

**IMMIGRATION AND ASYLUM.  
FROM THE MINISTRY OF THE INTERIOR'S PLAN  
TO THE GOVERNMENT'S PROGRAMME**

**Contribution to a comprehensive and forward-looking policy of Italy  
to the regulation of immigration management and to end the emergency phase**

Rome, 17 January 2017

*There have been many studies and writings on the theme of international migrations. During the past two decades these concerned and modified as well our country with a ten-fold increase of immigrants, ensuring benefits and even creating actual humanitarian emergency situations. The policies adopted by the EU, its member States and Italy are also known for their shortcomings, uncertainties, and contradictions, which have been especially apparent in the past few years.*

*We will therefore limit ourselves to present – through a set of schematic and concise points – some proposals for a comprehensive governmental politic strategy, thus not limited to the security and law-and-order dimension, notwithstanding its importance and relevance, accompanied by the indication of operational and regulatory choices related to the management of labour immigration and of migratory flows brought about by persecutions, conflicts, disasters, which requires specific humanitarian protection.*

*Ours is a contribution of reflection and proposal that the NGO network LINK 2007 intends to offer on the basis of an in-depth analyses grounded on our own experience in the domain of international cooperation and humanitarian aid, on our knowledge of many countries of origin, of the conditions that foster emigration, of the cultures of such countries, of the expectations of immigrants, of the difficulties they face as regards integration and mainstreaming, of the issues that their presence can sometimes generate in communities not adequately prepared to receive them.*

*We believe that such a theme should be tackled with a global strategy and politic vision, by adopting measures to be implemented in the short term, according to their urgency, complexity, and of the difficulties they may entail.*

*Our text is divided into two parts: the first one is related to labour or structural immigration, whereas the second one concerns forced (by wars, persecutions, natural and environmental disasters) immigration. We hope that it may provide useful elements to stimulate further discussions and reflections aimed at the definition of choices and regulations in order to reach the convergence of all political forces on such a momentous theme.*

## I – Structural Immigration

### ➤ End of the emergency phase

1. **Regularisation of all those that work or study in Italy.** Any political strategy will have to provide for the regularisation of those that work or study in Italy (and of their first-degree relatives) up to a certain date, or of those that had a job or job opportunities during the past two years, thus bringing out of irregularity, on an individual basis, all those that may be more easily integrated. As a matter of fact, these people are already somehow integrated through work or study or other legal activities, even when these are carried out in an irregular way. It is necessary for them to emerge and be identified, even through temporary fiscal benefits for employers who regularise them. This measure is indispensable, otherwise no issue may be solved and some hundreds of thousands of people will go on being irregular and “not visible,” with the risks that this may imply in terms of exploitation, precarisation, isolation, conditions favouring crime, and security.

2. **Active integration policies.** Simultaneously, policies facilitating immigration should be actuated, even by evaluating those successfully implemented in other countries. In particular, it will be necessary to extend and reinforce general services for the whole population and to avoid, if not indispensable, actions favouring immigrants only (nursery schools, schools, clinics, social housing, cultural, sports and youth centres, etc.) It would be useful to involve in the work for integration sensible and capable unemployed youths, including those of foreign origin, linking the service to an inclusion income.

The religious dimension should also be taken account of, as an occasion for mutual consideration and dialogue. Notably, only through full acknowledgment, respect and integration of Muslims and by involving the associations that represent them it may become easier to implement and manage the repression of those who take advantage of faith for terroristic and subversive purposes.

Furthermore, it will be convenient to favour and strengthen an Italian peculiarity: as a rule, in our country there are no ghetto-like concentrations of immigrants in urban contexts but rather a diffuse residential presence.

3. **Unaccompanied minors.** Special attention should be paid to unaccompanied minors and their priority accommodation in foster families or small collective households, considering the superior interest of minors as pre-eminent in every regulation. It will be necessary to ensure a new stay permit for the duration of at least three years when these minors reach the age of 18 years (based on training/employment.)

The procedure for definitively adopting the law on unaccompanied minors should be brought to a close as soon as possible, hopefully including in it the improvements suggested by the associations concerned.

4. **Family unity.** This should always be facilitated and encouraged, not only for families with minors but also for those comprising the spouses or cohabitants alone. Family unity is a factor that facilitates integration.

As concerns the regulations on initial reception (sometimes too prolonged over time) forced separations of stable couples should be avoided, since they may easily bring about conditions of disorientation, isolation, and maladjustment with unpredictable reactions.

5. **Citizenship.** It will be essential to streamline and to expedite the pathway to citizenship, beginning with second-generation immigrants (by concluding the procedure for the approval of the relevant law,) following it up and emphasising it even through voluntary associations/civil service, aiming at the realisation of rights and obligations; by preparing and extolling the ceremony for the formal recognition of citizenship; by renewing such a moment with specific and significant ceremonies in the municipalities every five years.

The introduction of the right to vote in administrative elections may represent an important step in the pathway to integration and citizenship.

6. **Human rights and non-discrimination.** The application of the principles and rules concerning human rights and non-discrimination must be guaranteed at all institutional levels, jointly with the adoption of effective ways to constantly check such application, for example for immigrants, aiming at their full integration into lawfulness and respecting the communities and culture they are to be integrated with.

However, we must bear in mind that today social exclusion and discrimination concern not only immigrants but many hundreds of thousands of Italian citizens as well. Therefore, there is now a stronger need of more effective social, labour, family, education and other policies taking into account immigrants and their needs.

7. **Involvement of territories.** It is necessary to favour the utmost involvement of municipalities, regional authorities and autonomous provinces, together with communities, religious and secular associations networks, teachers, sports instructors and cultural educators, entrepreneurial organisations and networks of companies, trade unions operating in the territories.

8. **Legal entries.** It is indispensable to re-establish as soon as possible the chances and modalities for labour legal entries (even by quotas for the main countries of origin, especially those with which agreements were signed,) bearing in mind family reunifications and the needs of the labour market, as well as the low birth rates and the ageing of Italians (which are among the causes of our economic decline: in 2016 the old-age index was equal to 161.4, that is 161.4 people older than 65 years for every 100 youth under 14 years; with heavy consequences on the socio-economic setup and with a progressive depopulation of different municipalities.)

Even a resurgence of economic growth in European countries and in Italy, after almost ten years of crisis, may facilitate the overcoming of problems that now seem to be insurmountable. We need to remember that during the previous decade the doubling of immigrant population produced considerable benefits in Italy.

9. **Legal entries in order to put an end to illegal ones.** We must keep in mind that only the opening of legal entry channels (best if organised and accompanied by consular officials assisted by experts in migration and asylum or by professionally trained organisations) may foster the closing of illegal channels, controlled and managed by the mafias. To go on adopting police or military procedures to control our borders will not prevent illegality if, in the meantime, adequate criteria for legal migration are not established.

10. **Job loss.** Those who lose their jobs must in no way be considered as irregular immigrants, also because of the difficulties that characterize today's labour market. This would only fuel a dynamics of irregularity, precariousness, and illegality. An appropriate

lapse of time should be guaranteed for the search of a new job, as well as the social support measures provided for.

11. **Circular migration.** The importance of circular migration must not be further underestimated, since it implies the possibility of repeated entries and exits from the territory, which must be taken into consideration and regulated to allow for their lawfulness in all situations when circular migration turns out to be the best solution for employment and integration, often with a double positive effect for Italy and the country of origin.

12. **Precise and clear rules.** To restore precise and clear rules for entries – demanding compliance with them – is one of the priorities in order to come out of the emergency and quite disordered phase that Italy experienced and to actuate active, shared, and effective integration policies.

Not all immigrants are escaping from war, disasters, and hunger. We must acknowledge this fact. To establish accurate rules while respecting human rights and personal dignity is the best way to allow for the adequate reception and integration of those that really need help and protection and of those whose competences correspond with the labour needs of our country.

➤ **Legislative amendments, European coordination and international agreements**

13. **Consolidated Law amendments.** It is by now necessary to suppress the restrictive amendments, often unusable, included in the Consolidated Law as concerns the provisions regulating immigration, including the crime of illegal immigration, which has proven to be useless and counterproductive, through a governmental bill that should be given a preferential procedure in the discussion and in the parliamentary approval process.

14. **Consistency of policies.** The utmost consistency should be sought for as concerns European migration policies, by adopting a permanent proactive initiative at the level of European institutions and by seeking the right alliances. Since this is a European challenge with partly similar problems and opportunities in the different member States, therefore requiring analogous decisions and interventions, there would be a basis to favour cooperation among European countries, if we could only overcome nationalistic closures, even through adequate information.

15. **Migration agreements and partnerships.** The signing of migratory agreements and partnerships with the main countries of origin and transit should be expanded, in a long-term perspective and with mutual advantages, namely as regards human rights, protection, the fight against trafficking and exploitation of migrants, exchange of information, the related training of police corps and judicial structures, identifications, returns, regional collaborations, security, etc. Ideally, such agreements should be studied and concluded involving the EU and its most exposed member States.

Nonetheless, such agreements, in order to avoid being one-way processes (which would be rightly deemed unacceptable), should also include clear-cut procedures for legal entries in Italy and in Europe at large (preferably preceded by adequate training) and for the possible opening of new humanitarian corridors in favour of highly endangered people.

➤ **Removal and expulsion, fight against crime**

16. **Assisted Voluntary Returns.** Following the required checks and the completion of the procedures for a wider regularisation of the existing situation, the removal of those who have no right to stay in Italy becomes unavoidable. The identification of their country of origin should be easier, given their prolonged presence on the national territory.

Notwithstanding this, it will be necessary to begin with assisted voluntary return and at any rate with a subsidy to be granted in all cases of removal concerning people who are staying in Italy and have not been admitted to regularisation.

17. **Forced removal.** Only in the event of delinquency and repeated infringement of laws it will be required to proceed to expulsion with forced accompaniment while respecting international conventions and European Directives and assisting the receiving country in the management of the most difficult and complicated cases, in particular those linked with terrorism.

18. **Combating human trafficking.** The fight against trafficking and exploitation of human beings will have to be very strict, chiefly in cooperation with European police corps and with those of the African, Mediterranean, and Middle Eastern countries with whom agreements will be actuated, bearing in mind that sometimes the administrations and the police forces in those countries are infiltrated by the very mafias and criminal organisations they should fight against.

At the same time, it will be necessary to ensure a full safeguard and protection to the victims of criminal trafficking, abuses, and exploitation, both in Italy and in transit countries with which agreements are signed. Labour exploitation must also be fought against.

19. **To save lives without favouring traffickers.** An in-depth reflection and analysis will have to be effected as soon as possible concerning rescues at sea, intended to respond to an inescapable humanitarian imperative (to which Italy, both in its public and private dimensions, has given an exemplary answer) but which are producing at the same time a deeply negative effect, that is the help unintentionally given to human beings traffickers, who take advantage of this to increase their criminal actions, organising massive arrivals of immigrants along North-African coasts, exploiting, abusing, suppressing any kind of freedom and dignity, imposing unspeakable suffering, making money out of insecure and evermore risky travels, and consequently causing a higher number of casualties. Thirteen thousand dead and missing people since that terrible 3 October 2013, offshore Lampedusa, are a true carnage that catches us up every day, makes us think, even to the purpose of not getting used to it.

20. **Collaboration among intelligence services.** The coordination and cooperation among intelligence at the European level must be further reinforced, overcoming every kind of difficulty and regularly sharing information.

➤ **International Development Cooperation**

21. **Rethinking and expanding cooperation.** We should rethink and expand international development cooperation, including among its priorities the creation of new stable and decent jobs, the improvement of living conditions, meeting the expectations of youths as concerns training, developing and strengthening democratic and virtuous

institutions within the framework of a long-term vision and programming, considering the demographic dynamics as well as poverty conditions. The creation of social inclusion and labour opportunities and the support to democratisation processes in partner countries may not be separated, both being indispensable for the development and the correct management of migratory phenomena.

22. **Cooperation and migratory agreements.** Development cooperation programmes and projects may back up migratory agreements and partnerships, so as to exploit every possible synergy, but they should never be confused with them, for the two purposes can be complementary but not replace one another. It is our duty to apply what our Parliament decided concerning development cooperation, by approving Law no. 125/2014 that defines specific purposes and clear-cut objectives and explicitly mentions the subjects and instruments that guarantee its quality and effectiveness.

23. **Doubling the resources.** Italy, the EU and its member States should – as soon as possible and notwithstanding difficulties – aim at doubling, in the average, the resources destined to development and act in a coordinated way with their partner countries in order to make cooperation interventions effective and durable, avoiding the deviation of such resources by including them in the internal objectives of the reception of refugees, as it is unfortunately happening. Poorer countries and those affected by migrations cannot be satisfied with just words and exhortations: to create development is costly, as is to ensure a greater equality, well-being, education, to guarantee security, to prevent crime. We must take notice that the current levels of financial allocation for development cooperation are very far from being sufficient in the face of such ample goals. Furthermore, we should persuade ourselves that such financial allocation represents an investment for the future both of partner countries and ours.

24. **European Plan for Foreign Investments.** The European Plan for Foreign Investments, which involves entrepreneurship and aims at implementing primary infrastructures, is aimed at the creation of new business, employment, and at a more widespread development, with special reference to Africa and Neighbourliness (currently being examined by the EP and about to be approved by the Council.) It seems to be a positive initiative and it will have to be consolidated in the coming years. It will also have to be implemented within the framework of an extended coordinated cooperation programme of European countries, on the ground of development plans formulated with partner countries and including a technical support programme to accompany institutions in order to create favourable contexts for investments, to fight against corruption, to implement adequate fiscal and industrial policies, aimed at sustainability and at the effectiveness of interventions.

25. **Remittances.** This investment plan will as well take into consideration the remittances that immigrants send from Europe to their countries of origin (in 2015 over 100 billion Euros; 5.3 billion from Italy only.) In point of fact, it is expected that at least 20% of remittances may be channelled into investment and development programmes.

26. **Co-development.** The transnationalism of immigrants, who often prove to possess a quite noticeable entrepreneurship by investing both here and in their countries of origin – thus fully integrated, while keeping close links with their communities of origin – may favour co-development initiatives at the territorial level, by involving immigrant communities and public administrations in Italy and communities and public administrations

in the territories of origin, with a mutual interest and as a sign of respect, dialogue, and equal dignity. Partnership framework agreements between the two regional administrations may foster specific cooperation agreements involving economic, cultural, entrepreneurial, and social entities of the two territories, with a mutual advantage and for a wider integration of immigrant communities.

## **II – Forced immigration (by wars, persecutions, natural and environmental disasters)**

### ➤ **Much of what was said above holds true, with some further specificities:**

27. To provide for a stronger and active European and international political role in the prevention and management of conflicts and in favouring political dialogue, stability, peace, democratic development, by eliminating the causes of discord that fuel wars, starting from injustice, and avoiding political initiatives prompted by national interests, which have often proved to be adventurous and to generate further problems and divisions. The active role of the EU should also concern climate change, which in the coming future may push whole populations towards new spaces where to survive.

28. To apply, without ever waiving and with the utmost consistency, the provisions concerning the right to asylum and protection as defined at the EU and at the international level, as well as those concerning human rights and non-discrimination. To provide for independent reviewing bodies concerned with this application.

29. To follow up and strengthen, through a more regular programming, humanitarian corridors that ensure legal and assisted entries, and have shown positive results guaranteeing dignity to people in dire need of protection.

30. To identify forms of dignified, human, respectful, hospitable reception (with the possibility to implement courses for adults and minors on Italian language, civic education, information, participation in community services, etc.) while waiting for the completion of the examination of applications for asylum or protection, that should not exceed three months.

31. Therefore, to speed up, even by consolidating Territorial Committees, the examination of the dossiers of every applicant for international protection, according to procedures that are consistent with international conventions and uniform in the whole European Union. Such common procedures should also concern the rights and living conditions that must be guaranteed to those whose right to protection and asylum will be recognised: this would eliminate the rushing of applicants towards the countries that ensure the best conditions, as it happens today, and it may facilitate apportionment among member States.

32. To bear in mind that, until regular entry channels will not be actuated for employment in Italy, Territorial Committees will still be forced to face work overloads to examine doubtful cases among the applications for protection based on false and not

verifiable life stories. This entails loss of time, slowing down of work, growing doubts and suspicion even towards true refugees, reception of people who have no right to it. Also because of this the possibility of regular entries, by following clear-cut criteria, must be implemented as soon as possible.

33. To distribute throughout the national territory the presence of refugees and beneficiaries of subsidiary and humanitarian protection, in agreement with regional authorities and with the 7983 Italian municipalities and to incessantly urge the allocation of refugees with other European and non-European countries (in this last event through the services of UNHCR and IOM.) We must remember that the reception, for example of one million people, would be equal to 0.2% of the whole European population. Therefore, we will always deal with quantities that may be managed without traumas and that may prove beneficial for Europe, if only all member States had a normal spirit of cooperation and solidarity, at the same time avoiding to exacerbate the crisis of the European Union.

34. To emphasise the recognition of the right to asylum and to the status of refugee. Such recognition should be experienced as an act of high political, cultural, and social value, with the participation of the hosting community. It would also help us to overcome prejudices and obsessions. Instead, it is still a merely bureaucratic act, whose value does not appear in its rightful dimension. It would be useful to institute a solemn ceremony twice a year in every region for the formal handling of this recognition to applicants, thus extolling its significance and the rights and obligations it implies. Ministers, vice-ministers, and undersecretaries should take turns and participate in such ceremony, involving territories and communities in the dialogue with newly-recognised refugees.

35. To provide for the possibility of real reception/assistance centres for those who have obtained the status of refugees or protection, distributed throughout the territory, small and manageable, at the level of families or small communities until a job opportunity or independent means turn up. These would have to be small realities of the Sprar kind (that is belonging to the 'System for the protection of applicant for asylum and refugees' which has provided good results) to be identified through Anci, the Conference of Regions and autonomous provinces and to be implemented in agreement with Mayors. NGOs with experience in the dignified reception of refugees in conflict or disaster areas may perhaps contribute with their competence to the management and organisation of activities.

36. To consider such centres as places where hosts must not feel like mere passive beneficiaries of the interventions provided for in their favour, but play a leading and active role in their pathway to reception and social inclusion. It will be necessary to provide for the prosecution of language and civic education courses; to instil the duty to respect the laws, the culture and the traditions of the hosting country; to favour school integration; to prepare labour integration through moments of vocational training in agreement with companies and entrepreneurial associations; to envisage the possibility of including immigrants into the national civil service. In exchange for reception/assistance and of an unavoidable basic assistance contribution, community work and social utility services should be required. It should be possible to empower those who possess specific professional skills or respond to territorial labour needs.

37. To stimulate as well the experience of Italian or immigrant family reception, where families are selected, reviewed, and accompanied, providing for the payment of victuals and



lodging. Even the most integrated diasporas may become (as in part they already are) important reception actors.

38. To revise the criteria, which are usually too technical, guiding the finalisation of social programming, maintained with Italian and European funds, related to reception and integration. The request of programming full of ever more complex forms often excludes subjects with great operational experience and ability to produce an impact on the population, as it excludes active and organised immigrant associations, also favouring a growing reliance on public structures to the detriment of social organisations.

39. To accompany and support the social and labour integration of refugees, so as to make it become, as in other European countries, an important factor for the growth of the Italian GDP and economy. We should also bear in mind that humanitarian flows have actually taken the place of planned migration flows in annual decrees: this requires us to consider these refugees, other than people to be appropriately received, as the new workforce, and this also holds true for family reunification flows.

40. Not to tolerate illegal, devious, sectarian, and violent behaviours that generate conflicts, both from refugees and citizens. Instead, we should favour a culture based on hospitality, listening, and learning (informing in a true and correct manner,) in close cooperation between citizens and institutions, focusing on territorial associations or on immigrants that have been integrated for a long time, who may favour such a dialogue.

41. To take a serious view of the people's fears and to intervene (with the most appropriate arrangements, information and delucidations, dialogue, mediation of the most suitable subjects) to placate them and especially to avoid that such fears turn into a hardly manageable panick. To this purpose, we should ensure the commitment of municipalities, communities, parishes, entrepreneurial and trade union associations, cultural and social centres, youths, educators, already integrated immigrant communities, etc.

42. To become aware of the need of a more considerable investment on awareness-raising actions targeting the population. To inform, to let reality be known in its actual dimension with positive aspects and criticalities, to prepare citizens for reception, to communicate in a convincing and effective way, avoiding the risk of rejection even for the most acceptable choices and objectives.

➤ **For those who have no right to asylum or protection** what has been pointed out about structural immigration holds true, with some specifications:

43. To remove from the territory those who have no right to asylum or protection even after a negative outcome of appeals and the possible verification of their chances of regularisation for employment. Pending the application of the measure (which must anyway occur within a short lapse of time) they have to be accommodated in Identification and Expulsion Centres (CIE). Nonetheless, these centres should have small dimensions and be managed according to humane criteria with the utmost respect for human rights and the dignity of every person, distributed throughout the national territory, following clear and well-defined internal rules and being independently supervised and controlled as concerns the application of expulsion measures. In order to avoid confusions with past experiences it would be right to give them a new name. The big CIE that have been operating until now

must be dismantled because they have shown to be ruinous, useless, and even disastrous for human rights.

44. To proceed in any event with the full involvement and accountability of prefects, quaestors, mayors, regional and autonomous province presidents, in a coordinated way. The management of CIEs (thus reconsidered and resized, and possibly with a different name) may be entrusted to the Red Cross, with specially prepared personnel, and the discreet surveillance of specific police corps.

➤ **To rethink the Common European Policy**

45. To rethink and define with no delays the common policy of the EU concerning the whole issue, as well as the coordination and the collaboration both as regards reception of refugees and their expulsion, possibly through the instrument of enhanced cooperation provided for in the EU Treaty and in the treaty on the functioning of the EU. Thus it will be easier to elaborate/improve/adjust Italian regulations concerning asylum and protection with entry procedures for asylum applicants and for humanitarian corridors, even to the purpose of controlling migratory flows and of hindering/limiting irregular ones; redistribution policies; rejections; returns.

46. To convince ourselves and the public opinion that to raise walls means to encourage even more sophisticated and dangerous forms of human trafficking. The illusion of solving the problem of entries by combating any form of solidarity-based distribution of refugees, besides expressing a dangerous vision of the relations among member States, will soon generate a wider diffusion of illegality, criminality, and corruption. Immigration may be regulated and each one will have to do his/her part. On the contrary, it is useless to think we can stop it.

This document was drawn up by **Nino Sergi**, Policy Advisor for Link 2007, and shared with other NGOs of the Network, which finalised it through their own contributions (January 2017).

*“LINK 2007 – COOPERATION IN NETWORK” promotes active forms of collaboration and coordination among its affiliated NGOs and it contributes, jointly with other networks of NGOs, the subjects engaged in development international cooperation and in humanitarian emergencies, national, European, and international institutions, to promote and affirm the consistency of policies, the quality and sustainability of interventions, the efficacy of development and humanitarian actions, the awareness of the interconnection of global problems.*

*The Network is made up of the following NGOs: CCM, CESVI, CIAI, CISP, COOPI, COSV, ELIS, MEDICI CON L’AFRICA CUAMM, GVC, ICU, INTERSOS, LVIA, WORLD FRIENDS.*

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