

COUNTRY REPORT

Aspiring re-migrants' behaviour in mobility policies:

The case of Italy

Paola Bonizzoni*

Fabio De Blasis**

* University of Milan | paola.bonizzoni@unimi.it | [ORCID no. 0000-0001-6849-7568](https://orcid.org/0000-0001-6849-7568)

** University of Milan | fabio.deblasis@unimi.it | [ORCID no. 0000-0002-2530-5711](https://orcid.org/0000-0002-2530-5711)

AspirE – Asian prospects in (re)migration to/within the EU – is a three-year research project (2023-2025) that examines the decision making of aspiring (re)migrants from selected Southeast and East Asian countries (China, Japan, Philippines, Thailand and Vietnam) to and within selected EU member countries (Belgium, the Czech Republic, Finland, Germany, Italy and Portugal).

Consortium partners:


Université libre de Bruxelles (ULB), Belgium (coordinator)
The Education University of Hong Kong, China
Masarykova univerzita, Czech Republic
Tampereen korkeakoulusäätiö sr, Finland
Johann Wolfgang Goethe-Universität Frankfurt am Main, Germany
Università degli Studi di Milano (UniMi), Italy
Waseda University, Japan
Scalabrini Migration Center Inc., Philippines
Iscte - Instituto Universitário de Lisboa, Portugal
Mahidol University, Thailand
Foundation for Isaan Education and Popular Media, Thailand
Institute of Sociology – Vietnam Academy of Social Sciences (VISS), Vietnam
Vietnam Asia Pacific Economic Center (VAPEC), Vietnam

Collaborators:

Centre for European Policy Studies (CEPS), Belgium: Sergio Carrera, Miriam Mir & Anjum Shabbir
External Experts Advisory Board: Elisa Fornalé (World Trade Institute, Switzerland), James Farrer (Sophia University, Japan), Stefan Rother (University of Hamburg, Germany) & Sureporn Punpuing (Mahidol University, Thailand)
External Ethics Advisor: Roderick G. Galam (Oxford Brookes University)

Contact:

Asuncion Fresnoza-Flot
Laboratory of Anthropology of Contemporary Worlds (LAMC)
Institute of Sociology, Université libre de Bruxelles
Avenue Jeanne 44, 1050 Brussels, Belgium

 aspire@ulb.be | <https://aspire.ulb.be/>

 https://twitter.com/AspirE_EU_Asia

 <https://www.facebook.com/AspirE2023EUproject>

Authors:

Paola Bonizzoni & Fabio De Blasis

Publication date (first version):

January 2024

Publication date (final version):

April 2024

Citation suggestion:

Bonizzoni, P. & De Blasis, F. 2024. *Aspiring re-migrants' behaviour in mobility policies: the case of Italy* (Country report). Brussels: AspirE. Available at: <https://aspire.ulb.be/impact/reports/mobility-policy-report-italy>

Editorial design:

Asuncion Fresnoza-Flot & Catherine Gonzalez



This project receives funding from the European Union's Horizon Europe research and innovation programme under the call HORIZON-CL2-2022-TRANSFORMATIONS-01-04 – Grant Agreement n°101095289.

The contents of the document are the sole responsibility of the authors and do not necessarily reflect the views of the European Union. The European Union is not responsible for any use that may be made of the information it contains.



<https://creativecommons.org/licenses/by-nc-nd/4.0/>

Executive summary

This is the Italy country report within the framework of WP2 in the AspirE project. In the introduction, the report analyses the evolution and composition of recent immigration to Italy, with particular attention to contemporary Asian immigration flows. The second part analyses the evolution of the Italian migration regime from the formulation of the first policies in the 1980s to the present day. The third part analyses the six policies of interest to the AspirE project in detail – namely labour migration, family reunification, tourism, investment based-migration, student migration, and Schengen policies. Overall, it is shown how the evolution of Italian policies has progressively led to the construction of a highly selective and restrictive immigration regime in which migrants' behaviours are heavily considered, largely in terms of suspicion, deception, and control of what is deemed unacceptable by the State (not least due to the migrants' own agency strategies). Either explicitly or implicitly, Italian immigration policies do, however, provide some flexibility once migrants have entered Italy, leaving space for migrants' behaviour to navigate alternative pathways, back doors, or to undergo transitions from one legal status to another.

Keywords

Italy; Migration Policies; Aspiring Migrants; Migrants' Behaviour; Immigration Regime; AspirE Project

Abbreviations

TCNs – Third country nationals

EU – European Union

CA – Consolidated Act on Immigration of 1998

ISV – Italia Start-up Visa

ISH – Italia Start-up Hub

Table of contents

Introduction6
(Im)mobility regime in Italy11
Methodology16
Human behaviour in Italy’s mobility policies: Key results16
 Labour migration policy18
 Family reunification policy28
 Policy on tourism31
 Investment-based immigration policy33
 Student mobility policy.....36
 Schengen policy – Long-term residents39
Discussion of research results.....41
Conclusion.....43
Annexes 50

List of figures and tables

Figure 1 New permits released annually by reason (absolute numbers), 2008–20218

Figure 2 New permits released annually by reason (%), 2008–20218

Figure 3 New residence permits issued in 2021 by reason (%). Main Asian communities and total.9

Figure 4 Planned annual slots, Flow Decrees, 2001–2022.....19

Figure 5 Composition of annual quota by type of employment/conversions, 2002–202219

Table 1 Composition of new Asian entries by years and main nationalities (absolute numbers) 6

Table 2 Main change of status in the period 2018–2021 10

Table 3 Changes of status in 2021, main Asian communities and main transitions..... 10

Introduction

Once a county of emigration, Italy has become a major destination of international migration in the EU since the 1990s (Einaudi, 2007), hosting roughly 5 million foreign residents as of 1 January 2023, about 8.5% of the total population.¹ The three largest immigrant national groups are from Romania (about 1 million residents and 21.5% of the total immigrant population), Morocco, and Albania (both with about 400,000 residents).

According to the latest report on TCN communities in Italy (Ministry of Labour and Social Policies, 2023, p. 6), non-EU citizens make up the largest share of international migration, with roughly 3.6 million residents, fairly balanced across three continents: Europe (28%), Africa (30%), and Asia (31%). After a decrease in the period 2019–2021 (–344,000; –9.2%), between 2021 and 2022 there was an increase in the presence of TCNs (+188,000; +5.6%). Notably, the incidence of Asian nationals has been progressively increasing over the years, rising from 26.7% in 2012 to 31% in 2022. As of 1 January 2023, the largest Asian communities in Italy are those from China (300,216 residents and the fourth largest migrant community), India (162,492), Bangladesh (159,003), the Philippines (158,997),² Pakistan (134,182), and Sri Lanka (108,069).³

Overall, the distribution of TCNs within Italian territory is not homogeneous. The Northern regions host the lion’s share of TCNs (61.6%), followed by the regions of Central (23.8%) and Southern Italy (14.6%). The non-EU population, taken as a whole, is almost perfectly balanced in terms of gender: men make up 51% and women the remaining 49%; however, these figures show marked variations when nationality is taken into account. As far as Asian nationals are concerned, the gender balance is quite evident in the Chinese and Sri Lankan communities, while the incidence of female migration is higher among Filipinos (57.4%), reflecting the salience of women’s employment in the domestic care sector since the late 1970s. Female migration is much lower among Bangladeshi and Pakistani communities, where male migration largely prevails (close to 70%). The non-EU population is also significantly younger than the Italian population: nearly 40% are under 30 years of age and minors make up 21% of the non-EU population, compared to 15.3% of the Italian population.

With a relatively long migration history, it is worth noting that the presence of TCNs in Italy is characterised by a certain degree of stabilisation, as reflected by the large share of long-term residents⁴ over the total immigrant population (65.8%). Among Asian nationals, immigrants from the Philippines (70%) and Sri Lanka (69%) are those with the highest rates of long-term residents and the longest migration history (Ministry of Labour and Social Policies, 2023, p. 18).⁵ Yet, when examining the yearly arrivals of the past decade, a gradual shift in the main nationalities entering Italy from Asia also becomes evident: the incidence of entries from China, Sri Lanka, and the Philippines has been greatly reduced, while those from Pakistan and Bangladesh have significantly increased (see Table 1).

Table 1 Composition of new Asian entries by years and main nationalities (absolute numbers)

Country	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Bangladesh	9,232	13,799	14,744	10,662	8,881	14,235	13,189	9,934	6,467	15,974
Pakistan	9,599	10,346	13,697	14,437	15,585	15,082	13,355	11,204	7,925	14,759
India	11,718	15,448	13,127	11,762	9,560	8,658	13,621	11,405	6,191	12,680
China	25,211	20,040	17,243	15,084	12,118	12,030	11,367	8,889	4,731	8,686

Georgia	1,981	2,611	1,477	752	821	1,054	1,476	1,300	865	6,592
Afghanistan	1,862	1,948	2,808	3,927	2,831	1,210	790	567	583	2,981
Philippines	8,916	6,796	5,691	4,003	4,013	4,028	3,720	2,367	1,502	2,930
Sri Lanka	6,753	6,153	6,344	4,970	3,427	4,131	4,138	3,576	1,679	2,767
Iran	2,079	1,904	1,655	1,618	1,396	1,452	1,801	1,600	972	2,390

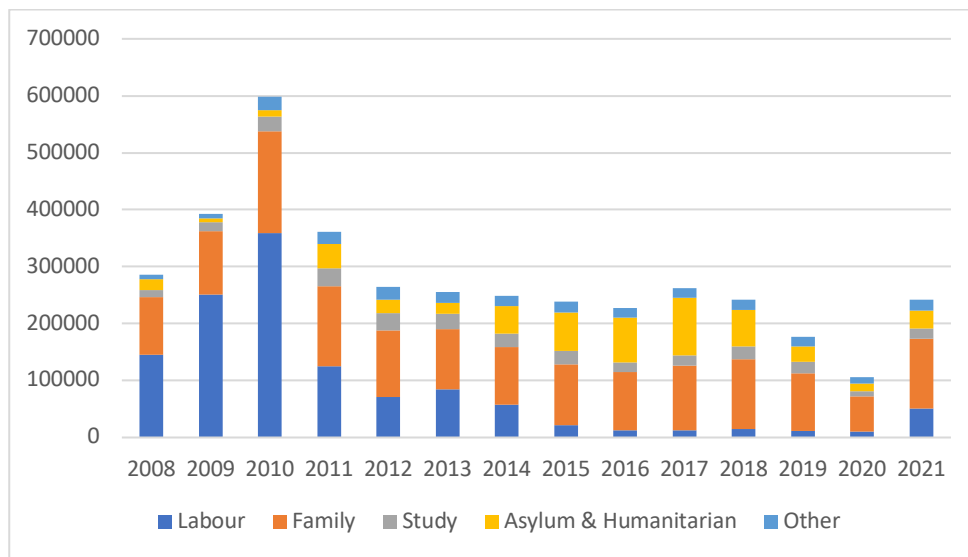
Source: Authors' elaboration based on Istat data

While a significant share of the immigrant population has long-term residency status, the new residence permits issued to TCNs are marked by their short validity, highlighting the high degree of precarity in legal status linked to the migration policies of the last two decades (Tuckett, 2018). From the total of new permits issued in 2021 (about 242,000), 16.2% (39,000) had a duration of up to 6 months; 31.6% (76,000) between 7 and 12 months; and the remaining 52.4% (127,000) were made up of residence permits with a duration of more than one year (Ministry of Labour and Social Policies, 2023b, p. 11).

The data on new permits issued annually to TCNs also reveal significant changes in the reasons for entry and residency in Italy, especially following the economic crisis of 2008 and the refugee crisis of 2011 (Figure 1). Until the late 2000s, immigration to Italy was largely driven by work reasons and fuelled by the demand for low-skilled and low-paid (informal) jobs in specific economic sectors, such as domestic care, agriculture, construction, catering, and hospitality (Fullin & Reyneri, 2011), in which a large share of migrants are still employed today (Panichella et al., 2021). However, the economic crisis resulted in unprecedented limitations on labour policies and therefore on prospective migrants' labour routes (Devitt, 2023): new work-related permits, which constituted more than 50% of new entries in the period 2008–2010, suddenly dwindled to less than 10% during the period 2015–2019. The work route has involved almost exclusively seasonal work and low skilled labour, while high-skilled and investment migration, for which privileged channels and targeted policies are in place, have been extremely marginal (see the labour and investment migration policies sections, pp. 18 and 33).

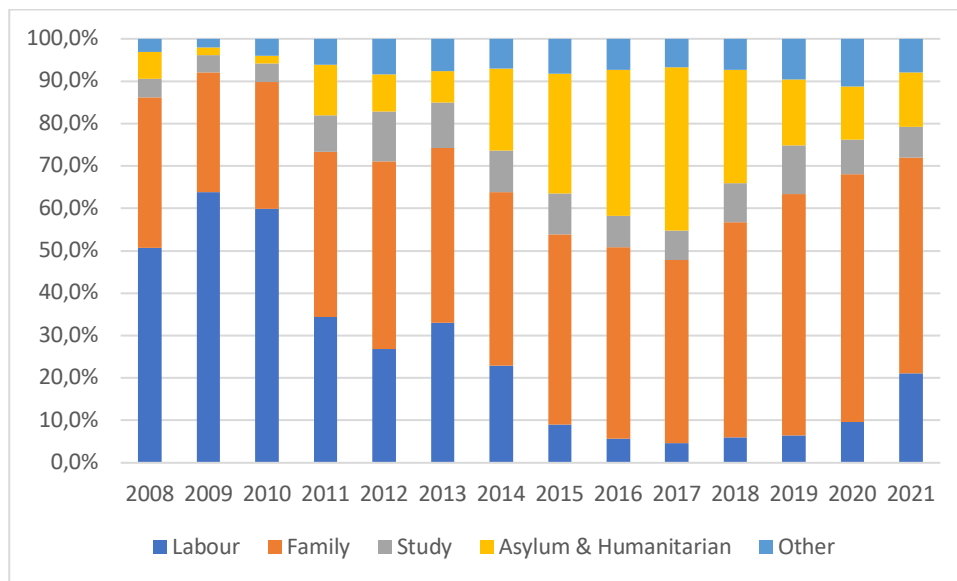
Moreover, following the Arab spring in 2011, Italy has become one of the main destinations for asylum seekers and refugee entering Europe, especially through the Central Mediterranean Route. A significant number of new permits has thus been issued for asylum/humanitarian reasons in recent years, reaching a peak of 38.5% in 2017. In this context, the largest share of new resident permits in the last decade has been issued for family reasons: in 2021, family reunification accounted for 50.9% of new permits, followed by labour⁶ (21.1%), asylum/humanitarian reasons (12.8%), study (7.3%), and other reasons (7.9%).

Figure 1 New permits released annually by reason (absolute numbers), 2008–2021



Source: Authors' elaboration based on Istat/Ministry of Interior data

Figure 2 New permits released annually by reason (%), 2008–2021

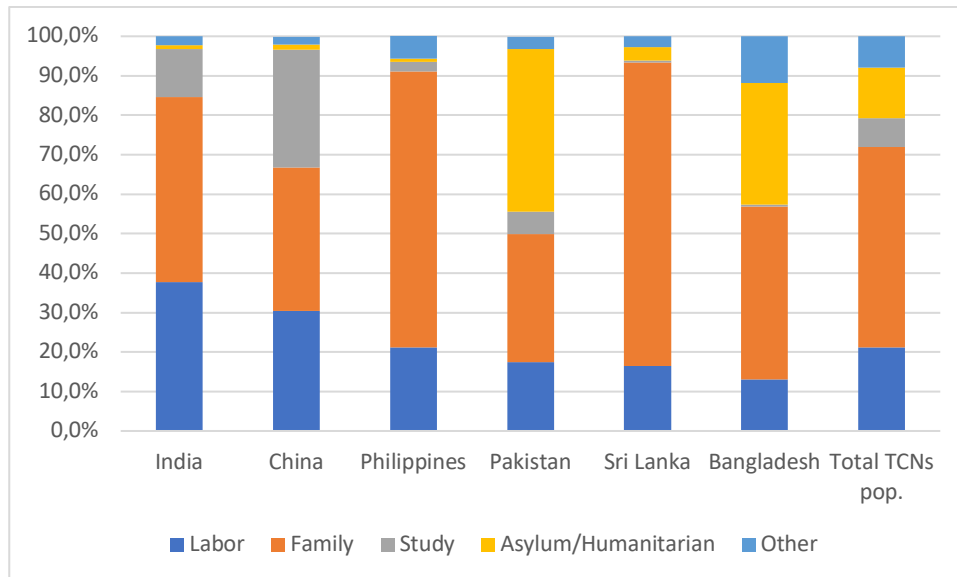


Source: Authors' elaboration based on Istat/Ministry of Interior data

Some variations in the purpose of current residency in Italy are also found among different Asian communities. While in 2021 family reasons represented the main entry route for the overwhelming majority of nationalities, reaching the highest incidence for citizens from Sri Lanka (76.9%) and the Philippines (69.9%), an exception to this trend is the Pakistani community, which saw humanitarian reasons as the main reason for entry (41.2%). The asylum route is also significant among Bangladeshis (30,8%), although family reasons prevailed. The labour route is marginal for all nationalities, although above the average in the case of Indians and Chinese. It is also worth noting the high incidence of new permits for study reasons observed in the Chinese and Indian communities (29.8% and 12.2% respectively), although Italy does not appear to be a prominent destination for international students. In the 2019/20 academic year, only 3% of students enrolled in tertiary education in Italy came from other countries. Moreover,

international students seem to stay for short periods: only 13% of those who arrived in 2015 for study were still in Italy in 2020 (Ministry of Labour and Social Policy, 2023b, p. 24).

Figure 3 New residence permits issued in 2021 by reason (%). Main Asian communities and total.



Source: Authors' elaboration based on Istat/Ministry of Interior data

Regarding short-term visits, Italy is a major tourist destination globally. After a downturn due to the pandemic crisis, which caused entries to drop dramatically, the number of international tourists has returned and increased, reaching over 70 million visitors in 2022 (Bank of Italy, 2023, p. 12). The vast majority of international tourists come from the EU (73%), followed by non-EU European countries (17.5%), Northern America (5%), and Asia (2%).

Another significant aspect for the purposes of the AspirE project in the Italian context relates to status transitions, from illegal to legal status, as well as from one legal status to another. Regarding the former transition, Italian immigration policies have long resulted in a large share of undocumented migration, in response to which governments have repeatedly resorted to mass amnesties, to the extent that a large share of the legally resident migrant population has obtained legal status through a regularisation procedure (see the next sections on the immigration regime and labour migration policies).

With reference to the transitions from one legal status to another, about 230,000 residence permit conversions occurred between 2018 and 2021: according to Eurostat data, in 2021 they mainly took place from family-related to work-related residence permits (50% of the permit conversions in 2021), but there were also important transitions from other statuses (mainly humanitarian permits) to work-related permits (22%), and from work-related permits to family-related permits (12%). Conversions of residence permits from study to work reasons also have a certain relevance in the Italian context, accounting for about 7% of the total permits converted in 2021, as legislation allows this pathway to international students (see section on student migration policy, p. 36).

Table 2 Main change of status in the period 2018–2021

Change of status	2018	2019	2020	2021
From family to employment reasons	46%	44%	33%	50%
From other to employment reasons	11%	29%	41%	22%
From employment to family reasons	20%	12%	10%	12%
From education to employment reasons	9%	5%	4%	7%
From other to family reasons	7%	6%	5%	4%
From family to other reasons	2%	2%	2%	2%
From education to family reasons	2%	1%	1%	1%
Total conversions	56,388	63,783	76,769	35,124

Source: Authors' elaboration based on Eurostat data

For Asian citizens, the highest rates of conversions from other (humanitarian) permits to employment permits in 2021 were found among Bangladeshi and Pakistani communities, while the change of status from family to employment reasons largely prevailed among Chinese, Indians, Filipinos, and Sri Lankans. However, a significant share of Chinese (12% of total conversions) and Indians (17%) also converted their study permits into work permits.

Table 3 Changes of status in 2021, main Asian communities and main transitions

Country	Total Conversions	Main change of status (% over total changes)
Pakistan	2,671	From other to employment (65%); from family to employment (22%)
Bangladesh	2,265	From other to employment (64%); from family to employment (22%)
China (including HK)	1,939	From family to employment (71%); from employment to family (13%); from education to employment (12%)
India	1,312	From family to employment (59%); from education to employment (17%)
Philippines	1,292	From family to employment (69%); from employment to family (25%)
Sri Lanka	906	From family to employment (75%); from employment to family (18%)

Source: Authors' elaboration based on Eurostat data

The next sections focus on the context within which recent mobility and migratory movements have taken place – that is, on Italian policies, first at a general level, tracing the evolution of the last decades leading to the construction of the current Italian migration regime, and then at the

level of the six policies of interest to the AspirE project – that is, labour migration, family, investment based-migration, student migration, tourism, and Schengen. Specifically, it will be shown how, since the 1990s, the Italian migration regime has progressively considered migrants' behaviour within these policies, pushing would-be migrants to confront a context of increasing restrictiveness and selectiveness – particularly for some types of migrants and routes compared to others – but also marked by frequent stops-and-go, open back doors, and harmonisation with EU policies.

(Im)mobility regime in Italy

While Italy turned from an emigration to an immigration country in mid-1970s, the first immigration law was introduced only in the late 1980s (Einaudi, 2007). Before that, the entry and stay of foreigners were regulated by a public security act from 1931, together with a series of administrative circulars from the Ministries of Labour, the Interior, and Foreign Affairs. The Law 943/1986 'Rules on the employment and treatment of non-EU immigrant workers and against illegal immigration' (known as Foschi Law) was approved by a large, multiparty centrist coalition. The 1986 Foschi Law focused mainly on TCNs' employment, on the one hand recognising equal rights between foreign and Italian workers, in compliance with the 1975 ILO Convention, and, on the other hand, prioritising the employment of Italian and EU workers, as the recruitment of TCNs was made less appealing through higher costs for employers. However, the 1986 law also introduced the first measures on TCNs' family reunification and provided for the first mass amnesty in Italy, involving about 105,000 irregular migrants, allowing the regularisation of both the irregularly employed and unemployed through registration with the public employment office (Caponio & Graziano, 2011).

A few years after the approval of the Foschi Law, the increasing inflows and the imminent ratification of the Schengen Treaty pushed the same political coalition to pass Law No. 39/1990 'Urgent provisions on political asylum, entry and residence of non-EU citizens and regularisation of non-EU citizens and stateless persons already in the territory of the State' (Zincone, 1998). Beyond extending the possibility of granting refugee status to TCNs, the so-called Martelli Law introduced procedures for refusal of entry and expulsion; established mandatory entry visas and residence permits; and regulated the admission and stay for tourism, study, employment/self-employment, medical treatment, family, and religious purposes. The validity of residence permits at first release was set to a maximum of two years, depending on the reason of stay. However, in the case of renewed permits, the validity could be increased up to twice the duration of the first issue (four years). The granting of the first renewal of a residence permit was linked to proof of a minimum income, equal to the amount of the social allowance.

Regarding the regulation of labour migration, the 1990 Law introduced the mechanism of annual entry quotas, to be established on the basis of labour market needs, while also taking into account applications for residence permits for work reasons by non-EU foreign nationals already within the national territory with residence permits for other reasons, as well as the number of non-EU foreign nationals with a residence permits for work reasons registered on employment lists. Finally, the Martelli Law opened up a new regularisation process encompassing all undocumented TCNs residing within the territory prior to 31 December 1989, regardless of whether they had an employment contract, culminating in approximately 218,000 immigrants attaining legal status (Reyneri, 1998).

In the early 1990s, the Parliament also approved a new citizenship law, according to which Italian citizenship is automatically attributed only to Italian citizens' descendants (Law No. 91/1992). To apply for citizenship, non-EU migrants must demonstrate continuous and uninterrupted residency of 10 years, while second generation migrants must demonstrate an uninterrupted

residency from birth to the age of 18 years to apply for naturalisation upon turning 18. Finally, spouses of Italian citizens could apply for naturalisation after two years of cohabitation and residency in Italy (reduced to one year if children are born to or adopted by the spouses).

A few years later, Law 489/1995 ('Urgent provisions on immigration policy and for the regulation of entry and stay in the national territory of citizens of non-EU countries') attempted to provide for the regulation of the stay of seasonal TCNs workers, limiting their stay to six months per year, establishing a right of precedence for re-entry into Italy in the following year, and including the possibility of attaining a residence permit for a duration of two years, renewable in the presence of a permanent job offer. However, the so-called Dini Decree was never converted into law by the Parliament, so its provisions quickly ceased to apply, except for a new regularisation, addressed to all irregular migrants. As with past regularisations, migrants had to show proof of their residency in Italy, along with proper housing, a minimum income, and a job offer, or as an alternative, proof of work dating back at least four months before the introduction of the amnesty. Over 250,000 immigrants were regularised, which suggests that the irregular presence of foreigners in Italy had increased since the early 1990s (Zincone, 1998)

The Consolidated Act on Immigration of 1998 and its amendments

In the mid-1990s, the steady growth of inflows turned immigration into a central concern in the public opinion and political debate of Italy. Most immigrants had entered illegally or with a tourist visa and then overstayed, while working in the informal labour market that demanded cheap and flexible labour. Moreover, entry into force of the Schengen Treaty and the Dublin Convention in 1997 compelled the reform of the national migration framework as a necessary step to be considered a reliable member by other EU member states (Finotelli & Sciortino, 2009). In response to these internal and external pressures, a centre-left coalition enacted Decree Law No. 40 of 1998 (the so-called Turco-Napolitano Law), which soon became part of the Consolidated Act on Immigration (Decree No. 286 of 25 July 1998), together with the implementing regulation (Presidential Decree No. 394 of 31 August 1999).

While accompanied by a new amnesty for about 217,000 non-EU irregular workers, the Consolidated Act of 1998 marked a seminal moment by introducing an all-encompassing regulatory framework to govern immigration and the legal status of TCNs (Zincone & Caponio 2004). On the one hand, the 1998 Law provided for more stringent controls at the internal and external borders, faster procedures for pushback and deportation, and the establishment of temporary detention centres for migrants waiting to be deported or identified. On the other hand, while the validity of residence permits was confirmed at a maximum of two years at first release and four years for renewed permits, the Consolidated Act also introduced permanent residence permits for those migrants who had been resident in Italy for five years (i.e. the '*carta di soggiorno*').

The 1998 Law also regulated the right to family reunification (see section on family reunification policy, p. 28), and introduced provisions for access to social welfare and the social integration of the resident immigrant population (including free health care for irregular migrants) through the creation of a 'National Integration Fund'. The Consolidated Act and its implementing regulations also provided rules on access to the education system for the resident population as well as for international students (see section on student migration policy, p. 36).

As far as labour regulation is concerned, the 1998 Law reinforced and redefined the annual quota system, to be established on the basis of the estimated needs of the domestic labour market and the integration capacity of local territories (although some out-of-quota entries were foreseen in specific cases). A central role was given to international cooperation with sending countries,

assigning preferential entry quotas for nationals of those countries that signed bilateral agreements for controlling irregular migration to Italy. A system of ‘sponsorship’ was also introduced, guaranteed by an Italian citizen or by a legally resident foreigner, which allowed the admission of migrants from abroad by issuing a one-year resident permit to look for a job. The Consolidated Act also established residence permits for seasonal work and regulated the possibility of the conversion of residence permits for study reasons into work permits within the labour quota system, while allowing the student to carry out limited work activities during their studies (see labour and student migration sections, pp. 18 and 36).

Around the turn of the millennium, Italy’s national framework experienced noteworthy, albeit non-structural, reforms implemented under the governance of centre-right coalitions led by Silvio Berlusconi and involving the anti-immigrant party Northern League (Zincone, 2006). In the early 2000s, the new centre-right government framed the public discourse on immigration largely in terms of crime and security, with extensive media coverage of the increase in irregular arrivals in southern Italy and the problems of crime affecting cities with large immigrant populations. Accordingly, Law n. 189/2002 (also known as the Bossi-Fini Law) amended the Consolidated Act of 1998, making legal entry routes and conditions of stay in Italy more limited and precarious (Triandafyllidou & Ambrosini, 2011).

The 2002 Law strengthened the focus on irregular inflows and introduced more restrictive provisions for expulsion and detention (further lengthening the maximum detention from 30 to 60 days, and up to six months in case of an expulsion or rejection order). Furthermore, it introduced labour market checks for employers and abolished the sponsor mechanism, strengthening the link between admission, stay, and employment. This provision effectively barred prospective migrant workers from being admitted to Italy to search for work, because migrants would have to showcase evidence of a pre-existing commitment from an Italian employer to hire them from abroad. Furthermore, the issuance of a residence permit became intricately linked to the duration of the employment contract through the introduction of a ‘residence contract’ (*contratto di soggiorno*), which also required the employer to provide for the migrant worker’s housing and repatriation costs. The maximum validity of the residence permits was revised to one year for fixed-term positions and two years for permanent contracts, moving away from the previous provision of two years. The duration of renewed residence permits was also tied to their initial validity, with a maximum duration of two years, as opposed to the previous option of up to four years, which hindered the pathway to long-term residency status. Lastly, the reform also reduced to six months the validity of residence permits for work searches (instead of the previous one-year period provided for by the 1998 Act), while a new preferential channel for work admission of the descendants of Italian emigrants within the third degree of kinship was established.

Nonetheless, Law 189/2002 also marked the approval of the largest regularisation process that had ever occurred in Italy, encompassing the regularisation of about 650,000 migrants, half of whom worked as domestic and care workers (Colombo & Sciortino, 2004). Often known as the ‘great regularisation’ and announced as an exceptional measure to solve the problem of irregular migration, this procedure targeted TCNs who had been engaged in irregular employment in Italy for a minimum of three months preceding the enactment of the law. Interestingly, only a small share of applicants entered the country illegally, as mostly had entered with a tourist visa or a visa for working purposes, and then overstayed.

Adjustments, stops-and-go in times of polycrisis

The short-lived experience of the centre-left government (2006–2008) led to a transitory enlargement of annual entry quotas for work reasons⁷ and to the transposition of several of EU

directives, including on family reunification (Law No. 30/2007 implementing Directive 2004/38/CE and Law No. 5/2007 implementing Directive 2003/86/CE); study and traineeships (Law No. 154/2007 implementing Directive 2004/114/CE); research (Law No. 9/2008 implementing Directive 2005/71/CE); and the status of long-term residents (Law No. 3/2007 implementing Directive 2003/109/CE). This resulted in minor changes to the already existing regulatory framework, because many of the measures were already in place (Colucci, 2018).

In the aftermath of the outbreak of the financial and economic crisis, a new centre-right government further implemented detention and deportation measures to counter illegal entry and stay; it also signed new agreements with third countries for the readmission of TCNs and the externalisation of irregular immigration control, particularly with Libya (Caponio & Cappiali, 2018). Law No. 125/2008 (known as the ‘Security Package’) made undocumented migration a criminal offence, along with the refusal to comply with a removal order issued for illegal entry. Law No. 94/2009 required that TCNs over the age of 16 who entered Italy for the first time and applied for a residence permit of no less than one year must sign an ‘integration agreement’ with the State, committing to reach an adequate knowledge of the Italian language (equivalent to at least level A2 of the Common European Framework of Reference) and of the fundamental principles of the Constitution and Italian social life. The agreement was judged to be a ‘symbolic and legal yoke’ discriminating against the poor, the less educated, and Muslims (Cutitta, 2016).

In the meantime, while the economic crises and the enlargement of the EU to Romania led the centre-right government to drastically reduce the planned quotas for the admission of TCN workers⁸ (Devitt, 2023), Decree Law No. 78/2009 introduced a new regularisation, which involved about 220,000 immigrants. The 2009 amnesty targeted only migrants with irregular status employed in the domestic and care sectors; it was justified by the need to secure Italian families and migrant women working in Italian households against the provisions of the recently adopted Security Package (Ambrosini, 2013). To be eligible for regularisation, TCNs had to be employed for at least three months and the employers had to show proof of annual income of at least €20,000.

The advent of a new government in 2011 supported by a large, multi-party coalition did not change the overall framework or the recourse to regularisations. Adopted in times of economic crisis and high unemployment, Decree 109/2012 (enforcing the Directive 2009/52/EC concerning the employment of irregular workers) provided a new regularisation addressed to irregular, non-EU, full-time and domestic workers working at least 20 hours per week (Ambrosini, 2015). The employer was entitled to provide all of the documents along with a payment of €1,000 per worker and proof of a minimum income of €30,000. Pushed by high unemployment rates among migrants, the same government also re-extended the validity of the work-search residence permit from six months to one year. Finally, Legislative Decree No. 108 of 28 June 2012, transposed EU Directive 2009/50/CE on high qualified workers.

Since the early 2010s – and particularly after the so-called Arab spring – the debates and policy measures in Italy have been almost exclusively focused on the management of the so-called refugee crisis and the reception of asylum seekers and refugees (Ambrosini, 2019). In the face of the increasing number of sea arrivals, Italy declared a state of ‘humanitarian emergency’ in 2011 (known as the ‘North Africa Emergency’). Meanwhile, all new arrivals, mainly sub-Saharan Africans living in Libya, were somehow classified a priori as asylum seekers and channelled into the reception system. In 2013, the centre-left government launched the Search and Rescue operation ‘Mare Nostrum’ in the Mediterranean Sea, while in 2014, they adopted a National Plan for the relocation of asylum seekers and, in 2015, entirely reframed the national reception system by the new provisions of the Law No. 142/2015, which transposed two EU Directives⁹ (Ponzo, 2022). Nevertheless, in 2017, the centre-left coalition led by Paolo Gentiloni also promoted a

new agreement with Libya to reduce sea arrivals and provided for the enlargement of the Italian detention centre system for irregular migrants, as well as for the abolition of a second chance for asylum seekers who appealed against a denial (Decree No. 13/2017 ‘Urgent provisions for the acceleration of international protection procedures, as well as for the fight against illegal immigration’; Gargiulo, 2018). In the same year, Italy also launched its investment-based migration policy by introducing a special visa and residence permit for investment reasons (see investment migration section, p. 33).

The rise in power of a populist government supported by the Northern League party and the Five-star movement in 2018 resulted in even more restricted policies towards asylum seekers and refugees (Geddes & Pettrachin, 2020). Decree No. 113/2018 (known as the ‘Security Decree’ or ‘Salvini Decree’) abolished the residence permit for ‘humanitarian reasons’ (which had accounted for a relevant share of permits released to asylum seekers as a ‘national’ alternative to subsidiary protection or refugee status). In its place, a ‘special protection permit’ was introduced, which was much more limited in its scope. The validity of the special protection permit was restricted to one year, and it was not eligible for conversion into a work permit, in contrast to humanitarian protection permit.¹⁰ The populist government also restricted access to and services in the reception system, extended the list of offences leading to the revocation of refugee or subsidiary protection status, and further lengthened the detention time for migrants awaiting repatriation (up to 180 days). Lastly, Decree Law No. 53/2019 introduced measures to restrict migrants’ rescue at sea by private boats and non-governmental organisations (Dennison, Geddes, 2021).

Reflecting the politicisation of asylum, some measures enacted by this populist coalition were partially undone during the subsequent government’s tenure (2019–2021). The Decree Law No. 130/2020 (known as the ‘Lamorgese Decree’) re-broadened the scope of the special protection permit, extended its validity to two years and reinstated the option for conversion into a work permit.

Shortly afterwards, under the administration of Mario Draghi (2021–2022), which enjoyed the backing of a wide-ranging multi-party coalition, the onset of the COVID-19 pandemic propelled a new regularisation procedure (the eighth since 1986). This amnesty was justified by the need to safeguard labour in key-economic sectors deemed ‘essential’ and to prevent migrant labour exploitation and the further spread of the COVID-19 virus. The 2020 regularisation was limited to a few economic sectors (agriculture and domestic work) and was addressed to both irregular migrants and to migrants with precarious legal status, including asylum seekers (Bonizzoni & Artero, 2023). It ultimately received about 220,000 applications (see section on labour migration policy, p. 18).

The most recent amendments to the 1998 Consolidated Act on Immigration were introduced by the far-right government under the leadership of Georgia Meloni, which assumed office in late 2022. In response to the tragic events in Cutro,¹¹ the enactment of Decree Law No. 20/2023, commonly referred to as the Cutro law, placed a strong emphasis on establishing legal pathways for labour migration, while also restricting access and stay to unwanted migrants (asylum seekers and irregular stayers) and prosecuting human traffickers. The Cutro law once again narrowed the circumstances under which the special protection permit could be granted and eliminated the option for conversion into a work permit. However, it also extended the duration of renewed residence permits for employment and family reasons to a maximum of three years (from the previous two years) and introduced the provision that a study-related residence permit could be transformed into a work permit without being subjected to the quota system and the availability of related slots. As a further measure, the government also introduced a three-year quota planning system and significantly increased the number of workers admitted annually for the first time

since 2010. For the three-year period 2023–2025, the government envisages a total of 452,000 admissions (136,000 in 2023; 151,000 in 2024; 165,000 in 2025), compared, however, to an identified need of 833,000.¹²

This slight reopening of entry channels is, however, part of broader trend of ever greater restrictiveness, selectivity and deservingness of the Italian migration regime (Bonizzoni, 2018): not only has the centrality of agreements on migration control with sending countries been reaffirmed in the planning of quotas, but the possibility of excluding from admission citizens of countries that do not cooperate in the fight against irregular migration has also been introduced in the Consolidated Act on Immigration (see next section on labour migration policy, p. 18). Included in this strategy is the recent agreement signed between the EU and Tunisian government in the summer of 2023, sponsored by the Italian government following a new increase in sea arrivals on Italian shores from Tunisia, which aims to externalise migration control and prevent unwanted migrants from reaching Italy and Europe.

With reference to the bilateral agreements or memoranda of understanding signed in recent years on cooperation for migration control, repatriation and readmission, the Italian government engaged with several sending and transit countries on the African continent: in addition to Libya, these included Egypt, Morocco, Gambia, Ivory Coasts, Sudan, Tunisia, Nigeria, and Senegal.¹³ In some cases, these agreements also contain explicit references to legal entry for work within the framework of admission quotas in return for cooperation in migration management, with little success (Perna, 2019). Specific labour migration agreements have instead been signed with some Asian countries, including Sri Lanka (2011) and more recently (2017) with the Philippines. These agreements are supposed to match labour supply and demand, including through pre-departure technical and language training programmes in the countries of origin provided or recognised by Italian institutions. However, there are no updates or evaluations of the progress of these agreements, and in general, they do not seem to have produced significant results in fostering access for work (Perna, 2019).

In sum, from this historical overview, it becomes apparent that, in the long run, the Italian immigration regime has been wavering between securitarian, functionalist, and humanitarian concerns, expressed respectively by part of the public opinion and political parties, employers' organisations, and civil society organisations (charities, associations, etc.). On the whole, Italian immigration laws, anchored to temporary and contingent permit systems, have long contributed to a situation of 'institutionalised irregularity' (Calavita, 2005) and legal status precarity (Bonizzoni & Dotsey, 2023; Goldring, 2022; Tuckett, 2018). Since the early 2000s, the increasing politicisation of immigration, the Great Recession, the humanitarian crisis, and the rise of far-right parties have made migration policies harsher and more selective, although this has been a stop-and-go process that has not radically altered the structural features of the system and its contradictions. In the next sections the report focuses on the six policies of interest to the AspirE project.

Methodology

The analysis of the six policies was carried out as part of AspirE's Work Package 2. In addition to mobilising the relevant literature for the Italian case, the research team followed a **common blueprint** and a **standardised project guide** for content analysis of labour migration, family reunification, tourism, investment-based, student migration, and Schengen policies (see Annex 2). AspirE's **common blueprint** was constructed to address some specific questions outlined in the project: what is the place of aspiring (re)migrant behaviour in spatial mobility policies? Are there specific articles, rules, or clauses that deal with the change of mind of a labour migrant

under contract, an investor, a tourist, or a student who decides to overstay his/her visa rather than to return to his/her country of origin? If there are, how gendered, classed, or ethnicised are those (im)mobility laws? Who is exempted and who is not? What temporalities are reinforced or produced in the process?

AspirE's **standardised guide** for policy content analysis was designed by the project coordinator (ULB) after undertaking a pilot analysis on Belgium's family reunification policy, in collaboration with the Work Package 2 coordinator (University of Milan). The standardised guide for the policy content analysis identified five salient **themes** and three important **dimensions** of mobility policies, which guided the content analysis of the six policies in the Italian as well as in the other contexts.

The five **themes** are the following: guarantees, benefits, penalties, forgiveness, and referrals. Guarantees refer to the requirements that a migrant-receiving state expects individuals to provide when applying to enter its territory. Benefits are the privileges and advantages that people obtain to enter their receiving country. Penalties mean the punishments that a receiving state imposes on individuals who violate the law or who could no longer satisfy the requirements for them to stay. Whereas forgiveness implies giving a chance to individuals who violated the law to stay in the receiving state, referrals point to the links between different laws on mobilities.

The three **dimensions** are the actors (i.e., individuals mentioned in the policy), characteristics (i.e., features or qualities of the individuals mentioned in the policy), and temporality (i.e., the duration given to individuals to stay in a given country and move within the EU Schengen area, as well as the number of years required before a certain legal status can be attained).

The above themes and dimensions are organised in a table in the standardised guide. To facilitate the analysis, the standardised guide also provided ten key questions for AspirE researchers: one per theme and dimension, as well as two concluding questions. These questions were aimed at identifying State's suppositions behind specific information stated in each policy, and determining whether the State takes into account or not individual's changing or unpredictable behaviour when it wrote its mobility policies. Hence, following the standardised guide, AspirE researchers have carried out the following steps: identification of the themes and dimensions in each mobility policies analysed, filling up the table, and answering the ten key questions in the guide.

The analysis of the six policies in the Italian case study is based on the following main texts: the Consolidated Act on Immigration of 1998 (henceforth CA), its implementing regulations (Presidential Decree of 31 August 1999, No 394), and subsequent amendments; Other relevant Legislative, Presidential and Ministerial Decrees (including those implementing EU Directives), Circulars and Guidelines of the Ministry of Interior, the Ministry of Labour, and Social Policy, the Ministry of Foreign Affairs and International Cooperation, the Ministry of Economic Development, and the Ministry of Universities and Research. For a more detailed list of policies taken into account and the summary of results for each policy analysed, see Annex 1 and 3.

Human behaviour in Italy's mobility policies: Key results

This section provides the results of the policy content analysis for the six policies of interest to the AspirE project. The first section is on labour migration policy (quota system/Flow Decrees,

out-of-quota admissions, and mass amnesties); the second section is on family reunification policy; the third section is on tourism policy; the fourth section is on investment-based immigration policy; the fifth section is on student migration policy; and the sixth section is on Schengen policy.

Labour migration policy

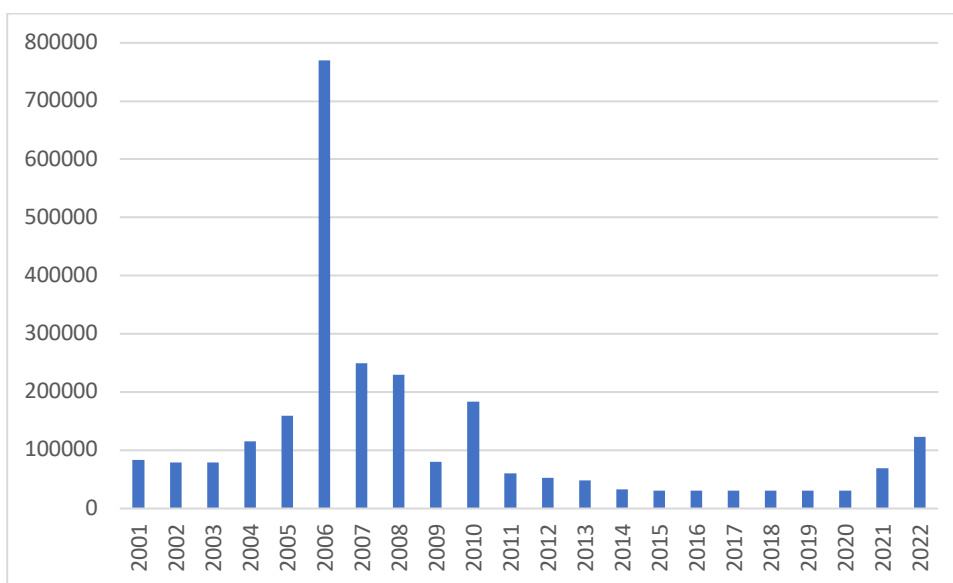
The quota system and the Flow Decrees

Under the Consolidated Act of 1998 and its subsequent amendments, the admission of non-EU foreign workers and their access to the labour market in Italy is largely based on a mechanism that determines, on an annual basis, a maximum number of new entries for work reasons. Annual quotas are set by the enactment of the so-called Flow Decrees ('Decreto Flussi'), after consultation of a technical working group composed of the relevant Ministries and parliamentary committees, regional and local authorities, and representatives of trade unions and employers' organisations (Art. 21, §1 and §4, CA).

Annual quotas are established on the basis of both quantitative and qualitative criteria, and the Flow Decrees operate selectively on the number and characteristics of workers who can enter for work reasons. Regarding the quantitative criteria, the maximum number of TCNs admitted for work reasons is established taking into consideration labour market needs and the integration capacity of the local territories, as well as the entry and stock of migrants holding family or humanitarian permits, as they are considered a potential workforce (Art. 3, §4, CA). Since the mid-2000s, when the Flow Decree was also used as a form of mass amnesty by allowing the regularisation of migrants already in Italy, planned quotas have been sharply decreasing in quantitative terms, particularly as a result of the economic and refugee crises. The latest Flow Decree of 2022 (Presidential Decree of 29 December 2022) set the maximum number of TCNs to be admitted for work reason at 82,705, slightly higher than the admissions planned in the last years before the pandemic crisis, but still far from the figures of 2000s.

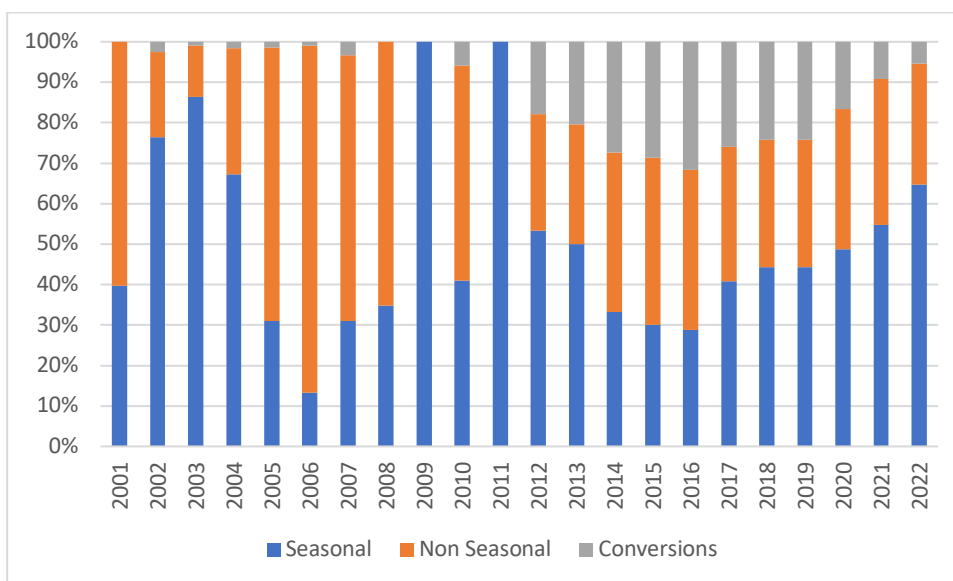
In terms of qualitative criteria, the Flow Decree might also establish limits according to both job-related features and foreign workers' individual characteristics. Concerning the former, annual entry quotas differentiate between types of employment and specifically between entries for seasonal, non-seasonal dependent employment, and self-employment. Over the last year, priority has been given to seasonal workers: in 2009 and 2011, there were no planned entries for non-seasonal workers, as can be seen in Figure 4. The 2022 Flow Decree foresaw 44,000 slots for seasonal employment, with 38,705 slots for non-seasonal dependent employment and self-employment. However, because the number of applications exceeded the available slots, the quotas for seasonal employment were increased by a total of 40,000 units in a subsequent decree, raising the total slots for 2022 to 122,712 units, nearly 70% of which were for seasonal labourers.

Figure 4 Planned annual slots, Flow Decrees, 2001–2022



Source: Authors' elaboration based on Flow Decree data. The 2006 Flow Decrees were used as a form of regularisation procedure (Perna, 2019, p. 32); The 2006 figure also includes 170,000 entries reserved for citizens of the new EU Member States (Czech Republic, Estonia, Latvia, Lithuania, Poland, Slovakia, Slovenia, and Hungary).

Figure 5 Composition of annual quota by type of employment/conversions, 2002–2022



Source: Authors' elaboration based on Flow Decree data.

Next to the types of employment relations, slots are assigned to specific occupations or economic sectors: over time they have been occasionally reserved to prospective professional nurses, IT workers, construction workers, and, most frequently, to domestic care workers, although with discontinuity (especially in the 2005–2008 period – reaching nearly 50% of total admission in 2008 – and in 2010). The 2022 Flow Decree reserved 30,105 slots (out of 38,105 for non-seasonal work) in the sectors of construction, tourism-hospitality, transport for third parties, mechanics,

telecommunications, agri-food, and shipbuilding. In terms of seasonal employment, the sectors included are agriculture and tourism-hospitality only.

Educational qualifications, professional skills, and economic means have also been taken into account in the quota system, albeit to a limited extent. Article 23 of the Consolidated Act on Immigration provides for the possibility of reserving annual entry quotas for non-EU foreigners residing abroad who have completed education and training programmes (in their countries of origin) that are sponsored or recognised by Italian authorities. These entries have been planned with some discontinuity since 2007 (e.g. no quotas were reserved in 2008, 2009, 2010, and 2015) and accounted for few thousand slots in most years (1,000 units in 2022). Special quotas might also be reserved to prospective high-skilled, self-employed workers and TCNs willing to invest a certain amount of funds and employ a certain number of labourers. In 2022, a few hundred slots were reserved to TCNs willing to invest over €500,000 and create at least three jobs, or to invest €250,000 in innovative start-ups. Overall, high-skilled and investment migration has been marginal, while most slots still concern low skilled and seasonal workers.

Another qualitative criterion that generates further selectivity with respect to who can enter Italy is the nationality of foreign workers. Numerical restrictions on quotas can be placed on the entry of workers from states that do not cooperate in the fight against irregular migration or in the readmission of their nationals (Art. 21, §1, CA). Accordingly, annual quotas for all categories of employment are reserved for nationals of third countries with which Italy has signed or is negotiating bilateral agreements on labour migration and migration management, including border control and readmission. The list of sending countries that have been granted reserved quotas has increased exponentially over time. In 2000, there were only three countries mentioned in the Flow Decree (Albania, Tunisia, and Morocco, with 15,000 slots assigned in total); in 2022, there were 33 countries,¹⁴ although the number of quotas specifically assigned to each country is not stated. Only Japan and the Philippines are present among Asian countries participating in the AspirE project and from which workers are allowed admission through the Flow Decree. In addition, special quotas can also be reserved to descendants of former Italian emigrants living in countries such as Argentina, Uruguay, Venezuela, or Brazil (although emigration and return flows to Italy from these countries have never been significant, and these slots have remained largely unused).

Last but not least, since the mid-2000s, a share of the total slots for non-seasonal dependent employment and self-employment is also usually reserved for conversion into non-seasonal work of permits for study,¹⁵ training, and seasonal work reasons among TCNs already residing in Italy; since 2010, slots have also been reserved for holders of an EU long-term resident permit, issued by another EU Member State. In 2022, the total slot for conversions was set at 7,000 units in total, of which 4,400 slots were reserved for seasonal labourers, 2,370 to students, and 230 to holders of EU long-term resident permits issued by another EU Member State.

Procedures, Guarantees, and Temporalities

The Consolidated Act of 1998 foresees several steps for obtaining a work permit, including applications for work authorisation, for obtaining the entry visa, and for obtaining the residence permit, each step involving different authorities.¹⁶ In the case of dependent employment, the work authorisation is to be requested by the employer, whether Italian or a legally resident foreigner, to the Single Desk for Immigration of the Prefecture of residence (Art. 22, §1 and 2, CA), using the dedicated online portal of the Ministry of the Interior. In case of self-employment, the application must be submitted by the applicants themselves, and it is evaluated by the Police Headquarters where the aspiring self-employed intend to reside (Art. 26, CA).

A set of conditions and *guarantees* for the admission and stay of TCNs are required from both employers and prospective workers. Because the national regulatory framework assumes that the

TCNs can only enter Italy within the quota system after having found a job from abroad, admission for dependent employment is linked to the availability of an employer interested in hiring a worker who is not on Italian territory. The employer can submit a request indicating one or more already known worker(s) ('nominal request') or only the number of workers required ('numerical request'; Art. 22, §2, CA). This latter request is made for workers registered in special lists in those countries with which Italy has signed agreements for reserved entry quotas (Art. 21, §1, and 22, §3, CA). The lists of workers wishing to work in Italy are usually kept by the Italian diplomatic and consular representations and transmitted to the Ministry of Labour and Social Policies and the Territorial Labour Inspectorates. In the request for dependent work authorisation – both 'nominal' and 'numerical' – employers must declare the unavailability of an Italian or EU worker in Italy (with the exception of seasonal employment) after checks with public employment offices (Art 22, §2, CA).

Applications for work authorisation must be submitted based on a specific date listed in the Flow Decrees, and their assessment follows a 'first-come, first-served' logic, which means that the allocation of entry slots to employers depends on when the application is submitted. The employers' request for work authorisation must include a proposal for a 'residence contract' to be signed (later on) by the workers, including the following *guarantees* (Art. 5-bis, §1, CA):

- a) job contractual terms and conditions in compliance with national labour laws and collective labour agreements;
- b) the availability of accommodations for the worker that falls within the minimum standards laid down by the law and local health authorities for public residential housing; and
- c) commitment to pay the expenses for the worker's return to the country of origin in case of expulsion.

In the case of self-employment, the *guarantees* required from the applicants are the availability of suitable accommodation, an annual income of about €8,500 (in 2023), and the availability of economic means to carry out the economic activity, along with professional qualifications and registration in public registers when required by the regulations on professional practices. Additional guarantees are required for the self-employed willing to use the start-up visa programme introduced in 2014 (see investment-based migration policies, p. 33).

The Single Desk for Immigration issues the authorisation for dependent work within 60 days from the submission of the request by the employer (Art. 22, §5, CA), which is reduced to 20 days in case of seasonal labour (Art. 24, §2, CA). The work authorisation is also transmitted to the competent embassy/consulate, and TCNs must apply for a visa within 6 months (Art. 22 §5, CA). In case of self-employment, the timeframe is longer: 120 days from the date of submission of the application, except for those who apply within the start-up visa programme, which provides for accelerated procedures (30 days from the application).

In all cases, within eight days of arrival, TCNs are required to apply for the release of the residence permit for work reasons (Art. 5, §3-bis, CA). In the case of dependent work, the employers must formalise the hiring within 48 hours of the signing of the residence contract. Once in Italy, TCNs may immediately begin working while waiting for the release of the residence permit (Art. 22, §6-bis, CA).

When applying for a residence permit with a duration of more than one year, TCNs are required to sign an Integration agreement whereby they undertake to acquire adequate knowledge of the Italian language and society (Art. 4-bis, CA). The agreement is based on a credit system: at the time of signing, 16 credits are awarded, corresponding to the A1 level of knowledge of the spoken

Italian language and basic knowledge of civic education in Italy. Within two years, 30 credits must be reached through participation in training, civic education, and language courses.

The time frame for the workers' stays is strongly linked to – and limited by – employment. Italian policies on labour migration seem to accept workers as long as it is necessary for the production system and the labour market, strongly limiting the stay of seasonal workers and those with fixed-term contracts in particular. The validity of the residence permits for work reasons indeed follows that of the work contract, and in any case cannot exceed: nine months in the case of one or more seasonal work contracts; one year in the case of a dependent fixed-term employment contract; or two years in the case of an open-ended dependent work contract (Art. 5, §3-bis, CA).

Residence permits for work reasons can be renewed under the same guarantees as the first issue. In the case of non-seasonal work, the validity of renewed permits can be extended to a maximum of three years (Art. 5, §3-bis and 3-quater, CA). In theory, this means that TCNs with open-ended employment contracts might obtain long-term residence permits after one renewal. The application for the renewal of a work permit must be submitted to the Police Headquarters of the residing province at least 60 days before and up to 60 days after the expiry date of the residency permit (Art. 5, §4, and Art. 13, §2, letter b, CA).

Benefits

With regard to *benefits*, after having obtained a residence permit, TCNs enjoy equal rights and treatment in employment relations and social welfare with respect to Italian workers (Art. 2, §3, CA). TCNs therefore have access to public health care, education, unemployment benefits, and family reunification (with the exception of seasonal workers). The regulatory framework does not bind a foreign worker's permit of stay to the employer once the worker has entered the country. Essentially, this implies that a foreign worker has the flexibility to change their employment right after obtaining the work-related residence permit, without being bound by the quota system or labour market assessments. TCNs admitted for self-employment can also be employed as dependent workers without changing their legal status. However, there are certain constraints in place for foreign workers holding a seasonal employment residence permit: they are allowed to extend their permit, including under a different employer, but only as long as their stay does not exceed nine months in total since first admission (Art. 24, §8, CA, as amended by Legislative Decree 203/2016 implementing the Seasonal Workers Directive 2014/36/EU). Moreover, those who have already been admitted to work in Italy at least once in the previous five years have the right of precedence for re-entry for seasonal work with the same or another employer, provided they returned to the country of origin when the residence permits expired (Art. 24, §9, CA). These workers can also be granted a multiple, three-year work authorisation/visa which exempts them and employers from further annual applications. Finally, the seasonal workers can also convert the seasonal employment permit into non-seasonal employment (either fixed-term or open ended) within the amount of available annual quotas reserved for conversion, provided that they have worked in the seasonal activity for at least three months and have received a regular employment offer in any economic sector (Art. 24, §10, CA).

Penalties, Forgiveness, and Referrals

Penalising clauses and *forgiving* clauses are also foreseen by the Italian regulation, both at the general level and regarding work-related entry and stay. Those that apply transversally to all stayers are summarised in the Annexes (Box 1). The *penalising clauses* concerning work admissions and stay deal with both employers and workers, with the purpose of preventing and punishing criminal or fraudulent behaviours aimed at subverting the rules: employers are precluded from applications within the Flow Decrees if they have been convicted in the last five years of offences relating to irregular immigration or the exploitation of labour; prospective workers are rejected admission when the documents, such as employment contracts or proof of

housing, have been forged or falsified to allow access or residence in Italy (Art. 22, §5-bis and 5-ter).

Although the admission and stay for work reasons are closely linked to the employment contract, the legislation regarding *forgiving clauses* also clarifies that the loss of a job does not constitute grounds for revoking the residence permit to TCN workers or their family members (Art. 22, §11, CA). In case of job loss, including through resignation, TCNs can be registered on the unemployment lists of the public employment office for as long as their residence permit is valid or for the entire duration of the unemployment benefit, if their permit is longer (with the exception of seasonal workers). Furthermore, upon the expiration of the work permit, TCNs may apply for a job searching permit, which is valid for one year and it is convertible into a work permit once a new job is found. Holders of this type of permit may be granted further renewals if they can prove a total minimum annual income of their cohabiting family members of about €10,000 in 2023¹⁷ (Art. 29, §3, letter b, CA). Lastly, it should be mentioned that Italian legislation also provides for the possibility of releasing a resident permit to undocumented migrant workers, in cases of severe labour exploitation leading to criminal proceedings against the employer (Art. 18, CA).

Within the labour migration policy, and particularly the quota system and the Flow Decree, *referrals* can be found with the study, investment, and Schengen policies (TCNs holding an EE long-term resident permit), for which special admission/permit conversion slots are usually reserved. A work permit can also be converted into a family permit in the event that workers lose their job and cannot obtain a renewal of the work or job searching permit.

Out-of-quota labour migration policy

The Consolidated Act on Immigration of 1998 also provides for a derogation from the labour entry system based on annual quotas. Entry and residence for dependent work, including seasonal work, may be authorised (regardless of planned quotas) to foreigners who are nationals of countries with which Italy has signed repatriation agreements or arrangements (Art. 22, §1-bis). In addition, the Consolidated Act further regulates the entry and stay of specific categories of workers, who are allowed to be admitted in Italy outside of the quotas established by the Flow Decrees: these are ‘special cases’ (Art. 27) and – following the legislative decrees implementing three EU Directives¹⁸ – volunteers (Art. 27-bis), researchers (Art. 27-ter), and highly qualified workers/EU Blue card holders (Art 27-quater). Over all, within the out-of-quota policy, some *referrals* can be identified with investment-based migration policy, as large investors are also provided admission regardless of the quota system, under specific guarantees and dedicated procedures (see investment migration policy, p. 33).

Special cases

Article 27 of the Consolidated Act addresses the admission of special workers and professionals characterised by high qualifications or by the particular flexibility or timing of their assignment, such as university lecturers, artists, translators, entertainment workers, professional nurses employed in public and private healthcare facilities, workers employed by organisations or businesses operating on Italian territory (temporarily admitted to perform specific functions and tasks), posted and maritime workers, and temporarily transferred workers employed by foreign companies. Among these entries outside the entry quota system, there are also young people between the ages of 18 and 35 admitted for ‘working holiday’ purposes, who are allowed to carry out work activities without limitations on the employment sectors for a maximum of one year. However, only nationals of states with which Italy has stipulated a specific bilateral agreement

may benefit from this channel (Art. 27, §1, letter r, CA). Bilateral agreements are currently in force with Australia, New Zealand, South Korea, China (Honk Kong only), and Canada.

For these categories of ‘special workers’, the main derogation to the ordinary procedures mentioned in the previous section concerns the work authorisation, which is issued outside of the entry quotas, and in some cases, is not necessary, is replaced by another type of fulfilment, or is issued with simplified modalities and terms (Article 40, §1, Presidential Decree No. 394 of 31 August 1999). However, significant limitations are posed on the entry and stay of most of these kinds of workers. TCNs cannot extend their stay in most cases and may not engage in different employment activities. Exceptionally, certain categories of workers (translators and interpreters, domestic workers who were already employed abroad, or professional nurses) may establish a new employment relationship but only in the same employment sector. Furthermore, most of these residence permits cannot be converted into other permits (Art. 14, §5, and Art 40, §23, Presidential Decree No. 394 of 31 August 1999). Beyond these provisions, the general rules governing the legal status of TCN workers apply to these categories of labourers.

Volunteers

Volunteers are foreign nationals between 25 and 35 years of age admitted to participate in programmes of volunteering activities hosted by a recognised organisation within the annual quota determined by a specific decree of the Ministry of Labour and Social Policy (Art 27-bis, §1 and §2, CA). Admission is permitted upon specific *guarantees*, particularly an agreement between the volunteer and the organisation responsible for the volunteering programme, including the commitment of the latter to subscribe for health insurance and to cover the expenses relating to the volunteer’s stay and return. The volunteer residence permit is issued within 45 days of the application, for the duration of the volunteer programme and for a maximum of 18 months. Once in Italy, the holder is provided with few *benefits* and there is little room for settling and transforming the volunteer’s legal status. The activity of the volunteers may not be remunerated by the organisation responsible for the programme, and the residence permit for volunteers is neither renewable nor convertible into another type of residence permit (Art 27-bis, §5).

Researchers

Art. 27-ter further regulates entry for research purposes. Entry and residence for periods of more than three months, outside of the quotas, is permitted for foreigners holding a doctoral degree or a higher qualification, which in the country where it was obtained gives access to doctoral programmes. The TCN researcher is admitted after having been selected by a research institute recognised by the Ministry of Universities and Research. The researcher and the research organisation must enter into a hosting agreement whereby the researcher undertakes to carry out the research activity and the institute undertakes to host the researcher. This agreement must include the organisation’s *guarantees* of the researcher’s income, as well as proof of health insurance or registration in the National Health System. The institution is obliged to bear the costs associated with the researcher’s possible illegal status, including costs related to deportation, for a period of six months after the termination of the hosting agreement (Art 27-ter, §2, letter c, CA).

Highly qualified workers

Finally, Art. 27-quater regulates the entry and stay of highly qualified workers and the issue of the EU Blue Card. Entry and stay (for periods of longer than three months) is allowed outside the labour quota system for those who hold a certificate from a higher education course of at least three years (i.e. a three-year degree) and a professional qualification attested by the country of origin and recognised in Italy. The provision applies to foreign nationals residing in Italy or in

the EU for other reasons, as well as to holders of the Blue Card issued by another EU Member State (Art 27-quater, §1, CA). Excluded from the possibility of applying for an EU Blue Card are certain categories of TCNs, including asylum seekers and beneficiaries of international protection, researchers (Art. 27-ter), seasonal workers, posted workers (Art. 27), and foreigners who have received a removal order, even if suspended (Art. 27-quater, §3, CA).

Additional *guarantees* are posed on the issue of a Blue Card when compared to ordinary labour admissions. The employer, when submitting the application for work authorisation, must indicate the proposal for an employment contract of at least one year's duration and an annual income which is much higher than the one required in other cases (over €25,000 in 2023¹⁹) (Art 27-quater, §5, CA). The Single Desk for immigration issues the work authorisation within 90 days from the submission of the application. After signing the residence contract (Art. 5-bis, CA), the highly skilled foreign worker is issued an 'EU Blue Card' residence permit, with a validity of two years in case of permanent employment contracts, and equal to that of the employment relationship plus three months in other cases. After 18 months of residency in another Member State, the holders of an EU Blue Card issued by that State may enter Italy without the need for a visa to pursue a work activity. Within one month from the date of entry into the national territory, the employer must submit an application for the work authorisation, that shall be issued within 60 days (Art 27-quater, §17, CA).

Regarding *benefits* and rights, EU Blue Card holders enjoy equal treatment with Italian workers, with the exception of labour market mobility during the first two years, as they may only engage in the work activities for which the EU Blue Card was issued. Changes of employer during the first two years are subject to prior authorisation (Art. 27-quater, §15, CA). *Referrals* to other policies concern family reunification, which is allowed for EU Blue Card holders, regardless of the duration of their residence permit (thus the limit to the one-year permit provided for by ordinary legislation on family reunification does not apply). Family members are granted a residence permit for family reasons of the same duration as that of the EU Blue Card holder (Art. 27-quater, §16, CA).

Implicit labour migration policy through large scale amnesties

As shown in the previous section, although not expressly regulated by ordinary immigration legislation, amnesties have been a central element of labour policies in Italy: since the mid-1980s there have been eight regularisation procedures (1986, 1990, 1995, 1998, 2002, 2009, 2012, and 2020). A common and recurring feature of the Italian regularisations enforced in the last two decades is that they are entirely employment based. This means that the procedures are aimed at regularising the position of employers and migrants who are employed or have been employed in the past, through the release of a work or (in some cases) job searching residence permits.

For the migrants involved, regularisations can also combine pure amnesty logics, by granting a legal status to those who are irregular, with status adjustments by granting a more secure and stable legal status to those whose status is precarious. In some cases, such as those of 2002 and 2009, the procedures were employer driven, meaning that only the employers were entitled to apply for the regularisation of irregularly employed foreign workers. Other amnesties, such as in 2020, allowed migrants themselves to apply for the regularisation of their own status.

In addition, while there have been cases of procedures which were open to all workers (2002 and 2012), amnesties were often limited to few economic sectors, such as in 2009 and 2020. In particular, they have frequently involved the domestic sector to facilitated the regularisation of the status of women (however, amnesties have never explicitly incorporated a gender-based procedure, and male migrants often manoeuvred their work identities to exploit the greater

legitimation of domestic work and regularisation opportunities).²⁰ In 2020, the amnesty was limited to employers and workers in the agriculture, livestock and animal husbandry, fishing, and domestic care sectors (with the latter receiving the largest share of applications).

Procedures, Guarantees, and Benefits

A set of *guarantees* and requirements is usually mandatory to be eligible for regularisations. The 2020 amnesty is taken as reference here, which envisaged two different channels. The first (Art. 103, §1, Decree n. 34 of 19 May 2020) was addressed to employers (Italian employers, citizens of an EU Member State, or long-term resident foreign citizens) willing to regularise an already established employment relationship with an undocumented or legally precarious migrant (such as asylum seekers or holders of special protection permits), or to declare their willingness to start a new employment relationship in the eligible sectors. As in the previous regularisations, only full-time employment relationships could be regularised, with the exception of domestic work, where part-time employment of no less than 20 hours per week was also allowed.

The application had to be completed by the employer using an online form. As in previous amnesties, employers had to demonstrate a minimum taxable income of no less than €30,000 for the agriculture, livestock and animal husbandry, and fishing sectors. For domestic work, the income had to be no less than €20,000, in the case of a household composed of a single income-earner, and no less than €27,000, in the case of a household composed of several cohabiting persons. Employers were also required to make the payment of a lump-sum contribution of €500 per worker to be regularised, and social contributions for the whole period of irregular employment. This latter amount varies according to the sectors of activity: €300 for agriculture, livestock and animal husbandry, fishing and aquaculture, and related activities; and €156 for the personal care and domestic work sectors.²¹ Following the application, employers and migrant workers are convened by the Single Desk for Immigration to sign the residence contract. The regularised migrant is provided with an ordinary residence permit for dependent work, the validity of which varies according to the duration of the work contract and allows access to the *benefits and rights* mentioned in the Flow Decree section. The dependent work residence permit obtained following the regularisation procedure allows the worker to carry out any work activity thereafter, and it is thus possible to change jobs immediately after receiving the residence permit.

The second channel (Art. 103, §2, Decree n. 34 of 19 May 2020) allowed migrants who had an expired residence permit and had been employed in one of the above-mentioned sectors (and were able to provide proof of this) to make an application themselves. This application could be made through a ‘kit’ provided by the postal office, after the migrant had paid a fee of €130. In this case, the migrants had to demonstrate they had a residence permit in the past (that had expired before 31 October 2019) and had been (formally or informally) employed in one of the eligible sectors. TCNs had to be present on Italian territory before 8 March 2020 (and not to have left the territory after the same date). The proof of such presence had to be assessed through previous fingerprinting, a ‘declaration of presence’ made to competent authorities, or by showing documents issued from public bodies or other institutions.²² In this latter case TCNs were given the chance to obtain a job searching residence permit valid for a period of six months, which could eventually be converted into a work permit after employment was obtained.

Penalties and Forgiveness

As far as *penalising* clauses are concerned, amnesties also take into consideration the behaviour of migrants who might seek to regularise their status without having the required characteristics and guarantees. Circular No. 4623 of 17/11/2020 of the Department for Civil Liberties and Immigration (Ministry of the Interior), specifies that the Single Desk for Immigration must carry out the appropriate investigations to rule out the possibility that the employment relationship has been established fictitiously. In these latter cases, the submission is rejected.

Moreover, once the application has been submitted, the failure on the part of the employer to sign the residence contract at the Single Desk for Immigration, or the subsequent failure to hire the foreign worker, constitutes grounds for rejection of the regularisation procedure (Art. 103, §9, Decree No. 34 of 19 May 2020).

Some *forgiveness* measures are also foreseen within the amnesties. Criminal and administrative proceedings against the employer, relating to the irregular employment of workers whose regularisation is requested, and against the worker, relating to illegal entry and stay, are suspended and do not preclude access to the procedures (Art. 103, §11, Decree n. 34 of 19 May 2020). Not least, because of the long processing time that has always characterised regularisation processes, other provisions are foreseen in subsequent Circulars of the Ministry of the Interior²³ addressing events that might occur during the processing period. In cases of interruption of the employment relationship due to force majeure (death of the employer, termination, or bankruptcy of the company), a member of the deceased's family or another employer is permitted to take over, possibly even modifying the employment relationship, provided that it remains within the eligible sectors. When the take-over is not possible or when the employment relationship is interrupted for other reasons,²⁴ the workers involved might obtain a one-year job searching residence permit.

Concluding remarks on human behaviour in labour migration policies

Migrants' behaviour is a significant consideration in labour migration policies in Italy, which are also characterised by a great deal of ambiguity and contradiction. The consideration of TCNs' behaviour is largely dictated by the concern that workers might enter illegally, try to subvert the rules, threaten public security, or loosen the guarantees required for admission and stay. Ordinary Italian legislation considers it unacceptable to enter the territory without a work contract and, with some exceptions concerning specific categories of workers (out-of-quota entries), binds admission to the (decreasing) availability of entry slots and to the cooperation of sending countries with the Italian government in controlling migration. This significantly reduces the possibilities of choice for aspiring TCN workers willing to work in Italy. The legislation also poses significant guarantees and limitations to migrants' behaviours for out-of-quota entries, especially regarding labour market mobility and status transitions during the stay, which are mostly considered unacceptable.

Italy's labour migration policies also assume (and explicitly allow) that migrants' behaviours might move across different boundaries: in the planning of entry labour quotas, it is taken into account the stock of migrants residing in Italy for other purposes (i.e. family and asylum), as they are considered a potential workforce and allowed to work. Moreover, immigration policies also leave the back door open, often resorting to mass amnesties, and thus considering regularisation of irregular migrants through employment acceptable. This implies that migrants and their aspirations must often fit within a regime of increasing deservingness, which is tied to employment in economic sectors that demand unskilled, low paid, and 'accepted' labour (i.e. domestic care).

Italian policies on labour migration also seem to accept workers as long as it is necessary for the production system and the labour market, which strongly limits the timing of their stay. Highest limits are posed on the stay of seasonal workers and those with fixed-term contracts, limiting their permits to a maximum of 9–12 months. Even in the case of workers with open-ended contracts, the legislation does not mandate the automatic allocation of the specified maximum duration for residence permits (two years for the initial issuance and three years for renewal). This leaves considerable discretion to local authorities in enforcing the rules and restricting the duration of TCNs' stay.

In this restrictive context, Italian labour policies are also marked by some benefits, forgiveness clauses, or referrals to other policies that leave a space for TCN workers to navigate the system: they are in most cases allowed to change employment once they have entered Italy; seasonal workers may transform their status into non-seasonal workers, albeit within the entry quota system; dependent workers can resign from their job, and if they lack an employment contract at the time their work permits expire, can obtain a job searching resident permit, or a family permit upon fulfilling the related requirements (see next section). Finally, labour policies are also characterised by significant referrals to student migration policy, allowing students to participate in the labour market and to convert their study permit into a work permit upon completion or during their studies.

Family reunification policy

As migration to Italy increased and many labour migrants obtained legal status through the various amnesties, Italian policies also began regulating the reunification of these people's family members. An entire section of the Consolidated Immigration Act of 1998 (Title IV) is dedicated to family reunification of TCNs, in particular Articles 28–33. The family reunification route is subject to certain limitations that reduce the eligibility to specific actors and under specific conditions. The first condition is linked to applicant's legal status. Family reunification may be requested by TCNs in possession of: an EU long-term residence permit or a residency permit for a duration of not less than one year, issued for dependent employment or self-employment, family, asylum/subsidiary protection/humanitarian, study, or religious reasons (Art. 28, §1, CA).

The second limit is posed on the family member seeking reunion. TCNs can request family reunification only for the following relatives (Art. 29, §1, CA):

- a) Spouse, aged not less than 18 years and not legally separated or already married to another foreign citizen residing in Italy. A partner of the same sex in a civil union is considered equivalent to a spouse;²⁵
- b) Minor children (under the age of 18), including those of the spouse and adopted children;
- c) Adult dependent children only in case of disability; and
- d) Dependent parents if they have no other children in the country of origin, or parents over 65 years of age when other children cannot provide for their care due to health reasons.

Family reunification is also allowed for the parent of a minor who is already legally residing in Italy with the other parent, or the parent of an unaccompanied minor who has been recognised as a refugee (Art. 29, §5 and Art. 29-bis, CA). The right to family reunification is also granted to Italian or EU citizens residing in Italy, who may reunite TCN family members under more favourable conditions than those reserved to other TCNs. According to Legislative Decree No. 30 of 6 February 2007 and subsequent amendments,²⁶ family members of EU citizens include (Art. 2, §1, letter b):

- a) The spouse;
- b) Partners in civil unions (Italian law equates the registered partnership with marriage only in the case of same-sex partners in a civil union);²⁷
- c) Direct descendants (e.g. children, including adopted children, grandchildren) under the age of 21 or dependent, including those of the spouse (or a same-sex partner in a civil union); and
- d) Direct ascendants (e.g. parents, grandparents) who are dependent, including those of the spouse (or same-sex partner in a civil union).

Admission and residency are also facilitated to any other TCNs family member of Italian/EU citizens in cases of co-habitation in the country of origin, health problems, or stable relationships (Art. 3, §2, letter a, Legislative Decree No. 30 of 6 February 2007).

Procedures, Guarantees, and Temporalities

A set of *guarantees* are required from TCNs residing in Italy willing to reunite their eligible family members, such as the availability of (Art. 29, §3 CA):

- a) Accommodation in compliance with public residential housing and hygienic/health standards set by the local health authorities, verified by competent municipal offices, and it is necessary to produce additional proof of housing (ownership, rental contract, etc.);²⁸
- b) A minimum annual income (€6,542 in 2023), increased by half for each family member to be reunited;²⁹ and
- c) Full-coverage health insurance or enrolment in the National Health Service³⁰ in the case of family reunification of parents over 65 years of age (Art §29, §3 letter b-bis, CA).

TCNs fulfilling these requirements must apply for entry authorisation at the Single Desk for Immigration of the Prefecture of the place of residence (Art. 29, §7, CA). The procedure is fully digitalised (Circular No. 2805 of 31 July 2017, Ministry of the Interior) and the authorisation is issued within 90 days from the submission of the application.

The authorisation is transmitted to the Italian diplomatic or consular authorities of the family member's country of origin or residence. The family members must then submit an application for a visa for family reasons at the Italian Embassy or Consulate, showing documentation proving the family ties, which must be issued within 30 days of the submission (Art. 6, §5, Presidential Decree No. 394 of 31 August 1999). Given that family migrations are, however, less susceptible to control and selection than others, there is a particular concern in family migration policies about the misuse of this channel. When the conditions required of TCNs cannot be documented through certificates or attestations issued by foreign authorities, or in cases in which there are doubts about the authenticity of the required documentation, diplomatic or consular representations must provide certifications based on DNA testing, carried out at the expense of the applicants (Art. 29, §1-bis, CA). Within eight working days of entering Italy, the reunited family members must apply for a residence permit for family reasons at the Single Desk for Immigration. When requesting a residence permit of not less than one year, the reunited foreign nationals over the age of 16 must also sign the Integration Agreement (Art. 4-bis, CA).

Regarding the *temporalities* of family migrants' stay, the residence permits issued to family members of TCNs have the same duration as the residence permit of the TCNs requesting reunification and are renewable together with the latter (Art. 30, §3, CA).

More favourable conditions are, however, reserved to family members of EU and Italian citizens. In the case of stays of more than three months, the TCN family members of EU citizens can apply for a more secured EU 'residence card' (*carta di soggiorno per familiare di cittadino EU*) with 5-year duration. Family members of Italian citizens can apply for the same *carta di soggiorno* only if the latter have exercised their right of free movement within the EU and can classify as 'mobile' - i.e. have lived in another EU member State. If Italian citizens are instead considered as 'static', their TCN family members are granted a 5-year residence permit for family reasons (Art 23, Legislative Decree No. 30 of 6 February 2007) but are required income and housing proofs unlike EU citizens.

Benefits

Regarding *benefits* and rights, the residence permit for family reasons issued to TCNs allows access to welfare services, enrolment in study or vocational training courses, enrolment in job vacancy lists, and the performance of dependent or self-employment work (Art. 30, §2, CA). Family members of EU/Italian citizens, in addition, can more easily obtain long-term residency status at the expiry of the first permit obtained, and have more extended mobility rights, as they are allowed absences from Italy up to 12 months for reasons such as pregnancy and maternity, study or training, or detachment for work reasons in another country (Art. 10, §5, and Art. 14, §2, Decree No. 30 of 6 February 2007, ‘Implementation of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside’).

Penalties, Forgiveness, and Referrals

Penalising clauses related to migrants’ behaviours are also foreseen within the family migration policy, as it is assumed that family reunification might be used fraudulently to get a residence permit or maintain a legal status. The issue or renewal of a residency permit for family reasons is rejected or revoked from TCNs if the marriage or adoption took place with the sole aim of allowing admission or stay in Italy. Furthermore, TCNs who married in Italy and subsequently obtained a residency permit for family reasons will have their residence permit revoked if the marriage is not followed by cohabitation, unless children were born from the marriage (Art. 29, §9, and Art. 30, §1-bis, CA).

Rules on family reunification also provide for *exemptions* and noteworthy *forgiveness clauses*. TCNs holding a residency permit for political asylum/subsidiary protection who apply for family reunification are not required proof of a minimum income (Art. 29-bis, §1, CA; Legislative Decree No. 251 of 19 November 2007³¹). Moreover, greater safeguards are provided against the expulsion of those who have exercised the right to family reunification and their reunited family members: before revoking or refusing to issue or renew a residence permit for family reasons, the authorities must take into special account the duration of the stay, the family, and social ties (Art. 19, §2-bis, CA). In addition, in cases of failure to comply with the Integration Agreement, the residence permit is not revoked from TCNs if the right to family reunification has been exercised (Art. 4-bis, CA). Expulsion is also not allowed for unaccompanied children, pregnant women, up to 6 months from the childbirth, and TCNs cohabiting with an Italian first-degree relative or spouse. The legislation also allows TCNs who hold an expired residence permit or tourist visa for no more than one year to obtain a residence permit for family reasons (if the aforementioned guarantees and conditions are met) (Art. 30, §1, letter c). Lastly, undocumented parents of minors residing in Italy can also obtain a residence permit for minor guardianship from the Juvenile Court when it considers it necessary for the well-being of the child, which allows the parents to work and can be converted into a work permit (Art. 31, CA).

Unpredictable events over time within the family sphere are also considered in the family migration policy, by providing *referrals* to other policies. In the event of the death of a TCN’s family member, legal separation or dissolution of marriage, or a child who cannot obtain a residency permit upon reaching the age of majority, the residence permit may be converted into a permit for dependent employment, for self-employment, for study, or for job searching (Art. 30, §5, CA). Different rules apply, however, to family members of EU and Italian citizens. In the case of the death of an EU citizen, TCNs can keep their legal status if they have resided in Italy for at least a year, or if they are employed or can show proof of having economic resources for themselves and their family members, along with health insurance coverage. Similarly, in the event of divorce from an EU citizen, TCNs can keep their legal status if the marriage has lasted at least three years, including at least one year in the national territory (Art. 11, §12, and Art. 12, §2, Decree No. 30 of 6 February 2007). If these conditions are not met, it is possible to obtain

another residence permit (e.g. work) upon verification of the corresponding guarantees and requirements.

Concluding remarks on human behaviour in family migration policy

Within family migration policies there are considerable references to migrants' behaviours, with a particular focus on unacceptable, fraudulent behaviours aimed at obtaining a family visa or residence permit through arranged marriages or adoptions. As family migration is less susceptible to state control and selection than others, there is a particular concern in policies about the misuse of this channel. This type of consideration of human behaviour appears to be much more pronounced in the legislation applying to TCNs, who also enjoy a less secure legal status compared to family members of EU and Italian citizens. The aspiration of TCNs to reunite with their relatives is also restricted by the type of family members for whom reunification is allowed (excluding, for instance, children of full age except in exceptional circumstances), as well as by the limits posed on the duration of residency. On the one hand, only TCNs holding permits of no less than one year's duration can apply; on the other hand, the duration of reunited family members' residence permits is tied to that of the TCNs requesting family reunification.

Italy's migration policies also provide for some benefits, forgiveness, and exemption to TCNs who have exercised their right to family reunification, their reunited family members, and minors' undocumented parents. Italy's family migration policy recommends authorities pay attention to family and social ties before expelling or refusing to issue a residence permit for family reasons; it does not foresee the expulsion of those who do not comply with the Integration agreement; it allows the release of residence permits for family reasons to those migrants who entered legally (including through the tourist route) and then overstayed up to one year; and, lastly, it authorises the Juvenile Court to release residence permit for minor guardianship to undocumented parents of minors residing in Italy. Human behaviour in the family sphere during the stay is also taken into account – such as events of divorce or separation – allowing family members of EU/Italian citizens to keep their more secure status, and others to enjoy a certain flexibility through the provision of referrals to other policies and the chance to change status via other permits. As seen in the introduction, transitions of residence permits from family to work are the most common of all status changes.

Policy on tourism

Entry and stay for tourism are governed by regulations concerning short-stay visits, which allow foreigners to stay in Italy and other Schengen Area countries for a maximum of 90 days (EC Regulation No. 810/2009, as amended by EU Regulation 2019/1155 D). TCNs might also be exempted from the request for an entry Visa depending on their nationality and legal status. The following individuals do not need to apply for an entry visa: (a) citizens of all EU/EEA countries, San Marino, the Vatican, and Switzerland; (b) TCNs already residing in a Schengen State and holding a residence permit, provided that their entry into Italy is not for work, study/internship, or training purposes; and (c) TCNs of over 60 countries, including Japan and China (Hong Kong and Macao only), who are subject to an exemption regime for stays of up to 90 days within a 180-day period due to international agreements.³² All other citizens, including from Vietnam, Thailand, and the Philippines, are required to obtain an entry visa.

Procedures, Guarantees, and Temporalities

The visa application must be submitted to the competent Italian Embassy or Consulate. The required *guarantees* concern the documentation confirming the purpose of the stay, as well as the

availability of economic means for the stay and return to the country of origin (Art. 4, §3, CA; and Annex A, §19, Ministry of Foreign Affairs, Decree of 11 May 2011, ‘Definition of Types of Entry Visas and Requirements for Their Issuance’). Specifically, for the release of the entry visa, applicants are required to provide:

- a) A return ticket (or booking) or evidence that the applicant has its own means of transport;
- b) Proof of economic means depending on the length of the stay (up to 5 days for one person is €269.60, while for stays up to 10 days for one person, it is €44.93 per day);³³
- c) Supporting documentation in relation to the applicant’s ‘social and professional status’;
- d) Health insurance (covering a minimum of €30,000 for emergency hospitalisation and repatriation expenses, valid throughout the Schengen area); and
- e) Proof of accommodation (hotel booking, declaration of hospitality by third parties).³⁴

Moreover, in the examination of short-stay visa applications, diplomatic-consular representations are required to pay special attention to evaluating whether the applicant presents a risk of illegal immigration (Art. 4, §1, Decree of May 11, 2011). In other words, in the case of a tourist entry visa, there must be reasonable assumptions that TCNs have an interest in returning to their home countries.

The tourist visa should be refused or issued within 15 days, which can be extended up to 60 days when additional documentation is required (Art. 23, EC Regulation No. 810/2009). In all cases, foreigners who intend to reside in Italy for a period not exceeding 90 days for tourism do not need to apply for a residency permit (Art. 1, §1, Law No. 68 of 28 May 2007, ‘Discipline of short-term stays of foreigners for visits, business, tourism and study’).

Benefits, Penalties, and Referrals

Other than free movements within the Schengen Area for up to 90 days, there are few *benefits* reserved to TCNs within the tourist route, as the tourist visa does not allow for any work activity and cannot be converted into a work permit (Art 6, §1-bis, CA). Even if TCN tourists had the opportunity to be hired or engage in work activities in Italy, they cannot extend or convert their status and must return to their country of origin upon the visa’s expiration. In terms of *penalising* clauses, tourists may be expelled from the territory if they fail to register their presence upon arrival (where applicable) or if they overstay their visa (Art. 1, §3, Law No. 68 of 28 May 2007, ‘Discipline of short-term stays of foreigners for visits, business, tourism and study’).

Remarking the little space left for tourists to extend their stay and settle in Italy, no explicit reference to *forgiveness clauses* is found within tourist migration policies. However, some *referrals* to other policies can be identified, allowing TCNs some flexibility within the tourist route if their parents reside in Italy. The legislation does not exclude the possibility that a residence permit for family reasons can be obtained during a stay for tourism reasons, or even after a tourist visa expired: undocumented migrants who overstayed their tourist visa for a period of up to one year can obtain a residence permit for family reasons without having to leave Italy, if the requirements and conditions for family reunification are met (Art. 30, §1, letter c).

As already mentioned in the previous sections, a slight *referral* can also be found with the labour migration policies, as the Italian legislation provides for a visa and a residence permit for ‘working holidays’ lasting up to one year, from which, however, only nationals of states with which Italy has stipulated a specific bilateral agreement may benefit (see ‘out-of-quota labour migration policy’ section). These agreements usually aim to promote youth exchanges and reciprocal knowledge of the two countries through a stay longer than the 90 days of validity of the tourist visa.

Concluding remarks on human behaviour in tourism policies

The admission for tourism is one of the least regulated in terms of articles and references in the Consolidated Act on Immigration, partly due to the free movement policies within the frame of the Schengen agreement, but the Italian legislation nevertheless contains a number of references to human behaviour, with a particular focus on unacceptable ones. First, it is assumed that the would-be tourist from poor countries may use this channel to enter Italy and then overstay as an irregular immigrant, so, in addition to requiring an entry visa and financial guarantees, Embassies are advised to carry out adequate preventive checks to avert the risk. Second, the references to human behaviour are also aimed at remarking the impossibility of making certain choices after having being admitted: assuming that the would-be tourists may enter through this channel to seek work and settle, the option of transforming one's status through obtaining a residence permit for other purposes while in Italy for tourism is explicitly forbidden and considered unacceptable (unless they have relatives and apply for a family residence permit within one year of entry). Within the Italian legal framework, TCN tourists therefore have little freedom to change their aspirations with regard to both the duration and the reasons for their stay.

Investment-based immigration policy

Three main policies have been implemented to attract capital and talents from abroad or within Italy: the Start-up Visa policy, which targets TCNs residing abroad willing to invest in innovative start-ups; the Start-up Hub policy, which targets TCNs already in Italy for other purposes willing to invest in innovative start-ups; and the Invertor Visa policy, which targets large investors residing abroad investing in strategic assets, who can be admitted out of the quota system.

Start-up visa and Start-up Hub policies

Launched in 2014, the Italia Start-up Visa (ISV) introduced a centralised fast-track mechanism for granting entry visas for the self-employed to applicants who intend to establish an innovative start-up in Italy. The ISV programme targets TCNs who are in their country of origin or in another third country and want to move to Italy to establish an innovative start-up as defined by Decree Law 179/2012, the so-called "Italian Start-up Act" (Art. 25, §2): innovative start-ups are newly established companies operating in the production and commercialisation of innovative goods or services of high technological value.³⁵ There are no specific restrictions with regard to the entrepreneur's age or the start-up's business sector.

The visa policy for the creation of innovative start-ups is implemented within the Flow Decrees (the first to reserve quotas was the Presidential Decree of 25 November 2013). The ISV programme is therefore linked to the planning of labour flows through entry quotas and to the quantitative limits established by the Decrees. The Programme Guidelines introduced specific procedures for issuing work authorisation and entry visas (Ministry of Economic Development, 2018a, p. 11): the process is entirely digitalised; the procedure for the work authorisation is centralised and managed by the 'Italia Startup Visa Technical Committee' at the Ministry of Economic Development; and the work authorisation is issued within 30 days of the submission of the application – a shorter timeframe compared to ordinary admissions under the Flow Decrees.

In 2014, the ISV programme was integrated with the Italia Start-up Hub (ISH) programme (<http://italiastartuphub.mise.gov.it/>) 'to facilitate the retention of foreign talents' who wish to extend their stay in Italy and set up an innovative start-up. Whereas the former focuses on the issue of entry visas to TCNs abroad, ISH targets the procedure for residence permit conversion/updates and is addressed to TCNs residing in Italy or the EU for other purposes. Specifically, the ISH is addressed to TCNs holding the following types of residence permits:

study or research; dependent employment; investors; family reasons; and EU long-term residence permits issued by another Member State (Ministry of Economic Development, 2019, p. 5). For TCNs holding a residence permit for study/training in Italy, or long-term residency issued by another EU country, participation in the programme is subject to the residual availability of annual conversion quotas, as set out in the Flow Decree for the relevant year.

In terms of the *guarantees* required of applicants, the availability of suitable accommodation, a minimum income in the previous year of approximately €8,500, and a detailed business plan are requested, along with the availability of financial resources dedicated to the innovative start-up of no less than €50,000 (Ministry of Economic Development, 2018a, pp. 9–11). Entry and stay under these programmes are permitted only to TCNs who intend to set up a new company and undertake an entrepreneurial role in it.

If the Italia Start-up Visa Technical Committee approves the application, the ISV applicants must present themselves at the competent Italian diplomatic-consular office within three months to receive the start-up self-employment visa. After collecting their visa, the applicants have 180 days to move to Italy and apply (within 8 days) for a one-year residence permit for self-employment. In the case of the ISH, authorisation follows the same procedure (managed by the Italia Start-up Visa Technical Committee), but there is no need to obtain a visa, because the applicants are already residing in Italy or in the EU.

The residence permit issued under the ISV and ISH is a standard self-employment permit type and it does not constitute a separate category. This means that all of the *benefits and rights* related to a standard self-employment permit are applicable. However, within 90 days from the date of application for the residence permit, this category of self-employers is required to notice the establishment and references of the ‘innovative’ company (name, tax code, registration at the Chamber of Commerce, etc.). At the time of the application, the TCNs participating in the ISV/ISH are also required to declare their availability for further checks on the progress of their business activities (Ministry of Economic Development, 2018a, p. 35). The residence permits can be renewed if the start-up has been registered at the Chamber of Commerce, and the holders have assumed ‘an active role within the company’ (Ministry of Economic Development, 2018a, p. 32).

Although the guidelines of the two programmes make explicit the conditions that lead to the rejection of the applications (i.e. lack of ‘innovativeness’ of the business project, a weak business plan, lack of financial resources, or irregularities in the related documentation), there are no specific *penalising clauses* explicitly mentioned with regard to the consequences of not starting the business. Conversely, the ISV programme guidelines refers to a *forgiveness clause* in case the start-up loses the requirements of ‘innovativeness’, in which event the residence permit shall not be revoked (Ministry of Economic Development, 2018a, p. 33).

Lastly, as already mentioned, in these two policies there are significant *referrals* to the labour migration quota policy system and the Schengen policy: their implementation is largely tied to the Flow Decrees and also take into consideration TCNs residing in other EU Member States.

To date, the ISV and ISH have been used by only a very limited number of TCNs. According to the 2021 annual report of the Ministry of Economic Development, as of 31 December 2021, only 527 applications had been received for Start-up visa. Of these, 265 (50.2% of the total) were successful, while 262 applicants were not granted a visa. As for the Start-up Hub programme, in 2021 only 21 applications were received. Of these, 17 were successful and led to the conversion of a residence permit previously held into a start-up self-employment permit.

Investor visa policy

Law No. 232 of 11 December 2016, known as the ‘2017 Budget Law’ (Art. 148, §1), introduced a new reason for entry and long-term residence in Italy, by adding to the Consolidated Act on Immigration of 1998 the Article 26-bis, named ‘Entry and residence for investors’. The procedures, terms, and conditions of this special entry channel were further detailed in the 2018 Investor Visa Guidelines (Ministry of Economic Development, 2018b). Given the high requirements, however, this channel has only attracted a few dozen investors, as only 64 permits were requested between 2018 and 2021, of which 50 were granted, mainly to Russians and US citizens (Ministry of Economic Development, 2021).

Unlike the ISV and ISH, this investment migration policy targets large investors. TCNs may apply for an investor visa if they make significant investments in strategic areas for the Italian economy and society and satisfy one of the following investment requirements (Art. 26-bis, CA):

- a) Investment of €2 million in national treasury bonds for at least two years,
- b) Investment of €1 million in Italian companies for at least two years,
- c) Investment of €500,000 in ‘innovative start-ups’, and
- d) Donation of €1 million to charity or cultural heritage preservation.

The visa for investors is not subject to the annual entry quotas set by the Flow Decrees and therefore the applications may be submitted at any time of the year.

Significant *guarantees* are required from investor to be admitted to Italy through this route: proof of the availability of funds to be invested or donated, proof of housing, including hotel reservations or third-party housing availability, and a minimum income in the preceding financial year of about €8,500.

In terms of the procedures, the Investor Visa for Italy applies the same provisions introduced by the ISV programme. Like the ISV, it is intended to simplify the procedure to issue entry authorisations and visas by centralisation, through a dedicated Interinstitutional Committee at the Ministry of Economic Development in charge of the main procedures; digitalisation, through a dedicated online platform (investorvisa.mise.gov.it); and a reduced timeframe (as the applicant is notified of the outcome within 30 days). If the Interinstitutional Committee approves the application, the prospective investors can apply for a two-year visa at the competent consular Representations. Once they have entered Italy, investors must apply within eight days for a two-year residence permit, renewable for further three years (Art. 26-bis, §5, CA). Thus, while they are granted a more extended stay than ISV/ISH self-employers, there are only moderate *benefits* from the point of view of the duration of stay compared to other residence permits (though when the investor permit was introduced and until 2023, the duration of the renewed permit was longer than for work and family permits).

The holders of a residence permit for investors exercise the same rights as TCNs holding an ordinary residence permit for self-employment, and no fast route to citizenship nor more favourable conditions for family reunification are foreseen. However, investors are also reserved some additional *benefits*: they are exempt from the obligation to sign the Integration Agreement and from the limits regarding the continuity of residency in Italy (Art. 26-bis, §5-bis, CA). They are also provided with tax-related benefits. Following the 2017 Budget Law, new residents can join a €100,000 lump sum tax system that replaces the personal income tax. The status lasts for 15 years and family members can get the same regime for €25,000 a year.

Some *penalising* clauses are also foreseen, as additional requirements are placed on the maintenance of the investors’ legal status, because they are required to execute the investment or donation within three months of the date of entry into Italy, as well as the maintenance of the

investment for the entire period of validity of the permit. If one of these conditions is not satisfied, the investor residence permit may be revoked and would not be renewed (Art. 26-bis, §5, CA). The renewal of the residence permit is also subject to a preliminary approval by the Committee (Art 26-bis, §6, CA). Nevertheless, if the requirements for renewal are no longer met, the investors might still apply for another type of residence permit (e.g. self-employment or dependent employment).

Concluding remarks on human behaviour in investment-based migration policies

Much of the legislation on investment migration deal with the guarantees and procedures to be followed when issuing visas/residence permits. Large investors are required to make high guarantees but are also provided with some privileged channels, as they are allowed admission into Italy regardless of the quota system and at any time of the year. Aspiring small investors using the ISV/ISH are instead subject to the availability of slots and the timeframe of the Flow Decrees (with a few exemptions).

Some benefits are also reserved to attract large investors (but not small self-employers under the start-up programmes), such as tax exemption, greater freedom of mobility abroad, and exemption from signing the Integration Agreement required of other migrants. Large investors also enjoy more time for their stay compared to small self-employed investors: even if the time required for releasing the entry authorisation is the same (and is reduced for both compared to other admissions), TCNs using the investor visa channel are granted residency for two years, while those using ISV/ISH obtain a one-year residence permit.

Regarding penalties and forgiveness, the investment visa policy considers it unacceptable for TCNs not to follow up on planned investments or not to maintain them throughout their stay, which would result in the revocation of their residence permit. However, little is said in the case of ISV/ISH self-employers not executing the investment. Self-employers investing in ‘innovative start-ups’ are also explicitly forgiven if their company loses the ‘innovativeness’ requirements that gave access to the residence permit, as the latter is not revoked. For both categories of investors, the legislation nevertheless provides for the possibility of changing their legal status if they cannot obtain the renewal of their investor or self-employment permit.

Student mobility policy

Italian legislation on student migration allows TCNs residing abroad³⁶ to enter Italy for temporary, long-term stays³⁷ for the purpose of attending university courses, higher education courses consistent with previous training acquired in the country of origin, study courses in upper secondary schools and single higher education and vocational training courses, internships, research activities, exchange programmes, and cultural initiatives. Entry for study purposes is also permitted to foreigners who have obtained a degree from an Italian university to take examinations for professional practice.³⁸

According to the Consolidated Act of 1999, institutions of higher education should promote TCNs’ access and inclusion to higher education courses, by entering into special agreements with foreign educational institutions for student mobility, as well as by organising orientation and promotional activities (Art 39, §2, CA). For each degree course entailing quantitative enrolment limits (particularly in medical and health subjects), universities are required to set a quota of maximum places reserved for non-EU students annually (Art. 46, §1, Presidential Decree No. 394 of 31 August 1999). The Ministry of Universities and Research is in charge of publishing annual decrees with the number of places reserved for these students for each degree course with

enrolment limits.³⁹ For open-access degree courses, there are no quantitative limitations to non-EU students. Annual procedures, deadlines, and guidelines for enrolment and admission of international students are drawn up yearly through Circulars of the Ministry of Universities and Research.⁴⁰

Regarding vocational training courses and training internships, these routes are subject to greater limitations, as they fall within a three-year quota determined by a decree from the Ministry of Labour and Social Policies (Art 39-bis, §1, CA). The latest Decree of 9 July 2020⁴¹ established a total maximum quota of 15,000 units, as follows: (a) 7,500 units for attending vocational training courses aimed at obtaining a qualification or certification of acquired skills, with a duration not exceeding 24 months; and (b) 7,500 units for carrying out training and orientation internships aimed at completing a vocational training programme initiated in the country of origin. These two channels, as stated in the same decree, have remained largely underutilised: in the previous three-year period 2017–2019, only 4,913 out of 15,000 slots were used.

Procedures, Guarantees, and Temporalities

Several *guarantees* are required of prospective foreign students, which vary according to the type of course undertaken and are more stringent for TCNs who do not benefit from EU free movement rights. Following Legislative Decree No. 154 of 10 August 2007 (‘Implementation of Directive 2004/114/EC on the conditions of admission of TCNs for the purposes of study, pupil exchange, unremunerated training or voluntary service’), an entry visa for study is not required to TCNs holding a residency permit for study purposes issued by another EU country who have started a course of study and intend to continue it or supplement it for a period of more than three months in Italy. Students are also exempt from applying for a residence permit if they are part of EU or multilateral programmes that include measures on mobility within the EU (Art. 39, §4-bis, CA). If they are not part of such programmes, they are admitted without a visa if there is a complementarity of the course with the one to be followed in Italy. In both of the cases described, the period of authorisation to stay in Italy to continue or supplement the course of study may not exceed 360 days (Art. 39, §4-ter, CA).

Aspiring non-EU students living abroad who do not meet the above-mentioned conditions and intend to pursue university study or training courses in Italy, must first apply for an entry visa and then for a residence permit for study purposes. To obtain a visa, the following *guarantees* are required (Art. 39, §3, CA):

- a) Enrolment or pre-enrolment in the course to be followed in Italy (and, where foreseen, on the possession of educational or training qualifications giving access to the courses);
- b) Availability of economic means, quantified in 2022 as €467 per month or €6,079 per year,⁴² which can be proven through personal, parental, or institutional economic guarantees, including scholarships from universities, local governments, or recognised foreign institutions or authorities;
- c) Availability of funds for repatriation, which can also be demonstrated by showing a return ticket;
- d) Health insurance for medical treatment and hospitalisation; and
- e) Availability of accommodation (hotel reservation or declaration of hospitality by Italian citizens or foreigners legally residing in Italy);

The application for admission to degree courses for international students residing abroad must take place through a prior university pre-enrolment procedure using the University online portal (<https://www.universitaly.it>). The university institutions carry out preliminary assessment of the applications, including academic qualifications and enrolment requirements. International students are also required to have a knowledge of Italian of at least a level B2, and universities

are entitled to organise assessment tests, except in cases where a certification has already been obtained (Art. 46, §3, Presidential Decree No. 394 of 31 August 1999). International students enrolled on degree courses taught entirely in English are, however, exempt from the Italian language test. Following successful enrolment, the applicants can apply for a study visa at the Italian diplomatic-consular representation in their country of residence, which is then issued within 90 days.⁴³

In the case of entry for vocational trainings internships, a training agreement is required between the sending training institution, the host institution, and the trainee. The listing agreement must contain a description of the training programme (objectives, duration, and hours of the traineeship), the organisation's commitment to provide economic means for the trainee's stay and return, and the stipulation of health insurance (Art. 40, §9, Presidential Decree No. 394 of 31 August 1999). Local authorities, in particular regions, are responsible for the management of traineeships and the issuing of entry authorisations.

The final decision on the issue of a visa for study or training purposes is, in all cases, upon the embassies/consulates. Pre-enrolment for a course of study does not automatically imply the issue of a visa, as the embassies/consulates are also required to assess the absence of the student's 'migration risk'.⁴⁴ Students who enter Italy following the issue of a study visa must declare their presence and apply for a study residence permit within eight days. Residence permits issued for study or training purposes to TCNs have a duration equal to that of the course/training for which the entry visa has been requested (Art. 5, §3, letter c, CA). A student residence permit may also be extended, although with some limitations depending on the reason for the first entry.

Renewal of the permit is not allowed when the entry into Italy occurred to follow a course that does not have a multi-year duration, except in the case of enrolment in a degree course that is related or consequent to the training attended.⁴⁵ The residence permit may also be renewed in order to enrol in a PhD programme; in this case, the validity is up to one year after the duration of the course (Art. 46, §4, Presidential Decree No. 394 of 31 August 1999). In any case, the residence permit for study cannot not be extended for more than three years beyond the duration of the multi-year study course.

Benefits

In terms of *benefits and rights*, a residence permit for study provide access, on an equal footing with Italian students, to services and assistance concerning the right to study, including scholarships, honour loans, and housing services (Art. 46, §5, Presidential Decree No. 394 of 31 August 1999). Moreover, the residence permit for study reason allows for family reunification (if the requirements are fulfilled) and for the performance of dependent work activities, but limited to no more than 20 hours per week, for 52 weeks, with a maximum limit of 1,040 hours in a year (Art. 14, §4, Presidential Decree No. 394 of 31 August 1999). However, different provisions apply to holders of a residence permit for study purposes, who have resided in Italy until the age of 18 with a residence permit for family reasons and, when they reached the age of majority, their residence permit is converted into a study permit: in this case, there are no time limits to employment. A TCN residing for study purposes is also permitted to carry out self-employment activities.

Penalties, Forgiveness, and Referrals

Penalising clauses are foreseen when TCN students give up or do not follow with continuity the study courses. The renunciation of the course for which the visa was obtained results in the revocation of the residence permit.⁴⁶ In the case of entry for multi-year study courses, the residence permit is subject to annual checks, as the holders are required to show annually proof of enrolment in the following year (either in the same degree course for which the student has

obtained entry authorisation, or in a different degree course), or at least one proficiency test in the first year and at least two tests in subsequent years (Urgent Telegram of the Ministry of the Interior of 21 February 2008 on Legislative Decree No. 154 of 10 August 2007). Failure to comply with these conditions may lead to the revocation or refusal to renew the residence permit, although a *forgiveness clause* is foreseen: the residence permit for study might not be revoked from international university students who have passed only one proficiency test in the second or third year instead of two, if justified by serious reasons.

The most significant *referrals* to other policies lie in the possibility of turning study permits into other permits – particularly work permits. At the end of a university course, with the award of a degree, master's, or PhD, the student can register with the public employment office to receive a job searching residence permit: if there is a job offer, they can obtain a residence permit for work reasons (Art. 39-Bis, §1, CA). Moreover, on the basis of a recent reform that took place with the adoption of Decree Law No. 23 of 20 March 2023, the residence permit for study or training can be converted into a permit for dependent or self-employment work upon a job offer and stipulation of a residence contract, at any time of the year, and regardless of the availability of quotas under the Flow Decrees, as was previously the case (Art. 6, §1, CA). The conversion may also take place before the conclusion of the study cycle in the case of permits issued to attend university (bachelor, master's, or PhD courses) or in the case of foreigners already present in Italy when they reach the age of majority. Study permits issued to attend training courses or to carry out training periods in Italy can be converted only after the training course or training period has been completed (Art. 14, §6, Presidential Decree No. 394 of 31 August 1999).

Concluding remarks on human behaviour in student migration policies

Human behaviour in study migration policies is given considerable attention in relation to both study attendance and performance and to the trajectories of the stay in Italy. On the one hand, study migration policies consider unacceptable that a student gives up or does not attend with continuity the course of study for which he or she was admitted, an eventuality that leads to the revocation of the residence permit. Despite some penalising clauses and limitations depending on the type of course undertaken, the Italian regulatory framework allows a certain flexibility for TCN students and their aspirations: it is considered acceptable to change the degree course once the students are in Italy; it is allowed for students to extend their stay, by enrolling in a new course of study in continuity with the course originally taken; participation in the labour market while studying is allowed, albeit with some limits; and finally, the law provides the option for international students to prolong their stay and eventually settle in Italy for different reasons, notably employment. As seen in the introduction, this change of status is particularly common in the Chinese and Indian communities.

Schengen policy – Long-term residents

The entry into force of the Schengen Agreement in Italy occurred in 1997. Under the Schengen agreement, TCNs who have legally entered one of the EU Member States are allowed to circulate freely within the territory of all of the States for the period of the validity of their visa and up to 90 days (Art. 19, §1 of the Convention implementing the Schengen Agreement). Short-term visas, if issued for tourism, visits, business, or study after entry into Italian territory, do not imply the request for a residence permit (Art. 1, Law No. 68 of 28 May 2007, 'Rules on short-term stays of foreigners for visits, business, tourism and study'). TCNs from Schengen countries must, however, declare their presence within eight days of entering Italy (including through hotelkeepers, who are obliged to report their presence).

Moreover, as already shown in the previous sections, over the past 15 years, various EU Directives have been transposed in Italy, shaping the conditions for TCNs' admission and stay for different purposes, other than short-term periods. EU Directives have been transposed, however, with minor amendments to the Consolidated Act of 1998, as most of their provisions were already provided for by the national legislation. This particularly concerns family reunification, seasonal and highly skilled workers, researchers, international students, and more recently, asylum seekers and holders of international protection.

Another dimension not addressed in the previous sections, on which free movement policies and EU directives have shaped Italy's immigration framework, is the status of long-term residents, whether resident in Italy or from another EU Member State. Decree Law No. 3 of 8 January 2007 implemented Directive 2003/109/EC on the status of TCNs who are long-term residents: on the one hand, it amended Article 9 of the Consolidated Law on Immigration of 1998, replacing the old 'residence card' with the 'EU long-term residence permit'; on the other hand, it introduced a new article (Art. 9-bis) regulating the status of foreigners holding a long-term residence permit issued by another Member State of the EU.

An EU long-term residence permit can be issued to TCNs holding a residence permit for at least five years and upon the *guarantee* of a minimum income (€6,542 in 2023). TCNs who meet this requirement may also apply for an EU long-term residence permit for their family members (spouse, minor children, dependent adult children if disabled, and dependent parents who do not have family support in their own country). Proof is required for housing and a minimum income, which varies in relation to the composition of the family household (Art. 9, §1, CA). Law No. 94/2009 ('Provisions on public security') also provided that TCNs must demonstrate knowledge of the Italian language (level A2 of the Common European Framework of Reference for Languages) (Art 9, §2-bis, CA).

Since 2014 – following Legislative Decree No. 12/2014, which transposed Directive 2011/52/EU – international beneficiaries can also obtain an EU long-term residence permit and are *exempt* from the housing requirement and the Italian language test (Art 9, §2-ter and 3-ter, CA). On the other hand (Art. 9, §3, CA), the EU long-term residence permit may not be issued to foreigners deemed to be a threat to public security or to foreigners residing for reasons such as study or vocational training, asylum seeking, medical treatment, humanitarian/special protection, labour exploitation, or domestic violence. Periods of residency for these reasons are nevertheless mostly considered to be useful for the purposes of calculating the five years of residency required to obtain long-term resident status (Art. 9, §5, CA).

Absences from the national territory do not interrupt the required five year-period of residency in Italy and are included in the calculation when they are less than six consecutive months and do not exceed a total of ten months, unless this interruption is due to the need to fulfil military obligations or other serious reasons (Art. 9, §6 CA).

The holders of such a permit are granted a special legal status, which gives them additional *rights and benefits* compared to those granted to other TCNs holding an ordinary residence permit. The EU long-term residence permit is indeed valid for ten years and is automatically renewed on expiry (Art. 9, §2, CA) – that is, it is an indefinite status. In addition, it allows free mobility (leaving and entering national territory without a visa, even if coming from countries for which a visa is required); participation in public employment calls; and full access to social welfare, including access to public housing (Art 9, §12, CA).

The provisions for long-term residents are way more favourable than those reserved to other TCNs even considering the *penalising clauses*. Long-term residents may only be expelled for serious reasons of public order or national security, international terrorism, the exploitation of prostitution, drug trafficking, and mafia-type associations (Art 9, §10, CA). EU long-term

residence permit may also be revoked in the case of absence from the territory of the EU for a period of twelve consecutive months; in the case of the existence of a similar residence permit in another EU State; or in the case of absence from Italy for six years. In these latter cases, the long-term permit may be re-issued after three years of residency instead of five (Art. 9, §8, CA).

Foreigners holding a long-stay permit issued by another EU State

While reforming the regulation on the status of long-term residents in Italy, Decree Law No. 3 of 8 January 2007 also introduced a new article in the Consolidated Act of 1998 (Art. 9-bis), regulating the status of foreigners holding a long-term residence permit issued by another EU Member State. The latter may request to reside in Italy for a period of more than three months, in order to carry out self-employed or dependent work activity; attend study or vocational training courses; or reside for other purposes, if they show proof of health insurance and economic resources equal to approximately €17,000 in 2023⁴⁷ (Art 9-bis, §1 CA).

The application for a residency permit may be submitted within three months of entry and possession of an entry visa is not required (Art 9-bis, §2 and 4 CA). The type of permit that is obtained depends on the reasons for the stay and, in any case, is issued within 30 days of the application (Art 9-bis, §8 CA). However, some limitations are in place for work permits, as they are subject to the labour quotas set by the Flow Decrees and linked to the availability of entry slots (see section on labour migration policies). Family members of long-term residents in another EU Member State may also enter Italy without needing to apply for a visa and can be granted a residence permit for family reasons following ordinary provisions (Art. 9-bis, §2, CA).

Concluding remarks on human behaviour in Schengen policies – long-term residents

In this section, policies on long-term residents have mainly been considered, as many of the other policies on free movement in the Schengen Area have found their place in the previous sections. The few references to human behaviour within this policy concern the regulation of the timing of the period of residency required to obtain residency status, as well as absences from Italy, which are allowed only to a certain extent (but are, however, more tolerated compared to other stayers). Nevertheless, long-term residents who reside in other EU countries and intend to move to Italy for labour reasons are also taken into consideration, by providing dedicated entry slots within the labour migration quota system.

Discussion of research results

Since their first formulation in the 1980s, Italian migration policies have progressively regulated different aspects of human mobility and considered migrants' behaviours and aspirations more or less intensively, depending on the different policies. In considering migrants' behaviours, however, Italian migration policies appear contradictory: on the one hand they are driven by the growing concerns for public security, the control of human mobility, and the fight against irregular migration; on the other hand, they are also marked by forgiveness, back doors, and referrals between different policies that leave room for a certain degree of flexibility once TCNs have entered into Italy.

The time frame of the residency of new entrants is largely determined – and limited by – the contingent residence permits system: labour migration policies bind the duration of residence permits to the duration of employment contracts, subjecting workers to a high degree of legal precariousness; study policies to the duration of educational courses; family migration policies to the duration of the permit of those exercising the right to reunification; and tourism policies to the duration of holidays. Exceptions are permits for investors, which have a fixed duration of two years at first release and three years when renewed.

The Italian migration regime is also characterised by the high level of guarantees required for the admission and stay of TCNs, particularly if they do not reside in the Schengen area and if they are not family members of Italian or EU citizens. The guarantees and requirements are particularly high in the case of investment and labour migration policies; in the first case, these are significant economic guarantees, and the investors' behaviour is deemed acceptable if they make and maintain the investment during their stay; in the case of labour migration, with a few exceptions, admission to Italy is linked to the qualitative and quantitative limits set by the Flow Decrees, to the willingness of an employer to hire a worker from abroad (in low-skilled and low-paid sectors), and to the cooperation of the sending countries with the Italian government in the area of counteracting irregular migration and readmissions. For entries for other reasons, guarantees usually concern the economic means to support one's stay in Italy and return, as well as the availability of accommodations, which are also indispensable conditions for the renewal of residence permits, when allowed. In all cases except for investors, Italy requires the signing of an Integration Agreement with the Italian State when the length of stay exceeds one year, by which newcomers undertake to learn the Italian language and civic and social life within two years.

Except for tourists, Italian legislation also provides for a number of benefits once TCNs have entered the territory, including special treatment for certain types of immigrants who seem to be more welcome than others (e.g. investors, who are exempted from the signing of the Integration Agreement, long-term residents, and family members of Italian or EU citizens), but also overall flexibility during the stay: the state considers the mobility of foreign workers in the labour market acceptable, with a few exceptions (mostly 'out-of-quota' entries); it allows migrants with family and study (and asylum) permits to engage in work activities; it considers it acceptable for international students to extend their stay by enrolling in another course of study consistent with the previous one or by changing their legal status.

Reflecting the increasing restriction of migration policies, Italian legislation is also characterised by substantial penalties to migrants' behaviours, inspired by the concern to control mobility, to prevent irregular migration, and to restrict access and stay among unwanted migrants. The possibility that an individual may engage in criminal or fraudulent behaviours to obtain or maintain the right to reside in Italy is largely taken into consideration: this aspect is particularly marked in the policies on labour migration, family reunification, and tourism – and, to a lesser extent, in the study migration policy, in which various behaviours are explicitly deemed unacceptable and lead to the revocation or non-issuance of the residence permit. Policies on labour migration, whether through the quota system or through amnesties, assume that a work contract can be concluded instrumentally to obtain the right to admission to Italy or the renewal of a residence permit; similarly, policies on family migration assume that marriages or adoptions can be arranged for this purpose. Policies on tourism assume that would-be tourists may use the tourism route to enter Italy and then overstay, settling irregularly. Study policies, on the other hand, take into account the student's behaviour by establishing penalties when they fall below a certain level of study attendance and performance. At a general and transversal level, it is also considered unacceptable to be absent from Italy for prolonged periods of time, albeit with different time frames depending on the type of residents, and to fail to comply with the Integration Agreement signed with the State.

In a context marked by restricted labour entry routes and the high legal precariousness of new entrants, the Italian legal framework also provides for various forgiveness clauses and alternative pathways for admission and stay. In the ordinary labour migration policy these clauses mostly concern the eventuality that a worker loses his or her employment contract (necessary requirement for work permits renewals), allowing for the release of a job searching permit on expiry, even in the case of voluntary resignation. Moreover, while admissions for work from

abroad have been restricted quantitatively and qualitatively, the labour migration policy also leaves the back door open, providing for mass regularisations, albeit within a work-related deserving regime, thus allowing for a further margin of flexibility even for irregular stayers (or those holding precarious legal statuses). In family reunification policies, instead, greater safeguards are provided for family members against expulsion and rejection, including for undocumented stayers with expired permits, undocumented parents of minors residing in Italy, and for those who do not comply with the Integration Agreement. Further forgiveness clauses are foreseen in the cases of international university students and small self-employed investors (ISV/ISH), possibly because this form of migration is not perceived as threatening nor particularly significant in terms of numbers: the former may be forgiven when not entirely fulfilling the requirement for attendance and performance in the course of study; and the latter when their start-up fails to meet the ‘innovativeness’ requirements that guaranteed admission through the ISV/ISH programme.

The referrals between different policies, in particular between work, family, and study, are another aspect that characterises Italy’s migration regulatory framework, especially in relation to the possibility of changing status after the fact. If tourism policy precludes the possibility of obtaining other types of residence permits while residing in Italy (except for family reunification even in case of overstayers), this option is instead accepted in the other policies. The policies on study migration take into account the students’ aspiration to extend their stay and settle in Italy, by allowing the conversion of their residence permit into a work permit. The family migration policy takes into account events such as separation or divorce and allows holders of family permits to obtain a work or study permit. The labour migration policies allow the change of status into a study or family permit, and those on investment migration do not exclude the possibility of conversion into another type of residency permit (e.g. dependent work).

Conclusion

Over the last two decades, immigration in Italy has undergone significant transformations, as reflected in the gradual stabilisation of early migratory flows and the reconfiguration of more recent inflows. Once a land of emigration, then of immigration for low-skilled and low-paid work, today’s entry routes to Italy are primarily associated with family reunification and, especially in the wake of the Arab Spring and the refugee crisis, humanitarian migrations. Recent attempts to attract more skilled labour migration have not produced noticeable results. Despite having implemented policies aimed at attracting large investments, small self-employed investors, and highly skilled workers, Italy remains an unattractive destination for these types of aspiring migrants. Notwithstanding some advantages, such as the opportunity to work and to change one’s legal status during or after their studies, Italy seems to be a relatively marginal destination for international students as well. In contrast, Italy is a particularly popular destination for international tourism, facilitated by the freedom of movement in the Schengen area, from which most tourists come.

On the whole, while undergoing an important process of harmonisation with European policies through the transposition of various EU directives, Italian immigration policies are marked by significant restriction of legal entry routes and a growing selectivity in quantitative and qualitative terms, particularly with regard to labour migration – and more recently, asylum. The economic crisis, the humanitarian crisis, and the advent of the far-right in government have certainly shaped the course of migration policies without, however, structurally altering them. If the Italian migration regime has declared a borderless fight against irregular migration and undesirable migrants (including asylum seekers and aspiring tourists from poorer countries), it

has nevertheless continued to leave the back door open through mass regularisations, while concurrently resorting to ‘functional equivalents’ (family and humanitarian migrants) to ensure a low-skilled, low-cost workforce for the Italian labour market in times of crisis (Devitt, 2023).

In concluding this report, it is also important to mention that the Italian immigration regime is marked by a strong discrepancy between what is stated in legal texts and the implementation of the laws. The issuing of entry authorisations, visas, and residence permits can take several months and even years. Bureaucratic and diplomatic apparatuses can exercise a high level of discretion in regulating the admissions, as can the Police Headquarters and Prefectures in granting or refusing residence permits (Tuckett, 2018). It is in this overall contradictory context that the aspirations of migrants and their behaviours have mainly found a place in the Italian migration regime, exhibiting the inherent tensions and contradictions of the system. On the one hand, Italian migration policies take into account the behaviour of would-be migrants largely in terms of suspicion, deception, and control of what is deemed unacceptable by the State, not least due to the migrants’ own agency strategies. Such references to unacceptable migrant behaviours are particularly marked within policies on labour migration, family reunification, and tourism. On the other hand, either explicitly or implicitly, the Italian immigration regime provides some flexibility once migrants have entered Italy, leaving space for migrants’ behaviour to navigate alternative pathways and back doors or to undergo transitions from one (il)legal status to another.

Notes

¹ Where not otherwise specified, the source of the data is the database of the National Institute of Statistics: <http://stra-dati.istat.it/#>

² The Filipino community in Italy is the largest in Europe. The arrival of Filipinos in Italy began in the late 1970s when an agreement was signed between the governments of the Philippines and Italy, allowing the entry of Filipino migrants (mostly women) as domestic workers.

³ Other less relevant Asian communities are represented by citizens from Iran, Lebanon, Iraq, Syria, Georgia, and Afghanistan.

⁴ Long-term residence status can be obtained after five years of residency in Italy (see Schengen policy section).

⁵ It is also worth noting that, between 2011 and 2020, more than 1.25 million people acquired Italian citizenship (Istat, 2022).

⁶ The significant growth of labour-related permits in 2021 compared to previous years was largely due to the regularisation of non-EU citizens already present in the territory rather than to new entries, due to Decree Law 34/2020 containing measures for the emergence of irregular work.

⁷ However, in 2006 quotas were increased, using the Flow Decrees as form of amnesty, thus releasing a work permit to TCNs already in Italy (Perna, 2019).

⁸ In 2009, only seasonal labourers were allowed and no quotas were foreseen for non-seasonal labour (see section on labour migration policy).

⁹ Directives 2013/33/EU laying down standards for the reception of applicants for international protection and 2013/32/EU on common procedures for granting and withdrawing international protection status. In the previous years, Decrees No. 85/2003, No. 140/2005, No. 251/2007, and No. 25/2008, respectively, transposed the EU Directives on temporary protection, reception conditions, qualification, and asylum procedures

¹⁰ The decree also introduced other, much more complex-to-obtain permits (e.g. victims of domestic violence or severe labour exploitation, special medical care, natural disaster).

¹¹ The Cutro shipwreck occurred on the night of 25–26 February 2023, and at least 180 migrants lost their lives on the Italian coast.

¹² At the time of writing this report, this Decree was still under discussion. See <https://integrazioneimmigranti.gov.it/it/Ricerca-news/Dettaglio-news/id/3300/Flussi-governo-approva-programmazione-triennale-e-decreto-integrativo>

¹³ For more details on these types of agreements, see <https://www.asgi.it/tag/accordi-internazionali/>

¹⁴ Albania, Algeria, Bangladesh, Bosnia-Herzegovina, Korea (Republic of), Ivory Coast, Egypt, El Salvador, Ethiopia, Philippines, Gambia, Georgia, Ghana, Japan, Guatemala, India, Kosovo, Mali, Morocco, Mauritius, Moldova, Montenegro, Niger, Nigeria, Pakistan, Peru, North Macedonia Republic, Senegal, Serbia, Sri Lanka, Sudan, Tunisia, and Ukraine.

¹⁵ From 2023, however, the conversion of study permits is no longer linked to entry quotas.

¹⁶ For a simplified outline of the procedures see Annexes, Box 2.

¹⁷ The threshold is calculated considering the minimum amount of the social allowance increased by half.

¹⁸ Decrees No. 154 of 10 August 2007, No. 17 of 9 January 2008, and No. 108 of 28 June 2012.

¹⁹ The threshold corresponds to three times the minimum level for exemption from participation in health care costs (Art. 27-quater, §5, CA).

²⁰ On how work-related regularisation processes are achieved and the role gender plays in this process, see Bonizzoni (2017).

²¹ Circular of 30 September 2020, Determination and allocation of the contribution lump sum contribution for sums owed by the employer in respect of irregular work, Department for civil liberties and immigration, Ministry of the Interior.

²² For example, medical certifications, certificate of children's school enrolment, public transport travel cards, bank/postal accounts or operations, certifications from the police force, telephone cards or contracts with Italian telephone operators, receipts for money sent or received through banking institutions and/or money transfer agencies, documentation from authorised reception and/or shelter centres (including religious ones), certificates received from diplomatic or consular representations in Italy, and air and sea carrier tickets.

²³ As for 2020 Amnesty, Circular No. 4623 of 17 November 2020 – Emergence of irregular employment relationships. Operational guidance. Department for civil liberties and immigration.

²⁴ In this case the employers must give notice and explanations to the authorities.

²⁵ Law No. 76 of 20 May 2016, 'Regulation of civil unions between persons of the same sex and regulation of cohabitation'; Circular of the Ministry of the Interior No. 3511 of 5 August 2016, 'Operational guidelines for issuing authorisation for family reunification'.

²⁶ Implementation of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

²⁷ Law No. 76 of 20 May 2016, 'Regulation of civil unions between persons of the same sex and regulation of cohabitation'.

²⁸ Cohabitation between the foreign national applying for family reunification and the reunified family member is not required. In fact, the foreign national may also request the reunification of the family member in an accommodation other than the one in which he/she resides. In this case, a certificate of suitability of the accommodation provided by the third party must be presented (Circular No. 1575 of 4 April 2008, Ministry of the Interior).

²⁹ The threshold is the annual amount of the social allowance. For the reunification of two or more children under the age of 14, a minimum income of at least twice the amount is required. For the determination of income, the overall annual income of family members living with the applicant is also taken into account.

³⁰ Enrolment is subject to payment of a contribution determined by a decree of the Minister of Labour, Health, and Social Policies.

³¹ ‘Implementation of Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted’.

³² The full list can be consulted at: https://www.esteri.it/it/servizi-consolari-estere/ingressosoggiornoinitalia/visto_ingresso/paesi_esenti_visto/

³³ To consult the table for determining the economic means required for entry into the national territory, see: <https://www.poliziadistato.it/articolo/226/>

³⁴ For a more detailed account of the specific requirements and guarantees that Embassies demand depending on the country of origin, see: <https://vistoperitalia.esteri.it/home.aspx>

³⁵ The innovative start-ups also have to meet the following requirements: they have been incorporated for less than five years; they have their headquarters in Italy or in another EU/EEA State and at least one branch in Italy; their annual turnover does not exceed €5 million; they have not distributed profits yet; and they do not result from a merger, a split-up, or selling-off of a company or branch of it. They also need to meet one of the following ‘innovativeness indicators’: at least 15% of the highest value between company’s costs and annual turnover is allocated to R&D activities; or at least a third of the total workforce are PhD students, PhD holders, or researchers; alternatively, two thirds of the total workforce hold a Master’s degree; or the enterprise is the holder, depositary, or licensee of a registered licence (industrial property) or the owner of a registered software for computers (Art. 25, §2, Law 179/2012).

³⁶ Foreigners who hold an EU long-term residence permit, a residence permit for employment, self-employment, family reasons, asylum, or subsidiary protection, are granted access to higher technical education or higher training courses and to university specialisation schools on equal terms with Italian students (Art. 30, §5-ter, CA).

³⁷ If the purpose of entry is to attend a course of study not exceeding 90 days and the student comes from a country exempt from the short-stay visa requirement, neither a visa nor a residence permit would be required.

³⁸ Annex B, point 15, Ministry of Foreign Affairs – Decree of 11 May 2011 ‘Definition of types of entry visas and the requirements for obtaining them’; Art. 46 and 47, Presidential Decree No. 394 of 31 August 1999.

³⁹ Annual Decrees regarding entry quotas can be consulted at: <https://www.mur.gov.it/it/atti-e-normativa>.

⁴⁰ For 2022–2023, see ‘Procedures for the entry, stay and enrolment of foreign/international students in higher education courses in Italy academic year 2022–2023’ at: <https://www.studiare-in-italia.it/studentistranieri/>

⁴¹ ‘Determination of the three-year quota 2020/2022 for the entry of foreign citizens for participation in vocational training courses and internships’.

⁴² Circular of the Ministry of Universities and Research for the academic year 2023–2024: ‘Procedures for entry, residency and enrolment of international students and the respective recognition of qualifications for higher education courses in Italy’, p 12.

⁴³ A temporary ‘university enrolment visa’ can also be issued for the purpose of allowing students to participate in university enrolment tests.

⁴⁴ Circular of the Ministry of Universities and Research for the academic year 2023–2024: Procedures for entry, residency and enrolment of international students and the respective recognition of qualifications for higher education courses in Italy, p.4

⁴⁵ Circular No. 1477 of 22 February 2011, Ministry of the Interior, ‘Renewal of the residency permit to study in the case in which the foreigner is engaged in attending so-called single courses’.

⁴⁶ Circular of the Ministry of Universities and Research for the academic year 2023–2024: ‘Procedures for entry, residency and enrolment of international students and the respective recognition of qualifications for higher education courses in Italy’, p 8.

⁴⁷ This was calculated as twice the minimum amount for exemption from participation in healthcare costs (Art 9-bis, §1 CA).

References

- Ambrosini, M. (2013). Immigration in Italy: Between economic acceptance and political rejection. *Journal of International Migration and Integration*, 14, 175–194
- Ambrosini, M. (2015). Irregular but tolerated: Unauthorized immigration, elderly care recipients, and invisible welfare. *Migration Studies*, 3(2), 199–216.
- Ambrosini, M. (2019). The imaginary invasion: As the discourse on the “refugee crisis” has impacted on Italian politics and society. In A. Rea, M. Martiniello, A. Mazzola, & B. Meuleman (Eds.), *The refugee reception crisis in Europe: Polarized opinions and mobilizations* (pp. 145–169), Bruxelles, Éditions de l’Université de Bruxelles.
- Armando, V., & Sciortino, G. (2023). L’evoluzione delle politiche immigratorie in Italia, *La rivista delle politiche sociali*, 2023(1), 19–35.
- Banca d’Italia (2023). *Indagine sul turismo internazionale*, https://www.bancaditalia.it/pubblicazioni/indagine-turismo-internazionale/2023-indagine-turismo-internazionale/statistiche_ITI_28062023.pdf
- Bonizzoni, P. (2017). The shifting boundaries of (un)documentedness: A gendered understanding of migrants’ employment-based legalization pathways in Italy. *Ethnic and Racial Studies*, 40(10), 1643–1662.
- Bonizzoni, P. (2018). Looking for the best and brightest? Deservingness regimes in Italian labour migration management. *International Migration*, 56(4), 47–62.
- Bonizzoni, P., & Artero, M. (2023). ‘I couldn’t figure out what to do’: Salvadorean asylum seekers facing the uncertainties of the 2020 Italian amnesty. *Journal of Immigrant & Refugee Studies*, 1–15.
- Bonizzoni P. & Dotsey S. (2023). Migration and legal precarity in the time of pandemic: Qualitative research on the Italian case. *DVE DOMOVINI*, 54(2), 117–130
- Calavita, K. (2005). *Immigrants at the margins: Law, race, and exclusion in southern Europe*. Cambridge University Press.
- Caponio, T. & Graziano P. R. (2011). Towards a security-oriented migration policy model? Evidence from the Italian case. In E. Carmel, A. Cerami, & T. Papadopoulos (Eds.), *Migration and welfare in the new Europe. Social protection and the challenges of integration* (pp. 105–120). The Policy Press.
- Caponio, T., & Cappiali, T. M. (2018). Italian migration policies in times of crisis: The policy gap reconsidered. *South European Society and Politics*, 23(1), 115–132.
- Colombo, A., & Sciortino G. (2004). *I sommersi e i sanati. Le regolarizzazioni degli immigrati in Italia*. Il Mulino.
- Colucci, M. (2018). Per una storia dell’immigrazione straniera in Italia: dagli anni sessanta alla crisi delle politiche, *Meridiana: rivista di storia e scienze sociali*, 9, 9–36.
- Cuttitta, P. (2016). Mandatory integration measures and differential inclusion: The Italian case. *Journal of International Migration & Integration*, 17, 289–302

- Devitt, C. (2023). Continuity and change in immigration regimes: An institutionalist analysis of Italian labor immigration regulations 1990–2020. *Journal of Immigrant & Refugee Studies*, 1–15.
- Dennison, J., & Geddes, A. (2021). The centre no longer holds: The Lega, Matteo Salvini and the remaking of Italian immigration politics. *Journal of Ethnic and Migration Studies*, 48(2), 1–20.
- Einaudi, L. (2007). *Le Politiche dell'immigrazione in Italia dall'Unità a oggi*. Gius, Laterza & Figli.
- Finotelli, C., & Sciortino, G. (2009). The importance of being southern: The making of policies of immigration control in Italy. *European Journal of Migration and Law*, 11(2), 119–138.
- Fullin, G., & Reyneri E. (2011). Low unemployment and bad jobs for new immigrants in Italy. *International Migration*, 49(1), 118–147.
- Gargiulo, E. (2018). Una filosofia della sicurezza e dell'ordine: il governo dell'immigrazione secondo Marco Minniti. *Meridiana: rivista di storia e scienze sociali*, 91(1), 121–149.
- Geddes, A., & Pettrachin, A. (2020). Italian migration policy and politics. Exacerbating Paradoxes. *Contemporary Italian Politics*, 12(2), 227–242.
- Goldring, L. (2022). Precarious legal status trajectories as method, and the work of legal status. *Citizenship Studies*, 26(4–5), 460–470.
- Istat (2022). *Rapporto annuale 2022. La situazione nel Paese*. Istituto nazionale di statistica, Roma, https://www.istat.it/storage/rapporto-annuale/2022/Rapporto_Annuale_2022.pdf
- Ministry of Labour and Social Policy (2023a). *Comunità a confronto. Rapporto annuale 2022 sulla presenza dei migranti*. Direzione Generale dell'Immigrazione e delle politiche di integrazione. <https://www.lavoro.gov.it/documenti-e-norme/studi-e-statistiche/quaderno-di-confronto-2022>
- Ministry of Labour and Social Policy (2023b). *Gli stranieri nel mercato del lavoro in Italia. XIII Rapporto Annuale*. Direzione Generale dell'Immigrazione e delle Politiche di Integrazione. <https://www.lavoro.gov.it/temi-e-priorita-immigrazione/focus/xiii-rapporto-mdl-stranieri-2023>
- Ministry of Economic Development (2018a). *Italia startup visa. Linee Guida*. https://italiastartupvisa.mise.gov.it/media/documents/Linee%20Guida%20ISV%20ITA%2020_03_2018%20def.pdf
- Ministry of Economic Development (2018b). *Investor visa for Italy. Policy guidance*. Direzione Generale per la Politica Industriale, l'Innovazione e le PMI. https://investorvisa.mise.gov.it/images/documenti/Investor-Visa-for-Italy---Policy-guidance-ENG-14_09_2018-DEF.pdf
- Ministry of Economic Development (2019). *Italia startup hub. Linee Guida*. https://italiastartuphub.mise.gov.it/media/documents/Linee%20Guida%20Italia%20Startup%20Hub%2020_05_2019%20fin.pdf
- Ministry of Economic Development (2021). *Investor visa for Italy. Primo rapporto di monitoraggio. Sintesi delle principali evidenze al 31 dicembre 2021*. Direzione Generale per la Politica Industriale, l'Innovazione e le PMI.

https://www.mimit.gov.it/images/stories/documenti/1_Relazione_monitoraggio_Investor_Visa_Dicembre_2021pdf.pdf

- Panichella, N., Avola, M., & Piccitto, G. (2021). Migration, class attainment and social mobility: An analysis of migrants' socio-economic integration in Italy. *European Sociological Review*, 37(6), 883–898.
- Perna, R. (2019), *Legal migration for work and training: Mobility options to Europe for those not in need of protection. Italy case study*. Fieri Working Papers
- Ponzo, I. (2022). Asylum seekers' reception reforms during the 2010s: Driving factors and multilevel governance arrangements. In T. Caponio & I. Ponzo (Eds.), *Coping with migrants and refugees: Multilevel governance across the EU* (pp. 38–67). Routledge.
- Reyneri, E. (1998). The mass legalization of migrants in Italy: Permanent or temporary emergence from the underground economy? *South European Society and Politics*, 3(3), 83–104.
- Triandafyllidou, A., & Ambrosini, M. (2011). Irregular immigration control in Italy and Greece: Strong fencing and weak gate-keeping serving the labour market. *European Journal of Migration and Law*, 13(3), 251–273.
- Tuckett, A. (2018). *Rules, paper, status: Migrants and precarious bureaucracy in contemporary Italy*. Stanford University Press.
- Zincone G. (1998). Illegality, enlightenment and ambiguity: A hot Italian recipe. In M. Baldwin-Edwards & J. Arango (Eds.), *Immigrants and the informal economy in southern Europe* (pp. 45–82). Cass.
- Zincone G. (2006). The making of policies: Immigration and immigrants in Italy. *Journal of Ethnic and Migration Studies*, 32(3), 347–375.
- Zincone G., & Caponio T. (2004). *Immigrant and immigration policy-making: The case of Italy*. Imiscoe Working Paper, 9.

ANNEXES

Box 1. Transversal penalising and forgiveness clauses

Penalising (Art. 4-bis, Art. 5, Art 13, CA; Art. 13, Pres. Decree No 394/1999)

-Entry and stay may be denied to TCNs who: have already been expelled; are considered dangerous to public security of Italy or other Schengen States; have been convicted for serious crimes; seek to enter or stay using forged or counterfeit documents

-Expulsion can be ordered also for TCNs who don't apply for the release of a residence permit within eight days of entry or within 60 days after expiry

-Renewal of residence permits might be denied when the conditions for first release are no longer met (i.e requirements on income and accommodation)

-The residence permit may not be renewed or extended if the stay in Italy has been interrupted for a continuous period of more than six months, or more than half the period of its validity

-The residence permit may be revoked or its renewal denied when failing to comply with the Integration agreement (when required) within two years period

Forgiving (Art 4-bis, Art. 5, Art 18, Art. 19, Art 31, CA)

-Expulsion is not allowed for unaccompanied children, pregnant women, up to 6 months from the childbirth; and foreigners cohabiting with an Italian first-degree relative or spouse

-Expulsion may not be carried out for those who may be persecuted for reasons of race, sex, language, nationality, religion, political opinion, personal or social conditions

-If within two years the Integration agreement is not fulfilled, a one-year extension can be requested; while in the event of non-compliance the residence permit is not revoked if the right to family reunification has been exercised

-Undocumented parents of minors residing in Italy could be granted a residence permit for minor guardianship

-Undocumented migrants can be granted a residence permit in cases of severe labour exploitation leading to criminal proceedings

Box 2 – Flow Decree procedures for dependent employment admissions

-Employers' checks with public employment office (unavailability of Italian/Eu workers)



-Employers' request for work authorisation + residence contract proposal at the Single Desk for Immigration



-Single Desk for Immigration/Labour Inspectorat's checks and release of work authorisation



-Workers' request for entry visa at Italian Embassy/Consulate in the country of origin/residence



-Workers' request for residence permit and residence contact signature within 8 days of arrival in Italy

Annex 1 – Mobility Policies in Italy

Table 1. Description of Italy’s labour migration policy: Quota system and Flow Decrees

<i>Dimensions</i> <i>Themes</i> <i>(indicators)</i>	Actors	Characteristics	Temporality
<p style="text-align: center;">Guarantee(s)</p> <ul style="list-style-type: none"> - Admission for work is subject to annual quotas posing quantitative and qualitative limits - Annual quotas are established on the basis of labour market’s needs and the ‘integration capacity’ of local territories - <i>Dependent workers:</i> ‘Residence contract’ submitted by the employers and including: job contracts details, proof of housing; employer’s commitment to pay the return journey - <i>Self-employed:</i> minimum income of €8,500, financial resources to undertake the economic activity; proof of housing (additional requirements for TCNs using ISV/ISH) - An ‘Integration agreement’ has to be signed by all TCN workers who enter Italy for the first time and apply for a residence permit of no less than one year, by which they commit to reach an adequate knowledge of Italian language and social life - Residence permits for work reasons can be renewed upon proof of housing, employment contract (dependent work), or minimum income (self-employment) - Seasonal workers can extend their permit as long as the total stay does not exceed nine months since first admission 	<ul style="list-style-type: none"> - Prefectures/Single Desk for Immigration & Police Headquarters responsible for checks and release of residents permits, renewals, and conversions - Territorial Labour Inspectorate responsible for verification of contractual conditions, the economic capacity of the employer, as well as the availability of quotas - Embassies/consulates responsible for visa procedures - Resident employers (citizens and non-citizens) responsible for submitting work authorisation - TCNs who are prospective workers residing abroad - TCNs legally residing in Italy with resident permits (e.g. study) that are convertible into employment work permits - TCNs holding EU long-term residence permits issued by another EU Member State 	<p><i>Employment/economic sectors</i></p> <ul style="list-style-type: none"> - Quotas are established for: dependent (seasonal and non-seasonal) and self-employment work - Quotas can be reserved for specific economic sectors (e.g. domestic care, construction, agriculture, tourism/hospitality) <p><i>Nationality/origin</i></p> <ul style="list-style-type: none"> - Quotas can be reserved for nationals of countries that have signed or are in the process of signing agreements on migration management or to workers of Italian origin from certain countries (e.g. Venezuela) - Numerical restrictions on quotas can be placed on the entry of workers from states that do not cooperate in the fight against irregular migration or in the readmission of their nationals <p><i>Education, professional competences, and economic means</i></p> <ul style="list-style-type: none"> - Quotas can be reserved for TCNs that have participated in pre-departure training in their country of origin with which Italy has signed bilateral agreements - Quotas can be reserved for TCNs wishing to set up an innovative start-up or investing over a certain amount of funds and creating jobs <p><i>Previous mobility experience:</i></p> <ul style="list-style-type: none"> - Quotas can be reserved for seasonal workers with 	<ul style="list-style-type: none"> - Application for work authorization: fixed time frame indicated in the Flow Decrees and evaluation following a ‘first come, first served’ logic - Work authorization processing time: 20 (seasonal) to 60 days (non-seasonal). - Visa processing time: 30 days (seasonal and dependent work) and 120 days (self-employment) - Entry visa must be used within 180 days from the date of issue. - Residence permit must be requested within eight days of arrival in Italy - The validity of work permits depends on the type and duration of the employment contract, and might not exceed: two years for permanent employment and self-employment; one year for temporary employment; nine months for seasonal employment - The validity of renewed non-seasonal work permits can be extended up to three years - The application for renewal must be submitted 30 days before and no later than 60 days after the expiry date

		<p>previous seasonal working experience in Italy</p> <p><i>Legal Status</i></p> <ul style="list-style-type: none"> - Quotas can be reserved for holders of certain of permits in Italy or for EU long-term residency permits issued by other Member States 	
Themes			
<p>Benefits</p> <ul style="list-style-type: none"> - Right to social welfare, public health care, and to unemployment benefits (with the exception of seasonal employment) - Right to change employment, with some limitations for seasonal workers (to be employed in the same sectors) - Right to family reunification (with the exception of seasonal workers) - Workers can convert their permit and change status (e.g. into family) - Seasonal workers who have already carried out seasonal work in Italy have precedence of entry - Seasonal worker can convert the permit to one for non-seasonal employment within the annual quotas reserved for conversions if they have worked for at least three months 	<p>Penalty/ties</p> <ul style="list-style-type: none"> - A work permit is refused or revoked in the event of fraudulent behaviours, and if an employment contract is established for the sole purpose of obtaining entry into Italy - Renewal of work permits might be denied when TCNs lack proof of housing or employment contracts - A work permit might be revoked or its renewal denied when TCNs fail to comply with the Integration agreement 	<p>Forgiveness</p> <ul style="list-style-type: none"> - The loss of a job does not constitute grounds for revoking the residence permit for work reasons - TCNs losing employment can be registered on public unemployment lists for the remaining validity of their residence permit, or for the duration of the unemployment benefit, if longer (with the exception of seasonal workers) - Upon expiry of the non-seasonal work permit, TCNs can obtain a one-year 'job searching' permit if lacking an employment contract - TCNs can request an extension of one year to fulfil the Integration Agreements - In case of severe labour exploitation resulting in criminal proceedings, undocumented TCNs might be granted a residence permit 	<p>Referrals</p> <ul style="list-style-type: none"> - Study policy (conversion into employment) - Investment policy (ISV/ISH implemented within the quota system) - Schengen policy (reserved labour quotas for holders of EU long-term residence permits issued by other Member States)

Main sources: Art. 2-5, 18, 21-24, 29, CA 1998

Table 1.1 Description of Italy's labour migration policy: Mass amnesties

<i>Dimensions</i> <i>Themes</i> (indicators)	Actors	Characteristics	Temporality
<p>Guarantee(s)</p> <ul style="list-style-type: none"> - The release of work permits through mass regularisation is subject to proof of previous presence 	<ul style="list-style-type: none"> - Prefectures, Single Desk for Immigration, and Police Headquarters responsible for checks and release and renewals of residence permits 	<p><i>Legal Status:</i></p> <ul style="list-style-type: none"> - Regularisations may involve irregular workers and undocumented migrants, asylum seekers, and holders of residence permits that 	<ul style="list-style-type: none"> - Releasing time of residence permits is usually not specified within regularisation procedures - The validity of work permits depends on the type

<p>in Italy and past or present employment relations</p> <ul style="list-style-type: none"> - Regularisations may also provide for a 'job seeking' residence permit to foreigners with an expired residence permit - Employers must demonstrate an adequate income (€20,000–€30,000) and are usually required the payment of a lump sum to regularise irregular workers (€500–€1,000) - A 'Residence contract' has to be signed, including: job and housing details, and employers' commitment to pay the return journey 	<ul style="list-style-type: none"> - Territorial Labour Inspectorate responsible for verification of the contractual conditions and the economic capacity of the employer - Resident employers (Italian/EU citizens and TCNs holding an EU long-term residence permit) interested in regularising an ongoing irregular employment relation or in the new hiring of foreign worker - Irregular stayers and legally precarious migrants (e.g. asylum seekers) in the country before the amnesty measures 	<p>cannot be converted into work permits (e.g. tourism, etc.)</p> <p><i>Employment and economic sector:</i></p> <ul style="list-style-type: none"> -Regularisation is often linked to the formalisation of dependent, non-seasonal employment in some economic sectors (e.g. domestic work) <p><i>Gender:</i></p> <ul style="list-style-type: none"> - Although not explicitly, amnesties have somehow favoured the regularisation of women, as they involve domestic work more than any other sector 	<p>of contract, and might not exceed: two years for permanent employment and self-employment; one year for temporary employment</p> <ul style="list-style-type: none"> - In case of renewals, the length of the work permits might be extended up to three years - The application for renewal must be submitted 30 days before and no later than 60 days after the expiry date
Themes			
<p style="text-align: center;">Benefits</p> <ul style="list-style-type: none"> - Pending the procedure, applicants are entitled to equal treatment with foreigners holding work permits - Right to social welfare, public health care and to unemployment benefits - Right to change employment - Right to family reunification - Workers can convert their permit and change legal status (e.g. into family) 	<p style="text-align: center;">Penalty/ties</p> <ul style="list-style-type: none"> - A work permit is refused or revoked in the event of fraudulent behaviours and fictitious employment contracts - Renewal of work permits might be denied when TCNs' lack housing proof or employment contracts 	<p style="text-align: center;">Forgiveness</p> <ul style="list-style-type: none"> - Deletion of offences for irregular immigration (workers) and employment of to be regularised irregular workers (employers) - Chance to obtain a job searching residence permit in the event of a work interruption or failure to start working during the period of the administrative procedure - The loss of job does not lead to revocation of the work residence permit - If they lose their job, TCNs can be registered on the employment lists for the remaining validity of their residence permit or for the entire duration of the unemployment benefit, if longer (with the exception of seasonal workers) - Upon expiry of the work permit, in the absence of an employment contract, it is possible to obtain a one-year 'job seeking' permit 	<p style="text-align: center;">Referrals</p>

Main source: Art. 103, Decree n. 34 of 19 May 2020

Table 2. Description of Italy’s family reunification policy

<p><i>Dimensions</i> <i>Themes</i> (indicators)</p>	<p>Actors</p>	<p>Characteristics</p>	<p>Temporality</p>
<p>Guarantee(s)</p> <ul style="list-style-type: none"> - Release of family permits are subject to proof of family ties; proof of housing; minimum income of €6,542.51 in 2023, increased by half for each family member to be reunited; health insurance for parents over the age of 65 - In the absence of reliable documents proving family ties, a DNA test is to be carried out at the applicant’s expense - An Integration Agreement has to be signed by reunited family members who enter Italy for the first time and apply for a residence permit of no less than one year, by which they commit to reach an adequate knowledge of Italian language and society within two years <p>TCNs who are family members of EU or Italian Citizens</p> <ul style="list-style-type: none"> - In the case of stays of more than three months, can apply for an EU residence permit for family reasons 	<ul style="list-style-type: none"> - Prefectures, Single Desk for Immigration, and Police Headquarters responsible for entry authorisation and residence permit release, renewals, and conversions - Embassies and consulates responsible for the evaluation of family ties and visa procedures - TCNs residing in Italy and holding a residence permit of at least one year for the following reasons: dependent employment; self-employment; asylum; study; religious reasons; or family reasons. - Eligible family members of TCNs residing in Italy - Eligible TCNs family members of EU or Italian citizens 	<p><i>Civil Status and Age</i></p> <ul style="list-style-type: none"> - Family members eligible for family reunification are: (a) the spouse; (b) children under 18 or over 18 if totally disabled; (c) parents who are not economically independent and do not have any other child in their country of origin, or parents aged more than 65 years when other children cannot provide for them; (d) the foreign parent of an Italian child under 18 years of age; and (e) non-married partners with a registered partnership (same-sex partner) <p>TCN family members of EU or Italian citizens</p> <p><i>Civil Status and Age</i></p> <ul style="list-style-type: none"> - Family members eligible for family reunification are: The spouse; the partner in civil unions (same sex partners); direct descendants (e.g. children, including adopted children) under the age of 21 or dependent, including those of the spouse (or same-sex partner); direct ascendants (e.g. parents, grandparents) who are dependent, including those of the spouse or same-sex partner 	<ul style="list-style-type: none"> -Entry authorisation to be released or denied within 90 days from application - An entry visa must be requested within 180 days from the issuing of authorisation - Entry visa to be released or denied within 30 days from application - Residence permit must be requested within eight days of arrival in Italy - The validity of the residence permit for family reasons is equal to the validity of the residence permit of the TCN who has requested family reunification - The validity of the renewed family permits can be extended up to three years. - The application for renewal must be submitted 30 days before and no later than 60 days after the expiry date <p>TCNs who are family members of EU or Italian Citizens</p> <ul style="list-style-type: none"> -The EU residence permit for family reasons is valid for five years and can be transformed into an indefinite one at the first renewal (after five years of residency)
<p>Themes</p>			
<p>Benefits</p> <ul style="list-style-type: none"> - Right to welfare services and health care - Right to enrolment in study courses or professional training - Right to employment and unemployment benefits 	<p>Penalty/ties</p> <ul style="list-style-type: none"> - Residence permits for family reason are denied or revoked when marriage or adoption took place for the sole purpose of enabling admission to or residency in Italy 	<p>Forgiveness</p> <ul style="list-style-type: none"> - In case of marriages that occurred in Italy and are not followed by non-cohabitation, the residence permit is not revoked if children were born from the marriage 	<p>Referrals</p> <ul style="list-style-type: none"> - Labour migration policy (family stayers are taken into account when establishing annual entry quota; family permits can be converted into labour permit) - In the event of the death of a TCN’s family member,

<p>- Family migrants can convert their permit and change status (e.g. into work)</p> <p>- Holders of a residence permit for family members of EU citizens, in addition, can obtain permanent residency upon first renewal and after five years of residency</p>	<p>- Residence permits for family reason are denied to or revoked from TCNs who have married in Italy and subsequently obtained a residence permit for family reasons if the marriage is not followed by actual cohabitation</p>	<p>- If the integration agreement is not fulfilled within the deadline, family permit holders are not subject to expulsion</p> <p>- Before refusing or revoking a residence permit for family reasons, authorities are required to pay special attention to the duration of the stay and family and social ties in Italy</p> <p>- TCNs holding a residence permit for political asylum/subsidiary protection who apply for family reunification are exempt from the guarantees on minimum income</p> <p>- In the event of the death of a TCN's family member, separation or divorce, the holders of EU family permits can keep their status if they have resided in Italy for at least a year, or if they are employed or show proof of health insurance and economic resources</p> <p>- In the event of divorce with an EU citizen, TCNs can keep their legal status if the marriage has lasted at least three years, including at least one year in Italy. Otherwise, they can apply for other residence permits</p> <p>- Expulsion is not allowed for unaccompanied children, pregnant women up to 6 months from the childbirth; and foreigners cohabiting with an Italian first-degree relative or spouse</p> <p>- TCNs who hold an expired residence permit (including tourist visa) for no more than one year can obtain a residence permit for family reasons</p> <p>- Undocumented parents of minors residing in Italy can obtain a residence permit for minor guardianship from the Juvenile Court</p>	<p>separation or divorce, or for a child who cannot obtain a residence permit upon reaching the age of majority, the residence permit for family reasons may be converted into a permit for dependent employment, self-employment, study, or job searching</p>
---	--	---	--

Main sources: Art. 28-33, CA 1998; Art. 2-3, 11-12, Decree No. 30 of 6 February 2007

Table 3. Description of Italy's policy on tourism

<p><i>Dimensions</i></p> <p><i>Themes</i></p> <p>(indicators)</p>	<p>Actors</p>	<p>Characteristics</p>	<p>Temporality</p>
<p>Guarantee(s)</p> <ul style="list-style-type: none"> - Entry for tourism is allowed without the need to apply for a visa to TCNs residing in the Schengen area and to citizens from a number of third countries - TCNs who are required to have a visa must submit: a return ticket or evidence of own means of transport; proof of economic means depending on the length of the stay (stays up to 5 days for one person is €269.60); documentation attesting the 'social and professional status'; health insurance covering a minimum of €30,000; Proof of housing (e.g. hotel booking) - TCN tourists do not need to apply for a residence permit, but they might have to declare their presence if exempted from visa and coming from the Schengen Area, within eight days of entering Italy (hotelkeeper declaration can be used) - The tourist visa does not allow for any work activity and cannot be converted into a work permit 	<ul style="list-style-type: none"> -Embassies/Consulates responsible for visa procedures - Prospective TCN tourists willing to engage in tourism in Italy and in the Schengen Area 	<p><i>Nationality</i></p> <ul style="list-style-type: none"> -TCNs from a significant number of countries are exempted from visa application: citizens from the Global South are usually required a visa before entering Italy and there are higher limits imposed on their admission 	<ul style="list-style-type: none"> - The tourist visa is refused or issued within 15 days, which can be extended up to 60 days - Entry visa must be used within 180 days from the date of issue - Admission for tourism is allowed for a maximum of 90 days
<p>Themes</p>			
<p>Benefits</p> <ul style="list-style-type: none"> - Short-term Schengen visa allows for free mobility within the Schengen area for up to 90 days 	<p>Penalty/ties</p> <ul style="list-style-type: none"> - Tourists are expelled from the territory if they fail to declare their presence (when required) or overstay beyond the three-month period or the shorter period stipulated in the entry visa 	<p>Forgiveness</p> <ul style="list-style-type: none"> - TCNs who hold an expired tourist visa for no more than one year can obtain a residence permit for family reasons (if the related guarantees and conditions are met) 	<p>Referrals</p> <ul style="list-style-type: none"> - The tourist can obtain a residence permit without having to leave the territory in case of family reunification/cohesion, if the related requirements and guarantees are met - Labour migration policy (existence of 'Working Holiday' Visa)

Main sources: Art. 6, CA 1998; Art. 1, Law No. 68 of 28 May 2007; Art. 4 & Annex A, Decree of May 11, 2011

Table 4. Description of Italy's investment-based immigration policy

<p><i>Dimensions</i></p> <p><i>Themes</i></p> <p>(indicators)</p>	<p>Actors</p>	<p>Characteristics</p>	<p>Temporality</p>
<p>Guarantee(s)</p> <p><i>Startup Visa and Startup Hub</i></p> <ul style="list-style-type: none"> - Proof of housing; minimum income in the previous year of about €8,500; detailed business plan; availability of financial resources for the investment in 'innovative start-up' of no less than €50,000 - Admission is subject to annual entry/conversion quotas established by the Flow Decrees - TCNs entering for the first time and holding a residence permit of more than year are required to sign and fulfil the Integration Agreement - TCNs who have obtained a self-employment resident permit thought the ISV/ISH are required to give notice of the set-up of the company within 90 days from entry into Italy - The residence permit can be renewed, provided that the company has been registered and the holder has an entrepreneurial role in it <p><i>Investor Visa/Residence permit</i></p> <ul style="list-style-type: none"> - Proof of housing; minimum income of about €8,500; and availability of financial resources to undertake one of the following investments: €2 million in national treasury bonds for at least two years; €1 million in Italian companies for at least two years; €500,000 in a national 'innovative start-up'; €1 million donation to charity or cultural heritage preservation - Investors are required to show proof of the execution of the investment or donation within three months of entry into Italy - The investment must be maintained for the entire period of validity of the permit 	<ul style="list-style-type: none"> - 'Italia Startup Visa Technical Committee' and 'Investor Visa for Italy Committee' responsible for entry authorisations - Prefectures or Single Desk for Immigration, Police Headquarters responsible for residence permit release, renewals, and conversions - Embassies/Consulates responsible for visa issuance - Prospective TCN investors in innovative start-ups residing abroad (ISV) - Prospective TCN investors in innovative start-ups residing in Italy for other purposes such as dependent work or study (ISH) - Prospective large investors residing abroad (Investor Visa) 	<p><i>Legal status</i></p> <p>The ISH targets TCNs with specific residence permits: study; long-term residence permit issued by another Member State of the European Union; scientific research; dependent employment; investors; family reasons</p> <p><i>Economic means</i></p> <ul style="list-style-type: none"> - ISV/ISH and Investor Visa target TCNs investing at least €50,000 or 500,000 	<ul style="list-style-type: none"> - Authorisation or visa released or denied within 30 days from application - Entry visa must be used within 180 days from the date of issue. - Residence permit must be requested within eight days of arrival in Italy - The validity of permits is two years at first release and up to three years for renewed ones - The application for renewal must be submitted 30 days before and no later than 60 days after the expiry date

<p>- Investor's permit can be renewed upon proof of execution and maintenance of the investment</p>			
Themes			
<p style="text-align: center;">Benefits</p> <p>Startup Visa/Residence permit</p> <ul style="list-style-type: none"> - Expedited and simplified entry authorisation/visa procedures - Access to social welfare, education system, and right to family reunification <p>Investor Visa/Residence permit</p> <ul style="list-style-type: none"> - Expedited and simplified entry authorisation/visa procedures - Fiscal benefits: €100,000 lump sum tax that replaces personal income tax and exempts foreign income. The status lasts 15 years and any family member can get the same regime for €25,000 a year - The visa for investors is not subject to the annual entry quotas set by the Flow Decrees and the applications may be submitted at any time of the year - Access to social welfare, education system, and right to family reunification - Exemption from the obligation to sign the Integration Agreement - Exemption from the obligations regarding the continuity of residency in Italy (can leave Italy for periods exceeding six months or exceeding half the period of permit's validity permit) 	<p style="text-align: center;">Penalty/ties</p> <ul style="list-style-type: none"> - The visa/authorisation request is refused in case of: lack of appropriate financial guarantees (investor visa); and a weak business plan or lack of 'innovativeness' of the proposed business (ISV/ISH) - The residence permit issued within the Investor for Italy scheme might be revoked (or its renewal denied) if the investment is not executed within three months after entry into Italy or maintained throughout the stay 	<p style="text-align: center;">Forgiveness</p> <ul style="list-style-type: none"> - The loss of the requirements qualifying the innovative start-up does not lead to the revocation of the residence permit issued within ISV/ISH - If the requirements for renewal of their permits are no longer met, both categories of investors can request conversion into another type of residence permit (e.g. dependent work) if the relevant requirements are met 	<p style="text-align: center;">Referrals</p> <ul style="list-style-type: none"> - Labour migration policy (reserved quota for conversion within the Flow Decree for the self-employed investing in innovative startups)

Main sources: Art. 25, Law 179/2012; Art. 148, Law No. 232 of 11 December 2016; Art. 26-bis, CA 1998; Italia Startup Visa Guidelines, 2018; Investor Visa for Italy - Policy guidance, 2018

Table 5. Description of Italy's student mobility policy

<p><i>Dimensions</i></p> <p><i>Themes</i></p> <p>(indicators)</p>	<p>Actors</p>	<p>Characteristics</p>	<p>Temporality</p>
<p>Guarantee(s)</p> <p><i>International university students</i></p> <ul style="list-style-type: none"> -Proof of housing (including hotel reservation); health insurance; financial resources (€6,079 per year in 2022); enrolment or pre-enrolment in the higher education course to be followed in Italy; knowledge of Italian at least level B2 (except for degree courses in English) - Degree courses with enrolment limits are subject to the availability of foreign quotas set by Universities and Ministry of Universities and Research - Entry visa is not required to TCNs holding a study residence permit issued by another EU country who have started a course of study and intend to continue it or supplement it for a period of more than 90 days in Italy. - Residence permit is not required for period exceeding 90 days to TCNs holding a study permit issued by other EU countries, if they are part of EU or multilateral programmes that include measures on student's mobility - The residence permit is subject to annual checks, including proof of enrolment in the following year, either in the same or different degree course, or at least one proficiency test in the first year, and two tests in subsequent years <p><i>Training/internships</i></p> <ul style="list-style-type: none"> - Agreement between the sending training institution, 	<ul style="list-style-type: none"> - Prefectures or Single Desk for Immigration & Police Headquarters responsible for residence permit release, renewals, and conversions -Embassies/Consulates responsible for visa procedures - Ministry of Universities and Research responsible for annual guidelines, for evaluation of educational-related requirements, and for enrolment procedures (Universality portal) - Aspiring TCN students residing abroad willing to attend: university courses; higher education courses consistent with previous training acquired in the country of origin; study courses in upper secondary schools and single higher education and vocational training courses; internships; research activities; or exchange programmes - TCNs students residing in the Schengen area willing to undertake part of their study in Italy 	<p><i>Education</i></p> <ul style="list-style-type: none"> - TCNs might be required to obtain certain qualifications depending on the educational course to be attended 	<ul style="list-style-type: none"> - Entry visa is released or denied within 90 days from application - Entry visa must be used within 180 days from the date of issue - Residence permit must be requested within eight days of arrival in Italy - The validity of the permits depends on the duration of the study courses. In case of multi-year courses, residence permits are subject to annual checks - The residence permit may in any case not be renewed for more than three years beyond the duration of the multi-year study course - The application for renewal must be submitted 30 days before and no later than 60 days after the expiry date

<p>the host institution and the trainee, including housing and financial guarantees from the hosting institution</p> <ul style="list-style-type: none"> - Admission is subject to entry quotas established by Decrees of the Ministry of Labour and Social Policies - Students attending a course or training of less than 90 days and coming from countries exempt from the short-stay visa requirement are not required to apply for an entry visa or residence permit 			
Themes			
<p style="text-align: center;">Benefits</p> <ul style="list-style-type: none"> - Right to employment, with limitation to 20 hours per week or 1,040 hours per year - Access to services and assistance concerning the right to study, including scholarships, honour loans, and housing services. - Right to family reunification - Students admitted to pursue a single course or training can prolong their stay by enrolling in a degree programme that is related to the training or single courses previously taken - University students can prolong their stay by attending other higher educational courses - With the award of a degree, master's, or PhD, students can register with the public employment office to receive a one-year job searching permit - Students can convert their permits into other residence permits, including into a work permit, regardless of the labour migration quota system 	<p style="text-align: center;">Penalty/ties</p> <ul style="list-style-type: none"> - The residence permit is revoked in case of the renunciation of the course for which the visa was obtained - The residence permit might be revoked if the student does not comply with the annual attendance and proficiency requirements (enrolment in the following year or number of exams taken) 	<p style="text-align: center;">Forgiveness</p> <ul style="list-style-type: none"> - University students can maintain their permit when only partially meeting the attendance and proficiency requirements 	<p style="text-align: center;">Referrals</p> <ul style="list-style-type: none"> - Labour migration policy (students are allowed to work and conversion into work permit)

Main sources: Art. 5, 39, 39-bis, CA 1998; Art. 14, 40, 46, Presidential Decree No. 394 of 31 August 1999; Decree No. 154 of 10 August 2007; Law No. 68 of 28 May 2007

Table 6. Description of Italy’s Schengen policy

<p><i>Dimensions</i> <i>Themes</i> (indicators)</p>	<p>Actors</p>	<p>Characteristics</p>	<p>Temporality</p>
<p>Guarantee(s)</p> <p>Short-term stays</p> <ul style="list-style-type: none"> - TCNs already admitted in Schengen states are exempt from the visa requirement for stays not exceeding 90 days -Short stayers do not need to apply for a residence permit, though have to declare their presence, including through hotelkeepers, if they are exempt from applying for an entry visa <p>EU Long-term residence permit</p> <ul style="list-style-type: none"> - Five years of residency in Italy (short-term stays are not taken into account when calculating the five-year period); minimum income of €6,542 in 2023; knowledge of the Italian language not less than level A2 - When applying for a EU long-term permit for family members, it proof is required of housing and a minimum income, which varies in relation to the composition of the family household <p>EU long-term residents in other Member States</p> <ul style="list-style-type: none"> - May request to reside in Italy for more than three months, in order to: carry out self-employed or dependent work activity; attend study or vocational training courses; reside for other purposes, if they can prove financial resources equal to at least €17,000 in 2023, as well as health insurance - An application for a residence permit may be 	<ul style="list-style-type: none"> - Prefectures/Police Headquarters responsible for release, renewal, and conversion of permits - Embassies/Consulates responsible for visa procedures (when required) - TCNs already admitted or residing in the Schengen Area - TCNs with five years of residency in Italy (long-term resident status) - TCNs with long-term statuses residing in another Member State (conversion into Italian permits) 	<p><i>Legal Status</i></p> <ul style="list-style-type: none"> -Access to long-term residency is linked to five years of legal status in Italy -TCNs residing in another EU member States and holding an EU long-term permit can apply for another resident permit in Italy <p><i>Language</i></p> <ul style="list-style-type: none"> - Aspiring long-term residents are supposed to have basic knowledge of Italian 	<ul style="list-style-type: none"> - Short stays cannot exceed 90 days - The validity of the long-term permit is 10 years, after which it is automatically renewed - The validity of the permit released to holders of EU long-term permits issued by another Member State, depends on the reasons of stay according to ordinary legislation

<p>submitted within three months of entry. The type of permit that is obtained depends on the reasons of stay according to ordinary legislation</p> <p>- The release of work permits is subject to labour quotas set by the Flow Decrees</p>			
Themes			
<p style="text-align: center;">Benefits</p> <p>- Short-term Schengen Visa allows for free mobility within the Schengen area for up to 90 days</p> <p><i>EU Long-term residence permit</i></p> <p>- Right to leave/enter Italy without a visa and to move across the Schengen Area, also for more than 90 days</p> <p>- Right to carry out any dependent or self-employed activity without the need to sign a residence contract</p> <p>- Access to social welfare, education and social benefits, including procedure for obtaining public housing</p> <p>- Rights and benefits of holders of EU long-term residence permits issued by another EU Member State are linked to the type of permit they receive in Italy</p>	<p style="text-align: center;">Penalty/ties</p> <p><i>Short stayers</i></p> <p>- TCNs are expelled from the territory if they fail to declare their presence or overstay</p> <p><i>EU Long-term residence permit</i></p> <p>- EU long-term residence permit may not be issued to TCNs who: are deemed to be a threat to public security; or reside in Italy for reasons of study or vocational training, asylum seeking, medical treatment, humanitarian/special protection, or labour exploitation/domestic violence</p> <p>- The EU long-term residence permit may be revoked in the case of absences from the EU for a period of 12 consecutive months; in the case of the existence of a similar residence permit in another EU State; or in the case of absence from Italy for six years</p>	<p style="text-align: center;">Forgiveness</p> <p><i>EU Long-term residence permit</i></p> <p>-Proof of housing is not required from TCNs who have been granted international protection (and their family members)</p> <p>- Holders of international protection, highly skilled workers, university professors, translators, interpreters, and journalists are exempt from the Italian language test requirement</p>	<p style="text-align: center;">Referrals</p> <p>- Labour migration policy (labour entry slots reserved for EU long-term residents in another Member State)</p>

Main sources: Art. 1, Law No. 68 of 28 May 2007; Art. 9, 9-bis, CA 1998

Annex 2 – Guide Used for Policy Content Analysis

<i>Themes</i> (indicators)	<i>Dimensions</i>	<i>Actors</i>	<i>Characteristics</i>	<i>Temporality</i>
Guarantee(s) (conditions of entry/stay)		Who is exempted? Who is not? concerned persons (citizens, non-citizens...)	What are the characteristics of the concerned actors? age gender filiation nationality civil status legal status social class ethnicity language	What temporality/ties are reinforced or produced in the process? visa duration time requirement
Themes				
Benefits (rights/privileges of entry/stay)	Penalty/ties (penalising clause/article for IFs)	Forgiveness (forgiving clause/article)	Referrals (connecting with other mobility policies)	

Determining State’s hidden suppositions (by themes):

- 1) Why the State requires a set of conditions for the entry or stay of a Third Country National (TCN) in its territory?
- 2) Why does the State provide specific set of rights/privileges when entry/stay conditions are met?
- 3) Why does the State penalize specific actor(s) when one or more conditions are not met?
- 4) Why does the State provide exemptions? Or why does it give no exemptions?
- 5) Why does the State connect its two or more mobility policies to each other?

Determining State’s hidden suppositions (by dimensions):

- 6) Why does the State focus on one or more actors in its mobility policies?
- 7) Why does the State privilege or prioritize actors with a specific set of characteristics?
- 8) Why does the State favour a specific temporality over the others? Why does it limit to a specific duration a TCN’s stay in its territory?

Concluding questions (considering the answers to the questions above):

9) What does the State consider as “acceptable” or “unacceptable” human behaviour in the context of a specific mobility policy?

10) To what extent the State considers or not human behaviour in its mobility policies?

Annex 3 – List of Main Legislative Documents

Law 30 December 1986, no. 943	“Norme in materia di collocamento e di trattamento dei lavoratori extracomunitari immigrati e contro le immigrazioni clandestine.”
Law 28 February 1990, no. 39	“Conversione in legge, con modificazioni, del decreto-legge 30 dicembre 1989, n. 416, recante norme urgenti in materia di asilo politico, di ingresso e soggiorno dei cittadini extracomunitari e di regolarizzazione dei cittadini extracomunitari ed apolidi già presenti nel territorio dello Stato. Disposizioni in materia di asilo.”
Law 6 March 1998, no. 40.	“Disciplina dell’immigrazione e norme sulla condizione dello straniero.”
Legislative Decree 25 July 1998, no. 286	“Testo unico delle disposizioni concernenti la disciplina dell’immigrazione e norme sulla condizione dello straniero”.
Presidential Decree 31 August 1999, no. 394	“Regolamento recante norme di attuazione del testo unico delle disposizioni concernenti la disciplina dell’immigrazione e norme sulla condizione dello straniero”.
Law 30 July 2002, no. 189	“Modifica alla normativa in materia di immigrazione e di asilo”.
Presidential Decree 18 October 2004, no. 334	“Regolamento recante modifiche ed integrazioni al decreto del Presidente della Repubblica 31 agosto 1999, n. 394, in materia di immigrazione”.
Legislative Decree 8 January 2007, no. 3	“Attuazione della direttiva 2003/109/CE relativa allo status di cittadini di Paesi terzi soggiornanti di lungo periodo.”
Legislative Decree 10 August 2007, no. 154	“Attuazione della direttiva 2004/114/CE, relativa alle condizioni di ammissione dei cittadini di Paesi terzi per motivi di studio, scambio di alunni, tirocinio non retribuito o volontariato”.
Legislative Decree 8 January 2007, no. 5	“Attuazione della direttiva 2003/86/CE relativa al diritto di ricongiungimento familiare”.
Legislative Decree 8 January 2007, no. 3	“Attuazione della direttiva 2003/109/CE relativa allo status di cittadini di Paesi terzi soggiornanti di lungo periodo”.
Decree 28 May 2007, no. 68	“Disciplina dei soggiorni di breve durata degli stranieri per visite, affari, turismo e studio”
Legislative Decree 9 January 2008, no.17	“Attuazione della direttiva 2005/71/CE relativa ad una procedura specificamente concepita per l’ammissione di cittadini di Paesi terzi a fini di ricerca scientifica.”
Law 15 July 2009, no. 94	“Disposizioni in materia di sicurezza pubblica.”
Law 28 June 2012, no. 92	“Disposizioni in materia di riforma del mercato del lavoro in una prospettiva di crescita.”
Legislative Decree 28 June 2012, no. 108	“Attuazione della direttiva 2009/50/CE sulle condizioni di ingresso e soggiorno di cittadini di Paesi terzi che intendano svolgere lavori altamente qualificati.”

Legislative Decree 16 July 2012, no. 109	“Attuazione della direttiva 2009/52/CE che introduce norme minime relative a sanzioni e a provvedimenti nei confronti di datori di lavoro che impiegano cittadini di Paesi terzi il cui soggiorno è irregolare.”
Legislative Decree 4 March 2014, no. 40	“Attuazione della direttiva 2011/98/UE relativa a una procedura unica di domanda per il rilascio di un permesso unico che consente ai cittadini di Paesi terzi di soggiornare e lavorare nel territorio di uno Stato membro e a un insieme comune di diritti per i lavoratori di Paesi terzi che soggiornano regolarmente in uno Stato membro.”
Legislative Decree 29 October 2016, no. 203	“Attuazione della direttiva 2014/36/UE sulle condizioni di ingresso e di soggiorno dei cittadini di Paesi terzi per motivi di impiego in qualità di lavoratori stagionali.”
Legislative Decree 11 May 2018, no. 71	“Attuazione della direttiva (UE) 2016/801 del Parlamento europeo e del Consiglio, dell'11 maggio 2016, relativa alle condizioni di ingresso e soggiorno dei cittadini di Paesi terzi per motivi di ricerca, studio, tirocinio, volontariato, programmi di scambio di alunni o progetti educativi e collocamento alla pari
Decree 4 October 2018, no. 113	“Disposizioni urgenti in materia di protezione internazionale e immigrazione, sicurezza pubblica, nonché misure per la funzionalità del Ministero dell'interno e l'organizzazione e il funzionamento dell'Agenzia nazionale per l'amministrazione e la destinazione dei beni sequestrati e confiscati alla criminalità organizzata”
Decree 21 October 2020, no. 13	“Disposizioni urgenti in materia di immigrazione, protezione internazionale e complementare, modifiche agli articoli 131-bis, 391-bis, 391-ter e 588 del codice penale, nonché misure in materia di divieto di accesso agli esercizi pubblici ed ai locali di pubblico trattenimento, di contrasto all'utilizzo distorto del web e di disciplina del Garante nazionale dei diritti delle persone private della libertà personale”
Decree Law 19 May 2020, no. 34	“Disposizioni urgenti in materia di immigrazione, protezione internazionale e complementare, modifiche agli articoli 131-bis, 391-bis, 391-ter e 588 del codice penale, nonché misure in materia di divieto di accesso agli esercizi pubblici ed ai locali di pubblico trattenimento, di contrasto all'utilizzo distorto del web e di disciplina del Garante nazionale dei diritti delle persone private della libertà personale”
Decree of the President of the Council of Ministries of 29 December 2022	“Programmazione transitoria dei flussi d'ingresso dei lavoratori non comunitari nel territorio dello Stato per l'anno 2022”
Decree Law 10 March 2023, no. 20	“Disposizioni urgenti in materia di flussi di ingresso legale dei lavoratori stranieri e di prevenzione e contrasto all'immigrazione irregolare”