OF WALLS AND BRIDGES

GUIDELINES FOR A POLICY OF RECEPTION AND INCLUSION OF MIGRANTS

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Edited by
Luca Cefisi and
Paolo Morozzo della Rocca

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Preface

For years, with increasingly heated and virulent tones, the question of international migration dominated the pages of newspapers, television programmes and social media across Europe, replaced in more recent time by the unprecedent health crisis caused by the Covid-19 virus.

During the so-called 'refugee crisis', in Italy as well as in several other European countries, in the space of a few months there was a transition from a willingness to be welcoming to an extreme desire for closure toward the outside world, foreigners, and strangers who have 'infected' many European countries from east to west.

The growing desire for closure in contrast to that solidarity, even if in part understandable and far from limited to the European experience, clashes with the reality of an increasingly globalised and interconnected world in constant evolution. And the coronavirus quickly spreading from one corner to the other of our planet is a tragic symbol of such interconnections.

Among the cacophony of voices that often exploit this situation and call for the closure of ports and the repatriation of migrants, and that launch accusations against a Europe that hasn't done and isn't doing enough to support Italy in its reception efforts, which in extreme cases creates profound social divisions, we continue to lose sight of the fact that mobility, in addition to being a human condition, constitutes an element of growth and progress that has contributed to human development.

In a context in which new media eliminate distances and offer a continuous window on the world, the need and desire of people to move in search of a more secure life, one far from conflict, violence and persecution, or to seek a better future for themselves and their children, has become irrepressible. Not even a virus could stop it.

To think that this unstoppable trend will subside by raising walls or by closing ports and borders, that the migration issue will miraculously disappear from Europe, or that it is possible to place the burden on countries already strained by economic hardship or conflicts, is not only morally questionable, it probably also constitutes an illusion.

This does not imply that we can afford the luxury of an indiscriminate form of reception, which would risk placing a strain on the already precarious social stability of European countries; however, a shared and reasoned management of flows, though complex, is probably the only way to cope with this structural – not passing – phenomenon, in cooperation with the countries of origin and transit, and with respect for human rights and dignity.

Another aspect to consider are the efforts that must be made to facilitate the integration of migrants in host countries; efforts that so far in Europe and in European Union (EU) member states have been subordinate compared to those aimed at controlling borders and preventing entry. Devising and implementing effective integration and social cohesion measures for the newcomers in our societies is a crucial factor not only to ensure that immigrants are able to contribute to the economic, social and cultural growth of the countries that host them, but also to reassure those who feel threatened by migrants.

The lack of an effective and shared model of integration, the existence of many good (and bad) practices in different European countries, and the awareness that it is appropriate and desirable for the EU to adopt common standards and guidelines, form the basis of the objective of the Foundation for European Progressive Studies (FEPS) and the Fondazione Socialismo to undertake the work collected and put forth in this volume with the invaluable collaboration of the Comunità di Sant'Egidio, which has a significant amount of experience in the context of hospitality. Through an analysis of integration policies implemented in various European countries in crucial sectors, such as housing, education, or citizenship, an effort was made to identify the strengths and weaknesses of the various systems present in the EU in order to articulate some stimulating and guiding proposals for both Italian and European policymakers.

This work is also part of the reflection, study and proposal that FEPS has carried out in the field of migration policies, which holds as one of its

key principles, however complex, that it is possible to identify migration and integration policies that are effective and pragmatic, and respectful of human rights and the dignity of the welcomers and the welcomed alike in the spirit of solidarity and progressive values.

Gennaro Acquaviva

Foreword

In my estimation, the introduction to the volume written by Mario Marazziti is complete because it reflects, with the breadth and quality of its contributions, the objectives and detail of our research. Therefore, in addition to thanking all those who have participated so skilfully in the realisation of this volume, I would like to briefly point out the fundamental reason that has led us to undertake the solemn task of addressing the concerns and formulating the proposals contained herein.

We at the Fondazione Socialismo come from a cultural-political experience which embraces liberal socialism, gradualism, solidarity and reform which was formed in the twentieth century. It was possible to realise this experience in the difficult decades of the 1970s and 1980s in Italy. It has been a highly positive experience, also thanks to our commitment, but above all because in those years we were able to be culturally and politically involved in constant harmony with what was produced and practiced contemporaneously by our European democratic socialist partners.

I want to add that we had come to follow that path of ideal and political modernity because we were able to calmly espouse an historical-ideological principle that is often forgotten in Italian socialism, but which had been a fundamental part of its nineteenth-century origins: those ideals that directly contributed to the construction of the national party of Italian socialism. Those of us concerned with politics, in fact, often forget that in Italy the origins of the socialist movement (like the Catholic one, after all), before transforming into a political party toward the end of the nineteenth century, was born, thrives and finds the deep roots of its raison d'être in the community of the Italian nation, in the shadow of the bell towers and in the early and varied social life of the men and women of that difficult time. In fact, long before becoming a party, the movements of human liberation and social redemption established by socialists and Catholics – the leagues of solidarity and assistance, the varied cooperative initiatives,

the union representatives – recognised and identified themselves in a community capable of unifying, albeit separately and in contrast with one other, with the bell towers and the civic towers of the municipalities. These were the symbols of primordial citizenship, the instruments capable of being the framework of the first forms of representation of our people: I reiterate, for Catholics and Socialists alike.

It is from this basis that we express our desire to realise something with the Comunità di Sant'Egidio; that is, together with those who long before us, but moved by principles that are very similar to our own, we have proven that it is possible to build something positive on the foundation of these themes – a research study in the spirit of service to those who intend to achieve thoughtful and balanced integration policies: in particular with respect to migratory flows, which is an issue that affects all of Europe, but one that is also central to the crisis in Italy.

Indeed, I believe that the present state of crisis of our country and its people is, in large part, a crisis of collective identity. In fact, we are a society that is too fragmented, resentful, bitter, and disunited. The only way to emerge from a condition of this sort it to look toward the future with serenity and hope. This must be achieved, naturally, by working together with all Italians, because only in this way can we find guiding principles upon which to resume building experiences and a sense of common identity. And we must do this by starting with the reality of modern life: without deluding ourselves that the self-centred globalisation that surrounds us, or the ideal of an abstract sense of multiculturalism, can effectively support us in solving these issues.

For these reasons there is a need to support and assist the political establishment, above all with regard to government policy: because it is only by providing concrete assistance that we can all hope it will regain its wisdom, balanced and above all altruistic rather than self-serving. Among the many paradoxes that revolve around our public debate (not by chance, and above all, with reference to the indispensable work of integration), the theme of a self-centred and resentful politics is precisely a paradox within a paradox. The root of the word 'politics' is in fact *polis*: the city, shared experience, building communities; working as partners and life companions. Life itself is a risk, and forging bonds makes us all stronger and wiser. For this reason, our goal is integration. We want to contribute, as best we can, to do so in a serious, critical, and positive way.

A crystallised identity based on rejection of the Other risks becoming a fortress, a form of toxic exclusivism as a slave people. In Italian, we have a magnificent word that identifies this concept: 'incontro' (*encounter*): 'in' – movement toward; 'contro' (*against*) – because the Other is at once identical to and different from you.

I would like to thank once again those who supported and funded the research and edited this publication, above all those who conceived of it. I offer my best wishes to anyone whose intent is to use it to make our shared life more real and worth living.

Mario Marazziti

Introduction

The issue of migration is neither unimportant nor secondary. Nor is it an emergency issue, as the public debate has been inclined to make people think for some time. A year ago, people protected by the UNHCR who had been coerced into forced migration exceeded a record 71.4 million, of which 39.4 million were considered 'internally displaced'. Most people make little progress, like those displaced in Iraqi Kurdistan, who numbered almost a million as a result of the Mosul reconquest campaign alone. Indeed, there are 20 million international refugees and more than 3 million asylum seekers who are awaiting a response. Not counting returnees and those involved in other forms of movement, the net number of displaced people released for the World Migration Day by the UN agency is a conservative figure of 68.5 million. A total of 84 per cent of these men, women and children are in developing countries, not in affluent parts of the world and neither in the EU, which comprises less than 10 per cent of the entire flow. There are 11 million, but almost half of the total (3.5 million) are those who are in Turkey; the number of internally displaced people in Ukraine alone reach 1.9 million, in addition to the estimated 500,000 who have emigrated to Russia. However, there are many different types of migrants around the world. According to the UN, they number 258 million, and the rising trend is evident. There has been an increase of 49 percent since 2000, when there were 173 million. In short, it is not a temporary, short-term phenomenon, or one that can be managed in its entirety by the decisions of individual countries or emergency measures.

In a contradictory manner, however, when a coordinated and integrated approach would appear more reasonable to govern this epochal and structural phenomenon, the public discourse has at times been impressionistic, disingenuous, and nearly always short-lived and short-sighted, and is evidently inadequate to respond to the opportunities and undeniable problems that these population shifts represent. Emergency approaches to structural phenomena risk postponing solutions, temporarily shifting some challenges or opportunities to one country or area. In this recent phase of European history, everyone has paid the price of a

simplistic perspective that attributes a significant part of the difficulties of national and European policies of adaptation to globalisation, and in many cases with impressionistic or mythical visions that eschew the objective reality. The accelerated transformations in political communication and consensus building, which still pose unresolved questions for the transparent mechanisms of voting based on informed consent as a key for Western democracies, risk making migration the unequivocal response to all the social issues relating to equality and inequality in European societies.

Thus, the research conducted by FEPS, with the contribution of the Fondazione Socialismo and in collaboration with the Comunità di Sant'Egidio, becomes invaluable, because it seeks to avoid polarising the debate by delivering to political decision-makers, administrators and those who are interested with passion and competence in the subject of migration, a research tool that is documented, open, and in search of solutions. Compared to other research, this work is characterised by its concrete propositional value, as shown by some sections that are specifically oriented in this direction and that are comprehensively laid out at the end of each chapter. A second merit is that this research study does not start from scratch, but offers some of the best practices and successful experiences in governing the phenomenon in specific territorial areas, which could also become useful tools in other areas of the EU and in policies for a global government of migration, both in the existing legislative situation and in a reformed vision.

In fact, researchers normally limit their task to the critical analysis of reality by avoiding programmatic functions and management strategies; thus, the political decision-makers sometimes find themselves with material that is difficult to use in the restricted timeframe that intense political and parliamentary work allow for consolidation; and in the presence of materials that are often influenced initially by cultural orientations that sometimes take into greater account the immediate understanding of, and take on, public opinion of the consequent measures, while little consideration is given to the medium- and long-term effects in terms of governance. Therefore, the merit of the promoters and authors is that of having developed a work that is able to select best practices and to compare them, to report gaps and administrative contradictions (at the national and the European level), and to hypothesise effective regulatory pathways – even limited ones – making it an opportunity to outline other

possible paths within an ambitious global vision, at once realistic and not resigned, for Europe, its member states and the territorial communities that comprise it.

There are visions that shape politics, just as there are particular snapshots that, starting from single questions, recompose the overall picture one by one without being overly simplified or schematic. This material becomes useful, and sometimes important, for political decision-makers and for those who can interact, culturally and politically, with the different viewpoints offered herein.

The authors are moved by the conviction that migration, which is the result of constant and changing migratory flows, is not only an objective fact, but a process to be governed and with which perhaps the 'Old Continent' can imagine for itself a future that is different from one of decline due to the many changing faces of multilateralism, the technological revolution and European demographic decline.

It is difficult to share, far from ideological uses and orientations, the vision – too naive or too malicious – which attributes to migrations the sole responsibility and unequivocal explanation of momentous changes and of all the contradictions of Western and European democracies that are transforming in times of limited growth. There has been a change in the cities and the balance between cities, the countryside and inland areas, together with the change in social roles and models of social coexistence, which had already been subjected to the tests of the unstoppable – and supranational – techno-revolution, the replacement of connections with ties, the individualism and social fragmentation and the contraction of intermediate political bodies, the imposition of new inequalities, the crisis of the middle classes, the transformation and the loss of bargaining power of the traditional workforce. There have been changes in an already weakened welfare system, in a context in which the European demographic pyramid has been turning upside down for some time.

In this "liquid society", one might say that immigrants could be part of the solution, provided that we are capable of valuing the opportunities for social and cultural inclusion which, despite many contradictions, constitute a characterising and inalienable feature of the European social model that emerged victorious from the totalitarianism of the 1900s. The European democratic constitutions and the Charter of the Fundamental

Rights of the EU were written within a concept of 'inclusive democracy' that would spread. This concept is precarious at the present moment and does not appear to be aligned with the European tendency for a 'humanistic' approach that accompanied its democratic consolidation, in harmony with the histories and cultural diversities that have characterised the continent for millennia.

A strategic chapter, and not only for the value it places on immigration and on the strengthening of an effective model of social cohesion, concerns the path to obtaining citizenship for the generations born or raised in Europe. Both Francesca Rivabene and Gerarta Ballo emphasise the usefulness of inclusive and active citizenship education, as well as that of the Italian civil service experience involving young residents, regardless of their legal status as members of society.

Luca Cefisi, Ardit Metani and Paolo Morozzo della Rocca address the issues of territorial and housing policies. In fact, policies that leave urban areas to the spontaneity of the housing market and new social groups, with a high risk of segregation and creation of an 'island model' for ethnic groupings, as well as policies that obstruct access to housing, characterised by discrimination and a logic of 'anti-invasion' urban conflict, all have negative consequences. Social and cultural mediation strategies, as well as short and long-term prevention of marginality and deviance, are necessary. Indeed, all the judicial statistics, throughout the twentieth and twenty-first century, in Europe and beyond, show that the rate of deviance is never related to nationality, but rather to social marginalisation, with reference to both old and new citizens, to immigrants and established residents. Increasing inclusion and social integration reduces the rate of deviance. In Italy, even today, legal immigrants and Italian citizens have the same crime rate, which, in fact, is slightly lower for legal immigrants.

For this reason, this research focuses much attention on European policies aimed at promoting integration (see the contributions made by Luca Cefisi and Serena Menzione). It is a key word that comes to life in local communities, which demonstrate in this regard a highly diversified capacity for realisation, sensitivity and commitment. Therefore, it seemed appropriate to the authors to suggest a greater share of co-financing that the EU could allocate directly to the territories, instead of delegating to the member states the guidelines for the selective procedures, so as to increase the possibilities of recognising particularly virtuous territorial policies.

Even if concrete dynamics (for example, the process of learning the language and culture of the host country) are established upon arrival, regardless of the legal status of the entry, there is no doubt that good integration always implies the regularity of the stay, which must be supported – and not discouraged – in order to avoid collective tendencies that slip toward irregularity. The administrative pathways to achieve this goal are analysed by Paolo Morozzo della Rocca, highlighting how they do not consist of formulas of generic indulgence or tolerance, but require a realistic assessment of the integration requirements in an increasingly flexible labour market, in which it is not a given that they must coincide with the stability of the employment relationship. Rigid approaches to the continuous and uninterrupted work experience as a decisive solution appear anachronistic – and ultimately counterproductive – when this appears to be less and less widespread even among non-immigrant European citizens. Rather, it seems reasonable to recognise the value of social inclusion networks and to support the legitimate responses of those directly interested in the economic and employment crisis, also in order not to lose collective and social investments aimed at stabilising and integrating immigrants in times of crisis.

Circularity should therefore be encouraged, in incoming and outgoing migratory flows, reducing its dramatic proportions and avoiding excessive regulatory rigidity that chains the foreigner to the country of immigration because of the uncertainty of the possibility of returning there in case they decide, for whatever reason, to interrupt their migration plan without renouncing it definitively or moving to a different country for a period of time.

The legislation on this subject – or under discussion – appears to be predominantly too rigid and often dysfunctional to the same objectives of security and social cohesion, because it inevitably leads to heightening the phenomena of the irregularity of the stay, which in turn require the adoption of temporary amnesties, whose preferable alternative is certainly constituted by individual regularisation procedures. The research focuses on both mechanisms, drawing useful indications for the future from the comparative examination of the actions taken in individual countries. The research does not deny the need to make the other aspect of regularity policies – considered unforgiving, but inevitable, by some – more efficient: that of repatriation procedures.

The effectiveness of these procedures is described as inversely proportional to the number of people involved. Policies that preserve and encourage the regularity of the stay – different from those that are currently implemented in many countries – could in fact devote themselves much more selectively and effectively to the repatriation of irregular immigrants.

Furthermore, the gradualness of repatriation procedures, although partially set by directive 115/2008/EC, seems to have remained in a mere state of 'good intentions', especially in some countries of the EU, while the propensity of people in irregular positions to join voluntary repatriation projects is weak. Some analyses and proposals articulated by the authors could therefore be useful to mitigate the dysfunctionalities in the system, playing down the expulsion of 'non-dangerous' subjects and introducing legal mechanisms compatible with the functionality of the processes. Instead, good progress has been achieved in the collection of data that allow the identification and tracking of foreigners who are residing irregularly. Cooperation with the countries of origin, in order to strengthen and make the civil status systems more reliable, is already providing useful contributions to migration policies (both for the identification and in terms of better access of the interested parties to the procedures of family reunification).

The necessity for an effective legal immigration policy coincides with a need that has been declared by many European countries – one that is capable of effectively countering the entry flows of irregular immigrants – to establish the opening of legal and safe entry routes, for both forced migration and economic migration. This is a categorisation that is widely used in the public debate, even if the reality presents many layers – the mix of illegality, widespread violence and desertification, state weakness, low levels of legal and security guarantees, non-state control of territories even in absence of official conflicts. Even if we are dealing with categorisations that sacrifice a large part of a more articulated and faithful understanding of reality to binary logic, in the present volume it is a distinction that has been accepted to effectively emphasise the actions implemented and those advocated by the authors of the research.

An important element that is submitted to political decision-makers and operators is a striking fact, but one that has disappeared from the public debate and which raises important questions: that a significant number of the victims of traffickers who have lost their lives in the Mediterranean

is comprised of refugees worthy of international protection is a disturbing fact that is incompatible with the very nature of European democracies. It highlights the paradoxical flaw of the European system of international protection, in which it is necessary to present oneself at an external border of the EU for this protection to be activated, but where one can only arrive as a tourist – thus concealing one's need for protection – or as irregular immigrants.

Since 2016, the project for the opening of 'humanitarian corridors' has been promoted and supported by laws and regulations in force in various European countries by the Comunità di Sant'Egidio, which in collaboration with the Evangelical Churches and Caritas is considered not only a good practice for the reception of refugees, but also and above all as a proposal for a future European policy of safe transfer and legal entry for asylum reasons and, in the case of Italy, as an effective model for the integration and involvement of civil society. This model could perhaps be positively extended to the so-called economic migrations, for the benefit of those who have a positive and meaningful social bond in the destination country, for example those who have family members that are fully integrated into the life of that country, or other social networks able to support their integration. A further step, to enhance these good practices, could be that of an asylum and international protection system that anticipates on the other side of the Mediterranean and in the great migratory transit hubs the process of substantial verification of personal stories, or of family networks and social networks already existing in different European countries, thereby increasing preventive safety and recovering normality in the forms of travel and entry as a means of mitigating international human traffickers.

For a structural response to migration, coordinated and integrated action will be needed, because there are no unilateral measures without consequences for other countries. The countries that will first be able to cooperate in managing migration flows, hopefully sooner or later the entire EU, on a voluntary basis and in order to reach a shared approach, are likely to be able to draw more domestic and international advantages from migratory flows.

The future of migration policies will also have to rely on the ability to plan legal entry flows whose dimensions constitute a sufficient basis for effective cooperation with governments from the countries of origin,

called upon to collaborate in the process of regularising flows, thereby discouraging the use of illegal channels. This research could help ensure that some steps are taken in the right direction.

Luca Cefisi and Paolo Morozzo della Rocca
Addendum to the introduction

This book was written and published in Italian just before the deep crisis trigged by the Covid-19 pandemic. It seems therefore useful to offer a brief introduction which might give the reader an idea of the pandemic's impact on the issues discussed herein.

We first offer some good news from the realm of public opinion: the health emergency has significantly reduced the fear of a presumed immigration emergency. Social media conspiracy theorists have largely dropped speculations about the 'great replacement'; that is, the global conspiracy of ethnic substitution of the European white race with immigrants, and have turned their attention to new foes: Big Pharma and the authoritarian conspiracy to force people to get vaccinated. Soros and Kalergy have given way to Bill Gates, whose pro-vaccination zeal has made him a new public enemy for a horde of online haters. Additionally, the extreme right racist political parties have reduced their presence, most notably in Germany in 2021.

Despite these changes, the impact of Covid-19 has taken a toll among migrants, the most fragile individuals. According to a study by the European Trade Union Confederation (ETUC),[1] foreign workers have found themselves in more severe conditions of exploitation. The International Labour Organization[2] affirms that migrant workers have found themselves in increasingly precarious work conditions, have been subjected to increasingly heavy workloads, or have faced serious challenges due to having lost their jobs during the pandemic, which have been compounded by the objective difficulty of returning to their home country.

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1   ETUC (2020), 'Overlooked: migrant workers in the Covid-19 crisis', CES/ETUC, available at www.etuc.org/en/document/overlooked-migrant-workers-covid-19-crisis.
2   International Labour Organization (2020), 'ILO warns of Covid-19 migrant 'crisis within a crisis'', press release, 24 June 2020, available at www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_748992/lang--en/index.htm.

For the OECD,[3] immigrant workers have disproportionately suffered the perils of the pandemic, given their social conditions – such as smaller living spaces – as well as their widespread presence in certain sectors, such as domestic work and health services, where they have had to face sustained contact with the sick, often with inadequate training and protection. Migrant minors have experienced even stronger repercussions: for linguistic and cultural reasons they are at a disadvantage in distance learning, and they have reduced access to computer technology.

Difficulty in accessing health services played a crucial role as well, especially in the early phases of the pandemic, when the capacity to acquire information and to communicate with health providers was key, and at a time when the information that circulated was often confusing and contradictory. Following this phase were additional challenges that came to light during the vaccination campaign: formidable linguistic barriers and the unequal access to internet, which was essential for acquiring information and signing up for vaccination.

An example of conflict tied to Covid-19 fears took place in June 2020 in Mondragone, in Campania (Italy), when the Bulgarian community of agricultural workers, who had been lodging in precarious conditions in small and overcrowded flats, was placed in quarantine (following a 'red zone' designation). Measures that the workers rejected as in conflict with their right to work led to the immediate protests of neighbouring Italians who viewed the Bulgarian community as a dangerous source of contagion. This was an emblematic case of friction in which Covid-19 functioned as the fuse in a pre-existing situation of exploitation of poor workers and of a generalised state of social distress.

For several reasons, access to vaccines by irregular foreigners encountered legal and *de facto* obstacles, but with the prevailing awareness of the necessity to include foreigners, which was expressed with disparate modalities across countries. At the time of writing , we are still far from the target of adequate vaccination coverage, given the deficiencies in national health systems and the delay in modifying health guidelines to

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3   OECD (2020), 'What is the impact of the COVID-19 pandemic on immigrants and their children?', OECD, 19 October 2020, available at www.oecd.org/coronavirus/policy-responses/what-is-the-impact-of-the-covid-19-pandemic-on-immigrants-and-their-children-e7cbb7de/.

meet emergency objectives. There has also been a growing diffidence toward vaccines in migrant communities whose members' country of origin is characterised by strong lack of trust in public institutions, given totalitarian or dictatorial political contexts in recent years.

Lack of administrative recognition of vaccines is currently a widespread problem, especially in cases in which such recognition must be documented in order to access public services and employment. Registration systems for vaccination use databases which exclude irregular immigrants, who cannot – despite having been vaccinated – access the proper certification.

Unresolved is the problem of migrants vaccinated in their country of origin (often with vaccines that are not universally recognised, such as Sputnik or Sinovax), because the host country does not recognise the documentation and in turn reduces access to various civil and social rights, including the right to work. A greater legal-administrative and economic prejudice – which can lead to conditions of severe deprivation – was faced by registered foreign residents due to the decrease in efficiency (at times even a complete shutdown) of administrations in host countries. On one hand, requests or renewals of permits of stay, which for a long time were on hold, blocked all other types of processes (e.g., granting of pensions or provisions, access to economic aid, issuing of national identity documents) and discouraged private negotiations (such as the establishment of rental contracts and, above all, employment relationships). On the other hand, precisely the need for more effective strategies of prevention and fighting Covid-19 induced some countries to adopt measures of regularisation for a portion of irregular foreigners. This is particularly the case in Portugal and, above all, in Italy,[4] where unfortunately after an initial positive regularisation phase – with approximately 220,000 applications – a contradictory, and eventually failed, procedural management strategy followed, which in no way was conceived to be executed in a time of pandemic.

It proved difficult, in any case, to turn poor migrants – especially refugees and asylum seekers – into scapegoats attributing to them the responsibility of having spread the virus. In fact, its spreading has been

4   For an initial treatment of the question, see W. Chiaromonte, M. D'Onghia (2020), "Cronaca di una sanatoria in tempo di emergenza sanitaria: genesi, finalità e limiti", in *Diritto, Immigrazione e Cittadinanza*, 3, p.1 ff.; P. Morozzo della Rocca (2020), "La regolarizzazione dei lavoratori stranieri tra molte incertezze e possibili contenziosi", in *Corriere Giuridico*, 8, p. 1017 ff.

rather linked to other travellers, such as tourists or businesspeople, and was then often spread through public events (e.g., sports, entertainment, ceremonies, festivals).

With regard to prevention and control measures in hotspots, these were at times adequate and balanced; other times, unfortunately, they were instead reduced to a permanent period of quarantine (in Italy, there was an uproar over the use of so-called 'quarantine ships'). In some national contexts – for example, in Greece – anti-Covid measures were applied in a manipulative way to seclude newcomers in vast hotspots (where their period of stay could easily reach or exceed two years), thereby drastically limiting their freedom of movement during the day. Reception of migrants on the island of Lesbos[5] continues to be extremely problematic, especially as the Greek government decided to suspend, in 2020, access to asylum requests in a context of increasing tension with Turkey. Greece's re-affirmation of the necessity to push asylum seekers from the East back to Turkey – in so far as it is a 'safe country' – exposes hundreds of Syrians and Afghans to further risks, and not only from the standpoint of health security.

If, on one hand, the barriers imposed by Greece on asylum seekers seem to be motivated essentially by an emergency reaction for fear of effectively managing an increase of flows from the eastern Mediterranean, on the other hand, Denmark's 'zero refugees' policy seems to have wider and more ideological implications of affirming a vision that considers diversity a problem and refugees an economic burden, even in the context of a Social Democratic government.

It must be pointed out that both the UN, through the UNHCR, and the European Commission have denounced these developments: the problem revolves, on one hand, around the difficulties to build a common European system of asylum, due to some EU countries' reluctance to show solidarity (in particular, the Visegrád countries and Denmark); on the other hand, the transversality of ideological options for 'closed borders', which at times spill over the nationalistic confines of identity politics and find their justification in a certain Euro-scepticism of which Brexit has been the most obvious example.

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5   J.S. Jauhiainen, "Biogeopolitics of COVID-19: Asylum-related migrants at the European Union borderlands", in *Journal of Economic and Human Geography*, Amsterdam.

The consequences of Brexit in autumn 2021, with queues at petrol stations and empty shelves in supermarkets, has demonstrated to even the most partial observers that the free movement of European citizens, which today stops at Dover, was useful for something.

After a first appraisal, European countries can affirm once again that in the face of the pandemic, they have benefitted from their membership to the European Union, which has nonetheless highlighted the serious shortcomings of national health systems, especially in terms of human resources. Perhaps the current underestimation of immigrant citizens' professional skills could find an initial reversal precisely in the health and care sectors and unlock employment opportunities even after the pandemic.

Luca Cefisi

Governing integration: the values at stake and the conflicts in progress

In contrast with the catastrophe of the populists and the rhetoric of closed walls and ports, immigration can and must be governed. Without fear, and above all without questioning, under the pretext of the emergency, the quality of our democracies. If there is meaning in European identity and lifestyle, it is in defending and promoting a broad and plural idea of Europe. Immigrant rights are simply a part of the system of rights that we all enjoy.

The recent political debate in Europe seems strongly conditioned by migration: an issue that appears to be able to mobilise large sections of the electorate and to move significant consensus. Within the space of a few years, a strong tendency has emerged, which in simple terms we call here 'populist', which cannot be attributed to extreme right-wing xenophobic parties alone and which until recently was more or less marginal. These parties, from the German AfD, to the French FN, to the Swedish SD and to some Italian parties, are undoubtedly the striking and threatening face of the new European populism and the re-emergence of something that pre-dates, in the folds of society, its eventual political organisation: a "Ur-fascism".[1] Yet the new populism does not end with an explicitly far-right phenomenon; it also takes on more elusive and ambiguous connotations, which have allowed it to break into the progressive electorate, and even, sometimes, in the programmes and official declarations of the progressive parties. A development that could have been stimulated by a frustrating perception of the absence of alternatives; that is, a reaction to the disappointment caused by the economic crisis that has eroded the 'liberal consensus' that had united the main European political forces, especially after the fall of the communist regimes, and even with different emphases

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1   U. Eco (2018), *Il fascismo eterno*, Milan: La nave di Teseo, published in English on the New York Review of Books as *Ur-fascism*, 1995. See also T.W. Adorno et al. (1950), *The authoritarian personality*, New York: Harper and Brothers; and W. Reich (1949), *Character analysis*, New York: Orgone Institute Press.

and interpretations, around such concerns as the priority of human rights, respect for minorities, the natural connection between democracy and market economy, cultural pluralism; such a firm consensus, at least among the decision-making groups, that may have been deaf to the reasons for social distress, thereby stimulating, paradoxically, radical forms of contestation.[2] Moreover, the claim of popular interests, not well recognised by the leftist forces that should represent them, is also inherent in the populist discourse, even with a polemic against the so-called 'elite' sectors of society; a distinction that points broadly not only to the dominant and privileged classes, but also to intellectuals and technicians, which even includes a certain diffidence toward individual competence and success. It is also certainly significant that the new populists of various kinds are unanimous in seeing immigration as a phenomenon that directly threatens specific identity traits of a people, and in being suspicious of the EU, which would usurp their 'sovereignty', with an intuitive connection between xenophobia and aversion to the EU.

While maintaining a necessary vigilance against the emergencies of fascism, racism, anti-Semitism, and Islamophobia, it does not appear wise to summarily dismiss the arguments that call for the closure of borders; nor is it wise to assume a merely defensive position to contest the ongoing virulent xenophobic offensive currently underway. The progressive idea of an inclusive democracy, open to the world, which recognises rights and opportunities while respecting the differences of those who live within its borders, but in some cases even outside of them, has its own strength, which transcends the limits shown after 2008 by a more right-minded liberalism, and remains a solid foundation that we can positively claim: by appealing not only to militants, but to any citizen, social or economic operator or worker who comprehends the quality and the strength of our democracies. In fact, this is what is at stake: the question of migrants seems to us to be a democratic litmus test that affects broader questions rather than simply controlling flows. A test that works not only for the political sphere, but also for public ethics, the nature itself of citizenship and identity, and even religion, which is often called upon as an alleged defence of identity.

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2   See, for an acknowledgment of the effectiveness of the new populism, for example I. Krastev (2007), "The strange death of the liberal consensus", in *Journal of Democracy*, Vol. 18 N. 4, which proposes that, paradoxically, the victories of the populist movements have nevertheless marked a moment of democratic participation worthy of respect.

Open and closed borders

First, this is a matter of examining the opposing arguments of those who support the two visions which by convention are defined as 'open borders' and 'closed borders', confidently recognising that the arguments in favour of the latter are not automatically liquidated or side-lined due to patent or implicit xenophobia (it must be repeated: xenophobia must always be identifiable and fought). But these arguments require discussion, and possibly careful refutation. In order to avoid misunderstanding, these conventional expressions are not intended to be limited to the controversy over borders; on the contrary, here we intend to dispute how the debate on immigration sometimes describes a sort of eternal present where immigrants are perennially considered 'newcomers', as if the presence of large foreign communities residing in European societies is a temporary fact, yet to be accepted psychologically, that is even reversible. By 'open' and 'closed' borders we mean here a general approach, of an inclusive or exclusive type, which should allow us to escape the urgency of the propaganda polemic, to base the choices of government on a solid basis of rationality and intellectual understanding.[3]

Arguments for closure

The arguments for 'closed borders' seem to be of two types: some are essentially utilitarian and can be subdivided into ones whose effectiveness can be criticised, while others raise more complex problems. Among the latter, one of the most suggestive, on an emotional as well as a rational level, is the preservation of national culture and identity: a value certainly worthy of recognition. Yet it is precisely here that the very definition of national culture and identity is not taken for granted, nor, consequently, what can really threaten them. It seems evident that the culture of a nation, whether it means the high culture or the complex of customs and traditions, and even the rules and laws, changes continuously and profoundly over time, even independently of the possible influence of immigrants. The main risk is that of a very ideological and arbitrary definition of national

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3   For the list of arguments for and against 'open borders' and 'closed borders', the scheme proposed by C.H. Wellman (2014), "Immigration", *Stanford Encyclopaedia of Philosophy*. Many of the examples on the individual points are, however, original to this work.

culture, which serves more to exclude than to positively define a series of values, and which could have the effect of fossilising the identity around mere idiosyncrasies. If citizens have interest in maintaining, and the right to preserve, a cultural continuity in which they recognise themselves, it is not clear how changes to the vital dimension of societies can be stifled; changes that can be completely endogenous, or arrive indirectly, simply through communication, imitation and comparison, as has always happened in history. The legitimate search for a common field of values can prove to be a trap: it is what seems to have happened in Germany, with the debate on *Leitkultur* (the definition of a 'guiding culture'), which results from the controversial thesis of the German sociologist Bassam Tibi, of Syrian origin,[4] to which we owe a denunciation of the risk that immigration may cause the development of a split society, above all because of Muslim immigration, in groups that do not communicate with each other, and therefore unable to unite under the aegis of a European *Leitkultur* based on respect for human rights, secularism, and individual freedom. However, to date the use of the term *Leitkultur* seems to have become a club to define a very narrow German identity that excludes immigrants and is not even recognised by many Germans: the AfD party manifesto of 2018, which invokes a *Deutsche Leitkultur (*German guiding culture) for an *Islamfreie Schulen* (Islam-free school), with its unsettling and manifest parallel with the expression *Judenfreie* (Jewish-free), seems to have placed a tombstone on the practicability of the concept. Of course, it can be said that although the issue has been snatched from the extremists, it is not for this reason alone that it may be rejected. Therefore, it has been suggested that it should be examined in light of the memorable definition of 'constitutional patriotism' proposed by Jurgen Habermas,[5] which has clearly signalled the risk that the national question may clash with republican equality among citizens and with social justice, when this, in its 'pre-political' dimension, collides with the universal spirit of civil rights.

"If we do not free ourselves of the widespread representations of the national state, if we do not eliminate the pre-political crutches of nationality and the community of destiny, then we will never be able to continue, without the burdens of the past, on the long road toward a multicultural society, toward a widely diversified regional federal state, and above all toward a 'super-state' of nationalities: a united Europe. An identity that

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4   B. Tibi (2001), *Europa ohne Identität? Leitkultur oder Wertebeliebigkeit*, Berlin: Siedler.
5   J. Habermas (1990), *Die nachholende Revolution*, Frankfurt: Suhrkamp Verlag.

is not based first and foremost on a republican self-understanding, on a self-understanding of constitutional patriotism, comes into conflict with the universalistic rules of shared and overlapping forms of life with equal rights – it also conflicts with the fact that state integration, today, takes place simultaneously on three levels: the Land, the Federal Republic, and the European Community".[6]

This long quotation expresses some key elements: it seems useful to reiterate it, given the fact that supporters of a *Leitkultur* that in some way anticipates and is subordinate to constitutional norms have declared themselves dissatisfied with the proposal of a constitutional patriotism,[7] considered insufficient to support a demanding system of values. Here we have a clear strategic choice: if the universal values of human rights, of juridical equality between citizens, which facilitate the coexistence among those who are different, are mere juridical forms, or if they are robust enough to define comprehensively a common identity among individuals who then express themselves culturally in a diversified manner on other levels. Without imposing the renunciation of different cultural identities, but clarifying on what level these can coexist, accept and recognise each other, a constitutional patriotism can establish a shared culture avoiding the nationalistic claim of a cultural primacy that is difficult to define and is problematic in its legitimacy.[8]

A more sophisticated argument for 'closed borders', but one that follows from the previous discussion, is that liberal democracies can only function if their citizens not only share democratic values, but are also willing to mobilise to support them. Also in this case, it is not clear why the risk of a loss of civic sense should derive from immigrants; as there could be much more important, endogenous dangers such as organised crime and also the resurgent neo-fascist movements that target migrants; not even

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6   Ibid.
7   For example, CDU exponent N. Lammert, who explicitly advocated the inadequacy of "constitutional patriotism" (*Frankfurter Allgemaine Zeitung*, 2006).
8   For the main use and consumption of the Italian reader, note how the recent re-use of the term 'constitutional patriotism' by the so-called 'sovereign left' in its apparent attempt to define an adversarial patriotism toward European rules and constraints on behalf of the Italian Constitution, is a true misappropriation of the term. The Italian Constitution perfectly foresees, for example in its Article 11, the supranational level of integration with the European treaties. Again, in the proposals of the new populism, and in its transversality between right and left, a nationalist temptation that is jointly opposed to a united Europe and generally to supranational rules is proposed, resolving itself in a closing position.

international terrorism is a consequence of the migratory phenomenon, far from it. Nor is it clear what level of homogeneity is necessary to guarantee the democratic cohesion of a nation; on the contrary, the claim to define Germanism, Italianness, or any other national identity in an intransigent manner could be so exclusive and disappointing as to sabotage the eventual mobilisation in defence of real threats to democracy. Moreover, based on this argument, it would be difficult to deny access to those immigrants who do not present problematic cultural differences. And then what would those cultural differences be that could really threaten democratic cohesion? The reader could probably answer that question easily, as there has often been a wide and often virulent distribution of pamphlets, that the complaints against Islam cannot be ignored. We will return to this question further on. For the time being, it is sufficient to remember that we do not live in an eternal present where everything is always new and disturbing, and immigration[9] that led to the Muslim presence in European societies has existed for quite some time now. It should at least have lost the aura of exoticism and mystery. Then there is the predominantly sovereign argument: it is an indisputable prerogative of each state to decide whether to admit immigrants. The subject is often proposed in a crude manner, but it raises serious issues on the self-determination and freedom of a state to associate itself with certain agencies or individuals, or to refuse to do so. However, even admitting a presumptive right to the exclusion of foreigners, this approach not only appears to be subject to criteria of reasonableness (which rejects the common moral sense, or which should reject the refusal of admission which becomes a refusal to rescue at sea), it also must tie in with other general rights, such as the right to the life of a shipwrecked person, the protection of displaced persons and asylum seekers, the family reunification of those who are already resident.

Here the moral problem emerged forcefully during the discussion on 'open or closed ports' in Italy, a discussion that at one point seemed to incidentally lose sight, amid controversies over the collaboration between the different European states and complex debates over maritime law, of an essential element: that some people were dying at sea, that it was a question of saving them or not, and that:

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9   Wanting to ignore a 'native' Islam of Europe: the Bosnian and the Albanian cases.

"As much as those who do not do their part are detestable and should be punished, now the serious thing is that people are drowning. If there was a duty to save them in the case that everyone had done their part, then they also have a duty to do the same now".[10]

What is crucial is the definition of the boundaries of a group of citizens who have common rights and duties, which involves the inevitable need to divide these from foreigners (who are presumed to participate in the rights and duties of another national community), also because a functioning democracy cannot afford to have a fluctuating and undefined foundation. The point is not so much the right of a state, in an abstract sense, to define the limits of access to citizenship, but when this definition becomes convincing and satisfies us as conscious citizens and as moral persons. A classic distinction is that which has been made in the EU between the rights of citizens of EU countries compared to those of non-EU countries: a distinction that has a clear practical reason: to give value and meaning, also in terms of advantages and rights, to the European project and its direct participants, EU citizens. For example, the latter received the right to vote in European elections in the EU country of residence, and the right to vote in local elections on a universal basis. However, the rights of residents of third countries tend to converge, for example in the case of a gradual opening to the local right to vote, indicating how participation in democratic urban or regional areas can have a dimension that is linked more to residence than citizenship. Duties also tend to converge: in a climate of strong anti-terrorism alert, controls on resident denizens and citizens alike tend to be identical (security does not depend on the control of immigrants alone). A topic that became familiar in the Italian public debate, thanks to the slogan "let's help them at home", is that of the so-called 'indirect cosmopolitanism'; that is, the idea that we can replace a policy of reception and integration of immigrants with one of development assistance, and that the states most willing to commit to a better world order are safe from the alleged risks of the influx of immigrants. This distinction between reception and external help is, however, arbitrary: development cooperation policies create new conditions in the target country, which also stimulate migration, through the improvement of communications, education and information; the participation of migrants in the construction of relations between the country of origin and that

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10 Luiss Open (2018), 'Il caso Aquarius, l'immigrazione e l'errore di prendersela con le vittime spiegati con la filosofia politica', available at: https://open.luiss.it/2018/06/12/il-caso-aquarius-limmigrazione-e-lerrore-di-prendersela-con-le-vittime-spiegati-con-la-filosofia-politica/.

of reception is a necessary aspect of development, as is the creation of economic and exchange networks between the countries of departure and arrival.[11] Furthermore, the false perception must be fought; namely that immigration in Europe is supported only by 'push factors', therefore by the need of immigrants to come to our borders, and not by 'pull factors', that is, by an actual demand for immigrants, which tends spontaneously to be satisfied in legal ways or, if this is impossible, even illegally, and meets the needs of the host society and not only those of the migrants themselves. It is also what emerges from the examination of certain arguments in favour of closed borders which are summarised in the Italian public debate on "Italians first" (but obviously applicable from Lithuania to Portugal, when opportune), and which would seem to concern the issue of the distribution of the benefits of the welfare state that privileges nationals, especially in an era of strong, justified fears of a reduction in social services. A definition of the rights and conditions of access to social services increasingly subject to controls and checks, as has recently occurred in much of Europe, has also challenged the reception of refugees, who are weak subjects by definition. In Denmark, probably in response to public opinion, in a phase of increasing severity even for Danish citizens who are receiving aid, economic conditions have also been placed on the reception of asylum seekers, foreseeing the confiscation of any sums of money possessed by refugees upon their reception, a decision that has not gone unnoticed and which has been controversial on an international level,[12] since it appears contradictory to short-circuit the economic conditions of a refugee which have already been rendered precarious by their flight, with his need for protection. Nevertheless, it appears that after the law has been applied very few times, with confiscations of modest sums,[13] confirming the impression of many observers that it was simply a case of 'Symbolpolitik' (symbolic policies); a symbolic action toward the Danish electorate who are concerned about the reduction of social services, which was of little practical impact and affected the image of the country. Here we come to the more general question of the extent to which immigration harms the workers and the social protection systems. It is instructive to point out that immigrants contribute to welfare, because their incomes are equally

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11   See for example UNCTAD (2018), *Economic Development in Africa Report 2018*, available at https://unctad.org/webflyer/economic-development-africa-report-2018.
12   The measure has also been criticised by the United Nations and has had a wide negative echo (cf. Rick Noack on the Washington Post on 26 January 2016).
13   According to the website of Danish radio television www.dr.dk, accessed on 21 January 2018.

subject to taxation, and this is forgotten if the general opinion is clouded by the ideological conviction that immigrants are a net cost for the host society.[14] The most sensitive and double-sided point in the distinction between the opening and closing of borders regards the competition of foreign workers, with its benefits in terms of supply and cost reduction, and its risks in terms of the threat placed on the positions acquired by national workers, in particular the less qualified and those who are more fragile in reacting to changes. It is doubtful that protectionist solutions are the most effective.

Stigmatising immigration, in this case observing changes in the labour market and in production with a much wider breadth, may seem to be a pretext; in any case, the general rules for the protection of minimum wages and other guarantees seem to be more effective than the closure of borders to new workers, a closure that can also be reversed with the increase of illegal and clandestine work, which threatens the acquired positions of national workers much more so than a controlled opening. The question of costs is accompanied by that of risks: it is certainly the concern that opened up an important ethical dilemma, after 9/11 and other massacres and attacks in Europe that have shown how exposure to the outside world, with its violence and injustice, often much harsher than what we are accustomed to within our borders, undoubtedly involves unacceptable risks, especially those that expose the lives of innocent people. Nevertheless, as briefly mentioned above, security from terrorism cannot be identified with the closure of immigration borders: in fact, it would not be possible to prevent the infiltration of highly motivated militants who are able to pass themselves off as tourists or businessmen, or, if necessary, to enter a country clandestinely while being equipped with the appropriate financial and technical resources. Furthermore, from the examination of the dynamics of the recent attacks in Europe emerges the participation of so-called 'second-generation' citizens, descendants of immigrant Islamic families, which seems to support the concern of the intrinsic aggression of Islam and its incompatibility with democratic values. However, there are two other preliminary arguments, most convincing on the theme of security, which can, in the first instance, balance this concern: the first, that the main burden of the war on Daesh has been

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14   For the Italian economy, refer to the *Report on the Economics of Immigration 2018* of the Fondazione Leone Moressa, which shows how immigrants generate 8.7 per cent of Italian GDP, with 11.9 billion paid social security contributions. Similar considerations can be made for other European countries.

supported by Arabs and Muslims, which disproves certain journalistic claims of a war "against the West", given that for the most part, the war declared by Daesh and other religious extremists[15] has taken place (and today at least in part ended with its defeat) in Arab lands;[16] the second, that the violent demonstrations that emerge directly from our societies could be traced not to a 'radicalisation of Islam', but to an 'Islamisation of radicalism', according to Olivier Roy,[17] or the expression of a personal disaster and of the tendency to revolt which takes place not by embracing Muslim culture, but by cutting the cultural roots of the parents, to take on a specious version of Islam that justifies violent impulses caused by problems that are not very religious in nature.

The cases of terrorism cannot be overlooked, from Utøya to Macerata to Christchurch, which assume immigration and tolerance as a pretext for bloody violence. The causes and the stakeholders of terror are therefore transversal, internal and external to the borders, just as inside and outside of the borders there are forces that oppose them. The security issue is often expressed in terms of immigrant-related crime: it is sufficient to mention here that it seems impossible to disconnect deviance and criminality from a two-way relationship with the failure of social integration; the idea that security policies can work without relations with reception and integration policies is clearly not the reality of the economic causes of crime, starting from the massive demand for illegal goods and services such as drugs and prostitution, and with the effect that there is an incentive for criminality for the creation of isolated and discriminated social groups (for example, in some parts of Europe, it is clear that the social segregation to which the Roma minority is subjected is both the cause and the effect of deviant behaviour, in a perverse spiral). As a provisional conclusion, for the arguments in favour of 'closed borders', what remains in the background is the claim of a Hobbesian type of

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15   Reference is made to the specialised literature for the distinctions between Daesh, Al Qaeda and other groups generally defined as jihadists or fundamentalists, limiting themselves to the observation that for the definition of risk and relative security threat, such distinctions are essential, compared to a generic and vague representation of an 'Islamic danger'.
16   The positions of the most authoritative Islamic religious leaders against the Daesh are numerous. It is recalled here, for its political effectiveness, in having determined the expulsion of the Daesh from Iraq, its country of origin, that of the Great Ayatollah al-Sistani.
17   O. Roy (2017), *Jihad and death: the global appeal of Islamic state*, London: C. Hurst & company.

political realism:[18] a morality that is expressed only by virtue of a sovereign power that can impose it. Consequently, 'sovereignty' as an exclusive and exclusive criterion appears empty in its attempt to justify itself through force, without relying on anything other than itself.

Arguments for the opening of borders

Even supporters of open borders have a wide range of utilitarian arguments, even if, with a neologism that implies a hypocritical sentimentality devoid of practical awareness, the latter are frequently accused of 'doing good' in the Italian public debate (although new, the word strongly recalls another, 'pietism', addressed to those who expressed discomfort for the discrimination of Jews after the racial laws of 1938).[19] Instead, many of the main arguments for 'open borders' must be examined for their actual usefulness, just like those of the 'closed borders' supporters. Closing the boundaries can produce a series of economic inefficiencies that involve serious costs: like all arguments based on utility, this is never valid in absolute terms, but only by defining the circumstances and conditions of its validity. We see that the argument in favour of opening borders does not necessarily have anything to do with sentimentalism.[20] The classic arguments in favour of the economic benefits of immigration can be summarised in the more rational use of human resources (where refusing to employ a foreigner constitutes a waste of talent similar to that of banning women from work, and the defence of national work by foreigners is no more convincing than the defence of employing male workers at the cost of keeping women at home); in the greater prospect of growth of open, compared to closed, economies; in the positive feedback on migration even on the economic development of the countries of origin; and in the relative increase in trade and the supply and demand of products.

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18   T. Hobbes (1588-1679).

19   As Mauro Munafò discovered, or rather recalled, in 2018, http://munafo.blogautore. espresso.repubblica.it/2018/07/09/invece-di-difendere-gli-ebrei-caro-pietista-coi-soldi-perche-non-pensi-ai-poveri-italiani/

20   For Italy alone "from a simulation presented today by the President of INPS (National Social Security Institute), Tito Boeri, according to whom with the closure of the borders to immigrants until 2040 we would have 73 billion less of contributory income and 35 billion less of social benefits for immigrants 'with a net negative balance of 38 billion'. According to Boeri, 'a ruling class must have the courage to tell the truth to the Italians: we need an increasing number of immigrants to maintain our social protection system'", from Corriere della Sera, 4 July 2017.

It is important to note that no state can truly withdraw into self-sufficiency, and therefore no sovereignty can really do without interconnections and networks: of news, of goods, and intuitively and necessarily, even of people.[21]

There are also arguments in favour of a limitation of immigration not from the viewpoint of national chauvinism, but from the claim of a common international responsibility: it could be legitimate to assume a dissuasive attitude toward countries that do not seem to be interested in the global ecological and economic consequences of a failure to control births, or the maintenance of unjust socio-economic systems that push their inhabitants to emigration *en masse*. Here too, however, there is a two-sided argument: should migrants serve a kind of punishment for the injustices and errors of their governments? Certainly a dictatorial government that provokes the escape into exile of its opponents would find a very absurd form of opposition if the borders were closed to those who escaped tyranny, and there are concerns that should be taken seriously that refugees of environmental and socio-economic disasters are similar to asylum seekers for reasons of freedom of opinion.

The decision to accept the renunciation of certain economic benefits of immigration in the name of certain principles could be defended (the protection of independence and identity, essentially): this would mean a reversal of the previous accusation against the defenders of the 'open borders', no longer 'do-gooders', but rather accomplices of cynical economic interests. The most aggressive populism manages to synthesise these contradictory accusations through the denunciation of a conspiracy among human rights defenders, at a minimum 'hypocrites', and obscure interests in the exploitation of people, a plot that passes

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21   Brexit's economic damage to the United Kingdom also appears to have something to do with the reduction of European immigration, which is one of the effects that the Brexiteers were looking for. The analysis estimates that the illustrative scenario of zero net inflows of EEA workers could reduce GDP by around 1.8 per cent and GDP per capita by around 0.6 per cent in the long run, compared to today's arrangements HM Government (2018), *EU Exit, Long-term economic analysis*.

through the campaigns against George Soros[22] up to the spread on social media of paranoid conspiratorial visions like the 'Kalergy plan'.[23]

Returning to a rational level, the potential conflicts between immigrant and local labour seem to be better governed by extending to immigrants the rights recognised to the indigenous, fighting work on the black economy and other forms of exploitation of workers who are less culturally equipped to changes, rather than closing borders. The interests in the exploitation of immigrant labour are not particularly obscure, but obvious: they unfold when trade union rights and transparency in employment contracts are obscured. The contestation against immigrants as perpetrators and agents of a decrease in the rights of national workers appears paradoxical, instead of recognising both as victims of the same exploitation mechanisms: so paradoxical that it is based only on conspiracy plots and phantom entities in order to avoid the realistic description of working conditions. If the option for open borders can also be claimed on an empirical basis, the ideal reasons for open borders seem to be centred around the functioning of democracy. This obviously concerns our expectations of the very nature of our democracies if we want to think of them as humanly fallible, but benign entities. The reception of exiles, for example, even before constitutional dictates and international agreements, is based on simple and intuitive moral positions of human solidarity and protection of the value of life and safety, which must also be valid beyond a given country's borders. Moreover, the right of asylum provided, for example, in the Italian Constitution cannot be explained without considering European history, totalitarianism and a long history of struggle for freedom: many members of the Italian constitutional constituency had been exiles. Assuming responsibility for exiles appears as an element of identity for a democracy that emerged out of a struggle for freedom; that is, a foundational element

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22   The activities of George Soros as financial speculator, especially in the 1990s, are well known and highly controversial, as are the many philanthropic activities for the protection of human rights entrusted to the Open Society Foundations. What matters here is that Soros has become, also for his Jewish origins, the protagonist of fake news with an anti-Semitic and racist background and one of the scapegoats of what in Italian is known as the '*fasciosfera*' (constellation of neo-fascist movements), the propaganda network on the Internet of the far right, not to mention victim of an aggressive campaign by the current Hungarian government.
23   The 'Kalergy plan' is a pseudo-theory about African and Asian immigration to Europe as a conspiracy for the replacement of the European peoples, of evident absurdity and of an even more evident fascist and anti-Semitic nature, elaborated by the neo-Nazi writer and Holocaust denier, Gerd Honsik. Thanks to the Web it enjoys a certain diffusion.

of an identity based on a constitutional patriotism: it is not only a question of possible benevolence toward 'them', but it recalls the shared basis of 'us'. It is worth mentioning here that some controversies shift the attention from constitutional identity to other levels in an intellectually fraudulent manner: for example, the limitation of Muslim religious places in the name of a true or alleged discrimination of Christian religious places in certain countries of Muslim majority. Not only is there a distorted representation of the complexity of Islamic countries, which, moreover, largely recognise adequate religious freedoms, and an obvious misunderstanding about the secularity of our institutions, which refers back to the theme of an underlying (but confining) *Leitkultur* of constitutional rights: while what really appears to be crucial is freedom of worship, like any other freedom of expression as an identity trait that belongs to us and defines us as democrats and (constitutional) patriots. Arbitrary limitations on the expression of the Islamic faith, such as the prohibition of erecting minarets,[24] exclude not only immigrants, but also the growing number of citizens who, like it or not, recognise themselves in that faith. Once again, we diagnose a sort of "eternal present"[25] syndrome in reading immigration as an exceptional and reversible event, which distorts the perception and self-perception of what we are as individuals and as peoples. These different elements can be connected in a theory, which can be defined academically as "cosmopolitan egalitarianism",[26] but which ultimately implies that all human beings are worthy of consideration and therefore of rights – or that "they have been created as equals". Attention to people's rights as such can only include the rights of migrants, whose guarantee can only impose appropriate restrictions on the 'sovereign claim'. Among these rights, there could be that of improving one's economic and social position in a globally unjust world, and this leads to the claim that being born in a poor country constitutes a disadvantage that a rich and developed democracy must recognise and contribute to limiting by offering open borders, as part of a global assumption of responsibility. This also appears to be consistent with a progressive approach that remains critical to the market economy and the injustices of global capitalism, when an open and inclusive immigration government can be one of the tools to contain and balance them. The populists denounce the apparent

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24 At the centre of a referendum in Switzerland in 2009.
25 This expression is borrowed from psychology, where it indicates a refusal to grow, which in a figurative sense seems to us applicable also to a national community, or certain parts of it, who refuse to acknowledge an ongoing transformation.
26 Wellman, "Immigration" cit.

convergence between this approach and the ultra-liberal libertarian approach, which, precisely given its apologetic stance toward the market economy and of the absolute prevalence of the freedom of individuals to self-determination without any constraints, could support the absolute freedom of immigrants to cross borders, together with that of residents who could invite them freely without regard to ethical or social limitations. The difference between the two approaches remains substantial: the cosmopolitan egalitarian one aspiring toward a collaborative government among states, or toward the creation of supranational entities in order to govern the market economy, and which, therefore, is far from willing to abandon individuals to a hypothetical economic self-determination that escapes the control of governments and laws.

More on cosmopolitanism (with judgment)

Without a doubt, cosmopolitanism faces, like every ideal model, the need to define the limits of its application. In spite of certain accusations of neo-populist propaganda, virtually no one claims that it is necessary to "let everyone in" and indiscriminately grant all rights to all: a gradual articulation of the rights of access to the territory, to social services, and to citizenship is of course necessary, and it is not seriously disputed by the majority of supporters of open borders. A vision of citizenship rights that involves foreigners and immigrants as participants is based on the moral intuition that unites human beings rather than what divides them geographically and along historical and political events. For this reason it is possible to speak of egalitarianism based on a humanistic vision that is common to the great religions as much as to liberal, progressive and socialist secular visions. There is an accusation (even in certain circles that claim to be leftist) against cosmopolitanism as being indifferent to the collective rights of peoples or indifferent to their roots, as opposed to an internationalism that joins the distinct individualities of peoples: this is strangely reminiscent of the times of the Soviet Union, when blue jeans or jazz music were controlled; after all, the accusation of cosmopolitanism was part of Stalinist approaches.

Some simple and fundamental ideas of what a democracy should be shared: that there are fundamental rights that our constitutions and our laws recognise, but that somehow existed before them or that it is legitimate to claim that they be incorporated into the laws if they have not

already been; that no one should be subjected to arbitrary treatment; that discrimination on the basis of gender, race and so on is not admissible. Then we can even base a critical approach to immigration laws on such principles.[27]

From this point of view, the references to sovereignty and self-determination, which also express a call for democracy and which can be raised to shield them against discriminatory or border-closing norms, are not sufficient: a serious moral criticism, in fact, does not stop at the legality and legitimacy of certain decisions of a parliament or a government, but challenges them on a different and far more radical level. Recent history is full of examples that, at various levels, call us to engage in an ethical discussion that goes beyond reverence for certain sovereign prerogatives. The most striking example is that of the Nuremberg Laws on blood, honour, and citizenship in the German Reich, but also the Italian Laws for the Defence of the Race of 1938. It can be said that these are borderline cases, and that these laws, formally legitimate even if morally monstrous, were promulgated when an effective freedom of debate and decision had already been suppressed, making only apparent the exercise of self-determination of the German and Italian people. However, embarrassing cases can also be mentioned in democratic regimes: from the Chinese Exclusion Act of 1882, which discriminated against the Chinese immigrants in the United States of America, to citizenship rules that in many nations have long discriminated against the right to matrilineal transmission of citizenship.[28] These are examples of laws that conflict with a vision, if not unanimous, at least widely shared, on the incompatibility of certain discriminations with an effective democracy. Returning to the era of totalitarianism, forms of racial discrimination were also reflected in certain decisions of democracies, among which we can mention the 'boat is full' example, with which Switzerland in the 1940s limited or refused access to Jewish refugees: a legal and democratically legitimate decision, which today almost no Swiss citizen would recognise as fair, and which constitutes a reason for public recrimination and embarrassment for Swiss democracy. Similar forms of closure to Jewish refugees also occurred in other democracies.[29]

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27   For a more in-depth discussion of public ethics and immigration, please refer in particular to J.H. Carens (2013), *The ethics of immigration*, New York: Oxford University Press. In this research, there is also an attempt to locate the points of compromise between positions that are necessarily uncompromising ethical positions and other points of view.
28   Discrimination still to be found in Italian law until 1992.
29   Symbolises the story of the German civilian ship St. Louis, which was denied the

Examining the choices of the governance of immigration from the point of view of moral criteria therefore appears not only legitimate, but also opportune, because it could prevent disastrous choices that could remain a tragic memory for generations.

A first area of discussion concerns the rights of immigrants with respect to the rights of citizens. On one hand, this leads us to the question of naturalisation, which is the acquisition of citizenship; on the other hand, which rights are not only proper, but also possibly appropriate and convenient, to grant to immigrants before acquiring, or as an alternative to, citizenship. First, we must note that naturalisation does not have much 'naturalness': it is not a biological phenomenon, but rather a political and juridical practice that is not taken for granted. When minors are mentioned, possibly even those who were born in the country of immigration and not in the home country of the parents, the state immediately has the duty to guarantee their protection from abuse or from the risk of abandonment. There is also an interest in consolidating and even encouraging those social, cultural and psychological ties that can develop between immigrant minors and the community in which they grow up, precisely for reasons of identity protection and social cohesion that relieve those who denounce the risks of immigration: ties that are established with education, integration, and also, in view of accessing citizenship according to one of the forms of *ius soli* ('right of the soil'). It is not the intention here to enter the debate between *ius soli* and *ius sanguinis* ('right of blood'), except to indicate that the legal criteria of citizenship can hardly exhaust the infinite variability of people's life stories. The reasons for identification and affection can vary greatly in the concrete lives of migrants, from the strong adhesion to the original national identity, to a vaguer sense of family belonging and memory, or only of nostalgia, up to a conscious divorce with one's own origins, and strong acceptance of the values and customs of the host country. This applies as much from the point of view of the country of emigration as it does from that of immigration: if it seems proper that a country of emigration should be concerned with maintaining a connection with its emigrants, including granting citizenship through *ius sanguinis* to the descendants abroad of its own citizens, then a limit beyond which citizenship can be guaranteed to people whose only link with their origins is a vague memory of their ancestors seems

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landing of his Jewish passengers, in fact refugees fleeing, from the port authorities of Canada and the United States, as well as from the Cuban ones, in 1939.

plausible; citizenship does not seem to be reducible to a privilege or a right to property that is passed down through the generations without being accompanied by some form of active participation. Conversely, it seems difficult to deny citizenship to those who participate directly in the social life of the country (adult immigrants), for example by paying taxes, which immediately recalls the motto of the American settlers, "No taxation without representation". Although tax contribution is not a necessary prerequisite for citizenship (not being able to exclude those without fiscal capacity without imagining a disturbing democracy by wealth), we consider it to be a robust consideration, even if not exclusive, of strong legitimacy to express one's opinion on public affairs. After all, the long history of African, Asian, Latin American immigration in Europe appears to be the main empirical argument in favour of the *ius soli* in some form: precisely because the immigrant presence is not recent, and is now articulated over several generations, it is unthinkable, without serious consequences on the stability of democracy, to imagine a subclass of non-citizens whose exclusion from full rights is justified only by a foreign origin that is increasingly distant over time. Finally, it is right to bear in mind that the dynamics of migration can be even more complex: it could happen that a foreign minor who receives the citizenship of a particular country via *ius soli* then migrates to another at a young age, such that all of the previously mentioned contradictions between belonging on the basis of blood and belonging on the basis of soil can be subsumed in one personal story. Ultimately, what should prevail over abstract criteria is the measure of an immigrant's ability to engage in community life, and this in turn is not simply given by the individual virtues of the potential new citizen; rather, it is largely determined by the level of acceptance and integration that one is able to offer and by how much these virtues can be valued and fostered. The limits to accessing citizenship should be justified: if the lack of a criminal record appears to be well justified (which should at least be significant and not necessarily precede every other element under consideration), it is very difficult to pass from the penal requirement to that of good behaviour and attitudes; as previously mentioned, it does not seem convincing to envisage a requirement of economic capability, which cannot by itself define citizenship. Is it proper, then, to require a citizenship test? At first glance, without a doubt, knowledge of the local language and of the essential laws appears to be an appropriate request, but one that could be requested in a more convincing way: perhaps not administering a test to the aspiring citizen as proof that he or she is capable of understanding the rules of the host society (implicitly understood as

superior to the ones from which he or she comes), but rather requiring the ability to express oneself and defend oneself in the host language.

From this derives a more concrete objection: the risk that the citizenship test does not affect at all potential enemies of society, who are usually able to blend in and to express their possible hatred in the national language, but that it is only a mechanism of exclusion, potentially Kafkaesque, of the weakest and least educated, or toward the elderly who have come to join their family, or of subjects who have difficulty in reading and writing due to a medical condition or for various other reasons. In the end, it should be remembered that for the sake of the most vulnerable people and for a sense of justice, a citizenship test that is free of any subjective limits of the person to whom it is administered could be a form of violence against an individual and not a safeguard for the community. In any case, the inclusion policies that appear to be human, appropriate and beneficial to all do not necessarily coincide with the prospect of granting citizenship: just as one can be a citizen and still suffer from a condition of exclusion, so the recognition of immigrants' rights has an urgency that precedes the eventual goal of citizenship. Here the fundamental theme of the quality of our democracy returns: if it is understandable to expect that immigrants share in the democratic culture, we should also ask ourselves whether certain values of inclusion are really so solid and on the side of those who welcome and, in short, if our democracies are solid enough, and whether democratic values are really shared enough in order to be able to offer immigrants (who we assume are less prepared for democracy; an arbitrary assumption that comes close to affirming they are less civilised) a common ground of dialogue, without which there would be no free communication, participation, or collaboration.

In all modern democracies, the laws do not allow, for example, criteria of discrimination by gender, ethnicity, religion and so on, and this principle of non-discrimination by its very nature does not seem to be invoked or revoked as a function of citizenship, but it must be recognised to anyone with legal status to participate in the society, with regard to work, housing, access to public spaces and so forth. Yet we should not pretend that the application of this principle leaves something to be desired, and that in fact many individuals, irrespective of whether they are citizens or not, often experience discrimination, which is often – but not always – recognised and prosecuted.

These forms of discrimination often have nothing to do with the distinction of immigrant or citizen; they cut across this distinction and affect homosexual people, people with disabilities, people with different skin colour; the latter, in particular in Europe, can still be drastically assimilated to 'foreigners' simply due to their physical appearance. It can therefore be said that the fight against discrimination can be a common ground of civil maturity for citizens and immigrants alike. However, it can also be a ground for civil negotiation: certain widely shared rules can be amended to accommodate legitimate requests, by placing on the two scales both sides' losses and gains. The request to remove pork from school and work canteens appears to be easily resolved by providing an alternative menu. If this is not possible, the elimination of pork does not seem to be unbearable for others; that is, the importance of banning this food product can be recognised, particularly amongst those who belong to the Jewish or Muslim religion, while some polemics that make claims of Christian or European identity based on the need to consume pork are almost certainly grotesque.[30]

Other instances probably require greater negotiating skills and greater organisational effort, such as the recognition of non-Christian holidays, but the exchange in terms of well-being and mutual recognition certainly seems advantageous. In other cases, it is possible to reason in terms of motivated and tolerable exceptions, as in the case of the Sikh turban instead of the motorcycle helmet. Moreover, the question that in many European countries arouses more interest is that of the Islamic veil, because it seems to short-circuit a problem of religious discrimination and one of protection of women's rights from oppressive cultural forms that hinder their free expression. In fact, the issue of dress codes for the female body is certainly an important subject for discussion from a feminist point of view, and it is reasonable to suspect that the forms of constraint on women's bodies are a male tool of control. Nor can it be ignored that the spread of the feminine veil is a political banner for certain militant Islamist groups: a non-trivial element of public debate, which seems far from being resolved and with paradoxical results, in the

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30   In 2017, in the Italian town of Pontedera, there was talk of an alleged discrimination against non-Islamic students from a local school, who were forced to give up sandwiches with mortadella. The news was revealed, as it is almost always in these cases, distorted and exaggerated, but, nonetheless, it seems that different weight was given to right to religious expression and the right to mortadella, which is definitely not found in Christian precepts or those of other religions.

prohibition of certain dress codes, when chosen and practiced voluntarily. Indeed, though it seems paradoxical, it appeared in the prohibition of the swimsuit known as the 'burkini' in a swimming pool in Verona in 2009, where only a few decades earlier a too scanty bikini would have been forbidden, and the two prohibitions seem comparable in their desire to govern the expression of the female body: yet, the question, despite certain necessities of identification for security reasons, which can be solved easily or liquidated with the words of the mayor of London, Sadiq Khan: "Do not tell women how to dress".[31] Ultimately, this is only an application of the general principle that one is free until one causes damage to others. The secularity of democratic institutions should guarantee an effective neutrality of norms, yet this does not mean reducing everything to the lowest common denominator: taking charge of negotiating the free expression of many different identities is probably more difficult, but ultimately even more interesting and fruitful. A school that abolishes every religious symbol will probably be completely secular, but also more anodyne and poorer than a school where hospitality and representation are offered, in regulated ways, to every expression of religious sensitivity, which will certainly be more inclusive and eventually be able to provide a wider degree and a better quality of educational experiences. The concept that appears crucial is that of mutuality: the interest, respect and negotiation must always be shown by all parties involved. It may also be added that, if respect for minorities appears to be an essential feature of our democracies (freedom implies the freedom to think otherwise, to paraphrase Rosa Luxemburg), the majorities have a legitimate expectation to be respected and taken seriously. This appears to be quite clear when it comes to laws and regulations, which immigrants certainly have an ethical duty to respect, and which they can ask to change only by respecting the established procedures and earning the consent of the majority; that is by always respecting them. This is more delicate when it comes to the so-called informal norms, those mores and customs that are not codified, but that can constitute a point of very strong sensitivity: if it is intelligent and proper to understand foreigners, even in their possible difficulties in understanding certain nuances of life in the host society, it seems legitimate to demand that foreigners nevertheless attempt to understand them and respect them as much as possible. Of course, the risk is also that these informal rules are imposed with a passive-aggressive victimisation typical of xenophobic discourse: "they do not want to live like us" risks,

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31   Sadiq Khan in 2016.

in clear bad faith, to exceed the limits of due respect of the majority to private behaviour, opinions, and preferences. As mentioned above, the useful and most appropriate criterion remains that of the freedom to do what does not harm others, and the 'others' cannot show such an exasperated sensitivity as to feel legitimately damaged by the expression of people for what they are. It is the 'right to indifference': within limits that are not impossible to establish, everyone should have the right to be ignored on the street, on the subway, in the workplace, despite the clothes one wears, the food one eats, and to whomever one is emotionally bound. Yet, it is still not enough: the right to be left in peace is important, but we feel that respect for others can be defined not only in leaving others alone as long as they don't disturb us, but also in our concern for and dialogue with them, offering and receiving solidarity, seeking a win-win solution to possible conflicts, but also assuming that conflicts are not inevitable, modular and negotiable with mutual satisfaction, which is also one of the aims of democracy. A public ethic that inspires our democracies seems to be reduced to very little if there is not this active and supportive attitude toward others. Everything starts with the recognition of the other, of their diversity, which is in any case an expression of the same humanity. Here, then, is that even the solidarity we show toward migrants within our borders and to other men and women outside our borders appears as a logical extension of the interest that every citizen has, or should have, for their neighbours and their compatriots, which is a fundamental element of a genuine democratic morality. Moreover, from a realistic and pragmatic point of view, the distinction between citizens and immigrants cannot be an insurmountable wall: neither in the sense that it is impossible not to foresee the gradual inclusion of new citizens of immigrant origin as they settle in the national territory and participate in the social life; nor in the opposite, but complimentary, sense, that even foreigners enjoy a range of rights, given that a 'spartan democracy' that rigidly separates a caste of rights holders from one that is absolutely devoid of it is unacceptable. In this sense, the question of migrants' rights certainly arises before and apart from that of citizenship.

Participation in society entails rights: we have already mentioned the one generated by contributing to taxes through one's work, but this is only one of the many ways in which any person offers their contribution to the common project. A legal immigrant in a democratic and open society already participates in the social and civil rights in a very broad sense, whether they are work-related rights, domestic rights, or those of their

own free expression. Democracies have specific moral obligations that extend to non-citizens, and fundamental human rights that cannot be denied to anyone and whose protection is of general interest. For this reason, the Global Compact for Migration considers migrants for what they are: people who simply exist and whose existence must therefore be recognised at least in its elementary rights, on which eventually more complex levels can be built; the argument of the adversaries of this document, which simply establishes guidelines and is not binding, that the Global Compact recognises rights of those who are not entitled, appears to be disrespectful of this reality, that migrants are still women and men, and therefore holders of general and minimum human rights (life, security, information on laws and guarantees) without prejudice to local laws on admission to the territory and access to citizenship. For legally resident immigrants, there is a qualitative leap: it seems difficult to sustain discrimination regarding access to employment, residence, and other ordinary forms of participation in social life. It seems completely contradictory and unjust to allow someone to live in a society without guaranteeing them the same rights as citizens, but demanding the same duties: a possible imbalance between rights and duties could also instigate certain behaviours – not incomprehensible – of refusal of civic duties and protest by foreign residents, and certainly does not correspond to the criteria of an inclusive and responsible democracy. This is all linked to mutual recognition and the expectations that are nurtured toward immigrants in terms of legality and respect for the majority, which can hardly be legitimised without also recognising the legitimate expectation of immigrants to be treated fairly. A factor of legitimate difference can be that of residence time: the rights can increase according to the time of residence, which in some way also measures the contribution given to economic and social life (except for refugees, who should immediately receive substantial rights). It should be noted, then, that if conditioning access to certain social rights to years of residence can be misleading for those who pursue the questionable intention of discriminating against foreigners (as long-term immigration and high mobility are already present, so much so that a resident immigrant could have older residence rights than a citizen), this criterion should also be proportionate to duties: a long residence should limit, for example, the extent of expulsion and controlled repatriation, which becomes morally unsustainable when it concerns foreign citizens who have lived for an extended time in the country, perhaps from a very young age, even to the point of not knowing the language of the country of origin and not having ever lived there.

On the right to vote

This is not to say that political rights, which normally remain the main point of difference between citizens and long-term immigrants, do not have their importance. A point of intersection of extreme interest between the political rights of citizens and residents is found in the local vote, where issues of sovereignty are not at stake as much as community cohesion, the participation of residents and the opportunity to approve the destination of the amount paid in terms of local taxes. In the EU, as is well-known, the right of EU citizens to participate in local and European elections in their place of residence is guaranteed: this, together with the progressive 'Europeanisation' of political parties, and other innovations such as the *Spitzenkandidat* ('leading candidate'),[32] points to the awareness that the construction of a united Europe must address the problem of integrating European citizens also from the point of view of the right to vote. The issue of local voting for other resident immigrants is somewhat uncertain and contradictory in Europe. There is perhaps here, even if implicitly, an idea of the acceptability, and indeed of the opportunity, of certain discriminations with a reward value: on one hand, giving more rights to EU citizens could enhance the value of belonging to the EU; on the other hand, removing the symbolic borders within the EU necessitates in some way the existence of an external European border, between Europeans and non-Europeans, which indicates a positive difference and a concrete advantage for the former: these are not trivial considerations; they are morally aimed at accelerating European integration rather than brutal discrimination. The fact remains that the local vote is also an important element of integration and participation, and that it seems difficult to deny it to residents of any origin without brutally denying the reality of their participation in the community. Among the European countries that provide for the participation of non-residents, including non-Europeans, is Belgium, but under certain conditions. Precisely in Brussels an initiative was recently carried out[33] to support and expand active voter participation

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32   The nomination of the candidate for leadership of the European Commission by political parties at the European level, which is largely symbolic, constitutes an attempt to make the nomination of the President of the Commission controllable by voters, and 'mimes' and suggests the candidacy of a federal president, in a federal Europe that does not yet exist.
33   The 1bru1vote initiative consists of a petition launched in 2018. There are several proposals for the reform of the governance of Brussels, including OneBrussels of the Flemish socialist party Sp.A.

among foreign residents, so that it could be extended from the municipal level of the nineteen territorial bodies to the regional level of the Capital of Brussels, based on the significant assertion that the exclusion of 35 per cent of the residents (220,000 EU citizens and 90,000 non-EU citizens) weakens the legitimacy and the responsibility of the democratic urban institutions. The data indicate that it is increasingly difficult to represent the population of large cities along traditional identities, in this case from Belgium's classic Walloon-Flemish division. To date, several EU countries offer access to local voting for non-European immigrants, and this appears mainly to strengthen the legitimacy of institutions through the expansion of the electoral base, whereas it is more difficult to understand the effects of the right to vote in terms of integration of immigrants.[34] The lack of the right to vote risks provoking conditions that bring to mind nineteenth-century political-social dynamics, when large swathes of workers did not have the right to vote. The case of the working-class population of Monfalcone, in the province of Gorizia in north-eastern Italy, raises disturbing suggestions: in this industrial centre, where changes in the post-industrial economy have not eliminated such work, a large percentage of workers, and among these many factory workers, do not have the right to vote because they are foreign.[35]

The election of a League mayor, whose electoral programme contains xenophobic elements, was, on one hand, favoured by the lack of voting rights of non-EU Asian or Balkan workers, which highlights the perverse effects of exclusion of a significant percentage of the population; on the other hand, a significant part of the vote of Italian workers, according to many journalistic sources,[36] is in favour of the new mayor and not of the left-wing parties that traditionally represented them. This effect can be attributed to an effective social segregation between Italian and foreign workers, due not only to linguistic and relational difficulties, but also to the different nature of the employment contracts which, in principle,

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34   Two different studies, one Norwegian (Ferwerda, Finseras, Bergh 2017) and one Swedish (Engdahl, Lindgren, Rosenqvist 2018), seem to give almost opposite results regarding the effectiveness of the right to vote in favouring the active participation of immigrants in the democratic process. Political integration probably cannot be triggered without more complex social and cultural integration at multiple levels. It also seems that immigrants from authoritarian states are more interested in voting rights than others.
35   Of the 28,107 residents in Monfalcone, foreigners on 31 December 2017 were 6,197, equal to 21.97 per cent (source: Il Piccolo). For comparison, foreign residents in Italy make up 8.5 per cent of the population.
36   See, for example, the articles by Annalisa Camilli, in "Internazionale", 2018.

concern the two groups. In this context, foreign workers represent the embodiment of the despised outsourced work through sub-contracts to external companies; it is not surprising that such a system is perceived as threatening by Italian workers. Hatred toward immigration and hardships caused by the flexible, delocalised and internationalised organisation of labour, and even the single European market, come together in a single bundle in neo-populist propaganda,[37] which benefits in terms of electoral support.

The social exclusion of migrants as a problem of democracy

The ideological and neurotic rejection of immigrants is often accompanied by the economic exploitation of these same people: the conviction that one can enjoy the economic benefits of immigrant work, while at the same time maintain reassuring social and physical distances, is well represented by certain models of immigration for temporary work. At first glance, it is an acceptable economic contract provided there are minimum conditions such as the informed consent of the worker and respect for his or her basic human rights (for example, not to be subjected to violence), where both parties have clear expectations and demands, and civil and social rights linked to stable residence do not seem to be at stake: a convincing tool in an era marked by the speed and flexibility of economic relations. Certainly, members of the social classes best connected with modernity do not find it particularly strange that their role in providing services and professionalism, say for a fashion show in Milan, a cultural event in Paris, a fair or a show in London, should involve no rights other than the payment of the agreed remuneration. However, temporary immigration is not necessarily so modern and glamorous: in the Italian historical memory there remains an enduring wound[38] linked to the mechanism of the *Gastarbeiter*, the guest workers who, after the Second World War,

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37   Another nineteenth-century reminiscence seems appropriate here: already the antagonism between English and Irish workers was artificially kept alive by propaganda. "Every industrial and commercial centre in England now has a working class divided into two hostile camps, English proletarians and Irish proletarians (…). This antagonism is artificially kept alive and intensified by the press, the pulpit, the comic papers, in short, by all the means at the disposal of the ruling classes". K. Marx, 1870.
38   Represented brilliantly by the film "Pane e cioccolata" (Bread and chocolate, 1973), which also won awards at the Berlin Festival in 1974.

were accepted by Germany or Switzerland from Italy or Turkey through bilateral agreements based on rather strict rules, which prevented them from not only making more ambitious and demanding life choices in the host country, but also entailed a lack of decent housing (not considered necessary for temporary workers) and of a lack of emotional ties worthy of their *Gastarbeiter* status in not allowing the presence of family members. The experience of *Gastarbeiter* was painful for hundreds of thousands of Europeans. This model is now almost completely abandoned in Europe, given its partial failure. According to Max Frisch,[39] the impossibility of reducing men to simple labourers has meant that in various stages the *Gastarbeiter* have been largely transformed into resident immigrants and then full-fledged citizens, neutralising the hope of reducing them to simple economic tools.

Yet the *Gastarbeiter* continues to demonstrate its authoritative approach, as it remains the mode of employment for immigrant workers in Singapore, Kuwait, Qatar and other affluent, but non-democratic, states. In practice, it is difficult, if not impossible, to differentiate the treatment between temporary and permanent workers without creating not only glaring differences in rights, but also a dual labour market between those who have more and those who have fewer guarantees. For this reason as well, democracies have over time reduced the temporary work approach. There is a relationship between the level of rights offered and the number of temporary workers accepted: fewer rights, more workers, and vice versa. Given that the request for 'arms' still exists, an illegal employment sector can be opened without rights, which exploits irregular immigrants, temporary immigrants who extend their stay, and asylum seekers and refugees who are poorly, or not at all, assisted. This situation is alarming in the Italian agriculture sector. The "IV Rapporto agromafie e caporalato" (The Fourth Report on Agromafia and Illegal Recruitment)[40] shows that there is a widespread area of illegal work and exploitation of immigrant labourers of dramatic intensity, which is characterised by several aspects: the "anthropological revolution"[41] in Italian agriculture in the 2000s, which made some agricultural sectors (greenhouse farming, breeding, etc) totally dependent on specialised and qualified immigrant manual labour that is

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39   "We were looking for arms, but men arrived", Max Frisch, foreword to the book A.J. Seiler (1965), *Die Italiener. Gespräche mit italienischen Arbeitern in der Schweiz*, Zürich: EVZ-Verlag.
40   Placido Rizzotto Observatory (2018), *IV Rapporto agromafie e caporalato*, FLAI-CGIL.
41   Leogrande (2018), in *IV Rapporto agromafie* cit.

nonetheless subjected to the pressures of the precarious and seasonal nature of the work; the challenges of the bureaucratic procedures for the permit of stay for seasonal work, which are often slow and in any case rendered unnecessary by the availability of foreign labour already in Italy in conditions of precarious employment (refugees, irregular immigrants or the unemployed) and by those who 'commute' from EU countries such as Romania and Bulgaria; the absence of temporary accommodation facilities, which led to the rise of shanty villages; and the poor or non-existent understanding of public opinion of what happens in many agricultural areas, considered marginal with respect to the spotlight of urban areas, which makes it easier to implement exploitation and blackmail mechanisms; the historical persistence in those same areas of mafia and criminal groups that know how to adapt to new opportunities for exploitation and profit, for example by reviving the ancient practice of illegal recruitment.[42] Add to this the transitory nature of work in agriculture for many immigrants, who still consider it an unpleasant step while awaiting better opportunities, and this, together with the objective contractual weakness and the reduced self-defence capacity of many of them, makes it easy to impose unfavourable bargaining terms regarding compensation or to create other obstacles. There exists a general dimension of corporate backwardness of agricultural enterprises, which is hindered by a supply chain with high transport costs and commercial intermediation that imposes slim profit margins on growers of citrus fruit, vegetables and tomatoes, and which automatically places pressure on the weakest link in the chain, the labourer. The final outcome, summer shacks in the fields in disconcerting hygienic conditions, and deaths in the fields due to exhaustion, represents the last link in an economic chain that requires structural and cultural changes: the neo-populist propaganda, which claims that immigration is driven by obscure international financial powers in order to increase its profits to the detriment of national workers, is clearly unfounded: the exploitation of foreign laborers is rather functional to displace the costs of a backward system that cannot or does not want to change, characterised by undersized farms and family-run businesses

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42   For which the farm does not deal with the laborers, but rather pays for a 'corporal' who recruits them and retains a percentage on the payments. This practice has long been considered as a remnant of other historical times, but in reality it continued underground and apparently exploded again with the new immigrant labour force, often under the pretext of facilitating communication with the immigrant laborers, with the perverse outcome that they even they pay for two 'corporals', the Italian one dealing with the company and the foreign one that guarantees linguistic communication and mediation.

which are often inadequate, which no longer have enough Italian workers available in seasonal production peaks, and which represents, even culturally, adherence to conservative values, paternalistic control over the countryside and on laborers, with archaic and even mafia-like elements.[43]

In fact, in the Italian countryside today there is an import of 'arms', of a spontaneous and unmanaged nature, which cancels the 'rights of men'. The greater contractual weakness of the immigrant workforce, which can lead to the risk of blackmail and threats, can be intuitively traced back to the fear of losing one's job and permit of stay, the lack of family and social protection networks, linguistic difficulties, to the origin of countries where a culture of trade union rights is not affirmed: but all this reaches its peak in the case of irregular immigrants. If the latter are the most easily blackmailed and recruited (even for criminal organisations), it is also unthinkable that their presence becomes a space for the absence of rights, especially as regards fundamental human rights, particularly in the case of arrest, detention and deportation, including the right to legal recourse. During their stay, irregular immigrants are not invisible, but subjects that interact with society; hence, the opportunity for a firewall, a protection from law enforcement that allows the exercise of certain rights, which was explicitly provided for in recent laws. The most obvious case is that of the protection of irregular immigrants who need medical care: even reasons related to humanity, public safety, hygiene and disease advocate for such a measure, given the serious risk that would occur if the fear of being reported were to lead to infectious diseases not being documented and left untreated.[44] A different case is that of education for the children of irregular immigrants who are minors: in this case, the firewall between educational institutions and institutions in charge of immigration control allows for a child's right to education, which is considered fundamental on moral grounds, but also as a form of self-protection for society, since

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43   It seems disturbing, but not surprising, that the populist leader and former Minister of the Interior Matteo Salvini denounces the excessive 'complication' of the law of 2016 which made the controls against illegal recruitment more severe, apparently interpreting the feelings of that sector of his electorate disinclined toward an increase of controls for ideological but also practical reasons, being partly constituted by the small entrepreneurs favouring the limitation of immigration; that is to say the rights of immigrants but, with a certain coherence, not to the limitation of their exploitation, which are functional to reduce the costs of backward and unsustainable enterprises.

44   Diseases that have to be ascribed to the precarious living conditions in the host countries, rather than with immigration (data of the National Institute of Health Migration and Poverty, INMP, 2018).

it cannot be ruled out that those children will then remain part of the host society, while the loss of crucial educational years is difficult to recover in the life of a child. Finally, there is problem of the wages that irregular immigrants earn. By definition, such a working relationship is sanctioned by law. However, as long as dishonest employers are not discovered, which can continue for prolonged periods of time, the exploitation of the migrant is certain in terms of time and salary: hence the proposals for a firewall, which also allows irregular workers to sue and be able to claim the salary that is owed to them without reporting themselves to the authorities; in this case, too, the public benefit of sabotaging the illegal labour market from within could be greater than reports of irregular entry in the country, assuming that employers who exploit clandestine labour are socially much more dangerous than their workers.

It also seems appropriate here to recall that amnesty measures, which were backdated in Italy in order to recognise the right of irregular immigrants to residence and to work, were one of the main systems of absorption of migrants in the labour market and in society.[45] Aided by a certain excessive complication of the system of annual authorised entry flows, but also by the underestimation of the predicted number of families and small businesses given the difficulty to plan and manage the entry of a collaborator from abroad, business owners solved their problems by hiring an irregular worker, relying on a subsequent amnesty provision. In fact, these amnesties have had a cyclical rhythm that has led to a sort of regularity: there have been provisions for amnesty and legalisation of irregular foreign workers in 1986, 1990, 1995, 1998, 2002, 2006 (with a second decree on flows that admitted additional applications, mostly from candidates who were already in Italy), 2009 (only for domestic workers, but with great success: 300,000 people), 2012 ('only' 134,000 applications were received, in a phase of economic crisis and with a high amount to be paid for admittance). Essentially a four-year cycle that reflects a kind of physiology: the normalisation of a flexible practice, based on mutual and direct knowledge between employer and immigrant, and on the premise of a good-natured understanding on behalf of the state in a relatively short time. The suspension of this four-year period, for purely political reasons, seems to conflict with the expectations of the global economy and even to create bewilderment in the face of a

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45 'Amnesty' measures have been implemented at different times in many European countries, in favour of the *Gastarbeiter* or of irregular immigrants of different origin.

well-established practice.[46] Establishing the access criteria is certainly a legitimate prerogative of the state, which will be mentioned here only with a view to future integration. In principle, it is perfectly legitimate for each state to establish the criteria for entering its territory, except in the case of asylum: for example, on the basis of a score that considers professional skills and other characteristics (the model in Canada or New Zealand, typically), or by receiving an invitation, as in the Italian system currently in force (albeit formally, as just stated, the practice in recent years has been a bit different). Once it is recognised that these people are 'women and men' and not 'arms', it follows that there is the right to family reunification. What does not appear to be legitimate is the idea of racial, ethnic or religious discrimination, which would inevitably pollute the host democracy morally.

In the West, only recently has discrimination on these bases been renounced: a system of national quotas remained in force in the US until the 1960s, with the explicit intention of maintaining at least the initial proportion among the different ethnic groups in society. Today this criterion appears unacceptable, but it is sometimes re-proposed with the mask of protection from religious fundamentalism to discriminate against Arab or Muslim immigrants: a position that began to gain support around 9/11. It is hardly necessary to note that the dimension of the control of migratory flows automatically relates to the quality of democracy, based on the conservative ideology for which national identity is identified with certain traditions and some sort of *Leitkultur*, thus defining a crude and exclusionary model.[47] On an empirical level, the success of the integration of Muslims in Europe and the United States seems difficult to deny, where

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46   "The case of the cleaning personnel and caregivers is clear: we have had a downward trend in the number of cleaning personnel and caregivers who are enrolled on the INPS site despite the ageing Italian population and that there is a growing demand for cleaning personnel and caregivers by Italian families, because there have been no more flow decrees nor regularisation since 2011", in "Boeri (INPS): Mancano colf e badanti. Servono più migrant regolari", in il Sole24ore, 6 July 2018, available at www.ilsole24ore.com/art/boeri-inps-mancano-colf-e-badanti-servono-piu-migranti-regolari-AEr9WBIF?refresh_ce=1.

47   Former Slovakian Prime Minister Robert Fico's statements in 2016, about refusing to accept any Muslim immigrant or refugee because Islam "has no place in Slovakia" and to "maintain Slovak traditions", can be taken as typical neo-populism. Such pronouncements by a social democratic prime minister are an embarrassment for European socialists, but here they are interested in measuring the transversal capacity of penetration of the neo-populist discourse even on the left.

millions of Muslims live and work normally, and who have also been the target of serious episodes of terrorism.[48] The election in the United Kingdom of many parliamentarians and MEPs, in addition to the mayor of London, and the recent election of Muslim representatives to the United States Congress can be considered symbolic of an integration that is already underway.

Without denying the inevitable complexity of the issue, we can nonetheless offer some concrete examples; examples of both the objective difficulties that must be faced without denial and negation, but also of a firewall of another kind, from which government policies must be defended that are based on mutual recognition, negotiation and mutual respect: a real ideological firewall marked by hatred and fear, where neo-fascism and xenophobia are reflected in the opposite extremism of jihadist intolerance and all converge in the common hatred for democracy. An example can be offered that started in 2015 with the Paris attacks of 13 November, the "absolute barbarity"[49] that rocked the French capital and European public opinion. What is interesting to note here is that the origin of a significant part of the bombers from the municipality of Molenbeek-Saint-Jean in the Capital city of Brussels (in practice, a district of one hundred thousand inhabitants in the Belgian capital) opened a violent media attack centred on the situation and the social responsibility of the municipality, and against its long-standing mayor, the socialist Philippe Moureaux (1939-2018), who had led the municipality for about twenty years and was well-known for his position of multicultural openness. It can be said that the figure of Moureaux became a catalyst for Molenbeek as the 'capital of terrorism', building a connection between multicultural policies and tolerance toward religious radicalism: a narrative parallel to the one on the causes of terrorism, which creates a double enemy consisting of not only the 'Islamists' (all, regardless), but also the 'socialists' and in general those who engage in social dialogue, to the point of coining the epithet, 'Islamic Socialism'; that is, the conspiracy (which was imaginary, to be sure, but seen as a probable and credible suspicion for the force with which it is denounced) of progressives and Muslims against the social order and traditions.

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48   Western victims of a so-called 'War on the West' are a small fraction of the Arab and Muslim victims of Isis in Syria, Iraq and the rest of the Middle East.
49   Statement by M. François Hollande, President of the Republic, following the meeting of the Defence Council, Paris, 14 November 2015, available at www.gouvernement.fr/en/paris-attacks.

As Moureaux himself had demonstrated in the first part of his pamphlet,[50] the presence of Muslim immigrants in Brussels, and in particular in Molenbeek, has relatively old origins: in the popular neighbourhoods, which have always been socially problematic, with a classic process of progressive substitution of new groups of immigrants according to the demands of the Belgian industrial labour sector, first internal migrants settled from the Flemish countryside, then from southern Europe and, since the 1960s, from Morocco and Turkey and other Asian nations. The Muslim presence in Belgian society is therefore not identified with the recent phenomenon of jihadism, but is much older, which is somehow either endured or ignored, and largely traces the dynamics of previous immigration: hard work, social distress (alcoholism among European immigrants of previous times, then drug addiction), youth unemployment, when productive changes do not allow children to follow the path of their parents. Even social housing settlements, large complexes that incorporate and harbour social distress, are the outcomes of earlier eras, in which the growing diversity and complexity of society was often ignored. It is paradoxical, then, that a 'Marxist and atheist' mayor, without any particular knowledge of Islam and who 'parachuted' into Molenbeek from major posts at the national level to solve a complex, local political crisis, was instead accused of being the cause of the problem that he was attempting to address. It is paradoxical, and even humorous, that Moureaux can claim to have outlawed the full veil in public, to have refused (perhaps exaggerating) to receive Muslim women who did not intend to shake his hand, and to have been the victim of an organised protest by militants Islamists (whom he asserted came from 'afar'; that is, from Antwerp!) following the fake news about a woman wearing a veil being mistreated by the local police; while fake news from the opposite side accused him of having imposed Ramadan on the police (for a newsletter that advised policemen not to eat on the street for banal reasons of decorum). Equally paradoxical, even if in the end it is part of the daily challenges of all local administrators, is the crossfire of the critics of the social housing plans, which create ghettos, and of the critics of the private building plans intended precisely to vary the composition of the territory, who are accused instead of gentrifying the pre-existing urban fabric.

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50   P. Moureaux (2016), *La vérité su Molenbeek*, La Bôite à Pandore.

What is relevant, given that all apologies can and must naturally be read *cum grano salis*, are two elements that appear indisputable: first, that Molenbeek finds itself in an urban continuum within a large metropolitan area, which is in turn part of the great urban network of Benelux; therefore, placing the spotlight on a local administration that has applied values of measured openness and dialogue may seem absurd, but insufficient in the face of very strong forces that are more powerful than the local government (the sudden radicalisation of young jihadists takes place according to pathways and suggestions that go beyond the local community; indeed they usually begin with the sudden break of family ties, fomented by suggestions communicated on the Internet or via large and complex social networks that reach as far as the Middle East, in an increasingly smaller world). The second, that Arab, Turkish and Pakistani immigration is absolutely nothing new in Europe; in fact, it is a historically rooted phenomenon, while the phenomenon of armed Islamist protest against the world order is new, and it is not identified with migrations, but with the malaise in the Arab and Middle Eastern world that contrasts with that of a minority of second or third generation youths, and even of converts, who are less interested in religion than violence and which is usually alien to their lives until shortly before their conversion. The apparent focal role of Molenbeek as a place of residence or aggregation of young violent Islamists is explained rather by the presence in its territory of large settlements of social housing that have established isolated communities exposed primarily to alcoholism, drugs, unemployment and family precariousness. The undeniable and threatening emergence of violent radical groups appears to be the result of ruptured social ties, or ones that have never been built. It threatens democracy according to community mechanisms that are very similar to those in other, slightly different suburbs, which preside over the formation of racist and xenophobic groups of other young Europeans of different family origins. Thus, on one hand, we have the proud response of Moureaux: "*J'ai peut-être été trop prudent en matière de mixite social*" ('Perhaps I have been too prudent on matters of social cohesion');[51] whereas on the other, the attack on the alleged Molenbeek model becomes the pretext to lash out against certain traditions of tolerance and social dialogue, though certainly not devoid of insufficiencies and errors which are inevitable, of Belgian democracy.

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51   Philippe Moureaux at "Des paroles et des actes", France2, 24 March 2016.

The response of Elio di Rupo appears convincing:

"(Belgium) is not a failed state and neither is it a weak country. These analyses are too superficial. It's a country of total freedom, it's fantastic. It respects the freedom of women, of homosexuals, and freedom of thought. In Belgium one can be blasphemous. Individual choices are respected. The third generations live in a situation of distress. At one time migrants in Belgium had a job and in work there was solidarity: the first generations thought about building a family and acquiring a position of prosperity. Their children could live in that atmosphere but already with some difficulty. For the third generation it's all more complicated. Some groups of immigrants have lived in communities, but the community has remained closed. These immigrants are Belgian and have been able to enjoy all the country's freedoms, but they do not feel Belgian. We must try to find out why these young people are attracted to Jihad (terrorism and immigration). Careful, they are two different things that happen at the same time. The biggest problem is in Syria and Iraq. Ten years ago, the Islamic State would have been unthinkable. But today it exists: we need an international coalition under the aegis of the UN to fight it".[52]

A parallel example is found in another great European city: the Esquiline district in Rome, located within the city's first municipality in the city centre (within the Aurelian Walls, the main parameter of 'centrality' for Roman citizens). The first municipality appears to be, among the fifteen municipalities of the Roman Capital, the one with the largest number of foreign residents: over 45,000 in 2016 (24.4 per cent of inhabitants),[53] which evidently complicates the simplistic, although widespread, narrative, which proposes that immigrants should be concentrated in the suburbs, identifying the foreign presence with social distress and the 'war among the poor' with the Italians; while the central districts are the prerogative of rich Italians (and, it goes without saying, favourable to immigration because they are 'radical-chic' types who are distant from the people!). Within the first municipality, in 2016 the Esquiline district had 10,590 foreign residents, comprising 28.7 per cent of the population.

On 14 February 2018, the main Italian newspaper affirmed the following:

"Piazza Vittorio represents an illusion of the past. In the most multi-ethnic neighbourhood in the centre of Rome, the Esquiline district, this large square was chosen as a symbol of hope and multicultural integration by middle-class intellectuals, made up of people from the world of cinema and entertainment, who came to live here just as they would in certain areas of London or New York: immersed in the scents of oriental spices, blending

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52   Di Rupo: "Il Belgio non è fallito. C'è libertà totale, per questo è fantastico" (Belgium has not failed. There is total freedom, which is why it is fantastic), interview in Corriere della Sera, 25 March 2016, available at www.corriere.it/politica/16_marzo_26/di-rupo-belgio-non-fallito-liberta-totale-europa-6664e362-f2c4-11e5-a7eb-750094ab5a08.shtml.
53   Rome municipal data 2016.

in with the largest Chinese community in Rome, in contact with refugees from a hundred nationalities around the world (. . .). The illusion that has fallen upon Piazza Vittorio is the idea that in order to welcome and integrate immigrants, an open and tolerant attitude of Italians is enough. In short, it is a textbook example, the proof that in order to integrate immigrants it takes much more than a fraternal and generous welcome: we need controls, agents, urban policemen; we need efficient and decent public transport; it takes service companies that can clean up abandoned beer cans and apple cores, and public toilets to remove that stench of urine, which is mixed with the exotic smells of Indian and Chinese food in the squares; we need public and private assistance that gives a meal and a roof to those who eat and sleep on the ground (. . .)". [54]

An appropriate debunking is in order: first on the text itself and its rhetorical devices, where the presence of more nationalities is reported as an automatic equivalent of a 'commotion', and where the smells of exotic foods that are different from home-cooked cuisine (otherwise known as 'mum's cuisine') are evoked together with the odour of urine. The comparison between the presented narrative and reality is thus: the immigrants of the neighbourhood, who are such a large part of the inhabitants and who perforce are very socially differentiated, are *tout court* identified with an indistinct and unquantifiable number of asylum seekers without permanent residence (who are often foreign to the neighbourhood, and are only passing through given the proximity of the Termini train station).

The aforementioned episode of the mistreated woman could, with similar arbitrariness and similar propagandistic spirit, be portrayed in a different perspective, exalting how the neighbourhood is strongly presided over, with police and carabinieri headquarters a short distance from one other, and more frequent than in other urban areas, which are therefore able to intervene in a very short time to protect security; rather, it would be suitable to observe how no realistic assessment stems from the article on the condition of the homeless in big cities, and on violence against women: the emphasis is uniquely on identifying immigration and insecurity, and between them and the neighbourhood. Thus, there is an example of aggressive and denigrating narration: adapted to the Italian context, the target is not Islamic Socialism, but another favourite object of populist attention, radical-chic intellectuals; the pretext is not terrorism, given the fact that Rome has so far not been the target of terrorist attacks,

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54 A. Polito, "Rome: il caso Esquilino dove il degrado batte la tolleranza" (The Esquiline case where degradation beats tolerance), in Corriere della Sera, 13 February 2018, available at www.corriere.it/cronache/18_febbraio_14/roma-caso-esquilino-dove-degrado-batte-tolleranza-d4146c18-10f7-11e8-ae74-6fc70a32f18b.shtml.

but rather the theme of 'degradation' and daily 'insecurity', the insinuation that immigrants usually urinate on the street[55] and that they still feed on malodourous foods, altering the proper scent of cities. It is argued that a tolerant and dialogical cultural attitude is not enough to solve social and integration problems, which is obvious: but it seems to imply that it is of no use either, and this is frankly a little too much.

A different point of view, exquisitely literary, and which is more moderate, balanced and objective than the journalistic one mentioned above, is that of the writer Nicola Lagioia, who states:

"The neighbourhood over the years has not exploded and has not been gentrified. The neighbourhood collapsed upon itself or under the weight of old and new poverty. This did not, however, turn the Esquiline district into a dangerous area, and in the end not even into a shady neighbourhood in desperation as has happened for certain areas of the extreme periphery. The Esquiline district has become a kind of lively free zone where everyone sinks together. Little violence. Very little racism. No integration as was imagined. Little beauty, but also little solitude. In the neighbourhood there are railwaymen, doctors, artisans, babysitters, mechanics, tailors, artists of various kinds, journalists, masseurs, shop owners and waiters and dishwashers of all ethnicities, old prostitutes, thieves, bartenders, non-EU citizens with and without work, receivers, vagabonds, small-time dealers, but a growing group of poor people, homeless and alcoholics who have become the real sentinels of the area".[56]

In fact, one can well believe that reality, as is almost always the case – if it is very different from the catastrophe of the populists and their denigrating narratives of those who want to proclaim at all costs, against the truth, the failure of inclusive democracy – is also more prosaic and mediocre than expected and hoped for by a certain '90s enlightenment optimism' that imagined too easily the magnificent and progressive expansion of opportunities and the global market. Instead, the Esquiline district is inseparable from the city it belongs to and from the times in which it lives: so from a city that has lived for years its peculiar crisis of identity, credibility and ability to meet the expectations of its role as a capital,

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55   In the documentary "Piazza Vittorio" by Abel Ferrara (2017), there is a black and white sequence shot back in the 1970s where Italians urinate on the archaeological ruins, then accessible, which are located in this Esquiline square. Eschewing the cleat irony of the proverbial absence of public toilets in Italian cities, what can be reiterated is that the apparent behaviour of small or large social and educational disasters does not emerge with immigration, nor has it been particularly exacerbated by it, in an ungentrified neighbourhood where decades of historical sacks of poverty and marginalisation together with a social fabric in a small-bourgeois and commercial majority coexist.
56   N. Lagioia (2017), *Esquilino: tre ricognizioni*, Rome: Edizioni Dell'Asino.

symbolised by bad governance and the inefficiency of citizen services, and at the same time by the historical period of a global economic crisis that has particularly affected small businesses and employment in Italy. Therefore, there are no peculiarities of the Esquiline district, the piles of rubbish left uncollected, neither the homelessness nor that sense of "sinking altogether" which, despite its poetic nature, can well represent uncertainties and anxieties that can be described according to more sociological and scientific criteria. It can be argued that in the varied types of inhabitants proposed by Lagioia, many less suggestive types are missing, from teachers to professionals, including several relatively successful entrepreneurs, often immigrants, who would also be worthy of mention.

This is what is interesting in a neighbourhood that is in some ways an *anti-banlieue* whose development model never seemed to have been planned: it instead seems to have occurred through the accumulation of subsequent experiences, probably favoured by the town planners and from the architecture itself, which allowed for a socially diversified settlement horizontally and vertically (that is, among different roads and between high and low floors of buildings).

According to the municipal councillor Emiliano Monteverde, "a shared memory of the Esquiline district is being created, due to both the historical residents of the neighbourhood and to those who live and work there despite the fact that they are not Italian". The question of identity, and the alleged threat of immigration to European identity, may well be resolved by remembering that identities, those of individuals as well as of communities and peoples, are something dynamic, not static: they transform and progress. This is what the city of London claims with the "#LondonIsOpen" campaign, where multiculturalism and differences do not deny the traditional identity of the metropolis, but rather they integrate it and renew it. As FEPS has proposed, with regard to "cities of progress and conservative states", in Brussels, Paris, London, and Vienna, Social Democracy proves to be alive and well despite the efforts to bury it. It is not by chance that it works in large cities, in these spaces of continuous growth where young generations and migrants are attracted by the opportunities and prospects for inclusion.[57]

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57   M. J. Rodrigues (2018), "Progressive cities vs. conservative states", in *The Progressive Post*, N. 8, available at https://progressivepost.eu/wp-content/uploads/PP8-EN-SEB-25-05-web-1.pdf.

Conclusion

The link between democracy for citizens and the rights of foreigners appears inseparable: these are not a concession, but they help to define the very nature of democracy and, as it were, its quality. The gradual recognition of rights for resident aliens is inevitable for a democracy, and must happen – in fact it does happen – even before the ideal threshold of the recognition of citizenship.

- The closed and open models can both be legitimate on the basis of consent: but the open (Open Borders) model seems better justifiable and consistent with other opening and exchange policies, from economic and commercial ones to those of peaceful foreign policy, and thus appears indistinguishable from a progressive approach in a broad sense.

- A constitutional citizenship seems sufficiently strong in value terms, to avoid the contradictions of the definition of a *Leitkultur*. A definition of the latter appears to be contradictory between 'low' and 'high' (attributing uses and customs that anything but essential for a presumed national identity) and between a purely ideological and a realistic representation of citizens and their identity; historical memory and national identity can and often need to be updated, within the framework of institutional values, lest they fossilise. The 'cultures' within a national community can be widely varied, in so far as any national community can prove porous to external influences, and dynamic and flexible in its expressions precisely because it is robust in its identity: inclusivity is strength.

- It is impossible to address the issue of integration according to the assumption of the existence of a conflict of cultures, which becomes a self-fulfilling prophecy; on the contrary, it is necessary to start from the necessity, intrinsic to democratic life itself, of dialogue and negotiation; cultural and religious diversity can be included in an ongoing win-win negotiation process.

- It is also impossible to remove the social question: the social gap and the exploitation of inequalities appear crucial in the government of cultural diversity which is often exacerbated by social diversity;

yet the populist ideological reaction appears to be a way to mask the social question and not innocently divert attention from inequalities.

- The government of the modern multicultural society (which does not mean, we repeat, an agnostic society with respect to the fundamental values of freedom and tolerance) is different from the traditional, and still fundamental, respect for the rights of ethnic minorities linked to a territory. Multiculturalism is part of a new collective identity in large metropolitan areas. The populist reaction appears weaker precisely in the large metropolitan areas, where the greater number of foreigners, far from provoking intolerant reactions as from a common pseudo-academic standpoint, helps to define the positive narrative of the metropolis.

- Progressive narration should focus not on a defensive attitude toward the populist reaction, but on a positive attitude. Adhering to modernity non-critically would cause misunderstandings about the risks and inequalities that it fosters: a narrative aimed at social progress cannot, therefore, contradict it; it must necessarily recognise the link between migration, economic and technological globalisation and the need for a government which is socially sensitive to change.

- With regard to the flows of asylum seekers and refugees, more driven by crises and conflicts than attracted by economic opportunities (although a division between push and pull factors may always be arbitrary), the problem of a crisis government arises in which governments, local authorities, and supranational agents (EU, UN Agencies) and civil society agents (NGOs, etc) should be integrated into a common framework. The governance of sudden migration flows is challenging, but it can also strengthen social cohesion capacities by stimulating solutions and relational models among different institutional and social subjects.

Paolo Morozzo della Rocca

From the separation of communities to the residential community

How to counter segregation and ethnic grouping locally? The answer is not only in urban policies and access to housing. It is necessary to promote civic participation by enhancing the communities of faith, so that they become communities open to dialogue; to incentivise forms of social volunteering in favour of weak subjects and the commons; make the study of the language and culture of the country of residence a shared priority. Xenophobia must be contrasted with immediate and effective remedial measures.

Counter segregation in the sharing of urban spaces

The housing and territorial planning policies determine the minor or major spatial segregation of the immigrant population. But organising urban spaces and implementing housing policies would not be enough – even in the most optimistic hypotheses – to avoid other segregation dynamics that could instead depend on the lack of propensity to live together in the same places, united by the awareness of the common belonging to a territorial community (citizenship understood as participation).

In fact, the dynamics that lead to grouping and therefore self-segregation based on identity are often, but not necessarily, ethnic, and are varied and complex. In this perspective, attention should be given to the methods of reporting and planning that are suitable for promoting social and personal relationships that act as a bridge and as an alternative to group separation. This requires the ability to establish networks of social and cultural integration at a time in which the city, understood as a common physical space, risks an inexorable decline. On one hand, a globalised social class emerges that is connected to the planet, but also tends toward urban isolation while remaining void of any sense of place; on the other hand, there is a peripheralisation of living and therefore the loss of

centrality of the squares and other meeting places otherwise offered by the city.[1]

These places are likely to be used exclusively for commercial display cases, or for tourist visits, while in larger cities it would be necessary to have new public squares and meeting places in peripheral neighbourhoods as an alternative to hypermarkets. Their use could be encouraged by promoting initiatives designed to take advantage of local public sponsorships on the basis of their ability to foster open social learning. On a historic promenade like that of Ostia, the seaside district of Rome, the example of a group of young Afghans who teach teenagers how to fly a kite has been successful over several years. In other squares and streets, the opportunity to celebrate may come with the arrival of spring, as happens in many European and Asian cultures, especially in countries with continental or cold climates. These are only modest examples of what is being done or could be done to facilitate living together in small and large European cities.

Faith communities as an integration factor

In a period in which, on several occasions a 'strategy of tension' has been put in place which targets European Islam in order to compromise the internal cohesion of societies and thus create fractures in citizenship, it is necessary to question the role played by the different faith communities present in Europe. The terror strategists pursue the victimisation of European Islam which is tied to and overlaps with the victimisation of other important segments of European society, in particular that of the so-called 'peripheries' (to be understood here in a broad sense, as marginal territorial communities with respect to the local administrative context of reference) and that of young people especially, but not limited to, second or third generation immigrants.

The design pursued is of a pre-war type: in fact, it seems there is some desire for a widespread small-scale war declaration that gives dignity to terrorism. It is interesting to observe the mirror image of this attempt –

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1   As already noted, before others, M. Castells (1989), *The informational city: information technology, economic restructuring and the urban-regional process*, Cambridge, Mass.: Basil Blackwel, p. 228.

pursued with serious attacks – with a series of legislative initiatives, such as the revocation of citizenship for original citizens with dual nationality who are recognised as terrorists: a treatment traditionally reserved for bi-national citizens who have pledged allegiance to an enemy state. The exasperation of a climate of belligerence, including legal frameworks, strengthens terrorism, which at the same time favours the most extreme fringes of sovereignty, widening its consensus beyond their usual area. This endorses a sense of anthropological irreducibility of the differences between those that have a lack of awareness and Islam (seen as an unchanging entity over time even if sometimes tactically changeable). Thus, the assertion of Ernest Renan comes to the fore, according to which "Islam is the most complete negation of Europe".[2]

The strength of the axiom does not correspond to the reality captured by Olivier Roy in observing that the attackers and foreign fighters are not radicalised Muslims, but rather 'Islamised' radicals.[3] Based on this thesis, it is possible to suggest a hypothesis that constitutes an unnecessary but certainly possible continuation: one composed of a general postulate and a more specific second one, according to which in the post-secular and depressed society that we are experiencing in Europe, religions do not in themselves constitute an adverse force to citizenship, but a resource of inclusion (and this does not only concern the world of immigration, but societies as a whole).

On the other hand, this was undeniably true with regard to the democratic construction of Europe between the end of the nineteenth and twentieth centuries, when, during the secularisation of society, religions proved to be extremely useful, even if at times unruly, in the redefinition of citizenship and in the constitutionalising of the democratic states and the European institutions that followed.

Islam is not excluded from such a perspective, although it cannot be expected that this will happen *motu proprio*, as there is an urgent need for policies that favour inclusion, even in its religious dimension, of a large part of the foreign population as well as a good portion of native citizens.

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2   E. Renan (1948), *Oeuvres complètes d'Ernest Renan*, Paris: Calmann-Levy, pp. 2 and 333.
3   Among the various writings of this author, see, in particular, O. Roy (2017), *Generazione ISIS. Chi sono I giovani che scelgono il Califfato e perché combattono l'Occidente*, Milan: Feltrinelli, p. 29 ff.

If it is true that European Islam today is viewed with the concern of having to find signs of a 'competitive citizenship', then it is also true that similar fears, sometimes justified, have already characterised, especially in the past, the relationship of Catholicism and other Christian communities with secular and democratic institutions.

If religious communities participate in civic citizenship, they certainly play a primary socialisation role whose public benefits are directly proportional to the recognition and usability that they will have in the public arena.[4]

This could be true especially today, in a culturally and religiously pluralist Europe, where religious practice increasingly determines political orientation, but also where the crisis of intermediate bodies and political parties corresponds to a strong degree of distrust toward change and the future. It does not happen easily that the lack of vision remains without creating processes of social self-destruction or without anchoring collective visions other than those in decline; and among the latter we believe that a positive, collaborative role can be established with faith communities that are truly included in a sentiment of European citizenship.[5]

Moreover, at a local level there is inevitably a reverberation of the community of faith on the community of residents and vice versa. The numerous religious spaces and structures (parishes, kindergartens, schools, oratories, etc), often used as non-religious gatherings such as parties, neighbourhood assemblies and celebrations, are often the protagonists of this circular movement, which encourages the inhabitants of the neighbourhood to meet, starting with the elderly and families with children and thereby contradicting the logic of the exclusionary grouping.

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4   The topic is the subject of wide reflection, also in terms of economic analysis, in the monographic issue of *Comparative Politics*, 3/2015. See in particular C.M. Warner, R. Kilinc, C.W. Hale, A.B. Cohen, K.H. Johnson, "Religion and public goods provision", p. 189 ff.; and C.W. Hale, "Religious institutions and civic engagement", p. 211 ff.
5   In this perspective: A. Riccardi (2016), *Periferie. Crisi e novità per la Chiesa*, Milan: Jaca Book, p. 12 ff.

Public spaces and the religious phenomenon

In the past, European ecclesiastical policies had often focused on understanding which Islam is preferable based on a series of unrealistic assessments. From time to time, specific forms of Islam were identified, privileged and supported regardless of their popular roots; while others were marginalised despite being more deeply rooted in the territories.

It is true that dialogue, especially in its more institutional aspects – with regard to the political-institutional practice of establishing consultations with the competent ministries for religious affairs – also requires the acceptance of some rules of relations, as well as the not so easy verification of the actual representation.[6]

A non-acceptable regulatory outcome of an excessive assimilationist attitude is, among others, the ban on religious signs in public places, starting with schools. In this regard, it would be appropriate to distinguish the defence of secularism of public places (understood as impartiality of the state with respect to religious affiliations or non-religious identities) from the respect of individuals who belong to a religious or secular culture which may involve different attire or ways of behaving that do not objectively offend the sensibility of others and do not create a danger to security, nor an excessive hindrance to the performance of necessary functions. This must be allowed as a legitimate expression of the individual's personality in an authentically liberal society.

As has been well underlined, the networks of the grassroots communities should not be separate, but rather cohesive toward their institutional representatives, contributing to foster national consultations which reflect reality and, at least in part, its effective direction of change; otherwise there will be the disintegration of local experiences, exposed to any form of possible simplification and radicalism.[7] This operation can only develop on a territorial level, with regard to the consistency and needs of the various religious communities. It must then go through the different levels

6   On the case of the Islamic Conference of Germany cf. most recently, B. Biedermann (2018), "La Germania ha un problema con l'islam (e lo affronta)", in Limes, 1/2018, p. 111 ff.
7   See P. Naso (2018), "La sfida del radicalismo estremista", in M. Ambrosini, P. Naso, C. Paravati, *Il Dio dei migranti*, Bologna: il Mulino, p. 86.

of the ecclesiastical policy of the state, finding the broadest regulatory framework in the fundamental principles of EU law.

Instead of proposing further developments to the theme here, we will offer some short notes to indicate critical points and proposals that can be implemented at the different levels. Places of prayer and ministers of worship: in building policies regarding places of worship, not only should the number of practitioners be considered, but also their territorial dissemination. In fact, if the number of worshippers can determine the capacity of the place of worship, territorial dissemination should instead be decisive in determining the number and location of places of worship, according to the traditional model of the establishment of parishes in Europe.[8]

With regard to their visibility in the individual districts, the appeal to the cultural and landscape traditions of the territories should be abandoned in favour of more sober calculations on the size of constructions, which can legitimise the refusal to build a minaret too high, but not the refusal of the minaret as such, whose use can be matched with the needs of the whole territorial community in the same way that the use of bell towers is regulated during the day and at night.

The attempt that has recently been made in some member states to impose compulsory training for imams in accredited institutions, or the other administrative measures aimed at ensuring there is the bureaucratic imposition of a 'Republican Islam', does not seem to be an effective or an acceptable path.[9] Nevertheless, the use of the language of the country of residence in cultural and pastoral activities should be encouraged, and a programme of training events that respect the autonomy of the

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8   This requirement is well illustrated by the testimony collected by R. Ricucci (2015), *Cittadini senza cittadinanza*, Turin: SEB ed., p.144, of the young man who declares: "Islam is a religion for the whole world, however if you are without mosque, if you suffer in the mosque because you are hot, there is a stench, there are people who are shamefully close, if they close the mosques there are very great difficulties in practicing religion and developing religious ideas (M, 26 years, Egypt)".
9   On this point, the reflections of L. Musselli (2015), "Edilizia religiosa, Islam e neogiurisdizionalismo in Europa. Alcune note sul nuovo "Islamgesetz" austriaco e sul divieto di edificare minareti in Svizzera", in *Quaderni di diritto e politica ecclesiastica*, 2/2015, p. 441 ff.

communities should be agreed upon with religious groups (the issue is not limited to Islam).

Unlike the training of imams, that of teachers of religion – in countries where this subject is present in school curricula – should be carefully managed by the state in collaboration with the various religious denominations. Moreover, this is a terrain on which an understanding can be developed, not only bilaterally, but also on the more circular level of the various faith communities, as in the case of Belgium, where there is permanent coordination between the Catholic Bishops' Conference and the representatives of other faiths (in particular the President of the Jewish National Consistory of Belgium and the President of the Executive of Muslims) and where different training courses for Muslim teachers have been introduced in the main universities.[10]

The places of interreligious meeting: in many European countries, there are committees or consultations of religious communities that gather to consult, upon the request of governments, and formulate proposals at the behest of the Ministry responsible for religious affairs. In particular, the decision of the Finnish government to maintain an ambassador for intercultural and interreligious dialogue in its Ministry of Foreign Affairs seems to be worthy of mention, thus supporting the role of religious figures in their peace efforts and connecting the internal dimension of dialogue with the international one.[11]

The usefulness of these bodies greatly transcends their institutional function because they contribute to creating a custom of meeting and friendly collaboration among the representatives of different faiths. However, it would also be appropriate to spread the model of the consultation of religious communities at the local level, encouraging their establishment in every useful territorial district, where it could perform the function of stimulating a sense of shared belonging to the territorial community among the faithful in the various religious communities, thereby making ethical resources available to the city and its collective

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10   Msgr. Jean-Pierre Delville reports of this speech at the "Ponti di pace" conference, 15 October 2018, in Bologna, text available on www.santegidio.org.
11   The Finnish Lutheran bishop Kaarlo Kaliala reports on this in the aforementioned conference "Ponti di Pace", available on www.santegidio.org.

needs, and realising events and manifestations of friendship and mutual respect.

The cultural-formative contribution of the bodies among the different organised religious realities is no less important, among which the extraordinary growth of the neo-Protestant component within the Christian one has perhaps been underestimated. Moreover, since it is largely the result of African and Latin American migration, the strengthening of places and opportunities for meeting with other religious denominations contributes, among other things, to culturally refining experiences whose background is not strengthened by a past of cultural elaboration and interlocution externally.[12] A useful practice, in this sense, comes again from Belgium, where in the Diocese of Liège a series of interreligious meetings among Muslims, Jews and Christians took place in the mosque, rather than in an ecclesiastical location or in a neutral public space.

More generally, the effort that has been widely repeated – particularly in France, Italy and Belgium – by numerous imams together with the Catholic dioceses to foster greater fraternisation should be recognised for the reciprocal visits to places of worship even during religious services starting from the first reactions to the assassination of Father Jacques Hamel in Rouen on 16 July 2016.[13]

Religious communities and civic citizenship: a great deal of work can be carried out locally by religious leaders who have pastoral care in the territories. For example, channels of collaboration among believers on some strategic terrains can be created, such as teaching the language of the country of residence, caring for the sick, body repatriation, visiting prisoners. This also promotes the emergence of community frameworks; that is, people accustomed to collaborating with other residents, individuals and associates, as well as with local civil authorities, who do not make such collaboration their profession.

It seems particularly significant that, again in Belgium, the National Committee of Religions has promoted, together with the Comunità di Sant'Egidio, a channel of humanitarian corridors for 300 Syrian refugees

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12   On which the alarmed findings of S. Smith (2018), *Fuga in Europa*, Turin: Einaudi, p. 101.
13   J. De Volder (2016), *Martire. Vita e morte di padre Jacques Hamel*, Milan: San Paolo ed., p.75 ff.

who have taken refuge in Lebanon and Turkey, realising an important international resettlement action in a totally shared way with the public authorities.

With further regard to good collaboration practices, the experience of volunteering shared between Catholics and Muslims in the distribution of meals to the poor in the French city of Créteil, where a group of veiled women has been able to win the sympathy of many poor people, French and not, is significant.[14]

A widespread cohesion strategy among the representatives of religious communities can, over time, become a cultural trait extended far beyond the legitimate and useful efforts of the official figures of interreligious dialogue. Besides the paths left to specialists, it must be considered how each religious community has pastoral actors (the parish priest, the Protestant pastor, the imam). In this regard, the interesting role change of the Sunni imam in immigrant communities has already been studied. In fact, he is no longer recognised only for his specific role in prayer guidance, but progressively seems to have assumed a multifunctional position similar to that of a parish priest, to which is added that of a representative of interests in the name and on behalf of people who are not always able to manage relationships, problems and misunderstandings that emerge from their migration experience.[15]

In a period in which the policies of suspicion and humiliation, both at the legislative and administrative level, can make the conditions of the most fragile people of the Muslim communities residing in Europe difficult, it should be expected and urged on behalf of imams a greater commitment to support and help from within the community of faith those who are in greatest difficulty, structuring solidarity and assistance actions in

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14   Catholic bishop Michel Santier reported in his speech at the international conference of "Paths of Peace", in Münster-Osnabrück, on 11 September 2017, text available on www.santegidio.org.

15   On this point cf. M. Carnì (2015), "Islam and ministers of worship", in C. Cardia and G. Dalla Torre, *Comunità islamiche in Italia. L'identità e forme giuridiche*, Turin: Giappichelli, p. 222 ff. Look at this evolution with greater reservations, motivated by the transposition of the lay model, imagined as preferable in a more congregational than clerical Islam, L. Alfieri (2018), *On the clericalization of imams*, in M. Ambrosini, P. Naso, C. Paravati, *Il Dio* cit., 115 ff.

collaboration with other public and private assistance and volunteering organisations present in the territory.

The conviviality between the pastoral leaders of the various local communities of faith could also give greater strength to the multicultural cohesion of the local community, for example by enhancing the different religious festivities through the participation of worshippers from other religious traditions. In some European countries, volunteer associations promote Christmas holidays attended by volunteers of Islamic faith who cook, serve food and are in turn served to honour the festivity in public spaces and sometimes in the same churches that are open to non-cultural activities for the specific occasion. The reverse happens for the Eid Al Fitr festival or for other religious holidays that are dear to the communities in the area.

The enhancement of common events in which the various faith communities can participate without having to concede anything to syncretism would seem to be particularly valuable, because they belong to their own religious culture. The celebration of Abraham's feast could be a useful example. The memory of the deceased, victims of tragedies such as death at sea during migration or a violent killing, should also be worth valuing in a context of reconciliation and harmony among the different national, ethnic and religious communities involved geographically.

Religious communities that are not internally divided by nationality: The need for a more vital and articulated strategy of living together through the civic commitment common to the various faith communities in the area has been emphasised, but the importance of the cultural challenge cannot be forgotten, even before considering pastoral issues, of the integration within the same local community of faith between natives and new arrivals, and between the different national components that the latter represent.

As has been observed, even among Catholics, where there has historically been a religious majority in several European countries, the inclusion of immigrant Catholics in parochial communities occurs in an unsatisfactory way due to two symmetrical tendencies toward separation which are, on one hand, expressions of parishes without immigrants and, on the

other, the chaplaincies without natives.[16] However, the importance of a reciprocal transmission of religious culture for the most comprehensive integration of immigrants, to whatever religious tradition they belong, is of great importance.

The enhancement of volunteering and associations

Perhaps distracted by a market (integration understood exclusively as full-time employment) or identity-assimilationist (integration as adhesion to cultural models or knowledge of traditional notions) concept of integration, European states do not seem to have given due attention to the potential of volunteering, especially in its civic and social dimension. Nonetheless – both for natives and immigrants – the participation and sharing of common problems, as well as the support and care for the fragility of others, constitute the most authentic confirmation of the inclusionn of the individual in the wider 'we' of the territorial community. For example, a good practice that should be reported is the initiative implemented in some European countries by the language and culture schools of the Comunità di Sant'Egidio, where students (workers, both young and old) are invited to animate Sunday meals and parties for the elderly (both citizens and immigrants) who are isolated or in conditions of poverty. After all, Collier had already stressed the importance of the promotion of voluntary initiatives in multi-ethnic cities, in favour of countries other than those of origin, in which to involve the mobilisation capacity of the various communities in the diaspora, calling them to collaborate to that end.

Free participation in civic, social or international solidarity activities should be enhanced in some segments of the administrative law of immigration and citizenship. These activities should constitute a positive score every time the administration has to evaluate the foreigner's integration effort, just as it should be relevant for the consolidation of the residence permit, for example in case of unemployment, as well as for the purposes of the granting of citizenship.

Tied to, but also distinct from, the phenomenon of volunteering is associationism, which is much broader today with regard to the population

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16   See M. Ambrosini (2018), "Piccole Sion nel mezzo di Babilonie?", in M. Ambrosini, P. Naso, C. Paravati, *Il Dio* cit., p. 253 ff.

of foreign origin most often characterised in a national or ethnic sense. Although the crisis of associationism does not spare the diverse world of immigration, that of national associations does not seem to be particularly involved, acting as a more natural extension of one's personal biography in a foreign land or – in a mirrored sense – as a process of enhancement by the citizen or long-term resident of their foreign roots.

As has been noted, national associationism preserves and enhances the phenomenon of diasporas, both as an objective reality and as a mentality or sense of belonging. It performs a useful support service for their members, who would risk, especially in the first years of their stay abroad, succumbing to multiple integration challenges. But it is desirable that in the long run associationism will be able to act as a facilitator of an opening to other cultures and nationalities. It would therefore be appropriate to exploit positively both the horizontal collaboration initiatives of national associations with other associations and institutions, and above all the development of non-national associations that promote civically useful actions.

The study of the language and culture of the host country as a place for the inclusion of workers and their families

In general, immigration countries are faced with the great challenge of the full inclusion of minors and young people of foreign origin in the school and higher education system. Although unsolved problems persist, they can still be addressed with public and private resources within the framework of well-structured national strategies in an institutional offer consolidated in its foundations, even if these are incomplete. The case is different for immigrants who have come as adults or even very young, but who lack the opportunity to attend and successfully complete their education within the school system of the immigration country. For them, the lack of knowledge of the language constitutes a decisive obstacle to any form of integration and is at times the insurmountable reason for an ethnic identity retreat. Language teaching for adults should therefore be a priority of integration policies. These educational policies, present in various countries in different forms and universally insufficient, must consider some of the necessary methods needed for implementation,

including, above all: compatibility with working hours and the opportunity to avoid the formation of ethnic classes.

The opportunity to meet with people of other nationalities in the hours when one is free from work (for example on Sunday, or in the afternoon and evening hours) represents a double vehicle of integration, because to the learning of the language is added the practice of intercultural friendships which include classmates, as well as the teachers and tutors of the courses. The usefulness of language courses has increased due to the fact that they occupy – sometimes entirely – free time from work, thus becoming a form of proactive rest which, as such, should be understood by operators as an opportunity to take care of this important dimension constituted by the need for socialisation during free time. Moreover, for many immigrants, communication in the language and its related study is perceived at the same level as primary needs such as sleeping and eating. And this also applies in part to cultural learning itself, an occasion for enhanced socialisation, but also as recovery of the cultural dimension for workers who are disqualified with respect to their cultural level of origin; as well as the achievement of a goal of social elevation for workers already excluded from effective education in the country of origin.

The characteristics that facilitate and make attendance of the language courses beneficial are the same ones that in many EU countries make the contribution of social voluntary organisations essential, both for the motivational aspect that leads to more development opportunities and socialisation activities, and for the flexibility of the hours; however, it is less easy for staff employees, who are limited by more rigid hours and workdays.

It is therefore no coincidence that the offer of language courses by NGOs is among the activities already reported as good practices in the various countries investigated by FEPS in a recent report.[17] Among these, in Greece, is the Sunday School for Migrants initiative, which in its name already affirms the reported need for a schedule.[18] A widespread network of volunteer teachers characterises the European panorama

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17   FEPS (2018), *Newcomer integration in Europe: best practices and innovations since 2015*, Brussels: FEPS, available at www.feps-europe.eu/resources/publications/640-newcomer-integration-in-europe-best-practices.html.
18   On which V. Karzi, A. Theodoridis, N. Tselepi and the Researchers Team of Antigone (2018), "Best integration in Greece", in *Newcomer integration* cit, p. 33 f.

of educational offerings for foreign adults today, sometimes producing innovative teaching materials, as in the case of textbooks for language learning published in Bulgaria by Caritas (objectively filling a gap in the national market),[19] as well as the course "Italian as a friend", developed in three volumes by the Comunità di Sant'Egidio, which over the years has become a national editorial success.[20] Appropriately, for example, in the case of Comunità di Sant'Egidio, the courses are set up as both language and culture courses, in order to make the school a training area for citizenship in respect of shared values; therefore, the culture of the host country and that of the countries of origin, but above all the great themes of racism, peace and war, solidarity and democracy.

Local governments facing xenophobia

Violent acts of intolerance and xenophobia are growing, also due to the effect of media influences and political messages. These acts, together with their direct victims, affect social cohesion at the local level. It is therefore necessary that the reactions of the civil authorities and the local community are adequate, in particular by providing for public gestures of solidarity with the victims and their communities, which should include an invitation to participate in public events (torchlight processions, gatherings at the site of the aggression, etc) in which representatives of the political and civilian communities are present, with the proposition of formulating public messages that promote reconciliation through the repair of the wrongs committed. Through its public communication tools, the local authority whose territorial community includes the direct victims of an act of violence, especially if motivated by xenophobic or discriminatory intent, should also promote immediate gestures of material support, such as a fundraising campaign that is adequately publicised so that potential donors are aware of it, and also ensuring an institutional contribution according to the methods made possible by the rules on public accounting in force in the legal system of the country in question. The establishment of the local authority as civil plaintiff against the attackers – a political/symbolic act which is often exploited – should instead be limited to exceptional cases due to their seriousness. Direct victims and their close

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19   Cf. I. Lazarova, "Refugee Integration in Bulgaria: the hot potato which only NGOs dare to touch", in *Newcomer integration* cit, p. 82.
20   The volumes were published by the publisher La Scuola (Brescia) and are used every year by an average of 10,000 students nationwide.

relatives (especially in the event of the death) should instead be assured, if they wish, of the availability of pro-bono legal assistance on behalf of an established team of eminent legal defenders comprised of noteworthy professionals of the local court.

Cultural initiatives, anniversaries and moments of city festivities should periodically have as their theme the coexistence among people of different cultures and should give prominence to civil and religious anniversaries and traditions in their countries of origin, enhancing the contribution of bands and other artistic and cultural musical groups present in the area who are encouraged to contribute to the preparation and development of these events.

Paolo Morozzo della Rocca

Safeguarding the regularity of stay and reducing irregular immigration phenomena

To combat illegal immigration, it is necessary to limit the number of cases that pass from regular to irregular status and make it possible to recover regularity based on personal or social merit requirements. To be more efficient, expulsions should become more selective, and the agreements with the countries of origin should be strengthened. Circular migration should become a possibility that is no longer limited to those who are highly qualified. Recognising greater mobility (including long returns to the country of origin) would correspond to the logic of the market, but also to the interest of workers and their families, facilitating voluntary returns and reducing the cases of illegal residence.

The European framework of regular immigration

Useful but not accepted

According to a survey on the perception of immigration in 25 countries published in July 2017 by IPSOS, only 21 per cent of respondents think that immigration is good for receiving countries (45 per cent in Saudi Arabia, 25 per cent in Sweden, 18 per cent in Germany, 10 per cent in Italy, and 5 per cent in Hungary). There are those who think immigrants are too numerous: 66 per cent of Italians, 54 per cent of Belgians, 49 per cent of French, 46 per cent of Spaniards and 45 per cent of Germans. In addition, 78 per cent of Turks, but also 47 per cent of Italians, 43 per cent of Belgians, 41 per cent of Spaniards and 30 per cent of Germans fear that immigrants steal their jobs. There are those who believe that immigration is not an overall positive factor for the economy of their country: 53 per cent of the English, 73 per cent of Germans, 74 per cent of Spaniards and

Poles, 81.5 per cent of Belgians, 84.5 per cent of the French, 85 per cent of Italians and 91 per cent of Hungarians.[1]

In spite of these data, it is well known that the greater presence of legally resident immigrants has benefited the economies of the countries of residence and in particular those with a greater manufacturing vocation.[2] In this regard, the Italian case is particularly representative, where the native labour force (which is still based on the 15-64 age group) has decreased by 1.4 million between 2006 and 2016, despite the additional contribution of 500,000 naturalisations.[3] In the medium-term demographic scenario, by calculating a new share of entries of 100,000 immigrants per year, the dependency index (ie, the ratio between adults in the productive age and the rest of the population) would rise from the current 55 to 62 per cent in 2030, and to 77 per cent in 2050:[4] the result would be the collapse of the social security system and of the same system of production of goods and services, in which a highly ageing population would not be able to produce or to buy vital necessities. The production system is undergoing rapid changes, characterised by the decline in average skills and the expansion of both high and low skills, which corresponds to the more pronounced labour income differentiation that has never been seen from the period of industrialisation to the present.[5]

In this more general context, the inclusion of immigrants in labour markets favours local dynamics, occupying mainly empty but necessary spaces,

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1   www.slideshare.net/IpsosItalia/global-views-on-immigration-and-the-refugeecrisis-79771961/1.
2   Extensive literature exists in this regard. Among many, cf. J. Jauer, T. Liebig, J.P. Martin; P. A. Puhani (2019), "Migration as an adjustment mechanism in the crisis? A comparison of Europe and the United States 2006-2016", in *Journal of Population Economics*, v. 32, N. 1, pp. 1-22.
3   Estimates on ISTAT data, presented by S. Proverbio and R. Lancellotti (2018), *Dialogo sull'immigrazione. Tra falsi miti e scomode verità*, Milano: Mondadori, p. 24. The overall workforce (Italian and foreign) has grown, according to ISTAT, from 38,335,000 to 39,014,00 (with an increase of 679,000 units).
4   Ibid.
5   High-skill occupations increased in Europe from 31.6 per cent in 1993 to 37.3 per cent in 2010, while average occupations increased from 46.8 per cent to 37.6 per cent; and low-skill jobs grew from 21.6 per cent to 25.1 per cent, with an accentuation of the phenomenon in Italy (from 27 per cent to 33.1 per cent). M. Goos, A. Manning and A. Salomons (2014), *Explaining job polarization: routine-biased technological change and offshoring*, in American Economic Review, 104 (8): 2509-2526 http://dx.doi.org/10.1257/aer.104.8.2509.

or in which there is a demand for labour at a lower price. This explains why foreigners make up around 11 per cent of the workforce in Italy, but represent 74 per cent of domestic workers, 56 per cent of care assistants for the elderly and disabled, 52 per cent of authorised street vendors, 40 per cent of shepherds, woodsmen and fishermen, 30 per cent of farm labourers and specialised workers, and 29 per cent of non-specialised construction workers.

The situation in other EU countries, such as Poland and Germany, is different, but reaches analogous conclusions.[6] Although many recall how Poland, in the years prior to and those immediately following its entry into the EU, was characterised by a substantial flow of emigrants for employment reasons, since then the country has become a target of immigration, with GDP growth among the highest in the EU. According to some estimates, the need for immigrant labour force in Poland means that there will be 4 million admissions by 2030. According to Eurostat, Poland granted approximately 700,000 new work permits in 2017, almost all of these to Ukrainian citizens, followed by Armenians, Belarusians, Georgians, Moldovans and Russians, and due to bilateral agreements, also Filipino and Vietnamese workers.

Germany has received a significant flow of migrants, both for economic reasons and for asylum purposes, without operating, unlike Poland, any selective choice in the name of cultural affinity, but by investing substantial sums in migrant integration, with a very high rate of inclusion in the labour market which nearly satisfies the needs of the first European industrial and manufacturing nation. Not being able to further investigate issues that diverge from the objectives of the present research, we are limited to observing that the contribution of immigrants, even though it tends to be seen by the local population as a threat to wage levels earned, has enabled many companies to combat global competition (characterised, as is known, by the reduction of the cost of labour) and maintain jobs even for the local population, who have remained largely privileged when it comes to accessing better jobs.

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6   On which the interesting considerations of D. Pompei, speech at the" Ponti di Pace" conference, organised by the Comunità di Sant'Egidio in Bologna, 15-17 October 2018, available on https://preghieraperlapace.santegidio.org/pageID/30660/langID/it/orator/35/Pompei-Daniela.html.

If on one hand aversion to immigrants seems to correspond to a sociologically recurrent phenomenology regardless of the context, on the other it seems to constitute the channelling of discontent and fears toward a false target: immigrants therefore are the focus of feelings of dissatisfaction from the native population for the negative effects of the globalisation of the markets, especially those that affect the status of the middle and working classes of European societies.

As always, the identification of a false target hinders the implementation of good policies both with regard to the more general economic policies and income distribution and with regard to immigration, preventing the consolidation of the advantages and creating obstacles to a good social and cultural inclusion, as shown by the emphasis on the issue of security, regardless of the appropriate measures that the member states and the EU itself are adopting and will adopt to respond to the challenges posed by international crime and terrorism. Instead, it would be necessary to grasp the challenges of integration above all where the most critical issues emerge. Among these, the social, cultural and employment inclusion of the youngest among those born abroad, whose unemployment rate is higher in the countries where they have come mainly for reasons of family reunification, followed by adults who are already successfully employed, or for asylum (in particular in Denmark, Sweden, Czech Republic, Hungary, Belgium, France, and Holland). Their unemployment rate is lower than that of their native peers in other European countries (including Portugal, Spain, Italy, Greece, Germany, Croatia).[7] But more generally, both the so-called '1.5 generations', as well as the second and subsequent generations of families of foreign origin, seem to suffer from difficulties in education, training and introduction into the workforce in societies where they often find a harsher discriminatory climate. The difficulties of the integration of families and successive generations is exacerbated by processes of urban concentration of a segregationist type, which are heterogeneous among member states, but present at some level everywhere.

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7   See *Migrant integration 2017 edition*, Luxembourg: Publications Office of the European Union, Figure 1.5 available at https://ec.europa.eu/eurostat/documents/3217494/8787947/KS-05-17-100-EN-N.pdf/f6c45af2-6c4f-4ca0-b547-d25e6ef9c359.

The citizenship processes: data and trends

The situation of a legally residing foreigner is not the only factor to be considered in migration flows, which must be assessed in their overall dynamics that also include a share of irregular presences and a process of naturalisation which, for example, in 2016 in the various member states comprised one million new national citizens, in large part also citizens of the EU, while the request for dual citizenship by European citizens circulating in EU countries is also significant.

This explains why among EU residents, who total 508 million, those who were born in a non-EU country in 2016 were 36.9 million; however, this figure includes a significant share of European citizens (15.3 million), most of whom became citizens of a member state as a result of a post-birth citizenship based on *ius sanguinis* dissociated from *ius soli*. On the other hand, even among those born within the EU, there are as many as 20.4 million who live in a member state other than the one of birth, among whom there are 3.4 million European citizens who have citizenship in their country of residence (in addition to or alternatively to that of birth).[8] However, these figures do not coincide with those – more difficult to detect – of all citizens of European member states of foreign origin, which also includes many of whom have naturalised status, having been born in a European country of residence, as well as those born of citizens who were children of foreign citizens. In 2016, the overall acquisition of citizenship in member states involved 994,800 people (18 per cent more than in 2015). Italy was the country with the highest number of acquisitions, amounting to 201,600 (20 per cent of the European total for the year) even if, despite predictions to the contrary, their numbers fell in 2017 by 27.3 per cent;[9] Spain is in second place, with 150,900 acquisitions, followed by the United Kingdom (149,400), France (119,200) and Germany (112,800). The highest naturalisation rate (the naturalisation rate calculated as a percentage of the foreign resident population) was that of Croatia (9.7 acquisitions for

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8 Data on European Union countries are taken from Eurostat, http://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migration_and_migrant_population_statistics.

9 The ISTAT annual report on the situation in the country estimated 224,000 acquisitions for 2017, which instead were 146,605, apparently due to the depletion of the naturalisation stock and other acquisitions from the beneficiaries of the 2002 collective regulation measure and from the reduction, almost to the point of exhaustion, of the annual decrees of the flows of entry for work.

100 foreign residents), followed by Sweden (7.9) and Portugal (6.5), while Italy stood at the lowest rate with 2.9 per cent in 2017.

The countries of origin most represented in the total number of new citizens are in the following order: Morocco (101,300, equal to 10.2 per cent of the total, residing mainly in Spain and Italy), Albania (67,500, equal to 6.8 per cent, most of whom are residents in Italy and Greece), India (41,700, equal to 4.2 per cent, who are mainly resident in the United Kingdom), Pakistan (32,900, equal to 3.3 per cent, also predominantly resident in the United Kingdom) and Turkey (32,800, or 3.3 per cent, who are mainly resident in Germany).

The European framework of irregular immigration

Data and trends

On the opposing side of naturalisation, there are the undocumented migrants in the process of integration. We do not have enough reliable data or sufficient estimates shared by the researchers on this immigrant population: although it was assumed, from an authoritative source, that in 2016 they amounted to nearly 5 million in the EU,[10] other estimates from 2018 suggest the number is closer to 10 million, or 2 per cent of the resident population.[11]

Irregular immigration, at least of the type that is planned as such by immigrants themselves (through clandestine travel or the abuse of short-term entry authorisations), is a structural and inevitable effect of the closure of the legal entry channels. This has meant that the acceptance of illegality has become tolerable despite the grave dangers that exist and the costs that are connected to it, such as an inevitable price to pay to realise the intent to migrate. The notion of 'undocumented' is ambiguous and heterogeneous, comprised of: a) people who entered illegally from one of the external borders of the EU that do not require, or for which an application for international protection is not pending or accepted (therefore definable as clandestines); b) persons who have legally entered, but who have remained beyond the time allowed for entry by visa

10   C. Wihtol de Wenden (2016), *Le nuove migrazioni*, Bologna: Pàtron, p. 30.
11   S. Allievi (2018), *Immigrazione. Cambiare tutto*, Bari: Laterza, p. 96.

or authorisation for visa exemption (so-called over stayers); c) persons already regularly residing in a member state who have lost the right to stay in Europe or in one of the member states (and for this reason reached by a repatriation order); d) persons whose right of residence has been denied or not renewed by the competent administrative authorities, but for which a provision for repatriation has not been adopted, or cannot legally be adopted – or executed, if inappropriately adopted.

Regarding this diverse universe of *sans papiers*, the tendency of researchers and unfortunately of the same operators is often to simplify, ignoring the related distinctions, or to eliminate some of the listed positions, tracing the phenomenon of the illegality of the stay back to the officially reported cases as such, sometimes corresponding with the statistics of repatriation and expulsion measures. The gap between actual irregulars and tracked irregulars is not easily measurable, but it is empirically perceived by the various observers of the phenomenon. It is true that after 2015 (*annus horribilis* of the so-called European migration crisis) a certain optimism regarding the fight against irregular immigration was too superficial, induced by the comparison of data relating to the number of rejections at the external borders of the EU with those of the number of individuals tracked on the territory and of the consequent expulsion measures.

In particular, the fact that the rejections tend to increase while the tracking tends to diminish leads to the belief that the fight against illegal immigration is more effective and suggests that the phenomenon of the irregular presence of migrants is decreasing. In fact, according to Eurostat,[12] in 2017 the number of rejections at the external borders of the EU was the highest recorded since 2009, reaching 439,500. At the same time – and according to some due to the greater control exercised to the borders – 618,780 non-European citizens tracked in the European area without residence permits in 2017 showed a 37 per cent decrease on 2016 (when there were 983,860) and 71 per cent on 2015, when there were 2,154,675 (many consider these data to be affected by duplication due to multiple instances of tracking in the crossing of member states).[13] The

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12   Statistics on enforcement of immigration legislation. Data extracted in June 2018.
13   In 2017 the member state with the largest number of non-EU citizen staying irregularly in the EU-28 was was Germany (156,710), followed by France (115,085), Greece (68,110), the United Kingdom (54,910) and Spain (44,625); these five member states accounted for 71 per cent of all irregular non-EU migrants. At the bottom of the ranking are five member states – Finland, Estonia, Malta, Latvia and Luxembourg – which in 2017 registered fewer

data could indicate a decline in the irregular presence of foreign citizens in all European countries, but various factors must be considered from an opposing viewpoint, which causes researchers to doubt the reliability of the data with regard to the permanent nature of the decline.

In fact, if the same data are compared over a medium-long period of time, it is possible to see that tracings in 2017, at least in some countries, are significantly higher than those of 2008 (particularly in Germany where they increased from 53,700 to 156,700).[14] The first opposing factor when considering the reduction in irregularity is constituted by the flow of asylum applications and their modification, with the increase in the percentages of refusal which in turn imply the entry into the category of irregularly resident foreigners whose asylum applications were denied, although not all of these have yet reached the expulsion decree stage.

The second element of doubt regarding the decrease in irregular immigrants results from the change in the demand for irregular work and the attitude that most of the irregular resident immigrants maintain (for fear of being subjected to checks by the police or simply of hostile reactions from the native population) cautious and unobjectionable lifestyles that contribute to making them statistically invisible. It is true that the male and more youthful component of irregular immigration, especially if in conditions of absolute marginalisation, is likely to emerge in the statistics of offenders against property and sometimes against people; just as it is true that the same male component is more exposed to social marginalisation, and therefore to being more frequently tracked on the street by the police authorities, and as a result to the reiteration of expulsion orders.

In addition, it is evident that irregularly resident immigrants who have a job tend to do everything to keep it and to avoid situations of conflict or disorderly lifestyles. The irregular labour market, not only in the agricultural sector, but also in personal and family care-giving, thrives on lower-paid manual jobs, using mainly female labour, which is numerically underestimated because it is less visible in police reports. In general, however, it can be observed that there is a more rigorous self-discipline concerning alcohol use or abuse by irregularly employed immigrants or at

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than 1,000 non-EU citizens residing illegally on the territory.
14   Eurostat, http://ec.europa.eu/eurostat/statisticsexplained/index.php/ Statistics_on_enforcement_of_immigration_legislation.

least those engaged in searching for a job, as demonstrated by a research study on alcohol consumption conducted by the University of Wisconsin-Madison Department of Sociology.[15]

A third and perhaps predominant reason for doubt as to the possibility that the phenomenon of irregularity is or may be diminishing concerns, without a radical change in the policies of European governments, and albeit with some positive but limited exceptions, the lack of legal entry and regularisation policies, as well as adequate policies to consolidate the authorisation to stay.

Negative effects of irregular immigration

What social damage does irregular immigration cause, beyond the deviance alarm which is often discussed – and possibly too much?

The three most disruptive social and economic effects of irregular immigration are certainly those of the distortion of the labour market; that of the production of pockets of extreme social marginality; and the significant increase in the cost of reception and integration (or expulsion), in the face of minor or no contributory revenue.

The irregularity of the stay in effect determines a dangerous lack of legal protection, particularly in terms of salary and social security, to the detriment of the worker, and causes illegal employment relationships which are judicially precarious even when the employer would prefer to provide legal work, but does not have the legal possibility to do so. Irregular workers, when well-integrated into the labour market, grow old there; they will subsequently exit the market and become reliant on the welfare state. But social deprivation for some of the irregularly residing immigrants happens immediately after arrival, due to the greater difficulty of entering social inclusion routes without having a legitimacy to remain on the territory of the host country.

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15   Undocumented immigration doesn't worsen drug, alcohol problems in the US, study indicates (https://news.wisc.edu). It should be considered, however, that in the United States, unlike in Europe, the deviance rate of irregularly residing foreigners (estimated at around 12 million) is lower than that of the natives.

A widely preventable emergency:
secondary movements or returnees

However, within the varied class of undocumented immigrants there is an element whose growth – not in absolute but in percentage terms, excluding the holders of a residence permit with unlimited validity – is an indication above all of the inadequacy of the regulatory and administrative system of immigration: that of regular immigrants who have become – or become again – irregular after a period of time, sometimes even long. This sometimes places them in a situation of semi-illegality: without authorisation to stay, but also without an expulsion order. Even in such cases, however, their fate is often worse than that of workers who have been illegally residing since their arrival and therefore awaiting regularisation, who have not yet been eliminated from the position of being eligible for authorisation to stay and can therefore have greater confidence in their prospects. Secondary or returning irregular migrants have a higher-than-average age. Any social security contributions they have already paid are useless because they are insufficient and not redeemable; their propensity to return to their country of origin is very low. The increase in their numbers as a percentage of the immigrant population is a perceived figure, not exactly measurable, and is extremely worrying. Simultaneously, it is also a reality which lawmakers and administrations can control more effectively, as we shall see, both positively and negatively.

The borders between legality and irregularity are mobile

The phenomenon of subsequent or return irregularities demonstrates dramatically that the boundaries between regularity and irregularity are mobile and depend on social and political dynamics (that is, regulations). Fortunately, this is also true in the opposite sense, given that the juridical order can determine whether an individual passes from irregular to legal status. This happens because regularisation is the coherent outcome (also given the operational difficulty in dismissing the unauthorised) of the social tolerance that develops over time in relation to segments of illegal immigration, both because of deserving work and for other reasons, including humanitarian ones. As we will see, this flow in the opposite direction could not take place without the constructive participation of the social actors (employers, local communities) in the administrative

system for defining the regularity/irregularity of the stay. Participation is the responsibility of the legislator to allow, promote or limit.

Unfortunately, the emotional impulses that drive current European politics push legislators to hinder rather than encourage the passage from irregularity to legality of the stay, and to make it more difficult to maintain. This policy is based on a wager that is difficulty to win, as it is usually formulated by 'intransigent' politicians; that is to say those who are quick to make electoral promises, among which is that of being able to remove irregular foreigners, including those who pass from irregularity to regularity.

If this is completely successful, the theoretical model that corresponds to it would suggest re-opening the regular entry flows with a stringent selection process for immigration, where the net of flows for family reunification would diminish over time. This is a vision that could have substance, like all abstract models, but which fails with the reality of experience. The latter tells us that, if such an approach were successful, we would pay a high price (for ourselves and for them) to exclude individuals, who are already known and who could be supported through the integration processes already in place, in order to have people deemed to be better suited for immigration, which is based on a cynically defamatory campaign against those suffering rejection.

Maintaining the legality of the stay, promoting the naturalisation processes and making expulsion procedures more effective

Together, the data and other contextual considerations carried out in the previous section underscore the importance of some guidelines for the reform of the policies concerning, respectively, maintaining the regularity of the stay, those concerning the acquisition of citizenship (see the chapter dedicated to this) and finally those relating to repatriation or regularisation of irregular residence situations. With regard to the first point, concerning the maintenance of regularity, it remains a priority, even after many years of immigration governance, to identify a balance that allows to maintain the objective of containing irregular presences (by maintaining residence permits already acquired) with that of strengthening the rules of civil coexistence, including the maintenance of security and public order. A

first hypothesis is that sometimes the rules governing the renewal of residence permits in many of the member states are not updated with respect to the most recent social changes and to those occurring in the labour market. It is therefore necessary to revise the guidelines to ensure a reasonable expectation of maintaining the legality of the stay for those who wish to integrate into the immigration society even though they have not acquired, or could not acquire, the status of permanent residents under Council Directive 2003/109/EC, which offers them the tools to do so.

With regard to the second point, concerning the guidelines for acquiring national citizenships, which is a matter of exclusive competence of each member state, it would be appropriate for all the countries which in the past have experienced strong emigration movements to rebalance the criteria for the attribution of citizenship constituted by *ius sanguinis* and *ius soli*, giving greater prominence to the so-called *ius culturae* criteria among foreign citizens and perhaps also introducing new conditions for maintaining or exercising citizenship rights by giving them access to an effective link with the national territory with regard to maintaining significant cultural or existential relations.

When considering the third point, it should be noted that, with regard to the Return Directive, each member state is obliged to work toward the repatriation of all third-country nationals who are not authorised to stay, unless there are reasons to regularise their presence. From this derive two necessary lines of intervention: the first is aimed at making repatriation procedures more efficient; the second, in the face of a significantly wide audience of irregular immigrants, is aimed at establishing appropriate criteria that could be suitable for making the policies of expulsion more selective and, conversely, those of regularisation so that these adhere to the priorities of European societies, thereby allocating more substantial resources and more rigorous guidelines for repatriations that are characterised as being of a higher priority, but also allowing legalisation procedures on a case-by-case basis for the benefit of those who prove to have met certain requirements.

Considerations and proposals regarding the legalisation policies and reacquiring the right to stay once it has been lost

Two opposed but necessary policies: legalisation and expulsion

As has been observed, states tend to partially disregard both policies. On one hand, the institution of expulsion may have been the subject of a massive and exaggerated appeal that has given rise to individual dossiers comprised of many expulsion decrees that have not been implemented, which have the sole consequence of making the irregular migrant increasingly marginalised and sometimes preventing their long-term stay in their country of choice.[16] On the other hand, it seemed convenient to conceal the inefficiency of repatriation systems (precisely because they are not selective, because they are driven by general intransigence), worsening as much as possible the legal status of irregularly residing immigrants and pursuing the illusory aim of pushing them to leave of their own volition.[17] Expelling, in the spirit of the letter of the Return Directive (2008/115/EC), does not simply mean adopting expulsion measures, but working toward the effective repatriation, whether voluntary or compulsory, of the irregular foreigner. This clarification makes it possible to better appreciate how the two terms complement one another: taken together, they imply that the member states are not authorised to tolerate the presence of foreigners illegally present within the national territory; therefore they must either implement the repatriation procedures or guarantee them the right of stay on a temporary basis (which does not exclude deferred repatriation) or through a more stable process of legalisation.

As has already been observed, in this logic it is certainly hoped that the procedures for effectively removing foreigners expelled by the national authorities of the member states of the European area will become more efficient. Some results in this sense have already been achieved,

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16 See, in this regard, the exact considerations of S. Le Courant (2018), "Expulser et menacer d'expulsion, les deux facettes d'un même gouvernement? Les politiques de gestion de la migration irrégulière en France", in *Année Sociologique*, n.68, p. 211 ff.

17 Reinhard Schweitzer seizes this interpretation profile of the current 'uncompromising' European policies, R. Schweitzer (2017), "Integration against the state: Irregular migrants' agency between deportation and regularisation in the United Kingdom", in *Politics*, n.37 (3), p. 319.

although more needs to be done. Nonetheless, any international migration programme that claims to counter irregular immigration solely through police action, and therefore only with expulsions of irregular immigrants or the return of irregular immigrants, is considered misguided.[18] Although repatriations have long been among the priorities of the European immigration agenda, it is reasonable to suspect that practical implementation will remain a non-decisive objective in the fight against illegal immigration. It is perhaps proof of this that in 2016 throughout the EU there were 247,165 repatriations. However, those being repatriated were above all individuals who were the least marginalised (therefore more easily identifiable) and those from the nearest countries who could more easily return, thus giving rise to a redoubled illegality. The most numerous nationality among those expelled is in fact Albanian (42,640 repatriations carried out), while the second is Ukrainian one (22,635 repatriations). The modesty of these numbers is also motivated by the direct and indirect economic costs of the repatriation procedures (tracking operations within the territory, maintenance and supervision in administrative detention, the hire of carriers, the employment of personnel for the accompaniment to the destination country).[19] This explains why, in 2011, compared with an estimated minimum threshold of 1.9 million irregular immigrants, throughout the EU there were no more than 32,000 places of detention for returnees and why the overall availability of places of administrative

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18   As early as January 2008, in the European Parliament's Briefing Paper prepared by J. Blaschke, *Trends on regularisation of third country nationals in irregular situation of stay across the EU*, p. 3, it was observed that "The aim of reducing the numbers of illegal residents in Europe is not solved just by return measurements. Solutions in the area of regularisations is an urgent policy area for the institutions of the European Union".

19   It does not seem possible to reliably establish the average European cost for each return. Many partial data, however, tell us that these are much higher costs than is normally imagined and perhaps oscillating around €12,000, which would increase considerably if the member states all decided to adopt the maximum threshold allowed by the Return Directive of 18 months of administrative detention for the expelled. Limited to the cost of the flight (often in need of escort companions), Frontex estimates draw a range from €4,000 to €6,000. In 2016, for example, 74 escorts were served to expel 29 Tunisians for a total cost of approximately €115,000. A more precise Frontex average has been elaborated recently by S. Allievi, op. cit., p. 99, and would be equal, and only with regard to the cost of flights, to €5,800. There would therefore be a marked increase in average costs, given that according to the Department of Justice and Equality of the Republic of Ireland, in 2012 the average cost of the return flight corresponded to €3,782.53 (Data derived from a Parliamentary Question put forward by Deputy Catherine Murphy to Minister for Justice and Equality, June 2012).

detention, understandably, has not increased (indeed in some member states it has even decreased).[20]

Administrative detention does not ensure the success of repatriation for 30-35 per cent of the detainees;[21] and this percentage does not increase in cases where the detention is extended up to the maximum threshold of 18 months allowed by the Return Directive, whose achievement causes a significant decrease in the number of people detained, reducing the capacity of the centres and making the detention itself more complex and inhumane, which is rendered useless by the lack of decisive investigations into the identification of the individual to be expelled and the obtaining of travel documents after the first requests addressed to the consulates in the first three months of detention. In fact, the more realistic emergency, which has yet to be resolved, is not to empty Europe of its irregular immigrants by repatriating them all, but to make our police authorities able to repatriate the people they need to at any time and remove individuals in the framework of an expulsion policy that may be done out of necessity and selectively; therefore, operating primarily with the perpetrators of crimes, as well as repatriating (as far as possible through voluntary and assisted repatriation procedures) those migrants who have now seen their migration experience fail because they can no longer be integrated into the labour market and because they lack the social ties that support them in the country of immigration. There is also the need to react, through actions of rejection and expulsion, to the formation of specific clandestine migration flows promoted by criminal organisations, whose immediate attention requires the use of assessments both of a humanitarian nature (through a concrete examination of the merit of every single case) and with regard to public order where immigration is concerned including first the need not to tolerate the organised trafficking of irregular immigrants and to re-establish channels of legal entry from those same countries that instead produce illegal entry flows.

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20   Data reported by M. Ambrosini (2016), "From 'illegality' to tolerance and beyond: irregular immigration as a selective and dynamic process", in *International Migration*, IOM, 2, pp. 144 ff.

21   According to what was reported by El Pais of 24 March 2018, of 7,597 immigrants detained in the deportation centres in Spain in 2016 only 21 per cent were actually repatriated. On this gap, which can be found in all the countries of the EU, see M-L. Basilien-Gainche (2015), "Immigration detention under the Return Directive: the CJEU shadowed lights", *European Journal for Migration and Law*, 17(1), pp. 104 and 125.

Outside these limits and objectives, it would not be possible to understand the usefulness of repatriation actions in a European context of demographic decline and of the search for the creation of inclusive, regional economic spaces particularly where African countries are concerned, where it seems to be an unreasonable human waste to force the repatriation of a mass of mostly young people who are in good health, educated and willing to enter the labour market, whose governments fear the forced return due to the negative consensus and impact this would cause, thus compromising interesting possibilities for political cooperation and economy.[22] Moreover, as has been pointed out, irregular immigrants arrive in Europe with the same motivations as those who arrive (or, rather, arrived) there regularly: "They have a positive attitude toward the host country and propose to work in largely complementary occupations".[23]

Rapid policies to remove irregular immigration: the temporary collective amnesty programmes

In 30 years, from 1985 to 2015, in Europe and in the USA, there were 34 mass regularisations with the passage to legalise the stay of about 8 million who were *sans* papiers.[24] The European countries that have made the greatest and most frequent recourse have been Italy, Spain, Portugal and Greece. More episodically, amnesties also occurred in France, Belgium, Luxembourg, the United Kingdom and Germany.[25] Although we usually compare mass regularisations with individual regularisation measures to emphasise the preference of the second to the first, I would rather think that these two different actions could more honourably correspond, in a more effective way, to different situations and needs.[26] The generalised (but rigorously timed) amnesty may in fact make it possible to remedy long periods of 'ostrich policies' which allowed a growing number of irregular presences to become a serious distortion of the market and a

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22 For these considerations cf. Wihtol de Wenden, op.cit., pp. 99 and 101.

23 M.C. Chiuri, N. Coniglio and G. Ferri (2007), *L'esercito degli invisibili. Aspetti economici dell'immigrazione clandestina*, Bologna: Il Mulino, p. 128.

24 Data quoted by Ambrosini, "From 'illegality'" cit., 149.

25 See Wihtol de Wenden, op.cit., 69 s.

26 Taken together, the regularisation procedures in the EU, in the period from 1996 to 2007, produced 4.2 million applications and 3 million regularisations granted in 17 member states. In this sense: International Centre for Migration Policy Development (2009), *Regularisations in Europe. Study on practices in the area of regularisation of illegally staying third-country nationals in the member states of the EU*, Vienna, Ref. JLS/2007/05.

social emergency. In other cases, an amnesty can be useful to absorb – selecting within a larger group of people those who prove to have specific requirements – relatively sudden and dramatic flows of refugees. This could be the case of Germany in 2019, when the Grand Coalition government of the planned to allow 200,000 asylum seekers, who were refused international protection, to request a 30-month residence permit for work provided they had a sufficiently stable occupation and would not have to resort to state subsidies.[27]

Sometimes an amnesty can be useful in conjunction with reforms that require preparation in a short time of the country in which they have applied to stay. The most numerous amnesties have often coincided with the sharpening of the measures of contrasting irregular immigration and the use of irregular resident labour.[28] Although with the 2008 European Pact on Immigration and Asylum, the European Council had come out in favour of the individual regularisation procedures rather than temporary mass ones, Italy again resorted to the latter in 2009 and then in 2012, as they had not yet equipped themselves with adequate, alternative guidelines. Unfortunately, even after 2012, the lack of amnesties did not, however, correspond with any suitable regulatory authority to face the problem of consolidating over time irregular positions that were largely tolerated and often exploited by the labour market (except for the issue of permits for stay for humanitarian reasons, awkward with respect to the purpose, but at least effective until their abolition in October 2018).[29]

Legalisation by quotas (without discouraging legal entrances)

Collier notes that, if it is true that periodic amnesties allow immigration societies to rebalance in favour of the legality of the stay, nevertheless "authorising the legalisation of irregular immigrants under the pretext that

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27   In this regard, cf. R. Miraglia (2018), "Manca un milione di lavoratori: la Germania allarga le maglie dei visti", in Il Sole24ore, 21 December 2018.
28   So Chiari, Coniglio and Ferry, op.cit. 119.
29   As noted by A. Buonomo and A. Paparusso (2018), "Irregulars, amnesties and repatriations: some background numbers", in *Neodemos*, 27 July 2018. In Italy, due to amnesties, irregular immigration declined steadily until 2013 and started to rise again after that date.

it is a question of an occasional measure means to lie".[30] The unpopularity of the amnesties derives precisely from their exceptionality, contradicted by their necessary repetition over time, thus giving an increased perception of the failure of the rules and therefore of the invasion that can no longer be controlled, so much so that in more recent cases the policy has decreased the scope of application (for example limiting it to the sector of care givers)[31] and has identified denominations that could radically change the image of the event. In Italy, for example, in 2012 there was talk of 'active reconsideration' on the part of employers of irregular immigrants without a contract and the term 'amnesty' has disappeared from the list of pronounceable words. The major defect of amnesties is perhaps that of their irreducibility to a system and therefore to a coherent government policy on immigration over time: individual episodes that are not justified within a long-term strategy, precisely because they constitute the necessary remedy for the lack of such a strategy.

A proposal: It would be better, then, to introduce the legalisation of foreign workers into the system by making it flow into the annual entry quotas established by the executive of the country in question (without prejudice to the provision by law of an intangible minimum, removed from the political mood of the moment, that would thus be left, in this lower measure, available to the self-regulating hand of the market). In this way, as Collier notes, illegal immigrants should not be added to those who have entered legally, but a mechanism of balance would be established below the annual threshold established by the political decision for each group.[32] In order for this to become a more effective and less arbitrary approach, the requests received by employers or aspiring employers should enjoy a booking effect at least over the following year, both in the case that the worker resides abroad and in the case of a worker already present on the national territory (eliminating, if possible, the charges for demonstrating the previous presence at a certain date). Until now, in the experience of some member states, the annual quotas for job entry have been formally addressed only to foreign workers who are compulsorily resident abroad, but have also benefited, for the most part, from irregularly residing immigrants who, at news of the acceptance of the application,

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30   P. Collier (2015), *Exodus. I tabù dell'immigrazione*, Bari: Laterza, p. 264.
31   Thus encouraging (but it was still a lesser evil) the concealment of manufacturing employment relationships or relating to other services behind the appearance of the domestic employment relationship.
32   Collier, *Exodus* cit., p. 265 .

made a short return to their country to obtain an entry visa and return to the employer.

The proposal now formulated would instead allow to avoid this situation and its associated risks (including the possibility of expulsion when leaving the country of immigration and the possible emergence of unexpected obstacles when returning). The advantages acquired by immigrants wishing to legalise themselves could also be at least partially offset by the payment of sanctions or contributions for the benefit of the Treasury. In the case of foreigners who are already irregularly present, the applications deemed admissible, but exceeding the annual quota, could entail a provisional authorisation, earlier than the following year, at the stipulation of the work contract against payment of a supplementary penalty of a sufficiently high amount; whereas in other cases it could be assumed, even for tax and social security purposes, that the application for employment concerns a *de facto* employment relationship already established for at least six months. Beyond its tax advantages, the proposal is consistent with the principle of freedom of recruitment by name, in compliance with the rules; but it is also consistent with the need to regulate immigrants' entrances and presences on the national territory, offering themselves as a supervised channelling tool rather than as a sudden and nearly constant flood.

The permanent procedures of case-by-case legalisation

The legalisation procedures introduced in the regulations on the entry and residence of foreign citizens do not have the effect of alarming public opinion unless someone tries hard to succeed. They offer continuity within an ordinary and non-emergency management, allowing operators a more secure and thoughtful examination of the positions to be examined and giving the same potential beneficiaries the opportunity to emerge in the precise moment in which they believe they possess the prerequisites to successfully deposit their own request. On the other hand, their scope of effectiveness is usually less straightforward than that of the so-called amnesties, which often limit their target, which is conceptually more restricted but numerically wider, to illegal workers (all or only in particular sectors, such as care givers)[33] and/or with some seniority threshold.

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33   Option adopted, for example, in Italy in 2012.

The legal channels of individual legalisation concern a multiplicity of situations evaluated as especially deserving, and therefore much less obvious, that the legislator and the executive power determine according to culturally and politically varied rules and logics. Moreover, since they are usually located in hidden corners and with a pronounced specialty of national regulations, they easily escape the full knowledge of those directly involved who could also profit from them. Their usefulness is beyond doubt: they allow the national legislator to choose, according to parameters previously considered most appropriate, and to vary, where appropriate, the criteria of merit (which range from merits at work, or in civil life, to the need to protect vulnerable subjects) or utility that allow the passage to the regularity of the stay only of some in the largest group of irregular immigrants. The irregularly residing individuals belonging to the category of non-compliant expelled subjects has sometimes led to exclusion from both amnesties and individual regularisation measures, on the lazy premise of the consequent reporting in the Schengen Information System as undesirable. Instead, it was usually sufficient to attach to the legalisation procedures an application form to revoke the expulsion which was followed by the cancellation of the Schengen alert. It seems clear, however, that no additional penalty should be aimed at those who have been tracked down in the area and reached by an expulsion order with respect to those who have simply been able to avoid random police checks or have nevertheless had the good fortune not to encounter them.

Situations that are subject to permanent legalisation paths

Several lists and taxonomies have been proposed regarding legal regularisation mechanisms. This is a discussion that is certainly necessary, even if arduous, which among other things allows us to better understand the extent to which each national legal system has adopted the relevant legal instruments and how their effectiveness could be improved. In conceptual and partly in regulatory terms, a functional distinction must be observed between two kinds of non-temporary regularisation guidelines: those based on the recognition of a person's right (having originated or occurred during the unauthorised stay in the country of immigration); and those based on the state's decision to legalise individuals despite the fact that the latter cannot claim a right to stay, either on the basis of the ordinary norms of national law or on the basis of binding norms of supranational and international law. As has been observed, while

the first type of individual regularisation deserves the construction of a European legal framework (which partly exists), regarding the second type, an approach based on local or regional needs would seem to be more justified.[34] It now seems appropriate to list and describe each of the hypotheses of the two genres reported.

The protection of fundamental rights other than those that legitimise international protection pursuant to Article 3 of the ECHR

The regulations related to this first court of regularisations refer to the principle of *non-refoulement*, applicable even in cases in which the potential holder of international protection has not requested it, or, having requested it, has not been able to have the recognition for the occurrence of exclusion clauses even though he or she was in a situation of objective danger. But to these cases there are other more numerous ones in relation to which the principle of *non-refoulement* is applied, pursuant to Article 3 of the ECHR, to protect fundamental rights other than those protected through the system of international protection and whose failure to comply with the possibility of returning to the country of origin would constitute inhuman and degrading treatment.[35] In this regard, the right to medical care can be recalled, in the event that their absence, insufficiency, or too difficult access, in the country of origin could entail significant risks of serious damage to health or to the life of the irregularly present foreigner; but even situations of extreme poverty, with the risk of death from starvation, as well as the permanence of environmental catastrophes or their most serious social effects, which have sometimes been considered under the protective umbrella of Article 3 of the ECHR. Although the issue is on the agenda in all member states,[36] the regulatory approaches have

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34 See Blaschke, *Trends* cit., p. 3.

35 S. Grant (2011), "The recognition of migrants' rights within the UN human rights system. The first 60 years", in *Are human rights for migrants? Critical reflections on the status of irregular migrants in Europe and the United States*, New York: Routledge.

36 As noted by EASO, 15 per cent of the overall responses to asylum applications produced humanitarian protection measures, present in that year in 20 of the 28 EU member states at the time (the list is reported in note 125, also including European countries that are not members of the EU: Austria, Cyprus, Croatia, Denmark, Estonia, Finland, Germany, Greece, Iceland, Italy, Liechtenstein, Lithuania, Malta, Norway, the Netherlands, Poland, the United Kingdom, the Czech Republic, Romania, Slovakia, Spain, Sweden, Switzerland, and Hungary). J. Vignon ed (2017), *Annual report on the situation of asylum in the European*

been different. In most cases, specifically dedicated provisions were made to humanitarian measures for medical reasons, maintaining a vague or elusive approach compared to other situations. Italy had distinguished itself, until October 2018, for its intelligently open formula – and therefore substantially subject to consideration by the courts – referencing the now repealed Article 5, paragraph 6, of the single text on immigration that a permit of stay for humanitarian reasons could be issued by the Questura (Italian Police Authority with local competencies) when "there are serious reasons, in particular of humanitarian nature or resulting from constitutional or international obligations of the Italian State". For reasons that will soon be clarified, Italy had wisely avoided detailing in regulatory texts the cases in which humanitarian protection could be granted, avoiding a hermeneutical caging that did not seem to give good results in other systems. Unfortunately, the Conte government has repealed the open clause on the basis of which the so-called humanitarian protections were issued, introducing a more detailed but also insufficient regulation of all the cases of issuing the permit for "special cases" in order to reduce its application. In this way, overthrowing a more than twenty-year regulatory path, Italy has also deprived itself of the narrowest regularisation channel for humanitarian reasons that, instead, other European countries maintain for needs that are discretionally evaluated by the administration.[37]

The protection of the right to private and family life

In this regard, the main normative reference, quite firm and capable of reasonably evolutionary interpretations, is Article 8 of the ECHR, which has also been repeated in Article 7 of the Charter of Fundamental Rights of the European Union. Each member state has established the protection of family relationships (much less so that of private life) in the various expressions of relevance relating to the regulation of the stay, including, in particular: the issuance of the residence permit (even to the foreigner already irregularly resident); the renewal/refusal thereof; the limits to the legitimacy and execution of expulsion orders. The confluence in situations comprised in the scope of application of Article 8 of the ECHR of the principle of the pre-eminent interest of the minor pursuant to Article 3 of

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Union, EASO, p. 9.
37   As, for example, in Austria, with the figure of the residence permit for exceptional circumstances, on which the *Annual report on migration and asylum 2017*, European Migration Network, p. 21.

the Convention on the Rights of the Child of 1989 (variously implemented in national laws) leads to further openings in favour of minors and their families.

The overall result is a protection of family relationships with variable contours, justified by specific and objective protection needs (as well as by the more intense protection accorded to foreign family members of national and European citizens), however excessively differentiated from country to country, precisely or especially concerning foreign family members of national citizens. The subjection of the regulation of the family unit still differs strongly across EU countries when it is regulated by the national norms of the immigration law on the matter of family reunification, this sector not having been the object of an effective harmonisation. Such homogeneity also involves foreign family members of national citizens, to whom the rules of immigration law apply in all cases in which the member state has not provided for the application of the rules for adopting European secondary legislation on the freedom of circulation.

A proposal: In order to ensure that all European citizens have equivalent protection with regard to their rights in relation to family relations with foreign citizens, it would be desirable for all the member states that have not yet done so to ensure their extensive application (for the benefit of foreign family members of national citizens) of the regulations imposed by the adoption of Directive 2004/38 /EC in favour of European citizens circulating in other member states and their family members.

The protection of vulnerable persons

Different national rules or practices regarding the regularisation of foreign citizens refer to situations of vulnerability, also in compliance with directives of European secondary law. In particular, this concerns victims of trafficking; those of grave exploitation; victims of domestic violence; and finally unaccompanied foreign minors. However, for all these categories of people, the national regulations are still variously perfectible. Actions to combat serious exploitation at work, which is currently not strictly monitored, should be strengthened, and redemption paths for victims of trafficking should be allowed in which the denunciation of the exploiters does not constitute, from the beginning, a condition of ineligibility for

the victims in protection and regularisation programmes. However, it must be observed that outside the light (however faint this may seem) characterising the vulnerabilities considered by EU law itself, there are others for which the problem of irregularity arises dramatically without an adequate attention to European law and national laws. This is the case of the disabled and the elderly, which will be discussed in the next section.

Enhancement of the actual residence

Rarely do residence time and work requirements coexist in this type of legalisation, just as it happens, even if reversed, in the legalisation of workers. In Spain, for example, the *arraigo social* (social entrenchment) allows the legalisation of the foreigner who proves to have resided in the country for a minimum period of three years, with the provision that they have had no criminal record in the last five years; that they have (unless an exemption has been granted) an employment contract that extends for a period of no less than one year from the time the application is submitted; and demonstrates, alternatively, that they have close family ties with other foreign residents or a certificate of social integration issued by the Autonomous Community of their usual domicile. In other cases (for example in France, with articles L. 313-11, al. 7 and L. 313-14 Code de l'entrée et du séjour des étrangers et du droit d'asyl – CESEDA), the requirement of past duration of the residence arrives at much more substantial minimum thresholds. Those who have had an actual residence of at least 10 years can count on a legalisation procedure independent of the job requirement when humanitarian reasons exist, and the evaluation of their application will concern a commission of experts that the prefect is obliged to involve in the decision. Here is the resonance, largely ignored by national legislators, of the right to private life referred to in Article 8 of the ECHR, understood as the right to maintain the social attachment to the country where the person's life most significantly takes place. What follows, among other things, is the almost inexhaustibility of foreigners raised in the country of immigration, even if born abroad, but also, sometimes, the recognition of a more thoughtful assessment of the balance between the option of expulsion and that of regularisation in cases where life in the immigration country has become biographically more significant and perhaps longer than the life spent in the country of origin.

Long-term elderly residents

Among the vulnerabilities directly relevant to access to regularisation pathways, it does not seem that the member states evaluate that of advanced age. Or rather, of this vulnerability, which constitutes a considerable weight for the welfare state, national immigration rights consider the different purpose of discouraging immigration through family reunification procedures, which is usually rather restrictive. But most elderly foreigners in Europe – among them even those who are irregularly resident – have come as workers (or even as minors in tow) and have become elderly over time. This phenomenon, which was barely perceptible in the past, is today more evident given that in the most recent European immigration countries (Italy, Spain, Portugal, Greece), the most dramatic flows of entry for employment occurred in the 1980s and 1990s.

Given the reference value of 100 of resident foreigners aged over 65 in 2008, in France they increased (according to the projections of the Institut national d'études démographiques – INED) to 138 in 2018 and will increase to 179 in 2028. In the same decade 2008-18, their percentage of the total number of natives and foreigners aged over 65 has increased from 8.4 per cent to 10 per cent. But the increase is remarkable in all EU countries, with a further fragility constituted, for elderly migrants, by the more frequent lack of family networks to support their old age. In France, 46.7 per cent of women over 75 who are from Eastern European countries live alone, and 46.2 per cent of those from Tunisia live alone. As for male migrants of the same age group, 14.4 per cent of Algerians, 12.3per cent of Africans and 10.2 per cent of Moroccans live in France in residential shelters.[38] These data could be incorrect by default for not having taken into consideration the elderly who are illegally present. In fact, although long-term residence should correspond to the acquisition of the unlimited term EU permit of stay, the percentage of long-time foreigners residing without the legal status of permanent residents is rather high. Among them are also those individuals, who are widely represented, who had a residence permit for work and then lost it, without having the possibility to regularise themselves for work reasons since they are no longer marketable.

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38   Data commented by J.L. Rallu (2017), "Projections of older immigrants in France, 2008-2028", in *Population Space and Place*, 23(5), and 2012, published online 16 February 2016 in Wiley Online Library (wileyonlinelibrary.com) DOI: 10.1002 / psp.2012.

Some proposals: Regularisation procedures and those concerning social security rights should assume with greater commitment the needs of elderly immigrants; otherwise, the social cost that will result will be dramatic and without advantages even for public spending. It is proposed, in particular:

a) to give specific emphasis, in all individual regularisation programmes, to the age of the individual when they are 65 or over, free from economic and labour requirements that are incompatible with age;

b) to favour the reacquisition of the residence permit by the elderly who, having had it in the past, have lost it due to the state of unemployment which has developed over time;

c) to facilitate, with regard to the social rights connected with the duration of the legal stay, their fruition by the elderly, considering as a period of regularity the total of regular stay years, even if interrupted by periods of irregularity;

d) to provide foreigners residing irregularly who are at least 65 years of age with access to an ad hoc regularisation procedure – with the sole exception of cases of current social danger – if they prove to be present in the country of immigration for at least ten years, albeit not continuously.

The enhancement of work placement

The individual regularisation paths of foreign workers outlined in the legislation of the member states concern workers who are already *de facto* employed by a minimum amount of time. A longer required time of pre-established residence is often added to employment activity. Moreover, the restructuring of the labour market (which made the segmentation of employment and its partial dissimulation normal) was considered by the requirements on regularisation, with adjustments that were not always sufficient, contributing to making this type of regularisation less efficient than in the past regarding people who have nevertheless experienced a condition of work integration that is not too different from normal circumstances.[39] In Spain (where there is also the possibility for an irregularly residing foreigner to officially report his or her habitual

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39 See S. Chauvin, B. Garcés-Mascareñas and A. Kraler (2013), "Working for legality: employment and migrant regularization in Europe", in *International Migration*, IOM, 6, vol. 51.

residence to the registry office of the municipality), the regularisation of the stay for *arraigo laboral* (work entrenchment) can be requested by the foreigner who, without a criminal record, proves a habitual residence in Spain at least in the two previous years and the existence of employment relationships for a period of not less than six months that are provable with an administrative or judicial assessment.[40]

In France, the chances of regularisation of foreign workers with irregular residence are still meticulously regulated in a memorandum of 2012 (although the new text of Article L. 313-14 CESEDA in 2016 referenced the adoption of a *dècret* (decree) by the Conseil d'Etat).[41] Compared to the Spanish regulation, the requirements are more demanding, especially regarding time profiles, but also much more articulate, with interesting modulations and greater usability of the proof of employment relationship.[42]

In the variegated panorama of the national regularisation procedures for workers, the Irish programme Reactivation Employment Permits should be noted, certainly not for its practical outcome (which is, in fact, modest),[43] but for its correct intuition from a functional standpoint, as it intends to address those third-country nationals who entered the country regularly, acquiring a residence permit for work, which they later lost by no

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40   Under Article 124 Royal Decree No. 557/2011, difficulties arise from the condition of not having been reported in the SIS.
41   The so-called 'Walls Circular', dated 28 November 2012, No. NOR INTK1229185C.
42   Option a) a contract or job offer, a work activity of at least eight months, even if not consecutive, in the last 24 months or at least 30 months in the last five years, but with a seniority of residence, except in exceptional cases, no less than five years. Option b) a contract or job offer, a previous 24-month working activity, of which at least eight in the last 12 months, with an effective residency of at least three years. Option c) in the case of immigrants who have already been in the territory for at least seven years, it is possible, but only temporarily, to disregard the availability of a contract or job offer, provided that the carrying out of a work activity of at least twelve months is demonstrated in the last three years. Option d) concerns the irregular who has been present for at least five years, except in exceptional cases, and who has been participating in an economic solidarity activity for at least 12 months (for example in an Emmaus centre), if he has a contract or a job offer. Option e) concerning undocumented migrants who have been working for at least five years in the 24 months preceding the application involving at least 910 hours worked.
43   As of 17 April 2018, 73 workers across the Republic of Ireland were holders of a reactivation permit, as stated by the Minister for Business, Enterprise and Innovation in the written response to the question formulated by a member (https://www.oireachtas.ie/en/debates/question/2018-04-17/625).

fault of their own (for example, for having been mistreated or exploited at work). It is, in effect, an interesting model with a well-defined functionality, because it is not so much a regularisation instrument as a measure aimed at supporting, or better, recovering the regularity of the stay in contexts where the illegality of the market goes beyond the meagre cases of serious exploitation (enabling individuals, in implementation of the Sanctions Directive, to obtain a permit of stay for the benefit of workers-state witnesses).

Overall, it should be noted that the individual regularisation of workers requires complex requirements which in turn give rise to probative challenges that make it difficult to use. This is probably a goal deliberately pursued by the policymaker. This makes even more convincing the aforementioned proposal to regulate procedures for annual quotas that are streamlined and combined with the flows that enter a country legally. One problem posed by the procedures for granting residence permits is for labour exploitation, because it requires the employer to have committed a criminally relevant offence, and the issuing of permits is restricted to cases where the worker is able to organise their own legal protection and could also give rise to criminal proceedings based on misleading reports to obtain the residence permit.

A proposal: Without any prejudice to the rules concerning the protection of severely exploited workers and the provision of permits of stay linked to collaboration in the criminal records check, it would also be opportune to implement procedures in which workers can report exploitation to the administrative authorities with whistle-blower anonymity, in which the receiving authorities are obliged to conduct unannounced inspections at the locations that have been reported based on there being a fixed percentage of reports received. In the event that during the inspection, it is ascertained that there is the employment of a non-regulated workforce, because the workers do not have a legal work permit or authorised right to stay, the employer should be offered the possibility to avoid more severe administrative sanctions and penalties by being given the opportunity to legalise the position of the worker in terms of their employment and their right to stay by paying one reasonable and proportionate administrative sanction according to the circumstances.

Recognising talent, heroism and civic virtues

These are different hypotheses, but ones that can be traced back to the only common denominator of accentuated individual merit; and everything should be attributable to the legal framework on a case-by-case basis. It can concern talented people in any discipline or field of activity (artistic, cultural, sporting, economic, etc) to whom it is of great convenience to open the doors of the national community (sometimes also through the subsequent passage of the purchase of citizenship). It can also concern people who have made heroic gestures in defence of the common good; for example, Mamadou Gassama, a young Malian who climbed to the fourth floor of a building in Paris to save the life of a child suspended in the void, took advantage of it on 28 May 2018; and Lassana Bathily, another Malian who stood out during the hostage taking at the Hyper Cacher, also in Paris, on 9 January 2015. Each country would like to have more Good Samaritans within its borders, but the residence permits issued for this reason seem to be far fewer (in France between five and 10 a year) than there are irregularly residing foreigners who have distinguished themselves in acts of courage, or for the demonstration of civic virtues or finally for their talents.[44] In Italy, a residence permit for a foreigner who is irregularly residing and who "has carried out acts of particular civil value" was introduced in October 2018 by the new Article 42-bis of the consolidated text on immigration, conceiving of it as an exceptional case. It would instead be appropriate to provide for a less exceptional procedure for the issue of the residence permit sponsored by an administrative or civil authority, or by a recognised and authoritative cultural, sporting, or artistic institution that certifies having received useful collaboration in pursuing its institutional purposes by the foreigner. Thus, adequate ways of recognising non-heroic virtues could be found, but that are still of some value and of objective social utility, with the advantage of promoting in the second group of immigrants (that of irregulars) a prevalent civic feeling and conversely to contradict the negative immigration narratives.

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44   At the end of September 2017, the Questura of Rome decided to grant a residence permit for humanitarian reasons to two Nigerian homeless beggars. The first had thwarted a robbery at the supermarket in front of which he asked for alms; the second had denounced a father who sold his disabled daughter to neighbourhood customers (the one where he cleaned the sidewalks in exchange for small offers).

What the country wants (sponsor regularisation?)

Castelbelforte, in the province of Mantua, is a small village with 3,242 inhabitants (as of 30 June 2017). A large majority of the voters supported League for Matteo Salvini in the parliamentary elections of March 2018, a party characterised by its tough stance on immigration. But the League members of Castelbelforte support a petition promoted by the parish priest and signed by 500 inhabitants, asking the Questura to issue a humanitarian residence permit to Marcel, a Senegalese who was rescued years earlier by a "very staunch League supporter" who was a garbage collector of the town, who had found him slumped on the church stairs, evicted from the house where he lived because he could not pay the rent. Marcel "lives in the rectory, volunteers, sings in the parish choir, helps the ladies to carry heavy parcels and mediates between the municipality and the African community" and does not have a regular job because he is without a residence permit.[45]

Such news seems to pose a question to the Europe of immigration: can a local community or a large part of it request the regularisation of a foreigner present on its territory? And if one believes an affirmative answer is suitable, by what means and conditions can this be achieved? More generally, is it reasonable to believe that regularisation requests can be effectively sponsored by civil society actors?

A proposal: The regularisation of people who have demonstrated good integration skills, gaining widespread trust in the community of habitual residence, offers greater guarantees of success in comparison with other criteria and seems capable of promoting social cohesion. The ability of people of irregular status to relate positively both to the support networks present in the territory and to the local communities in their daily living is, in these cases, a quality already verified, and not only expected, but also to be valued for the purposes of regularisation of the stay in two ways:

    a) recognition to local communities of the possibility of promoting regularisation procedures by submitting to the competent authority an application/petition signed by a certain percentage of citizens, calculated on those entitled to vote in local elections;

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45   F. Vanni (2018), "Marcel, adottato dal paese leghista: 'Mi hanno salvato'", in La Repubblica, 29 July 2018.

b) the enhancement, as a substantial requirement for the regularisation of the stay, of the availability declared by private sponsors regarding housing and support needs for the duration of at least one year from the date of issue of the residence permit.

Regulatory approaches and institutional responsibilities

Two regulatory approaches, one analytical and the other for general clauses, can be adopted regarding regularisation. The two options, in so far as they are opposed to each other, are not always declared and to a certain extent could also coexist. In France, for example, the approach of the legislator would seem to be that of the general clause, at least as found in Article L313-14 CESEDA, but then we recognise that it is the minister's memorandum to dictate, point by point, a dense, binding case history for prefects although formally devoid of regulatory efficacy. Spain also seems to have overturned, at the regulatory level, the general clause approach adopted by Ley organica n. 4/2000, in which, in Article 31, c.3, it is simply provided that "the Administration will be able to grant a temporary residence authorisation for entrenchment situations (*arraigo*) as well as for humanitarian reasons, for state witnesses or in other exceptional circumstances that will be determined by the regulations". Although both approaches are not risk-free (in fact, both can be improved with respect to their concrete expressions), we believe that the use of a general clause on humanitarian protection, freed of the meticulous regulatory taxonomy and entrusted to the evaluation of a body other than the police authority responsible for public safety in the territory, is the preferable option; this is not contradictory, however, with the coexistence of detailed rules dedicated to more particular aspects. These rules should not deny the atypical nature of the humanitarian approach. However, this does not seem to be the approach that has currently been chosen by national legislators.

Control and protection of individuals who cannot be expelled: between the faculty of regularisation and permanence of the order to leave the national territory

As we have seen, only a part of the irregular immigrants present in Europe are tracked and recognised as irregular because not in possession of a permit to stay. It should also be noted that if a small group receives an

expulsion order, a smaller part is restricted (with very high human and economic costs) to administrative detention centres pending compulsory accompaniment to the country of origin. And finally, an even smaller part of those who have been restricted – fluctuating, it seems, between 20 per cent and 40 per cent – can truly be removed, revealing all the others incapable of being expelled by law or *de facto*. A heterogeneous variety of situations can be ascribed to cases of those who cannot be expelled, including: the pending appeal procedure with suspensive effects; the impediment of the execution of repatriation due to the principle of *non-refoulement*; the impediment constituted by the incompatibility of repatriation with the rights enshrined in Articles 3 and 9 of the ECHR, and among these, in particular, the need to suspend repatriation for health reasons; the need to postpone repatriation indefinitely for various technical reasons; the failure of repatriation due to the impossibility of identification; and finally the unavailability of the destination state. In many of the cases mentioned, the assessment of the foreigner's non-expulsion highlights the malfunctioning of the residence authorisation system, because for the same reasons the person concerned should have been regularised rather than being destined for a return procedure.

In these same cases, therefore, the administration or the judge conducting the expulsion order should not limit themselves to ascertaining non-expulsion, but rather should initiate a procedure for the individual so that a residence permit can be issued which will not find a legal basis in the expulsion order, but rather in the personal quality or in the situation from which the right of residence derives, whether it coincides with the eligibility for international or humanitarian protection or it is based on specific rules that reflect the humanitarian spirit of the system in particular cases (as sometimes happens for serious health reasons or for the protection of family life in the presence of minors, especially if European or citizens of the member state). The other case is, however, that in which the execution of the expulsion is not prevented by "justified reasons for non-return", but by unsurpassed difficulties, sometimes resembling an impossibility of fact.[46] In the latter cases – if the option is not chosen, which is always

46   In this regard, the authorities of the member state could tend to differentiate the position of the foreigner who bears no responsibility for the ascertained ineligibility, having maintained a sufficiently cooperative behaviour, compared to the one who has instead impeded repatriation with uncooperative behaviour. However, I would believe that there should be other reasons for making useful differentiations, more substantially attributable to the personal profile of the interested party. However, this distinction is particularly

possible, to regularise the stay for reasons of opportunity or for charitable reasons[47] – Whereas 12 of the Return Directive could be implemented in the various member states, where it is written that "the situation of third-country nationals who are staying illegally but who cannot yet be removed should be addressed. Their basic conditions of subsistence should be defined according to national legislation. In order to be able to demonstrate their specific situation in the event of administrative controls or checks, such persons should be provided with written confirmation of their situation".

Here we are well below a regularisation measure: the identification document issued to the expelled individual who has not yet been repatriated (and perhaps is not repatriable) serves the need to control and maintain public order and certainly not those of personal interest of the expelled. Nonetheless, this status of mere tolerance, functional to easier identification and social recognition, could evolve into a subsequent legal resident status on the basis of Article 6, paragraph 4 of the same Return Directive, where it is provided that "at any time, member states may decide to issue an autonomous residence permit or other authorisation for charitable, humanitarian or other reasons giving the right to reside to a third-country national whose residence in their territory is irregular. In such cases, the return decision is not issued. If it has already been issued, the return decision is revoked or suspended for the period of validity of the residence permit or another authorisation that confers the right to stay". Finally, Article 3, paragraph 3, of Directive 2009/52/EC (on sanctions for the employment of immigrants not regularly residing) provides that those expelled without a permit of stay may be authorised to work by national laws, and they remain destined for the execution of the deferred deportation order because it is currently not executable.[48] There is no doubt, however, that upon the resumption of the repatriation procedures,

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valued by the European Commission. In fact, see the European Commission (2013), *Study on the situation of third-country nationals pending return/removal in the EU member states and the Schengen associated countries*, HOME/2010/RFXX/PR/1001, p. 91.

47   What constitutes not an obligation for the member states but an option within the meaning of Article 6, paragraph 4 of the Return Directive. On this point, decisive considerations can be drawn from the CJEU, C-146/14, Mahdi. On which D. Acosta Arcarazo (2015), "The Charter, detention and possible regularization of migrants in an irregular situation under the returns directive: Mahdi", in *Common Market Law Review*, Vol. 52, N. 6, p. 1376.

48   In this regard, useful considerations in B. Queiroz Menezes (2018), "Non-removable migrants in Europe: an atypical migration status?", in *European Public Law*, Vol. 4 N. 2, p. 298.

which have become possible in the meantime, any suitable employment insertion of the expelled person, together with other considerations, could convince the competent authority to desist, promoting the passage of the individual from the status of tolerated to that of legalised.

Regularity of stay and integration in the communities of residence

Supporting the regularity of the stay

The varied scenario of irregular immigration is comprised, apart from foreigners who have not been authorised to stay (or in any case to stay longer than three months) from the beginning, by those who after a period that is sometimes long have become or have reverted back to being irregular. Of this set of irregularities, we have no reliable data but only the perception that this is a significant flow in most member states. In many cases, the loss of the residence permit does not find a legal basis in the commission of a criminal offense, but more simply in the absence of the legal-economic requirements provided for by national administrative law, on whose reasonableness it is appropriate to reflect, given that in most cases the involuntary loss of the residence permit does not correspond to the voluntary return to the country of origin; whereas the expulsion procedures, which are both costly and difficult to implement, inflict serious suffering, especially if people who have long resided in the country of immigration are the recipients. It would therefore be necessary to review the administrative policies relating to the maintenance of the right of residence, avoiding that foreigners with legal residence fall back into illegality. Unfortunately, in a difficult political and cultural climate, the procedures for renewal or conversion of the residence permit often end with denials or revocations of the authorisation to stay which could be more wisely avoided. Conversely, making the regulation on the renewal/ refusal of residence authorisation more gradual can have the effect of reducing the number of these cases to those that are truly appropriate. On the basis of these brief premises, some relevant issues are offered below which give rise to recurring problems that can be solved with detailed regulatory or administrative interventions.

On the maintenance of income and work requirements for the purpose of the renewal of the residence permit

Owing to the additional requirements of the national reception regulations of directive 2003/109/EC for long-term residents, there is a significant number of regularly present foreigners who have held a residence permit for many years, but whose permit is tied to employment or the achievement of a minimum threshold of income from work.

Sometimes the power attributed to the police to verify at any time the permanence of the requirements (including economic and work requirements) introduces a dangerous regime of continuous precariousness of the residence position of foreigners who are already regularly residing.[49] It would therefore be desirable at the very least if the various countries were to introduce a safeguard rule which stated that the lack of income or work requirement can justify the revocation of the residence permit only if the foreigner cannot justify how they survived in the last six months before the assessment (for example, through the help of charitable associations, family members, acquaintances, etc) or if they have committed a crime that is tied to their condition of need. In many countries, the unemployment condition is not automatically the cause of revocation or refusal to renew the residence permit; however, the maximum time allowed for the foreigner to re-establish an employment relationship is usually too short and, in any case, not for longer than one year. This happens in a time – not exceeded by the current and still timid accounting certifications toward the end of the economic crisis – in which you easily lose your job without having the security of being able to reclaim it. In my opinion, this is a meaningless administrative approach, while we should ask ourselves: in today's society, characterised by the overall reduction of stability and working time, what does it really mean to be integrated into the social context.

A proposal: We could imagine a protocol in which those who have lost their job, but who live honestly and are connected to a network of assistance or good neighbours who support them, nonetheless have the right to renew their residence permit (for those who are awaiting employment or on

49   As in the case of France, on which the critical observations concerning in particular Article L313-5-1 CESEDA by K. Parrot (2017), "Aperçu critique de la Loi du 7 mars 2016 relative au droit des étrangers en France", in *Recueil Dalloz*, N. 5, p. 233.

humanitarian grounds) on the basis of the social skills demonstrated by the relationships built up over time.

Moreover, urban security itself and public order will certainly be much better guaranteed by the inclusion of people in the community rather than by their conditions of employment. Several member states currently allow, upon expiry of the residence permit for work of the unemployed foreigner, the issue of a different residence permit "for expected employment" of at least annual duration, but which is rarely renewed for a second year by the administration and is therefore insufficient to provide an administrative remedy for prolonged unemployment (in Italy it was six months until 2012, when it was increased to one year; in France it is one year, unless the social security regulations applicable to the present case provide for economic benefits of longer duration). It is therefore proposed to make this residence permit (regardless of the name given to it) renewable at least up to the limit of three consecutive years if the following conditions are met:

a) that the interested party demonstrates their willingness to take on other jobs (for example, maintaining their registration at the local employment office);
b) that the interested party is supported by associations operating in the social sector, public territorial entities, or private sponsors, who attest to having a support system such as to exclude that the unemployed person remains in the territory of the member state in conditions of social isolation and without any lawful means of subsistence. By prolonging the state of unemployment beyond three consecutive years, in the case of workers over the age of 40, the connection of the foreigner with assistance networks, as well as their significant participation in civic or social voluntary activities, should at least become elements of mandatory evaluation for the competent administration upon subsequent renewals of the residence permit, according to a logic of balancing the interests involved and with regard to Articles 3 and 8 of the European Convention on Human Rights.

On the maintenance of accommodation requirements

The requirement of legal availability of accommodation (sometimes of accommodation certified as suitable) is foreseen in many national guidelines as a requirement both for obtaining an entry visa (in particular for family and work reasons) and for the issue and renewal of the residence permit. This leads to sometimes paradoxical effects in that a part of the regularly residing foreigners, despite having an adequately remunerated job according to the market averages, struggle to find stable housing, and find it even more difficult to obtain all the administrative certifications relating to housing, or to officially establish their residence when the country of immigration provides for the obligation to register at the address of the residents of a specific municipality.

A proposal: Member states could impose upon the foreigner who requests the renewal of a residence permit (who already meets all other legal requirements) the burden of availability, as well as the obligation to report their places of domicile, but not the burden of the legal availability of a property, let alone the registration in a municipality of residence in those countries where local administrations maintain a registry system for the resident population.

Young adults or those who have recently become adults who are joined by minors for family reunification

Some member states provide (but often in practice do not implement this provision) that at the age of majority the authorisation to stay for family reasons must necessarily be replaced by other residence permits, namely for work or study. This leads to an unsuitable precariousness of the stay precisely regarding people (young foreigners who grew up in the host country within their families) who only rarely can be legitimately expelled, having in the member state their most significant existential and family ties. As is known, in fact, the residence permit for work relates to, especially at a younger age, short, intermittent and precarious employment relationships, while the study courses beyond the age of majority concern only a part of the new 18 year-olds, and which in any case are usually destined to end within the threshold of 23-25 years of age, normally giving rise to a subsequent period of unemployment which is hopefully temporary, but which in reality is frequently prolonged.

A proposal: In consideration of the legal duty of parents to support their children even after the coming of age and until the achievement of economic self-sufficiency (this is an obligation in force in all member states), it should be established that the residence permit for family reasons be granted even to children who have come of age and which can be maintained until the attainment of economic self-sufficiency, unless the failure to achieve such self-sufficiency does not depend on the fault of the person concerned and if the legal or de facto parental support has ceased.

On the impossibility of passport renewal

Sometimes the relations maintained by the foreigner with the authorities of their country change for the worse. In other cases, the foreigner's consular representations cease to guarantee the services normally carried out, including that of issuing passports, which are often necessary for the renewal of the residence authorisation.

A proposal: As a courtesy, the administrative authorities could provide for the issue of a travel document or other identification document at least partially replacing the passport for the purpose of carrying out proceedings in public administrations and in relations between private individuals in cases where difficulties arise, provided that the interested party is objectively identifiable.

Maintaining the complete effects of the regularity of presence during the procedure for the renewal of the authorisation to stay

Normally, but not in all cases, the national protocols expressly state the principle according to which the foreigner who is authorised to stay must maintain residence for the entire duration of the administrative procedure that began with the application to renew the expiring residence permit. Nonetheless, it is not uncommon for the rights otherwise owed to the foreigner pending the definition of this procedure to be temporarily undermined or suspended, sometimes with serious consequences. Consider, for example, the suspension of the freedom of movement outside the borders of the host state or the possible suspension of economic

benefits deriving from illness or disability on which the existence of the immigrant in conditions of economic need may even depend (inability to pay expenses given the lack of necessary liquidity, the payment of rental fee and utilities, etc), or access to certain care and social assistance services.

A proposal: The solution to such challenges could be identified at different regulatory and administrative levels. In particular, it is proposed to:

a) clarify on a regulatory level the condition of regularity of the stay for all legal effects of the foreigner who has submitted the application for renewal of the residence permit or who is still within the terms established by law to present it;

b) ensure, in terms of administrative practices, the circulation of information relating to the regularity of the stay between all public administrations for the execution of services due to users of the welfare state;

c) impose the burden on the administration or entity that intends to interrupt a proceeding or service to the foreigner whose residence permit has expired to invite them to present the renewal application or new residence permit within a reasonable period prior to the implementation of this interruption.

Circular migration models

Favouring the 'circularity' of migrations and voluntary repatriations

As has been observed by many, even when the success of the migration project is lost (due to unemployment, illness or legal problems), the immigrant will tend to remain in the country of immigration until and even after the expiry of the residence authorisation upon the occurrence of at least one of three factors, each of which is decisive:

a) if the country of origin is so poor or in such a crisis (political, war, or economic) as to make repatriation impossible;

b) if their personal conditions of return are objectively (absolute lack of personal resources) or subjectively (unacceptability of bankruptcy in the social and family context of reference) unbearable;

c) if the departure from the country of immigration results in the difficulty of returning there.[50]

The influence of even one of these factors can determine that the immigrant face the greatest sacrifices while remaining in the country of immigration, pushing them to do anything in their means in order to stay. At the same time, for the immigration country these factors constitute the cause of a social and economic cost that is far higher than what would be faced, for example, with more adequate policies to support repatriation. Among these may be mentioned those, particularly useful, which could leverage the recognition of social security and pension rights related to the work contribution beyond the ten-year threshold in favour of foreign workers who decide to leave the country of immigration. In a similar sense, it could be useful to provide forms of support for medical care and health insurance for the foreigner who intends to go to the country of origin instead of directly benefiting from the welfare available in the country of immigration.[51]

Finally, if such policies had as an alternative an adequate regulation of circular migration, variously modulated according to the objective characteristics and needs of the interested parties, even greater savings in public spending would be obtained and at the same time migrants would be allowed to pursue – entirely at their expense – their best interest, being able to temporarily move from the country of immigration in times of greatest difficulty, knowing that they can return at an opportune time. Successful migrants, who are more willing to risk returning to their country of origin to start, for example, a business or a profession, could also take advantage of a more generous circular migration policy if prospects in the home country worsened or became less favourable than expected, knowing that they can legally return to the country of emigration.[52]

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50   On these factors, among others, Collier, *Exodus* cit; Allievi, *Immigration* cit.
51   Useful reflections in this sense in T. Pech, J-F., Rial, J-P. Tran Thiet, J-C. Cousseran, J. Faber, A. Gueld and L. Vignal (2018), "Droit d'asile, retrouver une solidarité", in Vignon, *Annual Report* cit.
52   As noted by I. Issifou and F. Magris (2017), "Migration outflows and optimal migration policy: rules versus discretion", in *Portuguese Economic Journal*, N.16, p. 87 ff.

On current return policies

In principle, EU law favours voluntary returns with respect to the procedures for executing an expulsion order. However, the framework provisions contained in the Return Directive 2008/115/EC have been timidly transposed by the member states in this regard, making this option rarely attractive for expelled foreigners who have not been repatriated (or even, very often, cannot be repatriated). In addition to expelled foreigners, assisted returns are sometimes implemented for the benefit of foreigners legally residing, or no longer holders of the right to stay but are not yet expelled, who wish or agree to return to their country if helped to take this difficult step. The parties involved in these return actions are often in agreement with each other, the national authorities in charge, the entities representing bodies of civil society and, of course, the International Organization for Migration (IOM). These actions also seem to have produced limited, although not entirely negligible, results. Factors that contribute to limiting its success are as follows: the limited amount of aid to reintegration in the country of origin; difficulties in carrying out administrative procedures in the country of immigration and at the competent consulates, especially where a valid travel document is not available; the absolute definitiveness of the return decision, which corresponds to the practical, even before legal, impossibility of returning to the country of immigration, even years after repatriation. This obviously applies, and in even more accentuated terms, to voluntary but not spontaneous (ie, alternative to the compulsory execution) return of the recipients of an expulsion order.

Possible models for the development of voluntary return policies

As regards the return granted to foreigners who are the recipients of an expulsion order, the regulation of legal effects should be further spaced from that characterising the normal procedure for carrying out the expulsion, differentiating the recipients of voluntary return among three categories: a) foreigners admitted to return because they have been expelled for reasons of mere irregularity of their presence on the territory, but who previously had a residence permit; b) foreigners admitted to return, without a prior criminal record or pending criminal proceedings before a criminal court judge (with the exception of the possible crime of irregular immigration) who, however, have never had an authorisation to

stay; c) foreigners admitted to return who have a criminal record or are awaiting criminal judgments.

In the case of foreigners expelled for reasons of mere irregularity of their presence on the territory, but who were previous holders of a residence authorisation, return, in addition to being characterised by assistance measures in relation to their return to the country of origin, should allow the issue of an entry visa for work in the presence of a job offer with adequate compensation. This possibility of re-entry should be subtracted from any annual quota restrictions or at least be understood as a priority. The return should be conditional on the repayment of the return assistance costs borne by the administration or by the assistance body.

In the case of foreigners referred to in letter b), the same possibility of returning with an entry visa for work reasons should include the demonstration of learning the language of the immigration country at least at level A2 of the European framework as an additional requirement.

In the case of foreigners referred to in letter c), the absolute ban on re-entry for at least three years should be maintained, unless there is a subsequent acquittal, to which should be added the permanent ban on re-entry for the hostile offenses provided for in individual legal frameworks based on the social alarm constituted by the criminal offense committed.

Regarding the voluntary returns of non-expelled foreigners, in the case of those who already held a residence permit (which has not been revoked, nor renewed or in any case is not renewable due to a criminal ruling), joining the voluntary return programme should not affect the possibility of return at any time (with the obligation to reimburse repatriation costs in the case of return before three years from the repatriation itself) in the presence of a job offer with adequate compensation, or with the requirements for obtaining a different entry visa of long duration.

Some models to follow in order to support and encourage circular migration

As observed in the first part of this chapter, circular migration has characterised elite and regional migrations to date (in particular those of EU citizens of member states). Conversely, all other migratory flows are characterised by an opposite obligation of 'non-circularity', which constitutes both an unreasonable cost for the welfare state of the host countries and an unnecessary impediment to the return of the migrant to the country of origin, especially if they are in a state of unemployment that could lead to a condition of absolute poverty and protracted illegality of residence. For these reasons, it would be appropriate to allow the foreigner who holds a residence permit of a duration equal to or greater than one year (also issued pending employment), who already holds a previous authorisation to stay for at least one year, to suspend their stay in the territory of the member state and return to the country of origin without the possibility that absence from the country of immigration should entail a negative evaluation for the purpose of the subsequent renewal of the residence permit due to a lack of proof of their having produced income from work. Holders of a residence permit awaiting employment who return to their country of origin should be guaranteed, upon their return to the country of immigration, re-registration at the employment offices and the extension of this residence permit for a duration of at least six months.

Those who return to the country of origin after a regular stay in the country of immigration of at least two years, and who decide to stay there even after the expiry of the residence permit, should be guaranteed in the following two years the release of a new entry visa for work in the presence of a suitably remunerated job offer, without entry quotas. If the residence permit held at the time of return to the country of origin was for family reasons or for reasons other than that of study, the entry visa should still be issued using the same reasons regardless of the economic and accommodation requirements previously requested.

Without prejudice toward the limits that EU law currently places on the freedom of movement for work of third-country nationals within the EU (burden of possession of a long-term EU residence permit), a practical mitigation is desirable within the individual national governments, proposing to the individual member states to provide for the possibility of

authorising (upon payment of special rights or against payment of fines in the case of employment relationships already underway) the hiring 'in waiver' of a foreigner who holds a residence permit in a different member state. Regarding current EU law, a reform of the freedom of movement for work of aliens legally residing in a member state would certainly be desirable. It would be appropriate to allow that international protection holders can travel to another member state for work (in the presence of an offer of employment) after two years from the recognition of the protection itself, instead of – as is the case today – after a minimum of five years of regular residence and the acquisition of the EU residence permit for long-term residents. By way of derogation from the rules which, for the protection of the worker, govern the right to take leave, the possibility should be introduced for the worker and the employer to negotiate an accumulation of leave based on the following year to that which is normally taken for the sole purpose of allowing the periodic return home for a longer period than otherwise allowed. For the same purpose, the negotiation of periods of unpaid leave should be allowed and encouraged.

Positive sanctions to reward the aptitude toward integration

To encourage pathways toward virtuous integration with symbolic and concrete dignity

As has been observed, taking into consideration the positive and negative contributions to immigration, the overall ability of immigration countries to make immigrants convinced 'insiders' must be considered; that is, existentially belonging to the local community and concerned about its fate. In this regard, the use of the language of the country (which we will also discuss shortly) is perhaps a precondition, but certainly not a sufficient demonstration. Referring to this necessary dimension of integration, Collier does not hesitate to speak of "civil compassion" or "charity that begins with the nation" and then extends on an international trajectory.[53] Even in the awareness that this level of belonging is not at all obvious even for the native citizens of immigration countries, there is no doubt that its achievement constitutes the fundamental challenge of

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53   Collier, *Exodus* cit.

integration, upon which much of the same quality of civil cohabitation and the democracy of European societies depend.

On the other hand, it must be recognised that the issue of integration understood as a feeling of civic belonging has been the least considered by the policies and consequent regulations, both national and European. Or rather, integration has hitherto been understood, in a reductive light, in the material sharing of individual socio-economic standards, thus measuring it on the sole basis of the income received.

In this perspective, good immigrants today are workers (or even, perhaps less welcome, but certainly widespread, pensioners) who know how to make themselves invisible, limiting themselves to work or in any case not to be a burden on society, and not to express any conflict with the host society to which it pays cultural respect by verbally accepting some fundamental principles which are sometimes far from being fully practiced among the natives themselves (political pluralism, gender equality, freedom of sexual orientation, mandatory school attendance for children). Nor does it seem that an integration supplement can be promoted through the multiplication of tests and exams aimed at ascertaining, in one sitting, their formal subscription and the notional acquisition by the immigrant, with an ambiguous and excessive scholastic approach.[54] We are aware of the dangers that would result from transforming ethical or civil ideals into legally binding rules. And this applies to both native citizens and immigrants.

Instead, what we intend to underscore is the need to give them an adequate space for positive or, as they say, a promotional sanction. Unfortunately, there is no trace of this type of sanction when it comes to assessing the proper fulfilment of the goals imposed on immigrants during the period of validity of the first residence permit (as in the case of the French Contrat d'intégration républicaine, or of the Italian integration agreement)[55] or for the purpose of issuing the long-term residence permit or of acquiring citizenship through naturalisation. As for the obligation to learn the language (of which the verification is always appropriate), it has

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54 On which L. Orgad (2010), "Illiberal liberalism. Cultural restrictions on migration and access to citizenship in Europe", in *The American Journal of Comparative Law*, Vol. 58, N.1, p. 90 ff.
55 Contrat d'acueil et integration, on which P. Morozzo della Rocca (2012), "Entra in vigore l'accordo (stonato) di integrazione", in *Gli stranieri*, 3/2012, p. 11 ff.

proved to be of fundamental importance to introduce immigrants to the culture and civilisation of the host country (think of reading Alessandro Manzoni's "The Betrothed" in Italy; "Les Misérables" in France; or "Don Quixote De La Mancha" as well as, more recently, the poems of Garcia Lorca, in Spain). From this point of view, perhaps, receiving immigrants who speak different languages can be an additional opportunity to build the integration pathway which, through the effort required, rewards the most obvious and lazy paths of the diasporas who already speak the language and who, for this reason, tend to be more numerous and more self-sufficient.

Some proposals:

a) Where national rules provide for individual verification of the level of integration of the immigrant, for example by attributing higher or lower scores based on his or her specific behaviours or activities, volunteer activities must also be scored, as well as participation in non-ethnic or diaspora associations present in the territory of residence, recognising as particularly important the associations whose members are both native citizens and immigrants of different nationality.

b) Where the national rules provide for the obligation of cultural fulfilments, such as the achievement of a certain level of knowledge of the language or the attendance of courses, including those of the national education system, it is appropriate that the foreigner who has achieved objectives significantly higher than mere sufficiency receive formal acknowledgments, which are useful also for the discretionary assessments of the administration and of the immigration judge on the occasion of subsequent proceedings of interest regarding the foreigner. Vouchers or discounts could also be given to those most deserving for the purchase of cultural and material services.

c) Although mayors are normally given the power and duty to report irregularly residing immigrants to the police authority, the possibility of positive reports is never mentioned. It is therefore proposed that the heads of territorial communities and peripheral administrations (for example: mayors, presidents of townships, heads of education facilities) expressly recognise the possibility of attesting the collaborative or valorous civic behaviour of foreigners residing de facto fact or legally in their territory of

competence, with the obligation for the administrations to which these certificates are presented to take them into account even within the limits of administrative discretion.

Proposals:

1. In order to reduce the number of cases where the regularity of the stay is lost, safeguarding rules should be introduced when the supervening absence of income or work requirement entails the revocation of the residence permit or the refusal of its renewal only in the case in which the foreigner is unable to justify how they survived in the last six months before the assessment, providing sufficient evidence to demonstrate the support received from family members, including those not living together, private guarantors, charitable associations, etc. It is proposed that a special residence permit should be provided that is reserved for people who are already legally resident, that is renewable at least up to the limit of three consecutive years, subject to the following conditions:

a) that the interested party demonstrates a willingness to take on other jobs (for example keeping the registration up to date at the local employment office);

b) that the interested party is supported by associations operating in the social sector, public territorial entities, or private sponsors, which attest to an aid relationship such as to exclude that the unemployed person remains on the territory of the member state in conditions of social isolation and without any means of lawful subsistence. By prolonging the state of unemployment beyond three consecutive years, in the case of workers over the age of 40, the connection of the foreigner with assistance networks, as well as a significant participation in civic or social volunteer activities, should at least become elements of compulsory evaluation for the competent administration for the purpose of the subsequent issuing of the residence permit, according to a logic of balancing the interests involved and in light of Articles 3 and 8 of the ECHR.

2. Impose on the foreigner who requests the renewal of his residence permit (who already meets all other legal requirements) the burden of availability, as well as the obligation to report his places of residence to the competent authorities, but not the burden of the legal availability of a residential property, nor much less (in the countries where this instrument

of demographic detection is applicable) the registration of residence in a municipality.

3. In consideration of the legal duty of parents to support their children even after attaining the age of majority and until the achievement of economic self-sufficiency (obligation in force in all member states), it should be foreseen that the residence permit for family reasons also concerns children who have become adults and who can be maintained until there is the acquisition of economic self-sufficiency, unless the failure to achieve such self-sufficiency is not the fault of the person concerned and in which the legal or de facto support on behalf of the parents has ceased.

4. To prevent difficulties in the issue or renewal of the passport, the administrative authorities could provide for the issue, as a courtesy, of a travel document or other identification document, at least partially replacing the passport, for the purpose of carrying out proceedings at public administrations and relations among private individuals in cases where difficulties arise, provided that the interested party is objectively identifiable.

5. It would be advisable for the national regulations of the renewal of the residence permit procedure to grant (once a reasonable period of fulfilment has expired, such as sixty days from the expiry of the residence permit to be renewed) a further period during which foreigners retain the right to submit the renewal application. This could be done upon payment of a higher fine in the event of their tracking on the national territory by the police authority and when they intend to avoid the adoption of an expulsion order proving that they possess the requirements (having eventually regained them after losing them) for a regular stay. Once this second grace period expires (the duration of which could be an additional sixty days), any late application for renewal of the residence permit, which is in any case subject to a financial penalty, remains admissible without any statutory deadline. However, it must be subject to discretionary evaluation by the competent administrative authority, including the assessment of the reasons for the delay, according to the usual rules of balancing public interest with individual interest in maintaining the right of residence, and expressly excluding disciplinary actions.

6. The principle of 'continuity of the regularity of the stay' should always be clarified on the regulatory level, with regard to the foreigner who has submitted the application for renewal of the residence permit or who is still within the terms established by law to present it.

7. The sharing of information relating to the regularity of the stay between all administrations responsible for the execution of services due to users of the welfare state should be ensured.

8. The burden of expressly inviting the interested party to justify his or her administrative position by requesting the presentation of the residence permit or renewal application would be borne by the administration or body wishing to interrupt a provision or service granted to the foreigner within a reasonable period prior to any interruption of the service.

9. As regards the return granted to foreigners who are the recipients of an expulsion order, it would be necessary to distance the regulation of legal consequences from that of the normal execution procedure for the expulsion. In the case of foreigners expelled for reasons of mere irregularity of the presence on the territory, but who have already previously been holders of a residence authorisation, the return should allow the issue of a re-entry visa for work in the presence of a job offer with adequate compensation. This possibility of re-entry should be subtracted from any annual quota restrictions or at least be understood as a priority. The foreigner admitted to return should be required to reimburse, on a flat-rate basis, the repatriation costs and the repatriation assistance borne by the administration or by the assistance body.

10. With regard to the voluntary returns of non-expelled foreigners who are already holders of a residence permit (which has not been revoked due to a criminal ruling), joining the voluntary return programme should not affect the possibility of return at any time (with an obligation to reimburse the repatriation costs in the case of return before the three years from the repatriation itself) in the presence of a job offer with adequate remuneration, or in the presence of the requirements for obtaining a different entry visa which is not of short duration.

11. In order to favour the circularity of migration connected with unfavourable economic situations in the labour market, it would be advisable to allow the foreigner who holds a residence permit of a duration

equal to or greater than one year, and who already holds at least a previous authorisation to stay for at least the same duration or more than one year, to interrupt their stay on the territory of the member state, returning to the country of origin without negative bias as to the subsequent renewal of the residence permit due to a lack of proof of having produced employment income.

12. Those who go to their country of origin after a regular stay in the country of immigration for at least two years, and who decide to stay there even after the expiry of the residence permit, should be guaranteed the release of a new entry visa for work in the presence of a suitably remunerated job offer, without limitation of entry quotas. If the residence permit held at the time of return to the country of origin was for family reasons or for other reasons other than that of study, the entry visa should be issued using the same reasons regardless of the economic and accommodation requirements previously requested.

13. Without prejudice to the limits that EU law currently places on the freedom of movement of third-country nationals for work within the EU (burden of possession of a long-term EU residence permit), a practical mitigation is desirable within the competences of individual national governments, proposing to individual member states to provide for the possibility of authorising (upon payment of special rights or against payment of fines in the case of employment relationships already underway) the hire in derogation of a foreigner who holds a residence permit in a different member state.

14. With regard to current EU law, a reform of the freedom of movement for work of foreigners legally residing in a member state would be desirable. It would be appropriate to allow that international protection holders can go to another member state for work (in the presence of an employment offer) after two years from the recognition of the protection itself, instead of – as is the case today – after a minimum of five years of regular residence and the acquisition of the EU residence permit for long-term residents.

15. By way of derogation from the rules which, for the protection of the worker, govern leave from work, the possibility should be introduced for the worker and the employer to negotiate an accumulation of leave days on the year following that of normal fruition for the sole purpose of allowing

the periodic return to the homeland for a longer period than otherwise permitted. For the same purpose, negotiation of periods of unpaid leave should be allowed and encouraged.

16. Where national rules provide for individual verification of the level of integration of the immigrant, for example by attributing higher or lower scores due to his or her specific behaviours or activities, volunteer activities and participation in non-ethnic or diaspora associations present in the territory of residence should also be scored, recognising as particularly important the associations whose members are both native citizens and immigrants of different nationality.

17. Where the national rules provide for the obligation of cultural fulfilments, such as the achievement of a certain level of knowledge of the language or the attendance of courses, including those of the national education system, it is appropriate that the foreigner who has achieved significant objectives beyond mere sufficiency receive proper recognition, which is also useful for the discretionary assessments of the administration and of the immigration judge on the occasion of subsequent proceedings of interest to the foreigner. Vouchers or discounts could also be given to those most deserving for the purchase of cultural and material services.

18. It is proposed that the heads of the territorial communities and peripheral administrations (for example: mayors, presidents of town halls, heads of education facilities) recognise the possibility of attesting particularly collaborative or valorous civic behaviour of foreigners who de facto or legally reside in their territory of competence, with the obligation for the administrations to which these certifications are presented by the interested party to take them into account even within the limits of administrative discretion, as symptomatic indexes of private life rooted in the territory pursuant to Article 3 of the ECHR.

19. It would be appropriate to include the phenomenon of the regularisation of foreign workers in the various countries, ensuring inclusion into the annual entry quotas established by the Executive of the country concerned. In the case of foreigners already irregularly present, applications deemed admissible but exceeding the annual quota could lead to a provisional authorisation, granted one year in advance, with the stipulation of the employment contract upon payment of an additional penalty of a sufficiently high amount.

20. To ensure equal protection of rights of all European citizens with regard to family relationships with foreign nationals, it would be desirable for all member states that have not yet done so to ensure that the guidelines imposed by the transposition of Directive 2004/38/EC in favour of European citizens and their family members traveling in other member states are applied extensively (for the benefit of foreign family members of national citizens).

21. Regularisation procedures relating to social security rights should include with greater commitment the problem of older immigrants. It is proposed, in particular:

a) to give specific importance, in all individual regularisation programmes, especially to the age of the interested party when this is equal to or greater than 65 years, replacing any individual economic and employment requirements with economic requirements insured by family members or sponsors;

b) to favour the reacquisition of the residence permit by elderly people who, after having had one in the past, have lost it due to being unemployed for a prolonged period of time;

c) to facilitate the enjoyment by the elderly of the social rights connected to the duration of the legal stay, considering the period of regular stay as a continuous period, even if interrupted by periods of absence;

d) to guarantee foreigners residing irregularly, who are at least 65 years of age, access to an ad hoc regularisation procedure – with the sole exclusion of cases of imminent social danger – if they prove to be present in the country of immigration for at least 10 years, albeit not continuously.

22. Without prejudice to the rules concerning the protection of seriously exploited workers and the provision of residence permits linked to collaboration in associated criminal investigations, it would be appropriate to implement procedures for reporting to the administrative authority that allow whistle-blower anonymity, with the sole purpose of obliging the receiving authority to carry out unannounced inspections at the reported sites on the basis of a fixed percentage of the number of reported companies.

23. If, in the course of inspections, the use of non-regularised labour is ascertained due to the absence of residence permits, the employer

should be offered the possibility of avoiding more serious administrative and criminal penalties, allowing him or her to alternatively regularise the position of residence and work of the employee upon payment of a reasonable penalty proportionate to the nature of the circumstances.

24. The ability of the irregularly resident person to access both the support networks in the area and the local communities in their daily living is a quality that, if already verified, should be enhanced for the purpose of regularising the stay in two ways:

a) recognition by local communities of the possibility of promoting regularisation procedures by submitting to the competent authority an application or petition signed by a certain percentage of citizens, calculated on those entitled to vote in local elections.

b) valorisation, as substantial requirement for the regularisation of the stay, of the availability declared by private sponsors regarding housing and livelihood needs for the duration of at least one year from the date of issue of the residence permit.

25. In the various member states, the treatment of expelled, but de facto non-repatriable irregular immigrants, is rather diverse. The European legislator could therefore intervene giving binding value to the guidelines already expressed in Whereas 12 of the Return Directive and Article 3, paragraph 3 of the Sanctions Directive. In particular, regarding the possible regularisation of those who cannot be repatriated, in each member state the guidelines of the Common manual on return should be considered with a constructive approach, avoiding the loss of the positive effect of the provision, albeit optional, of Article 6 of the directive and applying them with respect to the national reality involved. In this regard, the ineligible person could benefit, for an initial probationary period, from one or more temporary residence permits of short duration and unsuitable for circulation in the Schengen area (for example: six months plus a further six months) with the right to work. This residence permit could be convertible in the event of a successful outcome of the probationary period.

26. In implementing in member states the European Return Directive, cancellation of the re-entry ban in cases when the foreigner elects to return voluntarily should be ensured.

Ardit Metani

Including migrants in housing policies within national systems

The housing issue, one of the biggest challenges in the European Union, has been left on the sidelines of the priorities of integration and inclusion policies of foreigners. In fact, due to inadequate policies, foreigners are forced to live in conditions that are precarious and unstable, frequently unhealthy, insecure and overcrowded compared to those of the native population. Furthermore, integration policies in all member states deal with work, language teaching, health and citizenship problems without considering the housing issue. Addressing some aspects of the policies in the member states relating to the housing issue in the context of the integration of foreigners, this study analyses housing policies that impact the foreign population and create challenges and opportunities.

Introduction

In recent decades, the public decision-maker has put the housing issue in Europe on the sidelines, transforming it into the unstable pillar of integration and inclusion policies.[1] This situation has highlighted the difficulty of member states to focus attention on inclusion policies affecting the housing sector. Do the necessary tools already exist to face the challenge of housing exclusion in Europe? The EU plays a crucial role in creating opportunities and promoting solutions through good practices.

Taking Eurostat data into consideration, in 2016, 70 per cent of EU citizens lived in their own home, while the remaining 30 per cent of the population lived in rented accommodation. Migrants are more likely to rent property and live in overcrowded homes than the native population in most European countries. In urban and metropolitan areas, the situation

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1   A. Tosi (2016), *Le case dei poveri. È ancora possibile pensare un welfare abitativo?*, Milano-Udine: MIMESIS.

is even worse, and integration through access to housing, education, training, the labour market and health and social services require long-term policies and commitment from EU member states. The inability to achieve complete integration can have a negative impact on both migrant and indigenous communities. Each member state has developed and adopts different integration policies for new arrivals rather than for older generations of immigrants. This contribution is inspired by the analysis of several studies and research conducted in recent years on the topic of housing in different European countries. First, an important aspect of the research concerns the territorial distribution of foreigners following the migratory phenomena in recent years. Secondly, it is important to understand how the increase in complexity in the formulation and implementation of public housing policies has an impact on the foreign population, creating challenges and opportunities. Therefore, some crucial aspects of the policies of the member states regarding the housing issue in the context of integration have been taken into consideration. Thirdly, we investigated significant experiences of social housing developed in some European countries, analysing the services offered and the ability to encourage integration, using innovative and original housing policies in accordance with EU guidelines.

Immigration to Europe: a statistical overview

In the last fifty years, Europe has experienced, and continues to have, a socio-demographic revolution driven by the progressive arrival of a substantial flow of non-EU immigrants. Contemporary Europe is, therefore, in all respects, a multi-ethnic, multicultural and multi-faith society.[2] This change is bringing the issue of the integration of those who are 'different' to the centre of the political agenda of governments. Therefore, a concrete (certainly not ideological) crisis of nationalistic myths by European societies – homogeneous in origin and descent – is highlighted due to a series of factors, such as the migrations of populations during and after the Second World War, the transformation of temporary immigrants into residents, the change in the geo-political space following the fall of the Iron Curtain and the enlargement of the EU for the entry of new states.[3]

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2 For more details see in Europe's Growing Muslim Population: www.pewforum. org/2017/11/29/europes-growing-muslim-population/, accessed on 20 December 2018.
3 L. Zanfrini (2016), *Introduzione alla sociologia delle migrazioni*, Bari-Rome: Laterza & Figli.

As the statistical data show, all these factors led to an increase in the number of foreigners living in the twenty-eight countries of the EU: a number that in 2016 stood at 55 million, with a growth of 3 per cent on the previous year.[4] In the same year, 4.3 million people immigrated to one of the 28 EU member states, a decrease of 8 per cent on the previous year, and 3 million migrants left one of the EU member states.[5] The number of EU citizens amounts to 16 million, including Romanians (3 million), Poles (2.4 million) and Italians (1.4 million), who make up the first immigrant nationalities in the member states.

Arrivals in Europe, compared to 2015 data, decreased due to a number of factors, including: the agreement with Turkey on the readmission of refugees; the closure of the Balkan route; the safety rules that Europe has adopted after the terrorist attacks in Paris, Nice, Brussels, Manchester and London; the British referendum on the country's exit from the EU. It is necessary to remember that in Italy, in recent years, the number of new residents has remained almost unchanged, but exceeds the threshold of 5 million foreign citizens registered in the registry. This is 18,000 more than the previous year, with an impact on the country's total population of 8.4 per cent. The same cannot be said for the other EU countries.[6] Even with reference to territorial distribution, citizenship of origin represents an important differentiating factor. There are communities that show densities in certain states, which have spread widely across Europe: the

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4   Fondazione ISMU (2018), *Ventitreesimo rapporto sulle migrazioni 2018*, Milano: FrancoAngeli.
5   It should be noted that according to the estimate of migratory flows in 2016 to and from the EU: 2 million are third-country nationals, 1.3 million have the citizenship of a member state of the EU other than that in which they are immigrants, around 929,000 are immigrants in a member state in which they had citizenship (for example, citizens who are repatriated or citizens born abroad) and around 16,000 are stateless. Eurostat: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migration_and_migrant_population_ statistics/it.
6   Note that foreign citizens legally present in the EU-28 on 1 January 2016 exceeded 37 million for the first time, with a growth of 5.1 per cent on 2015: in Germany (9.2 million foreigners, 11.2 per cent of the population), in the United Kingdom (6.1 million, 9.2 per cent), in France (4.6 million, 6.9 per cent) and in Spain (4.4 million, 9.5 per cent). Taken together, these countries are home to 76 per cent of the foreign population. The population of the EU is more than 500 million people, of which only 7.3 per cent are non-EU immigrants: the share of foreigners varies from 48 per cent in Luxembourg to 0.6 per cent in Romania and Poland; in other countries such as Cyprus, Austria, Estonia, Latvia, Belgium, Ireland, Malta and Germany the share exceeds 10 per cent. Fondazione ISMU, *Ventitreesimo* cit.

five main nationalities (Romanian, Polish, Italian, Portuguese and German) make up more than 45 per cent of the foreign population of the EU.[7]

From this brief overview, the phenomenon of territorial dispersion of immigration in Organisation for Economic Co-operation and Development (OECD) countries clearly emerges: 66 per cent of migrants live in large urban centres or densely populated metropolitan areas, while the corresponding figure for nationals is 58per cent.[8] Cities play a fundamental role as the greatest number of foreigners and migrants are often concentrated there. About 13 per cent of those living in Rome are foreigners, 18 per cent in Milan, 30 per cent in Berlin and 38 per cent in Vienna. All of this confirms a general propensity of foreigners to place themselves in locations where employment opportunities are greatest, with access to public services and the ability to develop a social support network. This propensity is not dissimilar from that of the indigenous population because cities have always been places where urban policies are formulated and where communities live together.

The housing conditions of immigrants in Europe

The agenda for sustainable and inclusive growth of the Europe 2020 strategy has among its main objectives the social inclusion of about 20 million people at risk of poverty and social exclusion. The global economic and financial crisis has certainly had major social consequences.[9]

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7   Note that higher shares of women come from Romania and Ukraine, while there are higher percentages of men from Morocco and Poland due to the different demand for professions. These nationalities have a maximum concentration in some countries and metropolitan areas: Romanian citizens are present mostly in Italy, Spain and Portugal, while other nationalities are present in a more varied way in the EU. Other communities have radiated from some main countries: Moroccan citizens are mainly present in Spain, Italy, Belgium and Holland; the Polish community is concentrated in the United Kingdom, Ireland and the Netherlands; and the Turkish population is mostly in Germany. The Italian community is mainly concentrated in Germany, the United Kingdom, France and Spain. Eurostat: https://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics, accessed on 10 December 2018.
8   OECD (2018), *Working together for local integration of migrants and refugees*, Paris: OECD Publishing.
9   Europe 2020 Strategy, https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-economic-governance-monitoring-prevention-correction/european-semester_en.

Statistics from various institutions of the EU are the main source of data used in this study. As previously mentioned, Eurostat data[10] confirm that, in 2016, 70 per cent of EU citizens lived in a home, while the rest of the population lived in rented houses. Reading the data in greater detail, we note that the possibility of having a home is much lower among foreign citizens, especially among non-EU citizens. Numbering just over a third, 34 per cent of foreign citizens in the EU (citizens of another member state of the EU) own their homes, while this share drops to 26.8 per cent among non-EU foreigners. Due to the effect of the economic crisis that hit the European continent between 2010 and 2016, the rate of home ownership has decreased in moderately for national citizens, in fact only by 1.4 per cent; while for foreigners in the EU, the drop was 5.1 per cent, reaching a maximum of 10.1 per cent for the non-European foreign population.

The Housing Europe study revealed that the economic recovery of the EU in the construction sector achieved a 4.7 per cent growth in 2016, a factor that cannot be overlooked. Despite this positive figure, the economic recovery does not involve the whole EU, thus demonstrating the inequalities for families at risk of poverty and an increase in house prices of up to 10 per cent, which reaches higher levels in Bulgaria (+54 per cent), the United Kingdom (+45per cent) and Portugal (+40 per cent), with a decline only in six member states, including the Netherlands. In some states, the increase in inequality can be explained by a faster rise in house prices than the increase in household incomes, especially the poorest families in Portugal, Bulgaria, the United Kingdom, Italy, the Czech Republic, Slovenia, Slovakia, Luxembourg and Finland. However, the variation in house prices in most European countries reflects greater and more rapid increases in large cities, which risks pushing sectors of the population out of the metropolises and causing greater difficulties for families at risk of poverty in accessing basic services, employment and adequate social and health care. Comparing the 2016 data, we note that Europe is divided into two large macro-areas along home ownership. On one hand, there are the countries of the former communist block[11] and southern Europe (except France) which implement a dualist system in

10   Note that the information considered according to Eurostat refers to migrants aged between 20 and 64 and according to their country of birth as opposed to their citizenship. Eurostat: https://ec.europa.eu/eurostat/statistics-explained/index.php/Migrant_integration_statistics_-_housing, accessed on 10 December 2018.
11   Note that after the fall of communism in the countries of Central and Eastern Europe, tenants were offered to buy the houses they lived in at a low price.

which the state controls the social sector to protect the private market from competition, favouring the option toward property ownership. For example, there is a very high percentage of homes owned by national citizens: 95.6 per cent in Romania, as in Croatia, Lithuania, Slovakia and Hungary, where equally high rates are recorded (85 per cent and 90 per cent); however, the Mediterranean countries are still above the European average. On the other hand, we find the states of the universalist unitary system widespread in northern Europe, where the state and the private sector compete in the rental market, offering a satisfactory alternative to purchasing real estate. Germany is the only member state of the EU where less than half (49.8 per cent) of all citizens own their homes; the subsequent lowest shares were recorded in Denmark (58.6 per cent), Austria (62 per cent), France (63.4 per cent) and Sweden (66.5 per cent). If we compare the rate of home ownership between the national and foreign population, this is generally higher for national citizens, again with reference to the 2016 statistical data. The Baltic countries are an exception: in fact, in Estonia the highest percentage is that of foreign citizens who own a home (85.4 per cent), while among national citizens the percentage is 81 per cent; in Latvia the data indicate 81.2 per cent against 81.4 per cent respectively.

It is important to emphasize that, due to a detailed analysis of the data relating to the houses owned by foreign citizens, it is confirmed that the 'guests' of the EU are generally more likely to be homeowners than non-EU citizens. The only exceptions to this rule are Germany, the United Kingdom and the Czech Republic, where the highest percentage of homeowners is registered among non-EU foreign nationals. The exception in the case of Germany and the United Kingdom can have several explanations: first, there is the high number of the population born abroad: 14.7 per cent in Germany and 14.1 per cent in the United Kingdom. It is therefore no coincidence that these two states together welcome 37 per cent of the foreign population of the EU, before Brexit (the data in fact refer to 2017). Therefore, because of housing policies that have favoured purchasing property in the latter two countries, the foreign population originating from a non-EU state has been more likely to purchase a home.[12]

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12   It should be noted that migrants who have recently entered the United Kingdom differ from long-term migrants in terms of type of accommodation, who are much more likely to be renters (80 per cent) than the average of those born abroad (41 per cent). Indeed, the home ownership of those who have lived in the UK for more than 20 years is very similar to the native population with 70 per cent of the homes owned, 12 per cent in private rent and 17

The housing problems of immigrants in the European Union

Research carried out in recent years reveals the critical housing conditions of foreigners, although in recent decades this aspect has not been addressed by politicians as a problem: "Until relatively recently, those who spoke of foreigners and housing mainly referred to the large sections of the foreign population who had no home and who lived in precarious and unstable conditions, often unhealthy and insecure".[13] The properties owned or rented by immigrants are often involve higher housing costs, are more crowded and of a lower quality both for the internal conditions of the home and for the type of neighbourhood in which they are located.[14] The overcrowding rate[15] is often closely linked to other indicators of social exclusion, particularly related to income. The housing situation of immigrants is common to all European countries, especially in recent decades. If we analyse the situation at the European level, on average, in 2016, 16.3 per cent of European families lived in an overcrowded situation, as did 19 per cent of EU foreign citizens. On the other hand, for non-EU foreign citizens, the overcrowding rate was considerably higher, reaching 33.1 per cent. However, the EU-wide overcrowding rate varies according to the origin of the immigrants and their country of residence: for example, more than half of foreign citizens in Bulgaria (53.4 per cent), Greece and Croatia (both 53.2 per cent) lived in an overcrowded family, while less than a tenth of foreign nationals lived in the same conditions in Cyprus, Malta, Ireland and the Netherlands.

As noted by many, housing risk tends to increase due to several factors. The first of these is the economic and financial crises, the second is represented by the new flows of economic immigrants from Eastern Europe, and refugees and asylum seekers from Africa and Asia. These

per cent in social housing. The Migration Observatory, https://migrationobservatory.ox.ac.uk/resources/briefings/migrants-and-housing-in-the-uk-experiences-and-impacts/#kp1 accessed on 5 December 2018.

13 C. Daminato, N. Kulic (2013), "Disuguaglianze e differenze nell'abitare", in C. Saraceno, N. Sartor, G. Sciortino (eds), *Stranieri e diseguali. Le disuguaglianze nei diritti e nelle condizioni di vita degli immigrati*, Bologna: Il Mulino, p. 175.

14 Tosi, *Le case* cit, p. 139.

15 This is crowded when the ratio between available spaces and inhabitants is between 0.5 and one room per person, while an overcrowded situation is reached when the available space is reduced to less than 0.5 rooms per person.

flows consist of people who come from problematic situations, with scarce resources and greater integration difficulties. It should also be noted that there has been a change in the immigration policies of member states toward attitudes of closure and hostility that emotionally involve the local population, including homeowners.[16] On average, one in ten families in the EU spends 40 per cent of their income on housing, and four out of ten families are at risk of poverty: this indicates the increased difficulties, especially for the most vulnerable people, the unemployed, young people, immigrants, single parents and people with disabilities.

The country that is still suffering from the long-term effects of the economic and financial crisis of the housing situation is Greece, with over 40 per cent of the population and 91.9 per cent of families at risk of poverty who pay a surcharge for housing where they live.[17] The situation does not change much in Italy, where the housing crisis has lasted for too many years and has also been worsened over time by the issuing of the so-called 'security packages' and by other regulatory interventions that have placed the same regular immigrants in a more precarious legal situation. In 2015, families made up of only foreigners in Italy spent about €1,000 less for housing than those made up of only Italians (38 per cent against 36 per cent).[18]

In general, several discriminatory practices are widespread in the rental market by owners who refuse to rent a property to foreign people, frequently using higher rents or by pushing toward segregation and undermining social inclusion.[19] Discriminatory attitudes toward immigrants have been confirmed by the European Social Survey. At the European level, foreigners pay a higher cost of rent of 22 per cent, but the situation worsens among non-EU foreign citizens, reaching up to 28.2 per cent. Despite anti-discrimination laws, according to EU-MIDIS II, immigrants and ethnic minorities continued to face widespread discrimination in all areas of life:

16   Tosi, *Le case* cit, p.146.
17   FEANTSA (2018), *Third overview of housing exclusion in Europe*, available at https://www.feantsa.org/en/report/2018/03/21/the-second-overview-of-housing-exclusion-in-europe-2017.
18   ISTAT 2017.
19   Note that, for example, in Vienna, new migrants have on average less than half of the living space (26 m^2 compared to the average of 74.5m^2) and pay one third more per square meter (€7.80/m^2 against the average €5.17/m^2) compared to Austrian citizens. Municipality of Vienna, www.wien.gv.at/menschen/integration/pdf/monitor2014-kurzfassung.pdf, accessed on 22 December 2018.

29 per cent of respondents felt discriminated against in finding work, 23 per cent suffered discrimination in finding housing and 22 per cent in the workplace, with a sharp deterioration in all fields if the migrants come from sub-Saharan Africa.[20]

Other forms of discrimination are represented by worse or unfavourable contractual conditions for foreigners; for example, two discriminatory practices that have been taking place recently in Europe are steering and redlining. Steering is implemented by real estate agents and consists in diverting their potential customers to certain neighbourhoods based on their ethnic origin. The second practice, redlining, is a process of excluding banks and insurance companies from credit based on the location of the house or the client's ethnic origins. In addition, in Italy, one of the obstacles that immigrants encounter in accessing accommodation has been detected in a study by CIRDI[21] regarding the announcements of houses for rent on various websites. These forms of discrimination have seen the demand of foreigners for the offer in social housing increase, but also in this field there can be discrimination, particularly of three types: direct, indirect and structural.[22] Direct discrimination consists of the existence of hidden maximum quotas to limit and restrict the concentration of immigrants in certain residential complexes. This practice is widespread in countries such as Germany, Finland and Denmark.[23] In these national contexts, local authorities have sometimes established a precise percentage of territorial residence for non-EU citizens, as in the case of 20 per cent attributed to Stuttgart or 30 per cent in Frankfurt. In Copenhagen, one third of all social housing is allocated to the most fragile categories, such as the elderly and people with disabilities, but also refugees and immigrants.[24] Indirect

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20   European Union Agency for Fundamental Rights (2017), *Second European Union minorities and discrimination survey*, Luxembourg: Publication Office of the European Union, available at http://fra.europa.eu/en/publication/2017/eumidis-ii-main-results.

21   Note that eight Italian regions have been taken into consideration: four in the north, two in the centre and two in the south. The results showed that as many as 80.6 per cent of discriminatory ads were placed online by private individuals, while the remaining 19.4 per cent were published by real estate agencies. CIRDI - Information Centre on Racism and Discrimination in Italy, 2015: www.cirdi.org/wpcontent/uploads/2014/12/Ricerca-accesso-allalloggio-CIRDI.pdf.

22   Bear in mind that the boundaries between typologies are not always clear and that the three forms of discrimination can overlap.

23   European Social Housing Observatory (2007), *Social housing and integration of immigrants in the European Union*, Brussels: CECODHAS, available at www.housingeurope.eu/file/140/download.

24   www.eurofound.europa.eu/it/publications/report/2007/quality-of-lifesocial-policies/

discrimination can also be found in the criteria adopted for the allocation of social housing, such as the duration of residence in a specific state, the time spent in the rankings, or the age requirements, as is the case in Italy.[25] Structural discrimination refers to the complex set of rules, measures and attitudes that limit or hinder access to housing for certain minorities.[26] Based on the data, only 10 per cent of people who experienced housing discrimination reported the incident, and 44 per cent of respondents were unaware of the legislation prohibiting discrimination based on ethnicity when renting or buying a home. The examination of housing policies in Italy shows that immigrants are not assigned public housing at an equivalent level to the applications presented, despite having a strong presence in the rankings.[27]

Several studies show that the income difference between foreign and Italian families is significant, and only 20 per cent of foreigners own the house in which they live (compared to 71 per cent among Italians); consequently, the demand for public housing by foreigners is much higher. Nevertheless, at the national level, the percentage of housing allocated to foreigners corresponds to 8.5 per cent of the total, in line with foreigners currently residing in Italy (8.4 per cent). It is true that in some cities, especially in northern Italy, the income gap favours the assignment to foreigners, even reaching 30 per cent of the assignees. However, the leverage on the scarcity of the offer and on the 'competition' between nationals and foreigners for access to social housing, as well as

housing-and-integration-of-migrants-in-europe, accessed 22 December 2018.

25   Note that the most requested criteria for applying for participation in public construction change between regions, but in principle they are: the income limit to participate; the absence of ownership of housing on the national territory and abroad; residency of five or more years in the municipality where the application is made; the regular residence permit for non-EU citizens; the absence of previous assignments of public housing; the absence of abusive occupations; not having been convicted of the crime of "invasion of land or buildings".

26   European Social Housing Observatory, *Social Housing* cit.

27   It should be noted that according to a Parliamentary Commission of Inquiry into the security conditions and the state of degradation of cities and their suburbs, the projections of the latest survey on the need for social housing show that there are about 650,000 applications for the allocation of housing in Italian municipalities with the following characteristics: 49.8 per cent are low-income individuals or families; 45.6 per cent are immigrants (EU 8.2 per cent non-EU 37.3 per cent); 9.8 per cent are young; 14.6 per cent are elderly; 12.2 per cent are families with housing problems (overcrowding, improper housing, unsanitary conditions and architectural barriers). Chamber of Deputies: www.labparlamento.it/wp-content/uploads/2018/02/Documento-finale_Inchiesta-periferie.pdf.

some criteria for access to public housing accommodation, have been revised restrictively. The numbers, when high, show that in any case most social housing homes are assigned to Italian families.[28] Foreigners today represent an increasingly important share of the demand for housing. The home represents for them, following work, the most important factor when it comes to integrating into the host society; at the same time, it is also the most critical factor.[29]

Therefore, in light of the preceding discussion, it is considered appropriate to facilitate the purchase of the home through adequate incentive policies focused on the specific needs of the person: facilitating access to bank credits based on the income situation of the applicant and through state grants. Buying a house for foreigners is important for improving one's legal, administrative, economic and social position. From a legal point of view, permanent residence is one of the fundamental prerequisites for obtaining long-stay status and family reunification, important elements for the integration of the foreigner. The economic factor determines both the purchasing power and the possibility of getting out of the uncertainty of the volatile rental market. Finally, the social element is closely connected with integration and employment options, with educational opportunities, social interactions and citizenship rights of the foreigner in the destination society. Foreigners often purchase smaller and lower value homes, which presents legal problems as this hinders the possibility of obtaining family reunification. Consequently, the national legislator should provide administrative advantages simply by having a real estate property, facilitating reunification and allowing for the temporary lack of work income.

Social housing in European housing policies

As mentioned above, in recent decades, the housing issue in Europe has arisen as a problematic part of integration and inclusion policies.[30] The European Commission has confirmed that third-country nationals residing in the EU continue to find themselves at a disadvantage compared to EU

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28   E. Di Pasquale, A. Stuppini, C. Tronchin (2017), "Immigrati e case popolari: i numeri contro i miti", in *La voce*, available at www.lavoce.info/archives/49269/immigrati-case-popolari-numeri-miti/.
29   Tosi, *Le case* cit.
30   Ibid.

citizens regarding access to the labour market, education and adequate housing.[31] As already noted, changes toward a supply policy are limited, and investments in social housing remain modest in most European countries. In fact, support for the purchase of a home remains at the centre of national policies.[32] Although the issue of social housing is at the centre of attention of European policymakers, social housing represents on average only 11 per cent of housing in EU countries, and investments in this sense are made up of only 4 per cent of the European Fund for Strategic Investments (EFSI).

The EU as a supranational government institution has not intervened and does not intervene directly in the urban and housing sector, although it has repeatedly dealt with regulations and social and economic policies of general interest, because in this context the principle of subsidiarity is fully applied.[33] It is difficult to unequivocally define the concept of social housing, given its variation among EU member states. The right to social housing is expressed in Article 34 of the Charter of Fundamental Rights of the European Union: "In order to combat social exclusion and poverty, the EU recognizes and respects the right to social and housing assistance so as to ensure a decent existence for all those who lacks sufficient resources, in accordance with the rules laid down by Union law and national laws and practices".[34] This vision was confirmed by the declarations of the European Competition Commissioner Margrethe Vestager, who stressed the need to satisfy a public demand by providing housing to economically disadvantaged citizens or disadvantaged social groups and recognising social housing as a service of general economic interest (SGEI). Therefore, the term 'social housing' implies not only housing, but also the set of actions and policies aimed at those who are unable to satisfy their housing needs in the free real estate market. In these circumstances, the Commission has explicitly recognised that social mix and social cohesion are public policy objectives consistent with the objectives of the EU and for which state subsidies can be awarded in accordance with SGEIs. Public intervention in the social housing sector is associated with multiple

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31   European Commission (2016), *Action plan on the integration of third-country nationals*, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016DC0377&from=en.
32   Tosi, *Le case* cit, p.46.
33   S. Fissi, E. Gori (2013), *Politiche e performance del social housing. Il caso italiano*, Dogana (Republic of San Marino): Maggiori Editore.
34   Charter of Fundamental Rights of the European Union, available at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=IT.

needs and aspects and depends on the social, economic, political and territorial context of reference, with the aim of ensuring dignified housing for as many people as possible and promoting social cohesion through the construction of quality buildings.[35] For this reason, the European Commission promotes access to adequate and affordable housing, a fundamental necessity for third-country nationals to be able to start their life in the new society, both as regards the initial reception phase and the search for long-term housing solutions. Furthermore, in strengthening integration policies, member states will have to ensure that an integrated approach coordinates housing policy with fair access to work, healthcare and social services in the shortest possible time at affordable prices and through adequate funding.[36] However, in many EU countries there are no ad hoc housing policies reserved for immigrants; rather, the latter are included in the general social housing policies. Housing policies that promote integration vary considerably across member states. For example, housing policies in the Netherlands are driven by the goal of breaking down segregation and achieving social mix. Instead, there are countries like Greece where there seems to be little intention of fostering integration. However, it must be borne in mind that in many countries the rhetoric of achieving integration through housing policies exceeds reality.

Strategic investments in the 2014-20 period are concentrated in the key sectors that allow long-term, sustainable development, such as research, innovation, technology, energy efficiency and the low carbon economy through 20 per cent of the ESI funds. The current contribution from the Structural Funds is clearly more ambitious than in the previous period (2007-13), when the total expenditure on housing projects was around €2 billion. In the current period, therefore, we have had a significant improvement in terms of planned expenditure: in fact, energy efficiency has already reached at least 5.5 billion, which explains the EU objective of a 20 per cent increase in energy efficiency up to 2020 with the possibility of investing in social infrastructures (such as urban regeneration, promoting social inclusion through better access to social, cultural and recreational services).[37] In this sense, the continued support of the European Investment Bank (EIB) is important because it provides, for example, funding for reception centres, temporary accommodation during the

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35   Fissi, Gori, *Politiche e performance* cit.
36   European Commission, *Action plan* cit.
37   Housing Europe (2017), *The state of housing in the EU 2017*, available at www.housingeurope.eu/resource-1000/the-state-of-housing-in-the-eu2017.

asylum application phase and long-term social housing for third-country nationals who have been granted asylum.[38]

Investing in social housing is not only beneficial for an economic return on investment or for the creation of multiple socio-economic benefits, but also for the stability it offers to governance structures in the housing sector. The EU also considers innovative financing policies, such as the EFSI,[39] which is an instrument that guarantees and collects private investments in line with the objectives of the Europe 2020 strategy. In the social housing sector, the experience with the EFSI so far includes projects such as the construction of 12,000 energy efficient housing units in France, the renovation of several hundred housing units as part of the Lisbon urban regeneration, and the construction of 2,198 affordable public houses in Barcelona.[40] The new European Network for Integration and Urban Policy Partnerships for the EU will provide a framework for cities, member states and other stakeholders to exchange experiences and good practices regarding the urban dimension of migration, as well as solutions for geographic isolation and ghettoisation, and the determination of concrete interventions.

The task of the European Commission will be to promote exchanges of good practice among the various member states and cities through study visits, reviews and sharing solutions to address housing-related challenges, including geographic isolation and ghettoisation. The Urban Agenda[41] for the European Union, launched in May 2016 with the Amsterdam Pact, is a new way of working to ensure the best use of the growth potential of cities and to successfully face social challenges. This tool aims to promote cooperation among member states, cities, the European Commission and other stakeholders in order to stimulate growth, liveability and innovation in urban Europe. The new agenda focuses on three pillars of EU policy

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38   It should be noted that between 2011 and 2015 approximately €6 billion in loans for the construction of social housing were disbursed. Various loans were recently disbursed: a loan of €200 million in favour of the Dutch Portaal Housing Corporation for renovations in energy efficiency, a €120-million loan to Germany for the construction of refugee housing, a £1-billion loan to the Housing Finance Corporation in the UK to build 20,000 new homes under the Affordable Housing Finance programme. In addition, the EIB has recently started investing in other EU countries, such as Malta, Poland, Spain, Portugal and Ireland.
39   EFSI, www.eib.org/en/efsi/efsi-projects/index?se=7.
40   Housing Europe, *The state of* housing cit.
41   Urban Agenda, https://ec.europa.eu/regional_policy/en/policy/themes/urban-development/agenda/.

implementation in particular: better regulation, better financing and better knowledge. The housing partnership of the EU's urban agenda is a tool kit for affordable housing and provides a wide range of solutions, already implemented in Europe, to address the housing challenge in an accessible way in the short and long term from the point of view of cities and housing providers, users and policymakers. Indeed, social housing policies and organisation vary considerably from one member state to another, depending on the history, the methods of public intervention and the prevailing economic and social conditions. In such circumstances, the Commission has explicitly recognised that social mix and cohesion are public policy objectives consistent with the objectives of the EU, which can be granted state subsidies in accordance with the SGEI decision. This explains why cities also have to work and collaborate together with the definition of integration policies in which no one is excluded whether at the national or European level to increase the likelihood that the proposals and needs are taken into consideration.[42]

From social housing to 'much' social housing

According to the Social Housing Europe report, investing in quality social housing that is affordable, besides guaranteeing fair conditions to the whole population, entails other positive results such as the reduction of public expenditure for healthcare, social protection and social services, and stimulates economic growth and local employment with respect for the environment.

Integrated support for social housing is an effective tool to improve the protection of the most vulnerable groups through so-called 'very social' policies. These policies have the objective of strengthening, through additional resources, the possibility of giving access to a home to the most disadvantaged, to act on the offer and adapt it to the conditions of the poorest. The very social policies represent an offer for low-cost accommodation for people with very low incomes or who have difficulties integrating, an offer which is often associated in many cases with the offer of social inclusion.[43] The recipients of this offer are people who, for various reasons, cannot access standard social accommodation. This

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42   M. Villa (2018), *Le città globali e la sfida dell'integrazione*, Milan: Ledizioni.
43   Tosi, *Le case* cit, pp. 49-50.

offer is characterised by the presence of intermediary products between social housing and emerging hospitality. These policies are subject to criticism because they often do not allow people to access a permanent home, and the housing conditions are not adequate.

According to a recent OECD study, the cost of public administrations for the care of destitute homeless people can be up to three times higher than a situation in which domestic social services are provided. Nonetheless, the models initially provide the first source of accommodation, and which then integrate the support of health and social care, which remain the most effective services for those who are permanently homeless. These policies have been developed in many European countries in recent decades as a temporary solution until normal social housing becomes available; for example, in France,[44] in the United Kingdom, Germany and Sweden.

Based on the 'very social' policy, to take advantage of these housing benefits it is necessary to respect certain additional conditions, such as being homeless, being a temporary worker, a person who has just arrived, being on the waiting lists for social housing, or being in need of long-term protection[45]given a minority background (eg, the Roma population). These proposals concern the possibility of realising unconventional housing types to be applied to fragile populations and populations that respond to some cultural specificities such as the Roma or other components of the immigrant population. Many scholars argue that even in countries where the social housing system is very effective, such policies can be useful to compensate for the need of temporary accommodation and certain types of reception facilities.[46]

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44   Note that one of the French government's 2018 initiatives was to convert 52 F1 chain hotels across France into shelters for homeless people, refugees, regularised migrants and single women with children. These hotels will serve as temporary accommodation only for the cold weather emergencies. The converted former hotels are equipped with beds, a TV, a refrigerator, a mini-kitchen and a microwave oven. For the French state, the whole project will cost around €260 million, paying only €19.55 per day, less than €600 per month. These loans are a mix of public and private funds: public money comes from a loan programme known as Prêts Locatifs Aidés d'Intégration (PLAI), which provides funding for the purchase, construction or renovation of social housing along with programmes of social support aimed at the integration of those who live in difficulty and need support.
45   Tosi, *Le case* cit, p.51.
46   V. Busch-Geertsema, I. Sahlin (2007), p.84 in Tosi, *Le case* cit, p.62.

Housing exclusion: informal accommodations

Migrants are the first to deal with the housing problem: They are primarily renters, and often have access to reduced and degraded real estate areas that are rejected by the native population; especially in the event that they are irregular, they are obliged to use these kinds of properties which are becoming increasingly rare. As a result, living in a dignified way becomes a problem and there are those who take advantage of it, creating a phenomenon called '*marchands de sommeil*' (sleep merchants),[47] who are often invisible.[48]

The prolonged economic crisis has led to a high level of unemployment among people with a migration background, and this figure – added to the other discriminatory factors that contribute to the exclusion of these subjects from the property market – makes it impossible to pay rents regularly. For these reasons, the population with a migratory background is more exposed to the risk of eviction, even if defining definitive statistics is difficult because the same data collection criteria are not used in the various member states. As a result, the number of evicted persons born abroad is much greater than the number of those born in the member state. The situation is different depending on the member state: 22 per cent of those who underwent preventive measures in Germany had a migrant background, in Denmark 23 per cent of the evicted people had non-Danish parents and 19 per cent had non-European parents. Also noteworthy is the fact that in many countries there is a disproportionate representation between the number of evicted people and the resident foreign population. For example, in Finland in 2016 foreigners comprised only 6.4 per cent, while the number of evicted people of a foreign background was 11 per cent. In the Netherlands, 42 per cent of those who have been evicted from social housing were born in another country, of which 22 per cent were from countries outside the EU. Among these, the Roma are identified in several studies as a particularly vulnerable group with reference to evictions in various central-eastern European countries

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47   It should be noted that these are owners who rent or sublease housing at exorbitant prices in peripheral neighbourhoods and in non-compliant conditions (small, old, insecure, overcrowded and without adequate health services) to 'weaker' categories, older than low income, young people, and especially to non-EU foreigners.
48   M. Lotto (2017), "Abitare nella crisi. Le occupazioni abitative dei migranti", in *Mondi Migranti*, N. 1.

such as Slovakia, Bulgaria and Hungary.[49] Under these conditions, it is not surprising that informal settlements (slums and squats in abandoned buildings) increase, which is a growing European problem that involves immigrants and asylum seekers in particular (the latter in Italy make up almost 90 per cent of the population present in these settlements).[50]

Unlike homeless people, immigrants in these settlements live in ways that are similar to those of the inhabitants of the city. These people are not always recent arrivals or irregular immigrants in precarious economic conditions; quite often some have lived there for many years, have a job and good economic resources, for whom the home is an unresolved concern. Instead, in certain rural contexts, many people live as homeless, such as seasonal agricultural workers in many member states of southern Europe.[51] Migrants can be exposed to the risk of homelessness for various reasons, such as the status given to them in the host country,[52] the lack of job opportunities associated with the increase in rental prices, the refusal of access to mortgages, and the scarcity of social housing and difficulties in accessing it. Such difficulties lead migrants to live in precarious situations of housing distress with a high risk of becoming homeless. In most border member states, foreigners in transit and a high percentage of migrants make up a substantial part of the homeless population. In Spain, for example, 46 per cent of homeless people are foreigners, in France 52 per cent, in Italy[53] 58 per cent, in Greece, despite the absence of official statistics, many migrants are homeless. In addition, there are the 'hidden' homeless people who are not included in the official statistics, who do not have their own address and live with friends and relatives, which in most cases are young people and immigrants. There is a slight increase in homelessness among Central Eastern European citizens in EU-15 countries. In the absence of a common agreement, each

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49   FEANTSA (2017), *Second overview of housing exclusion in Europe 2017*, available at www.feantsa.org/download/gb_housing-exclusion-report_complete_20178613899107250251219.pdf.
50   Tosi, *Le case* cit, p.153.
51   For more details, see. F. S. Caruso (2018), "Dal ghetto agli alberghi diffusi: l'inserimento abitativo dei braccianti stagionali nei contesti rurali dell'Europa meridionale", in *Sociologia Urbana e Rurale*, N. 116, pp. 78-92.
52   Note that the term migrant' includes asylum seekers, refugees, beneficiaries of subsidiary protection status, people whose residence permit has expired, people waiting to be returned to their country can be of origin, citizens of the EU who exercise their right to free movement.
53   For further information, see ISTAT, www.istat.it/it/archivio/175984.

member state has developed different policies: from aid to emergency accommodation, to repatriation to the country of origin.[54] Denmark, for example, refuses people who do not have the right of residence to access emergency housing, the Netherlands requires a residence of two or three years in the region, in France requesting housing assistance seems to expose the applicant to considerable risk of expulsion if they do not have a residence permit. In Italy, access to housing support policies concerns only a group of foreigners who are legally resident, based on length of residence and residence requirements; however, thanks also to the competence of the regions in terms of assistance, even foreigners who are irregularly resident are usually eligible for emergency medical aid, for example in winter. Spain[55] offers irregular immigrants, asylum seekers and refugees the opportunity to enrol in a register at the municipality of residence (Padròn), thus giving the possibility to access various local social services, including social housing, and ensuring the provision of reliable data to public authorities.

Informal housing and urban art as forms of self-recovery and protection to promote multi-ethnicity: the case of Metropoliz in Rome

Metropoliz[56] represents an emblematic example of informal accommodation and a mixed city in which a multi-ethnic community lives today: Romanian, Polish, African, Maghrebi, Sudanese, Peruvian and some Italian families, for a total of about 200 people. The former abandoned factory in Rome extends over a large area in the Tor Sapienza district. In a state of neglect for twenty years, in 2009 this building was occupied by one of the companies that actively works in Rome to respond to the problem of housing in the city. The place is a vast industrial complex that extends over an area of almost three hectares and has become a diverse twenty-first-century village. Precisely for this reason, Metropoliz aims to be an example of integration, self-recovery, and self-management and an experimental space for a new urban coexistence. This occupation, in fact,

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54   FEANTSA, *An overview of housing exclusion in Europe 2015*, available at www.feantsa.org/download/fap_eu_gb2861057678142834491.pdf.
55   El Pais (2018), "Los migrantes tendrán sanidad desde el primer día sin necesidad de padrón", available at https://elpais.com/politica/2018/07/16/actualidad/1531764444_944908.html.
56   Metropoliz, www.spacemetropoliz.com.

represented not only a housing solution for the many families who live there, but also the beginning of an unprecedented multicultural experience, which has the ambition of returning a public space to the city.[57] With the interventions of various professional figures, including anthropologists, artists, sociologists, architects, and ordinary people, they have reinvented the urban space, renovating the building in order to create self-built, small, single-family houses. The result is a space full of contradictions in which the most important themes of urban counter-urbanism are concentrated: the recycling and self-recovery of abandoned buildings as an alternative to the consumption of land, the fight against land rent with proposals for public acquisition, the condemnation of ghettoisation policies toward Roma populations that have always been discriminated against across Europe. The most effective strategies in Metropoliz for opening up to the city are networking and the use of art as a tool for political communication. With the 'Space Metropoliz' project, the intention was conceived to use art as a tool for aggregation, design and transformation of the locality to contribute to socio-environmental regeneration. Therefore, it becomes the expression of storytelling, dreams and ambitions, but it also a tool to plan and create a new space for cohabitation between the inhabitants of the factory and the neighbourhood. The project continues, and since 2012 Metropoliz has hosted the MAAM[58] (Museo dell'Arte e dell'Altrove), a self-managed museum of contemporary art that coexists with homes and inhabitants, going against the trend of large museum centres, inviting artists to contribute for free, interacting with the space and with the inhabitants, thereby giving meaning to the suburbs. In this case, art becomes a barricade against attempts to clear the area of the former factory. Metropoliz is also the concrete experimentation of the idea that creating an 'Other' city is possible, and with it the mestizo city, as stated by the inhabitants, who live in a harmony that has been fostered through everyday life, cohabitation and mutual understanding.[59]

57   Open Migration (2017), "Roma meticcia: il museo dell'altro e dell'altrove", available at https://openmigration.org/tag/museo-dellaltro-e-dellaltrove/.
58   La Repubblica (2018), "Roma, MAAM abusivo: risarcimento record. Il Viminale deve 27,9 milioni", 5 July 2018, available at https://roma.repubblica.it/cronaca/2018/07/05/news/roma_maam_risarcimento_record_il_viminale_deve_27_9_milioni-200914930/.
59   R. Galdini (2017), "Emergenza abitativa e pratiche informali. Il caso di Roma, Sociologia urbana e rurale", in *Sociologia Urbana e Rurale*, N. 112, 2017.

Models of housing policies in some European countries

This part of the research examines some of the most representative European models as regards the provision of the social housing service. The attempt to reach a single European term is made even more difficult by the fact that most countries have not adopted an official definition of social housing.

The Netherlands promotes an explicitly integrationist policy focused on socio-economic and civic education and emphasises equality of opportunity by referring to individuals and not groups in order to encourage active citizenship. Based on a democratic social model characterised by a strong public intervention, social housing is considerably more widespread than private or property housing. For this reason, the Netherlands has the highest percentage of social housing in Europe, equal to 30 per cent of the total building stock, while only 10 per cent are private houses for rent at market prices and 60 per cent are privately owned property. These figures indicate that over three quarters of all tenants live in social housing, which is more common in urban areas such as Rotterdam and Amsterdam for approximately 49 per cent of all homes. Even in the most distant provinces, about 25 per cent of the houses are socially rented, which is more than in any other country in northern Europe. Most of the districts of this member state are quite mixed, although in the areas with a lot of social housing, the lower middle classes often predominate, but with low stigmatisation. Unlike other European countries, many Dutch people live in social housing even if they have a high income.[60]

In fact, 31 per cent of social housing for rent is occupied by non-Dutch families, compared to 23 per cent of the total housing stock. Such families, especially those from non-western countries, are much more likely to live in rented social housing than non-minority families. The largest groups come from Turkey, Morocco, Suriname and the Dutch Caribbean, followed by several other countries. Second-generation immigrants own homes

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60   Note that in 2015 there were 409,000 people living with an income higher than the maximum ceiling of €34,299. The agreed initial monthly rent of €710 is much lower than the rent at market prices, there are also rental subsidies based on the percentage of income that pays for the house. About 75 per cent of the rental houses in the country are owned by private non-profit corporations. Government of The Netherlands: https://www.government.nl/topics/housing/rented-housing.

at the same level as the Dutch.[61] Policies toward the liberalisation and privatisation of social housing have changed the situation and created individual and non-structural inequalities and discriminatory situations. This new strategy has reduced public intervention and the intervention of social aid and, especially in large cities, anti-segregation policies have been promoted by renewing the less favoured areas and proposing affordable housing proposals in the best neighbourhoods.

One of the best practices in this regard is represented by Startblok Riekerhaven[62] in Amsterdam, an innovative example of multi-ethnic coexistence that offers apartments to young Dutch people and young refugees who have recently received a residence permit. The goal is not only to host young people, but above all to encourage people to mix socially and to think about building a new community together through joint activities, such as movie nights, football games and intercultural parties. Through a tutoring system, citizens learn about cultures; in fact, the 'Buddy Project' provides for the assignment of a young Dutch 'friend' with the aim of building a collaboration by sharing common skills, interests and objectives. In addition, the term 'status holder' is used instead of 'refugee', which is prohibited. A self-management and self-organisation model allows tenants to conceive and implement their own initiatives, helping to create a pleasant atmosphere and strengthen social cohesion.

Therefore, a structure is formed that brings together all the residents as stakeholders in their living space to create a comfortable, clean, safe and liveable environment for everyone. Despite being viewed as a great success, it is still early to evaluate the medium and long-term benefits. Of course, there is no shortage of problems, such as the difficult communication with Eritrean status holders due to the lack of a common language with which to communicate and the lack of diversification of the community, given that only 15 per cent of the Eritreans are women.

61 M. Elsinga, F. Wassenberg (2014), *Social housing in the Netherland*, in K. Scanlon, C. Whitehead, M. F. Arrigoitia (eds), *Social housing in Europe*, Chichester: Wiley Blackwell, pp. 25-43.
62 Note that Startblok offers 565 housing units consisting of 463 studios and 102 rooms in shared apartments for young people aged 18 to 28. Half of the tenants are Dutch, including students and other people without the necessary resources to pay the high rents in Amsterdam. Startblok Riekerhaven, https://startblokriekerhaven.nl/en/ accessed, 10 November 2018.

To address these problems, a series of inter-ethnic themed events took place.[63]

The United Kingdom has adopted a largely multicultural approach to integration and housing policies, reflecting government guidelines aimed at promoting and enhancing ethnic diversity in housing and expanding housing choices for ethnic minorities. Not all migrants have the right to social housing; in order to be admitted they must have regular settlement status or be citizens of the countries of the European Economic Area (EEA). However, there are no time limits related to residence, and everything is decided on a case-by-case basis.

This approach to housing policies is of a liberal orientation and sees inequality in housing conditions as the result of both structural constraints and individual choices, tied to the needs that arise from the cultural differences of the various minorities. Consequently, over the years, public intervention has been reduced only for some categories of the population in difficulty who are unable to cover the costs of housing at market prices. This overall vision leads to the formulation of a 'housing policy for ethnic minorities' which takes the form of associations managed by ethnic minorities. However, the activity of these associations remains severely hampered by the liberalisation regime in which they operate and is therefore limited by a precarious and dangerous financial position. Social housing houses make up 19 per cent of the total, while owned houses are 63.1 per cent and rents at market prices are 17.6 per cent. In 2017, it was found that about 16 per cent of people born in the United Kingdom and 17 per cent of individuals born abroad live in social housing, especially women, who on average have a slightly higher probability of living in social housing than do men.[64]

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63   Note that, for example, 'Getting to know Eritrea' was an event organised and financed by the Eritrean community that lives in the neighbourhood to celebrate Hoye, the Eritrean new year, in which the Local Council gave permission to start a giant bonfire. The great success of the project in the short term made it possible to plan to build five other similar projects in the Netherlands. Housing Futures, https://housing-futures.org/2018/01/15/social-housing-in-amsterdam-is-helping-to-solve-the-urban-refugee-crisis/, accessed on 08 December 2018.
64 The Migration Observatory, https://migrationobservatory.ox.ac.uk/resources/briefings/migrants-and-housing-in-the-uk-experiences-and-impacts/#kp1.

Social rents were calculated individually and linked to the historical costs incurred, the occupant's income and the type of accommodation. The state grants subsidies mainly in the form of housing allowances, although these have been decreasing in recent years. Instead, people who need social housing have increased by half a million. With the introduction of the Housing and Planning Act in 2016, a series of new policies were implemented for the social housing sector. The law has removed the possibility of long stay for new social tenants, for which the standard lease agreement will have a fixed term period of stay, from two to ten years. The law has extended the right-to-buy scheme by allowing social tenants to purchase their home at a discount from social housing associations. New rules have also been added for the purchase of shared ownership houses (rent to buy): the buyer purchases a portion of the property while paying the rent for the part not purchased; the programme places great emphasis on the purchase of the home and does not provide any financing for houses for rent.[65]

In Germany, despite fundamental changes to the legal framework, housing policies, as well as integration policies, appear to be directly proportional to targeted subsidies. In addition, social assistance tools are effective with regard to the country's need for immigrants. Social housing, in its traditional forms, has played an increasingly small role in this system, with the announced and recognised decline of social housing in the past thirty years. For this reason, after a long and constant decrease in funding for new structures since 1995, since 2014 there has been a recovery in the construction of social housing. Since 2007, the competence in social housing has passed from the federal state to the individual *Länders*; therefore, today the financing and housing allocation strategies vary from one *Land* to another. German social housing is based on market rules, and the public sector finances private companies by giving them incentives to build social housing for the market: for this reason, only 3.9 per cent of the available housing is social, while 45.4 per cent is represented by owned homes and 50.7 per cent by rents at market price. More recently, in response to the challenges of the high refugee flow, the federal government has increased subsidies for public housing to regional states. The goal is to improve the situation for all families with difficulties in accessing houses on the real estate market, including holders of refugee

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65   Housing Europe, *The state of housing* cit, p. 102.

status.[66] In addition, many cases of discrimination have been recorded, often represented by an increase in rent costs for immigrants compared to those contracted by Germans.[67]

The 'Finding Places' project was conceived as a collaboration of the Municipality of Hamburg with Hafencity University CityScienceLab and concerned the search for housing for refugees in cities during the refugee crisis of 2015-16. With the large influx of migrants, local authorities had found it difficult to provide adequate accommodation for new arrivals. In order to deal with the allocation of houses to refugees in the city, an interactive City Scope was built, directly involving citizens to participate for a shared and lasting solution. Multiple stakeholders could interact around a virtual table, drawn over the city map, to discuss unused public spaces. Many public spaces were found and suggested to the authorities as potential housing sites. This approach was instrumental in gathering information and improving the transparency of the decision-making process, encouraging participants to think about the location in a creative way, for example when talking about public spaces in terms of opportunities rather than restrictions. About 400 people participated in the workshops, and of the 161 areas proposed, 44 were tested as new accommodations, from which 10 spaces were selected in which temporary housing was built with the approval of the local population. This is an approach that is easily adaptable to other cities due to its wide application in other areas of urban development and planning, not only with respect to refugee housing. In this sense it can be applied in a wide range of similar urban problems.[68]

The Swedish welfare state is a model customarily based on about 30 per cent of GDP. In Sweden, the term social housing is replaced by the Swedish word *allmännyttig* ('public utility' or 'for the benefit of all'). The policies for access to social housing in Sweden are universalist in nature and can be divided into two types: on one hand, there are the social housing policies dedicated mainly to assisting the most vulnerable communities; on the other, there are the 'comprehensive' housing policies which are reserved for all citizens: indigenous, middle class, disabled and migrant groups.

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66   Ibid., p. 68.
67   Destatis, www.destatis.de/EN/Themes/Society-Environment/Income-Consumption-Living-Conditions/_node.html.
68   Urbact, http://urbact.eu/finding-places, accessed on 22 December 2018.

These policies to access housing are aimed at the entire population without any distinction of income or other criteria, to avoid discrimination and in order to improve and provide good quality housing for all. However, these buildings are not attractive to the Swedish middle class in social terms, housing design or neighbourhood, with consequences on the composition of the population that inhabits these locations. Compared to other sectors, the inhabitants of public housing are on average less wealthy, with low income, a high unemployment rate and include single people, single parents and very often immigrants.

Immigrants live in these homes located in peripheral areas, which were part of the Million Homes Programme. In this way, a spatial segregation is created because of economic marginality, as are, consequently, real ghettos, such as Rinkeby (Stockholm) or Rosegård (Malmö). Other factors also contribute to influencing this segregation, such as: discrimination by institutions, structural conditions of the housing market, institutional barriers and ethnic networks.[69] In 2016, 65.2 per cent of the Swedish population owned their homes (54.8 per cent with a mortgage, 29.8 per cent without a mortgage) and 34.8 per cent rented (34 per cent at the market price, 0.8 per cent at a lower or free price).[70] This sector is comprised of rented houses, owned by the Municipal Housing Companies (MHCs), organised as a public limited company, where in most cases the municipality is the sole holder of the shares. The main objective of the MHCs is to ensure the management, construction and allocation of housing, operating according to the market economy. Investments in social housing must be financed from income from rents, which have no particular advantage over the private rental sector, as the 'value in use' principle applies to both sectors. This means that rents and rent increases are decided through collective bargaining at the local level between tenants and landlords.[71] The Swedish social housing model has changed significantly over the years. Currently, the cost of building a house is, on average, more than in any other country in the EU, especially in metropolitan areas. For this reason, there is a crisis in the housing sector, especially for immigrants, young people and the elderly. According

69   V. Riniolo (2013), *Uno studio di caso europeo: immigrazione e politiche abitative in Svezia*, in A. Alletti, A. Augustoni (eds), *Integrazione, casa e immigrazione. Esperienze e prospettive in Europa, Italia e Lombardia*, Milano: ISMU, pp. 89-100.
70   FEANTSA, 2018.
71   H. Lind, *Social housing in Sweden*, in K. Scanlon, C. Whitehead, M. F. Arrigoitia, *Social housing* cit, pp. 91-105.

to a study conducted by the Swedish National Board of Housing, Building and Planning to address this crisis, the country would need 710,000 new homes in the next 10 years. The policies that the state is implementing to deal with housing shortages and spatial segregation in some areas, as well as consisting in the construction of new homes, are being combined with policies in the educational, employment, health or cultural fields. One of the policies that is being pursued concerns segregation in middle and high schools where children of the upper-middle class attend the best quality schools and the children of the less well-off attend the worst schools in the ranking.

According to the Housing Europe 2017 report, Greece is one of the very few member states without a social housing system, distinguishing itself by not engaging at all with ethnic minorities and immigrants in social housing policies. The topic was addressed for the first time only in 2014 during the design of the National Social Inclusion Strategy, with the approval by the European Commission in 2015 of a common framework of principles, priorities and objectives to combat poverty and social exclusion at national, regional and local level through ERDF funds.[72] Despite this, to date none of the stated objectives have been achieved. A good practice is that represented by the UNHCR ESTIA[73] project in collaboration with the Greek government, local authorities and NGOs. This programme has provided urban housing and cash assistance to more than 30,000 refugees, funded by the EU's Civil Protection. Urban housing provides integrated coexistence for refugees and asylum seekers, facilitating integration and access to basic services such as education and health care. In addition, cash assistance restores dignity and empowers refugees and asylum seekers who can now choose how to cover their basic daily needs. Therefore, on one hand, a peaceful coexistence of different cultures takes place, and on the other, it contributes to the economy of the host community through the rental of apartments and the purchase of goods and services.[74]

Portugal is also increasingly facing the challenges of immigration and integration, despite its being an example of a country without public policies aimed at improving access to housing for immigrants and ethnic

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72   Housing Europe, *The state of housing* cit, p.70.
73   Emergency Support to Integration and Accommodation (ESTIA), https://estia.unhcr.gr/en/home/.
74   For further information, see FEPS, *Newcomer integration* cit.

minorities and based on a prevalent private housing market. In fact, Portugal has only recently adopted legislation prohibiting discriminatory practices for ethnic and racial reasons in access to employment, education, housing and services.

Among the best practices at the European level is Housing First Europe,[75] a programme that involves many European countries in the struggle to solve homelessness. Housing First uses housing as a starting point and not as a destination; it is an innovative model of intervention in social policies that allows people to live in their home as part of a community. In this way, it is possible to improve the level of health, well-being and social networks of homeless people. These projects have shown very positive results in all the countries in which it has developed; over 70 per cent of the people who participated in the projects have managed to be independent and to live in a home. In general, the results show that Housing First is more effective than the traditional staircase[76] approach to address homelessness among people with multifactorial distress, including people who have a long experience with homelessness. Housing First is cheaper than the staircase model because it can generate a reduction in costs for health and psychiatric services, and the rate of contact with the criminal justice system. Furthermore, addressing the ethical and humanitarian concerns raised about the operation of some staircase services, Housing First – with the continuous support of the European Commission[77] – is becoming increasingly important in Europe; in some countries (Denmark, Finland, France and Spain), it is now an integral part of strategies for the reduction of homelessness. Indeed, based on the Housing First model introduced as part of the national strategy to end homelessness, Finland is the only EU country where the problem of homelessness fell by 10 per cent in 2016, contrary to the general growth trends in many European countries. This has been possible on one hand by reducing the places of emergency housing, and on the other by investing in the construction

75   For further information, see: Housing First Europe, https://housingfirsteurope.eu/.
76   Note that the staircase model is used in Europe to describe systems in which a homeless individual's 'housing' gradually becomes more 'normal'. It means accompanying homeless people through a series of multi-stage residential services, structured around a housing model in which users demonstrate their commitment to move from one level of accommodation to another, as part of the reintegration process by acting in accordance with jointly established goals. CRISIS, www.crisis.org.uk/media/20498/staircases_elevators_nd_cycles_ of_hange_es2010.pdf.
77   European Commission (2013), *Confronting homelessness in the European Union*, available at http://ec.europa.eu/social/BlobServlet?docId=9770&langId=en.

of new apartments with rental contracts and social support for former homeless people. One of Finland's best practices is the VäinöläHousing First project[78] managed by the Salvation Army with housing provided by Y-Foundation,[79] an organisation that develops new social housing for rent in Finland. The accommodations are in individual apartments, which are in a single condominium, with on-site assistance services 24 hours a day, seven days a week. The approach used by the team is the Case Management Model, made up of professionals, including social workers, health workers, volunteers and labour market experts, who help users achieve social integration through paid work and, if necessary, with the involvement of external professionals. The programme aims to encourage and promote social integration in the host community of the most vulnerable groups (where migrants make up 30 per cent of the population) through voluntary participation in the management of services (cleaning, gardening, organisation of cultural events etc) for the population living in the neighbourhood. With open house events, neighbours are invited to become informed of the Housing First project and its priorities: home, social integration, health and well-being. The results speak of the success of the project both in maintaining accommodation and in social integration in the host community, in particular in re-establishing contacts with family, relatives and friends.

Another good practice is the Italian one[80] implemented by the Tetti colorati ONLUS ('Coloured Roofs' non-profit organisation) in Ragusa, managed by the Caritas Diocesana, which involves both homeless local adults and homeless migrants with complex support needs. This project is funded by the Diocese of Ragusa, private donations, the central government and EU (EIF) funding. Accommodation is provided on the free market. Temporary emergency accommodation is also provided when a family cannot be immediately accommodated, with the aim of guaranteeing

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78   Y-Foundation (2017), *A home of your own. Housing First and ending homelessness in Finland*, Keuruu: Y-Foundation, available at https://ysaatio.fi/assets/files/2018/01/A_Home_of_Your_Own_lowres_spreads.pdf.
79   Y-Foundation, https://ysaatio.fi/en/y-foundation. For further information, see also Y-Foundation, *A home of your own* cit.
80   Note that Housing First Italia has 54 members spread over 10 Italian regions. 35 organisations implemented projects during 2015, with 556 people accepted; among these 55 per cent Italians and 45 per cent foreigners with an average age of 51 years. Some of the projects launched so far with public, private and European funds: Tetti colorati (Ragusa); Rahab House (Agrigento); Km 354 (Trento); Rolling Stones (Bergamo); Everyone at home (Bologna).

them their own home as soon as possible. The team is made up of social workers, educators, anthropologists, linguistic-cultural mediators and volunteers. An Intensive Case Management Model is used which provides flexible support that is adapted to the specific needs of each case. In the absence of a minimum income, Housing First Ragusa must often pay the rent for the participants. In addition to finding houses, the project also maintains them and focuses on community integration, social support and the promotion of self-confidence, with stable housing as a base from which to start working to achieve these goals. In Italy, foreigners are often penalised administratively for access to housing support measures due to requirements such as the need to prove residency[81] for a minimum number of years in the territory of the municipality of residence. Renting or owning a property involves going through a complex process, especially for newcomers. The opportunities of long-term immigrants with a stable socio-economic situation are substantially different; in fact, they tend to find financing for the purchase of a home rather than use the precarious rental market.[82] As previously mentioned, Italy is a country in which 71.9 per cent of families live in a home, compared to 14.8 per cent who rent at market rates, while 9.6 per cent live in a house where they don't pay the rent. Only 3.7 per cent live in low-rent housing, of which 75 per cent live in houses managed by public construction companies. Furthermore, there are about seven million empty houses or second homes.[83] According to a study on the housing status of immigrants, 64.7 per cent live in rented accommodation, 8.9 per cent live in the place where they work, 7.3 per cent stay with relatives or compatriots, while only 19.1 per cent live in a house they own.[84]

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81   It should be noted that the Constitutional Court also ruled on the issue of residence, with sentence no. 106 of 24 May 2018 and, previously, with ruling number 168 of 2014 on the law of the Valle d'Aosta region. The Court declared the unconstitutionality of the law of the Liguria region n. 13/2017 in the part in which, by modifying the previous l.r. n. 10/2004, required (article 5, paragraph 1, letter a), for citizens of third countries only, ten-year residence on the national territory for the purpose of access to public residential construction. In addressing the matter, the Constitutional Court underlines how Council Directive 2003/109/EC, which recognises the status of long-term resident to third-country nationals who have been regularly residing in a member state for at least five years, then provides that long-term residents are treated as nationals of the member state in which they find themselves for the enjoyment of social services and benefits, which include the allocation of public residential housing.
82   IDOS (2017), *Dossier Statistico Immigrazione 2017*, p. 221.
83   Housing Europe, *The state of housing* cit, p. 76.
84   Scenari Immobiliari, Osservatorio Nazionale Immigrati e Casa, *Rapporto 2012*, available   http://www.cestim.it/argomenti/01casa/2012-07-Osservatorio-Nazionale-

In Italy,[85] foreign families have higher average rental costs than indigenous families, but the differences are not uniform. The role of organised civil society is relevant. In this regard, there are some good practices that have developed over time, for example the cooperative La casa per gli immigrati ('a home for immigrants') in Verona, which assists immigrants with orientation, information, mediation services, and contractual forms of 'future sale' which may lead to home ownership.[86] Another example is QuiPadova,[87] a multifunctional complex of buildings which offers a variety of functions and support services. The QuiAbito ('I LiveHere') Social Housing project managed by the New Village Social Cooperative provides apartments with agreed rents, promoting the creation of a sustainable community and promoting social engagement among cultures. In addition, through the Casa a Colori ('Coloured Home') a social welcome is offered, providing an inclusive response to the housing emergency.

Some considerations on the survey data

In our study, we have concluded that integration policies contain a constant weakness: the low level of importance of the housing dimension and the separation between integration policies and housing intervention. At the EU level, there are no housing policies for immigrants, and strategies for integration and social cohesion tend to ignore access to housing. The waiting lists for social housing are long. In addition, integration policies in all member states deal with employment, language teaching, and health and citizenship problems and not with housing issues. Another of the problems that is highlighted in all the countries of the EU is the fact that upon arrival, the new immigrants do not always find an information coordination and help system that guides them in their new context. The personal knowledge of friends and relatives is often the only way that immigrants, in the initial phase, navigate to the need to find a home. In fact, even if foreigners participate in calls for the assignment of public social housing (often representing 50 per cent of the applications), the percentage of housing assigned to them is almost always less than their impact on the population locally or nationally. In Italy, as confirmed by

Immigrati-e-Casa-IX-Rapporto.pdf.

85   C. Daminato, N. Kulic, *Disuguaglianze e differenze* cit, p. 179.

86   www.lacasapergliimmigrati.it.

87   http://quipadova.com.

a study,[88] in the small municipalities the most common critical issues and problems for foreign residents are: the lack of Italian language teaching and civic education courses, the lack of intercultural mediators in public institutions, the inadequate public transport, no provision of an immigration counter to provide information regarding their rights, the lack of public policies that facilitate the search for housing for foreigners and the lack of multi-ethnic cultural activities to promote diversity.

Another study[89] found that housing is one of the biggest challenges for the integration of refugees; property owners are not willing to rent to refugees due to prejudices and stereotypical judgments toward them. The territory in the strict sense of the word is an important component of the urban question: the consumption of land, the high price of land and the construction of buildings have led to housing problems (especially in metropolitan areas) not only for the disadvantaged class, but also for the rest of the population. For this reason, we need more urban redevelopment and self-recovery policies which must include participation and social support interventions, introducing a new perspective that takes into consideration the wider socio-spatial framework in which the house and the housing nucleus are included.

Proposals

1. Much attention must be paid to the distribution of new arrivals to the districts where the least foreigners are concentrated. To this end, new social housing should be provided in all neighbourhoods of cities to avoid the concentration of the population with a foreign background in the social housing in the same neighbourhood.

2. Since in most countries it is the municipalities that promote social housing, it should be up to them – once a minimum national protocol is ensured – to set the standards to be observed for the construction of new social housing, considering the issues related to social cohesion and inclusion of the most vulnerable groups. In addition, to improve access to adequate housing, municipalities should finance small grants for arrears rents and initial deposits.

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88   M. Balbo (2015), *Migrazioni e piccoli comuni*, Milano: FrancoAngeli.
89   FEPS, *Newcomer integration* cit.

3. The creation of partnerships between local, national and supranational institutions (with a very desirable direct link between individual municipalities and other forms of intra-national territorial government and the European Commission) should be favoured from the outset in order to create collaborations and generate synergies.

4. More work needs to be done with the host communities to make homeowners particularly aware of migrants. Local authorities in collaboration with third sector associations can have an important role in this regard.

5. In order to combat housing exclusion, in addition to the Housing First programme, action must be taken on several fronts, with a strong intervention on the property markets which today tend to exclude an ever-growing part of the population. This is possible by creating tools to make private rental assets more 'social', introduce intermediate forms of shared or temporary ownership and create housing co-operatives and modular housing.

6. From the viewpoint of immigration law, the acquisition of home ownership should be enhanced, as it expresses an effective desire for definitive inclusion. The title of ownership should entail exceptions to the regulation of maintaining the right to stay (where, for example, suitable housing, or a threshold of work income is required for the renewal of the residence permit, and the person concerned is in difficulty in demonstrating to have one or both requirements).

7. At least where housing constitutes a form of emergency aid to protect physical integrity and health, national laws should be clear in ensuring their accessibility even to persons without a residence permit.

8. The insertion into a home, accompanied by social support measures, should encourage, through appropriate rules, a path of recovery of the legality of the stay for foreigners who have resided for a long time in the country of immigration.

Francesca Rivabene

Inclusion in national education and development frameworks and systems

This study will compare the school systems of different countries (in search of good integration and educational practices), analysing their ability to welcome and support the training of foreign students through appropriate accompanying policies in education, with particular attention to the problems and the results of the different strategies adopted.

Introduction

It is a known fact that students of migrant origin are an integral part of the school population, both national and European, making the school system increasingly multiethnic and multicultural. The management and presence of 'foreign pupils' in schools is in fact one of the main results of modern migratory movements.[1] Therefore, education has a role of primary importance for the inclusion of foreigners within each country: the school policies in favour of immigrant children and young people, the subject of this chapter, have become an integral part of the EU's policy on immigration, as the school system is recognised as a place of integration.

Studies or research studies carried out in this field has shown that, beyond any policy concerning migratory flows, learning the language of the host country is the first tool capable of promoting integration, since inadequate linguistic knowledge implies restrictions on the expression of needs, access to information and use of services. However, to date there are evident difficulties in the process of schooling foreign minors in Europe. The problems relating to pupil participation in schools, particularly among those from other countries and different backgrounds, are common issues in European countries. Therefore, analysing the presence and the different

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1   M. Guidotti (2014), *Gli alunni stranieri nelle scuole d'Europa*, MIUR, Quaderni ISMU.

paths foreseen in the different European school systems is fundamental when attempting to gauge and understand the progress made, as well as identifying weaknesses, obstacles, and implementing good practices that increase educational success. This is also true when promoting the best teaching, achievement and attainment of the subject, and helps ensure that there is a complete and constructive participation in the life of the host country.

The school not only needs to fully understand the effects of the migration process, but it also has the duty to give adequate and timely responses in organisational and managerial terms.[2] Starting from the analysis of different research studies that have been produced in recent years on the topic of education by different Agencies (EACEA, Education, Audio-visual and Culture Executive Agency and its Eurydice platform, which has long been promoting specific policies and measures to support children and young people from migrant backgrounds) and the Action Plan on the integration of third-country nationals (launched by the European Commission on 7 June 2016), as well as the "Guidelines for the reception and integration of foreign pupils", developed by the Italian Ministry of Education, University and Research (MIUR) in 2014, this study will compare the school systems of different countries in order to evaluate their ability to integrate and support foreign students in education and training.

An important aspect of the research will be the analysis of the different educational policies toward foreign students in different migratory situations (students in an irregular position; asylum seekers, minors who arrived as a result of family reunification; the situation of the second generations), by attempting to evaluate the effectiveness of the practical choices promoted and effectively implemented with regard to the insertion of foreign pupils in the classes through linguistic support, the evaluation of prior learning, the support offered to schools to achieve good results, the various measures of general order applied to promote equity, as well as inclusive education, education and intercultural dialogue.[3] There is also the training offered to school staff, the school transport service and the creation of scholarships. There will be an attempt to highlight problems

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2 Eurydice (2004), *L'intégration scolaire des enfants immigrants en Europe*, Brussels: Eurydice.

3 Eurydice (2017), *L'integrazione degli alunni immigrati in Italia e in altri Paesi a confronto*, INDIRE, www.indire.it/2017/02/28/lintegrazione-degli-alunni-immigrati-in-italia-e-in-altri-paesi-a-confronto/.

and outcomes of different strategies (school placement policies, pupil dissemination and concentration, early school leaving, success and failure rates), to consider when searching for good integration and educational practices.

The right to education

The right to education, as the cornerstone that allows the effective implementation of the fundamental rights of the human person, must be guaranteed to all, without any exception. Education is in fact fundamental to have a certain degree of awareness when it comes to being informed and accessing health, safety, information, and knowing one's political, associative and work rights;[4] and encouraging an individual to express their potential, aspire to higher individual achievements and to reduce the effects that social origins and the place of birth can exert on the development of an individual.

The universal right to education is expressed through a series of international legal instruments, including Article 26 of the Universal Declaration of Human Rights,[5] Article 28 of the International Convention on the Rights of the Child[6] and Article 14 of the Charter of Fundamental Rights of the European Union, which are worth mentioning as they affirm the equal right of free access to compulsory education and vocational training.[7] This universal approach is also found within the different legal

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4   G-M. Sabatino (2016), *Tutti a scuola*, La Scuola.
5   Universal Declaration of Human Rights, Article 26, paragraph 1, "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit", 1948.
6   United Nations Convention on the Rights of the Child, Article 28, paragraph 1, "States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: a) Make primary education compulsory and available free to all; b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; (...)", 1989.
7   Charter of Fundamental Rights of the European Union, Article 14, "1. Everyone has the right to education and access to vocational and continuing training. 2. This right includes the possibility to receive free compulsory education. 3. The freedom to found educational establishments with due respect for democratic principles and the right of

systems of European countries, which give the right to education to all children who are of compulsory school age, regardless of their immigration status: the European Convention on Human Rights itself (text ratified by all member states of the Council of Europe) states that "The right to education cannot be refused to anyone".[8] Referring to Article 34 of the Italian Constitution,[9] the Italian legal system, starting from the decree of the President of the Republic n. 394 of 1999, states that "Foreign minors present on the national territory have the right to education regardless of the regularity of the position regarding their stay, in the forms and ways provided for Italian citizens".[10]

Therefore, regardless of whether an immigrant's arrival on Italian soil is legal or irregular, the right to formal education is the starting point of the Italian system from which all subsequent steps and decrees derive. For this reason, it must be considered. The economic or social condition must not predetermine the educational path, lest one of the fundamental tasks of the school in a democratic society be denied. Each minor (regardless of their nationality, or personal or family status) must therefore be inserted quickly within the educational system to guarantee their right to education (which, clearly, is linked to the duty of the state itself to educate all those who are within its territory). All subsequent state actions must therefore start from this right to encourage each child to have an educational path of growth, which is inclusive and promotes the best integration possible.

In Germany, Article 7 of the Law of the Republic deals with the issue of school education but does not highlight it as a universal right to study; it is limited to dealing with various aspects of the structural organisation of

parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedoms and rights", 2009.

8   European Convention on Human Rights, Article 2, protocol 1, 1950.

9   Constitution of the Italian Republic, Article 34, "Lower education, taught for at least eight years, is compulsory and free. The capable and deserving, even if without means, have the right to reach the highest degrees of studies", 1948.

10   See the Decree of the President of the Italian Republic n. 394 of 31 August 1999, updated with the changes made by Presidential Decree no. 334 of 18 October 2004, containing rules for the implementation of the consolidated text of the provisions concerning the immigration regulation and guidelines on the condition of the foreigner (1999), article 45 regulates school enrolment and support measures for the full enjoyment of the right to study, pursuant to article 1, paragraph 6, of legislative decree n. 286, 25 July 1998.

schools and the possibility of having the right to establish private schools and ways of carrying out religious teaching.

Social inclusion

The concept of social inclusion is one of the European strategic objectives mentioned in the Memorandum of the Lisbon European Council of 2000 as one of the conditions for achieving education and lifelong learning for individuals; thus, emphasis is placed on the need for everyone to participate fully in economic, political and social power in society[11] as an essential condition for the development of each country. The socially included individual is the one who, in adapting to the context, accompanies this process with a corresponding increase in autonomy and assumption of responsibility.[12]

Intercultural education

Promoting the skills of constructive coexistence fosters the existence of a multi-faceted society. This involves accepting and respecting diversity; the recognition of cultural identity; and the daily search for dialogue, understanding and collaboration in a perspective of mutual enrichment. Intercultural education is not an additional discipline, but a transversal dimension that rejects both the logic of assimilation and the construction and strengthening of closed ethnic communities. It also promotes the heterogeneity of citizens in the composition of classes, rather than forming homogeneous classes based on cultural origin, in the framework of an integrated education system.

Policies for the integration of foreign minors in schools

However, the question of the right to education clashes with bureaucratic issues that must be overcome in order to build inclusive and positive educational pathways. A particularly problematic datum is how to ensure effective placement within the school. The term "foreign student" does

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11   Sabatino, *Tutti a scuola* cit, p. 11.
12   Ibid.

not have an unequivocal value, but rather it takes on different features in different European countries. Significant changes are taking place in the European educational strategies and in the analyses that direct their action, testifying to the increased inter-ethnic mobility, the common feature which is starting to affect the replacement of the nationality criterion with more significant terminologies and analytical references, particularly regarding cultural origin[13] (Portugal and Greece) or on the basis of the mother tongue criterion (Sweden, Finland, Estonia and Cyprus).

For example, Portugal has a 'mixed' system, with survey categories that take into account both the cultural group to which they belong (the returning emigrants) and the nationalities of 'non-Portuguese' pupils.[14] Nonetheless, the identification of foreign pupils through the criterion of different nationalities continues to be the most followed (Italy, Spain, Ireland, Czech Republic, Luxembourg, Malta, Poland, Slovakia, Hungary, Denmark, Slovenia, Latvia and Lithuania).[15]

On 7 June 2016, the European Commission launched an "Action plan on the integration of third country nationals" with a strong educational component, to underline the absolute need to integrate the numerous young people from migrant or refugee backgrounds in Europe, prevent insufficient academic performance and combat exclusion.[16] According to research conducted by the Eurydice platform, support measures for immigrant children correspond to two main models which are foreseen in European school systems:[17] an integrated model and a separate model. In the integrated model, immigrant children are placed in ordinary classes made up of pupils of their own age (or, as the case may be, younger), where they follow the same methods and curricular contents as provided for the autochthonous pupils.

The support measures, mainly of a linguistic nature, are applied on an individual basis for each pupil within normal school hours. In addition to the ordinary offer, extra teaching may sometimes be provided outside of

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13   Sabatino, *Tutti a scuola* cit, p.79.
14   Guidotti, *Gli alunni* cit.
15   Ibid.
16   Eurydice,   https://eurydice.indire.it/integrazione-degli-alunni-migranti-nelle-scuole-deuropa-un-confronto-fra-le-politiche-nazionali/.
17   S. Baggiani, E. Bartolini (2008), *L'integrazione scolastica degli alunni immigrati in Europa*, INDIRE.

school hours (but always within school facilities), under the responsibility of the educational authorities of the host country.[18] In the separate model, with transitional agreements for a limited period, immigrant children are placed in groups separate from other children in order to adapt the teaching to their needs. However, some lessons are followed together with the other pupils in preparation for long-term measures, and special classes are set up within the school for one or more school years, often grouping immigrant children according to their skills in the language of instruction. In general, the two main models for offering support to foreign pupils are not mutually exclusive, but often find themselves coexisting in the same country.

In the integrated model, the educational authorities give priority to the immediate inclusion of immigrant children in the corresponding ordinary class, together with other pupils of their age. It is also possible, however, to place pupils in the lower class than that indicated for their age based on an initial assessment of their language skills and their general performance at school. In this context, during normal school hours, support measures can be planned, which entail the withdrawal of these pupils from ordinary lessons for different teaching activities aimed at promoting the learning and reinforcement of the language that is used for teaching. In many cases, the integrated model coexists with the separate transitional model. Here, transitional classes are regularly organised for newly arrived pupils in the host country for a variable period (generally not exceeding one year), with the aim of offering assistance focused on special needs (and particularly on linguistic needs) and facilitating gradual integration into the host school system.[19] The support measures provided by the different European education systems can be divided into three categories:

- Support measures aimed at compensating for the language gaps of foreign pupils whose language is not the language of instruction. If foreign children are unable to attend lessons in the language of instruction that is used in the school, adequate specific linguistic support, based on the method of linguistic immersion, must be provided, so that pupils are directly exposed to the language of the host country and receive intensive teaching during normal school hours, individually or in small groups. Sometimes,

18   Sabatino, *Tutti a scuola* cit, p.83.
19   Sabatino, *Tutti a scuola* cit, p.84.

bilingual teaching is possible, which is offered partly in the language of instruction and partly in the original language of the pupils.
-   Support measures aimed at responding to the linguistic needs of foreign pupils through certain areas of the curriculum of the level of education to which they are enrolled. In this context, it is possible that changes may be made to the content and teaching methods of the ordinary curriculum, and support courses may be organised with assessments that are different from those of other pupils
-   Reducing the size of the classes to facilitate a better pupil/teacher ratio may be an option.[20]

As far as Italy is concerned, the data processed by MIUR, updated on 31 August 2017 and published in March 2018,[21] revealed the presence of 826,000 foreign students on Italian soil, which represent 9.4 per cent of the overall school population; of these, 61 per cent were children born in Italy. In the last decade, there has been an exponential increase in the presence of foreign pupils in the classes (there is an increase of 11,000 on the previous school year), related to a contextual decrease in the percentage of those of Italian citizenship, which, in the last five years decreased by almost 241,000 units. As these data clearly indicate, students with non-Italian citizenship are currently a dynamic factor within the Italian school system; a factor that contributes to its growth and the attempt to contain the decline in the overall school population; a decrease resulting from the constant decline in Italian students,[22] which is primarily due to the low birth rates recorded in Italy.

According to Eurostat estimates, 5 million children were born in the EU in 2017: almost 90,000 fewer than the previous year. Among the member states, the highest birth rates were recorded in Ireland (12.9 per 1,000 inhabitants), Sweden (11.5 per thousand), France (11.4 per thousand), while the lowest were recorded in the southern EU states: Italy (7.6 per thousand), Greece (8.2 per cent), Portugal and Spain (both 8.4 per cent), Croatia (8.9 per cent) and Bulgaria (9 per cent). At the European level, the

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20   Ibid.
21   MIUR - Ufficio Statistica e studi (Statistics Office), *Gli alunni con cittadinanza non italiana*, https://miur.gov.it/documents/20182/250189/Notiziario+Stranieri+1718. pdf/78ab53c4-dd30-0c0f-7f40-bf22bbcedfa6?version=1.2&t=1562937526726.
22   Ibid.

birth rate was 9.9 per 1,000 inhabitants.[23] Taking into consideration the indications about good inclusion practices, as far as Italy is concerned, the starting point is undoubtedly the ministerial circular 2/2010,[24] which establishes organisational criteria for the distribution of foreign pupils with the aim of avoiding excessive concentration in some school settings or in some classes of individual institutes. This circular establishes that the number of pupils who are not Italian citizens (and who do not have a good knowledge of the Italian language) must normally not exceed 30 per cent of the students enrolled in each class and school.

The circular also makes the role of facilitator of this policy mandatory in the individual regional school offices through the promotion of local agreements and agreements between schools and local authorities. The central point of the circular is the knowledge and mastery of the Italian language, rightly seen as a fundamental vehicle for integration and inclusion. Exceptions to this 30 per cent threshold are provided for pupils of non-Italian citizenship born in Italy. Notwithstanding this threshold, schools cannot refuse to accept the application for registration of a foreign minor by reason of exceeding a certain percentage of members of non-Italian citizenship,[25] as the right of minors to education always prevails.

At the beginning of each school year, these indications are promptly referred to by MIUR, through their newsletters during the school enrolments for the first year of school. From the point of view of the distribution in the different Italian regions of foreign students, it is clear that it is linked both to the historical choices of the different foreign communities in Italy, and to the situation linked to the labour market: the annual reports highlight how the distribution of students with non-Italian citizenship reflects proportionately the greater settlement of immigrant families in local/regional contexts which are characterised by more favourable labour market conditions.[26]

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23   Eurostat (2018), *EU population up to nearly 513 million on 1 January 2018. Increase driven by migration*, https: //ec.europa.eu/eurostat/documents/2995521/9063738/3-10072018-BP-EN.pdf/ccdfc838 -d909-4fd8-b3f9db0d65ea457f.

24   MIUR, ministerial circular n. 2, 8 January 2010, "Indicazioni e raccomandazioni per l'integrazione di alunni con cittadinanza non italiana".

25   Ibid.

26   MIUR - Ufficio Statistica e studi, *Gli alunni* cit.

At a regional level, schools that exceed the 30 per cent threshold of pupils with non-Italian citizenship are in fact in Lombardy, which is among the most productive Italian regions, with 849 school units, equal to 10.8 per cent of the total schools; followed by Emilia Romagna and Veneto. The presence of foreign students is below the national average in the southern regions, as they offer fewer job opportunities for families. Unlike Italy, the German school system is not a uniform system, but it is strongly determined by the federalist structure of the state, which in any case provides for structured training courses divided into very specific categories and characterised by a certain rigidity. In compliance with general principles and laws, the various *Länder* have the faculty to establish their own education and training system.[27] A significant aspect of the evolution of the presence of foreign students in schools is represented by the continuous growth of the second generations; that is, of those who do not have citizenship, but were nevertheless born and raised within the country. If we take into consideration the reality of the latter and that of those who arrived there as adults (the so-called 'newly arrived'), we see that these two groups have different characteristics and challenges of their own. The main challenge for those born in the country is undoubtedly to ensure their full integration in the education process and, more comprehensively, within the social fabric of the country. For pupils and students who have just arrived; that is, those enrolled for the first time in the school system in the last year, the main issue is language learning. It is easy to predict that their schooling can have many obstacles or, in the worst of all cases, be hindered without the right degree of linguistic support and language learning.

Another situation is represented by the category of unaccompanied minors, as they have arrived in the host country without parents or adult figures who are legally responsible for them. Despite the lack of assistance and representation, they are subject to compulsory schooling and must be enrolled, subject to irregular or incomplete documentation.

However, these are people for whom it is essential to be permanently inserted into a school context and strongly supported in their educational attainment, given that due to probable previous experiences of deprivation and abandonment, it is likely that they possess very limited basic skills

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27   *Primi passi in Germania. Guida per un primo orientamento*, https://conswolfsburg. esteri.it/consolato_wolfsburg/resource/doc/2016/09/201603_primi_passi_germania. pdf.

not only in the language of the host country, but also in their language of origin, which is why it will be necessary to operate with compensatory and personalised teaching approaches. Even more recent is the phenomenon of asylum seekers. These students, who enter the school system for the first time during the year, have completely different characteristics and needs compared to the category of the second generations. With asylum seekers, particular needs must be considered for the 16-18 age group, as only some have basic linguistic skills, while the majority are completely illiterate even in their mother tongue, knowing only local dialects (without considering the impact on learning and their lives, which are marked by very difficult experiences).[28]

It is therefore essential to plan specific reception protocols, didactic support and action for linguistic enhancement.[29] The regulatory provisions on enrolment in school can in fact end up hindering school attendance, even in the case of minors who reunite with their families and ask to attend school during the year, as they are not always able to be accepted in educational institutions due to the expiry of the deadlines for enrolment. The ability of the school to foresee, prepare and support many distinct individual paths, adopting on one hand a 'standardised' system of education (with formalised figures and spaces), but at the same time, knowing how to adapt this path to the many and different individual situations, becomes the litmus test not only of the virtuousness of the school institution, but, more broadly, the positivity of society as a whole.

School drop-out rates

Dropping out of education and training courses is a central issue, albeit in various degrees, for all European states, that has a negative impact on the market opportunities of young people. In fact, the school is one of the decisive actors for its position on the labour market. Leaving school early mainly calls into question the relationship between school and territory, the tools and resources made available within each school system with its enormous peculiarities and is therefore a crucial aspect for assessing the health status of each educational system. Indeed, the high social costs of early abandonment of education and training courses by students and the

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28   Sabatino, *Tutti a scuola* cit, p. 111.
29   MIUR - Ufficio Statistica e studi, *Gli alunni* cit.

consequences that fall on the individual are evident. Many statistics show that students born abroad are more prone to leaving early, as they face greater difficulties in accessing and participating in education than those born in the country of residence. This may be due to language or cultural barriers, socio-economic segregation, or limited access to adequate support for learning, especially for newly arrived teenagers. In addition to the school difficulties, there are the problems and challenges of being teenagers, even more so if they are engaged in the construction of a pluralistic identity, made up of elements of the culture of origin and parts of the host culture. In Europe, the indicator used for the quantification of the phenomenon is that of early leaving from education and training (ELET), in line with the achievement of specific training objectives set in the Europe 2020 Strategy by the member states.[30]

A crucial part of the Europe 2020 Strategy (the EU's programme for growth and jobs for the coming decade, which puts the emphasis on smart, sustainable and inclusive growth as a means of overcoming the structural shortcomings of the European economy, improving its competitiveness and productivity and fostering the emergence of a sustainable social market economy) concerns the strengthening of education and training,[31] with some concrete objectives to be achieved:

- reduce the school dropout rate to below 10 per cent;
- bring at least 40 per cent of people aged between 30 and 34 to the level of a high school diploma;
- achieve 95 per cent participation in early childhood education and care;
- reduce the lower achievement in reading, mathematics and sciences to less than 15 per cent;
- reach the employment rate of recent graduates of 82 per cent;
- reach 15 per cent of adult participation in learning.

In Germany, Italy, the Netherlands, Poland, Estonia, Greece, Austria and Slovenia and in the French community of Belgium, young people who drop out early are those who leave school without completing what is considered, in each national context, basic education (lower secondary

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30   MIUR - Ufficio Statistica e studi (2017), *La dispersione scolastica*.
31   Europe 2020 Strategy, https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-economic-governance-monitoring-prevention-correction/european-semester_en.

education in Germany; general upper secondary education in the Netherlands). In Ireland, early leaving is linked to a matter of Registry; that is, the age at which students abandon their studies. In Bulgaria, Denmark, Estonia, Spain, France, Luxembourg, Sweden and Belgium (Flemish community), young people who drop out early are those who leave school without obtaining a high school diploma. However, in Bulgaria, this definition only applies to students under the age of 18. Finally, in Portugal, Croatia, Lithuania and in the German community in Belgium, early school leaving is not officially defined, but similar concepts are used, besides school dropout, absenteeism and NEET (Not in Education, Employment or Training).[32] In all cases, early school leaving is understood as a failure to integrate foreign minors at school. A further significant figure that emerges from the study is the strong gender disparity in the drop-out rate.

The OECD reports from 2012 show that boys are among the students who leave formal education and training early. In fact, girls tend to perform better than boys, and more girls than boys receive upper secondary education. This may depend on different experiences during compulsory education.[33] In Italy, it is possible to analyse the issue starting from the data of the National Student Registry, a monitoring tool that collects, for administrative purposes, the data relating to each student present in the Italian school system with the aim of combating dispersion. The current data indicate an ongoing educational emergency (which is of a general nature, not only affecting foreign pupils:[34] in 2014 almost 15 per cent of high school students did not reach the third year, thus not completing the compulsory school cycle),[35] as demonstrated by the inability of the Italian education system to bring thousands of foreign pupils to graduation. The abrupt interruption of school attendance prevents a more complete

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32   European Commission (2014), *Tackling early leaving from education and training in Europe: strategies, policies and measures*, Eurydice and Cedefop Report, available at https://op.europa.eu/en/publication-detail/-/publication/1b66bb9e-7d3e-11e5-b8b7-01aa75ed71a1.

33   A-M. Nevala, J. Hawley, D. Stokes, K. Slater, M. Souto-Otero, R. Santos, C. Duchemin, C., and A. Manoudi, (2011), *Reducing early school leaving in the* EU, European Parliament, available at www.europarl.europa.eu/RegData/etudes/etudes/join/2011/460048/IPOL-CULT_ET%282011%29460048%28SUM01%29_EN.pdf.

34   Fondazione Leone Moressa (2018), "Alunni stranieri in aumento. 6 su 10 nati in Italia", available at www.fondazioneleonemoressa.org/2018/04/24/alunni-stranieri-in-aumento-6-su-10-nati-in-italia/.

35   Tuttoscuola (2014), *Dispersione nella scuola secondaria superiore statale*, available at www.cestim.it/argomenti/06scuola/2014-06-Tuttoscuola-Dossier-Dispersione.pdf.

training for entry into the workplace. However, this conclusive segment of the education cycle must also be related to another figure concerning the initial segment: kindergarten, where children become familiar with the language that will be indispensable in primary school. However, the fundamental stage of the school systems is, historically, the transition from first level to second level secondary schools, where there is a substantial dichotomy in the choice of further studies. The delay that foreign students easily acquire at the start adds up to almost all choices being centred on professional institutes. For example, in Italy and Germany, the probability for foreign pupils to enrol in a high school is significantly lower, and the tendency to choose shorter school paths oriented toward technical-professional training is greater.[36] This factor does not derive only from the socio-economic background of foreign families, but from the different investment on the future by the latter, who want an easier path for their children without actually taking into account the inconveniences that this can create, especially in adolescence. The fact that these children often come from successful school experiences in the countries of origin makes their frustration even greater, leading in many cases to the abandonment of more qualifying educational paths (even when they obtain excellent results in the middle school exam), to switch to professional training or directly to unskilled work, thus renouncing the possibility of continuing with a university education. It should also be emphasised that the school drop-out of foreign pupils is mostly found in those school systems that provide for a shorter period of compulsory schooling. In Germany and Portugal,[37] for example, where schooling is compulsory up to 15 years of age, increasing numbers of young foreigners are definitively leaving the education system without having obtained any school certification or professional training certificate.

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36   N. Barban (2010), *I figli degli immigrati e la scelta della scuola superiore in Italia*, available at www.neodemos.info/articoli/i-figli-degli-immigrati-e-la-scelta-della-scuola-superiore-in-italia/, accessed on 1 September 2018.
37   Direção-geral de estatísticas da educação e ciência- Ministério da Ciência, Technology and Ensino Superior, Educação Pré-escolar, Ensino Básico e Secundário, www.dgeec.mec.pt/np4/17/, accessed on 18 December 2018.

Scholastic success and failure

The problem of school failure mostly concerns foreign pupils and increases with the advancement of school level, up to reaching worrying quotas in secondary school, especially regarding technical and professional institutes, which have lower levels of general school success than the high school education system. Bearing in mind that the highest incidence of school failure increasingly affects foreign students, European countries that wish to implement effective integration and inclusion policies have a responsibility to counter these school delays. In fact, good integration is the secret to school success, which opens the doors to university and consequently to pathways for young people to enhance their job prospects. The rigidity of school systems continues to cause constant marginality for foreign pupils. The data show, in fact, that the latter are more often penalised precisely because of structural problems affecting the education systems: in France, for example, the surveys conducted reveal a significant gap in terms of school results, both among the French and foreigners, than among the children of the upper social classes and those of workers and employees, social classes which largely include immigrants; in Germany the preparatory classes for primary school (*Vorklassen*) actually lead to their late entry into the school system, precisely because they collect all school-aged children who do not pass the aptitude tests for admission to primary school.[38] Even more worrying is the high percentage of foreign minors present in special schools (*Sonderschulen*), where pupils with learning difficulties are included, counting those due to linguistic challenges and social problems. A low or poorly qualified level of education feeds this distress as young people are denied even the minimum employment and social growth opportunities that their parents had as immigrants. The accumulation of the delay is mainly due to the practice (not determined by a specific ministerial indication, but which has now taken hold in the schools) of inserting the pupil who has just arrived in the country, and therefore not in possession of adequate knowledge of the language, in a lower class than his age, with the idea (certainly to be verified in terms of its 'scientific' value) that it could be easier for him to integrate and learn the language.

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38   An undoubtedly significant aspect regards the lack of specific simplified texts for foreign students, a factor that increases the difficulty in the study of the language for new arrivals.

In fact, sometimes the demographic difference with one's companions represents a brake on integration.

The practice to be followed, which will be discussed in detail, must instead be that of facilitating the learning of the language with personalised activities or paths that accompany normal daily school activities. Hence the need to strengthen orientation and to direct pupils toward schools suited to their actual abilities rather than to their economic and social condition, with a view to avoiding the non-continuation of the second cycle of education. These are priorities which, in addition to concerning the right to equal educational opportunities for all young people, also examine the need to avoid the sedimentation of stratifications and social contradictions that are potentially problematic for the future of each country.

Critical considerations

The educational paths of pupils with a migration background and their learning outcomes present widespread critical issues and a disparity with respect to other pupils; disadvantages that must be contrasted and overcome. The right and duty of everyone at school can no longer be a compromise, which occurs because of the unacceptable difficulties of immediate insertion of foreign children and teenagers who arrive at the school when the academic year has already started.

Furthermore, the prevention of early school leaving requires a systemic response that has its central nucleus in a structured and differentiated intervention (ie, permanent and continuous) by the state, which certainly includes the school system, but requires close collaboration and synergy with the local realities of the territory, its institutions and educational resources. To date, in many European countries the school entity is still unable to fully perform the task of removing inequalities, to change the starting conditions of the children, the family and the territory. Numerous reports from the European Commission highlight that, at the individual level, early abandonment of education and training courses leads to a greater risk of unemployment, jobs with fewer guarantees, greater occurrence of part-time jobs and lower earnings. Young people who leave the educational and training courses ahead of time are also less likely to participate in lifelong learning, thus further reducing their chances in

the job market. As a result, they will tend to depend more often on social support programmes and are more at risk of poverty and social exclusion; a vicious circle since most of the time it is precisely the experience of precariousness and estrangement from the reality that surrounds them that often leads foreign students to school demotivation and subsequent abandonment.

If we consider the reports on the costs and benefits of education, in Belgium and Greece (but these are observations that can be extended to other European realities, including Italy), there is a strong relationship between the level of education and the ability of individuals to earn. People with lower qualifications earn less during their working life and their income increases less compared to those with higher qualifications. Those with lower levels of education generally also have jobs that are more precarious, given that employability is closely linked to the level of qualifications obtained. Early leaving is also related to important socio-economic phenomena, such as the risk and the increase in unemployment, low wages with consequent situations of poverty, jobs with limited contractual and union protection, precariousness and occasional employment, recourse to part-time jobs, and low-skilled jobs. These data are confirmed by reports from the European Commission,[39] which indicate that in 2013, 41 per cent of young Europeans who dropped out of school early were unemployed, compared to an overall youth unemployment rate of 23.5 per cent. Their exclusion from the workplace goes hand in hand with the reduction of the opportunities to take part in lifelong learning, causing a further narrowing of the possibilities of obtaining a job. Furthermore, young people who leave early may be more inclined to develop anti-social behaviour or engage in criminal activities.[40]

Moreover, those who leave school early are less inclined to be active citizens; that is, they participate less in elections and in social and cultural activities.[41] Instead, it is in the school that students with a migrant background can learn a co-citizenship anchored to the national context and at the same time open to an ever larger, interdependent and

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[39] European Commission (2014), *Tackling early* cit.
[40] Nevala et al., *Reducing early school* cit.,
[41] P. Rousea, and B. Vretakou (2006), *Drop-out problem in stage I of the secondary education system*, Pedagogical Institute, Ministry of National Education and Religion of Greece.

interconnected world.[42] Citizens play an important role in building a better and more democratic society; developing the skills and attitudes of active citizenship is essential. Active citizens not only know their rights and responsibilities, but also show solidarity with other people and are ready to contribute something to society. For this reason, developing active citizenship and civic skills is an integral part of the new priorities that the EU has prescribed in education and training, as an engine for promoting equity and non-discrimination.

Good practices for effective schooling

The school must now be measured and combined with the specifications and status of those who attend it, with the increasingly evident transformations of the school population that have taken place in recent years. The migratory processes taking place at a global level have in fact further modified the school, urging it toward new educational tasks. What are the policies that can help to achieve a more effective and balanced schooling? Making the school effective for foreign minors is one of the challenges of this research. Indeed, education has a crucial role in the growth of the individual, which is why the school system can only be based on quality. To be of quality, the school must therefore be able to challenge itself, filling the gaps, enhancing culture and education as a tool for individual realisation and social promotion; recover its original meaning as a privileged place of human growth and civil and cultural training; modernise its content and teaching methods; adapt the equipment and laboratories and finally requalify the infrastructures. Ensuring, also through greater and constant resources, a higher level of education can bring a series of positive results not only for the individual, but also for society, in relation to jobs, higher wages, improved health conditions, less crime, greater social cohesion, lower public and social costs, and higher productivity and growth. The speed and depth of integration depend largely on the school, as well as on the positive results of the school experience of the children of migrants, the possibility for a country to count, for its economic and civil development, also on the intelligence and talents of the newcomers.[43] For this reason, we will now outline some good practices that can make the school system more effective and efficient for the

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42   Sabatino, *Tutti a scuola* cit.
43   Sabatino, *Tutti a scuola* cit.

education path of foreign pupils (stressing that these simple indications can concern all pupils in conditions of greater school challenges) and reiterate the right to the immediate insertion of new arrivals.

A 'good way to promote inclusion'[44] (whether for disabled students or foreign students in difficult cultural conditions) is a school that is good for everyone and attentive to everyone's needs. Such a school must be based on four fundamental principles: 'universalism' (ie, the universal right to education of each individual pupil, regardless of their economic conditions and the existence or absence of a family); 'the common school', understood as the choice of including all pupils in common classes; the 'person principle', whereby pupils are first people in relationship with others, with a strong emphasis on the relationship between the different pupils that make up the class; 'interculturalism', that is to say knowledge and exchange among different cultures, because cultural differences can constitute, in certain conditions, an advantage and a possibility of growth for all, and can represent a good model of inclusive education.

The fields to be managed are different and complementary: they will deal with the training of school staff, the organisation of schools, the role and presence of families, the importance of learning the language of the host country rapidly, the focused school transport system and finally study support.

Training of school staff

Cultural pluralism and the complexity of our time necessarily require continuous professional development of all school staff. In the first place, it is essential to be able to fully rely on competent teachers and managers: it therefore becomes a priority to invest in widespread, targeted and regular training, starting from the managers and teachers of the schools with the greatest presence of foreign pupils, increasing their sensitivity through specific training (not only seminars and theoretical meetings, but also specific and structured refresher courses, mainly workshops, in the context of mediation and teaching of one's own language as second language) and providing for the strengthening of staff through allocation

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44   "L'inclusione a scuola in Italia e in Germania", (2018), available at www.goethe.de/ins/it/it/sta/rom/ver/sdv/21166984.html.

and use of resources for ad hoc personnel. School managers are identified as the key element for the good management of schools, especially in contexts characterised by a strong multiculturality, as they are called to organise the transformation of their institutions. It is they who first must put in place the necessary skills to promote social inclusion and educational success for all. There is also the need for a change in the initial training of teachers, which requires a new university curriculum, so that it can foresee new approaches and contents in the degree course, but also in in-service training, which is still little considered and structured (especially as regards Italy).

Where schools have put in place professionalism, accompanied by overall stability, foreign pupils are the first to participate constantly and actively. It could therefore be hypothesised to support (in an organic and institutional way, taking inspiration from 'impromptu' initiatives that exist at the local level and in individual schools) the school staff with the presence of volunteer staff (for example, using the resources of retired teachers for support and enhancement activities), raising awareness on the topic of special pedagogy and intercultural teaching, in particular linguistic diversity and plurilingualism, and finally experimenting with education for active citizenship and civic skills. In addition, word of mouth within ethnic groups is an element to accompany positive insertion in a specific school context, especially in the presence of other ethnic groups. It is in the school that families and communities with different histories can learn to get to know each other, overcome mutual mistrust and feel responsible for a common future.

Mixed schools

The composition of schools has the primary task of encouraging better integration, since in the act of placing pupils next to each other, the foundations are created for coexistence in the future.[45] It is in school that children and boys 'train' to coexist in a widespread plurality. We must therefore be firmly convinced that the integration of foreign minors can work only on condition that the entire educational system revolves around a shared and inclusive learning model, which does not allow the existence of separate classes. It is certainly more effective if foreign students are

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45   Sabatino, *Tutti a scuola* cit.

placed in common classes precisely because of the dynamic and relational character of learning (and, specifically, for learning the new language).

We must work immediately for a correct, wide and homogeneous distribution of foreign students in the different classes, without forced groupings and ethnic classes, if not for specific linguistic activities, to make a completely inclusive school. It is necessary that in all the territorial areas most affected by migratory flows, the formation of classes avoids the saturation levels that prevent the reception of newly arrived arrivals. The presence of students with a migrant background, if enhanced by a valid and adequate intercultural educational approach, offers important opportunities for the modernisation and enrichment of the cultural profile of the school. Multicultural classes are workshops of coexistence and new citizenship, a precious context to accustom everyone, from the first years, to recognise and appreciate each other as equal and different.

Involve families

The involvement of parents in the educational process of their children is fundamental for their educational performance, and this assumption is even more decisive if the families are of foreign origin.[46] It is therefore necessary to take measures to ensure an effective transfer of information between schools and families.

In many European countries, local, regional or school authorities provide information in various languages on the school system and the services which immigrant families can use, as in the case of most of the regions of France, where special regional centres deal with the schooling of newly arrived children.[47] As previously mentioned, in Germany the responsibility for such written information lies with the Ministries of Education at the level of the *Länder*; in Spain similar measures are implemented by

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46   European Commission (2008), *Education and migration, strategies for integrating migrant children in European schools and societies. A synthesis of research findings for policy-makers*, p. 48, available at: https://op.europa.eu/en/publication-detail/-/publication/a8ff4628-f224-453c-85ba-03fb89f1422a.

47   Eurydice (2009), *Integrating immigrant children into schools in Europe: measures to foster communication with immigrant families and heritage language teaching for immigrant children*, available at https://op.europa.eu/en/publication-detail/-/publication/5b21a054-ea2e-4caf-afc1-a77240a9f605.

the Autonomous Communities and specifically concern the individual Communities, which produce information guides for families in different languages. The schools must therefore become social garrisons, places of exchange and comparison that promote an ongoing dialogue, which must be particularly intense in the crucial moments of the schooling of the children, such as the entry into the study cycle with the initial impact on the classmates' cohort, followed by the evaluation process, the orientation for the promotion of conscious and responsible choices. Continuous attention must be given to daily interactions, which must be as inclusive and facilitated as possible, through formal and informal tools of linguistic-cultural mediation and attitudes of closeness and proximity.

The choice of school has been a problem for immigrant families given that kindergarten, unfortunately, is still not considered important in many cases. The pre-primary level has a decisive role for their children, given that it promotes socialisation and allows children to learn the language of the host country as soon as possible. It is therefore essential to facilitate a concrete and effective access for children to the entire system of preschools: state, municipal (where they exist) and state-recognised private schools,[48] so that families are encouraged to enrol children from the first cycle of school,[49] a crucial decision for a successful start to the educational path. Equally, the concrete possibility for everyone to access the different types of secondary education must be guaranteed (high schools, for example, still seem to be a reality that is not very interested in the influx of foreign students). Foreign communities must be involved with measures that make tuition fees sustainable for schools not managed by the public sector, and there should be local coordination of the different types of kindergarten.[50]

In addition, special attention must also be given to the language training of adults with migrant origins, particularly mothers who do not work and therefore have fewer opportunities for socialising. In this sense, children's schools can also offer opportunities for adults through literacy and language courses to make participation in school life possible as well

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48   In Germany, the *Länder* also take on the burden of paying staff and running costs of recognised non-state schools. In addition, some *Länder* intervene for the construction of buildings and for the purchase of teaching materials.
49   A. Mochi (2017), "L'integrazione degli alunni immigrati in Italia e in altri paesi a confronto un futuro studio Europeo", INDIRE.
50   Sabatino, *Tutti a scuola* cit.

as understand the educational project. For this reason, the presence of cultural mediators is indispensable, especially because the non-mastery of the language of the host country by immigrant parents is an additional factor of difficulty and school failure for their children.

Language as the key to integration

The language of the host country must be placed at the centre of the curriculum, in so far as the promotion of a good degree of competence in the language is perhaps the primary objective of integration and for educational success.

Since the arrival of foreign children, in particular asylum seekers and unaccompanied minors, it is essential to increase additional lessons to reduce the gap caused by the language delay and the language barrier as much as possible, through specific tutoring for immediate insertion. Therefore, it is a question of providing support and reinforcement interventions in language learning, which may include, for example, a part of the daily school timetable (especially in the first few months of arrival of the foreign pupil in the new country) that is dedicated to individual (and individualised) activities of linguistic reinforcement, then providing an educational team with specialists (educators, cultural mediators, linguistic facilitators, intercultural professionals) who welcome and facilitate the relationship among families, teachers and students.

Only in Finland, Sweden, Estonia, Lithuania and Hungary is access to interpreting services a right provided for by law, even if it refers only to the category of refugee families. In the remaining countries, the use of experts is not mandatory, but is strongly encouraged in the form of a recommendation from the central authorities, which schools are required to follow anyway (such as in Italy, France, Spain, Portugal), sometimes using state funds or through initiatives adopted locally.[51] In Germany, local authorities recommend that schools use people who have a good command of both German and the language of origin of immigrant families, especially during meetings and interviews with parents. In the absence of central or local recommendations, the costs of this kind of service are borne by the schools (in France, interpreters can be volunteers

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51   Eurydice (2009), *Integrating immigrant children* cit.

who work for community associations or belong to the same family as the immigrant pupil). Language training interventions also need to be activated for new arrivals in the pre-school period, since they are preparatory for school placement.[52] In fact, concrete school support for rapid language learning for first-impact pupils is decisive, starting from intensive language courses, which initially support the normal school curriculum (so as not to hinder the process of socialisation and inclusion with the group/class), subsequently providing further opportunities in extra-curricular hours and primarily focusing on specific and simplified laboratory structures and teaching materials. It is also necessary, as already anticipated, to qualify schools to make them more attractive, using as a lever the enhancement of foreign languages, as well as participation in music workshops and projects related to sport, theatre and painting.[53] Last, it is important to activate and experiment within the school's optional courses in teaching the languages of origin of new arrivals, to be able to understand, recognise and enhance the forms of bilingualism present among the students of the class.

The school transport service

In addition to support for the acquisition of language, the projects should also aim to provide a targeted school transport system to allow all pupils to attend the school closest to their home, for example through specific round-trip routes with the identification of collection points to facilitate the school attendance of all pupils, especially on the outskirts of the city or in areas with poor transportation connections. School transport thus contributes to making the right to study effective, facilitating access to school; at zero cost, it is therefore part of the support mechanism which promotes the right to education.

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52   Ibid.
53   An experience worth mentioning is the Italian one in San Salvario, a district of Turin, once considered degraded by the excessive presence of foreigners and now re-evaluated: the elementary school of San Salvario is currently considered a good school, an elite one, precisely because the presence of children of different nationalities has favoured a better liveliness in learning, starting right from the strengthening of laboratory structures to reinforcing the different languages present in the school and using them as enrichment for everyone.

Scholarships as school support

Finally, one way to combat school failure is to create scholarships to support marginal situations, especially in suburban schools. It is essential to give motivation to families with zero income through financial support so that they can also take advantage of the canteen services or reductions for teaching materials, thus encouraging the school attendance of their children.

In Germany, the BAföG (acronym for *Bundesausbildungsförderungsgesetz*, the German federal law for the incentive to education that supports young people in their study path offering greater growth opportunities without weighing on the family economy), provides for needy students the possibility of using scholarships with the aim of promoting the right to education and ensuring, regardless of social status, the possibility of training that satisfies their interests and skills and that makes them independent from the family financial situation. Apart from German citizens, socially integrated immigrants can also benefit from this law, which includes children under 30 with a permanent right of residence in the EU, a permanent residence permit or a residence permit, who attend general secondary schools, technical and specialised secondary schools, professional schools, technical institutes and universities.

Conclusion

The presence of foreigners in society, and consequently in school, is the mirror of what tomorrow's Europe could be. It is clear, therefore, that immigration and related integration policies, primarily at school, are a focal point, an area in which the EU has and must have full responsibility to guarantee equality, equal opportunities and prevent any discrimination. The integration of children and young people with migratory origins in school has so far followed mainly compensatory methods, especially emphasising the shortcomings and the gaps, without recognising – or only superficially – the knowledge and the skills the new arrivals acquired. It is therefore necessary to enhance linguistic and cultural diversity, which represents a vast patrimony of positive potential, in terms of cultural and human enrichment and open-mindedness. For the new arrivals, and even more so the second generations, this can be an opportunity for change,

constituting a wealth of opportunity and growth for the training and maturation of everyone.

Inclusion in national education and training systems

- Need/duty to give adequate and timely responses in organisational and managerial terms (see the introduction, the section on "Good practices for effective schooling" and the final section).
- Guarantee the universality of the right to education (see the first section briefly); equality, equal opportunities and prevent any discrimination.
- Ensure full integration into the school and training path.
- Need for a shared and inclusive learning model for the European education system.
- Promote intercultural education and teaching and enhance linguistic and cultural diversity (see the specific initial section and the final section).

School placement policies

- Ensure the immediate and effective insertion of new arrivals into the school system (see specific section).
- Concretely and effectively facilitating access to the entire kindergarten system.
- Devise programme-specific reception protocols and compensatory and personalised support teaching tools.
- Tackle school delay by entering the class corresponding to the effective age of the foreign student.

Preventing early school leaving and failure

- Address and eliminate inequalities.
- Promote a structured and differentiated state intervention in collaboration with the local areas.
- Plan and support separate individual insertion and learning paths with personalised figures, activities and spaces to facilitate the development of educational paths and the full success of the school path (see the section on "Good practices for effective schooling", in particular the sub-section "Language as the key to integration").
- Qualify, also through greater and constant resources, the school system to guarantee a higher level of education.

- Provide an accompaniment also for families in the transition between the different education cycles, in order to direct the pupils in the choice of high schools based on their actual abilities and not on the economic and social condition.
- Standardise the age limit of compulsory education.
- Ensure more flexibility of education systems.

Training of school staff

- Fully involve school staff, also through specific and structured refresher courses.
- Invest in the specific training of teachers and school managers, particularly for the teaching of the second language (see the specific sub-section) and on the topic of special pedagogy and linguistic diversity.
- Strengthen the workforce by allocating and using resources for ad hoc staff.
- Create specialised figures (educators, cultural mediators, linguistic facilitators, intercultural professionals) to facilitate the reception and the relationship among families, teachers and students.
- Offer education courses for active citizenship and civic competences.
- Support, in an organic and institutional way, the school staff with the presence of voluntary staff, such as retired teachers, for support and reinforcement activities.

Mixed classes

- Create multicultural classes to avoid or reduce the cases of concentration of the presence of pupils with migrant origins, in order to prevent school segregation (see the section "Policies for the integration of foreign minors in schools" and the sub- section "Mixed schools" in the section "Good practices for effective schooling").

The involvement of families

- Involve families in the educational process of children.
- Inform families of the importance of kindergarten.
- Facilitate the participation of families through linguistic-cultural mediation activities.

- Create a constant dialogue between the school and the families, in particular at the moment of entry into the study cycle and at the moments of evaluation and orientation.
- Offer literacy courses and language learning/training for families with migratory origins in order to make concrete participation in school life possible (see the specific section and the following section "Language as the key to integration").

Language learning

- Activate, for new arrivals in the pre-school period, language training interventions before school placement.
- Implement concrete school support for rapid language learning and reinforcement through intensive courses at school and extra hours, and also through the creation of specific and simplified teaching materials.
- Make the use of legal interpreters compulsory by law.
- Qualify schools through the reinforcement of foreign languages, music workshops and sport-related projects.
- Activate and test optional courses in teaching the languages of origin of new arrivals, so as to enhance forms of bilingualism.

School transport services

- Establish a free school transport system aimed at facilitating the school attendance of all pupils through specific round-trip routes with the identification of collection points.

Scholarships as an educational support mechanism

- Establish scholarships as a financial support mechanism to encourage pupils in marginal situations to attend school, including children of families with no income.

Gerarta Ballo

No longer immigrants, but citizens: future generations

This study considers the second generations in the European Union, a multifaceted scenario as it is based on the internal systems of the various states and the immigration history that characterises them. With a comparative analysis of the different European realities, supported by sociological data and research, issues such as formal integration (with the different citizenship procedures), identity, social activism, radicalisation, placement of the second generations are addressed by involving them in the European public debate. The need to strengthen tools such as European citizenship, European policies for education and training and those for social inclusion is highlighted.

Introduction

The second generations are a reality of today's Europe whose placement in the lexicon and in the collective imagination intersects with concepts of strong relevance and impact such as immigration, identity, citizenship, religion. Born and raised in EU member states, second generation young people are also culturally linked to their parents' country of origin and to the migration and integration process that led them to be born in Europe.

Those who emigrate decide to leave their country in search of a better life and more opportunities for themselves, but also and above all for their children. Assuring children more rights, greater peace of mind, the possibility of studying and building a future are the driving forces that push many parents to emigrate. The countries of the EU, with a "soft power" made up of economic development and protection of human rights, are certainly a desired destination for making these human needs a reality. Even more if leaving your country becomes an imperative, as in cases where migrants flee wars, persecutions or the dramatic climatic effects that make entire regions unsuitable for human settlement. In

these cases, many minors travel with their parents. This has recently been observed with the migratory flow from Syria, when the emblem of the drama became the child who drowned. Similarly, in recent decades we have seen minors disembarking in Puglia from ships departing from Albania, and others arriving from the Maghreb.[1] However, it should be emphasised that adults who can avoid taking their children along the migratory routes do so. The decision to subject them to risks and dangers is very difficult to make; therefore, this usually happens in cases where it is possible to leave children in the home country with someone who is trusted and with whom there is a certain tranquillity. Even those who use regular immigration routes usually move to Europe without children, as they are often not covered by work visas. Therefore, a significant number of minors born in non-European countries reach the parent or parents in Europe later, through the instrument of family reunification. From the moment of separation from the parent to that of reunification of the family, often years pass, creating psychological consequences for the child in addition to those of integrating in a new country. They follow the path of social inclusion of the parents. They will be able to have a residence permit for long-term residents and obtain citizenship if their parents have stable jobs and fulfil the requirements to formally become citizens of the European state in which they live. Otherwise, if the family fails to offer a vehicle for integration, they will have to do it on their own, working to achieve the objectives of social inclusion indicated in the laws of each member state, exactly like the other migrants.

This chapter will analyse their situation of insertion in the European countries, even if less easily framed in the statistics on second generations, which focus pre-eminently on those who are born and grow up in EU countries: these are the second generations proper, born in Europe from

1   Unaccompanied minors are another category of migrants suspended between the world of children, to which they should belong given their age, and that of adults, since they have faced at least part of the migratory journey to Europe alone. According to Eurostat, in 2017, 31,400 asylum seekers in the EU member states were unaccompanied minors. This number is half of that recorded in 2016 (63,200) and about a third of that of 2015 (95,200), but it is still much higher than the average for the period 2008-13, when unaccompanied minors seeking asylum in Europe totalled approximately 12,000 per year. In 2017 they came mainly from Afghanistan, Eritrea, Gambia, Guinea, Pakistan and Syria. However, a considerable number also comes from countries that are considered safe and have started the process to access the EU. In these cases, the conditions of profound poverty and the belief that there are no prospects push young people aged 15 to 18 to embark on the road to emigration.

parents who are immigrants from third countries. In this chapter, space will also be given to the question of the definition of the second generation and of the importance of school education in a member state in order to become new citizens.

European citizenship is a concept strongly linked to the citizenship of the EU member states, each of which regulates this fundamental institute of the state in its own way. Nonetheless, the Charter of Fundamental Rights of the European Union endow all EU citizens (and not only EU citizens) with a series of rights that make it a transnational community, capable of enforcing those rights before member states that refuse to respect them. Outside of this sphere, each member state has passed legislation on the acquisition of citizenship. These laws are mainly based on the principle of *ius sanguinis*, which provides for the inheritance of citizenship from parent to child. In any case, they do not ignore the principle of *ius soli*, recognising for those born in a member state of the EU the right to become a citizen within a few years if the family is permanently resident, or to apply for citizenship at the age of majority, and in any case with a simplified procedure compared to those not born in the territory of the state.

A comparative research methodology will be adopted in this chapter, the most suitable tool to investigate models and systems that are profoundly divergent on this point. This method will analyse the ways in which different member states regulate the acquisition of citizenship for the second generations, with a particular research focus on the differences among the founding countries of the EU, Eastern European countries, and EU accession members. Returning to the definition of second generation, it has been mentioned that in the most restrictive sense, this refers to those born in a European country of foreign parents, while in a broader sense, to those who arrived in Europe as children, following their parents, who studied and trained here. Thus, the group of those who fall into this particular social categorisation is expanding, and the individuals within it are holders of rights in a differentiated way. One of the few characteristics that all have in common is that they have not chosen to emigrate. However, they have an 'immigration background', which is internalised in the family and lived along the path of integration of their parents in the European country of settlement. The different ways in which these

three main factors combine (not having chosen to emigrate,[2] the parents' immigration background and the integration model in force in the country in which they grew up) leads the second generations to become part of the country in which they live in different ways. It can also lead them to reject it, as well as their parents' choice to emigrate. A possible case of rebellion bordering on refusal is represented by the young people of the French banlieue in 2005, when violent protests spread to the outskirts of France. The rejection becomes evident years later with the attacks that, from 2012 to today, are the painful sign of the social laceration that has taken place. This situation is difficult to investigate in this chapter because the reaction of refusal for the society in which they were born has for some taken the form of Islamist terrorism. An investigation leads us toward marginalisation and social exclusion, which in some individuals first led to deviance and then to radicalisation. The sociological analysis of these cases seems to paint a picture in which suburban micro-crime, with its marginalisation and youthful angst, has fatally converged with an identity crisis. Furthermore, this chapter analyses the tools with which the EU is responding to radicalisation that can lead to violent extremism. These are tools that strengthen the education and training path and the involvement of young people in empowerment activities, also leading them to become aware of the values on which the EU is founded. In Europe, there are realities in which second generations who are dissatisfied with the rights reserved to them by the laws of the state in which they live have attempted to change them, and they are often inspired by the ideals of inclusion and activism of civil society, which are specific to the EU. It happened in Italy with the "L'Italia sono anch'io" ('I am Italy too') campaign, which, in addition to raising awareness on the topic, led to a proposal to reform the law on the acquisition of citizenship. Subsequently, second generation associations and youth networks supported a law based on the so-called moderate *ius soli* and *ius culturae*, presented by the government majority of the previous legislature, whose approval then failed. What remains positive from that experience is the fact that second generation young people in Italy have created different networks, working together to obtain more rights from the legislator, but also to make themselves known by the public for who they are and not for how they are perceived by third parties. A central node of the immigration theme in today's Europe

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2   Emigration was not a choice, but you are still in a country other than the one where you were born, and in which you have to deal with the fact of being the son or daughter of migrants, of being 'different', with the perception that society has to deal with.

is in fact the deep gap between perception and reality. Although the data indicate that immigration is an added value for European societies, public perception goes in a completely different direction, resulting in an alarming distortion of reality. This also happens for the second generations, who are often trapped in a game of mirrors. In this chapter, therefore, we will also try to give voice to those directly concerned. Moreover, the issue of perception that distorts the reality of immigration is not new. In the 1990s, Albanians were perceived as different, constant protagonists of the Italian chronicles with delinquent episodes. Today, reality is more or less in line with perception; in both cases, Albanians are perceived as being well integrated in Italy.[3]

The strongly distorted perception of this population that occurred in the 1990s and 2000s was not without consequences,[4] just as even today the strongly uniformed perception of the migratory reality has negative consequences on all migrants and especially the most fragile people. After the Albanians, it was the turn of the Romanians and Roma in Italy, while in countries like Germany a similar phenomenon was experienced with the Turkish community. On one hand, it is difficult to formulate proposals to exit this contradiction among experts on migration, who illustrate positive data, and Europeans who perceive fear and insecurity; on the other hand, some examples of good practices, which exist in different EU countries, must be promoted and shared. It is just as useful to discuss inclusive decisions made by some member states regarding youth policies. In

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3   The Italian data tell us that Albanians are the first foreign community for the acquisition of Italian citizenship, and Eurostat reinforces these data by stressing that Albanians are the second foreign community in Europe for the acquisition of European citizenship. In 2016, 67,500 Albanians became European citizens, equal to 6.8 per cent of the total. Of these, 55 per cent became Italian citizens and 42 per cent became Greek citizens.

4   See A. Leogrande (2011), *Il naufragio. Morte nel Mediterraneo*, Milano: Feltrinelli. The book tells the story of the sinking of the Albanian patrol boat Kater i Rades after the ramming of the Italian military corvette Sibilla, which occurred in 1997 and cost the lives of more than 80 people. In the chapter "What are they hiding behind the children?" Leogrande reports the testimonies of the representatives of the Italian Navy and concludes: "In short, it seems difficult to believe, but it went just like that. From the top of the Zeffiro frigate, the commander and his men see a dilapidated vessel in distress full of women and children. They see that some of them hold up their children wrapped in a blanket, they see one woman and then another repeating the same gesture, and the first thing they think is that – behind them – armed snipers are hiding. Not only this. They communicate their interpretation by radio to the Command of Rome, and in Rome it is taken as the truth", p. 89. Then, when the vessel is recovered, it will be ascertained that there were no weapons in the hold of the Kater.

Italy, it is appropriate to mention the National Civil Service, which has been extended to young foreign residents. We will also look at the gender perspective to try to understand the similarities and differences in the integration paths of second-generation women and men in the EU.

Definitions and an interdisciplinary path of classification

Defining individuals born and raised in Europe as 'second generation immigrants' seems to be a contradiction. Analysing this in greater detail, in the most restrictive sense, this definition refers to those who were born in a European country to foreign parents. In most cases, they are taken as a reference for quantitative statistics, such as those of Eurostat. While in a broader sense, those who arrived in Europe as children, following their parents, who studied and trained here, as well as those who later reunited with their parents, are included in the definition of the second generation after completing a part of the socialisation path in the native country. Children of couples comprised of a European and a non-European citizen are by right European citizens, but in fact in the various social domains they are often united with minors of foreign origin. Looking at the topic from a legal point of view, each of the EU member states has its own legal system which broadly distinguishes among those who were born in the territory of the state of both foreign parents, those who have a parent who is a citizen of that state, and those who arrived as a minor in the territory of the state and reside there with his foreign parents. Thus, anyone with a parent who is a citizen of the EU member state is automatically a citizen of that state in the same way as a child who is born to both EU citizen parents, while those born in Europe to two foreign parents will be able to obtain citizenship within a certain time. Finally, the laws governing immigration for that state will also indicate what the path of integration is for minors who have arrived with their parents or through family reunification. This will be developed in the following section in more depth comparatively among the various member states. However, it has already been recognized that the legal approach is not enough to fully understand who the second generations are. A sociological approach is essential for framing the topic at hand.

Cuban-born American Rùben Rumbaut[5] has made a recognised contribution in this field, studying immigration in the United States, which occurred much earlier than in the EU. In the 1970s he introduced an interpretation that takes into account the moment of childhood when the minors arrived in the country in which they live. Depending on when this delicate and decisive moment of transition happens, they will live in differing socio-cultural situations. Hence, it is possible to distinguish second generation young people by placing them in three categories. The first, called 'Generation 1.75', includes those minors who arrived in the country in which they live within five years, therefore of preschool age. The second category, made up of 'Generation 1.5', refers to minors who started the socialisation process and primary school in the country of origin (between 6 and 12 years old), but who complete school education in the country of immigration. Finally, there is 'Generation 1.25', which includes minors who emigrated from the country in which they were born between the ages of 13 and 17.[6] Moving instead to the European context, the EU recognises specific skills in the field of definitions relating to the world of migration to the European Migration Network (EMN).[7] Thus, using the glossary edited annually by the EMN as a reference, a second-generation migrant is "a person who was born and lives in a country where at least one of the parents previously entered as a migrant".[8] In the notes to the definition, it is specified that the term has no legal derivation, but is linked to the sociological context; it should also be noted that the term does not refer to a migrant, as the persons concerned have not migrated. However, it is added that in the literature and in the media, the term 'second generation migrant' is usually used in this glossary. In

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5   His profile is visible on the site of the National Academy of Education (NAEd), where a series of writings from recent years are also available, https://naeducation.org/our-members/ruben-rumbaut/.

6   A. Malta (2010), "Seconda Generazione: una categoria utile per le future line di ricerca in pedagogia interculturale?", in *Quaderni di Intercultura*, p. 2.

7   It is a European network of migration and asylum experts, established with Council Decision 2008/381/EC (amended by EU Regulation 516/2014 of the EP and the Council in April 2014), which works under the coordination of DG Immigration and Internal Affairs of the European Commission, and which makes use of the collaboration of the member states, each of which appoints a national contact person (EMN National Contact Points). The EMN, in addition to editing a glossary of terms related to migration, also produces reports and studies on immigration and asylum, and formulates policy analyses and legislative initiatives.

8   A 'second-generation migrant': "A person who was born in and is residing in a country that at least one of their parents previously entered as a migrant", https://ec.europa.eu/homeaffairs/content/secondgeneration-migrant_en.

the notes to the definition, we also find the distinction between second generations with both parents born abroad and those with a parent born in an EU country (this second group has a so-called 'mixed background'), with the specification that the EMN has deemed to include both groups in the definition of the term second generation migrant.[9]

We have begun to delve into the many differentiations within the group of the second generations in addition to those previously considered. Once it is established that the definition inherent in this group of individuals is much more closely tied to the sociological context than to the legislative one, when analysing them it is necessary to take into account a multitude of other factors, such as the norms and the social organisation of the national context in which they grow up, the regulation of the school path, training and access to the workplace, which intersect with the socio-economic specificities of the family of origin, the immigration background of the family and much more.

Moreover, the results of the convergence of these factors vary for each member state, which are at different stages with respect to the migrations that have affected them. In some, it has reached the third and fourth generations, in others the question of the second generations has recently started to be dealt with. In addition, immigrants have different countries of origin depending on the area of the EU, with different immigration backgrounds. These considerations make any attempt to organise the matter organically at a supranational level impossible. Instead, it is necessary to delve into specific contexts to carry out comparative analyses which then serve as reference points for more extensive and generalised reasoning. This is the aim of the following section.

First, there is the definition of second generations. This considers the elements that have already been mentioned; that is, in addition to those who were born in Europe, there is the migration of minors who either follow their parents or join them through reunification. They have not chosen to migrate, nor to be born in European territory, like all the other citizens whose birth is decided for the most part by fate and to a lesser extent by their parents, who also try to choose the best place to raise their children. It can be observed that the definition provided coincides with the one given by the G2 Network - Seconde Generazioni (Second Generations),

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9   A synonym is the term 'second-generation immigrant'.

an Italian organisation founded in 2005 by children of immigrants and refugees. On their website, it is explained that those who are part of the G2 Network define themselves as 'the child of an immigrant' and not as 'immigrant': those born in Italy have not migrated, and those born abroad and raised in Italy have not emigrated voluntarily, but were brought to Italy by parents or other relatives. Therefore, the term 'G2' does not stand for 'second generations of immigrants', but for 'second generations of immigration', meaning 'immigration as a process'.[10] It is this definition, which does not differentiate the second generations but combines them into a single group made up of those who were born in Italy and those who arrived there as minors, that will be referred to in the rest of the chapter, unless otherwise indicated.

Bearing in mind that if being born or arriving in Europe was not a choice for them, encouraging them to feel like citizens in all respects, proud of the state in which they grow up and promoters of the values of the EU is a challenge shared by national institutions and supranational ones, involving many individuals from the local level up to the entire EU. This is a challenge that all these officials must face for every child who grows up in the EU. For the children of migrants an effort is needed to ensure they are not excluded in law or in fact.

Data and methods of integration: the new European citizens

In Europe there are countries where immigrants have settled for several decades and countries where immigration is a recent phenomenon. Even in this second group, however, there is now a second generation that is making its own path to social inclusion. An example is Italy, where the second generations are becoming an increasingly important component of the immigrant population. Some data will help us to develop the topic. The report 'Pupils with non-Italian citizenship', which refers to non-Italian children who study at all school levels in the country, demonstrates "a constant and significant increase in the enrolment of foreign pupils: in fact, it has gone from 196,414 pupils in the year school year 2001-02 (2.2 per cent of the total population) to 814,187 of the school year 2014-15,

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10 For more information, see www.secondegenerazioni.it/about/, accessed on 21 October 2018.

equal to 9.2 per cent of the total. Foreign students between 2009-10 and 2014-15 grew by 20.9 per cent compared to a decrease of 2.7 per cent among Italians and a decrease of 0.9 per cent of the overall school population".[11] At the same time, there are countries in the EU, such as the countries of Eastern Europe, where the migratory phenomenon is now emerging, which has not yet led to the birth of second generations. In this chapter, we will reference a study relating to the second generations of Turkish origin in Germany and Holland, highlighting the degree to which the socialisation and integration model adopted by each member state affects the educational, academic and professional path of the second generations.

In a European perspective, we report below some data on the second generations taken from a report published in 2017[12] by Eurostat, an important European research tool. The report measures the integration of migrants in terms of employment, education, social inclusion and active citizenship in the country of residence.[13] It analyses second-generation groups in a comparative perspective with natives, considering five groups of individuals: first-generation immigrants born in the EU (and residing in another EU country); first-generation immigrants born in a non-EU country and resident in an EU country; second-generation immigrants with EU origins (ie, natives of the EU from at least one parent born in the EU); second-generation immigrants with non-EU origins (EU natives from both parents born in a non-EU country); natives with native backgrounds (both parents born in the EU).

Following this detailed premise, it becomes interesting to analyse the data that emerge for the different groups. First, we see that the immigrant population in the EU, as defined in the first four groups listed above, reached 55 million individuals in 2014, from around 40 million in 2008. This increase is partly due to the flow of migrants from Eastern Europe,

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11   The most recent edition available is from 2014-15, edited by the Ministry of Education, University and Research, www.integrationmigranti.gov.it/rapportiricercaimmigrazione/ Rapporti%20Nazionali/RapportoMiur-Ismu-2014_15.pdf.

12   Eurostat, *Migrant integration. 2017 edition*, data from 2014, https://ec.europe.eu/ eurostat/statistics,explained/index.php?title=First_and_second-generation_immigrants _-_ statistics_on_main_characteristics, accessed 13 October 2018, p. 56.

13   The statistical data are taken from the Labour Force Survey (EU-LFS), from statistics on income and living conditions (EU-SILC) and from Eurostat migration statistics, as well as from an ad hoc module of EU-LFS of 2014 on the situation of the first and second generations in the labour market. Eurostat, *Migrant integration* cit, p. 3.

who moved following the enlargements of 2004[14] and 2007.[15] Therefore, it can be said that the immigrant population increased by almost two fifths (37.2 per cent) between 2008 and 2014 (while natives with native backgrounds decreased by 2.8 per cent in the same period). As regards their distribution in the member states, in 2014 almost four fifths (79.9 per cent) of migrants lived in five member states: Germany (20.5 per cent), Great Britain (19.4 per cent), France (19, 3 per cent), Italy (10.8 per cent) and Spain (9.7 per cent). These are, incidentally, the most populous member states. Another figure taken into consideration by the Eurostat report is that of the average age. It shows that on average the two groups of second-generation immigrants are younger than those belonging to the other groups, but with significant differences between them: in 2014 the average age of those with non-EU backgrounds is 32.2 years, while that of those with EU backgrounds is 37.6 years, and the average age of natives with a native background is 40.4 years. Furthermore, the second-generation group with non-EU backgrounds is the only one whose average age has slightly decreased from 2008 to 2014.[16] This leads us to posit that in the six years between 2008 and 2014 the number of newborns to parents from non-EU countries increased.

With regard to the statistics relating to the distribution by gender, the report reveals that second-generation males with extra-EU background are fewer in 2014 than in 2008, while the number of females in the same period grew by three percentage points, reaching 6.6 percentage points higher than that of men if the entire first-generation immigrant population is taken into consideration. Therefore, we have a growing number of first-generation immigrants, reflecting that there were more women than men in 2008 (Figure 1).[17]

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14   On 1 May 2004, the Czech Republic, Cyprus, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia joined the European Union.
15   On 1 January 2007, two other Eastern European countries, Bulgaria and Romania, joined the EU, bringing the number of member states to 27. Croatia has been the last country to join since 1 July 2013.
16   Eurostat, *Migrant integration* cit, p. 59-62.
17   Ibid., p. 63.

Figure 1: Distribution of gender based on migration status and origin, EU-28, 2008 and 2014 (percentage)
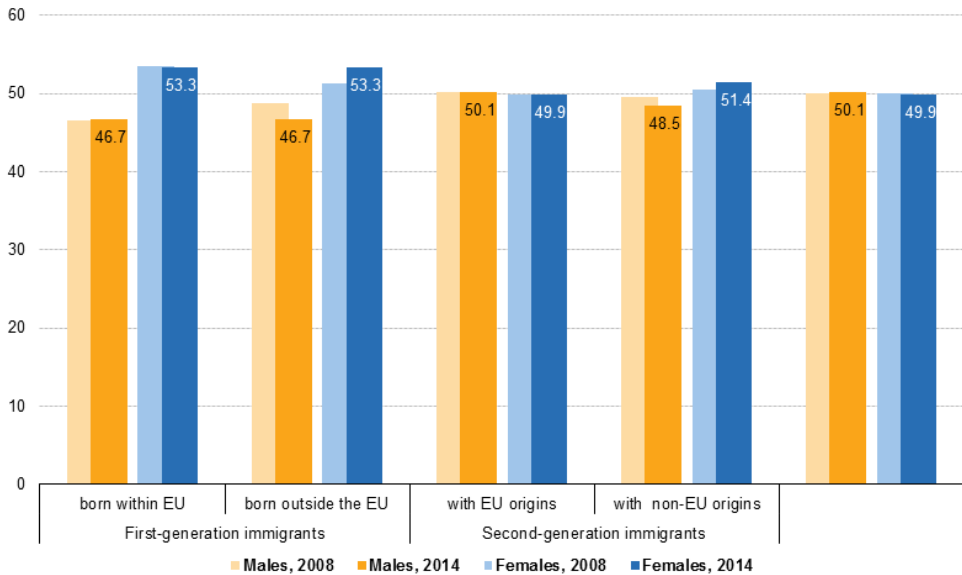
The EU aggregates do not include data for Denmark, Ireland and the Netherlands
The difference up to 100% comes from non-response and unknown cases
*Source:* Eurostat, LFS 2014 ad hoc module (online data code: lfso_14pcobp)

Another interesting fact informs us about the types of urban conglomerates the second generations reside in. 69 per cent of the second generations with parents born outside the EU, and 47.6 per cent of the second generations with parents born in the EU, live in large European cities. This trend of residence follows that of the parents, to whom large cities guarantee a wider job market and better infrastructure. But compared to the first generation, the children of those who were not born in the EU choose even larger cities (+9.4 per cent), to the detriment of towns (-4.6 per cent) and rural areas (-4.8 per cent). As far as the data indicate the tendency toward permanent settlement for migrants, in 2014, 70 per cent of the first generations lived in a European country for at least ten years, while the remaining 30 per cent is divided equally between those who arrived in the country of residence in the last five years and those who lived there between five and ten years (Figure 2).[18]

18   Ibid., p. 66.

Figure 2: The first generation of migrants and the length of their stay, EU-28, 2014 (percentage)

From 1 to 5 years
15 %

From 6 to 9 years
15 %

10 years or over
70 %
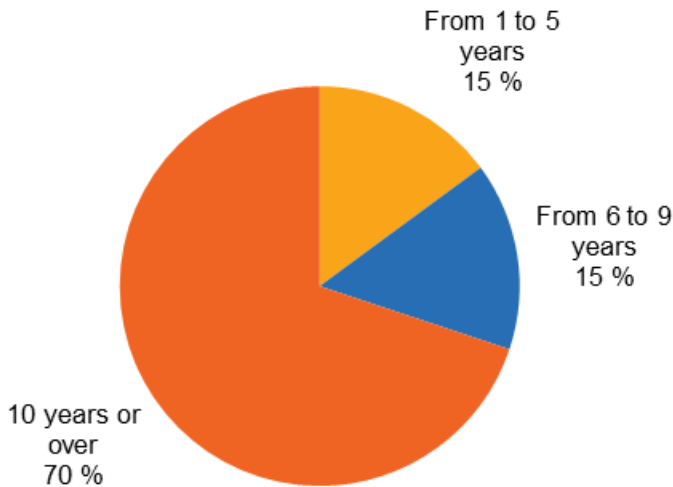
Note: All EU aggregates do not include data for Denmark, Ireland and the Netherlands
The difference up to 100 % comes from non-response and unknown cases

Source: Eurostat, LFS 2014 ad hoc module (online data code: lfso_14b1dr)

Taking into consideration the number of homes in which only migrants live (first and second generation) and those in which both natives with native and migrant backgrounds live, we find that Luxembourg is at the top of the list of the 28 EU countries, with the highest concentration of housing registered to migrants, while at the other end of the scale there is Romania, with only 0.3 per cent. Bulgaria, Poland, Hungary and Slovakia are in the middle, while Latvia and Estonia have a high number of non-citizen residents. However, these are not newly arrived immigrants, but the so-called 'citizens of the Soviet Union' who live in these two Baltic countries permanently, despite not being citizens of them (Figure 3).[19]

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19   Ibid., pp. 68-69.

Figure 3: Distribution of nuclear families by country and migration status, 2014 (percentage)
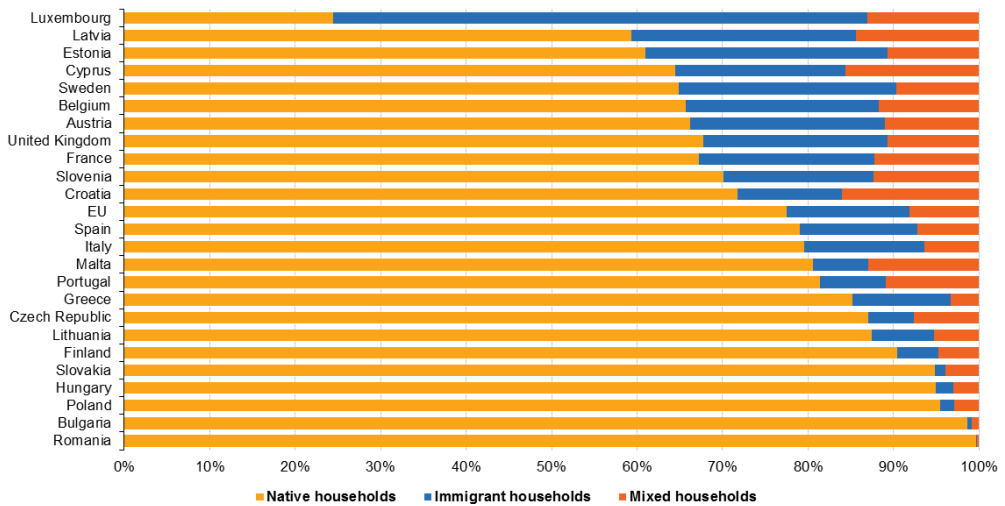
Note: in descending order by total households with at least one immigrant adult (i.e. immigrant households and mix households taken together)
Missing countries: Germany, Denmark, Ireland and the Netherlands

Of the total number of homes where migrants live, 67.7 per cent are inhabited by first generation immigrants only, immigrants of different generations comprise 10.1 per cent, and in 22 per cent of the total live second-generation migrants.[20] In considering citizenship, the report introduces a necessary premise; namely that in the EU not all foreigners have the same interest in obtaining citizenship of the country where they reside. In fact, the acquisition of citizenship is a secondary concern for foreign EU citizens, who are already protected by the legislation in force in all member states and who, with some exceptions, enjoy the same legal rights as citizens of the country where they reside: these are the protections of 'European citizenship' which we will discuss in this chapter. The application for citizenship primarily concerns foreigners who are not EU citizens. Analysing these data with a focus on the second generations, 92.2 per cent of those belonging to this category acquired citizenship of the country in which they were born (even if it is not recognised at what age this occurred), while 4.1 per cent are citizens of a non-EU country despite

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20   Ibid., p. 70.

being born in the EU. Finally, 3 per cent are citizens of an EU country other than the one in which they were born.[21]

Analysing the employment of the population aged between 25 and 54, in 2014 all five groups were found to have a significantly lower percentage of working women than men, even if their number grew for all groups (except for first generation immigrants from a non-EU country) from 2008 to 2014. In 2014, second-generation male workers with EU backgrounds were 7.5 percentage points higher than females in the same category. This is the figure that marks the least difference between men and women, while the greatest is that between workers of the first generation of non-EU migrants and workers of the same category (-23.4 percentage points). Only 66.5 per cent of women in this category worked in 2014, while the percentage rises to 79 per cent for female immigrants born in another EU country and to 80.7 per cent for native women with native backgrounds (Figure 4).[22]

Figure 4: Employment rate by migration status, country of birth (1) and gender. EU 2008 and 2014 (percentage)
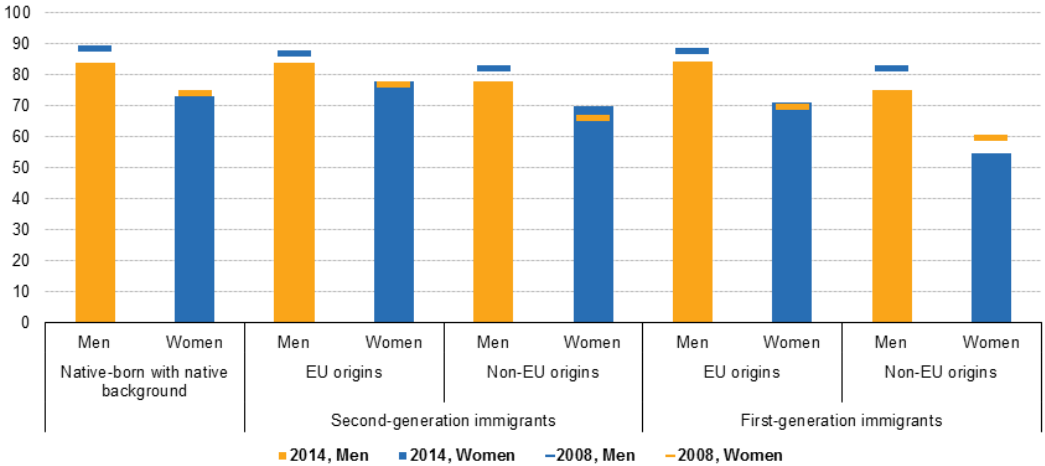
Note: population aged 25-54.
(1) Origin of first-generation immigrants: country of birth; origin of second generation immigrants: country of birth of parents.
(2) 2014: estimates do not include Denmark, Germany, Ireland or the Netherlands.
Source: Eurostat, EU LFS AHM2014/2008

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21   Ibid., p. 65.
22   Ibid., p. 75.

Turning from the gender perspective to the general one, from the data we note that the two groups with non-European backgrounds have employment rates significantly lower than those of the natives with a native background. They range from -8.4 percentage points for migrants born in a country outside the EU to -2.99 for the second generations with non-EU backgrounds. It is also noted that migrants with a European background have higher employment rates than migrants with a non-European background for both the first generation (+11.6 percentage points) and the second generation (+7.1). Analysing unemployment rates, we see that in 2008 and 2014 they are higher for the second generations with non-EU backgrounds than for those with a European background and compared to natives. This happens by referring to the age group 25-59 years and by referring to the group 15-29 years. In the latter group, unemployment almost doubled from 2008 to 2014 to approximately 28 per cent for the second generations of non-EU origin. Although unemployment rose for all groups during the post-2008 economic crisis, in general the second generations faced the crisis better than the first, with the second generation of EU origins having the lowest unemployment rate of the five groups considered in 2014 (7.6 per cent).[23]

As for the type of jobs, it is noted that the second generations tend to approach the pattern of natives with a native background, entering the clerical and professional environment, marking an evolution compared to the first generation which is mainly present in low-skilled jobs. If a third of the first-generation migrants managed to have a high-level job, half of the second generations reach the same job goal, indicating good social mobility. The data indicate that the economic crisis of the years 2008-14 had a strong impact on the work structure of migrant groups, while very little has changed for the work structure of the natives. There has been an increase in the number of service-oriented and professional jobs, to the detriment of those related to production and manual work in general. Furthermore, from 2008 to 2014 there was a general increase in the tendency of freelance work with a professional activity or one's own company. The highest percentage of activity remains for natives with a native background (18.9 per cent of the total in 2014), followed by first-generation EU (16.7 per cent) and non-EU (15.5 per cent) businesses, while the second generations remain in last place. Those with a European background (14.6 per cent) still reach a higher percentage of businesses

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23   Ibid., p. 79.

than the children of non-EU migrants (11.5 per cent). If we consider fixed-term employment contracts for the five groups, we see that they concern 11.9 per cent of the natives with a native background, 10.8 per cent of the second EU generations and 13 per cent of those outside the EU. As for the first generations, the percentage increases from 14.9 per cent of the EU groups to 17 per cent of the non-EU groups, which are reported as the two categories most affected by job insecurity. In any case, comparing the 2008 data with the 2014 data, we see that for the second generations (especially those outside the EU) the percentage of precarious work has increased, while it has decreased for the first generations.

Another interesting fact, which completes the one just analysed, concerns part-time workers. It is not possible to evince from the statistical data whether part-time work is the result of choice or lack of other job opportunities; however, a partially deduction from the results can be made. First, these indicate that part-time work is predominant for the female cohort of the European population, with a minimum difference with males of 18 percentage points for each of the groups considered. Focusing on the various groups, we see that the first generations are those most affected by part-time work. Specifically, in 2014 there are more than a third of women in both groups, while if we consider only men, the number drops to 6.7 per cent for the first EU generations and to 12.7 per cent for men of the non-EU first generation.

Focusing on males, those of first generation outside the EU are the group that works the most part-time; more than three times the percentage of natives with native backgrounds. The second generations are halfway between the percentages of the latter and the first generations, except for non-EU second-generation males, who have a high part-time work percentage, which is lower only than that of the first-generation of non-EU origin. Given this configuration, the report concludes that most likely it is between these two categories of migrants that most of those are found who do not work part-time by choice (Figure 5).[24]

24   Ibid., pp. 82-87.

Figure 5: Part-time employment by migration status, gender and origin, EU, 2008 and 2014 (percentage)
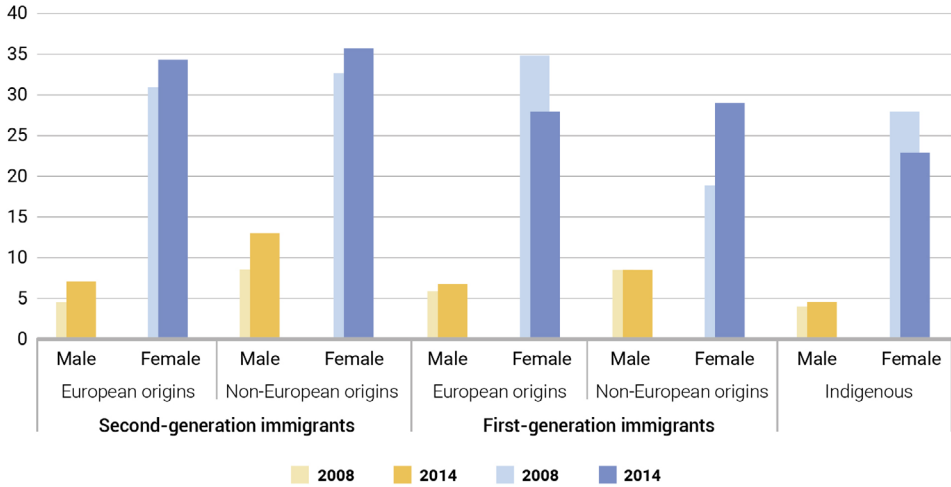
Given the skills-employment link that binds the workplace to the academic and training world, let us examine the latter to see if in some way the data match. In reality, this does not seem to be the case. Taking three degrees of education as a reference, for the year 2014 it can be noted that the highest percentage of tertiary studies was achieved by the second generations (38.5 per cent of those with EU backgrounds and 36.2 per cent of those with non-EU backgrounds), followed by the first generation of those who moved within the EU (33.3 per cent), natives with native backgrounds (30.9 per cent) and those arriving from outside the EU (29.4 per cent). As for those who have completed only primary studies, the highest percentage is among the first non-EU generations (34.7 per cent), while it is 22.4 per cent for the other first-generation group and for the natives with a native background. It decreases for the second generations with EU background (16.1 per cent) and extra-EU (18.9 per cent) background. A comparison of the 2008 data with those of 2014 shows that the percentage of tertiary education increased in all groups, but mostly among the second generations (+6.7 percentage points for those with European origins and +7.3 for the second generations with parents born outside the EU). Within the transversal group with tertiary education level, the report indicates that more than a third of the first-generation members perform a job that does not reflect the level of education. Therefore, 34.3 per cent of first-generation EU workers and 36.2 per cent of non-EU workers are objectively

over-qualified, while the same is true for about a fifth of the natives with a native background and a fifth of the second generations (that with a non-EU background has the highest percentage of people who are over-qualified, even if only slightly).

The graph that illustrates the perception of the various groups of being overqualified rather faithfully reflects the data under consideration. One third of the first generations are perceived as over-qualified and with a slightly higher percentage in the first and second generation of non-EU origin compared to the first and second generation with a European background. By breaking these data down into males and females, it emerges that women generally feel more over-qualified than their male counterparts. This is particularly true of the first generations (35.1 per cent of women in intra-EU mobility and 36.5 per cent of immigrants from a non-European country, compared with 26 per cent and 29.3 per cent of men, respectively), but also for second-generation women with non-EU origins, who have 2 per cent more than males (Figure 7 illustrates the 2014 data on the perception of being overqualified, for the five groups examined in the 25-54 age range, while Figure 6 shows the over-qualified objective data for the same groups, with data from 2008 and 2014).[25]

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25   Ibid., pp. 88-91.

Figure 6: Over-qualification based on migration status and origin, age group 25-54, 2008 and 2014 (percentage)
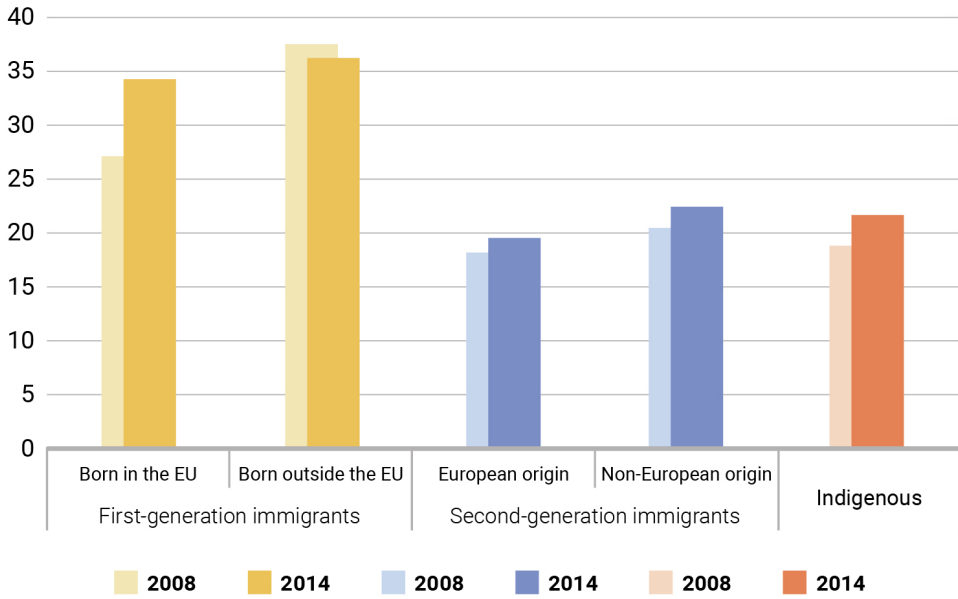
Figure 7: Perceived over-qualification based on migration status and origin, age group 25-54, 2014 (percentage)
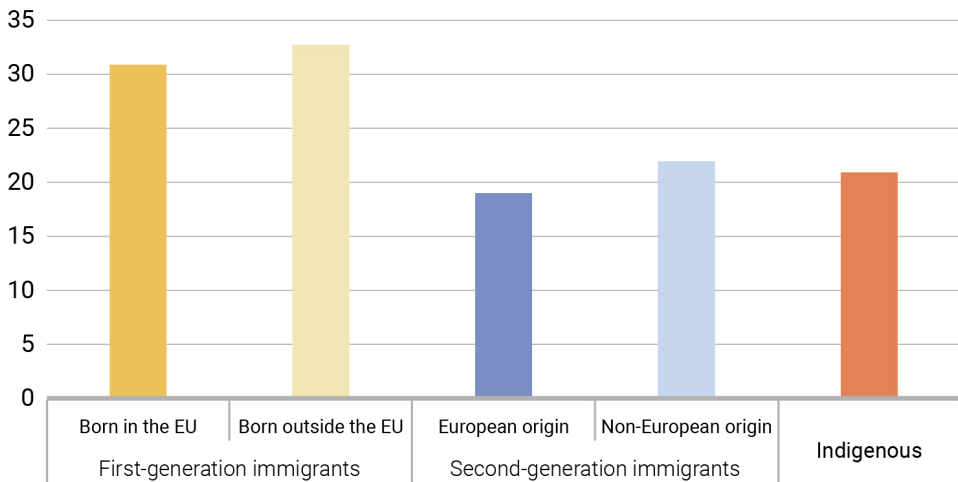
Drawing some conclusions from the data, we can confirm that despite a high level of education, migrant groups, especially first-generations, have greater difficulties in the EU workplace: the percentage of unemployed and over-qualified are higher than those of natives with native backgrounds. According to the report, some specific immigration obstacles may have contributed to this situation, such as language and communication barriers, non-recognition of educational qualifications and work experience gained abroad, restrictions on access to work, social and religious discrimination. Of course, these obstacles affect first and second generations differently, which are therefore analysed separately. Linguistic difficulties penalised about a tenth of the first-generation migrants of both groups examined (especially those with low academic qualifications), while the non-recognition of educational qualifications obtained abroad has mostly affected the first generation born outside the EU (and with high levels of academic qualifications). Similarly, this group has been influenced more by job restrictions, given that it does not enjoy the same civil and labour rights as do citizens of the EU. In any case, the problem of work permits is less significant than that of discrimination on a social and religious basis, reported by 2.4 per cent of the first generation of EU origin and by 4.3 per cent of those of non-EU origin. In the second generations, only 1 per cent face language barriers, but 3.5 per cent of those who have at least one parent born outside the EU face discrimination on a social and religious basis. If the data are broken down into males and females, no significant differences are observed, except in the group of the second generations who suffer discrimination: these seem to focus more on males than on females.[26]

School system and integration

These data were considered because they allow a European framework to be drawn, comprised of information collected in the 28 member states. However, it is important to investigate individual realities. With this in mind, we focus on the volume "Tracce di G2. Le seconde generazioni negli Stati Uniti, in Europa e in Italia" (Traces of G2. The second generations in the United States, Europe and Italy), which analyses the integration of the second generations starting from some EU member states and

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26 Eurostat, *Migrant integration* cit, pp. 94-99.

the United States;[27] it collects research contributions from countries such as Germany, the Netherlands, Spain and Italy. In the preface, Ennio Pattarin of the Polytechnic University of the Marche illustrates his research hypothesis, which serves as a link with the works collected in the volume. According to this hypothesis, the forms of identification of the second generations are the ambivalent product of an alternate movement between cultural references of the country of origin and the country of arrival.[28] On one hand, it affects the relationship with the first generation (family, relatives and family friends); on the other, with the natives (Italian friends and classmates and so on). A further element is the mode of integration offered by the host society, which manifests itself in educational institutions, in integration paths, in the workplace and so on. This last point is certainly evident in the research, which we have chosen to report here, to try and draw useful conclusions from contexts of specific countries. These are the results of the research developed by two researchers from the University of Amsterdam, Maurice Crul and Jens Schneider, who have analysed data collected in Germany and the Netherlands in 2002 and in 2005 with non-homogeneous methodologies and samples, which allows for a comparison of the integration processes in the two countries relative to the second generations.[29]

At the centre of the data collected was the Turkish community, which is numerous in both countries and above all with a very similar immigration background. The origin of this immigration dates to the 1960s and is the result of intergovernmental agreements signed by Germany (in 1961) and the Netherlands (in 1964) regarding an employment-oriented migration from Turkey to the two EU countries. According to the research, the peak of the migration for Turkish labourers took place between 1971 and 1973, with half a million Turkish workers arriving in Western Europe, 90 per cent of whom were hired by German industries. The first generation emigrated from rural areas of central Turkey and the Black Sea. The men had largely completed the first cycle of their studies, while women had only received a few years of education.[30] With the arrival of the economic crisis following the oil crisis of 1973, the official immigration channel from Turkey closed. Given this general context of first-generation migration,

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27   G. Sospiro (ed) (2010), *Tracce di G2. Le seconde generazioni negli Stati Uniti in Europa e in Italia*, Milano: Franco Angeli.
28   Ibid., p. 9.
29   Ibid., p. 57.
30   Ibid., pp. 58-59.

which implies a second generation has grown up in a disadvantaged socio-economic context, let us analyse the different arrival points of the second generations in the two countries, who appear to have integrated in different ways, as can immediately be seen.

In the school environment, two indicators are taken into consideration: school performance and dropout rate. The data tell us that in the Netherlands there is a higher dropout rate, but those who continue their studies do manage to finish them; while in Germany the massive abandonment is avoided through professional training, which does not lead to the continuation of studies, but to entry in the workplace. According to the study, to explain these differences, the national integration models must first be examined. This is because the models convey ideas, norms and values that shape the interaction with immigrants and their children and will also have important effects on their socio-economic position,[31] even if it cannot be said that they alone determine the path of integration. The differences in the school systems of the two countries are an important element. In the Netherlands, children start school at 4 years of age and at 12-14 choose their secondary school, while in Germany school starts at 6 years of age, is part time and the secondary school subjects are chosen at 10 years of age. Therefore, there is a markedly higher number of Turkish children that choose less qualifying training courses in Germany, considering the few years available to emerge from one's disadvantaged starting point and the obligation to make a choice at just 10 years of age. On one hand, this explains why few have a high school diploma and only 4 per cent obtain a degree (2006 data). On the other hand, three quarters of them follow vocational training courses (only half in the Netherlands), which at 15-16 years of age leads them to earn a diploma and starts them on apprenticeships in companies. At the same time, a considerable number of Turkish children enter vocational school at 12 years of age in the Netherlands and continue to attend full-time even at 15-16 years of age, at which the school dropout rate for this group begins to grow significantly. Apprenticeship is limited and the professional educational path is considered marginal within the education system. Specific studies have shown how the context of degradation, closure and clashes among pupils, and also between pupils and teachers, can hardly lead to positive learning paths within these institutions, known as 'the rubbish bin' of the educational system. In Germany, the *Hauptschule* is

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31   Ibid., p. 62.

part of the main school system, with an educational climate that is not considered as problematic, and the 'dual path' professional teaching-apprenticeship is followed. According to research, this combination of factors may explain why school dropout rates are so much lower in Germany than in the Netherlands. Unemployment among individuals in this group is remarkably high in the latter country, twice as high as in Germany. Furthermore, the research reports that discrimination, although detected also in Germany, plays a more important role in the Netherlands, where these young people, who do not have an apprenticeship path behind them that has introduced them into the workplace, can only present to the employer their educational qualifications. Thus, according to scholars, in choosing between a young immigrant and a Dutch citizen with the same qualifications, the former is not given the same opportunities.

Furthermore, youth unemployment in the Netherlands is generally much higher than in Germany and, according to research, discrimination tends to be more widespread when there is stiff competition in the labour market. The report concludes that in both second-generation groups we are witnessing the creation of an emerging educated elite and a growing unskilled underclass. But the intensity of this polarisation is, as we have seen, much more marked in the Netherlands. If men and women are analysed separately, in both countries women have lower percentages of high school attendance than men, and even fewer are the women who enter the labour market.[32] If we analyse France and the report "Inégalités sociales et migratoires. Comment l'école amplifie-telle les inégalités ?"[33] of the National Council for the Evaluation of the School System (CNESCO), we find an alarming evaluation[34] which speaks of an ineffective school system to reduce inequalities, and which indeed contributes to more segregation among the children of migrants schooled within the poorly managed institutions of the banlieues. Another study, conducted in Britain

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32   Ibid., p. 68.
33   CNESCO (2016), *Inégalités sociales et migratoires. Comment l'école amplifie-t-elle les inégalités ?*, available at: www.vie-publique.fr/sites/default/files/rapport/pdf/164000613.pdf.
34   "Marquée par des inégalités sociales et migratoires fortes et croissantes, associées à un nombre très important d'élèves en grande difficulté scolaire, le système éducatif français met désormais en péril à la fois la croissance économique future ainsi que sa cohésion nationale" ('Distinguished by strong and growing social and migratory inequalities, associated with a very significant number of pupils in great difficulty at school level, the French educational system now jeopardises future economic growth and national and social cohesion'), Ibid., p. 119.

on the country's young Muslims and presented in 2016 at the British Sociological Association conference, allows us to be more optimistic. According to the research, in which 6,600 people took part, 25 per cent of Muslim women in the 21-24 age group have a university degree, while the same is true for 22 per cent of males in the same group.[35] If this trend has occurred for years for the Christian white population, it is new for the Muslim population, according to researchers Nabil Khattab and Tariq Modood, who conducted the study. The novelty is even more impressive when compared with data from the years 1990 and 1991, when the men of Pakistan and Bangladesh (the two largest communities of predominantly Muslim religion) were admitted to university, were more than double and more than three times the number of women from the same countries, respectively. According to scholars, the main reason for this overtaking is that young Muslim women have become aware to a greater extent of the fact that the academic curriculum is an answer to overcome the problems related to stereotypes and discrimination that they will have to face in the workplace than their male colleagues.

The scholars Crul and Schneider, previously mentioned, are also part of the group that edited the volume "The European Second Generation Compared", with a subtitle in the form of a research question: "Does the Integration Context Matter?".[36] It finds its answer in the formulation of the "theory of the context of integration", which illustrates the importance of the context of insertion on the process and result of integration. The research was conducted by the IMISCOE (International Migration, Integration and Social Cohesion in Europe) Research Network, which brings together researchers from 30 institutes specialising in migration studies and was created as a Network of Excellence supported by the Sixth Framework Programme of the European Commission. Referring to the volume for a more detailed analysis of the findings, we limit ourselves here to pointing out some aspects of the research that we believe are interesting. The second generations interviewed are children of immigrants from Turkey, Morocco and the former Yugoslavia, were born in Europe, and had studied throughout their school career in Europe and are between 18 and 35 years

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35 British Sociological Association (2016), "'Cultural transformation' as Muslim girls out-perform boys academically, research says", Press, available at www.britsoc. co.uk/media/21018/Cultural_transformation_as_Muslim_girls_out_perform_boys_ academically_research_says_PR030416.pdf.
36 M. Crul, J. Schneider, F. Lelie (2012), *The European second generation compared. Does the integration context matter?*, Amsterdam University.

of age at the time of the survey, between 2007 and 2008. In addition, peers born in Europe, from parents born in their turn in the European country where the survey took place, were also interviewed.[37] Two major cities have been chosen for each of the eight European states examined, considering that immigrants reside primarily in the metropolitan areas (as we have seen by examining Eurostat data). The cities examined are Paris and Strasbourg (France), Berlin and Frankfurt (Germany), Madrid and Barcelona (Spain), Vienna and Linz (Austria), Amsterdam and Rotterdam (Netherlands), Brussels and Antwerp (Belgium), Zurich and Basel (Switzerland) and Stockholm (Sweden). The primary objective is to analyse the effects of specific national and urban contexts in promoting or hindering the integration of second generations. In this case, too, the researchers chose to illustrate the results with reference to the second generations of the Turkish community, which is present in seven of the eight countries examined and therefore makes it possible to compare the different contexts of life in as many as thirteen European cities.

To refer to a sample with a similar socio-economic starting point, only the young children of parents with low schooling, mostly workers, were considered. The variations in the results achieved by the second generations that are sometimes significant highlight the different opportunities available. The context created by the institutions (schools, the labour market, citizenship and welfare policies) is of primary importance.[38] However, the analysis also considers how this context interacts with the resources available to the families of origin of the second generations. It is thus observed that the degree of integration differs according to the components of the concept of integration that are examined. For example, the second generations in Sweden have excellent academic results compared to other states. At the same time, at the national identity level, an important percentage do not identify as much with being Swedish as with belonging to their hometown, Stockholm. These data question the theories that speak of integration in general terms of positivity or negativity, showing that reality is much more complex. Focusing on the workplace, the research comes to conclusions aligned with those of the statistical data we have previously analysed. With the same academic goals, the second generations tend to have lower-level job positions than those of natives born to native parents.

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37   Ibid., p. 12.
38   Ibid., p. 369.

The same can be said for the level of unemployment, which is particularly high when compared to that of the children of the natives: in all the cities taken into consideration, the second generations have higher unemployment rates than the original peers from the same place. The possibility of finding work is also partly linked to family and friends' networks, which are less wealthy for the second generations. However, the existence of unequal and discriminatory treatment remains possible, which, the study points out, can be the basis of this generalised differentiation.[39] Indeed, it seems that if given a choice, employers prefer to employ the children of the natives. In fact, it is noted that the difference in unemployment rates is low and almost disappears if we take into consideration individuals with low levels of schooling. For jobs at the base of the employment pyramid, it seems that the second generations do not suffer from discrimination because their native peers do not particularly want this type of work. Furthermore, the second generations probably have a good network of contacts to secure this type of occupation.[40]

The number of second-generation women who do not participate in the labour market tends to be particularly high in general.[41] For them, most of the time is spent on housework. In Germany and Austria, where the public care system for children allows parents to leave them in public facilities for only a few hours a day, native women also do not work to take care of the home. The difference between the two groups is that second-generation women often never entered the job market before dedicating themselves to family care. Many of the second-generation women in these two countries dropped out of school very early to help the family of origin at home and then moved on to form their own family without completing their studies. Instead, the indigenous women have work experience, which is subsequently interrupted to take care of their children. They usually spend more time in education and form their own family later. In Switzerland, the situation is very different: the differences between the two groups of women in terms of employment are almost irrelevant. The same applies to Sweden, where the participation of second-generation women in the labour market is particularly high. The country is indeed recognised for its welfare system, which allows both parents to be able to work full time. Although second-generation women make slightly

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39   Ibid., p. 386.
40   Ibid., p. 387.
41   Ibid., p. 383.

less use of state support mechanisms than do the natives, the percentage of participation in the full-time job market is remarkably high.

We have seen that the social context and the integration model adopted by each state is likely the main element that influences 'good' or 'bad' integration, the inclusion or marginalisation of the second generations, their becoming members by right and in fact of the society in which they are born or grow up. We certainly do not want to deny the importance of the migratory background, the influence of the culture of origin or the importance of the individual's will and dedication toward building their own space and own way of being part of the society where they live. We note, however, that among these factors, the formal and substantial possibilities of insertion in the socio-educational and training institutional structures that the second generations face during their life as minors and young adults have a significant relevance. This topic will be taken up again in this chapter, when we will discuss failed integration and inclusion tools of the EU. Let us now analyse the inclusion 'in law' in the societies in which they live through the instrument of citizenship, which grants the second generations the same rights and duties as other citizens.

European citizenship and that of the member states

Given that the acquisition of citizenship is a fundamental formal recognition of the integration of an individual in the society in which they live, we compare in this section the methods of acquiring citizenship of foreigners in different EU countries, with particular focus on those born in a member state from foreign parents and those who arrive there as minors. Some of the founding countries and some Eastern European countries will be referenced. We will see if there are commonalities on citizenship acquisition within the two blocs of countries, and above all we will try to understand how central the inclusion of the second generations is in each country's legal framework. Regarding the countries of Eastern Europe, we should mention that their history has been for long periods of time, and especially after the Second World War, deeply different from that of the founding countries of the EU. This has influenced the legislation relating to the acquisition of citizenship in these states. Even the 'older' member states of the EU have been influenced in their legislation by their history and immigration context. We will see which of them has legislation more open to *ius soli* and which instead remain anchored to *ius sanguinis*.

Beginning our analysis at the EU level, we emphasise that European citizenship is closely linked to that of the EU member states. Article 20 of the Treaty on the Functioning of the European Union (TFEU) explains that "anyone who has the citizenship of a member state is a citizen of the Union. Citizenship of the Union is added to national citizenship and does not replace it".[42] The rights of EU citizens are enshrined in this article and in Chapter V of the Charter of Fundamental Rights of the European Union. The European Court of Justice has also contributed with its judgments to better define the concept of European citizenship. But it is the individual member states that legislate on the issue of citizenship. Since the nineteenth century, with the birth of modern nation states, this has been considered inherent in the concept of sovereignty. It is the prerogative of the state to define who is a citizen and sanction their rights and duties. The state legislates on how a foreigner can become a citizen, passing through all the intermediate stages of naturalisation. Therefore, given that the EU member states each have their own law concerning the acquisition of citizenship by resident foreigners, they each manage in their own way the degree of inclusion in the society of the second generations. It follows that in some of them it is easier for individuals who are children of immigrants to enjoy citizenship rights, while in others the situation is more complicated. In some member states, the second generations will be citizens with equal rights and duties shortly after birth; while in other member states they may become citizens later, sometimes not automatically, but only on their specific request at a pre-established age and within a time frame, as is the case in Italy.

The general approach of the European states is to grant citizenship to foreigners at the end of an integration process, which is positively assessed on different levels: that of continuity of residence, of work, good knowledge of the language and respect for the laws, which takes the form of not having committed serious crimes. In Europe, it is mainly the principle of *ius sanguinis* that characterises the laws on the acquisition of citizenship. It states that anyone born of a mother or father who is a citizen is, in turn, a citizen of the state. For those who are born to parents who are not citizens of the state of residence, the path is different from country to country, as previously mentioned. It is therefore the result of

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42   Treaty on the Functioning of the European Union, Part Two, containing articles on Non-Discrimination and Citizenship of the Union. https://europa.eu/european-union/sites/europaeu/files/eu_citizenship/consolidated-treaties_it.pdf#page=57.

the history of a country, of the culture stratified over the centuries, as well as of the spirit of the time that prevails in each historical period. There are many other factors, including the migrations that have affected that territory and the relationships that a given European country has had with the countries of origin of the migrants. In this sense, on one hand we cannot fail to mention that the colonialist past of several EU countries, especially of the core of the founding countries, had an impact in terms of the origin of migrations to those countries; on the other in legislation on the citizenship that is in force. Several founding countries have a mixed regime, in which we find elements of *ius sanguinis* and *ius soli*, while none of the EU member states apply a 'pure' *ius soli* as is done in the United States. Before moving on to examine the individual states, we emphasise that a thorough and exhaustive analysis of these laws will not be possible for reasons of space. We refer to the materials previously mentioned and to the dossiers of EUDO (European Union Democracy Observatory)[43] on citizenship[44] for further understanding of the laws on acquiring citizenship in the countries mentioned below. We will focus above all on how second generations can obtain citizenship, with the broad meaning of the term that we have adopted in the section concerning the definitions.

In France, citizenship is governed by the civil code, and anyone born of at least one parent who is a French citizen automatically becomes a citizen. For the children of foreigners, this system is characterized by the so-called 'double *ius soli*', according to which anyone born in France is French when at least one of the two parents was born there, regardless of their citizenship.[45] As a result of the law of modification of the civil code of 1998, which suppressed the regime of the manifestation of will, upon reaching the age of majority, French citizenship is automatically recognised to anyone born in France to foreign parents if they can prove to have resided

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43   EUDO was created in 2006 at the European University Institute of Fiesole as an independent and interdisciplinary academic organisation that analyses democratic practices in the EU and functions as a forum for exchanges of ideas and good practices at the academic level. In 2017 EUDO was replaced by the GLOBALCIT (Global Citizenship Observatory). For further information, please refer to the website www.eui.eu/Projects/EUDO/About.

44   This is one of the four EUDO observatories and was born with the task of analysing how citizenship legislation in the states of the EU is developing and its impact on democratic inclusion and participation.

45   Servizio Studi del Senato (2015), *Cittadinanza, Note sull'A.S. 2092 trasmesso dalla Camera dei deputati,* available at www.senato.it/service/PDF/PDFServer/BGT/00941909.pdf.

there for a period of at least five years (permanently or discontinuously) starting from 11 years of age; the same applies to the minor, provided that they make an explicit request to the Tribunal d'Instance (drawn up personally if sixteen or older; or by the parents if between the ages of 13 and 16).

German law also requires that, in accordance with the principle of filiation or *ius sanguinis*, a child acquires German citizenship at birth if at least one of his parents is a German citizen. This principle has been recognised since 1913 in the Citizenship Law. However, it has undergone changes which have introduced elements related to the principle of *ius soli*. As a result of the reform which entered into force in 2000, children of foreigners born in Germany automatically acquire German citizenship if at least one of the parents has resided in the country for at least eight years and has a permanent residence permit. Children who become German citizens in the latter way also acquire the nationality of foreign parents at the same time. Until 2014, the year of the last citizenship reform, at the age of majority they had to declare in writing within five years their will to maintain German nationality or that of the parents' country of origin. If they chose the latter, they renounced German citizenship. Therefore, maintaining dual citizenship became impossible, but this waiver obligation did not concern those who had acquired German citizenship based on the principle of filiation; that is, through a German parent. They could also obtain the citizenship of the other foreign parent. The proposal to make dual citizenship possible for the children of foreigners born in Germany has been the focus of many political debates. In 2014, the reform was implemented, on a proposal from the Social Democrats, who included it in the coalition agreement.[46] Thus, the children of foreign parents who acquired German citizenship at birth are no longer obliged to choose between this citizenship and the citizenship passed on to them by their parents, provided they demonstrate that they have lived in Germany for at least eight years by the age of 21 or have attended six years of school in the country, having obtained a German qualification or having trained professionally in the country. The debate has not ended here, and even in the context of a particularly intense period of anti-immigration rhetoric, other parties in Germany are calling for a return to the previous system.[47]

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46   New rules on dual citizenship, which can be found on the website of the Ministry of the Interior of Germany, www.bmi.bund.de/SharedDocs/kurzmeldungen/EN/2014/12/dual-citizenship.html.

47   During the same period, an intense debate took place in Italy on this issue, with a

At the same time, many people welcome this change as overcoming discrimination against the children of non-EU citizens, not only when compared with the children of the Germans, but also in comparison with the children of EU citizens, who since 2007 are not required to renounce their citizenship of origin to become a German citizen.[48]

With regard to the acquisition of citizenship in the Netherlands, in the last twenty years the country has gone from a 'multiculturalist' approach, in which the full recognition of rights and duties related to citizenship was granted to migrants immediately to encourage their integration, to a more 'assimilationist' approach, in which the acquisition of citizenship becomes the culmination of an integration process. A change in the way of understanding integration, which implies critical issues in the multiculturalist model, has therefore influenced the reforms on citizenship.[49] Those born to at least one Dutch parent, even if born abroad, are automatically citizens, as already seen for France and Germany. Those born in the Netherlands to a resident foreign parent, who was also born there to parents living in the Netherlands, are also considered natives. In other cases, the children of foreigners can apply for Dutch citizenship when they reach the age of majority. They have the option of choice or naturalisation. The first is reserved for the second generations born in the country or who arrived within the age of four and who have spent most of their life there. It consists of signing a unilateral declaration, which calls for a response within three months and maintaining the original citizenship; whereas the naturalisation procedure is used by the majority of immigrants who apply for citizenship after a period of continuous residence (five years of residence and passing a civic integration exam,

proposal for reform which introduced elements of *ius soli* into the existing law. The stages of the reform attempt in Italy will be analysed in detail in a dedicated section.

48   Servizio Biblioteca - Ufficio Legislatura Straniera, Camera dei Deputati (2013), *L'acquisizione della cittadinanza in Francia, Germania, Regno Unito e Spagna*, available at http://documenti.camera.it/leg17/dossier/Testi/MLC17004.htm, "Furthermore, from 28 August 2007, the renunciation of the nationality of origin is not necessary if the applicant is a citizen of a member state of the EU, of Switzerland or of another state with which the Federal Republic of Germany has entered into an international legal convention (§ 12, paragraphs 2 and 3). On the basis of the measures introduced in 2007, German citizens do not automatically lose their citizenship if they acquire that of a member state of the EU, Switzerland or another state with which the German Federal Republic has entered into an agreement in international law (§ 25, paragraph 1)".

49   R. van Oers, B. de Hart, K. Groenendijk (2013), *Country report: The Netherlands*, EUDO Citizenship Observatory, https://cadmus.eui.eu/bitstream/handle/1814/19629/RSCAS_EUDO_CIT_2013_1.pdf?sequence=3&isAllowed=y.

but the time is reduced for those born in the Netherlands).[50] Foreigners who obtain citizenship of the Netherlands can also obtain it for their minor children, provided they are permanently resident in the country of citizenship.[51]

In Spain, as in France, the specific legislation on the right of citizenship is contained in the civil code. By law, Spanish citizens are automatically born to a Spanish father or mother, but also born to foreign parents in Spain if at least one of them was born in Spain. Spanish citizenship can also be acquired for those whose father or mother, born in Spain, has previously had Spanish citizenship.[52] In order to apply on the basis of continuous residence, it is necessary to have resided ten years in the country, with some exceptions, such as for those born in Spain, for whom only one year of residence is sufficient. All those who apply for Spanish citizenship must renounce their citizenship of origin.[53] Thus, while on a general level the EU states show a tendency to accept dual citizenship, other countries, like Spain and other member states, do not renounce single citizenship, even if in very different ways and sometimes with generous exceptions.

As for the countries of Eastern Europe, some initial considerations need to be made. In principle, we do not have any second generation to refer to. These countries are still linked to the recent past characterised by strong emigration to Western Europe. This emigration followed the collapse of the communist regimes after 1989. Subsequently, with the entry into the EU, the flow of emigrants leaving the Eastern countries to move westward increased (as previously noted), creating large communities which enjoy the rights reserved for EU citizens when they move within the EU. Nonetheless, even Eastern European migrants have not escaped the fear and closure problems caused in the societies of the countries where they settled. After the period of the most intense flow of migrants from these countries, there has been a good integration, also favoured, as previously mentioned, by the freedoms and rights guaranteed to citizens of the EU

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50   L. Tria (2014), *Ius soli, ius sanguinis. L'acquisizione della cittadinanza in Italia, Francia, Germania, Regno Unito, Spagna, Paesi Bassi, Belgio, Svizzera, Irlanda*, Exeo edizioni, p. 139.
51   Netherlands Nationality Act, available at https://data.globalcit.eu/NationalDB/docs/NL%20Netherlands%20Nationality%20Act_consolidated%2025_11_13_ENGLISH.pdf.
52   Servizio Studi del Senato, *Cittadinanza* cit.
53   "Exceptions are those who come from the Spanish-American countries and from Andorra, the Philippines, Equatorial Guinea and Portugal, on the basis of the possibility of 'dual citizenship', as provided for in article 11 of the Constitution", Ibid., p. 64.

who decide to reside in a member state other than their country of birth. It is important to underscore this because it gives an idea of the approach that these countries have had so far regarding migration. They still consider themselves countries of emigration, their policies on the issue have focused on maintaining ties with the communities of emigrants, a factor of internal development thanks to remittances and family networks. Only recently have these countries become a land of immigration, something that has often led to rejection and closed-door policies.

It is interesting to analyse the acquisition of citizenship of Eastern European countries if one is born to foreign parents or arrives there as a child. Thus, if we examine Hungarian legislation, detailed procedures can be found to allow those who claim to be of Hungarian ethnicity and live in neighbouring countries acquire or regain citizenship. As for the acquisition of citizenship at birth, it is automatic for those born in Hungary or abroad to at least one Hungarian parent. Children born to foreign parents are eligible for "preferential naturalisation, which from the eight years of residence required for foreigners is generally reduced to five years of residence for those born in the country and for those who took up residence there before reaching the age of majority.[54] Parents of a Hungarian citizen who is a minor can opt for preferential naturalisation after three years of residence in the country.

In Poland, the law grants citizenship automatically to children born to at least one parent with Polish citizenship, and there is particular attention to granting citizenship to those of Polish descendance, even if they live in a different country. Regarding the acquisition of citizenship for legally resident foreigners, the minimum period is three years of residency. In Poland, the legislation immediately grants citizenship to those born of at least one parent of Polish citizenship and there is a particular attention to granting citizenship to those who are descendants of Poles, even if they reside in another country. As for the acquisition of citizenship for legally resident foreigners, the minimum period is three years of residence. After parents acquire Polish citizenship, they can also apply for Polish minority children who are legally resident.

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54   Act LV of 1993 on Hungarian Nationality, version of 1 January 2009 (Hungarian Citizenship Act of 1993), available at https://globalcit.eu/.

In Bulgaria too, citizenship through filiation is immediate at birth for those with a Bulgarian parent. Those born in the territory of the country can obtain citizenship by naturalisation, using a shortened path of three years of residence instead of the five foreseen for foreigners in general. In addition, the minor child of those who acquire citizenship automatically obtains it if they are under 14 years old, and upon declaration if they are between 14 and 18 years old. Those applying for Bulgarian citizenship must renounce other citizenships.[55] From a comparison between the first and the second group of states examined, it emerges that in the latest reforms some countries of the first group have started to request language and knowledge exams of the general characteristics of the state for which citizenship is requested. This aspect is an integral part of the requirements to apply for citizenship in the laws of the countries of the second group, which also require knowledge of the Constitution, the absence of convictions and criminal proceedings and a certain level of income, as well as the fulfilment of financial obligations toward the state of residence. As has been seen, the first group does not have homogeneous characteristics. For example, Spain is a country strongly linked to the past of emigration and cultivates privileged relationships with the former colonies. The same applies to the Netherlands, although it has not been possible to investigate this aspect further. At the same time, Poland, Bulgaria and Hungary have privileged ties with the descendants of the former citizens of these countries and with those who were deprived of citizenship in the years from 1946 to 1990. In Hungary, a person born before 1 October 1957 can also apply for Hungarian citizenship if their mother was a Hungarian citizen and their father was a foreign citizen, as well as those who claim to be of Hungarian ethnicity. Bulgaria and Poland define historical ties with those who can apply for citizenship as 'cultural affinities'. Polish law has an entire chapter devoted to the provisions of restitution of citizenship.[56] We do not dwell further on these aspects that have been addressed to understand where the attention of the legislator is concentrated on the granting of citizenship of the country under consideration.

It would be extremely useful to intervene at the EU level to harmonise national systems of citizenship acquisition and inclusion tools for the

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55   Law of Bulgarian Citizenship, available at https://globalcit.eu/.
56   Law of 2 April 2009 on Polish Citizenship, Chapter 5 - Restitution of Polish Citizenship (Polish Citizenship Law of 2 April 2009, chapter 5 - Restitution of Polish citizenship), p.9, available at https://globalcit.eu/.

children of migrants. Starting from the general principles and founding values of the EU, it is from the supranational level of the common institutions of the EU that we must work to extend the possibility of taking advantage of youth policies designed for the empowerment and active citizenship of young citizens of the member states. Thus, we could speak more properly of European citizenship. A clear analysis in this sense is contained in the book "European citizenship: Instructions for use".[57] The author, Costanza Margiotta, illustrates the evolution of the concept of European citizenship and its transformations since the Maastricht Treaty, which founded the EU and with which all citizens of the member states are automatically European citizens; a distinction that was initially symbolic, which was completed and enriched in terms of rights with the subsequent treaties, up to the Treaty of Lisbon.[58] The European Court of Justice also plays a fundamental role in this evolution, which with its judgments has contributed to increasingly giving it the form of fundamental status of member citizens, making it possible for anyone in the same situation to be able to enjoy the same legal treatment wherever they are in the EU. Obviously, this summary does not exclude exceptions, but it is a guideline toward the future which member states are indirectly driven to consider.[59] It is worth taking a step back to see how this path has been traced. In the time between the Treaty of Rome and the Treaty of Maastricht (1957-92), the Court strengthened from a legal point of view the figure of the 'privileged foreigner' who moves freely in the community area, leveraging the principle of non-discrimination on the basis of nationality provided for in the Treaty of Rome. Subsequently (1992-2002), the Court tried to free the concept of economic operator from the status of European citizen with its framework of fundamental rights.[60] In the meantime, in 2000, the Charter of Fundamental Rights of the European Union was proclaimed, which in Chapter V on citizenship mentions the rights related to it, such as the right to vote and to stand for election in Parliament European and municipal elections, the right to good administration, the right of access to documents, to right to consult the European Ombudsman, the right to petition, freedom of movement and residence, and diplomatic and consular protection. Despite this wide range of rights, Margiotta points out that at the beginning of the 21st century, European citizenship was above all understood as freedom of movement and therefore relied

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57 C. Margiotta (2014), *Cittadinanza europea. Istruzioni per l'uso*, Rome-Bari: Laterza.
58 Ibid., p 11.
59 Ibid., p. 9.
60 Ibid., p. 12.

mainly on European states other than that of origin. Thus, since 2006, the Court's jurisprudence has gone in the direction of separating the concept of EU citizenship from mere freedom of movement. This is because in order to be able to speak of European citizenship in all respects, it should be valid in one's own state and in others, with rights for the person, to be protected regardless of one's mobility.[61] According to Margiotta, if the evolution of the concept in the future continues to follow this direction, and the winds of closure do not significantly affect the jurisprudence of the Court, the expansion of European citizenship could lead to the gradual dissolution of that nucleus of situations intended as purely internal to the member states and therefore of their exclusive competence. Furthermore, it is necessary to consider the fact that the nationality legislation of each member state has an indirect impact on others, since whoever becomes a citizen is also automatically a European citizen and by virtue a holder of the rights previously mentioned, which can be asserted in other member states. The privileged ties of some member states with non-EU countries have already been partially recalled and can be grouped as follows: privileged relations with ex-colonies (France, Portugal, the Netherlands), relations with the descendants of the emigrants of the nineteenth and twentieth centuries (Italy, Spain, Ireland) and ties with minorities residing in neighbouring states as a result of the redefinition of borders during the twentieth century (Hungary, Bulgaria, Romania and others). In all these cases, EU member states have adopted legislation that allows the holders of these privileged relationships to become citizens of the country and therefore European citizens.

In Romania, 16,680 people benefited from citizenship acquisition between 2000 and 2009, while South Americans who showed that they had an Italian ancestor were 537,821 between 1998 and 2004. This created tension between some states, when it was considered that the granting of citizenship by one state would bring an important number of 'internal' immigrants to another, as in the case of Spain toward Italy or the latter toward Romania.[62] Once again, it is clear that the EU should intervene with a harmonising function. As regards the social inclusion policies of marginalised young people, children of natives and second generations, the EU has long played an important role with a series of tools. As we will see in the next section, this has been done with even greater attention and

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61   Ibid., pp. 13-15.
62   Ibid., p. 108.

resources in recent years, in which it is becoming increasingly clear that second generation data that are fully integrated into European societies is not a foregone conclusion. Instead, it is the result of targeted youth inclusion policies.

Failed integration: the case of radicalisation and the intervention tools of the European Union

In this chapter, we have thus far considered different methods of inclusion, the importance of institutions, schools and training mechanisms to enable young people to be fully integrated into the societies where they were born and raised. It must be said, however, that a great deal of research, only a part of which is examined in this chapter, is inspired by the climate of closure, by the perception of the second generations as a threat and the fear of having strangers at home, which has taken hold in Europe in recent years. This is clearly expressed by the authors of "The European Second Generation Compared", which was analysed previously. The aim of their research was to give a truthful picture, to dispel commonplaces and fears and to prevent a xenophobic drift. Therefore, research is necessary to understand the contexts in which there has been a positive integration and what determined it, which will help us to understand how to intervene and to face fear and closure. Thus, the inclusion of the second generations in European societies and the strategies to be implemented to combat marginalisation and alienation become central, as these are two conditions that in some cases can even lead to radicalisation. The European institutions have long faced these problems and social disparities in different European regions. They also immediately took action following the terrorist attacks involving several member states. Analysing the Islamic attacks of the last 14 years in Europe, it can be seen that, starting from 2012, with the Toulouse and Montauban attacks in France, the perpetrators are increasingly young second-generation European citizens. A 23-year-old French person was the mastermind behind the attacks of 2012. In 2014, Brussels was targeted in an attack that had been masterminded by a thirty-year-old French person, and in 2015 it was Paris: everyone remembers the attack on the editorial staff of the satirical weekly Charlie Hebdo of 7 January and the massacre in the Bataclan concert hall on 13 November. In the first case, the attackers were two French brothers; in the second, it was a Franco-Belgian cell. But in the same year, Copenhagen was also affected (the attacker was a Danish-born 22-year-old) and in 2016 again Brussels (from a cell comprised of

Belgian citizens), then Nice, Rouen (also in this case the attackers were both French citizens) and Berlin.

In 2017, London was repeatedly the scene of terrorist attacks carried out with different methods and objectives (some of the attackers were second-generation British citizens, but in the same year a mosque in north London was targeted by an attacker animated by hatred toward Muslims). Stockholm and Paris (the attacker was a 30-year-old Frenchman), Manchester, Barcelona, Turku were also subject to attacks. In 2018, the attacks did not stop: in Trèbes, Paris, Liège (by a radicalised thirty-one-year-old Belgian citizen), Schiedam, Flensburg and again London (the conspirator was a 29-year-old British man),[63] then Strasbourg (the attacker was 29 years old and had been born and raised in Strasbourg).

For the purposes of our work, it is necessary to note the young age of the attackers, their second-generation origin and the presence of local petty crime in the countries where they grew up, which led some of them to spend time in prison. It is also useful to note that this phenomenon has spread across many European countries, transcending national borders. We have seen that the attacks involved France, the United Kingdom, Belgium, the Netherlands, Denmark, Germany, Spain, Sweden, Finland, but the people and the support networks also extend to other EU countries, as well as to other non-European states, in a logic of transnational action that operates much more extensively than in the national borders of the individual member states. It is precisely for these reasons that the response to the phenomenon of radicalisation can only be transnational. Despite the limitations of its competencies in the fields of security, justice and home affairs, the EU has prepared an action strategy and a series of tools available to member states to tackle this delicate phenomenon. Following the attacks in Copenhagen and Paris, carried out by European citizens, the EU's education ministers met on 17 March 2015 in the French capital. The Paris Declaration[64] is the result of their discussion on how to prevent and manage the phenomenon of radicalisation by working on social inclusion through education and training, which are considered

63   See also "Cronologia degli attacchi terroristici in Europa dal 2004 al 2019", https://www.ednh.news/it/cronologia-degli-attacchi-terroristici-in-europa-dal-2004-al-2017/.
64   Informal meeting of EU education ministers (2015), "Declaration on promoting citizenship and the common values of freedom, tolerance and non-discrimination through education" available at https://ec.europa.eu/assets/eac/education/news/2015/documents/citizenship-education-declaration_en.pdf.

important tools to combat marginalisation and radicalisation.[65] To achieve these objectives, existing European instruments will be utilised, directing them toward strengthening social cohesion and active citizenship. One of the concrete instruments of action is the Erasmus Plus programme, as will be discussed.

The Communication *"Supporting the prevention of radicalisation leading to violent extremism"* of June 2016[66] follows the Paris Declaration through which the Commission analysed the issue with an approach that includes different levels of intervention and interconnection tools among member states. It reiterates how the prevention of radicalisation is a fundamental element in fighting terrorism. Prevention takes place at the local level, involving many officials, including institutions and civil society. It is in the local territory that contexts and cases at risk can be identified and the mechanisms to intervene activated. Among the many fields of intervention in which it is necessary to work to have an impact on such a complex phenomenon, there is that of promoting quality education, which stems social exclusion, one of the factors of radicalisation. Among the areas of intervention identified by the Commission, there is both the promotion of inclusive education and the promotion of an inclusive and open society. The Commission underlines that 11.1 per cent of young Europeans leave school early,[67] with a consequent lack of knowledge which will be difficult to recover. Among these shortcomings, there is probably also that regarding EU values, one of the gaps that member states' school systems should fill in order to inform young citizens of their rights and duties and of the values on which European society is based. Although responsibility for education and training rests with each member state, the EU can develop support policies for the common challenges faced by states. The Commission's strategy, together with the Council Resolution on encouraging the political participation of young people in the democratic life of Europe,[68] the EU Youth Strategy and other documents illustrating

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65   Ibid., p. 2.
66   European Commission (2016), *Supporting the prevention of radicalisation leading to violent extremism*, COM(2016) 379 final, available at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016DC0379&from=it.
67   Ibid., p. 10.
68   Council of the European Union (2015), *Council Resolution on encouraging the political participation of young people in the democratic life of Europe*, 2015/C 417/02, available at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:42015Y1215(02)&from=EN.

the EU's approach to this matter, are implemented by the Erasmus Plus programme as a basis for its activities throughout Europe and in the other states where it operates. In 2014 alone, Erasmus Plus provided funding to more than 1,700 projects in the education, training, youth and sports sectors. Starting from 2016, priority is given to actions and projects aimed at promoting inclusion and fundamental values,[69] corresponding to the objectives of the Paris Declaration, with funds specifically made available to develop new policies and new projects to support these priorities.[70] In addition, identifying the teacher as an important figure in the relationship with youth, and considering that they face similar problems in different EU countries, mechanisms have been developed for direct exchange at EU level and for peer learning, leading to the identification and adoption of best practices. The EU supports these exchanges through the eTwinning platform, which connects teachers (300,000 in 2016) and classes from different member states.[71]

The EU also carries out another type of activity in favour of the member states: that of supporting research. In 2016, in fact, the Commission included research on radicalisation in the research themes of the Horizon 2020 programme, as well as conducted research projects on religious diversity in Europe with targeted funding, which highlights the issue's priority. In this context, it is important to mention the centre of excellence

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69   European Commission, *Supporting the prevention* cit, p. 11.
70   The financial endowment of Erasmus+ was further increased in the following years. The 2019 call, published on 24 October 2018, makes €3 billion available, 10 per cent more than the 2018 call. It also considers the conclusions of the Gothenburg Social Summit between heads of state and government, held in November of 2017, in the 30 years of Erasmus. One point of the conclusions is precisely to make the programme more inclusive. Furthermore, during the summit, the European Pillar of Social Rights is proclaimed and signed by the representatives of the member states. Prime Minister of Estonia Jüri Ratas, signing the proclamation on behalf of the Council, said: "The social pillar encompasses what Europe believes in. We want a Europe that tackles unemployment, poverty and discrimination, a Europe that gives fair opportunities to young people and vulnerable people. The social pillar is built on our common values and will guide our future work toward a more just Europe". Mention is also made here of the European Education Area, for the realisation of which the Commission presented a package of initiatives in January 2018. It is proposed, among other things, to have diplomas of all levels recognised by the member states and to make it possible for everyone to have access to high quality education, regardless of the socio-economic conditions of departure. The aim is also to strengthen the identity of Europeans, forged thanks to Europe's cultural heritage and diversity. The press release on the publication of the Erasmus+ 2019 call is available at http://europa.eu/rapid/press-release_IP-18-6170_en.htm.
71   European Commission, *Supporting the prevention* cit, p. 12.

of the Radicalisation Awareness Network (RAN),[72] the European platform whose objective is to address radicalisation through the exchange of knowledge, experiences and good practices. It also gives the opportunity to develop new initiatives to manage and combat radicalisation, involving many actors in different areas, such as the digital one, the local area and that linked to religious communities and the educational system. Another important result is that of informed strategic interventions, which consider the complex causes underlying violent radicalisation;[73] interventions that do not go in the direction of security alone, that do not consider the militarisation of public space – or worse, the limitation of individual freedoms of European citizens – as the only means to avoid new attacks.

In addition to the strong sense of personal or cultural alienation, among the factors that lead to radicalisation are also xenophobia and discrimination, the perception of injustices or humiliations suffered, made more acute by social marginalisation, by the low level of education, by the limited possibilities of find work and from a criminal context.[74] Starting from the founding ideals of equal rights and non-discrimination of the EU, the Commission also intervened to complete the anti-discrimination framework, including that inherent to religious faith, by supporting intercultural and inter-confessional dialogue. In 2016, the Commission allocated €4.5 billion for projects aimed at improving dialogue and understanding between communities, including religious ones, through the organisation of common activities to prevent and combat racism and xenophobia. Finally, the Commission has strengthened inclusion tools in the workplace to help member states reduce the number of unemployed young people and those outside the education and training cycle (NEET).[75] Through the European Social Fund, between 2014 and 2020, an amount of €25.6 billion will go toward promoting the social inclusion of disadvantaged groups. In addition, more than €8 billion will be used to help schools to tackle early school leaving and increase the number of people who can access quality education. The European Social Fund is expected

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72   Ibid., p. 5.
73   Ibid., p. 6.
74   Ibid., p. 4.
75   Some EU instruments related to this are the Youth Guarantee, the Youth Employment Initiative, the recommendation on long-term unemployment and the Skills Agenda. The Employment and Social Innovation (EaSI) programme funds innovative projects that promote social inclusion. We also recall the Council Directive 2000/78/EC of 27 November 2000, which aims to promote equal treatment in the workplace.

to benefit 2.5 million disadvantaged people, including 1.3 million who are unemployed or inactive.[76]

Establish networks to attain more rights. The case of Italy

With regard to the boundary between the inclusion and recognition of rights, it is necessary to analyse the way in which the second generations live: from bureaucratic problems to the construction of networks to make their point of view seen and heard directly and without intermediaries. Considering the profound differences among states, it is necessary to immerse oneself in a single reality. The Italian case, considered here, is significant.

If we recall the second-generation definitions mentioned at the outset of this chapter, one wonders what a person feels when they are defined as a '1.5 generation'.[77] However, perhaps it is more important to focus on the desire of the second generations to make themselves known directly, without intermediaries and sometimes by challenging perceptions that do not correspond to reality. We therefore return to the G2 Network, active since 2005, which we have already discussed in the sections on definitions. It, together with other associations and individuals representing immigrant and indigenous civil society, aims to make the second generation's voice heard in Italy, starting from a fundamental element: legal reform of the acquisition of Italian citizenship. In 2012, this network of organisations

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76   European Commission, *Supporting the prevention* cit, p. 13.
77   R. Devole, C. Paravati (2017), *Donne d'Albania. Tra migrazione, tradizione e modernità* , Rome: Nuovi Tempi. In particular the chapter "Generazione di mezzo: una testimonianza", by Fioralba Duma: "When asked who I am, I excluded the 'second generation' answer (...) I accepted the one instead of 'generation 1.5' (...) My identity speaks two languages and belongs to two cultures, not just two territorial countries. Herein lies the strength of my identity. For a long time I could not understand it, or accept it, also for my legal status as a 'foreigner', in this country where I grew up and I was trained and where I became a woman, Italian and Albanian and something more than these two parts: European and cosmopolitan. (...) thanks to a double-standard bureaucracy, which gives priority to the right of citizenship to income and work (in a country where both are lacking) rather than culture and education (which instead are an important and proud part of the Italian national identity). So like many other young women of immigrant origin, after more than 15 years, I find myself renewing the short-term residence permit, in a country that I also feel mine", pp. 197-200.

made a deposition of two proposals for popular initiative laws promoted in the country in 2011 by the "I am Italy too" campaign: reform of Law 91 of 1992 for the acquisition of citizenship, as well as the right to vote in the administrative elections for foreign citizens residing in Italy for five years. The two bills collected a total of more than 200,000 signatures and became a point of reference for those who would deal with this topic in the following years.

The attempt to reform the citizenship law in a more inclusive sense toward those born and raised in the Italian territory had previously been established. A proposal to reform the citizenship law for foreign residents had been presented by the Minister of Social Affairs Livia Turco[78] in 1999. It stated that those born in Italy of foreign citizens could apply for citizenship at the age of five, after having lived legally and continuously in the country. Parents would have to demonstrate that they had been resident in Italy for at least five years. This reform proposal failed, although some points of the project were adopted by subsequent proposals. The same fate also touched on the reform proposal put forward by Minister of the Interior Giuliano Amato in 2006. In 2009, with a centre-right coalition governing the country, it was the turn of a bipartisan reform proposal, which mitigated with elements of *ius soli* the legislation strongly linked to *ius sanguinis*. The failure of this reform project was followed in 2011 by the mobilisation of civil society mentioned above. It is important to highlight a non-secondary element that characterises Italian society; that of civil society, of which the "I am Italy too" campaign was an example. The second-generation youth have not been left alone to face the problem of the formal recognition of their being Italian citizens. More important, they have not been left alone to face the identity dilemma faced by all those who grow up between two or more cultures. And this is another fundamental aspect: the existence of a social network centred on the most vulnerable individuals. Without idealising Italian society, where in 2018 we witnessed a retreat that raises important and worrying questions, we intend to underline the importance of widespread associations in this country; an associationism that, with its limits and even with reduced resources in the period following the crisis, involved, supported and offered a way for new Italians to express themselves, acting as a model for projecting themselves into society. If today the Italian institutions or the political world can be perceived as

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78   With Paola Tavella, Livia Turco is also the author of the book (2005), *I nuovi italiani. L'immigrazione, i pregudizi, la convivenza*, Milan: Mondadori.

distant from the second generations, closed toward and disinterested in their voices, the same cannot be said for civil society organisations and the cultural world. As a result, in the Italian system these young people are often active and perfectly included in fact, even if they are not by right. On one hand, the dynamic associational networks mean that by activating those mechanisms of non-formal inclusion in civil society that the EU strongly supports, it is difficult to slip into isolation and alienation. On the other hand, involvement in activism pushes young people to be active in turn, adopting this same type of approach for the associations they give birth to; associations that work to bring about change in society, to make greater openness and inclusion possible. Those who work to improve the society in which they live and to ask for more rights have incorporated the democratic principles that underpin European societies.

Returning to the attempts to reform the Italian law that regulates the granting of citizenship, the most important step that has been taken is the approval in 2015 in the Chamber of Deputies of the reform that incorporates the popular initiative law mentioned above, as well as several other bills. The reform considered the sociological framework of the second generations, arriving at a good synthesis of the *ius sanguinis* with the empirical evidence of a profoundly changed society as regards the origins of the young people who are part of it. The most innovative element was the introduction of *ius culturae*, which links citizenship to education in the country of residence. According to this bill, an Italian citizen is anyone who has at least one Italian parent, or anyone who was born in Italy to immigrant parents (at least one of whom with an unlimited right of residence) and who has attended at least one cycle of study in the country. The law then ran aground in the vote in the Senate, where a quorum was not reached.

In 2017, Neodemos published the e-book *Ius soli and ius culture. A debate on the citizenship of young migrants*, which also includes a study by the Leone Moressa Foundation on the potential beneficiaries of the reform. According to this study, due to the moderate *ius soli* (*ius soli temperato*), it would have been possible to grant Italian citizenship to 635,000 children born in Italy to parents residing there for at least five years, to which were added the 166,000 students born abroad and who in 2017 had completed five years of school in Italy. To these 800,000 potential immediate beneficiaries, on average between 55,000 and 62,000 entitled to apply

for Italian citizenship[79] would have been added each year. In the heated public debate that accompanied the approval of the law in the Chamber of Deputies and the subsequent procedure, it was argued, among other things, that this number was extremely high and unsustainable. Yet, as seen above, between 1998 and 2004, Italy naturalised 537,821 South Americans, and estimates indicate that the number is 786,000 for the period 1998-2007.[80]

Despite the failure of the bill, many people have mobilised, sometimes finding different outlets for the message they set out to bring to Italian and European society. The #ItalianiSenzaCittadinanza ('Italians without citizenship') movement, in collaboration with Arising Africans, produced the short film "I am Rosa Parks", winner of the MigrArti 2018 call from the Ministry of Cultural Heritage. The MigrArti project was born in 2016 with the aim of primarily involving the second generations in Entertainment (theatre, dance and music) and Cinema (reviews, documentary shorts). For 2018, the European Year of Cultural Heritage,[81] Italy financed the two strands of MigrArti with €1.5 million, thus helping to support projects for and with the second generations. "If you close your eyes and listen to our voices, you understand that we come from Rome, Brescia, Reggio Emilia" – says Marwa Mahmoud, one of the protagonists of the short film and responsible for the intercultural education projects of Centro Mondoinsieme – "Then, when you open them, you discover that our parents are Albanians, Egyptians, and Nigerians". The short film expresses the desire of the second generations to be formally recognised as Italian. "We", Marwa concludes, "have not chosen to be born or move here, but, like Rosa Parks, today we choose to stay on that bus called Italy. Because here is our home".[82] Margiotta, in the aforementioned book on European citizenship, speaks of the excluded as a litmus test for consideration of all the rights reserved only to a part of the population, remembering that more than twenty years ago, social movements in favour of migrants'

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79   E. Di Pasquale, A. Stuppini, C. Tronchin (2017), "Cittadinanza per i minori: prendere atto del cambiamento", available at www.neodemos.info/articoli/cittadinanza-minori-prendere-atto-del-cambiamento/.
80   Margiotta, *Cittadinanza europea* cit, p. 107.
81   Taken from the MigrArti 2018 call, www.teatroecritica.net/wordpress/wp-content/uploads/2018/01/Bando-Migrarti-2018.pdf.
82   P. Foti, "'Io sono Rosa Parks', a Venezia 75 gli #ItalianiSenzaCittadinanza", Sky Tg24, available at https://tg24.sky.it/intrattenimento/2018/09/01/festival-venezia-io-sono-rosa-parks.html.

rights criticised the 'European fortress'; subsequently, the mobilisations of the migrants themselves (from the occupations of the *sans papiers* to the uprisings in the French banlieues and in the English suburbs) placed the concept of citizenship at the centre, highlighting its limits, but also discovering its potential, starting from the strong expectations that those who are excluded from it connect to European citizenship. It is an instrument of inclusion and rights, which non-EU citizens asked to be separated from the arbitrariness of the states.

Margiotta also gives credit for the lively public debate on this issue, which started in the 1990s. The European Court of Justice, with the Grzelczyk judgment (C-184/99), in 2002 recognised European citizenship as an autonomous and not only derived from the citizenship of the member states; whereas with the Ruiz Zambrano judgment (C-34/09) of 2011, faced with the dilemma of the prevalence of Community or national law regarding immigration, the Court gave prevalence to the former. Margiotta emphasises that in both cases and in several others, it is the insistence of the excluded that leads to changes that go in the direction of an expanded competence of the Community institutions in the matter of citizenship and an expansion of rights for those on the margins of European citizenship.[83] A similar case, at a national level, is the one we analyse below.

We have examined some tools for inclusion and overcoming the social marginalisation that the EU makes available to member states and directly to European youth. We have also seen that youth policies in different European states include indigenous young people and second generations in different ways. In some cases, the latter remain excluded precisely from those empowerment tools designed to make young people more aware of their rights and duties as citizens, to train them and accompany them on the journey from study to work. This is the case of the Servizio Civile Nazionale (National Civil Service - SCN) in Italy, which was established in 2001 by Law 64/01[84] and operates in compliance with the principles of solidarity, participation, inclusion and social utility in the services rendered, also for the benefit of enhancing youth employment. The areas of intervention of the SCN cover the sectors of the environment, assistance, education and cultural promotion, civil protection and civil

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83 Margiotta, *Cittadinanza europea* cit, p. 112.
84 Law 6 March 2001, n. 64 "Establishment of the national civil service", www. serviziocivile.gov.it.

service abroad. Through this tool, young people are given the opportunity to contribute, as an alternative to compulsory military service, to the defence of the homeland, with non-military means and activities in order to favour the realisation of the constitutional principles of social solidarity, and to promote solidarity and cooperation both at the national and international level, with particular attention to the protection of social rights, the services rendered to individuals and education for peace among peoples. It is undoubtedly a civic, social, cultural and professional training tool for young people, giving them the opportunity to carry out activities in entities and administrations, even abroad. In an initial phase of its promulgation, Law 64/01,[85] saw two forms of Civil Service: one compulsory for conscientious objectors; the other, on a voluntary basis, for young women according to some qualifications required by law. The suspension of compulsory military service, inscribed by Law 226/2004,[86] decreed in 2005 the second phase of application of the rule. Therefore, participation in the SCN is aimed at young people of both sexes and exclusively through voluntary membership. Initially, it was a tool dedicated exclusively to Italian citizens. Following the appeal of a Pakistani citizen who, together with the Association for Legal Studies on Immigration (ASGI) and Attorneys for Nothing (APN), underlined the discriminatory nature of the expulsion of foreigners, the Constitutional Court took up the case, citing Article 52 of the Constitution[87] in light of the mandatory duties of social solidarity referred to in article 2;[88] consistently clarifying that military defence is one of the forms of defence of the homeland, and that therefore other forms of defence could be envisaged, translatable in the provision of services that fall within the promotion of the founding values of society, as well as the strengthening of active citizenship and democracy (with reference to judgment N. 228 of 2004). Furthermore, the Court concluded, the exclusion of foreign citizens from the possibility of joining the SCN, preventing them from contributing to carrying out projects

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85   Ibid.
86   Law 23 August 2004, n. 226 Early suspension of the compulsory service of draft and regulation of volunteers of troops pre-established, as well as delegation to the Government, for the consequent coordination with the sector regulations.
87   "The defence of the homeland is a sacred duty of the citizen. Military service is mandatory within the limits and ways established by law. Its fulfilment does not affect the citizen's working position, nor the exercise of political rights. The order of the Armed Forces informs the democratic spirit of the Republic".
88   "The Republic recognises and guarantees the inviolable rights of man, both as an individual and in the social formations where his personality takes place, and requires the fulfilment of the mandatory duties of political, economic and social solidarity".

of social utility and, consequently, from developing the value of the service in favour of the common good, entailed an unjustified limitation to the full development of the person and to integration in the host community. "The Civil Service is in fact an excellent tool for actively participating in building a healthy democracy with new forms of citizenship, allowing for the gap between collective needs and public responses to be filled, in a perspective of promotion and protection of rights, especially of the most vulnerable and disadvantaged individuals. In the opinion of the combined sections, it constitutes an institute of integration, inclusion and social cohesion, aimed at promoting the construction of a more mature civil consciousness among the younger generations".[89] Therefore, in 2015 the Constitutional Court declared the constitutional illegitimacy of Article 3, paragraph 1, of the legislative decree of 5 April 2002, n. 77 (Discipline of the National Civil Service pursuant to Article 2 of Law 64 of 6 March 2001), for its requirement of Italian citizenship for admission to the civil service. It is considering this ruling that, administratively, the Department of Youth and National Civil Service disregards this rule in preparation for the public competitions. The principle will then be legally sanctioned with the reform. In 2016, the government was charged with reforming the third sector, social enterprise and for the legislation of the universal civil service,[90] which defines the fundamental principles around which the delegated decrees must be articulated, and sanctions, among other things, access to civilian service also for foreigners regularly residing in Italy. The year 2016 is the first year in which the candidacy for the SCN concerned not only Italian citizens, but also citizens of other EU countries and citizens not legally resident. Regarding the total number of 103,775 applications submitted by the aspiring volunteers, 3,541 are those presented by foreigners, equal to 3.41 per cent of the total. The number of volunteers who began service in 2016 was 33,532, of which 32,886 were in Italy and 646 abroad. Of these, there were 991 foreigners, equal to 2.95 per cent of the total, divided into 666 non-EU citizens and 325 citizens from other EU countries residing in Italy. Among foreigners, 969 have performed civil service in Italy and 22 abroad.[91]

89   Judgment 119/2015.
90   Law 6 June 2016, n. 106 Delegation to the Government for the reform of the Third sector, of the social enterprise and for the regulation of the universal civil service.
91   The data shown can be consulted on the National Civil Service portal, www.serviziocivile.gov.it/menusx/servizio-civile-nazionale/scn-in-cifre/volontari.aspx.

This represents one network in action which was developed by a second-generation Pakistani citizen (in the broad sense of the term) without citizenship rights and the autochthonous civil society that supports and promotes the extension of rights to non-citizens. The result, supported in this case from the principles of the Italian Constitution, was of inclusion and equality of the possibilities offered by the state to young people.

Considerations and proposals

We now turn to the concrete proposals that derive from the preceding analysis. In a framework of such different legal systems and social realities in the EU regarding the second generations, it would be advisable to work transnationally on the harmonisation of the laws on the acquisition of citizenship. Within the multitude of regulations, it is necessary to highlight the shortcomings of each one and then work to fill them, in a sense as inclusive as possible for those born and raised within the territory of the member states and for those who arrive as minors. In certain contexts, the main work to be done is to legislate in a way that considers the current reality of the country, with the need to extend lawful citizenship to those who are de facto already citizens and recognise a given country as their own. In other states it is necessary to include the de facto second and third generations, dismantling the social barriers that have created ghettos and marginalisation. The EU, recalling the foundations of its institution – linked to equality among individuals, with the person at the centre – must invite the member states to adopt harmonised legislation granting citizenship, beyond the preferential relationships that each state has with specific groups. Of course, to play this role, the EU must be invested with this competence by the states themselves, a prospect that is difficult to achieve, especially in today's Europe.

Without prejudice to the difficult economic situation, we have seen how this approach would be convenient for the states themselves because they would restrict arbitrariness in this field. An approach could be to bring each state to consider the harmonising function of the European institutions as a brake on the complete arbitrariness of granting citizenship by the other member states; an arbitrariness that has an impact on all other states by virtue of rights and the protections enjoyed by EU citizens within the EU context. Another element analysed during this study is the degree of

integration[92] of the second generations and the underlying causes of the success and good practices in this regard. It can be said that one way to promote integration within each state is public support for culture, also with the function of supporting integration. We have seen how in Italy it was, for the second generations who were unable to bring citizenship reform to fruition, a constructive and enriching outlet, even and above all for the society in which they live. This type of activity also triggers collective awareness processes in support of the cause pursued by the minority, in this case that of the second generations. In this context are the SCN and the culture bonus (discussed below), both instruments that originated in Italy in the service of integration of young people. Civil service can also be proposed at the European level. We saw in the previous section how the principles on which it is based are those shared by the EU, and that after the intervention of the Constitutional Court in Italy, the SCN is an instrument that is open to all. With such characteristics, this youth programme has all the credentials to trigger non-formal training mechanisms, job orientation and development of skills that can then be used in the professional market. Therefore, it is desirable that other European countries adopt it and make it a model approach. It is particularly interesting in this context to report the most recent development of the SCN, which is the Universal Civil Service, through which young people spend a period of their civil service in a country other than their own. In this sense, the new European Solidarity Corps programme, the evolution of EVS (European Voluntary Service), is also a leap forward, aimed at young people up to 30 years of age, to whom it offers a platform for volunteer actions, placements and places of work, proposing to involve 100,000 young Europeans in the first years of activity.[93] The meeting between these two programmes, one at the European level and the other at the national level, can trigger

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92   We deliberately neglected to analyse the term integration' in its various facets and contexts of use. However, we would like to point out that not everyone agrees to use it because it is considered by some to be too close to the term 'assimilation', and because it is often used by groups that require migrants to take on the lifestyle and customs of the natives in all respects. In this chapter, we have used it with the meaning expressed in the glossary of the aforementioned European Migration Network (EMN); namely that of an unambiguous process by migrants and natives for the most satisfactory coexistence possible for both: "In the EU context, a dynamic, two-way process of mutual accommodation by all immigrants and residents of EU member states", https://ec.europa. eu/home-affairs/content/integration-0_en.

93   For more information, consult the European Youth Portal at the link https://europa. eu/youth/solidarity_it.

dynamics that can increase the social inclusion and active participation of young people in European societies.

Another cultural tool that originated in Italy is the culture bonus. Designed following the terrorist attacks in Paris and included in the 2016 Stability Law,[94] the bonus was structured as an electronic purse in the form of an app containing €500 to spend on culture[95] for all 18-year-olds. At first, this tool risked being made available to Italian citizens only. An intervention allowed for the bonus to be accessible even to 18-year-olds without Italian citizenship.[96] It was possible to give substance to the political premise that led to this measure, or the decision by the Renzi government to "spend one euro on culture for every euro spent on safety", adopting the point of view that the radicalisation that led to the Paris attacks would have to be fought as much with cultural as with military and law enforcement means. Judging by the number of 18-year-olds who have used this cultural tool, it can be judged a success. The data we have requested and received from the Ministry of Cultural Heritage (MiBact) reveal that, with reference to those born in 1998, 356,273 18-year-olds were registered, equal to 60 per cent of the total entitled persons; while in the second year, referred to those born in 1999, 416,718 children registered, equal to about 80 per cent of those entitled. In terms of the volume of expenditure of eighteen-year-olds, through the bonus, the total amount spent for those born in 1998 was approximately €162 million. On 10 December 2018[97] vouchers were validated for a total expenditure of approximately €161.5 million, while vouchers were booked for a volume of approximately €219 million. Considering that, at the end of 2017, the total of the coupons booked had aligned with the total of the validated coupons, MiBact's assessment is that the coupons used have risen in proportion to the increase in the number of registered users. For both years, the majority of the budget (around 80 per cent) was used to buy books. From 2019 the Culture

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94   The reference paragraph is 979 of law 208/2015. The law can be consulted at the link www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2015-1228;208.
95   For entrances to theatres, cinemas, museums, exhibitions and (other) cultural events, live performances, as well as for the purchase of books and for access to monuments, galleries, archaeological areas and natural parks.
96   Article 2-quinquies of Legislative Decree 42/2016 (later converted into Law 89/2016) modified the aforementioned paragraph 979 of the 2016 stability law. The law can be consulted   at   www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:201605-26;89!vig=. The criteria and methods for awarding and using the bonus, as well as the amount to be assigned, were governed by the Prime Ministerial Decree of 15 September 2016, no. 187.
97   Date in which the data were received from MiBact.

Bonus was adopted in France, which calls it the Pass Culture, referring to the Italian model. The French example will continue the path of this tool, which can also be improved to encourage young people to visit museums, theatres and live cultural experiences far from purely commercial events. It would therefore be desirable that the bonus be adopted by all member states and co-financed by the EU. It would thus be possible to make the entire European cultural offering accessible through the app, without state barriers, transforming it into a new tool to strengthen the concept of European citizenship.

The national policymaker cannot neglect to support bottom-up processes in the direction of widening the possibilities and access to rights and resources for the second generations. Thus, associations for rights and culture are an important vehicle toward greater openness of society. The European Commission itself has identified the local officials of civil society as the key players to be involved and supported to intervene in situations of exclusion and marginalisation, thus avoiding critical situations. A further element that enriches a large part of these organisations is the voluntary nature of participation and commitment in them. Supporting and promoting voluntary associations is a commitment that local policymakers must fulfil to reabsorb the exclusion and marginalisation of the most disadvantaged individuals in their communities, while encouraging life experiences and training of the volunteers who will make them citizens capable of enriching the society in which they live.

In small municipalities, it is fundamental to allow the integration of migrants and the full socio-educational insertion of the second generations; while in the larger municipalities they become points of reference in peripheral and degraded neighbourhoods, bringing cultural liveliness and social commitment. Local authorities cannot ignore mapping and subsequent support for existing groups and organisations, while encouraging the emergence of new realities with these characteristics. Together with what has already been analysed, and to an even greater extent, the school is the place to make a difference by using forward-looking policies. It is essential that it is structured in the most inclusive way possible, considering the disadvantaged socio-economic situation of a substantial part of the second generations. On a general level, a school system that aims to include even the weakest will be a formidable instrument of state social policy. This has been a constant challenge since the school became public, and it was a question of structuring it as a social lift that

allowed the most deserving, even if in the poorest social classes, to reach the most prestigious professions for the betterment of the community. In recent years, in which the challenge has been renewed in the multi-ethnic classes, the policymaker can draw lessons from the best practices and mistakes of the past and present to make sure that the school continues to be the social lift that European citizens expect, overcoming prejudices, skin colour and religion. Finally, moving on to the EU approach toward the accession countries, which will become member states within a few years, the European policymaker is well advised to keep in mind to measure not only the challenges of consolidating democracy, but also the policies in the struggle against extreme poverty, encouraging acceding countries to take care of those who are marginalised and see no opportunity for their children. In this way, action is taken on a series of effects linked to poverty and lack of prospects, including that of the significant flow of unaccompanied minors who leave the accession countries today for the EU.

Serena Menzione

The competence and actions of the European Union in the field of social inclusion and integration of migrants

Although the authority on integration and inclusion of migrants has remained among the matters reserved for the action of the member states, over the years the European Union has promoted a series of political and financial measures to coordinate and complete the national action. However, these developments, although significant, continue to highlight the limits of the Union's intervention and the difficulties created by the divergences among the member states. Therefore, the road still seems long to put into practice the foundational principles and values of the European project, even on the matter of integration of migrants.

Introduction

Migration has always existed in the history of humanity.[1] This phenomenon is influenced by various factors which may be economic, environmental, political and social. Migration flows affect the composition of the population, as well as the fabric and the social context of the country of destination. First, it is important to outline the reference context based on statistical data collected by national and European bodies. According to the most recent data from Eurostat (Statistical Office of the European Union) relating to migration flows, the number of third-country nationals residing in the EU on 1 January 2017 was 21.6 million, translating into 4.2 per cent of the total population of the EU.[2] Specifically, in Italy in

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1   For a current analysis of the phenomenon: J. Vignon (2018), *Pour une politique européenne de l'asile, des migrations et de la mobilité*, Rapport 116, Institut Jacques Delors.
2   Eurostat, Migration and migrant population statistics. Statistics Explained, data from March 2018, https://ec.europa.eu/eurostat/statisticsexplained/index.php/Migration_and_migrant_population_statistics#Migrant_population: _almost_22_million_non-EU_citizens_living_in_the_EU, accessed on 30 August 2018, p. 8. For updated data, see Migration and

2017 there were 5.7 immigrants per 1,000 inhabitants,[3] one of the lowest percentages among the member states of the EU. According to an analysis of the residents, only 8.5 per cent of these have foreign citizenship,[4] yet the perception in the population distorts reality by assessing the presence of foreign immigrants as equal to 25 per cent.[5] The themes of social inclusion and the integration of foreign migrants already present on the territory are fundamental themes both for peaceful coexistence on the territory and for the future composition of the population itself. The policy of integration and social inclusion not only pursues, therefore, the short-term goal of 'social peace', but also affects the long-term. With a view to complete integration, the policy of 'active inclusion' is used in reference to the facilitated insertion into society and the labour market of every disadvantaged citizen and, therefore, also of the foreigner.[6] This inclusion takes place through the provision of adequate economic support that allows the search for employment, also considering any benefits in case of temporary unemployment, through the construction of an open and inclusive labour market, and finally, through free access to quality services. In fact, the objective difficulty of the foreigner to enter society is often evident without the support of public infrastructures, be they local, national or supranational; it is a political strategy, therefore, that has the aim of reducing poverty and social exclusion through the integration of citizens, including foreigners, in the social and working life of the community of reference.[7]

The legislative framework by which national and supranational legislators and regulators have managed the issue of integration and social inclusion of migrants includes social policies and labour policies. The issue of

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migrant population statistics – Statistics Explained.

3   Eurostat, Migration and migrant population statistics. Statistics Explained, data from March 2018, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migration_and_migrant_population_statistics, accessed on 30 August 2018, chart number 1.

4   ISTAT (2018), National demographic balance. Year 2017, available at www.istat.it/it/files/2018/06/bilanciodemografico2018.pdf.

5   Istituto Cattaneo (2018), "Immigrazione in Italia: tra realtà e percezione", www.cattaneo.org/wp-content/uploads/2018/08/Analisi-Istituto-Cattaneo-Immigrazione-realt%C3%A0-e-percezione-27-agosto-2018-1.pdf.

6   European Commission, http://ec.europa.eu/social/main.jsp?catId=1059&langId=en, accessed on 12 July 2018.

7   European Commission (2008), *Commission Recommendation of 3 October 2008 on the active inclusion of people excluded from the labour market*, 2008/867 / EC, available at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008H0867&from=EN.

financing these projects and initiatives becomes relevant when the EU itself makes the resources used by the national and local authorities of the member states available.

At the supranational level, within the EU, given the sensitivity of the matter and its close link with the population and the social context, the integration of migrants is an aspect of the migration and asylum policies of the individual member states. Consequently, the first legislative and political reference actor is the national one. Yet, over the years, the EU has implemented, within the limits of the provisions of the treaties and the agreements reached with the member states, a series of policies concerning the integration of third-country nationals. Consequently, the supranational legislator has acquired a series of concrete competences in this area. With the Amsterdam Treaty of 1999, well before the current reference text of the Lisbon Treaty which came into force in 2009, the EU has periodically set objectives and priorities for legislative policies and funding to promote the integration of migrants.[8]

This chapter is organised as follows: the legislative framework at the supranational and national levels will be discussed, with particular reference to the theme of European funding for the development of the matter in question; the main actions and policies implemented at national and supranational level will then be described, highlighting the best practices implemented by Italian operators which can be an example to the reader for the implementation of a positive integration; last, considerations will be presented on the subject and any proposals for modification or intervention relating to those aspects that are worthy of further development or improvement. This chapter aims to present a general picture of this delicate matter, with the awareness of its importance in this precise historical moment. The prospect of integration and social inclusion of foreigners within the boundaries of legality is not only possible, but also desirable. National and supranational policies and actions in this sense exist, and some good practices are already discernible, as proof of the fact that this is certainly the way to go in the short and long term, respecting the fundamental values at the origins and foundations of the EU and its member states:[9] "The early and effective

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8   European Commission, *EU Policy Framework for Migrant Integration*, https: //ec.europa. eu/migrant-integration/the-eu-and-integration/framework, accessed on 30 August 2018.
9   Michelle Bachelet, UN High Commissioner for Human Rights, Human Rights Council,

integration of third-country nationals is key to making migration a benefit for the economy and cohesion of our society".[10]

The competences of the European Union regarding the integration and social inclusion of foreigners

As previously mentioned, within the EU, the legislative and executive competence on the integration and social inclusion of foreign immigrants belongs to each individual member state that exercises it according to national legislation.[11] To understand the structure and nature of the EU's competence in the integration of foreign immigrants, it is necessary to refer to the wider agenda of the division of competences among the member states and the EU, a particularly complex framework and at the same time a pillar of the legal order of the EU. It is in this regard that it is useful to recall that the division of competences between the EU and the member states is based on the principle of attribution, according to which the EU possesses only the competences granted to it by the member states at the time of signature of the treaties.[12] Consequently, any other matter remains within the competence of the member states.[13] Given the impossibility of tracing here a complete historical-political analysis of development of the competences of the EU, a brief summary will be offered of the main historical stages of this process on the matter of migration, and more specifically of the integration of migrants, distinguishing between the period before and after the Lisbon Treaty. What is important to underline from these first few lines is the gradual conquest of the EU of competences to implement policies and actions to support member states in a matter originally and traditionally subject to national sovereignty.

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underlines the urgency of avoiding violence and racism, Geneva, 10 September 2018.

10   Dimitris Avramopoulos, European Commissioner for Migration, Home Affairs, and Citizenship, "Delivering the European Agenda on Migration: Commission presents Action Plan on Integration and reforms 'Blue Card' scheme for highly skilled workers from outside the EU", Strasbourg, 7 June 2016, http://europa.eu/rapid/press-release_IP-16-2041_en.htm.

11   European Commission, "EU Policy Framework" cit.

12   Article 5, Treaty on European Union (TEU), Consolidated version of the Treaty on European Union and the Treaty on the Functioning of the European Union.

13   Article 4, paragraph 1, Treaty on European Union (TEU), Consolidated version of the Treaty on European Union and of the Treaty on the Functioning of the European Union.

The process of deepening cooperation among member states on integration, and the consequent transfer of some national competences to the EU itself, should be read as the positive result of a growing interest of the supranational legislator on these issues.

The origins and the developments of the competence of the European Union on the integration of the foreign migrants before the Lisbon Treaty

Despite the persistent limited action of the EU in migration integration, as well as in other matters of Justice and Home Affairs (JHA), the EU began to have some responsibilities in these matters with the Maastricht Treaty of 1992, and even more with the Treaty of Amsterdam in 1999. Furthermore, shortly thereafter, in October 1999, the European Council met extraordinarily in Tampere to agree on the implementation of European policies in the field of justice and home affairs.[14] During this meeting, the highest offices of the participating member states agreed on a series of objectives for the EU in justice and home affairs policies. Specifically, with reference to the matter of migration, the latter have established to guarantee citizens from third countries rights and obligations corresponding to those of EU citizens; first and foremost, the possibility of moving freely within the EU. On the same occasion, the decision was also taken to develop a common and harmonised asylum policy with the aim of creating a common European system.[15] In 2004, the Council of the European Union adopted the "Common Basic Principles for Immigrant Integration Policy in the EU".[16] The adoption of this act marked a fundamental step in the development of the EU's competence on the matter. During this meeting, the Council adopted some important conclusions, recognising, for example, integration as a permanent feature of society.[17] In addition, the integration of migrants legally resident in the

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14   Conclusions of the Presidency of the Council of the European Union, Council of Tampere, 15-16 October 1999, available at www.europarl.europa.eu/summits/tam_en.htm#c.

15   European Commission, Directorate-General Justice and Home Affairs, "Tampere. Kick-start to the EU's policy for justice and home affairs", Factsheet n. 3, 2002, available at https://ec.europa.eu/councils/bx20040617/tampere_09_2002_en.pdf.

16   Council of the European Union, Justice and Home Affairs, 2618th Council Meeting, Press Release 14615/04, 19 November 2004, available at https://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/82745.pdf.

17   Ibid., p. 15 (1).

territory was, already at the time, defined as one of the main aspects of migration management, as this can help to develop the societies of the host states.[18] Regarding the division of responsibilities and competences concerning integration between the member states and the EU, the Council established the principle according to which the above matter should be managed primarily by the member states, through local administrations in collaboration with other public institutions and any actors in the private system.[19] This solution is obviously in line with what has already been said at the beginning of this section; in fact, the EU continues to have no specific competence in the matter of integration, identifying it as a responsibility of the member states. Nonetheless, the 'basic common principles' continue to underline the importance of the success of national integration policies for the whole EU in terms of access and participation in the labour market and respect for human rights and obligations of international refugees and international protection seekers. Given the great variety of policies and integration strategies of migrants present in the EU, on the occasion of the 2004 meeting, the Council defined these common principles as a starting point for national policies to be implemented in each member state.[20] Integration has been described as a dynamic and bilateral process involving both immigrants and residents of the member states and in which access to the labour market is fundamental, as well as education and respect for different cultures and religions.[21] This approach continues to be based on the fundamental principle of fair treatment, and therefore of the struggle against all discrimination and for equality before the law.

The latter finds its place in all the main international treaties for the protection of human rights;[22] it could not, therefore, be missing from EU legislation, which has professed, since its origins, a legal order based on "the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons

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18   Ibid., p. 15 (2).
19   Ibid., p. 15 (3).
20   Ibid., pp. 17-18.
21   For more information, please refer to the Annex of the Council of the European Union, Justice and Home Affairs, 2618th Council-Meeting, Press Release 14615/04, 19 November 2004.
22   See: Universal Declaration of the Rights of the man; United Nations Convention on the Elimination of All Forms of Discrimination Against Women; International Convention on the Elimination of All Forms of Racial Discrimination, from the United Nations Pacts relating respectively to civil and political rights and economic, social and cultural rights; European Convention for the Protection of Human Rights and Fundamental Freedoms.

belonging to minorities. These values are common to the member states in a society characterized by pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men".[23]

The principle of equal treatment and non-discrimination has, by its nature and definition, such a wide scope to cover precisely everyone indiscriminately, without any possibility of distinguishing between citizens of a member state of the EU and citizens of a third country.[24] In the matter of integration of foreigners in the territory, the principle of fair treatment has always had particular importance. The centrality of this principle had already been underlined in the Tampere Programme.[25] It is no coincidence that the decision to draw up the Charter of Fundamental Rights of the European Union, signed in Nice in December 2000, was also discussed during this European Council. The Charter subsequently became an integral part of primary EU law with the Lisbon Treaty.[26] In those years in particular, the protection of human rights was a key point of the debate within the EU; so much that the above principle of non-discrimination was also included in article 21 of the Nice Charter.[27] In implementing the principle, the EU has acquired the power to prepare measures that can combat all forms of discrimination, including those based on race or ethnic origin.[28]

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23   Article 2 of the Treaty on European Union (TEU), Consolidated version of the Treaty on European Union and of the Treaty on the Functioning of the European Union.

24   Article 18 and Article 19 of the Treaty on the Functioning of the European Union (TEU), Consolidated version of the Treaty on European Union and of the Treaty on the Functioning of the European Union.

25   Conclusions of the Presidency of the Council of the European Union, Council of Tampere, 15 and 16 October 1999.

26   Article 6 of the Treaty on European Union (TEU), Consolidated version of the Treaty on European Union and of the Treaty on the Functioning of the European Union.

27   Article 21 Charter of Fundamental Rights of the European Union : "1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited. 2. Within the scope of application of the Treaties and without prejudice to any of their specific provisions, any discrimination on grounds of nationality shall be prohibited".

28   Formerly Article 6 A, inserted by the Treaty of Amsterdam: "Without prejudice to the other provisions of this Treaty and within the sphere of the powers conferred on it by the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, can take appropriate measures to combat discrimination based on sex, race or ethnic origin, religion or personal beliefs, handicaps, age or sexual tendencies".

Consequently, in the summer of 2000, in implementing the powers granted to it, the Council of the Union issued Directive 2000/43 on the principle of equal treatment among people, regardless of race and ethnic origin;[29] a directive that is relevant to integration.[30] In fact, the scope of the directive in question appears to be particularly broad, including both the public and private sectors in the field of work, education and access to social benefits.[31] In 2005, the Commission of the European Union presented the "Common Agenda for Integration",[32] a document which prepared a common framework for the implementation of European integration policy and contained a series of mechanisms and financial instruments to promote and facilitate integration. In pursuit of this objective, the EU has set up a local network for the exchange of information and best practices among member states, and new financial solidarity instruments, including the European Fund for the Integration of Third Country Citizens, in addition to the European Social Fund (ESF).[33]

Once again, the EU underlined the primary competence of the member states in the implementation of the integration policy of migrants, and its subsidiary role in supporting transnational actions for the dissemination of information and projects for cooperation, as well as in monitoring the impact of the national reforms and European directives mentioned above. This approach and role of the EU concerning integration is found in the legislative framework of the division of competences with the Lisbon Treaty; its definition of competence of a concurrent nature, as will be discussed in detail in the following section.

29   Council Directive 2000/43/EC which implements the principle of equal treatment between people regardless of race and ethnic origin, [2000], L 180/22.
30   Council Directive 2000/43/EC which implements the principle of equal treatment between people regardless of race and ethnic origin, [2000], L 180/22, article 1.
31   Council Directive 2000/43/EC which implements the principle of equal treatment between people regardless of race and ethnic origin, [2000], L 180/22, article 3.
32   European Commission (2005), Communication from the Commission to the Council, the European Parliament and 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 into the European Union*, CO (2005) 389.
33   Ibid., p. 4.

The European Union's jurisdiction over the integration of migrants from third states after the Lisbon Treaty

Since 2009, following the Lisbon Treaty, the EU has held a shared competence with the member states regarding integration.[34] In this regard, the competence expressly attributed by the Lisbon Treaty to the EU concerns the common policy on asylum, immigration and control of external borders.[35] Furthermore, in accordance with the principle of subsidiarity "in areas which are not within its exclusive competence, the Union intervenes only if and insofar as the objectives of the envisaged action cannot be sufficiently achieved by the member states, neither centrally nor at a regional and local level, but can, given the scale or effects of the action in question, be better achieved at the Union level".[36]

For this reason, in the context of the integration of migrants, the EU appears to have the opportunity to "incentivise and support the action of the member states in order to encourage the integration of third-country nationals legally residing in their territory",[37] with the explicit exclusion, however, of any harmonisation of national laws and regulations. Such a formulation of the powers attributed to the EU does not allow the latter to implement a completely autonomous policy; rather, it is able to outline common frameworks of action and to support and monitor the actions already established and implemented by the member states at the national level. This competence is exercised by the EU in the so-called 'area of freedom, security and justice' provided for in the provisions contained in Title V of the Treaty on the Functioning of the European Union (TFEU).

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34   Article 2, paragraph 2 of the Treaty on the Functioning of the European Union (TFEU), Consolidated version of the Treaty on European Union and the Treaty on the Functioning of the European Union. The term "shared competence" refers to that competence that can be exercised by both member states and the Union; for which both can legislate and adopt legally binding acts. In this case, the "pre-emption principle" applies, according to which member states exercise their competence only and until the Union has exercised its own or has ceased to exercise it. For further information, see: R. Schütze, T. Tridimas (2018), *Oxford principles of European Union Law: The European legal order*, Volume I, Oxford: Oxford University Press; S. Garben, I. Govaere (eds) (2017), *The Division of competences between the EU and the member states: reflections on the past, the present and the future*, Oxford: Hart Publishing; J. Jacqué (2015), *Droit nstitutionnel de l'Union Européenne*, Paris: Dalloz.
35   Article 4, letter j, TFEU
36   Article 5, TEU.
37   Article 79, paragraph 4, TFEU.

The provisions in question aim to eliminate controls at internal borders of the EU and to develop a common policy on asylum, immigration and control of external borders, as well as to guarantee the prevention of and struggle against crime, racism and xenophobia, through the cooperation of the police forces and the judicial authorities of the member states, as well as through the recognition of criminal and civil judicial decisions.[38] Therefore, the term 'immigration' used in this context refers to policies and actions implemented in relation to the control and surveillance for crossing the EU's internal and external borders, including the visas and residence permits for both economic migrants and migrants entitled to international protection as refugees, stateless persons or in any case beneficiaries of the aforementioned international protection for any other reason.[39]

In addition, the EU may exercise the shared competence with the member states in the management of migration flows and in the fight against illegal immigration and trafficking in human beings while respecting the fundamental principle of equal treatment of third-country nationals who are legally resident.[40] In accordance with the legislative framework outlined above, the EU has envisaged integration as a resource for the member states, given the demographic and labour market crisis that was taking place at the time, and which still applies today. This approach is evident from the EU's political strategy for employment and growth until 2020, outlined by the European Council in 2010.[41] Indeed, one of the objectives set by the European Council in its March 2010 conclusions was to "aim to increase the employment rate of women and men aged between 20 and 64 to 75 per cent, including through greater participation by young people, older workers and low-skilled workers and better integration of legal immigrants.[42]

Integration was also at the centre of the political debate in the European Council in drafting the Stockholm Programme,[43] in which the possibility of

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38 Article 67, TFEU.
39 Article 77, TFEU.
40 Article 79, TFEU. In particular, the Union has shared competence with the member states in adopting measures relating to the conditions of entry and residence of migrants.
41 European Council (2011), "European Council in 2010", available at https://www.consilium.europa.eu/media/21369/qc3010507enc.pdf.
42 Ibid.
43 European Council (2010), *The Stockholm Programme – An open and secure Europe*

using the workforce of regular immigrants and their full integration in the territories of the member states was reiterated with a view to long-term results and with reference to the essential respect for the fundamental values of the EU.[44] In the words of the European Council, "the effective integration of legally residing third-country nationals remains the key to maximising the benefits of immigration. (…) Integration is a dynamic, two-way process of mutual interaction, which requires not only the efforts of national, regional and local authorities, but also a greater commitment by the host society and immigrants". In this sense, for the success of an effective and lasting integration, the role of local society and the social context, in which immigrants find themselves having to build their new life, is also important. The importance of the social context, as well as of the national local authorities, explains, once again, why the competence in the matter of integration has been structured as concurrent between the level of the supranational and national legislators.

In the wake of this long-term political strategy for effective integration, in July 2011 the EU adopted the "European agenda for the integration of third-country nationals",[45] referring to the period of 2011-15 and focused on the possibility of economic, social, cultural and political growth due to the participation of migrants in the societies of the member states. Indeed, in the agenda, the Commission recognised the integration of legal immigrants as one of the possible solutions to increase Europe's workforce and economic productivity, given the demographic decline and the ageing population of the EU.[46] Furthermore, a variety of financial instruments have been included in the drafting of this policy document in support of the local policies and actions of the individual member states. In 2011, the Asylum, Migration and Integration Fund (AMIF) was established, which replaced the previous financial instruments and whose 20 per cent of the budget is intended for integration. This tool is still one of the main resources for the implementation of integration policies within the EU. The process of remodelling and expanding the EU's competence in integration

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serving and protecting citizens, 2010/C 115/01, available at https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:en:PDF.

44   Ibid.

45   European Commission (2011), Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, "Agenda European Union for the integration of third-country nationals", COM(2011) 455.

46   Ibid.

came with the presentation of an "Action plan on the integration of third-country nationals" by the Commission in 2016.[47] This plan presents a framework for supporting integration policies implemented by member states with the aim of achieving effective integration of migrants. Indeed, "third-country nationals residing in the European Union continue to be at a disadvantage compared to Union citizens in terms of employment, education and social inclusion results".[48] Yet, from the point of view of the supranational legislator, the creation of an "overall more cohesive society" represents the result of a policy dictated not only by the need to enrich the EU itself with a new workforce and population, but also by "legal imperatives, moral and economic conditions that require us to uphold the fundamental rights, values and freedoms of the European Union" in a historical period in which racism and xenophobia are significantly on the rise.

The plan specifically prepared by the Commission for 2016-17 provided both at national and European level a series of interventions to support integration, such as measures preceding the departure and arrival of migrants; measures that favour access to education, the labour market and vocational training; measures relating to access to basic services; and finally measures to achieve active participation and social inclusion.[49]

The urgency of a concrete and effective policy regarding integration is also due to a series of data collected in recent years concerning citizens from third countries, such as the employment rate of 12.4 per cent lower than citizens of the member state of residence, even when holding a university degree, and even more so if women; 49 per cent of foreign immigrants in 2014 were at risk of poverty or social exclusion, compared to 22 per cent of European citizens residing in the same member state.[50]

The need for effective integration is highlighted even more by the continuous influx of new migrants; these can constitute a resource for

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47   European Commission (2016), Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, "Action plan on the integration of third-country nationals", COM (2016) 377.
48   Ibid.
49   For a detailed analysis of the measures envisaged by the Commission, see: European Commission, "Action plan on the integration" cit. Some of the actions foreseen therein will be presented in the second part of the chapter.
50   Ibid.

the member states of arrival only when they are integrated into the social context of destination so that they can work, pay taxes,[51] have access to education and participate in political and civil life. To participate in society effectively, and to constitute that resource and that advantage in which the EU is investing, it is obvious that foreign and legally resident immigrants must know and share the fundamental values on which the whole project of the EU is based. In this regard, the Nice Charter can become a particularly useful and important tool in view of the process of integration and social inclusion of immigrants. Fundamental rights such as the right to non-discrimination, and freedom of expression and worship as well as equal rights, are essential elements for successful and effective integration as they protect both third-country nationals as well as EU citizens by creating an area of tolerance and multiculturalism that facilitates the construction of a more cohesive society.

Even when reasoning in purely economic terms, the Commission of the European Union itself has admitted that integration is the best possible outcome for all member states, which, transforming the economic and social 'weight' of the presence of immigrants into an advantage, avoids that the costs of non-integration should exceed the costs of integration.[52] From this brief digression, it is possible to draw a relatively positive opinion on the work of the EU in the matter of the integration of migrants. In fact, despite the limited power attributed to it by the political will of the member states expressed in the treaties, the EU has increasingly acquired a role of concrete support of the action of the member states, contributing to build for them a coherent and updated framework of reference. Certainly, the issue of integration represents a complex phenomenon, the management of which is not possible if limited to the action of the individual member states; therefore, the increasingly efficient intervention of EU institutions only improves the prospects for success of integration itself. It is no coincidence, in fact, that Article 80 TFEU states: "The policies of the Union referred to in this chapter and their implementation are governed by the principle of solidarity and fair sharing of responsibility among the member states (…)". This principle of solidarity provides for the fair sharing of the responsibilities and the financial burden of the implementation of the

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51   An OECD study, *The fiscal impact of immigration in OECD countries*, reported by the OECD's *International Migration Outlook 2013* showed that third-country nationals make a positive net tax contribution to the finances of states' members in which they legally reside, if integrated effectively.
52   European Commission, "Action plan on the integration" cit, p. 4.

aforementioned policies among all member states. Nevertheless, the practical and political difficulties of implementing the principle on asylum, migration and, therefore, on the integration of migrants, also remains of vital importance.[53]

In conclusion, therefore, what we intend to highlight here is the scope and intensification of the EU's action in the context of the integration of foreigners with a view to coherent and cohesive action of support of the member states.

The role of the European Union institutions in the integration process

The integration process is certainly a long and complex process that requires the involvement of various institutional, national, supranational and non-national entities, such as civil society, and of various areas of intervention, including education, employment, and culture. Coordination among the different actors and the exchange of information and good practices are essential for the success of the integration process throughout the EU.

The European Commission's creation of the website specifically dedicated to integration[54] is certainly a suitable choice to allow the dissemination of information on the progress of the actions implemented by the EU and the member states and to facilitate the exchange of good practices. In short, the EU institutions involved in the development of the integration process have different roles: the European Parliament and the Council, in accordance with Article 79 TFEU, can take support measures to member states through the ordinary legislative procedure, which provides for the contribution of the Commission as the body responsible for the legislative initiative and for monitoring the action of the member states in the application of EU law.

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53   See also the ruling of the Court of Justice of the European Union: CJEU, C-643/15 and C-647/15, Slovak Republic and Hungary v Council of the European Union, 6 September 2017.
54   https://ec.europa.eu/migrant-integration/the-eu-and-integration/networks, accessed on 10 September 2018.

In addition, the European Council, made up of the highest offices in each member state, has the task of establishing the political direction of the EU's initiatives. Within the EU's democratic process, the European Parliament has an important role in determining the support measures for member states for integration policies. The role of this institution is to propose alternative resolutions or new tools for the integration of migrants into society. For example, with the resolution of 12 April 2016, the European Parliament recalled the need to activate projects that offer accommodation, literacy through language courses and professional training to migrants present in the territory.[55] Parliament then made some proposals regarding asylum seekers, refugees or those entitled to international protection.[56]

In addition, to confirm the need to involve all the necessary officials on the national and supranational scene in the implementation of integration policies, three intervention networks[57] have been created in execution of the plan prepared by the Commission in 2016.[58] The first is the European Integration Network (EIN). The EIN is made up of representatives of public authorities from all member states, Iceland and Norway whose role is to promote cooperation and dialogue among national, supranational authorities and civil society. The EIN can conduct targeted studies, reviews, workshops and assistance actions with respect to specific aspects of integration. The second dialogue platform is the European Migration Forum (EMF), through which civil society organisations and the institutions of the EU meet once a year to discuss issues related to immigration, asylum and integration. Participation in these meetings is based on an open selection procedure of the organisations concerned. Finally, the Commission has ordered the creation of the EU Urban Agenda Partnership on Inclusion of Migrants and Refugees to support cities that host refugees and immigrants, precisely taking into account the cities' needs and interests in the context of integration policies. This partnership brings together European cities, the European Commission, national governments and

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55   European Parliament (2016), Resolution on the situation in the Mediterranean and the need for a comprehensive EU immigration approach, 2015/2095 (INI), 12 April 2016, p. 18.
56   European Parliament, "Ease access to labour market for asylum-seekers to boost integration, MEPs say", 25 April 2017, www.europarl.europa.eu/news/it/press-room/20170425IPR72302/ease-access-to-labor-market-for-asylum-seekers-to-boost-integration-meps-say.
57   European Commission, "EU Policy Framework" cit.
58   European Commission, "Action plan on the integration" cit.

civil society organisations to discuss and develop concrete actions for integration. The partnership for the inclusion of migrants and refugees focuses on the themes of reception, accommodation, employment and education. To date, it is still not possible to give a definitive assessment of the usefulness of these tools given their recent institution; however, having been created ad hoc, they acknowledge the will of the EU to fulfil the mandate attributed to it by the treaties.

The European Union's policies and actions in favour of integration

Despite limited competence, following the publication of the Action Plan on the integration of third-country nationals, a series of measures and projects have been put in place to encourage integration. Within the labour market, the European Commission launched the Employers Together for Integration initiative in May 2017;[59] this also determined the European Competence Determination Tool for third-country nationals to support national authorities in identifying the professional skills and competences of third-country nationals residing in Europe.[60] In addition, the AMIF is used in member states through national programmes. The Integration Network met regularly for the coordination of activities and organised ad hoc meetings on specific issues such as the involvement of the various participating bodies at the local, regional, national and supranational levels. What can be deduced from the EU's actions and policies on integration is the strong will to carry out concrete projects, allocate a series of funds that can finance national measures and provide a framework of harmonious approaches at the supranational level.

The implementation of the Commission's action plan on the integration of third-country nationals

The 2016 Action Plan on the integration of third-country nationals includes fifty actions in support of the member states and other actors involved in the integration process of migrants. The plan in question is divided into

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59   https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration/european-dialogue-skills-and-migration/integration-pact_en.
60   http://ec.europa.eu/social/main.jsp?catId=1412&langId=en, accessed 15 September 2018.

five thematic areas, in addition to the objectives set for the improvement of coordination and the provisions relating to the use of funding. The real-time progress of the implementation of the plan can be monitored on the website prepared by the Commission itself.[61] Regarding the first thematic area, the Commission considers that acting before the migrant has arrived on the territory of a member state can greatly accelerate and improve the integration process, since familiarising oneself, to a certain extent at least, with the language, the culture and the population before departure, can speed up the integration process. To achieve these objectives, cooperation from third countries is necessary. Despite the importance of this type of measure, to date no initiatives have been implemented in this area. Only in December 2016 was there a call for proposals for projects in support of pre- and post-departure measures.[62] The second topic of intervention, education, is one of the best tools to encourage integration;[63] it allows migrants to acquire knowledge about the language, culture, law and values of the society that receives them in order to obtain a true social inclusion.

Since June 2016, the EU has implemented a series of actions in this area, such as promoting the improvement of skills of low-skilled people in the context of the "New skills agenda for Europe";[64] furthermore, the Commission presented a proposal for the revision of the European Qualifications Framework (EQF) to allow a better understanding of the qualifications and skills of migrants in the European labour market. This revision proposal was then adopted by the Council in May 2017.[65] These

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61 https://ec.europa.eu/migrant-integration/mainmenu/eus-work/actions, accessed September 16, 2018.

62 The call was closed on 28 February 2017. See http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/amif/topics/amif-2016-ag-inte-01.html, accessed 16 September 2018.

63 Council of the European Union (2016), Recommendation on upskilling pathways: new opportunity for adults, 2016/C 484/01, recital 22, available at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016H1224(01)&rid=4.

64 European Commission (2016), Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, "A new skills agenda for Europe. Working together to strengthen human capital, employability and competitiveness", COM(2016) 381 final, available at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016DC0381&from=EN.

65 Council of the European Union (2017), "Recommendation on the European Qualifications Framework for lifelong learning, repealing the Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning"], 2017/C 189/03. In particular,

initiatives were then completed in November 2017 by the preparation of the "European tool for determining skills for third-country nationals", which "(...) helps to map the skills, qualifications and work experiences of citizens of third-party countries and offers them personalised advice on the pathway forward, for example to obtain recognition of diplomas or recognise skills, to continue training or contact employment support services".[66]

To achieve these objectives, it was decided to finance transnational projects to support inclusive activities in education, training and intercultural dialogue, such as the Erasmus+ programme for students and other projects for teachers and school staff.[67] In the third thematic area (labour market and professional training), facilitating integration through the labour market and employment is considered beneficial for both migrants and host member states. Specifically, an initiative has been put forward for the employment of young people, including migrants.[68] The Commission's proposal to review the Europass CV to have a single EU tool for presenting qualifications and skills for all workers, including those

considering number (4): "The wider objectives of this recommendation are to contribute to modernising education and training systems and to increase the employability, mobility and social integration of workers and learners". Document available at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017H0615(01)&from=EN.

66   https://ec.europa.eu/migrantskills/#/.

67   For example: the School Education Gateway website for the exchange of good practices among teachers, www.schooleducationgateway.eu/en/pub/latest/news/exchange-ofpractice-to-suppor.htm; "The European School Tool Kit - Promoting inclusive education and tackling early school leaving" in 22 languages www.schooleducationgateway.eu/en/pub/resources/toolkitsforschools.htm; the "European Recognition Area (EAR) Project" which contains standards and guidelines on all aspects of the recognition of refugee academic qualifications, http://ear.enic-naric.net/emanual/ and https://www.nokut.no/en/about-nokut/international-cooperation/erasmus-projects/refugees-and-recognition/; in September 2017 there is the framework: "Call for proposals for a Framework Partnership Agreement with a European policy network in the field of education of children and young people with a migrant background"; financing of projects in the area of "social inclusion through education, training and youth" https://eacea.ec.europa.eu/erasmusplus/selection-results/selection-results–key-action-3-social-inclusion-througheducation-training-and-youth-0_en.

68   European Commission (2016), Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, "The Youth Guarantee and the Youth Employment Initiative three years on", COM(2016) 646 final, available at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016DC0646&from=SK.

from third countries, should also be noted.[69] More generally, in this context, the EU promises to promote the sharing of good practices on integration in the labour market through existing networks and programmes such as the Public Employment Services (PES).[70]

Furthermore, as part of the Union Employment Strategy, the Employment Committee (EMCO)[71] provided an opinion on the integration of refugees into the labour market,[72] underlining that member states in recent years (2015-16 in particular) have undergone an important flow of arrivals and that, consequently, there have also been difficulties regarding the integration of these people in the labour market. Refugees and asylum seekers had to face a series of additional barriers regarding the labour market, the education system and housing with the same level of education or professional experience compared to citizens of the member state. Foreign migrants often find themselves earning lower wages and having special employment contracts, which makes them more at risk of poverty or social exclusion. Even EMCO mentions the need for coordination among the different administrative levels to ensure a synergy of the current policies for integration. The analysis of projects concerning rural areas for the integration of refugees and migrants[73] carried out by the European network for rural development[74] is also interesting. Italy

69 European Commission (2016), "A New Europass Framework: helping people make their skills and qualifications more visible", http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=2638&furtherNews=yes, accessed on 17 September 2018.

70 http://ec.europa.eu/social/main.jsp?catId=1100&langId=en. Also relevant is the Report of the European Public Services Network for Employment (2016), "Labour Market Integration of Refugees - Key Considerations".

71 This commitee was created on the basis of Article 150 TFEU and the consequent Council decision (EU) 2015/772. This body is responsible for providing opinions in the context of the Union strategy for employment, see http://ec.europa.eu/social/main.jsp?catId=115&langId=en, accessed on 17 September 2018.

72 European Council (2017), EMCO, "Opinion on labour-market integration of refugees", 9258/17, 2 June 2017.

73 European Network for Rural Development (2016), "Migrant and Refugee Integration - Projects Brochure".

74 The European Network for Rural Development (ENRD) connects rural development stakeholders across the EU. The ENRD contributes to the effective implementation of the Development Programmes (RDP) by generating and sharing knowledge, as well as facilitating information exchange and cooperation in rural Europe. Each member state has set up a Rural National Network (NRN) which brings together the organisations and administrations involved in rural development. At the EU level, the ENRD supports the networking of these NRNs, national administrations and European organisations. For

has distinguished itself for a project that has combined the training of immigrants and unemployed nationals in the field of horticulture and agriculture so that they can then benefit from a job in local companies.[75] The "Terre e Comuni" (Lands and Municipalities) project allowed the integration in the local labour market of Frosinone of young asylum-seeking immigrants in local reception centres. The project was carried out between February and July 2015 by the GALVERLA (Groups of Local Action on the Lazio Side of the National Park of Abruzzo)[76] agency and in turn included in a larger project led by the social enterprise "Borghi artistici" (Artistic villages)[77] using the support of the European Social Fund (ESF). One of the coordinators commented, "even a minimal effort like ours has had a considerable impact both from a human point of view and as an experience",[78] and with regard to the long-term results, "the project has helped immigrants to change their perspective: when they had just arrived they thought of moving to another location, now they are starting to consider what opportunities can be found in the countryside".[79] The success of the project is also confirmed by the fact that further projects were then implemented.[80] In the context of the job market and vocational training, the EU has made funds available for the selection of various projects for the integration of both refugees and migrants. [81]

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more information see: https://enrd.ec.europa.eu/, accessed on 17 September 2018.
75   European Network for Rural Development, "Migrant and Refugee Integration" cit., pp. 14-15.
76   See www.galverla.eu/index.php/galverla.
77   See www.borghiartistici.com/.
78   Tiziana Rufo, Manager of GALVERLA, reported in European Network for Rural Development, "Migrant and Refugee Integration" cit., pp. 14-15.
79   Silvia Di Passio, President of the Rise Hub association reported in European Network for Rural Development, "Migrant and Refugee Integration" cit, pp. 14-15. The Rise Hub association was created following the success of the "Common Lands" project. This spreads a culture of solidarity and integration on a local scale while respecting the local cultural identity.
80   Micro-credit for refugees to facilitate access to small peasant activities; the 'tomatoes project'; a catering service on a local scale for private events of multi-ethnic cuisine prepared by migrants; cultural activities. Reported in European Network for Rural development, "Migrant and Refugee Integration" cit, pp. 14-15.
81   Provision of training for first-line health professionals and law enforcement officers working at local level with migrants and refugees, and training of trainers http://ec.europa.eu/chafea/health/tender-12-2016_en.html; fast-track integration into the labour market for third country nationals targeting exclusively asylum seekers, refugees and their family members http://ec.europa.eu/social/main.jsp?callId=502&catId=629&furtherCalls=yes&langId=en; supporting the creation, the improvement and the wider dissemination of support schemes for migrant entrepreneurs

As far as access to basic services is concerned, these too are an important condition for successful integration. For example, seven projects have been selected by the European Commission for a total of €30.3 million under the Urban Innovative Actions for some European cities. The European Investment Bank then provided funding for housing projects for more than 370,000 refugees and asylum seekers.

Three other projects have been funded under the Health Programme.[82] Active participation and social inclusion cannot certainly be underestimated in the integration process, as the latter consists of an active role of migrants in local realities in contact with citizens of the host member state. In these cases, volunteer, cultural and sports activities are particularly effective in promoting intercultural dialogue in society to foster true integration. In this light, the importance of a positive approach to diversity and the fundamental fight against discrimination is highlighted, guaranteeing equal rights for all.

In 2016, among the projects financed by the AMIF, there was the publication of a call for the integration of migrants into the political, social and cultural life.[83] As part of the Europe for Citizens programme for the period 2014-20, prepared by Council Regulation no. 390/2014,[84] the call for proposals for a civil society project has been published with the aim of combating the stigmatisation of immigrants and promoting intercultural dialogue. In addition, the Rights, Equality and Citizenship Programme[85] was implemented with the fund for projects against racism and xenophobia, as well as through the 2016 Creative Europe transnational fund for culture and audio-visual projects to support the integration of refugees.[86]

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http://ec.europa.eu/growth/content/entrepreneurial-capacity-building-youngmigrants-1_en; creation, the improvement and the wider dissemination of support schemes for migrant entrepreneurs in order to help migrants to become self-employed and build a successful enterprise (profit-generating and/or with social objectives) https://ec.europa.eu/easme/en/cos-migrantsent-2016-4-02migrants-entrepreneurship-support-schemes.

82   https://ec.europa.eu/health/social_determinants/migrants_en.

83   http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/amif/topics/amif-2016-ag-inte-01.html.

84   Council Regulation no. 390/2014 establishing the "Europe for citizens" programme for the period 2014-2020, Law 115/3, available at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0390&from=EN.

85   http://ec.europa.eu/justice/grants1/programmes-2014-2020/rec/index_en.htm, accessed on 15 September 2018.

86   https://eacea.ec.europa.eu/creative-europe/funding/creative-europe-cross-sectoral-

European Union funding initiatives for integration

Adequate and sufficient financial resources are indispensable for the implementation of any national or supranational action in support of integration; for this reason, Article 80 of the TFEU provides that the EU's policies in this area are subject to the "principle of solidarity, and fair sharing of responsibility among the member states, including financially". Specifically, the Union Financial Regulation[87] governs the financial management rules and financial instruments available. Ultimate responsibility for ensuring the correct expenditure of EU funds lies with the Commission, after the European Parliament's approval of the EU budget and the implementation modalities through the discharge of the budget on the recommendation of the Council. The Commission implements the EU budget in three forms: through direct management, indirect management through third countries or international organisations, and management according to a concurrent form in which the member states are involved.[88] Even though respecting the allocation of the budgetary funds falls on the Commission, the member states at national level are responsible for presenting their accounts and carrying out audits. The orderly trend of the expenditure of the EU budget is governed by the multi-year financial framework, established for a period of at least five years.[89]

In short, this framework is adopted in the form of the regulation according to a special legislative procedure, pending approval by the European Parliament, and constitutes a legally binding act. The current multiannual financial framework for the 2014-20 period was adopted on 2 December

refugee-integration-projects-2016_en, accessed on 15 September 2018.
87   Financial Regulation, or Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018, which establishes the financial rules applicable to the general budget of the Union and amends regulations (EU) no. 1296/2013, (EU) no. 1301/2013, (EU) no. 1303/2013, (EU) no. 1304/2013, (EU) no. 1309/2013, (EU) no. 1316/2013, (EU) no. 223/2014, (EU) no. 283/2014 and decision no. 541/2014/UE and repeals regulation (UE, Euratom) n. 966/2012, [2018], Law 193/1.
88   Article 62, Financial Regulation, or Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018, which establishes the financial rules applicable to the general budget of the Union, which amends the regulations (EU) n. 1296/2013, (EU) no. 1301/2013, (EU) no. 1303/2013, (EU) no. 1304/2013, (EU) no. 1309/2013, (EU) no. 1316/2013, (EU) no. 223/2014, (EU) no. 283/2014 and decision no. 541/2014/UE and repeals regulation (UE, Euratom) n. 966/2012, Law 193/1.
89   Article 312, TFEU.

2013.[90] The next multiannual financial framework for the 2021-27 period is the first after the departure of the United Kingdom from the EU; therefore, the work related to the adoption of the latter took longer than expected. The Commission proposed for the multiannual financial framework 2021-27 an increase in expenditure of the EU budget in some sectors such as digital innovation and migration management.[91] Although the EU budget cannot be compared to that of the member states, the EU's intervention in certain sectors can certainly bring added value. In particular, the EU's multiannual financial framework provides for an investment in migration and asylum higher than that implemented in the previous plan to increase resources related to the common European asylum system and integration.

Specifically, the plan provides for 6.3 billion of financing to the member states to manage migration. Each state will receive a fixed sum of 5 million and an amount corresponding to what is necessary in proportion to their specific needs. In addition, in the context of migration and asylum, the Commission proposes to increase the AMIF of migrants and asylum seekers, recognising the specific needs of a long-term process such as migration; whereas the European Social Fund and the European Regional Development Fund would be made available to people benefiting from international protection, including projects such as education and housing. The 2021-27 multiannual financial framework (MFF) has been approved.[92]

As regards specifically the issue of integration, the main source of concrete financial support to the member states is constituted by the AMIF, as foreseen by the multiannual financial framework 2014-20 and even more – at least in the intentions of the European legislator – by the multiannual financial framework relating to the subsequent period of 2021-27. The AMIF was established through Regulation[93] with the aim of making available to member states a financial instrument capable of supporting

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90 Regulation (EU, EURATOM) n. 1311/2013 of the Council that establishes the multiannual financial framework for the period 2014-20, of 2 December 2013, Law 347/884.
91 For further information see: https://ec.europa.eu/commission/publications/factsheets-long-term-budget-proposals_en, accessed on 5 October 2018.
92 Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027.
93 Regulation (EU) no. 516/2014 of the European Parliament and of the Council establishing the Asylum, Migration and Integration Fund, which amends Council Decision 2008/381/EC and which repeals decisions 573/2007/CE and 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC, [2014], L. 150/168.

the initiatives of the latter for an efficient management of migratory flows. The AMIF Regulation finds its legal source in Article 78, paragraphs 2 and Article 79, paragraphs 2 and 4 of the TFEU. In particular, regarding the objective of achieving coherent integration action, the Regulation states that the actions financed by the AMIF are "specific and complementary to those financed under the European Social Fund".[94]

One of the specific common objectives of the AMIF Regulation is that of "supporting legal migration to the member states according to their economic and social needs, such as the needs of the labour market, while preserving the integrity of immigration from the member states, and to promote the effective integration of third-country nationals";[95] the subsequent Articles 8 to 13 of the same Regulation govern the possibility of financing both actions that affect migrants prior to departure, and therefore also in a third country, such as the preparation of information packages and the assessment of skills and qualifications of migrants; both actions to support integration and cooperation at the regional and local levels, such as actions that assist migrants for accommodation, legal and administrative orientation, social and employment integration, including measures that concern the phase of possible repatriation, in order to provide assistance to migrants during this procedure and to improve the necessary infrastructure.[96] Pursuant to the Regulation in question, the financing takes place through the allocation of a minimum amount to each member state; in addition, a portion of the resources are distributed for the implementation of specific predetermined actions that require a cooperative effort among the member states and for the completion of an effective resettlement programme for migrants. Whereas the so-called 'global' resources are used for national programmes, EU actions, the European migration network, and emergency and technical assistance are distributed as specified in Annex 1 of the Regulation; Annex 2 provides the list of specific eligible actions, among which it is interesting to note "joint initiatives between member states in the field of integration, such as comparative assessments, peer reviews or the verification of European modules concerning, for example, the acquisition of language skills or the organisation of introductory programmes, in order to improve policy coordination among member states, regions and local authorities".

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94   Ibid., recital 22.
95   Ibid., Article 3, paragraph 2, letter b.
96   Ibid., Articles 8-13.

The financing of national programmes takes place according to a shared liability regime between national and supranational institutions. Private entities such as associations, companies and non-governmental organisations can also be recipients of funding allocated through the resources of the AMIF fund. To provide a concrete example, the call titled "Transnational actions for the integration of third-country nationals in the EU member states and for the support of legal migration", published on 26 July 2018 and expiring on 31 January 2019, is underlined here, as well as the call with the same deadline, "Local and regional networks for integration", designed on the basis of the need to share good practices among local authorities in the context of the integration of migrants.[97]

The fact that access to these financial instruments is relatively simple, both for the member states and for other interested parties, reflects the ability of the EU institutions to exercise their competence in the matter by providing concrete practical and financial support. With a view to improving the functioning of the AMIF fund, the Commission has not only proposed an expansion of its resources for the 2021-27 multiannual financial framework, but it has also presented the proposal for an amendment to the AMIF[98] Regulation. The text proposed by the Commission specifies the intention to treat the issue of migration in a global way and in compliance with the principles of solidarity and sharing of responsibilities; but here we certainly cannot deny the practical difficulty in implementing such an objective, also given recent developments in the debate on the reforms to be implemented in the Dublin Regulation. However, the intention of the supranational legislator is to increase not only economic-financial support, but also practical support for member states to tackle the issue of immigration and integration in a long-term perspective. With this in mind, and within the 2021-27 multiannual financial framework, the proposal relating to the European Social Fund Plus Regulation (ESF+)[99] is also included. The proposed regulation expands the scope of the existing Social Fund by merging it with a series of other financial instruments aimed at increasing the social dimension of the EU with the main objective of "guaranteeing high levels of employment, education and training,

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97 http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/amif/topics/amif-2018-ag-inte-1.html, accessed on 17 October 2018.
98 Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund, 2018/0248 (COD), COM (2018) 471 final.
99 Proposal for a Regulation of the European Parliament and of the Council on the European Social Fund Plus (ESF+), 2018/0206 (COD), COM (2018) 382 final.

health, social inclusion and active participation in society".[100] The ESF+ is a financial instrument that provides for three main areas of intervention: employment, social policy and public health, the legal bases of the TFEU that the EU is precisely using to act on the matter. If one conceives of the EU as a long-term social and inclusion space, the intention of the European legislator is the integration of third-country nationals, which is necessarily one of the essential specific objectives of the ESF+: "In light of the persistent need to intensify efforts to manage migratory flows in the EU as a whole, and in order to ensure consistent, strong and constant support for efforts to share solidarity and responsibility, the ESF+ should offer support for the promotion of the socio-economic integration of third-country nationals to complement the actions financed under the Asylum and Migration Fund".[101]

Therefore, despite the political and practical difficulties in dealing with these issues, it is worth underlining once again the will of the EU to propose solutions and legislative instruments that can provide member states at least with a common action plan on the matter, accepting and highlighting the shared European nature of the difficulties.

The use of the European Union's financial instruments in Italy

The use of the financial instruments described above is managed by the member states in application of the general subsidiarity principle. In Italy, the responsible authority is the Ministry of the Interior and, specifically, the Department for Civil Liberties and Immigration, which manages the AMIF in its various components of the fund for integration, the refugee fund, the fund for repatriations and the fund for control of external borders.[102] For proper management and expenditure of the AMIF, a planning document, known as the National Programme, establishes the objectives and interventions to be carried out with the capacity of the available fund.[103] This document has been prepared by the national

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100   Ibid., p. 1.
101   Ibid., Article 4, paragraph 1, viii.
102   www.interno.gov.it/it/temi/immigrazione-easilo/fondi-europei.
103   AMIF National Programme, December 2017, available at www.interno.gov.it/it/temi/immigrazione-e-asilo/fondi-europei/fondo-asilo-migrazione-e-integration-fami, accessed on 23 October 2018.

authorities in continuous contact both with one other and with the Commission (policy dialogue). By virtue of the principle of transparency and impartiality of the administrative action, the functions of verification and control of the management of the fund by the responsible authority are performed by an independent audit authority specifically designated within the framework of a management system and control that is also shared with the Commission.[104] The European Social Fund (ESF) is used in Italy to increase job opportunities and improve education and training systems with a view to investing in human capital in the long term. As regards job opportunities, the fund aims to increase the employment rate by facilitating entry into the labour market. In the field of education, another important investment item of the ESF is the aim of preventing early school leaving and training students in view of their future insertion into the job market.

A final note regarding the ongoing work in the European Parliament is necessary. The municipalities and regions, as local entities dependent on the member states of the EU, receive the financing relating to their respective funds, whether they are AMIF or ESF, from the national-level administrative authority, and therefore the ministry of reference. Due to the political and implementation difficulties of granting local governments these funds, and at times also due to the continuous changes of political direction of the various governments, the idea was discussed in the EU Parliament – and was recently approved – of giving the possibility to local administrations to request funds directly from the supranational administration.

Good integration practices in Italy

Hospitality in Italy

"Combining respect for the rules and control of migratory flows with the integration of foreigners and the reception of those who ask for asylum, guaranteeing order and public safety, is the challenge facing a

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104   In compliance with the principle of transparency of administrative action, for the management of the fund, see https://fami.dlci.interno.it/fami/. In compliance with the principle of transparency of administrative action, for the management of the fund, see https://fami.dlci.interno.it/fami/.

modern and multi-ethnic society".[105] In the annual report of the Italian Ministry of the Interior on best reception practices, it was emphasised that immigration and integration policies are profoundly complementary, both at the national and European level.[106] In this sense, therefore, the "regulation concerning the integration agreement between the foreigner and the State" was issued with the Presidential Decree of 14 September 2011, n. 179, which entered into force on 10 March 2012.

The regulation for the integration agreement establishes criteria and procedures for the entry and integration of foreigners on Italian territory. The stipulation of the agreement is foreseen at the Immigrants Desk or the Police Headquarters, upon presentation of the residence permit application, and stipulates the foreigner's commitment to acquire basic knowledge of the Italian language and culture, respecting the values of the Citizenship and Integration Charter.[107] The state is committed to supporting the integration process of the foreigner and ensures civic training and information on the same.[108] The objective of this regulation is to lay the foundations of a mutual commitment for concrete integration and inclusion. To allow a proper implementation of the regulation, guidelines have been issued to encourage social inclusion.[109] First, the text of the regulation and other useful materials have been translated and made accessible on the website of the Ministry of the Interior. Furthermore, to ensure a widespread dissemination of information across the country, the prefectures can collaborate with the territorially competent structures regarding the various activities related to education. The EU's intervention continues to prove relevant through the resources of the AMIF. In conclusion, the implementation of the agreement requires a mutual commitment both by the Italian administrative bodies and by foreign citizens for the success of the bilateral integration and inclusion process in the social fabric.

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105   www.interno.gov.it/temi/immigrazione-e-asilo, accessed on 15 September 2018.
106   Ministero dell'Interno (2017), *Le iniziative di buona accoglienza e integrazione dei migranti in Italia: Modelli, strumenti e azioni, Rapporto annuale buone pratiche di accoglienza*, available at www.interno.gov.it/sites/default/files/rapporto_annuale_buone_pratiche_di_accoglienza_2017_ita_web_rev1.pdf.
107   Ministero dell'Interno, Decree of 23 April 2007, Carta dei valori della cittadinanza e dell'integrazione, Gazzetta ufficiale N. 137, 15 June 2007.
108   www.interno.gov.it/it/temi/immigrazione-e-asilo/modalita-dingresso/accordo-integrazione-straniero-richiede-permesso-soggiorno.
109   Linee d'indirizzo per l'applicazione del decreto del Presidente della Repubblica 14 September 2011, N. 179.

An example of implementation of integration and social inclusion in Italy is that of the municipalities belonging to the solidarity network RECOSOL. The RECOSOL association was founded in 2003 and gathers around 300 municipalities throughout Italy with the aim of implementing international solidarity projects (some projects have also developed in collaboration with other states) and cooperation especially in the field of the environment, civil rights and immigration.[110]

The virtuosity of this project consists precisely in the exchange of good practices (administrative and otherwise) to enhance the various territories of the municipalities. With regard to immigration in particular, RECOSOL collaborates with the SPRAR (Protection System for Asylum Seekers and Refugees) and with the ASGI (Association for Legal Studies on Immigration), as well as with the institutions of the Ministry of the Interior and of the Prefecture to better manage the reception of migrants. A reception model among those of the municipalities belonging to RECOSOL was the municipality of Riace, in Calabria, not only an example of hospitality and integration, but also of the rebirth of a small economy amid the difficulties of a territory already afflicted by the presence of crime and poverty.[111] These initiatives, albeit small, demonstrate that the process of social integration and inclusion is bilateral and that the positive aspects, economically and otherwise, are also evident for the local population. The tools used in this model were bonuses, which allowed foreign migrants participating in the initiative to take advantage of a certain purchasing power at participating shops, as well as job grants, which facilitated improvement in the economic situation for migrant families who intend to build their future there. A similar model was also adopted in Montesilvano, in Abruzzo, where the integration of migrants through the SPRARs, training and education was positive and represented an example of concrete inclusion that helped the municipality to flourish.[112] Immigrants

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110   http://comunisolidali.org/.

111   The developments in this story cannot be overlooked. In fact, the mayor, creator of the 'Riace Model', was arrested by the finance guard in the context of the 'Xenia Operation' on October 2, 2018 on charges of aiding illegal immigration. Then the Court of Cassation, with sentence of the penal section, annulled the order contested by Mimmo Lucano, mayor of Riace, accused of robberies and marriages of convenience within the 'Riace system', which had favoured the integration of migrants in the Calabrian village. The mayor remains on trial in other cases; therefore, the ongoing event will have to be monitored to understand its outcome.

112   http://espresso.repubblica.it/attualita/2018/10/10/news/c-e-un-altra-riace-in-abruzzo-si-chiama-montesilvano-e-il-sindaco-e-di-centrodestra-1.327664, 12 October 2018.

have been included in various activities of public relevance and socially useful works of maintenance of the local territory in a mutual exchange between immigrants and citizens. Following the entry into force of the new so-called 'security decree',[113] which subsequently became law,[114] the continued existence of these projects is in jeopardy,[115] In fact, Article 12 of the security decree modifies the SPRAR system, allowing access only to holders of international protection and unaccompanied foreign minors. Furthermore, there is a risk of increasing the marginalisation of migrants and the emergence of irregular migrants in the territory.[116] By eliminating the humanitarian protection status from national legislation, the aforementioned 'safety decree' no longer allows access to work, to the national health system, to social assistance and to residential housing for those subjects who, despite being in need, are not asylum seekers or refugees. Yet the humanitarian protection tool was widely used by the national administration to provide protection for those who could not return to their country of origin.

In addition, the elimination of the permit for humanitarian protection has a retroactive effect that affects all those already in possession of it, which places them in a position of not being able to legally stay in the territory from one day to the next. The security decree also changes the maximum length of detention of foreigners in the centres of stay for repatriation from 90 to 180 days for the purpose of ascertaining the identity and nationality of the migrant. The same centres need to act in compliance with human

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113   Decree No. 113/2018 "Urgent provisions on international protection and immigration, public safety, as well as measures for the functionality of the Ministry of the Interior and the organisation and functioning of the National Agency for the administration and destination of seized and confiscated assets organised crime, converted into law on 28 November 2018.
114   Conversion into law, with amendments, of the decree of 4 October 2018, No. 113, containing urgent provisions on international protection and immigration, public safety, as well as measures for the functionality of the Ministry of the Interior and the organisation and functioning of the National Agency for the administration and destination of assets seized and confiscated from organised crime. Delegation to the government on the reorganisation of the roles and careers of the personnel of the Police and Armed Forces, 28 November 2018.
115   Appeal of the Network of Solidarity Municipalities (RECOSOL) and the Association of Virtuous Municipalities against the changes made by Legislative Decree 113/2018, http://comunisolidali.org/wp-content/uploads/2018/10/2-decreto-salvini.pdf.
116   The Guardian (2018), "Vulnerable migrants made homeless after Italy passes Salvini decree", available at www.theguardian.com/world/2018/dec/07/vulnerable-migrants-made-homeless-after-italy-passes-salvini-decree.

rights standards.[117] The same legislative text also provides, by decree of the Ministry of the Interior, the inclusion of a list of third countries of origin considered safe in order to speed up the examination of applications for international protection and to be able to refuse migrants from these countries.

However, the difficulties in drawing up a list of safe countries should be considered, as institutions often do not operate transparently in these countries or where there are ongoing situations of conflict. Therefore, there is a risk of limiting the examination of applications for international protection to superficial screening without considering the individual situation of the migrant. Another critical point is that relating to the impossibility, pursuant to the aforementioned decree, to enrol asylum seekers in the municipal registry. Under the new regulations, only migrants "with a stable prospect of staying in the territory" can be registered. This measure is criticised as not being in line with the protection of fundamental rights.[118] For these and other reasons, some Italian mayors have decided not to apply, in whole or in part, the security decree that entered into force in their territory. Compliance with the laws is essential in any society; even more so in a society that proposes itself as a model of reception and social inclusion. Still, it is necessary to reflect on whether this is the society we intend to present to those we receive, in the spirit of the EU based on the values and rights celebrated in its treaties and in the constitutions of the member states.

Final considerations

This chapter attempted to highlight the EU's commitment to supporting the integration and social inclusion policies of migrants, despite the fact that this competence remains purely national; a support based on concrete funding and both large[119] and ad hoc projects for certain groups in greatest

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117 Amnesty International (2011), "Italy: Amnesty International findings and recommendations to the Italian authorities following the research visit to Lampedusa and Mineo", available at www.amnesty.org/en/documents/EUR30/007/2011/en/; Doctors Without Borders (2011), "Trapped in transit: the neglected victims of the war in Libya" available at www.msf.org/trapped-transit-neglected-victims-war-libya.
118   www.asgi.it/tag/decreto-immigrazione-2018/.
119   See, for example, the "Urban Agenda for the EU": https://futurium.ec.europa.eu/en.

difficulty[120] throughout Europe. Furthermore, social inclusion is treated at the European level also from other points of view such as culture[121] and sport,[122] or through the creation of subjects of debate and discussion such as the group of experts to combat racism, xenophobia and other forms of intolerance that will allow the exchange of good practices among national authorities.[123] In this way, the EU has the opportunity to stimulate discussion and debate on important issues at a supranational level by creating a network for social integration and inclusion which regards the involvement of all member states and the local realities concerned. In this sense, the possibility of financing initiatives and local projects in support of integration directly with EU funds would allow the implementation of EU law in a more effective and efficient way, while continuing to respect the principle of subsidiarity, which is the basis of EU action in its support of and aid to the member states. In this regard, it has been demonstrated that a lack of integration has an economic and political cost, as well as having a clear negative impact on society itself.[124]

Member states often demonstrate that they prefer national self-interest to the possibility of joint and shared intervention at the supranational level. In

120   See the meeting of the European Integration Network, Vienna 12 November 2018, on specific policies for the integration of migrant women, available through https://ec.europa.eu/migrant-integration/feature/integration-of-migrant-women.
121   See, for example, the initiative of intercultural dialogue adopted in November 2016, available through https://ec.europa.eu/culture/news/2014/new-work-planculture-adopted_en. "How culture and the arts can promote intercultural dialogue in the context of the migratory and refugee crisis. Report with case studies, by the working group of EU member states' experts on intercultural dialogue in the context of migratory and refugee crisis under the open method of coordination", available at https://publications.europa.eu/en/publication-detail/-/publication/4943e7fc-316e-11e7-9412-01aa75ed71a1/languageen/format-PDF.
122   See "Mapping of good practices relating to social inclusion of migrant through sport: Final Report to the DG Education and Culture of the European Commission", available at https://publications.europa.eu/en/publication-detail/-/publication/f1174f30-7975-11e6-b076-01aa75ed71a1.
123   For more information see http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=3425.
124   OECD-European Commission (2018), *Settling in 2018: indicators of immigrant integration*, Paris: OECD Publishing, available at https://doi.org/10.1787/9789264307216-en.

this sense, the current case of the Global Compact[125] is representative.[126] The Global Compact is a United Nations document, agreed at the 2016 General Assembly, although not legally binding,[127] which affirms the need for a global response to the global phenomenon of migration. For the first time, the international community has recognised, after long and intense negotiations, the need for a global approach in managing the migration phenomenon by establishing ten guiding principles and a cooperation strategy. The document is based on several existing international instruments. Furthermore, states had the opportunity to explicitly reaffirm their sovereignty in managing migration policy. Although the EU has stated that it intends to sign the Global Compact document, after participating in the negotiations,[128] first Hungary, Poland, Slovakia, the Czech Republic, Bulgaria, Austria and then Italy and Belgium have all pulled back. The behaviour of the member states does not seem to be justified by legal reasons since, as mentioned above, the document in question has no binding juridical value; therefore, such behaviour must be attributed to purely political reasons. This political event is therefore only the last confirmation of the fact that we need a stronger and more united EU in the management of the phenomenon of migration both internally and on the international scene. The Global Compact aims to overcome national self-interest and apply that solidarity which is the basis of the principles of the EU. There is, therefore, a need for a concrete expression of the values of solidarity and respect for human rights[129] "so that the Union's contribution to the international governance of the mass flows of migrants and refugees is consistent with the values, principles and

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125   United Nations (2018), *Global Compact for Safe, Orderly and Regular Migration*, available at www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/195. See also https://eeas.europa.eu/headquarters/headquarters-homepage/53761/questions-and-answers-what-global-compact-safeorderly-and-regular-migration_en.
126   www.internazionale.it/bloc-notes/annalisa-camilli/2018/12/06/global-compact-migrazione; www.euractiv.com/section/elections/news/global-migration-pact-puts-belgian-ruling-coalition-in-jeopardy/.
127   "The Global Compact reaffirms the sovereign right of States to determine their national migration policy and their prerogatives to govern migration within their jurisdiction, in conformity with international law", Global Compact for Safe, Orderly and Regular Migration.
128   Proposal for a Council Decision authorising the Commission to approve on behalf of the Union, the Global Compact for Safe, Orderly and Regular Migration in the area of immigration policy, COM(2018) 168 final 2018/0078, https://ec.europa.eu/transparency/regdoc/rep/1/2018/EN/COM-2018-167-F1-EN-MAIN-PART-1.PDF.
129   Article 2 TEU.

objectives of the European integration process".[130] To achieve this goal, the legal framework on migration and integration could be rethought as a matter of shared competence between the EU and its member states, despite the political difficulties of such a change.[131]

130   D. Vitiello, "Il contributo dell'Unione europea alla governance internazionale dei flussi di massa di rifugiati e migranti: spunti per una rilettura critica dei Global Compacts", in *Diritto, Immigrazione e Cittadinanza*, 3/2018.
131   Article 2(2) TFEU.

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Of walls and bridges

Guidelines for a policy of reception and inclusion of migrants

The integration of migrants in a more just and cohesive society seems to be contested today by those who, alarmed, consider migration an emergency. These are people who seem to live in an eternal present, in which immigrants have become eternal new arrivals. And yet, in this era marked by the continual and unstoppable flow of goods and capital, in which information instantaneously reaches every corner of the 'global village', a parallel mobility of individuals should also be possible. Immigration is a structural fact in our societies, and it is in this dimension that it must be considered. The proposals contained in this volume intend to offer some initial guidelines regarding the migration phenomenon. It is addressed to public administrators but is also geared toward the general public in its call not to close borders in the perspective of today's or tomorrow's Europe.