Undocumented migrants in Italy. a study of the regularization in time of Covid-19.
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Undocumented Migrants in Italy. A Study of the Regularization in Time of Covid-19.

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Abstract

This study aims to examine the phenomenon of undocumented migration in Italy from a sociological and normative perspective. The regularization of migrants facilitated by the May 19, 2020, Decreto Rilancio is the subject of this study. The historical and social background of the introduction of this measure shall be considered when comparing the legislative provisions with earlier regularizations. In contrast to other regularizations, the paper seeks to identify distinctions and similarities, focusing on how the Covid-19 pandemic impacted the preceding regularization. In this context, the research shows the similarities between the two main regulations (Bossi-Fini Law and Decreto Rilancio) promoted in the last 20 years, even if in the intervening period other migratory regularizations with a lower numerical impact have been promoted. Moreover, the study aims to understand the effect of migrants on the public opinion during the period of the Covid-19 pandemic. The analysis focuses on the daily interaction between native and migrant groups in the pre- and post-regularization phases. Similarly, the perception of immigration as a problem has diminished because of the presence of the virus. Currently, the public interest is always high, though not at the level seen before the pre-pandemic period.

Keywords: Integration; Pandemic period; Family; Community; Italy.

1. Introduction.

Since the 1980s, the phenomenon of migration was marked by the frequent regularization measures that persist today. The legislator periodically tried to diminish the number of irregular immigrants.[1]

The regularization provided by Article 103 of the Legislative Decree May 19, 2020, No. 34 converted in Law July 17, 2020, No.77 represents only the latest, in chronological order.

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[1] Briguglio S., *Una regolarizzazione in tempo di pandemia: le lezioni del passato,* ASGI, 2020.

Although it may seem paradoxical in the eyes of those who are not familiar with the connections between labor law and immigration law, the periodic regularization of irregular foreign workers has represented the main instrument of migration policies and of the legalization of foreign presence in Italy.[2]

Eight years have elapsed between the regularization ordered by the Monti government and the last one planned by the second Conte government.[3] During this period, a series of factors have increased the number of irregular foreigners in Italy.

According to some estimates, Italy has several irregular people, between 500,000 and 600,000.[4] Since 2010 at least, this phenomenon was largely focused on seasonal work, which has undoubtedly contributed to the rise in irregular foreigners / foreign workers.[5] Moreover, between 2014 and 2015, there was a significant increase in the number of migrants arriving from abroad, as a result of the migration crisis that followed the failure of the Arab Spring and the resulting political instability, particularly in Libya and Syria.[6]

The migration crisis entailed some difficulties for the State. It led to a constant increase in the number of migrants arriving in Italian ports and to a parallel obstacle regarding requests for international protection.[7] There are also several problems related to repatriation measures, including difficulties in intercepting illegal aliens, and concerning their readmission in the country of origin.[8] Lastly, the strong pressure coming from a part of the public opinion, which has strongly supported the reasons and the advisability of a new regularization procedure, cannot be underestimated. An example is a proposal presented on November 12, 2019, as part of the campaign *Ero uno straniero. Umanità che fa del bene*. The proposal, in the XVIII legislature, was discussed in the constitutional affairs commission of the Chamber of Deputies, but without reaching final approval. It was presented by a citizens legislative proposal arisen in 2017, *Nuove regole per la promozione del regolare permesso di soggiorno e l'inclusione sociale e lavorativa dei cittadini stranieri non comunitari*.

This idea provided for the introduction of a regularization mechanism on an individual basis for irregular foreign workers. Moreover, the network association proposed to the Parliament and the Government the adoption of an extraordinary regularization measure. It aims to increase state revenue, in terms of tax revenue, social security contributions and administrative expenses, estimated at one billion euros per year.

Another example of the positive attention of the association to the regularization phenomenon is the *Emergenza Covid: fondamentale la regolarizzazione degli stranieri* proposal.

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[2] Colucci M., *Storia dell'immigrazione straniera in Italia: dal 1945 ai nostri giorni*, Carocci, Rome, 2023.

[3] Chiaromonte W., D'Onghia M., *Cronaca di una sanatoria in tempo di emergenza sanitaria: genesi, finalità e limiti*, in *Diritto, Immigrazione e Cittadinanza*, 1, 2007, 1-32.

[4] Villa M., *Migrazioni in Italia, tutti i numeri*, in *ISPI online*, 31, 2020.

[5] Becucci S., *Dinamiche sociali di inferiorizzazione: richiedenti asilo e rifugiati in Italia*, in Lorini A. (ed.), *Costruzione del nemico: istigazione all'odio in Occidente*, Rosenberg & Sellier, Turin, 2019.

[6] Chiaromonte W., D'Onghia M., Casolari F., *La crisi siriana, l'esodo dei rifugiati e la dichiarazione EU-Turchia*, in Sciso E., Ronzitti N. (eds.), *I conflitti in Siria e Libia: possibili equilibri e le sfide al diritto internazionale*, Giappichelli, Turin, 2018.

[7] Villa M., nt. (4); Mentasti G., *Campi di detenzione per migranti in Libia: il caso Matammud: Nota a sentenza Corte Ass. App. Milano, Sez. I, n. 9/2019, Ud. 20.3.2019*, in *Diritto, Immigrazione e Cittadinanza*, 2020, 215-227.

[8] Briguglio S., nt. (1).

It was proposed by numerous associations led by ASGI (Associazione per gli Studi Giuridici sull'Immigrazione), together with hundreds of people from different social backgrounds.

In addition to the fundamental contribution of the associations, the approach to the health issue of the Italian Constitution in this eighth regularization procedure was relevant in the choice of the government. Article 32 of the Italian Constitution establishes the right to health also towards the indigent. The constitutional approach seeks not to exclude any individuals, even if, from an operational point of view, the Italian health model encounters serious access difficulties for irregular migrants. This means that migrants without a regular residence permit, to whom the legal system theoretically guarantees access to health treatments, can only benefit from emergency services.[9] In this direction, the aim of Law July 17, 2020, n.77 is to ensure adequate levels of individual and collective health protection as a result of the contingent and exceptional health emergency connected to the calamity resulting from the spread of the Covid-19 contagion. The law combines this purpose with the promotion of the emergence of irregular employment relationships.[10]

The Covid-19 emergency has brought a key issue into the spotlight: more than 30% of working-age immigrants, some regular and others undocumented, are employed in sectors that are pivotal in counteracting the negative consequences of the pandemic.[11] These areas include the health sector, personal care services, agriculture, transport, and shipping.[12] The agri-food sector played an important role, with 1.2 million annual work units and about 1.6 million companies.[13] Indeed, according to Confagricoltura,[14] there would be at least 250,000 vacant jobs due to the spread of Covid-19.

This shortage of manpower, and in particular of migrant labor, which represents a significant portion of those who harvest fruits and vegetables, has therefore constituted a further reason that prompted the government to intervene with a regularization measure.[15]

This paper aims to examine undocumented migration as a phenomenon, from a normative and sociological point of view. The regularization of migrants encouraged by Law July 17, 2020, No.77 is the subject of this study.

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[9] Baglio G., *Tuberculosis and immigration: the answers that epidemiology can provide (and society is waiting for)*, in *Epidemiologia e prevenzione*, 39, 2, 2015, 73-74.

[10] Ambrosini M., *Immigrazione: perché la sanatoria ha raggiunto un risultato unico nell'Europa del Covid-19*, in *Percorsi di Secondo Welfare*, available at www.secondowelfare.it/immigrazione-e-accoglienza/la-sanatoria-ha-raggiunto-un-risultato-unico-nell-europa-del-covid; Barberis E., *Regolarizzazioni nel 2020. L'analisi dei dati*, in *Confronti*, 2020, available at https://confronti.net/2020/08/regolarizzazioni-2020-analisi-dati.

[11] Ciniero A., *Dossier Statistico Immigrazione 2019: note sui dati salienti del fenomeno*, Centro Ricerche e Studi IDOS, 2020.

[12] Corrado A., Palumbo L., *Essential farmworkers and the pandemic crisis: migrant labour conditions, and legal and political responses in Italy and Spain*, in *IMISCOE Research Series*, 145, 2022; Ambrosini M., *Irregular immigration in southern Europe: actors, dynamics and governance*, Palgrave, London, 2018.

[13] Caritas, Campanella P., *Vite sottocosto. 2° Rapporto Presidio,* Aracne, Rome, 2018.

[14] Confagricoltura Toscana, *Coronavirus emergenza manodopera nelle campagne*, 2020, available at https://toscana.confagricoltura.it/ita/notizie/news-7/coronavirus-giansanti-confagricoltura-emergenza-manodopera-nelle-campagne.

[15] Chiaromonte W., D'Onghia M., nt. (3).

The historical and social background of the legislation will be taken into consideration, as the legislative provisions are compared to the earlier regularization promoted by Law July 30, 2002, No. 189.

RQ (Research Question) 1 aims to disentangle differences and similarities compared to previous regularizations, especially considering how the Covid-19 outbreak influenced the last regularization. Understanding the impact of migrants on public opinion during the Covid-19 pandemic is the aim of RQ2.

Regarding the methodological part, RQ1 is based on a comparison of the two Italian regularizations (Law July 30, 2002, No. 189 and Law July 17, 2020, No.77) through a content analysis. RQ2 is based on the report *La percezione dei migranti nell'Italia del Coronavirus* (The perception of migrants in Italy of Coronavirus) realized by IPSOS.[16]

The remainder of the paper is organized as follows. Section 2 introduces the literature review, recognizing the main streams of research and addressing migration concerning normative views and public opinion questions. Section 3 describes the theoretical framework adopted. Section 4 presents an overview of the two main regularizations, considering the analysis of the data. Section 5 proposes findings and discussion, and section 6 presents the conclusions and future research steps.

2. Literature background.

Since the early 2000s, irregular migration has been a multifaceted, a dynamic phenomenon that has drawn excessive media and political attention. Indeed, the topic of the 2015 migration crisis has dominated the political discourse in the majority of European Union Member States.[17] According to recent estimates, between 15% and 20% of all migrants are irregular in the world.[18] It represents a relatively small portion of the world's total population. Only 3,3% of world's total population are irregular.[19]

Italy, like other Southern European nations, in less than 40 years has undergone a swift and unexpected transformation, from a nation of emigrants to a nation that receives migrants.[20] The origins of the modern system for regulating labor migration flows date back to the early 1960s. The Italy of that era was not a country of immigration yet: the first avant-gardes of what, thirty years later, would become a mass phenomenon were constituted of small groups of foreign university students and (a few) African, Filipino or Cape Verdean domestic workers, employed in large cities by wealthy families.[21]

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[16] IPSOS, *La percezione dei migranti nell'Italia del Coronavirus,* IPSOS, 2020.

[17] Spencer S., Triandafyllidou A., *Migrants with irregular status in Europe: a multi-faceted and dynamic reality*, in Spencer S., Triandafyllidou A. (eds.), *Migrants with irregular status in Europe. IMISCOE Research Series*, Springer, Berlin, 2020.

[18] IOM, *World migration report 2018*, IOM, 2017.

[19] UNDESA, *World migration report*, UNDESA, 2018.

[20] Triandafyllidou A., *Mediterranean migrations: problems and prospects for Greece and Italy in the twenty-first century*, in *Mediterranean Politics*, 12, 1, 2007, 77-84.

[21] Basso P., Perocco F., *Gli immigrati in Europa. diseguaglianze, razzismo, lotte*, Franco Angeli, Milan, 2003; Bontempelli S., *Il governo dell'immigrazione in Italia: Il caso dei Decreti Flussi', tutela dei diritti dei migranti*, Pisa University Press, Pisa, 2009.

In the mid-1970s, immigrants from developing nations started to come to Italy, but it wasn't until the second half of the 1980s that the migration rate was estimated to be over 100,000 per year.[22] The foreign population increased much slower at the beginning of the 1990s.[23]

The consequences of immigration to Italy are recorded in all fields of social life: schools, factories, offices, prisons, and supermarkets.[24]

An important aspect of this process is the fact that, in the Italian experience, immigration and irregular immigration practically coincide.[25] Since the rise of the first migratory flows, the process has almost always taken place outside - very often against - the legislative dictates and the declared intentions of the government.[26] In all these years, only a modest fraction of new entries took place by regular procedures. The growth of the foreign population legally present on the Italian territory has been possible thanks to the various regularizations. They have made it possible to have effect on irregular persons already present in the territory and who were already employed.[27]

The lack of planning of entry flows for non-seasonal workers generates a high number of irregular immigrants, especially in domestic work. According to the estimate of ASSINDATCOLF (*National Association of Domestic Work Employers*) in 2019 between 150,000 and 200,000 were employed illegally as housekeepers, caregivers, and babysitters.[28]

Being contractually irregular means no contributions, no days off, no rest, and no right to sickness benefits. But it also means no safety training, and domestic work is one of the sectors in which there is the greatest risk of injury. Considering the latest available data, over 4,500 accidents have been reported in a year.[29] Another sector where irregular migrants find employment is agriculture. The activity involves the recruitment and transport of undocumented workers to labor camps, with the imposition of inhuman conditions and degrading housing solutions.[30]

The challenge represented by migration is based on some central points: the idea of ethnic homogeneity on which the nation-state is based, feelings of fear, and frustration developed towards populations with a migratory background. Moreover, the spreading of intolerance and racism, and the progressive politicization of the issue of immigration, are increasingly linked to the one of security in government agendas and electoral campaigns.[31]

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[22] Reyneri E., *The role of the underground economy in irregular migration to Italy: cause or effect?*, in *Journal of Ethnic and Migration Studies*, 24, 2, 1998, 313-331.

[23] Reyneri E., *ibidem*.

[24] Sciortino G., *Vent'anni di immigrazioni irregolari*, in *Senso della politica e religione civile*, 55, 6, 2006, 1033-1043; Kogan I., Shen J., Siegert M., *What makes a satisfied immigrant? Host-country characteristics and immigrants' life satisfaction in eighteen European countries,* in *Journal of Happiness Studies*, 19, 6, 2018, 1783-1809.

[25] Hein C., *Rifugiati: vent'anni di storia del diritto d'asilo in Italia*, Donzelli, Rome, 2010.

[26] Ambrosini M., *Richiesti e respinti. L'immigrazione in Italia. Come e perché*, Il saggiatore, Milan, 2010; Perrotta M., *Chi è il migrante?*, in *Hamelin. Storie figure pedagogia*, 35, 2014.

[27] Sciortino G., nt. (24); Hein C., nt. (25).

[28] Ciniero A., nt. (11).

[29] Caritas, Campanella P., nt. (13).

[30] De Martino C., Lozito M., Schiuma D., *Immigration, Illegal hiring and work in agriculture*, in *Lavoro e Diritto*, 30, 2, 2016, 313-328.

[31] Zanfrini L., *Introduzione alla sociologia delle migrazioni*, Laterza, Rome-Bari, 2016; Castles S., Miller M.J., *L'era delle migrazioni. popoli in movimento nel mondo contemporaneo*, Feltrinelli, Milan, 2018.

The structural character of the migratory phenomenon is artfully transformed into an emergency in the national political debate.[32] This discussion is based on the image of the landings that created the myth of the invasion of *illegal immigrants.*

According to data, the so-called *irregular migrants* are fewer than 10% of the foreign population, and they enter the Italian territory mainly with tourist visas.[33] Depending on the degree of debate, the phenomenon receives maximized or limited or non-existent attention. This phenomenon conditions the thought and the interpretation that public opinion has of reality. It influences social representations and transforms alarmism into objective realities.[34]

In many countries, the topic of immigration and immigrants creates intense arguments due to the social and cultural changes generated by the inflow of newcomers.[35] While faster travel times and the Internet have made the world a smaller place, modern technology has also made nations more interconnected.[36] However, hostility towards migrants that try to migrate to another country and opposition to out-groups within a single nation oppose to discussions about the world becoming a global village.[37] It appears urgent to act on a cultural and communicative level to promote encounters and mutual knowledge by correctly representing reality, deconstructing stereotypes, and countering prejudices.[38] The awareness that public communication has a great responsibility in this sense has generated numerous initiatives by associations and institutions.[39]

The initiatives are aimed at helping native populations understand the phenomenon of migration and the transformations that migration necessarily entails in social and economic life.[40]

An example are the surveys conducted by the Eurobarometer on the perception of immigration in the European Union.[41] In 2012, the main concerns of European citizens were inflation, unemployment, and the economic crisis; only 8% thought that immigration was a national problem.[42] In 2016, according to public opinion, the main challenges the EU was facing are immigration (39%) and terrorism (38%), followed by a considerable unawareness about the economic situation (17%).[43] In particular, the 2016 report notes that immigration is considered a priority issue by 42% of Italians, second only to unemployment.

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[32] Ambrosini M., nt. (12).

[33] Spencer S., Triandafyllidou A., nt. (17).

[34] Chiurco L., *Le distorsioni pericolose: immigrazione e opinione pubblica Europea secondo i dati ESS,* INAPP, 2019.

[35] Boateng F. D., McCann W. S., Chenane J. L., Pryce D. K., *Perception of immigrants in Europe: A multilevel assessment of macrolevel conditions*, in *Social Science Quarterly*, 102, 1, 2021, 209-227.

[36] Boateng F. D., McCann W. S.; Chenane J. L., Pryce D. K., *ibid.*

[37] Boateng F. D., McCann W. S.; Chenane J. L., Pryce D. K., *ibid.*

[38] De Haas H., Natter K., Vezzoli S., *Growing restrictiveness or changing selection? The nature and evolution of migration policies*, in *International Migration Review*, 51, 2, 2018, 324-367.

[39] Bonizzoni P., *Famiglie transnazionali e ricongiunte: per un approfondimento nello studio delle famiglie migranti*, in *Mondi migranti*, 2, 2007, 1000-1018; Triandafyllidou A., Gropas R., *European immigration*, Ashgate, Farnham, 2014.

[40] Gargiulo E., *Un lungo percorso a ostacoli. Il difficile cammino dei non cittadini verso l'integrazione e la cittadinanza*, in *Società Mutamento Politica*, 7, 13, 2016, 309-321; Marchetti C., *Le sfide dell'accoglienza: passato e presente dei sistemi istituzionali di accoglienza per richiedenti asilo e rifugiati in Italia*, in *Meridiana: rivista di storia e scienze sociali*, 86, 2016, 121-143.

[41] Gozzo S., *Immigrati e cittadinanza. Una questione di accoglienza?*, in *Società Mutamento Politica*, 7, 13, 2016, 323-340.

[42] EUROSTAT, *Standard Eurobarometer*, EUROSTAT, 2012.

[43] EUROSTAT, *Standard Eurobarometer*, EUROSTAT, 2017.

The report outlines a country that is strongly distrustful of foreign people of all backgrounds, including those fleeing from wars or discrimination, with a high value of negative opinions (69%) towards immigrants with non-EU citizenship.

In 2018, immigration was the main challenge the EU was facing (38%), followed by terrorism (29%), which still preceded the economic situation (18%). At the national level, the main problems were unemployment (25%), health and social security (23%), while immigration (21%) was in third place.[44] Lastly, on World Refugee Day 2022, the European Commission released the outcomes of a special Eurobarometer survey.[45] This report, which looked at public opinion on immigrants integration in the European Union, was conducted between November 2 and December 3, 2021. In total, 26,510 EU citizens from all EU Member States were interviewed. The actual percentage of immigrants in the population is underestimated by 68% of respondents. Less than half of Europeans (48%) believe they know about immigration and integration of people from other countries. A high number of respondents (69%) agree that actively promoting immigrant integration is an investment that will benefit their nation in the long run. As for Italy, 57% of the interviewees underline to have at least one immigrant friend, but only 10% have a migrant family member.

3. Methodology.

The methodology section introduces how the research was conducted, its logical sequence, and the methods used to collect data. This activity is divided into two parts. The first part is related to the comparison between the two main regularizations (Law July 30, 2002, No. 189 and Law July 17, 2020, No. 77) promoted in Italy from 2000 onwards. The second part concerns the effect of irregular migration on the public opinion, trough the report *La percezione dei migranti nell'Italia del Coronavirus* developed by IPSOS.[46]

In the first part, the research design analyzes norms and scholarly writings on the Law July 30, 2002, No. 189 and the Law July 17, 2020, No. 77.

The research uses content analysis, which is beneficial in the focused examination of the categories included in regularization issues.[47] A content analysis is adopted to collect data.[48] Content analysis is a research technique, useful to outline results about the content of writings, visual representations, and concepts.[49] The method is commonly used for interpretative studies and critical analysis within diverse research fields, including social science, communication, and migration studies.[50]

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[44] EUROSTAT, *Standard Eurobarometer*, EUROSTAT, 2018.
[45] EUROSTAT, *Special Eurobarometer 519*, EUROSTAT, 2021.
[46] IPSOS, nt. (16).
[47] Van Dijk T., *Discourse and migration* in Yalaz E., Zapata-Barrero R. (eds.), *Handbook of qualitative research in European migration studies*, Springer, Berlin, 2017; Hsieh H. F., Shannon S. E., *Three approaches to qualitative content analysis*, in *Qualitative Health Research*, 15, 9, 2005, 1277-1288.
[48] Krippendorff K., *Content analysis: an introduction to its methodology*, SAGE Publications, Thousand Oaks, 2019; Vendetti J., Gmyrek A., Damon D., Singh M., McRee B., Del Boca F., *Screening, Brief Intervention and Referral to Treatment (SBIRT): Implementation barriers, facilitators and model migration*, in *Addiction*, 112, 2, 2017, 23-33.
[49] Van Dijk T., nt. (47); Hsieh H. F., Shannon S. E., nt. (47).
[50] Krippendorff K., nt. (48); Vendetti J., Gmyrek A., Damon D., Singh M., McRee B., Del Boca F., nt. (48).

It is about with making valid, replicable, and objective inferences about the meanings, contexts, and intentions contained in messages, based on explicit rules.[51] Relationships among the research objectives emerged and were validated through the triangulation of data.[52]

In this case, the content analysis is useful to check the relationship in texts of the regularizations. The regularization analysis considers three categories:

- Context of development
- Size of the regularization
- Critical aspects of the regularization

The second part is carried out through the analysis of IPSOS survey data[53] as well, in order to better understand the sentiment of public opinion related to regularizations. The latent objectives of the analysis focus on the role of public opinion concerning the perception of migrants, and on the meaning that interviewees attribute to human relations with immigrants and to their participation in everyday life. The report *La percezione dei migranti nell'Italia del Coronavirus*[54] considers a population of 50 million individuals residing in Italy, aged 18 and above (ISTAT 2018). The sample includes 1600 interviews that were carried out between 1st and 9th September 2020. The age ranges from 18 to 70 years old. The margin of error is between +/- 0.6% and +/- 3.1%. The sample, selected using the CAWI technique, is stratified and random, selected according on quotas by gender, age, educational qualification, and residence.

In this sense, it is useful to know the sample is composed by an equal distribution in terms of gender. Specifically, there are 832 males and 768 females. Regarding age, Graph 1 shows again an equal percentage between the four groups.

Graph 1 IPSOS survey data age groups
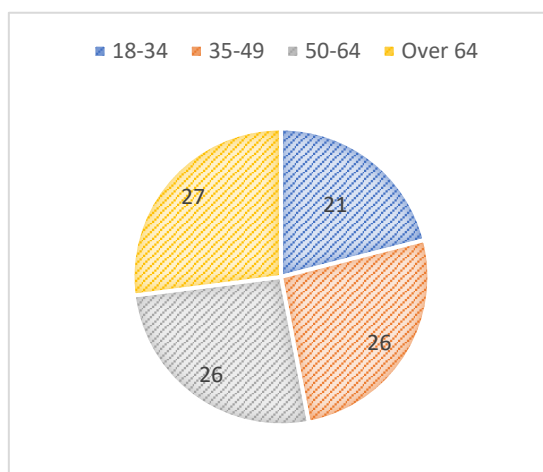
[51] Vendetti J., Gmyrek A., Damon D., Singh M., McRee B., Del Boca F., nt. (48).
[52] Krippendorff K., nt. (48).
[53] IPSOS, nt. (16).
[54] IPSOS, *ibid.*

Moreover, concerning the employment dimension in the labor market, it was corrected to respect the equal distribution in the sample. 45% of the interviewed have a job, while the remaining 55% are unemployed or retired. Furthermore, Graph 2 presents the distribution of the sample by work activity. In this sense, it emerges that approximately a quarter of the interviewees are pensioners and, as regards the category of active workers, the majority are employed in offices.

Graph 2 IPSOS survey data employment dimension
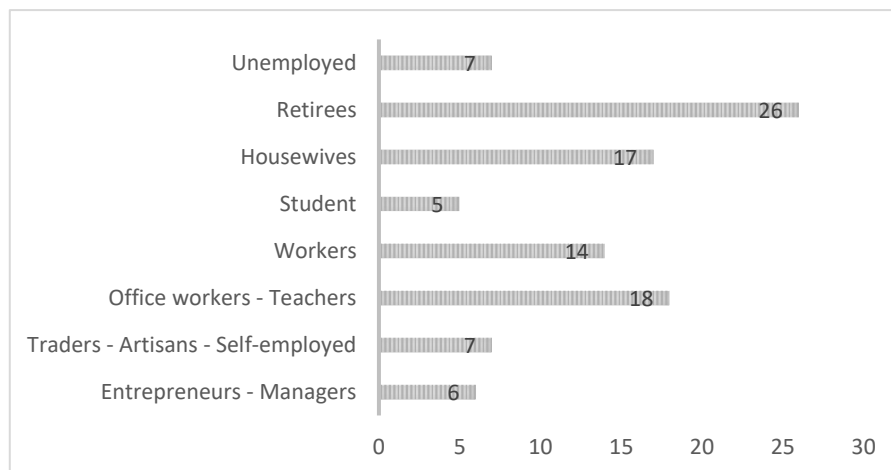
Lastly, it is necessary to specify how the sample is equally distributed among the number of inhabitants of the city of the interviewees. In this sense, 23% of the respondents belong to cities with more than 100,000 inhabitants, while 22% of the respondents belong to cities between 100,000 and 30,000 inhabitants. In addition, 24% of those interviewed belong to cities between 30,000 and 10,000 inhabitants. Lastly, 31% of respondents belong to cities with less than 10,000 inhabitants.

The last sociodemographic aspect of the IPSOS research[55] is useful to provide a clear snapshot of the sample studied, and it concerns the geographical scope: 38% of the interviewees come from Northern Italy, while 17% come from the centre and 45% of the respondents come from the south and the islands.

4. Analysis of Data.
4.1. Regularization on Law July 30, 2002, No. 189.

The entry into force of the immigration law (Law July 30, 2002, No. 189), known as the *Bossi-Fini Law*, promoted by a right-center government, has deeply changed the law in terms of illegal immigration. It consisted of the regularization of non-EU citizens present in Italy without a residence permit and who were already employed in businesses or families.[56]

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[55] IPSOS, *ibid.*

[56] Ambrosini M., Salati M., *Uscendo dall'ombra: il processo di regolarizzazione degli immigrati e i suoi limiti*, Franco Angeli, Milan, 2004.

Public opinion was disoriented by the cultural premises that led to the *Bossi-Fini Law,* because it was promoted through the localist and nationalist tones of the *Lega Nord* party. This aspect is confirmed by the government reports that accompanied the measure.[57]

The new regularization raised from the danger of a real invasion by starving peoples (Report of the Government accompanying the Legislative Bill No. 795/S presented on November 2, 2001), in line with the persistent emergency attitude of the policy government immigration.[58] To reach this objective, the prepared interventions were based on a twofold directive. It proposed to limit migratory pressures towards Italy through a consistent tightening of the repressive and sanctioning system.[59] On the other hand, it wanted to justify the entry of foreigners for long-term stays only if actually doing safe and lawful work activities (Report of the Government accompanying the Legislative Bill No. 795/S), to achieve a reduction in the migratory flow and the risk of it falling into the mesh of irregular work or, worse, of crime.[60]

As reported by the XIII Caritas Immigration Report,[61] 702,156 regulation applications were presented. They were distributed as follows: 341,121 for domestic work and 361,035 for company work. These figures only include applications submitted by immigrant workers from countries with strong migratory pressure, and do not consider EU workers or from other highly developed countries (around 100,000).

The number of applicants exceeded at least twice the forecasts of politicians, social workers, and immigration scholars.[62] The emersion and regularization of foreign workers provided for by the *Bossi-Fini Law* showed that out of a total of 705,404 submitted regularization applications, those deemed admissible were 694,224. The actually regularized workers were 634,728, while those who were not granted a residence permit due to the rejection of the application were 25,892. 14,790 did not show up at the dedicated counter, despite having the right to a residence permit, therefore the applications were filed.

The regularization started on September 10, 2002, and was definitively concluded on December 31, 2002.[63]

As far as the regularization applications are concerned, they had to be presented, as required by the law, by the employer. Subsequently, the Ministry of Labor, by a Decree of October 28, 2002, made the acceptance of the declaration of the emergence of irregular work subject to an advance payment to INPS (National Institute of Social Security) of 290 Euro (for an occupation as family employee) or 700 Euro (employees in a company). The payment of this contribution was paid by the employer. Despite this, this demand led to cases of

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[57] Livi Bacci M., *Immigrazione: nuova Legge, ma quale politica?*, in *Senso della politica e religione civile*, 50, 5, 2002, 903-908.

[58] Dondi G., *Immigrazione e lavoro: riflessioni e spunti critici*, Cedam, Padova, 2001.

[59] Pepino L., *La Legge Bossi-Fini. Appunti su immigrazione e democrazia*, in *Diritto, immigrazione e cittadinanza*, 3, 2002, 1000-1013; Livi Bacci M., nt. (57); Simone A., *Le frontiere dell'esclusione. Il caso dei centri di permanenza in Italia dopo la Legge Bossi-Fini*, in *Sociologia del Diritto*, 33, 3, 2006, 1000-1008.

[60] Basso P., Perocco F., nt. (21).

[61] Caritas Migrantes, *Dossier Statistico Immigrazione XIII*, Caritas Migrantes, 2003.

[62] Brusa C., *Alcune riflessioni a seguito della regolarizzazione prevista dalla Legge Bossi-Fini del 2002*, in Krasna F., Nodari P. (eds.), *L'immigrazione straniera in Italia. Casi, metodi e modelli - Geotema*, Patron Editore, Bologna, 2004.

[63] Caritas Migrantes, *Dossier Statistico Immigrazione XIV*, Caritas Migrantes, 2004.

exploitation of non-EU workers. The contribution was paid in part or totally by the immigrant employee.[64]

The size of the phenomenon and the dilation of the time required for the examination of individual positions, however, revealed a series of critical issues.[65] First of all, the uncertainty about the situation of immigrants. After having applied for regulation, most of them usually have lost their job and found another one. This way, the data presented in the application were not valid and needed a further integration.[66]

The issue has drawn the attention of institutions and social partners, including prefectures, Chambers of Commerce, trade unions and ecclesiastical organizations.[67]

4.2. Regularization on Law July 17, 2020, No. 77.

The year 2020 was important in the development of the legislation on migration, with the Law July 17, 2020, No. 77.[68] It was determined by two factors: the Covid-19 pandemic and the result of political choices by the majority (formed by *MoVimento 5 Stelle* and *Partito Democratico*) led by a centre-left government.[69] In the previous political debate, the idea of a functional measure to the specific shortages of agricultural labor in summer was initially proposed at the government level, contrasting the blockade imposed by the health emergency upon the arrival of seasonal workers.

Then, referring to the health emergency but also more generally to the problem of the exploitation of worker, it emerged the idea to achieve a more comprehensive regularization of the position of immigrants without residence permits informally employed in the agricultural sector.[70]

During the debate, the opposition - in particular, the *Lega* and *Fratelli d'Italia* parties - clearly expressed their dissent against the regularization, while some sectors of civil society were oriented towards a general regularization measure.[71]

The Government has included in the *Decreto Rilancio* an article on the regularization, which referred to the health emergency due to Covid-19. The regularization has been provided to immigrant workers engaged in the agri-food sector, as well as to those engaged in domestic work and care for families.[72]

Concretely, as mentioned in the introduction, the procedure involved about 200,000 migrant workers.[73] More specifically, according to official data, at the expiry of the deadline

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[64] Caritas Migrantes, *ibid.*

[65] Pepino L., nt. (59).

[66] Congia M., *Il lavoro degli extracomunitari nelle imprese italiane e la regolarizzazione del 2002. Prime evidenze empiriche dai dati INPS*, ISTAT, 2005.

[67] Ambrosini M., Salati M., nt. (56).

[68] Gonnelli E., *La regolarizzazione dei lavoratori migranti come intervento straordinario per far fronte all'emergenza sanitaria da Covid-19*, in *Labour & Law Issues*, 7, 1, 2021, 32-58.

[69] Chiaromonte W., D'Onghia M., nt. (3).

[70] Codini E., *Il quadro normativo. XXVII Rapporto ISMU sulle migrazioni,* ISMU, 2021.

[71] Codini E., *Il quadro normativo. XXVI Rapporto ISMU sulle migrazioni,* ISMU, 2020.

[72] Chiaromonte W., D'Onghia M., nt. (3).

[73] Cesareo V., *Un anno di inattesa discontinuità XXVI Rapporto ISMU Sulle migrazioni*, ISMU, 2020.

(first set for July 15, 2020 and then extended to August 15, 2020), the total number of applications received from the portal of the Ministry of the Interior amounts to 207,542, with a prevalence of those concerning domestic work and personal assistance (about 85% of the total submitted applications), compared to applications for the emergence of subordinate work (15% of the total, equal to 30,694); among these, only about 29,500 are connected to agriculture (the remaining are related to fishing and other sectors). Then there are the requests for a temporary residence permit, in the number of 12,986, mainly referable to the agricultural sector, as many asylum seekers are employed in the country.

From the data transmitted by the Ministry of the Interior in response to the latest requests for access to the documents of the *Ero straniero* campaign,[74] it is possible to present a framework of applications. It emerged that at the end of March 2022, out of the more than 207,000 applications submitted by employers, only 105,000 (about 50% of the total) residence permits were issued by the prefectures, and still 10,000 residence permits were to be finalized. It is also worth highlighting the rather high number of refusals that emerged during the examination.

The result is relatively modest compared to the size of the phenomenon of irregularity, although not negligible - indeed widely predictable.[75]

The actual numbers of regularizations reveal that in the agricultural sector a few tens of thousands of invisibles have been involved: approximately a sixth of the number of seasonal workers required by the trade associations, or 10% of the immigrant workers currently employed in the sector, numbers very far from the objectives of this procedure.[76]

It is worth repeating that the Government, in presenting the regularization, has repeatedly and precisely stressed the centrality of the agricultural sector and the intention to achieve a double result.[77]

Despite this, the regularization was implemented to avoid the risk of potential labor shortages in the fields due to border closures caused by the spread of the pandemic, and on the other hand, to put a stop to the exploitation of foreign workers by foremen and unscrupulous farmers.[78]

Nevertheless, the received questions seem to disprove these objectives, because they do not seem to have helped preventing the fruit from rotting in the fields and beating slavery in the agriculture sector.[79] However, the scope of the regularization should not be underestimated, given that the number of requests has come very close to the estimate, albeit entirely hypothetical, of 220,000 requests contained in the Technical Report of the *Decreto Rilancio*. In this perspective, it is necessary to emphasize how these numbers are not negligible, especially if compared to the previous regularization that had stopped at about 135,000 applications, with an increase, therefore, in 2020 of 54% compared to 2012.[80] The

[74] Ero Straniero, *Regolarizzazione 2020: dopo due anni, più di centomila ancora in attesa dei documenti*, 2022.
[75] Codini E., nt. (71); Ambrosini M., nt. (10); Barberis E., nt. (10).
[76] Codini E., nt. (71).
[77] Ambrosini M., nt. (10).
[78] Codini E., nt. (70).
[79] Chiaromonte W., D'Onghia M., nt. (3).
[80] Chiaromonte W., D'Onghia M., *ibid.*

Legislative Decree of July 16, 2012, offers a transitional provision aimed at allowing employers to declare the existence of irregular employment relationships.

4.3. Sentiment of the public opinion on the IPSOS report.

The literature on factors influencing state immigration policies highlights how public opinion influences policy decisions to become increasingly restrictive.[81] According to theories of racial and group threat arguments, for instance, a growing or sizeable minority population will make the majority hostile, which will form an opinion-policy linkage that will support the outcomes of restrictive policies.[82] As claimed by some academics, political elites stand to gain support by implementing more hospitable and accommodating immigration laws as a result of sizable and expanding minority communities.[83]

In this vein, the report *La percezione dei migranti nell'Italia del Coronavirus*[84] developed by IPSOS indicates the priorities of problems for Italian citizens.

Unemployment and economy are in the first position (cited by 79% of respondents), welfare second (43% of total mentions), and the function of the State third (40% of the answers).

It is interesting to note that the trend of immigration reached its peak in September 2018 with 45% of the respondents, while in July 2020 immigration is indicated by about one in four citizens as a priority problem (23% of mentions).

Regarding the Covid-19 pandemic and its relationship with immigrants, it is interesting to underline the contribution of labor migrants during the health emergency. This aspect is shown in Graph 3.

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[81] Kehrberg J. E., *The mediating effect of authoritarianism on immigrant access to TANF: A state-level analysis*, in *Political Science Quarterly*, 132, 2, 2017, 291-311; Hopkins D. J., *Politicized places: explaining where and when immigrants provoke local opposition*, in *American Political Science Review*, 104, 1, 2010, 40-60; Hero R. E., Preuhs R. R., *Immigration and the evolving American welfare state: examining policies in the U.S. States*, in *American Journal of Political Science*, 51, 3, 2007, 498-517.

[82] Avery J. M., Fine J. A., *Unpacking representation in state immigration policy: latino composition, white racial threat, and legislator partisanship*, in *State Politics and Policy Quarterly*, 20, 1, 2020, 20-53; Kehrberg J. E., nt. (81).

[83] Filindra A., Pearson-Merkowitz S., *Research note: stopping the enforcement "tide": descriptive representation, latino institutional empowerment, and state-level immigration policy*, in *Politics & Policy*, 41, 6, 2013, 814-832; Newman B. J., Velez Y., *Group size versus change? Assessing americans' perception of local immigration*, in *Political Research Quarterly*, 67, 2, 2014, 293-303.
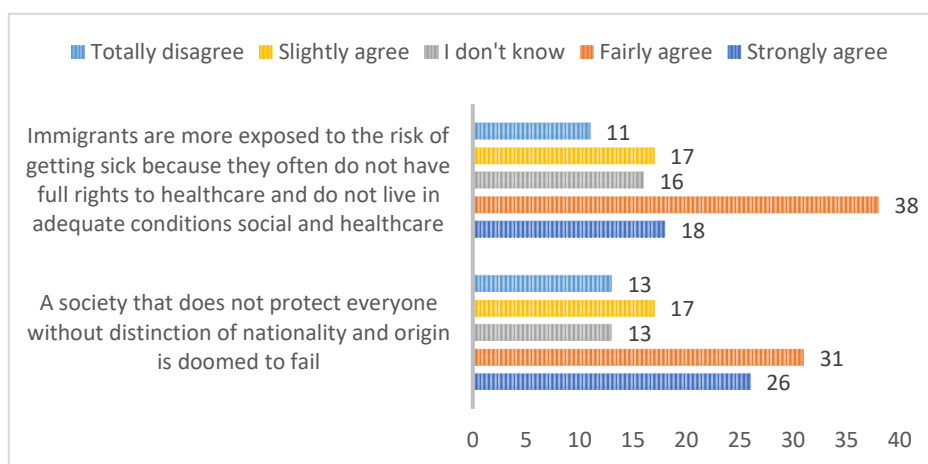
[84] IPSOS, nt. (16).

Graph 3 Perception of the contribution by immigrants during the Covid-19 pandemic
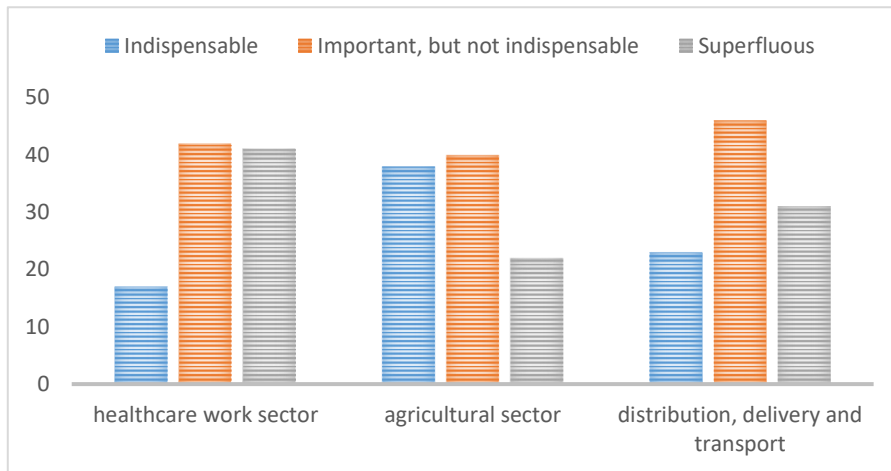
Source: IPSOS, La percezione dei migranti nell'Italia del Coronavirus, 2020 (Personal elaboration).

According to conventional wisdom, the sector in which immigrants made a major contribution during the health emergency is agriculture. The sum between indispensable and important but not essential is higher in the agricultural sector (78%), followed by the distribution, delivery, and transport sector (69%) and lastly by the healthcare sector (59%). As far as the relationship between immigration and Covid-19, the question of inclusion and recognition of the lack of full rights of immigrants has been raised in the research. The details are shown in Graph 4.

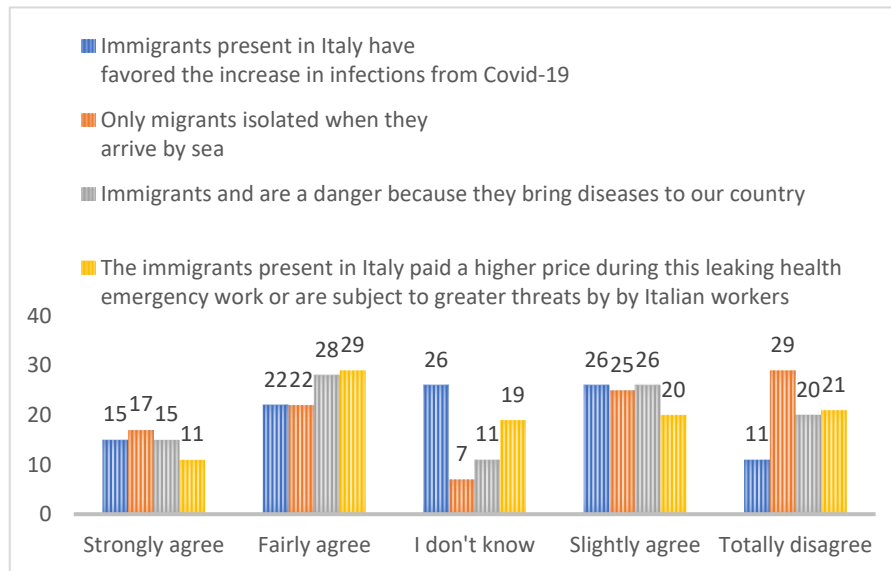*Graph 4 Perception of migrants health during Covid-19*

Source: IPSOS, La percezione dei migranti nell'Italia del Coronavirus, 2020 (Personal elaboration).

The interviewees highlighted how in their opinion immigrants would be more exposed to the risk of illnesses because they do not live in adequate conditions.

On the other hand, the interviewees still highlighted an interest in protecting the entire population regardless of their nationality or country of origin.

Another aspect taken into consideration by the report concerns the relationship between citizenship and regulation. These questions are displayed in Graph 5.

Graph 5 Analysis of the migration phenomenon in relation to the Covid-19 pandemic

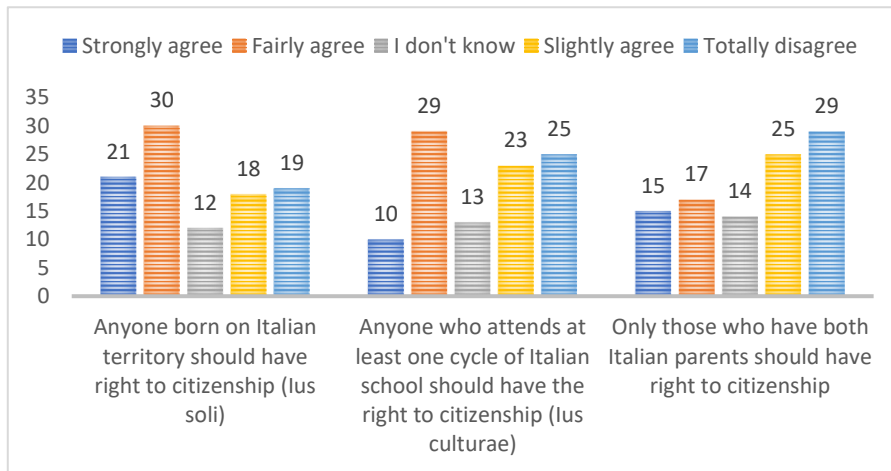*Source: IPSOS, La percezione dei migranti nell'Italia del Coronavirus, 2020 (Personal elaboration).*

The interviewees do not have a predominant position with respect to the statement: "immigrants present in Italy have favoured the Covid-19 infection".

In this sense, 37% agree (Strongly agree 15% + Fairly agree 22%) and 37% disagree (Slightly agree 26% + Totally disagree 11%).

In addition, from the answers of the interviewees, it is established how the prejudice on the relationship between immigration and disease is widespread. In fact, 39% (Strongly agree 17% + Fairly agree 22%) of respondents are convinced that it is necessary to isolate more of those arriving by sea. Regarding the phrase "immigrants are a danger because they bring diseases to our country", the interviewees' vision is clearer; 46% (Slightly Agree 26% and Totally disagree 20%) do not agree with the sentence. Finally, interviewees were asked whether in their opinion the immigrants present in Italy paid the price for the health emergency the most. In this case, the respondents were divided as 40% agreed (Strongly agree 11% + Fairly agree 29%), while 41% did not agree (Slightly agree 20% + Totally disagree 21%).

Another aspect taken into consideration by the report concerns the relationship between citizenship and regulation. These questions are analyzed in Graph 6.

*Graph 6 Perception on granting citizenship to migrants*

Source: IPSOS, La percezione dei migranti nell'Italia del Coronavirus, 2020 (Personal elaboration).

The graph shows that almost 40% of Italians are against the *ius soli* and almost 50% are against the *ius culturae*, while more than 30% support the right to citizenship only for those with both Italian parents.

Finally, the pie chart (Graph 7) examines questions concerning the *Decreto Rilancio,* in which regularization was developed. Thanks to this law it is possible to stabilize irregular employment relationships (both of Italians and foreigners) and to allow foreign workers with an expired residence permit to obtain a six months permit to look for a regular job.

Graph 7 Perception on regularization of Law July 17, 2020, No. 77
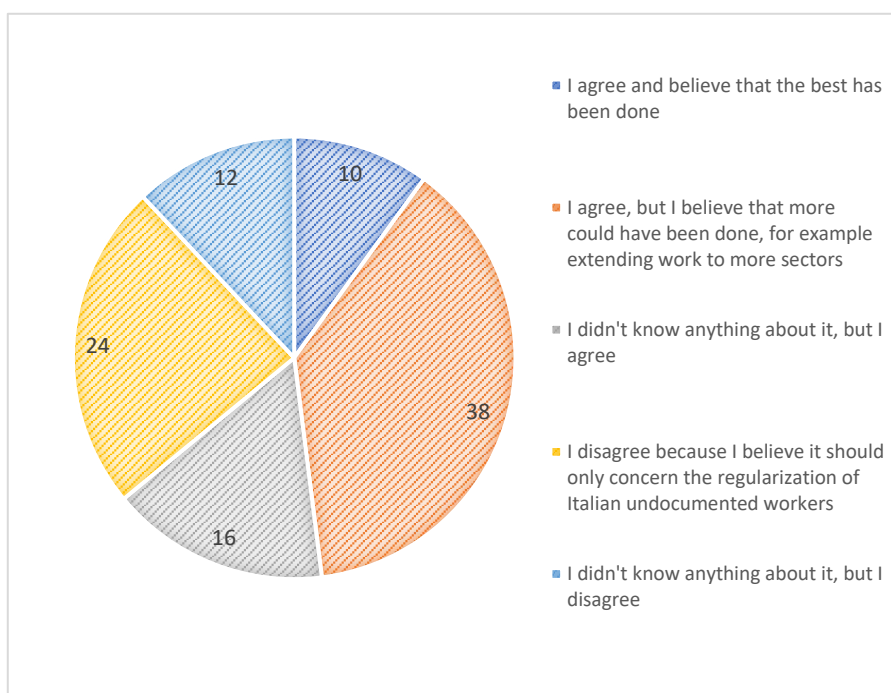
Source: IPSOS, La percezione dei migranti nell'Italia del Coronavirus, 2020 (Personal elaboration).

It is possible to note that there is overall support for regularization. 64% (I agree and believe that the best has been done 10% + I agree, but I believe that more could have been done, for example extending work to more sectors 38% + I didn't know anything about it, but I agree 16%) of respondents declare to be in favor. Lastly, 36% (I disagree because I believe it should only concern the regularization of Italian undocumented workers 24% + I didn't know anything about it, but I disagree 12%).

5. Findings and discussion.

This section develops the analyses results of the two RQs proposed in the introduction section.

RQ1 describes differences and similarities of Law July 30, 2002, No. 189 and Law July 17, 2020, No. 77 – especially considering how the Covid-19 outbreak influenced the latest regularization. In this sense, it is necessary to specify how the comparison between the two legal provisions (Bossi-Fini Law) and the *Decreto Rilancio* have a different temporal position; despite this, it is possible to find some common and some divergent aspects.

The findings of the analyses are built on three categories: context of development, size of the regularization, and critical aspects.

- *Context of development*: A centre-right government promoted the Law July 30, 2002, No. 189. The cultural assumptions that gave rise to the *Bossi-Fini Law* have confused public opinion.[85] The *Lega Nord* party used localist and nationalist rhetoric to promote it.[86] The regularization was born with the idea of the government ending the strong migratory flows to which the country was subject, and reduce informal work.[87] On the other hand, the regularization promoted by Law July 17, 2020, No. 77, arose on a double track.[88] This law, indeed, was developed during the special situation linked to the pandemic Covid-19 and within the majority.[89] The most recent regularization was born to reduce undeclared work, especially in the agricultural sector.[90]

- *Size of the regularization*: The 702,156 applications for the regularization required by Law July 30, 2002, No. 189 are distributed as follows: 341,121 for domestic work and 361,035 for company work. Applications were submitted for four months. 634,728 workers were successfully regularized, compared to 25,892 who did not receive a residence permit because their application was denied.[91]

  On the other side, according to the Minister of the Interior, the regularization promoted by Law July 17, 2020, No. 77 received an amount of 207,542 applications,

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[85] Ambrosini M., Salati M., nt. (56).
[86] Livi Bacci M., nt. (57).
[87] Basso P., Perocco F., nt. (21).
[88] Codini E., nt. (71).
[89] Chiaromonte W., D'Onghia M., nt. (3).
[90] Codini E., nt. (71).
[91] Caritas Migrantes, nt. (61).

with a prevalence of those concerning domestic work and personal assistance (about 85% of the total applications submitted), compared to the applications for the emergence of subordinate work (15% of the total, equal to 30,694). Applications could be sent for three months. Regarding the precise data, it should be noted that at the end of March 2022, the prefectures were issuing 105,000 residence permits or roughly 50% of the total, and there were still tens of thousands files that needed to be processed.[92]

- *Critical aspects*: As regards the regularization implemented with the *Bossi-Fini Law*, the uncertainty regarding the situation of immigrants can be underlined.[93] After submitting a conciliation request, they lost their job and found another occupation, thus changing the status of the request. Furthermore, very often the economic contribution required for the practice was paid by the migrant and not by the employer as mandatory by law.[94] The law promoted with the *Decreto Rilancio* faced more critical issues related to the Covid-19 pandemic.

  The regularization did not regularize a high number of irregular workers in the agricultural sector and this allowed the continuous spread of the pandemic and an ongoing exploitation of labourers employed in the sector.[95]

The RQ2 underlines the migrants effect on the public opinion in the period of the Covid-19 pandemic, through the report *La percezione dei migranti nell'Italia del Coronavirus*.[96] The outbreak of Covid-19 reduced the perception of immigration as a problem. As a matter of fact, the attention of public opinion is still high, but not at the same level observed before the pre-pandemic period. With the overcoming of the health emergency, concerns about immigration have increased at the national level. Concern about immigration is less perceived at the local level.

According to conventional wisdom, the sector in which immigrants have made an important contribution during the health emergency is agriculture, followed by the sector of deliveries, and lastly personal care services. Ideally, there is an openness to inclusion and to the recognition of the lack of full healthcare rights for immigrants. Almost 60% of the interviewees confirm this trend. However, prejudice about the relationship between immigration and disease is widespread. Consequently, public opinion appears to further isolate immigrants when they reach the Italian borders. Furthermore, over 40% of respondents think that the health emergency did not cost immigrants more than natives.

An important aspect concerns citizenship. Almost 40% of Italians are against the *ius soli* and almost 50% are against the *ius culturae*. In addition, more than 30% support the right to citizenship only for those with both Italian parents.

The last question of the *La percezione dei migranti nell'Italia del Coronavirus* report, developed by IPSOS,[97] aimed to understand the idea of public opinion towards the regularization

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[92] Ero straniero, nt. (74).
[93] Pepino L., nt. (59).
[94] Congia M., nt. (66).
[95] Chiaromonte W., D'Onghia M., nt. (3).
[96] IPSOS, nt. (16).
[97] IPSOS, *ibid.*

promoted with the *Decreto Rilancio*. There is general support for regularization, 64% of the interviewees affirm they are in favor. Lastly, 12% of the respondents did not know anything about it and they disagreed.

6. Final remarks.

This paper aims to look at the phenomenon of undocumented migration from a normative and sociological point of view. This study covers the regularization of migrants promoted by the *Decreto Rilancio* and converted in Law July 17, 2020, No. 77. The legislative provisions will be compared with previous regularizations, promoted by Law July 30, 2002, No. 189, considering the historical and social context in which the two measures were introduced.

RQ1 aims to disentangle differences and similarities compared to previous regularizations – especially considering how the Covid-19 outbreak influenced the latest regularization. RQ2 aims to understand the migrants effect on public opinion during the period of the Covid-19 pandemic. The analyses were carried out through the *La percezione dei migranti nell'Italia del Coronavirus* report developed by IPSOS.[98]

Regarding RQ1, built with the content analysis of the three categories, the context of development, size, critical aspect, similarities, and fundamental differences between the two regularizations were detected. The fundamental differences are mainly due to the Covid-19 pandemic.

In the context of development, the two regularizations have a point in common: the inconsistency of informal work. The points of divergence concern the political objectives set by the two regularizations. Law July 30, 2002, No. 189 had the objective of ending the strong migratory flows to which the country was subject. On the contrary, Law July 17, 2020, No. 77 had the objective of bring to light the irregular subjects most exposed to the spread of the Covid-19 contagion.

The dimensions of the regularization were markedly different between the two regularizations. The *Bossi-Fini Law* received 702,156 applications and 634,728 were accepted within four months from the applications submission, while the law promoted with the *Decreto Rilancio* received 207,542 applications approximately three months after submission. The data defined for the accepted applications do not exist yet.

The last analyzed dimensions concerns the critical issues. Law July 30, 2002, No. 189 had to deal with problems related to the situation of employment uncertainty of immigrants. Also, the regularization promoted by the Law July 17, 2020, No. 77 had to deal with job uncertainty.

Furthermore, this regularization has been subjected to various criticism due to the scarce number of received applications, compared to the number of illegal immigrants present in the area.

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[98] IPSOS, *ibid.*

About RQ2, some interesting aspects have been identified regarding the reaction of public opinion about irregular immigrants during the Covid-19 pandemic. The perception of immigration as a problem had diminished because of the spread of the virus. In truth, the public interest is always high, though not at the same level that was seen before the pre-pandemic period. Conventional wisdom dictates that the agricultural industry has significantly contributed to the health emergency, followed by the delivery industry and social services. What is clear is the acceptance of diversity and a recognition that immigrants do not have full access to healthcare. However, there is still a lot of prejudice regarding the link between diseases and immigration. The general opinion is that immigrants did not suffer more financial difficulties than natives as a result of the health emergency.

The examined factors lead to the conclusion that there is general support for the regulation promoted by the *Decreto Rilancio*. This is clear with 64% of people in favor of the regulation promoted by Law July 17, 2020, No. 77.

The study highlights some limitations in sample narrowness in both RQ1 and RQ2. RQ1 includes only two regularizations promoted with the *Bossi-Fini Law* and with the *Decreto Rilancio*, while to respond to RQ2, only the *La percezione dei migranti nell'Italia del Coronavirus* report was selected.[99] This limited sample does not allow to generalize the phenomenon.[100]

These limits are intended to be a stimulus to carry out future research to enrich the existing literature in the field of migratory regularization.

This way, large-N studies can use quantitative methods to complement their content-based case study research. This would allow the generalizability of this study.

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[99] IPSOS, *ibid.*

[100] Hsieh H. F., Shannon S. E., nt. (47).

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