Irregular Migration

A Case study of Italy

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I would like to dedicate this study to my mother and my family. Without their support none of my achievements would have been possible.
List of abbreviations

EU – European Union
EUR - Euro
Eurispes - Istituto di Studi Politici, Economici e Sociali (The Institute of the Political, Economic and Social Studies)
GDP – Gross Domestic Product
ILO – International Labour Organisation
IR – International Relations
ISMU – Iniziative e gli Studi sulla Multietnicità (Initiatives and Studies of Multietnicity)
ISTAT – Istituto Nazionale Di Statistica (National Institute of Statistics)
NGO – Non-governmental Organisation
OECD – Organisation for Economic Co-operation and Development
PD – Partito Democratico (Democratic Party of Italy)
PDL – Popolo Della Liberta (People of Freedom, the party of Silvio Berlusconi, Italy)
RAI – Radiotelevisione Italiana (The Italian Radiotelevision)
UN – United Nations
USD – US Dollar
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1. Outline of the research project

1.1. Introduction, background of the research

Since the beginning of civilisation generations have been prevented from complete settlement in one territory by factors like better climates, bigger amounts of food and, generally, more favourable conditions of other territories. The self-determination of nations, the emergence of states and technical progress gave birth to the new forms of migration, such as labour migration. The appearance of sovereignty of the state closed the borders, and to a certain degree divided people into “citizens” and “others” and provoked the emergence of migration policies. It is recognised that migration contributed to the development of societies, economies and politics. However, since recently migration has begun falling into the irregular category, it’s positive effects are undermined for the countries of origin and destination and especially for the immigrants, due to their vulnerability to the exploitation, trafficking and smuggling.¹

First of all, in order to clarify the background of the problem of irregular migration, I should give a definition of the phenomenon. What this term refers to, how the process of irregular migration functions and why is it irregular. The International Organisation of Migration (IOM) defines irregular migration as a “migration that takes place outside the norms and procedures established by States to manage the orderly flow of migrants into, through, and out of their territories”.² An irregular immigrant is, thus, a person who infringes these norms and procedures. There are several categories of irregular immigrants: so-called “overstayers”, people which enter the country legally and then stay even after visa expiry; people entering the country illegally, either using false documents or in absence of any documents; people entering the country in unauthorized ways, but in this case against their will, being forced by organizations which are engaged in human trafficking and smuggling.³ Illegal entry is defined by the IOM as: “crossing borders without complying with the requirements for legal entry into the receiving State”.⁴ Term “illegal immigrants/immigration” is officially used by the EU institutions. However, using the term “illegal” to define people is rather wrong, since the presence on the European territory

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¹ International organization of Migration official web-page, http://www.iom.int/jahia/jahia/about-migration/managing-migration/managing-migration-irregular-migration,  
² Ibid.  
⁴ International organization of Migration official web-page, http://www.iom.int/jahia/jahia/about-migration/managing-migration/managing-migration-irregular-migration,
might “not be authorised or their status as an immigrant may lack proper documentation, but it
does not put them in a category where their very existence constitutes illegality”. An European
Parliament issued a resolution in 2009, called “on the EU institutions and Member States to stop
using the term “illegal immigrants,” which has very negative connotations, and instead to refer to
“irregular/undocumented workers/migrants.” In this thesis I will use the terms “irregular
immigrants/immigration”, unless I am citing the EU institutions.

The problems connected with the phenomenon of irregular migration are great and crucial. However, much research (Calavita, Concetta Chiuri, Coniglio, Ferri etc.) indicates irregular
migrants’ labour complements the development of the Italian economy and contributes
significantly to the whole industry labelled as “made in Italy”. For a long period of time,
approximately since the arrival of the first immigrants to Italy in the 1970’s this label should
have been renamed into “made in Italy but not by Italians”, due to the fact that foreign workers
took the lowest niche in the Italian working society. They pick up tomatoes in the South, produce
clothes and shoes in the centre, and work in the construction and service sectors throughout the
whole country. Almost all of them are irregularly employed, which means that neither they nor
their employers pay taxes. This also implies that they are paid the lowest wages, have
unregulated working hours and conditions, and are subjected to the highest level of exploitation
and often inhuman treatment by the so-called employers. Fabrizio Gatti, an Italian journalist,
working in “L’espresso”, the branch of the Italian “La repubblica”, has written a book, called
“Bilal, viaggiare, lavorare, morire da clandestini”. The book contains his own experience of
being smuggled through the Sahara in the truck full of irregular immigrants, being closed in
unbearable conditions of the detention centre for irregular immigrants in Lampedusa, Italy, and
picking tomatoes in the south of Italy.

The number of foreigners, residing in Italy legally is estimated as 3 891 295 people (data
from 1st of January 2009) and as 4 330 000 by Caritas Roma. According to different sources of

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6 Ibid. 
7 The official web page of “L’espresso”, http://espresso.repubblica.it/gerenza
8 Fabrizio Gatti, Bilal, viaggiare, lavorare, morire da clandestini, Prima edizione Rizzoli, RCS Libri SpA., Milano, Italy, 2007, “Bilal, to travel, to work, to die as the clandestines”
statistics the amount of irregular immigrants, living in Italy in 2005 is estimated from 500 000 people by Fondazione ISMU (Iniziative e Studi sulla Multiethnicità - Initiatives and Studies on Multiethnicity) to 800 000 by Eurispes (Istituto di Studi Politici Economici e Sociali – The Institute of Political, Economical and Social Studies). Numbers vary significantly due to the fact that there are no unique measures of estimation of such information. Nonetheless, the Italian economy depends significantly on foreign labour. The immigrants took the niche in the Italian labour market which became unwanted by nationals, thus depressing the wages and cheapening the production cost. On the other hand, the costs of surviving for the foreign workers have risen significantly as well. Here I do not talk only about material costs but especially about psychological and physical costs of exploitation, which the foreigners became exposed to. Unfortunately for the great number of immigrants, the wages paid for their slave-like labour are still higher than the ones they would have obtained in their home countries. Thus, watching a neighbour’s family become rich, due to the remittances of a migrated son or father, one decides to migrate him¬ herself. He or she collects the money, which often involves borrowing, pays for the false documents to enter the country or for the inhumanly conditioned smuggling through the border and at the end of the voyage he or she becomes enslaved at a labour camp, or sweatshop to work for 12 hours and be treated “worse than an animal”, in order to collect much needed money and send the remittances home. Someone else in the home-country will watch the newly-migrated person’s family in receiving that money, building the house, and sending the kids to school; and all of this will encourage that someone else to migrate him- or herself. This chain has no end and unfortunately, an immigrant’s dream of freedom and welfare which await him or her in the country of destination often become a nightmare-like reality of slavery.

1.2. Aims of study

One of the concerns of the current study is to analyse empirically and theoretically the economic and political causes of irregular migration to Italy in order to proceed with the critical estimation of the national, international and partly supranational migration policies. Since several theories will be applied during the study it will enable me to fully describe the phenomena of the irregular migration and modern enslavement of the irregular immigrants on Italian territory. I

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will disregard the fact that each theory is criticised on the grounds of being too concentrated on a few aspects of the phenomena and lacking the focus on all of its aspects due to the fact that the joint use of several theories provides a broader outlook. However, one crucial critique will be taken into closer consideration. Thus, the closer study of the phenomenon of modern slavery, strongly interconnected with the irregularity of migration, the duality of the Italian economy and the restrictive migration policies will bring together both the political and economic approaches to migration, whose split appears as the central critique for a great number of IR theories. In the normative part of the study I will focus on the critical analysis of the criminal status of the irregular immigrants assigned to them by the Italian migration policies and the Schengen Treaty of the EU in order to prove that instead of a criminal status, a victim status should be given to all immigrants, regardless of whether they were trafficked into Italian territory or crossed the border on their own free will. Additionally, in the normative part of the thesis I will compare and analyse scholars’ previous findings related to the possible amendments to the existing policies and propose my own conclusions and suggestions of how the laws, policies and governmental focuses “ought to be” changed.

1.3. Limitations of the research

The instability of the Italian politics and economical situation appears to be a great threat to the reliability of this research. Thus the measures taken in constantly changing its structure Italian government might undermine the final findings in future. The use of the Italian media sources in this research process was a dangerous decision, since press and television were granted the status of partly free, in terms of freedom of speech. However after critical estimation of the latter, reliable sources have been chosen. The absence of hard statistical data related to irregular migration appears to be a limitation of the thesis, however, since the research design is not quantitative, this limitation should not be considered a crucial risk to the findings. The fact that numerous empirical studies have been conducted on the subject of migration and the fact that the field’s lack of the theoretical research was strongly criticised by the scholars can affect the innovation aspect and the contribution to the field of this study, especially since this research is rather empirical as well. However, the choice of the category of irregular immigrants and the focus on the modern slavery aspect appear to be innovative for the field. The fact that the research is empirical might be defined as a limitation for the study itself; however I believe that a

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qualitative research design will lead me to the establishment of a new theoretical approach and normative considerations at the final stage of the research.

### 1.4. Research Problem

Until the year 2009 – 2010 when the number of incoming irregular migrants supposedly decreased by 50%, owing to the human rights violations and undermining of the Refugee Convention “Friendship Pact”, signed by Italy and Libya in 2008, and several other similar pacts, signed by the other countries of Southern Europe, the number of irregular migrants to the EU was notably increasing. Italy is defined by the EU authorities as a “southern gate” letting in the immigrants, which afterwards spread all over the Union. Thus it is crucial to study what the causes are of such a high degree of irregularity in migration to the country. The immigrants, especially irregular ones are considered to be the biggest evil by the Italian state and are given the status of criminals for infringing the procedure of the legal entry. However, the irregular immigrants do not appear to be criminals, since they are normally not involved into criminal activities unless they are forced to. Thus, the paradox is formed by having a complete negation of the illegal activities performed on the Italian territory within the hidden economy sector, exploitation and enslavement of the irregular immigrants together with the fight against the latter, which are considered to be criminals instead. It is crucial to study the subject in order to understand the causes of the anti-immigration policies and the governmental focus on the wrong part of the problem, i.e. the immigrants but not criminal agencies and the corruption within the state, to be able to come up with the normative considerations on what “ought to be” changed. The choice of the study of the phenomenon of modern slavery is crucial, since it helps to understand the mistakenness of the criminal status given to the immigrants and the wrong governmental focus within the fight with the irregularity of migration. The numerous research problems lead us to the establishment of the research questions which will follow.

### 1.5. Research questions

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1. What are the economic and political aspects of the irregular migration: causes and consequences;
2. What are the causes of the emergence of the current migration policy in Italy;
3. Modern slavery in one of the EU’s founding Member States, - why is it possible, and how does it affect both the state and the immigrants
4. Normative considerations on what “ought to” be” changed to fight the irregular migration within the framework for respect for human rights.

1.6. Methodology

Ontology

The ontological question of what we study closely relates the position of a researcher to the subject of the study. What matters is whether he or she estimates the world as an entity “out there”, with the rules and regulations which constrain people, or whether the emphasis falls on the social actors which constitute, construct and change that world. Bryman makes a sharp distinction between the objectivist ontological position, which “implies that social phenomena confronts us as external facts that are beyond our reach of influence” and the constructivist position, which argues that “social phenomena and their meanings are continually being accomplished by social actors”. Studying the phenomenon of irregular migration led me to choose the latter ontological position, due to the fact that it appears as a perfect case, where social actors act beyond the rules, hence constructing different social phenomena connected to migration.

Epistemology

The choice of epistemology is connected with ontological considerations. Epistemology shows the author’s position on “how we know things”15. Bryman argues that there are two main epistemologies: positivism, which advocates the use of natural science methods in order to study social science and beyond; and interpretivism, which contrasts positivism, claiming that the differences between humans act against the natural order. Della Porta and Keating distinguish between four epistemological positions: positivism, post-positivism, interpretivism and the humanistic position. The social reality is defined as being objective by the positivist and post-

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positivist epistemologies and as being a fundamental link between subjective and objective by interpretivism and as subjective by the humanistic approach. The main focus of this research is to interpret social actions in order to understand the “causal explanation of its course and effects”, thus, the interpretivist epistemology has been chosen. Since quite an emphasis of this research is put on the individual, the epistemology used might be partly defined as humanistic as well.

Research strategy

The research strategy choice for this thesis depends on several factors. The first reason for choosing a qualitative approach is that scholars define this method as interpretive. Despite the fact that one of the focal points of this research is a cause-effect relationship between variables, the hard statistical data cannot be analysed here, due to the absence of such. There are no official statistics on irregular migration for Italy, which could be a limitation to this thesis in the case of choosing a quantitative research strategy. However, I believe that a qualitative approach aimed to understand “human beings attribute to the external world” will reveal the causes of the phenomenon of irregular migration and answer the research questions stated above.

Research design

The methodology, used for this research might be defined as a mix of empiricist methodology, recognizing context and interpretivist methodology relatively focusing on meanings. Since there are several research questions stated at the beginning of the study, different research designs can be combined here. The main aim of the research is not testing some chosen theory but contributing to the development of one. Thus, since the research questions were formed and the suitable theories were found in the process of research I would describe the research design as induction, hoping that my findings will constitute a theory able to explain the phenomena stated in the research questions. However, studying the causes and consequences of irregular migration implies some testing of the existing meta-theories of migration. Thus, the process of deduction will be applied in order to answer the first research

question: what are the economic and political aspects of the irregular migration; causes and consequences of the phenomenon.

The research design which I chose is a case-study of Italy, due to the fact that the phenomenon of irregular migration and employment appears to be a hot problem in the country. I believe that the choice of case study will lead me to generation of new normative insights at the conclusion of the study.

**Reliability, Validity, Replicability**

Linkoln and Guba propose different criteria in assessing qualitative research, such as trustworthiness and relevance.\(^{21}\) Trustworthiness includes: credibility, which parallels internal validity; transferability, which resembles external validity; dependability, which is equated to reliability and confirmability, i.e. objectivity.\(^{22}\) The criterion of relevance must be fulfilled by a study in order to contribute to the field of study and be important as a research topic.\(^{23}\)

Credibility of the current thesis is medium-high, since the research contains a high degree of my personal conclusions. However, the secondary sources used during the process of research have been critically estimated and many of the conclusions were made based on previously conducted research.

In terms of transferability, this thesis should hold water, due to the fact that it is quite probable that the findings can apply to other Southern European countries, such as Spain and Greece, due to their common features in economy and politics with Italy.

Dependability of the thesis is closely linked with further development of Italy’s national immigration policies and the regulation of the processes connected with the hidden economy. I believe that in case of restriction of the policies without considering the irregular employment, the findings of the thesis would be applicable.

The confirmability of research might have been threatened by my non-EU citizenship, which could push me onto the immigrants’ side. However, my goal as the author was to apply an unbiased approach, estimate and analyse the facts objectively without taking the side of either

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\(^{22}\) Ibid.

\(^{23}\) Ibid.
the peoples’ or governmental groups’. Thus, I believe that the confirmability of the research appears to be high.

I would like to believe that the relevance of this thesis is high, despite the great amount of previous research being conducted on the matters of migration. However, the novelty of the research questions, related to the irregular type of migration, irregular employment, exploitation and forced labour is crucial.

Methods

In order to answer the research questions I have chosen the methods of descriptive analysis and causal explanation. Secondary analysis of qualitative and quantitative data will be performed throughout the whole research process as well. Answering the last research question about what ought to be done in order to diminish irregularity in both migration and employment leads me to the normative stance. Thus, the normative analysis will be conducted in the process of study as well.

Material and the outline of the thesis

During this research I am planning to use a wide range of material, such as previously conducted research on the matter of migration, Italian and international official statistics, Italian web- and media sources, European Migration Network reports, World Bank documents, the official web pages of the Parliament and the Ministry of Interior of Italy, as well as two non-academic sources: two books on irregular migration written by Italian journalists Fabrizio Gatti and Marco Rovelli. I believe that the materials I have used to conduct my research are critically esteemed, and I am happy to have the advantage of knowing the Italian language which allowed me to use authentic Italian sources.

The thesis consists of five chapters. The first chapter will include the introduction which will reveal the background of the research; aims of study; methodology and a short historical background explaining the emergence of migration to Italy and its subsequent development. The second chapter will be aimed at answering the first research question about the causes and consequences of irregular migration; additionally, it will study economic aspects of irregular migration. This chapter requires the use of causal explanation and descriptive analysis of the secondary and primary sources. The third chapter will be focused on the political part of irregular migration. Hence, it will describe the development of current political regime in Italy, the political parties’ formation and the great part of the chapter will be talking about the
evolution of the Italian national migration policies. In the fourth chapter of the thesis I am planning to conduct the research on the modern slavery and I believe that this issue will help me to bring together political and economical aspects of the irregular migration and thus answer the third research question. The fifth chapter will conclude the thesis with the normative part of the research, with the measures which “ought to” be done to diminish the irregularity in both migration and employment in Italy.

1.7. Theoretical Considerations

Existing approaches to migration are crucial in the explanation of the phenomenon and in resolving the research questions. There are several migration theories and models and the study will prove whether they are suitable for the explanation of the issues of the irregular migration to Italy. During the process of research I am planning to answer the question of whether or not restrictive anti-immigration policies decrease the number of immigrants. The irregular migration phenomenon is taken as an example in order to illustrate the problems of the special case of Italy, the duality of the labour market and the relative ineffectiveness of the Italian government policies. The role of the European Union will also be considered in the study due to the great role of the institution in domestic policies of its member states.

In order to explain the phenomenon of irregular migration, I should first explain the regular migration and then concentrate on possible reasons of the irregularity. Hypothetically this kind of research could lead to the establishment of a new approach to migration, focused on the irregular type of the phenomenon.

A number of researchers claim that there is quite a large amount of empirical research on European immigration. However, theoretically relevant research is quite scarcely presented.24 Douglas S. Massey et al. compare six theories of international migration in the European context. The theories are the following: Neoclassical Economics, The New Economics of Migration, Segmented Labour Market Theory, World Systems Theory, Social Capital Theory and Cumulative Causation Theory. For current research it is crucial to consider every theory in the particular context of the irregular immigration to the particular country – Italy.

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Neoclassical Economics explains the phenomenon of migration as caused by the wage disparities between the sending and receiving countries.\textsuperscript{25} Thus, according to this approach people are induced to migrate in order to secure higher incomes. Massey criticises the theory, pointing to the fact that within the European context, it was statistically proven that changes in migration rates are linked not only with the changes in average income but mainly with the shifts in employment of the receiving country.\textsuperscript{26} However, it is quite arguable due to the fact that the unemployment rate in Italy varied significantly from being approximately 8.9% in 1990 till reaching the peak of 11.4% in 1998 and falling to 9.1% in 2009,\textsuperscript{27} while the percentage of foreigners in Italian population showed constant growth from 2.5% in 1990 till 7.4% in 2010.\textsuperscript{28}

The Segmented Labour Market Theory defines migration as the labour demand-led process.\textsuperscript{29} The approach also states that the labour market in the receiving countries is segmented in a way that it reserves different sectors for natives and immigrants.\textsuperscript{30} Hence, the theory explains the fact that often high-skilled immigrants work in a low-skilled sector in the countries of destination, thus taking working places not wanted by the natives and experiencing such phenomena as skill-waste effect. The Segmented Labour Market Theory suits the Italian case, due to the fact that the phenomenon of labour market segmentation is clearly visible in the country. Thus, the Italian labour market is segmented in two different ways: leaving the high-skilled sector to the natives and employing immigrants within the low-skilled sector and often in the hidden economy. During the 1970’s the demand for foreign labour rose significantly in Italy, in order to increase the “flexibility” of production and become more competitive in the foreign market.\textsuperscript{31} This caused the rise in migration into the country’s territory. However, the growth in the demand for foreign labour is not as significant as the rise in the number of immigrants since 1970 until present. Thus, the theory can be criticised also on these matters. Ewa Morawska claims that the current approach also can be criticised on the matters of the unjustified focus on

\textsuperscript{25} Ibid., p.123
\textsuperscript{26} Ibid.
\textsuperscript{27} International Monetary Fund, \url{http://www.imf.org/external/index.htm}, in Index Mundi, \url{http://www.indexmundi.com/italy/unemployment_rate.html},
\textsuperscript{28} International Migration Stock Revision 2008, United Nations web-page, \url{http://esa.un.org/migration/p2k0data.asp},
\textsuperscript{30} Ibid.
\textsuperscript{31} Agostino Petrillo in Gareth Dale and Mike Cole, \textit{The European Union and Migrant Labour, Italy, farewell to the “Bel Paese”?}, Oxford, NY, 1999, p. 234
the demand side of the mechanism, while the supply circumstances co-determine the movement.32

The wage disparities and the demand for migrant labour definitely appear to be the reasons why people decide to migrate. However, the whole process of international migration cannot be explained only by the existence of such phenomena as different wages paid for the same jobs in different countries and as the process was pulled by the demand. Thus the New Economics of Migration explains the decision to migrate as being taken by the households and not by the individuals, in order to manage the risk of the overcoming market failures in the home-country and not in order to reap the higher lifetime incomes in the country of destination.33 An interesting fact is that the amount of immigrants voluntarily returning from Italy to the countries of origin, which is estimated as 7223 people in the period of time from 1991–2006 in comparison to the number of forced returners, which is 26 085 people, appears relatively small.34 This can mean primarily that there exists a high degree of immigration irregularity and secondly that a relatively small number of immigrants return to the home countries in a short term period. The claim that the choice to migrate is made by the household is arguable, due to the fact that decision-making procedures differ from one individual case to another. However, often the capital needed to be spent on transportation and settlement costs is collected by the households.

The World Systems Theory argues that international migration stems from the penetration of capitalist relations into the countries where pre-market or non-market social and economic structures prevail.35 Capitalism and market-relations definitely play their role in the mobility growth of the Earth’s population; however this theory lacks the role of the individual in making the decision to migrate. Migrating from the country of transition from the non-market economy to the capitalist system might be caused by an uncertainty in the future and relatively more open

32 Ewa Morawska, *International Migration: Its various mechanisms and different theories that try to explain it*, Malmö Institute For Studies of Migration, Diversity and Welfare (MIM) and School of International Migration and Ethnic Relations (IMER), Malmö University, Malmö, Sweden, 2007, p. 8
34 Return Migration produced by the European Migration Network, May 2007 https://dofi.ibz.be/nl/statistieken/belgian%20migration%20point/11_1%20EMN_Return%20Migration%20study_May07.pdf,
borders due to the phenomenon of globalisation. The theory attracts vast critiques also on the matters of being “overly global” and too simplified of an explanation.\textsuperscript{36}

The Social Capital Theory does not explain the initiation of migration, which does not appear to be a disadvantage due to the fact that the approach complements already existing approaches on the explanation of the perpetuation of an already existing migration process. Thus, the theory argues that migration is perpetuated by networks of kinship and friendship and by social organisations dedicated to the entry and circulation of migrants.\textsuperscript{37} Both help immigrants to reduce costs and risks of migration and accumulate social capital.\textsuperscript{38} It is understandable that once having migrated, a person would tend to bring his family to the country of destination. Moreover, it appears to be easier and safer to migrate from the country of origin when one is sure to find help among friends and co-nationals who have previously migrated. Thus, Massey gives an example of Irish emigrants to Great Britain, stating that the greater the flow of the immigrants is one year – the larger the flow is next year.\textsuperscript{39} The approach fits the Italian case as well, due to the fact that there exists a large amount of immigrants’ networks based either on nationality or religion. The organisations, sometimes criminal, which help immigrants enter the country, deserve special attention in the research process of the Italian case and the phenomenon of irregularity. Both the false passports and visas produced by some of such organisations, as well as the procedure of smuggling through the ground and sea-borders infringes on immigration laws, and produces a large amount of irregular immigrants, which afterwards become the victims of exploitation owing to the absence of rights on the Italian territory. The role of such agencies is controversial. On one hand, they help desperate people enter the country in the absence of a legal way to do so. On the other hand, their actions put human lives in danger, whether during transportation, which is often carried out in unbearable conditions, or later on when irregular immigrants are exposed either deported once they are caught on Italian territory without documents or exploited within the hidden economy.

Ewa Morawska unites existing approaches under two big groups. Thus, the macro-level theories of international migration include Segmented Market Theory, World System Theory and Push-and-Pull approach. The latter explains the phenomenon of migration as caused by macro-

\textsuperscript{36} Ewa Morawska, \textit{International Migration: Its various mechanisms and different theories that try to explain it}, Malmö Institute For Studies of Migration, Diversity and Welfare (MIM) and School of International Migration and Ethnic Relations (IMER), Malmö University, Malmö, Sweden, 2007, p. 8
\textsuperscript{37} Ibid., p.130
\textsuperscript{38} Ibid.
\textsuperscript{39} Ibid.
level disequilibria between the supply of and demand for labour and the wage differences the imbalance creates.\textsuperscript{40} The approach assumes that the labour market and wage differences will be balanced by international migration flows and thus such flows will be ceased in the long-term.\textsuperscript{41} The push and pull approach will be considered in more detail in the second chapter of the thesis. However, it is important to note that the assumption about the balancing effect of migration on wages is rather shaky, due to the fact that it has been disproved empirically.\textsuperscript{42} The second group uniting approaches for migration studies is micro-level theories. It includes Neoclassical Economic Model, Human Capital Theory, New Economics of Migration, Social Network (Social Capital) Approach and Cumulative Causation Theory.

Cumulative Causation theory identifies not one but several factors causing migration. Due to the fact that each act of migration appears unique and different from another, the social context within which the decision to migrate is made is also different.\textsuperscript{43} Thus the scholars applying this approach in migration studies identify five elements which are affected by international migration.\textsuperscript{44} The first is the distribution of income and its possible improvement.\textsuperscript{45} The second is the distribution of the land and how it depends on the number of out-migrants.\textsuperscript{46} The third element is the organization of agrarian production which receives the influx of capital, and thus modernises itself and leads to dislocation of agricultural labour and thus further out-migration.\textsuperscript{47} Fourth is the culture of migration, when the phenomenon becomes the norm in the local culture and increases the number of out-migrants.\textsuperscript{48} The last and fifth element is the regional distribution of human capital, the level of education and the knowledge of out-migrants which tends to be high.\textsuperscript{49}

Human capital theory shows how migration depends on standard components of individual capital such as age, gender, education, skill, experience, marital status and personality features such as ambition to succeed and “entrepreneurial” spirit.\textsuperscript{50} According to this approach

\begin{itemize}
  \item \textsuperscript{40} Ewa Morawska, \textit{International Migration: Its various mechanisms and different theories that try to explain it}, Malmö Institute For Studies of Migration, Diversity and Welfare (MIM) and School of International Migration and Ethnic Relations (IMER), Malmö University, Malmö, Sweden, 2007, p. 2
  \item \textsuperscript{41} Ibid.
  \item \textsuperscript{42} Ibid., p.9
  \item \textsuperscript{43} Ibid., p. 6
  \item \textsuperscript{44} Ibid., p. 7
  \item \textsuperscript{45} Ibid.,
  \item \textsuperscript{46} Ibid.
  \item \textsuperscript{47} Ibid.
  \item \textsuperscript{48} Ibid.
  \item \textsuperscript{49} Ibid.
  \item \textsuperscript{50} Ibid., p.5
\end{itemize}
willingness to take risks plays a great role in the decision-making process. The theory has been criticised for not recognizing cultural particularities of human values, thus for being hardly applicable across time and space.\(^{52}\)

The theories of international migration receive vast amount of critique for being “economically reductionist”,\(^{53}\) for leaving aside the role of the individual in the decision-making process to migrate, for not taking enough into consideration the cultural aspect of the societies in the countries of origin and, except of the Cumulative Causation theory, for the single-factor explanatory schemes\(^{54}\), etc. However, the existing approaches rather complement each other by explaining different factors that influence the migration flows and the decision-making process.

In this thesis the theories will be incorporated into the empirical study and new critiques will appear. I am planning to point out the approaches which are more suitable for explaining the phenomenon of irregular migration and the current case of Italy.

Explaining the reasons which cause migration is crucial in order to explain further conditions in which the immigrants find themselves after they reach the destination country. Hence, there appears to be a contradiction between the economic and political parts of the process. The government issues anti-immigration policies, thus expecting fewer immigrants to enter the country. The number of immigrants does not diminish, however the immigration process does change its status into an irregular one. Once, the foreigners enter the country, they get illegally employed in different sectors of the hidden economy, get exploited and paid less than minimal wages, or sometimes do not get paid at all. In case the employed immigrants begin to protest against the exploitation, they are getting exposed to the police, who deport them, due to their irregular status. In this thesis, I will be applying the theory of Classical Marxism and its critique to explain the processes happening in the Italian society theoretically.

The International Labour Association defines forced labour as “work or service exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.\(^{55}\) The degree of voluntariness is an arguable question; however, I believe that an inability to work regularly, due to the absence of the needed documents and permits,

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\(^{51}\) Ibid.
\(^{52}\) Ibid., p.9
\(^{53}\) Ibid., p.7
\(^{54}\) Ibid., p.8
makes the choice to offer him/herself to work irregularly involuntary. Thus, being exploited by irregular employers within the hidden economy might be called forced labour.

Private economic exploitation is defined by ILO as the most common form of forced labour. ILO in its report on forced labour pointed out the relations between globalization, forced labour and capitalism. Hence, the study caused a debate between the scholars of different theoretical approaches. Marxist followers claim that exploitation is not reserved for forced labour only. In fact all the labourers, according to Marxism, are exploited through their production of surplus value. Thus, Brass argues that the creation of unfree labour is an essential part of modern capitalism. According to him, “it represents class struggle from above, as labour is disciplined through losing the control of the sale of its own labour power, thus cheapening the labour power cost.” Marx’s central claim is that the exploitation of the working class by the owners of the means of production causes a class conflict which would lead to a revolution and thus a societal change. However, the working class consists of irregular immigrants, exploited within the hidden economy in Italy. Here Marxist reality is distorted by the police controls and the working class fear of being deported from the country of destination. Thus one can claim that the policies of the state which deprive irregular immigrants of the right to stay in the territory of the state and work regularly, and police controls aimed at finding irregular immigrant groups and deporting them back to the countries of origin, deprive the latter from the right to the class struggle as well. The problem of many IR theories is the division between economics and politics. Thus, in this thesis I will work to bring politics back in and study the phenomenon of irregular migration from a political economy perspective. Interestingly, Marxists deny the fact that capital can exist independently of politics. According to Marx, capitalist power works through economic exploitation, in order to extract the surplus value and political oppression to sustain the capitalist mode of production as such. Marxists argue that liberal politics promote equality, while accumulation of capital requires inequality. Thus this duality is contradictory. According to Marxists capital accumulates in the economic-productive sphere, where the class

56 Ibid., p.429
57 Ibid., p.431
58 Ibid., p.432
59 Ibid.
60 Ibid.
63 Ibid., p. 26
64 Ibid., p.29
conflict is generated and surplus value is extracted.\textsuperscript{65} However, Nitzan and Bichler argue that accumulation cannot occur independently from politics, as it cannot be sustained by the individual producer-employer alone.\textsuperscript{66} It requires the legal, ideological, cultural assistance, state organs and other power organizations to shape the processes from above.\textsuperscript{67} Accumulation requires the political power of the nation state.\textsuperscript{68} The crucial fact is that the organizations and institutions are also dependent on the economic aspect due to the fact that they are nourished by the surplus extracted in the process of production.\textsuperscript{69} Thus, “the economic base of exploitation can exist only under a political superstructure of oppression, and vice-versa”.\textsuperscript{70}

1.8. History of Migration to and from Italy

Historically, Italy has been seen as a country of emigration rather than as one of immigration. About 26 million Italians left the country between 1876 and 1976\textsuperscript{71}, thus causing a fall in unemployment and inviting flows of remittances. Until the early 1970’s Italy has also experienced vast flows of internal migration from the south to the north. Thus northern cities in Lombardy and Piedmont became, in some sense, more “southern” cities than the actual ones in Sicily or Campania.\textsuperscript{72} The transition from a country of emigration into one of immigration started in the beginning of the 1970’s and in 1975 Italy showed a positive migratory balance.\textsuperscript{73} The oil crisis and several other economic crises coincided with the start of immigration towards Italy and the Italian “open doors policy” was favourable for immigrants due to the fact that it permitted a visa-free entry.\textsuperscript{74} What caused such a policy to emerge? After the economic crises there arose a need to regain competitiveness in international markets, and thus it required labour market restructuring which would enhance the “flexibility” of the production process.\textsuperscript{75} A large part of production was transferred to small enterprises that employed less than 15 people, and thus were outside of union controls.\textsuperscript{76} This also appears to be the primary cause of the growth of

\textsuperscript{65} Ibid.,
\textsuperscript{66} Ibid.
\textsuperscript{67} Ibid.
\textsuperscript{68} Ibid.
\textsuperscript{69} Ibid.
\textsuperscript{70} Ibid.
\textsuperscript{71} Agostino Petrillo in Gareth Dale and Mike Cole, The European Union and Migrant Labour, Italy, farewell to the “Bel Paese”?, Oxford, NY, 1999, p. 233
\textsuperscript{72} Ibid.
\textsuperscript{73} Ibid.
\textsuperscript{74} Ibid.
\textsuperscript{75} Ibid., p.234
\textsuperscript{76} Idid.
the underground, or informal economy, due to the fact that small firms were able to hire a person who was not a member of the labour union, and owing to the absence of controls, the working contract and working permit issuance were not a necessity.

Active immigration towards Italy was stimulated by restrictive migration policies in other EU states, and the reform of the labour market appeared also to be a pull factor for undocumented migrants, owing to the fact that they became the ideal subject of employment for small firms: these migrants had limited rights, little choice about pay and working conditions and an eagerness to work.\(^{77}\) During this period up until the end of the 1970’s, the decentralization of production and the movement of the labour market towards irregular stance began. These were the years when the “dualization” of the labour market started, and thus it split into a regular and irregular one.\(^{78}\) However, Mingione and Quassoli claim that “irregular” jobs were being historically done by young people, waiting for more stable employment and a hidden economy thus has a long tradition for Italy.\(^{79}\) During the 1980’s, economic growth was relatively stable and unskilled labour was in significant demand, which played the role of another pull factor for immigration.

Italy has one of the lowest birth rates in the world at -8\(^{80}\). At the same time, population is ageing quickly, and thus the country needs the labour force and the tax payers in order to sustain the senior population. Demographers actually call Italy “the oldest country in the world”, stating that 18% of country’s population is over sixty-five and forecasting that by 2030 this number will rise till 28%.\(^{81}\) The president of the Bank of Italy warned that this would have “profound consequences for the retirement system and for national health care expenditures”.\(^{82}\) Restricting immigration policies can thus seem to be a bad idea indeed, since this would limit the number of foreigners which could enter the country regularly and pay taxes and increase the rise of the number of irregular immigrants, who are employed within the hidden economy and thus do not contribute to the state budget.


\(^{78}\) Ibid., p. 235

\(^{79}\) Enzo Mingione, Fabio Quassoli in Russel King, Gabriela Lazaridis, Charalambos Tserdanidis, *Eldorado or Fortress? Migration in Southern Europe*, Antony Rowe Ltd., Chippenham, Wiltshire, Breat Britain, p. 32

\(^{80}\) The official web page of IndexMundi, [http://www.indexmundi.com/map/?v=25](http://www.indexmundi.com/map/?v=25)


\(^{82}\) Ibid., p.352
The history of Italian immigration law started with the first attempt to regularize the phenomena in 1931 with the law acknowledging the existence of immigration. In 1975 another law promoted the expulsion of foreigners unable to sustain themselves financially. The first law regularizing the status of immigrants was issued in 1986, and in 1990 it was followed by the so-called Martelli law, related to working conditions of foreigners and establishment of residence permits. The Turco-Napolitano law, issued in 1998 by the centre-left government of Romano Prodi promoted the improvement of the working conditions of immigrants and established detention centres, where irregular immigrants were held until their irregular status and, in case of the absence of documents, their identity was confirmed. The latest substantial immigration law was established in 2002 by the right-wing government of Silvio Berlusconi, particularly by the leaders of two anti-immigration extreme right-wing parties, Umberto Bossi, the head of the Northern League, and Gianfranco Fini, the leader of former National Alliance, which in 2007 became a part of the political alliance with Berlusconi’s Forza Italia and formed governmental party called Popolo della Libertà. The law was named after its authors, the Bossi-Fini law, and it is very restrictive, promoting the expulsion of irregular immigrants and changes the status of such infringement into a criminal offence. It also established quota system for newcomers thus complicating significantly the regular entry into the country.

Since 1992, when the number of regularly residing foreigners in Italy was estimated by Istat at 648 395 people, this number has risen to 1 022 896 people in 1998, the year of the Turco-Napolitano immigration law issuance, and to 1 448 392 in 2002, the year of the Bossi-Fini law. The number of foreigners residing in Italy legally is estimated at 3 891 295 people (data from 1st of January 2009) and at 4 330 000 Caritas Roma. According to different sources of statistics

84 Ibid., p.144
85 Cittadini, informational web-page of RAI Italia,
http://www.rai.it/RAInet/societa/Rpub/raiRSoPubArticolo2/0,7752,id_obj=32254%5Esezione=associazioniinrete%5ESubsezione=d0.html, authors translation
86 Ibid.
87 Ibid.
92 Caritas/Migrantes, Immigrazione Dossier Statistico 2009, XIX Rapporto sull’Immigrazione, IDOS, Rome, Italy, p.1

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the amount of irregular migrants living in Italy in 2005 was estimated to be around 500,000 by Fondazione ISMU (Iniziative e Studi sulla Multietnicità – Initiatives and Studies on Multiethnicity) and around 800,000 by Eurispes (Istituto di Studi Politici Economici e Sociali – The Institute of Political, Economical and Social Studies). The numbers vary significantly due to the fact that there are no reliable measures of estimation of such information. However, since official immigration policies are very restrictive regular entry is also very complicated. The rising number of regularly residing foreigners can be explained by continuous regularizations of irregular immigrants. Caritas estimates the number of regularized immigrants during the most recent Sanatoria, carried out by the Italian government during August of 2009, at 300,000, occupied mostly in the sector of health and care but also in the other sectors.

The number of immigrants entering Italy is continuously growing, and restrictions promoted by policies impede the regular entry of workers, greatly demanded in the Italian labour market. Instead, the law provokes irregular entry, thus increasing involvement in the hidden economy, tax evasions and exploitation. The main question is: what are the real reasons for such restrictive policies? Is it pressure from the European Union, which claims that Italy is a back door of the Union due to the fact that it is providing entry for irregular immigrants, who then move on to other countries in the EU? Or is it to be explained by the xenophobia of the ruling right-wing parties? These are questions that I will try to answer in this thesis.

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2. Economic aspects of irregular migration

2.1. The impact of irregular migration on the Italian economy and the structural changes in the labour market

2.1.1. Duality of Italian economy

It is argued that the clandestine condition of a migrant is an indirect consequence of restrictive migration policies\(^{94}\), and thus it is crucial to estimate the costs associated with such policies and the effects caused by them. As Ambrosini argues, irregular migrant labour is a composite phenomenon mostly because of the differences of the world’s hidden or irregular work; however, irregular migrant labour fits the Italian economy and harmonizes well with the workings of various economic sectors.\(^{95}\) The positions taken by immigrants on the Italian labour market are often those that have not been picked up by nationals.\(^{96}\) Migrant labour supports the economy by accepting unpleasant tasks, unstable temporary activities and antisocial timing.\(^{97}\) It keeps labour costs low and prolongs activities which otherwise would risk being reduced by rationalization.\(^{98}\) Irregular employment is often the only way for irregular immigrants to find jobs. However irregular migration *per se* does not appear to be the primary cause of the hidden economy. Most likely, restrictive migration policies constraining migrants to an irregular status appear to be the most important explanation for irregular immigrants being overrepresented in the informal labour market. Italy has one of the largest underground economies in the developed world.\(^{99}\) Calavita estimates the impact of this “submerged” part of economy as more than 28% of Italian GDP.\(^{100}\) However, anti-immigration policies are directed to fight irregular immigration and immigrants instead of their employers who in this case infringe on the law by hiring them irregularly. Giovanna Zincone compares the percentage of hidden economy impacts on GDP’s in Italy (20-26%), Finland (2-4%) and Sweden (4-7 %). She argues that such a great differences

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\(^{96}\) Ibid., p. 71  
\(^{97}\) Ibid.  
\(^{98}\) Ibid.  
\(^{100}\) Ibid.
depend mostly on the fact that the Nordic countries do not rely on irregular economy, while Italy enjoys the profits of such, at the same time as they see the promotion of the anti-immigration policies.\textsuperscript{101} Mingione and Quassoli claim that the emergence and rise of the informal economy is caused by complex processes of transitions in global capitalism\textsuperscript{102}; thus it might explain such great differences between Italy, where, as opposed to the development in the Nordic countries, transition has led to more labour-intensive methods with low levels of technology, high flexibility and the rise of low-skilled jobs, low entry barriers to the labour market in terms of skills, capital and organisation, as well as dangerous and dirty working environments.\textsuperscript{103} This process coincided with often massive irregular migration flows to Italy, thus supporting an irregular economy with a suitable labour force.\textsuperscript{104}

### 2.1.2. Irregular migration costs

Irregular migration costs apply to the migrants themselves, the country of destination and the country of origin.

#### 2.1.3. Irregular migration costs for a country of destination.

Restrictive migration policy makers claim that the main effect of migration flows for receiving countries’ labour markets is the general reduction of the level of wages, or the slowing of the increase in the wages growth and the withdrawal of nationals from the labour market. However, Stalker argues that migrants do not necessarily take the same positions as nationals; thus their labour would rather compliment the local one and stimulate the national economy without lowering real wages.\textsuperscript{105} The effects of migration on the host country depends mostly on the general state of the economy\textsuperscript{106}; however, the fact that the irregular migrants’ labour force is ready to accept almost any offers and wages, and frequently positions which are refused by nationals, significantly lowers the cost of production. In such cases it is doubtful that migration

\begin{itemize}
\item[102] Enzo Minglione, Fabio Quassoli in Russel King, Gabriela Lazaridis, Charalambos Tserdanidis, \textit{Eldorado or Fortress? Migration in Southern Europe}, Antony Rowe Ltd., Chippenham, Wiltshire, Breat Britain, p. 30
\item[103] Ibid.
\item[104] Ibid.
\item[106] Ibid.
\end{itemize}
exerts downward pressure on wages paid to nationals.\textsuperscript{107} Thus, the migration of low-paid workers increases profits and could finance greater capital investment.\textsuperscript{108} During periods of slow economic growth, the preoccupation with the migrants’ labour force causing unemployment and depressing wages might seem plausible. However, Stalker argues, based on an OECD study,\textsuperscript{109} that increasing immigration flows are not connected or slightly connected to greater unemployment.\textsuperscript{110} Ambrosini claims that the concept of complementarities analysed as a socio-economic construction shows that migrant labour allows employers not to transfer some manufacture production to another territory where labour supply is higher. Thus it saves them from the establishment of higher wages, the re-qualification of workers and providing suitable housing for the employees.\textsuperscript{111} Chiuri, Coniglio and Ferri also state that only in the short-term prognosis might there be detected the reduction of salaries and withdrawal of nationals from the labour market; in the long-term such negative effects become reabsorbed and balanced.\textsuperscript{112}

One of the most discussed costs of migration for the country of destination, that is tax evasions of irregularly working immigrants, appears irrelevant in the context of irregular migration costs, due to the fact that irregular migrants often have no access to welfare services. Moreover, irregular migrants are often young individuals not burdened by family or children and so require less medical assistance, at least at the starting point. Also, the great contribution to production by irregular immigrants must also be taken into consideration, which hypothetically might overcome economic loss caused by tax evasion. By the same token we must consider the fact that irregular migrants are forced to evade taxes, owing to the absence of the possibility to work regularly and thus pay taxes. Most probably, irregular immigrants would rather pay taxes and work regularly if they had the chance to do so.

While estimating the impact of the phenomenon of irregular migration on the public budget, I should consider the great costs of migration policies.\textsuperscript{113} Thus, the Italian Audit Office estimates the costs of policies to combat irregular migration at € 115 million plus € 30.4 million spent on

\textsuperscript{107} Ibid.
\textsuperscript{108} Ibid., p.90
\textsuperscript{109} Ibid., p. 83
\textsuperscript{110} Ibid.
\textsuperscript{112} M. Concetta Chiuri, Coniglio, N., Ferri, G., L’esercito degli invisibili, Aspetti economici dell’immigrazione clandestina, Il Mulino, Bologna, Italy, 2007, p. 96
\textsuperscript{113} Ibid., p.100
“reception centres”\textsuperscript{114} management (data from 2004)\textsuperscript{115} and costs of expulsion, estimated at €12.7 million (data from 2003)\textsuperscript{116}. However, the European Migration Network claims that only €19 million were spent on assistance and integration programmes for migrants (data from 2005).\textsuperscript{117}

2.1.4. The impact of migrants’ irregular status on bilateral commerce.

It is argued that migration flows have a positive influence on the commerce between the country of origin and the one of destination.\textsuperscript{118} Thus, the development of social networks between migrants and their families and friends who have stayed in the country of origin, and the information spread by migrants which have returned to the country of origin causes new export/import flows to and from the country of destination and technical progress in the country of origin.\textsuperscript{119} The irregular status of a migrant significantly reduces the possibility of them to act on the market, and thus causes the absence of growth in the export/import market of both countries.\textsuperscript{120}

2.1.5. The costs and effects of emigration for countries of origin.

Migration phenomena are linked with economic development in a country of origin mostly owing to remittances that migrants send to relatives and friends or bring back to a country at the moment of return.\textsuperscript{121} The World Bank defines remittances as “current private transfers from migrant workers who are considered residents of the host country to recipients in their country of origin”.\textsuperscript{122} The World Bank also states that the resident status is obtained by migrants in the case of living in a host country for more than a year and does not depend on his/her immigration status.\textsuperscript{123} The irregular status of a migrant has several negative effects on the amount and frequency of the remittances. The first negative impact is linked with the direct influence of

\textsuperscript{115} M. Concetta Chiuri, Coniglio, N., Ferri, G., \textit{L’esercito degli invisibili, Aspetti economici dell’immigrazione clandestina}, Il Mulino, Bologna, Italy, 2007, p. 100
\textsuperscript{116} Ibid.
\textsuperscript{117} Ibid.
\textsuperscript{118} Ibid.
\textsuperscript{119} Ibid., p.101
\textsuperscript{120} Ibid., 101
\textsuperscript{121} Ibid., p. 76
\textsuperscript{123} Ibid., p. xii
restrictive immigration policies, (i.e. quotas in Italy) on the number of immigrants in a country of destination. Supposedly, quotas reduce this amount, thus reducing also the amount of remittances.\footnote{M. Concetta Chiuri, Coniglio, N., Ferri, G., L’
esercito degli invisibili, Aspetti economici dell’immigrazione clandestina, Il Mulino, Bologna, Italy, 2007, p.77} However, as I will argue, restrictive migration policies do not necessarily reduce the number of irregular migrants. Moreover, they often appear to be a cause of irregular migration growth. “Fantastic golden rain” remittances were estimated at USD 318 billion in 2007 including USD 240 billion for developing countries.\footnote{Delip Ratha, Zhimei Xu, Migration and remittances, 2008 The International Bank for Reconstruction and Development / The World Bank, p. x} A crucial fact is that the Official Development Aid for developing countries is estimated at USD 119,8 billion in 2008\footnote{OECD documents, \url{http://www.oecd.org/document/35/0,3343,fr_2649_34487_42458595_1_1_1_1,00.html}}, and thus remittances are more than two times higher than aid. The main critique of the remittances’ effect on the countries of origin’s home economies is that they are primarily used for consumption rather than for investment.\footnote{Peter Salker, Workers without frontiers, The impact of Globalization on International Migration, Lynne Rienner Publishers, Inc., UK, 2000, p. 81} However, Concetta Chiuri, Coniglio and Ferri argue that to the contrary remittances not only sustain the consumption in a country of origin but also appear to be crucial sources for a migrant’s long-term investments, i.e. the possible start of entrepreneurial activity or the investment into children’s education.\footnote{M. Concetta Chiuri, Coniglio, N., Ferri, G., L’
esercito degli invisibili, Aspetti economici dell’immigrazione clandestina, Il Mulino, Bologna, Italy, 2007, p. 79} Moreover, even spent on what might purely be considered as consumption, remittances might cause economic growth, and a rising demand in national goods, thus generating new jobs and stimulating national production.\footnote{Peter Salker, Workers without frontiers, The impact of Globalization on International Migration, Lynne Rienner Publishers, Inc., UK, 2000, p. 82} The second negative impact on remittances is linked to the consequences of the irregular status of the migrant for the flows of remittances.\footnote{M. Concetta Chiuri, Coniglio, N., Ferri, G., L’
esercito degli invisibili, Aspetti economici dell’immigrazione clandestina, Il Mulino, Bologna, Italy, 2007, p. 81} An irregular status significantly reduces the capacity of a migrant to utilise his or her skills, and thus reduces the migrant’s ability to accumulate savings.\footnote{Ibid.} The third negative impact is connected to the process of financial transfer of remittances. Irregular migrants’ possibilities to open a bank account and thus use secure modes to transfer finance are significantly limited. This fact causes a reduction of remittances, partially used for payment of risky and inefficient informal transfer mechanisms, i.e. via friends or co-
nationals, returning to the country of origin\textsuperscript{132} or Money Transfer systems, which take a significant percentage of the sum being transferred as a transfer cost.\textsuperscript{133} Emigration from developing countries also causes positive effects such as reducing excess labour supply and therefore unemployment and increasing wages.\textsuperscript{134} However, the “brain drain” effect appears to be a negative impact of emigration due to a country’s loss of highly qualified workers.\textsuperscript{135}

\section*{2.1.6. Costs of migration for a migrant}

The costs of migration for migrants themselves are both financial and psychological. Thus, an inevitable consequence of irregular migration is so-called \textit{skill waste effect}, i.e. the impossibility for a migrant to fully utilise his or her skills and competences.\textsuperscript{136} Often constrained to employment in low-skill sectors of the labour market, irregular migrants lose their qualifications, thus at the moment of return to a country of origin, former irregular migrants might be constrained to seek employment different from their qualifications. However, this effect applies to both the country of origin and a migrant. The issue of special concern is the impact of working and living conditions on a migrant’s health condition and earning capacity. This matter is crucial and might be equated to a term such as “costs” due to the fact that very often the impact of such condition is rather negative.

The cost of transportation appears to be a great financial cost of migration for a migrant. Often transportation is closely connected with human smuggling, and criminal agencies establish their own prices on their services. Thus, potential immigrants are forced to spend their savings, or go into debt in order to pay for false documents and transportation to the country of destination.\textsuperscript{137} Thus for instance, travelling costs alone vary from approximately USD 1000 for bus or train to USD 6000 for air travel.\textsuperscript{138}

\begin{thebibliography}{99}
\bibitem{132} Ibid., p. 82
\bibitem{133} Ibid.
\bibitem{135} Ibid., p. 78
\bibitem{136} M. Concetta Chiuri, Coniglio, N., Ferri, G., \textit{L’esercito degli invisibili, Aspetti economici dell’immigrazione clandestina}, Il Mulino, Bologna, Italy, 2007, p. 93
\bibitem{137} Ibid., p. 58-59
\bibitem{138} Ibid., p. 62
\end{thebibliography}
2.2. Push/pull factors of international migration.

Which are the factors that convince an individual to migrate? It is not difficult to understand that hopes to improve living conditions appear to be the main push factor for migration. Such desire of improvement might be caused by other factors which thus drive international migration. Wage disparities in sending and receiving countries might be enormous. According to Fabrizio Gatti (an Italian journalist, working for La repubblica and the author of the book based on his field research, who was introduced into migrants’ society in Africa and later in Italy as an migrant himself in Mali) the monthly salary for a plumber is around 61 EUR per month\textsuperscript{139} compared to the three to four times greater wages paid in Italy (even if working irregularly) it makes sense to migrate. Economic and political crises also appear to be great push factors. Great socioeconomic inequalities, restrictions of individual freedoms etc. all appear relevant when researching causes of international migration. However, the phenomenon is caused not only by push factors; pull factors established by a country of destination play a significant role in the process. Thus, it is important to analyse the reasons for migration to Italy, the pull and push factors and their interrelations.

The disparities between the supply and demand factors for the labour force appear as both the push and pull factors in sending and receiving societies respectively. Higher wages in the countries of destination definitely “pull” the migration flows as well. However, the push-and-pull approach is criticized for taking the wage disparities out of the broader economic context and for general “economic reductionism”.\textsuperscript{140} Hence, I should consider other push and pull factors which do not appear to be purely economic in order to better explain the phenomenon of migration and possibly enrich the existing approach.

It might be argued that the process of regularization of irregular migrants appears to be a crucial pull factor in increasing the number of new-coming irregular immigrants. This argument will be considered further. However, Petrillo claims that both the attempt to close the national borders and the regularization of 1990-91 increased the number of irregular migrants.\textsuperscript{141}

Overall, there are several push and pull factors causing international migration, which definitely do not depend only on wage disparities and economic and political crises. Stalker

\textsuperscript{139} Fabrizio Gatti, Bilal, viaggiare, lavorare, morire da clandestini, Prima edizione Rizzoli, RCS Libri SpA., Milano, Italy, 2007, p. 47
\textsuperscript{140} Ewa Morawska, International Migration: Its various mechanisms and different theories that try to explain it, Malmö Institute For Studies of Migration, Diversity and Welfare (MIM) and School of International Migration and Ethnic Relations (IMER), Malmö University, Malmö, Sweden, 2007, p. 9
\textsuperscript{141} Agostino Petrillo in Gareth Dale and Mike Cole, The European Union and Migrant Labour, Italy, farewell to the “Bel Paese”?, Oxford, NY, 1999, p.237
claims that the decision to migrate depends on the consideration of different factors, such as the probability of avoiding deportation, the probability of employment at destination, the earnings if employed at destination, the probability of employment in the community of origin, and the total costs of moving (financial and psychological).\textsuperscript{142} Concetta Chiuri, Coniglio and Ferri also add to this list such factors as: geographical and cultural distance of the country of destination, quality of education obtained in the country of origin, demographic structure in both sending and receiving countries, and migration policies of the country of destination.\textsuperscript{143}

The existence of social links between sending and receiving countries appears to be an important source of information for potential migrants, and thus it should also be included in the list of push/pull factors. Therefore, the push-and-pull approach would contribute to the Social Network theory, explaining the phenomenon by the existence of such migration networks. Concetta Chiuri, Coniglio and Ferri claim that the risks and inconveniences which the migrant will experience, once he or she reaches the country of destination depend mostly on the social network established in the country.\textsuperscript{144} Most often these social networks consist of nuclear families’ “front runners”, and previous migrant representatives of the country of origin who might tend to bring their relatives and friends to the country of destination, thus increasing the will to migrate for the latter ones. However, such networks most probably would have decreased irregular migration as well, if real conditions would have been revealed to potential migrants, due to the fact that quite often migrants’ expectations to find jobs or to gain certain amount of income do not match real results.

Restrictive migration policies do not appear to be neither pull nor push factors for immigration. However, while they deprive immigrants of the possibility to obtain legal status, such policies provoke the rise of irregularity of migration.

\textbf{2.3. Working and living conditions of irregular migrants in Italy.}

Irregular migrants are mostly irregularly employed in different sectors of Italian economy, such as industry/manufacturing, construction, agriculture and domestic services. Other types of employment involve prostitution and unauthorised street trade. In this study I focus mainly on the former types. The issue of working and living conditions of irregular migrants, but often also regular migrants, appears problematic within the context of human rights. While prostitution is

\begin{thebibliography}{9}
\bibitem{143} M. Concetta Chiuri, Coniglio, N., Ferri, G., L’esercito degli invisibili, Aspetti economici dell’immigrazione clandestina, Il Mulino, Bologna, Italy, 2007, pp. 23-25
\bibitem{144} Ibid., p.57
\end{thebibliography}
often closely connected to human trafficking, and thus already implies human rights violations, other sectors where a migrant might be employed ideally should promote integration into Italian society. However, instead of integrating migrants, both regular and especially irregular meet an attitude of “use and discard” while being employed.145

Migrants employed in small and medium-sized companies in the manufacturing sector (clothing, construction, machinery) are often located in the North, North-East and Central regions146. Such jobs often imply quite unfavourable working conditions, dangerous and unhealthy work environments, longer working hours and low wages.147 There are a great number of irregular migrants employed also in construction sector, where salaries vary significantly from South, where wages range from USD 15 to USD 30 a day to the North, where a worker can earn up to USD 50.148 Seasonal jobs are typical in agriculture and the location of the agricultural sector is more geographically dispersed. Thus Sicily and Catania and other southern regions play the most important role in Italian agriculture; however Emilia-Romagna and even northern Trentino-Alto Adige are involved in gardening and the fruit business.149 Southern regions especially appear to be a subject of interest due to the great degree of exploitation of irregularly employed immigrants. Historically, agriculture in Italy is connected with the system of caporalato150 where illegal recruiters hire irregular labourers on a temporary, seasonal and sometimes even daily basis.151 Thus, Marco Rovelli in his book Servi, il paese sommerso dei clandestini al lavoro152 illustrates living and working conditions of irregular migrants: “they get 2.25 EUR per hour for picking broccoli...caporali [irregular recruiters] are working with them, selling the whole groups [of them] to land-owners, which put them to live in abandoned houses, from where they have no right to leave”. 153 Calavita estimates wages paid to agricultural

145 Salvatore Palidda, Migration between Prohibitionism and the Perpetuation of Illegal Labour, History and Anthropology, Vol. 16, No. 1, March 2005, pp. 63–73, p.64
146 Enzo Minglione, Fabio Quassoli in Russel King, Gabriela Lazaridis, Charalambs Tserdanidis, Eldorado or Fortress? Migration in Southern Europe, Antony Rowe Ltd., Chippenham, Wiltshire, Brit Britain, p. 47
147 Ibid.
149 Enzo Minglione, Fabio Quassoli in Russel King, Gabriela Lazaridis, Charalambs Tserdanidis, Eldorado or Fortress? Migration in Southern Europe, Antony Rowe Ltd., Chippenham, Wiltshire, Brit Britain, p.48
150 Ibid.
151 Ibid.
152 “Servants, Undeclared country of clandestine workers”, author’s translation
153 “Loro prendono due euro e venticinque all’ora per raccogliere I broccoletti”...“con rumeni e bulgari lavorano i caporali:vendono le loro squadre ai proprietari dei terreni, che le mettono ad abitare nelle case abbandonate da dove non devono muoversi”, Marco Rovelli, “Servi, il paese sommerso dei clandestini al lavoro”, Giangiacomo Feltrinelli Editore, Milano, Prima edizione in “Serie Bianca”, settembre 2009, p. 25,
workers at USD 10 – USD 15\textsuperscript{154} for eight-to-ten-hour working days. However, since large amounts of workers in this sector are irregular and thus unaccounted for by the government and unions and especially owing to the presence of the mafia and other criminal groups, which control the agricultural sector in the South, the real wage is difficult to estimate due to its variations not only from the South to the North but supposedly within southern territories as well. The trade is characterised by the self-employment of migrants, and largely connected with the hidden economy. Street-vending is also associated with migrants in Italy and often involves selling counterfeit brand-name merchandise or products whose sale is controlled by state monopoly (cigarettes, videotapes etc.)\textsuperscript{155}, therefore crossing the border between crime and irregularity. The domestic services sector employs mostly female irregular and regular migrants, who perform cleaning and child-care services, work as badanti and colf (elder care personnel) and are hired by Italian families or individuals. Data on such workers are highly unreliable, due to the fact that 33\% of foreigners are employed in health and social care sector and 34\% of these foreigners are irregular immigrants.\textsuperscript{156} But there are no official statistical sources which could estimate the percentage of irregularly employed regular or irregular migrants in this sector. It might seem that irregular migrants employed in the domestic service sector appear to be better off than the ones working in the agricultural sector, and to a certain degree they do, owing to the presence of accommodation as they often live in the same flat with the person they look after. However, a strong effect of this “living-in” condition on the private lives of such workers is that it makes it difficult to get married and take care of their own children.\textsuperscript{157} Calavita estimates wages at approximately USD 800 in the northern regions and about USD 500 in the South; however they vary not only depending on location but also according to the nationalities of the workers, thus Philippines are relatively higher paid than other nationalities.\textsuperscript{158} Another big threat for migrants is closely connected with their irregular status, as Marco Rovelli and a number of researchers and Italian journalists claim. Irregular migrants are not only paid below market wage, but they are risking not to be paid at all: “Olga complains to her co-nationals. The Italian for


\textsuperscript{155} Enzo Mingione, Fabio Quassoli in Russel King, Gabriela Lazaridis, Charalambs Tserdanidis, \textit{Eldorado or Fortress? Migration in Southern Europe}, Antony Rowe Ltd., Chippenham, Wiltshire, Britain, p. 49


whom she works does not pay, she says: “I have tried everything, he keeps telling me to wait, but he owes me three months work salary, how will I pay my rent?”

Wages and working conditions of immigrant workers vary significantly between the North and the South even within the same working sector, however being always worse than those of the local workers. Thus, net wages of metal-working vary from USD 600 a month in northern Piedmont or Veneto to USD 1000 in north-central Emilia-Romagna; low-end industrial jobs in the same region of Piedmont, for example car-painting, hire migrants without residence or work permits and the daily income is estimated at USD 30 – 35. In comparison to the northern or central regions, salaries in the southern parts of Italy are greatly different. Thus for garment workers in the South USD 250 is a regular wage for a month of eight-hour to ten-hour workdays. In Altivole in Veneto a large Chinese community works in sweatshops for eighteen hours a day and the monthly salary they get only amounts to USD 350.

The position of irregular immigrants in Italian society is very unstable and non-favourable due to several reasons. They are cut-off from welfare and legal protection; the Italian government does not provide housing neither for regular nor irregular migrants, thus forcing them to accept first rent offers, which often implies substandard conditions of living. However, irregular migrants in Italy have some access to medical assistance and their children have the right to school education while in some other countries, where public welfare programmes are based on citizenship rights, irregular migrants have no such rights.

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161 Ibid.
162 Ibid.
163 Ibid.
164 Ibid.
165 Ibid.
166 Ibid.
3. Political aspects of irregular migration

3.1. History of contemporary Italian political parties’ formation and the move from the left wing to the right wing.

In the early 1990’s, the Italian party system collapsed and was subsequently replaced by a new one. The most notable outcome of the 1990’s was the rise to power of one of the wealthiest men in Italy, Silvio Berlusconi, as well as the concentration of influence over the party system and politics in his hands. In 1993 Berlusconi, Italian media and football magnate, founded his own political party named Forza Italia (Go Italy) after the football chant used by AC Milan fans. After decades of Christian Democratic and Socialist dominance, in 1994, he put together the coalition government consisting of his own Forza Italia, the anti-immigrant and regionalist Lega Nord (Northern League), headed by Umberto Bossi and the neo-fascist Alleanza Nazionale (National Alliance), headed by Gianfranco Fini. The right-wing government did not last long and in 1996 Romano Prodi, representative of the centre-left “Olive Tree Coalition” won the election and became the Italian prime minister. In 2001 Berlusconi and his coalition came to power once again. Since 1994 the elections for the Italian prime minister resembled a tennis game, where the position of the minister resembles a tennis ball, flying from right-wing government to the left-wing. Thus, during 2006–2008 Romano Prodi was elected as a prime minister once again. In February of 2008 he resigned, owing to his failure to win left-wingers’ support in coalition over sending Italian troops to Afghanistan and building US airbases in Italy. The post of prime minister went to Berlusconi once again. One year earlier, in March of 2007, Lega Nord left the previous coalition and Berlusconi formed a new political alliance called Popolo della Libertà (PDL) or People of Freedom. PDL consisted of his Forza Italia and Alleanza Nazionale headed by Gianfranco Fini. The 29th of July 2010 Fini was expelled from PDL and on the 30th of July he formed the new group in the lower house of the Chamber of the

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166 Michael E. Shin, John A. Agnew, Berlusconi’s Italy: Mapping contemporary Italian politics, Temple University Press, 2008, p. 8
Deputies. Fini’s group is called Future and Freedom for Italy and is represented in the Chamber by its 33 members.\textsuperscript{173} Future and Freedom for Italy has also 10 places in the Italian Senate, which could reduce the majority of Berlusconi there by two votes.\textsuperscript{174}

The Italian party system is represented also by central-left parties, such as Partito Democratico (PD) and others, but the right-wing has taken the majority of seats in both houses of Parliament.\textsuperscript{175} The most recent regional elections in March 2010 showed the increase of the influence of the right-wing coalition and anti-immigration Lega Nord. Thus PDL and Lega won the majority of votes in such regions as: Piedmonte, Lombardia, Veneto, Lazio, Campania and Calabria.\textsuperscript{176} A crucial fact is that Piedmonte, Lazio, Campania and Calabria were central-left oriented in the past.\textsuperscript{177}

PDL since it recently lost its ally Gianfranco Fini is no longer an alliance, however, it is still represented the most in the Italian Parliament, taking 240 seats in the Chamber of Deputies\textsuperscript{178} and 135 seats in the Senate.\textsuperscript{179} PD has the second highest number of seats in both houses of Parliament, i.e. 206\textsuperscript{180} and 113\textsuperscript{181} seats in the Chamber of Deputies and the Senate respectively. After the elections in April of 2008 Lega Nord is represented by 60\textsuperscript{182} seats in the Chamber and 26\textsuperscript{183} seats in the Senate and this result is almost two times higher than in 2006 when the party took 26 and 13 seats in the respective houses of Parliament.\textsuperscript{184} Thus it is clearly visible that the popularity of right-wing parties has significantly grown during past several years. The crucial fact is that leaders of anti-immigration Lega Nord and ex-fascist leader of the new governmental

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\textsuperscript{173} The official web-page of EU Observer, \url{http://euobserver.com/843/30567}.
\textsuperscript{174} Ibid.
\textsuperscript{175} Ibid.
\textsuperscript{177} Ibid.
\textsuperscript{178} Official web page of the Parliament of Italian Republic, \textit{Camera dei Deputati}, \url{http://www.camera.it/28}, author’s translation
\textsuperscript{179} Official web page of the Parliament of Italian Republic, \textit{Senato della Repubblica}, \url{http://www.senato.it/leg/16/BGT/Schede/Gruppi/Grp.html}, author’s translation
\textsuperscript{180} Official web page of the Parliament of Italian Republic, \textit{Camera dei Deputati}, \url{http://www.camera.it/28}, author’s translation
\textsuperscript{181} Official web page of the Parliament of Italian Republic, \textit{Senato della Repubblica}, \url{http://www.senato.it/leg/16/BGT/Schede/Gruppi/Grp.html}, author’s translation
\textsuperscript{182} Official web page of the Parliament of Italian Republic, \textit{Camera dei Deputati}, \url{http://www.camera.it/28}, author’s translation
\textsuperscript{183} Official web page of the Parliament of Italian Republic, \textit{Senato della Repubblica}, \url{http://www.senato.it/leg/16/BGT/Schede/Gruppi/Grp.html}, author’s translation
\textsuperscript{184} Ministry of Interior, Italy \url{http://elezionistorico.interno.it/coalizioneListe.php?tp=S&dt=09/04/2006&cta=l&tpEnte=A&tpSeg=C&numEnte=0&sut1=&sut2=&sut3=&descEnte=&descArea=ITALIA (escluso Trentino-Alto Adige e Valle d’Aosta)&codTipoSegLeader=, authors translation

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group called Future and Freedom for Italy are the authors of the recent immigration policies in Italy, i.e. the Bossi-Fini law.

However, it is crucial to study closer national policies related to immigration in Italy, in order to understand the causes of anti-immigration measures taken by the government.

3.2. The development of the Migration law in Italy.

The first attempt to legislate on immigration was made in 1931, when there were provisions set up that classified the phenomenon of immigration as a problem for public order. Furthermore, the Italian criminal code established expulsions of foreigners who committed crimes and were to be imprisoned for ten years or more and the ones who were guilty of crimes against the Italian State. In 1975 Act no. 152/1975 constituted expulsion for foreigners unable to maintain themselves “with sufficient means of subsistence and in respect of law”.

The first law related to immigration is Law no. 943, which was issued in 1986. It regulated working conditions of foreign residents in Italy, promoting equality between immigrants and Italian workers and parity in access to welfare services.

A new law was prepared in 1989 and issued in January of 1990 (law 39/1990, commonly known as Martelli law). It introduced provisions related to entrance, residence, expulsion, asylum rights and control of migration flows. Moreover, it approved legislation on the status of refugees. The law confirmed equality between foreigners and Italian nationals, tightened the conditions of entry into the country but most importantly it introduced the first regularization of foreigners who entered the country before 1989. The residence permit for regularized immigrants had limited duration and often it was complicated to obtain a new residence permit,

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186 Ibid., p. 144
187 Ibid., p. 144
188 Cittadini, informational web-page of RAI Italia, [http://www.rai.it/RAInet/societa/Rpub/raiRSoPubArticolo2/0,7752_id_obj=32254%5Esezione=associazioniinrete%5Esubsezione=.00.html](http://www.rai.it/RAInet/societa/Rpub/raiRSoPubArticolo2/0,7752_id_obj=32254%5Esezione=associazioniinrete%5Esubsezione=.00.html), authors translation
190 Cittadini, informational web-page of RAI Italia, [http://www.rai.it/RAInet/societa/Rpub/raiRSoPubArticolo2/0,7752_id_obj=32254%5Esezione=associazioniinrete%5Esubsezione=.00.html](http://www.rai.it/RAInet/societa/Rpub/raiRSoPubArticolo2/0,7752_id_obj=32254%5Esezione=associazioniinrete%5Esubsezione=.00.html), authors translation
once the old one expired, owing to unreliable local administration. This fact caused a paradox of regularly working irregular immigrants. However, even if a great amount of foreigners remained without residence permits, expulsion was rarely executed.

The establishment of the first laws related to immigration restrictions on a national level has close ties with European Union policies and agreements related to the free movement of people. Thus the Schengen Agreement abolishing all internal borders in lieu of a single external border was signed by France, Germany, Belgium, Netherlands and Luxemburg in 1985. Italy signed the agreement 27th of November 1990, and thus the issuance of Martelli law appears to be a measure which put the country in accordance with certain European standards related to immigration, immigrants’ and asylum seekers’ status and thus enabled Italy to sign the agreement.

Following the rising number of irregular migrants’ landings on Italian territory and thereafter increasing complaints from Schengen states which claimed that immigrants used Italy as a country of entry and transition and afterwards spread around the border-free Schengen area, in 1998 a new Legislative Decree no. 286/1998, called the Turco-Napoletano law, was issued by the centre-left government of Romano Prodi.

The law promoted the issuance of permanent residence cards which guaranteed long-term residence, accessible medical care and education for both regular and irregular immigrants. These permanent residence cards in reality were obtained only by a limited number of immigrants. Working and residence permit separation, promoted by the law, facilitated regularization of immigrants working irregularly; this measure was generated by European Union pressure to diminish the number of irregular immigrants. The law also promoted the

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194 Ibid.
195 Ibid.
197 Ibid.
201 Ibid.
creation of reception centres, centri di prima accoglienza\textsuperscript{202}, where irregular immigrants, detected on the Italian territory, were withheld and sometimes such centres resembled prison camps.\textsuperscript{203} Thus, EU pressures together with the uncoordinated function of local administration, including the Italian ministry of interior, worked against the good intentions of Prodi’s government to establish fairer conditions for irregular immigrants. The Decree brought significant changes into Italian legislation on immigration, and thus it criminalized attempts to assist irregular migrants, promoting imprisonment of up to three years and a fine of thirty million lire for persons facilitating irregular entry of foreigners into Italian territory.\textsuperscript{204}

The latest immigration law passed in Italy is aptly named after its authors Umberto Bossi, the leader of the anti-immigration party Lega Nord, and Gianfranco Fini, the former head of Alleanza Nazionale, which until recent times constituted the PDL, the biggest party in Italian Parliament, and whose orientation is defined as neo-fascist by Calavita.\textsuperscript{205} It was issued in 2002 and is officially called Law n. 189/2002.\textsuperscript{206} It amends the Turco-Napoletano law and introduces a series of innovations. Certain lists were established which were put down by the Prime Minister on the 30\textsuperscript{th} of November each year.\textsuperscript{207} The list included non-EU migrants admitted into Italy for the following year.\textsuperscript{208} Even though there were no limits for high-skilled workers to enter the country,\textsuperscript{209} an invitation from the employer was still necessary to obtain a working visa. Low-skilled non-EU citizens were constrained to obtain a residence contract (contratto di soggiorno), the contract of dependent employment, signed by the employer and the immigrant. This document stated that the employer provided accommodation and the cost of the return-trip, once the contract was expired.\textsuperscript{210} Special immigration offices were established in every province in Italy. The offices were responsible for overseeing the procedures of the recruitment of immigrants, for both open-ended and fixed-term contracts, and for family-reunification

\textsuperscript{202} Matilde Ventrella M Creight in Elspeth Guild and Paul Minderhoud, Immigration and Criminal Law in the European Union: The Legal Measures and Social Consequences of Criminal Law in Member States on Trafficking and Smuggling in Human Beings, Koninklijke Brill NV, Leiden, The Netherlands, 2006, p. 143
\textsuperscript{204} Matilde Ventrella M Creight in Elspeth Guild and Paul Minderhoud, Immigration and Criminal Law in the European Union: The Legal Measures and Social Consequences of Criminal Law in Member States on Trafficking and Smuggling in Human Beings, Koninklijke Brill NV, Leiden, The Netherlands, 2006, p. 146
\textsuperscript{207} Ibid.
\textsuperscript{208} Ibid.
\textsuperscript{209} Ibid.
\textsuperscript{210} Ibid.
applications.\textsuperscript{211} Persons admitted for this procedure were limited to “first-degree” relatives: spouses, children and parents over 65 years old without other financial support.\textsuperscript{212} The duration of residence permits issued for employment purposes was limited to two years with the possibility of prolonging it afterwards.\textsuperscript{213} At the moment of receiving the residence permit, migrants were obliged to leave their fingerprints.\textsuperscript{214} After at least six years residence in Italy, in case of financial stability of a migrant and his or her ability to sustain him/herself and the family, a migrant was allowed to obtain a permanent residence permit.\textsuperscript{215} Irregular migrants were exposed to immediate deportation.\textsuperscript{216} Suspected irregular migrants were taken into reception centres for 60 days, while their identities were discovered by the police.\textsuperscript{217} In case of the confirmation of their irregular status they were ordered to leave the country voluntarily within the period of five days.\textsuperscript{218} In case of violation of the order, they were imprisoned for the period from six months to one year,\textsuperscript{219} or accompanied to the border by the police.\textsuperscript{220} Expelled foreigners who were found on Italian territory would be punished with imprisonment from one to five years.\textsuperscript{221} Generally, police authorities were given greater power to deal with irregular migrants by the immigration law reform, which at a certain point could provoke abuse of power of discretion and discrimination. Unaccompanied minors would obtain regular status at the age of 18 and in the case of at least three years residence within Italian territory.\textsuperscript{222} Moreover, minors were required to attend integration programmes during their stay in Italy in order to receive the residence permit.\textsuperscript{223} Most importantly, the law introduced provisions on the regularization of irregular immigrants, already present and employed on Italian territory for at least three months.\textsuperscript{224} The Bossi-Fini law tightened the gap between the residence and working permit, thus

\begin{flushleft}
\textsuperscript{211} Ibid.  \\
\textsuperscript{212} Ibid.  \\
\textsuperscript{213} Ibid.  \\
\textsuperscript{214} Ibid.  \\
\textsuperscript{215} Ibid.  \\
\textsuperscript{216} Ibid.  \\
\textsuperscript{217} Ibid.  \\
\textsuperscript{218} Ibid.  \\
\textsuperscript{219} Ibid.  \\
\textsuperscript{220} Matilde Ventrella M Creight in Elspeth Guild and Paul Minderhoud, \textit{Immigration and Criminal Law in the European Union: The Legal Measures and Social Consequences of Criminal Law in Member States on Trafficking and Smuggling in Human Beings}, Koninklijke Brill NV, Leiden, The Netherlands, 2006, p. 156  \\
\textsuperscript{221} Official web page of Eurofound, \url{http://www.eurofound.europa.eu/eiro/2002/09/feature/it0209103f.htm},  \\
\textsuperscript{222} Matilde Ventrella M Creight in Elspeth Guild and Paul Minderhoud, \textit{Immigration and Criminal Law in the European Union: The Legal Measures and Social Consequences of Criminal Law in Member States on Trafficking and Smuggling in Human Beings}, Koninklijke Brill NV, Leiden, The Netherlands, 2006, p. 156  \\
\textsuperscript{223} Official web page of Eurofound, \url{http://www.eurofound.europa.eu/eiro/2002/09/feature/it0209103f.htm},  \\
\textsuperscript{224} Ibid.  \\
\end{flushleft}
limiting possibilities for migrants to enter the country regularly due to certain difficulties in obtaining working contract from the country of origin.

Criminalization of irregular immigrants has some of its roots in the Schengen agreement, where it is stated that illegal immigration, meaning unauthorized entry is a crime.\(^{225}\) However, the Turco-Napoletano law never intended the imprisonment of irregular immigrants, due to the fact that it did not consider irregular migration as a crime but as an administrative infringement. During Prodi’s government the political climate in Italy differed significantly from that of Berlusconi’s period. Thus owing to hot debates between Catholic organizations and different political parties which opposed the idea of criminalizing irregular migrants, Article no. 9 of the Schengen agreement (which stated their criminal status) was never implemented in Italy.\(^{226}\) However, visible changes of the political and public attitude to immigrants are reflected in the most recent law of 2002. Thus the new law of Bossi and Fini equates irregular immigrants to criminals.\(^{227}\) Therefore, the foreigner who over-stayed in the Italian territory for more than 60 days after his/her visa or residence permit was expired and did not request the renewal of the residence document was defined as a criminal.\(^{228}\) Immediate expulsion referred to everyone, except the foreigners, which are in need of medical help and assistance.\(^{229}\) A crucial point is that asylum seekers were subjected to the deportation as well.\(^{230}\)

Due to the fact that there are literally no differences between criminals and irregular immigrants in Italy, the right of defence for persons accused in committing crime or other infringements, must be guaranteed for every foreigner, as set in Article 111 of the Italian Constitution.\(^{231}\) However, the Tribunale di Roma stated that Article 13(5 bis) of Legislative Decree 286/1998 as modified by Article 2 (1) of Act 106/2002 contradicted the Italian Constitution, due to the fact that it did not permit a foreigner to defend him/herself.\(^{232}\) Moreover, the foreigner did not have the right to appeal against the expulsion, which by Tribunale di Padova was stated to be unconstitutional as well.\(^{233}\) After the consideration of these questions about the new law by the Italian Constitutional Court, in September 2004, the new Legislative

\(^{226}\) Ibid.
\(^{227}\) Ibid.
\(^{228}\) Ibid., p.154
\(^{229}\) Ibid., p.155
\(^{230}\) Ibid.,
\(^{231}\) Ibid., p.157
\(^{232}\) Ibid.
\(^{233}\) Ibid., 158
Decree 241/2004 was approved.\textsuperscript{234} The decree limited the responsibilities of the police authorities, transforming the procedure of expulsion into communication between the head of the police administration with the territorially competent magistrate.\textsuperscript{235} Moreover, the decision of expulsion was made at the court hearing which takes place \textit{in camera} in the presence of a defence.\textsuperscript{236} In the case of approval of the expulsion decision, it remained immediate (48 hours from the moment of adoption).\textsuperscript{237} The obligatory arrest of foreigners which do not respect the order of deportation was defined as unconstitutional by the \textit{Tribunale di Torino} due to the fact that it irrationally compares over-staying in Italian territory which is an infringement of controversial nature with serious crimes subjected to compulsory arrest by the Italian criminal justice court.\textsuperscript{238} The State Advocate pointed out that the arrest was a necessary measure to avoid irregular immigrants becoming untraceable.\textsuperscript{239} After consideration of the matter, the Constitutional Court has not abolished the power of arrest but specified the cases of which arrest is applicable. Thus, foreigners over-staying in Italian territory without justified reason (\textit{senza giustificato motivo})\textsuperscript{240}, therefore breaching the order of deportation, is punished by imprisonment from one to four years “if the expulsion has been decided on the ground of illegal entry into Italian territory, or for not having required the residence permit within a time limit and in absence of force major, or for having been the permit revoked or annulled”.\textsuperscript{241} The foreigner who has already been arrested due to the aforementioned reasons and is found in Italian territory once again is punished by imprisonment from one to five years.\textsuperscript{242}

In sum, there exists certain ambiguities in Italian immigration laws, and thus a person, entering the country irregularly commits an administrative infringement, while coming back after being expelled is considered to be a serious crime and subjected to imprisonment. Further, after the expulsion is issued the foreigner stays in a detention centre and his/her freedom is limited, although he/she did not commit the crime.\textsuperscript{243}

Immigration policies in Italy are the subject of vast debates, and thus Concetta Chiuri, Coniglio and Ferri argue that there is a contradiction between current restrictive policies and globalization which requires the factor of full mobility of workers, and thus unlimited

\begin{thebibliography}{99}
\bibitem{234} Ibid., p.160
\bibitem{235} Ibid.
\bibitem{236} Ibid., p. 161
\bibitem{237} Ibid., p.160
\bibitem{238} Ibid., p. 162
\bibitem{239} Ibid.
\bibitem{240} Ibid., p.164
\bibitem{241} Ibid., p.163
\bibitem{242} Ibid., p. 163
\bibitem{243} Ibid., p. 168
\end{thebibliography}
migration.\textsuperscript{244} Moreover, immigrants can circumvent those limits, thus the immigrants’ groups which could have been regular in presence of the less-restrictive policies are now replaced by the irregular ones.\textsuperscript{245} Concetta Chiuri, Coniglio and Ferri claim that the main evidence of the current policies’ failures are the constantly repeating regularizations, which change the percentage of irregular immigrants in short-term while in long-term provoking the rise of irregular immigrants’ flows.\textsuperscript{246}

3.3. The anti-immigration pact between Italy and Libya.

The national migration policies of the EU countries are strongly influenced first of all by the demands of the EU. Respect for human rights is an essential part of the EU \textit{aeguis communautaire}; however, the states’ national policies often violate rights and are frequently criticized by international human rights groups. Thus, according to the Human Rights Watch, the “Friendship Pact” signed by the heads of Italy and Libya in August 2008 violates the human rights of the immigrants, as well as implies abuse on the Libyan territory, abandonment of the immigrant groups on the border of the Sahara Desert and the impossibility to request asylum, whether on the Italian or Libyan territory.\textsuperscript{247} The pact implies the procedure of deporting the immigrants before they land on the Italian coast to detention centres in Libya. According to the EU Observer, the actions executed after the pact was signed decreased the number of irregular immigrants, crossing the EU borders by 50\% and increased the number of asylum applications by 8\%.\textsuperscript{248} The numbers speak for themselves, showing that the pact deprives the immigrants the right of becoming an asylum seeker, since they do not have a possibility to enter Italy. The Human Rights Watch states that in Libya as well there was not an opportunity to file for asylum, since the country simply does not have any formal procedure for that.\textsuperscript{249} Libyan leader Muammar Ghaddafi, in fact, categorically denies that the immigrants directed to Libya or to Italy via Libya are in need of any asylum.\textsuperscript{250}

\begin{itemize}
\item \textsuperscript{244} M. Concetta Chiuri, Coniglio, N., Ferri, G., \textit{L’esercito degli invisibili, Aspetti economici dell’immigrazione clandestina}, Il Mulino, Bologna, Italy, 2007, p. 107, author’s translation
\item \textsuperscript{245} Ibid., author’s translation
\item \textsuperscript{246} Ibid., p.108, author’s translation
\item \textsuperscript{247} The official web-page of the Human Rights Watch, \url{http://www.hrw.org/en/node/85604/section/7#_ftn6}, author’s translation
\item \textsuperscript{248} The official web-page of the EU Observer, \url{50\% drop in EU irregular migrant border crossings after Italy – Libya pact}, \url{http://euobserver.com/9/30580/?rk=1},
\item \textsuperscript{249} The official web-page of the Human Rights Watch, \url{http://www.hrw.org/en/node/85604/section/12}, author’s translation
\item \textsuperscript{250} Ibid.
\end{itemize}
Civil and Political Rights, and thus its Article 13, which promotes the individual consideration of every deportation case in order to avoid the deportation of people in need of protection, should be implemented on the Libyan territory. Nevertheless, the Secretary of Justice informed the Human Rights Watch that the rule of non-deportation appeals only to Somali and Eritrean citizens, leaving aside all other nationalities of the African continent. When the Italian prime minister was confronted by a number of human rights groups on the grounds of deprivation of prospective asylum seekers from their legal rights, Berlusconi claimed that among the people who arrive by boat to the Italian coasts there are no asylum seekers, and in the case that there are, it must be an exceptional case. However, the Human Rights Watch stated the statistical fact that 75% of the immigrants, who arrived in Italy by sea, applied for asylum; 50% of applicants later received the refugee status.

The “Friendship Pact” implies the collaboration between Libya and Italy, representing the EU, in the fight against terrorism, drug smuggling and irregular migration. At the same time the same pact undermines the values of the EU and infringes on the Refugee Convention. The pact represents a controversial partnership between Libya, which will receive Italian investments at the rate of $5 billion in order to repay the damage inflicted on Libya by Italy during the colonial period (from the year 1911 till 1943), and Italy and the EU, which will achieve the drop in the number of irregularly arriving immigrants. The political and moral price of such achievement appears to be high indeed, since the immigrants are not only deprived of the right to asylum application but are also held in the inhuman conditions of detention centres in Libya until they are deported to their home countries, where there might exist a threat of being executed or significantly harmed.

The EU’s concern in diminishing the number of the irregular immigrants in the Union is high on its agenda, since during the years 2007-2008 the amount increased significantly. However, the remedy which has been chosen by the Italian state, with the support of the EU, appears to be counterproductive, to say the least. While both states do not fight the corruption within their own borders, it gives the possibility to the smugglers to engage in their criminal business and get paid for it by desperate people since they are aware that the immigrants will be caught by the patrols in the open sea and will be sent back to Libyan detention camps. EU and Italy seem little

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251 Ibid.
252 Ibid.
253 Ibid.
concerned with how many people die during the deportation trips which, according to the Human Rights Watch, often end on the border with the desert, where the deported are left on their own without food and water. They are also unconcerned with how people are treated in the detention camps, which lack medical assistance, food and resemble prisons. Finally, they are indifferent to how many people are going to face persecution once they return to their home countries, how many children of those who decided to migrate will die of hunger owing to no remittances arriving from abroad. The main interest of the Union is to make it harder for migrants to enter the member states irregularly. However closing the borders and applying the restricted migration policies do not function well and do not produce desirable results. The latter pact seems to have led to a drop in the number of irregular entries to the EU, but nevertheless, it is unknown how long this will last (the recent growth of irregular entries into Greece underscores this uncertainty).  

This kind of national and EU policy initiated by a member-state, shows that sometimes the values written in the *aquis communautaire* are given up in order to achieve some specific goals.

### 3.4. *Sanatoria, the regularization all’Italiana.*

Regularizations are one of the most discussed instruments used to govern and manage migration. The opponents of such argues that regularizations appear as an award to those who infringe on the law and stimulate new migration flows, while the ones in favour underline that the regularizations increase the tax revenue, weaken the hidden economy, support the integration of immigrants and help in the future fight against irregular migration.  

There are two types of regularizing programmes: regularizations *de facto*, which are held automatically for the migrants who reside in the territory of a receiving country for a certain amount of years, (for example 14 years in Great Britain). However, the majority of the regularizations are programmes *ad hoc*, which are not expected to be repeated. These programmes apply to migrants who satisfy certain requirements of residence and employment. Some supposed benefits carry weight in support of the regularizations. Thus the working conditions of migrants improve significantly if their status is changed to a regular one, due to the fact that they can avoid exploitation by so-
called employers. Economic consequences are great as well due to the fact that in the case of migrants being irregularly employed either in the hidden economy or in formal activities, it is difficult for the authorities to understand and regulate the labour market, and it becomes difficult to require insurance and tax payments.\textsuperscript{261} One of the controversial aspects of the regularizations is that not every migrant can benefit from them. Thus only irregular immigrants who lived and worked in the country of destination are eligible for regularizations. The other criteria for the programme of regularization’s admission is the knowledge of the language, the presence of the employer who sponsors the immigrant, the payment of social security contributions, the existence of parental links with a citizen, or the non-existence of a criminal record.\textsuperscript{262} The principal argument against the regularizations is that supposedly they encourage continued, even increased irregular migration.\textsuperscript{263} Moreover, the effect of the regularizing programs has limited duration due to the fact that the migrants return to their irregular status once the residence permit expires. This fact develops the pressure and causes future regularizations.\textsuperscript{264} One could argue that the regularizations cause stagnation of the irregular economy; however it could also cause a growth of informal employment.\textsuperscript{265} The latter might happen due to several reasons, such as: unavailability of the employers to increase wages; high demand for irregular labour; and the impact of migrant networks that facilitate the perpetuation of undeclared work.\textsuperscript{266} Thus, it is difficult to estimate the actual impact of the regularizations on the irregular economy, due to the fact that the links between irregular immigration and informal economy seem to be reversed. Thus, the question emerges: who benefits in this situation? Irregular migrants who become exploited in informal sectors only owing to their irregular status and the absence of required documents, or irregular employers who exploit the immigrants paying a small percent of minimum wages and thus making their businesses significantly more profitable? This problem takes on huge proportions in Italy. However, migration policies which claim to fight the underground economy are mostly oriented towards making life more difficult for the already vulnerable migrants while not targeting those profiting from the practice, namely the irregular employers.

\textsuperscript{261} Ibid., p. 119, author’s translation
\textsuperscript{262} Ibid., p. 124, author’s translation
\textsuperscript{263} Ibid., author’s translation
\textsuperscript{264} Ibid., p. 125, author’s translation
\textsuperscript{265} Ibid., author’s translation
\textsuperscript{266} Ibid., p. 126, author’s translation
3.5. Italian mass media and its impact on the public attitude towards migration and migrants.

“In the world ranking of the press freedom Italy is located on the 73d place”\(^\text{267}\)

“For the 80% of Italians television is the main source of information”\(^\text{268}\)

Media plays a crucial role in the politics of every state. Television, newspapers and magazines have a significant impact on people’s minds and thoughts. Media in Italy has played a key role in the historic transformations of the Italian state. Thus in times of Benito Mussolini and the rise of fascism, it had been used as the main source of fascist propaganda. After the war it played a crucial role in recovery of the country, promoting the ideals of hope and renewal and letting the Italians feel like one of the leading nations in Europe again. With the rise in power of Silvio Berlusconi, the richest man in Italy, previously earned freedoms seemed jeopardized. Berlusconi is a media magnate and owns three television channels of the Mediasat Group, such as Retequattro, Canale 5 and Italia Uno\(^\text{269}\), numerous magazines, a film-production company and several publishing companies.

The media in Italy has always been the means of one-sided communication of the political elites and wider masses. Therefore, it appears to be one of the biggest political institutions as well as social and cultural mediators. In Italy media sources have always been controlled by the political parties, and thus the state-owned RAI, which includes three television terrestrial channels (RAI 1, RAI 2 and RAI 3),\(^\text{270}\) has historically been in the pockets of the ruling centre-left parties\(^\text{271}\). However, after Berlusconi came to power in 1994, he, as the owner of the television channels of the Mediaset Group did not hesitate to exercise pressure over RAI as well.\(^\text{272}\) These actions caused a hot debate in the parliament and beyond government and the president of the Republic expressed strong criticisms. In December 1994, the first government of Berlusconi resigned, leaving the place to Prodi’s Olive Tree Coalition government, which led the


\(^{272}\) Ibid., p. 105
RAI’s political mood to the centre-left once again. However, the duopoly between RAI and Mediaset continued its existence and thus, the centre-left government tried to privatise the core channels of the RAI: RAI 1 and RAI 2. Nevertheless, the privatization was not implemented before the centre-left lost of the election to Berlusconi in 2001. The opposition to Berlusconi’s right-wing coalition strongly criticised his subsequent actions on the grounds of introducing “favourable” legislation for the Mediaset, hence boosting the company’s profit and taking control over both Italian broadcasters: the Mediaset and RAI. Moreover, two laws issued by the Berlusconi government during 2001–2006, such as the Gasparri law, which relaxed media ownership rules, and the Frattini law, which set the rules related to the conflict of interests in public life, were strongly criticized in the Council of Europe report, published in 2005. These laws did not do much to resolve the problem but confirmed and strengthened Berlusconi’s dominance over the mass media.

Article 10 of the Convention of Human Rights deals with freedom of expression, stating that:

“Everyone has the right to freedom of expression and everyone has the right to receive and impart the information without the interference of the public of political authorities.”

Therefore, pluralism in the media is considered to be one of the necessary means to maintain freedom of expression, while the concentration of ownership seriously threatens this right.

The Freedom House is a US-leading NGO, reporting about the freedom of press. The striking point is that in the report of 2003 Italy joined Turkey in the category of “partly free” press states. A later report, released in 2006, confirmed once again the position of Italy within the same category. The report also points out that while freedom of speech which is guaranteed by the Constitution of the Italian state it is severely constrained by the concentration of power over mass-media in the hands of the prime-minister Silvio Berlusconi.

Hence, the ownership of a large part of the mass media in Italy by the prime minister not only threatens the freedom of speech but also risks imposing a quite one-sided opinion on the masses, thus forming public attitudes on various issues. Since the focus of this study is on the
politics of irregular migration in Italy and, in particular, on the anti-immigration and anti-immigrant policies and rhetoric issued by the right-wing coalition, there is every reason to believe that the governments’ strong hold on the media also pays dividends in shaping an advantageous public opinion on the issue of migration.

It seems quite easy to form anti-immigrant moods in society when the media constantly broadcasts negative images of migration and the migrants, i.e., showing migrants being involved in crime, drug-dealing and other illegal activities. There is less news about the migrants being exploited within the informal economy and held in the detention camps in prison-like conditions. It is understandable that once such a public attitude is formed it is also quite easy for right-wing parties to earn votes in future elections, since governmentally controlled television and press constantly inform the society that they organize le ronde – the folk non-armed groups in order to “clean” the cities from the irregular immigrants.281

“Life is too short for not being Italian”, says the quote from the movie called “Italians” directed by Italian director Giovanni Veronesi (FilmAuro, 2009). Even though it is meant to be ironic, it fully represents the degree of national pride of Italian citizens. Such a level of national pride, strongly supported by the mass-media sources has its impact on the public mind-set as well and might provoke and sustain the rejection and social exclusion of everything which is not Italian. Unfortunately this category includes the foreigners in the first place.

4. Modern slavery in Italy: bringing together political and economic aspects of Irregular Migration

4.1. Modern slavery: history and definitions

Kevin Bales, Zoe Trodd and Alex Kent Williamson state that there are 27 million people enslaved in the contemporary world.\textsuperscript{282} The authors argue that it is the biggest amount of people who has ever been enslaved at any point in history.

The first notions of slavery relating to the modern Italian state appear in the history of the Roman Empire, specifically during the period of 135 BC to 70 BC when the Roman world was shaken by three massive slave revolts.\textsuperscript{283} However, those slaves differed significantly from so-called modern slaves, due to the fact that most of the former were conquests together with the new territories and then sold to slave-owners all over the Empire as well as to other states. However, Roman law in the first century AD was quite soft on slaves, in addition, it stated that slavery was unnatural for any state to practice. The next notion of slavery appears in the 13\textsuperscript{th} century, when the plague killed a significant amount of the European population and the Crusades opened up new eastern populations for enslavement. Slavery became the central issue in the economy of Tuscany while Genoa and Venice became major slave markets.\textsuperscript{284}

Nowadays, slavery is illegal all over the world, however making something illegal does not necessarily make it non-existent. Thus Bales, Trodd and Williamson claim that the biggest proportion of the 27 million people enslaved in the 21\textsuperscript{st} century is located in South Asia, Southeast Asia, Northern and Western Africa and in parts of South America.\textsuperscript{285} This kind of slavery exists owing to the existence of extreme poverty, caste and ethnic discrimination, corruption and low arrest and prosecution rates for slave-holders.\textsuperscript{286} However, the focus point of this study is the matter which has been discussed less in the academic literature, namely modern slavery in the heart of Europe.

First of all, I should explain the differences between old and modern slavery. Unlike the old forms of slavery, the modern form is globalized and it avoids formal ownership of so-called slaves.\textsuperscript{287} The relationships between the exploiting and exploited persons are more likely short-

\textsuperscript{283} Ibid., p. 4
\textsuperscript{284} Ibid., p. 5
\textsuperscript{285} Ibid., p. 19
\textsuperscript{286} Ibid.
\textsuperscript{287} Ibid., p. 28
term oriented and racial differences are less important in the process of the choice of a slave.\textsuperscript{288} Very low purchase cost (or no cost at all) and very high profits appear to be the features of “new” enslavement as well. While in ancient times, slaves were looked after by the owner, nowadays they are defined as “disposable people”, which in its turn means that there is no shortage in the amount of potential slaves.\textsuperscript{289}

The International Labour Organisation estimates that 80% of the total number of so-called “modern slaves” are exploited by private agents, and 20% are forced to work by the state or rebel military group.\textsuperscript{290} Since those 20% do not represent the Italian case, I will here concentrate on those who are enslaved by private agents, but still bring capital into the local economy.

In order to discuss further the grounds of the phenomenon, slavery needs a definition. An NGO called the UN Working Group on Contemporary Forms of Slavery met for the first time in Geneva in August 1975.\textsuperscript{291} The main purpose of the Group was to combat slavery all over the world, paying visits to the countries where slavery still existed, communicating with governments and other NGO’s. Additionally, the Group was occupied with increasing public awareness of different forms of exploitation. Thus, in 1975, slavery was defined by such categories as debt-bondage, child labour, servile forms of marriage, adult trafficking and forced prostitution, apartheid, chattel slavery and its “vestiges”, cult or ritual slavery and forced labour and sweatshops.\textsuperscript{292} However, modern slavery needed a definition that would be more general and would include all the aspects of the phenomenon. Therefore, the NGO defined slavery as: “any form of dealing in human beings leading to the forced exploitation of their labour” or “all institutions and practices, which by restricting the freedom of the individual, are susceptible of causing severe hardship and severe deprivations of liberty”.\textsuperscript{293} In 1980, slavery was defined by the Group as “the condition of a person completely under the control of another”.\textsuperscript{294}

The ILO suggests six indicators of forced labour which broaden the previous definitions: (1) presence of the threats or actual physical harm to the worker; (2) restriction of movement and confinement, to the workplace or a limited area; (3) debt bondage, where the worker works to pay off a debt or a loan and is not paid for his or her services; (4) withholding of wages or excessive wage reductions that violate previously made agreements; (5) retention of passports

\begin{thebibliography}{99}
\bibitem{288} Ibid.
\bibitem{289} Ibid.
\bibitem{290} Ibid., p. 19
\bibitem{294} Ibid., pp. 415 - 436
\bibitem{295} Ibid., p.415
\bibitem{296} Ibid.
\end{thebibliography}
and identity documents, so the worker cannot leave or prove his/her identity and status; and (6) threat of denunciation to the authorities, where the worker is in an irregular immigration status.295

In this thesis I will not focus on all the forms of modern slavery. Rather, the main concern of this study will be the category of forced labour and sweatshop work so widely present in the whole territory of Italy. The choice of this category is grounded in my desire to generalize the type of person affected by the phenomenon of modern slavery in terms of gender and age, due to the fact that people forced into exploitation are both men and women of different ages. I will not touch upon the issue of sexual exploitation, since the topic is significantly broad and would require conducting research too broad for this master thesis.

In international and Italian media the reports on the matters of exploitation and enslavement of migrants are not very common. However, the Italian La repubblica informs about the unbearable conditions of living and working under the thread of the armed caporale,296 which great numbers of irregular immigrants are exposed to. They work in extreme conditions, starting while it is still dark and finishing when it is dark again in the squalid places, often without water and electricity, constrained to sleep on mattresses on the ground.297 Most of the workers are deprived of working contracts, and thus have no right to protest against the exploitation. Moreover, according to the report of “Medici Senza Frontieri”,298 any protest provokes threats and physical violence.299 People are exploited 10-12 hours a day for a salary of approximately 26-40 Euro a day, (some earn 25 Euro or less).300 Most of the “ghost workers” arrive to Italy in good health condition but then get sick from the poor working conditions, such as: lack of hygiene, repetitive movements, bad nutrition and violence. The worst is that this terrible practice which is so common for the South of Italy is almost completely ignored by the officials, police and ordinary citizens, which makes the unacceptable phenomenon of exploitation and modern slavery a norm for Italian society – a norm that helps sustain the local economy.

This sort of article in La repubblica is one of many examples of the situation within the hidden economy of Italy. The New York Times reports similarly about Poles who were literally


296 Caporale – the person, who illegally controls the employment, and working process, mostly on the fields of fruits and vegetable seasonal picking, author’s remark


298 “Medici Senza Frontieri” – Doctors Without Borders, author’s translation


300 Ibid.
enslaved in prisonlike labour camps in Puglia, Italy. The striking fact is that Poland was already an EU member at that moment and Poles did not have the status of irregular immigrants. Thus no one appears to be safe from enslavement of the criminal groups controlling portions of production and industry in Italy. However, the focus of this study is irregular migrants who are deprived of the rights to work regularly and thus are constrained to irregular employment, which often resembles modern slavery.

Scholarly work, when talking about modern slavery, concentrates mostly on the issue of trafficking. However, here I shall explain the difference between two forms of irregular migration facilitation, namely human smuggling and human trafficking. Thus, the former process is defined by the UN Convention on Organised Crime as: “procurement of illegal entry of a person into a State of which the latter person is not a national with the object of making a profit”. The definition of the latter phenomenon, trafficking, is the following: “the recruitment, transportation or receipt of persons through deception or coercion for the purpose of prostitution, other sexual exploitation or forced labour”. Both activities are motivated by profit however the second implies exploitative intent after the transit. The distinction between the two different phenomena does not mean, however, that after being smuggled through the borders, an immigrant is safe from enslavement, which might happen after the voluntarily job search. Bales Trodd and Williamson define trafficking as: “the crime of carrying someone into slavery by force or fraud, and it is a crime whether or not the person agrees to go with the trafficker.” It is crucial to notice that many victims of trafficking start their trip to the country of destination simply by paying to be smuggled through the borders and then find themselves sold to the modern slave-owners. The concern of the second research question will be the enslavement of irregular migrants who have been either smuggled through the borders without previous intention to forced labour, trafficked people or the ones who entered the country legally but “overstayed” their visa.

301 Peter Kiefler for «New York Times”,
http://www.uncjin.org/CICP/traff_e.pdf
303 Ibid.
304 Ibid.
I have already accounted for a number of possible reasons behind irregular migration, which, as we can see, rarely happens owing only to the curiosity of the people to experience life in another country. In most cases irregular migration is a last resort for needy people, who do not have financial sources to feed and educate their children. These people look for better lives; they seek security for their families that are quite large. What do they get in exchange for the risks they take in order to migrate? Here I should study the process of irregular migration from the point of view of a migrant in greater detail.

One can imagine an individual, residing in a country where he or she suffers the unfavourable conditions of living, who takes a decision to migrate to Italy. In order to do so, he or she has to obtain a visa; which in most cases makes up an impossible task. The reasons for this can be different, starting with the possible low level of education of a potential migrant, which would complicate (or more specifically, make impossible) getting a visa for work; proceeding with the long-distance location of the embassies in a potential country of origin and the untrustworthy postal service and finally concluding with the complicated visa-issuance practices in Italy. Thus, the easiest possibility is getting a tourist short-term visa, which first of all, costs a considerable amount of money and requires a financial guarantee for every day of the trip; second it does not give the tourist the right to work; and third, would expire in a maximum of three months. Let us suppose that a potential migrant decides to obtain that tourist visa, enters the country legally and then “overstays” in the country after the visa has expired. That would be one way to become an irregular migrant. The other way to enter the country is by using the so-called “facilitation of migration” procedures. In other words, an immigrant has to pay a significant amount of money in order to receive false documents (if necessary) and then be smuggled through the borders, which appears to be not only very costly but also quite a dangerous practice. Either obtaining the tourist visa and making an ordinary trip or using the smugglers’ “service” costs a significant amount of money which often has to be borrowed by migrants from their relatives and friends or from the smuggling business. Hence, already from the beginning, a migrant may start his voyage deeply indebted, i.e. not completely free, since he or she is bound with his/her obligations to repay.

One can assume that the migrant survived the trip in a small old boat or in a truck trunk. One can also assume that he or she was not caught by the Italian border police. What happens to that migrant, once he or she has reached the country of destination? According to Fabrizio Gatti, whose book about irregular migration in Italy contains his personal experience of being smuggled through the Sahara in a truck together with hundreds of Africans, as well as being caught by the police of Lampedusa and put into the detention camp, after he pretended to be an
irregular immigrant without documents and was caught swimming in the sea. After one day of picking tomatoes, a South African irregular migrant, Bilal, in the South of Italy observed that finding irregular employment takes just a few minutes.\textsuperscript{306} So-called employers are not difficult to find on the streets, railway stations, bars and cafeterias or via friends or relatives already present in the country. The employers take a migrant to work immediately, or better said, once a migrant expresses a wish to work, they own him. The conditions at work are inhuman; the salary, if paid at all, is extremely low, and the working hours are very long. The people who employ irregular immigrants might as well be their co-nationals, thus Poles are sometimes controlled by a Polish employer, Romanians by a Romanian and so on.

Thus, the main characteristics of an enslaved person’s life are quite similar in any state or part of the world: total control by the so-called employers through violence and threats or psychological coercion, loss of free will and free movement, economical exploitation and a pay which is beyond subsistence.\textsuperscript{307}

I will touch upon the issue of trafficking in more in detail, since those trafficked differ from those smuggled through the borders. Unlike the latter ones, the victims of trafficking have their destiny decided for them even before they leave the country of origin.

4.2. Human Trafficking

Trafficking is a global problem and it affects almost every continent in the world. However, most victims of human trafficking have Africa as a country of origin.\textsuperscript{308} And Italy appears to be one of the main destination routes for the traffickers, due to the geographical and political causes, which I will touch upon later in this thesis. Around 800,000 men, women and children are trafficked each year across international borders to be enslaved in different European, Asian and American countries.\textsuperscript{309} Human trafficking appears to be the third largest source of income for the criminal organizations, after drug- and arms smuggling.\textsuperscript{310}

The process of trafficking might develop itself out of the process of smuggling, since the cooperation between the smuggled and the smugglers is needed in order to cross the borders in secrecy. However, the trafficking victims’ documents are taken away during the trip; the traffickers do not feed them, deprive them of sleep, and act as the “bosses” of the group. Once

\textsuperscript{306} Fabrizio Gatti, \textit{Bilal, Viaggiare, Lavorare, Morire da Clandestini}, Prima edizione Rizzoli, RCS Libri SpA., Milano, Italy, 2007, “Bilal, to travel, to work, to die as the clandestines”
\textsuperscript{308} Ibid., p. 37
\textsuperscript{309} Ibid. p. 36
\textsuperscript{310} Ibid.
the border is crossed, trafficked persons find themselves in the foreign country, often without necessary language skills, deprived of documents and completely confused. That is how they become slaves. Often, human trafficking implies violence, particularly sexual violence, during the trip. Thus, the truck or the boat or any means of transportation used for trafficking becomes a trap, without any possible escape, since the victims are under the total control of the traffickers. Often, the criminals set up a debt-bondage for the trafficked persons, motivating it with the rising costs during the trip. Thus, the victims are bound to work to repay the debts, which in reality do not exist. The debts might be enormous and require long-term unpaid work.

Human trafficking is a crime that most often goes unpunished, and the ones who are punished are actually the victims, who are treated like unauthorized migrants, put into detention camps due to the absence of documents and then deported from the country.

How may I explain the growth of trafficking? First of all, the emergence of this phenomenon owes to a number of factors, such as: insufficient penalties and punishments against the traffickers, the growing deprivation of the poor, and a lack of information about the realities and danger of trafficking (since most of the people get tricked with the fake promises of better jobs and wages and restrictive migration policies). The reason for such a rapid growth is a profitability of the work done by the trafficked victims. The ILO has estimated the profits made from trafficked persons’ labour in comparison to the total profits made from slavery: around $32 billion per year is made from the trafficked labour force, while $44 billion is made from the entire amount of slave labour.

Criminal groups traffic persons because it is a high-profit and low-risk activity. But not only owing to these reasons. The push factors of trafficking are defined by Bales, Trodd and Williamson as the level of corruption in the country of origin, and the country’s level of infant mortality and the proportion of the population under the age of fourteen. On the other hand, scholars identify the pull factors for the country of destination, which are again the level of governmental corruption, the proportion of the country’s male population over the age of sixty, low infant mortality and the level of food production.

As stated above in this study, the Italian Corruption Perception Index is 4.3, which puts the country on the 63rd place of the ranking. In
comparison Ghana is placed on the 69th place in the same ranking with the index of 3.9. The infant mortality rate in Ghana is estimated as 51,09 deaths for 1000 born. It is crucial that generally higher infant mortality rates are registered in African countries; thus, for example Angola has 180,21 deaths for 1000 born, which is the highest index in the world. However, Ukraine and other countries in Eastern Europe, whose citizens, especially women, often become the victims of human trafficking is positioned relatively low in the infant mortality rate rank chart. However, people from these countries primarily become victims of the lack of information of how dangerous marriage, or job offers from abroad might be. The Italian rate of persons over the age of 65 is 20.2%, which is high and thus put Italy into the category of countries which are ageing and attract migration flows. Therefore, criminal organizations take advantage of numerous factors in order to continue and expand their business.

4.3. The causes of modern slavery

Jointly human trafficking victims and people who were smuggled through the borders without a previous intention of being enslaved or the visa “overstayers”; many of them once they cross the country of destination’s border, or once their visa expires, become the victims of the modern slave-holders. In this chapter I will delve a bit further into the causes of the phenomenon of modern slavery.

First of all, the cost of a slave nowadays is significantly low but the profit they make is estimated at $44 billion per annum. Thus being so cost-effective, the slaves become attractive to criminal organizations and businesses in the informal economy. The ILO claims that slavery and human trafficking are the “underside of globalization”, due to the fact that since business, legal or illegal, is spread around the globe, governments cannot take total control over them. The Internet is a source of first help to human traffickers, where they spread information on fake recruitment web-sites etc. The goods made by slaves are aimed for both local and global consumption, and the production costs are the issue at stake when it comes to business. Everyone seeks to diminish the costs, and thus cheap labour is very much in demand. This decreased value of a slave, which before could cost a fortune, is one of the reasons for modern slavery being embedded into the global economy. Many of the push-factors of irregular migration appear also

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316 Ibid.
318 Ibid.
319 ISTAT, [www.istat.it](http://www.istat.it), author’s translation
321 Ibid., p. 48
to be reasons for modern enslavement; increasing poverty, overpopulation, and economic and political factors all of them induce people to leave the countries of origin and push them into criminally organized activities, such as human trafficking and enslavement on the territory of the country of destination.

Developing countries have been put into debt by the developed ones. The global South experienced the loss of common properties in their villages; thus people were induced to go to the cities and seek jobs there. The competition rose, thus leaving aside people who could not find a job and pushed them into poverty. Bales, Trodd and Williamson describe the two existing levels of poverty, where extreme poverty means that one billion people live on $1 per day or less. All of those people live in the developing countries. On the moderate level of poverty there are people, living for $1-$2 per day. This kind of income means that the household cannot meet its needs for survival. People who have their continuously hungry family members around often do everything to earn more. There is just no possibility for them since the competition in the cities is too high, due to the oversupply of workers. That is the time when those desperate people meet the smugglers or traffickers and make a decision to migrate.

Nevertheless, poverty and vulnerability themselves do not cause enslavement. Thus, politics needs to be brought back in, due to the fact that there is another factor playing the most important role in the process of modern enslavement: governmental corruption.

When the vulnerability of one group of the global population meets the ability of another group which exercises violence and crime without punishment, it can be conducive to slavery.

Thus, in Western Europe, and particularly in Italy, the phenomenon of slavery exists despite the law enforcement. The high level of corruption within the police and local government allows the crime to happen. Low governmental concern about the fates of irregular immigrants is understandable. The Italian government is mired in internal disputes and pays more attention to the media campaigns, aimed to raise the national antipathy to the immigrants than on actual change. It seems that the Italian government is not interested in change. In order to change the situation, the policies should first combat the criminals who operate within the hidden economy, the corruption within all the public sectors, and eliminate the hidden economy as such. This goal is extremely difficult to achieve. However, if the forces were aimed at it, the change could be possible. The regularizations of immigrants as a remedy does not significantly change the situation with the enslavement, due to the fact that a regular migration status does not necessarily lead to a regular working permit. However, in the case of the elimination of the hidden economy

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322 Ibid., p. 56
323 Ibid., p. 59
as such, being a regular immigrant would guarantee regular employment, and regular employment would guarantee the fact that the employers would have to pay much higher wages to the employees. Can the Italian industry and agriculture afford it? It is rather doubtful, especially in the contemporary times of financial crisis.

Hence, the vicious circle continues, leaving thousands of people enslaved and left alone to bear the consequences.

Here one can see how political and economic aspects are strongly interconnected. Italian media sources, as a property of the Italian prime minister, broadcast the anti-migration propaganda, cleverly concealed within numerous news plots and newspaper articles about the immigrants which are engaged in criminal activities; the media talks about the rapidly growing number of the immigrants on Italian territory, about the folk brigades, organized by the right-wing anti-immigration party in order to clean the streets of Padania from those “illegally” present on the Italian territory immigrants. This process has a significant influence on the public attitude towards the migrants. Restrictive migration policies deprive desperate people of regular entry and regular employment in Italy and push them onto the irregular road, where they get caught by the numerous criminal groups, connected with the corrupt police, which gives them “the right” to commit their crimes unpunished. Enslaved irregular immigrants are scared to make their voices heard, due to the fact that once they do, they will be caught by the police, they will be deported from the country, without the money they were supposed to earn.

Thus, irregular immigrants are compelled to migrate irregularly due to the extreme poverty and bad economic conditions in their country of origin and the migration policies of the receiving state, which restrict the regular entry. Once they are on the territory, they can become enslaved due to their irregular status and continue being enslaved due to their fear of being sent back by the officials. Here we are again back to the beginning of this study when I quoted Nitzan and Bichler who claimed that “the economic base of exploitation can exist only under a political superstructure of oppression, and vice-versa”.324 This statement clearly captures the Italian situation.

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5. Normative considerations

Normative theory and empirical research have become separate branches of social science; however empirical research is often conducted in order to improve the normative theory, thus involving the critical estimation of the empirical material in order to come up with the normative conclusions.\textsuperscript{325} In addition, I agree with the claim of Gerring and Yesnowitz stating that “Empirical study in the social sciences is meaningless if it has no normative import”.\textsuperscript{326} Here in this normative part I will compare the normative conclusions made by the researchers of irregular migration and modern slavery issues and come up with my own ideas. Despite the fact that the final part of this study will be concluded with personal propositions, hopefully the comparison of already existing knowledge and points of view will allow me not to be too subjective.

Concetta Chiuri, Coniglio and Ferri argue that there are no easy recipes for improving the migration policies in order to make them suitable for every actor: the state, the individuals in the country of destination, the individuals that migrate, the EU and others. As they see it, the goal for improvement should satisfy the requirements which assure the flexibility and competition of the labour market; compensate the individuals which might suffer the negative effects of migration, (native workers, regular migrants); guarantee the dignified life to the migrants and their families; maintain public order and the internal security; assure the peaceful integration and respect for the cultures of both, the natives and the migrants; and make it possible that the phenomena of brain drain and low-skilled labour drain are considered by the countries of origin as the stimulus for development.\textsuperscript{327} I agree with the authors’ claim that the restrictive migration policies do not appear to be an effective response to irregular migration. The authors claim that there are three sets of reasons for this:

1. The migration appears to be the fundamental source for the receiving countries. The negative public attitude towards irregular migration appears to be caused by poor

\textsuperscript{325} Donatella Della Porta, Michael Keating, \textit{Approaches and Methodologies in The Social Sciences, A Pluralistic Perspective}, Cambridge University Press, 2008, p. 40

\textsuperscript{326} Gerring and Yesnowitz in Donatella Della Porta, Michael Keating, \textit{Approaches and Methodologies in The Social Sciences, A Pluralistic Perspective}, Cambridge University Press, 2008, p. 49

\textsuperscript{327} Maria Concetta Chiuri, Nicola Coniglio, Giovanni Ferri, L’esercito degli Invisibili, Aspetti Economici dell’Immigrazione Clandestina, Il Mulino, Bologna, 2007, p. 127, author’s translation.
knowledge about the phenomenon.\textsuperscript{328} The existing norm in Italian society, established by numerous political and media interventions, is that the phenomenon of migration constitutes one of the major societal evils, which has to be reduced. Hence, the first change which could positively affect the situation with the clandestine and regular immigrants and the public attitude towards them is to remind Italians that their ancestors suffered the same suspicion and negative attitude towards them in the times they migrated in search of the better lives to the US and other European countries. A media campaign should be held in order to make the society understand that most of the time the migrants do not represent any evil but rather appear to be the victims of adverse policies and numerous other negative conditions. Moreover, they arrive in the country with the best intentions and contribute a great deal to the development of the country. The irregular migrants obtain the status of irregulars because they have no chance to reach the country regularly. However, they have the same motivations as the regulars: they have a positive attitude towards the host country and offer themselves to work in the positions rejected by the nationals. Moreover, many of them generally intend to return to the country of origin once they collect necessary capital to guarantee them the dignified life there.

2. Restrictive migration policies appear ineffective due to the fact that the phenomenon of migration is a fundamental part of economic globalization.\textsuperscript{329} It is not easy to swim against the stream, and thus most of the rich countries continuously receive a great amount of immigrants.

3. The third set of reasons why the restrictive policies are ineffective is that they generate costs. In fact, the irregularity of migrants is not a zero-sum game but the game of negative sum, owing to the fact that it generates a loss for all the actors.\textsuperscript{330} The main costs are to be suffered by the irregular migrants who get discriminated against in the labour market and in society in general. In fact the irregularity of the migration undermines the potential contribution to the economy of the state.

Hence, Concetta Chiuri, Coniglio and Ferry propose a series of changes which ought to be done in order to reduce the irregularity of migration and thus avoid many of the negative effects of the phenomenon.

\textsuperscript{328} Ibid., p. 128
\textsuperscript{329} Ibid.
\textsuperscript{330} Ibid., p. 129
It is understandable that the irregularity of migration has its roots in the existence of the “irregular migration market”, the structure which is constituted by the demand on the one side, i.e. with the employers ready to accept the irregulars, and, on the other, by the supply, i.e. the individuals ready to migrate and work irregularly. This structure is strongly supported by the criminal agencies, facilitating migration and/or employment in the irregular sector. Therefore, the policies concentrated on the restriction of only the supply side of the process are destined to failure due to the fact that they omit the very crucial demand side of the problem. Thus, the national migration policies ought to change their focus from the restriction of irregular migration through the fight against irregular migrants themselves to the restriction of the criminal activities, i.e. human trafficking and the hidden economy.

The political debate on how many migrants to admit into the country should be in its turn changed into who to let in and how.\footnote{Ibid., p. 130} There are two categories of migrants: high- and low-skilled individuals, and regular entrance to Italy is restricted for both of them. Thus, Italy should promote the programmes used in the whole European Union, which facilitate the high-skilled professionals and foreign students. The low-skilled migrants also appear to be indispensable for the Italian labour market, and thus the policies ought to be changed in a way that allows them regular entry due to the fact that their contribution to the Italian economy and small and medium businesses is great.

Therefore, in order to let more regular migrants into the country, there might be conducted such changes as: the establishment of the temporary migration programme, the “point” entry system, the possibility of the negotiation of the duration of temporary permissions, the point-system “in itinere”, the labour mobility of temporary migrants and sanctions for the entrepreneurs which assume the irregular immigrants.\footnote{Ibid., p. 131 - 136}

In this chapter of the study, I will touch upon the possible amendments to the national policies, offered by these scholars in greater detail.

Temporary residence and working permits are not new in the migration policies of EU states, though they are strongly criticized. There exists a proverb, summarizing the main critique: “there is nothing more permanent than a temporary worker”.\footnote{Ibid., p. 131} It is understandable that temporary working and residence permits are seen by migrants as the first step to permanent residence and full citizenship. However what advantages would the EU countries obtain by forcing the integrated regular migrant, who pays taxes and works to return to his or her country of
destination against his or her will? The answer is that there is no advantage in it. The temporary migration programmes thus have a number of significant limitations, such as the difficult procedure of obtaining the working and residence permit and the strict quota for the number of entering workers. In order to make such programmes function, there must be established an easier procedure of visa and working permit issuance, in order to guarantee the fact that once the permit is expired, an immigrant does not become irregular automatically, but has the possibility of the facilitated renewal of the migration documents. Here I will concentrate more on the working permit issuance procedure. In Italy the employers play a great role in that procedure, since they have to place the application for the migrant’s working permit and pay the tax for it in the migration office. This fact might provoke exploitation of the migrants, paying them the lowest wages, since the employers have too much power over the foreign employees. The Italian government, by establishing this tax, was trying to protect the right to work of the Italian citizens, however, as we could see, the migrants mostly take the jobs that are unwanted by nationals. Thus, I believe that the tax of the employment of a foreigner should be abolished. The establishment of a fine system for those employers who accept the irregular immigrants together with the facilitated procedure of the permit issuance could have a positive impact in the fight against the informal economy and thus irregularity. In addition, the working mobility of the temporary migrants should be equipped with new rules, i.e. an migrant should have the right to change his working place when he or she prefers to do so. This remedy would also diminish the power exercised by employers towards foreign employees.

The “point” entry system would give preference to the migrants with the qualities and qualifications required in the labour market of the host country. The essence of such a system is to estimate the migrant’s profile giving him/her points, for instance, for knowledge of the language, university degree, qualifications and specialization etc. A migrant with the required amount of points would be able to receive the residence and working permit. The “point” system should be thoroughly studied before implementation, due to the fact that a restrictive and prohibitive system would not resolve the problem with irregularity. This system, if replacing the current existing quota system, might contribute a great deal to the economy of the state, facilitate the migration of people who do not yet possess a working contract and fight the irregularity.

The “point” system “in itinere” means that the points can be added to the immigrant’s profile during his or her stay in the country of destination. Thus more points can be earned for the number of working days spent in the country, an investment into education in the country, participation in the integration programmes, declared income and participation in the social life
of the country.\textsuperscript{334} Therefore, the points earned during the stay could lead to the residence and working permit extension and further citizenship.

For a number of migrants temporary migration programmes represent the beginning of the long journey towards citizenship; however a large amount of foreigners who migrate to another country have in mind a temporary stay and their main goal is to earn some capital and become better off once he or she returns to his/her home country.

All of these amendments to the Italian migration policies would presumably lead to positive change; however, the most important issue should not be forgotten. The great percentage of the migrants, both regular and irregular, is employed irregularly. This fact may undermine the positive changes which could be made due to the fact that even regularly present migrants in Italy and their employers would not pay taxes. The same goes for potential improvements regarding human rights since irregular employment generally threatens the human rights of the migrants. Therefore, the sanctions and fines should be implemented against the employers who use the irregular or regular migrants illegally. The latest migration law in Italy, the so-called Bossi-Fini law, stipulates an arrest for the period of three months to one year for the employers using irregular migrants. Nevertheless, the zero- or scant implementation of this part of the law has done nothing to resolve the problem.\textsuperscript{335} Since the hidden economy and irregular migration are the two sides of the same coin, and since the sole focus on one only side of migration did not contribute to the positive change, it is necessary to shift the focus to the fight against the hidden economy in the country.

The smart temporary migration programme should satisfy all the actors involved. The host country would reach the goal of minimization of the negative aspects of irregularity and enjoy smartly selected immigrants, who would contribute a great deal to the economy; the immigrants, owing to their regular status would not be threatened by exploitation or the phenomenon of modern enslavement, and would be less (or non) discriminated in the labour market and would be paid according to standards, not below any minimum wage as they do now; and the countries of origin would minimize the pressure on the labour market and have their production and development stimulated due to the remittances which would flow from abroad.

One more necessary change to the Italian migration situation should be done to the implementation of the asylum programmes. Since it appears to be quite difficult and in certain cases impossible to apply for refugee status in Italy, this process implementation should be better controlled by the European Union and the Human Rights Organizations.

\textsuperscript{334} Ibid., p. 134
\textsuperscript{335} Ibid., p. 136
Since the main problem with the irregularity of the migrants in Italy is closely connected to the hidden economy, the great problem of modern enslavement is also involved in the process. It is understandable that the criminal agents engaged in irregular employment, exploitation and enslavement should be fought. Bales, Trodd and Kent Williamson suggest several remedies for that. They claim that the monetary value of slavery is rather low since slave-labour does not contribute to the state economy but only increases the small-scale criminal networks income.\textsuperscript{336} Thus, once, the slaves are freed it would only contribute to the economy of the states since the regular status implies paying taxes. The main problem in the fight against slavery in Italy is simply that the fight does not exist. The government seems rather unwilling to focus on the problem. A large amount of Italian citizens do not know or believe that slavery exists in their country. A large number of policy-makers do not pay attention to the issue and the information on trafficking databases does not get shared among the agencies and is never made public.\textsuperscript{337} In order to fight slavery, the anti-slavery groups should gather and cooperate, in order to create higher pressure on the national governments and supranational institutions. Often slavery is linked to exports, thus the international community should be informed about how the goods that are sold abroad were produced. The role of the anti-slavery NGO’s is significant in the process of public and political education. The media campaigns should increase public awareness on the issue of modern slavery and could increase also the public pressure on the governments and politicians to support the end of slavery. So far, in Italy, such media campaigns have not been conducted. Not only should the migration policies be rethought through the lens of the modern slavery issue, but should also be considered in light of the international trade, World Health Organisation strategies, foreign aid and others. Modern slavery can be combated only if supranational institutions, local governments, individuals, NGO’s and international organisations join together and cooperate in the fight.

The national governments should build a plan to end slavery and actually implement the planned amendments to the laws. The scholars promote three elements that according to them should be included in such plan: education, law enforcement and rehabilitation.\textsuperscript{338} The education programmes should be held in the places of origin of those who most often migrate irregularly to Italy. This would inform desperate people in need of economic help of the threats and danger which might be awaiting them if they decide to migrate irregularly and especially if they decide

\textsuperscript{336} Kevin Bales, Zoe Trodd, Alex Kent Williamson, Modern Slavery, The Secret World of 27 Million People, Oneworld Publications, Oxford, 2009, p. 146
\textsuperscript{337} Ibid., p. 147
\textsuperscript{338} Ibid., p. 151
to use the so-called “facilitation of migration” services, which in reality might be no less but human trafficking which leads to further enslavement.

Even though the law against slavery exists it is not enforced and not implemented in Italy. Thus the possible development of anti-slavery groups could lead to a positive change of the situation. Thus, instead of establishing “le ronde”, the folk groups which patrol the streets looking for the irregular immigrants to catch, the Italian government should establish watchdog institutions that help control employers.

In any case, the fight against modern enslavement in Italy would be ineffective without the simultaneous fight against corruption, the informal economy, substantial reforms of the current migration policies, as well as the launch of broad information campaigns to raise public awareness about the issues at stake.

The ex-slaves themselves could contribute more to the education of the potential irregular immigrants than any media campaign. Thus, once an ex-slave is freed, he or she should not be treated by the officials as a criminal; on the contrary, the victim status should be given to him or her. In addition, the rehabilitation programmes should be offered in order to save human beings who had to suffer unbearable treatment. Then, the Italian government should organize the groups of those freed slaves who would travel back to their countries of origin, armed with their own experience and all the necessary information to increase the consciousness of the people who plan on migrating.

The Italian government should establish severe controls of the producers of the so-called “made in Italy” goods. Once there appears to be evidence of slave labour being used in the production process, the product should be boycotted by the Italian market and banned from export.

The costs of these programmes and amendments would definitely be great; however the costs would be, at least partly, covered by the taxes which the regular immigrants and their regular employers would pay to the state and the general contribution to the Italian economy which would be brought by the immigrant labour. It is quite possible that the change in the policies and situation in general would require a change of government. However, the EU and the International Human Rights Organisations’ pressure may contribute to the positive change.
6. Conclusion

The main aims of this study have been to describe and analyse the current situation concerning irregular migration in Italy. In addition, the phenomenon of forced labour and modern enslavement appeared to be closely interconnected with the main concern of the research; therefore, it has been studied thoroughly as well.

One might ask, why does Italy appear to be an interesting case to study? There are several factors making this particular case worth to be researched. Nevertheless, the phenomenon of irregular migration exists throughout whole Europe, the European Union officials call Italy “the gate” to Europe for irregular (or how the EU institutions define them - illegal) immigrants. One can argue that every Southern European country suffers the problem of undocumented migration at relatively same extent. I would agree with this statement, however, the case of Italy is particularly interesting due to the fact that the country is one of the founding states for the EU. Nevertheless Italy is one of the constitutors of the EU’s *acquis communautaire*, where the importance of human rights protection is clearly stated, the phenomena of modern enslavement and the immigrants’ human rights’ violation flourish in the territory of the state and often rest unpunished. In addition, it is crucial to study the causes of such phenomena, due to the fact that hypothetically the findings might be applied to the other Southern European countries, i.e. Spain, Greece, where the situation with the irregularity of migration shares the similarities with the Italian one.

In terms of theories, the case-study of Italy appears to be particularly noteworthy as well. Several meta-theories and the critique of Marxist theory were applied during the research process. However, Marxist approach to the topic of irregular migration might be tested and contributed with new findings in the future more detailed research. Thus, for instance, the emergence of a new class of society, represented by the irregular immigrants, in Italy might become a focus of further study. In addition, the Italian case might be compared with other countries of Southern Europe. Moreover, it might be particularly interesting to compare the situation with irregular migration in Italy with one of the Nordic countries, for instance, Sweden, due to the diversity of the cases.
The findings of this thesis might be applied for the other Southern European countries. In addition, the normative findings appear to be applicable for the phenomena of irregular migration and modern slavery in general.

As I have mentioned in the theoretical part of the introduction, most of the existing meta-theories of migration are criticised on the grounds of being economically reductionist and overlooking a crucial part of the political aspect in the explanation of the phenomenon. Thus, one of the crucial goals of the research was also to show the close interconnections between economic reasons for migration and political processes directly and indirectly influencing the fall of migration into the irregular stance.

The initial goal of studying separately the economic and political aspects of the migration led me to the conclusion that it is an impossible mission due to the close and strong interconnections between state, industry, production and media in perpetuating the negative logic of irregular migration to Italy. Economic structures and processes cannot be fully grasped unless they are linked to their political counterparts and vice versa. Thus, the economic aspects can explain the initial causes of migration, i.e. poverty in one state increases the unemployment thus cheapening the labour force which is significantly oversupplied, and in its turn meets the strong demand for the cheap labour force in other countries. However, the political aspects enter the stage when we start talking about other aspects of irregular migration. In Italy successive governments first invited migrants to work in their country; subsequently they officially decided to close the borders, so the once who still manage to come irregularly are given the status of the criminals, deprived of rights, scared and therefore easy to exploit and control. Nevertheless, one should not forget that the external borders closure is also a supranational process promoted by the EU. However, compared to the member states the EU does not by far have the same competence in the area of irregular migration. Thus, I decided to keep the study mostly on the national level, taking in consideration a case study of Italy, where the problem of irregular migration is aggravated with the controversial political situation and the duality of national economy.

The research questions, which guided this study to the conclusion, were following:

1. What are the economic and political aspects of the irregular migration: causes and consequences
2. What are the causes of the emergence of the current migration policy in Italy
3. Modern slavery in one of the EU’s founding Member States, – how is it possible, and how does it affect both the state and the migrants
4. Normative considerations on what “ought to” be done – a change towards coming to terms with irregular migration within a framework of respect for human rights.

In the following section I will briefly outline the findings.

The reasons for migration appear to be various and they are described by the existing meta-theories mostly in economic terms. Thus, the factors which cause the migration process are following: the wage disparities in the sending and the receiving countries (Neoclassical Economics); the equilibrium (or disequilibrium) in the labour demand and supply in the countries of origin and destination (the Segmented Labour Market theory and the Push-and-Pull approach); distribution of land and income in sending countries (the New Economics of Migration and the Cumulative Causation theory); cultural tradition to migrate and the existence of the migrants’ networks in the receiving country (the Social Capital Theory). In order to avoid being economically reductionist, and since, according to the numerous research (Nitzan, Bichler and others), none of the economic process is possible without the political support and vice-versa, it was necessary to add the political explanation of migration process. The conditions of extreme poverty in which potential migrants find themselves in their home-countries directly and indirectly depend on various factors; however corruption within the governments has had a significant impact on the overall economic and political situation.

The economic causes of the phenomenon of irregular migration appear to share similarities with those of regular migration; however, what makes migration turn irregular is the policy of closed borders, issued by the EU and Italian state in particular. Corruption index in Italy appears to be quite high hence it explains the existence of the underground economy in the country. Hidden economy activities appear to be a long tradition in Italy and since the beginning of immigration in 1970’s the main demand for workers is satisfied through irregular migration, due to the fact that this type of migration provides a steady flow of cheap and easily exploitable labour. Another reason why irregular migrants are exploited within the hidden economy is that the former are deprived of the right to work regularly, since their presence on the territory is irregular and especially after the latest substantial Italian immigration law gave them criminal status.

Generally, the irregularity of Italian migration appears to have strong political causes. Thus, the government, guided by the EU demand on diminishing the number of migrants, has issued a row of anti-immigration laws calling for increased border controls. This, however, does not necessarily decrease the number of migrants but deprives them of the right to enter the country regularly. “The policies that claim to exclude undocumented workers may often really be about allowing them in through side doors and back doors, so that they can be more readily exploited
[...] This can mean that politicians are content to provide anti-immigration rhetoric while actually pursuing policies that lead to more immigration, because this meets important economic or labour market objectives."\textsuperscript{339}

Moreover, since in Italy, the great part of media is owned by the current prime-minister Berlusconi, it appears to be simple for him and his government to control the public attitude towards the problem of migration. Thus, anti-immigration media campaign forms negative public moods towards immigrants and creates further electoral support for the existing government, which issues anti-immigration laws. Unfortunately, Italian media does not touch upon the topic of irregular employment, which implies immigrants’ exploitation and violation of human rights. Regretfully, Italian government is too concentrated on the inter-party conflicts, electoral and governmental media campaigns and does not pay attention on the real problem of corruption within the state and the flourishing underground economic activities. Irregular migrants in their turn are deprived of the right to regular employment and fear deportation, thus they are deprived also from the right to struggle and have to take the niche of the ones being exploited.

After analysing previously conducted research on the topic, I came to several normative conclusions. First of all, the Italian government, possibly with the help of human rights defending organisations and EU, should change the focus in their fight against irregularity of migration and concentrate on combating criminal activities and corruption within the state. In addition, media and educational campaigns should be held for both Italian citizens and potential migrants, in order to reveal the problematic issues of the phenomenon.

Generally, the normative part of my thesis is about how the things "ought to" be changed in Italy with its irregular immigration issues. The most important transformations "ought to" be done in order to change the status of migrants within the Italian society. To make them not something half-human and disposable at so-called work, which in reality appears to be slavery, but give them the same rights as the Italian citizens have. No one can choose to be born in a certain place, and those migrants did not choose to be born in the poorest countries on earth, and so they do not chose to migrate just out of curiosity. The unbearable conditions in their home countries induce them to do it. Once the Italian citizens understand that the irregular immigrants

labour lowers production costs and thus keeps consumer prices down,\textsuperscript{340} and that without those “disposable people” the Italian economy would have collapsed starting from the seventies, when the migration to the country began, they could start improving the situation. The migration policy in its turn must be substantially changed from the restrictive form of such to the smart temporary labour migration programme, in order to satisfy all the actors: Italy and its demand for foreign labour force, migrating individuals and their human rights, and EU and its demand on diminishing the degree of irregularity of migration.

I believe that this thesis makes a significant contribution to the field of migration studies due to its concentration on the issues of irregular migration and especially on the phenomenon of modern slavery and forced labour in the Western society (particularly Italy). I have observed that the research on the latter subject is rather underrepresented within the field, thus current thesis might be elaborated into the future more detailed study.


7. References


17. Morawska, E., *International Migration: Its various mechanisms and different theories that try to explain it*, Malmö Institute For Studies of Migration, Diversity and Welfare (MIM) and School of International Migration and Ethnic Relations (IMER), Malmö University, Malmö, Sweden, 2007


**Web – sources**
1. Alessia Manfredi for “La Repubblica”,
2. BBC News, Profile: Silvio Berlusconi,
   http://news.bbc.co.uk/2/hi/europe/3034600.stm,
4. Cittadini, informational web-page of RAI Italia,
   http://www.rai.it/RAInet/societa/Rpub/raiRSoPubArticolo2/0,7752,id_obj=32254%5Esezione=associazioniinrete%5Esubsezione=,00.html, authors translation
5. Caritas/Migrantes, Immigrazione Dossier Statistico 2009, XIX Rapporto sull’Immigrazione, IDOS, Rome, Italy,
   http://www.caritasroma.it/Prima%20pagina/Download/Dossier2009/Dossier%202009%20-%20scheda.pdf, author’s translation
6. Delip Ratha, Zhimei Xu, Migration and remittances, 2008 The International Bank for Reconstruction and Development / The World Bank,
   http://www-wds.worldbank.org/external/default/WDSContentServer/IW3P/IB/2008/03/14/000333038_20080314060040/Rendered/PDF/429130PUB0Migr101OFFICIAL0USE0ONLY1.pdf,
7. Delip Ratha, Zhimei Xu, Migration and remittances, 2008 The International Bank for Reconstruction and Development / The World Bank,
   http://www.oecd.org/document/35/0,3343,fr_2649_34487_42458595_1_1_1_1,00.html,
9. Europa, Summaries of EU legislation,
    http://www.emnitaly.it/down/pilotstudy2-italian.pdf, author’s translation
11. Giovanna Zincone, *Italia tra clandestini e lavoratori in nero*, La repubblica, 7th of December, 2000,
   http://ricerca.repubblica.it/repubblica/archivio/repubblica/2000/12/07/italia-tra-clandestini-lavoratori-in-nero.html,
13. International organization of Migration official web-page,
   http://www.iom.int/jahia/Jahia/about-migration/managing-migration/managing-migration-irregular-migration,
   http://www.indexmundi.com/italy/unemployment_rate.html,
15. International Migration Stock Revision 2008, United Nations web-page,
   http://esa.un.org/migration/p2k0data.asp,
16. ISTAT Istituto Nazionale di Statistica (National Institute of Statistics),
   http://demo.istat.it/strasa2009/index.html, author’s translation
17. ISTAT, Istituto Nazionale di Statistica (National Institute of Statistics),
   http://demo.istat.it/altridati/permessi/serie/tab_1.pdf,
   http://www.nytimes.com/2006/07/23/world/europe/23italy.html?_r=1&scp=1&sq=forced+labor+Italy&st=nyt
20. The official web page of “L’espresso”, http://espresso.repubblica.it/gerenza,
21. The official web page of Eurofound,
23. The official web page of the Parliament of Italian Republic, *Camera dei Deputati*,
   http://www.camera.it/28, author’s translation
   http://www.senato.it/leg/16/BGT/Schede/Gruppi/Grp.html, author’s translation
25. The official web page of the Ministry of Interior, Italy,
(escluso Trentino-Alto Adige e Valle d'Aosta)&codTipoSegLeader=, authors translation

26. The official web page of the Human Rights Watch, 
   http://www.hrw.org/en/node/85604/section/7#_ftn6, author’s translation


30. Transparency International official web-page, 
   http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table,

   http://content.ebscohost.com/pdf13_15/pdf/2000/N0G/01Jan00/12509835.pdf?T=P&P=AN&K=12509835&EbscoContent=dGJyMNLe80SeprY4yOvqOLCmr0ieprZSr6i4TLxWxWXS&ContentCustomer=dGJyMPGpt0mwqbVQuePfgeyx%2BEu3q64A&D=aph.

**Video sources**

