002.

The survey (conducted three years after the regularisation programme) found that 28% of those immigrants sampled had been regularised in 2002. Three groups of migrants were identified – always-regular migrants prior to 2002, migrants regularised in 2002, and irregular migrants. The proportions of these groups varied between North and South: for the total sample, only 11.2% were irregular, while in the South the proportion was 18.9%. Over 98% of those regularised had been able to keep their status, and in 88.5% of cases the beneficiaries of an annual permit for dependent employment had been able to renew their permits with either the original employer or a new one. Migrants regularised with dependent employment contracts in 2002 had a high proportion (15%) becoming either unemployed or working irregularly, in comparison with 11% of immigrants regular before 2002. Unemployment particularly affected sub-Saharan Africans (14%), and North Africans as well as South Americans (both 11%).

Post-regularisation, migrants had higher incomes than irregular migrants, but lower than regular migrants – not justified by seniority levels.<sup>9</sup> Considerable income differences are noted according to gender (€1,000 male cf. €743 female) and region (€928 Centre North cf. €619 South). Policy conclusions that the study's authors reach are of some interest. First, they note the lack of a continuous regularisation mechanism, with complete reliance on extraordinary regularisation measures. Secondly, they express concern about the short duration of permits (6 months for those acting without their employers' consent; one year as a norm). Thirdly, they note the dependence of legal status on possession of a stable employment position, which (pre-crisis) looked to be untenable with the increasing segmentation and volatility of the Italian labour market (Cesareo 2007: 85-6).

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<sup>7</sup> The extensive research programme's results are reported in Italian in five volumes, in a cased edition of // *Mezzogiorno dopo la grande regolarizzazione*, Milan: Franco Angeli, 2006. A summary is contained, in English, in Cesareo (2007), which forms the basis of our own synopsis here.

<sup>8</sup> For sampling methodology, see Baio et al. (2011).

<sup>9</sup> €851 on average, compared with irregular incomes of €690 and regular of €965.

Analysis of the characteristics of those participating in the 2002 regularisation is contained in a study undertaken by Blangiardo and Tanturri (2004).

Carfagna et al. (2008) have also undertaken a detailed examination of the impact of the 2002 regularisation programme, using permit databases for the period 2004-06 to study the migration paths of those regularised. Their methodology consisted of record linkage between residence permit data, for the three years 2004, 2005 and 2006. With eight variables (birthdate, sex, nationality, civil status, municipality of residence; permit reason, issue date, expiry date) they analysed between 2.23 million and 2.42 million permits for each year. Of the 647,000 regularised in 2002, 505,000 remained in possession of a valid permit by early 2007 (a decline of 21.9%). Owing to the limitations of the methodology, the decline cannot be precisely attributed to specific causes: these include acquisition of Italian citizenship, departure from Italy, and return to an irregular status. It is presumed that the majority consist of those in the third category.

The greatest decline in valid permits was found to be in the South, only partly explained by internal migration from South to North-West. By nationality, the most stable were citizens of Albania, Yugoslavia, Macedonia, Moldova, Ukraine, Morocco, Egypt, China and Japan. The greatest relative declines in permits were shown by those from Russia and Tunisia (>40%), Nigeria and Bulgaria (>30%) and the largest absolute declines lay with those from Ecuador (-26.4%) and Peru (-27.3%). In terms of employment trajectories, although 85.5% retained a permit for dependent work, transitions to other employment types were significant. These included 7.4% in self-employment, 5.2% for family reasons, and 1.4% for unemployment. The shift to self-employment (which can be seen as upward mobility) concerned predominantly males, and by nationality those communities already extensively engaged in self-employment (Chinese, Senegalese and Moroccans).

Several important conclusions are drawn. First, 80% of regularised immigrants were still regular three years after receiving their permit. Secondly, over the period under study important changes occurred as a consequence of regularisation: these included being able to marry and also changes in professional status. Thirdly, the actual circumstances of regularisation (e.g. with fake contracts) impact on employment trajectory and its meaning; official data cannot provide information on this issue. Fourthly, the territorial mobility of regularised persons proved to be exceptionally high – 60% moved to another province, and 40% to another territorial area. These rates are higher than both Italians and always-regular immigrants. The move is predominantly South-North. Finally, differences by nationality,

gender and place were noted; however, these administrative data give only partial answers to relevant questions, and more sources of data are needed.

In addition to general studies, there also exist two nationality-specific empirical studies of migrant groups – in Italy generally (Obućina 2013) and in Naples (Harney 2012). Obućina makes a study of the occupational trajectories of Senegalese immigrants in Spain, Italy and France. The data used are from the Senegalese sample of the MAFE<sup>10</sup> dataset. In a detailed analysis, the author shows that the conventional U-shaped occupational cost of migration pertains, but has not disappeared even after 15 years of stay in Europe. After five years, only one quarter of the sample had experienced upward mobility relative to their first year. Education acquired in Europe (but not from the home country) is associated with upward occupational mobility. Thirdly, possession of a work permit substantially increased occupational mobility, and lack of its possession was associated with low attainment. Other relevant conclusions are that there was little evidence of differences between the three countries, when measured with destination country dummies; that men showed greater occupational mobility (both up and down) while women suffered a higher occupational cost of migration. Host country language skills were also associated with access to better employment.

Harney (2012) over the period 2004-08 undertook 18 months of ethnographic observation and participation in migrant networks of Ukrainians in Naples. He notes that previous studies estimated the irregularity rate of Ukrainians in Naples as being 32%, while for Ukrainians across Italy it was 23.4%. In individual case studies, he finds that employers' refusal to pay social security contributions (and even to refuse to pay wages) is a common feature. Another feature of employers' behaviour<sup>11</sup> consisted of giving a contract of employment just before expiry of the immigrant's residence permit. In this way, the actual employment could then revert to an informal one such that the employer could avoid paying taxes and insurance. Even so, the benefits of legal status were evident to most immigrants. He concludes that informal employment is a serious social challenge for all immigrant groups, but strong social networks created by the Ukrainians in Naples has given them a higher degree of security than for other groups, such as African males.

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<sup>10</sup> MAFE (Migrations between Africa and Europe) is an EU-funded research project previously funded by French state agencies (see <http://www.mafeproject.com/>). The part of the project dealing with Senegalese migration has complex and extensive sampling of Senegalese migrants, non-migrants and return migrants. 600 immigrants in Spain, Italy and France were interviewed, along with 1,000 non-migrants and 70 return migrants in Senegal. In Spain, along with snowball sampling, probability sampling was used with the *Padrón Municipal* as a sample frame. Quota sampling was used in Italy and Spain, as there was no comparable dataset to draw from.

<sup>11</sup> We should emphasise here that 'employers' in the case of East Europeans in Naples are almost always households, since the predominant economic activity of immigrants in Naples is in domestic and caring duties.

Finally, we need to mention the highly important work of the Fondazione ISMU in conducting annual surveys in Milan and Lombardy, national surveys since 2004, and in 2009 two national surveys: a labour path survey and an integration measure oriented survey. The regional surveys have a sample size of up to 9,000; the 2004 national survey a size of 34,000, the labour path survey of 16,000 and the integration measure oriented of 12,000.<sup>12</sup> They also conduct various other one-off and focused surveys. Some of their research has already been discussed above, and estimations of irregular presence made by ISMU are used in section 2 (above). In a recent study of immigrants in Lombardy (Riva & Zanfrini 2013), using ISMU data the authors show a clear pattern of distinct periods. Over 2001-2007, the labour market outcomes for immigrants improved – an increase in employment rates of 12%, a fall in the unemployment rate from 13% to 6%, and a decline in irregular employment from 19% to 16.5%. This improvement they attribute to the 2002 regularisation and an overall favourable economic situation. In the subsequent period of economic crisis, they note a drop of about 5% in both activity and employment rates, a doubling of the unemployment rate (from 6% to 11.7%) and a strongly reduced incidence of irregular working (from 16.5% down to 9.8%).

### **3.2 Results from the feasibility study**

Interviews were carried out in Milan and Naples, following semi-structured guidelines. In each city, 10 interviews were undertaken – 6 with immigrants previously regularised, and 4 with irregular immigrants. Their dates of entry into Italy ranged from 1995 to 2011; most (17) had entered as tourists and overstayed; two had entered illegally; and one applied for political asylum. The age range is from 24 to 50. The migrants selected in the two cities are broadly representative of the different local immigrant community presences with irregular status. In Naples, the community is predominantly East European, Sri Lankan and African; in Milan, the Philippine and South American presence is strong, along with North Africans (mainly Egyptians). The educational level ranges from primary to college degree (4 persons), with 5 interviewees in Naples possessing a technical diploma. Table 5, below, gives a synopsis of the principal variables collected in the course of the interviews.

Of those who had successfully regularised, five participated in the large 2002 regularisation programme, one in the 1996 programme, and three through the 2006 flow decree. Two had applied with fake contracts, and another two had changed their passports to hide previous

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<sup>12</sup> Interview with Gian Carlo Blangiardo, 21 May 2013.

irregular work and apply under a flow decree. All but one of the irregular migrants in Milan had applied unsuccessfully for one or more regularisations (paying up to 4,000 euros for fake contracts) which had been rejected for employer inadequacies. One person, who arrived with a family reunification permit, lost his legal status after 8 years, owing to unemployment. Four people in Milan and one in Naples possessed a long term permit; one had acquired Italian citizenship through marriage.

Perhaps surprisingly, the relationship between employment and legal statuses is weak: of those with legal status, only three were in full-time employment, five were in part-time working arrangements, and four were inactive or unemployed. Contrariwise, of those without legal documentation, four were in full-time employment, two in part-time work, and two were unemployed. Most of the respondents were working in the services sector as domestic workers or

Table 5: synopsis of interview results

Interview code	Location	gender	citizenship	age	annual year	legal status	permit expiry	permit history	application date(s)	irregularities in process?	periods of irregular stay?	family status	spouse	children (if/other)	education (years)	employment sector	employment (FR/MS)	employment history	pay details	effects of regularization?	Reason for choosing IT
IT-2-9	Milan	M	Bangladesh	28	2008	N		application for reg. Rejected owing to inadequate income of employer	2012	paid 4,000 euros to employer for favour	2008-2013	S		8 (incomplete secondary)	services	F	Restaurant worker. Previously cleaning houses			relative in Italy. Tourist visa	
IT-2-9	Milan	F	San Domingo	33	2007	N		applications in 2009 and 2012 annulments	2009-2012	paid 4,000 and 3,000 euros for false contracts, 2009 employer rejected, 2012 employer did not work	2007-2013	D		college degree	care giver	F	4h hours per week, no contract			friends in Italy. Contact in Italian consulate	
IT-2-3	Milan	F	El Salvador	34	2010	N				paid money to individual/fake employers	2010-2013	S		1 (IT reg)	7 (primary)	U	occasional work as caregiver			relative in Italy, lack of visa requirement	
IT-2-2	Milan	M	El Salvador	35	1999	N		applications in 2002 and 2006	2002, 2006	individual/fake employers	1999-2013	S		3 (secondary)	various	P	liber, occasional steno-typist			Preferred destination was UK, but visa for Italy	
IT-1-4*	Milan	F	Senegal	44	2005	Y	2 year permit	since May 2007 from 2006 flow decree	2006	Medical certificate No. records to Senegal to return on work visa	2005-06	M	not in IT	2, other	12 (completed high school)	domestic work	P	domestic, cleaning	hourly pay rate doubled, but with different employer	friends in Italy who arranged employment. Entry on tourist visa	
IT-1-1*	Milan	M	Senegal	46	2001	Y	ECLTP	2002	2002	none	2001	D		2, other	college degree	interpreter	P-S	self-employed, occasional work	more legal and social rights, but no job security	tourist in IT after trip to Vienna	
IT-1-2	Milan	M	Senegal	42	2001	Y	EC-LTP	2003	2002	none	2001-02	M	family permit	2 IT	some college	electrician	F	employee in electrical installation company since 2002, previously odd jobs	major impact on rights, available to Italy for 2002 regularization	original in France, and came to Italy for 2002 regularization	
IT-1-5	Milan	M	Egypt	43	2000	Y	permanent	2002	2002	none	2000-2002	M	not in IT	2, other	completed secondary	I	II with hepatitis C, previously worked in construction company	major impact: healthcare, flat rental and better pay and conditions	Friends in Italy, USA, was preferred choice, but they gave visa for 6 months		
IT-1-4	Milan	M	Marocco	33	2007	Y	permanent	2006	2006	paid 10,000 euros for false contract. Also renewed permit with another false contract	none	M	legal		college degree	services	P+	employee in cleaning company. Previously agricultural work in south, and other activities	relative in Italy. Arrived with work visa	France was destination but came via Italy and stayed. Regular entry	
IT-1-10	Milan	M	Tunisia	39	2003	Y	2 year permit	2007	2006	part 10,000 euros for false contract. Also renewed permit with another false contract	2003-06	M	not in IT	1, other	completed secondary	services	P	part employee in cleaning company. Previously in construction	he earned more in the informal sector	Friends in Naples since 1980, arrived with his father in 2000	
IT-2-2	Naples	M	Berm	32	2008	N		awaiting application decision	2012	false contract, false fee	2008-2013	S			completed secondary	agriculture	P	only seasonal work, picking brinates. Some odd jobs	35 euros a week, 20 hours per week, 1 day, harvest time	relative in Italy	
IT-2-6	Naples	M	St Lanka	32	2000	N		arrived with family permit, left until 2008. Permit given for 6 months to find work, but failed			2008-2013	S			completed secondary	services	U	Now unemployed. Employed in wine shop in 2002, but quit in 2006 after physical injury from road accident while working. Informal employment as caregiver in 2007, but two employers called after months. Unemployed since 2008	Mother in Naples since 1980, arrived with his father in 2000		
IT-2-7	Naples	M	Ukraine	50	2008	N					2008-2013	M	not in IT	1, other	college degree	construction	F-S	Currently works independently in home maintenance (tilt) 2011 worked for a construction company	Friends in Naples. Arrived with Schengen tourist visa		
IT-2-8	Naples	F	Russia	48	2011	N					2011-2013	S			technical diploma	care giver	F	did not work for client, led one regularisation application was finalized. Currently jobs after his widow, but with difficult conditions and pay.	replacement for caregiver, arrived on tourist visa		
IT-1-10	Naples	F	Ukraine	49	2005	Y	2 year permit	2008 under 2007 flow decree. Expects to get permanent residence this year	2007	replaced passport to his regular work experience	2006-2007	M	not in IT	2, other	diploma	care giver	RU	currently unemployed in order to take holidays	legal rights, slightly better pay	Friends and address in Italy. Arrived on tourist visa	
IT-1-9	Naples	F	Ukraine	46	2005	Y	2 year permit	2009 under 2007 flow decree		false replaced passport to his regular work experience	2006-08	M	legal		diploma	household/handy	F	Domestic work plus additional informal caregiver	positive, another income allows for rentances	intention of becoming regularised worker. Arrived on tourist visa	
IT-1-5	Naples	M	Ukraine	37	1999	Y	permanent	2002 programme	2002		1999-2002	S			diploma	services	F	currently labourer for an advertising agency (also some informal work). Regularised when working as a typewriter. Succeeded in working as a caregiver and then labourer	legal status, higher pay, medical benefits	relative arranged work in a travelling group. Arrived on tourist visa	
IT-1-4	Naples	M	St Lanka	35	2001	Y	2 year permit	3 month political asylum permit in 2001, 2005 and another asylum permit, renewed 4 times, 2006 granted residence permit 2 years			2002-04	MS+C	Legal	1, other, 1 IT legal	incomplete secondary	U	cleaning company was last employer - now bankrupt and did not pay his wages. Previously various unskilled jobs. Continuing researcher	doubling of pay	Friends in Italy. Left wife and baby in Sri Lanka. Applied for political asylum		
IT-1-3	Naples	M	Senegal, Italy	40	2001	Y	citizen	family permit (change to Italian), 2005 self-employed permit, 2002 fake contract in Naples, but was working without contract in Milan	2002	fake contract, paid half costs	2001-2002	MS	Italian	1, Italy	diploma	services	U	2013 odd jobs as cultural mediator (problems with contract employment). Previous contracts as care-giver, but under not actually worked as such. Plans for travel agency, arranging tourism in Senegal	travel across Europe on business, decided to overstay in Naples		
IT-1-1*	Naples	M	St Lanka	47	1995	Y	2 year permit	regularisation in 1998, 2 year permits since. Has not applied for long-term permit because of low income	1996	No. But proposed irregularity for long-term permit with fee of 1500 euros	1995	M	legal TCN	2, other but with Italian res. Permits	completed high school	services	P	Doorman, 20 hours, informal work as cleaner in addition. Was regularised as care-giver but changed to doorman soon after	too low for long term permit. very insecure (and has to renew permit every 2 years)	He mother settled in Naples in '95. Illegal entry	

cleaners (4), caregivers (3) or restaurant workers (1); three were employed in building and construction (of which two were undocumented) and one each in seasonal agriculture, interpreting services and casual labour for an advertising agency. Several of those with legal status but poorly paid part-time employment were doing additional informal work to supplement their income.

The effects of regularisation were generally reported as positive: two people reported a doubling of their pay rates, whereas six considered the financial gain to be slight and the access to healthcare and a secure legal status to be more important. Two respondents considered that the impact was negligible, and little security is afforded by 2-year residence permits that have to be renewed.

The reasons for coming to Italy were predominantly friends or relatives resident there (12 people), of which two Sri Lankans' mothers had been resident in Naples for several decades. Two people came specifically to benefit from regularisation programmes (2002 and 2009), two decided spontaneously as tourists to remain in Italy as overstayers, two had informal employment arranged in advance, one had France as his destination but decided to stay in Milan, and one applied for political asylum.

### ***Individual case studies***

#### **Case IT-1-5 Milan**

A male Egyptian national aged 43 with a permanent residence permit, currently labour market inactive through illness (hepatitis). Highest educational level is high school; he has limited ability in the Italian language. He has resided in Egypt since 2000, and has a wife and four children in Egypt. In June 2013 he was granted the right of family reunification and his wife and children should be joining him in Italy in late 2013.

On arrival in Italy in 2000, for four months he was without work. With the help of an Egyptian friend, he found work without legal contract in a construction company. He applied under the 2002 amnesty, with the assistance of the company that employed him (they filled in all the forms in Italian, as he could not write or speak Italian). After 4 months, he was granted a 2-year residence permit and retained his job (at a higher salary) in the same company. In 2008 he obtained a permanent residence permit. In 2010 the company went bankrupt and he has been unemployed since.

His perception of regularisation is that it was a simple process and very important for avoiding the exploitation of immigrant workers and for access to medical care. He is very grateful for medical coverage, since he is now an invalid with hepatitis C, awaiting a liver transplant. He receives 250 euros a month from the INPS and another 250 euros from his family in Egypt. He is living off the savings he made over the last decade. When he recovers from his illness, he intends to return to the labour market.

#### Case IT-1-10 Milan

A male Tunisian national aged 39, with a 2-year permit, resident since 2003. Educational level: completed secondary. He has a wife and a 3-year old child living in Tunisia.

He arrived as an illegal entrant (by boat) in 2003, intending to travel to France. Instead, friends in Italy found work for him as a bricklayer, for 10 hours a week. He worked for the same company until 2006. When the 2006 decree law was passed, he applied with a fake contract and employer – paying 10,000 euros for this service. In late 2007 he was granted a 2-year permit. Seemingly, he continued to work (presumably now documented) for the construction company and was able to renew his permit in 2009. In 2011 the company went bankrupt, and he was unemployed June-December 2011. He was unable to renew his residence permit in late 2011, so he made a fake employment contract for this purpose, paying 3,000 euros. In 2012, he found a part-time job (20 hours a week) in a cleaning company; his financial situation is not good, because he is paid only 5 euros an hour (400 euros a month). However, he is happy with his colleagues and employer.

He has been able to repay debts in Tunisia and send remittances to his family, with the previous employment. Currently, he is looking for a job with better pay.

#### Case IT-2-6 Naples

A male Sri Lankan aged 32, legally resident for the period 2000-2008 but now irregular. Educational level: secondary education until 16. Good command of both Italian and the Neapolitan dialect. He is currently unemployed and single.

Aged 18, he arrived in Italy in 2000 with his father, to join his mother who had been living in Naples since 1980. He had in advance a work contract arranged by his mother, and received a 2-year residence permit. (Presumably this was a fake contract). He found work in a vintage wine store, for the first two years without contract and then for 4 years with one. His pay was 800 euros a month. In 2006 he had a serious traffic accident while delivering goods (his motorcycle fell under a car) and damaged his knee. He was no longer able to

carry heavy weights, and had to quit his employment, receiving 2,000 euros in redundancy pay.

In 2007, he found informal work as a carer for the elderly; his employer died after 6 months. He undertook another caring job, but the old man died after only 4 months. He then registered as unemployed and received a residence permit for 6 months, allowing job-search. The permit expired in 2008 and he has found only informal odd jobs. He explains that he could not apply for the 2012 regularisation because he could not afford the cost – 1,000 euro fee plus social insurance contributions. Both his parents returned to Sri Lanka; neither has any pension, and they live off some savings accrued during their decades in Italy. He wishes to remain in Italy (specifically Naples, because of greater police tolerance of *sans papiers*), despite a bad situation with occasional informal employment and no healthcare coverage. He currently shares a small apartment with two Sri Lankan friends, one of whom is also unemployed.

#### Case IT-1-9 Naples

A female Ukrainian national aged 46, with a 2-year permit, resident since 2005. Educational level: nursing diploma. Cohabiting/married with TCN legal partner.

She arrived with a 10-day tourist visa in 2005 with advance information about irregular employment opportunities through social networks, and with the intention of staying only a few years. She had previously worked as a nurse in a Russian hospital. One day after arrival, she started working as a live-in carer for an elderly lady, who needed much assistance. Despite a strong emotional bond with the old lady, she quit the job in 2007 as the family refused to regularise her employment. She immediately found employment as a domestic and nanny for a family, which allowed her to live out; she remains working for this family today.

She had been following the legal situation and taking advice from knowledgeable persons, including immigrant support agencies, about the possibilities for regularisation. She managed to persuade her reluctant employer to give her a regular contract, and utilized the provisions of the 2009 flux decree law to be recruited from Russia. She was assisted by the 'Felice di Napoli' agency which helped her with the forms and procedure and also with release of a new passport when she returned to Russia. (For reasons that are not clear, she and other Ukrainians typically request replacement passports when regularising – in this case, twice.) With a year's delay, in 2010 she obtained a 2-year residence permit valid for

work, and was able to renew it in 2012. She continues working for the same family for 36 hours a week.

Since 2007, she has cohabited with a 50 year old Ukrainian man; he regularised under the 2009 law in the same way, with her assistance and that of her employer. They were scheduled to be married in Ukraine in August 2013, and have plans to return there permanently within a few years.

## **4. Conclusions**

The difficulties of surveying immigrants – both regular and irregular – in the Italian labour market have largely been solved by previous researchers associated with ISMU. The selection of the two cities of Milan and Naples is ideal: the former is the largest locus of immigrants in Italy, mainly for economic reasons; Naples is appropriate, as the locus of rather different immigrant groups with a difficult labour market relationship – primarily in the informal economy. The selection of appropriate interviewees for our feasibility study reflects the different characteristics of immigrants in these two urban centres. Extrapolating from these two regions to the whole of Italy is not an easy task – but again, our partner ISMU has been a pioneer, in collaboration with state statistical agencies and others, in managing such a feat.

One of the difficulties in constructing any sort of longitudinal survey is the very high mobility of migrants in Italy – particularly after being regularised. This mobility is primarily South to North, and is a large part of the explanation for the small immigrant communities in the South and the large presence in the North. This internal migration has been studied in some depth, and is even present in state demographic statistical calculations.

The declining rate of irregularity in Italy (along with its mirror, of increasing legal security of the immigrant population) presents a challenge for constructing a counterfactual. The probability is that there is not a large enough community of always-irregular to use as a control group: even if they can be located, their characteristics are unlikely to be suitable. In particular, their duration of residence is typically very short and they tend to move abroad or return to their country of origin at times of crisis.

Finally, as in all of the countries of the European South, economic conditions have had a terrible impact on labour markets. The most dramatic effect in Italy has been on the native population's employment (or unemployment) levels; in the case of immigrants, the impact has been rather different. Restructured labour markets have recently favoured part-time, low-skill and low-pay work; this is where immigrants have been located traditionally, and their employment rates have benefited greatly from the crisis. On the other hand, incomes have been cut as hours and therefore remuneration have been reduced. Equally, there seems to be an increasingly common pattern of mixing informal and formal employment, to maximise household income. These trends are of great importance, and affect not only immigrants. The research design has to accommodate the sheer complexity of highly segmented labour markets in both crisis and flux.

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