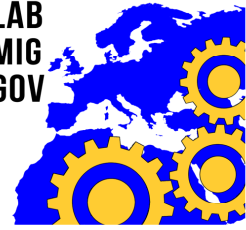


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**“Which labour migration governance for a more dynamic and inclusive Europe?”**

**Labour migration governance in  
contemporary Europe.  
The case of Italy**

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## 1. INTRODUCTION

The number of foreigners legally living in Italy has almost tripled in the last decade, and doubled over the last five years only. Such high growth rates over such a short period have probably no equivalents in Europe, but for the case of Spain. This remarkable trend has continued quite steadily during the last three years, despite the economic crisis: the economic recession has not prevented people from migrating to Italy. Throughout 2009 and 2010, inflows have only slightly decreased with respect to 2008 and continued to outweigh outflows very substantially. The positive net migration both in 2009 and 2010 has kept the stock of foreign population growing, although to a lesser extent than in 2008.

As already observed in the previous two decades, in the last ten years labour migration has been the driving force of immigration flows towards Italy. Until 2007, employment has been the main reason of entry and stay, with around two thirds of stay permits released for this purpose. The crisis has strongly reduced the weight of labour migration over total flows and stocks, but it has not undermined its leading position. Overall, Italy has been one of the main labour importers in Europe during the last decade. In this period, migrant workers have given substantial contributions to Italian economy and society and labour migration has concurred in tackling serious demographic and labour market challenges. On the one hand, since the early 2000s the positive migratory balance has been the main factor determining the overall population growth, being the native population in constant decline in absolute terms (INPS, 2007). On the other hand, migrant workers have helped to substantially reduce existing labour shortages particularly in low and medium skilled occupations, increasingly deserted by native workers. Most studies conducted over the past years have underlined the complementary, rather than competitive, role of migrant workers with respect to natives: the employment of immigrants in low-skilled activities has substantially sustained natives' employment (European Commission, 2008).

However, most labour migrants have accessed Italy through the back door of irregular entry and stay and subsequently legalized their status by means of ad hoc regularization campaigns or a misuse of the official quota system. The lack of an effective regulatory framework of labour migration until the late 1990s has created the conditions for the recurrent implementation of massive regularizations. But the enforcement of comprehensive migration policies since 1998 has not substantially reduced the need of adopting regularizations as a primary tool for labour migration management: two regularization campaigns have been enforced in 2002 and 2009, jointly involving around one million foreign workers in Italy.

Nevertheless, the observation of substantial shortcomings in the current regulatory framework and of its consequent high degree of ineffectiveness has not stimulated a high-level public debate on how to improve it. Although the public opinion seemed to acknowledge the important contribution of labour migration to solve labour market problems, immigration has nevertheless been one of the most heated issues in public and political debate over the past years. Undergoing a strong politicization, immigration has been increasingly framed as a public security issue since the early 1990s and it has been largely exploited for electoral purposes. Public and political debate on immigration has been therefore mostly focused on how to

adequately fight irregular migration, commonly (and somehow wrongly) identified with boat people landing in *Lampedusa* island and other southern shores.

This report aims at providing an in-depth description and a critical assessment of labour migration governance in Italy throughout the last decade. In particular, special attention will be devoted to the management and implementation of the quota system as the main legal entry channel to Italy for employment purposes. Besides, labour migration policies *stricto sensu* will be related to other policies managing what we can define as *functional equivalents* to labour migration, namely all those migratory flows not officially admitted for employment reasons but still representing a potential and significant source of labour (Pastore, 2010).

Data and information used here have been collected both through fieldwork research and secondary sources analysis. Fifteen semi-structured interviews have been carried out with important stakeholders at national and regional or local level in the period between July and December 2011. In particular three top officials of the Ministry of Interior and of Ministry of Labour responsible for immigration management have been interviewed, as well as three representatives of the main Italian trade unions (CGIL and UIL), one top official of the Emilia-Romagna region, one research officer of the Regional Agency for Labour of the Veneto Region (Veneto Lavoro) and one civil servant responsible for the management of the local Immigration Single Desk in Turin. Two national representatives of employers' organizations (Confindustria and Confartigianato) were contacted for an interview but the attempts were in both cases unsuccessful. However, in order to overcome this important bias in our fieldwork, six representatives of employers' organizations were interviewed at the local level in Turin. All interviews but two were carried out face-to-face and recorded.

In addition to individual interviews with involved stakeholders, FIERI has organized two thematic discussion forums. The first was carried out in Rome, on 9 December 2010 and was focused on discussing "Which labour immigration for future Italy? Strategic choices and technical options".<sup>1</sup> The second one was organized in Turin on 14 October 2011 and titled "Immigration without growth? Research evidence and new challenges for local institutions" and was focused on the impact of the economic crisis on future scenarios for labour migration in Italy.<sup>2</sup>

The first section of this report outlines the evolution of the public debate on labour migration in the last decades, with a special attention granted to the most recent years. In section II the institutional and regulatory framework of labour migration in Italy is described and assessed. Section III looks at the role of irregular migration, intra-EU mobility and non-economic migration as functional equivalents to labour migration and at the policies managing these phenomena.

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<sup>1</sup> For more details see: [http://www.neodemos.it/index.php?file=oneneeds&form\\_id\\_notizia=465](http://www.neodemos.it/index.php?file=oneneeds&form_id_notizia=465)

<sup>2</sup> For more details see [http://www.fieri.it/immigrazione\\_senza\\_crescita\\_risultati\\_di\\_ricerca\\_e\\_sfide\\_per\\_la\\_societa\\_e\\_le\\_istituzioni\\_locali.php](http://www.fieri.it/immigrazione_senza_crescita_risultati_di_ricerca_e_sfide_per_la_societa_e_le_istituzioni_locali.php)

## **2. FRAMING THE DEBATE ON LABOUR MIGRATION IN ITALY: A PARADOXICALLY LOW-KEY DEBATE**

If the structural need of foreign workers is generally acknowledged and almost not discussed by most relevant actors, the admission mechanisms or the rights to be granted to them are much more debated. However, the crucial question “which labour migration for a more dynamic and inclusive Italy?” is barely asked and generally not answered in the Italian public debate. Immigration in general and labour migration in particular is seen more as a phenomenon that the country has to cope with, which can only partially be steered and managed, rather than as an important resource for economic dynamism and an opportunity for growth and innovation. The idea of “useful immigration” is still considered a taboo by many stakeholders in the debate, and this entails a lack of discussion both on the needs, in terms of quantity and quality of immigration, and on the actual policies that could better manage the phenomenon.

### **2.1 The emergence of a debate on labour migration**

A relevant public debate over labour migration in Italy has emerged since the mid-1980s, when the presence of a relatively small but increasing foreign workforce became a visible phenomenon. Beside the presence of small groups of students and political refugees, the first waves of immigration in these initial phases mainly involved foreign workers attracted to Italy by emerging labour market opportunities in sectors and occupations gradually deserted by Italian workers. This was the case of domestic workers from Eritrea or Cape Verde, of Tunisian fishermen in Sicily and industrial or construction workers from Egypt, Morocco or Ghana. The previous three decades of impetuous economic growth had deeply and definitively transformed the Italian society: women were increasingly active in the labour market, the massive inclusion of post-war cohorts in the education system (and in particular in tertiary education) led to deep changes in labour market behaviour of the young generations, less and less available to perform manual or unskilled jobs with a low social status and poor working conditions or to internally migrate in search for employment.

The first signals of an emerging debate appeared at the end of the 1970s, when some attention was devoted by economists and by media to the increasing presence of foreign workers in the Italian labour market (Einaudi 2007). Civil society groups, particularly those linked to the Catholic church, and trade unions started to draw the attention of political actors and ministerial bureaucrats towards the necessity to develop a regulatory framework for the protection of the rights of immigrants and the regularization of irregular foreign workers. However, the attention by political actors to labour migration issues remained at an overall low level until the end of the 1980s and the public and political discourse was mainly framed in terms of protection of foreigners as victims of exploitation rather than in terms of needs of the Italian economy for additional workforce. This general attitude reflected the persistence of the self-representation as a country of emigrants: focusing on the protection of rights of migrant workers in Italy, was a natural reaction for a country that was still dealing with the defence of its own workers living abroad. Besides, the

presence of important skills and labour mismatch was not strongly debated yet as the demographic challenges and deep economic transformation still had to show their extent and importance. Nevertheless, according to Sciortino and Colombo, the victimization of foreign workers implicitly reflected a “narrative that was highly negative towards the migrant process. (...) Immigrants, in other words, came to be seen as an indication of the problem, not the solution. The reporting of the conditions of these immigrants is implicitly connected to the problem of how to avoid further immigration” (2004: 100).

## **2.2 Immigration at the forefront of political debate**

Gradually, the terms of the debate on immigration in general, and on labour migration in particular, radically changed. During the 1990s, the steady growth of inflows and the increasing visibility of immigrants themselves, raised the public attention on immigration issues and were accompanied by the appearance of the first important phenomena of intolerance and racism. New waves of immigrants arrived in Italy, in the context of radical transformations of both the domestic and international landscapes. The collapse of the Soviet bloc led to growing movements of people from Eastern Europe to Italy, sometimes in a particularly dramatic way, as in the case of massive landings from Albania in the summer of 1991. The final phases of the demographic transition started to show their effects on the labor market in terms of absolute and relative labour shortages as well as of population ageing and the consequent increasing needs for care services. Increasingly diverse inflows of migrants were attracted by the economic recovery that followed the 1992 currency crisis, by the opportunities offered by a labor market highly segmented along ethnic and gender lines, and by an oversized underground economy, where undocumented workers could easily find employment.

Thus, immigration came at the forefront of public debate and, consequently, it went through a process of strong politicization: the management of immigration became an increasingly hot topic splitting the political field into pro- and anti-immigration factions and moving large portions of the electorate: some political movements, particularly the Northern League, adopted explicit anti-immigrant positions as one of their electoral programs’ strong points, while in contrast leftist parties maintained a more open approach and acted as lobbyist for migrants’ rights. Issues of public security and criminality, especially at the local and neighborhood level, and their linkages with irregular migration have been gradually prioritized in public and political debate, moving the focus from the protection of foreign workers to the management of new inflows, particularly the contrast to clandestine and irregular entry and stay in the country. Extensive media coverage of crimes committed by foreigners, often in an irregular condition, has showed a booming trend during all over the decade whereas news items regarding immigrants’ participation in the labour market and more generally in the Italian economy practically disappeared (Sciortino & Colombo 2004; Gariglio, Pogliano et al. 2010). This is even more striking if one considers that in the same period immigration was increasingly becoming a structural element of Italian economy and society, contradicting the opinion of those who considered immigrants simply as “birds of passage”, coming to Italy just in order to move towards other European destinations or to temporarily escape wars and political crisis in their homelands (Ambrosini, 1999).



Indeed, over that period, the fundamental contribution that migrant workers bring to the Italian economy and labor market became clearly visible and widely accepted. Research carried out in those years showed that foreign workers played a complementary rather than competitive role with respect to Italian workers (Frey, Livraghi et al. 1996; Gavosto, Venturini et al. 1999). Beside academic research, anecdotic evidence showed that immigrants were mostly carrying out those jobs that Italian were no longer available to take. This idea gradually became rooted in the public opinion which showed a high level of acceptance of foreign labour, while at the same time expressing strong concerns for deviance phenomena related to immigration<sup>3</sup> (Zincone, 2000).

At the half of the 1990s then, the existence of important labour shortages, increasingly tackled through immigration, was a well acknowledged phenomenon. The apparently contradictory coexistence of labour migration and high unemployment was explained by structural features of the national labour market, highly segmented and characterized by a vast underground economy (Reyneri 2004). Moreover, the extent and significance of demographic challenges started to be discussed in the public and political debate especially as an argument supporting the adoption of more open and effective labour migration policies. Important concerns were raised by demographers and other researchers about the substantial and durable impact of low fertility and population ageing on the labour market: the total resident population aged between 20 and 59 was forecasted to decrease by 10% in the period 1997-2017 without additional inflows of foreign population, while the younger cohorts (aged between 20 and 39) were forecasted to decrease by 34% (Golini, Simoni et al. 1995). The steady growth of older cohorts, on the other hand, would have determined a consistent increase in the demand for care and personal services, largely provided by immigrants and especially migrant women.

Nevertheless, the labour migration policies by then adopted had proved to be largely ineffective and the legal entry for working purposes in Italy was yet an hardly feasible option. For a long time, thus, the main entry channel into Italy and the Italian labor market passed through the streets of irregularity. Most of the foreign workers living in Italy until the late '90s had experienced long or short periods of irregularity and had stabilized their legal status only after one of the frequent regularization programs adopted (Carfagna 2002).

Thus, at the half of the decade the need to finally put together a comprehensive regulatory framework on migration became a crucial issue in the political debate: the main explicitly identified challenge was that of creating effective mechanism of control of irregular and clandestine migration while at the same time offering legal avenues for labour migration. Beside domestic concerns about the need to effectively tackle undocumented migration and its consequences on public order, underground economy and voters' decisions, important pressures for a significant reform of immigration law and management had an external origin. In particular, the entry into force and the full implementation of the Schengen Treaty in 1997<sup>4</sup>, made the enforcement of effective border management mechanisms an inescapable priority in order to turn Italy into a reliable partner, no longer considered Europe's "soft underbelly" (Pastore, Monzini et al. 2006; Einaudi 2007).

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<sup>3</sup> The results of an opinion poll commissioned by the Integration Policies Commission (created in 1999) seems to prove the weakness of labour market tensions between nationals and foreigners in that period: around 62% of the respondents disagreed with the idea that foreign workers compete with domestic workers on the labour market.

<sup>4</sup> Signed by Italy in 1990.

Therefore, the in-depth reform of the immigration law became a major priority of the government that came out of the 1996 elections, ruled by M. Romano Prodi with the support of a center-left political majority. The law-making process lasted around two years and the final text was definitively adopted on February 1998 after a long and intense debate within and outside the Parliament and the involvement of a great number of stakeholders<sup>5</sup>. The new law was based on three main pillars: a) the struggle against undocumented migration through a variety of tools among which a reinforcement of internal and border controls, the establishment of detention centers, sanctions against undocumented migrants themselves (basically a stronger enforcement of expulsion decisions), traffickers and employers and the cooperation with sending countries; b) the planning of new inflows for working purposes (employment, self-employment and seasonal work) through the adoption of annual quotas of new entries on the basis of the estimated needs of the economy and the “absorption capacity” of local territories; c) the enhancement of integration process with the acknowledgement of civil and social rights on the basis of the principle of equality of treatment, and the attribution of important competences to local authorities in the field of integration policies.

## **2.3 The debate on labour migration in the last decade**

During the last decade the public debate on international migration, and labour migration in particular, has gradually and somehow paradoxically (as we will explain in greater details) weakened and issues related to the specific policies managing labour migration flows have little by little lost prominence. However, it is important to highlight some differences between the first half of the decade, when significant innovations were introduced in the legislation, and the second half, strongly marked by the impact of the economic global crisis.

### ***2.3.1 The Bossi-Fini law and the great regularization: 2001-2006***

The first part of the decade 2001-2010 was marked by the return into office of the centre-right coalition lead by M. Silvio Berlusconi, of which the anti-immigration Northern League party was a strong and crucial ally. The long electoral campaign was marked by the prominence given to immigration issues and by the particular perspective adopted: the media coverage of public order and criminality problems affecting cities and neighbourhoods with a high presence of immigrants helped the centre-right coalition to focus the public debate on these issues and to frame the public discourse on migration as a public security issue. Besides, the increase in the

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<sup>5</sup> The approval of the new legislation was the outcome of a long process of consultation with the parliamentary forces, regional and local governments and many civil society actors, especially trade unions and associations active in supporting immigrant communities. The contribution of the latter in particular was crucial in introducing protective guarantees for irregular immigrants subject to repatriation measures, as well as opening up spaces for flexible admission mechanisms for work, namely the possibility of entry for job search (Zincone, 2011). The employers' organizations have instead kept a low profile during the process of elaboration and adoption of the law. The parliamentary opposition, and in particular the Northern League, opposed a strong criticism to the new rules, deemed too soft with irregular immigrants.

frequency and number of landings of boats carrying clandestine immigrants allowed the new political majority to blame the 1998 Turco-Napolitano law for the ineffectiveness of control policies. The reform of the Turco-Napolitano law, inspired by a strong opposition to irregular migration and to new immigration in general, became then one of the key points of the electoral program.

In fact, one of the first acts adopted by the new government elected in the Spring 2001 was a new law (No. 189 of 2002, also known as “Bossi-Fini” after the two main political proponents) introducing significant, although not structural, changes in the Consolidated Act on Immigration of 1998. Overall, the general approach that inspired this new law was aimed at making the mechanisms of control and repression of irregular and clandestine migration more effective, on the one side, while restricting possibilities of legal entry and permanent integration of immigrants in Italy, on the other.

Quite explicitly, the new approach carried forward by the new ruling majority was inspired by a functionalist vision of immigration: immigrants were welcomed in Italy provided that they are proven useful for the national economy (e.g. the admission only granted upon availability of a job contract), that they do not compete with Italian workers (e.g. through the reintroduction of labour market tests) and that they remain in the country only as long as necessary (e.g. reduction of the duration of stay permits, linked to the duration of job contracts). This new approach and the specific norms through which it was implemented, have been harshly criticized by the political opposition in the parliament, on one side, and by trade unions and civil society organizations supporting the right of immigrants on the other side.

However, it soon became clear that this new approach was extremely difficult to implement in concrete policies and that, behind an often very harsh communication strategy, an implicit moderation was informing the new political orientation on these issues (Colombo & Sciortino 2003). Emblematic at this regards has been the adoption and implementation of the regularization program opened up in 2002, the 6<sup>th</sup> one in recent Italian history. Despite the public position openly expressed by the government in favour of a strong fight against the illegal presence of immigrants in Italy, the new law was associated, as usually happened in the past, to a regularization campaign for irregular workers. In early discussions about the reform introduced by the Bossi-Fini law, the regularization should only target irregular migrant domestic and care workers (so called *colf e badanti*<sup>6</sup>), a category considered both extremely useful and harmless. However, the strong pressures coming from the centrist wing of the ruling majority and from employers’ organizations for an extension to all other categories have ultimately defeated the veto opposed by the Northern League: the only compromise being that of carrying out an employer-led regularization where only dependent workers could be regularized (excluding then self-employed and unemployed), upon specific request by their employers. The outcome of this regularization was the highest number of regularized immigrants ever: around 700,000 migrant workers were regularized between 2002 and 2004. The effects of the massive 2002 regularization campaign were also used in order to justify a strong retrenchment of the annual quotas for non-seasonal employment that in 2002 and 2003 were set to just a third of the level planned for 2001 (50,000 new entries for non-seasonal employment), with an overall decrease respectively of 67%

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<sup>6</sup> The term *colf* (abbreviation of *collaboratrice familiare*) indicates housekeepers and domestic workers providing cleaning services, either through hourly services or live-in activities. The neologism *badanti* has been created at the end of the 1990s to indicate care workers looking after elderly or disabled people, usually through live-in activities.

in 2002 (16,500) and 80% in 2003 (10,000). At the same time quotas for seasonal employment were increased by 80% in 2002 and more than doubled in 2003 with respect to the quotas planned in 2001. However, it soon became clear that the ceiling to new entries for non seasonal employment planned in the years 2002 and 2003 was largely below the demand expressed by employers and was subsequently increased with the quota decrees for 2004 (45,500 new entries), 2005 (54,500) and especially for 2006 (116,500).

Notwithstanding the anti-immigration rhetoric openly expressed by important representatives of the ruling coalition, during the period 2001-2006 immigration showed its structural and permanent contribution to Italian society, and labour migration was the leading force of this process. It is exactly during this period that the crucial contribution of immigrants to the weak demographic growth became clearly observable: during the years 2003-2004 around 80% of the total growth was related to the presence of foreigners and in 2005 the overall growth was due to immigration. This contribution was particularly noteworthy in the working age population, in which the number of Italian nationals was constantly declining (ISTAT 2008).

### ***2.3.2 The lessening debate throughout the crisis: 2006-2011***

Gradually, after the huge attention dedicated to labour migration issues in the first years of the decade, the issue almost disappeared from the general debate to be relegated only to experts forums, stakeholders consultation and political debate. The observed decreasing electoral returns of immigration issues pushed the political actors, especially leftist politicians, towards more cautious positions, at least in the public debate. Nevertheless, the winning strategy of addressing irregular migration through tougher norms and policies was powerfully pursued by the centre-right parties leading the government during this period.

The second half of the decade was opened by the return into office of the centre-left coalition by mid-2006 with the second government lead by M. Romano Prodi. Although this time immigration was not at the forefront of the political and electoral debate as happened before the 2001 elections, a substantial reform of the Bossi-Fini law was an important point in the electoral program of the winning coalition, particularly supported by the left wing parties.<sup>7</sup> In fact a bill was presented in the spring of 2007 by the Ministries of Interior Giuliano Amato and of Social Solidarity Paolo Ferrero.<sup>8</sup> The proposed reform went in the direction of basically bringing back the normative framework to the 1998 Act. Nevertheless, important novelties were represented by the change of quotas planning mechanisms, the creation of special legal entry channels for highly skilled workers, the reinforcing linkages between international cooperation and labour migration management, and other aspects related to integration (e.g. voting rights at local elections), contrast to irregular migration (e.g. enhancing assisted voluntary returns) or asylum. The proposed bill immediately faced a strong internal political opposition<sup>9</sup> and was

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<sup>7</sup> See the electoral program of the Unione: <http://www.venetoleg.org/pdf/programma-unione.pdf>

<sup>8</sup> See the text of the bill, available at: <http://www.governo.it/Notizie/Ministeri/dettaglio.asp?d=35283>

<sup>9</sup> Right after the presentation of the Amato-Ferrero bill, the centre-right parliamentary opposition through one of his leaders, Gianfranco Fini, threatened to promote a referendum for the abolition of the law.

severely criticized at EU level<sup>10</sup>. However, the short life of the second Prodi government (fallen in January 2008) and the return into power of the center-right coalition (since Spring 2008) prevented the enactment of the Amato-Ferrero bill.

Subsequently, the labour migration debate has been naturally affected by the impact of the global economic crisis on the Italian economy and labour market. Yet at the end of 2008 a Quota Decree was enacted which allowed new entries of up to 150,000 non seasonal foreign workers, to be employed mostly in domestic and care services (around 70% of the total). Afterwards, the worsening of the occupational situation has been a major factor in the decision of the government to freeze new entries of non-seasonal workers during 2009 and until the end of 2010 (Pastore and Villosio, 2011). In a phase in which unemployment was running upwards for native workers, a major concern of the government has been to demonstrate to the public opinion the willingness to defend nationals' employment by reducing the competition with foreign workers. At the same time this decision was motivated with the need to protect the foreign workers already legally residing in the country against unemployment, as publicly underlined by Minister of Interior Roberto Maroni (by then in office):

There is an economic crisis that affects the most vulnerable groups and particularly the foreign workers. If an immigrant loses her/his job it makes no sense to send him back to her/his country and then open the borders and to let others enter who perhaps will not even work. It seems more useful to introduce policies for the reintegration in the labour market of those losing their jobs, while preventing the entry of new immigrants.<sup>11</sup>

Indeed, these remarks were partly justified by the observed differentiated labour market performances of nationals and foreigners. In fact, during the period 2008-2010 the number of unemployed foreign workers has considerably increased (+ 64.2%), particularly between 2008 and 2009 (+47%), and unemployment rates have almost doubled (from 6.9% in 2008 to 13% in 2010). Furthermore, unemployment has hit foreigners more than nationals, whose unemployment rates has passed from 6% to 8.7%. However, at the same time the number of employed foreign workers has grown significantly (+17.6%), partially compensating the loss of jobs experienced by nationals (- 4%). Besides, the impact of the crisis on foreign labour in Italy shows important gender differences as the growth of employment within this group is mainly due to the female component of the workforce (+ 23%), mostly employed in the service sector: two thirds of the total employment growth in this sector are to be attributed to women (Feltrin 2011).

However, the stop to new entries imposed for 2009 did not prevent the Italian government from starting a new regularization campaign in the summer of that same year. Differently from the past experiences, the 2009 regularization scheme has been highly selective in its scope, only targeting irregular foreign workers in the personal and homecare services. Beside considerations about the limited impact of the crisis on this sector and therefore the persistent need of labour there, the decisive argument supporting the need for a regularization was mainly political. In fact the

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<sup>10</sup> *Rischi con l'auto-sponsor: occasione per i trafficanti*, interview to Franco Frattini by M. Ludovico, *Il Sole 24 Ore*, 27 aprile 2007, p. 13; *Immigrazione, cambiate la legge o l'Europa sarà costretta a bocciarla*, interview to Franco Frattini by A. D'Argenio, *La Repubblica*, 27 aprile 2007, p. 31.

<sup>11</sup> See Polchi V, *Immigrazione, Maroni rilancia: 'Moratoria di 2 anni per i flussi'*, *Repubblica*, 17/11/2008, own translation.

enactment of the law No 94 of 2009, introducing for the first time in the Italian legislation the criminal offence of irregular stay in the national territory, would have had very serious consequences on the high number of migrant domestic workers with irregular status and consequently on their employers. Almost 300,000 irregular migrant workers were then regularized through this new campaign.

No discussion on possible changes in labour migration policies in the new socio-economic context has been on track in the most recent years.

However, during our fieldwork a substantial process of reform has emerged. Quite significantly, this process is in no way debated neither in the political arena nor in the media, academic settings or civil society. There is a silent reform undergoing, whose general contents are outlined in the programmatic document adopted by the government in June 2010: "Integration Plan: Identity and Encounter" (*"Piano per l'Integrazione nella Sicurezza: Identità e Incontro"*), but whose specific implementation is exclusively managed within the ministerial rooms.

### **3. THE REGULATORY FRAMEWORK OF LABOUR MIGRATION IN ITALY**

#### **3.1 The Italian admission system for working purposes: background description**

The first attempts to regulate and manage the entry and employment of foreign workers in Italy date back to 1986 and 1990, with the adoption of the first immigration laws. The 1986 law<sup>12</sup> introduced the possibility to regulate admission of foreigners for working purposes through governmental decrees and the preparation of shortage lists identifying existing labour needs in specific sectors and occupations. The 1990 law<sup>13</sup> went further by opening the route to the establishment of annual entry quotas on the basis of existing labour market needs and at the same time creating mechanisms of control of irregular and clandestine immigration. However, these first experiences were overall unsuccessful as the enforcement of the new norms proved to be excessively complex and largely ineffective: in fact, the main result was the regularization of around 300,000 foreign workers in the first two massive regularization campaigns that accompanied the enforcement of the 2 laws (Caponio 2008).

Nonetheless, the general principles that inspired the first labour migration policies in the early stages were subsequently retrieved and are still at the basis of the current regulatory framework on labour migration contained in the Consolidated Act n°286 of 1998<sup>14</sup> and its subsequent amendments. The 1998 Act provided for the first time a comprehensive framework for the management of migration to Italy, by recognizing and acknowledging its structural nature, by balancing the need for labour migration admission policies and the necessity to reduce clandestine entries and overstaying through effective means and mechanisms, by creating the conditions for a successful insertion of migrants and their families in host societies, based on the principle of equality of treatment in access to civic and social rights.

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<sup>12</sup> Law 943/1986, also known as "Legge Foschi", after the minister who was the main proponent.

<sup>13</sup> Law 39/1990, also known as "Legge Martelli", after the socialist Deputy Prime Minister of the time.

<sup>14</sup> Also known as Law Turco-Napolitano, after the ministers of Interior and of Social Affairs of the time.

Labour migration was therefore acknowledged as the leading force of Italian migratory experience and, drawing on past lessons, new mechanisms were put in place for an effective management of new inflows. In particular, a central role was given to international cooperation with sending countries in the management of labour migration flows, through a careful balance between admission and re-admission issues. The mechanism of quotas, already present in the 1990 Martelli law, was reinforced and refined to become the key policy tool for the management of foreign workers' admission and at the same time new flexible mechanisms were introduced in order to facilitate inflows of specific categories of workers, also allowing extra-quotas entries. In addition, a job-search entry channel (so called *Ingresso per Sponsor*) was introduced with the aim of overcoming existing labour supply and demand matching problems. The struggle against irregular and clandestine migration was strengthened by the imposition of relatively high sanctions to migrants themselves, employers and traffickers or smugglers, the creation of detention centres for the identification of irregular migrants, the bilateral cooperation with sending and transit countries. Important rules were introduced that allowed for the progressive settlement of foreign workers in Italian society, potentially on a permanent basis.

As seen in the previous section, some important changes were introduced in 2002 by the new Centre-Right government lead by Prime Minister Silvio Berlusconi. Although most of the new norms introduced by the Bossi-Fini law dealt with irregular migration, some substantial changes were introduced in the framework regulating labour migration. The new political orientations carried forward by the new government went in the direction of strengthening the linkage between admission and availability of a job contract and at the same time privileging temporary migration at the expenses of permanent insertion of immigrants in the Italian society. Therefore the possibility to enter Italy with a stay permit for job search was simply suppressed without any real evaluation of the short-lived implementation of that particular policy tool. At the same time the admission of third country nationals for working purposes was made subject to the availability of a job contract offered by an employer, being it a national or a foreigner regularly living in Italy. Besides, a stronger correspondence between the duration of stay permits and the duration of job contracts was introduced through different measures: the maximum duration of stay permits for working purposes was drastically cut down to one year for temporary jobs and two years for open-ended contracts. Furthermore, it was stated that stay permits could be renewed only for the same duration of the first release, while under the 1998 law it was possible to renew them for a double duration (up to 4 years). Finally, in case of loss of the job, the time of toleration before the termination of the right of residence –and therefore the time allowed to look for a new job – was reduced from 12 to six months.

### **3.2 The quota system: the institutional framework**

The 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 while at the same time keeping State's control over real inflows. 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 (see below).

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 immigrants, 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 with respect to the period they were supposed to cover, while the DMPP for the period 2004-2006 was only adopted at mid-2005 and after that no other Document has been adopted.<sup>15</sup>

The Quota Decrees have to be produced at least once per year<sup>16</sup> within the 30<sup>th</sup> November of the year before the one to which the decree is referred. Even in the absence of the DMPP the Government has the legitimacy to issue annual quotas decrees, through simplified procedures. This has been the case since 2006 and some commentators stress how this tacit de facto reform leaves the government a more discretionary power to manage migratory flows since its planning decisions are not subject to any type of preliminary consultation with relevant stakeholders and the Parliament (Livi Bacci 2011).

The quotas planning process goes through consultations with relevant ministerial administrations as well as with representatives of local authorities and social partners' organizations. The indications relative to the annual maximum caps to new entries are provided by a technical working group<sup>17</sup> composed by representatives of the Ministry of Foreign Affairs, of Interior, of Justice, of Productive Activities, of Education, of Labour and social policies, of Defense, of Treasure, of Public Health, of Agriculture, of Culture and communication as well as three representatives of the Unified Conference, gathering regional and municipal authorities. In addition, representatives of unions and employers' organizations can be invited to participate in the technical working group sessions, although, as emerged during our fieldwork, unions do not really participate in the decision-making process and are only consulted once the final decision about the annual quotas is already taken (CGIL, 25/07/2011).

### **3.3 Setting up the quota, or how many? Between technical and political considerations**

Looking here at their quantitative dimension, quotas are set after a careful examination of existing labour shortages, on the one hand, and of the absorption capacity of host regions and communities on the other hand.

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<sup>15</sup> The draft DMPP covering the period 2007-2009 has never concluded its legislative process.

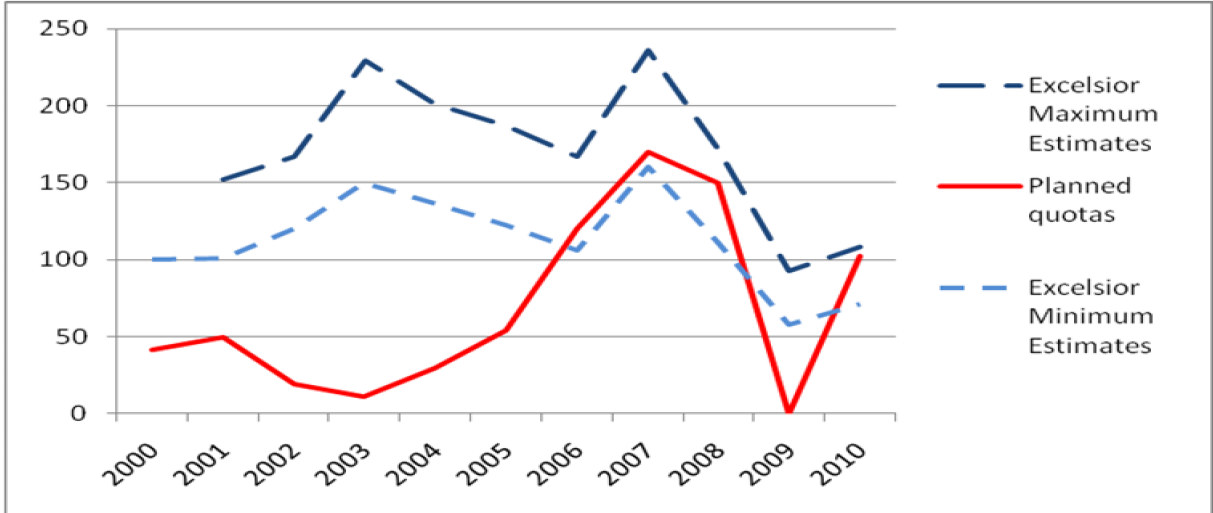
<sup>16</sup> But it is possible to extend the quota through subsequent decrees.

<sup>17</sup> Introduced by article 2 of the law 189/2002 (*Bossi-Fini law*)



First, the general labour market situation and existing labour shortages are analyzed and estimated through various tools and mechanisms. In particular, in recent years different information sources have been used in order to forecast the mismatch between labour demand and supply and the extent and characteristics of the labour demand not satisfied by national workers. Labour market and population data drawn on ISTAT Labour Force Surveys and demographic studies are used to analyze the actual labour market situation as well as the stocks of native and foreign population and the natural and migratory balances of the resident population. Potential labour demand for a given year is estimated through an ad hoc survey carried out since 1997 by the Union of Chambers of Commerce on the labour market needs in the service and industrial sectors (so-called Excelsior surveys). A sample of around 100,000 business firms in the private sector is interviewed and relevant questions focus on the willingness of employers to hire foreign workforce<sup>18</sup> and the skill levels requested. The Excelsior surveys represent an important source of information and a valuable tool for policy planning although it is not exempt by important limits. First of all, involving only private business firms in service and industrial sectors it sets aside the potential labour demand in agriculture and especially the demand for domestic and care work issuing from households, which represents a growing share of the total demand. Secondly, the survey investigates the employers' intentions but the actual labour demand is subject to a high variability due to short-term variations in the economic situation. These limits may partially explain the constant mismatch between the labour needs forecasted by Excelsior surveys and the planned quotas, as shown by the figure 1. A further source of information on labour market needs is gathered through consultation with the territorial branches of the Ministry of Labour and with local authorities and workers' and employers organizations.

**Figure 1: Forecasted labour demand and planned quotas for non seasonal employment (thousands) – 2000-2010.**



Source: Excelsior surveys and quotas decrees for the period 2000-2010. Courtesy of L. Einaudi.

<sup>18</sup> Overall minimum and maximum estimates are produced each year, respectively providing indications on the number of immigrants that companies have already decided to hire (minimum) and the number of immigrants for which companies have not ruled out the possibility, even though not yet decided to do so (maximum), (Unioncamere, 2009).

The assessment of this amount of information and data yields an overall raw estimates of the existing labour demand that should be satisfied by inflows of non-EU foreign workers. However, many experts and commentators agree in considering these tools largely inadequate in providing a reliable knowledge of the real needs, also because of the structural features of the labour demand typically matched by migrant workforce. The largest share of immigrant workforce finds employment in agriculture, Construction, manufacturing or in business and personal service activities, where SMEs dominates, or in households and domestic sector. In this sectors employers are rarely and scarcely able to forecast well in advance their real needs as they often act under urgent and sudden pressures (Sciortino 2009). But this same difficulty is apparently common also to large enterprises, as the words of a representative of *Confindustria*, the main Italian employers' organization,<sup>19</sup> seem to prove:

“When we stand at the hearings for the determination of the quotas decree and we are asked how many migrant workers we intend to hire, I usually ask to switch off the microphone and I suggest to draw a number from the abacus and communicate it to us, as Italian companies are not able to schedule it in advance.”<sup>20</sup>

Information and data on labour market needs are then complemented and balanced with relevant information on the existing labour supply already available in the country, namely the stocks of native and foreign unemployed workers or the number of non-economic migrants, primarily family migrants and refugees or asylum seekers, that can represent a potential supply of labour. Besides, another parameter that should in theory be considered<sup>21</sup> is the “absorption capacity” of local territories in terms of availability of social services at local level (housing, schools, health services, etc.).

Regional authorities have the possibility to prepare a report on the presence of migrant communities in their respective territories and on their forecasted needs, and to convey it to the government. This possibility has been introduced by the 2002 Bossi-Fini law, consistently with the general approach adopted by the government supported by the Northern League and its strong commitment towards central power devolution to regional and local authorities. However, as emerged during our fieldwork, this possibility has been barely used by sub-national authorities. Usually regions lack the necessary resources and technical skills to provide an in-depth and reliable analysis of local labour markets (Colasanto & Marcaletti 2005):

“Honestly, in recent years the role of the regions has been quite limited, in the sense that Regions have not matched up the task to predict the flow of foreign workers needed in a given year. The number of reports that regions were asked to prepare and provide to the government, have gradually decreased

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<sup>19</sup> Confindustria gathers more than 140,000 firms in the industrial and service sector.

<sup>20</sup> Parliamentary Committee on the implementation and functioning of the Schengen Treaty' and on Europol National Unity monitoring; Hearing of the Confindustria's Labour law officer, Massimo Marchetti, 10 October 2007, available at:

<http://www.camera.it/dati/leg15/lavori/stenbic/30/2007/1010/INTERO.pdf>

<sup>21</sup> Article 3, paragraph 4 of the Immigration Act explicitly states that annual quotas have to be set “taking into account family reunifications and temporary protection measures”. Article 21, paragraph 4-ter give the possibility to Regions to report about “sustainable inflows in the next three years in relation to the absorption capacity of the social and productive context”.

over the years: few regions accomplished this task, some for political choice, but most for technical difficulties in defining estimates of migrant labor needs.” (EMIROM, 29/9/2011).

Furthermore, forecasting labour needs and grounding quotas planning on these estimates risks to be ineffective given the high level of internal mobility showed by migrant workers (EMIROM, 29/9/2011).

The outcome of this long and complex process of analysis and assessment is therefore the final quota of foreign workers to be admitted in the Italian territory each year. The total quotas are subsequently distributed among regions and provinces and some adjustments of this first distribution are possible in a second phase. As emerged through our fieldwork, however, after all possible technical examination of available data, the final decision about the maximum number of workers to be admitted is definitely the result of a political choice, one that has to consider not only the existing needs but also the acceptability of that given number by public opinion: “You have to bear in mind that behind actual planned quotas there is always a political choice made by the government in charge. The important thing is that political authorities have the real actual figures to make a consistent choice” (MININT, 11/10/2011). One other interviewee is still more clear-cut: “The Quotas Decree arrives from Rome as a ‘closed package’, packed in Roman rooms by looking especially at its impact on public opinion. I believe that no one is really concerned with the impact of the quotas on reality” (VENLAV, 24/9/2011).

These remarks would probably contribute to explain why until the half of the past decade quotas have been set largely below both the estimated demand (as expressed through Excelsior surveys) and the actual demand (as expressed through the number of work permits applications presented by employers). The figures presented in table 2 clearly show how in recent years the planned quotas for non seasonal employment could only partially satisfy the demand expressed by the number of applications presented by employers: with the exception of the year 2006,<sup>22</sup> much less than 50% of the actual demand could be satisfied through planned quotas. The incapacity of existing labour market analysis tools in forecasting the real needs is thus one of the main shortcomings affecting the Italian quotas planning system: “The fact is that in the past the real, concrete needs have never been assessed in quotas planning: instead, we must plan the new inflows based on labor market needs.” (MINLAB, 28/7/2011).

The observation of a recurrent and significant gap between planned quotas and applications submitted by employers, increasing over the years 2000s, has often been used by many commentators as a proof of the unfitness of the quotas in matching the needs of the Italian economy.

However, it is important to consider that the sheer number of applications cannot be considered *per se* as a valid indicator of foreign labor demand in Italy. Despite the lack of specific and detailed analysis of the phenomenon, a wide consensus exists on the fact that, to some extent, the entry channel through annual quotas is largely used to create forms of extended family reunification or to sustain migratory chains (often through fraudulent practices), therefore it is not necessarily and strictly linked to labor needs (Colombo, 2008). Furthermore, a second very important aspect to consider is that the instrument is massively used to regularize foreign workers already irregularly living in Italy. This belief is so strong among

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<sup>22</sup> For which the quota was extended with a new quotas decrees in order to cover the total number of applications presented. See DPCM 25/10/2006.

stakeholders and experts that the number of applications presented is usually considered an indicator, albeit crude, of the presence of undocumented workers in Italy. Not necessarily, therefore, the applications presented correspond to a real need but is rather an indicator of the strong migratory pressure to Italy.

**Table 1. Gap between planned quotas and work permit applications, thousands (2006-2010)**

Year and source	Ceiling for non-seasonal admissions	Applications by employers nominal recruitment from abroad	Ratio: Available visas for working purposes/ Applications
2006	170,000 <sup>1</sup>	427,865	0.40
2007	170,000	741,912	0.23
2008	150,000	381,000	0.39
2009	0	0	/
2010	104,080	392.310	0.27

Source: Planning decrees for each year and Colombo, 2009.

<sup>1</sup> A subsequent decree was adopted at the end of 2006 (DPCM 6/11/2006) in order to allow the satisfaction of all residual applications thereby de facto turning the admission procedure into a regularisation.

During the last decade quotas for non-seasonal employment have constantly and significantly increased, as shown in table 3. As seen above, the planned entry slots for seasonal work have exceeded those for non-seasonal work only in 2002-2003 when, due to the effects of the 2002 regularization and, most importantly, to the political orientation adopted by the government, temporary migration has been privileged. In the second half of the decade a striking growth of quotas for non seasonal work is observed: for the first time they exceeded 100,000 planned entry slots in 2004. The growth trend continued until the global economic crisis outburst in late 2008, which led to a substantial stop to new entries between 2009 and 2010. This trend is even more significant considering that in the same period the EU enlargement process has essentially excluded from quotas planning a large number of workers who no longer need to obtain authorization to work in Italy.

**Table 2. Annual planned quotas 2000-2010 (thousands).**

	2000 (a)	2001 (b)	2002 (c)	2003 (d)	2004 (e)	2005 (f)	2006 (g)	2007 (h)	2008 (i)	2009 (l)	2010 <sup>1</sup> (m)
<b>Total</b>	83	83	79.5	79.5	151.5	159	716.5	250	230	80	184
<b>Seasonal</b>	20	33	60	68.5	70	25	80	80	80	80	80
% of the total	24.1	39.8	75.5	86.2	46.2	15.7	11.2	32	34.8	100	43.2
<b>Non-seasonal</b>	28	50	16.5	10	45.5	54.5	170	170	150	0	104.0
											8

Sources: (a) Decreto del Presidente del Consiglio dei Ministri (DPCM) 8/2/2000; (b) DPCM 14/3/2001; (c) Decreto Ministeriale (DM) 4/2/2002; DM 12/3/2002; DM 22/5/2002; DM 16/07/2002; DPCM 15/10/2002; (d) DPCM 20/12/2002; DPCM 6/6/2003; (e) DPCM 19/12/2003; DPCM 20/4/2004 (EU-8); DPCM 8/10/2004 (EU-8); (f) DPCM 17/12/2004; DPCM 17/12/2004 (EU-8); (g) DPCM 15/2/2006; DPCM 14/2/2006 (EU-8); DPCM 14/7/2006 (seasonal); DPCM 25/10/2006 ; (h) DPCM 9/1/2007

(seasonal); DPCM 30/10/2007; (i) DPCM 8/11/2007 (seasonal); DPCM 3/12/2008; (l) DPCM 20/3/2009 (seasonal); (m) DPCM 15/4/2010 (seasonal); DPCM 30/11/2010 .

<sup>1</sup> Although these quotas have been set at the end of 2010, they become fully operative only at the beginning of 2011. Therefore they should be referred to 2011.

### **3.4 Elements of qualitative selectivity or which categories of workers?**

The Italian quota system, as currently designed, matches the quantitative selectivity, represented by annual ceilings to new entries, with some elements of qualitative selectivity, focused on both job-related characteristics and prospective immigrants' personal features.

At a first level, a primary selection criterion operates on the type of employment, by distinguishing quotas for seasonal, non-seasonal employment and self-employment. Since 2002 quotas for seasonal employment are separately set, often also through separate decrees. Besides, a portion of the total number of new permits allowed by the quotas decrees may be granted to conversion of existing stay permits: typically stay permits for reasons of study or seasonal employment into stay permits for employment or self-employment purposes. Within the quotas for non seasonal employment, the general quotas may be further split into specific sectors or occupations sub-quotas: this has been the case in 2001, when 2,000 entry slots were reserved to professional nurses and 3,000 to IT professionals, or in 2007, when special quotas were reserved to construction workers (14,200 slots), drivers (500 slots) or managers and highly qualified professionals.

Since 2005 a growing share of the general quotas for non seasonal employment has been granted to workers in domestic or care services sector up to the point of absorbing almost the total quota in 2008. Entry slots reserved to domestic workers amounted to 27.5% of the total quota for non seasonal employment in 2005 (15,000 out of 54,500), 26.5% in 2006 (45,000 out of 170,000), 38.2% in 2007 (65,000 out of 170,000), 70.3% in 2008<sup>23</sup> (105,000 out of 150,000) and 28.5% in 2011 (30,000 out of 105,000).

The domestic and care services sector has gradually and steadily become one of the major sector of employment for migrant workers in Italy, particularly for migrant women: in 2001 around half of the sector's workforce (51.8%) was composed by immigrants (both EU and non-EU) and 78% of them were women, in 2010 81% of domestic workers were immigrants (of which 81% women).<sup>24</sup> In around ten years, from 1998 to 2007, the number of foreign domestic workers has increased fourfold (INPS, 2011). A vast amount of research has showed the considerable development of this sector and its crucial role for the sustainability of social protection systems in Italy and the growth of women's participation in the labour market (Sciortino, 2004).

Since the early 2000s the "colonization" of this sector by migrant workers, and particularly non-EU immigrants, has not been overlooked by policymakers, as demonstrated by the unanimity that allowed the adoption of ad hoc regularization programmes for *colf* and *badanti* in 2002 and 2009. In recent years, the acknowledgement of the economic utility of domestic workers has been accompanied

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<sup>23</sup> In fact, the remaining 30% was granted to privileged quotas, reserved to specific nationalities, but it addressed workers to be employed in the domestic sector or in other productive sectors, thereby implicitly giving a preference to the first option.

<sup>24</sup> INPS, 2012, Observatory on domestic workers, available at: <http://www.inps.it/webidentity/banchedatistatistiche/domestici/index01.jsp>? - accessed online on: 5/01/2012.

by political considerations about the easier acceptability of this category of immigrants by public opinion: not only migrant domestic workers are a crucial resource for households' welfare, but the fact that for the vast majority they are middle-aged women and most of them come from Eastern Europe or Latin America (and therefore Christians) increase their social acceptability. Opening up the front doors of labour migration to domestic workers has therefore been an important strategy that has allowed to increase inflows while making them more acceptable to the public opinion.

However, it is worth pointing out that this has created an easily accessible entry channel that has largely been used by candidates to immigration to enter Italy (Bertazzon 2009): since the requirements needed, in terms of income, contractual conditions or social security contributions, are usually set at a quite low level, hiring a foreign domestic workers is an accessible strategy for many households and many resident foreign employers have used this channel too. Some evidence of this trend is provided by the analysis of data relative to the implementation phase of the 2007 quota decree: overall, half (50%) of the applications presented concerned domestic workers and almost half (43%) of the applicant employers were foreigners, massively requesting the authorization to hire domestic workers (62% of applications presented by this group). Moreover, in 21% of cases the foreign applicant employer and the requested worker had the same family name and in 32% of cases they were both born in the same town (Ministero dell'Interno, 2009).

A second major selectivity criterion draws on personal features of perspective immigrants, and in particular on their nationality. In fact, one of the key elements of the quota planning system is the integration of international cooperation with sending countries, including borders control and readmission issues, in labour migration management strategies. Annual quotas of new entries are in fact used during the negotiation process as a quid pro quo for the active collaboration of sending countries. Special quotas are granted to nationals of third countries with which Italy has concluded (or is negotiating) bilateral agreements on migration management issues, in order to assure them a certain number of entry slots and avoid the competition with other nationalities. The list of countries that have been granted special quotas included only 3 countries in 2000 (Albania, Tunisia and Morocco) while it increased to 19 countries in 2011<sup>25</sup>.

Bilateral and international cooperation with sending countries is meant to represent a crucial tool for labour migration management, also through the creation of pre-departure training facilities and official lists of candidates to be filled with the active collaboration of both third countries' institutions and Italian diplomatic authorities, in addition to the fight against irregular and clandestine migration. However, most of the international agreements concluded by the Italian government with sending countries have focused predominantly on the second aspect and have been used more to control irregular inflows than to set up comprehensive and effective labour migration management tools. Privileged quotas have been thus used almost exclusively as a negotiation tool, by increasing them for more collaborative countries and reducing them when the collaboration of some country on readmission of their nationals proved not satisfactory.

Furthermore, in its concrete implementation, the mechanism of special quotas has in many cases functioned more like a penalty than a reward: since the nationals of countries which are granted special quotas may only use this channel and may not

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<sup>25</sup> Albania, Algeria, Bangladesh, Egypt, India, Gambia, Ghana, Morocco, Moldova, Niger, Nigeria, Pakistan, Peru, Philippines, Senegal, Somalia, Sri Lanka, Tunisia, Ukraine.



be admitted under the general quotas, special quotas in practice turn out as quite narrow channels for some of the largest communities such as Moroccans or Albanians: the highest level of a privileged quota granted to a single country in a given year has been 6,000 slots for Albanians in 2001 and 2002. Conversely, special quotas granted to countries that do not send a high number of emigrants in Italy or for which there is not enough demand by employers are often left largely unused, as it has for instance been the case with quotas for nationals of Niger or Nigeria.

To date, only in a small number of cases labour migration flows to Italy are managed and regulated through specific international agreements, namely those concluded with Morocco (since 2005), Moldavia (since 2003) and Egypt (since 2005).<sup>26</sup> A new agreement has just been concluded with Tunisia. In a quite similar way, these agreements include measures aimed at drawing up lists of candidates to emigration to Italy, that should include relevant information related to individual educational background, professional profile and the level of proficiency in Italian language. Besides, it is generally envisaged the possibility that the involved parties cooperate in the organization of specific training programs aimed at providing candidates to emigration with relevant linguistic and professional skills. No thorough assessment on the implementation of these few comprehensive labour migration agreement has been produced or made available to the public to date. However, it seems that most of the provisions included in those tools have largely remained on paper.

A secondary selectivity criteria based on personal characteristics of candidates to immigration has been introduced in the 2002 Bossi-Fini law, which has created a special entry channels for descendants of former Italian emigrants. Since that same year special quotas have been granted to third country nationals with Italian origin: they were initially set at a significant level (a slot for 4,000 entry visas) anticipating a possible massive emigration from Argentina that in that moment was coping with the impact of one of the hardest economic crisis of its history. Given that most of those slots were left unused, the special quotas for descendants of Italian emigrants have been considerably reduced from the following year on and it now amounts to few hundreds entry slots per year .

As it is designed to date, the Italian quota system does not include any specific selectivity measure that aims at attracting highly qualified and highly skilled workers from extra-UE countries. Educational qualifications or professional competencies are in any way taken into consideration when examining the requests advanced by perspective employers and the few experiments in the direction of a skills-based selection carried out in the past years, namely the special quota for professional nurses or ITC workers in 2001, were not quite successful and were soon abandoned. De facto, quotas mainly address low and medium skilled workers, i.e. the ones who are more requested in the Italian labour market.<sup>27</sup>

However, some avenues for a more qualified immigration have been opened through measures allowing extra-quota entries that concerns some categories of

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<sup>26</sup> The texts of these agreements and of their executive protocols are available at: [http://www.lavoro.gov.it/Lavoro/md/AreaSociale/Immigrazione/flussi\\_migratori/](http://www.lavoro.gov.it/Lavoro/md/AreaSociale/Immigrazione/flussi_migratori/)

<sup>27</sup> Nevertheless it is important to stress the fact that the lack of any explicit policy addressing highly skilled migrants does not mean that labour immigrants in Italy are poorly qualified: on the contrary, at least looking at the educational profiles of immigrants in Italy one could notice that a relevant share of the immigrant population (even larger than their native counterpart) holds tertiary education. Phenomena of overqualification and brain waste are quite common in the Italian case and the existing skills among immigrant workers are scarcely and inadequately enhanced (ISTAT, 2008; Fullin, G. & E. Reyneri, 2011).

qualified workers (Intra-company Transferees, academic researchers, journalists, professional nurses, etc.) or through entries allowed under so-called *titoli di prelazione*, i.e. those admitted upon the completion of pre-departure training in their countries of origin. Both these special regimes are dealt with in more details in the next sections.

### **3.5 The selection and recruitment mechanism**

The Italian admission system through quota mechanisms is a typical demand-driven system, that is one where foreign workers are only admitted upon a specific request by a resident employer, be it an Italian national or a foreigner legally residing in Italy. The general principle behind the recruitment process is the nominal hiring from abroad, according to which a resident employer has to request the authorization to hire a specific worker living abroad *before* the latter is admitted in the Italian territory. In case the employer does not know any specific individual, s/he has the possibility to choose the candidates from the lists of candidates available in countries where bilateral agreements on labour migration management have been concluded and implemented. However, this second possibility is seldom used.

Before 2002, some room for a supply-driven system was opened through the so-called sponsorship programme. The 1998 Turco-Napolitano law had introduced the possibility for third country nationals to access the Italian labour market without a specific job offer and to search for a job during 12 months, after which they were required to return home if still unemployed. This possibility was subject to the availability of a sponsorship offered by an individual or an NGO vouching for the foreign job seeker and guaranteeing for his/her subsistence and return costs. Moreover, there was the possibility for candidates to emigration to prove their capacity to provide their own subsistence means and enter Italy for job search without any third party sponsorship. In 2002 and 2001 some quotas were set up for this category allowing 15,000 new entries each year.

However, this provision was ultimately dismissed with the changes introduced by the 2002 Bossi-Fini law, in accordance with the general approach of strengthening the linkage between immigration and availability of a job contract. Beside ideological/political motivations, one of the arguments used by the new political majority in the early 2000s was related to the inadequacy and ineffectiveness of controls that were necessary to grant that foreigners admitted through the job-search channel could be followed up and repatriated if not able to satisfy the legal conditions of their stay. The existence of this concrete problems has been confirmed by some of our interviewees (MININT, 11/10/2011), although it is generally overlooked the fact that no concrete attempt to improve the monitoring and controlling system has been made and that in any case the implementation period of these innovative measures had probably been too short to allow for a reasonable and evidence-based impact assessment.

The conversion to a model rigidly and exclusively based on nominal hiring from abroad, no longer balanced by the possibility to legally enter Italy without a specific job offer, is deemed by many experts and commentators as one of the major limitations of the Italian labour migration admission system (CGIL, 25/7/2011; UIL 15/7/2011). Given the nature and structural features of the labour demand usually matched by foreign workers, typically and mostly expressed by SMEs and



households,<sup>28</sup> the direct and personal knowledge between prospective employers and workers seems to be the key element driving the matching between labour demand and supply (CNA, 1/12/2011; ASCOM, 28/11/2011). This is especially true in the case of employment relationship in domestic care services, where few employers would be willing to hire someone they do not personally know and trust to perform sensitive tasks and have access to their domestic sphere. Although in different terms, this is also true in the case of small enterprises, which constitute the bulk of Italian productive system. In those workplaces, good interpersonal relationships between firms' owners and their employees, or among colleagues, are of crucial importance for a well-functioning and productive working environment. A recent study conducted by some important and independent research institutes has clearly shown that among different job search channels for immigrants, the *passaparola*, or informal personal recommendation by friends or relatives, is by far the most used, in 73% of cases, while more formal channels such as private or public employment services lag far behind, respectively 9% and 2% of cases (ISMU, CENSIS et al. 2010).

The sponsorship entry channel for job-seekers was in some way replaced by a new entry channel granting preferential treatment to foreigners having participated to pre-departure linguistic and professional training programs in their countries of origin, organized by Italian local and regional authorities, employers' organizations and trade unions, international organizations and voluntary associations accredited by the Ministry of Labour and the Ministry of Education.<sup>29</sup> Experiences developed in this direction are still quite limited to date, although the enhancement of this measure is recently highly prioritized by the competent technical authorities in the Ministry of Labour (MINLAB, 28/7/2011). To date, only some pilot experiments have been developed by some Regions (namely Veneto and Emilia-Romagna) that have set up training programs in some sending countries but with very little numbers of people involved and with rather poor results in terms of trained foreign workers who are subsequently admitted in the Italian labour market (Osservatorio Regionale Immigrazione, 2008).

Given the intrinsic limitations of the normative framework of the quota system in allowing an effective matching between labour demand and supply, in a great number of cases the matching occurs in Italy, since immigrants either arrive irregularly or overstay their touristic visas and find employment. Annual quotas are therefore often used not really to let foreign workers enter the country in order to fulfil a specific need but rather to regularize foreign workers who are already living and working in the country and everyone seems to be well aware of this fact: "We know that many of these requests concern foreign workers who already have irregular work experience in Italy, or even, alas, who are irregularly present in the country" (MININT, 11/10/2011). This belief is so widespread and shared that many take the number of applications presented by employers as a rough estimate of the total amount of irregular migrants present in the country: it has been estimated that 90% of applications for work permit in the occasion of the 2007 quotas decree concerned irregular workers already present in Italy and therefore that the number of irregular immigrants amounted to around 650,000 individuals (Dell'Aringa, 2008). Despite the lack of any reliable information about the extent of this phenomenon some anecdotic

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<sup>28</sup> In 2007 around 82% of foreign workforce was employed in firms with less than 50 employees, of which 50% in micro-enterprises with less than 10 employees. Less unbalanced figures are found for Italian workers: 60% of them work in small enterprises (less than 50 employees) (Dell'Aringa C., 2008).

<sup>29</sup> See art.23 of the Immigration Act n° 286/1998.

evidence is available: during the implementation phase on the occasion of the 2006 Quotas Decree, long queues of people were formed in front of the post offices receiving the application dossiers, but they were almost entirely formed by immigrants themselves, supposedly living in their countries of origin! (Cesareo, 2007).

### 3.6 Management and implementation of the quota system

Once the final decision about the actual annual ceiling to new entries is taken, the quota decree is published in the Official Journal and some days after (usually within a time frame indicated in the decree), the implementation phase takes start. The institution responsible for the implementation of the quota system at territorial level is currently the Immigration Single Desk (ISD), which is established at provincial level and hosted by the *Prefettura*, or territorial offices of the Government. ISD have been introduced after the 2002 Bossi-Fini law, with the goal of simplifying and speeding up the admission procedures: beside managing the implementation of the quotas, ISD are also responsible for managing admission of third country nationals under family reunification and other extra-quota entries for working purposes.

Due to a significant delay in the adoption of the necessary implementing regulations, ISD could only gradually become operational in 2005 and 2006. ISD are composed by civil servants representing the three composing institutions of these peculiar inter-institutional offices, namely: the *Prefettura* itself and the peripheral branches of the Ministry of Interior on the one hand (*Questura*) and of the Ministry of Labour on the other (the Provincial Directorate of Labour: *Direzione Provinciale del Lavoro-DPL*). The responsibility for the specific Desk is attributed either to the *Prefettura* or to the DPL. While the *Prefettura* staff act as a front office, the *Questura* and the DPL act as back office, managing all the necessary paperwork and proceeding the applications presented (Caponio, 2008).

The whole process of implementation of the quota system is basically made up of three main steps:

- A. Authorization requests presented by employers to the ISD
- B. Visa request by prospective migrants in their country of origin
- C. Request and delivery of the stay permit for working purposes

#### A. Authorization request

Employers have to request the authorization to hire a foreign worker living abroad to the ISD. Since 2007 the application procedures are entirely managed through a digital platform and applications can only be sent through computer assisted procedures. In the same year, employers could for the first time benefit from the support of trade unions' advisory services (*Patronati*) or employers' organizations in filling and filing their applications.

In the application file the applicant employer is expected to submit a so-called "stay contract" (*contratto di soggiorno*) in which s/he commits him/herself to guarantee adequate lodging for the requested worker and to fund travel costs for his/her repatriation in case of expulsion before the expiry of the contract. Besides, the stay contract has to include also the work contract's details, that must comply with existing collective contracts for the specific sector/occupation in which the requested worker will be employed. Each year, applications can be presented starting from the date stated in the annual quota decree and are examined following a strict

chronological order. This means that the main principle regulating the attribution of entry slots is “*first come, first served*”: this de facto turns the attribution of stay permits within the quota system into “*a sort of lottery*” (MININT, 11/10/2011).

This appears particularly problematic if one considers the fact that, especially after the introduction of the electronic application procedure,<sup>30</sup> the number of applications received exceeds the available quotas since the very first seconds of the applications filing opening: around 90% of the 732,831 applications filed for the 2007 quotas decree were received within the first week<sup>31</sup> and one of our interviewees has reported that in that same occasion the electronic system has received more than 400,000 applications in less than 10 seconds (MININT, 11/10/2011).

After the receipt of the application files the local ISDs will start examining the requests and in particular:

- The *Questura* checks if the requested worker has not been previously repatriated or found in irregular situation in Italy or in other EU member states. Besides, they will check if the applicant employer has been convicted for any offence related to its economic activity and role (e.g. for violation of occupational safety and health laws).

- DPL checks if the applicant employer meet all the necessary eligibility criteria (in terms of legal requirements, conformity of the proposed contract with the national collective contracts, income criteria, etc.) and if the quotas are respected.

- The DPL carries out a labour market test by asking the local public employment services (*Centri per l'Impiego*, CPI) to give publicity to the vacant post, at national and European level, and to check the availability of national or EU workers for the job, for no longer than 20 days. However, even in the case of availability of national or EU workers for the specific post, the applicant employer may decide to confirm his/her request.<sup>32</sup>

Once all the controls have been accomplished by both DPL and *Questura*, the authorization or *nihil obstat* (*nulla osta*) may be delivered to the applicant employers, within the limits of the available quotas. The whole procedure should be accomplished, in accordance with what the law states, within 40 days from the application.

## B. Visa Issuance

Once the *nihil obstat* is delivered to the employer, he/she sends it to the individual foreign worker to be recruited and the latter has to present him/herself and requests a visa for working purposes at the Italian diplomatic representation in his/her country of origin. The *nihil obstat* will have a six months validity, and during this period the visa may be issued. A civil servant at the Turin ISD has reported during the interview the existence of significant problems with the delivery of visas for working purposes: in many cases, despite the existence of an official authorization, the visa is refused (ISD TO, 14/12/2011).

## C. Stay Permit Issuance

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<sup>30</sup> Since 2007 the opening days of the application procedures are commonly called ‘click days’.

<sup>31</sup>

[http://www.cgil.bergamo.it/ufficio\\_diritti/index.php?option=com\\_content&task=view&id=45&Itemid=24](http://www.cgil.bergamo.it/ufficio_diritti/index.php?option=com_content&task=view&id=45&Itemid=24)

<sup>32</sup> See article 30 sexies of the implementing regulations or the Ministry of Interior memorandum No 3, 30/5/2005.

Within eight days upon his/her arrival, the foreign worker is expected to sign the stay contract presented by the employer at the ISD and simultaneously apply for the stay permit for working purposes. When the latter is ready s/he must pick it up at the *Questura*. In this occasion s/he will be asked to give his/her fingerprints. One important innovation in the procedure has been introduced in 2011 with a ministerial memorandum<sup>33</sup>: now the employer must go with the foreign worker at the ISD at the moment of the signature of the stay contract and he/she must formalize the hiring within 48 hours of the signature. In fact, it seems that in many cases, the formalization of the employment relationship (through the so-called “compulsory communication”) simply did not take place (ISDTO, 14/12/2011).

The administrative procedures for the implementation of the quota system are usually scarcely taken into consideration in scientific or academic analyses of the admission system. Nevertheless, it seems that these are crucial aspects that have a substantial impact on the effectiveness of this policy, given their very high level of inefficiency.

One of these aspect has to do, for instance, with the duration of the proceedings that may last several weeks and months and in some cases even years. In 2006, on average, 128 days were needed for the digitalization of all the applications presented<sup>34</sup> after which 225 days were on average necessary for the authorization issuance by ISD (once all the applications were received) and 131 days passed from the issuance of the *nihil obstat* to the actual application for the work permit (Ministero dell’Interno, 2008): summing up an average time of 484 days was need to accomplish the whole procedure! The innovation introduced the following year through a fully computer-based application procedure has slightly improved the situation, although the higher number of applications filed has counterbalanced the benefits of this innovation: 188 days were needed on average for the authorization issuance while 123 days passed from the authorization issuance to the work permit request (Ministero dell’Interno, 2009). This trend has continued the following year (Ministero dell’Interno, 2010).

These data are particularly significant when considering that quotas should respond to urgent needs of employers, who are usually not able to wait weeks or months to hire an employee. Quite intuitively, this is a proof of the fact that, to a considerable extent, applications presented by employers concern foreign workers that are already living and working in Italy or, alternatively, that they do not strictly correspond to an actual labour need.

Moreover, as a result of the lengthiness of the administrative procedures (among other factors) a significant share of the available quota usually remains unused. At the date of 14 December 2007, i.e. 21 months after the opening of the application procedure, only a third (32%, corresponding to 149,140 units) of the quotas planned for 2006 (altogether 550,000, if one sums the original decree and the supplementary ones adopted later in the year) was definitively attributed, 21% were temporarily attributed<sup>35</sup> while almost half of them (47% corresponding to 214,597 units) was left unused (Ministero dell’Interno, 2008). A similar trend is observed for

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<sup>33</sup> Circolare congiunta Ministero dell’Interno e Ministero del Lavoro e delle Politiche Sociali, 3 Gennaio 2011

<sup>34</sup> 2006 has been the last year in which applications had to be presented on paper. From 2007 on the application procedure is completely computer-based.

<sup>35</sup> A quota is considered temporarily attributed when the relative authorization is issued but the corresponding stay permits have not been requested yet.

the 2007: 11 months after the application procedure, only 15% of the applications presented had reached the first step (authorization issuance) temporarily binding 70% of the available quota and only in a third of cases there had been the stay permit request (Ministero dell'Interno, 2009).

### 3.7 Extra-quotas entries: a small avenue for highly skilled workers

The admission of some categories of workers is explicitly exempt from the quantitative limits set through the quota system. In particular, article 27 of the 1998 Consolidated Act lists all the specific professional profiles that can be admitted without any quantitative cap to regulate their inflow:

- a) managers or highly skilled staff members of multinational companies
- b) university lecturers and professors;
- c) translators and interpreters;
- d) domestic workers employed by Italian or EU nationals resident abroad that move their residence in Italy;
- e) People admitted for purposes of professional training that subsequently carry out an internship with Italian employers;
- f) Intra-company transferees of sub-contractor staff
- g) Sea workers
- h) Artists and professional sportsmen and sportswomen.
- i) Journalists and reporters for foreign medias.
- j) Young researchers or temporary workers moving to Italy for a short-term international exchange or as au-pairs<sup>36</sup>
- k) Professional nurses.

Despite the lack of explicit quantitative limitations, the admission of workers within these categories is still subject to the authorization (*nihil obstat*) granted by the territorial ISD. Since 2009, admission procedure have been further simplified for specific categories and in specific circumstances: in the case of workers included in the categories a), b) or f) (the latter only when employed by Italian companies), the authorization request is substituted by a simple communication to the ISD (containing the proposed stay contract), when specific memorandum of understanding have been concluded between the employer<sup>37</sup> and the Ministry of Interior.

Their stay permits have a maximum duration of 2 years, in case of fixed term contracts, or unlimited duration in case of open-ended contracts.

As a rule, workers admitted under this specific entry channel are not allowed to change employer, with the relevant exception of workers included in the categories c), d) and k). Furthermore, the conversion of stay permits issued under this specific channel into stay permits for employment or other reasons is usually not allowed.

Since 2008, the enforcement of the 2005/71/CE directive (on a specific procedure for admitting third-country nationals for the purposes of scientific

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<sup>36</sup> It is worth noting that some quantitative limits are possible for this category of workers since their admission is possible only in accordance with specific international agreements and within the caps explicitly foreseen in these agreements.

<sup>37</sup> Or relevant employers organizations, as it has been the case of Confindustria.

research)<sup>38</sup> has created a new extra-quotas admission channel for non-EU scientific researchers.

### 3.8 New perspectives for reform

As emerged during our interviews with top officials of the involved ministerial authorities, this regulatory framework is currently undergoing a process of considerable restructuring.

Following the new strategies expressed in the recent Integration Plan “Identity and Encounter” (adopted in June 2010)<sup>39</sup> the whole admission system for working purposes will possibly considerably change in the next years. The Plan outlines the programmatic lines of a new integration model based on three key concepts: identity, encounter and education. The fundamental idea at the basis of this new “Italian model of Integration”, described by the label “Open Identity” (*Identità Aperta*), is that the first step for integration must be the definition, recognition and transmission of national identity, without which no encounter with the others is deemed possible:

The premise of any social interaction is the capacity to transmit and communicate own identity. (...) In order to set a sustainable civil society, in a context of increasing social pressures, we must retrieve the essential conditions of our identity in the past, revitalizing our roots. (...) The Open Identity model is based on the possibility of a genuine encounter grounded on knowledge and respect for what we are, balanced with a natural curiosity about culture and tradition of others. (Piano per l'Integrazione nella Sicurezza: Identità e Incontro: page 8-9)

The new integration model is therefore articulated in 5 main axes:

- a) Education and learning
- b) Work
- c) Housing and territorial governance
- d) Access to essential services
- e) Young people and second generations.

The second axe is the most relevant here and it sets up the main elements of what will supposedly become the new labour migration policies in the next future. The reinforcement of labour needs planning capacities, the enhancement of professional qualifications, the effective fight against underground economy and irregular employment, the improvement of the governance of labour migration flows through the active involvement of social partners and cooperative enterprises are the key strategies shaping the new approach.

As it has been highlighted in the previous paragraphs, the limits of existing planning tools have been a crucial factor in the substantial failure of quotas in adequately responding to labour market needs. Therefore what the Ministry of Labour is currently trying to carry out is the creation of a complex monitoring system aimed at

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<sup>38</sup> See D. Lgs. 9 gennaio 2008, n 17.

<sup>39</sup> See webpage: [http://www.lavoro.gov.it/NR/rdonlyres/02A1BA64-6AF8-4EC2-ADD3-EF601C360D34/0/pianointegrazione\\_web.pdf](http://www.lavoro.gov.it/NR/rdonlyres/02A1BA64-6AF8-4EC2-ADD3-EF601C360D34/0/pianointegrazione_web.pdf)

providing reliable information on the real labour market situation in the short and medium term:

“We are setting up a labour market monitoring system at territorial level which will produce an annual report and information bulletins twice per year: it will take into account all available data relating to compulsory communications,<sup>40</sup> to the stocks of job-seekers, to beneficiaries of income support or unemployment benefits, etc. So the next consultations for the quotas planning will take place with much more robust monitoring capacities.” (MINLAB, 28/7/2011).

Differently from the past, administrative data will be the main source of information on the labour market situation. This would possibly provide a more coherent picture of the existing labour demand and available supply, and will allow to monitor professional paths of foreign workers. And in the opinion of one of our interviewees, based on the preliminary results of this assessment (Feltrin 2011), this will lead to a considerable reduction of future labour inflows from abroad:

“The labour migration policies that we will adopt in the coming years must necessarily be selective (...): in the past quotas planning was not based on the assessment of the real needs, the political debate has always been distant from reality. (...) In the next years we will no longer need great number of inflows” (MINLAB, 28/7/2011).

The first signals of this new approach have been already evident in the announcement of a new stop to non-seasonal entries for 2012.<sup>41</sup>

Besides an increased quantitative selectivity, some important steps are currently undertaken towards an enhanced qualification of both candidates to emigration in their countries of origin and foreign workers already living in Italy. This objective is pursued primarily through the effective implementation of existing bilateral agreements on labour migration management and the conclusion of new ones. To date, four “new generation” agreements have been concluded with Moldova, Egypt, Morocco and Albania while negotiations are currently undergoing with Sri Lanka, Ukraine, Philippine, Bangladesh and Peru. Negotiations will soon begin also with China and India. As a result of this process, according to the senior officials interviewed, around 90% of future domestic labour needs could be satisfied through the existent supply in these countries. Furthermore, for the first time, an important role in this process is attributed to private employment agencies, beside local authorities and social partners’ organizations, in the organization and implementation of pre-departure training activities and particularly in the selection and recruitment process.

Once this whole process will be accomplished, the main responsibility for the work permit applications will be attributed to labour market intermediaries and procedural mechanisms could significantly change, by introducing the possibility to apply for work permits all along the year, so avoiding the existing problems with the so-called “click days”.

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<sup>40</sup> Compulsory communications are those official documents that private and public employers must provide to relevant institutions (Ministry of Labour, Social Security Institute, etc.) in case of beginning and termination of an employment relationship, as well as of extension of the duration or relevant changes in contractual conditions.

<sup>41</sup> “Immigrati, con la crisi si cambia. Basta decreto flussi, e meno stagionali”, by Corrado Zunino, *La Repubblica*, 13/01/2012

This silent although deep reforming process of the admission policies for working purposes is trying to tackle two of the main shortcomings of the existing quotas system described above: the unfit mechanisms for the analysis of labour market needs and the absolute lack of any labour demand and supply matching mechanism. However, it is too soon to say if the proposed measures will be effective in addressing these challenges and making the existing admission system more efficient and effective.

## **4. THE CRUCIAL ROLE OF FUNCTIONAL EQUIVALENTS**

### **4.1 The close linkage between irregular migration and labour migration**

Since the very early phases of immigration to Italy, the reiterated use of massive regularization campaigns of migrant workers irregularly living and working in Italy has been one of the main features of Italian labour migration policies. Available figures clearly show that regularizations have been the main ex-post admission channel for migrant workers in Italy: as of the beginning of the 2000s around half of the resident immigrant population in Italy had acquired its legal status through one of the four previous regularization schemes implemented between 1986 and 1998 (Carfagna 2002). Despite the lack of robust evidence, the fact that most of the current immigrant population in Italy has experienced a period of irregular presence before having access to legal status corresponds to a largely shared belief (Barbagli, Colombo et al. 2004; Fasani, 2009).

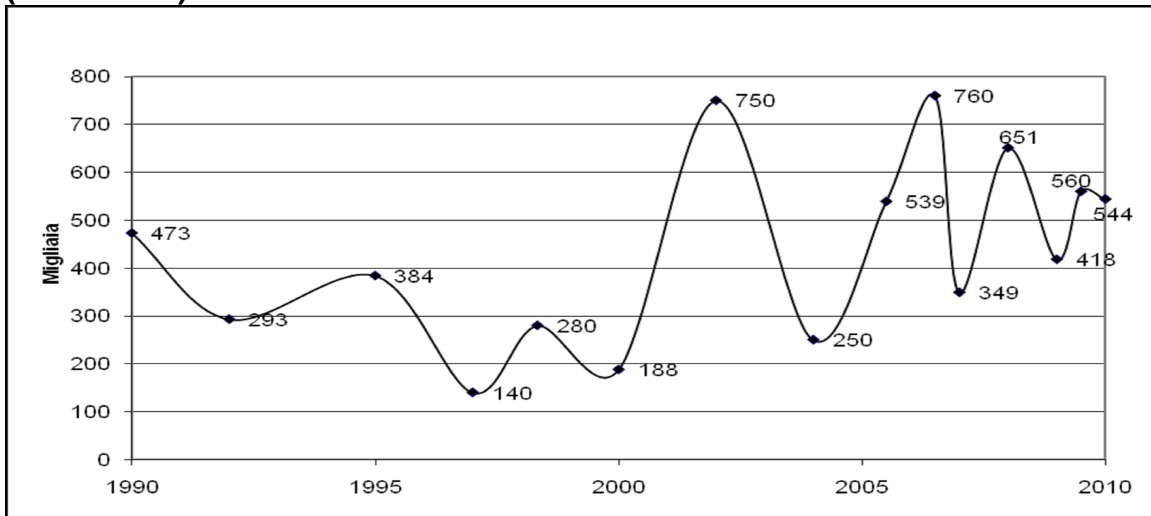
The most accurate and reliable estimates on the irregular migrant population in Italy are those produced by the ISMU foundation.<sup>42</sup> ISMU estimates the stock of undocumented immigrants to be around half million in 2010, only slightly larger than the 1990 figure, just before the second regularization campaign. However, these absolute values have to be reported to a total stock of migrant population which is at currently 5 times larger than it was at the early 1990s, implying a share of irregular migrant over total foreign population overall decreasing (ISMU, 2011). The ISMU surveys also contribute to shed lights on some characteristics of the irregular foreigners: the fraction of unemployed individuals within this group is more than double than among the regular migrants. In addition, the share of inactive immigrants (i.e. students or individuals looking after family/home) is fairly negligible among undocumented migrants (Fasani 2009).

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<sup>42</sup> See [www.ismu.org](http://www.ismu.org). Those estimates are obtained with the “Centre Sampling Technique” (Baio et al., 2011). This technique is based on the fact that all (undocumented) migrants visit some of the local centres of aggregation for migrants which exist in the migrants’ residing area. A sample of those centres of aggregation are selected and a random sample of regular attendees are interviewed. Attendees are also asked to list all the centres that they usually visit in order to construct appropriate weights which ensure representativeness of the centre sampling procedure.



**Figure 2: Estimates of the irregular migrant population in Italy: 1990-2010. (thousands)**



Source: ISMU 2011

The large presence of undocumented or irregular immigrants in Italy is often explained as the result of a combination of factors, among which the most important seems to be the inadequacy of the institutional and regulatory framework for legal labour migration and the role of the shadow economy in Italy (Fasani 2009).

Indeed, the lack of a sound and effective regulation until the late 1990s and the intrinsic limitations of the current quota system as described above represent major explaining factors for the existence and extent of irregular immigration. The constant mismatch between existing labour demand and planned quotas as well as the unrealistic and rigid linkage between the entry and the availability of a job contract do create strong incentives to irregular migration.

As we have seen in the previous sections, these mechanisms can be better understood if one looks at the structure of Italian economy and in particular at the features of the labour demand mostly matched by foreign workforce. Immigrant workers are in high demand especially in personal and business services, construction, agriculture and manufacturing, to perform low-skilled and manual activities, and their employers are in the vast majority of cases either households or small and medium enterprises. In both cases the possibility to have a direct personal knowledge of the individual worker or, in any case, to rely on a trust relationship is a crucial aspect of the recruitment process. The current configuration of labour migration policies, however, makes this need for a previous direct contact between prospective employer and worker quite difficult to fulfil and makes the irregular channel more viable and convenient for both. Besides, the consistent share of underground economy and employment<sup>43</sup> in Italy is a fundamental attracting factor

<sup>43</sup> By their nature, irregular employment and underground economic activities are extremely hard to assess and quantify. However, the National Statistical Institute, ISTAT, has made important efforts in order to build up a reliable knowledge of the phenomenon: according to the latest estimates available, irregular employment in Italy amount to 12.3% of total employment in 2010 (see: <http://www.istat.it/archivio/39522>). During the last decade the share of irregular employment has constantly decreased between 2001 (13.8%) and 2008 (11.8%), while it has grown afterwards. The two major factors explaining the decreasing trend are identified by ISTAT in the changes introduced in labour market regulation (i.e. more flexible job contracts) and the effects of the regularization of

since irregular workers have the reasonable expectation to find employment, although not safe nor guaranteed by the law, even if their legal status is not regular (Reyneri 1998; Reyneri 2004).

#### **4.1.1 Regularizations as a functional equivalent of labour migration policies**

Irregular migration is therefore a primary functional equivalent of legal labour migration in Italy and the recognition of this role is reflected in the recurrent use of regularization 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 regularizations as a functional equivalent of an active labour migration policy (Barbagli, Colombo et al., 2004: 15). These measures have traditionally accompanied periodical normative changes in immigration laws and were typically presented as necessary to compensate for past mistakes and rebalance the situation before the new norms were enforced, pledging that it would have been the very last time. Besides, as Chaloff (2003) has argued, in the case of Italy the resort to amnesties and regularization is not an exclusive peculiarity of the migration policy field but it also marks other important policy areas, such as the fiscal or housing policy.

Even in the last decade, despite its open anti-immigration stance and the dominant rhetoric against clandestine and irregular migration, the Centre-Right governments in office between 2001-2006 and 2008-2011 carried out two major regularization programmes.

In 2002, just after the enforcement of the Bossi-Fini law, a massive regularization was open to domestic and care workers, and soon after extended to all other categories of workers. Differently from the past experiences, the 2002 regularization was purely employer-driven since the only ones entitled to present applications were Italian (or regularly resident foreigners) employers who had been employing clandestine or irregular foreign workers during at least the three months preceding the opening of the application procedures. It was possible to regularize only dependent workers, either in standard or temporary employment, while self-employed or job-seekers were excluded.<sup>44</sup> 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 due fiscal and social security contributions. Irregular foreign workers who had previously received an expulsion order did not have in principle the possibility to regularize their position although subsequent implementing rules have opened the possibility to repeal the pending expulsion orders and gave some discretionary decision power to the *Prefetti*, which are reported by some interviewed officials to have used it to a large extent (AA.VV., 2009). Also, irregular migrants who were under trial for some specific crimes and those alerted in international and European databases were excluded. At the closure of the application phase slightly more than 700,000 applications were received, quite fairly distributed among domestic workers and caregivers (329,452) and all other

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irregular foreign workers in 2002. Undocumented migrants represented 12.7% of irregular employment in 2009, while they were 22% in 2001 and 4% in 2003. (ISTAT, 2010).

<sup>44</sup> The 4 previous regularization schemes were of different nature, the irregular foreign worker being the one entitled to apply for his/her own regularization. Besides, also self-employed (in 1990 and 1998) and job seekers (in 1986 and 1995) were under certain circumstances admitted.

categories (372,454) and among genders (54% regarding men and the remaining 46% women). Women were predominantly represented among domestic workers, for which they represented 82% of the total. Half of the applications (51.7%) were presented in the northern regions of Italy, where the majority of foreign immigrants is concentrated, while only a fifth (19.3%) of them in the southern regions. As for the nationalities of the foreign workers for which applications were presented, the most represented were those of Eastern European region: more than a third of the applications concerned Romanian and Ukrainian citizens (respectively 20.4% and 15.2%), 7.7% Albanians followed by Moroccans (7.7%) and Ecuadoreans (5.2%). Quite interestingly, a relevant share of the applicant employers were of foreign nationality: on average, 10% of them, with a higher representation among those willing to regularize foreign workers in the general category (17%) (Zucchetti 2004).

The outcome of that campaign has been the highest number of regularized 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 for elderly and disabled. Given the huge number of applications filed, the administrative proceedings have been quite lengthy and the last permits were issued during 2004, around two years after the application phase.

More recently, a new regularization program was opened in the late Summer 2009 but, this time, a higher degree of selectivity was imposed by targeting only irregular workers in the domestic sector. The decision to start a new regularization campaign was taken in the midst of the hard economic crisis and in a moment when a stop to new inflows was imposed, with no Quotas Decree issued during 2009 and no new applications received under the 2008 quota. A crucial factor that can explain the decision to carry out a regularization in such a difficult context was the enactment of new provisions introducing the criminal offence of irregular entry and residence with the law No. 94, approved in early July 2009.<sup>45</sup> The proposal was advanced by the centrist components of the political majority, arguing that the new norms would have had tremendous effects on the large numbers of migrant women working in Italian households, often as undocumented and irregular workers, and that the only solution was to start a selective regularization for this category of workers, deemed “good” and useful for Italian welfare system. With the new norms just approved, those workers would have incurred in extremely serious consequences if found in irregular position, and their employers would have been damaged by the loss of their services.

Despite the open opposition of the Northern League, the pro-regularization positions gained a broad (although not very vocal in the media) consensus within the political majority and the regularization program was enforced at the beginning of August 2009.<sup>46</sup> The eligibility criteria were overall quite lax: native or EU nationals and non-EU long term residents could request the regularization 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 gross income of 25,000EUR was required for the regularization of housekeepers (*colf*) whereas no minimum income was required for those willing to regularize caregivers for elderly or disabled people: for this latter category the only requirement was the provision of an official certification attesting

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<sup>45</sup> Corriere della Sera, “La proposta di Giovanardi: ora regolarizzare colf e badanti”, 5 Luglio 2009, in: [http://www.corriere.it/politica/09\\_luglio\\_05/giovanardi\\_colf\\_badanti\\_b9a66b64-6963-11de-b037-00144f02aabc.shtml](http://www.corriere.it/politica/09_luglio_05/giovanardi_colf_badanti_b9a66b64-6963-11de-b037-00144f02aabc.shtml); and Alberto Stadero, “Badanti, si allarga il fronte pro-sanatoria”, Repubblica, 7 Luglio 2009.

<sup>46</sup> Law n°102, 3 August 2009.

the disability and the need for constant assistance. In addition, a lump sum of 500EUR had to be paid as a compensation for due social contributions.

The applications were then presented between 1<sup>st</sup> and 30<sup>th</sup> of September 2009 and at the end almost 300,000 (294,744) applications were filed, 61% of which for housekeepers (*colf*) and 39% for caregivers (*badanti*). The implementation of the regularization campaign has been accompanied by strong waves of criticism. First of all the number of application presented has been largely below the early forecasts advanced by senior officials and experts that were expecting a number of applications between 500,000 and 750,000. This has led some commentators to talk of a 'failed regularization', although the possible explanation and interpretation of this 'failure' are not univocal (Colombo, 2009). Secondly, by mid-2010 the implementation of the regularization has been at the origin of some public unrest, in particular among migrant organizations and other civil society groups supporting the rights of migrant workers because of the alleged discriminatory nature of the regularization procedures (Savio 2010).

The enforcement of this last regularization program and its outward selectivity is another example of the largely instrumental use of (ex-ante or ex-post) admission channel addressing migrant domestic workers described in the previous pages with regard to quotas mechanisms. Even a superficial analysis of applications presented in that occasion allows to highlight some insights that suggests that the instrument could have been used instrumentally to regularize workers not necessarily employed in the occupations covered by the regularization law. In particular, looking at the nationalities of the workers for which a regularization request was presented, one can notice a strong presence of people from Morocco (36,112 applications or 12.25% of the total), China (21,090 or 7.16%), Egypt (16,325 or 5.54%) or India (17,572 or 5.96%) or other countries.<sup>47</sup> Indeed, these nationalities are only marginally represented among the workers employed in domestic or care services, as reported by the INPS, the National Social Security Institute: at the end of 2008 out of the 510,319 foreign-born domestic workers registered only 5,537 came from China, 15,307 from Morocco, 5,619 from India and less than 2,400 from Egypt (INPS 2011). Unfortunately, official figures published by the Ministry of Interior so far are not disaggregated by gender. Furthermore, 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. Finally, foreign applicant employers were on average 13% of the total but for some nationalities it exceeded 40%, such as in the case of Senegal or Ghana (Ministero dell'Interno 2010).

At the date of 14 March 2011 the share of processed applications amounted to 87 per cent of the total, out of which 75 per cent were accepted and 12 per cent rejected.<sup>48</sup>

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<sup>47</sup> Ministry of Interior, Dichiarazione di Emersione - Riepilogo definitivo domande pervenute su scala nazionale, 1st October 2009, Available at: [http://www.libertacivilimmigrazione.interno.it/dipim/export/sites/default/it/assets/statistiche/0033\\_Report\\_Conclusivo\\_-\\_Dichiarazione\\_di\\_Emersione.pdf](http://www.libertacivilimmigrazione.interno.it/dipim/export/sites/default/it/assets/statistiche/0033_Report_Conclusivo_-_Dichiarazione_di_Emersione.pdf)

<sup>48</sup> [http://www.interno.it/mininterno/export/sites/default/it/assets/files/20/0099\\_Emersione\\_colf\\_e\\_badanti-dati\\_al\\_14\\_marzo\\_2011.pdf](http://www.interno.it/mininterno/export/sites/default/it/assets/files/20/0099_Emersione_colf_e_badanti-dati_al_14_marzo_2011.pdf)

## 4.2 Non economic migration (family members, asylum, seekers, students) as functional equivalent to labour migration?

With the relevant exception of family migration, all other forms of international migration to Italy, namely asylum and international students mobility, remain still marginal in Italy, at least in purely quantitative terms. As a matter of fact, labour migration is traditionally the main legal entry channel in Italy and, despite the negative impact of the recent economic crisis on domestic labour market, employment has been the main reason of entry yet in 2008 and 2009, concerning respectively 50% and 63% of new inflows.

Family migration has represented the second largest component of migration stocks and flows to Italy in the last decade with around a third of the stay permits issued for family reasons until 2007 (see table 3). Since 2008 a consistent increase in the stock of family migrants, which has doubled between 2007 and 2008, can be observed. However, far from simply reflecting a dramatic increase of new inflows from abroad, these figures are mainly the result of important changes in the statistical elaboration of data provided by the National Statistical Institute: indeed, since 2008 the statistics on valid stay permits issued to non-EU nationals living in Italy also include underage children of immigrants, previously not computed. In fact accompanying minors (either born in Italy or abroad) represent a significant and increasing share of non-EU foreign population in Italy: they constituted around a fifth of the total stock of non-EU foreign population in 2011 (759,080 individuals or 21.7%) while only 4.6% in 2001 (57,253 individuals). Overall, family migrants present in the country in 2010, amounted to 1,608,322 individuals, almost equalizing labour migrants (1,612,541), 62% of which are women and the remaining 38% men.

Humanitarian migration (including refugees, asylum-seekers and beneficiaries of subsidiary protection) represented the third major component of the total stock of non-EU nationals living in Italy in 2010, with around 57,000 individuals corresponding to 3% of the total. As the table below shows, the number of beneficiaries of international protection has constantly increased during the last decade but the turning point is observed between 2006 and 2007, when the total number of people granted some form of international protection has doubled: humanitarian migrants have almost tripled (+ 282%) between 2006 and 2010. In fact between 2007 and 2008 Italy has enacted in its legislation the European directives on asylum 2005/85/CE<sup>49</sup> and 2004/83/CE<sup>50</sup> and finally adopted a coherent regulatory framework concerning humanitarian migration. By then the national policies on asylum and international protection issues were largely inadequate and subject to highly discretionary practices.

**Table3: Annual stocks of non-EU nationals in Italy by reason of stay, 2001-2010<sup>1</sup>**

	Employment		Family (a)		Study		International protection		Other		Total
		%		%		%		%		%	
<b>2010</b>	1,612,541	47	1,608,322	47	49,908	1	57,003	2	34,185	1	3,398,016
<b>2009</b>	1,387,063	46	1,424,680	48	46,836	2	53,510	2	36,698	1	2,987,489

<sup>49</sup> See Legislative Act No 25, 25 January 2008

<sup>50</sup> See Legislative Act No 251, 19 November 2007

<b>2008</b>	1,239,263	47	1,238,678	47	45,458	2	35,787	1	26,645	1	2,621,580
<b>2007</b>	1,124,987	60	618,925	33	43,607	2	28,711	1	23,901	1	1,877,050
<b>2006</b>	1,289,095	63	623,429	30	42,106	2	14,890	1	43,992	2	2,052,157
<b>2005</b>	1,296,076	65	565,130	28	33,414	2	17,732	1	34,212	2	2,006,356
<b>2004</b>	1,418,405	68	511,536	25	32,121	1	17,005	1	36,822	2	2,079,373
<b>2003</b>	765,902	57	445,042	33	31,906	2	15,882	1	30,516	2	1,352,420
<b>2002</b>	779,290	60	390,088	30	27,018	2	13,320	1	29,751	2	1,302,843
<b>2001</b>	775,010	63	335,098	27	24,171	2	9,519	1	28,630	2	1,233,584

Source: Istat

<sup>1</sup> Data refer to 1<sup>st</sup> January of each year.

(a) Since 2008 accompanying minors are included

(b) It includes refugees, asylum-seekers and, since 2007, beneficiaries of subsidiary protection

Italian migratory policies acknowledge the role of family and humanitarian migration as potential functional equivalents of labour migration, although in a weak and quite contradictory way. On the one hand, as we have seen in previous sections, the available stocks of working age family migrants and beneficiaries of international protection are taken into account in yearly quotas planning as diminishing factors: “In assessing the labour market needs, it is important also to take into account the inflows for reasons other than work, especially family reunification and asylum. Not all of these inflows result in work activities, but the size of family reunification in particular suggests a careful examination with respect to its possible impact on the labor market.”<sup>51</sup> On the other hand, the existing policies regulating the admission of family or humanitarian migrants have been quite restrictive, directly or indirectly reducing the possibility of legal entry for these categories.

The lack of a coherent normative framework on asylum issues until very recently is often presented as a strong explanatory factor for the weak presence of refugees and asylum seekers in Italy. Indeed, many attempts have been done in the past years to compensate for this absence with some draft law being elaborated and discussed in the national Parliament, but none of them was successful. As a matter of fact, the enforcement of European directives on asylum issues between 2007 and 2008 has immediately had a significant impact, resulting in the remarkable increase in the number of people granted some form of international protection.

Besides, gradual changes to family migration policies have progressively imposed a number of substantial limitations to family reunification. For instance, adult children of immigrants are currently not granted the possibility of reunification, the only exception being the case of total physical disability and upon presentation of official certificates. However, the most important limitations concerns the eligibility criteria and in particular the availability of adequate housing or the income thresholds imposed. With regard to the former aspect the official recognition of housing criteria is often subject to highly discretionary practices at local level.

However, in the next years family migrants, and children of immigrants in particular, will see their role of functional equivalents to labour migration increasingly enhanced: “We will no longer need great numbers (re. inflows): family reunifications, intra-EU mobility and second generations will naturally compensate the labour mismatch that is currently tackled through labour migration from third countries” (MINLAB, 28/7/2011). Moreover, the natural dynamics of social mobility within immigrant communities and the increased level of education of second generations

<sup>51</sup> Document of Migratory Policy Planning 2004-2006, page 16.

will have a positive impact on the qualification of foreign workforce (MINLAB, 28/7/2011)

#### 4.3 EU mobility as a functional equivalent to extra EU labour migration?

Labour migration to Italy has undergone a marked process of Europeanization during the past decade since inflows from Eastern Europe have had a leading role in the total growth of foreign population in Italy. The two waves of EU eastern enlargement in 2004 and 2007 have boosted this process and especially the second one, with Romanian immigration to Italy taking the absolute lion's share in the whole process.

In particular, Romanians currently represent by large the first foreign community in Italy, with almost one million resident people (968,576 individuals), i.e. more than one fifth of a total foreign resident population of 4,570,317 people. In order to find another EU country in the ranking of the foreign nationalities represented in Italy's resident population, it is necessary to drop to 9<sup>th</sup> place and find Poland, with around 106,000 resident people corresponding to 2.4% of the total. However, quite interestingly the bulk of this growth has preceded instead of following the two waves of accession in 2004 and 2007.

**Table 4: EU8 and EU2 residents in Italy 2002-2010 (thousands).**

	2002	2004	2006	2008	2010
<b>Poland</b>	29,972	50,794	72,457	99,389	109,018
<b>Czech Republic</b>	3,081	4,328	4,905	5,801	6,134
<b>Hungary</b>	2,920	3,734	4,389	6,171	7,404
<b>Slovenia</b>	2,136	2,382	2,948	3,101	3,201
<b>Slovakia</b>	2,087	3,895	5,416	8,091	9,150
<b>Lituania</b>	485	1,278	2,184	3,640	4,524
<b>Lettonia</b>	484	862	1,286	1,782	2,257
<b>Estonia</b>	266	482	630	838	1,029
<b>Tot. EU8</b>	41,431	67,755	94,215	128,813	142,717
<b>% over total foreign population</b>	2.7%	2.8%	3.2%	3.3%	3.1%
<b>Romania</b>	95,039	248,849	342,200	796,477	968,576
<b>Bulgaria</b>	7,324	15,374	19,924	40,880	51,134
<b>Tot EU2</b>	102,363	264,223	362,124	837,357	1,019,710
<b>% over total foreign population</b>	6.6%	11%	12.3%	21.5%	22.3%
<b>Total Foreign Resident Population</b>	1,549,373	2,402,157	2,938,922	3,891,295	4,570,317

Source: ISTAT, 2012.

On both occasions the Italian government opted for adopting transitional arrangements limiting immediate access of EU8 and EU2 nationals to Italian labour market, although in completely different forms.

In 2004 the policies adopted imposed a two-year transitional period in which nationals of new member states were still required to request a work permit in order to access dependent employment in Italy and their admission was subject to

quantitative caps through the well-known quotas system. No limitation was imposed for self-employed or EU8 nationals already living and working in Italy before May 2004. In order to ensure a preferential treatment to EU8 nationals with respect to non-EU workers it was decided to set annual quotas for the former at the same level imposed to all other nationalities. Therefore, 79,500 new entries of EU8 workers for seasonal or non seasonal employment were allowed in 2005<sup>52</sup> while they were 170,000 in 2006.<sup>53</sup> In addition, administrative procedures for the admission of EU8 workers were simplified and once admitted they have been granted a long-term stay permit (so called *Carta di soggiorno*). However, the available quotas were only partially used: around 45,000 applications for work permits were filed by June 2005, representing slightly more than half of the available quota. The most requested workers were Polish (around 24,000) followed by Slovaks and Hungarians. More than two thirds of the applications concerned seasonal workers in agriculture or tourism.

Overall, inflows from new member states and their impact on the labour market have been all in all limited: the share of EU8 nationals over total foreign resident population has increased of 0.5% between 2004 and 2006 (see table 5); their share over total workforce has been even less significant: recent EU8 immigrants aged 15-64<sup>54</sup> represented around 0.1% of the total labour force in 2007 (European Commission, 2008). Transitional restrictions to labour market access for EU8 nationals have been finally lifted by the newly formed Prodi government in July 2006.<sup>55</sup>

The transitional arrangements adopted in the occasion of the 2007 enlargement wave have been considerably different, due to both the experience observed after the 2004 enlargement and the peculiar characteristics of the Romanian presence in Italy. Overall, between 2002 and 2010 the Romanian presence in Italy has increased about 10 times (+919%). Nothing similar has happened with nationals of other new Member States. Recently arrived EU2 migrants (95% of which are Romanians) represent around 1.1% of the total working age population in Italy (European Commission 2011).

Although some restriction to the full access of Romanian and Bulgarian workers to the Italian labour market have been imposed, they were overall of limited extent: employment in agriculture and tourism, in construction and domestic or care services, in metal industry and in highly skilled professional activities was not subject to any limitation.<sup>56</sup> Indeed, these are exactly those sectors where EU2 nationals are most employed. In addition, no quantitative ceiling was imposed and restrictions, namely the need to request a work permit, were limited to the first access to employment while they were not applied for all subsequent working experiences. Due to the economic crisis and its serious impact on the Italian labour market, the transitional regime has been maintained until the late 2011 and ultimately (and silently) abandoned only from 1 January 2012.<sup>57</sup>

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<sup>52</sup> Decreto del Presidente del Consiglio dei Ministri 17 Dicembre 2004 (G.U. 2 Febbraio 2005), Programmazione transitoria dei flussi di ingresso dei lavoratori cittadini dei nuovi stati membri dell'Unione Europea nel territorio dello Stato, per l'anno 2005.

<sup>53</sup> Decreto del Presidente del Consiglio dei Ministri 14 Febbraio 2006 (G.U. n° 51, 2/3/2006), Programmazione transitoria dei flussi di ingresso dei lavoratori cittadini dei nuovi stati membri dell'Unione Europea nel territorio dello Stato, per l'anno 2006.

<sup>54</sup> Active working age foreign nationals resident 4 years or less.

<sup>55</sup> Circolare n°21/2006, Ministero del Lavoro e delle Politiche Sociali.

<sup>56</sup> Circolare n°2/2006, Ministero dell'Interno e Ministero della Solidarietà Sociale.

<sup>57</sup> Circolare 31/1/2011, Ministero dell'Interno e Ministero del Lavoro e delle Politiche Sociali.



## 5. CONCLUSIONS

The current Italian labour migration policies have proven to be largely ineffective in fulfilling their objective of satisfying labour market needs while tackling undocumented migration at the same time. The back door of irregular migration still represents the main channel through which foreign labour can enter Italy. Once on the Italian territory, irregular foreign workers nurture the reasonable expectation to regularize their status either through extraordinary regularization schemes or through the ordinary quota system. The recurrent use of ad hoc massive regularization schemes yet during the 2000s (in 2002 and 2009) has greatly contributed to the growth of migrant population in Italy, with a number of regularized immigrants corresponding to more than half of the total foreign population. Besides, the quota system, supposedly managing the admission of foreign workers from abroad, has been largely used to regularize workers that were already present in the country with an irregular status.

The main explanation for this situation is basically found in important shortcomings of the quota system, as described in the previous paragraphs. To sum up, it is possible to identify three major limits. First, the inadequacy of the labour needs forecasting mechanisms is at the origin of recurrent and consistent gaps between the planned entry quotas and the existing labour shortages. On the one hand, the structural characteristics of the foreign labour demand makes a satisfactory planning of real needs an extremely hard task. Foreign labour is in particularly high demand in SMEs, especially micro-enterprises, or households. While the former often act under short term pressures and are hardly able to foresee in advance their labour needs, the latter are not included in any labour forecasting mechanism and their demand remain largely unexpressed. On the other hand, the actual figures expressing the potential demand for foreign labour have been constantly balanced by important concerns on their political impact. Beyond all possible technical consideration on the existing shortages, what seems to have been the decisive factor is the acceptability of those figures by public opinion.

A second major limitation of the quota system has to be identified in the lack of effective labour matching mechanisms. Leaving aside the possibilities offered by bilateral management tools (i.e. pre-departure training, lists of candidates, etc.), scarcely put into practice, and once abandoned the job-search entry channel, the main available recruitment channel is the one of informal, personal contacts between prospective employers and workers. Combined with the strict principle of nominal hiring from abroad, this absence of formal selection and recruitment channels results in strong incentives for irregular migration.

Finally, one important aspect that has been often overlooked by past research on the Italian quota system, has to do with its administrative implementation. As we have pointed out in paragraph 3.5, although important steps towards a simplification of procedures have been undertaken in recent years, concrete problems affecting the processing of the work permit applications presented by employers is still identified as one of the major limits of the system. On the one hand, the strict principle of the chronological reception order in the examination of work permit applications makes the assignment of work permits subject to a high degree of uncertainty and arbitrariness. Especially after the introduction of the electronic application procedures, few tenths of seconds may be determinant in the assignment of work

permits: this turns the whole process into a sort of lottery. On the other hand, the excessive length of the necessary administrative procedures determines a high inefficiency of the whole system. In many cases, and especially in big towns (e.g. Rome, Milan, Turin, etc.), several weeks and even months are necessary before the whole procedures are accomplished and the stay permits are finally issued. A serious consequence of these procedural problems is that a great number of entry slots is left unused, either because employers simply give up their applications or because the requested worker, is not actually able to return to its country to request the necessary visa.

Thus, the dissatisfaction with the current admission system for employment purposes is widespread and seemingly shared by all the stakeholders involved. Workers' and employers representatives, experts and researchers, politicians and civil servants, all seem well aware of what are the main problems affecting the Italian admission system for working purposes. At the same time, there seems to be a silent acceptance of the current system, reflected in the low-key debate around labour migration policies in the past decade. No substantial reform of the current admission system for labour migrants has been publicly discussed in recent years, although some proposals have been advanced. In order to provide some possible interpretation of this situation it is interesting to look at the dynamic interaction between the demand and supply of new and more effective labour migration policies.

On the one side, it is crucial to look at the features of the labour demand typically matched by migrant workers and, consequently, to the role of employers' organizations in the political debate on labour migration policies. As seen in the previous sections, this demand is particularly fragmented and dispersed among a great number of SMEs, particularly micro-enterprises, or households needing domestic and care services. Organizations representing small enterprises often lack the organizational, analytical and power resources that are necessary to elaborate articulated and comprehensive reform proposals and to lobby for them with policymakers. At the same time Confindustria, the most powerful and structured employers' organization in Italy, has traditionally kept a low profile in public debates on labour migration, probably also because its most influential members (big enterprises in the industrial sector) are less concerned by the phenomenon.

Overall, this situation results in a highly fragmented and dispersed demand for new labour migration policies. Therefore, and differently from what has been traditionally observed in other European countries (Menz and Caviedes, 2010), Italian employers do not seem to hold a primary role in the debate on labour migration policies. Pro-immigrant groups, particularly NGOs (mostly catholic) and trade unions, have been much more influential in orienting and exerting pressures on policymakers (Zincone, 2011). Their role has been crucial in strengthening immigrants rights or in discussing possible management mechanisms, both on admission and integration issues. Nevertheless, much less attention has been devoted to labour migration policies' aims and objectives by adopting a systemic perspective that considers labour migration as embedded in wider social and economic processes.

On the other side, looking at the supply-side of labour migration policies, it is important to consider the decreasing political returns related to immigration issues observed in the recent years. Advancing new proposals for an in-depth reform of the current labour migration policies has become increasingly costly in electoral and political terms, despite their observable inefficiencies. Highly negative attitudes

shown by Italian public opinion and strong concerns towards irregular and clandestine immigration have poisoned the political debate in the last decades, and especially in the most recent years. Despite the largely different rhetoric adopted by centre-left and centre-right coalitions, a substantial convergence in the concrete policies adopted has been observed (Zincone, 2006).

The fundamental challenge of striking a balance between the structural labour needs and the widespread hostility towards new immigration has been essentially unmet in the Italian case. Thus, the management of admission systems for working purposes has gradually disappeared from the general debate while other issues, namely clandestine immigration or integration processes at local level (focusing especially on cultural integration), have been prioritized, as highlighted in paragraph 2.3.

The observed paralysis of the legislative framework regarding labour migration issues since 2002 has been only partially compensated by what we can call administrative survival strategies. Thus, some inefficiency of the actual system has been tackled through the enhancement of administrative rules, such as the work permits application or residence permits renewal procedures, through decisions mostly undertaken at ministerial level. Quite explicitly, it has been underlined (see paragraph 3.7) how the currently ongoing reform, mainly managed by the Ministry of Labour, has remained all in all absent from the general debate. However, as it would possibly lead to a deep restructuring of the current admission system through quotas, this total lack of general and political discussion casts some doubts about the political sustainability of the reform.

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## **ANNEX I. LIST OF INTERVIEWEES**

1. Director General, Direction General Immigration, Ministry of Labour – Rome, 28 July 2011 (MINLAB)
2. Director and Deputy director, Direction General for Immigration and Asylum Policies, Ministry of Interior, Rome, 11 October 2011, (MININT)
3. Policy Officer, Immigration Area, Confederazione Generale Italiana del Lavoro, Rome, 25 July 2011, (CGIL)
4. National Coordinator, Migration Policy Department, Unione Italiana del Lavoro, Rome, 15 July 2011, (UIL)
5. Head, Department for Reception and Integration Policies, Emilia-Romagna Region, 29 September 2011, (EMIRROM)
6. Expert, Labour Market Analysis Department, Veneto Lavoro, 24 September 2011, (VENLAV)
7. Chief officer, Immigration Single Desk, Prefettura di Torino, 14 December 2011, (ISDITO)
8. Focal Point, Immigration Office, Patronato INCA-CGIL, Torino, 22 November, 2011, (INCA)
9. Director, ASCOM – Confcommercio, Turin, 28 November 2011, (ASCOM)
10. Director, Confederazione Nazionale Artigiani (CNA), Turin, 1<sup>st</sup> December 2011, (CNA)
11. President, Confesercenti, Turin, 13 December 2011, (CONFES)
12. Director, Legacoop, Turin, 30 November 2011, (LGCOP)
13. Director, Collegio Costruttori Edili, Turin, 12 January 2012, (CCED)
14. Director, Confagricoltura, Turin, 15 January 2012, (CONFAG)