



THE POLITICAL ECONOMY OF MIGRATION POLICIES IN ITALY

ABSTRACT

Access to work for non-EU nationals in Italy has been and remains a complex issue. This puts them in a seriously precarious position, socially, economically, educationally and in terms of health. Neither the regulations currently in force nor the new regulations being drawn up by the new government seem to be able to resolve this problem. And yet, the Italian employment system requires a large amount of labour, which is already partly covered by foreign workers who too often work in irregular and therefore precarious conditions. The purpose of this note is to describe the current regulations regarding access to employment for non-EU foreign nationals, indicate the problems with them and suggest possible improvements.



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1 Regular and irregular migrants in Italy

1.1 New legislation on the regularisation of work authorisation for foreign nationals

As of September 2023, there were 5.05 million regular and 0.48 million irregular foreign citizens in Italy.¹ Between 1 January and 15 September 2023, 127,207 migrants had arrived in the country, compared with 42,750 in the whole of 2021 and 66,237 in 2022.² Moreover, a devastating number of irregular migrants died while trying to reach the Italian coast. This large number of migrants to Italy also poses a problem with respect to the repatriation of those who do not qualify for protection. The Italian authorities, like those in the rest of Europe, manage to repatriate only a fraction of the migrants slated for expulsion: between 2013 and 2022, 44,000 migrants were expelled, while 186,000 expulsion orders went unexecuted. In 2022, there were 28,000 expulsion orders but only 2,900 repatriations were actually carried out.³ Given the complexity of the current situation, it is not possible to foresee how many repatriations will be completed in 2023, and consequently how many migrants will remain in Italy without proper visas to work and integrate into Italian society.

Against this backdrop, the current Italian government, comprising a right-wing coalition composed of the Fratelli d'Italia, Lega and Forza Italia, has been trying to reform Italian migration law, announcing a thorough reworking of expulsion and repatriation rules.

Most significantly, in the aftermath of the shipwreck of a barge near Cutro, Calabria, on the night of 25 February 2023, which resulted in the death of at least 94 migrants,⁴ the Italian government issued a new decree-law (DL) to handle migration, the so-called Cutro Decree.⁵

The decree aims at widening the legal means for those who want to enter Italy for work, while combating irregular entry and repealing the so-called special protection to safeguard private and family life. For instance, Article 1 allows for the Presidency of the Council of Ministers to adopt, from 2023 to 2025, a decree to permit entry flows for work. Such a decree will have to indicate both general criteria for defining entry flows and maximum entry quotas for each year.⁶ It will also be possible to reserve entry quotas for workers from countries that agree to undertake information campaigns to raise their own citizens' awareness about the safety risks they might incur while irregularly migrating to Italy.

Article 2 provides some ways to simplify and accelerate procedures for granting work authorisation, while Article 3 introduces the possibility of converting a residence permit issued for study and training purposes outside of quotas into a work permit. Moreover, the decree modifies the duration of the residency permit (Article 4) issued for permanent work, self-employment or family reunification at the time of renewal. The first permit issued has a maximum duration of two years, while on renewal it is possible to request an extension of up to three years. However, other categories of foreigners regularly present in Italy will have to follow more complex procedures to renew their residence permits, increasing the risks of having to live in precarious conditions. In this respect, to facilitate the continuation of legal residence in Italy for citizens already in possession of a residence permit, it would be desirable to have uniform regulations and streamlined processes for renewals.

1.2 New regulations for legal entry for foreign workers

Article 1 of DL No. 20/2023 defines the quota

of legal entry into Italy for work purposes for the three-year period 2023–2025. Articles 5 and 7 establish the total number of entries for each year of the three-year period and, within this framework, also set the quotas for each type of entry of foreign workers. The maximum entry quotas of foreign workers to be admitted for subordinate work, including seasonal work, and for self-employment are, in total, 136,000

for 2023, 151,000 for 2024 and 165,000 for 2025.⁷ For comparison, the last general decree adopted for the recruitment from abroad of non-seasonal subordinate workers dates back to 2010. It provided for the entry into Italy of non-EU citizens for non-seasonal work with a maximum quota of 98,080.⁸ The figures for each category of work for 2023–2025 are summarised in the table below:

	2023	2024	2025
Subordinate employment	52,770	61,250	70,720
Self-employment	680	700	730
Seasonal employment	82,550	89,050	93,550
Total entry quotas	136,000	151,000	165,000

Source: “Programmazione dei flussi d’ingresso legale in Italia dei lavoratori stranieri per il triennio 2023–2025 A.G. 54” (2023) Dossier XIX Legislatura, 31 July, <https://documenti.camera.it/leg19/dossier/pdf/AC0154.pdf>.

1.3 Rules to facilitate the entry of workers into the agricultural sector and combat agromafias

In Article 5, the new regulations provide that employers in the agricultural sector who have applied for allocation of agricultural workers but have not been able, due to a lack of quotas, to hire workers may be given preference over new applicants within the quotas set in the subsequent flows decree. Besides, the new provisions try to protect the national market from agri-food crime.⁹ The remaining staff classified as assistants and operators have the status of judicial police officers.

1.4 Amendments to the special protection residence permit

The new rules tighten the conditions for obtaining a special protection permit, which shields migrants from expulsion or *refoulement* to a country where they risk being persecuted because of their race, sex, sexual orientation,

gender identity, language, nationality, religion, political opinion, personal or social conditions. Special protection should apply to all cases where there are reasonable grounds to believe that the foreigner, in case of expulsion, risks being subjected to torture, inhuman or degrading treatment, or to systematic and serious violations of human rights. Previously, DL 173/2020 made it impossible to expel a foreigner from the national territory if it would result in a violation of the right to respect for one’s private and family life. The public administration had to take into consideration the family ties of the person concerned, the degree of their effective social integration in Italy, the length of their stay in the country, as well as the existence (or not) of familial, cultural or social ties with their country of origin. Article 7 of the new law has repealed this part of DL 173/2020, therefore whether the expulsion causes serious damage to the expelled person’s condition of rootedness in the Italian social fabric is no longer judicially relevant. Following this change, the prohibition of expulsion, *refoulement* and extradition, and

the consequent right to a special protection permit lasting two years, remains valid only in three situations: (a) where removal from Italy creates a risk of persecution based on race, sex, language, citizenship, religion, political opinion, personal or social conditions, sexual orientation, or gender identity; (b) where removal creates a risk of torture or inhuman or degrading treatment; (c) where the constitutional and international obligations of the Italian state in this regard must be respected. Moreover, once a residence permit for special protection (of two years' duration) has expired, it can only be renewed once and for no more than one year.

Thus, although special protection has not officially been abolished, a raft of obstacles has now been raised by the new decree, in order to make it as difficult as possible to obtain. It will no longer be possible to apply for it without following the entire laborious asylum application process, thereby making the decree difficult to apply (and probably causing a massive recourse to the judiciary). Finally, special protection permits can no longer be converted into work permits. DL 20/2023 eliminates the provisions that allowed the conversion of special protection and medical treatment permits into work permits. Special protection permits issued after the entry into force of the Cutro Decree on 6 May 2023 can therefore no longer be converted into work permits. This will prevent the holders of such permits from being able to plan their lives and will end any hope of a stable life on Italian territory.¹⁰

Concerning the convertibility of special protection permits issued before 2023, Article 7 of the Cutro Decree provides that these permits are convertible "if the legal requirements are met". The interpretation of this provision is not clear: it conflicts with Article 6 paragraph 1-bis, letters (b) and (h) bis of the Consolidated Act on Immigration.¹¹ One might wonder how

the legal requirements can exist if the law itself now completely excludes the possibility of converting residence permits for special protection. On the other hand, the literal interpretation of Article 7 paragraph 3 of the Cutro Decree, which is always to be preferred, clearly suggests that special protection permits issued under the third and fourth paragraphs of Article 19 are still convertible. However, there are obstacles. It is not always easy, in fact, to know whether a special protection permit was issued precisely on the basis of the repealed rules. This is especially true if the application for the special protection permit was submitted directly to the *questore*,¹² and was therefore issued on the basis of the opinion of the Territorial Commission.¹³ The problem is that this opinion is not delivered automatically to applicants; to obtain it, they have to request access to the files. Therefore, in order to prove that they have a special protection permit that can be converted into a work permit, applicants must request access to the records: a complex and difficult procedure for foreign nationals, who typically have little knowledge of the Italian language and bureaucracy regarding residence permits.¹⁴

In a recent circular,¹⁵ the Ministry of Interior stated that special protection applications submitted after 4 May 2023 are no longer convertible. On the basis of this simple statement, which is rather questionable since the Cutro Decree came into force on 6 May, many police headquarters have decided to reject even requests for the conversion of permits issued before DL 20/2023. Therefore many applications are expected to be rejected, and this will lead to a great increase in litigation in the courts. On the positive side, these appeals may end with useful measures to change the illegitimate practices of public administrations.

2 How can migrants regularise their status?

The so-called *Decreto Rilancio* (Recovery Decree) provides for a special regularisation procedure for irregular immigrants, that is those working without a work contract and residence permit.

2.1 Nature and purpose of the amnesty procedure

Article 103 provides that employers may apply to hire or declare the existence of an ongoing employment relationship with irregular migrants.

Thanks to this amnesty, irregular immigrants working for Italian companies can obtain a regular employment contract and residence permit. It is, therefore, a double amnesty: the immigrant obtains a regular employment contract with payments, protection and contributions, and also obtains a residence permit.

To obtain an employment contract and residence permit, the immigrant must: (1) work in Italy in agriculture, animal husbandry, fishing or related activities, or as a domestic worker (domestic helper, carer); and (2) have been present in Italy before 8 March 2020. Immigrants who arrived after this date are not entitled to the amnesty.

2.2 Temporary residence permit

Immigrants with residence permits that expired after 31 October 2019 can, thanks to this amnesty, apply for a temporary residence permit, pending acceptance of the application. In this case, it is up to the immigrant and not the employer to apply for a temporary residency permit at the *questura*. The temporary residency permit is valid for six months from the submission of the application.

Once an employer or immigrant applies for amnesty, the irregular immigrant cannot be deported and is authorised to work.

3 Labour situation and integration programmes for migrants in the Italian labour market

In the 2020 report “Migrant integration statistics”,¹⁶ Eurostat develops a concept of integration in four dimensions, called “integration indicators”: employment, education, social inclusion and active citizenship. In the 2018 report “Vita e percorsi di integrazioni degli immigrati in Italia”,¹⁷ the Italian Institute of Statistics instead gives a slightly different definition, identifying five relevant dimensions, called “integration variables”:

- Political variable: includes factors such as the desire to become Italian citizens, participation in public life and interest in current affairs.
- Economic variable: defined by the working conditions, regularity of work, job search in case of unemployment and self-perception of the working conditions.
- Social variable: includes the sense of being respected and not discriminated against, as well as participation in voluntary activities.
- Cultural variable: includes consumption of Italian food, media and culture, and a general appreciation for the latter.
- Linguistic variable: specifically linked to knowledge and use of the Italian language.

An element that unites all these aspects of possible integration is the economic dimension of integration, without which people do not have the material means for sustenance and thus for emancipation within the social fabric into which they wish to integrate.

In Italy, unemployment is higher among foreigners. The 13th Report on Foreigners in

the Labour Market in Italy, containing data updated to 2022,¹⁸ indicates that 2.4 million foreigners are employed in Italy, up 5.2% since 2021, and representing 10.3% of the total employed population. The employment rate is at 60.6% (among Italians it is 60.1%), while unemployment is 12% (7.6% for Italians) and inactivity is 31.2% (34.8% for Italians). All indicators improved since 2021. The Mandatory Communications (Sistema Informativo Statistico delle Comunicazioni Obbligatorie) also confirm the positive trend: activations of contracts with foreign citizens grew by 12.4% in one year (those with Italians grew 10.5%), with a larger increase for non-EU foreigners (14.9%) than for foreigners from the EU (5.8%).¹⁹

The positive data are counterbalanced by the the negative aspects of migrant labour, starting with the strong gender disparity: migrant women have a significantly lower employment rate (47.5%), and higher unemployment (15.2%) and inactivity (43.8%) rates than men. The report also highlights the strong concentration of foreign workers with executive profiles (more than 75% of employees have blue-collar qualifications). Consequently, they have lower salaries and are over-qualified: the share of foreign graduates employed in a low- or medium-skill profession is 60.2% among non-EU citizens and 42.5% among EU citizens, compared with the 19.3% estimated for Italians. The new decrees issued by the government on work permits are likely to increase these numbers in the future.

According to the 2022 data, work is the main cause of migration to Italy for both EU and non-EU nationals, with EU nationals (60.6%) weighing more heavily than non-EU nationals (51.8%). It takes 33% of both EU and non-EU immigrants less than three months to find their first job. About 22% take between three and six months, while 11.7% of EU nationals and 14.4% of non-EU nationals take six months to a year.

Only 17.8% of EU nationals and 12.4% of non-EU nationals arrive in Italy with a job already in hand.

In 2021, 835,000 employed persons in Italy said they felt discriminated against at work: 722,000 Italians, 74,000 EU foreigners and 40,000 non-EU foreigners. In percentage terms, EU citizens were most likely to feel discriminated against at work (5.4%), followed by non-EU citizens (4.8%) and, finally, Italians (3.6%). The reasons for discrimination differ significantly among the groups. Age discrimination affects 11% of Italians, compared with 3.7% of EU foreigners and 1.3% of non-EU citizens. Gender discrimination is also more commonly experienced by Italians (33.9%) than EU (3.3%) and non-EU (3.8%) foreigners, while discrimination on the grounds of foreign origin or religious beliefs affects 91.2% of non-EU foreigners, 87% of EU foreigners and 5.6% of Italians. For EU foreigners, the greatest difficulty is the lack of jobs suited to their skills (23.4% of the total).

These data indicate that in order to improve the integration of foreigners into the labour market, strong interventions need to be initiated in Italy, both to facilitate the encounter between labour demand and supply and to bridge the gaps that characterise foreign men and women workers. Unfortunately, the new regulations adopted by the Italian government do not address any of these aspects.

4 Access to social welfare for regular and irregular migrants: what differences are there?

When it comes to social welfare for regular and irregular migrants, the right to education and healthcare are guaranteed by Italian law. In particular, the Italian Constitution considers healthcare a fundamental right, recognised in principle for every individual.²⁰ Foreign citizens

residing and working in Italy can register with the national health system (SSN) regardless of their citizenship.

Health assistance is also granted to those dependent family members of persons belonging to the above categories who are legal residents; to the minor children of foreigners registered or awaiting registration with the SSN, who receive the same welfare benefits as registered minors; to prisoners and internees, persons in semi-custody or subject to alternative forms of punishment.²¹ Healthcare is also available to those who have pending appeals against expulsion orders, or against decisions to not renew, to revoke or to cancel a residence permit (in this case, the person must produce suitable documentation proving that the appeal is pending).

Irregular migrants are also entitled to receive urgent or essential medical treatment in public and accredited facilities,²² even in the long term, and are also entitled to preventive medicine programmes.

For applicants who do not have sufficient economic resources, services are provided free of charge, subject to the submission of a declaration of indigence (to be completed on a special form issued by the Ministry of Health).

Protecting the health of non-registered foreigners is considered a priority over regularising their stay in Italy. In fact, health professionals treating irregular foreigners are barred from reporting their patients to the authorities. According to Article 35 V of the Consolidated Text on Immigration, access to healthcare facilities by a foreigner who is not in compliance with the rules on residence must not lead to any kind of report to the public security authorities, except in cases where a report is compulsory equally for Italian citizens and immigrants.²³

In addition to this prohibition, there is also the ban, affirmed by case law, on expelling foreigners irregularly present in Italy who are in need of urgent and unpostponable care. It therefore remains up to the judge validating the expulsion to assess the personal situation with regard to the health condition of the person concerned.²⁴

When it comes to the right to study, Article 34 of the Italian Constitution states that schools are “open to all”. Primary education, provided for at least eight years, is compulsory and free. In Italy, education is compulsory for at least ten years, between six and 16 years of age, and fulfilment of the education obligation involves obtaining an upper secondary school qualification or a professional qualification of at least three years’ duration by the age of 18.

Foreign minors in Italy have the right to education and the obligation of school enrolment does not cease if the minor’s parents are irregularly present on Italian territory.

The enrolment of foreign minors in Italian schools may be requested at any time during the school year.²⁵ If, while applying for enrolment in Italian schools, the parents present incomplete personal documentation for the child, they are enrolled with reservations. Registration with reserve does not prejudice the attainment of the final qualifications of courses of study at schools of all levels. In the absence of negative verifications on the declared identity of the pupil, the qualification is issued to the person concerned with the identification data acquired at the time of enrolment.

Failure to comply with the primary education obligation on the part of the parents or those responsible for the child is a criminal offence.²⁶ In addition, failure to comply with the obligation to educate a minor child results in the

complete loss of the credits assigned when the integration agreement was signed and those subsequently obtained, and in the termination of the agreement for non-fulfilment.²⁷

5 Conclusions

The management of migrants in Italy is still by and large stuck in an approach of regulating first reception. Considering migration only in terms of potential social danger for the territory and local populations is a short-sighted and unproductive approach. No particular medium- to long-term strategies have been developed, and programmes for the social, economic and labour integration of migrants are still scarce. On the other hand, it is well known that the demographic and employment situation in Italy creates a need for manpower that the national population alone cannot cover. Social security fears related to the presence of migrants could be validly countered if effective instruments for the integration and regularisation of migrants were developed, which would facilitate their integration into the labour market and allow for greater social security in contexts where migrants are present. Overall, the Italian model would need more pragmatism in regulating migratory phenomena, to facilitate the emergence of irregularities on the one hand, and to drive the regular integration of migrants on the other.

Unfortunately, the strategy that the government is defining for the management of migrants remains entirely focused on security aspects, wherein migrants are considered exclusively as a social danger. As with the management of asylum seekers newly entering the country, access to work remains precarious in the Italian system, resulting in a consolidation of the social and economic precariousness of foreign citizens working or seeking work in Italy.

The work permit system devised by DL 20/2023 based on employers' requests for employees is unlikely to improve the situation: it would require employers to be willing to request a worker from abroad whom they do not know and whose professional skills they have not evaluated. It is much more likely that the decree will eventually serve to regularise irregular workers already in the country. But if this is true, the so-called Flow Decree will not serve to facilitate the legal entry of foreign citizens into Italy and to combat irregular entries, as the government claims to want to do.

Moreover, the very fact that there is such a severe shortage of workers for the next three years (estimated at 452,000 for 2023–2025), indicates that there is actually a need for labour in Italy that the national population cannot meet.

Instead of approaching the management of migration flows only in terms of repression and rejection, which is difficult to achieve in reality, the government should take concrete measures to facilitate access to work for foreign citizens and stabilise precarious foreign workers. For example, programmes should aim at teaching and improving language skills; it is well known that a mastery of the host country's language facilitates a foreigner's integration not only in the labour sphere, but also in general on the individual and social levels. To this should be added actions facilitating access to employment for migrant women, together with training and professional skill enhancement programmes to facilitate internal mobility within the labour sector for migrants who are seeking employment or are already employed. Finally, in order not to waste potential labour resources, actions should be considered that would identify migrants' academic or professional knowledge and recognise the qualifications they hold, so that they can be adequately utilised in the Italian labour market.

Endnotes

- 1 “Migranti e migrazioni in Italia: la dashboard con tutti i numeri” (2023) ISPI, 21 September, <https://www.ispionline.it/it/pubblicazione/migranti-e-migrazioni-in-italia-la-dashboard-con-tutti-i-numeri-126051>.
- 2 Ministero dell’Interno, Cruscotto statistico migrazioni, 15 September 2023.
- 3 “Migranti in Italia, quanti rimpatri ed espulsioni?” (2023) Skytg24.it, 20 September, <https://tg24.sky.it/cronaca/2023/09/20/migranti-italia-rimpatri-espulsioni#00>.
- 4 Bathke, B. (2023) “Italy ends search for bodies after Cutro migrant shipwreck”, infomigrants.net, 31 May, <https://www.infomigrants.net/en/post/49323/italy-ends-search-for-bodies-after-cutro-migrant-shipwreck>.
- 5 Decreto-legge 10 marzo 2023, n. 20 (in Gazzetta Ufficiale – Serie generale – No. 59 of 10 March 2023), coordinated with Conversion Law No. 50 of 5 May 2023 (in this same Official Gazette, at p. 7), on: ‘Urgent provisions on the subject of legal entry flows of foreign workers and the prevention and fight against irregular immigration’ (23A02665) (GU Serie Generale n.104 of 05-05-2023)
- 6 The general criteria for defining entry flows will have to take into account the analysis of labour market needs carried out by the Ministry of Labour and Social Policies, after consultation with the most representative workers’ and employers’ organisations. The congruity verifications of employers requesting workers from abroad will also have to focus on the patrimonial capacity, the economic-financial balance, the turnover, the number of employees, and the type of activity carried out by the applicants. Successful verifications will conclude with the issuance of a sworn affidavit to be produced together with the application to hire the foreign worker. On the other hand, the asseveration will not be required for applications submitted by the most representative employers’ organisations that have signed a special memorandum of understanding with the Ministry of Labour and have undertaken to ensure that their members meet the necessary requirements. In any case, spot checks by the National Labour Inspectorate in cooperation with the Revenue Agency will always remain possible.
- 7 “Programmazione dei flussi d’ingresso legale in Italia dei lavoratori stranieri per il triennio 2023–2025 A.G. 54” (2023) Dossier XIX Legislatura, 31 July, <https://documenti.camera.it/leg19/dossier/pdf/AC0154.pdf>.
- 8 “Archivio decreti flussi” (n.d.) Integrazionemigranti.gov.it, <https://integrazionemigranti.gov.it/it-it/Altre-info/id/68/Archivio-decreti-flussi>.
- 9 The phenomenon of ‘*caporalato*’ practised by agro-mafias is a form of labour exploitation that affects several productive sectors (particularly transport, construction, logistics and care services), but which manifests itself with particular strength and pervasiveness in the agricultural sector. Exploitation takes the form of illegal forms of intermediation, recruitment and organisation of labour. “Indagine conoscitiva sul fenomeno del ‘caporalato in agricoltura’” (2021) Camera dei Deputati, 12 May, https://documenti.camera.it/_dati/leg18/lavori/documentiparlamentari/IndiceETesti/017/009/INTERO.pdf.
- 10 Fachile, S. (2023) “Decreto Cutro. Un percorso di diritto antimoderno”, *Il Manifesto*, 5 May, <https://ilmanifesto.it/decreto-cutro-un-percorso-di-diritto-antimoderno>.
- 11 Testo unico sull’immigrazione, D.Lgs. n. 286/1998, <https://ilmanifesto.it/decreto-cutro-un-percorso-di-diritto-antimoderno>.
- 12 The *questore*, in the Italian administrative system, is a public security authority, with provincial competence and in charge of a *questura*. The *questura* is an office of the public security department with provincial competence, under the Ministry of the Interior.
- 13 The Territorial Commission for the recognition of international protection, established at the Prefecture–Territorial Office of the Government, is the competent authority for examining applications for international protection, previously formalised at the offices of the Border Police or at the Police Headquarters (*questura*). The activities of the Territorial Commissions are coordinated, at the central level, by the National Commission for the Right to Asylum, based in Rome, which is also responsible for the revocation and termination of international protection status.
- 14 Camilloni, R. (2023) “Protezione speciale: è ancora possibile convertirla in lavoro?”, *Integra*, 7 July, <https://www.immigrazionebologna.it/2023/07/07/protezione-speciale-e-ancora-possibile-convertirla-in-lavoro>.
- 15 “Circolare del Ministero dell’Interno del 1 giugno 2023 sulle novità introdotte dal d.l. 20/2023 convertito in legge” (2023) *Integra*, 1 June, <https://www.immigrazionebologna.it/circolare-del-ministero-dellinterno-del-1-giugno-2023-sulle-novita-introdotte-dal-d-l-20-2023-convertito-in-legge>.
- 16 Migrant integration statistics – 2020 edition.

17 Vita e percorsi di integrazioni degli immigrati in Italia, ISTAT 2018.

18 Ministero del Lavoro e delle Politiche Sociali, Direzione Generale dell'Immigrazione e delle Politiche di Integrazione, XIII Rapporto Gli Stranieri nel mercato del lavoro in Italia, 2 August 2023.

19 Integrazionemigranti.gov.it, XIII Rapporto "Gli stranieri nel mercato del lavoro in Italia".

20 Art. 32 I Cost. "The Republic safeguards health as a fundamental right of the individual and as a collective interest, and guarantees free medical care to the indigent".

21 Art. 1 V Decreto Legislativo 22 giugno 1999, n. 230. Reorganisation of prison medicine, pursuant to Article 5 of Law No 419 of 30 November 1998.

22 In order to understand which types of care should be understood as "urgent" and "essential", the Ministry of Health circular of 24 March 2000 specified that

- Treatment that cannot be deferred without endangering the person's life or damaging his health is to be considered urgent.
- Health, diagnostic and therapeutic services are essential, relating to pathologies that are not dangerous in the immediate and short term, but which in time could lead to greater damage to health or risk to life (complications, chronicity or aggravation).

In particular, the following health treatments are guaranteed:

- Welfare services necessary for the protection of pregnancy and maternity, on an equal footing with Italian citizens
- Health protection for minors
- Vaccinations as part of collective prevention campaign interventions
- International prophylaxis interventions
- Prophylaxis, diagnosis and treatment of infectious diseases

23 Article 365 of the criminal code obliges anyone who, in the exercise of a health profession, has provided assistance or work in cases that may present the characteristics of a crime for which ex officio proceedings are required, to inform the authorities. Failure to report is subject to a fine of up to €516. Crimes that must be prosecuted ex officio are, for example, offences against life (voluntary manslaughter, manslaughter, manslaughter, consenting to a person's murder, instigation or aiding suicide, infanticide) and offences against physical integrity (malicious intentional injury by beating, ill-treatment, fighting, abuse of means of restraint). In any case, the health professional providing medical assistance is not obliged to report when this would expose the assisted person to criminal proceedings.

24 Corte Costituzionale, Sentenza 17 luglio 2001, <https://giurcost.org/decisioni/2001/0252s-01.html>, n. 252.

25 Art. 45 Regolamento di attuazione delle norme del Testo Unico sull'Immigrazione (DPR n. 394/99 e successive modifiche), <https://www.gazzettaufficiale.it/eli/id/1999/11/03/099G0265/sg>.

26 Art. 731 Criminal Code (Codice Penale Italiano).

27 The "Regulation concerning the discipline of the integration agreement between the foreigner and the State", issued by Presidential Decree no. 179 of 14 September 2011, came into force on 10 March 2012. From that date, therefore, foreigners over the age of 16 who enter the national territory for the first time and request a residency permit for a period of no less than one year will have to sign this agreement at the Prefectures or the Police Headquarters. The intention behind this was to pursue the path of a pact with the legally resident non-EU citizen, based on mutual commitments. On the part of the State, the commitment is to ensure fundamental rights and provide the means to acquire the language, culture and principles of the Italian Constitution; on the part of the foreign citizen, the commitment is to respect the rules of civil society in order to pursue, in their mutual interest, an orderly path of integration. The regulation uses credits to govern the modalities and outcomes of the verifications to which the agreement is subject, the establishment of the national registry of integration agreement holders and the extraordinary cases for which the signing of the agreement will not be mandatory. The agreement is structured by credits, has a duration of two years and can be extended for one more. It is signed by the Prefect or his delegate, to guarantee the institutions' commitment to supporting the foreigner's integration process through all appropriate initiatives. By signing it, on the other hand, the foreigner undertakes to acquire an adequate level of knowledge of spoken Italian (equivalent to at least level A2 of the Common European Framework of Reference); sufficient knowledge of the fundamental principles of the Constitution of the Republic, civic culture and civil life in Italy (with particular reference to the fields of health, school, social services, work and tax obligations); and, where present, to guarantee the fulfilment of the obligation to educate minor children. In order for the agreement to be considered fulfilled, upon verification, the foreigner must obtain at least 30 credits that must include the aforementioned minimum levels of knowledge of the Italian language and of civil and social life in Italy. See Ministero dell'Interno, Accordo di integrazione per lo straniero che richiede il permesso di soggiorno.

About the author



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Andrea De Petris is currently Scientific Director of the Centro politiche europee (CEP) Italy and Assistant Professor in Comparative Public Law at the Università degli studi internazionali (UNINT) in Rome. He holds a PhD in State Theory and Comparative Political Institutions from the University of Rome 'La Sapienza'. He was Fulbright Research Scholar at the University of California, Irvine, and Jahresstipendiat at the Heinrich Heine Universität in Düsseldorf. He has been working on immigration for many years, including editing the volume *Refugee Policies in Europe* (2017) and publishing various analyses and contributions in collective volumes and specialised websites (in particular, the Accademia Diritto e Migrazioni blog, at the University of Viterbo).

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The Foundation for European Progressive Studies (FEPS) is the think tank of the progressive political family at EU level. Its mission is to develop innovative research, policy advice, training and debates to inspire and inform progressive politics and policies across Europe.

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The Friedrich Ebert Foundation (FES) has been present in Italy since 1973.

FES Italy has three strategic functions in the German-Italian dialogue, which takes place in a European perspective:

- **Information and analysis:** Through numerous analyses, briefing papers, expert reports and studies, FES Italy provides a wide range of information on current political, economic and social developments in Italy.
- **Networking and interaction:** The aim of FES Italy is to bring together and interact with political, trade union, scientific and civil society leaders from both countries.
- **Debate and dialogue:** Information and analysis, as well as networking and interaction, are important prerequisites for a results-oriented debate and international dialogue between Germany and Italy conducted from a European perspective. Through conferences, seminars, dialogue programmes and paper presentations, FES Italy facilitates understanding of the countries' respective stands with the aim of developing common positions in core policy areas.

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Fondation Jean Jaurès is a leading French political foundation, which not only works as a think tank but also as a grassroots actor and a historical memory centre at the service of all those who defend progress and democracy in the world. The foundation, widely recognised for its public utility, pursues the objective of promoting society's general interest.

About Centro Politiche Europee

Launched in 2020, Centro Politiche Europee (CEP/Roma) is the Italian branch of the Centres for European Policy Network, a group of think tanks based in Germany (Freiburg and Berlin), France (Paris) and Italy (Rome). The CEP network aims to develop in-depth analyses of European economic policies and regulations, bringing together different national perspectives to boost the understanding of common challenges among European decision-makers, private organisations, civil society and relevant stakeholders.

About Università per Stranieri di Perugia

The University for Foreigners of Perugia (Unistrapg) was founded in the early 1920s with the aim of promoting Italian culture and heritage abroad. A highly internationalised institution relying on a broad network of student and faculty exchange partners, Unistrapg attracts students from all over the world. Research and teaching at Unistrapg today focus on a number of different disciplines, such as communication, international relations, development cooperation, translation and interpretation, and food and hospitality.