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Migration Studies Unit  
London School of Economics and Political Science  
Houghton Street  
London WC2A 2AE

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Italian policy towards legal economic  
migration: Aims, limits and failures  
Mauro Longo



## **ABSTRACT**

This paper focuses on policies toward economic immigration in Europe, with a special focus on Italy, and analyses the reasons accounting for the gap between restrictive policy outputs and actual outcomes. Structural push and pull factors account for migratory pressures at the borders. The former are outside the reach of national governments' action. The latter, on the other hand, are boosted by the emersion of a dual labour market, creating a continuous demand for low-paid foreign workers. A negative public attitude toward immigration resulted in the politicisation of the issue and to restrictive policy outputs. Nonetheless, Italy presents a peculiar structure of the labour market, where a wide informal economy and a lack of controls offer opportunities of unregistered employment for undocumented migrants. Thus, high figures of irregular entries prove that policy choices have been ineffective, and the frequent recourse to regularisations represents an implicit acknowledgment of policy failures.

To my three revisers

## INTRODUCTION

EU countries are acknowledging a renewed need for labour immigration for the first time since the 1970s. Governments have to deal with an ageing population and its consequences, from shortages in the workforce to a lack of contribution to the welfare state. In a context of economic downturn, past immigration and integration policy failures, a negative public attitude towards immigrants and rising unemployment are exploited by populist parties and some of the media to favour restrictive policies instead (Boswell, 2003). Nonetheless, figures of immigrants entering the European Union are far bigger than restrictions could suggest. There are about 1.4 million entries per year for a total of almost 20 million extra-EU foreigners, or 4% of the EU population. These numbers do not take into account illegal immigration, estimated in six-figures entries per year for a total of 2-5 million people (Eurostat, 2009). This dissertation will try to answer the question why there is a gap between restrictive immigration policy outputs and actual outcomes. The hypothesis is that the gap has its causes in the structure of the labour market, the dimension of its informal sector and the availability of jobs for unregistered migrants. First, the paper will give a theoretical answer to the question. Internal dynamics of 'client politics', pressures from organised interests, judicial constraints limit the width and the effectiveness of governmental action; while external structural dynamics (push and pull factors such as wage differentials, demographic pressure, established networks and paths of migration, globalisation of labour markets) are outside the realm of national governments.

It will then describe the evolution of immigration policy in the EU, what events influenced governments to formulate restrictive legislation with the aim of limiting inflows to beneficial migrants while excluding those seen as draining resources and representing a cost for society (Geddes, 2003). It will verify to what extent these choices have been effective through a critical review of outcomes and corrective instruments (the main one being regularisation programmes) and the analysis of data on regular and irregular entry trends. Finally, it will aim at proving its hypothesis by using available data and taking Italy as a case study, a country peculiar for its very restrictive level of admission policy on the one hand and high figures of undocumented immigration on the other. It will argue that the frequent recourse to mass regularisations represent the

acknowledgment by subsequent governments of the failure of restrictive policies, and that this instrument has turned from a one-off emergency solution to an actual tool of immigration policy.

## 1. THEORETICAL FRAMEWORK

The European situation represents a perfect snapshot of the paradox of the global economy: globalisation is at once the cause of increasing migration flows (boosted by the free circulation of goods and capitals, wage differentials, cheap transportation costs) and restrictive policies in receiving countries. According to the ‘client politics theory’ (Freeman, 1995), the effectiveness of these policies is determined by negotiations among small and well-organised interest groups and the government. Public opinion is generally less informed and organised than those groups, and its diffuse interests are therefore less effective. The ‘logic of collective action’ thus leads immigration politics to be inherently expansive.

Diffuse interests become relevant at times of high unemployment and/or high immigration, when the public becomes sensitive to such issues and immigration moves to electoral politics. The politicisation of immigration poses a dilemma for parties in government, as opposing interests are cross-cutting and they may include in their grassroots both those favouring immigration and those averse to it. Two major trends emerge from politicisation: a convergence of policy instruments across party politics and across states, and a gap between outputs and outcomes that forces liberal states to accept large numbers of unwanted immigration (Cornelius et al., 2004). Regarding the former, Thielemann (2006: 31) remarks that, when governments try to imitate and reproduce policies already in force in neighbouring countries, the effectiveness of these measures will be ‘limited to a very short-term first-mover advantage’, as migrants learn how to circumvent them. Regarding the latter, constraints that undermine the effectiveness of restrictive policies may originate in the guarantee and protection of fundamental rights provided by national constitutions and reaffirmed by strong, independent courts, waterproof to electoral pressures (‘judicial politics theory’, Joppke, 1998). Other scholars stress the role played by international norms and agreements (such as the 1951

Convention on the protection of refugees) as an obstacle for the effectiveness of restrictive provisions (Sassen, 1996).

However, a comprehensive explanation of migratory flows has to take into account structural push and pull factors in both sending and receiving countries; motivations of migrants; socio-economic networks that link migrants to a certain country of destination (common language, colonial past, cultural ties), or that migrants establish from within receiving societies. The main pull factor is represented by wage differentials: the hourly wage in manufacturing in 1995 was 0.25\$ in India and China, 13.77\$ in the UK and 31.88\$ in Germany (Entorf, 2002: 30). Structural demand for immigration is incentivised by the formation of a dual labour market in developed countries, where natives refuse to work for poor wages in unsafe conditions. The subsequent formation of migrant networks contributes to the self-perpetuation of migratory flows (Arango et al., 1998).

With root causes of international migration being far out of their intervention range, but having to confront public hostility towards massive inflows of migrants, national governments enforce symbolic control instruments to reassure electorates. Border controls, bureaucratic slowness in issuing permits, restricted access to rights and benefits, tightened-up policing and judicial instruments may be effective or not, but they are visible and can be sold to the public as a tough stance against unwanted immigration. Furthermore, some Southern European states lacking a strong centralised bureaucracy and a tradition of immigration, develop ephemeral barriers which governments are unable to enhance and migrants easily overcome (Massey, 1999: 314-316). Hence, structural dynamics transform officially restricted access to those countries into illegal immigration. Several European countries offer easy access to the labour market as undocumented migrants allow employers to minimise costs thanks to their flexibility, low bargaining power and availability to work in precarious, unsecure and proving conditions. When utility of migrants (supply) and/or employers (demand) are below their equilibrium, restrictive policies will create a market disequilibrium that will render them ineffective and a waste of public resources, as their costs is higher than the social costs caused by illegal immigration (Entorf, 2002).

It is within this theoretical framework that European governments are considering new immigration policy options after almost thirty years of closure, restrictions and unwanted immigration.

## 2. MIGRATION POLICY EVOLUTION IN EUROPE

After the Second World War, Europe experienced a thirty-year period of economic recovery and growth that led to very low levels of unemployment and a competition among immigration countries to attract foreign workers. At this stage, many European countries were countries of emigration (especially Italy and Portugal). Immigration policy was still a matter of 'client politics' negotiated at a bureaucratic level among employers and governments' officials, far away from the political arena. It was only after the oil price shock of 1973 and the subsequent recession that all governments effectively closed the doors to further labour immigration and expected guest workers to leave (Stalker, 2002). Some of them had settled, however, and UK, France, Belgium and the Netherlands were thus forced to launch regularisation programs to normalise their position. However, figures remained small<sup>1</sup> and never exceeded 15.000 people (Apap et al., 2000). In the early 1980s, as other European countries closed their borders, Southern European countries turned into net receivers of immigration: Greece, Portugal and Spain became attractive after joining the European Communities and, together with Italy, they shared porous borders and a relevant informal economy eager to welcome an irregular workforce (Stalker, 2002).

The fall of Communist regimes and the Yugoslav War marked a turning point in the history of immigration to Western Europe. Massive inflows of asylum seekers and economic immigrants looked at prosperous neighbours. More than 4 million people applied for asylum in the EU during the 1990s, almost half of them coming from other European countries. Part of them were economic migrants in all respects diverting to the asylum route. Between 1989 and 1992 Germany absorbed 3-4 million immigrants (ethnic Germans, eastern European, Yugoslav refugees), its foreign population rising from 4 to 7.3 million during the 1990s and reaching 14% of the total population by 1999 (Geddes, 2003; Boswell, 2003). Never having experienced such massive inflows of asylum seekers

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<sup>1</sup> apart from France, where the issue of Algerian independence had to be taken into account

before, European governments reacted by tightening up their rules (e.g. denying entitlement to work for applicants). Restrictive immigration policies assumed a European-wide aspect: EU member states started to coordinate their effort in borders patrol and tackling of clandestine immigration, established a European specimen for readmission agreements with third countries, agreed to harmonise their asylum policies<sup>2</sup>. It is not clear if the decrease in asylum applications recorded after 2000 can be seen as a direct consequence of stricter rules and provisions; nevertheless, many scholars agree on the fact that, as a general result, they drove more people to enter and/or work illegally (see for example Boswell, 2003; Stalker, 2002).

Europeanisation and politicisation of migration have made it far more difficult for governments to elaborate long-term policies capable of dealing with economic needs and public distrust at once.

### 3. POLITICISATION OF IMMIGRATION POLICIES

Official data show that the number of foreigners living in the EU is low when compared with other developed countries such as the US, Canada and Australia where foreign-born population accounts for 15-20% of the total. In the EU foreigners constitute 6.2% of the population, but only 3.9% if solely extra-EU citizens are considered (about 30 and 20 million people respectively).

	Italy	Spain	Germany	France	UK
1990	356 (0.6%)	398 (1.0%)	4.846 (6.1%)	3.597 (6.3%)	2.416 (4.2%)
2004	1.990 (3.4%)	2.772 (6.6%)	7.342 (8.9%)	3.263 (5.6%)	2.760 (4.7%)
2008	3.433 (5.8%)	5.262 (11.6%)	7.255 (8.8%)	3.674 (5.8%)	4.021 (6.6%)

Table 1: Non national population in selected EU countries (thousands). Eurostat 2006, 2009

As shown in table 1, figures of foreigners have sensibly increased over the last twenty years in southern European countries, but only slightly in traditional immigration countries. Throughout the 1990s, immigration trends in the UK and in France remained constant, respectively at around 200.000 and 100.000 entries per year and in Germany they rose due to the return of ethnic Germans and the asylum seekers crisis, but decreased

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<sup>2</sup> A Common European Asylum System was formally established at the Tampere European Council of 15 and 16 October 1999



again and stabilised at about 650.000 after 1995 (Boeri et al., 2002). Nonetheless, it was especially in these countries where misinformation on different categories of immigrants contributed to a general mystification (Boswell, 2003). A key role was played by the failure of migrant integration within hosting societies. This carried concerns regarding unemployment, criminality, declining values, rising welfare costs and lower quality services, regardless of whether these problems were actually connected with migration. In fact, economic theory has proven that, due to the formation of a dual labour market, immigration does not affect neither employment nor wage levels for natives, and scholars has shown that migration 'is a Pareto-improving measure' for the welfare state (Razin, 477). Furthermore, after the terrorist attacks in New York, London and Madrid, immigration became even more a matter of security, and public aversion against migrants called for further restrictions.

In this context, anti-immigrant parties proliferated, blaming foreigners to exploit the welfare state, promoting law-and-order electoral programs and winning popular backing thanks to racist and xenophobic claims and occasional support from right-wing media. That was the case of Le Pen's Front National (archetype of many similar parties around Europe), which was able to secure about 10% of French votes since the 1980s (Geddes, 2003). Mainstream parties had to adapt their policies in order not to lose consensus. In Germany, for example, Christian-Democrat chancellor Helmut Kohl publicly connected unemployment rates with irregular immigrants during the election campaign of 1998 (Geddes, 2003). Politicisation of immigration contributed to an overestimation of the issue. A poll conducted in the UK in 2000 showed that immigrants were perceived as 20% of the population, with actual figure at 4% (Geddes, 2003).

Restrictive policies did not automatically turn into restricted entries. Many authors underline the gap between electoral policies outputs and actual outcomes in terms of figures of entries. Among others, de Wenden (2007: 39) argues that 'the practice is to give the public the illusion that immigration is being controlled, while everyone knows illegal immigration is useful for the job market'. As a matter of fact, closed borders meant restricted access for employers to legal labour recruitment, and unfair competition for workers against unregistered migrants. Both employers organisations and trade unions therefore lobbied governments in order to return to expansive immigration policies. The

attempt to turn back to ‘client politics’ raised questions regarding the sustainability of larger entry quotas against rising public hostility toward further immigration (see table 2) and trapped governments in a political dilemma (Boswell, 2003).

	EU15	Germany	UK	Italy	France
1993	52%	n.a.	n.a.	n.a.	n.a.
1995	43%	40%	42%	46%	55%
1997	65%	79%	66%	62%	69%

Table 2: Share of native population saying there are too many immigrants. (Eurobarometer 1993, 1995, 1997)

#### 4. EUROPEANISATION OF IMMIGRATION POLICIES

Almost every migration policy change around Europe in the last twenty years has been inspired or influenced by the pattern of European integration and its member states’ ‘loss of control’ (Cornelius et al., 2004). The creation of a Single Market within which goods, services and people are free to circulate required an intensification of external border controls to compensate for the removal of internal barriers. The Europeanisation of immigration policy highlighted a contradiction for liberal states between controls and restrictions for outsiders and open borders for goods and services (the ‘liberal paradox’, Brettell, Hollifield, 2008). Notwithstanding, EU member States started building a ‘Fortress Europe’ by establishing common rules for visas, harmonising asylum policies, cooperating on borders patrol and establishing a European Refugee Fund to share the financial burden among all member states (Thielemann, El-Enany, 2009). Not surprisingly, there is no trace of a common economic migration policy. Proposals for a Common European Migration System, were shot down by strongly negative reactions from national governments (Taylor, 2006). Neofunctional theory argues that the EU’s economic interdependence constrained the role of the states in regulating migration: the ‘embedded liberalism’ of a free-market supranational region limited governments’ capacity and will (Sassen, 1996). Lahav (2004) suggests instead that interdependence and harmonisation are compatible with deep-rooted national influence. Convergence is made possible by consensual attitudes on restrictive policies between public opinion and elite

preferences, with policy outputs that are often cross-cutting the traditional left-right divide<sup>3</sup>, as theorised by Cornelius et al. (2004).

At the Tampere Council of 1999, the need of immigrant workforce was officially assessed, eventually dropping the neither possible nor desirable goal of zero immigration. From a theoretical point of view, states should assume a proactive stance to select and recruit the most needed kind of economic migrants regardless of their skill level, even if selected immigration cannot act as a substitute of 'normal' inflows and is obtainable only by overall expanding immigration programs (Papademetriou et al., 2004). But short-term political calculations are stronger than long-term socio-economic gains, and EU governments preferred to encourage high-skilled migration while restricting access for the others. The same contradiction showed up when accession conditions of Central and Eastern European Countries were negotiated. Even if CEECs could offer some back-and-forth intra-EU migration to cover low-skilled labour shortages, while constituting a weak potential for permanent immigration because of their ageing population (de Wenden, 2007), all EU15 but the UK and Ireland extended from 2 to 5 years the limits to free circulation of labour. In fact, only Poland and Romania had a relevant migratory push and, most importantly, delaying free circulation only incentivised irregular entries and access to the informal economy during the transitory period (Pugliese, 2002).

The EU used its political and economic strength to negotiate readmission agreements as a means to limit illegal entries and simplify deportation of undocumented migrants. Policy plans from Seville 2002 onwards are aimed at tackling illegal migration through enhanced cooperation with exit countries (aids in exchange for immigration controls and policing). These plans carry two theoretical inconsistencies with them: on the one hand, threatening a state to cut aids/trade will weaken that state and reduce both its available resources and its political will to control emigration, increasing at the same time its population incentives to migrate (Lindstrom, 2006); on the other, the delegation of policing duties to partners whose respect for human rights is doubtful questions the very meaning of 'democratic Europe', a challenge underestimated and not addressed (Bensaad, 2007).

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<sup>3</sup> At the Seville European Council of 2002, Schroeder, Blair and Aznar jointly asked for stricter rules to tackle illegal migrants: only the latter was from a centre-right party

The numerous regularisations which took place in Europe in the last twenty years, a diffuse tolerance of a black labour market (see table 3) and recourse to irregular employment as a solution to labour shortages show how, in spite of all the restrictive measures that EU countries adopted to contain inflows of migrants, Europeanisation and the convergence of national policies only managed to increase the gap between outputs and outcomes and limit their effectiveness (as stated in Cornelius et al., 2004, and Thielemann, 2006).

Country	Estimate % of GDP, informal economy
UK	7-13
Germany	4-14
Netherlands	5-14
France	4-14
Spain	10-23
Italy	10-26
Greece	29-35

Table 3: estimate percentage of GDP produced by the informal sector. Geddes, 2003

## 5. REGULARISATIONS IN EUROPE

Economic theories have shown that public concerns about increasing unemployment are unfounded. Globalisation changed the structure of the labour market, encouraging mobility and migration and creating a structural demand for cheap low-skilled labour. The dual labour market theory states that there is no competition between immigrant and native workers, as migrants fill labour gaps and fluctuations in demand in jobs natives are unwilling to do. Neither does competition seem to emerge in the skilled labour market. There, immigration helps by filling shortages in ICT, health care and education, that are widespread around the EU and are often associated with low wages and a negative social status. Furthermore, the increase in human capital brought about by high-skilled migrants generates a growth in productivity and creates new jobs (Boswell, 2003). Therefore, while fears of unemployment are unjustified, the actual demand for foreign workers represents a pull factor for migrants. Restriction of legal channels only increase employers reliance on unregistered workforce to fill labour gaps and expose workers to exploitation

In fact, inflows of migrants to Europe have been far larger than official figures seem to suggest. The incidence of illegal immigration, whose magnitude is hard to estimate, has been nonetheless pointed out by the regularisations taking place all around the EU. In the last thirty years, the UK ran one regularisation programme in 1998-99; Greece two, in 1998 and 2001; Italy eight, in 1982, 1986, 1990, 1995-96, 1998, 2002, 2006, 2009; France two, in 1981-82 and 1997-98; Spain six, in 1985-86, 1991, 1996, 2000, 2001, 2005; Portugal three, in 1992-93, 1996, 2001; Belgium one in 2000; Germany two, in 1996 and 1999 (Levinson, 2005; Apap et al., 2000). Their scale varied from less than 200 in the British case to more than 600.000 in the 2002 Italian one. Regularisations have been presented as a one-off occurrence, necessary to enforce restrictive provisions and to reduce illegal immigration. In fact, their effect on migration pressure is contested. Anti-immigration parties claim that regularisations attract more migrants to enter illegally in the hopes of a new amnesty. But literature seems to show that regularisations do not lead to an increase of illegal immigration either in the short or in the long run (Orrenius and Zavodny, 2003). An observation of data on the dimension of informal economies in table 3 could suggest that there is a precise will from employers to recur to undocumented workers in order to access a cheap workforce and face global competition from developing countries, where the cost of labour is lower.

Undoubtedly, what regularisations highlight is that the number of migrants entering and working in the EU is much higher than official policies would allow. Governments eventually recognised this incongruence and started opening new legal labour channels at the end of the 1990s, also due to a period of economic upswing. Recruitment of foreign workforce has been initially limited to high-skilled migrants but is being extended to low-skilled migrants as well, usually on a temporary or seasonal basis (Levinson, 2005; Hjarno, 2003).

## 6. MIGRATORY TRENDS

What did not change were public concerns on integration and a belief that Europe had reached its reception limits. Governments tried to reassure the public by maintaining legal inflows limited in size in order to give the impression of a management of stocks under control. At the same time, they relied on intra-EU migration and the European

workers preference to fill the remaining gap between demand and offer of legal workforce and to address unemployment through internal displacement of labour. But intra-EU mobility proved to be limited and not sufficient to satisfy labour demand: in 2002 there were only 5 million Europeans living and working in another EU country, compared to 15 million extra-EU foreigners over a population of 370 million<sup>4</sup> (Pugliese, 2002), and availability of jobs continued to attract extra-EU migration.

Many other push and pull factors remain out of the reach of governmental action and concur to the perpetuation of migratory flows and the embedding of ‘structural migration dynamics’. Networks created by past migrants in times of open borders (colonial ties between the UK and the Middle east, North African migration to France, Turkish presence in Germany) still play a key role in defining patterns of immigration to Europe. In new immigration countries, where these patterns are absent, migrants have been attracted by the rapid economic expansion (with subsequent labour shortages) of the last twenty years, combined with a chronic lack of controls and availability of jobs in the informal labour market. Another major push factor is represented by demographic trends in countries of origin. Europe’s neighbouring countries on the Mediterranean had a ratio of 4 new born for each citizen migrating to the EU in 2005, and long-term forecasts show that Mediterranean countries are to equal EU25 population in the next 40 years.

population	EU-25	Med-10
1950	350ml	70ml
2004	455ml	250ml
2050	400ml	400ml

Table 4. total population figures for the EU and countries on the Mediterranean (Israel excluded). Wilson, 2007

The Euro-Mediterranean partnership, launched in Barcelona in 1995 and re-launched in Paris in 2008, focused on the process of economic partnership and co-development through the creation of a free-trade area, but failed to create an area of free movement and, as a consequence, to address both demographic pressures and per capita income differentials, whereas a hourly wage was 14 times higher in the EU than in Maghreb (de Wenden, 2007).

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<sup>4</sup> After the enlargement the situation slightly improved thanks to a greater mobility from new member states, especially Poland and Romania: as shown in paragraph 3, in 2008 the figures were 10 and 20 million respectively.

Demographic trends in Europe imply that there is an actual need for immigration. Economic theory considers a fertility rate of 2.1 the benchmark for the replacement level. Today in southern Europe fertility rates stand at 1.2 and are expected to decrease rapidly. Migrants could fulfil the gap between replacement and actual rates: it would mean an inflow of about 2.5 million migrants per year. But as migrants tend to converge with native fertility patterns, there is the need for a continuous stream of immigration (Wilson, 2007). According to a UN study of 2000, 674 million immigrants should enter the EU over the next 50 years to maintain current dependency ratios and balance public spending and tax revenues (Boswell, 2003). In Italy these numbers would translate into approximately 370.000 entries per year; in Germany more than half a million. Moreover, increased inflows of young migrants, when regularly employed, would also contribute to the welfare state and, notwithstanding the fact that migrants are typically regarded as net welfare consumers<sup>5</sup>, a steady flow of low-skilled migrants would benefit the whole population across both social groups and time (Razin, 2000: 472-477). Nonetheless, governments tend not to consider replacement as an argument to sustain migration, and policy outputs allow relatively small and strictly regulated access quotas. Outcomes are different: governments often 'turn a blind eye' to undocumented migration.

## 7. A DEAD END FOR IMMIGRATION POLICIES?

Today there is a strong contraposition between governments, anti-immigration parties, multinationals and economic experts on the one hand, who favour a limitation of immigration to high-skilled workers; and employers in labour-intensive sectors, progressive parties and NGOs who favour more liberal and expansive policies on the other. Boswell (2003) indicates three hypothetical scenarios of evolution for immigration policy in Europe: 1) further restrictions will eventually block the expansion of legal immigration, with repercussions on national economies that will translate into an increase (and toleration) of illegal immigration; 2) liberal policies will emerge and increase legal inflows, with beneficial effects for all categories of migrants and for receiving countries; 3) a change in patterns of inclusion and exclusion will occur, with recruitments targeting

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<sup>5</sup> A perception that proved to be unfounded: immigrants gave a net contribution to the UK welfare system of 2.5 billion pounds in 1999-2000 (Boswell, 2008)

beneficial categories of economic migrants while rejecting the others. The second scenario is the less likely to materialise, since it would require an implausible depoliticisation of the issue and a drop in anti-immigrant sentiment, without taking into account risks connected to xenophobic attitudes, marginalisation and social exclusion of immigrants. The first one appears to describe the attempt of European Countries after the oil price shocks of the 1970s and the closure of European borders: figures of illegal immigration confirm the assumption and the failure of such a policy approach. The third one represents the goal some EU countries have started to pursue, with the comparative disadvantage of being latecomers on the high-skilled migrants market and less attractive than leading immigration countries such as the US. Most importantly, such a pattern of evolution does not take into account either structural push factors or actual needs of the European dual labour market. As native workers gain better-paid jobs and improve their qualification profile, labour-intensive sectors become more and more dependent on unskilled foreign labour. A combination of push and pull factors is likely to translate into a perpetuation of migratory flows, whether governments implement legal access channels or struggle to tackle unauthorised entries. An immigration policy exclusively targeting high-skilled migrants would therefore be a short-sighted one, and is destined to fail. A policy of closure would simply affect the status of economic migrants, turning them into undocumented workers exposed to exploitation, marginalisation and criminality. A policy of open borders, nonetheless, would not survive public opinion's pressures and anti-immigrant parties' opposition, with risks connected to political stability.

## 8. IMMIGRATION TO SOUTHERN EUROPE

Different factors contribute to highlight the peculiarities of immigration to southern European countries. Geographical proximity and porous borders make them hard to be patrolled, and make it easy for migrants departing from the Mediterranean to reach Italy, Spain or Greece. When Mediterranean countries started experiencing the first inflows during the 1980s, weak controls and an initial tolerance of immigration represented two strong pull factors, boosted by a virtually unrestricted access to the labour market and a rapid economic growth that increased the demand for foreign workforce. Restrictive immigration policies started to arise almost entirely as a result of pressures coming from



other EU countries, as migrants could (and actually did) enter through southern Europe only to transit towards other Schengen countries circumventing their immigration controls. But the European ‘stop and contain’ framework mainly focused on external borders rather than on the internal widespread informal economy. Gaps in Mediterranean welfare systems and labour shortages in low-skilled sectors produced a segmentation of labour: immigration and unemployment could coexist: wages in seasonal jobs, catering, construction, caring were often below the legal minimum, thus unemployed natives refused to take those jobs. A combination of push and pull factors, geography, welfare state and labour market structures and lack of legislation constitute the ‘exceptionalism’ of immigration towards these countries (Levinson, 2005; Pugliese, 2002: ch5; Geddes, 2003)

## 9. EVOLUTION OF ITALIAN IMMIGRATION LEGISLATION

Italy follows Spain as the largest importer of legal immigration in the EU since 2002. As shown in table 1, their share of foreigners has increased tenfold in the last twenty years and they are the two European countries that resorted to regularisations most frequently. But while Spain regularised the position of over 800.000 migrants throughout 6 programmes in the last thirty years, Italy could exceed 2 million at the end of its eighth programme started in 2009 (own calculations from Pastore, 2008 and Levinson, 2005). Such impressive data are the result not only of the exceptionalism of Mediterranean countries, but also of miscalculation, delays and short-sightedness of policy choices. Only in 1973 returning emigrants to Italy outnumbered outgoing ones for the first time. Not surprisingly, immigration was not an issue and it officially appeared only in 1982, when a communication from the Ministry of Labour called for a halt in the releasing of work authorisations for foreigners. At the same time, an administrative proceeding allowed those already in Italy to regularise their position, but a limited advertisement campaign and high costs<sup>6</sup> caused a limited turnout of 12.000 regularised positions. The first political debate over immigration took place in 1986 under the Craxi government, under pressure from the EU to enforce border controls. It resulted in a comprehensive,

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<sup>6</sup> Which included back payment of taxes and return tickets for migrants, the idea being of a migration of non-settlers.

progressive and innovative immigration law, which enforced labour-related legislation, introduced the ‘community preference’ clause and included another regularisation to be requested by the employer. With an estimated population of 600.000-1.200.000 unregistered migrants, only slightly more than 100.000 applied and were subsequently regularised, because many employers refused to regularise working relations and autonomous workers (retailers, pitchmen) were not included. Notwithstanding a clear concentration of migrants in the informal sector, controls lacked implementation, sanctions were never levied and employers could maintain control over a cheap labour force and evade contributions. Tolerant public attitude and political indifference toward migration and irregular employment contributed to a low consideration of the phenomenon as a whole, and shortly afterwards a new legislative intervention was needed. The 1990 Martelli law included a different (and successful) regularisation where migrants themselves could start the procedure with no need for employers to pay back any contributions. Almost 250.000 migrants regularised their position but 180.000 of them were registered as job seekers, a number suggesting that a relevant part of underground work did not emerge. Annual entry quotas were introduced, but the bureaucratic system to calculate them resulted in a failure and increased illegal entries as a consequence. Nevertheless, Italy was one of the first European countries to adopt an active (even if ex-post) admission policy. Other countries had already adopted regularisations, but they only served to normalise past immigration anomalies (Boswell, 2003; Calavita, 2004; Pastore, 2008, Pugliese, 2002).

Foreign pop.	1980	2000
Regular	300.000	1.46 ml
Irregular (est.)	272.000	1.25 ml

Table 5: regular and irregular foreign population in Italy. (Boswell, 2003)

Years of political turmoil left immigration at the margin of political debates. Concerns started growing after mass arrivals from former Yugoslavia and Albania and after the victory of a new centre-right coalition with an anti-immigration agenda at the general elections of 1994. Public attitudes changed and the issue eventually became politicised in Italy as well. The first Berlusconi government only survived nine months and could not intervene on immigration policy. The following Dini transitional government had to deal

with the chronic problem of undocumented migrants. A temporary decree was reiterated for two years in 1995-96, and notwithstanding stricter requirements to satisfy, 256.000 applications were registered, showing how fast illegal immigration was growing.

The centre-left Prodi government had to comply with emerging trends of settling immigration and with EU concerns about the Italian 'soft touch'. The single act of 1998 (Turco-Napolitano law) thus introduced indefinite renewals of work permits, allowed up to one year to seek a new job when the former was lost, tried to rationalise the quota system introducing flexibility related to market needs and seasonal permits. Some innovations were introduced, such as the sponsored job-seeker figure, and more rights were entitled to migrants (permission to work after family reunification, institution of a permanent residence permit after five years). Restrictions were introduced too: illegal migrants that, up to then, only received a notice to leave the country after which they were free, would have to face new rules for detention and expulsion. Bilateral agreements were signed with Morocco, Tunisia and Albania to expedite deportations in exchange for preferred entry quotas. The law overall traced the European model of increasing rights for those inside, while raising barriers for those outside. However, another regularisation (which was in fact an extension of the first quota) was offered to unregistered migrants present on the territory before new rules entered into force. Again, the aims of the law were limited by problems of implementation. Employer sanctions were not enforced, the main problem being the difficulty of bringing to the surface the underground economy, where almost all undocumented migrants were employed and that is, by definition, 'beyond the reach of law'. Technicalities in provisions made the whole legislation 'Kafkaesque' with implicit incentives to maintain illegal status 'waiting for a new legalisation program' (Calavita, 2004). Other pro-immigrant provisions failed to be implemented accordingly to the spirit of the law, because of policy failures (reception centres became prisons) or because of resistances by local officers (permanent permits). (Boswell, 2003; Joppke, 2004; Calavita, 2004).

Berlusconi won again in the 2001 elections, leading a coalition including the anti-immigrant Northern League, taking a tough stance against illegal immigration and a business-friendly policy toward legal economic migrants. To the disappointment of employers' organisations, the 2002 Bossi-Fini law restricted channels for legal labour

migration, removing sponsorship and job-seeking permits and linking residence status to employment. These measures, apart from penalising immigrants, sensibly reduced their (much-appreciated) flexibility on the labour market: no mobility was allowed, and employers were now supposed to hire migrants directly in their country of origin. Moreover, tying permits to employment contracts implicitly transferred ultimate authority over migrant workers' status from the state to the employer, giving the latter blackmailing powers often resulting in exploitation. Family reunifications were restricted, penalties and measures on deportation tightened: detention in reception centres for undocumented migrants doubled from 30 to 60 days, while those caught on the territory after their expulsion could be jailed for up to 4 years. The two main consequences were pushing employers to recruit (and migrants to offer themselves) on the black labour market; and forcing the government to adopt another regularisation (Geddes, 2003; Boswell, 2003; Barrucci, Liberti, 2004). On the one hand, over 630.000 migrants could regularise their position; on the other, permit renewals were made more complex, pushing many migrants back into irregularity soon after: six months after the regularisation, estimated irregular migrants already amounted to 50.000. Criticism of the law came as complaints of xenophobia on the one hand, and of laxity on the other (for the enclosed regularisation and its target extension from domestic workers to all categories of employed). High turnouts highlighted the stabilisation of 'commuting immigrants', those seasonal and temporary workers who took advantage of the regularisation to settle down. (Pugliese, ch.5; Pastore, 2008; Barrucci, Liberti, 2004).

	Applications	Regularisations	Requirements
1982	n.a.	12.000	Administrative, back payments
1986	n.a.	118.349	General, back payments
1990	n.a.	248.501	General (including job seekers)
1995-6	256.000	244.492	Targeted (already employed and relatives)
1998	308.323	217.124	Targeted (already employed, self-employed)
2002	705.404	634.728	Targeted (domestic workers)
2006	350.000 (extra-quota)		Targeted (already employed)
2009	295.112	n.a.	Targeted (domestic workers)

Table 6: regularisation programmes in Italy. Data: Ministries of the Interior and Labour

Neither stricter provisions, nor regularisations, nor a quota system managed to reduce inflows of undocumented migrants to Italy. Evidence comes from the analysis of applications submitted to fill annual quotas by newcomers as well as irregular migrants already in Italy; and from the need to release a new 350.000 regularisation programme only 4 years after a massive 630.000 one, in the form of a *una tantum* quota to cover all those applications falling out of the 170.000 annual quota already provided –and all coming from workers already in Italy (Geddes, 2003; Pastore, 2008).

The 2009 ‘security pack’ bill, again from a Berlusconi government, focused on criminal infringements committed by foreigners. The felony of ‘clandestinity’ was introduced and detention in reception centres was prolonged to a maximum of 180 days. A new agreement signed with Libya in 2008 sensibly reduced irregular landings on Italian shores, according to the data from the Ministry of the Interior; but it has been contested by NGOs, opposition parties, the EU and the UNHCR, because Libya is not trusted to commit to the respect of international law and human rights.

Year	Landings	Variation	
		Absolute	%
2005	22.939	+9.304	+68%
2006	22.016	-923	-4%
2007	20.455	-1.561	-7%
2008	36.951	+16.496	+81%
2009	9.573	-27.378	-74%

Table 7, as reproduced on the Ministry of the Interior website: figures of landings of undocumented migrants on Italian shores, plummeted after the Italy-Libya agreement was signed.

The Berlusconi government presented the above data, a decrease in estimated figures of irregular migrants and the 42.595 deportations since it was back in charge (2008-2009) as successful outcomes of its action. On the other hand, a critical reading of these data combined with figures of 2009 regularisation (300.000 applications registered at the time of writing), the access of Romania and Bulgaria to the EU (Romanians representing the first foreigner community in Italy) and landings estimates accounting for only 10-15% of 150.000 irregular entries per year, clearly show that deterrence and restriction have had little effect on actual numbers of undocumented migrants living in Italy. Government and media fear mongering on boats landing on Italian shores only diverted attention from impotence over the remaining 90% entering Italy with a valid permit (tourist or student visas, seasonal work permits) and overstaying –or not even requiring a visa to enter.

Assumptions from Cornelius et al. (2004), on liberal states forced to accept large numbers of unwanted migrants, and from Massey (1999), on structural migration dynamics transforming restrictions into illegal immigration, are fully confirmed.

#### 10. OUTPUTS/OUTCOMES GAP

Migration policy decisions are seldom evidence-based and are structured on intentions rather than on outcomes. The failure of the quota system to regulate migratory inflows is evident when looking at figures of regularisations which took place from its introduction in 1998: a potential 1.5 million migrants regularised their position in twelve years, often more than doubling legal entry quotas. Moreover, many political choices disregarded evidence. For example, Romanians had become the largest foreign community in Italy (625.00 in 2007, when Romania entered the EU) and needed no entry visa. Nonetheless, as Romania did not sign any readmission agreement, it only had access to non-cooperative country quotas (often less than 10.000 per year). Identical quotas have been replicated over years, showing the absence of long-term planning and adaptation to (or even consideration of) market indicators. Seasonal permits distribution to regions is subjected to unemployment rates: southern regions thus receive less permits notwithstanding a higher demand –especially in agriculture. As a result, these provisions actually incentivised illegal entries. In 2002, 41.6% of seasonal workers were undocumented while 20.9% were unregistered (Pastore, 2008; Barrucci, Liberti, 2004; Bonvicini, Colombo, 2010).

Year	Entry quota	Permanent	Seasonal
1998	58.000	58.000	-
1999	58.000	58.000	-
2000	63.000	63.000	-
2001	83.000	43.600	39.400
2002	79.500	23.500	56.000
2003	79.500	11.000	68.500
2004	79.500	29.500	50.000
2005	179.000	79.500(EU8)+ 54.500	45.000
2006*	670.000	170.000(EU8)+ 170.000+350.000	30.000
2007	250.000	170.000	80.000
2008	230.000	150.000	80.000
2009	80.000	-	80.000
2010	80.000	-	80.000

Table 8: Entry quotas in Italy. (Data for 1998-2004: Pastore, 2008; 2005-present: Ministry of Labour)

\*: 2006 permanent entries include the 350.000 regularisation quota

EU8: new accession countries

Many other provisions turned out to be inadequate for Italian immigration and labour market patterns. Italian annual inflow estimates are at 300.000 new entries per year and will make Italy second only to Germany as an immigration country in Europe in the next ten years, with the foreigners' share barely above 10% of the population (today it is 7.2%, compared with 11.7% in Spain and 8.2% in Germany).

2002	1.356.590
2003	1.549.373
2004	1.990.159
2005	2.402.157
2006	2.670.514
2007	2.938.922
2008	3.432.651
2009	3.891.295

Table 9: Foreigners in Italian registry offices at 1<sup>st</sup> of January.

Data: ISTAT

Caritas estimates that figures will hit 6 million in 2020.

Until 1990, 3-4.000 new work permits were issued per year. They had become 650.000 in 1992, 2.230.000 in 2004 and 4.330.000 in 2008. Almost half a million new foreigners set their residence in Italy in 2009, representing 33% of new residents in the EU, despite the economic downturn (Calavita, 2004, Caritas, 2010).

In the Italian dual labour market, female migrants are mostly employed in house-, child- and elder-care, and their wage usually follows patterns of nationality more than of legal status (Calavita, 2004). Male migrants replace natives in labour-intensive jobs, with a marked ethnicisation of some sectors. 50% of those employed in low-skilled jobs have a diploma or a high qualification, but no specific program exists to avoid this 'brain waste'. High-skilled migrants are selected for qualified positions only ex post, after a 'probation' period in unskilled jobs. In fact, employers prefer to hire unregistered migrants in loco instead, highlighting one of the shortcomings of the distance-call mechanism provided by Italian legislation.

Italy is peculiar because the dualism between natives and immigrants parallels that between northern and southern regions. Wage differentials for migrants are larger along the north/south divide than along the regular/irregular one. Immigration in northern Italy, where unemployment is low, is explained by labour shortages in the industrial sector. SMEs in the north-east (typically family-run manufacturing businesses) are highly dependent on foreign workforce mainly because they fail to attract workers from the Mezzogiorno, where unemployment is high but mobility low<sup>7</sup>. Yet the Mezzogiorno registers high levels of immigrant workforce. According to official data, registered immigrants in southern and insular Italy account for around 10% of the total, but only 1 out of 10 agricultural seasonal workers is estimated to hold a permit. Percentage of GDP produced by the informal economy in the Mezzogiorno almost doubles national estimates, reaching 50% (Pugliese, 2002).

In a country with such a vast underground sector, regularisations also represent a tool to collect extra tax revenues from emerging workers. It has been calculated that new contribution incomes of 1.3 billion Euros in 2010-2012 will follow the 2009 regularisation (Caritas, 2010). On the other hand, employers are estimated to save 10 billion Euros per year by evading social contributions for irregular workers and, as a consequence, regularisation may mean losing the job (Calavita, 2004). Migrants work in conditions of exploitation for less than half the minimum wage and are forced to live in

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<sup>7</sup> Ironically, internal mobility from the Mezzogiorno to northern industrial districts has been the main feature of the '60s economic boom



inhumane conditions<sup>8</sup>: many jobs are paid by the day, hour or piece, and migrants can work up to 18 hours per day to earn 250-400€ per month (Reyneri, 1998). Not surprisingly, in January 2010, slavery, exasperation and anger turned out in a massive revolt of undocumented migrants in the small town of Rosarno, Calabria (*Repubblica, Corriere della Sera*).

The dimension and the receptiveness of the informal labour market represent two major pull factors on migratory inflows. Obviously, irregular migrant workers neither created the informal economy nor represent an oversupply of immigration. There is a governmental and social interest in allowing migrants to work unregistered. They are employed in labour-intensive and low-productivity jobs which could not sustain international competition if performed regularly, because of high contributions and minimum wages set by Italian labour legislation. Migrant workforce allows employers to maintain profits by lowering wages, making those jobs even less attractive for natives and creating in turn more demand for migrants in a vicious circle (Reyneri, 1998).

Tighter legislation is thus unable to translate restrictions into practice and not only for the impossibility of controlling international structural migration dynamics. A distinctive feature of Italy is a low level of state penetration of society. Expectations of the state's authority and capacity to deliver benefits are not deeply embedded, and laxity and corruption in its administrative system often cause gaps between the content of a law and its implementation. Flawed controls and unapplied sanctions for employers of unregistered workers<sup>9</sup> allow underground businesses to proliferate and pull factors to strengthen. A deep and comprehensive reform of the bureaucratic machine and of the inflexible labour market would be needed, but powerful interests have blocked or watered down past attempts. After all, 'To focus on internal control is to take a political risk' (Sciortino, quoted in Geddes, 2003): governmental lack of ability (or serious political will) to fight informality means that well-entrenched patterns and rising demands for cheap workers will result in toleration of irregular migration, which offers flexibility without the need of any reforms.

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<sup>8</sup> With regards to working conditions, read Gatti's undercover report of 2006 on tomato-picking workers for the magazine 'L'espresso'

<sup>9</sup> Recently, the European Directive 2009/52/EC 'providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals' entered into force. Member States have up to two years to implement its provisions.

In the absence of those reforms, any restrictive immigration policy goal will only result in a perverse effect of unapplied provisions, law violations, irregular immigration and regularisations to bring the situation back under control; however, trends show that these last-resort measures are likely to become standard policies to all intents and purposes.

## 11. MIGRANTS INTEGRATION AND PUBLIC PERCEPTIONS

Why cannot Italian governments critically analyse figures of migratory inflows and labour market demands and accept larger entry quotas, instead of claiming a tough fight against illegal immigration only to regularise more than 100.000 undocumented migrants a year in the last decade? How can these claims be considered credible in the light of such policy choices? Italian estimates of yearly entries stand at 300.000, roughly equally divided between legal and irregular entries. Available instruments and indicators show that these inflows are fit to labour market requirements: unemployment for regular immigrants was at 8.3% in 2008 and 10.7 in 2009, compared with a 6.5% and 7.2% respectively for natives<sup>10</sup> (ISTAT data) proving that there is no oversupply of immigrants; for obvious reasons, no exact data are available for unregistered migrants, but a consideration of the dimensions of the black labour market and the applications submitted for regularisations (employment being a precondition to apply) suggests that also irregular immigrants are absorbed into Italian workforce. Nonetheless, the government only issued 150.000 permanent permits in 2008 and none in 2009 and 2010 (but 300.000 are estimated to be issued through the regularisation process under way). Interestingly, data from Pastore (2008) show that applications to get into the annual quotas outnumbered available places with a ratio of 1.3 in 2005 and 2.8 in 2007, notwithstanding a 350.000 regularisation offered the previous year. In the words of Schuster (2006: 59), 'it is contentious whether there is an undocumented migration crisis. Nonetheless, governments, civil servants and officials implement policies and practices as deportation, detention and dispersal'. Evidence seems to prove that such contentiousness only exists in declarations from the government. A state of emergency (sic) was proclaimed when 928 Kurds shored to Catania in March 2002 (RaiNews). According to Caritas/Migrantes 2010 report, landings account for less than 1% (36.951 landings, 3.891.295 foreigners

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<sup>10</sup> Given their larger flexibility, migrants are more likely to lose their jobs at times of economic downturn

registered) of regular migrant population, yet they monopoly public opinion attention and policy choices. The Berlusconi government put a big effort in its triumphalistic declarations of achievements in detention, deportation and interceptions, providing figures of 169.129 deportations for the five years from 2005 to 2009 (Ministry of the Interior, 2010). But in the same time interval 650.000 regularisations took place: Italy is closing the front door to irregular immigration apparently only to admit it from the backdoor. Detention in 'centri di permanenza temporanea' (CPTs) is used to reassure alarmed public opinion with visible government action. The effectiveness of detention is uncertain due to a rapid turnover in CPTs, as undocumented migrants are simply released after the expiry of detention terms (extended to 180 days with the 2009 'security pack' bill). One migrant affirmed he was detained seven times before making it to France, while a police officer declared CPTs only 'pull the wool over the eyes of public opinion' (Barrucci, Liberti, 2004).

What the eyes of public opinion see appears from the analysis of public surveys conducted in recent years. 18% of Italian respondents to a 2009 survey argue that immigration should be the main concern for governments (Italy being only second to the UK, where the rate reached 20%, and with a EU-average rate of 11%); Italians perceive immigrants to represent 23% of the total population, a figure four times higher than the official 6.5%; 40% of them argue that migrants compete for jobs with natives (an unsubstantiated fear, as shown above); 81% are worried by illegal immigration; 77% argue that migrants increase criminality rates (Transatlantic Trends, 2009). Overestimation of migrants criminality is unsubstantiated as well. According to the Ministry of Interior, during the 2005-2008 period foreign population increased by 45.7%, while recordings against migrants increased by only 19.9% (EMN, 2010). Official data show that criminality rates are the same for Italians and foreigners, and that when only regular migrants are calculated (thus excluding those exploited by criminal organisations and those charged of clandestinity) their criminality rate is lower than the Italian average (Caritas, 2010). Public attitude towards immigration is the main obstacle to expansion of quotas. Perceptions may be wrong in practice, but they are exploited by the media which often refer to a non-existent 'emergency immigration'. Despite one of the lowest birth rates in the world, labour gaps and employers pressure to increase inflows, centre-left

governments have been unable to reverse a negative general feeling, while centre-right ones have politically endorsed it. For both, regularisations have represented a reasonable compromise between economic demand and public aversion (Levinson, 2005). As mentioned above, migration policy decisions are seldom evidence-based.

## 12. A COMPARISON WITH OTHER EUROPEAN COUNTRIES

Italian immigration policy shows similarities and differences with political choices made around Europe. Forcing migrants who lose their jobs to leave the country was already in use Switzerland until the 1990s. It allowed the alpine Confederation to keep unemployment at very low levels (1%) when other European countries were facing stagnation. Nonetheless, that policy could only work thanks to a very flexible labour market and high figures of migrants (21% of the population), both missing in the Italian context. Furthermore, patterns of settling immigration forced Switzerland to drop the link between residence permits and employment, showing the structural limits of such a provision (Afonso, 2006: 93-94). The UK is enforcing restrictive measures to tighten accession of asylum seekers and irregular migrants; on the other hand, it enabled a streamlined mechanism which allows employers to hire needed foreign workers in less than a week (Papademetriou, 2004). This is not the case in Italy, where seasonal permits are often issued at the end of the season, forcing migrants and employers to establish unregistered work relations. Spain and Italy paralleled over time in their policy approach, linking immigration with foreign politics. Spain led the Euro-Mediterranean partnership and set readmission agreements and preferred quotas with neighbour countries in exchange for political and economic cooperation. Italy signed similar bilateral agreements (the most relevant being those with Albania and Libya) and included maritime policing. Both have implemented securitisation measures, Italy proposing in 2002 a common borders patrol system that evolved into FRONTEX, Spain building an EU-financed 120 million Euros electronic wall to protect its Ceuta and Melilla enclaves (Boswell, 2003). Nonetheless, a better public attitude towards migration allowed Spain to increase its legal migrant population by more than 600.000 units per year between 2003 and 2008 (Pastore, 2008). Politicisation of migration in Italy provoked ‘emergencies’ at

the borders, limiting opportunities to expand legal immigration through largely-shared measures instead.

### 13. PERSPECTIVES FOR ITALY

There are 2 million immigrants employed in Italy, representing 10% of the workforce (concentrated in unskilled jobs) and producing a proportionate 10% of Italian GDP (notwithstanding the lower productivity of many of their jobs). Migrants are more willing to do 'less attractive' jobs in which are exposed to high risks of injury, low upward mobility, exploitation, marginalisation, distrust and racism. They contribute to tax revenues (5%) by almost double that which they receive in welfare provisions (2.5%) (Caritas, 2010).

From 1982, when the very first administrative measures about immigration were taken, to 2010, Italy went through four major pieces of legislation on immigration that, while trying to adapt Italy to European standards, progressively restricted opportunity and requirement to legal access. Eight regularisation programmes (one every 3 years and a half) that regularised over 1.8 million aliens represent the most evident shortcoming which created an enormous gap between policy intention and actual outcomes, whether it is about restrictions and controls or entitlement to rights and benefits for migrants.

This might be because only relatively recently did Italy turn into an immigration country, with a consequent lack of immigration policy and appropriate political planning. But, as international migration theories and recent evidence show, both migrant inflows and regulatory failures seem to be unavoidable in advanced democracies. In a global contest, policies aimed at containing flows are destined to fail, as 'the efficiency of the administrative state becomes apparent' (Joppke, 2004). Focusing on Europe and Italy in particular, the evolution of party competition and the politicisation of the debate on immigration produced a clash between economic needs and cultural aversion symbolised by the threat to Christian traditions, as often referred to in public speeches. This new political and cultural environment has replaced the traditional pillars (catholic charity, communist influence and unions power) that characterised Italian post-war society. While growing public hostility towards immigration accounts for restrictive policies, liberal precepts account for some failures: politicians have to mediate among electorate's

anxiety and client interests. Regularisations are often presented as a corrective measure for the failures of previous governments/policies/regularisations, while clearly showing political support for the economic role of migrants (Levinson, 2005). This is all the more strident for Berlusconi's catch-all populist politics, combining hard-line restrictive measures with de facto toleration of illegal immigration (Boswell, 2003). Italian courts contributed to limit the effectiveness of some provisions as well. A Supreme Court ruling of 2001 stated that hiring migrants lacking a work permit could not constitute a crime, indirectly recognising the right for undocumented migrants to seek a job (Calavita, 2004). Again the Supreme Court ruled against the Bossi-Fini law in July 2004, remarking that the penal code forbids imprisonment for administrative sanctions whereas the law provided for the immediate arrest of migrants, and declaring it unconstitutional to deport a migrant without a hearing (*Repubblica*). Once again in June 2010 the Court rejected the provision, included in the 'security pack' bill, on aggravation if a crime is committed by an undocumented migrant (*Corriere della Sera*). Other peculiarities of the Italian polity and society contribute to extend the gap: the political instability that requires compromises to safeguard coalitions balance; an embedded sloth of the bureaucratic machine implementation; the influence of employers organisations and the solidarity principles of the Church (Joppke, 2004).

Governments failed to address different migration-related issues (legal/illegal immigration, asylum, integration and marginalisation, security) adopting one policy for all instead (Boswell, 2003). Repeated regularisations played a role in keeping Italy attractive for illegal migration, tailoring a sense of crisis and ineffectiveness to political responses while failing the attempt to regain control over immigration. Work permit quotas ended up constituting an indirect form of regularisation as well, as irregular migrants already working in Italy can apply. Restrictive promises are watered down by the same economic context in which they are made: on the one hand, the underground economy which the state is unable (or unwilling) to tackle and that provides employment for undocumented migrants; on the other hand, employers' demand for increased inflows (whereas employers, especially in northern regions, constitute the electoral basis for centre-right parties).

In many aspects, migration policy in Italy recalls aspects, dynamics and failures of many other areas, but one difference is pivotal in explaining the width of the Italian gap: the structure of the labour market, the extension of the informal sector and the availability of unregistered jobs. Irregular employment is almost non-existent in Nordic countries, where a corporatist structure of the labour market and a strong role played by trade unions prevent employers from recurring to a workforce paid less than the legal minimum, making the employment of unregistered migrants (or the advantage of keeping them undocumented) pointless. This is not due to a moral superiority of northern people, but to a rational choice. Illegal employment is made inconvenient. It depends on the structure of the labour market, its production (domestic- or export-oriented, labour- or capital-intensive), its competitiveness on the world trade market, but mainly on the ability of the state to enforce and implement controls and sanctions (Hjarno, 2003).

Reducing illegal immigration is no doubt beneficial for society as a whole. But reforming the Italian labour market toward the Scandinavian model would affect organised interests in the short term, while benefits for the population would be individually small and only visible in the long term. For this reason diffuse interests lose the political struggle to promote policy implementation to effectively fight the root causes of illegal immigration. Italian politicians should put a strong effort in mediating between labour demand and hostile public attitude. They should raise consciousness that economic migratory flows follow labour demand, and thus favour expansive admission policies where needed, to avoid shortcomings that boost illegal immigration. But those same shortcomings are rather considered as 'key [European immigration policy] guidelines under such headings as selectivity, community preference, circularity' (Pastore, 2008: 6). The Italian case shows that if these policy choices aim at reducing figures of immigration overall, they have failed; if they aim at reducing figures of illegal immigration, they have failed too.

## CONCLUSIONS

This dissertation has tried to prove that the gap between immigration policy outputs and actual outcomes has led to the failure of restrictive immigration policies, especially in Italy. External push and pull factors account for migratory pressures at the borders that governments try to limit but are unable to address, seeing as their origin is to be found

outside the reach of national governments' action. A peculiar structure of the labour market, with a wide informal economy which offers opportunities of unregistered employment for undocumented migrants, is more evident in Mediterranean countries and especially in Italy. Those countries are thus more likely to experience larger inflows of migrants. A restrictive immigration policy has been all the more ineffective in Italy, due to a lack of implementation of legislative provisions and to an embedded dual labour market demand for a cheap and flexible foreign workforce. Therefore, notwithstanding a strongly negative attitude towards immigration among both the public and the government, the corrective instrument of regularisation has become an actual tool of immigration policy. It attests to the failure of various attempts to limit immigrant inflows and the need to find an alternative path to manage immigration to Europe.



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