



**The Regularisation of Unauthorized Migrants:
Literature Survey and Country Case Studies**

Regularisation programmes in Italy

Amanda Levinson

Centre on Migration, Policy and Society, University of Oxford

2005

IV. Regularisation Programmes in Italy

Background

Like many of its Mediterranean neighbours, Italy's migration history has been primarily as a sender of migrants, especially to the U.S. during the late 19th and early 20th centuries. In the late 1980s, that pattern shifted seemingly overnight as Italy became a migrant-receiving country for several reasons. Its geographical location makes it a transit and destination country for migrants fleeing political and economic crises in the region. In addition, economic migrants have been increasingly attracted to the growth of certain sectors in Italy's economy, even if those jobs are informal. The demographic decline and low fertility rate in Italy has also fuelled the country's need for foreign labour. 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. Between 1986 and 2002, the country has legalized over 1.5 million migrants out of a total population of 56-57 million, a number surpassed only by the United States. This is particularly extraordinary given that, with the exception of far-left parties and some migrants' rights NGOs, Italy's main political parties are opposed to regularisation programmes (Chaloff 2003).

Legal channels for economic immigration into Italy

Admission into Italy for economic purposes is allowed when there is a specific labour demand—determined through an "economic needs test," or in the case of self-employed people, when an applicant can demonstrate that he/she has "sufficient resources." In 2000, Italy reported 272,000 legal admissions, while in 1998 the number was 111,000.

- **Work permit system:** A quota system is in place to limit the number of legal entries. These permits are issued for periods of nine months (seasonal work), one year (short-term contract work) and two years (unlimited contract work or self-employment). Renewals can be made for up to 6 years (Chaloff 2003).
- **Long-term residence cards:** these are issued if a foreigner has been in the country legally for 6 years (with any type of permit) and has a clean criminal record. This card permits a visa exemption for entry and exit and allows any type of work or study.

Demographic context and irregular migration

The number of sending countries is diverse, large and constantly changing. The majority of the 272,000 legal admissions in 2000 were from Albania, Morocco, Romania, China and the Philippines. According to the Migration Policy Institute, legal migrants make up less than 5 percent of the total population of foreigners (Okoth 2003). In terms of deportations, according to SOPEMI (2003), 130,000 people were expelled in 2000, and in 2001 the number was 133,600.

Many unauthorized migrants enter the country along Italy's coastline, brought by traffickers who have made the transportation of migrants into Italy a very lucrative business (Reyneri 2001). Until the 1998 immigration law was enacted, deportation orders were rarely carried out, so many migrants who had entered the country illegally were able to stay on without detection by authorities. Visa overstayers, particularly those who were allowed into the country under domestic worker schemes, are also thought to be numerous.

Table 7: Italy: Estimated Foreign-born population, 1986-2000

Year	Est. undocumented population	Total foreign population	Total overall population	Foreign pop. as % of total pop.
1986	212,000	450,200	56.5 million	0.7
1991	236,000	863,000	56.7 million	1.5
1996	250,000	1.1 million	57.3 million	1.9
2001	unknown	1.3 million	57.5 million	2.2

Source: Reyneri (2001), SOPEMI (2003), UN Population Division

Regularisation Programmes

Italy is in a complicated position *vis-à-vis* its immigration policy. On the one hand, it is faced with the reality of a rapidly aging population, and it needs immigration to sustain certain key sectors of its economy. On the other hand, public opinion is hostile towards increased immigration, since immigrants play a highly visible role in the informal economy. As a result, migrants face repression and discrimination (Reyneri 1998). Scholar Feruccio Pastore (2004) calls this attitude "schizophrenic" in nature. Thus, according to Chaloff (2003), each regularisation programme in Italy has succeeded only by justifying itself as a corrective mechanism for the failures of the previous one and by promising that it would be the last. The fact that there have been so many regularisations is an indication of the parliamentary support of the economic role that migrants play in the informal economy, and the need to regulate that role so that the State may fiscally benefit from taxes.

1986

In 1986 Italy enacted their first large-scale regularisation programme for unauthorized migrants, regularizing 118,000 workers over three months. This programme required migrants to have an employer sponsor, and to have been in Italy prior to January 27, 1987. The programme ran until September 30, 1988, and has been criticized 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 (Veikou and Triandafyllidou 2000). The low turnout of applicants may also be as a result of the limited publicity campaign associated with the programme.

1990

The 1990 Martelli Law formally recognized equal status of foreigners with Italians, restricted the conditions for entry into the country, and established a new regularisation programme. As an attempt to try to force workers out of the underground economy, this programme was geared towards workers and students who had been living in Italy prior to December 31 1989, and, thanks to a better publicity campaign, regularized 235,000 people. The majority of them (180,000) were regularized as job seekers, rather than as migrants with existing employment.

1995

A government decree regularized 238,000 foreign workers out of 256,000 applications between 1995-1996. 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 security (Reyneri 2001).

1998

In 1998 Italy made its first real attempt at defining and implementing a coherent immigration policy, with a yearly quota of people authorized to work in Italy. The 1998 Immigration Act provided an outline of immigration policy as being composed of three pillars: integration of migrants, quotas, and the restriction of undocumented immigration. It also contained an analysis of the need for sustained immigration to offset the rapidly aging population (Chaloff 2003). A series of decrees followed in which the government regularized groups of unauthorized immigrants who had been present on Italian soil prior to March 27 1998, had housing, and whose employers paid taxes on their wages. The deadline for this programme was December 31, 1998. 308,323 applications were submitted to this programme, and 193,200 were issued. The processing of applications during this programme took a very long time—up to one year after they were submitted (Reyneri 2001)

2002

The Bossi-Fini Law of 2002 amends the 1998 law and establishes a regularisation programme for unauthorized migrants. Some of the most important changes include immigrant quotas, immigrant-employer contracts, and increased deportations. While most parties had declared their opposition to another legalization campaign, the implementation of this programme succeeded because it was framed as "humanitarian" in its regularisation of migrant caretakers who look after Italian children and the elderly (Chaloff 2003). The programme ran for two months, from September 11 2002 to November 11 2002, and received 700,000 applications. Of those, 341,100 were domestic workers and 361,000 were other wage earners (SOPEMI 2003). To apply, a migrant had to provide documentation of three months of pension contributions and show proof of continued employment. In November 2003, when the process ended, 634,728 people had been regularized. Those who held work contracts received a one-year permit to stay. If a worker lost his job during that time, he/she would be allowed up to six months to look for another one (IHF 2003).

Table 8: Numbers of Migrants Regularized in Italy, 1986-2002

Year	Number of applicants	Number regularized
1986-1987	Not known	118,700
1990	Not known	235,000
1995-96	256,000	238,000
1998-99	308,000	193,200
2002	700,000	634,700

Source: Reyneri (2001), IHF (2003)

Analysis of programmes

It is impossible to know the final number of immigrants benefiting from the regularisation programmes in Italy over the past 15 years. According to the OECD (2000), unauthorized migration in Italy is a largely endogenous phenomenon because many immigrants who may have obtained legal status during previous campaigns slipped back into irregular status. In addition, the continual growth of the informal economy and the resistance of many employers to providing

proof of employment to their workers ensure that a large number of migrants will remain irregular. As a result, it is estimated that between 1991-1994, over 300,000 foreigners were unable to renew their status.

Although all the programmes were intended in part to control Italy's burgeoning informal economy by bringing irregular migrants out of the shadows, in reality, the difficulty of obtaining an employment contract may have led migrants to falsify their applications (Reyneri 2001). According to a study by Reyneri (2004), many regularized migrants will return to the underground economy after their permits expire, hoping for another amnesty. In addition, it is estimated that in the three amnesties between 1990 and 1998, between 5 and 10 per cent of applicants had already received a prior amnesty, but became irregular again when their documents expired.

There is also the issue of tying the validity of a permit to employment, which has been criticized as giving the employer, rather than the State, the upper hand in deciding whether an immigrant can remain in the country (Miraglia 2002). This creates a certain kind of precariousness between immigrant and employer, and considerably weakens the position of the immigrant within the workplace.

References

- Apap, Joanna, Philippe de Bruycker and Catherine Schmitter. 2000. *Regularisations of Illegal Aliens in the European Union: Summary Report of a Comparative Study*. Brussels: Bruylant Publishers.
- Chaloff, Jonathan. 2003. *EU and US Approaches to Migration Management: Italy* [online]. Brussels: Migration Policy Group. www.migpolgroup.org
- Hamilton, Kimberly. May 2002. *Italy's Southern Exposure*. Migration Information Source [online]. Washington, D.C.: Migration Policy Institute. www.migrationinformation.org
- International Helsinki Federation for Human Rights. 2003. *Focus on Italy* [online]. www.ihfhr.org/viewbinary/viewdocument.php?download=1&doc_id=5444
- Miraglia, Filippo. 2002. *New Law on Immigration in Italy*. [online]: www.noracism.org/news01.htm
- OECD Secretariat. 2000. Some Lessons from Recent Regularisation Programmes. In *Combating the Illegal Employment of Foreign Workers*, 53-70 [online]. Paris: OECD: www.oecd.org
- Okoth, Kenneth. November 2003. *Undocumented Migration Haunts Italy's Ruling Coalition*. Migration Information Source [online]. Washington, D.C.: Migration Policy Institute: www.migrationinformation.org
- Pastore, Ferruccio. February 2004. *Italy's Migration Contradiction*. Open Democracy Online [online]: www.opendemocracy.net
- Piperno, Flavia. May 2002. *From Albania to Italy: Formation and Basic Features of a Binational Migration System*. Rome: CeSPI.
- Reyneri, Emilio. 2003. *Illegal Immigration and the Underground Economy*. National Europe Paper no. 68 [online]. Paper presented at conference "Challenges of Immigration and Integration in the European Union and Australia": www.anu.edu.au/NEC/reyneri.pdf
- Reyneri, Emilio. 2004. *Immigrants in a Segmented and often Undeclared Labour Market*. *Journal of Modern Italian Studies*, vol. 9 no. 1: 71-93.
- Reyneri, Emilio. 1998. *Mass Legalization of Migrants in Italy: Permanent or Temporary Emergence from the Underground Economy?* *South European Society and Politics*.
- Reyneri, Emilio. 2001. *Migrants' Involvement in Irregular Employment in the Mediterranean Countries of the European Union* [online]. Geneva: International Labour Organization. www.ilo.org/public/english/protection/migrant/download/imp/imp41.pdf

- SOPEMI. 1999. *Trends in International Migration*. Paris: OECD.
- SOPEMI. 2003. *Trends in International Migration 2002*. Paris: OECD.
- United Nations Population Division. *World Population Prospects: the 2002 Revision Population Database* [online]. <http://esa.un.org/unpp/p2k0data.asp>
- Veikou, Mariangela and Anna Triandafyllidou. 2000. *Immigration Policy and its Implementation in Italy: A Report on the State of the Art* [online]. European University Institute.: www.mmo.gr/pdf/library/Italy/trianda