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Italian migration policy: Changes and effects

Introduction

Although it was the last century that was defined as the “age of migration”, still territorial mobility is an inseparable element of human history and a permanent component of the functioning of the world. As a result of demographic growth, climate change or the expansion of production and trade, migrations changed their character and intensity¹. While in the nineteenth century, around 10% of the world’s population was in motion, in the twentieth century this figure stabilized at 3-3.5%. Despite the research being conducted, the precise scale of the phenomenon is still difficult to estimate².

The very phenomenon of migration, having a multidimensional character, is unambiguous to define. In addition, due to the adoption of different research perspectives, it is impossible to talk about a comprehensive and widely accepted theory of migration. Hence, an important role is attributed to typologies built using different criteria: change of place of residence, change of community or social environment, displacement from one culture or subculture to another, duration of movement, distance, severance or maintenance of ties with the place of origin.³

¹ S. Castels, M.J. Miller, *Migracje we współczesnym świecie*, Warszawa 2011.

² The number of migrants in the world is constantly growing and in 2017 amounted to 258 million (in 2010 – 220 million, while in 2000 – 173 million). Over 60% of migrants live in Asia (80 million) or Europe (78 million). Other continents: North America (58 million), Africa (25 million), Latin America and the Caribbean (10 million) and Oceania (8 million). For individual countries: 2/3 (67%) of all international migrants lived in only twenty countries. The largest number (50 million) in the United States. In turn, in Saudi Arabia, Germany and Russia – 12 million in each of them. In the United Kingdom and Northern Ireland, on the other hand, almost 9 million; see: United Nations. Department of Economic and Social Affairs. Population Division, *International migration report 2017: Highlights (ST / ESA / SER.A / 404)*, New York 2017.

³ M. Wójcik-Żołądek, *Współczesne procesy migracyjne: definicje, tendencje, teorie*, [in:] *Migracje i polityka migracyjna*, edit. Ł. Żołądek, “Studia BAS” 2014, No. 4(40), pp. 11-13; A. Górny, P. Kaczmarczyk, *Uwarunkowania i mechanizmy migracji zarobkowych w świetle wybranych koncepcji teoretycznych*, “Prace Migracyjne” 2003, No. 49, pp. 5-10.

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The aforementioned multidimensional character of the phenomenon described also defines the dynamics of changes taking place in migration policies. This, in turn, calls for the inclusion of those factors that influence the way the state implements tasks related to migration. Based on these factors, Maciej Duszczyk proposed a new typology that distinguishes five models of implementation of migration policy⁴.

The first one is a model of a complementary migration policy (a labour market-oriented migration policy model), in which the consent to the immigration of a person depends on the possibility of finding employment in the open labour market of the host country. Immigrants are perceived through the prism of the needs of the national economy; hence they are treated as a complementary source of labour. Completing these shortages, however, has a structural basis: the selection of immigrants concerning the ability to assimilate and be useful in the labour market excludes mass immigration. Another model is the one of colonial-humanitarian migration policy, which claims that immigrants from some areas of the world have special rights and facilities to obtain the right to enter a given country. Usually, this is related to historical experiences (mainly the colonial period), and the policy implemented in this way serves as a kind of compensation for countries that are the former sphere of influence. Countries that have relatively recently transformed from emigratory ones into immigration ones, usually implement the model of new immigration states. The model is characterized by a liberal approach to immigration, whose priority is to supplement shortages of the labour market. In contrast to the complementary policy model, they do not use point systems, leaving the market to adjust demand and supply. Ad hoc projects implemented on this occasion often result in a significant scale of employment of foreigners in the grey economy. In turn, the distinguishing feature of the residual migration policy model (assimilation policy of migration policy) is the recognition that immigration to a given country can only take place after meeting the restrictive conditions regarding suitability for the economy and the labour market, as well as assimilation. As a consequence, the model serves to implement the doctrine of restricting immigration, especially from countries that differ in cultural and social norms. The last one is a model of a multicultural migration policy which recognizes the state of constant competition as beneficial for the social and economic development of the state. The professional skills and experience remain the secondary issue, and the immigrant's background is essential. Thus, the state cares for maintaining the optimal proportions in the scope of participation of representatives of particular nations in migration flows, preferring immigration of those who are under-represented in the society of the host country.

Although "international migration in the form we know, is a relatively new phenomenon and inextricably linked with the modern concept of a nation state, whose ration-

⁴ M. Duszczyk, *Wyzwania polskiej polityki migracyjnej a doświadczenia międzynarodowe*, [in:] *Polityka migracyjna jako instrument promocji zatrudnienia i ograniczania bezrobocia*, edit. P. Kaczmarczyk, M. Okólski, Warszawa 2008, pp. 13-17.

ale largely rests on the control of borders and citizens”⁵, their historical prototypes do not remain unaffected. It is also important in Italy, which is a country with a long history of emigration and a much shorter experience of immigration. Although it was acknowledged that mass emigration began with the unification of Italy (nineteenth century), its beginnings date back to earlier centuries. Already in the Middle Ages, the colonies of Italian merchants could be found in many countries of Europe at that time. Over time, artists, architects and construction workers joined them. The dramatic decline of emigration in the mid-twentieth century was accompanied by a change in the specificity of Italy, which from the sending country turned into a country receiving immigrants. Moreover, while the effects of immigration remain challenging to grasp and interpret, there is, however, a broad consensus on the key role that migration has played in Italian history⁶.

The analysis of the mentioned above change in the Italian migration policy and the consequences resulting from it constitute a coherent objective of this text. Its implementation is based on the adopted research hypotheses, which directly refer to the two title references. First of all: the economic situation is the main factor stimulating the emigration process. Secondly, the lack of coherent migration policy in Italy has contributed to the migration crisis. The study of the above assumptions was based on a conceptual network co-created by the following categories: migration history (emigration and immigration), Italian migration policy, migration theories and migration crisis.

In the course of the analysis, two methods have found their specific application. Firstly, a historical method that allows a description of changes in Italian migration processes over the last century. Secondly, the comparative method, which allows to indicate the multidimensionality of the phenomenon of migration and to identify the causes of the ongoing migration crisis. Its complementary character is institutional and legal exploration, applied to the analysis of Italian legal norms concerning migration.

The phases of Italian emigration

The evolution of migration processes has also influenced the development of theories used to analyze international mobility. This is closely related to both the emergence of new factors affecting the shape of migration flows and the adaptation of migrants in new environments⁷. In the context of the complexity of Italian migration, the analysis of the

⁵ M. Buchowski, I. Kołbon, *Współcześni wędrowcy: od cudzoziemca do obywatela*, “Czas Kultury” 2008, No. 4, p. 14.

⁶ R. Romano, *Il lungo cammino dell'emigrazione italiana*, “Altreitalie” 1992, No. 7, pp. 6-18; D. Del Boca, A. Venturini, *Italian Migration*, “IZA Discussion Paper” 2003, No. 938.

⁷ For example, Thomas Faist, referring to the transnational approach to migration research, distinguished three generations of migration theories. The first of these focuses on analyzing the factors pushing and attracting migrants. This model also includes the new economics of labour migration developed in the 1980s, which claims that the decision to leave is motivated mainly by the desire to improve the financial situation. The second generation of migration theories focuses on the analysis of relations between the centre and

push and pull factors of migrants can be considered appropriate to describe the phenomenon. The concept formulated by Everett S. Lee, often referred to as “a push-pull theory”, is of a general nature (factors can be selected arbitrarily for a given study), which causes that the reasons for migration can be explained from both an economic and demographic perspective, as well as from a political perspective, or cultural⁸.

These factors are responsible for the decision to leave the current place of residence and the selection of the destination. Push factors include unstable economic conditions, low earnings, high unemployment rate, poor working conditions, demographic pressure, unstable political situation, violations of human rights, wars and armed conflicts, and natural disasters in the country of origin. In contrast, pull factors include greater employment opportunities, higher wages, stable economic and political situation, the opportunity to study or gain a profession, an opportunity to become acquainted with new technologies, and adequate protection of human rights. It should be added, however, that the influence on the migration decision, made on the basis of a comparison of the characteristics of the place of origin and the destination, also has to interrupt obstacles. They arise from cultural differences, distances or immigration policy instruments in the host country.

Although the push-pull model formulated by the American sociologist and demographer has certain limitations⁹, it seems to show the conditions of Italian migration movements accurately. What is more, it allows understanding both the historical complexity in the context of recent emigration (as decided by push factors) and current immigration (and pull factors). Their analysis should begin with the approximation of the phenomenon of emigration, which can be divided into threetime phases: a great emigration (from the end of the nineteenth century to the 1930s), European emigration (from the 1950s to 70s) and a new emigration (from the beginning of the twenty-first century).

Mass emigration began with the unification of Italy: in 1861-1976 more than 26 million people emigrated, half of them to European countries, the rest to North and South America.

From 1898 to 1914, never less than 150,000 emigrants did not flow through the Atlantic every year, and in the peak period five times more. Over 70 per cent of them were Southerners and 25 per cent came from Sicily. Emigration to Europe also increased, but it was mainly periodic

the peripheries of the global system. Due to the different social and economic conditions and institutional structures, residents of the centre and periphery will be characterized by different migratory behaviours. The third of the distinguished generations includes the analysis of the relationship between the sending and receiving state. The focus of attention is placed on the practices of migrants and relatively non-mobile members of the surveyed community in the transnational social space, as well as the role of national states that control these spaces; see: T. Faist, *The volume and dynamics of international migration and transnational social spaces*, Oxford 2000; Ł. Krzyżowski, S. Urbańska, *Perspektywa transnarodowa w studiach migracyjnych*, [in:] *Mozaiki przestrzeni transnarodowych. Teorie – metody – zjawiska*, edit. Ł. Krzyżowski, S. Urbańska, Kraków 2010, pp. 12-13.

⁸ E.S. Lee, *A Theory of Migration*, “Demography” 1966, No. 3(1), pp. 47-57.

⁹ M. Wójcik-Żołądek, *op. cit.*, pp. 28-29.

and came from the North. Nevertheless, this rapid emigration from the South to the New World attracted the most attention and exerted the greatest influence¹⁰.

The reasons for such a massive emigration were poverty, lack of land for work, internal political problems and lack of sense of security caused by organized crime. Another final reason for pushing out was overpopulation, which was the result of improving the socio-economic conditions of the country. The attracting factor was the development of industrial capital, starting from its previous concentration in the cities of northern Europe and Great Britain, to both Americas and plantations and mines in European colonies of Africa and Asia. This phenomenon has created millions of new jobs for unskilled labourers¹¹.

On the other hand, the “European emigration” of the second half of the twentieth century was directed first of all to the economically developing European countries. In the 1940s, these were mainly France, Switzerland and Belgium, and in the following decades – Germany. Usually, they were considered a temporary, several-month-long trip destination – where they worked and earned, then return and build a better future in Italy.

The third phase is a new emigration, which was born at the beginning of the twenty-first century as a result of the economic crisis in 2007-2008. This migration movement mainly involved young people and was associated with the phenomenon of “brain drain”. The main destinations are Germany, Great Britain, France, Switzerland, Canada, Australia, and the United States. Between 2006 and 2017, the mobility of Italians increased by 60.1%, from 3 to nearly 5 million. As of January 1, 2017, the number of Italians residing outside the country and entered into the AIRE Register (Anagrafe degli Italiani Residenti all’Estero) amounted to 4,973,942 million, which is 8.2% compared to over 60.5 million living in the country¹².

The evolution of immigration policy

In November 1949, the beginning of a wave of returns from former African colonies was set down. In a short time, 206,000 refugees returned to their country. However, 1976 appeared to be the turning point, when for the first time in over 100 years, zero migration balance was recorded. In the next few years, Italy was changing from emigration into immigration state.

In 1970-80 a sharp decline in emigration was noted. Despite the high unemployment rate (especially among young people), the increase in household incomes allowed many

¹⁰ M. Clark, *Współczesne Włochy 1871-2006*, Warszawa 2009, p. 271.

¹¹ J.S. McDonald, *Some socio-economic emigration differentials in rural Italy, 1902-1913*, “Economic Development and Cultural Change” 1958, No. 7(1), pp. 55-72; E. Sori, *L’emigrazione italiana dall’Unità alla Seconda Guerra Mondiale*, Bologna 1984.

¹² Fondazione Migrantes della Conferenza Episcopale Italiana, *Rapporto “Italiani nel Mondo 2017”*. Sintesi, Todi 2018; M. Sanfilippo, *La nuova emigrazione italiana (2000-2017): il quadro storico e storiografico*, “Studi Emigrazione” 2017, No. 207, pp. 359-378.

Table 1. Figures and countries preferred by Italian emigrants in the years 1861-1985

	France	Germany	Switzerland	The USA - Canada	Argentina	Brazil	Australia	Other countries
1861-1870	288,000	44,000	38,000	-	-	-	-	91,000
1871-1880	347,000	105,000	132,000	26,000	86,000	37,000	460	265,000
1881-1890	374,000	86,000	71,000	251,000	391,000	215,000	1,590	302,000
1891-1900	259,000	230,000	189,000	520,000	367,000	580,000	3,440	390,000
1901-1910	572,000	591,000	655,000	2,394,000	734,000	303,000	7,540	388,000
1911-1920	664,000	285,000	433,000	1,650,000	315,000	125,000	7,480	429,000
1921-1930	1,010,000	11,490	157,000	450,000	535,000	76,000	33,000	298,000
1931-1940	741,000	7,900	258,000	170,000	190,000	15,000	6,950	362,000
1946-1950	175,000	2,155	330,000	158,000	278,000	45,915	87,265	219,000
1951-1960	491,000	1,140,000	1,420,000	297,000	24,800	22,200	163,000	381,000
1961-1970	898,000	541,000	593,000	208,000	9,800	5,570	61,280	316,000
1971-1980	492,000	310,000	243,000	61,500	8,310	6,380	18,980	178,000
1981-1985	20,000	105,000	85,000	16,000	4,000	2,200	6,000	63,000
Left	6,322,000	3,458,000	4,604,000	6,201,000	2,941,000	1,432,000	396,000	3,682,000
Returned	2,972,000	1,045,000	2,058,000	721,000	750,000	162,000	92,000	2,475,000
Stayed	3,350,000	2,413,000	2,546,000	5,480,000	2,191,000	1,270,000	304,000	1,207,000
In total:	left: 29,036,000 – returned: 10,275,000 – stayed: 18,761,000							

Source: own elaboration based on: *La Rete Civica di Milano è*, <http://fc.rete.civica.milano.it/rcmweb/rssweb/Geopolitica/Indice%20Geopolitica/Emigrazione%20italiana/Ricerche/S01EC51C5.1/emitot.htm> [access on: 5.09.2018].

of their members for long periods without work. The country was left only by highly qualified and specialized employees in search of better employment opportunities. At the same time, Italy accepted immigrants, mainly coming from developing countries (from Africa, the Middle East, Asia, Latin America) and Eastern Europe. The dominant group among them constituted of students and politicians fleeing dictatorships and threatening them with persecution.

In the 1960s, the first settlements of foreign workers attracted by the prosperity achieved thanks to the economic boom appeared in Italy. However, it was not until the early 1980s that immigration began to be perceived as an important phenomenon for the Italian political system. Until then, the situation was regulated by continuous amnesties until the economic crisis, and rising unemployment led to the total blocking of people starting work in 1982. Lack of explicit legal provisions in this matter meant that until the mid-1980s the state implemented migration policy in the counter-adversarial to the provisions set out in Article 10 para. 2 of the Constitution, according to which “the legal position of a foreigner is regulated by law, in accordance with international norms and agreements”¹³. It was in force, as approved by the royal decree of June 18, 1931, as a uniform text of laws regarding public security. Thus, for many years the Republican normative corps was primarily based on legislation from the fascist period, not too restrictive concerning the possibility of foreigners entering Italy. However, they had to declare their stay (within three days of arrival) and were subject to repeated checks and an expulsion order without jurisdiction control. In addition to the Circulation of the Minister of Labour on the employment of foreigners from 1964¹⁴ and ratified in 1981 by the International Labour Organization Convention on the promotion of equality and treatment of migrant workers (from 1975)¹⁵, this *Testo unico* constituted a law regulating the immigrant labour sector up to Act No. 943/1986. This law, known as *legge Foschi* (from the name of Franco Foschi, then Christian Democrat, former minister of labour and social welfare), introduced provisions on family reunification, as well as tourist and study stays. Besides, the document contained a solemn, formal declaration of equality between Italian workers and foreigners. The law was also accompanied by a great amnesty, which covered over 100,000 immigrants. To a large extent, *legge Foschi*

¹³ *Regio decreto di 18 giugno 1931, nr 773 approvazione del testo unico delle leggi di pubblica sicurezza*, “Supplemento ordinario alla Gazzetta Ufficiale”, No. 146, June 26, 1931.

¹⁴ *Una circolare del Ministro del Lavoro del 1964 (sull'impiego di lavoratori subordinati stranieri)*, [in:] *La legislazione nazionale in materia di immigrazione*, <http://www.avvisopubblico.it/home/home/cosa-facciamo/informare/documenti-tematici/immigrazione/la-legislazione-nazionale-materia-immigrazione/> [access on: 5.09.2018].

¹⁵ *Convenzione sulle migrazioni in condizioni abusive e sulla promozione della parità di opportunità e di trattamento dei lavoratori migranti*, Law of June 4, 1975, “Supplemento ordinario alla Gazzetta Ufficiale”, No. 116, April 29, 1981. http://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-rome/documents/normativeinstrument/wcms_153191.pdf [access on: 5.09.2018].

remained unfulfilled, which coincided with the influx of increasing numbers of immigrants and the growing animosity towards them from some of the native population¹⁶.

The Act 39/1990 concerning the rules of placement and treatment of immigrants from outside the European Union and opposing illegal immigration, known as *legge Martelli* (named after Claudio Martelli, Deputy Prime Minister in the government of Giulio Andreotti), tried to answer the growing challenges of Italian migration policy, which was the basis of current regulations in that extent¹⁷. On the one hand, the Act provided for a defensive mechanism implemented through the first principle of the quantitative planning of the inflow of the so-called economic immigrants into the country which is determined by the needs of the Italian labour market and a special residence permit issued by the Police Headquarters or its proper post. On the other hand, based on criminal provisions, the repressive part regulated the procedure of expulsion of socially dangerous foreigners. In addition, another amnesty is planned for people with uncertain status on the territory of the Republic and the implementation of solutions for the integration of immigrants on a large scale. In comparison with the existing regulations, Martelli's law quite restrictively determined the conditions of entry to the country. In this way, they wanted to unify migration policy in the European countries that joined the Schengen Agreement, which would be subject to a massive inflow of foreign workers. Since then, the procedure of expelling foreigners has become a common practice implemented in the form of an administrative decree. It was used not only in the scope of repression of the behaviour of individual foreigners, but also as a measure to prevent disordered immigration.

In the early 1990s, with the collapse of the totalitarian regime in the countries of Central and Eastern Europe, numerous groups of Albanian citizens began to arrive at the shores of Apulia. This has led to a change in the perception of migration processes by Italian society. From then on, subsequent actions shaping the Italian migration policy were strongly related to the increasingly negative perception of immigrants by a large part of public opinion. This also applied to resolutions that did not come into force, including *decinius Dini* (named after Lamberto Dini, then Prime Minister), defining the provisions on immigration policy and the regulation of entry and stay on the territory of the country of citizens of non-EU countries¹⁸.

¹⁶ *Norme in materia di collocamento e di trattamento dei lavoratori extracomunitari immigrati e contro le immigrazioni clandestine*, Law No. 943 of December 30, 1986, "Gazzetta Ufficiale", No. 8, January 12, 1987.

¹⁷ *Conversione in legge, con modificazioni, del decreto-legge 30 dicembre 1989, nr 416, recante norme urgenti in materia di asilo politico, di ingresso e soggiorno dei cittadini extracomunitari e di regolarizzazione dei cittadini extracomunitari ed apolidi già presenti nel territorio dello Stato. Disposizioni in materia di asilo*, Law of February 28, 1990, "Gazzetta Ufficiale", No. 49, February 28, 1990.

¹⁸ *Disposizioni urgenti in materia di politica dell'immigrazione e per la regolamentazione dell'ingresso e soggiorno nel territorio nazionale dei cittadini dei Paesi non appartenenti all'Unione Europea*, Decree-Law of November 18, 1995, "Gazzetta Ufficiale", No. 270, November 18, 1995.

The next decrees and laws aimed to fill the gaps in the legal provisions of the Martelli Law. In 1992, a new citizenship law was adopted that extended the naturalization of foreigners to 10 years of permanent legal residence¹⁹. In 1993, *legge Mancino* (named after Nicolo Mancino, then Minister of Internal Affairs) against xenophobia and discrimination²⁰ and *decreto Conso* (named after Giovanni Conso, then Minister of Justice), that introduced new crimes attributed to foreigners and modified the expulsion procedure²¹. In 1995, the decree was approved, and then it was drafted into a law called the *legge Puglia*²², which established centres for immigrants on the coast of Puglia for the next three years. This law, administered from time to time, forms the basis of the Italian immigrant reception system to this day.

The first phase of immigration policy conducted by the authorities of the Italian Republic ended with the adoption of Act No. 40/1998, known as the *legge Turco-Napolitano* (named after Livia Turco, then Minister of Social Solidarity, and Giorgio Napolitano, then Minister of the Interior)²³. This resolution was the first Italian immigration law of a general nature and not approved in extraordinary circumstances. An important innovation was the improved definition of migration flows planning, which was incorporated into foreign policy through a system of preferential amounts for countries that cooperated in the repatriation of immigrants expelled from Italy. The new law regulated migration policy on two important levels. With regard to the social integration of employees, instruments were introduced to allow people to come to search for work, residency permits were established, stabilizing the situation of long-term residents and basic health care also extended to illegal immigrants. In addition, control and expulsion policies were strengthened, which was in line with internal security considerations. The number of cases that resulted in illegal immigrants being deported and Temporary Resident and Assistance Centres (CPT) were created to stop and identify immigrants and possibly expel them. Besides, thirty days of arrest in these centres were imposed, enforced by administrative procedures. This record was the subject of high-profile criticism both due to the abuse with which the security forces used this punishment and the violation of basic civil rights in the event of prolonged detention. An un-

¹⁹ *Legge: Nuove norme sulla cittadinanza*, Law of No. 91, February 5, 1992, "Gazzetta Ufficiale", No. 38, February 15, 1992.

²⁰ *Conversione in legge, con modificazioni, del decreto-legge 26 aprile 1993, n. 122, recante misure urgenti in materia di discriminazione razziale, etnica e religiosa*, Law No. 205 of June 25, 1993, "Gazzetta Ufficiale", No. 148, June 26, 1993.

²¹ *Decreto-legge: Nuove misure in materia di trattamento penitenziario, nonché sull'espulsione dei cittadini stranieri*, Law No. 187 of June 14, 1993, "Gazzetta Ufficiale", No. 137, June 14, 1993 [amended by Law No. 296 of August 12, 1993, "Gazzetta Ufficiale", No. 188, August 12, 1993].

²² *Legge: Conversione in legge del decreto-legge 30 ottobre 1995, n. 451, recante disposizioni urgenti per l'ulteriore impiego del personale delle Forze armate in attività di controllo della frontiera marittima nella regione Puglia*, Law No. 563 of December 29, 1995, "Gazzetta Ufficiale", No. 303, December 30, 1995.

²³ *Legge: Disciplina dell'immigrazione e norme sulla condizione dello straniero*, Law No. 40 of March 6, 1998, "Supplemento ordinario n. 40 alla Gazzetta Ufficiale", No. 59, March 12, 1998.

doubted advantage of the new immigration law was a power of attorney to approve the legislative decree, which allowed for the introduction, under the Italian regulatory system, of a consolidated law on immigration²⁴. In this way, all national regulations concerning the field in question were concentrated. Thanks to the next modifications made over the years, it is still in force, contributing to the simplification and improvement of Italian migration legislation.

In the following years, the number of immigrants increased significantly, which was directly related to the process of enlargement of the European Union to include more countries and a more significant number of people authorized to transit and settle in Italy. This situation has become the subject of heated political debate, which is reflected in subsequent, often contradictory, regulations. This process began the adoption of Act No. 189/2002, which modified the *legge Turco-Napolitano*, significantly limiting the possibility of foreign citizens coming to Italy from outside the EU²⁵. In regards to those already living in the territory of the Republic, the validity period of residence permits has been reduced from three to two years, the role of CPT and deportation laws increased, fingerprints were introduced for all foreigners, and the illegal stay was codified. Besides, by setting new income rates, the sponsorship system introduced by the previous law was abolished, creating one procedure based on a contract of employment, which greatly hindered a non-EU citizen from taking up legal employment in Italy. The law was accompanied by a massive amnesty, the largest in Europe's history, which encompassed over 650,000 people.

The new centre-left government tried to alleviate the severity of the above provisions by means of a law known as the *legge of Amato-Ferrero* (from the name of Giuliano Amato, then Prime Minister, and Paolo Ferrero, then Minister of Social Justice). However, due to the premature end of the 15th Legate, the resolution never came to light²⁶. At the same time, however, changes to Community legislation, in particular, Directive 2004/83 EC, 2003/109/EC, 2003/86/EC, called for a re-modification of the system to be harmonized with other European countries.

Subsequent changes, significantly tightening immigration legislation, were introduced by the centre-right government within *Pacchetto Sicurezza*, elaborated by the then Interior Minister, Roberto Maroni. The package consisted of three legislative instruments. Act No. 125/2008 defined new types of crimes committed by illegal immigrants and those who favour illegal stays in Italy (including employers employing black work-

²⁴ *Decreto legislativo: Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulle condizione dello straniero*, Law No. 286 of July 25, 1998, "Supplemento ordinario n. 139 alla Gazzetta Ufficiale", No. 191, August 18, 1998.

²⁵ *Legge: Modifica alla normativa in materia di immigrazione e di asilo*, Law No. 189 of July 30, 2002, "Supplemento Ordinario n. 173 alla Gazzetta Ufficiale", No. 199, August 26, 2002.

²⁶ *Disegno di Legge Delega al Governo per la modifica della disciplina dell'immigrazione e delle norme sulla condizione dello straniero*, <http://www.ristretti.it/areestudio/stranieri/zippati/amato-ferrero.pdf> [access on: 5.09.2018].

ers) and new aggravating circumstances for these offenses, introduced stricter penalties for the authentication of false personal data and expulsion for citizens of EU or non-EU countries sentenced to imprisonment for over two years²⁷. The second document is Legislative Decree No. 160/2008, the provisions of which effectively limit the right to family reunification by limiting the number of family members who can be combined and raising the level of income necessary to obtain the right to exercise this right²⁸. Act No. 94/2009, in the field of public safety, introduced the offense of illegal entry and stay, tightening penalties for offending illegal immigration, extending the maximum detention periods to 6 months in the CPT (renaming the Identification and Expiration Centres). Also, it introduced new economic regulations that complied with previous consents to entry, family reunification and renewal of residence permits²⁹.

This one of the most restrictive solutions of the Italian migration policy was partly relaxed in the later period by the implementing decrees of the European directives, which have in the meantime been approved. In particular, the provisions on expulsion and detention were partially changed when the Repatriation Directive 2008/115/EC³⁰ entered into force, provisions on entry, residence and circulation of Directives 2009/50/EC, 2009/52/EC, 2004/38/EC, especially the procedures and adoption directives³¹.

Last year brought yet another vital resolutions of the parliament, which resulted in further regulations in the area of migration policy. Act No. 46/2017 set out rules aimed at speeding up proceedings in the field of international protection and combating illegal immigration. Twenty-six courts specialized in immigration were established for this purpose, extending the competence of the already existing Court of Appeal. The latter will have to deal with numerous cases of appeals against the provisions of Territorial Committees. The new resolution also provided for the improvement of procedures for the recognition of international protection and the expulsion of employees with irregular status. To a large extent, this was based both on consultations with the Territorial Commissions and on increasing the maximum period of retention of migrants in designated Centres. The provisions discussed do not apply to unaccompanied minors, for

²⁷ *Conversione in legge, con modificazioni, del decreto-legge 23 maggio 2008, n. 92, recante misure urgenti in materia di sicurezza pubblica*, Law No. 125 of July 24, 2008, "Gazzetta Ufficiale", No. 173, July 25, 2008.

²⁸ *Decreto legislativo: Modifiche ed integrazioni al decreto legislativo 8 gennaio 2007, nr 5, recante attuazione della direttiva 2003/86/CE relativa al diritto di ricongiungimento familiare*, Law No. 160 of October 3, 2008, "Gazzetta Ufficiale", No. 247, October 21, 2008.

²⁹ *Disposizioni in materia di sicurezza pubblica*, Law No. 94 of July 15, 2009, "Supplemento ordinario n. 128 alla Gazzetta Ufficiale", No. 170, July 24, 2009.

³⁰ *Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in the Member States for returning illegally staying third-country nationals*, <https://eur-lex.europa.eu/eli/dir/2008/115/oj> [access on: 5.09.2018].

³¹ *Sintesi del decreto legislativo n. 142 z 18 agosto 2015: Il sistema di accoglienza dei richiedenti protezione internazionale alla luce delle più recenti novità legislative*, <http://www.avvisopubblico.it/home/home/cosa-facciamo/informare/documenti-tematici/immigrazione/sintesi-del-d-lgs-n-142-del-18-agosto-2015-sistema-accoglienza-dei-richiedenti-protezione-internazionale-alla-luce-delle-piu-recenti-novita-legislative/> [access on: 5.09.2018].

whom separate standards have been adopted (Act No. 47/2017³²) with solutions providing better protection. In addition, there is an ongoing discussion in parliamentary committees on the new Citizenship Act³³.

Conclusions

The growing interest in the migration policy experienced by Italy in the last twenty years and the accompanying polarisation between political parties reveal the country's difficulties in managing one of the most controversial aspects of globalisation. For decades, successive authorities of the Italian Republic have been forced to manage the social process of transition from being a country of emigrants to the country of increasing immigration. The scale of the phenomenon is confirmed by data collected over the past years (Table 2). They indicate a gradual increase in the number of foreigners residing in Italy and a slight majority of women in relation to men.

Table 2. Number of foreigners residing in Italy in 2011-2018 (as of January 1, 2018)

Year	Men	Women	In total
2011	1 881 030	2 146 597	4 027 627
2012	1 891 560	2 160 521	4 052 081
2013	2 059 753	2 327 968	4 387 721
2014	2 330 488	2 591 597	4 922 085
2015	2 372 796	2 641 641	5 014 437
2016	2 381 487	2 644 666	5 026 153
2017	2 404 129	2 642 899	5 047 028
2018	2 471 722	2 672 718	5 144 440

Source: own elaboration based on: *Istituto nazionale di statistica*, <https://www.istat.it/> [access on: 5.09.2018].

The population map of foreigners in individual regions of Italy is unevenly distributed (Table 3). The faster pace of economic development and the accompanying needs of the labour market mean that northern regions are very popular with foreigners. A large proportion of arriving immigrants also live in the central regions of the country, mainly in large urban centres located there. The rest, less than 20%, settled in less prosperous southern regions and islands.

³² *Disposizioni in materia di misure di protezione dei minori stranieri non accompagnati*, Law No. 47 of April 7, 2017, "Gazzetta Ufficiale", No. 93, April 21, 2017.

³³ S. Paolin, "Cittadinanza Italiana", <https://www.cittadinanza.biz/riforma-della-cittadinanza-italiana-ecco-il-testo-della-nuova-norma/> [access on: 5.09.2018].

Table 3. Number of foreigners living in individual regions of Italy (as of January 1, 2018)

Region	In Total
Northwest	1 727 178
Piedmont	423 506
Aosta Valley	8 117
Liguria	141 720
Lombardy	1 153 835
Northeast	1 225 466
Autonomous province of Bolzano	48 018
Trentino-Alto Adige	46 929
Veneto	487 893
Friuli – Venezia Giulia	106 652
Emilia-Romagna	535 974
Center	1 319 692
Tuscany	408 463
Umbria	95 710
Marche	136 045
Lazio	679 474
South	624 866
Abruzzo	87 054
Molise	13 943
Campania	258 524
Apulia	134 351
Basilicata	22 500
Calabria	108 494
Islands	247 238
Sicily	193 014
Sardinia	54 224

Source: own elaboration based on *Istituto nazionale di statistica*, <https://www.istat.it/> [access on: 5.09.2018].

The observed immigration wave is accompanied by significant internal changes: from a few hundred thousand immigrant populations at the time of the fall of the Berlin Wall, through a million of masses in 1998, after becoming the country most affected by the wave of African refugees. However, the national structure of foreigners is very diverse (Table 4). For all fourteen countries whose number of Italian citizens is over 100,000, four of them are European (Romania as the only EU member state and Albania, Ukraine, Moldova), six Asian countries (China, Philippines, India, Bangladesh, Pakistan, Sri Lanka) and four African (Morocco, Egypt, Nigeria, Senegal).

Table 4. Country of origin of foreigners residing in Italy (as of January 1, 2017)

Country	Number
Romania	1 190 091
Albania	440 465
Morocco	416 531
China	290 681
Ukraine	237 047
Philippines	167 859
India	151 791
Bangladesh	131 967
Moldova	131 814
Egypt	119 513
Pakistan	114 198
Sri Lanka	107 967
Nigeria	106 069
Senegal	105 937

Source: own elaboration based on *Istituto nazionale di statistica*, <https://www.istat.it/> [access on: 5.09.2018].

Soon, the number of registered foreigners staying in the territory of Italy will reach 6 million. Therefore, there is a risk that such a fast transition will lead to the closure of the country against new immigrants, and, as a consequence, to a severe restriction on the rights of foreigners, as evidenced by the regulations issued in the last twenty years. In this situation, it seems that the management of the migration crisis is no longer the responsibility of a single nation, but should be an action taken at the level of solutions of the European community. Short-sighted is the conviction of some political leaders that the migration problem is only a matter for border countries: soon it can be seen as the problem of the whole Old Continent.

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Abstract: The phenomenon of Italian migration is characterized by a clear caesura, which makes Italy a country with a long history of emigration and a much shorter experience of immigration. The mid-1970s are considered a breakthrough, when the zero-migration balance was recorded for the first time. The growing wave of arriving foreigners forced the rulers to change the current immigration policy, which rarely responded to the needs of both foreigners and citizens of the Republic. Subsequent laws, usually created in extraordinary circumstances, were also subject to the process of alternating power. Lack of legislative continuity and insufficient social integration gave birth to additional tensions around the observed influx of refugees. In this situation, it seems that the management of the migration crisis is no longer the responsibility of a single nation, but should be an action taken at the level of solutions of the European community.

Keywords: Italian political system, migration policy, migration history (emigration and immigration), theories of migration, migration crisis

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