



# UNDOCUMENTED MIGRATION IN ITALY CLANDESTINO



## *Counting the Uncountable: Data and Trends across Europe*

Research Brief

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### KEY POINTS

#### *Main facts and figures*

- There were 2,940,000 resident migrants in Italy (as of 1<sup>st</sup> January 2007), representing 5% of the total resident population.
- The stock of migrants has grown quickly during the last two decades (in 2007 the stock was five times larger than in 1990).
- Large inflows and stocks of undocumented migrants is a constant feature of the Italian case.
- There have been five general amnesties in the last two decades (1986, 1990, 1995, 1998, 2002) which have jointly legalized almost 1.5 million irregular migrants. Recent estimates of current stock of undocumented migrants are: 541,000 in 2005, 650,000 in 2006 and 349,000 in 2007. (Fondazione ISMU)

#### *Quality assessment of estimates found in literature*

- There are a wide variety of sources of data on undocumented migrants (administrative data, surveys, estimates, data from NGOs, etc.)
- Detailed surveys specifically designed to obtain a representative sample of irregular migrants are available
- Data from amnesties (and from the quota system) also exist.

#### *Main paths of irregularity*

- Into irregularity: clandestine entry, visa overstaying.
- From irregular to regular: amnesties, quota system.

#### *Relevant policies*

- There is increasing investment in migration control policies (apprehensions at the border, interior enforcement, detention, deportations) alongside the frequent launch of general amnesties.

#### *Main discourses*

- The persistence of undocumented migrants' presence has generated social alarm amongst the Italian public..
- Policy makers generally emphasize the need for tougher measures to tackle undocumented migrants.
- A widespread association between undocumented migration and criminality pervades.

#### *Conclusions - policy suggestions*

- It is necessary to redesign Italian migration policy towards a more reasonable management of migrants inflow.
- The contradiction posed by the widespread employment of undocumented migrants in the Italian shadow economy must be addressed.



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## **THE RESEARCH**

*Estimates and guesstimates of irregular migration in Europe ‘travel’ freely and uncritically among experts, journalists and policy makers without it being clear who produced them first and how. Their source may not be clear, their direction, however, definitely is: these numbers are routinely used as a means of arousing public anxiety about migration and exercising pressure for policy responses.*

*This study critically explores the sources of data and estimates of irregular migration and, in particular, the validity and reliability of the methods used in their production. In doing so, it shows why and how migrants become irregular and whether and how they can achieve legal status. We also critically assess the policies aimed at tackling the phenomenon of irregular migration.*

## **Background of Migration Situation in Italy**

After almost a century of emigration history, Italy has relatively recently become an immigration country. Thus far the institutional framework has been completely inadequate in managing the increasing flows of immigrants. The irregular flows and stock of immigrants and their deep involvement in the Italian shadow economy, therefore, can be better explained as the result of the lack of a reasonable regulation rather than as the deliberate attempt to circumvent it.

On 1<sup>st</sup> January 2007 there were some 2,940,000 resident migrants in Italy, about half of them were female and around 22% were minors. Documented migrants currently represent 5% of the total resident population and they contribute for about 70% of the growth of the population residing in Italy. Although the share of immigrant population over the native population is still well below the values experienced by other European countries, the increase in the foreign born population has been quite steep in the last two decades, with a migrant population that in 2007 was more than five times the level recorded in 1990.

## **Size and Demographic Features of Irregular Migration**

A peculiar aspect of irregular immigration in Italy is represented by its relative dimension when compared with flows and stock of regular migrants. As far as amnesties of undocumented migrants in Europe are concerned, Italy closely competes with Spain for a double record: the highest number of general regularization processes (5 programs since 1986) and the largest number (relatively to the resident migrant population) of immigrants who obtained a legal status through one of these programs. In the last two decades, Italian governments have approved five different amnesties – in 1986, 1990, 1995, 1998 and 2002 – which have jointly legalized almost 1.5 million of the irregular migrants who were already residing in the country. It is worth noting that almost 700 thousand of them were regularized just in the last amnesty of 2002. The most recent analysis shows that more than half of the documented migrants currently residing in Italy obtained their legal status through one of these amnesty processes.

Different sources of information can be combined and compared to obtain a sufficiently clear and updated picture of the current stock of unauthorized immigrants in Italy. According to estimates from survey data collected by the Fondazione ISMU, the stock of undocumented immigrants was around 541,000 in 2005, 650,000 in 2006 and 349,000 in 2007. With respect to the total foreign born population living in Italy in the same years, these estimates imply that the fraction of undocumented migrants was about 16 percent in 2005, 18 percent in 2006 and 9 percent in 2007. In all years, the vast majority of the undocumented migrants were residing in Northern regions, where labour market opportunities are substantially better than in the rest of Italy. Moreover, the poor design of the Italian quota system makes it possible for undocumented migrants already residing in Italy to obtain a legal status through this channel. Applications for the yearly “flow decree”, therefore, can be used to assess the magnitude, composition and geographical dispersion of the undocumented stock. The last “Flow decree”, in 2007, received more than 700 thousands applications, the majority of which are considered to have been filed by migrants who are already unlawfully residing in Italy.

As far as demographics are concerned, different sources tend to draw a similar picture, but wide differences can be observed across origin areas and also across countries within the same area. Male migrants account for slightly more than half of the undocumented population, and they are generally young (and also significantly younger than their documented counterpart). According to the ISMU estimates, the majority of the unauthorized population is composed by Eastern European citizens, followed by North-Africans, and immigrants from Asia and Oceania, Sub-Saharan Africa and Latin Amer-

-ica.

## **Main Paths into and out of Irregularity**

There are three main dimensions to the irregularity of immigrants: entry, residence and employment. We focus on the first two aspects. The distinction between documented and undocumented migrants is based on the legal status of the migrants when entering the destination country (irregular entry) and during their permanence (irregular residence). In Italy – as generally happens in other Western countries – an unauthorized entry implies a subsequent unauthorized permanence, while a legal entry allows for lawful permanence. Moreover, the status of undocumented with respect to residence prevents the migrant from being in legal and recorded employment.

Although Italy is sadly famous for the images of clandestine immigrants shore landing along its Southern coasts, recent estimates of the Italian Ministry of Internal Affairs (2007) pointed out that the migrants arrived in that way represent only a small fraction of the existing stock of undocumented workers. The majority of them (60-75 percent), indeed, are overstayers, while another significant component entered Italy by avoiding controls at the Northern borders and at international ports and airports.

The poor design of Italian migration policy tends to make the chances of becoming a legal resident migrant higher for an undocumented migrant who is already in Italy, than for a potential migrant who is trying to gain a legal access to the Italian labour market from abroad. Indeed, the frequent launch of amnesty programs – and the misuse of the quota system – has created a fairly large, although discontinuous, channel whereby the unauthorized migrants already settled in the country may gain legal status. In order to assess to what extent these amnesty processes have managed to permanently move the migrants out of the shadows of irregularity, we should both analyze the characteristics of the applicants and follow up what becomes of them after having obtained legal status. Some recent studies seem to support the idea that the transition from legal back to illegal status is far less likely to take occur than the reverse, but the evidence is far from indisputable. In order to provide a definite answer, the relationship between legal status and legal employment must be understood. If legal status is a prerequisite for being in legal employment, the maintenance of the legal status – i.e. the capability of renewing residence permits when they expire – is conditional on the permanence of legal employment. Indeed, if legalized migrants do not succeed in finding, or keeping, their legal employment, this will hinder them from successfully obtaining a renewal of their residence documents. Given the magnitude of the shadow economy in Italy, this is a significant concern: the lack of opportunities for legal employment for the migrants will severely weaken any attempt to permanently “bring them to the surface” through the amnesties.

Although the empirical evidence is far from clear, the association between criminality and migrants – and unauthorized migrants in particular – is widespread and deep-rooted in the media and political discourse. The recently elected right-wing government has stoked the debate even further by declaring their intention to classify the lack of legal status as a criminal offence rather than as a mere administrative irregularity. This project has met fierce opposition by the European institutions and it has not been put in place yet. Nevertheless, it has clearly contributed to reinforce the existing stereotypes against undocumented migrants and the fairly widespread tendency to consider them as criminals.

## **Main Policy Recommendations**

There are a number of different sources of information in Italy about undocumented migration and one can now observe the development of a growing body of interdisciplinary research on this specific issue. The relevance of unauthorized migration in the Italian migratory experience is a well established fact. What still needs to be realised, however is that we know about this phenomenon probably more than one would expect from its very nature of hidden and unrecorded process. On the basis of this knowledge Italian policy makers could start working towards designing a migration policy capable of adequately addressing all the challenges and issues posed by the immigration phenomenon.

The management of migration in Italy has been a complete failure so far: not only has the Italian population derived a well-rooted impression that the phenomenon is misman-

aged and out of control, but the country is probably failing to reap the long term benefits of immigration and the migrants are suffering the hostile, uncertain and unfair setting which has been built up in Italy for them.

Starting from a well-founded knowledge of the phenomenon would be a first step towards improving the migration policy. But producing and diffusing information about immigration is an act which requires clear political will from the government side, and it would force its action within the boundaries of a reasonable intervention and out of the irresponsible freedom of “symbolic policies” (which aim more at impressing public opinion, than at addressing the very core of the issue).

A simple glance at any data concerning the employment status of undocumented migrants – which generally have extremely high employment rates – shows the crucial contradiction of the current Italian migration policy: the undocumented migrants are “refused” by the law, but are far from “unwanted” by the Italian labour market. Indeed, among the analysts of the Italian migration phenomenon, there seems to be a general consensus on the fact that the widespread presence of undocumented migrants – both today and in the past – has to be explained more by the lack of a coherent and adequate migration policy than by blaming the immigrants for their violations of the existing rules. The main element of incoherence is crystallised in the sharp contrast between a formally restrictive migration policy and an economy where the demand for foreign workers is strong and growing, and where there is a widespread tendency to indulge in unrecorded and unregistered practices. Given the relative easiness for an undocumented migrant to find irregular employment in the Italian labour market, any announced toughness against irregular migrants sounds, at the very least, hypocritical.

It should be fairly clear to everyone that the most effective way of reducing the number of unauthorized immigrants arriving and living in Italy would be for the Italian citizens to stop employing them. As a matter of fact, even given the strong wage differentials between source countries and Italy, if the chances of finding a job in the shadow economy were very low, the option of migrating to Italy would rapidly lose its attractiveness for the potential unauthorized migrants and for those already settled in Italy. However, this would require a deep social and cultural change. It would also imply the recognition that the past (and current) substantial absence of adequate rules in the migration management partially mirrors the backwardness of the Italian economy and of its society. It is hardly deniable, indeed, that a restrictive migration policy requires a seemingly strict social and economical background, an environment where all the actors are used to abiding by existing laws and regulations.

Finally, Italy should also come to terms with the fact that there is a structural demand for foreign born workers – from both firms and families – which need a reasonable legislative framework to create the conditions for legal working relations between Italian employers and immigrant employees. The frequency of the amnesties granted in recent years and the malfunctioning of the existing quota system show that the Italian migration policy is still far from adequate.

### **For more information**

The full report on Italy, by Francesco Fasani, is available at <http://www.eliamep.gr/en/category/migration/>.

Read the research briefings and full reports of the other 14 countries included in the CLANDESTINO project at <http://www.eliamep.gr/en/category/migration/>

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