

Migration towards Southern Europe

The case of Sicily
and the separated children

edited by
M. Teresa Consoli



FrancoAngeli

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Immagine di copertina di Umberto Siagura

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Index

Introduction , by <i>M. Teresa Consoli</i>	p.	7
1. Southern Europe, migration flows and the “Separated children”. Norms, policies and local issues , by <i>M. Teresa Consoli</i>	»	13
1.1. Migration towards Southern Europe	»	14
1.2. The “crossing feature” of separated children	»	20
1.3. Sicily as a border: procedures and open issues	»	25
2. A comparison between different legal and data collection’s systems , by <i>Deborah De Felice</i>	»	28
2.1. Understanding the process in European systems	»	28
2.2. No accurate statistics at both European and national level	»	35
2.3. The specific nature of the phenomenon in Italy and Sicily	»	42
2.4. Some reflections	»	53
3. Territory, borders and local care homes , by <i>Stefania Fragapane</i>	»	56
3.1. Flows and presences of separated children in Italy	»	56
3.2. The Italian reception system of separated children	»	62
3.3. Main reception and management practices on the territory: focus on Sicilian reception care homes	»	75
3.4. Final remarks	»	80

4. Local Integration Processes: Exploring Experiences and Dilemmas, by Liana M. Daher	p.	84
4.1. Processes in the field: separated children, stories lived, stories told	»	84
4.2. The qualitative research design	»	87
4.3. <i>Sensitizing concepts</i> and narrative data	»	91
4.4. Analyzing subjective and objective contradictions to draw a conclusion	»	103
4.5. Brief biographical profiles of interviewees	»	105
Concluding remarks	»	111
1. Separated children: the complexity of the phenomenon and the institutional strategies	»	111
2. Practices and networks on the territory	»	114
3. Stories lived, stories told: the focus on private and public actors	»	117
4. Norms, irritations and policies	»	120
Appendix	»	125
References	»	129
Authors	»	137

Introduction

M. Teresa Consoli

All Sicilian ports have seen the arrival of thousands of migrants over the last few years, but especially in 2014. Police forces, marine officials, municipalities, associations, care homes and non profit organizations have been overwhelmed by a constant and massive flow of people arriving in their thousands almost every day.

“Mare nostrum”¹ has been replaced by the Frontex operation “Triton” in patrolling the Mediterranean, but the debate about migration from North and Eastern Africa towards Europe seems inconsistent both culturally and politically, especially if compared to the critical situation along the southern border, the Sicilian coast.

It is always very difficult for social scientists to study and understand phenomena that are so dramatically pressing, but still the attempt to analyse how they are interpreted, formalized and locally constructed is an intellectual challenge and poses difficult but fascinating questions.

This book charts these recent changes through a specific focus, a special category which is progressively increasing in the scenario of migration: the “separated children”. The “mirror function” that migration performs in the country of arrival takes on particular significance as regards separated children for at least two reasons that will be analysed in depth throughout the book. First of all, in the Italian immigration legal framework, the fact of being a “minor”, with no adult responsible for him/her, produces many “irritations” as it falls within different legal and social codes (juvenile law,

¹ *Mare nostrum* has been an Italian military and humanitarian operation active in the Mediterranean Sea since 3 October 2013, when 366 migrants died near Lampedusa, the small Sicilian island 80 miles from Africa where many boats dock. The bodies lying in the harbour of Lampedusa shocked the international public, and the Italian government financed this operation. During the 2014 the Italian navy saved more than 170,000 migrants from the sea and left them in the Sicilian ports to the management of local police forces, municipalities and prefectures.

citizenship, immigration and family law) with consequences that are extremely informative about our systems, their means of communication, and their perspectives. Secondly, in the case of separated children, almost all local institutions are directly involved, while not always involved when concerning adult working population because of their irregularity or “invisibility”. Prefectures, social services, police, juvenile court, lawyers, guardians, and social workers are all involved in the process of identifying, hosting and monitoring these young migrants. Their future will be conditioned by the decisions taken along this process.

Interest in this category of migrants dates back to 2008 when a programme by Minister of Interior *Praesidium*, in collaboration with Italian Red Cross, ANCI (National Association of Italian Municipalities) UNHCR, IOM and *Save the Children* financed the first 100 days for each minor in care homes in Italy. Part of the history of this programme, is described in the following pages, and it represents a worthy example of institutional cooperation and one of the last “good practices” of national policy on migration and integration.

Moreover, thanks to this and other projects and to the campaigns and actions of *Save the Children* across Europe, in recent years interest towards this specific group of migrants has grown but at the same time, as we will try to highlight, has changed profoundly. Interest in young migrants, which has grown as the number of institutions and operators concerned with these minors has increased, has become quite specific (economic, cultural, and institutional), questioning the meaning of this category, proposing new rules at both national (Law proposal n.1658) and European level (COM-2014 382), and specifying data collections, methods of intervention and problems arising at their arrival and stay in the receiving countries. At the same time, nonetheless, this specific form of migration is obviously part of the general migration flow, especially towards Italy and southern Europe, which has rapidly changed in origin and kind. The ways through which these minors are “included” (or forgotten) can be paradigmatic of attitudes towards migration in European countries. Is no more only a question of weaknesses and strengths of “Fortress Europe” but of migrants’ classification and the treatments devoted to all who will not enter the asylum and refugee’s channels. Even for separated children the recent standards approved by the Sicilian region plan an extension of places in the SPRAR circuit (Protection System for Asylum Seekers and Refugees), but many children will not fit the category of the asylum seekers. Will this trend be strengthened for both adults and children in the near future? Which inclusion and exclusions’ procedures will be progressively enforced?

The structure of the book is based around these questions, and the first chapter in particular focuses on some characteristics of the southern European border as an attempt to offer a specific interpretation of the

migration flow and the integration process experienced by migrants. Southern European countries have shown specific institutional and economic traits since 1945, and these states - especially Greece, Spain and Italy - have recently been facing a consistent flow of migrants. Many of them are minors with no adult responsible for them. What is immediately evident concerning this specific category is that these “children” represent the crossing point of different systems, first of all between the national migration law and the juvenile law system, but they also represent the crossing point of normative systems of control/acceptance, inclusion/exclusion and integration/repatriation. Sicily, therefore, is not only a land of arrival but also a laboratory for experimenting with practices, setting procedures and defining competences on all these crossing spaces.

The second chapter describes how the phenomenon of separated children can nowadays be considered a structural phenomenon at a European level. The increasing importance that it has acquired over time comes not only from a quantitative point of view, but also with regard to the challenges posed to the different European welfare systems as it highlights the condition of “lack of communication” among migration management systems. With a closer look at the Italian system, we try to show that the juridical figure of separated children, that is on the borderline of conflicting legislations (those relating to the protection of children, and those relating to the control of migration flows), has a significant impact on local policies that acquire relevance not only in the management of separated children, but also in defining approaches and planning policies that must always respond on the basis of national and international regulatory principles in the “best interests” of the child.

The third chapter focuses on the role of the territory and local actors in the management of the separated children at national and local levels, with particular reference to the Sicilian context. Starting from some general elements of continuity and discontinuity that characterize the presence of separated children in Italy, the chapter analyzes the flow and presence of children in the area, in terms of nationality, gender and age. In this chapter we also try to provide an overview of the reception system in term of actors involved and reference laws, enriched with data on municipalities that have contacted and taken separated children in their charge in recent years. It focuses also on reception care homes to highlight their role in carrying out protection measures, ensuring the respect of minors’ rights, in activating integration paths for children in the territory, as well as to show the main critical issues detected over time by a number of actors and scholars on the phenomenon of separated children.

The fourth chapter defines separated children as “children in transition”, together with other peculiarities that have emerged from the analysis of the phenomenon through several in-depth interviews to a judgement sample of

children living in care homes or other accommodation in the province of Catania. The narration of migratory direct experiences provides essential and in-depth information of the past, as well as useful hints for a better understanding of the present problems and conditions of unaccompanied minors. Starting from their *life history*, the ways of their “being at the border” have been discussed through fundamental *steps* and *spaces* that characterize their stay in Sicily, also describing their social inclusion/exclusion. The reconstruction of their paths and projects offers a representation of the separated children that is much more complex than that of an Italian child, alone with no adult responsible for him. Therefore, as well as providing useful information for understanding the phenomenon and the current experiences of the young people in the country, the analysis of the stories have made it possible to assess, albeit partially, the strengths and weaknesses of socio-political interventions.

This book is dedicated to two special women who have spent their lives researching and network building across Europe, and who have been able to stimulate curiosity and enhance research even when not financed and undervalued as usually happens “along the borders”.

The interest in migration towards southern Europe and especially Sicily dates back to the mid-2000s when I firstly met **Maria Baganha** during an INTERREG research project; we subsequently published a book on the migratory phenomenon in southern Europe (Consoli, 2009) and she died soon after that publication in the same year. Until then, I was particularly interested in poverty and its forms in the welfare systems, but studying migration I realized how deeply migrants could be considered the mirror of the inclusion processes of each country. Southern Europe, its weaknesses and characteristics, intrigued me and I entered a deep and interesting research field, and also discovered an educational gap. Shortly after that study, thanks to the Research Centre *LaPoss* of the University of Catania and to the Lawyers’ School “V. Geraci”, we offered a Master course for post-graduate students on migrants’ rights. That experience was exhausting but brilliant, and I met wonderful students coming from different degree courses who are still working on the implementation of migrants’ rights across Italy.

The research group now collaborating with this book was gathered especially thanks to another European research project, COST, on Eastern European Borders, headed by another special woman, **Sarah Green**. We met her and the COST group on the First EastbordNet International Conference in Catania in 2011 when we collaborated on the organization of a round table titled “Dislocating borders. Understanding migration from a transboundary region”. On that occasion we tried to analyse Sicily as a trans-boundary territory where different approaches, fluxes, communities, and exchanges were occurring and therefore require specific lens. The comments and discussions were extremely interesting, and after that productive experience we presented papers on the topic of “Separated children” at Cost II International Conference in January 2013, at the Espanet Conference and at the European Group for the Study of Deviance and Social Control Conference in Liverpool in September 2014.

The ideas developed in this book are also the result of educational activities interconnected with institutions, producing outputs on several levels. After offering the cited Master course on migrants' rights, in collaboration with the Prefecture of Catania we organised two courses for Guardians of the separated children, and thanks to the Institute for workers in Public Administration (ex-INPDAP, INPS) we also organize a course for people working in the public administration specifically offering services to migrants (doctors, lawyers, social workers, and teachers).

We hope that the work we have pursued at different levels can produce more attention to migration towards Southern Europe, and especially towards Sicily, without rhetoric and demagoguery but with a more comprehensive approach to specific characteristics and to the (un)expected results.

1. Southern Europe, migration flows and the “Separated children”. Norms, policies and local issues

M. Teresa Consoli

Over the years, studies on migration have progressively inundated the academic scene and today constitute one of the main fields of social research and scientific publications.

Many approaches and studies on migratory chains and integration processes offer a deep understanding of the foundational categories of modernity as “citizenship” (Kymlicka, 1996; Balibar, 2004; Sayad, 2004; Zanfrini, 2007) and its (broken) link with work (Rifkin, 1995; Wilson, 1997). Some writers refer to the new categories that modern society has assumed due to migration, as the case of “irregularity”, as the result of a condition of “structural anomie”, rooted in the internal tension between shared legitimate goals and available means (Bommes and Sciortino, 2011: 17).

Furthermore, the dimensions that migration flows have recently assumed in some areas of the world and the substantial number of international asylum seeking migrants, have highlighted the urgent need for a deeper investigation and a better understanding of the people’s movements and the conditions for their departure and arrival. In this light, many reports already published by UNHCR, *International Organization for Migration*, as well as *Human Right Watch*, *Save the Children* and *Unicef*, to mention just a few, strongly support changes in the politics and services provided in the receiving countries.

The approach developed in the following pages is based on the idea that a significant part of migration can “be understood as a dependent variable, shaped to a considerable extent by institutions and organizations in receiving states”, and contextually migration challenges the welfare states, the characteristics of national and local welfare organizations, the strategic

institutions which effectively generate inclusion and exclusion processes and therefore redefines the link between modernity and welfare (Geddes, 2010: 3).

In this chapter we specifically focus on the Southern European border, trying to analyze some characteristics of the arrival country and its institutions; we also put forward some interpretative hypotheses regarding the changes the Sicilian region and the local actors have faced and made due to this substantial migration flow¹.

The main idea, the *fil rouge* of the whole book, is to offer some areas of public reflection on migration and its effects on local processes through the study of a specific category of migrants which already includes many paradigmatic contradictions concerning integration and migration: the separated children.

In the perspective we have pursued, the category of separated children is included alongside the main migratory flow; however, with regard to this particular category, dissonances and inequalities in the welfare system have been encountered, specifically in Italy where the migratory control procedures have been under particular pressure in recent months.

1.1 Migration towards Southern Europe

Italy, with its long coastline on the Mediterranean Sea, has always been affected by inward and outward migration flows. Even though it has not always been considered as discriminating, “migration” is part of the cultural traits of both ancient and modern Italian history (AA.VV., 2009).

Many historians have focused on migratory movements in the “internal sea” as an expression of a distinctive economic system, of the existence of a European *afflatus* rooted back in ancient history, while others have underlined the normative innovations that have occurred in that “space of freedom” since the Greek colonization and the spread of the Roman Empire (Moatti, Kaiser in AA.VV., 2009: 5-20). Since then, the Mediterranean Sea has always been an area of movement and transition, a strategic border that has from time to time given countries facing this sea a relevant role in history.

¹ This approach and the study of Sicily as a country of transition and settlement has already been developed in a previous publication (Consoli, 2009), in which some points concerning the role of local administrations in the process of increasing polarization of the legal system regarding the tightening of the policy for the entrance of migrants, and the absence of measures aiming to stabilize the foreign resident population were underlined. At that time, nonetheless, the flow of migrants arriving by boats consisted only in 15% of total entrances in Italy (Lombardi, 2010), and it did not have the characteristics and the dimensions recently assumed.

In modern times, because of the changes that occurred after World War II and the consolidation of the European Union as a “new” institutional and political subject, Southern European countries have been studied and analysed from different perspectives.

Through the studies on the institutional assets of Southern European countries, we have interpreted the current response to migration and to the large flow that has arrived in Sicily in recent months as the result of this historical and institutional background, specifically based on the weak role of the middle classes, on pervasive (but mainly inefficient) bureaucracy, on the illegal economies characteristic of this area, and on the consequent political appeal of the “emergency approach” and the rhetoric connected to it.

In this light, human migration has its specific forms, characteristics, chains and stages (King, 2007), but the semantics elaborated to face and govern it are basically linked to the receiving countries and can be considered an epiphenomenon of the specific political and cultural approach to social problems with all the connected unexpected effects at a local level. Even when, and perhaps especially when, a real emergency is going on.

The book by the economic historian, Giulio Sapelli (Sapelli, 1996) underlines the characteristics and traits which are specific to the European institutional and economic building from 1945 in Portugal, Greece, Spain, Italy and Turkey; all these countries had to deal with a profound change from *tradition* to *modernity* with similar effects, chiefly caused by the role played by the middle classes. The distinctive history of southern Europe after World War II, affirms Sapelli, “is the story of the late advent of market relationships, basically promoted from above, not by the civil society, but by the institutional system”².

Rapid growth and the fast transition from a predominantly agrarian society to a predominantly tertiary one were not able to create a high and stable systemic integration that could be the result of a slow and steady transformation of social structures. Normative systems in these countries express these unstable transformations, together with a specific capacity for social integration: these countries, affirms Sapelli, have developed a very high ability to establish *non conflictual* relationships between social

² The importance of large estate ownership structures in Spain, Portugal and Italy, and the polarization of land ownership are characteristic features. The agrarian society not only resisted the spread of the market, but it was the specific form through which it is progressively institutionalized, crystallizing a complex mechanism of regulation and administration. The predominance of employment in the agricultural sector follows the pattern of the service sector rather than the industrial one. In Southern Europe, not only does the agricultural sector lose workers at a slower rate, but there is a large number of employees in the service sector without having first attained the level of industrial employment typical of continental Europe (Sapelli, 1996).

groups; social mobilization has not been as intense, and action guidelines are imbued with cultural values that are derived from individualistic and vertical relationships rather than collective and horizontal ones³.

Access to “social” rights is therefore principally the result of the “legal” recognition of categorical *status*, formalized from above; consequently, the role of the legal system and its actors becomes more and more crucial. The normative domain in which rights are recognised and formalized, and the ways through which the public administration is involved in this process are strategic elements for understanding the institutional and normative content of the actual development in this area. In this part of Europe, therefore, a decisive factor is the late experience of industrialization, the poor penetration of market mechanisms, and the pervasive presence of the state in economic and social life which in Italy has basically been translated into a strong and widespread political mediation of the aims and instruments of “social development”.

Sapelli is evidently referring to the approach usually indicated as “modernization *without* development”, considered typical of these countries.

In a similar analytical perspective, but focusing more on citizenship, social rights and welfare systems, since the late 1990s many scholars, especially political scientists, have focused on the specific traits of the institutional welfare systems of European countries. The comparative work on welfare capitalism by Esping-Andersen (Esping-Andersen, 1990)⁴ has been criticised by authors such as (Ferrera, 1993, 2012) who have drawn attention to the poor characterization of “Mediterranean welfare” in scholarly literature. Italy, Spain, Greece and sometimes Portugal, marked similar paths to social services provision and entitlement, to “social rights” that (national) citizenship has progressively enhanced and affirmed⁵.

Cash benefits have traditionally played a prominent role in these welfare systems, and income maintenance is essentially work-related, based on

³ As many authors have affirmed from different perspectives, Southern Europe has progressively built its relationships more on *clientelism* and *patronage* structures characterized by the relevance of status rather than contractual systems. (Sapelli, 1996; Ginsborg, 1989; Galli Della Loggia, 1998; Putnam *et al.*, 1994; Petruszewicz, Schneider and Schneider, 2009).

⁴ The threefold partition of the worlds of welfare into “Anglo-Saxon”, “Scandinavian” and “Continental” comes from the territorial reference of the *Three worlds of welfare capitalism* (Esping-Andersen, 1990).

⁵ The study of citizenship and its fluctuating appeal in the political and cultural debate is obviously strategic to understand the process of state building, and the social rights of “foreigners” (Balibar, 2004). In this light, the book edited by Zolo (Zolo, 1994) is still crucial for the debate on Italy; for information specifically referred to migrants, see also Zanfrini (Zanfrini, 2007), Ambrosini (Ambrosini, 2011), Consoli (Consoli, 2012), Melillo (Melillo, 2013) and Rigo (Rigo, 2013).

occupational status combined with previous contributions. By contrast, health and education are still guaranteed to all, and constitute universal entitlement, although profound changes and constraints are taking place. In this situation, the role of the family comprises the cornerstone of welfare; the state delegates responsibility to the family to guarantee basic income security and to provide for the care-giving needs; families function traditionally as shock-absorbers when its members face short-term deprivation or special need⁶.

Nowadays, older workers are generally better protected while young workers and families remain largely out of the safety net. Italy, Spain and Greece have the most elderly oriented welfare states in the OECD, with Portugal not far from them, and they all spend less on social protection per inhabitant than the rest of the EU27. In Italy, more than half of all social benefits are still directed to old age pensioners. As a result, all these countries are in the upper band of European income inequality, together with Bulgaria, Latvia, Lithuania, Romania and the UK; the risk of living in relative poverty (below 60% of national median income) was higher in the south of Europe than in the core of the continent a long time before the recession. High unemployment rates and low female participation in the labour force are still considered a clear inside/outside cleavage⁷, and the most distinctive trait emerging from the combinations of a two-tier labour force and a highly fragmented social protection system is a clear polarization between well-protected beneficiaries and a large group of under-protected workers and citizens. Needless to say, when migrants come to southern Europe, they join this latter group, following the path of the welfare system with its embedded inequalities and unresolved problems.

Migration flows, which are formalized and handled differently in every European country, comprise another aspect of differentiation among European national systems and clusters. The entrance of migrants into the southern labour market is characterized by poor and badly paid jobs, powered by irregularity, a condition in which many migrants are forced to live (Bommes and Sciortino, 2013).

According to several authors, research into southern Europe has shown that migrants may be attracted to these countries because there is more chance of finding informal or irregular employment and less chance of

⁶ The debate on the role of the family in Italy still revolves around “Amoral familism”, a sociological term introduced by Banfield in 1958 which constitutes part of the cultural representation of the Italian underdevelopment (Banfield, Fasano, 1967).

⁷ “During the industrialization processes southern European countries put in place highly protective employment regimes, especially against dismissal of workers from core sectors of the economy. Stringent employment protection legislation has often been conceptualized as a legacy of the authoritarian/corporatist ideologies, and a consequence of the slow development of unemployment compensation systems” (Marì-Klose, Moreno-Fuentes, 2013).

being controlled by state authorities (Reyneri, 1998; Baganha, Reyneri, 2001).

The kind of labour market, which welcomes “regular” migrants, obviously conditions the migration flow. The most significant areas of immigrant labour in Southern European countries, especially Italy and Spain, are small and medium-sized manufacturing companies, construction, domestic service and agriculture. Despite the obvious variations in types of work, what these sectors have in common is that they are embedded in the post-fordism economy and their essentially pre-fordism labour relationships. However, it can easily be affirmed that *all* neo-liberal economies have increased the demand for cheap and highly flexible labour; the 3-Ds (dirty, dangerous and demanding) and the issue of immigration, especially illegal migration, resulted in the first tensions between labour demand and restrictions against illegal immigration for work (Ambrosini, 1999).

These laws thus guarantee that immigrant workers labour under conditions that are “shunned by most of the indigenous working class, arrangements that reproduce their economic otherness and their exclusion from adequate housing, health care, and other basic necessities and accoutrements of belonging” (Calavita, 2005: 165).

Policies of migration control, its legal instruments, services provided and competencies involved, have changed in the attempt to enhance the efficacy of inside and outside controls. However, “regular” migrants still maintain a very high level of employment even in areas of high unemployment, and parallel to this there is still a multi-faceted level of irregular migration considered functional to all European economies, though the number of these migrants is basically unknown (Ambrosini, 2010; Bommès and Sciortino, 2013).

The irregularity and exclusion of migrants are therefore inevitable by-products of immigration laws that allow cheap labour and that inevitably reproduce poverty. Needless to say, this process is further fuelled by the criminalization of migrants, another form of “institutionalized irregularity”, produced and reproduced by the law, which paves the way to prison and not equal rights for migrants (Calavita, 2005: 156; Ferraris, 2012). These processes are intertwined, also because irregular migrants are not entitled to social rights and local services, as these require having a regular working position and being resident in a municipality. Access to labour for migrants replicates and even accentuates the divisions already mentioned, securing protection only for certain types and categories of workers and discharging the connection between work and fundamental rights.

The rhetoric for the policy for migration in these countries is: integration *vs* illegality. A characteristic aspect of migration laws in Southern European countries consists in their policy against illegal

migration, that is mainly through regularization. A look at the recent history of immigration in Mediterranean countries confirms the spread of the structural nature of regularization⁸. This constitutes one of the main differences from the central continental states that establish a rigid limit to the number of immigrants; sooner or later, the southern states regularise irregular immigrants. According to recent studies (Colombo, 2012) the total number of migrants accepted in northern European countries and in the southern ones is almost the same, but the countries in the first group welcome a very high number of refugees, a number usually planned according to the structures and resources available, while southern countries have regularized almost the same number of migrants but according to an “emergency” approach which is based on cyclical regularizations of migrants already working in the country.

On the other hand, especially in southern countries, there is a declared political concern for integration. Calavita points out that Italian and Spanish immigration policies emphasize *integration*, and this word “has become a mantra on the lips of government officials, oppositions, party members and immigrant advocates alike” (Calavita, 2005: 2); however, at the same time, the immigration laws treat immigrants exclusively as workers and their “legal status is contingent on continued work permits”. As a result of this contradictory approach, the status of migrants nowadays is characterized by “unavoidable illegality” (Ferraris, 2012), which reproduces segregation and poverty as the main condition of the migrant.

All these elements of social differentiation among European countries have even stronger variations within each country and region⁹, according to the role that welfare provision and local administrations¹⁰ have played and the responsibility assumed in the provision of local public services.

In general, the ways in which local administrations are involved are highly indicative of the content of “public” services and interventions, especially in areas where there is no clear political strategy, like the area of

⁸ Since the end of the 1970s till now, Italy has approved 11 regularization cycles (various names have been given to this procedure - *sanatorie, regolarizzazioni e emersioni*) legalizing the condition of 1,800,000 irregular migrants. Between 1985 and 2005, Portugal carried out three regularization cycles; Spain has passed through nine (*regularization, arraigo and normalization*) and six have been approved in Greece (Colombo, 2012: 25-35)

⁹ An extraordinary picture of regional political differences among Italian regions is given by Coppola (Coppola, 1997), by the already cited Della Loggia (Galli Della Loggia, 1998) and more recently, albeit politically linked to the federalist constitutional reform, also by Ricolfi L. (Ricolfi, 2012).

¹⁰ The recent political and constitutional history of Italy is profoundly embedded in the search for a new form of federalism; its institutional organization and decisional processes are locally based, especially concerning social services and the role of local administrations. The debate is well described in Fargion, Pavolini and Agodi *et al.* (Fargion, 1997; Agodi, 2001; Pavolini, 2003)