



*Regular and Undocumented Migrants,
Fundamental Rights, Decent Work, and Integration
in Italy: The Case of the Campania Region*

A Collective Non-Paper by

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Foreword

The Institute for Research on Innovation and Services for Development - National Research Council of Italy (IRISS-CNR) is among the academic institutions admitted to attend and participate in the ongoing preparatory process of the global compact for safe, orderly and regular migration, in accordance with the General Assembly resolution 71/280.

IRISS-CNR gathered, under its coordination, some prominent academics and experts for drafting a collective non-paper focused on the managing experience of migration flows in Campania, one of the regions of Southern Italy.

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1. Introduction

The aim of the paper is to show how the shaping (or re-shaping) of pathways for regular migration to Italy would increase in a significant manner the successful outcome of projects for migrants' integration. The territory under scrutiny (Campania) shows some peculiarities – *i.e.* an important presence of low-income persons, informal economy, temporary jobs – that are reflected in the tools for managing and regulating migration fluxes.

The standpoint of the analysis is twofold: on the one hand, the large number of undocumented migrants, whose presence is caused also by the reduction of stable procedures for 'legalizing their status', affects the assumption according to which all migrants, including undocumented migrants, should have basic fundamental rights.

On the other hand, the absence of a systematic planning and scheduling for regularization of migrants may be considered among the most important factors preventing the 'normalization' of (long-term) actions for integration of migrants. Initiatives, actions and projects (including those carried out by the so-called organizations of *privato sociale* and/or of *Terzo settore*) are perceived very often as an emergency response to any 'crisis'.

The paper focuses on workers in agriculture and as caregivers, two sectors in which foreign presence in the labour market is particularly relevant. Moreover, as far as the region under consideration is concerned, the weight of informal economy generates labour exploitation.

2. The Normative Framework Concerning Migrants in Italy

a) National Legislation

In general, it is uncontroversial that the admission of foreigners on the national territory falls within the sovereign powers of a State. That said, it is also undisputed that any violation of human rights protected by international law (whether customary or conventional, for those States that are parties to a human rights treaty) shall entail the international responsibility of the State violating the legal rule.

Article 10 para. 2 of the Italian Constitution provides that “the legal status of foreigners is regulated by law in conformity with international provisions and treaties”.

The first organic law dealing with immigration was Law 39/1990 (also known as “Legge Martelli”), which regulated entry on the Italian territory on the grounds of quotas (included in ‘flow-decrees’ issued yearly by the Government), linked to the job market. A temporary residence permit could be obtained for the purpose of study, work, medical care or family reunification. Law 39/1990 also aimed at regularizing migrant

workers already residing in Italy without any permit.

Law 40/1998 (“Legge Turco-Napolitano”) and Legislative Decree 286/1998 (“Immigration Single Act” – *Testo Unico delle disposizioni concernenti la disciplina dell’immigrazione norme sulla condizione dello straniero*) set up for the first time a regularization procedure to become legally resident in Italy. While maintaining the ‘flow-decree’ system, the Law and the Single Act provided for a general scheme outlining future migratory policies in Italy.

The Immigration Single Act is still in force, but it was deeply modified by subsequent laws (i.e. Law 189/2002 – “Legge Bossi-Fini”). Some of the provisions that reformed the Act aimed at criminalizing the condition of ‘undocumented migrants’, forcing all public officers and public workers to report their presence to the police. Domestic courts and tribunals ruled against the application of the most controversial part of the Law, and the Constitutional Court ruled on its constitutional

illegitimacy, for the part in which it contravened also international law rules.

Besides the issue of residence permits in accordance with the laws in force, some regularization programs have been authorized, from 1986, by the Government (the last one in 2012), for those migrants already working in Italy, regularizing the status of about 1,700,000 people, according to the official data.

The flow-decrees are issued more or less regularly, but they are largely insufficient to meet the needs of the labour market. Moreover, they are aimed at those migrants who are not yet on the Italian territory, since they provide for quotas of contracts (distributed per country) to be concluded before arriving to Italy.

b) Regional Legislation on Migrants' Integration in Campania

Article 117 (2) (b) of the Italian Constitution reserves, *inter alia*, the matter of immigration to the exclusive competence of the State. However, the Constitutional Court has repeatedly clarified that Regions may regulate certain aspects of migrants' integration that touch upon socio-economic matters such as social assistance, education, health or housing. This principle was established for the first time by Constitutional Court in judgment no. 300 of 7 July 2005.

The Immigration Single Act provided for the issuing, every three years, of an immigration policy program (dealing with all aspects of the matter, including legal access and entry of migrants in Italy). The document has not been issued regularly; its absence is recalled also in the wording of some of the flow-decrees (i.e. Considerandum of the flow-decree for 2017). Consequently, it appears that integration policies set up by the State are somehow fragile and dictated by circumstances. In particular, one could feel that the depiction of the 'crisis' concerning the management of migratory flows toward Italy may be used to slow down any process of rationalisation of the use of resources to direct migration towards regular pathways.

The active involvement of Regions for the monitoring of immigration fluxes and for the programming and regulation of projects aimed at migrants' integration is then an indispensable component of national immigration policies.

This conclusion is also supported by Article 3 (5) of the so-called "*Testo Unico Immigrazione*" (Legislative decree No. 286, of 25 July 1998). This provision establishes that Regions, Provinces and Municipalities must

adopt provisions to contribute to the aim of removing obstacles to the full recognition of migrants' rights and entitlements on the national territory, with specific reference to those pertaining to housing, language and social integration. Against this normative background, Italian Regions have adopted regional laws in the field of migrants' integration and more broadly of migrants' socio-economic rights (including, to mention only some of those that issued regional legislation after the reform of Art. 117 of the Constitution, Friuli Venezia Giulia, Liguria, Toscana, Lazio, Marche, Abruzzo, Puglia and Campania).

Thus, in the broader context of the distribution of competences between the State and Regions in the Italian order, Regional Law No. 6 of 8 February 2010 "Rules for the social, economic and cultural inclusion of foreign nationals living in Campania" may be taken into account. The law is directed to all third-country national citizens as well as to stateless persons, asylum seekers and refugees who reside in Campania.

Regional Law No. 6/2010 establishes obligations of cooperation and support of state action in several social policy areas. Art. 1, in particular, envisages several actions for the Campania Region, ranging from broad obligations targeting all migrants to more

specific ones concerning certain groups of migrants. In the first group, we may include cooperation with State authorities on all activities concerning immigration under Art. 1 (a) and on the prevention and elimination of racial discrimination and xenophobia under Art. 1 (d). More specific actions are envisaged by letters (b) and (c) of the said Art. 1, which are respectively devoted to ensuring third-country nationals' and stateless persons' access to fundamental rights established by international, EU and domestic law, and to the promotion of initiatives aimed at ensuring access to civil and social rights for regular residents in Campania in conditions of equality with Italian citizens.

It is also noteworthy that Art. 1 (3) creates an obligation for the Region to set up a system of social protection through specific initiatives, aimed at ensuring *i.e.* equal access to housing, employment, education and health, at removing situations of violence or labour exploitation and to support the integration of victims of trafficking, exploitation and discrimination. Articles 17 – 21 (in the section named "Specific measures in favour of foreigners") specify the content of the obligation of Art. 1 (3). Each article in this section is devoted to a specific area of intervention in the field of migrants' social integration: namely, access to housing, health services, education, professional

orientation and training as well as integration in the labour market (with specific reference to seasonal work and autonomous work).

Law No. 6/2010 distributes also specific competences in the field of immigration among local bodies. While Art. 3 provides that the Campania Region must pursue the social integration of “foreign persons”, Art. 4 details several areas of activity for Provinces. These include housing policies, employment policies, actions aimed at supporting linguistic diversity, social integration and public participation at local level. Finally, Art. 5 establishes that municipalities will design specific interventions in coordination with the Region and assigns specific aspects of migrants’ lives to their competence.

A crucial shortcoming of law no. 6/2010 is the lack of enforcement of its most operative provisions. First, Article 9 envisaged the creation of a Regional Council on Immigration with advisory and support functions to the general Regional Council. To date, the Council on Immigration has never become operational. Its activation is among the

objectives of the 2014- 2020 plan of the Campania Region for projects on the labour market and social integration of migrants. Similarly, Article 12 – which instituted the Regional Observatory on Immigration – has not been implemented so far. The Observatory would collect data on immigration fluxes to Italy and to Campania, monitor and analyse the need for foreign workers at local level and study the features of migrants’ social integration. The lack of enforcement of such provisions may cause a lack of awareness by local and national institutions about the characteristics of immigration fluxes in Campania. More broadly, it has been rightly noted that legal enforcement at administrative level is key for the effectiveness of regional laws such as the one under review. Consistent financial support, coordination between the involved actors also on the grounds of Memoranda of Understanding as well as the observation of good practices in other EU Member States in the field of migrants’ integration can be useful to pursue this objective.

3. The European Court of Human Rights, Availability of Regular Pathways and Migration Issues

According to the case law of the European Court of Human Rights (ECtHR), a higher level of protection of migrants can be attained

by means of integration and of legal procedures for their regularization. The importance of ensuring respect of a minimum

standard of fundamental rights when dealing with the status of irregular migrants is often underscored in the case law of the Strasbourg Court.

The analysis below is twofold. It concerns (1) the ECtHR's stance on legal procedures of regularization as useful means of avoiding worker exploitation, and (2) the ECtHR jurisprudence holding that the attribution of a legal status is essential to guarantee fundamental rights, such as the respect of private and family life.

As for point (1), the ECtHR has emphasized the relevance of the recognition of migrants in order to prevent and repress exploitation and trafficking. In *Chowdury v. Greece* (30 March 2017) the Court held that the lack of pathways of identification and regularization constituted a violation of Article 4 of the European Convention on Human Rights (ECHR), prohibiting slavery and forced labor. More specifically, Greece (despite having ratified the main international instruments on the matter, including the Palermo Protocol Against Transnational Organized Crime and the Anti-Trafficking Convention of 16 May 2005) had failed to fulfill its positive obligations to adopt preventive and protective measures to neutralize trafficking and slavery. Particularly relevant for the present analysis is the fact that, among the measures that Greece had failed to adopt, the ECtHR

mentioned the strengthening of coordination between the various bodies responsible for anti-trafficking, including border controls and measure of identification of migrants in order to control people coming into the country. The judgment argued that the lack of measures of identification prevented to realize control and monitoring activities necessary to neutralize slavery and forced labor. The Court held that Greece had not met its positive obligations because the authorities had been aware of the situation for a long time (the situation had first been addressed by a 2008 Ombudsman report) but had never taken any measure other than some adopted on an ad hoc basis.

The importance of a regulatory framework to "legalize" the status of migrants has been confirmed in *J. and others v. Austria* (17 January 2017), in which the Court found no violation of Article 4 ECHR in light of the adoption by the Austrian authorities of useful measures in that regard. The Court referred particularly to the work and residence permits that allowed migrants to regularize their stay into the country; moreover, they had also been given legal representation, procedural guidance and assistance to facilitate their integration in Austria. In light of this, the Court held that the Austrian legal and administrative framework concerning the protection of potential victims of human trafficking had been sufficient and that Austrian authorities

had taken all steps which they could reasonably be expected to take in the given situation. Therefore, the regularization of the status of migrants represents a relevant measure to trace migratory flows and to prevent episodes of exploitation and forced labor.

As for point (2), mention should be made of the ECtHR case law on the subject of expulsions in connection to the right to respect for one's private and family life enshrined in Art. 8 ECHR. Also in this field, the Court has underscored the importance of pathways of regularization in order to protect fundamental rights such as those connected with the enjoyment of family relationships.

In *Hasanbasic v. Switzerland* (11 June 2013), the Court found that the Swiss authorities' failure to take important elements into account in the balance of interests constituted a violation of Article 8 ECHR. The applicant complained about the refusal of settlement permit renewal and the subsequent expulsion for committing a criminal offence.

Even if interferences with private and family life are allowed to pursue legitimate aims connected to the country's economic well-being, such as the prevention of disorder or crime and the protection of rights and freedoms of others, the Court denounced the fact that domestic authorities failed to consider important elements. Specifically, in balancing the relevant interests, the authorities should not have confined themselves to consider the offences that had been committed but should have taken into account some other relevant elements too, such as the considerable length of time that the applicant had spent in the country, the fact that Switzerland had been the center of the applicant's private and family life, the presence of children in the country, and the applicant's health conditions. In light of all these circumstances, the Court considered the refusal of renewal of residence permit not justified by pressing social needs and not proportional to the legitimate aims pursued.

4. Migration Issues before the Committee of Social Rights of the Council of Europe

The Committee on Social Rights of the Council of Europe verifies the conformity of State parties' legislations and conduct to the

European Social Charter. It adopts conclusions on State reports and decisions on collective complaints.

It can be maintained that the European Social Charter is the most important document dealing with social and economic rights for the Council of Europe geopolitical area. Therefore, the importance of the Committee cannot be underestimated. On multiple occasions, the Committee took into consideration the legal implications of migration.

The Committee examined eleven collective complaints in matters related to migration. Its 'jurisprudence' may appear very enlightening for our analysis. We will dwell here on some of these cases in order to illustrate the logic and meaning of the decisions. This important 'jurisprudence' affirms the fundamental principle of the dignity of the human persons independently from their legal status. Moreover, the Committee recalls constantly the primacy of human rights over the aims of immigration policies.

First, the Committee's Decision adopted on 25 June 2010, in the case *Centre on Housing Rights and Evictions (COHRE) v. Italy*, concerning the rights of Roma and Sinti minorities, is of major importance. The Committee found out that a series of legislative measures adopted by Italy for "security reasons" violated fundamental rights of such minorities and Article E of the Revised European Social Charter, concerning non-discrimination, in connection

with the rights to housing, to protection against poverty and social exclusion, to social, legal and economic protection of the family and those of migrant workers and their families to protection and assistance. On that occasion the Committee declared the unlawfulness of collective expulsions. It also considered that "the contested "security measures" represent a discriminatory legal framework which targets Roma and Sinti, especially by putting them in a difficult situation of non access to identification documents in order to legalise their residence status and, therefore, allowing even the expulsion of Italian and other EU citizens". The Committee moreover, recalling the opinion expressed by the Council of Europe Commissioner for Human Rights, affirmed that "that the adoption of the contested "security measures" has been considered "indicative of serious weaknesses of the state mechanism that appears to be unable to deal effectively with social problems that are not novel by means of ordinary legislative or other measures".

Another collective complaint concerning in particular the situation of Roma people has been discussed by the Committee in a case concerning Croatia (52/2008). In this case, the Committee affirmed that there had been a violation of Article 16 of the Charter, the non-discrimination principle contained in the Preamble of the Charter and a violation of

Article 16 of the Charter - the right of the family to social, legal and economic protection - read in light of the non-discrimination clause on the ground of a failure to implement the housing programme within a reasonable timeframe on account of a failure to take into account the heightened vulnerabilities of many displaced families, and of ethnic Serb families in particular.

Likewise, in the case 51/2008, concerning France, the Committee concluded unanimously that French policy violated a series of articles of the Charter, including Articles 16 and 19.

It is worth mentioning the case *CEC v. Netherlands* (90/213, decision on the merits adopted on 1st July 2014), where the Committee observed *i.a.*, that “it cannot accept the Government’s argument on the lack of international obligations to offer protection to adult migrants in an irregular situation. It firstly notes in this regard that also the relevant instruments of the United Nations guarantee an adequate standard of living, that is, food, clothing and housing, to everyone without limitations based on the regularity of residency”. Secondly, the Committee affirmed that the so-called “core-obligations” identified by the United Nations Committee on Economic, Social and Cultural Rights, the monitoring body of the 1966 International Covenant on Economic, Social and Cultural Rights, have to be considered as “as non-derogable, as well as linked to the

dignity of the human person” and that they include “access to basic shelter and minimum essential food for everyone, regardless of residence status”. Referring to these finding, the Committee also considered that “the right to shelter is closely connected to the human dignity of every person regardless of their residence status”. Therefore, the Committee declared that the Dutch Government had violated Article 13§4 and 31§2 of the European Social Charter.

Lastly, in the case 69/2011 (*Defence for Children International v. Belgium*) the Committee affirmed, with a Decision adopted on 23 October 2012, that the Belgian Government had violated various provisions of the Charter and namely Article 17, concerning the right of children and young persons to social, legal and economic protection, Article 7§10, concerning the right “to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work”, Article 11§1 and §3, concerning the duty of the Parties, respectively, “to remove as far as possible the causes of ill-health”, and to prevent as far as possible epidemic, endemic and other diseases, as well as accidents”. Incidentally, the Committee noted that “Article 16 is actually linked to the enjoyment of certain fundamental rights such as preserving human dignity and health. Failing to consider that

States Parties are required to respect the right of families to housing in relation to foreign families unlawfully present in the

country would therefore be at variance with the Charter”.

5. Major Trends of the Presence of Migrants in the Campania region

Even before the '70s and '80s (when Italy, a former country of emigration, turned into a country of immigration) Campania had always been a Southern Italian region affected by the arrival of foreigners. However, the metropolitan area of Naples, and more generally the Campania region, have been characterized only recently by more substantial and stable migratory flows, while regions of Central and Northern Italy, such as Lazio, Lombardia, Veneto, Emilia-Romagna or Umbria, experienced the settlement of foreigners from the beginning of the '80s (a presence that had influenced local policies).

Traditionally, Campania was considered more as a transit area, than as a stable settlement area. The growth of the foreign presence on its territory has affected the demographic and social profile of the region.

Public information gave, over the last years, great visibility to phenomena such as migrants' prostitution, Roma settlements, or the involvement of foreigners in drug

trafficking as well as in illicit business, the growing presence of unaccompanied children and, more recently, to the arrivals of migrants as a consequence of political crises in Northern Africa, as well as to issues connected to the temporary reception of asylum seekers.

Although the importance of all the above-mentioned issues is undisputed, local or national politics seem to offer few tools for their management on the territory. Moreover, these emerging issues are likely to provide a partial (and unrealistic) picture of migratory flows to Campania.

In the first decades of the new century there was a complete change in the composition of the foreign presence in Campania: at the end of 2016 there were 243 698 officially present foreigners (namely 4.8% of the total population): a doubled figure compared to 2009 (131,335 foreigners). It is possible to register almost 29 represented nationalities with a prevalence of Eastern Europe

countries: Ukraine (42,645) and Romania (41,235) above all.

The Moroccan (20,829), Sri Lankan (16,571) and Chinese (13,896) communities continue to play a significant role among foreign groups. The last few years have been characterized by a resumption of the historical presence of migrants from Sub-Saharan Africa (as a result of the increase in arrivals by sea), but above all by the significant increase of people from the Indian subcontinent (Bangladesh, India and Pakistan).

The evolution of the foreign presence in Campania appears to be similar to changes observed on a national scale. Migrants' arrivals in Campania date back to the late '60s. They were linked to the Italian colonial policy. The first arrivals of Eritreans, in Campania as elsewhere, were linked to the existence of the former colony: following the annexation of Eritrea to Ethiopia (1962), several Italian cities were indeed reached by fluxes from the Horn of Africa. It is not possible to quantify this phenomenon precisely, but it can be described as predominantly feminine and aimed at domestic work in the suburbs of Naples. During the '70s, it was also possible to identify episodic presences of Northern Africans (from Morocco, in particular) with a seasonal migratory project, and working as costermongers during the summer along the

coasts of the region (especially on the beaches of the Domizia coast and Cilento).

For the people coming from Maghreb, trying to succeed in their Italian adventure, generally in their thirties and with a little education or no education at all, the summer costermongering was just an occasional tool to increase their low incomes. At the end of the '70s, the immigration patterns in Campania were reinforced by new actors and new trajectories. The increasing number of foreigners, the stable presence of families, the opening of new migratory paths and, above all, the clandestine component of migrant presence, emerged as features of migration in Campania.

Groups from Cape Verde and Eritrea, and the Tunisian community – hitherto mostly present in Sicily – became as important as the Moroccan one. Migrants from sub-Saharan Africa arrived on the territory of the region. They were mainly Senegalese, Ghanaians and Nigerians, mostly students – located, in fact, in Naples and Salerno – that had transformed their migratory project: they accepted any kind of temporary work in order to integrate their modest scholarships.

The 1980s were characterized by arrivals from Africa (both Maghreb and sub-Saharan region). Women's immigration, mainly directed to urban centers, joined the immigration, mostly masculine, concentrated between the provinces of Naples and

Caserta, especially in rural areas and/or small centers. Their presence, maybe for the first time, became evident during the summer of 1989 in Villa Literno, after the killing of Jerry Essan Masslo, a South-African boy who abandoned his country because of apartheid.

At that time, however, migration patterns to the city of Naples was already characterized by some specific features: the city became a singular hub of exchanges which, in the wake of the diffusion of counterfeit and second-hand products, still served as a link between the North and the South, and subsequently the East. In its many areas of commerce of goods and low-cost counterfeit products, it was possible to notice the first Northern African migrants who bought and resold goods in other European countries or in their countries of origin.

The signs of a significant growth of foreign presence are multiplied by the longer-term choices of the actors of migration. In the Eritrean and Somali communities, the first family links are recorded and the number of women engaged in full-time domestic work increases. At this same stage, even within Moroccan communities, a more stable migratory project is observable: during the summer, migrants are employed in sectors other than seasonal work (for instance as dishwashers, porters, night watches etc.).

Other communities also begin to become relevant: Filipinos, Peruvians and Cape Verdeans do not simply “go” to Naples, but they settle for longer periods. However, the driving labour market sector remains domestic work, which also provides migrants with housing. They are still predominantly women, and it is often the Catholic Church which plays an important role in the labour market due to its missions. In migrants’ countries of origin, missions initiate relationships and in some cases, facilitate the conclusion of employment contracts with families. In cities of destination, local parishes guarantee first aid, offering legal and bureaucratic assistance to newcomers. In this context, Somalis remain the only women workers in Campania who come from an Islamic country.

A complex migratory framework clearly emerges in the early 90s, after the second *sanatoria* (regulation programme established by law 39/90). The hypothesis that Naples and its hinterland are just places of transit is quashed, because of the increased number of migrant residents, the development of forms of rooting and the evident processes of transformation of the landscape. An articulated system of mobility among the Region is also outlined. In these same years, the links between gender, religion and working structure in the Region are also pointed out, and although generalizations are

not entirely possible, it can be said that those features are still present today – where it is possible to observe a division between Islamic self-employed men and Catholic employed women.

The '90s were characterized by a central role of the mobility of foreign workers. The available data reveal their significant presence in the agricultural sector, confirming their concentration in the coastal areas between Campi Flegrei and Southern Lazio, the Agro Nocerino-Sarnese and Piana del Sele, where exploitation of migrant workers is common. In the Province of Caserta, in particular, many food-processing companies and farms employ a great portion of workforce (especially for buffalo pasture). Moreover, other agricultural sectors are now open to the foreign workforce, and even in small mountain areas migrants begin to be employed in the field of breeding (especially sheep's).

The increase in migrant workers has been steady until the '90s (with usual peaks during regularizations); however, around the 2000s, the number of residence permits decreases, as the percentage of foreigners compared with the average of Italian workers. In fact, if there was any doubt about the fact that the Region was no longer a simple area of transit, data recorded for the period under consideration indicated more trajectories towards the Northern Regions of the country for migrants wishing to settle in Italy.

A real flood of figures is recorded with the last regularization programme of 2002: for the first time, more than 100,000 migrants are recorded in the Region – almost double than previous years. It is, however, a phenomenon that affects the entire country. In this sense, a new season of migration to Italy has started. The subsequent years are characterized by an explosion of presences from Eastern Europe. Since the first results of the regularization related to the Bossi-Fini law, Campania is recorded as the Region with the highest presence of Ukrainian citizens – a feature present, as we have seen, until 2016.

Naples and its province are steadily and clearly among those areas that host the largest number of foreigners in Italy since the first migration fluxes to the country. However, despite of a remarkable growth in all provinces, the most recent data (from 2016) report a gradual reduction of the number of migrants in the province of Naples. This area hosted 54.9% of the total number of migrants present in the Campania Region in 2002, and 50.7% in 2016 (123,733 foreigners). In the province of Salerno, we can highlight the greatest dynamism of migratory flows, with more than 50,000 foreign residents - more than the province of Caserta (44,000) which had been for a long time the second regional focal point of immigration.

Differently than the early years of migration fluxes, the contemporary trends show a more balanced distribution, as shown by the

increase in the number of municipalities with more than 1,000 foreign residents.

Naples, together with other municipalities around the Vesuvius, still attracts a significant number of migrants. Nonetheless, in few years, the municipalities with more than a 1,000 foreign residents have increased from 12 (in 2006) to 46 (in 2016), with an increasingly important role played by those on the outskirts of the area. For example, Eboli counts more foreign residents than Salerno, and Castel Volturno more than Caserta. It is also possible to notice the attractiveness of the Salerno province, but also of the urbanized peripheral areas in the Neapolitan hinterland (namely Scafati and Sarno), the Piana del Sele area (as Eboli and Battipaglia) and the Cilentan region (namely Capaccio and Agropoli). These are areas rooted in intensive agriculture, in the agro-food industry or into the seasonal touristic activities. With respect to the capacity of attracting domestic migration flows, in some cases percentages are equal to those registered in Central-Northern municipalities,

and are above the national average. This is the case, for instance, of San Giuseppe Vesuviano (16.1%), Castel Volturno (15.1%), Terzigno (15%), Eboli (13.7%) and Palma Campania (13.3%).

The impact of international migration to Naples can be easily understood by observing the transformations of the urban landscape. Walking in the Central Station district, for example, brings us into contact with a “world of worlds” made of Arabic and Chinese shops with different clientele by nationality and ethnicity. In these places, it is possible to find small community enclaves and most importantly to identify the landmarks of migrants’ private geography: cheap hotels, wholesalers and street sellers, grocery shops selling ethnic food and non-food products, as well as bus stations that offer regular connections to Ukraine, Poland and Maghreb countries. Between disrepair and the potential of poor internationalization, this is a landscape that has changed in the last decades and that is not very different than other European cities.

6. Labour Market and Employment of Foreigners in Campania

As a preliminary remark to the analysis of the data on the inclusion of foreigners into the labour market of Campania, it should be observed that the main statistical source used is the quarterly surveys on the labor force collected and published by ISTAT. Since 2004, ISTAT also collects representative data for the foreign resident population, with reference to the foreign population enrolled in the civil registry. This statistical source, however, does not cover irregularly resident foreigners and those who are regular residents but are not enrolled in the civil registry. Although over the years these groups have been shrinking, this source is likely to underestimate the presence of foreigners in the Campania labour market. The gap between these data and the actual situation will be greater in those sectors where it is plausible that a greater presence of foreign population is not

represented in the statistics. As a result, the estimate of the number of foreign workers based on official statistical sources is certainly lower than the actual one. The limitations of official statistics therefore suggest caution in estimating and analyzing migrants' employment and working conditions, which in any case should be corroborated by a wide field survey.

That said, it should be recalled that, thanks to the progress of integration processes, the quota of foreigners who are regular workers has increased considerably. Therefore, it can reasonably be assumed that the data concerning the regular employment of foreigners in Campania, shown below, are representative of a growing share of this population.

We begin with the main indicators of labour market integration of the foreign population from 2006 to 2015, as shown in Table 1.

Table 1 - – Labour force and main indicators of working insertion of Foreign population in Campania.

	Labour force		Activity rate		Employment rate		Unemployment rate	
	MF	% F	MF	F	MF	F	MF	F
2006	51,299	49.2	64.1	55.0	57.4	48.5	10.4	11.9
2007	57,725	56.0	68.0	65.1	63.4	61.0	6.8	6.4

2008	60,806	54.0	63.2	58.4	57.6	53.1	8.8	9.0
2009	63,985	53.1	61.1	55.6	56.0	49.9	8.4	10.1
2010	76,500	49.7	65.3	56.9	60.9	53.5	6.7	6.0
2011	85,863	54.1	64.8	60.0	59.7	54.3	7.9	9.5
2012	100,187	54.5	62.3	57.0	54.1	49.4	13.1	13.4
2013	100,534	54.5	61.5	58.2	52.0	50.1	15.6	13.8
2014	115,205	48.0	66.7	59.4	56.7	52.1	15.0	12.4
2015	120,110	45.3	63.0	53.7	54.7	47.2	13.3	12.2

Fonte: Istat data

The first significant figure is represented by the increased presence of foreigners in the labour market of Campania. This increase was recorded both in absolute terms and as a percentage of the total workforce. The share of foreigners on the total of workers and of people looking for work increased from 2 percent in 2006 to more than 6 percent in 2015, while the percentage of foreign residents on the total number of residents in Campania from 2006 to 2015 increased from just over 1 per cent to around 4 per cent.

The increased impact of the contribution of the foreign population to the economic

system of Campania is further confirmed by the relative rates of activity, employment and unemployment, which show a growing trend. The effects of the crisis have resulted primarily in a relative increase of the unemployment rate, with the exception of last year. Finally, also for the Campania region it is important to remark the significant female component of the total employment rates of foreigners, since their rates show a trend consistent with the total.

A final important piece of information concerns the features of foreign employment in Campania, showed by Table 2.

Table 2 - Foreigners employed in Campania by job sector and sex. 2015

	MF	% MF	% F	% F on tot F
Agriculture	12,074	11.6	11.1	2.8
Manufacturing	5,611	5.4	19.9	2.3
Construction	15,049	14.4	0.0	0.0
Business	9,377	9.0	4.5	0.9
Hotels and restaurants	12,445	11.9	45.2	11.8
Transport	2,411	2.3	0.0	0.0
Information services	0	0.0	0.0	0.0
Financial activities	0	0.0	0.0	0.0
Business services	2,736	2.6	84.9	4.9
Public administration	0	0.0	0.0	0.0
Education, healthcare	1,042	1.0	100.0	2.2
Other social services	43,440	41.7	82.7	75.2
Total	104,185	104,185	45.9	47,796

Source: ISTAT data

The data show that the service industry accounts for over two-thirds of foreign employment in Campania. Among these, care-related activities such as housekeeping and caregiving deserve a specific mention. These activities account for nearly 42 percent of the total employment rates. The rest of employment is distributed between the building sector (with more than 14 per cent of foreign workers), the agricultural sector (with just under 12 percent), and finally the

manufacturing sector (with 5 percent of foreign workers).

Women make up 46 per cent of regularly employed foreigners in Campania. Three-quarters of female workers are concentrated in housekeeping and caregiving activities, and they also account for just under 83 percent of all foreign workers in this sector.

The labour market integration of the foreign population tends to reflect the changes of the Italian and regional labour market in the last

few years. This is particularly true for those changes that have led to a gradual increase of the labour demand in the service industry. Firstly, a significant quota includes jobs that are often defined as atypical: both because they cannot be categorized within traditional professional categories and because of their divergence from consolidated contractual forms. In addition, these are essentially activities related to the "traditional tertiary", that is, services for companies (such as industrial cleaning) people (care) and businesses (catering and trade).

Construction and agriculture are the traditional sectors of labour market integration of foreigners in Campania. These are working activities characterized by non-compliance with contractual terms and with laws on working conditions. In many cases, these jobs are extremely demanding and poorly paid, and they are characterized by a strong hierarchy between Italian and regular employees and foreign workers. Lastly, employment in the agricultural and construction sectors, and in many respects also that in catering and tourism, fall into the category of seasonal jobs which entail a continuous process of entering and leaving employment and, at the same time, of transitioning from regular to irregular status.

To conclude, we will outline the model of labour market integration of foreigners in Campania:

a. The agricultural and construction sectors

The prevailing occupation in the agricultural sector consists in produce harvesting. These are seasonal and precarious jobs, often based on piecework. These job opportunities attract both workers without alternative employment possibilities and people willing to find other types of employment later. A more detailed analysis of this sector is, *infra*, at para. 7.

Employment in the building industry is mainly concentrated in urban centers and represents one of the main sector of first employment, because there are few requirements to access it. In this sense, this sector is open to the majority of migrants looking for their first job, who often move on to other regular and/or specialized employment. Foreign workers, in short, change jobs or improve their qualification, or even become construction managers themselves.

b. Services and Home Work

Domestic work in urban areas is another important employment area, particularly for migrant women. It is the oldest form of immigration that has involved different nationalities. The dominant model is still fixed

employment in families. In general, migrants with a spouse or families, such as for instance Indian or Singhalese migrants, are able to afford independent housing. In Naples, for example, there is a growing presence of this foreign component in certain houses of the historic center. This phenomenon fosters a greater territorial distribution of the foreign population rather than its concentration in particular areas.

c. Other Employments and Poverty of the South Employment Structure

There are other forms of employment, often informal and of moderate extent, concerning migrant workers in small businesses. It is also possible to find small business owners among migrants, especially Chinese citizens working in the clothing industry. Self-employment is also present in the construction and trade sectors, where small enterprises are observable. In any case, taking into account that one-man businesses

are prevalent among foreign companies, it can be assumed that immigrant entrepreneurship is made up of small businessmen whose activities are placed on a very fine line between autonomous work and self-employment.

There is also an area of unskilled activities in the tertiary industry, where migrants work in parking facilities, as watchmen, as warehouse employees and in small businesses. It is important to emphasize that in this context even for those who hold regular residence permits for work reasons, breaches of employment contracts are very frequent.

From the point of view of improving working conditions, Campania presents a very problematic situation, not least because of the scarcity of labor demand. Job opportunities in areas where there is a greater presence of foreigners are not lacking. However, the main problem is represented by poor working conditions and systematic violations of labour laws.

7. Migration and Agriculture Transition in Italy

In Italy, migrants' entry in the agricultural labour market began in the early 1980s: for example, according to the data of the Istituto Nazionale Economia Agraria (INEA), regular migrants increased from about 23,000 to

about 172,000 between 1989 and 2007, becoming 232.837 in 2012. This trend has not stopped over time and migrant farmworkers have become a central component of the labour supply for

agricultural activities, becoming 27,4% of the total agricultural workforce.

Various factors caused the gradual substitution of national workers with foreign workers in the agriculture, including the precarious and unstable working conditions in the sector, the low social value of working in fields, the legal and social weakness of migrants and an increase in the “job acceptability level” among national workers.

Employment of migrant people in agriculture and other sectors has been mainly governed by a legislative measure called flow-decrees

a) *Local Framework: the Case of the Piana del Sele in Campania*

Piana del Sele is a vast agricultural zone of around 500 square kilometers formed by 11 different municipalities located in the province of Salerno (80 kms south of Naples). In 2014, in the local Commerce Chamber 8000 agribusinesses were registered, owning 5000 hectares of greenhouses; 3000 of them were used to produce arugula. Because of the dynamism of this zone, where agricultural production and the number of greenhouses grow every year, some organizations call it the “Italian California”.

As a consequence, the quality and structure of the labour demand have become increasingly oriented toward two different stocks of Italian and foreign workers who are

(decreto flussi) since the 1990s, as decided by the first organic law on immigration, the so-called Legge Martelli, Law 39/1990. As said, supra, in para.2 of this paper, this measure has been founded on the use of quotas, which determine a number of workers to insert in the Italian economic structure distinguishing between non-seasonal and seasonal workers every year. Seasonal workers are employed mainly in two sectors: agriculture and hospitality.

disposed to flexible employment that is driven by farms and market demand. One stock is a stable supply of workers for permanent production, especially for fourth-range crops and other crops that are grown in greenhouses. The other stock is a flexible supply of workers for seasonal production and unexpected daily activities, particularly for seasonal, open field crops, such as tomatoes, fennel, cauliflower and artichokes. According to ISTAT data, there are inequalities between Italian and foreign-born workers, because Italian ones are hired less on a non-regular basis (which means in a non-permanent way, according to the Italian Agricultural Census) than the migrant workers: 72.8% vs. 88.0%, respectively. In

particular, migrant farmworkers are hired for non-regular work, and are hired for unplanned employment more than Italian farmworkers, although some migrant farmworkers, approximately 12%, are regularly employed in local agriculture.

In the Piana del Sele's agricultural industry, labour demand became more articulated than in the past. This differentiation opened the door to new workers replacing the local population not only, partially, in the fields and in plastic greenhouses but also, almost completely, in the buffalo and cow livestock management. The census data show that 42.6% of the farmworkers are foreign; by adding those working informally, it can be observed that migrant farmworkers outnumber Italians substantially. In a recent research, it has been estimated that a total number of approximately 5,000-6,000 foreign-born workers are employed in local agriculture, which is 34-60% greater than the number recorded by the census. INEA has also counted approximately 5,000 foreign-born farmworkers. This data emphasize that, in the Piana del Sele, as well as in the province of Caserta - another important agricultural area in the Campania Region - "the relationship between regular and irregular migrant work is strong, [...] going beyond a 1:1 ratio".

Even if Italy promotes mechanisms for circular migration, they do not seem to work for the main routes to answer the demands of

the agricultural sector in Salerno. Some migrants arrived in Italy through different routes, also through irregular paths. Crossing the Mediterranean in a boat from Libya or Tunisia was one of the best-known ways followed by these migrants to enter Europe. Others came with a tourist visa to France or with fake contracts in northern Italy. However, the majority ended in Piana del Sele not as a strategy to work in the agricultural sector but because agriculture was their only option to have a job and survive in Europe.

Personal networks led them to the fields of Salerno, where they found jobs thanks to friends or relatives; other times they found it thanks to the intermediation of the "caporali". The extended informality of labour relations in the agricultural sector allowed them to work without a permit under conditions far from those established in collective agreements.

The *caporali* system (also known as *caporalato*) is one of the keys to understand the situation in Piana del Sele. In the local agricultural structure, access to employment is a resource often (but not always) controlled by private gatekeepers who act outside of any kind of institutional intermediation in collaboration with employers. Gatekeepers are either intermediaries or already-employed fellow citizens who directly and indirectly link farms and workers and guarantee workers' skills and discipline. They organise both labour supply-demand matching and a wider meeting between specific economic and

social needs. *Caporali* are the 'perfect' social and political figures in a context where farmworkers – pressured by the reserve army, migration law (if they are non-EU workers) and public employment service weaknesses – look for a job, while farms and employers search for cheap, disciplined and ready workers, as observed in a vast array of studies across Southern Europe. Informal intermediaries, in a love-hate relationship with farmworkers but in a stable relationship with employers, can offer farmers a manpower supply weakened by its incapacity to access farms and, thus, paid work, in a direct and autonomous way. In other words, intermediaries sell a resource to workers that the workers do not have; thus, the matching of workers with farms and money has been *de facto* privatised. An ambivalent feeling of forced gratitude by migrant farmworkers towards *caporali* has been created.

When the job is provided by a *caporale*, labour conditions are worse (*i.e.*, the *caporale* gets money from workers, not only for having provided them with the job, but also for transporting them to the workplace), but not very far from the general conditions of all farmworkers: working days of 8 hours per day, often extended to 10h or 12h; payroll of

€ 4,00 per hour, on average. Some of these workers had contracts (although declaring 102 working days per year, instead of 300 actual working days) and got better conditions (paid extra hours, holidays, etc.) than seasonal or part-time workers (getting the job through *caporali*). Those working in greenhouses benefited from a certain stability compared to those working in seasonal production.

Circularity, in migratory flows, is not found among workers of the area under consideration. Migrants arrived to Piana del Sele and remained there working in irregular conditions until the government approved a new regularization. Quotas act as a system to regularise migrants: workers with a seasonal permit were, before regularization, in an irregular situation and, very often, paid to obtain their work permit in Italy.

In conclusion, in Campania, in particular in the Piana del Sele, no significant circular migration may be registered. The peculiarity of the area, and some inefficiencies in the system of control of the agricultural labour market have encouraged the existence of a *de facto* organisation of migrant workers outside the official collective agreements, even for regular migrants.

8. Undocumented Immigration and Care Work

Starting from the 1990s, social, demographic and economic changes - such as the aging of the population, the entry of women into the labor market, and the gradual rising of the age of the transition into adulthood, into world of work, and marriage – together with the transformations in the heart of the family – increasingly characterized by single-parent families, unipersonal, reconstructed, de facto couples – all have served to undermine the definition of the “strong family” and the welfare “family model” on which it was based. This is the so-called “Southern European” welfare system, based principally on transfers payment (far less generous than in other European countries) and the persistence of the central role of families as providers of services to people. It is a welfare regime securely anchored on the existence of a traditional family – where men assume the role of the breadwinner and women are concerned with domestic and caring tasks – which is able to offset the lack of public resources. However, it is now an inadequate welfare model, present also in other regions of Europe, which fails to respond to new social needs and transformations, and leaving families assigned to traditional responsibilities, respecting gender distinctions and hierarchies.

This process has triggered, especially in the south of Italy, survival strategies that seek to overcome the welfare gap but which result in a family overload – the so-called “forced” or “coerced familism”, predominantly feminine – determined by the need to provide for the material survival of the family and to cope with domestic workloads. A form of forced solidarity, particularly found in the Campania region, which allows for survival in difficult contexts, since it fights against social isolation, but at the same time reproduces a traditional division of labor within the family and reinforces the inability of weaker individuals to face various social and economic risks.

The demand for work related to family care services has assumed, therefore, a particular relevance, although this demand for labor remains implicit, not institutionalized, and is hardly recognized openly. In the context of such social-economic changes, in Italy, especially in the South, one of the main pull factors of irregular immigration is the family, the main source of occupation of migrants, and above all of irregular migrant women, employed as domestic and care workers in the context of Italian families. Besides the official welfare system, there therefore exists another parallel system that seeks to overcome the shortage of welfare services

and to circumvent the migration policy restrictions, the so-called “invisible welfare”.

An impressive and unrecognised phenomenon of the remodeling of family assistance has been set up, mainly for elderly people, managed directly by families, outside the provisions of the public sector but at the same time tolerated and subsidized by the public authorities. Italian social policies – as for other Countries belonging to the “Mediterranean welfare” regime – are not only less developed, compared to Central and Northern European Countries, but they can be summarised, sometimes, in ‘actions of transfers of income’: pensions and allowances, only for the benefit of individuals with serious problems of self-sufficiency, not selective in relation to income and family structure. Families are free to make a substantially discretionary use of those resources for the purchase of work or services, given the substantial absence of controls on the use of allowances. Public authorities, therefore, adopting a somewhat crude version of the principle of subsidiarity, by not providing adequate services of public assistance, completely delegate to families the task of managing care work, thus fueling and indirectly subsidizing the domestic assistance black market. Domestic labor provided by irregular migrants offers to the Italian State a financially convenient,

ideologically desirable and politically advantageous solution.

Despite a public rhetoric openly hostile to irregular migrants and an increase in controls aimed at excluding them from their country of destination, there has been a widespread tolerance of migrants engaged in domestic or caring activities, irrespective of their legal status. In this sector forms of exploitation and abuse are tacitly tolerated, accepted because they are in reality incorporated within the implicit operation of our care regime. As Sassen asserts, unauthorized female migrants finding employment with native families represent an exemplary case illustrative of the tension between abstract regulations and actual social practices. This is a population “unauthorized but recognized” because it is socially useful and which is, even if invisible, indispensable for the functioning of our welfare regime. This process of social acceptance and widespread tolerance – which, however, does not result in the recognition and consequent enjoyment of social rights – reveals how selective is the process of the social construction of the risk and stigmatization of irregular migrants.

A dignified life for a large number of Italian citizens, therefore, relies on the work and sacrifice, and often servile status, of family caregivers coming from the poorest countries. In large part, workers are women,

often mothers, frequently with an irregular legal status and taken on without a regular contract with its related rights. As the International Labor Organization (ILO) admits, “the prevalence in this sector of relationships of hidden or deregulated employment makes it impossible to give even an approximate estimate of the number of these domestic workers or of the economic value of the services they produce” (D’Souza 2010, 12). It follows that statistics relating to the domestic and care sector are very scarce and unreliable.

In 2016, there were 866,747 domestic/care workers officially registered with the INPS (the Italian National Institute of Social Welfare), of whom 75% were of foreign origin (650,358). The majority were women, about 90%. Over the past 40 years, an exponential increase has been recorded among female migrants in this specific occupational sector (in the 1970s they accounted for just 6% of the total). Eastern Europe is the geographical area from which almost half of these foreign workers originate, in total 391,800 workers, equal to 45.2%. The main countries of origin are Romania (20.5%), Ukraine (9.1%) and Moldova (6.2%).

Over time the average age has increased, which for foreign workers is now 45, only three years less than that of Italian caregivers. The annual salary recorded by the INPS is rather low, about 3,000 Euros for more than 30 hours of employment per week.

In the domestic and care sector, migrant workers have been almost the only group in employment showing any increase: over the last ten years their number has risen almost fivefold (+ 400.2%), while for the Italians the growth has been only 20%. Considering the gradual aging of the population, it is expected that in 2030 the demand for care will increase by 25.2% compared to 2016.

The region of Italy which records the largest number of male and female domestic workers is Lombardia (157,465 individuals), equal to 18.2%, followed by Lazio (15%), Emilia Romagna (8.9%) and Tuscany (8.6%). More than half of the officially registered domestic/care workers in Italy are concentrated in these four regions.

Obviously, this is only the official proportion of the home care system and does not take into account “black” or “gray” forms of work. All experts share the opinion that in Italy invisible or informal welfare is undoubtedly significantly higher than that formally registered. It is difficult to estimate the extent of the hidden component of the care work sector. According to a CENSIS (Social Investment Studies Center) survey, the number of those employed in the household sector increased from 1,084 million in 2001 to 1,655 million in 2012 (+ 45%), more than 40 per cent working in the “black economy”. In Southern Italy this irregular component reaches 60%. Moreover, nearly 30% of those interviewed in the survey declared that they

worked in ambiguous situations, such as, for example, with social security coverage for only part of their working hours. According to the CENSIS estimates, even for officially registered workers, almost six hours out of every ten worked are not included in the social security coverage.

In Campania in 2016, 50,980 domestic and care workers were officially registered at the INPS, a slight reduction compared to 2015 (-1%). About 85% are women (42,826). The majority, about 75%, are of foreign origin. Obviously, such data do not reveal the hidden illegal employment, as we have said, the most important component of this sector, especially in the south of Italy. It is agreed that home care work is the main employment sector of migrant women resident in Campania (about 90%). Traditionally in Campania, domestic activities have witnessed the employment of women from Eritrea, Cape Verde, the Philippines and Sri Lanka, but, since the early 1990s, the registrations have been predominantly from women from Poland and the Ukraine. The penultimate regularization of 2009, aimed at the official registration of domestic workers and family caregivers, has elicited nearly 300,000 applications. According to CESTIM's estimates (2010), not even one domestic worker in three has responded to this act of indemnity, an indication of the extent and territorially unequal distribution of this hidden

employment. Surprisingly, Campania was one of the regions reporting the highest number of applications, 19 for every 1,000 resident households, following the region Lombardia (in Northern Italy). In fact, the presence of care workers is more common in areas with a higher female employment, especially in the northern regions. Campania is an outlier: even with a relatively low regular employment rate, we observe a significant proportion of applications submitted.

In the last thirty years in Campania, differently from the regions of Central-Northern Italy, demand for domestic and care work has undergone a change. During the 1970s and 1980s, this request came from families of the so-called 'city high bourgeoisie', as a form of visible affirmation of their socio-economic well-being. During the 1990s, the demand for domestic work and family care responded to the need to bridge the gaps in our welfare system, which, as we have already said, is failing to meet the need for services in this area. Nowadays the requirement for domestic assistance does not only come from the most prosperous but also and above all from middle and low-income groups. Such families often fail to ensure the official registration of the employment contract. Thus, while in the 1970s and 1980s care work represented the most secure sector of employment for both male and female migrants, today this is one of the

areas where labor exploitation is widespread, deriving from a regime of working and living which is very constrained, especially in cases of live-in assistance.

In Campania, as in Italy, it is estimated that the majority of migrants absorbed by the home-care sector are mothers who, because of their condition of invisibility or the rigidity of regulations (in the case of regular workers), have not been able to access any family reunification. They are therefore forced to manage a “transnational family or maternity” by forming the so-called “triangle of care giving” (Suarez-Orozco et al. 2002) that connects them with their children and with substitute “caretakers” in their homeland.

The establishment of the invisible welfare system recalls, therefore, the thorny issue of the “international stratification of care opportunities” and the consequent “care drain”, the leaking of care resources away from the countries of origin, highlighted by an extensive literature. Italy, like the majority of Western countries, imports care giving resources to meet the new challenges of demographic and cultural changes, and so causes an impoverishment of systems of social protection for the families of origin. How sustainable in the long term is a system in which the North of the world extracts “socio-emotional goods” from the poor countries, completely discharging into these poor countries the human costs resulting from such deprivation? As Ambrosini (2013)

maintains, “the societies profiting from the common goods of the South seek to maintain a privileged position by importing mothers and then hindering their reunion with their children. But at a certain point, in democratic regimes, this asymmetric balance becomes unsustainable. The emotional ties of the migrant mothers burst upon the scene, demanding that the recipient societies include them in the legitimate social space” (p. 258). Italy, like the “North of the world”, will have to take note of this asymmetry and take responsibility for the family ties, so far denied, of the migrant mothers, who, in order to provide for the economic support of their own family in their homeland (the sending of remittances), submit themselves to a hard and servile working regime.

The case of care workers in Campania, as in the South of Italy, is the confirmation of a widespread “economy of alterity”, as defined by Calavita: the alleged cultural difference justifies the inclusion of foreign migrants in the lower positions of employment hierarchies. It allows the employment of these migrants in subordinate positions that could hardly be required of native workers, assuming they have the “aptitude” to undertake certain types of work, those considered the least desirable and most devalued by the indigenous population. The construction of cultural categories traces the boundaries between “us” and “them” and “makes recourse to models of ethnic

justification in order to legitimize asymmetric power relations” (Lutz 2011, 110).

The future scenario, therefore, seems to propose an even more accentuated division between the demand for domestic care and the official opportunities to draw on the migrant labor market. If there are no radically alternative solutions to the problem of the “care gap”, the current hidden market or

invisible welfare system is set to grow even larger. Helping older people in conditions of vulnerability and the well-being of their families will increasingly depend on human mobility officially persecuted by the legal establishment and vilified by the native population. The gap between migration policies and actual social behaviors will expand even further.

9. Emerging Good Practice: Cultural Mediation

Immigration is a structural and organic phenomenon in Italy and worldwide. Migrants bring not only their ‘capitals’, but also resources, expectations and needs as well as multiple linguistic, social, cultural and religious identities. Differences may become a knot to build up processes aimed at setting development and coexistence in contemporary societies.

For a wider acceptance, the “alterities” (diversities), surrounding us, require new knowledge, new expertise and new mediated responses. There is a need for tools and policies to avoid the risk of being superficial or, even worse, of opposing negative attitudes. The complexity of migration management needs to find answers and opportunities through organic and integrated citizenship policies. The behavior tending to

represent immigration as a problem, as a source of insecurity and concern social, might lead to public repressive intervention.

Getting to know the “other” - the migrant – her/his historical, cultural and religious reality is certainly one of the key aspects for achieving a peaceful coexistence and a good management of the migration phenomenon.

The challenge of inclusion policies is right here: there is a need, today more than ever, to know, respect and value differences, overcoming mutual distrust, fear and prejudice, in order to prevent discriminatory and xenophobic behavior, for getting a democratic, orderly and positive coexistence.

To get to this point it is crucial to start an articulate work, first of all focused on dismantling and overcoming ethnic or racial

stereotypes or prejudices. Cultural and linguistic mediation may play a pivotal role.

Some basic information on the birth and use of cultural linguistic mediation in Italy may be useful. Cultural mediation aims at: a) the creation of linguistic and cultural bridges to facilitate communication between migrants and public services (and more generally, with the host society); b) the prevention, for the migrant, of cultural and relational self-isolation, which compromise the enjoyment of her or his rights in the country in which she/he lives.

Although this practice is not entirely consistent on the national territory, by the end of the 1990s, cultural mediation in Italy was essentially aimed at improving at local level the capacities of foreigners to be integrated in the host society, and at granting equal opportunities to access the welfare system. Today, although these areas of intervention are still valid (in particular in Southern Italy), also the promotion of action for social inclusion, by overcoming social conflict, is settled through mediation. For instance, when migration is constantly presented through its negative impact on the society of host States, the possible political and cultural orientation considering immigration as a problem, and as a matter of concern for the security of the society, calling then for repressive measures of public order. Linguistic-cultural mediation may be a cross-cutting methodology for

helping the migrants and the people already on the territory.

Through the mediation some fundamental goals are pursued: a) to facilitate access to services and other territorial opportunities for migrants, by considering the mediator as a bridge between public service and migrants, or/and as a person decoding migrants' needs; b) to promote information and cultural interventions toward the citizens of the host State, to increase knowledge on migration, and to avoiding the proliferation of negative stereotypes, and of discriminatory attitudes; and, c) to encourage the keeping of their culture of origin among migrants.

The linguistic and cultural mediation services are offered, *i.e.*, in reception centers, information and counseling centers, prisons, premises of social services, schools.

Although the linguistic-cultural mediation has been used in Italy since the early 1990s, only with Law 40/1998 ("Legge Turco-Napolitano") the position of the cultural mediator was officially recognized.

In Campania, a tool for the promotion of cultural linguistic mediation in all services of the social domain (health, social, educational, labor, penitentiary, etc.) was launched in 2002. This tool took the form of a multi-annual project, under the name of *Yalla, Servizio Regionale di Mediazione Culturale* (Regional Mediation Service), involving primarily two entities from the so-called *Terzo*

Settore (third sector): *Cidis onlus* and *Dedalus cooperativa sociale*.

The project aimed at setting up successful paths for integration of migrant residents in Campania. From 2012 to 2015 *Yalla* served on the entire regional territory widespread with systemic and integrated interventions for migrants and their communities, institutions and public services (*i.e.*, schools, health institutions, employment centers, municipalities, prefectures). *Yalla* offered services, activities and positive actions in key areas for the integration of migrant citizens such as hospitality, work, housing, health,

education, culture, active citizenship, research and awareness raising. More in detail, *Yalla* introduced an innovative tool, namely the *Agenzia di Mediazione a chiamata* ('On Call' Cultural Mediation Agency), which, using a team of 80 cultural mediators able to communicate in more than 60 languages and/or dialects, guaranteed an intervention tailored on the peculiar needs of public services and of migrants. Over the operative years, the Agency has provided more than 5000 hours of cultural mediation in 246 facilities, involving about 10000 foreign citizens (more than 50 % being women).

10. Conclusions and recommendations

- Migration flows cannot be stopped, but they can be managed better to multiply the beneficial effects (whether individual and / or collective) of migration.
- Planning new legal pathways for migration would contribute to the enjoyment of the right to have a dignified life for people struggling against poverty, or dealing with all the issues generally considered as a valid reason for leaving their country of origin. Planning would guarantee an easier access to basic human rights, recognized by domestic and international law.
- Legal presence of migrants would foster the adoption of integration policies in host countries, including the re-organisation of public services, with a financial cost much lower than that of 'emergency policies' for the management of migration flows.
- The case of the Campania region shows that the increased presence of foreign population calls for the setting up of new, and possibly innovative,

- tools for fostering their integration. This is particularly important in geographical areas where the economic crisis had a strong impact over the population.
- The development of integration policies may contribute to eradicate crimes connected to the trafficking and exploitation of migrants.
 - A final remark concerns the ongoing process for the negotiations of a global compact on migration. It would be highly important to provide for and to establish an independent monitoring system for the implementation of the final instrument that will be adopted.

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