

WP2

THE NATIONAL POLICY FRAME FOR THE INTEGRATION OF NEWCOMERS IN ITALY

by Tiziana Caponio and Giovanna Zincone

November 2011

About the Project

While integration policies as such are not new, and in some countries date back to the 1980s and beyond, there have been important shifts in the debates on integration and in related re-configurations of integration policymaking in the past decade or so. One of the main recent trends is the linkage of integration policy with admission policy and the related focus on recent immigrants. A second trend is the increasing use of obligatory integration measures and integration conditions in admission policy, and third, integration policymaking is increasingly influenced by European developments, both through vertical (more or less binding regulations, directives etc.) and through horizontal processes (policy learning between states) of policy convergence.

An increasing number of EU Member States have, in fact, adopted integration related measures as part of their admission policy, while the impact of such measures on integration processes of immigrants is far less clear. In addition, Member States' policies follow different, partly contradictory logics, in integration policy shifts by conceptualising (1) integration as rights based inclusion, (2) as a prerequisite for admission residence rights, with rights interpreted as conditional, and (3) integration as commitment to values and certain cultural traits of the host society.

The objective of *PROSINT* is to *evaluate the impact* of admission related integration policies on the integration of newcomers, to *analyse the different logics* underlying integration policymaking and to *investigate the main target groups* of compulsory and voluntary integration measures.

The project investigated different aspects of these questions along five distinct workpackages,. These analysed (1) the **European policy framework on migrant integration** (WP1), (2) the **different national policy frameworks for the integration of newcomers** in the 9 countries covered by the research (WP2), **the admission-integration nexus at the local** level in studied in 13 localities across the 9 countries covered by the research (WP3), **the perception and impacts of mandatory pre-arrival measures** in four of the nine countries covered (WP4) and a methodologically oriented study **of the impact of admission related integration measures** (WP5).

The countries covered by the project were Austria, the Czech Republic, Germany, Italy, the Netherlands, Spain, Sweden, Switzerland and the United Kingdom. Apart from individual cases project reports generally cover the period until end of 2010. This report has been last revised in November 2011 to reflect important legislative changes adopted in August 2011.

For more information about the project visit <http://research.icmpd.org/1429.html>.

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I Introduction

Even though made explicit and formalized only over the last decade by the introduction of the *Stay contract* (*Contratto di soggiorno*, L. n. 189/2002), and then by the Integration Agreement (*Accordo di integrazione*, L. 94/2009), a link between immigration and integration policies has always been lying behind the Italian migration regime. In other words, the three main dimensions of integration, i.e. economic, cultural and legal, have always oriented Italian immigration policies, even if implementation has not necessarily followed in a consistent manner.

The first immigration law approved in 1986 introduced a system of planned inflows which intended to avoid competition with the national workforce, and was aimed at matching labour market needs and foreign workers' new entries. Integration was regarded essentially in terms of systemic economic sustainability. However, annual inflows decrees have always been approved with considerable delay, entries have been set in very low quantities, and rather than really allowing for new arrivals quotas they have been used by immigrants already living irregularly in Italy to legalise their condition. This is a persistent feature of Italian immigration policies still today, which has been accompanied also by quite generous amnesties. This shows an implicit and pragmatic recognition of informal social relations and the shadow economy in promoting a *de facto* integration process. Hence, in terms of admission-integration nexus, amnesties were - and are still to some extent - considered as an instrument to legalize immigrants already employed, i.e. regarded as already integrated from an economic point of view or easier to integrate because of their social relations. Amnesties are also considered a buffer against the risk of shifting from irregularity to petty criminality.

This functionalist rationale, linking entry to considerations of economic sustainability, has become more and more explicit throughout the last decade, as showed by the increasing relevance of temporary and seasonal workers, of special quotas for workers in the domestic and personal care sector, and for highly qualified and specific skills that lack in the Italian labour market (such as for instance ITC experts and nurses). However, immigrants have continued to entry through the back door of overstaying, answering the demands of an economy still based on unskilled labour and of a welfare state unable to satisfy family needs, especially as far as elderly care is concerned.

The legal dimension of integration appears to the fore from 1995 onwards. For the first time Decree Law n. 489/1995 introduced the possibility of linking special quotas to bilateral agreements undersigned with sending countries that formally engaged in preventing illegal emigration and immigrants' smuggling, and to accept their illegal immigrants back, in particular those involved in criminal activities. The main goal can be identified with *reducing the most difficult component of immigration to integrate*, given the higher risk for undocumented immigrants to be involved in petty criminality. The stay contract (*Contratto di soggiorno*), introduced in 2002 and subordinating admission in Italy to the availability of a job proposal on the part of an employer, can be considered mainly as a rhetoric instrument to make evident the will of the then centre-right government to better manage immigration inflow by linking together legal and economic integration.

Last but not least, the cultural dimension of integration has always characterised Italian nationality laws, especially the 1992 Reform (Zincone 2006). Yet, the privileged route

for foreigners of an Italian background has not necessarily favoured the entry of economically needed immigrants. The re-acquisition of Italian nationality has been required by South American citizens in order to emigrate to Spain or the UK , or to be exempted from tourist visas in order to travel to North America (Tintori 2009). Notwithstanding the failure of the co-ethnic approach in terms of immigrants' selection, Law n. 189/2002 introduced a preferential quota for immigrants of an Italian origin, considered as easier to integrate. The Integration Agreement (*Accordo di integrazione*) approved in July 2009 can be regarded as an attempt to put the cultural dimension to the fore. For the first time the renewal of the stay permit is linked to the meeting of specific post-arrival integration requirements in terms of Italian language and knowledge of Italian institutions and civic culture.

Yet, the approval of the implementation rules of the Integration Agreement took more than the 6 months stated by law n. 94/2009, and were formally agreed upon by the government only at the end of July 2011. Such a delay casts doubts on the real intention of the IVth Berlusconi government to pursue a culturalist approach to integration. Again, the impression is that of a symbolic policy, coherently to the anti-immigrant rhetoric of the Northern League, while a more silent economic-functionalist rationale seems still lying behind Italian admission policies, as pointed out by the new amnesty for domestic workers approved in August 2009. Despite the prevailing symbolic function of the Integration Agreement, a culturalist turn in the public and political discourse on immigrants' integration can still be pointed out, as emphasised by the Charter of the Values of Citizenship and Integration introduced by Home Affairs Minister Giuliano Amato during the IInd Prodi Government in 2006.

II The Evolution of the Migration and Integration Policy Nexus

Conventionally, the shift of Italy from an emigration to an immigration country dates back to mid 1970s, when for the first time in the Italian contemporary history the migration balance registered a positive turnout (Pugliese 2002; Bonifazi 2007). Yet, consistent inflows only started from the mid 1980s. In this period, the regulation of migration flows in Italy was subject to mere administrative regulations (*circolari amministrative*) and bureaucratic discretionality (Zincone 2011).

The first Italian immigration law was approved in 1986 (Law n. 943/1986): it recognised full equality of rights between foreign and native workers, thus complying with the international obligations linked to the ILO 1975 Convention (n. 143), at that time strongly supported by Italy as an instrument to protect its emigrants abroad (Colombo and Sciortino 2004, 54). As for the nexus between admission and integration, the first immigration law was essentially inspired by the protection of national labour force and the principle of economic sustainability (Zincone 2011): A complex system of inflows' planning was introduced, based on decrees issued by the Labour Ministry together with the other concerned ministries, i.e. Home Affairs and Foreign Affairs, after consultation with the Consultative Committee for Immigrant Workers, which was hosted by the Ministry of Labour and included representatives of immigrants associations together with representatives of trade unions, employers' organisations and local administrations. A right to way in employment was given to Italian and EU workers (art. 8), as well as to non EU immigrants already living on the Italian territory. To make the hiring of non EU immigrant workers less attractive, contributory costs were made 0.5% higher in order to put aside resources for repatriation in case of unemployment.

Such a strong protectionist stance was confirmed by the second immigration law approved in 1990. According to art. 4b, quotas had to take into account "the real opportunities to integrate immigrants in the Italian society", and inflows decrees were supposed to identify measures aimed at providing lodging, schooling, and more generally favouring immigrants 'socio-cultural integration', ensuring them also the opportunity to preserve their cultural identity. It emerges a mild multicultural conception of integration combined with the criterion of sustainability. In concrete terms, also under the 1990 law, not only inflows were usually set at a very low threshold (some 20.000 people per year including family regroupment), but the higher costs and the complexity of the procedures employers had to face in order to hire non EU workers, proved to be a discouragement to regular hiring (Zincone 2011).

However, and contradicting the sustainability principle, both laws introduced a generalized amnesty: the 1986 one lead to the regularisation of 116,000 illegal immigrants, two thirds of which were unemployed (Einaudi 2007), while the 1990 amnesty was opened also to self employed immigrants and asylum seekers, and allowed for the regularization of 220,000 immigrants. The generosity of these amnesties in terms of categories allowed to apply points out an implicit and pragmatic recognition of informal social relations and the shadow economy in promoting a *de facto* integration process. Hence, in terms of admission-integration nexus, amnesties were - and still to some extent are, as we shall see below - considered as an instrument to legalise immigrants already employed, i.e. regarded as integrated from an economic point of view or easier to integrate because of their social relations. Amnesties were also considered a buffer against the risk of shifting from irregularity to petty criminality,

given the higher risks of being involved into criminal activities for undocumented immigrants (Barbagli 2008).

The issue of illegal entries was to become even more central in the incoming years, and in particular in 1992, with the massive arrivals from Albania and the crisis in the Western Balkans. The failure of the 1990 Law to face such a situation as well as to deal with the challenges linked to immigrants settlement and integration lead in 1993 to the setting up of a special commission composed of top-level civil servants of the main concerned Ministries and academic experts, charged with the task of drafting a major reform of the legislation on the legal status of immigrants. Decree Law n. 489/1995, named after the then Prime Minister in a 'technical government' Lamberto Dini, incorporated some of the provisions proposed by the Commission.¹ In terms of admission-integration nexus, once again the main criterion lies with sustainability: according to Decree Law n. 489, new entries could be allowed only after considering the high rate of unemployment among immigrant workers, the duty to host displaced people and offer opportunities for family reunion, and after having regularised immigrants already present in Italy, as pointed out by the introduction of a new amnesty (see below). These criteria were quite difficult to follow: the actual guidelines adopted by then consist in combining (high) real labour market needs with the increasing reluctance of the Italian public opinion to accept huge inflows (Einaudi 2007). Yet, some important novelties with some practical consequences can be also pointed out. They will characterise also the subsequent legislation.

First of all, as far as the principle of integration as systemic sustainability is concerned, the Dini Decree gave priority to seasonal and temporary workers and introduced the obligation for the employer to provide for 'adequate lodging' (Art. 1 a). The assumption behind is that temporary workers do not need a real integration process. It was as if that category was considered as *integration exempted*. Moreover, the Decree put forward the possibility of signing bilateral or multilateral agreements with sending countries. The rationale in this case can be identified with *do ut des agreements*, which committed sending countries to co-operate in preventing illegal emigration and immigrants' smuggling, and to accept their illegal immigrants back, in particular those involved in criminal activities. The main goal can be identified with *reducing the most difficult to integrate component of immigration*.

Secondly, if it is true that also the 1995 Decree introduced a new amnesty, yet, in terms of admission-integration nexus, this characterised as more restrictive when compared with the previous ones: in order to obtain a regular residence permit, undocumented immigrants were required to demonstrate the willingness of an employer to regularly hire them (art. 12, decree n. 489/1995). Economic integration through participation in the labour market had to be sanctioned through an official job contract, whereas previous amnesties, as mentioned above, just took into account proof of having been engaged into shadow economy.

The last relevant piece of legislation in the 1990s is Law n. 40/1998, also known as Turco-Napolitano, named after the then Ministers of Social Affairs and Home Affairs of the first centre-left Prodi government. This can be considered as the first reform regarding immigration and immigrants' rights which was not conceived under

¹ For a more detailed and in-depth analysis of Decree Law n. 489/1995, as well as of the other pieces of legislation mentioned in this report, see: Zincone 2011.

emergency conditions, in that it intended to treat immigration as a permanent phenomenon. At this end, the 1994 bill was used as a starting point and a team of experts and civil servants was mobilised, which was very similar to the 1993 Commission. Although the draft was radically transformed, the general prevailing solidarity-oriented attitude did not change (Zincone 2011).

As for the link between admission and integration, the principle of systemic sustainability was re-affirmed and reinforced, as showed by the introduction of a three years inflows planning document - to be prepared by the government and discussed in Parliament - which had the goal of setting the guidelines for future flows, as well as for international co-operation and integration policies (art. 3). In the drafting of the inflows planning document, consultation with the other concerned Ministries, the CNEL, the regions and local authorities, as well as the trade unions, entrepreneurial organisations, NGOs and voluntary organisations mobilised on immigrants rights' and integration, was envisaged. Quotas had to be established accordingly each year by means of a Prime Minister Decree. In case the annual decree was not issued, it was established that admissions had to be allowed on the basis of the quotas fixed for the previous year. Once again, inflows planning in principle had to take into account the perspective impact on the labour market of family reunions and entries for humanitarian reasons, as well as more general data provided by the Ministry of Labour on unemployment trends at a national and regional level.

Following the path already set by the Dini Decree in 1995, quotas could be established for seasonal, temporary and permanent employment, for autonomous entrepreneurs and for the citizens of those sending countries which had signed bilateral or multilateral agreements to contrast undocumented immigration. Yet, the law contained also a novelty: a special quota for job-seekers was introduced, allowing the admission of foreigners sponsored by other regular immigrants, Italian citizens, NGOs and regional or local institutions.² The integration rationale behind this provision appears to be twofold: on the one hand, considerations of economic functionality and sustainability have to be considered, given the high demand of unskilled immigrant workers in sectors such as domestic and personal care, where personal relations are critical in hiring decisions; on the other, and similarly to the late 1980s-early 1990s regularisation programmes, the mediation of co-ethnic networks or relationships with Italian citizens and/or institutions and organisations is regarded as a positive factor in favouring social integration.

However, the analysis of the inflows decrees issued under the terms of Law n. 40/1998 (see for instance: Colombo and Martini 2007), points out how priority was given to temporary and seasonal workers, i.e. those considered not to be in need of integration, as well as to nationals of sending countries which had agreed to collaborate in contrasting undocumented migration, i.e. in limiting the arrival of those potentially more difficult to integrate. Quotas for the sponsor system were negligible: only 15,000 residence permits per year were allowed in 1999 and 2000 (Reyneri 2008).

Last but not least, Law n. 40/1998 was accompanied by another amnesty, limited, as the 1995 one, to undocumented workers whose employer was willing to establish a regular contract. It allowed the regularization of 215,000 immigrants. Again, integration is

² The sponsor had to provide guarantee for the migrant daily life costs for a maximum of one year as well as for his/her return back home in case of unsuccessful job search.

framed essentially in economic terms: at an individual level, employment was considered as proof of the immigrant capacity to settle down and establish positive relations with the host society, while at the systemic level participation in the labour market was assumed as functional to the country's economic necessities.

III Admission-related Integration Provisions since 2000

III.1 General approach of Admission-related Integration Provisions

Law n. 40/1998 has been reformed in 2002 by the then centre-right II Berlusconi government with Law n. 189/2002, the so-called Bossi-Fini law after the names of the two centre-right Ministers who undertook the initiative. This law still represents the reference frame of Italian admission policy today. According to the Bossi-Fini law, admission depends on the availability of a job proposal on the part of an employer and the stay permit is fundamentally inked to the duration of the contract. Even though also in previous legislation entries for working purposes could be allowed mainly on the basis of job offers, the Bossi-Fini law gives to this requirement a stricter interpretation: the demonstration of a job contract is an individual obligation of the perspective employer, who has also to provide appropriate lodging and guarantee for the immigrant's return at the expiry of the contract. Only six months, instead of the previous period of one year, are allowed for further job search in case of unemployment.

Economic sustainability is again the main rationale in terms of admission-integration nexus, as emphasised also by the elimination of the previous element of flexibility the sponsor programme and the establishment of a new channel of entry for those migrants enrolled in the country of origin in specific training courses promoted by Italian provinces and/or the regions. Along with economic sustainability, the other main underlying rationale is again rewarding those countries that collaborate in contrasting unwanted immigration, and thus, as mentioned above, contribute to *reduce the most difficult to integrate component*, i.e. undocumented immigrants. At the same time, Law n. 189/2002 introduced also a special quota for the descendants of Italian emigrants (at least one of the parents) up to the third degree of kinship, who can have access to special lists established at the Italian Consulates in the countries of origin. This preferential route for co-ethnics points out a link between integration and admission based on a presumed socio-cultural affinity.

An analysis of the inflows decrees approved from 1998 to 2010 carried out for this report, points out three trends: the increasing relevance of temporary and seasonal workers, i.e. of those categories considered not in need of integration; the introduction, since 2005, of a special quota for workers in the domestic and personal care sector, to answer to an increasing demand in the labour market; the attempt to select highly qualified and specific skills once again considered of relevance for Italian economy, even though quotas have always been numerically negligible, ranging from 3,000 entries in

2001 to 1,000 respectively in 2006 and 2007.³ Also regional training courses have received a small share of the total annual quotas: in 2007 for instance, on a total 252,000 quotas, just 3,500 were linked to this admission channel (Colombo and Martini 2007). At the same time, regions have showed no interest in this opportunity: always in 2007, only the Veneto Region applied for 330 foreign workers to be trained in different sectors such as tourism, care and domestic services, health care, constructions, agriculture and industry (see: Caponio 2007). According to interviews carried out at regional level in the context of another research project,⁴ the extreme complexity of bureaucratic procedures and the difficult relations with the two ministries involved, i.e. the University and Public Education Ministry and the Home Affairs, have deterred most of the regions from taking the initiative in setting up training courses.

Similarly to previous immigration laws, also the Bossi-Fini included yet another amnesty, which first addressed only domestic workers and care givers (art. 33), but was immediately followed by another provision (Decree 195/2002) which included all remaining categories of immigrant workers. According to Zincone (2011), the albeit reluctant acceptance of this measure by the right-wing of the coalition was due to the pressures from families, in principle hostile to irregular migration and amnesties though in favour of regularizing their own undocumented employees, and of small and medium entrepreneurs, largely centre-right voters. The cumulative outcome of the two amnesties produced the largest number of regularizations which had ever occurred up till then in Europe (634,728).

Hence, as far as amnesties are concerned, the Bossi-Fini law, while in continuity with the 1995 Dini Decree limiting access to undocumented workers, still introduced an element of novelty, i.e. the identification of specific categories of potential beneficiaries. This reinforces the trend already pointed out in the quota system to select specific categories of immigrant workers on the basis of their - presumed - utility for the Italian labour market without ignoring public opinion general hostility towards illegal immigrants. The last amnesty enacted in August-September 2009 (Law n. 102/2009) was actually open only to domestic and care workers, the component of immigrant workers which makes an exception - does not displease to the Italian families, i.e. to potential and actual voters.

As is clear, at least up until the 2002 immigration law, the link between admission and integration is of an indirect kind, in the sense that while some underlying principles can be evinced from the analysis of the various laws, these did not set any explicit integration requirement to be met by immigrants before or after entry. Also the pre-entry training regional programmes were just of a voluntary kind, in the sense that immigrants admitted to these courses could just take advantage of a privileged admission quota.

However, in the second half to the 2000s, a gradual shift towards a more cultural understanding of the notion of integration gradually took place, as pointed out by the

³ A similar strategy has been pursued with the introduction of a special quota for foreign university students willing to stay in Italy and to enter into the labour market (2,000 in 2006 and 3,000 in 2007).

⁴ Project: *Le politiche delle regioni italiane in materia di immigrazione. Un'analisi del rendimento istituzionale* (Italian regions' policies on immigration. An analysis of institutional performance), carried out in 2010 by Fieri under the coordination of Tiziana Caponio and Francesca Campomori and funded by the Compagnia di San Paolo.

initiative of the then centre-left government Home Affairs Minister Giuliano Amato to promote, in 2006, the drafting of the so called Charter of the Values of Citizenship and Integration. The Charter, officially enacted with a Home Affairs Minister Decree of the 15 June 2007, had the goal of summing up and making explicit the fundamental principles regulating social life in Italy, with a particular attention to social relations between citizens and immigrants, and to immigrants' integration issues. Elaborated by a Commission of 5 Academic experts appointed by the Minister, as we shall see below, the Charter is based upon the principles of the Italian Constitution and of the main European and International agreements and conventions on human rights. The Charter has been drafted by the charged Commission after extensive consultations with the main immigrant and religious communities present in Italy, the members of the Muslim Consultative Committee established at the Home Affairs Ministry, and the various voluntary organisations mobilised on the issue of immigrants' integration. It has not a binding character though, but represents a benchmark for the Home Affairs general administration, whose relations with immigrant and religious communities have to be based on the principles stated in this document.

Despite its soft law nature, the Charter marks the emerging of a new paradigm in the public definition of immigrants' integration in Italy which, in the following years, will run side by side the prevailing economic understanding of the integration-admission nexus. This new discourse is centred around Italian culture and values, and addresses essentially issues of social cohesion and relations with immigrant and religious communities. As a first step, the roots of Italian cultural identity are identified in the Charter's preamble, i.e.: the Greek-Roman culture and the Christian religious legacy, this latter as deeply entrenched in the Jewish tradition; and the 1947 Republican Constitution, considered as the starting of the modern democratic regime. Hence, the following chapters illustrate immigrant's rights and duties whose protection should be legally enforced in compliance with European and International Laws, such as the right to education, health care, and access to job on the same plane of Italian citizens. The principles of equality between men and women within and outside the family, as well as of religious freedom and State neutrality with respect to religion, are also affirmed.

Yet, the Charter is not just a general declaration of principles and values, but has also the ambition of setting the basis for individual integration processes, and the reference point is explicitly identified by the President of the Scientific Committee, Professor Carlo Cardia, in the French *Contract d'Accueil (Carta dei valori della cittadinanza e dell'integrazione - Introduzione*, p. 1). The final goal of the integration process should be the acquisition of citizenship (principle n. 5), which requires "the learning of the Italian language, of the basic notions of the Italian history and culture, as well as the sharing of the principles regulating our society".

This cultural shift in the definition of immigrants' integration appears to be at the very core of Law n. 94/2009, named also Security Law (*Pacchetto sicurezza*) and approved by the IVth Berlusconi government in July 2009, which for the first time links the renewal of the stay permit to the meeting of specific post-arrival integration requirements. Let's analyse this new paradigmatic turn more in deeply here below.

III.2 The Installation of Admission-related Programmes at the National Level

As mentioned above, in Italy entry has always been subordinated *de facto* to the availability of a job offer, a link which has been emphasised by the 2002 Bossi-Fini law, which established that the residence permit can be issued only if a job contract is undersigned. Law n. 94/2009 does not change this general rule. The link between labour market needs and immigrants admission, implying a systemic definition of integration as pointed out above, is re-affirmed with a shift towards highly skilled immigrants: art. 11-bis enables foreign students who have obtained a PhD or MA degree in Italy to apply for a permit for job search of 1 year; procedures for hiring highly skilled workers from abroad are also simplified.

Yet, the main novelty of Law n. 94/2009 is constituted by the introduction of new integration requirements for the renewal of the stay permit and for access to the long-term resident status. In this report we will focus on the former measures since these apply to newly arrived immigrants, setting specific conditions for their stay and eventual settlement in Italy. We will first consider the content of the law and of the other related official governmental documents, and then we will turn to an analysis of the decision-making process.

III.2.1 The Integration Agreement: Law n. 94/2009 and the draft implementation rules

According to art. 4-bis of Law n. 94, integration is defined as the “process aimed at promoting cohabitation between Italian and foreign citizens on the basis of the respect of the Italian Constitution, with the mutual engagement to participate in the economic, social and cultural life of the society”. This definition of integration, emphasising the duties linked to peaceful cohabitation, i.e. respect of the established rules (the Constitution) and engagement in the society, is further elaborated in the document “Integration and security programme. Identity and encounter” (*Piano integrazione nella sicurezza. Identità e incontro*), approved by the government in June 2010, one year after the Security Law. A strong emphasis is put on the necessity to combine immigrants’ reception with the preservation of public security, as is evident also in the title of the document. Moreover, the document sets the frame of what is called an “Open identity” model of integration (*Modello dell’identità aperta*), which is “based on the possibility of pursuing a real encounter implying the understanding and the respect of who we are, reciprocated by the natural curiosity towards others’ cultures and traditions” (p. 5). The respect of “who we are”, that is of “our cultural identity”, defined, similarly to the Charter of the Values of Citizenship and Integration analysed above, as “an original combination of Jewish-Christian and Roman-Greek cultures” (p. 4), is regarded as an essential pre-condition in order to start a path towards integration based on “rights and obligations, of responsibilities and opportunities”. In contrast with the 2006 Charter though, now the emphasis is clearly on duties, i.e. on respect of public order and of basic rules of cohabitation (p. 4).

As part of these duties, law n. 94/2009 introduces the so called “Integration Agreement”, to be undersigned by the immigrant at the moment of the issuing of the residence permit, and which commits him to achieve specific integration goals at the expiry of his residence permit. The definition of the exact content of the agreement and of the integration goals was postponed by the law to the implementation rules, to be approved within 180 days from its entering into force. According to the law, the

agreement should be articulated in a number of credits: in case of loss of all the credits, the resident permit will be revoked and expulsion enforced. Moreover, it is posited that the signing of the agreement is a necessary condition for the issuing of the residence permit. Some categories are explicitly protected against the risk of expulsion, i.e. refugees, asylum seekers, foreigners holding a stay permit for humanitarian reasons or for family reunion, long-term residents (i.e. those holding a UE long-term resident permit) and his/her family members. However, the law does neither specify which categories of immigrants are subject to the obligation of undersigning the agreement, nor what happens in case of only partial achievement of the stated integration goals. It stresses though that no special funds are committed to the implementation of the agreement.

According to the law, the implementation rules of the Integration Agreement were to be expected by the 15th of January 2010. Actually, a first draft was been presented by the government to the media in May 2010, and definitively approved only at the end of July 2011, well beyond the stated deadline.

According to approved implementation rules, all newly arrived non-EU immigrants above the age of 16 years old and applying for a residence permit of at least one year fall under the obligation of undersigning the Integration Agreement. As for minors between the age of 16 and 18 years old, the agreement will be undersigned by the parents. Exempted categories are also listed, i.e.: immigrants applying for a residence permit of less of one year; foreigners with disabilities or pathologies that undermine one's individual capacity of cultural and language learning; unaccompanied minors and women victims of trafficking who are beneficiaries of a protection programme.

The Integration Agreement is undersigned at the Police Head Quarters or the Prefecture, and it is translated in the language indicated by the applicant, or, if not possible, in English, French, Spanish, Arabic or Chinese, Albanese, Russian and Philippine's language according to his/her preferences. The agreement commits the subscriber to: 1) acquire a sufficient level of knowledge of the spoken Italian language corresponding to level A2 of the Council of Europe common framework for languages' evaluation; 2) acquire a sufficient knowledge of the fundamental principles of the Italian Constitution and institutions; 3) acquire a sufficient knowledge of Italian civic life, and in particular of the health sector, the education and social services sectors, the labour market functioning and related fiscal obligations; 4) fulfil his/her minor children obligation to education. Immigrants have also to adhere to the principles of the Charter of the Values of Citizenship and Integration described above.

The Integration Agreement has a validity of two years, and can be eventually extended of one more year in case of insufficient compliance with the requirements, as we will see below. At the moment of the subscription, 16 credits are assigned to the immigrant. Within three months, the subscriber is invited to attend a first session of Italian civic culture held at the Prefecture (between 5 and 10 hours maximum). During the session, the immigrant is also informed about the integration initiatives and opportunities available in his/her province of residence. In case of unjustified non attendance, 15 of the initial 16 credits are curtailed.

In order to accomplish the agreement, in the two years' time span of its validity the immigrant has to score 30 credits. Credits can be acquired through the certified participation to Italian language courses, Italian history and civic culture courses and other education programmes (e.g., professional and vocational training, university

courses etc.), according to the table of conversion here below (tab. 1). However, it has to be pointed out that the satisfaction of points 1 and 2 is considered essential in order to obtain the residence permit renewal, i.e. the immigrant has to show at least A2 level knowledge of the Italian language and sufficient knowledge of civic education.⁵

⁵ See the intervention of the Minister of Labour and Social Policy Maurizio Sacconi at the Deputies Chamber of the 10th February 2010. According to Sacconi, along with this essential pre-requisites, points 9 to 12 have to be considered as a sort of special reward for those immigrants who show a special commitment.

Table 1: Acknowledged credits for Italian language courses and other integration activities

1) Italian language	Level A1	10 (only spoken) to 14 credits
	Level A2	20 (only spoken) to 24 credits
	Level B1	26 (only spoken) to 28
	Above level B1	30 credits
2) civic education	From sufficient to high level	6 to 12 credits
3) vocational training	Attendance of a course from a minimum of 80 up to 500 hours	4 to 30 credits
4) secondary school	Attendance of a semester of secondary school	15 credits
5) university courses	Minimum of 2 courses in one academic year to 5 or more	30 to 36 credits
	One year of a PhD programme	50 credits
6) Education degrees	Vocational training degree to secondary school degree	35 to 37 credits
	University degree/MA/specialisation	46/48/50 credits
	PhD	64
7) teaching	Teacher certification	50
	University teaching	54
8) courses of language and social integration	From 80 hours up to a max of 800	4 to 30 credits
9) Public merit and honours	Public honours/honours of the Presidency of the Republic	2/6
10) Designation of a public doctor	-	4
11) Participation into social life	Voluntary work into social development associations	4
12) Housing	Pluriannual rent contract or house property	6
13) Vocational training in the country of origin	-	4

Source: Decreto del Presidente della Repubblica 28th July 2011, “Regolamento concernente la disciplina dell’accordo di integrazione tra lo straniero e lo Stato”, annex B.

Credits can also be curtailed. This can happen in three cases, i.e.: penal convictions, even if not definitive, to jail (from a minimum of three months up to more than three years) or to a fine of above 10,000 Euros (from 2 up to 25 credits); other kind of personal

restrictions sentences, even if not definitive (10 credits); administrative fines for fiscal or administrative offences above 10,000 Euros (from 2 up to 8 credits).

In order to verify the fulfilment of the Integration Agreement, one month before the expiry of the two year period of its validity, the immigrant is invited by the Prefecture to produce the certificates attesting the credits or, in the lack of such documents, to pass an exam in order to assess his/her level of knowledge of the Italian language, culture and civic life. Hence, the evaluation takes place, considering also the eventual causes of loss of credits.

If the immigrant has reached the threshold of 30 credits or more (provided that he/she is able to demonstrate the A2 level of knowledge of the Italian language and a sufficient knowledge of Italian culture and civic life), the agreement is declared as successfully fulfilled. In case of a balance above 40 credits, facilities in order to get access to specific training and cultural opportunities will be acknowledged. In the case of a total balance below 30 credits - but above 0 - or if the immigrants has not achieved a sufficient knowledge of the Italian culture and civic life, an extension of one year is granted, while in case of a balance of 0 or below 0, the agreement is declared as unfulfilled. According to art. 6 of the implementation rules, this implies the denial of the permit renewal and the expulsion from the Italian territory. If the immigrant cannot be expelled (e.g., pregnant woman, serious illness etc.), the Prefecture can take the non fulfilment into account in order to adopt discretionary decisions.

The validity of the agreement can be suspended or prorogued in cases of serious reasons which would temporarily impede its fulfilment (e.g. serious illness, family reasons, period of study abroad etc.). These have to be certificated. Furthermore, a Register of the Integration Agreements is established at the Home Office, which is connected on-line with the Criminal Record Office and other relevant offices in order to monitor the credit balance of each subscriber.

In terms of organisation of the implementation structure, the Prefectures are allowed to undertake agreements at a local level with all the possible concerned institutions, i.e. the regional education offices, the provincial centres for adult education, the Universities, especially as far as the organisation of the civic culture sessions and the assessment of Italian language are concerned. The Consultative Committee for the Problems of Immigrants and their Families, established by art. 42 of 1998 Immigration Framework Law (D. Lgs. 286/1998), is charged with monitoring the necessities of Italian language and cultural training arising at a local level because of the implementation of the Integration Agreement, with the collaboration of the Immigration Territorial Councils (art. 3, D. Lgs. 286/1998). However, no special funds are assigned to the implementation of the agreement.

The approvation of the implementation rules of the Integration Agreement had been accompanied by quite a lot of controversies, concerning especially the - still not clearly defined - role of local authorities and to the costs of implementation. We will consider these controversies more in-depth here below, as part of the analysis of the decision-making process.

III.2.2 From the Charter of the Values of Citizenship and Integration to the Integration Agreement: an Analysis of decision-making Processes

In a previous article of one of the authors (Zincone 2011), it is maintained that despite a certain continuity in the content of immigration and, even more, immigrants' integration policies throughout the late 1990s and early 2000s, policy-making processes show a quite relevant difference as far as the role of academic experts, public officials and civil society organisations is concerned. These actors have been relatively more prominent in the making of centre-left migration policies and reforms than during centre-right governments. Here below we shall try to see if and to what extent such a statement can be applied also to the more recent policy developments described above, i.e. the emerging of a more cultural and identity based definition of integration and the introduction of the Integration Agreement in 2009.

The analysis of the content of the integration-admission nexus carried out above clearly confirms the statement about policy continuity, at least as far as the systemic rationale identifying integration with economic sustainability is concerned (on this point see also: Caponio and Graziano 2011), which was affirmed already in the first immigration law approved in 1986. However, the more recent cultural turn is not completely new: the first immigration law already assigned to the regions the task of setting up specific programmes of Italian language and culture, in order to facilitate immigrants' integration, and, in a similar vein, law n. 40/1998 mentioned the learning of Italian language as a priority for integration policies. Yet, neither the 1986 law, nor the centre-left 1998 one, established any link between admission and/or residence permit renewal and cultural integration. On the contrary, these laws characterised by a light multicultural approach, as pointed out by the intention to support policies aimed at protecting and enhancing immigrants' different cultural backgrounds.

As anticipated above, the emerging of a link between residence permit and cultural integration can be drawn back to the Charter of the Values of Citizenship and Integration, drafted by a Scientific Committee between 2006 and 2007, and enacted with a Home Office Minister Decree in June 2007. The idea of undertaking the drafting of such a document was launched by Minister Giuliano Amato during an extraordinary meeting of the Committee against Discrimination and Anti-Semitism convened in August 2006 which followed the initiative of the Union of Islamic Communities in Italy (UCOII) to publish on the main Italian newspapers an advertisement comparing Israeli repression in the Palestinian territories to the Nazi Holocaust. It has to be pointed however that Minister Amato was indeed quite sensitive to these issues since in 2003 he was vice-president, together with Jean-Luc Dehaene, of the European Convention charged with the drafting of the European Constitution, which was accompanied, especially in Italy, by a high pitched debate on the Christian Roots of Europe.

The UCOII, a confederation gathering some 104 local Muslim associations and considered as rather extremist in the panorama of Italian Islamic organisations, is member of the Islamic Council, a consultative committee established in September 2005 by the then Home Office Minister Giuseppe Pisanu.⁶ According to the intentions of Minister Amato, the new Charter would have had the purpose of stating clearly the basic

⁶ Third Berlusconi government.

principles to which religious organisations had to adhere in order to be represented in consultative governmental bodies.⁷

However, in response to the opposition of UCOII to undersign any document directed only to Islamic organisations, Minister Amato enlarged the scope and the goals of the Charter, to be shared not only by religious representatives but also by ethnic communities, and to be undersigned by individuals applying for Italian citizenship more generally. As explicitly declared by the Minister in October 2006 in a meeting of the Islamic Council, “The drafting of the Charter of the Values of Citizenship and Integration will cross the making of the new citizenship law. The undersigning of these principles will become a precondition in order to obtain the Italian citizenship”.⁸

Hence, the initiative undertaken by the then Home Office Minister Giuliano Amato has to be considered not only as a consequence of the debate on the loyalty of Italian Islamic organisations, but also in the context a broader attempt on the part of the centre-left II Prodi government to reform the 1992 Citizenship Law. On this latter point, Minister Amato bill intended to reduce to five years the length-of-residence requirement for non-EU immigrants to acquire citizenship, and simplify the acquisition of nationality for minors born and/or educated in Italy, while strengthening at the same time the requirements concerning civic and social integration. The new Charter would have helped in reaching this latter goal.

In order to draft the Charter, a Scientific Committee was appointed in October 2006 composed of 5 Academic experts plus 2 officials of the Home Office Ministry. In a way or another, they were all experts of religious issues and of Islam, as pointed out by their biographies. Carlo Cardia, President of the Committee, is professor of Religious Institutions Law at the faculty of Law of the University Roma Tre; Roberta Aluffi Beck Peccoz is professor of Canon Law at the faculty of Law of the University of Turin; Khaled Fouad Allam is deputy of the Italian Parliament (at the time of the centre-left party *La Margherita*) and professor of Sociology of Islam at the University of Trieste; Adnane Mokrani is professor of Islamic Theology and Islamic Law at the Pontificia Università Gregoriana of Rome; and Francesco Zannini is professor of History of Contemporary Islam at the Papal Institute for Arabic and Islamic Studies (PISAI) in Rome.

Together with the two Home Affairs officials, the committee identified a number of relevant issues on which specific studies were promoted: among these, civic integration policies, citizenship and introduction courses were explored in a comparative study compiled by Roberta Aluffi Beck Peccoz. This background paper is clearly echoed in the introduction to the Charter, which assumes the necessity to establish “a clear integration path leading to citizenship [...] similarly to the French *Contract d’Accueil*” or to the Belgian Citizenship Charter (*Etre citoyen en Belgique*) at that time debated in Belgium (*Carta dei valori della cittadinanza e dell’integrazione - Introduzione*, pp. 1-2).

Hence, the idea of having some kind of contract or agreement establishing individual rights and duties in the pursuing of the integration process was somehow already announced in 2006, that is three years before the introduction of the Integration

⁷ See the main Italian newspapers: *Aut-aut di Amato all’Ucoii - “Firmate una carta dei valori”*, 25th August 2006, *La Repubblica*, Carmelo Lopapa; *«Incontrarci? Prima la carta dei valori»*, 29th August 2006, *Corriere della Sera*, Paolo Conti.

⁸ See: *«La Carta dei valori non è solo per l’Islam»*, *Corriere della Sera*, 10th April 2006, V. Piccolillo.

Agreement, in the context though of a broader citizenship reform and not in relation to admission or stay policies.

In April 2008 the victory at the political elections of the centre-right coalition and in particular of the Northern League, which doubled its electoral score from 4% in 2006 to 8.3%, changed completely the terms of the debate. During the electoral campaign the Northern League had been particularly vocal in linking issues of security and criminality with immigration, and in claiming stricter admission policies and a tightening of external and internal controls. Once in government, this party took the lead in promoting the so called Security Law, which, according to our interviewees, has to be regarded as an initiative of the Home Affairs Minister Roberto Maroni, himself belonging to the Northern League. This piece of law puts together provisions on immigrants' integration such as the Integration Agreement or the Italian language test for CE long-term resident permits, with new restrictions against undocumented immigrants, such as the criminal offence of "*reato d'ingresso e soggiorno irregolare*" (entry and irregular stay crime) and other measures aimed at pursuing more effective expulsions.⁹ Moreover, the Security Law was concerned also with other offences and criminal activities not directly related to immigration, such as stalking and money-laundering.

The first draft of the law was presented by Minister Maroni at the Senate in June 2008, only two months after the elections. According to our interviewees, this was a top-down initiative of the government, which was not preceded by any official consultation with civil society organisations (e.g. the Unions, NGOs, and catholic organizations), other possible concerned partners (e.g. local authorities) and experts. As an important centre-right decision maker told to Zincone (21001) in an off records interview, centre right politicians tend not to rely on experts and NGOs "because we know what they think", meaning that these categories of actors tend to be too much pro immigrants oriented. Of course, this does not mean that, as far as the Integration Agreement is concerned, Centre Right politicians and their staff did not ask for any suggestion from individual experts. From the analysis of Parliamentary records, it emerges that the Integration Agreement was not present in the first draft of the bill, but was introduced during the debate in the Justice and Constitutional Affairs Commissions after an amendment proposed by Senator Bricolo (Northern League) and other Northern League Senators, i.e. for political reasons. As any bill of law, also the Security Law, before being debated in Plenary Session, was discussed in Parliamentary Commissions, usually implying a certain number of hearings. According to Senator Vizzini (Pole for the Liberties), who illustrated the bill in the Senate plenary session in November 2008, amendment 18.7 on the Integration Agreement was introduced after a considerable number of informal hearings in the Justice and Constitutional Affairs Parliamentary Commissions. No recordings of these informal auditions are available. From our interviews it emerges that the Minister of Labour actually undertook some informal consultations in the eve of the presentation of the bill to the Senate. On the other hand, the President of the Scientific Committee for the drafting of Charter of the Values of Citizenship and Integration was very active in signalling the Committee's work to the new Minister. Even though no special Commission or Committee was set up by the new centre-right government, experts, as we have anticipated, were consulted behind the scene and

⁹ For a more detailed analysis see: Caponio and Graziano 2010. In this report the focus will be on the Integration Agreement.

played a relative less important role than under Centre Left Governments. Similarly, no institutionalised participation of civil society organisations was pursued in this first phase, even though our interviewees do not exclude specific hearings required by either the Minister or interest organisations and NGOs. Since these were informal auditions, no texts are available.¹⁰

According to some of our interviewees, the main reference case was the French one. In fact the debate on *Contract d'Accueil et Integration* (2007) had some resonance in Italian media and offered the policy makers a convenient example. As pointed out also by the analysis of the main newspapers (see below III.a), the Integration Agreement was initially presented by the Northern League as an instrument to select the “deserving migrants”, i.e. those who “respect the rules, know how to behave, and are willing to have a house and a job”.¹¹ In the initial proposal immigrants would have enjoyed at their arrival 10 credits, to be curtailed in case of administrative or penal convictions, with the risk of deportation in case of complete loss of the initial balance. This politicisation of the Integration Agreement, presented as part of a more general set of norms aimed at making the life of regular foreign workers tougher (see also the introduction of a tax of 200 Euros for the first application and for the renewal of the residence permit), accounts for the strong opposition, throughout the whole parliamentary debate, of the main centre-left parties (i.e. *Partito Democratico* and *Italia dei valori*), as well as of the Christian-Democrat *Unione di Centro*, as we shall see below. The Security Law was definitively approved in July 2009. At the end, the Integration Agreement was formulated in quite general and vague terms, leaving to the implementation rules the specification of its concrete functioning.

According to our interviews, the initiative in the drafting of the implementation rules has been undertaken by the Minister of Labour and Social Policy Maurizio Sacconi, of the *Popolo della Libertà*, and in particular of the *Forza Italia* component¹² closed to President Berlusconi¹³. In January 2010 the dramatic revolt of African immigrants

¹⁰ On the basis of a search on Google in February 2011 with the various keywords (Security Law Auditions/Security Law Senate Commissions etc.), we found notice of auditions with: UNICEF and other NGOs mobilised on the rights of foreign minors, that met Minister Maroni in April 2008 and then were heard in the Senate Justice and Constitutional Affairs Commissions in October 2008 on the entrance and irregular residence crime, threatening the rights of foreign children illegally present in Italy; Centro Astalli and Gesuite Centre for Refugees, which expressed special concern on the effects of the new restrictions against undocumented immigrants on asylum seekers; UN High Commissioner Navy Pillai on naval blockings and undocumented immigrants; Italian Union Territorial Doctors (SIMET), on the obligation of doctors in public hospitals to denounce illegal immigrants; National Association of Judges (AMN), on the entrance and irregular residence crime. In April 2009 audiences were carried out also at the Justice and Constitutional Affairs Commissions of the Chamber of Deputies, where the invited pro-immigrant associations (Unicef, Unhcr, Save the Children, Sant'Egidio, Arci, Asgi, Italian Council for Refugees) expressed a very critical stance on the norms concerning the status of undocumented workers.

¹¹ See Senators Bricolo and Mauro, both of the Northern League in an interview to *Corriere della Sera: Immigrati, la proposta della Lega - «Permesso di soggiorno a punti»*, 8th August 2008, D. Maritano.

¹² The *Popolo della Libertà* was founded as the merging of *Forza Italia* and *Alleanza Nazionale*, the heirs of the rightwing *Movimento Sociale Italiano*. The merging of the two parties has revealed very difficult, and at the time of writing (February 2010), a new group has been formed in the Parliament by the ex-AN president Gianfranco Fini, *Futuro e Libertà*, to which some of ex-AN members have adhered.

¹³ Maurizio Sacconi could be considered in a way an expert of social policy, since he is professor of Economy of Labour at the Tor Vergata University in Rome. Yet he is also a professional politician: he was elected for the first time deputy in 1979 for the Socialist Party. Since 1987 until 1994 he has been in the government staff (*sottosegretario*) in the Ministry of Treasure.

illegally working in the agriculture in Rosarno (Calabria), in conditions of extreme exploitation by local criminal organisations, caused a debate on the necessity to set clear conditions for integration in Italy and, according to our interview with a consultant¹⁴ of the Ministry of Labour, gave a boost to process of drafting the implementation rules of the Integration Agreement.¹⁵ A first round of consultations started at the end of January 2010, but was limited to the more “collaborative Unions and organisations”. Another round of hearings was carried out in September 2010, this time including all social partners (i.e., the Unions and the employers organisations), Italian NGOs working in favour of immigrants as well as Regional and Local authorities (*Conferenza unificata*).

The Unions and NGOs have been particularly vocal in opposing the punitive rationale underlying the Integration Agreement as proposed by the Northern League, i.e. deportation in case of loss of one’s initial credits. Instead, they proposed a more rewarding approach, aimed at acknowledging immigrants’ efforts undertaken in order to integrate themselves into the Italian society. The basic assumption is that learning the language and get integrated is first of all in the immigrants’ interest. As a consequence, immigrants should be encouraged to earn credits which should allow access to specific benefits such as, in the intentions of the Unions, and particularly of Cgil and Uil, an extension of the validity of the residence permit.

If we consider the implementation rules as approved by the government in July 2011, such a rewarding logic seems to have been accepted at least in part. As shown in Table 1, through their participation in training and educational activities, as well as in voluntary organisations or because of special merits, supplementary credits are acknowledged which can entitle the immigrant to get access to “special Italian language and civic education initiatives”. These initiatives should be identified by the Ministry of Labour and Social Policy, which is held responsible for keeping a specific registry. It is not clear though in what these “special initiatives” will differentiate from ordinary ones. No extension of the terms of validity of the residence permit is actually envisaged.

According to our interviewees, another critical point stressed by all the consulted organisations was that of funding (art. 13 of the Implementation rules). The Security Law does not envisage any special funds for the implementation of the Integration Agreement. This has been fiercely contested by the Unified Conference of Regional and Local Authorities, which have pointed out the contradiction between introducing the obligation of learning the Italian language but in the lack of resources to offer such courses. The risk, according to the Unified Conference, is that of implicitly dumping the problem on local authorities’ budgets.¹⁶

¹⁴ Directly appointed by the Minister and member of his staff.

¹⁵ However, and somehow in contradiction to the assertions of the consultant of the Ministry of Labour, in the Parliamentary debate on the so called “Rosarno facts” (Senate of the Republic, Session n. 309, 12th January 2010), while the need for “setting clear conditions of integration” is very often acknowledged, the Integration Agreement is never mentioned by Senator Bricolo, who was the main proponent of this policy in 2008.

¹⁶ *Parere sullo schema di Decreto del Presidente della Repubblica recante “Regolamento concernente la disciplina dell’accordo di integrazione tra lo straniero e lo Stato, a norma dell’articolo 4-bis, comma 2, del Testo Unico delle disposizioni concernenti la disciplina dell’immigrazione e norme sulla condizione dello straniero, di cui al decreto legislativo 25 luglio 1998, n. 286*, 18th November 2010.

In the Parliament question time of the 27th October 2010, Minister Roberto Maroni has stressed that foreigners will be “helped by the State that will provide for the conditions for fulfilling the Agreement with no costs on the part of immigrants themselves”. Italian language courses should be financed by the European Integration Fund, and, always according to the Minister, resources have already been assigned to this policy for the years ahead.¹⁷ However, our interviewees have stressed the fact that these assurances cannot be considered sufficient: even if new funds are promised through the EIF, these do not appear sufficient to sustain the effort required to local authorities in order to provide for an efficient system of integration courses, especially if one considers the more general cuts to social policy that have hit municipalities’ services since 2005, immigrants integration services included.

Another controversial point of the just approved implementation rules mentioned by our interviewees is the role to be played by NGOs and voluntary organisations in the system of language courses. These are regarded as possible providers, yet it is not clear under what financial conditions and relations with local authorities. More generally, as pointed out by regional and local administrations in the note of the Unified Conference, the implementation structure of the Integration Agreement is far from being clear. Too many organisations and institutions are likely to be involved (regional, provincial and local authorities, the Prefectures, NGOs etc.), with no clear roles and forms of coordination.

To sum up, the policymaking processes of the Integration Agreement has been characterised by a less prominent role of academic experts, especially if compared to previous centre-left immigration policies. Also as far as civil society organisations are concerned, a greater selectivity can be pointed out: if centre-left governments have always attempted to undertake forms of dialogue with all the concerned organisations, the IVth Berlusconi government has privileged a closer relation with “more collaborative organisations and trade unions”, i.e. Catholic ones, whose support was regarded also as crucial in the context of the government’s more general plans of labour market reforms. Nevertheless, as pointed out especially in the analysis of the implementation rules, it is hard to assess the real influence of these organisations, since the role of third sector organisations is not clearly specified in the implementation structure of the Integration Agreement.

¹⁷ According to Minister Maroni funds amount to a total of 8 million Euros in 2010, 12 million Euros in 2011 and 7 million Euros in the following years.

IV National Discourses on the Migration-Integration Nexus since 2000

IV.1 Political discourse (parliamentary debates on domestic policy change)

The parliamentary debate on the Security Law, that has introduced the Integration Agreement into Italian immigrants' integration policies as pointed out above, underwent three phases:

- June 2008-February 2009: first examination of the bill on the part of the Senate in the concerned Commissions (June-November 2008), followed by presentation and debate of this amended bill in plenary session (November 2008-February 2009);
- March-May 2009: first examination in the Chamber of Deputies, first by the concerned Commissions (March-April 2009) and then by the Chamber in plenary session (April-May 2009);
- May-July 2009: second examination by the Senate, first again by the concerned Commissions (May-June 2009), and then by the Senate in plenary session (June-July 2009).

As already mentioned in II.2.2, the bill was an initiative of the government, and in particular of the Northern League Home Affairs Minister Roberto Maroni, who actually was not primarily concerned with immigrants' integration but rather with contrasting undocumented immigration equated *de facto* to a potential source of criminality and a threat to citizens' security. This overlapping between (illegal) immigration and criminality was further reinforced by the contents of the Security Law, mixing offences and crimes not directly concerned with immigration, and ranging from stalking to money laundering, penalties for drivers' alcohol abuse, mafia criminals' special penal regime etc.

A main consequence of this political choice by the Northern League is that the parliamentary debate has centred essentially on the hottest, security-linked, issues, first of all the crime of unauthorised entry and stay, and other controversial norms aimed at worsening the conditions of undocumented immigrants in Italy (such as for instance, the denial of access to health care services even in case of emergency and the obligation on the part of the doctors to report on illegal immigrants seeking hospital treatments¹⁸), while the Integration Agreement has received very little attention. This is also the case of media coverage, as we shall see below.

As already pointed out in II.2.2, the Integration Agreement was introduced in the Security Law bill during its first discussion in the Justice and Constitutional Affairs Commissions of the Senate. In the amendment undersigned by a number of Senators of the Northern League, a definition of integration is also proposed: "For integration we intend a process aimed at fostering cohabitation between Italian and foreign citizens, in the respect of the values sanctioned by the Italian Constitution, and engaging mutually to participate in the economic, social and cultural life of the host society". A very similar definition is advanced in June 2010 in the "Integration and security programme. Identity and encounter" (*Piano integrazione nella sicurezza. Identità e incontro*), drafted by the Home Affairs and Labour Ministers, and representing the official point of view of

¹⁸ These more controversial norms were at the end removed from the final text.

the centre-right majority - not just of the Northern League - on the issue of immigrants' integration (see above 2.II.1). The accent is on what has to be shared and accepted in order, for the foreigner, to be considered part of the Italian society, even though the use of the word "cohabitation" seems to leave some room open for cultural difference, provided that the values of the Italian Constitution are acknowledged.

In the Senate plenary debate, in presenting the bill, Senator Vizzini (People of the Freedom, *Popolo della libertà*) gave some more specifications on the purposes of the Integration Agreement: "It is an instrument to favour immigrants' integration in our country through virtuous behaviours, which will be rewarded; on the contrary, illegality and illegitimacy will represent a negative element in order to judge about permanent residency in our country". The logic of the agreement is thus that of allowing for the selection of "deserving migrants", i.e. those who show "virtuous attitudes". In order to enhance the legitimacy of such a selection strategy, other European countries adopting similar policies were mentioned by Senator Mazzacorta (Northern League): "Integration Agreements are also in place in France, Germany and the UK".

On its part, the Democratic Party criticised the logic behind the integration agreement, but did not provide an alternative definition of integration during the debate. For Senator Casson

"[...] it is astonishing that the issuing of the residence permit is subordinated to the signing of an integration agreement which is highly subject to administrative discretionality [...]. Vital issues for immigrants' juridical status, such as the evaluation criteria of the integration process and the actions leading to the loss of credits are left to the implementation rules, i.e. to a mere administrative act".

Also Senator Livi Bacci, Professor of demography at the University of Florence and expert of immigration issues, underlined the high level of discretionality implied in the evaluation of the "level of integration", a particularly serious problem since the loss of credits could lead to immigrants' expulsion. More generally, Senators of the Democratic Party contested an understanding of integration based just on "obstacles, constraints and useless bureaucratic fulfilments".

Similar terms characterised the debate in the Chamber of Deputies, where the Democratic Party was particularly vocal in expressing its contrariety to the Integration Agreement, and 3 amendments to the law were proposed in order to remove this article from the bill. According to MP Melis (22 April 2009), "these kind of norms are just a political manifesto showing an oppressive stance and aimed at hampering inclusion processes". MP Calvisi and MP Evangelisti (30 October 2009) criticised the norm for equating the residence permit, vital for immigrants integration in our country, to "a driving licence", which is based in Italy on a points system (driving penalties implying the losing of one's licence points), or to a "supermarket rewards card". MP Tassone, of the Centre Democratic Union (*Unione Democratica di Centro*), criticised the government more generally for the lack of a "long term strategy on immigration, which should put integration as the founding element of this policy sector. To build barriers or increase penalties do not offer any solution to the difficult immigration issue" (28th April 2009). However, no alternative definition of integration was actually provided.

The final examination of the bill in the Senate (phase 3) was again dominated by the debate on its most controversial point, i.e. as already mentioned above the crime of irregular entry and stay. The Democratic Party though attempted to ameliorate the

terms of application of the Integration Agreement by proposing an amendment on the exempted categories, i.e.: 1) asylum seekers and applicants for the humanitarian status; 2) immigrants holding a residence permit for humanitarian reasons; 3) immigrants holding a residence permit for family reasons; 4) family member of EU citizens; 5) minors under the age of 18 years old; 6) immigrants arriving in Italy for family reasons; 7) pregnant women until 3 months after the birth of the baby. These categories show a conception of integration based on the protection of weaker strata among immigrants living in Italy, with a particular attention to family reunion.

The definition of integration does not differ, since also the centre left, though with some exception, does not embrace a strict version of the multicultural model, neither the broad interpretation of the concept is different, but policies and rhetoric do. Centre left is generally more concerned with the protection of fundamental rights and the defence of weaker groups, while Centre Right is more oriented to ask primarily for the respect of law and its radical components are vocal in opposing immigration in general.

IV.2 Public media discourse

As already pointed out above, two main moments of policy change in immigrants' integration policy can be pointed out in the 2000s: 1) the enactment in 2007 of the Charter of the Values of Citizenship and Integration; 2) the introduction of the Integration Agreement in the Security Law. Yet, neither of these two moments of policy change has given rise to a highly mediatised debate on immigrants' integration in the Italian society. Other issues were more emphasised by media, i.e. Islam loyalty to democratic values in the first case, and the new norms of the Security Law against undocumented immigrants in the second. Here below we shall analyse the media discourse on the basis of a frame analysis carried out on the two main Italian newspapers, i.e. the *Corriere della Sera* and *La Repubblica*.

The debate over the Charter of the Values of Citizenship and Integration took place between August and October 2006, following the initiative of the Union of Islamic Communities in Italy (UCOII) to publish an advertisement equating Israeli repression towards Palestinians to the Nazi Holocaust on the main Italian newspapers. The main actors taking part in the debate were the Home Affairs Minister Giuliano Amato (centre-left II Prodi government), the spokesman of UCOII, Roberto Hamza Piccardo, and the President Mohamed Dachan, the President of the Union of Jewish Communities in Italy Renzo Gattegna, and various leaders of moderate Islamic organisations in Italy. At a first stage, the proposal of a Charter of Values was launched by Minister Amato as a challenge to UCOII, whose initiative had been strongly deplored by both the Union of Hebrew Communities and moderate Muslim associations. The potential disloyalty of Islam to democratic principles was emphasised, as pointed out by supposed "extremist" organisations as UCOII, considered to be closed to the Muslim Brotherhood and Hamas.¹⁹ In this context, also some MPs of the centre-right opposition intervened to ask

¹⁹ *Aut-aut di Amato all'UCOII: "Firmate una carta dei valori"*, *la Repubblica*, 25th August 2006, C. Lopapa, p. 24; *«Incontrarci? Prima la Carta dei valori»*, *Corriere della Sera*, 29th August 2006, P. Conti, p. 9.

vocally for the expulsion of UCOII from the Islamic Council,²⁰ a consultative committee set up at the Home Office Ministry (see above II.2.2).

In October though, this debate on Muslims loyalty to democracy turned in a broader debate on immigrants' integration and access to citizenship, following the refusal of UCOII to undersign a document directed only to Islamic organisations and Muslim followers. According to the spokesman of UCOII, Hamza Picardo, "If the Charter is a document to be undersigned by all foreigners applying for Italian citizenship, then we will not be certainly against. Yet, if it is addressed only to Muslims we will not sign it. A Charter of Values is already there and is the Italian Constitution".²¹ Minister Amato answered by setting up a Scientific Committee (see above II.2.2) and opening a broader debate on the "sharing of a path to become Italian citizens".²² From religion the debate shifted to integration, understood as "a path" based on clear values and principles and leading to full access to citizenship. The sharing of these values, according to the Minister, should be regarded as a condition for obtaining Italian citizenship. Among the values to be explicitly stated, the Association of Moroccan Women in Italy emphasised women's rights and the primacy of Italian laws on issues of marriage and divorce.

The final drafting of the Charter by the Scientific Committee in April 2007 and its enactment on the part of the Home Office Minister was just reported in a few articles of the two considered newspapers. Islam was still under the media spotlights, as pointed out by the emphasis of the articles on those principles of the Charter concerning equality between men and women, the laity of the Italian state and the promotion of religious liberty, the refusal of polygamy, forced marriages and dresses covering one's face. Yet, a more general framing of the issue of integration can be also pointed out: according to the President of the Scientific Committee that drafted the Charter, "immigrants have rights as well as duties, with no exceptions and ambiguities"; for Minister Amato the Charter "while showing the maximum openness to diversity, does not adhere to a-critical multiculturalism. On the contrary, multiculturalism has to be based on a set of constraining principles".

As is clear, the debate on Islam loyalty and then on the Charter of the Values, put to the fore the necessity of establishing "who we are", i.e. of the Italian cultural identity vis-à-vis the diversity represented by Islam and by immigrant different cultures more generally. The emphasis on issues such as immigrants' rights and duties or the path to citizenship clearly points out an attempt to establish a discourse based on individual integration rather than on groups and communities, which is also confirmed by Minister Amato understanding of multiculturalism as conditioned recognition.

The second important moment of policy change identified above is the introduction of the Integration Agreement in the Security Law, and more precisely in the bill discussed in Parliament between June 2008 and July 2009. As already mentioned various times, the debate over the Security Law, both in the Parliament and in the media, focused essentially around the more controversial norms i.e. those on the status of undocumented immigrants and on the crime of illegal entrance and stay. The issue of integration surfaced just for a short period, between September and November 2008,

²⁰ *L'UCOII: accettiamo la carta dei valori*, la Repubblica, 30th August 2006, C. Lopapa, p. 13.

²¹ *Consulta islamica divisa sulla «Carta dei valori»*, Corriere della Sera, 3rd October 2006, V. Piccolillo, p. 15.

²² *«La Carta dei valori non è solo per l'Islam»*, Corriere della Sera, 4th October 2006, V. Piccolillo, p. 14.

because of the amendment introducing the Integration Agreement proposed in October by a number of Northern League Senators to the Constitutional Affairs and Justice Senate Commissions. The main actors taking part in this debate were politicians of the Northern League, and in particular: Roberto Maroni, Home Affairs Minister; Senator Bricolo and the others who had undersigned the Integration Agreement amendment. Politicians of the centre-left opposition were also pretty often interviewed by the two considered newspapers, and in particular the ex-Social Affairs Minister Livia Turco (Democratic Party), who had promoted the 1998 Immigration Law. Politicians of the *Popolo della Libertà* (People for the Freedom), i.e. the new party founded in 2008 and merging together *Forza Italia* (Berlusconi's party) and *Alleanza Nazionale* (the heirs of rightwing Italian Social Movement, born on the ashes of Fascism), follow, and in particular the Minister of Labour and Social Policy Maurizio Sacconi, a former socialist near to the *Forza Italia* component, the Minister of Defence Ignazio La Russa, at the time of our analysis closer to the *Alleanza Nazionale* component, and the President of the Chamber of Deputies Gianfranco Fini, leader of the AN group, decidedly converted to liberal values and pro immigrant stances and as a result forced to leave the PDL and form another party. Along with politicians, a few articles reported the critical point of view on the government initiatives of academic experts, the Catholic Church, NGOs and other civil society organisations.

In general, the tone of the debate was set by the Northern League. The Integration Agreement was initially denominated by the NL proponents "Score residence permit", to emphasise that, as well as for the driving licence, to stay in Italy one has to comply the rules in order not to lose points, lose the permit and eventually risk expulsion. The punitive side of the coin was indeed stressed: "According to Senator Bricolo (NL)... immigrants will have in their pocket a document with a credit of 10 scores which can be curtailed with a mechanism similar to that introduced for the driving licence in 2003... even in case of minor administrative and taxation law sanctions".²³ Together with the "score residence permit", the amendments introducing a tax of 200 Euros in order to renew the residence permit, as well as the request to pass a test of Italian language and to demonstrate to know the Constitution, were considered by the Northern League as part of a more general policy "aimed at ensuring more security and integration. The goal is to bring out only the positive immigration, i.e. immigrants who work honestly, produce and are perfectly integrated".²⁴

In a similar vein, politicians of the People for the Freedom party emphasised the need to "welcome those who respect the rules... in order to safeguard legality".²⁵ However, according to Minister of Defence Ignazio La Russa, the score residence permit, while appealing as an idea, in practical terms was "just useless, to check the criminal record would be sufficient". Hence, while agreeing on the Northern League general conception of integration, yet the People for the Freedom party considered the Integration Agreement just as a rhetorical device.

On the other hand, according to centre-left politicians, and in particular to those of the Democratic Party, the intention of the Northern League was that of introducing always

²³ *Immigrati, la proposta della Lega - «Permesso di soggiorno a punti»*, Corriere della Sera, 8th October 2008, D. Martirano, pp. 22-23.

²⁴ *E ancora arriva la tassa sull'immigrato*, la Repubblica, 12th October, V. Polchi, p. 22.

²⁵ *«Ma la Chiesa non è infallibile»*, Corriere della Sera, 9th October 2008, D. Martirano, p. 20.

new obstacles to integration, rather than smoothing it, and making “immigrants’ life in Italy harder and harder”²⁶. This point was clearly outlined by Senator Massimo Livi Bacci:

*“The array of measures that constrain immigrants’ rights and make their life harder is wide and varied [...]. The message is clear: the life of the immigrant will be more difficult, while to turn them out will be easier”.*²⁷

However, the denouncing of the exclusively punitive and penalising intentions of the Northern Leagues, was not accompanied by the launching of any alternative definition or view on what a proper integration policy look like.

Actually, the all debate on the Integration Agreement appears to be strongly politicised and polarised around pro (Northern League and more coldly the People for the Freedom party) and con positions (centre-left opposition). No real confrontation on the contents of the Northern League proposal was actually reported by the press.

A few articles reported the point of view of institutions such as the Church and the Italian President of the Republic. The Church position on the Northern League vision of integration and on the Security Law more generally is expressed by two actors, i.e. the Pope and the *Famiglia Cristiana* (Christian Family) weekly magazine director, Don Sciortino.²⁸ As for the Pope, his point of view can be inferred from his general message for the Migrants’ and Refugees’ Day (the 18th of January), where he stressed the duty to welcome immigrants, refugees and political dissidents. According to the President of the Vatican Council for Migrants, this message pointed out the concern of the Pope for the debate in Italy over the Security Law, and especially for the status of undocumented immigrants, who were regarded as the “weaker and defenceless ones, marginalised and excluded from the society”. The integration issue is not mentioned, yet this was explicitly addressed by Don Sciortino, according to whom the “score residence permit is a simply absurd idea, disrespectful of human rights and running against a policy of welcoming, but rather going in the direction of exclusion”.

On the other hand, the message of the President of the Republic Giorgio Napolitano, seems to go more in direction of advancing concrete proposals for a revision of the Northern League negative discourse on immigrants’ integration.²⁹ According to him, “it is necessary to abandon old prejudices and to build a climate of openness and appreciation towards those foreigners who wish to naturalise. It is only in this context that policies emphasising the respect of rules and peaceful cohabitation can be successful... The more we pretend to evaluate immigrants’ adherence to our system of values and principles, the more we should soften criteria for the acquisition of Italian citizenship”. Hence, the President did not refuse the Integration Agreement *a priori*, yet

²⁶ “Permesso di soggiorno a punti” - Lega, mano dura sugli immigrati, *la Repubblica*, 8th October 2008, L. Milella, p. 16. See also: *La Lega: stop agli immigrati per due anni*, *La Repubblica*, 13th October 2008, See also: *La Lega: stop agli immigrati per due anni*, *La Repubblica*, p. 16; *La Lega sugli stranieri: stop ai flussi per due anni*, *Corriere della Sera*, 13th October 2008, F. Sarzanini, p. 11.

²⁷ *La vita agra degli immigrati*, *La Repubblica*, 12th November 2008, M. Livi Bacci, p. 31.

²⁸ *Il Papa: dobbiamo accogliere gli immigrati e i profughi*, *Corriere della Sera*, 9th October 2008, L. Accattoli, pp. 20-21.

²⁹ *Napolitano sull’immigrazione: «E’ una forza per la nazione»*, *Corriere della Sera*, 14th November 2008, M. Br., pp. 20-21.

framed such a policy in a broader context, entailing a clear and open path to Italian citizenship.

A similar stance is evident in the positions of two experts, Ennio Codino, professor of Public Law at the Catholic University of Milan, and Maurizio Ambrosini, professor of Sociology of Migration at the University of Milan, interviewed on the Integration Agreement by the *Corriere della Sera*. According to them, “points” should have been used as an instrument to encourage and to support individual integration processes’, through “special rewards” for those showing commitment to such an effort.

V The Effects of European Integration on the Migration-Integration Nexus

From the analysis carried out so far, the impact of the EU on recent Italian immigrant integration policies does not appear to be decisive, or at least the influence of European institutions does not seem to be acknowledged by Italian policy-makers.

Yet, it should be considered, as already mentioned, the minor relevance that the integration issue actually enjoyed in the debate over the Security Law, which was monopolised by the Northern League discourse on the link between undocumented migration and criminality. The offence of “*reato d’ingresso e soggiorno irregolare*”, i.e. the entrance and irregular residence crime, together with other controversial norms aimed at worsening the conditions of undocumented immigrants in Italy (such as for instance, the denial of access to health care services even in case of emergency and the obligation on the part of the doctors to report on illegal immigrants seeking for hospital emergency treatments), did actually gain the newspapers spotlights. On these points, the intervention of the EU was straightforward. The crime of irregular entrance and residence can be considered a case in point. According to the intentions of Minister Maroni and of the Northern League Senators, in the first phases of the parliamentary debate concerning the Law, this was supposed to be punished by imprisonment. In September 2008 though, the European Commission, and in particular JLS Commissioner Barrot, expressed their concern on this point of the law, considered in contrast with EU legislation.³⁰ Despite his opposition to such a stance, Minister Maroni accepted to revise the norm: instead of imprisonment, a fine of 5,000 up to 10,000 Euros was introduced to punish immigrants found to be illegally staying in Italy.³¹

On the issue of integration, on the other hand, no direct influence of the EU has emerged neither from the analysis of parliamentary records, nor from our interviews. A more indirect kind of influence can be pointed out though.

First of all, as already mentioned in II.2.2, Minister Giuliano Amato had actively taken part, as Vice-president, to the European Convention charged with the drafting of the European Constitution, and had participated to the discussions around the issue of the “Christian Roots of Europe”. Even though in its final draft the European Constitution

³⁰ Other controversial points indicated by Barrot were the norms on the expulsion of EU citizens and on undocumented status as an aggravating penal circumstance.

³¹ *Maroni ci ripensa, solo multe ai clandestini*, la Repubblica, 16th October 2008, A. Custodero, p. 17.

avoided any reference to a specific religious cultural background of European people, Amato was indeed aware of the sensitiveness of this topic in the Italian context, where the debate was particularly heated.

Furthermore, the Commission for the drafting of the Charter of the Values of Citizenship and Integration appointed by Minister Amato undertook a review of integration policies in 4 EU receiving countries, i.e. UK, the Netherlands, France and Belgium, with a particular attention to introduction courses and language tests. In the premise to such a study, the EU Commission “Common Agenda for Integration”³² was mentioned as a general reference frame for EU member states, despite the different strategies and instruments concretely undertaken. According to this review, the French *Contract d’Accueil and Intégration* was identified as a possible benchmark for Italy since it would have allowed the building of a clear path of integration, encompassing both the learning of the Italian language and the commitment to a basic set of common values and principles as those declared in the Charter of the Values of Citizenship and Integration.

However, as pointed out in the Parliamentary records’ analysis, the debate on the Integration Agreement did not explicitly mention the EU Common Agenda, while references to other member states policies were very vague and superficial. Also the report produced by the Committee for the drafting of the Charter of the Values of Citizenship and Integration was not considered. This might be explained with the fact that actually integration was not a major point of the Security Law: as already pointed out above, the debate focused on issues of illegality and criminality.

Actually, from our analysis of official documents on integration such as the “Integration and security programme. Identity and encounter” (*Piano integrazione nella sicurezza. Identità e incontro*), approved in June 2010 (one year after the Security Law), neither the EU nor other member states’ integration policies are mentioned explicitly as a reference model for the Centre-Right IVth Berlusconi government. This does not mean however, that other countries experiences were completely neglected: as pointed out above, experts somehow “suggested” the cases of France and, to a lesser extent, the UK as interesting models. As for the EU, this was formally called into question by Minister Maroni only as the main source of funding in the implementation of the Integration Agreement (see above II.2.2). Being an “innovative policy in the EU context”, even though Minister Maroni admitted that also other countries had already adopted similar instruments, it was somehow “natural” from his point of view that the Integration Agreement should be implemented with the financial resources ensured by the European Integration Fund.

³² Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, *A Common Agenda for Integration. Framework for the Integration of Third Country Nationals in the European Union*, COM (2005) 389, Brussels 1st September 2005.

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