Migration is a structural phenomenon embedded in human history, but its management represents a relevant and unresolved issue. This is even more crucial given the consistency of the migration flows that have been continuously affecting Europe over the last decade and the conditions in which they take place, made even more dramatic by the current health emergency. This collection of essays offers different points of view in a multidisciplinary way, linked, however, by a common approach to migration research focusing on people and looking at the migration phenomenon as an opportunity, not as a problem to be solved. The result is a collective effort about theories and practices of inclusion linked to social entrepreneurship. It has been created thanks to the support of the “SIRSE: Social Inclusion of Refugee Youth through Social Entrepreneurship” Erasmus+ Youth project, funded with support from the European Commission. The book starts with a leading article featuring the implementation of the project in Turkey and its social impact on young people (Gülerce and Ökten). Furthermore, the book offers contributions about citizenship (Cambria) and, in addition, the recognition of social rights, beyond citizenship (Prudente). The case of Italy, one of the most significant in Europe, is examined to analyse policies and practices. Historical (Frisone), legal (Martines, Demir and Ok) and sociological points of view are expressed. The sociological aspects presented by some contributions aim at analyzing the main levers of inclusion (Raimondi, Toffle, Chashchinova, Lucchese), measuring its impact (Toffle, Mucciardi, Lucchese) and also looking at the role of operators as key figures of social intermediation (Tarsia). Moreover, an in-depth study is dedicated to unaccompanied foreign minors from a legal point of view (Astone). A key theme is also training and skill development. It is generally relevant to analyse investments for the development of any economic and social reality, and it is even more relevant to think about the value that emerges in the field of multicultural inclusion. Here, the theme of skill enhancement and the dynamics of access to higher university education for migrants, refugees and asylum seekers is further analysed from legal (Germanà, Girasella, Moschella) and sociological (Salvati, Scardigno) points of view. Worksite integration practices, such as in the agricultural sector (Mostaccio) and the aspects related to the development of resilience in young migrants from a clinical perspective (Merlo, Nato, Settineri) provide a comprehensive view. The book concludes by looking at the figure of the social entrepreneur (Ozturk), analysing social entrepreneurship linked to brand equity (Şahin) and focusing on the concrete experiences of social entrepreneurship of Afghan immigrants in Iranian universities (Tajpour, Hosseini, Alizadeh), and Bangladeshi entrepreneurs in Iran (Nercissians, Mahboob). Eighteen essays for a new vision and greater positive awareness of the migratory phenomenon to open up more and more productive scenarios of future collaboration.
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FOREWORD

In recent years, millions of people have been displaced due to the civil war in their countries. With the passage of time and continuation of internal turmoil in the conflict areas, asylum seekers, refugees and migrants no longer seem to be considering going back to their country. Therefore, the process of social cohesion and inclusion is a priority for asylum seekers, refugees, migrants, and host communities. Community social inclusion of vulnerable groups has become a significant matter for governments internationally.

Many research studies show that employment for young people facilitates their social inclusion. In such a way, immigrant youth will be allowed to become exemplary members of the host society and feel part of the wider community. Among various methods facilitating social inclusion/cohesion, social entrepreneurship is probably one of the most effective ones. One of the essential results of social entrepreneurship is that it contributes to the employment of young people with fewer opportunities. In many ways, social entrepreneurship enables asylum seekers and migrants to contribute to the society they are living in. It also prevents culture shock and instead supports cultural harmony in society, understanding of mutual social responsibilities, and develops the local labor market and services. Lack of social inclusion programs, on the other hand, fosters racist or xenophobic discourses in the host community and increases social exclusion of the asylum seekers and migrants with dire consequences for those persons and the society they are living in. Therefore, in this edited book, we aim to cover studies in the field of social inclusion through social entrepreneurship.

This book has been published as an intellectual output “O2:Academic Report/Article” from the Erasmus+ Project on the topic of “Social Inclusion of Refugee Youth Through Social Entrepreneurship” with the Project number of 2019-1-TR01-KA205-073436*. Launching the call for the collection of contributions for the realization of this book it was immediately clear that it would not be possible to define the subject of analysis within linear and unambiguous disciplinary boundaries. We are well aware of the fact that the issues surrounding the combination of migration - inclusion - social entrepreneurship are, for obvious reasons, full of mixtures, interdisciplinary by definition. And here the focus
has also been ‘focused on the direction of entrepreneurship, social in particular. The result is a collection of heterogeneous essays, each one autonomously unit-ed by their intrinsic openness to different methodological approaches. Quoting Simmel, we will discuss “the person who comes today and stays tomorrow”. But under what conditions? With what expectations? Resources? Perspectives? Conversation in the book starts with a main article of the implementation of the project in Turkey and its social impacts on young people (Gülerce and Ökten). Then the book offers contributions about citizenship (Cambria) and consequently for the recognition of social rights, beyond citizenship (Prudente). Italy, as a case study obviously among the most significant in Europe, will be exam-ined to analyse policies and practices. We will see it from a historical (Frisone) and legal (Martines, Demir and Ok) point of view. And we will also see it from a sociological point of view presented by some contributions aimed at deepening the main levers of inclusion (Raimondi, Toffle, Chashchinova, Lucchese), measuring its impact (Toffle, Mucciardi, Lucchese) and also looking at the role of operators as key figures of social intermediation (Tarsia). Further from a legal point of view, an in-depth study will be dedicated to unaccompanied foreign minors (Astone). A key theme is also that of training, the enhancement of skills. It is generally relevant to analyse investments for the development of any economic and social reality, and it is even more relevant thinking about the value that emerges in the field of multicultural inclusion. Here the theme of the enhancement of skills and the dynamics of access to higher university education in favour of migrants, refugees and asylum seekers further analysed from legal (Germanà, Girasella, Moschella) and sociological (Salvati, Scardigno) points of view. From the development of the knowledge and soft skills of the migrants it will be interesting to deepen working integration practices, as in the agricul-tural sector (Mostaccio) and deepen the aspects related to the development of resilience in young migrants, also from a clinical perspective (Merlo, Nato, Set-tineri). The essay concludes by looking at the figure of the social entrepreneur (Ozturk), analysing social entrepreneurship linked to brand equity (Şahin) and deepening concrete experiences of social entrepreneurship in contexts such as Iranian universities by Afghan immigrants (Tajpour, Hosseini, Alizadeh), and Bangladesh (Nercissians, Mahboob).

We are honoured to have had the opportunity to make a contribution, albe-it it small, to academic studies in the fields of Migration, Social Entrepreneur-ship and Social Inclusion with this edited book.

Editors
Hakan Gülerce, Elena Girasella, Maria Skoufi
HAKAN GÜLERCE*, ŞEVKET ÖKTEL**

SOCIAL ENTREPRENEURSHIP: SUSTAINABLE SOCIAL DEVELOPMENT AND SOCIAL INCLUSION OF ASYLUM SEEKERS


As of 2020, Turkey hosts the largest number of asylum seekers due to mass migration within the last ten years. Asylum seekers have difficulty returning to their countries of origin primarily due to their duration of stay in Turkey and protracted internal conflicts still raging at home. It is known that social integration is necessary for migrants and host communities to live together peacefully. In this study, we view social entrepreneurship as a means towards social development and social inclusion. We reviewed the effects of social entrepreneurship both in Turkey and around the world. An Erasmus+ KA205 Youth Project titled “Social Inclusion of Refugee Youth through Social Entrepreneurship” was examined to understand social entrepreneurship and its contributions to harmonization among asylum seekers and local communities, as well as its social effects. The literature reviewed was primarily focused on social entrepreneurship descriptions and approaches to comprehend the current situation both in Turkey and in the broader world via this study. In parallel with the theoretical framework, two focus groups were interviewed in the field research phase, where qualitative research techniques were used. Based on interviews, youths’ asylum seeker participation motivation in the projects, changes impacted young people by social entrepreneurship training, social inclusion processes, and new social entrepreneurship and effects of such social entrepreneurship are all identified. It has been concluded that social entrepreneurship significantly contributes to asylum seekers’ social inclusion process in the host communities. By implementing the Erasmus+ Youth Project in Şanlıurfa, young asylum seekers and the young people of local communities found the opportunity to overcome social inclusion challenges.

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Social entrepreneurship, sustainable social development, asylum seekers, social integration, Erasmus+

1. Development: From Meta-oriented Approach to Human-oriented Approach

The concept of “development” has been regarded by some as a magic word that became widespread in every country, particularly in underdeveloped countries or developing countries in the wake of WWII\(^1\). After WWII, the concept of development was commonly used and employed within a tense cold war atmosphere. It was assumed that the post-cold War period’s unique conditions would lead to economic development and modernization. Also, such an achievement was regarded as among the top expectations for communities in third world countries. In this context, development is considered to be similar to economic progress and constitutes a fixed path and precise aim towards swift structural changes through domestic savings, foreign aid for economic progress, and rapid capital accumulation as well as industrialization led by the government\(^2\). The mood of optimism that was regarded as a development period in the 1950s soon gave way to pessimism. Despite output growth, deepening poverty popularized the understanding that solely output growth would not be similar to Gross National Product in the ensuing days to come. Income disparity increased between industrialized/developed countries and underdeveloped countries.

Contrary to optimistic expectations at the beginning of the 1950s, the development level disparity gradually increased at the end of the 1980s between developed and underdeveloped countries. Development strategies did not show expected results and even produced ecologically harmful outcomes\(^3\). At this stage, a considerable disparity was opened between developed and underdeveloped countries. The reality of poverty, unemployment, and conflicting social structure became more and more visible in underdeveloped countries. The formerly popularized progress-oriented approach to development fell behind reality.

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It is the fact that development that is not humanitarian and which is solely based on income increase does not affect the whole society in the same way. Therefore, development initiatives are not impartial when they are addressed in terms of gender and community groups; rather, they increase social-economic and gender-based inequality. On the other hand, economic insufficiency and psycho-social inequality have different effects by gender, age, and social status. It is crucial to know that a target towards an average causes social groups with limited opportunities to be ignored. In order to overcome this, the unique and peculiar conditions of social groups with limited opportunities must be taken into consideration and included within the development process, as well as giving their deserved share that development brings.

Herein, social entrepreneurship is a movement that offers an alternative approach to development. It adopts a human-centered approach rather than that of the conventional income growth and economic growth approaches. Social entrepreneurship as a concept carries a philosophy that argues that humans do not always act for merely their own selfish ends and that people have values besides economic interests. Social entrepreneurship conceptually appeared in the 1980s through Bill Drayton’s creation of Ashoka. Social entrepreneurship is an act that creates solutions for social issues and prepares social transformations that are based on social values.

2. Social Entrepreneurship: A Human-Centered Social Development Process

Income growth and classical entrepreneurship that are based solely on economic growth ignores the humanitarian/social dimension of human life. Unemployment, poverty, and development differences are some of the main problems faced by all economies, despite differences in their content and degree. In order to solve those problems, various conventional development practices have been called into question. As such development practices are not egalitarian in nature, they may not fairly include or consider all societal groups (of which some have been adversely affected). This kind of development is neither humanitarian nor sustainable. Social entrepreneurship can be an alternative solution for this problem of humanity. Social entrepreneurship “business principles with

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a passion for social impact”\(^6\) is a process aiming at raising awareness of communities mostly affected by such problems and is geared towards upskilling individuals as well as making them an active component of a solution process.

As an alternative, social entrepreneurship centers on reformist and creative solutions geared towards poverty alleviation, education, environmental problems, ecologic agriculture, and women and elders in particular. It is regarded as an important instrument for solving social problems by creating values for disadvantaged and vulnerable groups\(^7\). Social entrepreneurship combines social mission, work discipline, innovation as well as features of widespread relationships\(^8\).

Social entrepreneurship can be characterized as constituting three main processes:

1. To create social values through marshaling funds in novel ways.
2. Enabling social change and responding to social needs.
3. Social entrepreneurship and setting up a new organization\(^9\).

Profits that are received are used to improve conditions of social groups with limited opportunities. In social entrepreneurship, there is a target for disadvantaged persons to enjoy products and services through new business models, organizational structure, and strategies. In this sense, values created through social entrepreneurship projects basically aim at reversing poor social conditions. With this aim in mind, an increasing number of social entrepreneurship centers have been established around the globe throughout the last decade. Additionally, the number of scientific studies on social entrepreneurship and social transformation have also increased considerably\(^10\).

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ship helps disadvantaged groups to integrate into society by providing a means towards their accessing employment. Hence, it has a function of preventing the exclusion of disadvantaged groups as well as strengthening both civil society and participatory democracy through the social capital that it creates.

Social entrepreneurship is described as a sustainable, innovative, and social process in which social values and changes are enabled in almost all sectors and/or opportunities are taken to meet social needs, risks are taken by enjoying opportunities, as well as using resources reasonably\textsuperscript{11}. Increasingly common social problems such as unemployment, poverty, and exclusion can be seen almost in any society, and government bodies may remain incapable of responding to all the problems of the whole society. Therefore, social entrepreneurship is currently a rising value and has crucial roles. Through targeting social impact, it will provide sustainable change through a bottom-up approach.

3. Social Entrepreneurs of the Future: Social Inclusion of Youth through Social Entrepreneurship

The main idea in social entrepreneurship is to create entrepreneurship approaches for social effect by focusing on humanitarian and social issues. It is a process that occurs by establishing innovative businesses. Social entrepreneurship activities are seen as contributions that encompass the social, economic, and environmental dimensions of human life\textsuperscript{12}. With this aim in mind, an Erasmus+KA205 youth program targeting local and asylum seeker youths in Şanlıurfa was carried out.

Social Inclusion of Refugee Youth through Entrepreneurship (Erasmus+205) was a project supported by the Turkish National Agency under the implementation of Şanlıurfa Technocity. The Project partners were the Directorate General of Migration Management from Turkey, the Institute of Entrepreneurship Development from Greece, Università Degli Studi Di Messina from Italy, Harran University Directorate of the Centre for Migration Policies Application and Research from Turkey, the Refugees Association, and the Egesys Corporation. The project included 40 young participants evenly balanced

\textsuperscript{11} Senem Besler, \textit{Sosyal girişimcilik} (İstanbul: Beta, 2010).

between male and female. These participants constituted both local people and asylum seekers. Social inclusion activities for youths were carried out within the scope of the project so as to include youth as an important factor. Thus, an atmosphere was created among local and asylum seeker youths where they could gather and create solutions to social problems.

The main objective of the project was to strengthen peaceful co-existence and to ensure greater inclusion in Şanlıurfa. Thus the target was to encourage human-centered entrepreneurship. Within this context, comprehensive social entrepreneurship training was given to youths. At the same time, mentorship services were needed for youths and were hence provided. Following this, mentors were paired with social entrepreneur candidates, and through this, various targets were prepared in order to reveal new social entrepreneurship ideas.

Within the scope of the project, two sophisticated outcomes were produced in order to support the above-mentioned activities. The first one is a social entrepreneurship curriculum aiming at closing the gaps in this area and being used to train new entrepreneurs. The other outcome is the report, including field analysis. Through this analysis, the aim is to provide feedback for forthcoming projects. We can say that one of the important factors of the entrepreneurial spirit is to observe and take the example of different practices. When viewed from this aspect, a group of 12 people will participate in learning and training activities on social entrepreneurship, social inclusion, and migration in Greece and Italy. This will greatly contribute to the project. Through those training programs, youths will be able to observe different and best practices and to produce innovative social entrepreneurship projects. Thus, youth will have more information on those practices for acceptance of migrants into society.

This study examines the ideas and opinions of local and asylum seeker young people with respect to their experiences in taking part in the entrepreneurial training programs. In particular, they shared their views pertaining to the extent to which they felt it could make an impact towards strengthening peaceful co-existence and social inclusion in the city of Şanlıurfa. We interviewed two focus groups (Turkish citizens and Syrian citizens) in this study. Generally, questions were asked about their motivation to join in the project as well as the impact of this project in their social inclusion process. The participants were interviewed by taking into consider-

13 Project outcomes will be published on the web page of the Project results after expiry date. Please click for the Project results: https://ec.europa.eu/programmes/erasmus-plus/projects/eplus-project-details/#project/2019-1-TR01-KA205-073436
Social entrepreneurship involves both their identity and gender among local people and asylum seeker youths. The table below includes demographic features, though participant identity is not shown. We have used LP for local participants and AP for the participants among asylum seekers. Following this table, we have included the answers and comments pertaining to each participant followed by a discussion.

LOCAL PARTICIPANTS

Table 1: Local Participants / Turkish Citizens

<table>
<thead>
<tr>
<th>OCCUPATION</th>
<th>AGE</th>
<th>GENDER</th>
</tr>
</thead>
<tbody>
<tr>
<td>LP 1 Student / Sociology undergraduate</td>
<td>22</td>
<td>Female</td>
</tr>
<tr>
<td>LP2 Student / Sociology undergraduate</td>
<td>22</td>
<td>Female</td>
</tr>
<tr>
<td>LP3 Techno initiative and innovation expert</td>
<td>28</td>
<td>Male</td>
</tr>
<tr>
<td>LP4 Student / computer engineering</td>
<td>22</td>
<td>Female</td>
</tr>
<tr>
<td>LP5 Financial consultant</td>
<td>26</td>
<td>Male</td>
</tr>
<tr>
<td>LP6 Student / Sociology / post graduate</td>
<td>23</td>
<td>Female</td>
</tr>
<tr>
<td>LP7 Student / public administration</td>
<td>19</td>
<td>Male</td>
</tr>
<tr>
<td>LP8 Student / Sociology undergraduate</td>
<td>26</td>
<td>Female</td>
</tr>
</tbody>
</table>

Table 2: Asylum Seeker Participants / Syrian Citizens

<table>
<thead>
<tr>
<th>OCCUPATION</th>
<th>AGE</th>
<th>GENDER</th>
</tr>
</thead>
<tbody>
<tr>
<td>AP1 Divinity graduate</td>
<td>25</td>
<td>Female</td>
</tr>
<tr>
<td>AP2 Student / construction engineering</td>
<td>20</td>
<td>Male</td>
</tr>
<tr>
<td>AP3 Student / molecular biochemistry</td>
<td>20</td>
<td>Female</td>
</tr>
<tr>
<td>AP4 Student / nursing care</td>
<td>20</td>
<td>Male</td>
</tr>
<tr>
<td>AP5 Graduate in law</td>
<td>30</td>
<td>Male</td>
</tr>
<tr>
<td>AP6 Student / construction engineering</td>
<td>26</td>
<td>Male</td>
</tr>
<tr>
<td>AP7 Student/Electrical and electronics engineering</td>
<td>20</td>
<td>Female</td>
</tr>
<tr>
<td>AP8 Student / health</td>
<td>19</td>
<td>Female</td>
</tr>
</tbody>
</table>
LP5 Male; Actually, we are social entrepreneurs in some parts of our life but, we are not used to doing it specifically. We do something for the sake of someone but we cannot maintain sustainability, thus it does not keep going socially. I have come to understand how to make those projects sustainable and then how to receive support and to know about how important strategic working is.

LP8 Female; I realized that the idea of social entrepreneurship sounds as though it is an idea of saving the world after I had attended training. Social entrepreneurship means this for me. There is a problem and we can solve this problem by knowing how to find a solution and there must be a sustainable economic cycle, output and production in the course of the solution. The solution will be durable and permanent rather than for once or temporary.

LP6 Female; I have experience doing volunteer work and I consider that social benefit is a gain for me. I am trying to shape my life on this. I believe that it is more useful to combine both in gaining academic progress.

AP6 Male; I have many Project ideas that are now commercial in the social area. I mean I always think about how that project can become more beneficial not only for me but also for the community. You may recall that I have a friend from Algeria. He has a motto: now we learn and we take, but tomorrow it will be our turn to give. That is my life philosophy. The recent training we got in our Project was Social Entrepreneurship. We got more than simply making friends. We met people who can help us when we become employed. It also helped us with brainstorming.

One of the most important dimensions of social entrepreneurship is to reveal individual social entrepreneurs who are able to provide social transformation, to be a good example, to have a vision, to take risks, to be courageous, and to serve his /her objectives and to be creative. These processes lead imaginary and energetic individual social entrepreneurs to discover social innovations and to use those innovations for the benefit of society. In this context, it is evident that the participants hope to strengthen their creative desires and to create new projects that have both a social and commercial viability. Amongst the criticisms of social entrepreneurship is the idea that there has been a failure in branching out and up-scaling small, short-term projects into wider societal and larger-scale initiatives. However, as has been observed, the responses from the participants demonstrate that such initiatives offer benefits not only in terms of new relationships and net-

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works established between locals and refugee communities, but also a sense of confidence that the new skills learned may open the way towards a sustainable increase in social entrepreneurial activity amongst these groups.

LP1 Female; The 3rd week motivated me. I thought about it before and I was brave enough to take the first step in the 3rd week. We have now entered the 4th week. After the 3rd week, we became brave enough to say we can actually become successful in any kind of work. I now imagine a solution to any kind of problem that I witness, even those mentioned in signboards.

LP2 Female; As a woman, I thought about what we could do for asylum seeker women and we could organize activities among asylum seeker women and local women while developing an idea, we could set up a business after we have received some training. We understand that we could achieve something together in solidarity.

AP 1 Female; Through this education, I have come to understand that I can realize my dreams. My teacher helped me a lot. At least I can now dream on this path even though I cannot chart it out. I can prepare myself towards making my own way. I am going through hell and back. I encourage myself. Now, I need to act and do something. Our teachers spoke nice words in the lessons. There is a story of a woman that I was mostly affected by. She was called “the holding aunt”. Our teachers told her story and said that she was establishing a holding. She created something out of wastes and in the process is protecting nature by recycling. Moreover, my teacher helps people and factories. She makes carpets. She is engaged in doing something. She is old now, she needs to rest but she never stops. We are young but we exhaust everything, we never think, but we need to start at that young age. We need to learn from them and do something more beautiful. I also have such dreams. For example; we can create more beautiful items from wastes. Or we can decide to not throw everything. If we consume everything in the world then where is the world headed? Such questions make me think.

In socio-economic terms, women are considered to be the group that experiences the greatest degree of social exclusion and victimization. They are amongst the groups that bear the greatest risks of unemployment and poverty.\(^\text{15}\) The rate of female participation in the labour force is quite low. They have limited opportunities to participate in the labour force and they tend to cluster in certain

occupations and have to work in less qualified and low-waged jobs. According to the data of the Turkish Statistical Institute (TÜİK), the participation rate in the labour force for men and women are %76.2 and %36.3 respectively in Turkey as of August 2020. It is observed that female participants of the study were enthusiastic in trying to improve their lives and gained particular inspiration from exemplary change-makers encountered as part of the training. The importance of this project has shown that both locals and refugees are in communication with each other and that a need for Syrian women entrepreneurs to engage more with local Turkish entrepreneurs has growing potential towards being addressed. Indeed, Syrian women refugees have already established successful businesses in Turkey, and the development of such enterprises towards a greater social dimension has potential as long as the youth have access to inspiring examples.

LP1 Female: We did not have much chance to gather with my friends at university, it was even less in our department. Differences, different languages, all different things attract me. It is so nice that we have friends via this project. For example in that session I met Ahmet. I always saw Ahmet on social media but had no chance to meet him. I always have a chance to meet new people with the projects I participate in. Actually, we are in need of that, doing something together. At that point, it is very nice to gather with friends at that social entrepreneurship training. We already look for each other but we cannot find the opportunity. Something should connect us in a way and at that point, it is that project.

LP8 Female: We have made new friends, met new people and it was a relief to see their point of view, to see that they are in search of a solution for the same problem and felt an instant connection, a mutual relation and being together for a joint reason. Whether they are Syrians or not, male or female it is not important for me. If the aim is common or is sacred it is not important who that person is.

LP3 Male: Now, we organize entrepreneurship programs. What makes usual entrepreneurship programs different from social entrepreneurship programs is the social benefit. In other words, we do not follow profit motives, we just want to be beneficial to people and introduce new and novel ideas and

methods. We also want to raise awareness. As you know, the number of social entrepreneurship trainings are considerably less than the basic-speeded up entrepreneurship training in Turkey. I will remonstrate about this. In other words, I would like to be one of those targeting social entrepreneurship.

AP2 Male; By taking advantage of the social problems, difficulties and personal experiences that we may meet in our life, I would like to step in this field. This does not only provide gains for people but also for me. I have ideas and also there are currently many social problems. I have more ideas in my mind than in my experiences.

AP4 Male; For example as my friends have said to me, if there is a volunteer club that provides psycho-social support to women and children fleeing war, it will be much better and can be well-developed. When the child comes to Turkey, he/she still remembers terrible moments of war and traumas that she/he still suffers. For example, I arrived at Şanlıurfa when I came to Turkey. I heard sounds of planes and feared what was happening. I then remembered that I had come to Turkey. Considering the children, they must have feared more than I did.

Social entrepreneurship practices have the features of triggering social transformation through social effects and contributing to social transformation by alleviating the problems in the long run\(^\text{19}\). One of the most important activities of social entrepreneurship is to create a harmony among social layers and to contribute to inclusion of community groups who feel that they are excluded. Some participants have expressed that the project and training experience has led towards an increase in their confidence in social harmonization and solidarity. However, it is necessary to ensure the environment and opportunity to facilitate that harmonization process. Certain participants stated that having a Project or an aim encourages people to prioritize to reach the target instead of focusing on cultural differences. They gain new points of views by making new friends. By this way, youths with different backgrounds enhance a working culture geared towards a common aim.

4. **Conclusion and Discussion**

Having a profound effect on people’s lives, forced migration is generally regarded as a human crisis. From this point of view, the world is experiencing

this crisis at the highest level today. It is inevitable that solutions will be global owing to the effects of crises that have gained a global dimension. However, it can be said that in the face of a deep global crisis, a global indifference prevails. But, it may still be possible to turn some aspects of this crisis into opportunities, and that depends entirely on people’s efforts. While improving the situation of young people who have been subjected to forced migration and in terms of revealing their potential, it is very important to make them feel that they are the subjects of the adaptation process and to open the way for their contribution to society.

Both Syrian asylum seekers and local people have significant responsibilities to enhance the culture of living together. The relationship between the migrants and local people, administrators and civil society organisations determine the degree of harmony as well as the level and quality of social acceptance. Thus, ways that will make it possible to produce projects that will contribute to the benefit of society should be sought. In this sense, with a strategic partnership to be established by sharing the field experience of civil society, where state institutions reveal their experiences, the universities produce the academic knowledge and where the industry share the professional experiences within the scope of social responsibility, human-oriented studies with sustainable results can be carried out. Undoubtedly, Erasmus+ Youth Projects, which will serve these purposes, have an important effect in building a better world by strengthening the culture of living together, increasing social inclusion and ensuring harmony.

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HIGHER EDUCATION AS A LEVER TO PROMOTE INCLUSION: THE ROLE OF “FRONTIER UNIVERSITIES”

**Summary:** 1. Introduction. – 2. Recognition and exercise of the right to education of migrants, refugees and asylum seekers. – 2.1 The Italian Constitution example. – 2.2 Towards an international standard. – 3. Observations on the Italian university system under the test of migration flows of the last decade. – 3.1. The case of the University of Messina: a frontier university in a frontier city. – 3.2 The University of Messina Centre for Migration, social inclusion and intercultural Communication”. – 4. Bibliography.

1. **Introduction**

This work is based on the assumption that the enhancement of the knowledge and skills of migrants, refugees and asylum seekers represents one of the main levers of inclusion and development. Investing in education and facilitating access to the highest levels of education not only guarantees full personal development but it also generates indisputable added value to the entire community. The assessment of a positive impact that goes beyond the private sphere is justified by the quantity and quality of the migration flows in this century. Notwithstanding these simple remarks, the choice to undertake an educational path is still residual. It is, in fact, one of the most difficult paths to deal with,
starting from the problem of demonstrating the level of previous studies by the documents. Regardless of age, precondition, motivation and expectations, the reception system implemented by the host countries causes the loss of the background of knowledge and skills which, on the contrary, should be recognised and further supported. The chosen point of view looks at the migration phenomenon as a matter of high political value, it can be ascribed to the capacity of institutions to guarantee sustainability and inclusion, through processes that, first of all, enhance human resources brought by the migration phenomenon and, moreover, that include in the social system people of different cultures and languages. The level of inclusion of immigrants is certainly related especially to the politics and legislative acts that the legal system adopts to overcome cultural, ideological and religious differences. In this framework, it must be considered that the concept of integration does not correspond to that of homologation and that the government intervention will be all the more effective the more it will be able to ensure coexistence and compatibility between different cultures, through its different institutional structures, within the constitutional principle of pluralism and that of equality, and, at the same time, guaranteeing to the immigrants an adequate level of rights, especially the social ones2.

This work is intended to contribute to the affirmation of the right to education as a social right. Looking at the Italian university system we will try to give an account of its most recent evolution in the indicated direction with a specific focus on the experience of the University of Messina. This university is situated in the southernmost region of the Italian peninsula, Sicily, the island that represents the point of arrival from central route3. To do this, we will consider the legal framework and we will examine how it leads to the necessity to expand the sphere of social rights to be recognised to the individuals, besides any status linked to citizenship. Lastly, by illustrating the genesis and activities of CEMI “Centro per la Migrazione, l’Inclusione sociale e la comunicazione interculturale” (Center for migration, social inclusion and intercultural communication) of the University of Messina we will examine the way the contribution of universities in favour of the inclusion of migrants, refugees and asylum seekers is expected to become increasingly important.

2 For further information on the subject, we refer, in Italian, to Moschella Giovanni, La legislazione sull’immigrazione e le prospettive della tutela dei diritti fondamentali: l’ordinamento europeo e l’esperienza italiana. Ordine internazionale e diritti umani, (2019), pp. 473-490.

3 It is well known that flows from Morocco and western Algeria (the Western Route) go mainly to Spain; the flows from eastern Algeria, Tunisia and Libya (Central Route) are those that affect Italy the most; the flows that originate from Turkey and the countries of the Middle East (Eastern Route) mainly affect Greece.
2. Recognition and exercise of the right to education of migrants, refugees and asylum seekers

Although anyone who leaves the country of origin to live elsewhere can be defined as a migrant, it is necessary a preliminary distinction as complex as the main legally recognised statuses. Hence the distinction between regular and irregular migrant - the latter is not granted the residence permit on the basis of the state regulations⁴; between refugee - the person who is granted the widest international protection⁵ and asylum seeker, a condition of precarious subjectivity that lasts until the competent local authorities decide on the outcome of the request. The recognition of the rights varies with the status. We find the right to education among the fundamental, inalienable and universally recognised rights. In the Universal Declaration of Human Rights of 1984, the Art. 26 states: “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit”. Closely related to the principle of non-discrimination, the right to education is peacefully enshrined⁶. In addition, in 2017 Italy passed a law⁷ dedicated to Unaccompanied Foreign Minors providing, among other things, the simplification of the procedures of the right to education. In particular (Art. 4, paragraph III): “the educational institutions of all levels and the training institutions accredited by the regions must activate the measures to allow the unaccompanied foreign

⁴ In Italy, Law n.125/2008 introduced the crime of clandestinity for irregular immigrants who do not fulfil the obligation of removal.

⁵ Based on the provisions of the 1951 Geneva Convention, and the subsequent 1967 New York Additional Protocol, the definition of refugee provided by Art. 1, Lett. A), co.2 establishes that refugee is considered the one who “(...) As a result of events occurring before 1 January 1951 and owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”.


minors to fulfil the compulsory schooling and training, including through the organisation of specific projects that provide, where possible, the employment or coordination of cultural mediators, as well as conventions designed to promote specific apprenticeship programme”.

2.1 The Italian Constitution example

In the European legal framework, Italy represents one of the most significant cases in terms of recognition of rights not only as citizen but as man in itself, due to a constitutional charter that is unanimously considered modern and that stands out for its intrinsic openness that led the constitutional jurisprudence to intervene copiously in the extension of the sphere of rights and duties attributable also to non citizen foreigners. In the Constitution, Section II of Art 1 establishes that sovereignty belongs to people, who exercise it in the forms and within the limits of the Constitution. However, this regulation does not provide to explicate the notion of citizen (although the population constitutes the whole of those who are related to the State by the relationship of citizenship). It is known that “the possession of citizenship is the constitutionally legitimizing prerequisite” to exercise all the legal situations of public law since the status of citizen represents the necessary condition to exercise certain rights and to carry certain duties “which place citizens in an exclusive relation to the authoritarian apparatus”. As regards the recognition and protection of inviolable rights, art 2 of the Italian Constitution establishes that the Republic recognizes and guarantees these rights not only to the citizen, but to the man in itself, and it demands the fulfilment of mandatory duties of political, economic and social solidarity. In this interpretative key, the constitutional jurisprudence has extended the sphere of rights and duties attributable to foreigners. Here then, although some constitutional provisions formally assign certain rights only to citizens, in view of the openness of the constitutional text, it is unreasonable to exclude non citizens from the enjoyment of certain freedoms.

8 The Italian Constitution came into force on 1 January 1948. Among its general principles, we recognize the Art. 2: “The Republic recognizes and guarantees the inviolable rights of the person, both as an individual and in the social groups where human personality is expressed. The Republic expects that the fundamental duties of political, economic and social solidarity be fulfilled” and the Art. 3: “All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions. It is the duty of the Republic to remove those obstacles of an economic or social nature which constrain the freedom and equality of citizens, thereby impeding the full development of the human person and the effective participation of all workers in the political, economic and social organization of the country”.
2.2 Towards an international standard

This trend, that developed in the European legal culture since the 90s of the last century, has allowed to expand the sphere of rights also to non citizens. An international debate raised on the issue due to the necessity to read the changes related to the so-called globalization, with the analysis of the new migration flows, both outside and within Europe, as a result of the collapse of the former Soviet regimes. In reference to the extensive literature, at least two contributions are worth of being cited here. The first is stated by the constitutionalist Sabino Cassese\(^9\): “\textit{with so many residents from different countries, the States become places that host not only citizens but also residents, whom must be recognized many of the rights guaranteed to citizens (practically all with the exception of the rights of political nature) […] The result is a separation between rights and belonging to the original community, the nation; a devaluation of citizenship; the necessity to look at the rights of the foreigners through a different prism from that of citizenship, referring them not to the national law, but to the human rights recognized at the supra-state level}”. The second, by Seyla Benhabib\(^10\), summarises the view posted by the first and it broadens the question in a multidisciplinary key: “\textit{[…] migration, rather than representing a threat to the political and legal culture of a country, promotes a dimension of juris generative politics because of a mixture of different cultural identities}”. In this context social rights, included the right to education, are susceptible to maximum extension. In order to exercise these rights it is required the possibility to benefit from certain public services, the intrinsic limit to the full realization of these rights is the economic sustainability of the services connected to them. The discretion of the legislator on the extent of the social rights is normally tempered by the actual availability of economic resources. The migration flows, that affected Italy and other European countries in the last decade, entailed a series of legislative measures to regulate the entry of large groups of non-EU foreigners into the territory of the State. We can state that, at an early stage, this legislation was aimed to guarantee a progressive process of social and labor integration, also through the recognition of fundamental rights. However, in the last period, this legislation has gradually been oriented mainly towards a limitation of the entry of foreigners, especially the non-Community citizens (in fact the EU citizens enjoy a particular level of guarantee) and a sanction system was consequently introduced, justified by a growing sense of insecurity, also economic, that is of-


\(^10\) Benhabib Seyla, Another Cosmopolitanism, Oxford University Press, Oxford 2006.
ten exploited to influence the public opinion in this sense. This contributed to transform the issue of immigration into a problem of public order and it caused a significant weakening in the recognition and protection of human rights and the fundamental rights of migrants, refugees and asylum seekers. This trend inevitably raises the necessity to deeply reflect on the legislative discipline on immigration, in relation to the fundamental principle of contemporary constitutional systems, it means that the principle of equality which in the Italian Constitutional system is fully extended also to foreigners, and that encounters, from this point of view, only one absolute limit: the principle of popular sovereignty. However, the discipline of social rights in the framework of the European Union does not seem to correspond to the most advanced conception of contemporary constitutional systems with a social basis (formal and substantial equality), as what is relevant to these rights in action and for the realization of the aims of the European order is their instrumentality to the needs of economic development and competitiveness typical of the common market. This assumption configures them as residual rights. Following the Lisbon reform, the European Union Treaty tends, at least formally, to strengthen the protection of social rights, also in reference to the values in Art. 2, common to the Members State in a society characterized by pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men. In the last Art. 3 of the Treaty on European Union TEU, alongside the prediction according to which «The Union shall establish an internal market» it is also expected that itself is committed «It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment [...]». The Union fights social exclusion and discrimination and it fosters justice and social protection, gender equality, solidarity between generations and protection of the rights of the child. «It shall promote economic, social and territorial cohesion, and solidarity among Member States». Nevertheless, to the contrary of the fundamental rights of the first generation, the protection of social rights in the European Union system, even after the Lisbon Treaty, appears indirect and purely possible, since the expected commitments are not directly connected to their protection but they are functional to the interests related to the implementation of certain Union policies and to the right of competition and the market law. Furthermore, the nature of inviolable rights and the supreme constitutive principles of the democratic order does not seem to extend to social rights. As a consequence, there is a further problem concerning the effectiveness of these rights in relation to their justiciability, in other words the effectiveness of
the jurisdictional instruments accomplishable by the subjects to guarantee their protection, both with regard to the coverage of expenditure and the existence of a jurisdiction in matters in Chief of EU, although it does not adversely affects the competence of individual member States.

Global Compactor for Safe, Orderly and Regular Migration (GCM)\textsuperscript{11} has opened a glimmer that bodes well for the Community management of the migration issue. It is not a Treaty but an intergovernmental pact so it can not be considered legally binding but it is from a political perspective\textsuperscript{12}. Without discussing the programmatic points of the 2018 agreement, we recall for our purposes what has been recently evoked both by the International Organisation for Migration (OIM) and the United Nations High Commissioner for Refugees (UNHCR)\textsuperscript{13}. In September of this year, on the eve of the relaunch of a new pact intended to strengthen the aforementioned signed during the Marrakesh Conference, the two United Nations organizations appealed to the European Union to adopt a truly common approach based on the principles of solidarity and full respect of human dignity, on which all aspects of the migration governance and asylum issues are to be based. In the supporting statements it is written that “\textit{People on the move can be part of the solution}”. In this context, the importance of leveraging education can not be overlooked, in relation to the ability to enhance previous experience and the aim to support the migrants’ access to training paths and higher education in the host countries.

Now let’s have a look at the international regulations that are useful to systematize the right to education in favour of migrants, refugees and asylum seekers. A specific reference to refugees is contained in the Geneva Convention of 1951 (and the subsequent additional Protocol of New York of 1968), in particular Art. 22 establishes that “1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education. 2. The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other


\textsuperscript{12} Italy is not yet among the 164 signatory countries as it has decided to refer the matter to the Parliament.

than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships”. And whether the Geneva Convention is the supranational reference par excellence, the Lisbon Convention forcefully explicates the principle according to which the right to education includes also the right of recognition of education qualifications and to do this it guarantees uniformity in the European context. The scope is significant in comparison to what has been observed previously especially with regard to the lack of formal documentation. For our purposes it is recalled what is stated in Section VII –Recognition of qualifications held by refugees, displaced persons and persons in a refugee-like situation: “Each Party shall take all feasible and reasonable steps within the framework of its education system and in conformity with its constitutional, legal, and regulatory provisions to develop procedures designed to assess fairly and expeditiously whether refugees, displaced persons and persons in a refugee-like situation fulfil the relevant requirements for access to higher education, to further higher education programmes or to employment activities, even in cases in which the qualifications obtained in one of the Parties cannot be proven through documentary evidence”.

Italy ratified the Convention five years later its promulgation, in this way it exceeded the traditional concept of equivalence in favour of the so-called recognition “according to the purposes” that in the academic field universities manage by virtue of their autonomy. “The competence to recognize cycles and periods of studies achieved abroad and foreign qualifications, for the purposes of: access to higher education, the continuation of university studies and the achievement of Italian university degree, is attributed to universities and higher education institutions that exert their competence within their autonomy and in compliance with their respective regulations, without prejudice to bilateral agreements on the matter14.” The recognition of qualifications achieved abroad for the purpose of pursuing the studies (for academic purposes) is responsibility of universities and higher education institutions that exert within their autonomy and in compliance with bilateral and international conventions15. Let’s see now what happens in practice.

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14 The “Convention on the recognition of qualifications concerning Higher Education in the European Region” was drafted by the Council of Europe and Unesco and it was approved on 11 April 1997 during the diplomatic conference in Lisbon. It was ratified by the Italian law n. 148 on 11 July 2002, published with the English text and a translation in Italian, in the ordinary Supplement to the GU n. 173 of 25 July 2002.

15 Art. 48 of the D.P.R. 394/1999.
3. Observations on the Italian university system under the test of migration flows of the last decade

As seen, the recognition of formerly achieved qualifications as well as formal and non-formal competence and professional qualifications play a crucial role in the access to higher university education of migrants, refugees and asylum seekers. In Italy, the Information Centre on Academic Mobility and Equivalencies (CIMEA) operates for these purposes\textsuperscript{16}. The Centre, since 1986, is appointed by the Ministry of higher education as the official Italian centre dealing with the NARIC - National Academic Recognition Information Centres network of the European Union and the ENIC - European National Information Centres network of the European Council and UNESCO. Following the aforementioned ratification of the Lisbon Convention, the Ministry of Education, University and Research\textsuperscript{17} has entrusted CIMEA as national information centre concerning the qualification recognition in force in Italy, the Italian higher education system and the qualifications awarded at a national level. CIMEA gives to the applicants its technical - administrative advice concerning the requests for recognition of qualifications. If the applicants are already under international protection, the service is free, in other cases it is subject to a fee. In Italy the criterion to activate the procedure of recognition of degrees and qualifications depends on the availability of the documentation. In other European contexts, for example Germany, Norway or Sweden, the criterion is based on the legal status granted to the migrant.

Thus Italian universities can rely on the information derived from the so-called “Statement of comparability” issued by CIMEA after an investigation based on all the documentary evidence that the applicant is able to provide or, if it is not sufficient, on the verification of the statements made in support of the poor documentation. In addition, CIMEA has implemented the “European Qualification Passport for Refugees” (EQPR), a service dedicated to the development of an innovative procedure for the recognition of refugee qualifications in case of complete absence of documentation. According to the information disclosed on the reference website, the activity of CIMEA is proven by about 20,000 requests for information a year. As regards the statistics of the release of certificates for university enrolment, CIMEA receives on average a thousand requests a year relative to refugees qualifications. With regard to the amount of Certificates of Comparability successfully issued by CIMEA, since 2016 to date, the number is

\textsuperscript{16} http://www.cimea.it/en/index.aspx

\textsuperscript{17} At that time, Ministry of University and Scientific and Technological Research.
constant with about a hundred Certificates produced every year, with a significant increase in 2019 with almost double the Certificates of Comparability issued\(^{18}\). It is important to take into consideration that the amount of requests for the release of Certificates of Comparability is higher than the certificates actually issued annually, this is because who requests this certificate may not have obtained yet the definitive status, may not be in possession of all the documents necessary to conduct an assessment, or may not be in possession of an appropriate qualification for the recognition of degrees for academic purposes. CIMEA statistics regarding the issue of “European Qualification Passport for Refugees”, valid for refugees with little or no documentation, as mentioned, are available for the two-year period 2018-2019. During this period of time, CIMEA carried out specific evaluation sessions by interviewing about 176 candidates, for a total of EQPR issued with positive result that corresponds to 80\% of the interviews held in Italy. These data seem to be significant although limited in comparison to the number of potential beneficiaries considered the consistency of the flows. However, this is not the place to analyse causes and consequences of the underutilisation of the current system. In general, it is possible to reasonably suggest the opportunity to spread more and better information to international communities and reception facilities, entitled to support the first inclusion paths.

From the academic year 2016-2017, in order to promote the beneficiaries of international protection to access the academic career, an impetus was given by the publication of the first CRUI - Conference of Italian University Rectors - call to award 100 scholarships to students with international protection and a valid study certificate for the enrolment in the Bachelor’s degree program, Master or PhD. This initiative was the result of the signing of the “Memorandum of Understanding on the right to study of young students with international protection”, on 20 July 2016, between the CRUI and the Ministry of the Interior. The aim was to support deserving young students in the continuation of the education path forcefully interrupted in the country of origin. By signing the protocol, CRUI committed to promoting the insertion of students at individual Universities to allow attendance to a Bachelor’s degree program, Master or PhD, in view of the commitment of the Ministry to provide universities with scholarships intended to supply the necessary services to guarantee the right to education. The initiative is still in place, although it is limited only to refugees, it represents a valid support for the participating universities that take charge

\(^{18}\) The Statistics are taken from a document produced by CIMEA in April 2020 entitled “Valutazione dei titoli dei rifugiati, documento tecnico - metodologico per le istituzioni della formazione superiore”, available in Italian at the following website: http://www.ponricerca.gov.it/media/395872/documento-tecnico-metodologico.pdf
of the beneficiary students. In fact, it is necessary to consider that the acquisition of financial resources by universities includes the total exemption from university taxes and contributions, the access to libraries and services offered to students but, in practice, it permitted to develop a broader support network to meet the daily needs. Let us consider, in fact, taking charge of students that, as assignees of scholarships (in terms of services given the disbursement of the financial contribution directly to universities), leave the reception system experienced up to that time. In the impossibility of transferring money directly to students who do not have sufficient resources to incur living expenses as well as those related, for example, to personal care, Universities were forced to take action, experimenting procedures and collaborating, within and outside the Academy, to ensure adequate responses. A constantly rising commitment is requested from the public university system, strengthened by the policies of internalisation and public engagement that determine its action19.

In this sense, universities carry out activities to encourage the sharing and connection of results with a non-academic audience. However, the commitment of universities in developing public engagement strategies for multicultural integration is not a mere benevolent effort, as stated previously, it is a collective investment. The impossibility of exploiting previous experiences and the difficulty of thinking and carrying out a career development represent an aspect of strong frustration for the migrant, refugee or asylum seeker who believes that he or she can not adequately contribute with their possibilities to the development of the host society. However, it also represents a limitation for the host country that is unable to satisfactory enhance the human resources at disposal, even when they have the potentiality to contribute to social and economic life with an adequate support. Universities therefore play a leading role. The educational function affects the cultural level of the social context, the ability to propose an intercultural pedagogy satisfies the need for inclusion, the implementation of an intercultural thinking as a training proposal innovates the social system. In the framework of the many experiences of multicultural integration with university governance20, we see now the experience of the University of Messina.

19 For further information on the role of universities, in addition to the institutional mission linked to teaching and research activities, see for example: Davies Sarah R., Research staff and public engagement: a UK study. Springer, 2013; Ostrander Susan A., Citizenship and Governance in a Changing City, Temple University Press, U.S., 2013.

20 For a quick but/and accurate feedback about the best practices in the Italian University System, please refer to the catalog created within the “In Here” project, funded by the European Community and available at the following link: https://www.inhereproject.eu/outputs/good-practice-catalogue.
3.1 The case of the University of Messina: a frontier university on a frontier city

We label the University of Messina as a “frontier university” as it is the only public university in a metropolitan city that is protagonist in the migrant reception system because of the disembarkation in its port. Messina is in fact one of the Italian cities where hotspots are based and it has still many first and second reception centres. In fact, the Italian system establishes that migrants arrived “irregularly” to be hosted, for the time necessary for the recognition of their legal status, in first reception centres, called hotspot\(^{21}\). Currently there are four cities in Italy where hotspots are based, three of which in Sicily: Lampedusa (Agrigento); Pozzallo (Ragusa) and Messina and one in Puglia, in Taranto. Foreign citizens entered Italy illegally are housed in these centres where, if they request international protection, they are greeted for the time necessary to complete the verification procedures of the related requirements, otherwise, they are detained with a view to expel. Asylum seekers are then transferred to first reception centres\(^{22}\) that are currently nine nationwide, including one in Messina, and Extraordinary Reception Centres (CAS)\(^{23}\). According to the information of the Ministry of the Interior, there are more than 5,000 active structures on the national territory, with a capacity of more than 8,000 seats. Messina is therefore a frontier city or, better to say, a frontier university city. Over the last year - since April 2019 to April 2020 - 8 disembarkations took place in Messina, for a total of 979 migrants. 671 of them are asylum seekers. In the reference year, almost 6,000 people in total obtained the renewal/issue of the residence permit (5992). A human capital that cannot be worthy considered only for the substance of the numbers\(^{24}\).

In fact, numbers do not justify the commitment of the University of Messina to direct its own policy in favour of the inclusion of migrants, refugees and asylum seekers. To devise its strategy, the University listened carefully to the demands of the territory and, in some ways, it anticipated the needs.

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\(^{21}\) Hotspots are also defined as crisis points by art. 10 of Legislative Decree no. 286/98, introduced by D.L. n. 13/2017 converted into Law n. 46/17.

\(^{22}\) First Reception Centres (CPA), pursuant to Article 9 of Legislative Decree no. 142/2015.

\(^{23}\) Structures found by the Prefects following a specific calls for tenders (pursuant to Article 11 of Legislative Decree no. 142/15).

\(^{24}\) Data provided by the Messina’s Police Station, Immigration Office.
3.2 The University of Messina Centre for Migration, social inclusion and intercultural Communication

Starting from 2016, when it was established the Interdepartmental Centre called “Centre for Migration, Social Inclusion and Intercultural Communication”, briefly CEMI. The first research groups sensitive to the issue were already active in the University and started arising opportunities for comparison and collaboration with other public and private Subjects, in various ways competent in the management of migration flows, which in those years were recording peaks of considerable range. The choice was to converge energies, ideas, actions in a single internal point of reference - for the academic community, and external - for the regional, national and international community. The aim and the activities of the Centre are referred to in Art. 2 of the Statute which states: “In view of the institutionalization, qualification and strengthen of the University commitment to the progress of the social and economic system, the fundamental goal of the Centre is to promote projects for the development of activities and initiatives aimed - in many aspects - to multicultural integration and social inclusion. In particular, the activities of the Centre will be directed, mostly but not exclusively, to asylum seekers and holders of status connected to the request for international protection”. In addition to the reference to the procedures for the recognition of qualifications and the validation of competencies, we have focused on previously, the activities indicated range, for example, from the experimentation of formative experiences dedicated to international students as well as external experts operating in the welcoming supply chain to the realization of activities, also in partnership, funded by national and Community resources. Today the work of CEMI is enhanced by the United Nations High Commission for Refugees (UNHCR) which in Italy launched the “Manifesto of Inclusive University”, this initiative is part of the commitments indicated by the Global Compact on Refugees, the document was adopted by the General Assembly of the United Nations in December 2018, as we have already mentioned, it addresses Governments, civil society and even Universities. In this way, the University of Messina is gaining a growing experience. Worth of mention is the implementation of the Regional Plan for Immigration 2016 - 2018, through which CEMI experienced pilot actions that involved in

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25 For more information, it is available in English the Fact Sheet 2019 Italy edited by UNHCR.
26 The University of Messina has in fact won the manifestation of public interest launched by the Sicilian Region to co-design interventions that can be funded through the resourced provided to the regions by the Ministry of the Interior through the Asylum, Migration and Integra-
particular schools and associations, as well as immigrant communities resident in Sicily. Hence, the ability to promptly intercept possible users, among the immigrants just arrived on the island, deserving and eager to undertake university studies, often forcibly interrupted. In 2016, it was possible to enrol two refugee students, a boy and a girl of Eritrean origin from a refugee camp in South Sudan, today there are 8 students with a migratory background taken in charge by CEMI, only half of them enjoy the refugee status. The latest government interventions have influenced in a restrictive way the already fragile reception system and management of migration flows in Italy. The process to obtain the legal status functional to the full inclusion of immigrants has become even longer and more difficult, with consequently further precarious conditions. The University of Messina has therefore extended its commitment also in favour of asylum seekers, thus trying to anticipate, grasp and support the multiple requests of capable and deserving young people whose future has become even more uncertain.

In September 2019, the University of Messina resolved to exempt students seeking asylum from the payment of university fees and extending them the access to university living services and in April of this year it resolved on the possibility of providing food and accommodation services also to asylum seekers that are attending the last classes of high school and that intend to continue the university studies. This meets the needs of many deserving students at risk of sudden transfer. As seen, the commitment of the Universities required the testing of innovative, flexible, always evolving mechanisms as the needs, situations, expectations and perspectives of the immigrants to whom these services are addressed. A number that is still poor in comparison to the potential but it is significant in its value transcending statistics. The CEMI experience is enriched on the way by inter-institutional collaborations and partnerships with public and private system, at local, national and European level in the awareness that every single intervention makes sense if it contributes to animate a virtuous social network. With this spirit it was intended to contribute to the realisation of

27 The reference is to the decree law 4 October 2018 no. 113, coordinated with the conversion law 1 December 2018 no. 132 known as the Security Decree passed by the then Minister of the Interior Salvini who, among other things, abolished the possibility of granting humanitarian protection and the Security Decree bis. Law decree 14 June 2019, no. 53, containing “Urgent provisions on public order and security”, then ratified with the Law 8 August 2019 no. 77 known as “closing ports”. 

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INTEGRATION AND ENTREPRENEURSHIP: ESSENTIAL CROSS-CULTURAL TRAINING NEEDS AND SKILL DEVELOPMENT


Integration and entrepreneurship projects for immigrants require cross-cultural communication skills to be successful. This work investigates the cross-cultural communication training needs of immigrants and the local individuals who work with them. Cross-cultural communication skills are essential to promote integration and guarantee successful entrepreneurship projects. Research methods included interviews and surveys aimed at determining the perceived training needs of migrants and migrant center professionals. Migrant center managers, social workers, logistics managers, educators, counselors, cultural mediators, Italian language teachers were interviewed and carried out a survey. Migrants interviewed included center residents and others who had started the integration process with jobs and private housing.

The article finishes with a suggested proto-type program for training both immigrants and immigration personnel.

1. Migration in Italy

The face of Italy has been changing over the last 20 years, steadily and relentlessly.

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Specifically, foreign immigration has been identified as one of the major cultural shifts in the last 60 years\(^1\). From less than 150,000 immigrants in 1970, the number has grown to more than 5 million (5,306,548 as of December, 2019\(^2\)). However, these are “regular” migrants, regularly residing in Italy who are in different phases of integration. This research deals with a different population: the individuals who have been forced to escape from their home countries, due to war, hunger, political violence, genocide or environmental catastrophe. According to the European Asylum Support Office, Italy has been experiencing a “dynamic migratory situation” in the last years. They summarize the last five years by stating that the “unprecedented influx of migrants to Italy observed in 2014 (170,100 arrivals) and 2015 (153,842 arrivals) continued in 2016 (181,436 arrivals) and 2017 (119,369 arrivals) and considerably decreased in 2018 (23,370 arrivals) and 2019 (11,471 arrivals)”\(^3\). And in 2020 the numbers are increasing: 25,920 from January to October, 2020.

1.1 Motivation

Immigration, or migration, are terms which are used interchangeably. There are many reasons for migrating. Survival is the main reason for immigration. Unbearable economic and political situations, hunger, ethnic and religious persecution and genocide are the main reasons. Immigrants spend huge amounts of money and risk their lives to cross the sea in flimsy boats, rafts, and overcrowded fishing trawlers that often tip over or sink\(^4\). To quote a well-known African poet, Warsan Shire: “No one leaves home unless home is in the mouth of a shark”\(^5\). The UNHCR has observed that thousands of migrants trust their lives to smugglers and human traffickers form Sub-Saharan Africa to North Africa, then compound the risk by getting in crowded raft or boat to cross from Libya to Sicily. They face human rights violations, sexual abuse and exploitation, torture and slavery to get into those boats. Many are sequestered and forced into slavery, forced labor, or left to die in the deserts. In a recent project conducted by UNHCR “Telling the Real Story”, individuals confirmed

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the fact that although they knew the risks were high, they felt they had no other choice. The total lack of opportunities for work and education, plus political problems in the countries of origin pushed them to risk everything.

1.2 Migrant Situation in Sicily

Sicily has always been a landing point and first destination for immigrants from Africa, Asia, Asia and Mediterranean Europe throughout history. Over the last 20 years, Sicily has become a popular landing point, first in Lampedusa, then in other areas of Sicily. The general situation of the Middle East with the ongoing Syrian Civil War, the onset and so-called defeat of ISIS, the Iraq-Iran conflict, conflicts in Afghanistan, to mention a few, have all played their part in the increase of migration.

1.3 Migrant nationalities and placement

The nationalities of the migrants vary somewhat from year to year, often dependent on various political situations. For example, Syrians predominated in 2014, followed by Eritreans; in 2016 the majority were of African origin from Nigeria, Eritrea and Sudan; in 2020 as of October the majority groups are from Tunisia, Bangladesh and Algeria. The number of migrants currently housed in migrant reception centers as of May 2020 amounts to more than 80,000.

2. Integration

There are many studies on how to promote integration, how to measure it, how to train for it. The Common Basic Principles (CBPs) for Immigrant Inte-

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10 Refugee Portal, 2020
grant-nationalities-declared-upon-landing-italy/
migration Policy in the EU\textsuperscript{12} defined integration as a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States. It proposed various principles for immigrant integration policy, which include employment, cultural, linguistic and institutional knowledge of the host culture, education, institutional access, and finally frequent interactions with host nationals.

Obviously education, training, the ability to speak the language, and employment are key factors in integration. The purpose of the migrant reception center is to enable the migrants to become self-sufficient and survive on their own in their new country. However, if migrant center workers are not able to communicate with the residents, and the residents are not able to communicate with either the migrant center workers and their employers, teachers, then HOW can effective integration take place? It may be too simplistic to claim to have the answer, but there is something that can facilitate the transfer of information and skills from center worker to resident, from resident to center worker, and to employer: cross-cultural communication skills with intercultural competence.

Intercultural competence has various definitions. It has been defined as “the complex of abilities needed to perform effectively and appropriately when interacting with others who are linguistically and culturally different from oneself”\textsuperscript{13}. It is the “ability to step beyond one’s own culture and function with other individuals from linguistically and culturally diverse backgrounds”\textsuperscript{14}.

\textbf{2.1 Cross-cultural Training for integration}

Cross-cultural communication is a process of creating and sharing meaning among people from different cultural backgrounds using a variety of means\textsuperscript{15}.

Cross-cultural communication training promotes intercultural understanding and sensitivity; it facilitates interaction between diverse cultures and builds skills for dealing with communication breakdown and misunderstandings. This

training addresses the areas of cross-cultural communication factors such as behaviors, motivations, attribution of behavior, use of a foreign language, listening, body language and gestures. It builds cultural sensitivity\textsuperscript{16}. As will be seen later, both target groups of this research expressed the need to receive this type of training.

3. Immigrant Reception Centers in Italy-SPRAR, SIPROIM

This study investigates the state of cross-cultural training present in the resident centers. So it is necessary to introduce the immigrant reception models used in the very enormous project of receiving and housing migrants.

3.1 SPRAR

The ‘NAP’ - National Asylum Program- was formed in 2001 by a memorandum of understanding to establish a program to accommodate the flood of migrants that were beginning to arrive on Italian shores. The Ministry of the Interior, Department for Civil Liberties and Immigration, the National Association of Italian Municipalities (ANCI) and the United Nations High Commissioner for Refugees (UNHCR) all signed this memorandum. So the first public system for the reception of asylum seekers and refugees in Italy was created. It involved central and local institutions, according to a shared responsibility between the Ministry of the Interior and local authorities\textsuperscript{17}.

The SPRAR (Protection System for Asylum Seekers and Refugees) was institutionalized by Law 189/2002 in 2002. The Ministry of the Interior established the coordination structure of the system – with central services to local authorities. These services included information, promotion, consultancy, monitoring and technical support, managed by municipal governments.

The main objectives of the SPRAR were to guarantee assistance and protection measures for the individual; to empower individuals to become autonomous.

The goal of the SPRAR was always to assist individuals to construct a new life, develop their potential and integrate. Consequently, the reception model proposed by SPRAR is considered to be an “integrated” reception model. This


means that the basic living accommodations went along with the goal of assisting individuals to become autonomous.

The following services guaranteed by the SPRAR system were:

- Linguistic-cultural mediation
- Insertion in collective structures, where accommodation, food, clothing are guaranteed
- Orientation and access to local services
- Italian language instruction
- Professional training and retraining
- Orientation and assistance in job placement
- Legal guidance and assistance (for example, asylum cases, judicial protection and related rights / duties any protection recognized)
- Orientation and assistance for social integration
- Psycho-socio-health protection

Immigrants signed an agreement to respect residence rules as well as Italian laws.

The Italian system of protection offered three layers of protection:

- Refugee status: Resulting from article 1 of the 1951 Geneva Convention, amended by the 1967 Protocol, the status is assigned to “everyone in the justified fear of being persecuted for reasons of race, religion, citizenship, belonging to a particular social group or political opinion, who is outside the State of which he or she is a citizen and cannot or, for this fear, or does not want to apply the protection of that State; or whoever, being stateless and out of his country of residence following such events, cannot, for the fear indicated above, return”18.
- Subsidiary protection: it was introduced by the European directive (n. 2004/83/Ce); it is a second level of protection at the EU level. It applies to people who, while not qualifying as refugees, “would run a real risk of suffering serious harm” if they returned to their country of origin. This includes the risk of the death penalty or execution, the risk of torture or inhumane treatment, and the risk of life-threatening indiscriminate violence during an armed conflict.
- Humanitarian protection: Humanitarian protection is a national legislative instrument and is accompanied by the two forms of protection recognized internationally: refugee status and subsidiary protection in Italy. When there are no conditions for granting international protection, but there are still “serious reasons, in particular of a humanitarian nature or resulting from constitutional or international obligations of the Italian state” to offer protection, humanitarian protection can be requested.

3.2 SIPROIMI

The Italian Law of 4 October 2018, n. 113, converted into Law 1 December 2018, n. 132 (the so-called ‘Salvini Decree’ or ‘Security Decree’), renamed the system of protection for asylum seekers, refugees and unaccompanied foreign minors. The name was changed from SPRAR to SIPROIMI - Protection System for Holders of International Protection and for Unaccompanied Foreign Minors. Access to the system is now restricted to holders of international protection and to all unaccompanied foreign minors. Furthermore, the new legislative provision provides that holders of residence permits can also access the SIPROIMI integrated reception services for: victims of violence or trafficking, victims of domestic violence, health reasons, victims of labor exploitation, calamities, acts of particular civil value. The principal changes are significant:

▪ Abolition of humanitarian protection. The new legislation provides for new forms of permits
▪ Only the holders of international protection (therefore asylum and subsidiary) and unaccompanied minors can be the guests of the small reception centers.

On 5 October 2020 the Council of Ministers approved the modification of the so-called safety decrees or ‘Salvini decrees’. The changes reintroduce the “humanitarian protection” that had been canceled by Salvini’s decrees. The SPRAR/SIPROIMI reception system changed its name once again and became the Reception and Integration System (SAI), in fact the widespread reception system managed by the municipalities has been restored as a priority system which serve asylum seekers in addition to the most vulnerable cases, minors and beneficiaries of international protection.

As mentioned before, one of the goals of the SPRAR and subsequent centers is to assist migrants to become autonomous. The skills to become autonomous are defined by the CBPs previously mentioned. But there is a great challenge to arrive at these goals, and effective cross-cultural communication is the first step. This research aimed at investigating the state of that communication for both the migrant professionals and migrants themselves.

4. The Research

The idea to research this area came from the joint experience of the authors, two who are migrants themselves, and two with extensive experience in the international field.
4.1 Objectives

The first objective of this research was to investigate how migrants, both current and former residents of centers, viewed the service rendered in cross-cultural terms and what they felt was lacking. The second objective was to investigate the cross-cultural communication training needs of professionals working in migrant reception centers in Sicily.

These objectives were investigated using various survey tools to detect opinions, assessments, testimonies and suggestions from the different actors (immigrants and the local individuals who work with them), involved in cross-cultural communication.

4.2 Methods

This survey was carried out through two main research activities:

1. Structured interviews with migrants who have lived in migrant centers (SPRAR/SIPROIMI) in Sicily.

2. Interviews and a survey with professionals who work, or have worked in migrant centers (SPRAR/SIPROIMI) in Sicily.

4.3 Questions and results

The interviews and survey with results are reported below.

4.3.1 Migrants

Structured interviews with migrants (22) were conducted with migrant individuals living in the Lombardy, Sicily and Foreign regions.

We conducted structured interviews via video call because of the Covid-19 problem; we administered the questions and noted the responses of the interviewees.
Table 1 – The participants

<table>
<thead>
<tr>
<th>Gender</th>
<th>Age</th>
<th>Nationality</th>
<th>Time spent in Italy</th>
<th>Region Where You Live</th>
<th>Qualification</th>
<th>Employment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Men: 18</td>
<td>Up to twenty-years: 2</td>
<td>Bangladesh: 2</td>
<td>1 YEAR - 3 years: 6</td>
<td>Lombardy: 4</td>
<td>Middle School: 18</td>
<td>Worker: 16</td>
</tr>
<tr>
<td>Women: 4</td>
<td>From 21 to 30 years: 18</td>
<td>Ivory Coast: 3</td>
<td>3 - 5 years: 15</td>
<td>Sicily: 14</td>
<td>No title: 4</td>
<td>Unemployed: 6</td>
</tr>
<tr>
<td></td>
<td>From 31 to 40 years: 2</td>
<td>Gambia: 7</td>
<td>More than 5 years: 1</td>
<td>Foreign region: 4</td>
<td>*Other: 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Guinea Conacry: 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Nigeria: 6</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Senegal: 3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Other: cultural mediator courses

Table 1 shows that 4 women and 18 men were interviewed, a clear majority of men and people of working age (especially with the age between 21 and 30 years). Out of a total of 22 subjects interviewed, 6 different nationalities were detected (the majority of those interviewed are nationals from Gambia and Nigeria). Only 1 of the interviewees has been in Italy for more than 5 years. More interviewees have been in Italy for short term periods: from 3 to 5 years (15) or from 1 to 3 years (6). The Italian regions where the interviewees live are Lombardy (4) and Sicily (14). Some of them live in a foreign country (4).

The majority of the sample holds a secondary school diploma. Two (2) of the interviewees held university degrees in cultural mediation. Four (4) have no diploma or degree. Sixteen (16) of the interviewees declare that they have a job, and six (6) that they are unemployed. The characteristics of the immigrants interviewed (gender, age, nationality, time spent in Italy, qualification, employment) were analyzed and tabulated.

(The survey and interview questions can be found in the appendix.)
Table 2 – When you arrived in Italy, how were you able to communicate with the people (operators) who wanted to help you?

<table>
<thead>
<tr>
<th>Answer</th>
<th>Number of answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>○ I communicated with the African cultural mediator who spoke my dialect and the English language</td>
<td>2</td>
</tr>
<tr>
<td>○ I communicated with the African cultural mediator who spoke the English language</td>
<td>12</td>
</tr>
<tr>
<td>○ I communicated with the African cultural mediator who spoke the French language</td>
<td>6</td>
</tr>
<tr>
<td>○ I was communicating with a friend of mine who acted as an English language interpreter</td>
<td>1</td>
</tr>
<tr>
<td>○ I couldn’t communicate with anyone, there was no mediator present</td>
<td>1</td>
</tr>
</tbody>
</table>

From the answers obtained in Table 2, it emerges that 20 interviewees communicated with an African cultural mediator.

- 16 interviewees said that “the operators of immigration center they met spoke only Italian language, (they spoke neither French nor English), except the African cultural mediators”.
- 6 interviewees stressed the importance and need to attend a language course Italian to be able to communicate better.

Table 3 - Did the professionals of the immigrant centers you met know the political, economic and cultural situation of your country of origin?

<table>
<thead>
<tr>
<th>Answer</th>
<th>Number of answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>○ They knew little about the political, economic and cultural situation of my country of origin</td>
<td>6</td>
</tr>
<tr>
<td>○ They have no knowledge of the political, economic and cultural situation of my country of origin</td>
<td>16</td>
</tr>
</tbody>
</table>

Table 3 shows that most migration center professionals did not know anything about the countries of origin of the migrants. However, some profession-
als knew about the situation in Nigeria (the 6 were all from there)\(^{19}\): they knew about the political events, some cultural traditions and the terrorist actions of Boko Haram.

The 16 interviewees report that the operators become aware of the situation of the country of origin only after the fact-finding interview supported by the presence of the mediator.

Table 4 - When you think about the SPRAR/SIPROIMI, who was the person (mediator, social worker, Italian language teacher, project coordinator, educator, legal operator, etc.) you were best able to communicate with? Why?

<table>
<thead>
<tr>
<th>Answer</th>
<th>Number of answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>○ CULTURAL MEDIATOR:</td>
<td></td>
</tr>
<tr>
<td>Because:</td>
<td>16</td>
</tr>
<tr>
<td>- “He understood what I was saying and reported it to the operators; he explained to me what I did not understand”;</td>
<td></td>
</tr>
<tr>
<td>- “He spoke my language”;</td>
<td></td>
</tr>
<tr>
<td>- “He explained everything I asked for”;</td>
<td></td>
</tr>
<tr>
<td>- “He listened to me carefully”.</td>
<td></td>
</tr>
<tr>
<td>○ ITALIAN LANGUAGE TEACHER:</td>
<td>4</td>
</tr>
<tr>
<td>Because:</td>
<td></td>
</tr>
<tr>
<td>- “She listened to me and helped me understand situations, she was a calm person”;</td>
<td></td>
</tr>
<tr>
<td>- “She listened to me, she encouraged me, she told me not to worry”;</td>
<td></td>
</tr>
<tr>
<td>- “She explained what I didn’t understand and accompanied me to school”;</td>
<td></td>
</tr>
<tr>
<td>- “She was trying to understand”.</td>
<td></td>
</tr>
</tbody>
</table>

\(^{19}\) Nigerians are the largest sub-Saharan nationality in Italy (residents are 93,915 as of January 1, 2017). If we limit ourselves to 2017 alone, the largest number of people arriving by sea come from Nigeria, not only in Italy, but throughout Europe (about 18,000 people).
○ COORDINATOR

Because:

- “I communicated better with him because he had a more open mind, he behaved like a parent, he listened to everyone, he explained the rules, how to live”.

○ I didn’t communicate well with any center professional. I communicated better with people outside the immigrants center.

The interviews show that most immigrants (16) communicated better with the mediator, for reasons of understanding the language and situations. Four (4) of the interviewees stated that they communicated better with the Italian language teacher. One of the interviewees declared that he communicated better with the coordinator. Only one of the interviewees declared that he could not communicate with any operator. From the answers obtained it emerges that communication is linked to understanding and feeling understood.

<table>
<thead>
<tr>
<th>Table 5 - What advice do you want to give to operators to improve communication with migrants?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Answers</strong></td>
</tr>
<tr>
<td>All interviewees recommend:</td>
</tr>
<tr>
<td>○ “Study and learn official foreign languages, English and French. If they don’t understand the language, they can’t help us”;</td>
</tr>
<tr>
<td>○ “They must know the political, economic and cultural situation of our countries of origin”;</td>
</tr>
<tr>
<td>○ “Speak slowly and clearly”;</td>
</tr>
<tr>
<td>○ “In the absence of the cultural mediator, find a different way to communicate, with pictures and photos”;</td>
</tr>
<tr>
<td>○ “Make sure the people understands”;</td>
</tr>
<tr>
<td>○ “To know some dialects such as Bambara or Mandinga”;</td>
</tr>
<tr>
<td>○ “The operator must be happy to do this job. He has to work with a smile, this helps us”;</td>
</tr>
<tr>
<td>○ “The operator must be kind”.</td>
</tr>
</tbody>
</table>

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20 Bambara and Mandinga or Mandinka belong to the group of the Mande languages from West Africa.
Knowledge of foreign languages and the economic, political and cultural situation of immigrants’ countries of origin is important for understanding their real needs and requests.

From the interviews collected, other aspects also emerge such as kindness, smiles and empathy. Although these elements are secondary to linguistic communication, in reality they deeply affect the understanding of the needs of immigrants as well as the immigrants’ motivation to integrate.

4.3.2 Migrant center professionals

16 structured interviews and surveys were conducted with those who work, or have worked in immigrants centers (SPRAR/SIPROIMI) in Sicily region.

We conducted structured interviews which, due to the pandemic (Covid-19), were done via video call; we administered the questions and survey and noted the responses of the interviewees.

Table 6 – Migrant center professionals

<table>
<thead>
<tr>
<th>Your position</th>
<th>Time in your current position</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>social worker</td>
<td>More than 6 years</td>
<td>Female</td>
</tr>
<tr>
<td>social worker</td>
<td>1 year-3 years</td>
<td>Female</td>
</tr>
<tr>
<td>coordinator</td>
<td>4-6 years</td>
<td>Female</td>
</tr>
<tr>
<td>coordinator</td>
<td>Less than 6 months</td>
<td>Female</td>
</tr>
<tr>
<td>cultural mediator</td>
<td>4-6 years</td>
<td>Female</td>
</tr>
<tr>
<td>cultural mediator</td>
<td>4-6 years</td>
<td>Man</td>
</tr>
<tr>
<td>Educator</td>
<td>1 year-3 years</td>
<td>Female</td>
</tr>
<tr>
<td>Educator</td>
<td>1 year-3 years</td>
<td>Man</td>
</tr>
<tr>
<td>Educator</td>
<td>1 year-3 years</td>
<td>Female</td>
</tr>
<tr>
<td>Italian language teacher</td>
<td>1 year-3 years</td>
<td>Female</td>
</tr>
<tr>
<td>Italian language teacher</td>
<td>4-6 years</td>
<td>Female</td>
</tr>
<tr>
<td>Legal assistant</td>
<td>1 year-3 years</td>
<td>Female</td>
</tr>
<tr>
<td>other - social operator</td>
<td>1 year-3 years</td>
<td>Female</td>
</tr>
<tr>
<td>psychologist</td>
<td>1 year-3 years</td>
<td>Female</td>
</tr>
<tr>
<td>volunteer</td>
<td>6 months -1 year</td>
<td>Female</td>
</tr>
<tr>
<td>volunteer</td>
<td>4-6 years</td>
<td>Female</td>
</tr>
</tbody>
</table>

Table 6 shows who the operators interviewed are: 2 social workers, 2 coordinators, 2 cultural mediators, 3 educators, 2 Italian language teachers, 1 legal
assistant, 1 social operator, 1 psychologist and two volunteers. The table shows a clear prevalence of women (14) and a minority of men (2).

Seven (7) of the interviewees have been working for a period of 1-3 years, 4 for a period of 4-6 years and 1 worked for a period of 6 months -1 year.

After analyzing position, time in a current position and gender, we collected data from surveys administered to migrant center professionals (SPRAR/SIPROIMI).

We obtained the following somewhat disconcerting results from the interviews.

Table 7

<table>
<thead>
<tr>
<th>I received useful training for communicating with clients at the beginning of this job.</th>
</tr>
</thead>
<tbody>
<tr>
<td>○ NO:16</td>
</tr>
</tbody>
</table>

All the professionals interviewed declared that they had not received any training on communication before starting their work.

Table 8

<table>
<thead>
<tr>
<th>I have received ongoing training for communicating with clients during this job.</th>
</tr>
</thead>
<tbody>
<tr>
<td>○ NO: 14 professionals interviewed declared that DID NOT receive ongoing training to communicate with clients during this job.</td>
</tr>
<tr>
<td>○ SI: 2 professionals interviewed (1 social worker and 1 cultural mediator) declared that they received ongoing training to communicate with clients during this job.</td>
</tr>
</tbody>
</table>

- The one social worker claims to have followed highly specialized training courses in several cities: Rome, Milan, Turin, organized by the central service and held by mediators who worked for international or regional organizations (Frontex). She states: “The training received has improved communication, mutual confrontation, breaking down borders, finding a meeting point between our cultures”.

21 The Central Service was established by the Ministry of the Interior, Department for Civil Liberties and Immigration and entrusted with an agreement to ANCI (National association of Italian municipalities).
- The cultural mediators state that they have received training on communication during their work, especially improving the aspect of the problem solving.
- All the other professionals comment that they have followed specialized training courses for the role they hold, but no courses concerning communication with migrants. They also point out that they had been asked to take training courses on communication but could not pay for it themselves.

Table 9

<table>
<thead>
<tr>
<th>Have you had situations of conflict when you felt you needed to communicate better?</th>
</tr>
</thead>
<tbody>
<tr>
<td>○ SI:16</td>
</tr>
</tbody>
</table>

All the professionals interviewed mentioned they had been in conflict situations where they felt the need to communicate better.

It is interesting to know that all the professionals interviewed, except the cultural mediators, state that they solved the situation thanks to the support of the cultural mediator and in some cases, other immigrants of the project.

These responses make us reflect on the importance of communication and mediation in conflict resolution.

Table 10

<table>
<thead>
<tr>
<th>Do you feel that your knowledge of other languages are at a sufficient level to communicate with the immigrants?</th>
</tr>
</thead>
<tbody>
<tr>
<td>○ NO: 14 professionals interviewed, except the cultural mediators, replied that they do not have sufficient knowledge of other languages.</td>
</tr>
<tr>
<td>○ SI:2 Cultural mediators interviewed declared that they had a more than sufficient knowledge of other languages, with the exception of the Arabic language.</td>
</tr>
</tbody>
</table>

After administering the surveys, we continued our investigation with interviews.
Table 11

In the initial phase of your work, how did you manage to communicate and therefore to work with the migrants? What were the “communication tools” you used?

- Social workers, project coordinators, legal practitioners and volunteers declared that they have communicated thanks to the support of a cultural mediator.
- Educators and psychologists stated that they used their own means, working on the interpersonal relationship with the immigrant, in an empathic way. Initially by communicating with gestures and drawing.
- Italian language teachers replied that they have worked on the interpersonal relationship with the immigrants, in an empathic way, using the Italian language and some foreign terms (contact language).
- The social worker reported to have communicated thanks to the support of a resident migrant project who spoke Italian; the cultural mediator was absent.
- The cultural mediators declare that they have managed to communicate thanks to the knowledge of the language of origin and the various situations of the immigrants’ countries of origin. “My experience helped me. It was my first training”.

Some aspects of non-verbal communication are also fundamental (examples: look a person in the eyes or tone of voice).

- Everyone agrees that work experience has improved communication.

Table 12

In your opinion, is it important to know basic information about the cultural values and practices of the beneficiaries’ countries of origin?

- All the professionals interviewed respond positively to the question. Because: (some answers are reported)
  - Social worker: “It’s understood what lies under certain behaviors. For example: many women, in the presence of their husband, do not allow themselves to be checked by a doctor;
  - Volunteer: “It’s important to know the country of origin to also understand the journey they have faced. For example, to understand if women are victims of trafficking”.

- Cultural mediators point out further aspects:
  - Knowing the culture, you understand what can be accepted and what cannot. Some terms also change meaning in various cultures:
    - during an interview with an Eritrean man, I know that I cannot offer him my hand because he would refuse it, because I am a woman, very different from a Nigerian man”.
    - In Mandinka and Bambara some words can be confused: in Mandinka, the word SUNKUTUBA means adult girl, in Bambara it means prostitute”.

22 Contact language to mean the coexistence in a place and time of two or more languages.
Do you think you have the knowledge and relational skills necessary to communicate and interact in an intercultural environment like that of SPRAR/SIPROIMI?

○ All the professionals interviewed, except the cultural mediators, reply that they have acquired over the years the relationship skills and, in part, the communication skills, thanks above all to the experience in the field. They have not acquired linguistic knowledge.
○ Cultural mediators declare that they possess the knowledge and relational skills necessary to communicate and interact in an intercultural environment like that of SPRAR/SIPROIMI.

Do you feel the need for training that can improve and facilitate your work? What kind of training would you like?

○ All the professionals interviewed feel the need for training to improve their work:
  - “a continuous and circular training, which concerns all the figures, which follows the changes in migratory flows”;
  - “training that can improve what I have learned over the years”;
  - “an intercultural and linguistic training”;
  - cultural mediator: “feel the need to deepen training on mediation”

The answers obtained from the surveys and interviews show that there is no training on intercultural communication for the migrant center professionals, especially at the beginning of a new position. Cultural mediators, at the beginning and during their work, draw on their personal experience in order to communicate with immigrants. With the exception of a social worker and a cultural mediator, the training of migrant professionals is aimed at their job role but without cross-cultural training.

5. Conclusions

The information obtained from the migrants as well as the migrant professionals converged. Migrants would like to be assisted by professionals who know about their countries, their migrant trajectory and their short- and long-term needs. They would like to be able to communicate better with the professionals, and cite that most of them have an insufficient knowledge of foreign languages, especially English and French.

The insufficient knowledge of foreign languages, especially English and French, and the political, cultural and economic situations of the countries of origin was confirmed by this research.
Misunderstandings and miscommunication that occur are supposed to be dealt with by the cultural mediator. The cultural mediator seems to be the only one who is qualified to settle conflicts from training and/or life experience.

Another significant point came out. Intercultural and linguistic training was requested by the migrant center professionals. But they would like it to be included as regular ongoing training as part of their job, paid by the center. It is important to note that what the center professionals identified as a desire for more linguistic and intercultural training coincides with the recommendations of the migrants/ former residents/residents themselves. The professionals admitted that they fell short in the ability to speak with the migrants directly; these authors suggest ongoing English and/or French language training applied to the work site. And of course the migrants must be supported in learning Italian as well and as soon as possible so as to start the integration process.

The findings revealed the glaring need for cross-cultural training, from the side of the immigration professionals as well from the side of the migrants themselves.

Therefore we propose the following cross-cultural communication training program which could be followed by migrant center professionals and also migrants themselves.

5.1 Suggested cross-cultural training program

The overall objective is to assist participants in developing the ability to understand what culture is and does; begin to develop cross-cultural awareness and sensitivity; and to build necessary communication skills for problem solving across cultures. Additionally, general cultural information about the various countries dealt with should be added.

Module 1: Cultural Awareness- understand what culture is, what it does, how it affects behavior, cultural values, norms, communication styles, nonverbal communication.

Module 2: Cultural Sensitivity- begin to empathize and appreciate the Other’s point of view and feelings.

Module 3: Cultural Skill Building- through a series of exercises, self-analysis, role playing, simulations, put into practice what was learned in the two previous models.

Module 4: Cultural Specifics-learn about the various countries represented in the centers.

If migrants are participating, they will learn about Italy.
Module 5: Study culture shock, and coping strategies. Both migrants and professionals will benefit from learning to recognize the symptoms and implement coping strategies.

It is hoped that this study has revealed the needs felt by both migrants and migrant professionals. More research needs to be done, on a larger base, and effective programs need to be developed and offered free of charge to all participants. The road to integration is long, but with both migrants and professionals dedicated to communicating clearly with each other, it will be a pleasant voyage. Much better than the one that brought them to Italy.

6. Bibliography


Appendix 1

Survey of training needs

The University of Messina is conducting research on the cross-cultural communication training needs of immigration professionals. This survey is strictly anonymous Your participation is greatly appreciated.

Your position:
○ Social worker
○ Cultural mediator
○ Educator
○ Italian teacher
○ Legal assistant
○ Psychologist
○ Coordinator
○ Volunteer
○ Other

Time in your current position:
○ Less than 6 months
○ 6 months -1 year
○ 1 year-3 years
○ 4-6 years
○ More than 6 years

Region where you work/worked
○ ______________

Please choose the answer that applies to you.

1. I received useful training for communicating with clients at the beginning of this job.
   Yes ○ No ○ not enough ○

2. I have received ongoing training for communicating with clients during this job.
   Yes ○ No ○ not enough ○

3. Have you had situations of conflict when you felt you needed to communicate better?
   Yes ○ No ○ not enough ○

4. Do you feel that your knowledge of other languages are at a sufficient level to communicate with the immigrants?
   Yes ○ No ○ not enough ○

Appendix 2

Interview

1. In the initial phase of your work, how did you manage to communicate and therefore to work with the beneficiaries of the project? What were the “communication tools” you used?
2. In your opinion, is it important to know basic information about the cultural values and practices of the beneficiaries’ countries of origin? Why?

3. Do you think to have the knowledge and relational skills necessary to communicate and interact in an intercultural environment like that of SPRAR/SPROIMI?

4. Do you feel the need for training that can improve and facilitate your work? What kind of training would you like?
SOCIAL ENTREPRENEURSHIP AND BRAND EQUITY

SUMMARY: Social entrepreneurship has become crucial day by day as public problems around the world is increasing rapidly. Since it becomes prevalent and trendy, the concept behind it is still discussed to be defined clearly both by academicians and practitioners. Brand awareness, brand loyalty and perceived quality are intangible assets for companies. Especially, social (brand) image as accepted one of the brand equity dimensions contribute to brand value significantly. In this study, social entrepreneurship concept is clarified contextually since the market needs sensitive solutions for public problems and the importance of social enterprises for brand equity and brand equity dimensions are presented. Furthermore, the story of one of successful Turkish social enterprise is placed as a case study.

1. Introduction

Social entrepreneurship has become popular both in practice and theory recently.1,2,3,4 However, the concept is not clarified widely and can be confused under social responsibility or voluntarily acts.5,6 The main issue of social entrepreneurship is its role to enable value creation. To create a superior value for

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customers, solutions for societal problems can be a way for successful relationship with customers directly effecting the brand in positive manner.\textsuperscript{7,8} A brand that is satisfying the customers’ needs are described as a successful brand\textsuperscript{9} and this success is accepted as brand equity in the literature.\textsuperscript{10} Brand equity theORIZED by Aaker \textsuperscript{11} in the beginning of 90’s and this approach is confirmed by academia as consumer-based brand equity. Aaker\textsuperscript{12} defines the dimensions of brand equity under brand loyalty, brand awareness, perceived quality and brand association and Keller named the approach as customer-based brand equity explaining “the differential effect of brand knowledge on consumer response to the marketing of the brand”.\textsuperscript{13}

Any business to create superior value should focus on working hard to gain customers hearts and therefore maintain a long-run relationship. Since 1990’s market orientation studies have investigated the importance of customer for com-

petitive advantage and increasing market share. The main difference between a business and entrepreneur is that the first one is satisfying needs of customers while the latent is creating needs of customers. Technology startups are in fact describing the latent need of customers and this expression affect the future of market dynamics. Therefore, the market orientation of technologic entrepreneurship is more proactive rather than responsive however social entrepreneurship can be technologic and proactive as well. In this manner, social problems of the world are the pain that should be solved by entrepreneurs and this solution is an alternative way to build a strong relationship with the customers.

2. **Definition of Social Entrepreneurship and Value Creation**

It is crucial to make the distinction between social entrepreneurship and social actions of a company or organization. Social entrepreneurship is defined as: “A company that focuses not only on business activities, but also strives to solve social or environmental problems through its activities. Social enterprises can further their social goals both through their own activities and by using most of their profits in a way that furthers the cause”. Abu-Safian distinguishes the social entrepreneurship from other non-entrepreneurial, mission-driven initiatives and makes a definition as below: “The social entrepreneur is a mission-driven individual who uses a set of entrepreneurial behaviours to deliver a social value to the less privileged, all through an entrepreneurially oriented entity that is financially independent, self-sufficient, or sustainable”. It is analyzed as the globalization of social entrepreneurship and therefore investigates more than 20 definition of social entrepreneurship and finalized an integrated definition such as below: “Social entrepreneurship encompasses the activities and processes undertaken to discover, define, and exploit opportunities in order to enhance social wealth by creating new ventures or managing existing organizations in an innovative manner”.

Most of the corporate organizations have preferred to act in ethical values to create a good positioning in customers minds having a sustainable relationship with the customer. They do it sincerely however with this manner, the contribution to financial dimensions is substantial for the management level.

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as well. This customer-oriented approach directly affects the business performance of the company in growth of profit and market-share.28,29,30,31,32,33,34

Social enterprises create both social value and financial benefits.35 This output directly affects the economy as an important actor for demand and supply curves although the main goal behind it is to solve the societal problems. EMES (“L’EMergence de l’Entreprise Sociale en Europe”. The emergence of social enterprises in Europe) is listing the contribution of social entreprises to socio-economic development as below:36

- providing access to basic services (social, educational, and health) to local communities, including people who are unable to pay;
- contributing to a more balanced use of local resources encouraged by wide participation of local stakeholders;

• contributing to the promotion of inclusive governance models that empower the local community in strategic decision-making;
• creating new employment as a result of the new services supplied and favouring labour market integration of disadvantaged people (minority groups, single women, people with disabilities, etc.) otherwise excluded from income-generating opportunities;
• contributing to enhance social capital at local levels (based on broad ownership and local participation), which is of crucial importance;
• contributing to take informal activities out of the underground economy for instance by regularizing the situation of illegal workers on the black market.

Although value creation is organically occurred in social entrepreneurship, its effect to business performance is not widely searched yet in academic side.37 Building the equity of a brand is related with social image of a brand therefore social entrepreneurs’ output is directly beneficial for brand equity.

3. Building Brand Equity via Social Entrepreneurship

Dimensions of brand equity are explained under brand loyalty, brand awareness, perceived quality and brand association38. This approach is accepted as a cornerstone in the literature as the other academic studies contributed

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to the general view. Kim and Kim also added brand image as another dimension for brand equity and Lassar et al. called social image instead of brand image as it is directly influenced by reference groups. Aaker called brand association as the subset of brand image and explained brand equity with brand association.

Social image is important for building equity for brands as customers take into consideration the reference groups which consume the common goods of the brand and share the same perception. Social groups can lead the mass consumption with the high amount of purchasing power. As the perception is the positioning of a brand and it is difficult to change it once it is placed as it should

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be. Perceived quality is defined as a dimension of brand equity\textsuperscript{51,52} and can be positive or negative.\textsuperscript{53} As repositioning takes more effort and time then the first launch of a brand, the marketing managers should consider deeply to design the brand in the beginning.

As societal problems are the pain that are to be cured by social entrepreneurs, they benefit directly to brand image. This will also cause to create loyalty to the brand as people feel that they are a part of a good thing. Brand loyalty keeps strong feelings of the customer\textsuperscript{54} as it comes from heart and under any circumstances the indivudual look for the brand to purchase it. It has two types as cognitive and behavioural loyalty.\textsuperscript{55} In cognitive loyalty, the individual takes decision in first consumption that brand, in the latter, it is automatically occurred. More clearly, once the customer buys that product, it continues to buy it in behavioural loyalty.

Brand awareness is the first place where the attention of potential customer is taken. This effort is crucial as after that the brand association and then brand loyalty come forward. As it is built, the relationship with the customer is tried to be as long as it can be. Brand recognition and brand call are all output of brand awareness.\textsuperscript{56,57}

4. **Importance of Social Entrepreneurship to Create Brand Equity**

Recently social entrepreneurship gets importance and takes attention as the societal problems are increasing day by day. This situation naturally makes social entrepreneurship brand one step forward. As the global companies that have giant marketing budgets to create brand equity consider for sustainable relationship with the customer in long-run. A good brand value is built up by strong brand awareness and perception as well as with loyal customers and high social image. These dimensions of brand equity in fact directly occur in brands deal with societal problems.

People are more sensitive and aware of the societal problems in world-wide like air pollution, gender inequality, child or animal or nature abuse, global warming. When the non-profit orientations are striving for the solutions, they able to generate revenue by fundraising or donations. However social enterprises perform both commercial and social activities to gain sustainability and use the profit for increasing the delivery of social value.

For corporate social responsibility, it is more related to convert the current brand approach to a responsible and sensitive attitude to increase the value. Zahra et. al. defines the aim of the corporate social responsibility as targeting the stakeholders to increase the profit by improving the current activities of the company. However, a social entrepreneurship is targeting the societal need in the begging and then it can turn to a profitable opportunity. As social entrepreneurship can result to generate profit, however it is not a priority. Therefore, social enterprises are blended as getting benefit from both social and economic output. The blending of social and economic performance is what sets SEO apart from firm-level activities that are dominated by an economic objective (commercial entrepreneurship) or solely social objectives (non-profit/philanthropic firms).

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5. Conclusion

As social entrepreneurship is widely become popular in the world, the subjects related with the concept should be analysed with different disciplines. According to economic and social benefit, social entrepreneurship has contribution not only to brand value but also to business performance as well. These hybrid organizations\textsuperscript{62,63,64} have crucial role in creating brand equity and therefore should be investigated by researchers with a marketing point of view.

This study aimed to put forth the importance of social entrepreneurship and its effect on brand equity. As this positive relationship is taken into consideration by managers then the survival of the company would be in long run although it is a social entrepreneurship. It should also be paid attention that these entities are not NGO or association. Therefore, they should have strategic and marketing plans to be sustainable.

For academic contribution, as there is a gap about the research on social entrepreneurship, this study can be helpful to raise awareness about the issue. It is going to be end with a success story of a social entrepreneurship “Tina Zita” founded by Syrian women entrepreneurs in Turkey.

6. Tina Zita Case

“The first plants planted by mankind in Palestine and Damascus are known as “figs” and “olives”. Tina means fig, and Zita means olive.” https://tinazita.com

Tina Zita is a common dream of the people who had to leave the countries they were born and try to survive in their new homeland. It is a social entrepreneurship that is aiming to support the immigrant groups in economic base by providing employment.


The brand name is coming from the figs and olives as these fertile plants are turned to very delicious food. They, women entrepreneurs are inspired from the nature of these plants as they can create magic like them. These women have a united mission to produce together and to be helpful the others that have the same story with them.

After the interview with the founder, it is observed that creating value is a priority for them as they want to have a long-run relationship with their customers. They carry the delicious and traditional food of their homeland to Turkish customers and glad that their products took so much interest. When the marketing approach is analyzed, it is seen that marketing efforts are very promising although they run into many difficulties and limitations.

The website is designed very raffiné giving the core message of their aim. In Instagram account, the product range is shown with very professional visuals and this is very convincing for the marketing professionals as they use social media tools efficiently for promotion strategy. Moreover, the brand logo is derived from the plants that also give the name to the brand.

Brand awareness is a dimension of brand equity. As it is seen that Tina Zita could reveal this awareness via advertising on social media channels and impressive website. Furthermore, organic relationship with another social entrepreneurship “Joon” & “Teyit.org” and supportive governmental entities like Ankara Development Agency & TÜRÇEV increase their visibility. Acceleration programs managed by Viveka & TEDU İstasyon provide them new contacts as they expand their network and customers.

The team also reached beyond the boundaries and found out other social entrepreneurship in the same sector. In quarantine days, they had chance to get in touch with “Meet My Mama” founded in Paris in the same manner with Tina Zita. This enabled them to learn from each other and support each other under the common goal. This invaluable encouragement is an advantage and distinctiveness for social entrepreneurs. As it is seen that Tina Zita appreciates these supports and benefits from them for increasing market share.

In brief, Tina Zita is very good example as a social entrepreneurship that is creating value and brand equity under difficult circumstances. They have the passion to be sustainable in the market for supporting more people like them. I hope this type of entities are growing with the marketing attempts as well.
8. Bibliography


RIGHT TO WORK OF ASYLUM SEEKERS RESIDING IN TURKEY


In our country, the number of asylum seekers has increased significantly in recent years, especially from Syria. Currently there are over 4 million asylum seekers including Syrians under temporary protection in Turkey. Turkey is a transit country for some, while for some asylum seekers Turkey has become a target country. Employment is one of the most important requirements for asylum seekers coming to Turkey to be able to provide for themselves and live in harmony with the locals. This requirement of asylum seekers is becoming more and more important as their length of stay in Turkey increases. Furthermore, employment and entrepreneurship, is of great importance in terms of social harmonization of asylum seeker into Turkey. As an asylum seeker enters the business world, they are able to integrate more and more into the Turkish society. This study will try to determine the legal framework for the work permit which is provided to asylum seekers in Turkey.

Foreigner, International Protection, Asylum seeker, Refugee, Work Permit

1. Introduction

Turkey has implemented several laws regulating work permits of foreigners. When the changes made regarding work permit of foreigners are examined, it is clear that the changes have softened the conditions of employment for foreigners in Turkey and gradually restrictions have shrunken.¹ Law on International Labor Force No.6735, entered into force in 2016, is the main basis regulating work permit of foreigners today.

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¹ Berkiye Gizem Ergin, “Yabancıların Türkiye’de Çalışma İzni Hakkında Kanuni Düzenlemeler”, Türkiye Barolar Birliği Dergisi, (2018), 135, p.120
In this study, firstly, a conceptual framework will be drawn. First, the concept of international protection in general will be defined. Then, the concepts accepted by the international law such as refugee and asylum seeker will be explained and the differences between the two will be revealed. Afterwards, the concepts of foreigner, refugee, conditional refugee, subsidiary protection and temporary protection in Turkish law will be explained and which foreigners in our country are included in these concepts.

After setting forth the conceptual framework of foreigners and asylum seekers in Turkey, arrangements regarding work permit will be discussed. In this section, the aim is to discuss what the right to work for foreigners means, foreigners need to cover which basic conditions so that they can get a work permit in Turkey and what jobs and tasks are foreigners not allowed to do. Afterwards, how work permit is regulated in Turkish law, what types of work permits there are and how the procedure and process regarding work permit carry on will be explained.

In the last chapter, the regulations regarding work permits of asylum seekers living in Turkey will be discussed. First of all, it should be noted that the concept of asylum seeker we use in this study, has been put forward as a sociological concept and it is not a concept used in legal language for any foreigner currently in our country.

2. Conceptual framework

Before discussing labor rights of asylum seekers living in Turkey, clarifying some concepts is necessary. Concepts such as foreigner, refugee, asylum seeker, migrant and persons under temporary protection are often used interchangeably, but these terms legally mean quite different things.

Throughout the history of humanity, people have had to leave their countries for various reasons (such as war, political and social pressure, torture) and take shelter in safer countries. Nowadays, especially the civil wars in the Middle East and Africa cause people to leave their countries and set off by risking a difficult journey to take refuge in a safe country. International protection refers to the protection of people who want to benefit from the protection of the country they reach at the end of this journey.

Turkey throughout history, was seen as a transit country to cross to Europe by many foreigners because of its geographical location. But in recent years, Turkey has had great changes in economy and social areas that, considering the impact of the civil war in the Middle East, Turkey became both a transit and a destination country.
Refugee. The concept of refugees in Turkey, which is a concept frequently used by the media, politicians and the public for people who are forced to leave their habitual residence, however, it has a difference meaning in international law.

According to the 1951 Geneva Convention Regarding the Status of Refugees, a refugee is “as a result of events occurring before 1 January 1951 and owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

In order for an asylum seeker to be granted refugee status, there must be a threat related to the above five factors, he must be afraid of being persecuted, his fear of persecution must be justified and he must be outside his country. 2 The “Convention on the Legal Status of Refugees”, adopted in 1950 and signed in 1951, entered into force in 1954. Turkey has accepted this agreement with law No. 359 of August 29, 1961.

Countries had to make some changes in their internal regulations due to the restrictions imposed by countries on granting refugee status in recognizing refugee and refugee status. 3 This resulted in some differences between countries in the process of granting refugee status. Turkey’s reservation to the 1951 Geneva Convention geographical limitations has required the extraction of new internal regulations in Turkey. Turkey adopted a new set of regulations regarding international protection with Law No. 6458, Law on Foreigners and International Protection. The term asylum seeker which is often used in the same sense as the term refugee, means something different.

Asylum Seeker. The concepts of asylum and asylum seeker are different from the concepts of refugee and to take refugee. The right to take refuge, which refers to the type of protection that a state provides in its territory on the basis of the principle of non-refoulement and international or nationally recognized refugee rights, is granted to a person who cannot receive protection in his / her country and who is particularly afraid of persecution because of his race, religion, nationality, membership of a certain social group or political

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opinion. An asylum-seeker is a person who is in search of a safe country in order to be protected from persecution or serious harm and awaits the result after making an international protection application within the framework of relevant national or international documents. The asylum-seeker has to leave the country in case of a negative decision by the country with which he applied for international protection. Foreigners referred as conditional refugees by Law on Foreigners and International Protection No.6458, can actually remain in Turkey until they leave for a third country.

Although the distinction between the two concepts is made clear in the literature, these two concepts are used as if they have the same meaning in media and public language. The main difference between a refugee and an asylum seeker is that the status of a refugee is recognized by the state. However, international protection is temporarily provided for the asylum seeker, as the investigation regarding the refugee status continues.

States have the right to recognize or not recognize refugee status for asylum seekers who apply for asylum. While every foreigner who believes that he has been persecuted or oppressed in his country can hold asylum-seeker status in the country where he applied for asylum by crossing the international borders, he is granted refugee status only if the country accepts their asylum application on the grounds of credibility that the person fled his country for justifiable reasons. In other words, while every refugee goes through the asylum seeking process, we cannot say that every asylum seekers acquires refugee status eventually. Therefore, the concepts of refugee and asylum seeker, which are used in the same sense in all areas of daily life, have different meanings both in international law and in national law.

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4 Bülent Çiçekli, Açıklamalı Göç ve İltica Hukuku Terimleri Sözlüğü, Uluslararası Göç Örgütü Yayımlı (IOM), 2013
5 Cumalı, Açıklamalı Göç ve İltica Hukuku Terimleri Sözlüğü,
3. International Protection in Turkish Law

With the Law on Foreigners and International Protection (LFIP) No. 6458, which entered into force in 2013, the concept of international protection has taken its place in Turkish law. According to the LFIP, international protection is expressed as the equivalent of refugee, conditional refugee and subsidiary protection status. However, there are four different types of international protection in Turkish law. These are: refugee, conditional refugee, subsidiary protection and temporary protection. While refugee, conditional refugee and subsidiary protection are based on individual application of the foreigner, temporary protection is a collective status. The concepts of refugee and conditional refugee in Turkish law are similar to the status of refugee and asylum seeker in international law. However, these two concepts do not completely replace the concepts in international law. Syrian asylum applicants who came to Turkey as of April 2011, are granted temporary protection under the scope of Article 91 of LFIP. First of all, the concept of foreigner, which is an umbrella concept, will be explained and how it is defined according to Turkish law, and then the concepts of refugee, conditional refugee, subsidiary protection and temporary protection under the concept of international protection will be discussed.

Foreigner. The concept of foreigner is not just a concept that includes citizens of another country. This concept includes stateless persons, migrants, refugees, asylum seekers, NATO members, employees in international organizations and foreigners with special status in diplomatic missions, as well as foreign citizens.9 According to Law on Foreigners and International Protection, foreigner refers to a person who has no citizenship bond with the State of Turkey. Accordingly, a child born to a foreign mother and father will be defined as a foreigner unless he / she is bound by nationality. In this case, hundreds of thousands of Syrian children born in Turkey are not accepted as Turkish citizens.

Refugee. As per LFIP “person who as a result of events occurring in European countries and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it shall be recognized as a refugee following the refugee

9 Nuray Ekşi, Yabancılar ve Uluslararası Koruma Hukuku, İstanbul, Beta Basım Yayın, 2014, p.37
status determination procedures”. As it can be seen, unlike the 1951 Geneva Convention, LFIP only recognizes people coming from European countries as refugees. For those coming from a non-European country, conditional refugee status is granted.

European countries included in the definition of refugee are explained in the clause (b) of the first paragraph of Article 3 of LFIP. According to this: The countries that are members of the Council of Europe and the countries to be determined by the Council of Ministers are considered as European countries.

Conditional Refugee. According to LFIP, “A person who as a result of events occurring outside European countries and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it shall be recognized as a conditional refugee following the status determination procedures. A conditional refugee shall be allowed to reside in Turkey until he or she is resettled to a third country. As per this definition, the conditions of the refugee status stated in 1951 Geneva Convention need to be met, people should come to Turkey for reasons arising from events occurring outside Europe and ask for international protection in Turkey. The reason for this distinction is because Turkey is party to the 1951 Geneva Convention with its geographical limitation clause.

With this reservation of Turkey’s to 1951 Convention and the 1967 Protocol, only asylum seekers coming from Europe are granted refugee status and asylum seekers from outside of Europe who had to leave their country are not granted the refugee status. Countries adopting the 1951 Geneva Convention with the geographical limitation clause other than Turkey are; Congo, Madagascar and Monaco.

For this reason, refugee status cannot be granted to Syrian asylum seekers who are in a civil war and who have entered into our country by coming to the borders. Syrian asylum seekers are allowed to stay in Turkey within the scope of “temporary protection”.

Subsidiary Protection. The concept of Subsidiary Protection refers to the expanded meaning of non-refoulement principle in international law. The first binding international regulation on subsidiary protection is the 2004 European Union Qualifications Directive. The Executive Board Conclusion Decision of 2005 states that subsidiary protection should be implemented in a supportive
manner without harming the existing refugee protection regime. In the European Union Council Directive on Refugee and Subsidiary Protection Status (Qualifications Directive), subsidiary protection aims to harmonize the various forms of protection covered by complementary protection throughout the European Union. Although Subsidiary Protection does not comply with the refugee criteria within the scope of 1951 Geneva Convention, it is seen as a kind of safety net for people who need international protection. As can be seen, in cases where foreigners cannot be identified as refugees or asylum seekers in international law, subsidiary protection status can be granted.

In LFIP, subsidiary protection; “A foreigner or a stateless person who could neither be qualified as a refugee nor a conditional refugee, yet who is unable or, due to the threat concerned, is unwilling to avail himself or herself of the protection of his or her country of origin or the country of habitual residence, shall be granted subsidiary protection status following the status determination procedures if he or she will face;

- the death penalty or execution,
- torture or inhuman or degrading treatment or punishment,
- serious threat to his or her person by reason of indiscriminate violence in situations of international or internal armed conflict, upon return to his or her country of origin or country of habitual residence. Subsidiary protection status, which plays a complementary role, is a type of protection prescribed within the scope of the prohibition of refoulement, which has become a rule of international law. As can be seen, the concept of subsidiary protection is a status applied to foreigners who cannot be granted refugee or conditional refugee status in Turkish law but fulfill certain special conditions. The information of how many foreigner were granted official subsidiary protection status in Turkey is unknown.

Temporary Protection. Asylum crises, starting for the first time in 2011, when 252 Syrian asylum seekers fleeing the civil war and coming to the Cilveğözü border gate in Hatay province of Turkey, has become the most important agenda item of politics and community in Turkey. Syria crises has affected many countries directly or indirectly. One of the countries affected the most by this crises is undoubtedly Turkey as it shares a 911 km land border with Syria.

Although it affects the legal status and lives of millions of people, there is

11 Çiçekli, Açıklamalı Göç ve İltica Hukuku Terimleri Sözlüğü.
no international legal document with mandatory provisions for asylum seekers applying for protection in mass influx.\textsuperscript{13} In this section, the status allowing Syrians fleeing from their country to stay in Turkey will be explained. Many different terms are used to refer to Syrians in the media (refugee, asylum seekers, guest, etc.), however none of these terms correspond to the actual legal status of Syrians in Turkey.

As per the 1951 Geneva Convention, foreigners who have fled in masses from areas of conflict and widespread violence are excluded from individual refugee determination procedures.\textsuperscript{14} Thus, Syrians coming to Turkey en masse are excluded from the refugee determination process and they are granted temporary protection status. Temporary protection is a form of protection that ensures the protection of the masses who have to leave their country due to armed conflicts, widespread violence, human rights violations and natural disasters.\textsuperscript{15} As it can be seen, the most important feature that distinguishes temporary protection from other types of international protection is undoubtedly that status determination is not made individually, but status determination is done collectively.

The temporary protection the UK granted to French people who escaped the Spanish civil war in the 1930s, can be considered as the earliest example of temporary protection. Another important example of temporary protection is granting temporary protection to over 1 million people who fled due to human rights violations and economic reasons in Vietnam by Indonesia, Hong Kong, the Philippines, Thailand and Malaysia within the framework of the Comprehensive Plan of Action.\textsuperscript{16} The earliest example of temporary protection in Turkey is in the early 1990s, the policy applied to asylum seekers coming to Turkey from Northern Iraq during the First Gulf War.\textsuperscript{17} Although the concept of temporary protection in a legal sense is new to Turkey, the policy applied to asylum seekers coming from Iraq in the 1990s can be seen as an example of temporary protection.


\textsuperscript{15} Çiğer, “Uluslararası Hukuka Uygun Geçici Koruma Rejiminin Unsurları Üzerine, Göç İdaresi Genel Müdürlüğü”, p.65.

\textsuperscript{16} Çiğer, “Uluslararası Hukuka Uygun Geçici Koruma Rejiminin Unsurları Üzerine, Göç İdaresi Genel Müdürlüğü” p.65.

\textsuperscript{17} Çiğer, “Uluslararası Hukuka Uygun Geçici Koruma Rejiminin Unsurları Üzerine, Göç İdaresi Genel Müdürlüğü”, p.66.
Although temporary protection in international law is regulated by the EU Temporary Protection Directive adopted in 2011, this directive has not been implemented until this day. This directive determines the temporary protection policy to be implemented by the member states of EU during a mass influx. In recent years, the Temporary Protection Directive has not been implemented by any EU country, although the arrival of Syrian asylum seekers to European countries complies with the definition of mass influx in the EU Temporary Protection Directive. The main reason why EU states do not implement the Temporary Protection Directive is that they fear for an increase of migrants and asylum seekers in Europe.18

LFIP defines the temporary protection in Article 91 as “Temporary protection may be provided to foreigners who, having been forced to leave their country and cannot return to the country they left, have arrived at or crossed the borders of Turkey in masses seeking emergency and temporary protection. However, it is not regulated in detail by LFIP and it is stated that regulations shall be made by the Regulation of Council of Ministers.

The first comprehensive legal regulation for Syrians whose actions had been carried out by regulations of Turkish National Police and Directorate General of Migration Management, both under the Ministry of Interior, is Temporary Protection Regulation dated 22 October 2014 by the Council of Ministers. Temporary Protection Regulation concerning foreigners first entering the country as of April 2011 has resolved the confusion on the legal status.

Although the EU Temporary Protection Directive has an effect on the legal arrangements regarding the temporary protection in the Turkish law, the decisions of the ECtHR and legislation and practices of other countries have also been effective. In addition, it has played an important role in shaping regulation as well as in the experience of Syrian mass influx to Turkey in 2011.19 As it can be seen, together with international legislation Turkey’s own experiences since 2011 had also affected the temporary protection regime implemented in Turkey.

Temporary Protection Regulation drafted by the Council of Ministers based on Article 91 of LFIP regulates foreigners’ stay in Turkey and rights and obligations, procedure to be carried out for their exits, who have been forced to leave their country and cannot return to the country they left, have arrived at or crossed the borders of Turkey in masses seeking emergency and temporary protection, as well as measures for mass influxes, and matters relating to the cooperation between national and international organizations.

19 Ekşi, Yabancılar ve Uluslararası Koruma Hukuku, p.68.
With Temporary Protection Regulation, the confusion regarding the type of protection Syrians are subject to has been resolved. In addition, it is seen that concepts such as asylum seeker, refugee or guest used to refer to Syrians in the media and social settings do not reflect the actual legal status of Syrians.

To summarize, temporary protection is a type of protection applied in cases where it is not possible to carry out individual refugee status determinations procedures due to the high number of asylum seekers coming to one country in a short period of time and the fact that these people come from the same region. Temporary protection practices have three main points. These are; implementation of open door policy, implementation of temporary protection with no exception of non-refoulement principle, and ensuring the asylum seekers benefit from the basic rights and services. Millions of foreigners currently live in Turkey although they have different statuses. Procedures and principles regarding foreigners’ work permits are determined according to these different statuses.

4. **Right to work of asylum seekers residing in turkey**

States vests the fundamental rights and freedoms to foreigners in their countries as their own citizens, however the states may limit some of these rights and freedoms for foreigners as well.20 According to Article 16 of the 1982 Constitution, the state of Turkey has the authority to limit the rights and freedoms of foreigners by law so long as it is not contrary to international law. The main point in this statement is that the restrictions on the fundamental rights and freedoms of foreigners can only be imposed by law and can be made in accordance with international law.

The right to work, which is one of the fundamental rights, is included in the social rights according to the Constitution and is also granted to foreigners in our country. Foreigners in Turkey have always been entitled to work. However, the conditions and limits of exercising this right have changed over time.21 Finally, International Labor Law No. 6735, enacted in 2016, is the most important legislation regulating work permits for foreigners after the Constitution.

The right to work is one of the most fundamental human rights, and the relevant principles are included in international documents. In many conventions which Turkey is party to, notably the Universal Declaration on Human Rights regulations on the right to work of foreigners are made and Turkey regulates

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21 Erken, *Türkiye’de Yabancıların Çalışması: Mevzuat, Uygulama ve İstatistikler*, p.62
the right to work with its own legislation as well. In Turkey the right to work is guaranteed by the Constitution and laws, and it applies to everyone. Foreigners residing in Turkey legally also have the right to work. However, it is compulsory to obtain a work permit to work in Turkey.

Conditions for Foreigners’ Work Permit

In order for a foreigner to exercise the right to work, three main conditions need to be met. First, a foreigner needs to be able to enter into Turkey or have been residing in Turkey legally, second, having a valid work permit and finally, not working on prohibited or restricted professions for foreigners.

A foreigner who wants to work in Turkey must have entered the country following due procedure. There are three fundamental conditions for foreigners’ entry into Turkey. These conditions are: present a valid passport or document substitute for passport to the authorities, the absence of any entry ban to Turkey and having a visa stating the purpose of the entrance. Law on Foreigners and International Protection No. 6458 explicitly states how foreigners can legally enter into Turkey and how to obtain a visa for working purposes. Visa condition needed for a work permit is not the only way to obtain a work permit. A foreigner with a valid residence permit can also apply for a work permit. However, in order for a foreigner to be able to apply for a work permit they must have had a residence permit for at least 6 months.

One of the requirement to work in Turkey is to have a valid work permit or work permit exemption. International Labor Act has 2 separate procedures in respect to foreigners’ working in Turkey; some foreigners are required to obtain a work permit, while some foreigners are exempted from obtaining a work permit.

The final condition to work in Turkey is not intending to working professions banned or restricted to foreigners. The professions and duties which are restricted for foreigners are discussed in detail below.

Professions and DutiesRestricted to Foreigners

As per Article 16 of 1982 Constitution, the state of Turkey has the authority to limit the rights and freedoms of foreigners by law so long as it is not contrary to international law. Accordingly the restrictions on the fundamental rights and freedoms of foreigners can only be imposed by law and can be made in accordance with international law. Foreigners in Turkey can legally work after obtaining a work permit, however, some regulations in the laws prohibit foreigners from working in some certain professions and duties.

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The following are the professions and duties that are restricted to Turkish citizens by the Ministry of Family, Labor and Social Services and foreigners are prohibited from working:

1. Dentistry, nursing. (In accordance with the Law on the Practice of the Style of Medicine and Poetry)
2. Pharmacy (in accordance with the Law on Pharmacists and Pharms).
3. Veterinary (according to the Law on the Operation of the Veterinary Association and its Chambers)
4. Responsible director in private hospitals (in accordance with the Law on Private Hospitals).
5. Advocacy (in accordance with the Law on Advocacy).
6. Notary public (in accordance with Notary Public Law).
7. Security officer in private or public institutions (in accordance with the Law on the Protection of Some Institutions and Institutions and Their Security).
8. Inland waters include fish, oysters, mussels, sponges, pearls, coral exports, diving, seeking, guiding, captains, wheelers, clerics, (In accordance with Cabotage Law).
9. Customs consultancy (in accordance with Article 227 of Customs Law No. 4458).
10. Tourist guide (in accordance with Article 3 of the Professional Law on Tourist Guiding No 6326).

Foreigners with Turkish ancestry are exempted from exercising these professions which are restricted to foreigners. As per Law No. 2527 foreigners with Turkish ancestry and living in Turkey can work in any profession including the ones listed above. However, they cannot hold official public positions.

Before working in Turkey, a work permit is required. Work permits are issued by the Ministry of Family, Labor and Social Services. Applications can be made within the country or abroad. Both types of applications are carried out through a workplace or a business.

5. Work permit

The latest of Laws regulating foreigners’ work permit in Turkey, Law on International Labor Force No. 6375 prohibits foreigners’ working or being employed without a valid work permit. In other words, it is prohibited for foreigners to work without a working permit as well as it is prohibited for employers to employ any foreigners without a work permit. On the other hand, Law
on International Labor Force No. 6375 also states that some foreigners can work without a work permit and this is because of bilateral agreements between countries and/or privileges brought forward by international conventions.

The purpose of Law on International Labor Force entered into force in 2016 is; determining, implementing, monitoring policies concerning international labor force, as well as regulating procedures and principles regarding actions and procedures to be carried out on work permits, work permit exemptions together with authority and responsibilities and rights and obligations regarding international labor law. As it can be seen, Law on International Labor Force does not only regulate procedures and principles but also includes Articles concerning determining policies of work permit in Turkey and international labor force.

Law on International Labor Force introduces changes such as Turquoise Card, right to work of foreign students, right to work of foreign engineers and architects and implementation of preliminary permit. These topics will not be discussed in detail since the main subject of this study is asylum seekers’ right to work. Firstly, the types of work permits according to the Law No. 6375 will be discussed.

Types of Work Permits. Law on International Labor Force foresees three types of work permits for foreigners wishing to work in Turkey. These are; temporary work permit, permanent work permit and independent work permit. Apart from these, Article 16 of the Law lists foreigners who can exceptionally be granted work permits.

1. **Temporary Work Permit**

   According to the Law on International Labor Force, a work permit can be granted for a maximum period of 1 year at the first application, provided that the term of the work or service contract is not exceeded, provided that a certain workplace belonging to a natural or legal person or a public institution and organization or in their workplace in the same business line specified.

   The Law states that the foreigner can be granted a work permit for a maximum of 2 years in the extension application, and up to 3 years in the next extension application, provided that he/she worked for the same employer for a year. However, if the foreigner applies to work for a different employer, he/she can get a work permit up to 1 year in accordance with the procedure in the first application.

2. **Permanent Work Permit**

   Foreigners holding long-term residence permit, or work permit for at least eight years in Turkey can apply for a permanent work permit. However, not every long-term resident or foreigner who has a work permit for eight years
will be able to obtain a permanent work permit. The permanent work permit is at the discretion of the Ministry, and it does not grant absolute rights to every foreigner in this situation. According to the law, permanent work permit can be granted indefinitely without being limited to a specific business, profession, property or geographical area.

Foreigners holding permanent work permit can benefit from all of the rights granted to the holders of long-term residence permit stated in Law on Foreigners and International Protection No. 6458. Except for the regulations in special laws, the foreigner obtaining this work permit benefits from the rights granted to Turkish citizens, provided that their acquired rights regarding social security are reserved and that they are subject to the provisions of the relevant legislation in the exercise of these rights. However, a foreigner holding permanent work permit does not have the right to elect, be elected, to enter public service and any obligation to perform military service.

3. *Independent Work Permit*

It is regulated in Article 10 of the Law that foreigners who are members of advanced professions can be granted an independent work permit provided that special conditions specified in other laws are met. It is emphasized that in the evaluation of the independent work permit, the foreigner’s education level, professional experience, contribution to science and technology, capital share for foreign company partner and other issues to be determined by the Ministry in line with the recommendations of the International Labor Policy Advisory Board will be considered.

Again, in the law, it is said that the independent work permit will be arranged for a period of time, without being subject to time limitations as in the temporary work permit. In other words, it is understood that there are no periods of up to 1 year for the first application specified in the temporary work permit, and 2 and 3 years for extension applications.

4. *Exceptional Work Permit*

Foreigners who can be granted an exceptional work permit in accordance with the international labor force policy determined by the Ministry, regardless of time limitations in accordance with Law No. 6375, are listed below.

a) Considered as qualified work force regarding level of education, salary, professional experience, contribution to science and technology etc.,

b) Considered as qualified investor considering contribution to science and technology, investment or export level, employment they offer etc.,

c) To be employed in Turkey for a Project for a specific time,

d) Persons who are declared to be of Turkish ancestry by the Ministry of Foreign Affairs or Ministry of Interior,
e) Citizens of the Turkish Republic of Northern Cyprus,
f) Citizens of Member countries of the European Union,
g) Foreigners who are applicants of the International Protection, Conditional Refugé, under Temporary Protection as per Law No. 6458 or stateless persons or victims of human trafficking benefiting from victim support programs,
h) Foreigner married to a Turkish citizen and living in a marriage bond with their spouse,
i) Personnel of Foreign Missions who do not have Diplomatic Immunity,
j) Foreigners who have distinguished themselves at international level with success in their relative field and coming to Turkey for these purposes,
k) Cross border service provider,
Can be of exception in certain cases as stated by Article 7, 9 and 10 of the Law.

*Principles and Procedure Regarding Work Permit.* Work permit is granted by the Ministry of Family, Labor and Social Services, based on the international labor force policy. Applications for work permit must be made directly to the Ministry in the country according to the International Labor Law. Applications from abroad need to be made to Turkish embassies or consulates in the country of their citizenship or Turkish embassies or consulates in the country where they legally reside. Applications made within the country can be made by foreigners who have obtained a residence permit for at least six months and whose residence permit has not expired, or by the employer of these foreigners.

There are two different systems in the world regarding who will make work permit applications. One of them is the system where the application is made by the person who will work, and the other is the system where the application is made by the employer who will employ the foreigner. In Turkey, a mixed method is applied. While it is essential that foreigners who are abroad make their applications themselves, the applications of foreigners who are in the country can be made by the employer or himself.^{23} Apart from these two forms of application, it is stipulated that according to Law on Labor Force work permit applications can also be made by authorized intermediary institutions.

It has been stipulated that the applications for work permit applications will be finalized within 30 days, provided that the documents are complete. If any information or document is missing in the application, the evaluation of the application is postponed until these deficiencies are met. Applications whose

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deficiencies are not met at the end of the delay period are rejected. The delay period should not exceed 30 days if there is no force majeure. However, if there is a force majeure, it is requested from the official authorities to be certified.

The application for extension of the work permit must be made 60 days prior to the expiry date of the work permit and in any case before the work permit expires. If the person passes these periods, their application will be rejected.

Reasons for rejection in work permit applications are specified in Article 9 of the Law on International Labor Force. The reasons for refusal specified in this article are as follows:

As a result of evaluations made in light of Article 7 of the aforementioned law, applications are rejected in cases stated below;

a) Applicant not complying with the policy of international labor force,

b) Applications made with fraudulent or misguiding information and documents,

c) Applications where the reasoning for employment is not considered sufficient,

d) Applications made for professions restricted to Turkish citizens only by the law,

e) Applications of foreigners whose qualifications and expertise are not considered sufficient,

f) Applications that do not meet the evaluation criteria determined by the Ministry,

g) Applications of foreigners who are notified by the Ministry of Interior to be within the scope of Article 7, 15 and 54 of the Law No. 6458,

f) Application of foreigners deemed to be inconvenient to work in Turkey in terms of public order, public security or public health,

g) Applications made for citizens of states that have no diplomatic relations with the Republic of Turkey or Republic of Turkey does not recognize unless the Ministry of Foreign Affairs states it as eligible,

h) Applications not made within the specified legal period or deficiencies not met within the specified period.

Apart from the reasons for rejection in work permit applications, the law also regulates the reasons for cancellation. Accordingly, for applications made abroad, in cases where foreigners do not come to Turkey within 6 months from the start date of the work permit period or foreigner stays outside of Turkey for 6 uninterrupted months for work permits for a specified period or 1 uninterrupted year for independent or permanent work permits without any compelling reasons such as health reasons or mandatory public service, their permit will be cancelled.
In case of a rejection of work permit, the foreigner must be duly notified of the decision. The person will be able to appeal to the Ministry of Family, Labor and Social Services within 30 days from the date of notification. In the event that the objection is rejected by the Ministry, administrative jurisdiction may be applied.

Employers of foreigners with permanent work permits are obliged to notify the Ministry within 15 days of the start of employment or the termination of work permits, by the foreigners who have permanent work permit or independent work permit.

Foreigners without a work permit in Turkey, when detected by the inspections made, will be deported by the Ministry of Interior upon notification.

6. Work permit of asylum seekers

Right to work of asylum seekers is protected by both international conventions and our national law. Refugees, conditional refugees, subsidiary protection and temporary protection holders staying in our country legally can benefit from the right to work.

Law on Foreigners and International Protection made regulations regarding the access to labor markets of foreigners who seek international protection and foreigners who are holders of one of the international protection statuses. Besides, “Regulation on Work Permit of International Protection Applicants and International Protection Holders” which entered into force on 26.04.2016, based on LFIP, made some regulations regarding the access to labor markets of applicants, refugees, conditional refugees and subsidiary protection status holders.

Right to Work of International Protection Applicants and Conditional Refugees. In line with the sections of Law on Foreigners and International Protection and International Labor Force Law regarding the access to labor market, international protection applicants or conditional refugees can apply to one of those work permit types only six months after the date of international protection application. In other words, international protection applicants and conditional refugees cannot apply for work permit before the six months period of the application date elapses.

Work permit applications are made to the Ministry via e-Devlet (e-state). If applicants and conditional refugees apply for a work permit outside the provincial borders of their residence, the application is resulted after consulting the Ministry of Interior. Any wage less than the minimum wage cannot be applied
to the applicant or conditional refugee. In cases where the work permit due date, issued for applicant or conditional refugee, is longer than the due time of the ID card, a new identity document is issued based on the duration of the work permit by the Provincial Directorates of Migration Management.

In line with LFIP and LILF, in case of a withdrawal or deemed as withdrawn of a foreigner’s international protection application, ending the international protection status or the cancellation of the international protection status, work permit, given upon the notification of the Ministry of the Interior, is cancelled by the Ministry.

**Work Permit of Refugees and Subsidiary Protection Status Holders.** As per Article 89 of LFIP, refugees and subsidiary protection status holders can work dependently or independently as of the date of obtaining the status. However, they could not work in the professions restricted for foreigners as stated before. ID Card, given to the refugee or the subsidiary protection status holder substitutes for a work permit however ‘work permit’ should be stated in the ID Card. In other words, as of the date of acquiring the refugee and subsidiary protection status, there is no need to get a work permit. In line with both LFIP and LILF, it is possible for a refugee and subsidiary protection status holder to work dependently or independently from the date of the status acquisition, but it is not possible for a conditional refugee or international protection applicant.

Rights to work of refugees and subsidiary protection status holders can be restricted. As per Article 89/4-c of LFIP, “access of the refugee and the subsidiary protection beneficiary to the labor market may be restricted for a given period, where the situation of the labor market and developments in the working life as well as sectoral and economic conditions regarding employment necessitate, in agriculture, industry or, service sectors or a certain profession line of business or, administrative and geographical areas. However, such restrictions shall not apply to refugees and subsidiary protection beneficiaries who have been residing in Turkey for three years; are married to Turkish citizens; or, have children with Turkish citizenship.” As we can see, even if some restrictions could be imposed for refugees and subsidiary protection status holders regarding the situation in the labor market, refugees and subsidiary protection status holders who have resided in Turkey for 3 years or are married to Turkish citizens or have a child with Turkish citizenships are exceptions.

According to Law on International Labor Force, work permits and work permit exemptions of refugees and subsidiary protection status holders can be carried out and limited regarding the Migration Policy Board decisions and
international labor policy of the Ministry in terms of province, period, sector, business line, work and profession. Procedures and principles regarding this issue are determined by the Ministry on the basis of the views of the Ministry of Interior.

As per LILF, if refugees and subsidiary protection status holders lose their status, work permits of these persons will be cancelled by the Ministry upon the notification of the Ministry of Interior.

“Regulation on Work Permit of International Protection Applicants and International Protection Status Holders” issued by the Ministry of Labor, in April 2016, confirms the aforementioned matters and defines the procedures and principles regarding the work permits of foreigners.

Work Permits of Syrians under Temporary Protection. Approximately 4 million Syrians living in Turkey under temporary protection, have to acquire a work permit in order to be able to work. Principles and procedures regarding the work permits of Syrians under temporary protection is carried out by the Ministry within the scope of “Regulation on Work Permits of Foreigners under Temporary Protection”, came into effect on April 2016. In line with this regulation, foreigners under temporary protection cannot work or be employed without the work permit. Legal action will be taken for foreigners who work or are employed without a work permit.

In the case of foreigners under temporary protection wanting to obtain a work permit, they must apply to the Ministry of Family, Labor and Social Services. However it is possible to apply six months after the date of temporary protection registration. Besides, work permits applications of the foreigners under temporary protection should be carried out by the employer whom the foreigner will work for via e-Devlet. Foreigners under temporary protection who have the right to apply for an independent work permit can also apply for themselves via e-Devlet.

Apart from that, foreigners under temporary protection wishing to work in the field of seasonal agriculture and livestock are exempted from needed a work permit and this work permit exemption application is lodged to the provincial governorates. These applications are sent to the Ministry of Family, Labor and Social Services for evaluation. The Ministry can impose provincial and quota restrictions regarding the foreigners under temporary protection in the field of seasonal agriculture and livestock.

Work permit evaluation made by the Ministry is done by preserving the criteria in the same way as that in the other foreigners’ applications. Applications regarding professions restricted to Turkish citizens are cancelled without evaluation. In the applications made, healthcare professionals from the Ministry of
Health, education professionals from the Ministry of National Education and Council of Higher Education have to get a prior authorization. Applications without prior authorization will be cancelled without being evaluated.

Foreigners under temporary protection could apply for work permit only in the provinces they are allowed to reside in. However, foreigners under temporary protection could apply for a work permit in another province only if it is approved by the Ministry of Interior.

There is an important point in the evaluation of work permits of foreigners under temporary protection. In the places where foreigners under temporary protection could want to work, foreign employment quota could be determined out of the Turkish citizen number regarding the sectors and provinces. In line with the Regulation, at the work places in question, the number of foreigners under temporary protection cannot be over ten percent of Turkish citizens. However, at the work places that total employers are less than ten, maximum one foreigner under temporary protection is allowed to be employed. Besides, employment quota may not be imposed in the cases that employee is notified in the four week period as of the work permit application, that there is no Turkish citizen with the same qualifications to work in the job which the foreigner could work.

Foreigners whose applications are approved are issued work permit by the Ministry and the Ministry of Interior is notified. Work permit exemption is given to the foreigners under temporary protection who is deemed appropriate to work in seasonal agriculture and livestock and Governorates are informed.

Another important point in the work permits for foreigners under temporary protection is the fee. Foreigners under temporary protection cannot be paid less than the minimum wage in Turkey. For foreigners under temporary protection who benefit from vocational courses and programs provided by the Turkish Employment Agency (İŞKUR) as active labor force in a workplace covered for on-the-job training, an application can be made to the Ministry to employ these foreigners in the same workplace following the finalization of the training. In these types of applications, the Ministry can impose employment quota differently. Work permits of foreigners whose temporary protection are terminated or cancelled are also cancelled within the scope of Temporary Protection Regulation.

For foreigners under temporary protection who benefit from vocational courses and programs provided by the Turkish Employment Agency (İŞKUR) as active labor force in a workplace covered for on-the-job training, an application can be made to the Ministry to employ these foreigners in the same workplace following the finalization of the training.
7. Conclusion

The century we are in is regarded as the time period in which the most intense migration movements in the world are experienced and it is described as the “age of migration”. More and more people leave their country and move to other countries, especially for war and economic reasons. According to the data of the United Nations High Commissioner for Refugees, as of the end of 2019, there are 79.5 million forcibly displaced people in the world and 29.6 million of them are refugees living outside of their own country.24

Although international protection is applied when people cannot benefit from the protection of the country they are citizens of, there is a confusion in legal and everyday language concerning which statuses are within the scope of international protection and the Turkish equivalent of these terms. According to the Law on Foreigners and International Protection, international protection includes refugee, conditional refugee and subsidiary protection statuses. While the concept of international protection applicant is used for the foreigner seeking asylum in our country, the status of refugee, conditional refugee and subsidiary protection is given after the status determination processes of these persons are completed.

There are many different status group of people defined under the term foreigner in our legal system who do not have a citizenship bond with the Republic of Turkey. Refugee refers to the status given to people from the Council of Europe countries for asylum in our country, while foreigners who come to our country from outside the Council of Europe and whose asylum application is evaluated positively, obtain conditional refugee status. Subsidiary protection status is granted to foreigners who do not meet the criteria of refugee or conditional refugee but cannot receive protection under certain conditions from their country of citizenship. In our country, temporary protection status is given to Syrian refugees, whose number reaches nearly 4 million. Temporary protection is a type of protection developed to find immediate solutions in case of mass asylum, and the main purpose here is to ensure the urgent access of asylum seekers to a safe environment and to meet their basic human right needs.

The right to work, which is seen as a human right and one of the fundamental rights and freedoms, has been protected by both international conventions and national regulations. In our Constitution, it is stated that everyone has the right to work whether they are a citizen or foreigner. However, as in almost all countries, some restrictions have been imposed on the fundamental rights and

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freedoms of foreigners in our country. It is emphasized that the restrictions on the right to work will only be made by law in accordance with international law.

Turkey has determined three basic conditions in order for foreigners to exercise their right to work. The first condition is that the foreigner’s enters into the country, the second is to obtain a work permit, and lastly, the foreigner’s work or profession should not prohibited to foreigners.

According to the International Labor Force Law, which is one of the basic regulations regarding work permits for foreigners, work permit types are divided into 3. These; temporary work permit, permanent work permit and independent work permit. Apart from these types of work, the Law made a classification as exceptional work permit and exemption from work permit. The procedures and principles regarding the work permit of asylum seekers in our country are included in both the International Labor Force Law and the Law on Foreigners and International Protection. In addition, work permit procedures to be applied to refugees are regulated in detail in the sub-regulations of these Laws.

Regulations determine the processes regarding the work permits of foreigners who come to our country to find protection. However, the procedures and principles determined here regarding work permit vary according to the statuses. For example, while refugees and foreigners with subsidiary protection status can work dependently or independently, foreigners who are applicants of international protection and foreigners with conditional refugee status are required to obtain a work permit. In addition, it is stated that foreigners who work without a work permit in our country will be deported and administrative fines will be imposed in this regard.

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FRANCESCA FRISONI*

IMMIGRATION POLICIES, GLOBAL GOVERNANCE AND “WELFARE POPULISM”: THE ITALIAN CASE STUDY


1. Introduction

Inside the wide panorama of social sciences there have been several reflections and researches that have connected the globalization processes to the qualitative and quantitative changes related to the migratory processes1. Except for a change in the perception of travel — due to the cut in costs and duration of the travelling — and excluding the large number of people who are induced to flee from ongoing conflicts and/or because of their status, it is undeniable that in the last twenty years of the 21st century the new economic and political scenarios have produced substantial effects on migration: sometimes in peius — for example the exclusion of an increasing number of people from services, work, wealth2 — sometimes in melius, such as the hybridisation and contamination phenomena3.

Although it is impossible to report the different levels of reciprocity existing between the mobility processes and the birth of the global world, in part linked to the very definition of globalization4, it is however possible to refer to one of the most complicated issue of this connection, that is the progressive inadequa-

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1 Already in 1997, historians question the increase in migrations and their impact in economic, political, and social terms; Ginsborg, Paul (eds.) “Immigrazione e razzismo nel Mediterraneo”, Passato e Presente, 43, 1998: 14-34.

2 On the so-called “expulsion” mechanisms, or rather the exclusion of some people and social groups from working, economic, cultural contexts, please refer to Cristofori Roberta, Sassen Saskia, “Cinque domande a Saskia Sassen sui costi della globalizzazione”, Rivista Il Mulino, 4, July/August 2019: 659-664; Sassen, Saskia, Espulsioni. Brutalità e complessità nell’economia globale, Il Mulino, Bologna 2015.

3 On this specific theme, please refer to the interpretation proposed by Ambrosini, Maurizio, Un’altra globalizzazione. La sfida delle migrazioni internazionali, Il Mulino, Bologna 2008.

4 On the definition of globalization and its several declinations, Osterhammel Jürgen, Peterson Neil P., Storia della globalizzazione, Il Mulino, Bologna 2005; Steger, Manfred B., La glo-
cy of the nation-states to manage autonomously the phenomenon of migration\(^5\), and the sliding of governments towards closer forms of international cooperation in this area. A trend more and more problematic due to the strengthening of the consensus gathered meanwhile by populist and radical right-wing movements, that began to push for a closing of borders and retrenchment of the reception policies\(^6\).

Italy represents a case study because of its particular exposure to the migratory phenomenon over the last thirty years — that resulted in a difficult management of incoming flows, as well for the recent orientations of its migratory policies — emergency measures intended to safeguard security but not supported by evidence concerning the increase in crimes in relation to the foreign presence. A progressive change that can be partly attributed to the widespread intolerance and to a feeling of insecurity fostered by the “anti-system” parties born on the ashes of the First Republic, who used the immigration theme as a strategy to gain consensus and to contest the legitimacy and effectiveness of the European governance. The *Lega Nord* party, *Fratelli d’Italia*, and in some ways the younger *Movimento 5 Stelle*, are joined under the same banner by a strong *euroscepticism*\(^7\), declined as an open attack against the work of the main supranational financial institutions and the austerity policies. They identify in the progressive erosion of the sovereign power of the State one of the reasons for the substantial inability of governments to provide adequate welfare and economic support policies. According to the storytelling proposed by these groups, the

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6 There is a vast literature on the meaning and characteristics of the new populism, here the reference is to Müller, Jan-Werner, *Cos’è il populismo*, Università Bocconi editore, Milano 2017; Revelli, Marco, *Populismo 2.0*, Einaudi editore, Torino 2017; Bartolini, Stefano, “Populismo: il nuovo spettro che si aggira per il mondo”, *Storia e Magistra*, 26, 2018: 51-72; Anselmi Manuel, Urbinati Nadia, Blokker Paul (ed.), *La sfida populista*, Feltrinelli, Milano 2018.

stranger is a dangerous competitor in the access to services and employment inside a society with an increasing gap between rich and poor. The latest literature has defined this ideological setting as welfare populism or welfare chauvinism, it means that type of opposition against European institutions and globalization processes «which carries a more utilitarian than xenophobic connotation […] observed in more prosperous Northern European states where fears are fueled that immigrants will abuse and hollow out national social systems».

In the political perspective adopted by the neo-populist movements, the fight against immigration becomes part of a broader strategy intended to defend national sovereignty against the globalization processes. A strategy that, on one side, challenges the enjoyment of essential human and social rights to people who, on the contrary, enjoy ample freedoms and protections assured by international legislation, on the other, it is never translated into concrete governance proposals.

2. The 1990s: Community needs and early nationalist thrusts

As pointed out, «in Italy the political debate on immigration, political asylum, migration policies, the relationship with Europe and other Mediterranean countries […] still represents one of the most controversial issues of public opinion». Without going too far back in time with the historical analysis, it is moreover possible to state that in our country the immigration theme has produced a high level of engagement in public opinion.

However, from the early nineties, there has been a tightening of tone and a progressive twisting of policies in a restrictive sense, partially due to the influence exercised by the new actors appeared in the Second Republic political arena, in particular Lega Nord and Alleanza Nazionale. If Alleanza Nazionale had its roots in the Italian Social Movement (neo-fascist area) but intended to

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8 Bertoncini Yves, Koenig Nicole, “Euroscetticismo o Eurofobia…”: 6.
archive the most extremist ideological connotations by referring to the values of nation, state centralism and Italian identity; *Lega Nord*, instead, qualified itself as a group of regionalist orientation. Its agenda was particularly appreciated by the productive class interested in the secessionist proposal of the northern regions: they developed a deep intolerance towards the southerners settled since years in the richest districts of Northern Italy, also affected by a stereotyped and discriminatory storytelling. Since its appearance, *Lega Nord* was not an anti-European party, on the contrary it was positive to an intensification of the integration process and a greater attribution of powers to supranational institutions.

During those years, the country was going through a deep phase of political destabilization, due both to the deep identity crisis of the Italian *Partito Comunista* after the end of the communism, both to the several judicial inquiries that invalidated the leadership and credibility of the “historical” parties of the post-war era, the *Partito socialista* and *Democrazia Cristiana*. This instability affected quite a lot the public opinion, who was deeply impressed by the sequence of different mafia massacres, in addition to the growing concern about the immigration phenomenon: the increase in illegal arrivals on the Italian coasts from the Balkans area and the potential consequences of the fall of the “iron curtain”. These concerns were quickly assimilated as political arguments by *Alleanza Nazionale* and *Lega Nord*, which linked its initial anti-southern positions to the fight against immigrants.

There was also, and above all, the new institutional and economic framework of the Europe born in Maastricht that significantly influenced the political approach to the migration issue and the *Lega* agenda. The freedom of move-

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13 The change of the position towards the EU was illustrated through the analysis of the official Party document from the research of Conti Nicolò, De Giorgi Elisabetta, “L’euroscetticismo a parole...”: 271.


ment within the EU area was not followed, inside the member states, by control and identification paths for people arriving from non-EU countries; harmonisation of asylum policies, and action against illegal immigration, in simple words, a “safer” management of the European Union’s external borders\(^{16}\).

Furthermore, the achievement of eurozone, at least for the less virtuous countries like Italy, involved a substantial consolidation of the public finances, a deep revision of the welfare system and the implementation of economy measures which would have affected the quality of life, national income and growth. The impact of the European Union on the main programmatic objective of Lega Nord — Northern Italy federalism — resulted in a failure. The disappointment of the party, which initially aimed for the autonomous adhesion of the northern regions to the single currency in such way that small and medium-sized enterprises could increase their competitiveness in the eurozone after the release from the «huge public debt and the continuing flows of wealth towards Rome»\(^{17}\), triggered the new eurosceptic turn: Lega now aspired to defend the national political autonomy, especially in tax matters, in the attempt to keep its electoral base.

The LN leader, Umberto Bossi, remarked: «with globalization we end up assuming a globalist ideology, with a network of economic interconnections and interdependencies that cancel any possibility of economic autonomy and independence. And therefore, political and cultural, both of individual states and people»\(^{18}\). Considering that Alleanza Nazionale shifted towards more moderate positions, the Lega now occupied the radical right-wing position, but it did not become a party «in defence of the cultural identity and prerogatives of the nation», juxtaposing it with the regionalist model, «but who embraces nationalist rhetoric to oppose supranational and, in particular, European Union institution»\(^{19}\). Nationalism, racism, which reemerged in the anti-immigration propaganda, intended to mobilize the electorate on the priority of access to work and welfare state for Italian citizens, in a historical moment when these

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\(^{16}\) The *Schengen Convention* provided for the obligation for the member states to «bring their visa policies closer, as quickly as possible, in order to avoid the negative consequences that can result from a relaxation of the control at the common borders in the field of immigration and safety»; on the point https://www.camera.it/_bicamerali/schengen/tonti/ACCSCHEN/inf-dx.htm. Brouwer Evelien, *Digital Borders and Real Rights. Effective Remedies for Third-Country nationals in the Schengen Information System*, M. Nijhoff Publisher, Leiden-Boston 2008.

\(^{17}\) Conti Nicolò, De Giorgi Elisabetta, “L’euroscetticismo a parole….”: 272.


\(^{19}\) Conti Nicolò, De Giorgi Elisabetta, “L’euroscetticismo a parole….”: 268.
protections seemed in jeopardy due to the restrictions imposed by Community policies.

With regard to the migration policies, in this historical phase there are several non-organic and emergency regulatory actions, first of all, the Martelli law (no. 39 of 1990) which introduced a form of organisation of incoming flows based on the needs of the labor market but, above all, it implemented the first repressive instruments, including the procedure for the expulsion of socially dangerous foreigners and illegal immigrants. The Martelli law was followed by the Conso decree (no. 187/93) then converted into law, which made further changes to the expulsion regulations. The widespread feeling of hostility towards immigrants could be interpreted both in the tightening of the conditions established to naturalise foreign citizens (that Law no. 91 of 1992 bound to 10 years of continuous legal residence in the Italian territory) and the necessity to introduce a law (no. 205/93) to punish those who instigated to commit or committed acts of violence or provocation for ethnic, racial or religious reasons, or acts of discrimination. However, in 1995 there has been the first attempt to improve the reception paths, also to cope with the continuous illegal landings on the Adriatic coasts: the Puglia law (no. 563) arranged a better deployment of the armed forces to patrol the coasts and it instituted the “Reception centres”, places to welcome and identify asylum seekers. According to the interpretations of center-right parties (Berlusconi’s Polo della libertà, Lega Nord) these centres reflected a “soft” approach to the migration issue in contrast to the apparent increase in criminality transmitted more frequently by the media. At last, the so-called Turco-Napolitano law (no. 40/98) was the first real provision on immigration promulgated by the centre-left government in order to balance national and European policies in the field of asylum and protection of external borders, as foreseen in the conditions of access to the Schengen area. On one side this law organised “pathways to citizenship” in the area of integration and rights of immigrants, but on the other side it tightened the repressive instruments for the refoulement of illegal immigrants and for the fight against organised criminality, as well as it reintroduced the principle of controlled flow. Aligning with other European countries, this law introduced also the “Temporary Detention Centres”, structures designated to “detain” foreigners for the time strictly necessary to help and/or identify them, and then reject them at the border, or deport them by accompaniment by the police. The detention in these centres, imposed by administrative means, was scheduled for 30 days, and it has been criticised for years for the discretion in the use of it by the police and for the severe restrictions of fundamental rights derived from the prolonged detention at these centres. A few months after its approval, the Law 40/98 merged into Legislative
Decree 286/98, called *Testo Unico* (Consolidated Law) on the provisions concerning immigration and rules on the condition of foreigners\(^{20}\).

It was more problematic the application of the principle of non-refoulement to seekers of humanitarian protection, enshrined in international law, which in practice clashed with the hardline unexpectedly undertaken by the Prodi government, that did not hesitate to prevent the docking of boats loaded with migrants on the Italian coasts by military means\(^{21}\). A choice strongly objected at international level\(^{22}\) and by the other parties of the majority coalition but supported by *Lega Nord* and various Italian municipalities and regions unwilling to receive refugees\(^{23}\). Between 1998 and 1999, *Lega Nord* gathered signatures, marches and various “anti-immigration” demonstration actions, in addition to a proposal for referendum for the abrogation of the *Turco-Napolitano Law*\(^{24}\), with the support of other far-right groups, such as *Fiamma Tricolore* and *Forza Nuova*, and a part of the public opinion.

3. *The 2000s: welfare crisis and social conflict*

In 1999, in Seattle, during the meeting of the World Trade Organisation, were reopened international negotiations for a new liberalisation of the market, the *Millennium Round*. Due to this over 50,000 people of different gender, cultural background, interests, took to the streets, in a peaceful or violent way (*Seattle Battle*), to oppose the step forward in the processes of globalization in economic, environmental, social, political fields, opening the new season of no-global or new global protest\(^{25}\): a transnational network that united the in-

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\(^{22}\) The UN openly criticised the Italian hardline, underlining that human and political rights of migrants were heavily compromised. The Prodi government replied that no naval block was underway, but an “effective patrol” of international waters; 28\(^{th}\) March 1997, *L’ONU all’Italia: via il blocco navale*, CorrieredellaSera.it.


\(^{24}\) To abrogate “any favourable treatment for immigrants and foreigners, contrary to the Italian Constitution and not required by the international commitments of the Italian State”; *Gazzetta Ufficiale*, 16\(^{th}\) April 1998, n. 88.

stances of the anti-capitalist movements in the attempt to influence the global governance agenda.

A year earlier, in 1998, Italy joined the European Monetary Union thanks to the implementation of a rigorous financial consolidation policy — which hampered propulsive effects for the economy. On the contrary, the first inequalities were evident, determined by the privatisation programme of state-owned enterprises and by the impossibility of resorting to the advantages of a monetary devaluation, which made the small manufacturing industries more vulnerable under the threat of competitors from Asia and central-eastern Europe, which instead benefited from the effects of neoliberal deregulation, especially on labor costs. The world of small specialised enterprises was progressively crushed by the taxes, unemployment and lack of technological innovation; in this way, the right-wing anti-globalization and anti-European propaganda structured its argument also in Italy, linking to it the immigration problem.

Between 2001 and 2011 the number of foreigners residing in Italy increased.

28 For a general framework, Caracciolo Luciano, Roccucci Andrea, *Storia contemporanea. Dal mondo europeo al mondo senza centro*, Le Monnier, Firenze 2017. On this theme, Bossi in his “Speech to the Parliament of Mantua”, 4th May 1996: «I think about the difficulty of the North in entering Europe, that is, in the single European currency, being no longer able to resort to currency devaluation. Padania, which is the most competitive production system in Europe, needs devaluation to sell its products due to the weight of the Roman trailer, it would risk collapsing. There are particular trigger moments, in which the knots come to a head, and one of these, certainly the main one, is Europe»; *Cronistoria della Lega Nord dalle origini ad oggi*, Terza Parte, 1996-1998, Segreteria Organizzativa Federale, 5, on: [https://www.leganord.org/phocadownload/ilmovimento/storia_ln/03_lega_nord_storia96_98.pdf](https://www.leganord.org/phocadownload/ilmovimento/storia_ln/03_lega_nord_storia96_98.pdf).
31 Umberto Bossi conjectured in this way on the eve of Italy’s entry into the euro system: «But European recognition could also have taken place in exchange for the decrease in migratory pressure on other European countries, a viable option by opening the doors of Italy to non-EU immigration. In exchange, Italy may have been given a different assessment of the deficit-GDP ratio» Speech by Umberto Bossi at the Federal Congress of Lega Nord, 28th March 1998, on [https://www.leganord.org/phocadownload/ilmovimento/Presidente_Federale/discorsi_assemblee/1998_28marzomilano.pdf](https://www.leganord.org/phocadownload/ilmovimento/Presidente_Federale/discorsi_assemblee/1998_28marzomilano.pdf).
from 1,334,889 to 4,029,145 people; the progressive ageing of the population and the increase in the average level of education of young people caused a demand for structural immigration to compensate the need of unskilled workers for less qualified jobs (absorbed by persona service sector, agriculture, tourism, construction industry, manufacturing industry\(^{32}\)) and low birth rates. However, this flow of people was distributed on the national territory in an irregular manner, maturing the reception capacities of single regions and generating more frequent reactions of rejection and hostility\(^{33}\).

The fatal attack on the Twin Towers of 11 September 2001, opened in Italy and all around the world a new season of the anti-immigration debate, affected by the fear of terrorism (which affected also Europe with the attacks to Beslan and Madrid in 2004, London in 2005, Paris in 2015) and the fear of an upcoming “clash of civilisations”\(^{34}\).

The right-wing parties reinvigorated their consent by proclaiming their aversion to any type of foreign presence, even beyond numerical evidence, which identified the groups from East Europe as the most populous and most integrated communities in Italy (Romanians, Poles, Albanians, Ukrainians).

In those years, as Colucci notes, although the legislative measures concerned «all aspects of the migratory path in various aspects: work, political asylum, entrance, expulsion, integration, social rights, welfare», they moved in the direction of a more progressive «restriction and greater precariousness inflicted to the foreign population»\(^{35}\). The Bossi-Fini law in 2002 sanctioned this progressive inclination in a restrictive sense, exacerbating the criminal measures for illegal immigrants and traffickers, introducing the obligation to take fingerprints at the time of the application for the residence permit, reducing the duration of the permits, limiting family reunification, formalising the em-
ployment contract as a necessary requisite for staying on the Italian territory. The increased conflict with foreigners was worsened by the public debate that alternated identity slogans ("Italians first") with concerns about the increase in petty crime connected with the presence of illegal immigrants, due to the tragic succession of landings (the so-called “carrette del mare” - carts of the sea) from the North African and Middle Eastern area.

But the most significant moment of the 2000s (in terms of strengthening nationalist forces and their effects on the tightening of reception policies) is the appearance of “neo-liberal critical juncture”, the recession phase that began in 2008 and which affected the financial sector as well as the real economy with a fall of the global GDP and a decrease in production and trade.

Although it originated in the USA, the new “Great Depression” spread quickly in Europe due to the reckless financial speculations played by banks on credit and, in the Italian case but not only, it resulted in the sovereign debt crisis, caused by the rescue operations of the national banking institutions carried out by the governments, and the retention expenditure strategies undertaken in view of the request of the European governance to maintain good practices of public finance (stability and balanced budget).

36 This measure was not supported by the entrepreneurs in the North East, as it introduced considerable rigidity inter labor market, preventing the employment of the foreign workers essential for the sector; Guolo, Renzo, “Immigrazione, etnicismo, crescita zero. La Lega e il Nord Est”, Rivista Il Mulino, 5, 2002: 886-892.

37 Migrants supposed to increase, in addition to ongoing conflicts, also due to estimates relating to wealth differences and growth rates, between the shores of the Mediterranean. According to the UN predictions regarding the evolution of the working-age population in the period 1995 - 2025, in the northern countries of the Mediterranean there should be an overall decrease of about 12 million people, in the southern countries an increase of more than 63 million people; Grande, Enrico, “Mediterraneo, bacino di migrazioni”, Affari sociali internazionali, 1, 2003: 67-80.


39 In this context we do not go into the details of the complex financial mechanisms behind the 2008 crisis, please see the considerations about the causes and consequences elaborated by some of the leading scholars on this theme (Youssef Cassis, Harold James e Adam Tooze): La crisi dieci anni dopo. Storici a confronto, a cura di Luciano Segreto, Passato e Presente, 108, 2019: 19-54.

40 The contraction in GDP levels was accompanied by an overrun in the public debt/gross domestic product ratio set, for Italy, according to the Maastricht parameters, at 60% and the deficit / GDP ratio set at 3%, with the consequent intervention of the international financial institutions (ECB and European Stability Fund) in order to alleviate the heavy recessive situation that has taken place in countries considered less solid and, for this reason, less attractive - in terms of issuing governments bonds - by other states and / or investment entities; http://www.conso.it/web/investor-education/crisi-debito-sovrano-2010-2011.
In this context, the Italian neo-populist\(^\text{41}\) and sovereign movements became more protagonists, and they structured new forms of radicalisation of the political discourse taking advantage of the consolidated distrust of the population towards the European institutions, calling the electorate to take a stand against the neoliberal policies that locked the National State in a system of rules (or absence of rules) not approved by representative bodies, but agreed by the global financial elites.

On this path, the *Movimento 5 Stelle* was born in 2009, a populist “party-movement” intended to represent an alternative to the traditional party system. It was characterised by informality and direct contact with its supporters; the *M5S* highlighted the contrast between social, economic and political rights of people and those of the élites, parties, economic and financial groups\(^\text{42}\). The *Alleanza Nazionale* of Gianfranco Fini was disappearing in the meantime from the political horizon, losing the battle for the leadership of a “new” moderate Right-area still controlled by Silvio Berlusconi\(^\text{43}\).

The country, bridled in empty political debates and struggles for power, was not prepared to participate in new challenges of global economy, let alone to face the increased inequalities that the welfare state was not able to support. Since the postwar the welfare «maintained an important role in promoting social integration without discrimination and distinctions, in opposition to the social exclusion»\(^\text{44}\), but it was now preparing to live a «new evolutionary phase […] which imposed more stringent standards in the provision of benefits, a significant reduction in the areas of intervention and the beneficiaries»\(^\text{45}\), it was essentially based more on a criteria of “worthiness” (employment, citizenship, income) than equity\(^\text{46}\). A structural change originating not from a political decision but «from an external constraint imposed to democracy […] protection of markets, the tightening of the obligations imposed to national governments, the reduction of the redistributive claim of governments»\(^\text{47}\).

\(^{41}\) The definition is based on the idea that there have been three historical waves of populism, the last of which began in Europe on the 1990s: Bartolini, Stefano, “Populismo…”.


\(^{43}\) Colarizi Simona, Gervasoni Marco, *La Tela di Penelope…: 211-215*.


\(^{45}\) Ivi: 9.

\(^{46}\) The concept of conditional welfare and chauvinism welfare was introduced in the sociological field, please see Greve, Ben, *Welfare, populism and welfare chauvinism*, Policy Press, Oxford 2019.

4. Migration policies between welfare chauvinism and global governance

In 2009 began the so-called “third phase” in the history of migration policies, with the introduction of the measures strongly promoted by the Minister of the Interior (Lega Nord affiliate) the “packages” (decrees), which regulated immigration through the strengthening of security and territorial control measures. Certainly, a change of the collective sentiment and political agendas of the parties with respect to the migratory phenomenon was not helped by the increase in landings (due to the political turmoil in the North African area followed by the Arab Spring, and the instability of Libya after the deposition of Gaddafi), although, between 2016 and 2017, the Italian government entered into new agreements with the Prime Minister Fayez-al Sarraj for the “refoulement management” and rescue operations at sea, much discussed.

Between 2013 and 2014, the permanent shift of the Italian Right-area on radical and sovereign positions was determined by the definitive transition of Lega Nord (now led by Matteo Salvini) to the federalist and nationalist line, abandoning the original idea of the Northern regions independence and the anti-southernist propaganda, and the birth of Fratelli d’Italia (led by Giorgia Meloni) which, although it was inspired by the experience of Alleanza Nazionale, combined Euroscepticism, populism and nationalist conservatism in a 2.0 version; the consensus gathered by these two parties led them to lead, in 2018, a coalition governments with Movimento 5 Stelle. Among the first measures undertaken by the first Conte’s government — at the initiative of the Minister of the Interior, Matteo Salvini - were two urgent actions against illegal immigration and public order and security.

The two “Decreti sicurezza” (“Security Decrees”), drafted on the basis of an announced increase in the landings of illegal immigrants, abolished humanitar-

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48 It is the decree law no. 92 of the 23 May 2008, including “urgent provisions on public safety”, converted by the Law no. 125 on 24 July 2009 concerning “provisions on public safety”; of the Law no. 94 of 15 July 2009; of the Law no. 85 of 30 June 2009, which ratified Italy’s access to the Prüm Convention; of the Law no 159 on 3 October 2008 on “the free circulation of EU citizens” (later shelved) and no. 160 on “the recognition of refugee status and family reunification”.


ian protection and, above all, they gave to the Minister of the Interior the power to “limit or prohibit entrance, transit, or stop of ships in the territorial sea”. The so-called policy of “closed ports” implemented by the Minister of the Interior, limited the arrivals from 52,194 to 8,848 (although the interpretation of this data is not univocal)\(^51\), but, above all, it started a strong-arm with EU intended to review the provisions of the Dublin Regulation.

The European Parliament was ready to review the Regulation according to a proposal that better balanced the principle of responsibility and solidarity between member states, rejected by the European Council due to the pressure from some countries, as Austria, Hungary, Poland, Slovakia and surprisingly, Italy. In the same way, in December 2018, Italy decided not to participate at the Marrakesh conference for the ratification of the *Global compact*, the international pact “for a safe, organised and regular migration”\(^52\), highlighting the precise will of the government not to cooperate; in fact the propaganda of parties such as *Lega Nord* never resulted in an alternative governance proposal, rather in «a procedure more oriented towards pragmatism and even the consensus building with the government partner […] marking a certain inconsistency between the general opposition to the rules of the European Union system and the acceptance of the practices introduced by that system»\(^53\). On 5\(^{th}\) October 2020, the second Conte’s government finally amended the two Salvini decrees: the prohibition or limitation to the transit of ships is no longer applied to the rescue operations of migrants and people exposed to the risk of “inhuman or degrading treatment”, but above all, the decree brought again into force the humanitarian protection mechanism.

Beyond the brief reconstruction of the historical-political framework within which matured the legislative measures on immigration, as mentioned in the Introduction, we would like to underline the relationship established between the Italian migration policies and the strengthening of nationalist and populist feelings conveyed by the new political parties. These parties, in fact, have employed the immigration issue as a lever to systematically criticize the European governance and, more generally, the effects of neoliberal policies, both in terms of access to welfare for citizens and, on a smaller extent, of the maintenance of

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\(^{51}\) All data on: https://www.interno.gov.it/it/stampa-e-comunicazione/dati-e-statistiche/sbarchi-e-accoglienza-dei-migranti-tutti-i-dati. However, it seems documented that the agreements with Libya more than the security decrees influenced the decrease in landings, Gargiulo, Enrico “Una filosofia della sicurezza…”.

\(^{52}\) 10\(^{th}\) December 2018, *Marrakesh, approvato il Global Compact for Migrant. Italia assente*, Lapresse.it.

the national identity. The call to neo-populist, new global or sovereign labels in reference to the identity, languages, themes developed by these parties which — within and outside Europe — take heterogeneous connotations, seems to keep a series of common features, including the progressive construction of an anti-immigrant propaganda, functional to the establishment of a new welfare chauvinism. This «welfare configuration limits the access to subsidies or reduces the standard of benefits for immigrants, it introduces more selections and measures based on conditionality for ethnic minorities [...] and, at the same time, it intends to reinforce the social protection for those Italian citizens considered worthy»54: in other words, an exclusive and no longer inclusive welfare.

In short: the problematic dimension — and global interdependence — stressed by issues such as climate change or migration, suggests that in the contemporary world, the nation-state can no longer maintain a full and self-managed political space, on the contrary, it is evident that today the power is increasingly «shared and negotiated by numerous forces and institutions at national, regional and international level»55. A tendency to cooperation that set the world from Bretton Woods onwards, which facilitated the start of development and modernisation processes, although not always harmonious and egalitarian, but it also managed to pay the necessary attention to social rights and freedoms. The current turning to a sovereign sense of some national governments, undeniable distortions produced by neo-liberal policies, on the contrary, does not seem to be an effective political alternative for the management of processes no longer under the exclusive control of the States, and it appears exclusively as a strategy for maintaining the electoral consensus that is not associated with an adequate planning of social justice and more equitable distribution of resources.

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55 Held David, McGrew Andrew, Globalismo e antiglobalismo, 124.
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1. Introduction

This article aims to offer some reflections on the concrete methods of protection that the Italian legal system offers to refugees in two fundamental phases of their integration process:

- the procedural phase, that starts when the migrant applies to the competent Italian administrative authorities to obtain the residence permit which allows him to legitimately live in Italy;

- the jurisdictional phase, that takes place if the migrant suffers an injury because of an act carried out by the administrative authority (mostly the denial of the residence permit) and decides to bring an action to the Administrative Italian Courts (TAR in first instance or Consiglio di Stato in second instance) to obtain annulment of the denial and, more generally, to get protection from the court.

Data relating to the reception of migrants in Italy show a tendency of weakness in the management of applications for residence permits, that adversely affects overall reception conditions for refugees and, often, represents a guise to sacrifice their human rights.

In the period 2014-2017 – because of the high number of arrivals of migrants – the organization of border control authorities and the verification of the positions of asylum seekers showed their inadequacy.

Since 2018, through ad hoc measures and new investments, the Italian Government deployed the resources allocated to the public bodies responsible for granting asylum and other similar protection tools.

In approaching the topic of immigration policies, it is frequent (also in scientific literature) to consider the aspects that concern the difficult and painful human path that migrants are forced to face. It is true that the administrative
and (if need be) jurisdictional procedures they have to deal with can assume an equally significant importance.

In other terms, if the migrant can rely on efficient and fast administrative and jurisdictional procedures, probably his condition (that *ab origine* is very uncomfortable) should improve.

2. *The procedural phase*

The administrative procedure finalized to achieve the residence permit, asylum or similar measure of international protection is based on Article n. 10, par. 3, of the Italian Constitution that establishes that the right of asylum is recognized to anyone who is prevented from effectively exercising democratic freedoms and human rights in his own country of origin.¹

As clarified by the Italian Supreme Civil Court (*Corte di Cassazione*), “although the notion of the two categories (asylum and refugee status) are ontologically different (especially with respect to the burden of proof²), the rules about the procedures for obtaining the status are similar because of the common needs of public order and security, which are constitutionally values” (Cass., 25th August 2006, n. 18549; Cass., SU, 26th May 1997, n. 4674). This jurisprudential orientation means that asylum offers immediate and provisional protection to migrants who, when they arrive on Italian territory, express the need to obtain a form of international protection, up to the verification of their real status and situation.

The procedure begins when the migrant applies to the border office for any form of international protection.

The competent authority examining the application is a special Governmental Unit (*Commissione Governativa Territoriale*) for the recognition of international protection, that is localized at the Government Offices (*Prefetture*). The Unit is made up of a Government representative (such as the president), a State Police commissioner, an official of the State Police, a representative of territorial bodies and a delegate of the United Nations High Commissioner for Refugees (UNHCR).

One of the most relevant issues concerns the identification of the rules that are applicable to these procedures before the Governmental Unit; in fact,

² To obtain asylum status it is not necessary to provide proof of persecution in the state of origin.
the solution of this question significantly affects the configuration of the legal framework of the limits of migrant protection.

First of all, the question arises as to whether the general provisions laid down in Italian Law 25th August 1990, n. 241 apply to these procedures\(^3\). In particular, Italian legal doctrine is debated between those who believe that the Law 241/1990 is applicable only to Italian or EU citizens and those who, on the contrary, affirm that it is applicable to any private person (including non-EU citizens).

Regarding this issue, we observe that most of the norms of Law 241/1990 use expressions that do not contain any explicit reference to the (EU or Italian) citizenship: in fact, Article n. 3 refers to “the recipient of administrative action” (“il destinatario”); Articles n. 7, 9 and 10 use the term “subject” (“soggetto”); Article n. 11 refers to “the interested parties” (“gli interessati”); Article n. 22 makes reference to “all private subjects who have a direct, concrete and current interest, corresponding to a protected legal position” (“tutti i soggetti privati che abbiano un interesse diretto, concreto ed attuale, corrispondente ad una situazione giuridica tutelata”).

The only norms that refer to citizenship as a condition to apply Law 241/1990 are Articles n. 16-17-18 about the effects of the advisory opinions of the administrative bodies and private declarations released in the procedure.

*Rebus sic stantibus,* regardless of the textual indications of Law 241/1990, the thesis about the application of this fundamental and general Law (also) to foreign persons is justified by giving relevance to the rationale of the Law, that offers the same protection to all people from the risk of public power abuse. This protection is especially required in the case of non-EU citizens because of their weakness based on their not belonging to the EU and their lack of knowledge of the Italian and EU system.

If we reflect on the particular situation of migrants who arrive in Italy after a desperate and dangerous trip, it is not acceptable that the legal protection

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\(^3\) Law n. 241/1990 defines the standards for all administrative procedures in the sense that no procedure may derogate from these minimum standards of protection. It represents a fundamental guarantee for the protection of the rights of private persons who are involved in an administrative procedure. This Law, introduced in 1990, has undergone thirty years of important changes and updates aimed at adapting the rules to the general EU provisions and the decisions of the Italian and European High Courts which frequently interpreted the norms very broadly. In the field of principles and rules of Law 241/1990: A.M. Sandulli, *Il procedimento amministrativo,* 1940; M. Nigro, *Procedimento amministrativo e tutela giurisdizionale contro la pubblica amministrazione (il problema di una legge generale sul procedimento amministrativo),* in *Scritti giuridici,* Milano, 1996, 1427.
is less than that guaranteed to any citizen. Indeed, the right to a law-abiding procedure is, surely, a fundamental and unalienable human right, as established by Article n. 41 of the Charter of fundamental rights of the European Union (Nice, France, 2000) and Article n. 6 of the European Convention on Human Rights (ECHR, 1950).

Finally, a recent norm introduced by Legislative Decree n. 25/2008 (it is a governmental decree adopted on the basis of a delegation from the Parliament) establishes that most of the rules of Law 241/1990 can be applied to the procedures finalized to decide the applications of residence permits or similar authorizations (Article n. 18).

The fact that Article 18 refers only to some (not all) of the norms of Law 241/90 has led some scholars to affirm that, for example, public administration is not obliged to inform the applicant of the start of the procedure in order to allow him to participate and be heard.

This interpretation – in our opinion – is not convincing because of the general principles of Italian, EU and International Public Law above mentioned as well as the decisions of Italian Administrative High Court (Consiglio di Stato).

The rights to participate, know and defend oneself are moreover guaranteed and confirmed by the mentioned Decree n. 25/2008 where specific transparency requirements for Administrations are established, such as the obligation of the border authority or the Governmental Unit regarding the procedural rights and duties of the applicants, the timelines of the procedure or, finally, the specific tools available to support the application (Articles n. 6 e 10, first paragraph, Decree n. 25/2008).

Nonetheless the procedure for providing international protection consists of significant elements of specialty. For example, it includes a sub-phase for

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the personal hearing of the applicant in order to investigate the concrete (and personal) reasons which led him to leave the country of origin and the reasons why it is not possible return and live there\(^7\). The interview, pursuant to the Decree n. 25/2008, must be videotaped and the applicant in every moment has the right to submit new briefs (statements) and documents (Articles n. 12-14). The National High Court (Corte di Cassazione) recently clarified that the personal hearing of the applicant must take place before the Governmental Unit or, only if impossible, before the Court (decision 23/10/2019, n. 27072).

Article n. 27 of Decree n. 25/2008 regulates the power of the Administration to acquire *ex officio* information about the status and the life of the applicant and about his original country; this means that, differently from what usually happens, the authority is not limited in the assessment of the case by the circumstances and the law elements deduced in the application form.

Furthermore, if the authority ascertains a cause of inadmissibility of the application, the applicant must be informed in order to hear his defence. This defence must occur within three days\(^8\). The application is inadmissible if it re-proposes a request already rejected without adding new elements.

It is interesting to underline the difference between this norm and the analogous one provided by General Law 241/90 (Article 10 bis), that establishes a general duty of public administration to inform the applicants in advance in any case of rejection (not only in case of inadmissibility, but also in the case of groundlessness of the merit), allowing the applicant to defend himself within ten days.

Why, in the context of migrant applications, does the legal system reduce protection so significantly?

In our opinion, this difference in treatment is unjustified and it risks becoming an intolerable infringement of the fundamental rights of defence of foreign persons.

Last but not least, in the field of application of Law 241/90 to the administrative procedure finalized to issue a residence permit, it is important to underline that Legislative Decree n. 286/1998 (known as *Testo Unico Immigrazione*, that contains general norms about migrant acceptance) allows the administration to reject the application with stating the motivation. This rule is blatantly

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\(^7\) Analogous tool was recently introduced for all administrative procedures in Sicily by Regional Law 21.5.2019 n. 7, (Article n. 12, comma primo, lett. c).

contrary to Law 241/1990 that introduced the general obligation to state reasons for all administrative acts.  

Although the specialty of the immigration topic justifies some exceptions to the general rules, we believe that in this case the obligation to state reasons – as declared by the Constitutional Court with decision 5.11.2010, n. 310 - is a binding principle in accordance with the Italian Constitution, thatprescribes the rules of transparency, open administration and equity (Articles 97 Constitution)\(^9\).

Recently, the Constitutional Court (decision 26.5.2015, n. 92), in accordance with the Administrative High Court (Consiglio di Stato, decision 7.4.2014, n. 1629), declared that motivation is the foundation and the real essence of administrative power. According to this interpretation, we believe that the above-mentioned Article 4, second paragraph, of Decree 286/1998, is unconstitutional.

Apart from specific rules, in general we consider the guarantees of defence offered by the law to the refugees and migrants in the procedural phase to be adequate. They are finalized to create a balance between the interest of the applicant to have a fair and thorough evaluation and the interest of the Administration to avoid abuses.

Nevertheless, there is an unsatisfactory and inadequate aspect: it regards the duration of the procedure. Even if the law sets certain time limits for the evaluation of applications, in practice these times are frequently uncertain because of the high level of bureaucracy and difficulties in managing such a large number of applications.

This problem negatively affects the condition of migrants and refugees but represents also a limit for Italy to achieve good administrative efficiency performance as recommended by EU law.

However, in the last two years something has changed and positive signs are being seen:

\(^9\) Recently the Administrative High Court (Consiglio di Stato) ascertained the legality of the rejection of residence permit to a migrant who was condemned of sexual assault even if was absent the verification of the applicant’s family situation and personality (Cons. Stato, sez. III, 29.11.2019, n. 8175).

- the number of migrant entries has progressively and significantly reduced;
- a large part of applications has been settled by the administrations;
- the number of Government Units has been increased and they have gained valid experience which makes the work faster and more precise.

What we can hope for in the future is that the Parliament decides to approach the issue of migration with a different method: in fact, it is deeply unfair that the regulation of procedures to get international protection (whose effects affect the life of persons) is entrusted to rules that are often confused, in disagreement with each other and, even at times, in contrast with the Constitution.

3. The judicial phase

If the migrant receives a rejection of the application, the Italian legal system – according to the fundamental right of defence – offers a second chance, that is to ask for a court to review the question.\(^{11}\)

It should be clarified that foreigner persons, even if clandestine or illegal, have the right of defence guaranteed by Article n. 24 of the Constitution as a fundamental right.\(^{12}\) As laid out in the mentioned Article n. 24 “everyone has the right to act and resist in judgment”.

This right is expressly laid out in Article n. 2 of Decree 286/1998 that recognizes that the migrant is entitled to the same treatment as citizens.

It means that migrants can appeal to Italian Courts against administrative acts that infringe their rights.

Also, the Constitutional Court declared that “every foreigner can contest an expulsion measure, with full guarantee of the right of defence even if the foreigner is illegally present on the national territory” (decision 16.6.2000, n. 198).

The judicial protection system for immigrants has some peculiarities that


determine several interpretative doubts. These doubts, frequently, may disappoint the expectations of appelants.

The first peculiarity concerns identification of the judge to appeal to.

In fact, trial protection against illegal administrative acts is based on the different roles of administrative judges and civil judges, that have different powers, different rules, different competences.

So, every time a person wants to appeal against a public administration must to understand what kind of protection to ask for and who is the correct judge.

In the specific field of migration, Decree n. 285/1998 attributes the appeals against the acts of public authorities (such as the rejection of residence permits, expulsion orders, etc.) to the administrative judges (Article n. 10). Instead, the civil judge (Tribunal in first instance, Court of Appeal in second instance) has jurisdiction over the disputes about humanitarian protection, protection of the family unit, refoulement, expulsions, discrimination acts (Article 44 Decree n. 285/1998).

Although this division seems to lead back to the general criteria of the nature of the legal position (note n. 13), the variety of the cases considered in

13 The reasons why this duplicity of judges exists mainly lie in historical reasons related to the moment in which, after the unification of Italy (1861), the organization of the jurisdiction was regulated. The original system has been maintained, albeit with various updates, in the current Constitution (1948) which differentiates protection before the administrative judge from that of the civil judge based on the nature of the legal position of the appellant (diritto soggettivo versus interesse legittimo).

14 There were different interpretations and orientations on jurisdiction over expulsions. The Administrative High Court (Consiglio di Stato) tried to solve the doubts with the decision n. 571/2001 (in favour of administrative jurisdiction). Nevertheless, the Supreme Civil Court (Corte di Cassazione), in 2013, declared that the jurisdiction over expulsions belongs to the civil judge because of the absence of discretion of public administration. About this question, R. Chieppa, Quale giudice per gli immigrati? Questioni di giurisdizione e di competenza, in AA.VV., Frontiere dell’immigrazione o migrazione delle frontiere? Atti del Convegno di Trento, 25-26 novembre 2011, Trento, 2012, p. 171 ss.

15 On this question the jurisprudential orientation is uniform in the sense that the position of the applicant for humanitarian protection is a human right (i.e. diritto soggettivo), not vulnerable by a discretionnal evaluation of public administration, who can just ascertain the subsistence of the element that the Law recognizes as necessary to get it.

16 In these cases, the protection is mandatory because of family situation; the public administration does not have any discretion and the position of the applicant is a real right (i.e. diritto soggettivo) (Supreme Civil Court, United Sections, Corte di Cassazione a Sezioni Unite, decision 12.1.2005 n. 383).

17 About jurisdiction over refoulement actions, refer to the previous note n. 13.

18 About jurisdiction over expulsions, refer to the previous note n. 14.

19 Article 44 Decree n. 286/1998 devolves jurisdiction to the civil judge recognizing the right not to be discriminated against as a fundamental human right (i.e. diritto soggettivo).
the numerous regulations and the frequent interpretative doubts highlight the inadequacy of the protection judicial system characterized by high risks of uncertainty.

Apart from that, the system seems incoherent with respect to the general principle of the concentration of protection instruments under which, recently, the Parliament increased cases where the administrative judge examines all the disputes regarding the same topic (regardless of the specific subject of the trial).

Because of the complex system of protection, it is frequent that the migrant must appeal to two different judges with the paradox of expenditure of money for the appellant and resources for the State. This is what happens, for example, when the migrant receives a rejection of residence permit based on reason of employment (jurisdiction of administrative judge) and after a few days receives also the consequent expulsion order from the State (jurisdiction of civil judge).

These cases are rather frequent and they pose problems regarding the connection between the two trials. In particular: can the civil judge incidenter tantum verify the legality of the rejection that is the presupposed act of the expulsion?

Regarding this question, Italian jurisprudence disagrees; three different solutions have been identified.

First solution - In accordance to Article n. 295 of Code of Civil Procedure, the civil judge must suspend the trial until the administrative judge decides on the legality of the rejection. This solution has been followed by the Supreme Civil Court (Corte di Cassazione) in several decisions (i.e. decisions 21.6.2000 n. 7867; 20.6.2000, n. 8381). Indeed, it seems very penalizing for the appellant because he risks that, pending the trial before the administrative judge, the expulsion order is executed by the Police, hopelessly frustrating the expectations of the appellant.

Second solution - There is no connection between the two trials; the civil judge should decide about the legality of the expulsion order, which must be known only in the perspective of its specific elements. According to this solution, the civil judge does not verify (even incidenter tantum) the rejection of the

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residence permit. The solution was followed several times by the Supreme Civil Court (decisions nn. 22217/2006 and 22221/2006) even if it is not convincing as it can hardly be said that there is no connection between the two trials.

Third solution - It is an evolution of the second one, in the sense that the civil judge decides about the legality of the expulsion order but, if necessary, he can *incidenter tantum* know about the validity of the presupposed act (that is the rejection of residence permit) and decide as if it was not adopted (so called de-application of the presupposed act).

This solution, that has been followed by Constitutional Court (decision n. 41/2001) and the Supreme Civil Court (decision n. 20125/2005), seems to be the most reasonable in the perspective of the mentioned rule of concentration of instruments of judicial protection\textsuperscript{21}.

These reflections on the division of jurisdiction in matters of immigration lead us to believe that the current judicial system is not adequate and, probably, does not respect the fundamental principles of effective and fair judicial protection.

These principles are expressly enshrined in the Constitution, in the Administrative Procedural Code (Legislative Decree 2.7.2010 n. 104, Article 1-2), in the Charter of Fundamental Rights of the European Union (Article n. 47) and in the ECHR (Article n. 6); moreover, they are cited many times in the decision of the EU Court of Justice and the European Court of Human Rights\textsuperscript{22}.

Apart from the question of the division of jurisdiction, there are two other issues concerning the judicial protection of migrants that deserve to be explored.


The first one regards the possibility of accessing trial if the migrant undergoes a refoulment action from the Police or the Government. The European Court of Human Rights (whose decisions are binding for national system\textsuperscript{23}), forbids the refoulment actions on the bases of the Article n. 3 of the ECHR on the prohibition of torture\textsuperscript{24}. This case law orientation was developed on the occasion of many refoulment actions at sea: the Court observed they were administrative measures without any judicial protection for the rejected people.

This orientation has been received by Italian courts. In particular, Supreme High Court (Corte di Cassazione) recognized as a gap of regulation the absence in the Italian legal system of a norm that affirms the right of the foreign person to participate and, if necessary, appeal. This gap – observed the Supreme Court – can be filled by the direct reference and application the EU and International Law.

Proceeding on this way the Supreme Court concludes that, if the refused migrant did not have the concrete possibility of participation and defence against the refoulment, the relative measure is illegal.

The recent decision adopted by the Italian Administrative Tribunal (decision 14.8.2019, n. 5479) regarding the well-known event of the “Open Arms” ship, that was blocked in the territorial sea by Italian Government should be placed in the same perspective. The Administrative Tribunal decided to suspend the effect of the government measure recognizing it was an abuse contrary to the International Law regarding sea rescue.

The frequent reference to international norms (if necessary, overcoming the different Italian regulations) highlights a lack of the Italian system that deserves to be filled by the Parliament.

The last question regards the limits within which the judges can review the administrative measures.

Although the general rules about jurisdiction do not permit thorough review by the judge, in migration topic the situation is quite different. In fact, because of the uncertainty of the rules and the legal schemes which the Administrations have to follow, the judges tend to go beyond the mere verification of formal regularity of the acts.


Often the examination approaches a profound review on the logic, congruity and reasonableness of the acts. This tendency of the judges is increasing although it is uncertain what will happen in the future. This last consideration also leads us to believe that the current system of judicial protection of the migrant is not adequate.

4. Conclusions

As highlighted in the previous paragraphs, the Italian legal system of protection of refugees (and, in general, of migrants) has many weaknesses, especially in the judicial phases.

In order to suggest some solutions for improvement, we must ask ourselves why the system has these weaknesses, what is the origin and the causes.

The first reason of weakness – in our opinion – is the complexity of the Italian regulations about migration. This complexity derives from the lack of organicity and systematicity of the rules that in the last twenty years like a flood have arrived.

The feature common to all the Italian regulations about migrations is the emergency condition in which they have been adopted. Whenever a rule that was approved to manage an emergency situation becomes an ordinary rule the effects on the system are harmful.

Another objective problem that affects migration rules is the ethic substratum of these rules: in fact, they are destined to manage and heavily affect human values, life projects, and sometimes even the life of migrant persons.

In particular, in these regulations a difficult and delicate synthesis between different interests that are often in conflict is realized: on the one hand there is the need to effectively protect the fundamental human rights recognized by the Constitution and European and International Charts; on the other hand, there is a request for public security demonstrated by a severe management of migration flows toward Italy.

In addition to this objective condition, there is another juncture that affects regulatory development: in Italy and in other EU countries xenophobic tendencies have recently matured. These tendencies are expressed not only by extra parliamentary groups but also by institutional or political actors. This phenomenon determines a real politicization of the management of the migration flows with frequent and incoherent solutions that express nervous populist reactions instead of lucid and organic answers to objective needs.

The described inadequacy of the legal system is partially balanced by the
practice of the different actors of the acceptance procedures (public administrations, public agencies, judges, nongovernmental organizations, etc.), which operate in accordance with the law interpreting the regulations, adapting them to the concrete needs and - where necessary - conforming them in an improving way.

Although this approach is appreciable, we cannot deny that:
- the insufficiency of the general rules constitutes a serious deficit of the system;
- practices are often a source of further confusion because of a lack of interpretative uniformity.

Finally, the Covid pandemic emergency, that from 2019-2020 is affecting all the world, represents another cause of problems in the management of migrations. This pandemic is conditioning our life in all aspects, increasing social and economic disparities and discrimination. People are worried; and the fear - as is presumable - does not help policies of migration acceptance.

Reflecting about what measures can be taken to improve the legal status of migrants and refugees, we believe that a revision of the general discipline (i.e. first level regulation) inspired by the principle of simplification cannot be postponed. In addiction to this it would be very important to use the so-called second level regulation aimed at providing uniform applicative instructions to all public administrations that apply the first level regulation. This would avoid the risks associated with the different interpretation of the law which, due to the relevance of the interests protected, can lead to discrimination that affect the fate of many human lives.

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SOCIAL INCLUSION OF SICILY IMMIGRANTS: AN ATTEMPT TO MEASURE SOCIAL INTEGRATION


The socio-economic integration of immigrants is a complex problem, the study of which requires the use of advanced qualitative and quantitative survey methodologies. To realize the objectives of this research, we used a database obtained through the preparation and direct administration of ad hoc questionnaires in the Sicilian territory in 2019. Most of the interviews in this survey were carried out in the province of Messina with 50% of the respondents and in the city of Agrigento with approximately 27% of the respondents. The research deals with the level of life satisfaction as it relates to integration as well as other indicators of the integration process. From the first calculations, 87.1% of the foreigners interviewed said they have Italian friends while 92.7% have friends from the same country of origin. And again, 53.7% said they have an Italian driving license, 26.5% are members of associations, 58.8% are members of religious organizations and 47.6% participate in neighborhood and city activities.

1. Background: immigrants concept

It is common knowledge that the face of Italy is changing. Immigration has increased significantly over the last 20 years and continues to grow1. Italy has become the first landing place of individuals who are escaping war, persecu-

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tion and hunger. The consequent impact of the large number of immigrants has been felt in all areas of the Italian system, from government to health care, to the education system and finally to social welfare. However, it is important to define the various types of immigration because not all immigrants can be placed in the same category. The following section defines the various terms dealing with immigration, leading up to integration.

1.1 Migrant definitions

A migrant or immigrant is defined as a person who decides to leave their country of origin to seek a better life, either for economic, security, or other reasons. In the past, the word ‘migrant’ defined was used to identify people who chose to leave their country of origin and cross an international border, without the need to escape. Today the terms ‘migrant’ and ‘immigrant’ are used interchangeably and used in the case of a person who moves away from their normal residence, internally or internationally, and without reference to whether the movement is voluntary or forced.3

1.2 Regular vs irregular

A ‘regular’ immigrant resides legally in a country with a resident permit issued by the competent national authority. The ‘irregular’ immigrant is defined as someone who 1) has entered a country by avoiding border controls; 2) has entered a country with a temporary visa but who stays after the expiry date; 3) has been ordered to leave but remains.4

1.3 Foreign Population

The Italian statistical agencies that study immigration have defined coined the phrase ‘foreign population’ when they are studying migrants, or people with foreign roots. The foreign population consists of all residents who were born abroad with foreign citizenship, including those who have acquired Italian citizenship. It also includes residents who have foreign citizenship, even

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if they were born in Italy\textsuperscript{5}. Therefore the groups that are included in these studies are somewhat diverse and may not feel themselves to be ‘foreign’ at all. Many groups feel themselves to be already integrated and resent the label of ‘foreign’. Others make minimal efforts to integrate and are proud of it. Whatever the case may be, the blanket use of the term can have the effect of perpetuating the sense of not belonging often felt by members of the foreign population who have lived their whole lives in Italy and cannot even speak their ‘home’ language.

1.4 Integration

The general definition of integration is “the process of becoming part of a group of people”\textsuperscript{6}. The type of integration dealt with here is also better known as social integration, which is a term that has been transformed into “inclusion”.

1.5 Social integration and inclusion

The World Summit for Social Development in Copenhagen\textsuperscript{7}, decided that the goal of ‘social integration’ is to create an inclusive society. They defined an inclusive society as “a society for all”, in which every individual, each with rights and responsibilities, has an active role to play\textsuperscript{8}. The United Nations (UN) defines an inclusive society as one which contains “mechanisms which accommodate diversity” and enables the active participation of people in the political, economic and social areas of their lives. The UN believes that differences such as race, gender, class, geography and generation disappear when this happens, and all people are guaranteed equal opportunities “to achieve full potential in life, regardless of origin”. An inclusive society supports and also is continuously regenerated from the “well-being of each individual, mutual trust, a sense of belonging and inter-connectedness”\textsuperscript{9}.

2. Young migrants and social inclusion

It is important to mention that social inclusion is extremely important for young people, especially young migrants. According to the Council of Europe (European Union), social inclusion for a young person is the process of their “self-realisation within a society, acceptance and recognition of one’s potential by social institutions, integration (through study, employment, volunteer work or other forms of participation) in the web of social relations in a community.” They extend the importance of social inclusion to “all young people as youth is the life stage when young people make the transition from family dependence to autonomy within the larger society. It has a particular meaning to those young people who come from disadvantaged backgrounds and live in precarious conditions. For them social inclusion involves breaking various barriers before acquiring their social rights as full members of society.”\(^\text{10}\). The Council of Europe states that social inclusion affects the economic, political, cultural and social domains; integrating processes depend on each other. Gender, health, ethnicity, religious affiliation, and sexual orientation can either promote or block social integration. It is adamant about the importance of social integration for all young people. The next section extends this concept further by discussing the link between integration and social inclusion.

3. EU Policies on inclusion of migrants

The “Europe 2020 Strategy of the European Union” identified social inclusion as a primary goal in order to lift 20 million people out of the risk of poverty. Social inclusion continued to be the main goal throughout the entire designated time period. Obviously this has not been accomplished in 2020, and the onset of the Covid-19 has changed the goals and very face of Europe. It is important to recall that the primary goal of the European integration process had inclusion as its primary goal from the beginning. The most recent economic crisis has put more focus on this objective. The programs ‘European Platform against Poverty and Social Exclusion’ and the ‘Social Open Method of Coordination’ both aimed at this objective. This type of program is financially supported by the EU through its ‘Social Investment Package’. This is a comprehensive fund including the “Programme for Employment and Social Innovation” and the European Social Fund. Member States continue to be concerned

about inclusion of migrants and their offspring. There are many challenges to protect migrants from intolerance, xenophobia and racism. Especially worrisome are hate crimes and discrimination against migrants. Social inclusion of migrants and their descendants is being strongly promoted; the Fundamental Rights Agency (FRA)\textsuperscript{11} stated that integration should occur in an environment that includes the respect of fundamental rights. The FRA affirms the rights of migrants to participate in European societies in all areas, including the economic, social, political and cultural areas.

It is hoped that this research will contribute to the knowledge of integration and social inclusion in Sicily and Italy in general.

\begin{enumerate}
\item \textit{EU Common Basic Principles}

It is important to mention the Common Basic Principles (CBPs) for Immigrant Integration Policy in the EU (Council of Europe, 2004). Common Basic Principle 1 (CBP 1) states: “Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States”; CBP 2: “Integration implies respect for the basic values of the European Union”; CBP 3: “Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible”; CBP 4: “Basic knowledge of the host society’s language, history, and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration”; CBP 5: “Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society”; CBP 6: “Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way is a critical foundation for better integration”; CBP 7: “Frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration. Shared forums, intercultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens”; CBP 8: “The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law”; CBP 9: “The participation of immigrants in the demo-

cratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration”; CBP 10: “Mainstreaming integration policies and measures in all relevant policy portfolios and levels of government and public services is an important consideration in public policy formation and implementation”; CBP 11: “Developing clear goals, indicators and evaluation mechanisms are necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective.

This research concentrated on CB3 (employment), CB4 basic knowledge of the language and culture of the host country, CB5 (School and education), and CB7 (interaction with host country nationals).

4. Integration test

A literature review on efforts to design an “integration test” that accurately measures the extent that a migrant has become integrated revealed that the efforts have been inconclusive. There has been some research done but not enough12 13. There have been ongoing problems in defining the concept of migrant integration, and due to this it has become one of those terms that everyone uses but no one understands14 15. Different authors have pointed out that the concept is complex, and so widely used that the understanding of the term is obscured16. There are two definitions that emerge often in the literature. One states that integration is a two-way process17 18 19. The other defines integration

as the end process in which migrants achieve the same status as the local citizens\textsuperscript{20 21 22}. However, criticisms include the fact that these definitions are too ambiguous; they do not identify the comparative terms between migrants and locals; they are also normative in that they expect that migrants should assimilate into the host country; policy affects research methods; national environments should not be compared with international environments\textsuperscript{23 24 25 26 27 28 29 30}.

5. Migrant situation in Italy

This section presents the situation of regular immigration present in Italy in general and more specifically in Sicily.

There are almost 5.3 million regular immigrants residing in Italy\textsuperscript{31}. Approximately (1.8 million) reside in the north western part of northern Italy, specifically, including the Milan area, Torino, Liguria etc.; 1.276 million reside in the north eastern part of northern Italy. Central Italy has 1.34 million. The remain-

\textsuperscript{22} OECD/EU (2018), Indicators of Immigrant Integration, https://doi.org/10.1787/9789264307216-en.
ions numbers are distributed in various areas of northern Italy, with 641,000 residing in southern Italy and 256,811 in the Islands (Sardinia and Sicily). The main reason for the high concentration in the north is mainly due to employment availability. Regarding population statistics and the number of foreign born residents in Italy, the reported that in 2016, 9.7% of the population in Italy was foreign born, and of that, 6-7% are from extra-EU countries. The regular immigrant groups residing in Italy include: Romanians (23%); Albanians (8.4%); Morocco (8.0%); People’s Republic of China (8.0%); Ukraine (4.6%); Philippines (3.2%); India (3.2%); Bangladesh (2.7%); Moldavia (2.5%); Egypt (2.4%) and others (Tuttitalia, 2018). Some other groups have demonstrated a strong growth rate, including Nigerians, Ivorians, Bangladeshis, Egyptians, and Pakistanis. The recent increase in resident permits in 2018 included reunification with family members (43.2%), humanitarian reasons (38.5%) with work (4.6%), study (7%) and other motivations (6.7%) (Blog lavoro, 2019).

5.1 Employment

Most of the employment positions held by migrants are classified as ‘worker’. Migrants take up 10% of the official work force; they are classified primarily in the sector of “other collective and personal services“ at 36%; restaurants and hotels (17.9%); agriculture (17.9%) and Construction (17.2%). 90% of them are dependent and of that number most are workers or laborers. There are comparatively few in the professional area and an extremely small number working in the management area. In a recent report on the situation in Italy, it was pointed out that the job market in Italy is characterised by a certain “ethnicization” of the labour market. This can be seen more and more clearly by examining all the statistics available about national origin of immigrants and their occupations. It is beyond the scope of this work to explore this area further, but it is quite clear that migrants tend to be employed along cultural-ethnics lines. Because this study was based in Sicily, the next section discusses the situation of the regular immigrants in Sicily.

6 Social Inclusion of Migrants in Sicily: the pilot study

As previously mentioned, this research deals primarily with the present situation of immigration in the region of Sicily. Before reporting the results, it is necessary to understand the various national groups currently residing regularly in Sicily. In a nutshell, there are currently 200,818 regular immigrants residing in Sicily34. The following is a short analysis of their occupational status, family structure, reasons for immigrating to Italy, and some cultural values that may have influenced their current state of integration. In the next paragraph we describe the experimental investigation in detail.

6.1. Socio-demographic characteristics of the sample35

The recipients of the questionnaire are the families of immigrants whose children attend an educational institution. The respondent to the interview is the head of the family or a member of the family, an adult (generally, one of the two parents). One of the children of school age attends the interview and responds jointly with the parent for the part of the questionnaire that concerns him more directly. A questionnaire was designed based on an extensive survey of the research on the identifying characteristics of an integrated person. What constitutes integration, the visible qualities, and evidence that it is present were all areas that were considered in designing the questionnaire and choosing the participants. The questionnaire used in the survey mainly focuses on information about the family and the head of the family; in particular, on his migratory path, his insertion into the world of work, access to services, social insertion and the perception of the subject himself about his current condition in Italy and future expectations and the insertion of the children that were interviewed at school. Most of the interviews were carried out in the province of Messina (Messina and Patti) with 50% of respondents and in the city of Agrigento with approximately 27% of respondents. Other survey cities were Palermo and Ragusa with 5.9% and 7.1% of respondents respectively (see in detail the interview Municipality table). The interviews took place mainly at school (48.2%) or in other structures such as churches, oratories, Caritas etc. (50.6%). The for-

35 The database is extracted from the FAMI (Asylum Migration and Integration Fund), Project - “Promozione dell’accesso ai servizi per l’integrazione”, survey carried out by Centro Attrazione Risorse Esterne e Creazione d’Impresa (CARECI) research group of the University of Messina in 2018 whose report should be consulted for further details (FAMI Project, 2019).
eign citizenship status of the interviewees was: Morocco (17.3%); West African countries (15.7%); India (13.4%); Philippines (7.9%); Romania (7.9%); other countries of South Central Asia (7.9%); Tunisia (7.1%) followed by other states (see the table of foreign country of citizenship for details). The respondents were for the most part the head of the household (67.1%), the wife of the head of the household (17.6%), the son of the head of the household (11.8%), followed by the head of the household’s parent and a person linked by friendship. The gender distribution of the family members of the respondents is balanced: 48.3% males; 51.7% females. On average, the interviewees declared a family unit of 3.31 members with a prevalent value (mode) of 4 members. Of the 47 children declared by the interviewees, 25 (53.2%) were born in Italy. The employment status of the householder is that of employed (77.2%), the percentage of unemployed or employed in the past is low (12.3%). Almost the same percentages are reached for the spouse/cohabitant of the head of the family with 62.5% and 10% respectively for employed and unemployed or employed in the past. Housewives are about 13% of the head of the household and the wife/cohabitant of the household head. Again for this subset of the sample, the years of study declared are on average 10.48 (years) while the prevailing occupation is that of the self-employed worker/occasional worker/carer for both the head of the family (58.7%) and the wife/cohabitant of the head of the family (80.8%). Seasonal worker, merchant and waiter follow.

6.2 An attempt to measure social integration

This pilot study deals with the concept of satisfaction as an indicator of integration. The questions were based on a combination of questions identified for measuring satisfaction according to the European Council CBs. The European CBs used were those of employment, basic knowledge of the language and culture of the host country, degree of insertion in the education system, and interaction with host country nationals. There has been very little research done about the satisfaction level of settled immigrants. One very interesting study was conducted by Cambridge University in 2013 which studied the integration of East Germans after the union of East and West Germany. It was found that well-being and satisfaction were linked more to economic levels than feeling accepted/discriminated against. In this study we try to measure the social in-

36 Considering the low number of respondents, we warn the reader to consider the results indicative.
integration of the immigrants interviewed by taking into consideration, among the various aspects investigated by the questionnaire, three principal aspects: 1) activities carried out during free time; 2) agreement or disagreement with respect to some issues of the private and social sphere of the immigrant and satisfaction with some aspects of life. As can be seen in table 1 and figure 1, the activities most carried out were volunteering and (63.2%) religious (58.2%) activities. This could possibly be attributed to the number of Catholic Christian immigrants who attend religious services. The high percentage of volunteering is noteworthy because it indicates involvement in the host culture involving a certain proficiency in the Italian language and culture. Contrarily, here the responses indicate low participation in cultural events and concerts, minimal political involvement but higher religious involvement. The low participation in cultural events, sports, artistic events and concerts could also be due to the fact that most immigrants work in the service area which requires them to work off-hours. As per the results of table 2 and figure 2, the questions about some issues of the private and social sphere reveal a strong interest in economic stability (96.6%), owning property (94.9%) and work success (91.5%). It is not surprising because most migrants seek to create a better economic life in addition to other reasons for migrating. Other highest percentages are: having children (96.6%) and having faith (94.9%). Perhaps the ability to migrate and make a new life has a strong religious component. Next in line is the area of family and relationship. One can interpret this to mean that the groups involved in this study have strong family values. Another item is related to this-being supportive of others. It would seem that these groups tend to trust others and want to interact with others. The next part examines the life satisfaction data. Here the average is goes above 6\(^3\) except for the family income item (5.93) See the table 3 and figure 3. This fact is normal since most migrants tend to work in low-paying jobs, many are not regular employees, and they are often exploited as cheap labor. However, their evaluation of their life as a whole demonstrates that they enjoy a certain level of life satisfaction. School and health care have relatively high scores. It is interesting to point out that research measuring life satisfaction in the EU showed an average of 6.5/10, with Italy at 6/10 in 2011\(^3\). However, in the most recent OECD measure, general life satisfaction in Italy came out at less than 5/10.

\(^3\) Respondents had the option to choose between a minimum of 0 and a maximum of 10.
To better highlight the results of life satisfaction, we processed the results according to 3 factors: a) years lived in Italy, b) discrimination and c) feeling Italian\textsuperscript{40}. For the first factor (table 4 and figure 4), on average we can see that the longer people have lived in Italy, the higher their life satisfaction (the only two exceptions were: access means of transport and presence of green spaces). And to extend this, obviously their level of integration. For the second factor (table 5 and figure 5), the numbers reveal a slight influence of discrimination towards the item of life satisfaction. The largest differences were reported in the areas of access to means of transport (+0.85), family income(+0.48) and presence of green spaces (+0.44). It can be noted that approximately 50% of the participants noted some discrimination. However, on average there are a small difference (discriminant Vs. not discriminant) which is actually quite surprising, given the current belief that migrant groups tend to suffer significant discrimination. In fact, if we consider the total sample, the immigrants who have felt discriminated against are only 25.4% against the 74.6% who have never been discriminated against. For the last factor taken into consideration (table 6 and figure 6), there are some very interesting results. Overall, more participants reported to feel Italian (30.5%) or somewhat Italian (52.5%). This is interesting because it indicates that they have indeed become quite integrated psychologically. The area of ‘some respects’ also reveals a strong trend towards more life satisfaction. In particular, if we consider only the answer categories “yes” and “no”, family income (+1.97), work (+1.33) and housing (+1.27) are the areas that present the greatest differences (Yes Vs. No).

7. Conclusions

This pilot study has illustrated some important points regarding integration of regular migrants and the ‘foreign population’ of Sicily. In the end, the ‘foreign population’ does not feel ‘foreign’ at all, but demonstrates a strong quality of having become Italian. They also have shown a higher level of life satisfaction which we believe indicates successful integration. Although the analysis should be conducted on a larger and geographically representative sample, the results are optimistic and contribute to the knowledge about integration processes. However, more research need to be conducted to determine what (other) factors encourage integration. It is obvious that the more involved migrants be-

\textsuperscript{40} In addition to the life satisfaction data classified by factor, these tables also contain the percentages of the factor in the total sample.
come in the host culture, the more they are able to speak the language, and the better employed they are, the more integrated they will be. Other changes are impacting Italy, and perhaps the most important one is the increasing brain drain and outflow of young people to other countries due to the unemployment situation in Italy. More than 250,000 young people have left Italy in the last 10 years and they continue to leave. The facts are clear: if Italy wants to survive as a developed, progressive nation, it needs to stop the outflow of young people. But it also needs to do something else: it needs to promote integration of the immigrants already living in Italy as well as prepare for more effective programs to promote integration. All of Italy faces this challenge, but Sicily in particular. Sicily has been subject to an alarmingly increasing outflow of its local young people, escaping to the north or to other EU countries or outside of the EU41. So it is even more important that immigrants be integrated because they are necessary to keep the region going. This study is based on the belief that integration is essential and it must be carefully monitored and nurtured. An outsider may look at the functioning of the Italian ‘integration system’ and wonder whether it works at all, and also if the ‘foreign population’ considers itself part of the general population. But the results in this study do show that diverse groups have been able to integrate themselves, at least at some level. The study of what encourages integration and creates social inclusion must be continued. Programs to promote both assimilation and differentiation leading to multiculturalism should be developed.

Someday Italy will be grateful to the ‘foreign population’ for sustaining it as the Italian workforce fades.

Table 1 - Which of the following activities do you participate in during your free time? (Total sample)

<table>
<thead>
<tr>
<th>Activities</th>
<th>Count</th>
<th>Column N %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultural events</td>
<td>Yes</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>51</td>
</tr>
<tr>
<td>Cinema/concerts</td>
<td>Yes</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>47</td>
</tr>
<tr>
<td>Sports activity</td>
<td>Yes</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>49</td>
</tr>
<tr>
<td>Artistic activities</td>
<td>Yes</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>38</td>
</tr>
<tr>
<td>Seeing friends</td>
<td>Yes</td>
<td>47</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>11</td>
</tr>
<tr>
<td>Volunteering</td>
<td>Yes</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>21</td>
</tr>
<tr>
<td>Political activity</td>
<td>Yes</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>52</td>
</tr>
<tr>
<td>Religious activity</td>
<td>Yes</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>23</td>
</tr>
</tbody>
</table>

Yes = at least once a week; No = never / once a year

Figure 1 - Which of the following activities do you participate in during your free time? (Total sample) - (Bar charts)
### Table 2 - How much do you agree with these statements? (Total sample)

<table>
<thead>
<tr>
<th>Statements</th>
<th>Count</th>
<th>Column N %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall, people can be trusted.</td>
<td>Agree</td>
<td>39</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>20</td>
</tr>
<tr>
<td>Nobody can be trusted these days.</td>
<td>Agree</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>31</td>
</tr>
<tr>
<td>Be economically self-sufficient.</td>
<td>Agree</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>2</td>
</tr>
<tr>
<td>Be successful at work.</td>
<td>Agree</td>
<td>54</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>5</td>
</tr>
<tr>
<td>Owning a home.</td>
<td>Agree</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>3</td>
</tr>
<tr>
<td>Having a happy marriage / relationship.</td>
<td>Agree</td>
<td>54</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>5</td>
</tr>
<tr>
<td>Have children.</td>
<td>Agree</td>
<td>57</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>2</td>
</tr>
<tr>
<td>Be supportive of others.</td>
<td>Agree</td>
<td>54</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>4</td>
</tr>
<tr>
<td>Being involved politically and / or socially</td>
<td>Agree</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>30</td>
</tr>
<tr>
<td>See the world (travel frequently).</td>
<td>Agree</td>
<td>39</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>20</td>
</tr>
<tr>
<td>Having Faith / being religious</td>
<td>Agree</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>3</td>
</tr>
</tbody>
</table>
Figure 2 - How much do you agree with these statements? (Total sample) - (Bar charts)

Table 3 - How satisfied are you today with respect to the following areas of your life? (Total sample)

<table>
<thead>
<tr>
<th></th>
<th>Health</th>
<th>Work</th>
<th>Family income</th>
<th>Housing</th>
<th>Health care</th>
<th>Access means of transport</th>
<th>School</th>
<th>Presence of green spaces</th>
<th>Your life as a whole</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mean</td>
<td>7.25</td>
<td>6.78</td>
<td>5.93</td>
<td>6.40</td>
<td>7.05</td>
<td>6.36</td>
<td>6.94</td>
<td>6.60</td>
<td>7.44</td>
</tr>
<tr>
<td>N</td>
<td>59</td>
<td>59</td>
<td>58</td>
<td>58</td>
<td>57</td>
<td>58</td>
<td>54</td>
<td>57</td>
<td>57</td>
</tr>
<tr>
<td>SD</td>
<td>2.134</td>
<td>2.267</td>
<td>2.101</td>
<td>2.043</td>
<td>1.827</td>
<td>1.907</td>
<td>2.078</td>
<td>2.290</td>
<td>1.803</td>
</tr>
</tbody>
</table>

Figure 3 - How satisfied are you today with respect to the following areas of your life? (Total sample) - (Bar charts)
Table 4 - How satisfied are you today with respect to the following areas of your life? Vs How many years have you lived in Italy?

<table>
<thead>
<tr>
<th>How many years have you lived in Italy?</th>
<th>Health</th>
<th>Work</th>
<th>Family income</th>
<th>Housing</th>
<th>Health care</th>
<th>Access means of transport</th>
<th>School</th>
<th>Presence of green spaces</th>
<th>Your life as a whole</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 10 years</td>
<td>Mean</td>
<td>7.14</td>
<td>6.24</td>
<td>5.60</td>
<td>5.70</td>
<td>6.86</td>
<td>6.57</td>
<td>6.63</td>
<td>6.95</td>
</tr>
<tr>
<td></td>
<td>N</td>
<td>21</td>
<td>21</td>
<td>20</td>
<td>20</td>
<td>21</td>
<td>21</td>
<td>19</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>SD</td>
<td>1.852</td>
<td>2.166</td>
<td>2.010</td>
<td>2.408</td>
<td>2.481</td>
<td>1.368</td>
<td>2.216</td>
<td>1.936</td>
</tr>
<tr>
<td>more than 10 years</td>
<td>Mean</td>
<td>7.32</td>
<td>7.08</td>
<td>6.11</td>
<td>6.76</td>
<td>7.17</td>
<td>6.24</td>
<td>7.11</td>
<td>6.39</td>
</tr>
<tr>
<td></td>
<td>N</td>
<td>38</td>
<td>38</td>
<td>38</td>
<td>38</td>
<td>36</td>
<td>37</td>
<td>35</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>SD</td>
<td>2.326</td>
<td>2.294</td>
<td>2.153</td>
<td>1.747</td>
<td>1.682</td>
<td>2.087</td>
<td>2.011</td>
<td>2.476</td>
</tr>
</tbody>
</table>

*Total sample: less than 10 years = 33.6%; more than 10 years = 64.4%*

Figure 4 - How satisfied are you today with respect to the following areas of your life? Vs How many years have you lived in Italy? (Bar charts)

Table 5 - How satisfied are you today with respect to the following areas of your life? Vs Have you ever felt discriminated against?

<table>
<thead>
<tr>
<th>Have you ever felt discriminated against?</th>
<th>Health</th>
<th>Work</th>
<th>Family income</th>
<th>Housing</th>
<th>Health care</th>
<th>Access means of transport</th>
<th>School</th>
<th>Presence of green spaces</th>
<th>Your life as a whole</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>Mean</td>
<td>7.20</td>
<td>6.73</td>
<td>6.05</td>
<td>6.47</td>
<td>7.00</td>
<td>6.58</td>
<td>6.97</td>
<td>6.71</td>
</tr>
<tr>
<td></td>
<td>N</td>
<td>44</td>
<td>44</td>
<td>44</td>
<td>43</td>
<td>42</td>
<td>43</td>
<td>42</td>
<td>42</td>
</tr>
<tr>
<td></td>
<td>SD</td>
<td>1.885</td>
<td>2.356</td>
<td>2.209</td>
<td>1.992</td>
<td>1.821</td>
<td>1.694</td>
<td>2.170</td>
<td>2.178</td>
</tr>
<tr>
<td>Yes</td>
<td>Mean</td>
<td>7.40</td>
<td>6.93</td>
<td>5.37</td>
<td>6.20</td>
<td>7.20</td>
<td>5.73</td>
<td>6.87</td>
<td>6.27</td>
</tr>
<tr>
<td></td>
<td>N</td>
<td>15</td>
<td>15</td>
<td>14</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>SD</td>
<td>2.667</td>
<td>2.052</td>
<td>1.742</td>
<td>2.242</td>
<td>1.897</td>
<td>2.374</td>
<td>1.885</td>
<td>2.631</td>
</tr>
</tbody>
</table>

*Total sample: discriminated = 25.4%; not discriminated = 74.6%*
Figure 5 - How satisfied are you today with respect to the following areas of your life? Vs Have you ever felt discriminated against? (Bar charts)

Table 6 - How satisfied are you today with respect to the following areas of your life? Vs Do you feel Italian?

<table>
<thead>
<tr>
<th>Do you feel Italian?</th>
<th>Health</th>
<th>Work</th>
<th>Family income</th>
<th>Housing</th>
<th>Health care</th>
<th>Access means of transport</th>
<th>School</th>
<th>Presence of green spaces</th>
<th>Your life as a whole</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Mean</td>
<td>7.17</td>
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*Total sample: Yes = 38.9%, In some respects = 32.3%, No = 36.9%*
Figure 6 - How satisfied are you today with respect to the following areas of your life? Vs Do you feel Italian? (Bar charts)

8. Bibliography


SOCIAL INCLUSION AND ENTREPRENEURSHIP AMID SANCTIONS AND COVID-19 PANDEMIC: AN ETHNOGRAPHY OF BANGLADESHI MIGRANTS IN IRAN

SUMMARY: 1. Contextualization of Bangladeshi migrant social entrepreneurs in Iran. – 2. Bangladeshi migrant entrepreneurs in Iran. – 2.1 The bitter-sweet journey of the migrant entrepreneurs towards Iran. – 2.2 Sources of financial capital. – 2.3 Social capital, agency and tactics to be established. – 2.4 Business types of the Bangladeshi migrant social entrepreneurs. – 2.4.1 Export-import business. – 2.4.2 Small and medium enterprise. – 2.4.3 Money transaction as an informal business. – 3. Accomplishment of the migrant entrepreneurs’ mission. – 4. Bibliography.

1. Contextualization of Bangladeshi Migrant Social Entrepreneurs in Iran

Nearly, two thousand Bangladeshis are living in Iran. A small segment of Bangladeshi diaspora, and illegal migrants here have become entrepreneurs i.e. owned export-import business, established factories, and departmental stores, and other businesses. The condition of Bangladeshi migrant entrepreneurs in Iran, presently, can be contextualized by underpinning two important phenomena, i.e. a) economic sanctions on Iran by external factors like states and organizations and b) a sudden global attack of COVID-19 pandemic, both of which have abysmal effects on the economy of Iran consequently ambivalent to the migrant’s stability. Migrants want to be socially incorporated and included in the desired host country which is their cognitive schemata with the aim of being secured in an unstable setting. Social entrepreneurship is a safeguard for social inclusion. The present study explores the struggle and stories of Bangladeshi migrant entrepreneurs, who have been living in Iran for long years, and have established themselves successfully in a foreign land.

However, economic sanctions and the pandemic are now affecting every part of Iranian lives including Bangladeshi migrants. The present empirical
study circulates around some significant questions like what motivational factors drive Bangladeshi migrants to be entrepreneurs in Iran, how they manage their initial capital to start a business, whether marriage to an Iranian help them to be a businessman and thus, be socially included, what are the impact of economic sanction and the pandemic on their business, their cultural space in the Iranian society and so on. The study is a part of a multi-sited ethnographic work where the participant observation method has been implied.

The data have been primarily collected on an empirical basis and respondents have been selected from four Iranian cities, i.e. Tehran, Bandar Abbas, Shiraz, and Qum. Twenty Bangladeshi migrant entrepreneurs were interviewed and reached through WhatsApp and telephone during the COVID-19 pandemic. Non-random, purposive, and snowball sampling methods were used for selecting respondents. Moreover, a well-organized questionnaire was articulated for taking interviews. The study was done from January to September 2020.

A report of Access Europe Network, published in 2014, has differentiated among entrepreneurs, immigrant entrepreneurs, and migrant-owned businesses.\(^1\)

2. Bangladesh migrant entrepreneurs in Iran

Iranians and Bangladeshi people are connected culturally and religiously and through business activities over the centuries. During the fieldwork, it is found that Bangladeshi migrant entrepreneurs in Iran have been living for a long time. Currently, Md. Yasin Ali, who came to Iran in 1977, is the longest living Bangladeshi entrepreneur here. Four of the migrants have been living here over forty years, nine of them over thirty to forty years, three of them over twenty to thirty years, another three of them from ten to twenty years, and one for only eight years. Their age range is from thirty-seven to sixty-seven years. Fifteen migrant entrepreneurs have married Iranian women. Five of them are illegal workers doing business secretly without the permission of the Iranian government. Four of them left their wives behind in Bangladesh and the rest one is unmarried. It is found that two of them had graduation or post-gradua-

\(^1\) Entrepreneurs “are those persons who seek to generate value, through the creation or expansion of economic activity, by identifying and exploiting new products, processes or markets.” Furthermore, the report defined migrant-owned businesses as “an independent business that is at least 51 % owned and controlled by one or more migrants; and whose management and daily operation is controlled by one or more of the migrant owners.”

tion degree, one is illiterate, and the rest were found to have completed junior school. Four of them got Iranian passports and eleven others got long term resident-ship which needs to be renewed each year through extending a visa. The rest five do not have any legal documents for living in Iran.

2.1 The bitter-sweet journey of the migrant entrepreneurs towards Iran

The decision of leaving Bangladesh for changing the dejected livelihood and the journey towards Iran was not so smooth for the migrant entrepreneurs. Sumon Mia left Bangladesh after having lost all his businesses and property by a strong cyclone storm that demolished Cox’s Bazar, the coastal district of Bangladesh in 1991. He had a shop in Cox’s Bazar which was washed away by the wave. So, he decided to leave the country with empty hands and entered India stealthily to reach Pakistan. Later, he reached Turkey after many ups and downs. He wanted to settle there for some time, but could not endure the cold weather of Turkey which compelled him to leave that country. After staying nine months in Turkey, he entered Iran and decided to live in Bandar Abbas, one of the warm places alongside the Persian Gulf coast, married an Iranian lady and settled there. Md. Shah Alom, another migrant, entered India through the Benapol border of Bangladesh, then crossed the Panjab border of Pakistan, and finally entered Iran after having worked for seven months in Karachi. Some others also used the Bangladesh-India-Pakistan-Iran route to enter Iran. Md. Ripon Mia, after crossing India, spent fourteen days in a mosque of Panjab, and then went to Karachi via train, worked in a date garden, and left for Iran. A significant number of the migrants entered Iran via other countries of the Middle East. For example, Md. Sazid came to Iran via Dubai. He went to Dubai from Pakistan and then to Iran in 2012. He was confiscated by the Pakistani police and had to give a bribe to the police for getting rid of the situation. From Iran, he tried to go to Greece via Turkey in 2019. However, over again he was caught by the Turkey police while waiting for a bus in a jungle near the Greece-Turkey border. Spending months in Turkey jail, he was released, came back to Iran once more, and settled here as an illegal migrant. Now, secretly, he is running a part-time catering business for the Bengali community, while continuing his main job in an Iranian company. Some of them, who were from a little bit affluent families from Bangladesh, were fortunate enough to come to Iran directly. Md. Reza Khan was one of them. He met his Iranian partner in Delhi where she was studying English literature. After seeing each other for three years, they decided to marry. They came together
in Iran in 1999 and started doing business in the capital city. Md. Yasin Ali and Md. Hafizur also came to Iran directly by flight. For the rest, it was not an easy journey to come to Iran.

2.2 Sources of financial capital

Migrant Entrepreneurs need financial capital in every phase of the business. Bangladeshi migrants managed the capital from the bank loan, from their kinsmen, and by saving their income. Two businessmen reported that during the start-up phase they brought the money from Bangladesh. In the early eighties, they brought seven to eight thousand dollars each for starting their business. The rest of the eighteen entrepreneurs used their capital by earning money in Iran. Slowly and gradually they saved their salary by doing various jobs and later invested those in their business. Besides, they took bank loan from Iranian Banks at different stages of their business through the access of their Iranian wives which they repaid later. Currently, none of the twenty entrepreneurs are taking the bank loans. Some of them got money from their Iranian kinsmen, i.e. from their father-in-law or Iranian wife’s brother-in-law. One respondent said that he did not like taking loans from banks.

Case Study 1: Sumon Mia

One of the small entrepreneurs Sumon Mia started a business in Iran on his own. According to him, “it is actually from zero capital”. This fifty-three-year-old Bangladeshi citizen came to Iran from Cox’s Bazar. He came here when he was in his early twenties in 1991. Iran was not his chosen destination. He started his journey for Turkey via India and Pakistan. However, he left Turkey as the country was too cold in the winter for him and came to Iran. Finally, he settled in Bandar Abbas, a warm port city of Iran, and got married to a poor Iranian girl. He said that he did not get any financial support from his Iranian in-law’s family. Reversely, he helped them. As his wife was the eldest girl in the family and was not much educated, studied only up to grade nine; she could not help him directly. However, as she is an Iranian citizen, Sumon Mia used her Iranian identity as a capital. He got his business license in her name. Now, he has two small shops in Bandar Abbas. One is an embroidery shop and the other is a grocery shop. His wife and children run the grocery shop while he runs the embroidery shop. He says that running a business has become very difficult for the sanctions and the COVID-19 pandemic. “People are buying only the essential things,” he commented. His earnings come from these two shops.
2.3 Social capital, agency and tactics to be established

Pierre Bourdieu defined social capital as an attribute that can be acquired. He defined social capital as an attribution that can be acquired.2 His theory of social capital was based on European society and restricted to certain class groups which were derived from the structures of the society.3

On the other hand, for James Coleman, social capital is not limited to the people who have power.4 He showed that poor people and marginalized communities could utilize social capital like trust and shared values to improve their situation.

Bangladeshi migrant entrepreneurs in Iran struggled a lot for their establishments. They overcame their problems mainly by social networking in conjunction with the Bangladeshi and the Iranian community. Those, who did not bring money from Bangladesh, used networks with their Bangladeshi friends and relatives living in Iran for getting jobs. They got capital for doing business mostly by saving their income besides sending remittances to Bangladesh. Furthermore, fifteen of them got help from Iranian social networking which they established through marriage alliances. They managed to get licenses from the Iranian Government through their Iranian wives’ names, sometimes got financial help from their wives’ families and friends. Fourteen of them conceded that they were encouraged and helped by their Iranian friends, family members, Iranian neighbors, and other Iranian businessmen to start a business. Their Iranian friends also played a role in match-making which worked as one of the bases to be entrepreneurs in Iran. The Iranians are mostly businessmen which encouraged them a lot. Overall, Bangladeshi migrants, as a group, used their community networks, established trust among the Iranians, and utilize all of them as social capital.

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Besides social capital, religion played a role of being established in Iran. All twenty males who came to Iran were Muslim. So, they got an easy entrance to the Iranian Muslim society. It is already mentioned that fifteen got married to Iranian Muslim women. All entrepreneurs have learned the Persian language very well as they are staying in Iran for a long time. At home, these fifteen migrants use the Persian language instead of their mother tongue Bengali. The illegal workers use both Bengali and Persian languages in time of need.

This supports Nijkamp, Stough, and Sahin’s positions that education and language proficiency help migrants to deal with challenges in the host country.  

It is found that the migrants use marriage, religion, and language skills technically and tactically in a rational way to be established here. However, some of them were cheated by their Iranian business partners and business rivals. One of such cases is of Abdul Karim, who has been living in Iran for thirty years. He had a shop in the Chabahar area. When he was doing well in the business he was tortured by his Iranian business rivals. He was an illegal worker, so he left the place and came to Tehran in fear of the police. He told that he could not bring a penny from the area. However, he maintained a good relationship with some Iranian officials and the neighbors who gave him the advice to leave Chabahar in that situation. Six of the respondents reported problems with business partners while the rest fourteen entrepreneurs got very support from the Iranian society.

To understand the relationships among marriage, migration and entrepreneurship, the agency approach can help a lot. In the book “Global Marriage: Cross-Border Marriage Migration in Global Context”, Lucy Williams stated the strength of the agency approach. According to Laura Ahearn, ‘agency’ is more than ‘free will’. Furthermore, Williams sees agency as the interaction between the individual and his or her social context, which can be attributed to all types of actions, be it rational, social and non-rational or those in

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6 Lucy Williams asserts that “Studies of agency are often studies of the undercurrents behind the observable actions of people and groups and researchers interested in identifying when their subjects have acted with agency are obliged to interpret the meaning of actions and outcomes from scant evidence.” Williams, Lucy, Global Marriage: Cross-Border Marriage Migration in Global Context, Palgrave Macmillan, 2010, p.34

between them. Lucy William opines that migration provides individuals and groups with a sense of agency and opportunity to strategize and employ tactics to survive in the host country. Applying De Certeau’s concepts of strategy and tactics, she explains that strategy is related to the migrants’ command of their environment. A migrant who can choose from available options from a position of strength and have reasonable confidence that their plans will succeed can decide strategically. On the other hand, a tactic is applied when the migrants do not have such control and confidence over the context. Marrying an Iranian can be explained as strategic moves by Bangladeshi migrants here, while maintaining a methodical relationship with the fellow migrants and doing business secretly may be seen as their tactics. Marrying an Iranian, learning the Persian language, education, family background, networking with the Iranians as well as Bangladeshi community, religion, etc. were found to be the prime factors that helped them in facing challenges and being entrepreneurs in Iran.

Fig. 1: Factors that helped migrant entrepreneurs in Iran.

2.4 Business Types of the Bangladeshi Migrant Social Entrepreneurs

There were no Bangladeshi industrialists or big businessmen in Iran. The respondents were found to be involved in the following types of entrepreneurial activities:

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8 Williams, *Global Marriage: Cross-Border Marriage Migration in Global Context*, pp 34-51
1. **Export-Import Business**
2. **Small enterprises like self-employed shops and manufacturing**
3. **Informal Business**

### 2.4.1 Export-Import business

Out of the twenty respondents, only three were found to do export-import business with other countries like Bangladesh, Singapore, and Malaysia, and so on. Two of them, Md. Yasin Ali and Md. Reza Khan, are fully involved in overseas trade, while the other, Md. Hafizur, exports car parts manufactured in his own company. All of them reported that their businesses were critically hampered by the sanctions. Md. Hafizur said that earlier he supplied car parts to Iraq, Syria, and Turkey which completely stopped due to US sanctions, the war situation in Syria, and COVID-19 pandemic. Md. Reza Khan used to import charged lights from Dubai, and export carpets and food items to Bangladesh. Sanctions could not hamper his business too much, as he had managed his way of financial transactions, but the COVID-19 pandemic created many problems for his business. Every year, his father-in-law participates in the Dhaka International Trade Fair and can sell much as Iranian goods are popular there. He also has a share in the shop and helps his father-in-law in Dhaka. Now, he is anxious whether the trade fair will be there this year, and if it is, whether a large number of buyers will visit the fair as they did earlier. The case of another businessman is narrated below:

**Case Study 2: Md. Yasin Ali**

Mohammed Yasin Ali who had a Masters’ degree in Applied Physics from Dhaka University, came to Iran in 1977. He got a job in a vegetable oil company as a programmer of Program Logic Circuit (PLC). After three years he decided to go to Saudi Arabia to seek a better future. His Iranian landlord advised him to stay in Iran instead and marry an Iranian lady which might help him in the future. Mohammed Yasin Ali got married to an Iranian school teacher in 1980 after seeing her for a few months. He started his business in 1980. He did not get any help from any other people. He had a capital equivalent to US$ seven thousand at that time. He thinks that marrying an Iranian increased his social acceptance here which eased running business, but he did not take any pecuniary help from his wife’s side. His business stumbled when the Iraq-Iran War started in 1980. Gradually he started again and became a wealthy businessman. At first, as he could not make documents by his name so he made bank account, insurance, and other business documents in his wife’s and children’s names. His wife was
not his partner directly but supported him in every way where local and social supports were needed. Later, he surrendered his Bangladeshi passport and applied for Iranian citizenship. He made connections in Iran and had Iranian business partners in some transactions. However, he discontinued the partnership as he found Iranian partners highly ambitious. He established overseas connections and started to export Bitumen to Bangladesh, Pakistan, India, Sri Lanka, Singapore, Malaysia, and Kenya, and some other countries. He had six offices in Iran and three in another country (of whose name he requested not to disclose as that may bring US sanctions/hostility upon him). Sanctions troubled his business greatly as he could not send the product directly from Iran. Now he has to manipulate business documents showing the goods from countries other than Iran. The products have to be transferred with a small cargo ship from Iran to other countries, where they are uploaded to the big oceangoing ships which carry them to the destination. Now the shipment time has nearly doubled, and export expenditure increased about one-sixth to one-fifth. Besides, he leased mine from the Government of Iran for five or six years. He had to pay a royalty to the Iranian Government for that. The business was to extract Calcium Carbonate for the make-up kit. He had other businesses like importing computer parts and jute too. With sanctions becoming severe, his business started to shrink. Now he exports only Bitumen. In monetary calculations, he lost about half of his business revenue.

2.4.2 Small and Medium Enterprise

It is mentioned earlier that Md. Hafizur owned a factory manufacturing car parts. He started his business with US$ eight thousand in 1983 which his father sent him from Bangladesh. Currently, he employs seven Bangladeshi laborers in his factory. His wife is an Iranian and he is an Iranian passport holder. He has mentioned that foreigners cannot own business or property in their names in Iran. However, they can run a business on a partnership basis where at least fifty-one percent of the share must be owned by an Iranian. As he gained Iranian citizenship, he did not face much difficulty regarding ownership. His factory is small, and the turnover is less than one million US$ per year. Even entrepreneur of this scale is rare among the Bangladeshi migrants here. Most of them are running retailer shops. Many of such shop owners live in Bandar Abbas, the port city and capital of Hormozgan province. They are self-employed and mainly own embroidery shops in the market of Bandar Abbas. Besides embroidery, some of them have grocery, shoe shop, snacks shop, and so on. They got business licenses in the names of their Iranian wives. Some of the Bangladeshis living in Tehran provide catering services to both the Bangladeshi and the Ira-
nian community, while a few own factories or workshops of different types. All of the Bangladeshi factory owners use Bangladeshi illegal migrants as labor in their factories. Sometimes, they hired Afghan refugees as laborers. One illegal migrant who is providing catering service to the community employed Iranian laborers and giving handsome salaries to them.

Case 3: Shafiq Mia
Shafiq Mia (57) has been living in Iran for forty-one years. He came to Iran in 1985 at the age of sixteen and married an Iranian twenty two years ago. He got Iranian citizenship twenty years back. He has two sons and two daughters. He started a factory of manufacturing car parts with a capital of US$ fifteen thousand. His wife has four brothers who help him in the time of his need. He did not take any loan from the bank or any other else. He has five workers, all of whom are Bangladeshis. The business has almost come to a halt during this pandemic. There is no market for the products. He lives in Fardasht and has some Iranian friends.

Many illegal migrants are doing catering business where they supply food for the party. These migrants are serving food not for the Bangladeshi festivals but to the Iranian houses. This is a good example of social inclusion. Here is a case:

Case study 4: Shamsuzzaman Khan
Shamsuzzaman Khan came to Iran in 2003. He is an illegal migrant worker but providing catering services to the Iranian and Bangladesh community. He has completed Bachelor of Arts from Bangladesh. After coming to Iran, he worked in the house of a doctor. Then, he got work in the Iran Decoration Service Company. There, the Iranian owner of the company cared for him a lot and trained him well for the catering service. In 2015, he started his own business. He provides services for arranging birthday parties, wedding ceremonies and food festivals, and so on. Now, he has a website for his catering services. He does not need much capital as he takes seventy-five percent of the total expenses from the party as advance. Both Bangladesh and Iranian employees, around twenty in number, work in his company. He gave good salaries to them. He has been facing losses during the COVID-19 pandemic. The Number of parties and social gatherings declined, as a result, his income decreased by about seventy percent in Iranian rials. But due to the sanctions, his real income even became half of what he got during the pandemic. Earlier his net income was about two hundred million rials per month, equivalent to roughly US$ two and a half thousand per month. He could send US$ two thousand to his family
back home after meeting his living expenses in Iran. During the pandemic, his income has dropped to sixty million rials per month, which now is equivalent to US$ six hundred, as the Iranian currency drastically lost its value against the US$ as a result of US sanctions and the maximum pressure policy on Iran. Now he cannot send more than US$ three hundred per month to his family in Bangladesh. That is why now he wants to leave Iran and return home.

2.4.3 Money transaction as an informal business

While sanctions have seriously hampered international banking channels with Iran, it created avenues of informal money transactions. Bangladeshi migrants, who want to send remittances to Bangladesh, cannot do so through banking systems and have to use informal channels instead. Some of the Bangladeshi migrants here have taken this opportunity to act as a dealer of money transactions. Three types of informal money transactions were found to be used by the Bangladeshi migrants in Iran for the following purposes:

1. Money for international trade;
2. Money paid to the human-traffickers; and
3. Remittance that the migrants want to send to Bangladesh and,

Some of the Bangladeshi migrants in cooperation with some Iranians are engaged in human trafficking. Iran does not allow unskilled laborers to be employed, and the real value of wages in terms of US$ also decreased here due to the sanctions. Bangladeshis now do not consider Iran as a lucrative destination. Rather, they try to use the Iran-Turkey route to reach Europe. Earlier they used to enter Iran via India and Pakistan. That route has become difficult due to increased checks in the backdrop of controlling cross-border terrorism, and some problems created by the ransom seekers in the Pakistan-Iran border. Now they prefer entering Iran via the Persian Gulf. These fortune seekers, who want to enter Turkey via Iran, have to pay a significant amount of money at different stages of their journey. For example, one needs to pay a little more than US$ one thousand (Bangladesh currency one hundred thousand) to cross the Persian Gulf in small boats. The organizer of the trafficking in Bandar Abbas pays the money here in Iranian currency, and the migrant pays the money to the former’s family in Bangladesh with Bangladeshi currency. The difference between what he spends and what he gets is the profit of the organizer, which amounts to about half of the money he receives back home.

In cases of sending remittances, earlier the migrants used to give money to the person involved in transaction business, who would send the money to another country in the Middle East, from where it was channeled to Bangladesh.
Covid-19 pandemic hindered the process, and sending remittance became more difficult. Now the money dealers have increased their charge, and keep a profit margin of fifteen to twenty percent. The cost of sending remittance might be one to two percent if a proper banking channel were there.

3. Accomplishment of the migrant entrepreneurs’ mission

The present study shows that twenty Bangladeshi migrant entrepreneurs have been coming to Iran since the pre-Islamic Revolutionary period. There are some excruciating stories behind these successful economic establishments. Besides economic capital, migrants used their social capital, agency, and tactics to be established in Iran. It is found that they are involved with three kinds of business patterns, a. export-import business, b. a small enterprise like self-employed shops and manufacturing, c. informal business. Entrepreneurship was a great opportunity for the Bangladeshi migrants to be socially included. However, five illegal migrant entrepreneurs could not be able to use that opportunity of social inclusion as they have to go back to Bangladesh. Social inclusion and exclusion are one of the important features of the journey of migrants. Generally, migrants are more or less unattended by social safeguard in a host country. So, social inclusion is essential for migrants. Quality of migrant lives depends on the policies or practices of the host country - of social inclusion or exclusion. Commission of the European Communities asserts that while social inclusion ensures their access to ‘opportunities and resources’ and ‘greater participation in decision making’

Bangladeshi migrant entrepreneurs in Iran were not beyond this state. Marriage played a vital role to get entrance to society as well as access to resources and state benefits including insurances. Fifteen of the respondents married Iranians who tried more seriously to be included in the mainstream Iranian society as they do not intend to go back to Bangladesh leaving their families here.


Many of the cases are love marriages that helped them a lot to survive. Here is the case of Rahim Mia (60) of Bander Abbas. He got money from his father-in-law. He started with a loan (equivalent to US$ four thousand) from his Father-in-Law. He repaid that money without interest. Again, Md. Kalamuddin took about US$ three thousand as a loan from his Iranian brother-in-law (husband of wife’s sister). All of them have made Iranian friends and keens. Their inclusion in the Iranian society, however, cost them their mother tongue. They talk in Persian at home and get the opportunity of using Bengali only while talking to other Bangladeshis, numbers of who are very limited and who are geographically scattered over the vast land of Iran. When contacted over the phone, many of them initially spoke in Persian, though the questions were asked in Bengali. However; some of the migrants taught their Iranian wives a few words in Bengali to greet other migrants and relatives in Bangladesh in that language.

Besides keeping a good relationship with the Iranian community, twenty Bangladeshi migrants remarkably have maintained their Bangladeshi community circles by sharing their everyday experiences, observing national programs and religious festivals like Eid, and so on. For example, on Eid day, Bangladeshis pray together, get together in a place, and cook various types of Bengali foods. The Bangladeshi businessmen in Tehran are living in a clustered way. Some of them live in the lower part, i.e. Abbasabad and Afsari of Tehran. There is still a Bangladeshi “ism” regarding regions over there. The people who have come from Sylhet, Bogra, Comilla regions of Bangladesh are living in different clusters. Through the business surroundings, they make their own space for survival. For them, social inclusion means only friendship and in some cases, relationships that arise from a marriage with an Iranian partner.

Bengali migrants, who married Iranians and have got help from Iranian kins, also maintain close contact and relationship with the other Bengali people and businessmen here. Most of them also engage Bengali illegal migrant workers as their labors in their factory, not only as a way of benefitting through paying less salary but also as showing feelings towards fellow countrymen. Persons married to Iranian citizens observe various Bangladeshi festivals with the Bangladeshi people and Iranian festivals with their Iranian families and friends. Others do not get such wider spaces. Surprisingly, such cultural mingling of Iranian and Bangladeshi cultures practiced by these migrants was a great strength of them to be successful entrepreneurs.

However, these migrants have also sadly mentioned that they are expatriates from their homeland and foreigners in Iran at the same time. They belong neither to Bangladesh nor to Iran. They left their home country only to find that they are not naturalized in the host country too. Some of the Bengali migrants
have houses in Iran, which was bought with the migrant’s money; however, they could not be documented in their names as Iranian law did not permit foreigners to own property here. They worked hard, earned money, and bought properties that they could not own. On the other hand, many of them sent money to their parents and relatives in Bangladesh to buy land or property on their behalf. Unfortunately, money was misappropriated in some cases, and the migrants were deprived of ownership as the property was registered in other’s names. One case of Md. Golam Adom, doing embroidery business, would reveal the nature of deception the migrants might face back home from close relatives. He lost his mother in 1971. His father got a second marriage. His stepmother did not take care of him and give him enough food. So, he escaped from his home and went to India, then Pakistan and finally settled in Iran. He came to Iran in 1986 at the age of fifteen or sixteen. He married an Iranian lady in 1998. He had bought a house here with his own money. However, the house had to be registered as his wife’s property. At the same time, he sent some money to his native village in Bangladesh to his father and to his uncle for buying property. The property which his father bought for him was occupied by his paternal cousins immediately after his father died. He could recover the land after a long fight of years for establishing ownership. Another of his paternal uncles requested him to buy alluvial land beside the land that his father bought for him. Hearing that, he sent money to his uncle for buying the land thirty years ago. But his uncle, instead of doing so, sent abroad his two sons with that money. When Md. Golam Adom went to Bangladesh in 2017 and wanted to receive the said land from his uncle, the latter denied that and offered to return the same amount of money, whose value stood at one-tenth through losing value over these three decades. Md. Golam Adom was crying while describing his story and said “I was like an orphan; escaped from home and came to abroad bearing all the pains. My kinsmen did not have any sympathy for that. I bought a house in Iran that is not mine, all of the money in the bank here, which I earned by doing business, is in the name of my wife, and back in my country, my stepbrothers and relatives snatched my rights. Sometimes, I feel so much unsecured at this old age!” The story is more or less the same for many of the Bangladeshi small entrepreneurs. The long-term residents also feel socially excluded sometimes as houses and bank saving account are in the name of their Iranian wives. For wealthier migrants like Md. Yasin Ali or Md. Hafizur, however, the story is different.

Several sanctions have been imposed on Iran by the United States of America and some other countries or international organizations beginning since November 1979. The second sanction and the third sanctions come in 1987 and in 2006 consecutively. It is coming gradually and impacting upon the entrepre-
neur’s life also. Their business declined and they can’t send money to the country directly as there is sanction on the Iranian banking system. Pandemic also harshly impacted the peoples’ lives in Iran. The dreadful journey of migration, the problem of capital accumulation, language barrier, property ownership problem, economic sanction on Iran and now COVID-19 pandemic are giving Bangladeshi entrepreneurs a complex, intricate and multifaceted experiences. Bangladeshi Migrant entrepreneurs are trying to cope with the circumstances through different strategies and tactics.

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CLINICAL PSYCHOLOGY OF RESILIENCE AND SOCIAL INCLUSION OF THE ADOLESCENT MIGRANTS


1. Introduction

The interest of clinical psychology on the problems of young migrants is the synthesis of the humanity required for health professionals. Since one of the authors 1 denounced the problem related to the Mediterranean Sea, the question of hospitality has worsened further, aligned with other parts of the world.

The clinical practice with young migrants arises from the confluence of the vulnerability typical of the adolescent crisis and psychopathology. It is well known as the result of the relationship between environment and body (autoplastic adaptation) and/or environment and the individual, where the latter tries to adapt for the purposes of homeostasis (heteroplastic adaptation).

Homeostasis is an ancient and modern concept appeared in the biological study of mankind. It is ancient as proposed by Canner in 1922 for issues related to the physiology of autonomic behaviour, modern since it has been assumed for the regulation of emotions that significantly participate in the adaptation and maladjustment processes. In fact, from a clinical point of view, every good inclusion must evaluate the health status of the subject and the environment, or create an emotional balance. This must include social aspects, the reduction of prejudices, the improvement of the environment and of the subject’s domains.

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The attempt at this operation therefore requires the consideration of multiple parameters that have gradually been affirmed in the field of catastrophes and related psychopathology. The incoming paragraph will present this term, became necessary in order to justify the strong positive response to adverse events. On extreme occasions, in fact, some subjects responded better than others, in analogy to the flexibility of metals. They could be considered more flexible or more resilient, experiencing low levels of psychopathology and higher adaptation results.

1.1 Resilience

Resilience is a transversal and positive competence as a response to adversity related to severe circumstances. This construct connects two issues: the first is linked to the age of the subjects, in our case young people, namely adolescents; the second issue is linked to the environment that must include the social segment, considering a kind of adaptation dictated by the escape from adverse circumstances.

Figure 1 represents how resilience improves social inclusion through the following conceptualizations:

- Absence of symptoms and therefore the appearance of simpler adolescent crises, with no need for secondary psychopathological models;
- Reduction of the traumatic effects especially linked to the processes of emigration involving a very high number of migrants;
- Accompaniment to adulthood through biological, psychological and social stabilization.

The neurobiological component has been underlined by neuroscientific research including a hormonal component, a component linked to neuronal plasticity and a component of biological synchronicity with behavioural manifestation, allowing the regulation of human relationships. A particular reference to the above-mentioned changes is due to interpersonal relationships.

The hormonal component, oxytocin, just like all hormones related to homeostatic balance (for example the regulation of hydration and temperature), allows us to understand how the effects of the transition from hot climates to more temperate ones is always highlighted and sufficiently studied in migrants. In humans, like mammals, oxytocin supports resilience mechanisms through neuronal plasticity, as for change and adaptation. Inclusion from a biological point of view, even if promoted from the outside, favours neuroplasticity and can be defined in images underlined by welcoming gestures.

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Welcoming, in moral terms, corresponds to an attention to the external object (in psychoanalytic terms), in order to care, creating spaces for the Other, to the Winnicottian positioning of transitional areas. Feldmann in 2017 spoke about the affiliative brain to underline a network that foresees close relationships. Psychologically, an affiliation network is an ontic relationship, based on something profound, biologically relevant, providing for the emergence of positive feelings such as self-esteem. The direct relationship between development and plasticity is well known, it is also known how traumatic aspects interfere negatively. Resilience therefore arises as a model of strength, of energy capacity capable of supporting responses to stressful agents.

![Diagram](image)

Fig. 1

As previously stated, Figure 1. summarizes the positive action on inclusion and adolescent transformative processes; inclusion also helps to overcome the adolescent phase. But it must be emphasized that when the processes in terms of intensity are reduced (for example with the passage with a significant reduction of action), the quality that resilience places at the service of both the adaptation and transformation processes of the development phase are reduced.

When the fall is significant, in the absence of social support factors, the door to psychopathology opens with elements of somatic transformation (psychosomatic due to uprooting) or phenomena of social alarm (due to the non-directed emergency of aggression).

The coordination among biological signals and adequate social behaviours,
favours inclusive processes because social relations are tonic for signals, corresponding emotional productions, reduction of danger processes, implementation of the tolerance to frustration, the last unusually low with bipolar reactions in terms of inhibition or, a strong tendency to act.

In other words, resilience increases euthymic processes by favouring tonic object representations. When we talk about tonic object relationship, we refer to the balance of agonistic and antagonistic forces that do not need signs of distress. The object relationship is therefore a plastic, a series of images in which the subject can experience his internal milieu in terms of authenticity without resorting to pathological regressive mechanisms of affective immaturity or psychopathology.

Table 1. summarizes the characteristics of resilience according to Feldeman

<table>
<thead>
<tr>
<th>Biological perspective</th>
<th>It involves neuronal plasticity</th>
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<tbody>
<tr>
<td>Structural perspective</td>
<td>It implies intra and extrapsychic stability</td>
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<tr>
<td>Evolutionary perspective</td>
<td>It is temporal</td>
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<tr>
<td>Interpersonal perspective</td>
<td>It is social</td>
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<tr>
<td>Diadic perspective</td>
<td>It is monodic but favours the subsequent third</td>
</tr>
<tr>
<td>In the evolutionary scale</td>
<td>It is a specific mechanism for humans</td>
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<tr>
<td>In the relationship with consciousness</td>
<td>It favours the structures of meaning</td>
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With reference to Table 1., it has been mentioned the relationship with third figures (meant with reference to Peirce semiotics) and on the facilitation of the mechanisms of attribution of meaning. The object relations theory and in particular the theory of attachment, have emphasized the importance of the mother-child dyad which, thanks also to the role of oxytocin, favours stability mechanisms. Since the overcoming of the archaic and narcissistic defence mechanisms favours the concrete perception of reality and therefore the role of love offered by other objects, the latter can become “psychic” strictly meant as affectively invested, free from anguish and reachable by desire.

Inclusion is not only strengthened by resilient individuals, it is reinforced by the inclusion itself, in a dialogic Morenian vision. Those who fear the other are basically afraid of their own phantasms above all because of a lack of knowledge of the other. Resilience, favouring synchronicity leads to actuality.

The history of psychopathology, on an evolutionary level, could be rewritten in the light of an ancient capacity for representation and the coarctation due to maternal issues. In psychotraumatic pathology it can occur for many reasons and at all times ranging from pregnancy (depression in pregnancy), puerperal depression and psychosis, depression in the first year of life and so on. These depressive
aspects have been overlooked by Western culture in which the mother/child relationship was still considered impregnated with tenderness and otherness. The role and deficiency of oxytocin should revise these social intentions.

The father too can play his part in the genesis of the dissonance before, during and after. It is not just a question of events which, while manifesting themselves psychologically, it can have biological origins. Taking the linguistic term, diachrony. In the relationship with migrants, the general public should learn and extend to the audience the three basic needs that are transversal to all cultures, namely:

A) The need for security.
B) The need for gratification.
C) The need for sociability.

We must therefore recognize these needs to ourselves and by the golden rule recognize them to all humanity. As has already been said, these needs are implemented by the emotional system and therefore are rooted in the depths of individuals. Both biological and psychological studies show that the resilience factor responds to the considered needs through:

1) Positive experiences especially if intensified, prolonged and expanded;
2) Experiences, in accordance with genetic psychology, which can be assimilated and favoured in their accommodation;
3) Experiences that can foresee negative repercussions, such as adverse experiences (illnesses, inadequate social responses, catastrophes) that allow the subjects to put together painful representations and internal representations of wish.

Welcoming small and large emigrations improved the human genome, certainly at least as much as the environment.

2. Immigration between law and socio-political narrative

2.1. Current state of immigration in Italy

According to the 2019 Immigration Statistical Dossier of the Idos Study and Research Centre, foreign citizens residing in Italy amounted to 5255503 units, equal to 8.7% of the Italian population (it was 6.5% in 2008). From 2013 to 2018, foreign residents increased by 6.8%.

4 Rick Hanson and Forrest Hanson. La forza della resilienza: i 12 segreti per essere felici, appagati e calmi. Giunti, 2019.
5 Idos Study and Research Centre. Statistical Dossier on Immigration in Italy (2019).
Analysing the distribution by age, it is noted that the foreign underage population is equal to 20.2% of the total; over 65s stop at 4.4%. The foreign born in 2018 were 65,444 and represent 14.9% of the new born in our country. Foreign students in Italian schools are over 841 thousand.

Half of the immigrant residents are of European origin (50.2%; 30.1% EU), just over a fifth African (21.7%) and Asian (20.8%), 7.2% of American. The most represented nationality is Romanian (23%, over 1.2 million units), followed by Albanian (8.4%) and Moroccan (8%), fourth by Chinese (5.7%), fifth by Ukrainian (4.6%).

The requests for international protection amounted to 59950, 32.2% of which were accepted.

Of the new residence permits issued in 2018, 52.4% were for family reasons, 41.6% for asylum and other humanitarian reasons, 6% for work.

Foreign workers are 2455000, 65.9% in services (20.8% in commerce, hotels, restaurants); 27.7% in industry; 6.4% in agriculture, forestry and fishing. Compared to ten years ago, there is an increase in immigrants active in the services and agriculture sectors and, on the other hand, a decline in industry (both construction and industry in the strict sense).

Foreign workers account for 17.9% of the total employed in agriculture, 11.2% in industry, and 9.9% in services.

A third of foreign workers (33.3%) carry out unskilled professions (the share is 8.2% among Italian workers), 29.7% are workers or artisans, 29.4% are employed, only the 7.6% carry out skilled professions (against 38.5% of Italian employed).

The over-educated are 35.5% (among the Italians they are 25%); the underemployed 7.3%. The average monthly wage is 1023 euros, much lower than that of Italian workers: 1366 euros.

Women represent 44.2% of foreign workers, a percentage higher than that of Italian workers (41.8%).

There are about 400000 foreign unemployed, with an unemployment rate of 14%.

The enterprises managed by foreign residents are 602180, equal to 9.9% of the total number of enterprises in our country. Foreign business owners come mainly from Morocco, China and Romania.

There are 20224 foreign prisoners in Italy.

2.2 The distinction between economic and political migrations, in the contemporary socio-political narrative

A fundamental distinction, especially in the European public discourse of recent years, tends to be presented more and more often, not only as a juridical
or analytical definition but as a distinction on the basis of which to differentiate “deserving” migrants from “undeserving” migrants, those to be welcomed by migrants to be rejected.

In the concrete articulation of migration processes there is never a single factor that leads to emigration. There is always a complex set of contributing causes that are difficult to unravel, and so an individual, regardless of what the regulations provide, can find himself simultaneously looking for work and for the recognition of refugee status. The migratory processes that, at least since 2011, have been affecting Europe show this explicitly.

As for Italy, it will be remembered that during the so-called “North Africa Emergency” the majority of the geographical origins of migrants who came to our country to escape the war in Libya were not North African at all. Libya, which still today is a nerve centre of many of the routes leading to Europe, until 2011, was an area of great attraction for thousands of workers from other parts of the African continent, forced to leave the country after military intervention. Workers, therefore, who, overnight, became refugees fleeing a war endorsed by the United Nations Security Council.

The journey of those arriving in Europe today, especially for those coming from sub-Saharan countries, can last for years, has high costs and presents enormous difficulties. It may therefore happen that a person who has left to escape a conflict or persecution finds himself having to work along his migratory path to put together the amount necessary to reach the coveted Europe. It may also happen that a person, who left to look for work, becomes the object of harassment, persecution, violence, arbitrary incarceration along the migratory path. This is what happened (and continues to happen) in Libya, and it is what is happening today in Turkey. It would be possible to pretend not to see, but this is what happens.

The boundaries between political and economic migrations are much more blurred than what we would like to believe and, above all, than what the different regulations imply.

The truth, the one that is difficult to admit, is that today it is impossible to enter Europe, if not for very few. States are trying in every way to block entrances to their territory by activating, for this purpose, directly or indirectly, a series of devices ranging from agreements signed with Erdogan’s government to the establishment of hotspots, from walls with barbed wire to the proliferation of refugee camps that arise in the border areas, from Calais to Idomeni.

The current European management of migration also affects the few who manage to enter and their social and labor inclusion (or exclusion, given the data) process. And it acts not only in the most immediately visible aspects, as happens for example with the application of the Dublin Treaty which prevents
individuals from choosing the country in which they can build their own future, one in which they can take advantage of a support network right from the initial, the most delicate, of the process of social insertion in the new place of life.

Consider the Italian case: Whoever manages to enter the circuit that could potentially guarantee him a residence permit for political reasons, or another form of protection, is included in a path in which he will be subject to continuous control.

2.3 Brief notes on the consolidated text on immigration - Legislative Decree 286/98

Italy has been, for most of its history, a land of emigration, and many lands from which previously we ran away from hunger are today among the most powerful locomotives of Italian and European development. However, the development of Italian immigration legislation seems to have remained faithful to the first approach, that of Italy as a land of emigrants: until the mid-1980s the entry of foreigners to Italy was governed by laws dating back to the Fascist period. This state of affairs was in clear contrast to the constitutional dictates, expressed in Article 10, paragraph 2.2, which states that: “the legal status of the foreigner is governed by law in accordance with international standards and treaties”. The first law of the Italian Republic on this matter was law no. 943/1986, which dealt with the issue of immigration, moreover only in relation to the issue of work, in an emergency and not organic way. The legislative decree n. 286 of 1998 represents, supported and integrated by the European and regional legislation of the sector, the cornerstone of the Italian immigration system; it introduced important, and sometimes controversial, novelties in the context of national immigration legislation, such as the introduction of the entry quota system as a meeting point between supply and demand for foreign labor, mitigated by the so-called sponsor system, already introduced by Turco-Napolitano, which allows foreign workers to enter the Italian labor market through a direct call from the employer. The T.U. it also provided for the possibility of family reunification for legally resident foreigners before it was legislated at European level and in general extended to foreigners a series of rights that were not previously contemplated by the Italian regulatory system. The T.U. is a complex set of rules which consists of 49 articles, divided into 6 Titles.

The first Title includes article 1, on the scope of application of the Consolidated Law and article 2 on the rights and duties of the legally resident alien, who is equivalent to an Italian citizen both with regard to civil rights (paragraph 2.2), both with regard to labor rights (paragraph 2.3). Compared to the original text, the addition of an article 2 bis, inserted pursuant to art. 2 of the law n. 189/2002 (so-
called Bossi-Fini), which establishes and regulates the Committee for coordination and monitoring. Title I of the Consolidated Text closes with the very important and controversial article 3 on migration policies: this article provides, after consulting the Ministry of Labor and taking into account family reunification and the international protection measures granted, a planning of flows in entrance on two levels.

Title II (art. 4 - 20) is of fundamental importance in the economy of the text, it is in fact the longest and most structured of this regulatory complex. It is in turn divided into chapters: the first head (art.4 - 9), governing entry and stay, opens with article 4, which deals with the modalities of legal entry into the Italian territory, which can take place through possession of a residence permit or passport with a regular visa; art. 4 governs only the latter case. Recently, the Minniti decree law (law no. 46 of 2017) introduced paragraph 6 bis, on the prevention of terrorism, in the context of this article.

Foreigners who have been legally residing on Italian territory for at least 5 years who have a certain economic stability are granted an indefinite residence permit (art.9), while the following articles 9 bis and 9 ter (introduced in compliance with the 2003 / 109 / EC and 2009/50 / EC) regulate the entry and stay of those who have received a residence permit or an EU Blue Card from another Member State.

The characterization of flows as a variable dependent on the needs of the internal labor market emerge broadly from Article 21, leader of the articles provided for in Title III. It contains one of the architraves of the Consolidated Law, that is the determination of the entry flows, then expressed in the documents provided for by article 3. The following articles are characterized by their length and articulation, and regulate sectors such as temporary employment determined and indefinite (articles 22 and 23), seasonal work (articles 24 and 25), self-employment (article 26), special cases (article 27), voluntary work (article 27 bis), scientific research (art. 27 ter), highly skilled workers (art. 27 quater).

Article 28 on the right to family unity opens the short Title IV dedicated, in fact, to this right and the protection of minors; the articles dedicated to family reunification follow (29 and 29 bis, with the latter extending this right also to refugees pursuant to Legislative Decree 5/2007), to the residence permit for family reasons (30) and the blocking of articles concerning minors: general provisions (art.31), provisions concerning minors in custody upon reaching the age of majority (art.32) and on the committee for foreign minors (art.33).

The following Title V provides for the provision of some essential services and rights: thus, for example, Chapter I (articles 34 - 36) is dedicated to the provisions on health matters, the subsequent to the provisions on education and the right to study and profession (articles 37 - 39 bis), Chapter III (articles 40 - 41) instead provides for housing and social assistance and finally the Title
is closed by Chapter IV relating to the provisions on social integration, discrimination and the establishment of a fund for migration policies (articles 42 - 46).

2.3 Brief conclusions on the legal aspects

Despite the importance of the instrument, and the many changes (more than 30 since its approval), perplexities continue to exist on many aspects of the Consolidated Law, starting from the wide margin granted to the administrative authority in terms of expulsions, to the importance covered by the CIE (Identification and Expulsion Centres), which often makes them overcrowded, to end with its structure which by its intrinsic nature “creates” illegal immigrants, who do not benefit from the facilities granted by the legislation. A very profound revision of this instrument is certainly necessary, as has never been carried out, which is outdated for a country that has gone from 1.3 million resident foreigners in 2001 to 5 million in 2016, which recognized citizenship to almost 180,000 immigrants in 2015 compared to 10,000 in 2001 and in the last 3 years, on average, it has welcomed over 160,000 migrants a year.

3. Social inclusion and resilience

Social inclusion or exclusion can be supported or disadvantaged by ideas, especially if influenced by logics that positively or negatively affect emotional processes. Morin\(^6\) performed a thorough examination comparing ideas in open or closed systems that can favour or disadvantage inclusion processes and therefore provide the implementation or impoverishment of resilience. Morin identifies open systems that tend to favour closure and systems that, on the contrary, open. In this sense, sets of ideas can be theories since they open to the experiential needs of the previous paragraph.

Each system of ideas, has common elements common which are characterized by:

a) A hard core, indemonstrable, not questionable or interpretable; great theories, if illusorily built on supposed-evidence, are not exempt. Freud, for example, in Analysis terminable and interminable faced this risk\(^7\), among the unjustifiable figures to the interminability of the analysis, refers to a rocky core.

b) A system of ideas resists refutations by annexing them to its own convic-

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tions. The implementation of the complex in an analytical sense is what makes the complex expand. In this case, ideas are charged with emotions that lose their homeostatic maintenance value but, little by little, according to their intensity, they generate psychopathology. Similarly, internal complexes can converge into external complexes of the same nature: we are not far from social prejudices, from homophobic processes, racism, intolerance of different human characteristics.

c) A system of ideas which tends to eliminate all that is not corresponding as in the antigen and antibody reaction; in this case the construction of the antibody can follow, to continue the metaphor, the experience of the vaccine;

d) A system of ideas is orthodox when the theoretical core is at the centre of the system in which all the elements of judgment can only revolve around; this is prejudice, for example, sustained in the past by religious sentiments, today by racial sentiments.

Morin concludes that the systems can give rise to theories or doctrines where the first ones are characterized by the acceptance of criticism, by the willingness to be refuted in the light of complexity theory: “a theory is open, is a theory that accepts the idea of its own death.” (p. 139).

The doctrines, on the contrary, are self-referential, refractory to the acceptance of experience, rejecting any criticism, they can resort to anathema, dogmatism, orthodoxy and, despite being born in a predominantly religious and ideological sphere, they assume towards emotions, an enslavement that transcends their main purposes.

Therefore, inclusion cannot be based only on a moral of sentiment at least for two reasons: -moral constructs are essentially linked to representations, they originate in the relationship with others, in the ability to project affects and not freely influenced by the world of ideas.

If inclusion is not to be based only on emotions, it is also true that the often-observed exclusion is based on choices, often irrational, in which few or more emotional groups tend to separate human movements through the construction of fortresses delimitating states. Examples of these fortresses are the walls as constructions proper on the earth’s surface or imaginary like the blocks in the sea. The other becomes a stranger and coincides with the enemy, the usurper, the thief of our wealth.

A clear example coming from psychoanalytic perspectives is foreseen by

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Freud’s work\textsuperscript{9,10}, he himself victim of Nazism and forced to leave Austria. The evolution of the theory, implies deep reflection on the theme of ethics, as in the case of Jacques Lacan, with direct reference to the Other’s role in these dynamics. Articles directly referencing ethics suggest the risk due to the phantoms operating on terms of horrific consequences of human relations\textsuperscript{11}. The theme of perversion is not excluded from the discussion, as analysed in depth in \textit{Kant avec Sade}\textsuperscript{12}. In this case, the “golden rule” represents in fact the perfect metaphor of an imaginary (narcissistic) position putting the individuals in a mirroring perspective.

The theme of law is fundamental, especially when refused in the light of three fundamental steps useful to establish a perversive path: criticism, refoundation and metamorphosis reducing the other to the object of desire, whatever it could be (the above-mentioned rule in fact, seems to only refer to positive possibilities, ignoring the extent of desire and more accurately of \textit{jouissance}).

\subsection*{3.1 The adolescent migrant}

Resilience and social inclusion must then be projected in the light of the vast adolescent consideration which presents two main vulnerabilities: the first, biological, which has just been mentioned and the social vulnerability; the latter includes several strongly marked segments, as is well known by initiation rites, identification models and crisis experimentation. Overcoming these events represents the starting point for the subsequent stages of development linked to the processes of intimacy and the establishment of social-based relationships (secondary attachment) built on higher identification mechanisms.

As all aspects related to any past trauma, listening represents a bridge between a past and a present of those who relive it. Inclusion in new realities must take this into account since the suffering generated by situations with ancient causes must be “cured” while suffering often grows in the discrepancy between fantasy and reality, desire and immediate impossibility of being able to satisfy it. If we consider the objective discomforts to which the migrant is exposed, mental suffering arises as a set of negative emotions that allow immature feelings to emerge: ingratitude, jealousy and envy.

\begin{itemize}
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As Branco Pereira A.\textsuperscript{13} observes, recent ethnographies on refugees in Brazil, have not provided sufficient information on young people’s mental health. The term mental health is often thought, contrary to its original sense, as necessarily associated with the mere absence of active psychopathology. This creates, in common thought, further prejudices that are added to those directed towards non-emigrants.

Branco Pereira (2018) proposes a summary that includes an analysis of the literature which indicates the terms that, in the opinion of the writers, should be taken into account for social inclusion:

a) The shock of the emigration experience added to the original one (s);

b) The elaboration of the past event is placed as an indelible wound;

c) A possible past suffering is actualized by the lack of assistance in the present.

From a practical point of view, the inclusion of the adolescent migrant should include an integrated approach between multiple points of view such as the ethnopsychoanalytic, the ethnopsychiatric and the intercultural one. The aforementioned plans could envisage various avenues aimed at adaptation strategies.

However, the adolescent migrant or refugee finds himself in a complex relationship made up of relations that give meaning to the body (nutrition, hygiene, emerging sexuality), with his own thought (his own forms of relationship between ideas and perceptions, symbolic activity), with one’s own emotional style and the memory of primary objects, often absent in reality, especially in unaccompanied young people (as caregivers, relatives or parents).

The world of imaginations generates a fantastic world, not frequently contemplated by the literature on resilience which should also provide for a regression in the service of the Ego \textsuperscript{14} as postulated by psychoanalysis in therapeutic processes \textsuperscript{15}. The creation of an internal space, even if regressive, generates a better tolerance to frustration; intolerance and related frustration are inevitable in countries, such as those in Europe, where the culture of intolerance has significant roots.

It is well known as the anguish of death is a recurring theme for adolescents, never real for those who have experienced it on an escape journey, often made up of exploitation, not rarely by torture. Death anguish is a traumatic element


\textsuperscript{14} Ernst Kris. “Psychoanalytic explorations in art.” (1952).

that, for those who propose a path of insertion, must take place in terms of strategies dealing with emotions and symbolic representamen of psychopathology (Merlo, 2019). The possibilities related to social inclusion, provide for interdisciplinary perspectives such as those envisaged by both the clinical approach, both anthropology and some philosophical visions strongly centered on humanity 16.

4. Conclusions

As Brusset 17 assumed about the relational links, the integrative perspectives can be considered through a polysemic approach that does not allow the separation among the involved terms. With reference to inclusion, we cannot take separately those who propose it and those who practice. The relationship with the other includes the imaginary, the virtual, the potential, the anticipatory, the retrospective etc. This is not intended in order to limit spontaneity, but represents an invitation for us useful to ponder the speech whose extreme and negative limit consists of acting out and subsequent violence.

The ability to be involved in a tolerant co-existence with the other demonstrates, in a positive way, how the individual can overcome his narcissism, favouring bilateral identification processes.

Those who practice psychotherapy should have sufficient knowledge. Those who do not practice therapy are equally aware, since they have access to their own introspective processes (a good compass is indicated by emotional processes). In any case, it is always hard to understand how difficult human relationships are from the interpersonal conflicts that arise. Now the relationship with the migrant must be aimed at exploiting personal training and talent, obtaining the maximum return from the relationship. We would quote Brusset once again, about the psychoanalytic praxis, exploring the human relationship aimed at assistance and recovery: the process of subjectivation (i.e. when we apply comprehension rather than explanation) starting from a work of common identification between two partners. The metaphor and the appropriation of meaning.

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The paradigm of the twenty-first century is that the world will not change until the paradigm itself changes. Nowadays, societies that exceed the traditional lifestyle expect everything from the government, which is the dominant authority. The importance of non-governmental organizations, which are the third dynamic along with the government and private sector, gradually keeps increasing, and so are the societies’ expectations. When Mevlana Celalettin Rumi said, “Whatever belonged to yesterday belongs to yesterday, and now it is time to say something new,” he somehow pointed out to NGOs, which are the mutual helping movements.

The social entrepreneurship notion, which started roughly at the times of the Second World War, took the attention of the whole world with studies such as the project of the prevention of the poverty with the “Micro Credit”- for which the Bangladeshi banker Muhammet Yunus took the Nobel Peace Prize in 2006. Moreover, the effect of the “Ashoka” of William Drayton is significant in terms of the institutionalization of the social entrepreneurship notion in the world.

Ashoka has supported 1,600 social entrepreneurs in 60 countries as of 2009, and the number of entrepreneurs has grown over 13 people in Turkey. The name “Ashoka” means “without fatalism” in Sanskrit. Ashoka has defined core criteria that candidates for the fellowship must meet: creativity, entrepreneurial quality, the social impact of the idea, and ethical fiber.
Studies show that Ashoka gradually has taken significant results about conflict of social affairs and changes that came true, and mentioned that asocial entrepreneur is a citizen of world who has their responsibilities, the effect of intelligence, leadership, creativeness, brave instead of social mendicancy and giving in to sorrow. As a result, they also deal with the social entrepreneur implementation in the world and Turkey, and ideas that will change the poorness and helplessness cycle will be the leader of social entrepreneur ideas.

1. Introduction

Globalization, which can be defined as “the intensification of worldwide relations,” also caused essential paradigm changes in the 21st century. While the most distinctive feature of the twentieth century is “uncertainty,” the twenty-first-century paradigm is that “the world will not change without changing the paradigm.” Each paradigm arises as a solution to the cluster of problems piled up in a certain period in a system and is constructed and implemented according to its proposed system. Today, the scope of citizens’ responsibilities to overcome different problems is also developed, and it has brought about a new understanding of citizenship, “active citizenship” (responsibility-based citizenship) (Öztürk, 2009: 32). “Citizen participation” refers to the field of activity related to directing civilians’ power to critical public issues. When there is a strong awareness of the citizen sector, citizens - individuals, families and communities devote their energy and time to public problems. In the work of Ashoka members, who push governments on standards of responsibility, transparency, and accountability through citizen engagement, empowered citizens’ continued efforts have been noted to generate positive social change (http://www.ashoka.org/civicengagement). Today, societies that have surpassed the traditional lifestyle do not expect everything from the state’s sovereign authority. The role and importance of Non-Governmental Organizations (NGOs), which are a third dynamic together with the state and the private sector, are increasing in all areas of life, and society’s expectations are in this direction. When Mevlana Celalettin Rumi said in his famous saying, “Whatever belonged to yesterday belongs to yesterday, and now it is time to say something new,” he pointed to the NGOs, which are the common goodness movements that would take shape in hundreds of years.

The concept of social entrepreneurship, whose development process goes back to the Second World War, attracted the attention of the world public once again with the project of preventing poverty through “Micro Loans,” which was put into practice by the Banker Muhammet Yunus from Bangladesh in
the 1970s and earned him the “Nobel Peace Prize of the Year 2006”. The US citizen William Drayton’s “Ashoka” had an essential share in the institutionalization of social entrepreneurship. The Ashoka initiative, founded in Washington in 1980, currently has an annual budget of over $30 million. The number of the entrepreneurs of Ashoka, supporting 1,600 social entrepreneurs in 60 countries as of 2009, in Turkey was 13, but this figure has today exceeded thousands. Ashoka means “absence of fatalism” in Sanskrit. As a prerequisite for selecting members, Ashoka supports talented and creative entrepreneurs who have devoted their life to the most creative and new ideas, and aims to support social entrepreneurs working in the fields of youth education and development, environment, health, human rights, and citizen initiative. The Ashoka Foundation, which provides courses on youth unemployment and innovation, has sponsored 2,145 people in 73 countries as of 2010 (Ashoka, 2015).

2. The Purpose of the Study

In the study, the phenomenon of social entrepreneurship, which gradually yields concrete outcomes in fighting social problems and realizing change, was discussed. Besides, the implications were presented that social entrepreneurship is the outcome of reason, leadership, creativity, and courage as world citizens with responsibilities, rather than social begging and surrendering to fate. The characteristics, working styles, and influence methods of social entrepreneurs who display a value-based leadership approach were exemplified. Social entrepreneurship practices in the world and Turkey were also mentioned. Social entrepreneurship ideas that can change the cycle of poverty and despair and be a pioneer of change were included. Besides, examples of risk and enthusiastic work of social entrepreneurs, who are solvers of complicated problems, were covered.

3. Review

3.1. Entrepreneurship and Entrepreneurship Culture

The entrepreneur can be referred to by various names such as businessman, employer, manager, boss, skilled person trying to establish his/her own business or pioneer, and a venturous person who always seeks to realize new and risky ideas.
The common point of the definitions about entrepreneurs is that the entrepreneur can see the opportunities others look but cannot see, turn them into a business idea, and tend to take risks (Akat, Budak and Budak, 1997: 14; Titiz: 1994: 3).

An entrepreneur is someone who endeavors to do business and does not hesitate to do so. S/he is the person who starts the necessary initiative for the production of economic goods and services by bringing together the factors of production and also obtains the financial resources required for production and markets where production will be evaluated. The combination of production factors required for creating economic values is not a biological or mechanical issue but is realized by humans. People make an essential contribution to the creation of economic values with these businesses named as entrepreneurship (Müftüoğlu, 1989: 73; Çetin, 1996: 29).

The primary function of the entrepreneur in modern societies is to realize continuous innovations. In this respect, the modern entrepreneur’s power is based on his/her capacity to innovate and transform his/her discoveries into tangible commercial products in the business world (Titiz, 1994: 3-11). In this sense, the entrepreneur concept suggests a person or people who continuously innovate. The term “innovative” attributed to the entrepreneur includes introducing new products to the market, employing a new production technique, reaching new markets, discovering new raw materials or semi-finished materials, and eventually realizing a new form of organization (Gerber, 1996: 17).

The source of the most significant impact in society is culture. Culture is the typical qualities of the individuals in the group, and it is a learned lifestyle passed on from person to person. Entrepreneurs interact with social structures such as “local environment, national environment, and international environment” (Çelik and Akgemici, 1998: 28-29).

In his book Achieving Society, Mc Clelland emphasized that the success motives of people brought about some changes in the economy of the society they created, and expressed the behaviors of people with high success motivation as follows (OKIK, 1993: 14):

- They work faster in jobs that challenge their abilities.
- They learn faster.
- They do not rely on external motivational factors such as money or title.
- In business life, they desire to work with experts on the subject rather than their friends.

Mc Clelland states that there is a close relationship between high success motivation and entrepreneurship culture. According to Maltese thinker Bono, the most crucial expression defining entrepreneurship culture is “passion for
realizing something. “To present something that has not already been done is the entrepreneur’s greatest goal. The environment s/he chooses is action. The entrepreneur seeks new and several initiatives and investments (Titiz, 1994: 7).

Entrepreneurship culture provides entrepreneurs with a new status and guarantees to compensate for what they do. It is a culture that will ensure a brand new generation which creates job opportunities for others instead of waiting for others to create some. Risk-bearing and courage, which are the fundamental indicators of entrepreneurship culture, significantly affect success.

Entrepreneurship or businesses are a living, breathing social systems, both from the entrepreneur’s perspective and outside. The determinant of the enterprise’s continuity is the extent to which the cultural characteristics, which are the combination of qualities brought with them for the entrepreneur’s success, overlap or diverge with the goals and passions of the entrepreneur (TUSIAD, 1987: 13).

3.2. Entrepreneurial Typology and Key Features

Someone with an entrepreneurial personality turns even minor situations into critical situations. Entrepreneurs are visionaries. In the entrepreneur’s eyes, most people are worth the problem that stands before their dreams. Entrepreneurs live in the future without being stuck in the past (Gerber, 1994: 3-11).

The most prominent characteristics of people with an entrepreneurial spirit are their intense passion for success. These types of people do not like routine work; they favor to create new ideas. One of the most important characteristics of entrepreneurs is that they take risks.

Entrepreneur typology is a concept that represents a specific personality trait to a certain extent and is concerned with estimating the physical and mental aspects of entrepreneurs. In general, entrepreneurial typologies are focused on a phenomenon that is formed by “introversion-extroversion” or “psychological, physical and characteristic features” depending on the behaviors and beliefs of individuals (Erdoğan, 1994: 260-262; Köknel, 1986: 13-37).

Some qualities that make entrepreneurs successful can be listed as follows (Gürdoğan, 2008: 26-28):

- Entrepreneurs are always in the common goodness movement. Honesty is their most important asset.
- They know how to take risks.
- They pursue innovation.
- There is no place for despair in the entrepreneurs’ world.
- Entrepreneurs know how to make the next day more productive than the previous day.
- Entrepreneurs can see the growth in hard times and failure.
• Entrepreneurs are aware that those who do not have a mission will not have a vision.
• They never hesitate to take the initiative.
• Their biggest enemy is being unprincipled.
• Entrepreneurs are aware that those who do not provide solutions are part of the problem.
• They are aware that without changing the self, it is impossible to change anything.

3.3. Social Entrepreneurship and Social Entrepreneurs in History

Social entrepreneurs are individuals who bring innovative solutions to society’s most important problems. They are ambitious and determined to tackle social problems and produce new ideas that drive change at a wide scale. Social entrepreneurs take part in common goodness movements and find out where the problem stems from and solve it by changing the system, rather than leaving them to the state or the business world. They share their solutions with the broad masses and persuade the whole society to take new steps.

Social entrepreneurs dedicate themselves to realizing social transformation. They are visionary and realistic. They have dreams; the applicability of new ideas is above all for them. The new ideas put forward by social entrepreneurs should be appropriate, ethical, easy to follow, and have broad support from those living in that area. Therefore, when social entrepreneurs take action, they are role-models and creative leaders of change, proving that anything is possible.

In the last 20 years, the citizen sector has become aware what the business world had learned long before: “There is nothing as powerful as the new idea of a leading social entrepreneur.” As a result, social entrepreneurs are essential social transformation tools, like successful entrepreneurs who change the world’s features. The budget of some social entrepreneurs exceeds millions of dollars, and the number of their employees reaches thousands. Entrepreneurship is a dynamic that plays an essential role in social and economic development. In short, in entrepreneurship, producing projects for a specific segment of the society is referred to as social entrepreneurship. While social entrepreneurship is developed by creating entrepreneurship projects for retirees, young people, people living in rural areas, and the elderly, social development will also be supported (Akdemir, 2009: 8). Seeing what others cannot see, they create new opportunities, develop systems, and bring innovative solutions to society’s critical problems. Some of the leading social entrepreneurs in history are briefly explained below (www.ashoka.org):
• Susan B. Anthony (USA): She struggled for women’s rights in the USA. She fought for the property of women and pioneered constitutional change in this regard.
• Vinoba Bhave (India): Founder and leader of the Land Donation Movement. He had about 3 million acres of land donated to India’s poor peasants who did not own land.
• Mary Montessori (Italy): Developed the Montessori approach in early childhood education.
• Florence Nightingale (England): Founder of modern nursing. She founded the first school of nursing and struggled to improve hospital conditions.
• John Muir (USA): Nature lover and conservationist. He established the National Nature Parks system around the world and helped establish the Sierra Club.
• John Monnet (France): He founded the European Coal and Steel Community while restructuring France’s economy after World War II. This community planted the seeds of the European Union.

Important universities in the world such as Harvard University, Oxford University UK, University of California, Berkeley, Stanford Graduate provide education on the subject. The social entrepreneurship and citizen sector, which have just started to be heard in the country, is developing by practicing thriving examples as inspiration. There are university departments that have focused on social entrepreneurship in the past 20 years and activities of organizations that support entrepreneurs, which are briefly introduced below (www.gsuik.org):
• “Entrepreneur of the Year Contest” organized by Ernest & Young and Milliyet Newspaper,
• World Bank “Creative Development Ideas” competition,
• “The Future Is Clearer” social platform (www.gelecekdaha.net) organized by Mikado Consulting.

3.4 Results of the study on the Status of Social Initiatives in Turkey

The research report ‘Status of Social Initiatives in Turkey’ published within the scope of the Global Social Venture Program, which was launched by the British Council in 2009 and carried out in 31 countries, sheds light on the current scale, scope and future potential of social initiatives (Google News, 2019):
• The report of the research which was conducted by a consortium of TED University, Ashoka Turkey, Istanbul Bilgi University, Koç University Social Impact Forum, Mikado Consulting, and the Middle East Technical University under the leadership of the British Council and İstasyonTEDU (TED University Social Innovation Center) since October 2018, was published recently.
• Society Programs Director of the British Council Turkey, Seda Mumcu Aydeniz, says, “within the framework of the British Council’s Global Social Venture Program, numerous studies have been conducted for the social enterprise field so far in 16 countries. Under the leadership of British Council Turkey and IstasyonTEDÜ, together with our expert partners in our country, we performed this study to fill the gap in this area. With the research report, we aim to raise awareness of the society and about social enterprises.”

• 55 percent of the leaders of social enterprises are stated to be women.
• According to the research report, social enterprises are defined as organizations that endeavor to create social or environmental impacts, obtain more than half of their income from commercial activities and employ surplus income or most of their profits for their primary purposes.
• Within the framework of this definition, the report showed approximately 9 thousand social enterprises in Turkey. It is also observed that social enterprises in the country work in different fields, especially education. The report, drawing attention to prominent findings, reveals that social enterprises are concentrated in three major cities in Turkey such as Istanbul, Ankara, and Izmir. Also, it is noteworthy that 47.28 percent of social enterprises were established by people under 35, female leaders run 55 percent of them, and 83.6 percent of these women are highly educated. Although women are more dominant in this area, it is also among the critical findings that they have lower access to external finance and financial resources than men. Among the main challenges faced, the unfavorable economic climate, high taxes, establishment costs, and access to finance seem to be the leading problems.

• **Visibility and awareness are not yet at a sufficient level.**
• Another critical finding in the report is that the legal status of social enterprises in Turkey differs according to the enterprises’ requirements. Social enterprises in Turkey; cooperatives, limited companies, unlimited company, joint stock companies, associations and foundations. The report reveals that the social enterprise concept’s visibility and awareness are not yet sufficient across Turkey, and heralds that social enterprises will develop with a more favorable environment.

• **Social enterprises are increasing in number every day in Turkey.**
• In a survey conducted by the Thomson Reuters Foundation at the level of experts in collaboration with the Global Social Entrepreneurship Network in 2016, Turkey ranked last (44th out of 44 countries) in providing a suitable environment for social entrepreneurs. Still, the results obtained by evaluating state support criteria, attracting qualified personnel, public awareness, income generation, initiative development, and access to investment showed ample opportunities for developing the field despite various obsta-
cles. Since 2016, the social enterprise ecosystem in Turkey has been continuing to evolve. Leading universities, technology incubators, non-governmental organizations, international actors, and policymakers. Developments confirm an excellent potential for establishing a more functional social enterprise ecosystem in Turkey.

- **Prominent results and recommendations in the report:**

  - Social enterprises in Turkey are gaining momentum. New initiatives are founded, and the number of supporters in the ecosystem is increasing day by day.
  
  - The social enterprise field is a rapidly changing, young and dynamic field. The data collected for this report are consistent with data on trends, opportunities, and barriers concerning social enterprises worldwide.
  
  - Visibility and social awareness: Awareness and visibility of the concept of social enterprise and the public's level of knowledge on the issue are relatively low. It makes it difficult for social enterprises to find support and attract customers. During the consultation, focus group, and round table meetings, many participants state that if there were more awareness and visibility regarding social enterprises, more entrepreneurs would focus on social impact, and more civil society actors could identify themselves as a social enterprise and join this field. According to the survey participants (80 percent), the lack of a common harmony among public institutions is also an essential or significant obstruction. Awareness should be raised in the media for further development of the sector. All ecosystem actors can work on measures that will increase the visibility of the work conducted by social enterprises and launch the concept of social enterprise to the public.
  
  - Policy-building: The diversity within social enterprises requires a flexible and inclusive approach concerning this sector. Ensuring that regulatory frameworks are built on the one hand while striving to remain flexible and dynamic on the other hand constitute a significant challenge. Elimination of bureaucratic obstacles or mistakes in implementation, tax incentives, and employment support programs are social enterprises' common requirements. Since they operate in several fields and sectors, all regulations on immigration, volunteering, civil society, cooperatives, digital technologies, investment, and innovative financing closely affect social enterprises. Accordingly, a horizontal and holistic approach is required to build effective coordination and cooperation between public institutions whose activities affect these areas and deal with the subject. Almost two-thirds of social enterprises operate as companies and cooperatives. Associations and foundations make up 17.1 percent of social enterprises. Social enterprise and social innovation are closely associated. Social enterprises are often innovators and care about defining themselves that way.
es should be included among the target groups of policies aimed at improving innovation.

- Access to finance and growth: Access to finance appears to be one of Turkey’s main challenges facing social enterprises. The most common sources of funding are internal sources, such as personal resources and family funds. Grants follow it. Social enterprises have challenges accessing traditional sources of finance, such as credit and venture capital. The steps to be taken to improve can be listed as raising the awareness of investors on social enterprises, providing investment preparation support, building a common language among social enterprises and financiers, and providing new and innovative social financing resources and social investments to meet the external financing needs of social enterprises. Most social enterprises operate at a micro-level. Social enterprises are willing to collaborate with other individuals and organizations (43 percent), expand into new regions (39 percent), and attract investments (34 percent). The sector may grow if mechanisms and platforms that provide networking opportunities are granted.

- The private sector can also provide funds by purchasing products and services from social enterprises to help them achieve their goals. Intermediary mechanisms and platforms to be established in this field can contribute to initiatives’ support by facilitating closer cooperation with the private sector as a market or fund provider. Social enterprises are in great need of support from volunteers. As business models become stronger in social enterprise, it will be likely to transform volunteers into paid employees and create more employment.

- Social impact management and measurement: Most social enterprises are aware of the importance of social impact measurement, but they cannot measure their social impact since they do not have time and expertise. Awareness of the importance of social impact is increasing, but implementation obstacles remain in measurement and management. Providing information to social entrepreneurs on existing support channels and increasing support mechanisms in this area is of great importance. Funds to support social impact measurement and management should be mobilized. The demand for training activities on social impact measurement is high, and intermediaries and support organizations’ role is vital in this sense. Another way to support social enterprises is to increase the free/pro bono support provided.

- Women’s empowerment: Women lead most of the social enterprises in Turkey. This suggests that social initiatives directly contribute to the development of women’s entrepreneurship and women’s empowerment in Turkey. Supporting this area will directly benefit the strengthening of gender equality in Turkey. In the short term, target-oriented training programs should be expanded
for women, and measures to facilitate women’s access to finance must be put forward. This research shows that male entrepreneurs are more likely to access external funds and financing resources than women.

- Social entrepreneurship training for young people: Almost half (47.28 percent) of social enterprise leaders are under 35. This finding reveals the potential of social enterprises as a new economic model for Turkey’s young population. Of the 80 million people living in Turkey, 16.4 percent are between the ages of 15 and 24, and this rate rises to 24.4 percent between the ages of 15-29, corresponding to 19.2 million people. Generation Y’s perception of business goals and priorities is one of the principal causes of their orientation to social enterprises.

- Attracting young people’s attention and Generation Y to this area will help social enterprises attract the qualified staff they will need in the long run. In this respect, the role of universities as institutions working with young people becomes essential. Curriculum development studies on social entrepreneurship have gained momentum in the last three years. Sixteen of the current 203 universities in Turkey actively and regularly take part in social entrepreneurship, and 13 of them include courses that are directly related to social entrepreneurship and social innovation in their education program. Social entrepreneurship is incorporated as a separate topic within general entrepreneurship, sustainability, and social responsibility courses.

- Including this subject more in the relevant courses and developing the curriculum for social enterprises will improve university students’ motivation to establish a social enterprise. The dissemination of social entrepreneurship education in both higher education institutions and schools will increase the sector’s knowledge level, attract new actors to the sector, and raise the general awareness level in society. Relationships and interactions among actors (including public institutions, local governments, private companies, universities, international organizations, and citizens) often continue to occur spontaneously and during events. Partnerships often end after projects are completed. Co-production is an infrequent practice.

3.5. The Purpose and Target of Social Entrepreneurship

Social entrepreneurship is fundamentally different from social responsibility. Companies’ primary goal in corporate social responsibility projects is not to provide benefit for society but to improve their image and increase their sales by responding to society’s needs. In other words, the advertising direction is dominant. As for social entrepreneurship, in a region where poverty is widespread, wherever the most social benefit can be accomplished, it is vital to bring out that potential with a small capital and provide jobs, food, and/or social benefits to the poor.
According to Giddens, social entrepreneurship creates a driving force in social development and employment creation. A social entrepreneur is a person who develops projects in various segments and ensures social transformation. According to Deeds, social entrepreneurs provide the poor with the equipment that will teach them to be self-sufficient (Aktaş, 2009: 9). A social entrepreneur’s primary purpose is to build social value and create social business models, profit-oriented business, entrepreneurship, and corporate social responsibility leadership. Social entrepreneurs hear the voice of society and have a social mission.

Schumpeter portrays them as reformers and revolutionaries. Although the work they do is local, they have a global impact. Social value creation is the most critical element that distinguishes social entrepreneurs from others. While identifying others’ problems, they also see this as an opportunity for themselves. Innovative social entrepreneurs always seek new inventions (Özdevecioğlu, 2009: 88).

Social entrepreneurship is not social begging, either. Unlike philanthropy, money is not the most critical leverage in social entrepreneurship. The important thing is to present a permanent benefit to the poor, the environment, and society by revealing one’s heart, experiences, and skills. Van Yüzüncü Yıl University Faculty Member Prof. Dr. Dr. Mustafa Sari not only benefited the nature and the environment but also provided job opportunities for the fishermen in Van by bringing the Pearl Mullet back to life, which can only survive in the soda water of Lake Van and is endangered due to wrong fishing (Milliyet, 2009).

3.6. Social Entrepreneurs Are Solvers of Complex Obstacles

The most challenging human life test is to find the opportunity and environment to realize individual talents, dreams, and life goals. The person can overcome his/her fears and take action by taking calculated risks. Social entrepreneurs act ambitiously and decisively in tackling social problems. As a result of their efforts:

- They work by emphasizing their entrepreneurial characteristics in the direction they believe,
- People and communities who see the influence of their social enterprise in society, desire to work and collaborate with him/her,
- This ever-growing interaction can turn into a social, then a national, and ultimately a global entity.

Social entrepreneurs’ founding roles come to the fore, and they develop legal, organizational arguments for permanent solutions to broad social problems (Sud, VanSandt, Baugous, 2009: 211).
3.7. Social Entrepreneur’s Road Map

Social entrepreneurs focus on their business with great effort and enthusiasm, being aware of the problems in other parts of the world, wherever they are. They focus on critical problems and produce permanent and new solutions in order for us to continue our lives (Carson: 1962, Gore: 2006), because they know that the most significant risk in entrepreneurship is not taking any risks. As social entrepreneurs and active citizens, they know how to make the next day more productive than the previous day. As a requirement of the citizenship perception based on responsibility, they act without warning and prepare their road maps. Different road maps will make them successful, and they know how to use it very well. It can be said that the wealth of societies today is directly proportional to the increase in the number of social entrepreneurs.

3.8. How Does a Social Entrepreneur Work?

By focusing on the most critical social difficulties in their environment, social entrepreneurs take action to mobilize society’s potential to solve them. The contribution of the volunteer workforce is essential in social enterprises. For instance, it was discovered that 83.9 million volunteers were working in the USA in 2001, and they contributed an average of four hours a week to the organizations they support (Besler, 2010: 58). The main areas where social entrepreneurs want to work on and cause social change can be:

- Civil leadership for social change, citizen awareness,
- Economic development,
- Environmental development,
- Solution to health problems,
- Human rights,
- Education and training (schooling of girls, development of education)

After the social entrepreneur determines the area s/he wants to deal with, s/he seeks cooperation with those who can support related ideas in the local area. To make the change happen;

- Making projects / ideas feasible,
- To ensure its sustainability,
- They are in the effort and search to ensure that it reproduces in different areas/regions.

Social entrepreneurs, for social transformation use

- being able to reproduce,
- being sustainable,
- and repeatability as primary data and power.
Social entrepreneurs do not spend their lives complaining. For them, social entrepreneurship adds value, dynamism, and color to social life by applying leadership qualities, creativity, courage and stubbornness, flexibility, and simplicity as a force “to change yourself and others beyond thinking.” It should also be noted that among the several reasons that mobilize the social entrepreneur, we can include legal, organizational, moral, structural, political, and isomorphic pressures (Sud et al., 2009: 202). Social entrepreneurs develop strategies, create norms and values with their innovative non-profit structures. Consequently, social entrepreneurship is the functional alternative of the public sector (Dart, 2004: 413).

4. Conclusion

A sustainable life necessitates responsibility. The entrepreneurship movement, which began in economic life two centuries ago, brought the “social entrepreneurship” movement to the agenda in the last quarter of the 20th century. Social entrepreneurship is a part of the entrepreneurship ecosystem. Social business models and social enterprises are the areas that provide sustainable development and progress in society and are gradually advancing. In social entrepreneurship, which is recognized as the third sector, the USA ranks at the top, followed by Japan and Germany. When the examples of social entrepreneurship areas developing fast in the world are examined, it is seen that the main aim is not making profit. Turkey also stands out as one of the countries that showed rapid progress in this area. Ambitious and determined individuals who produce innovative solutions to society’s most critical difficulties assert that social development is not only under the responsibility of the “state” but also citizen initiatives. Mainly in the last 20 years, it has been observed that active citizens, social entrepreneurs stand up not only in the business world but also in the solution of social problems, mobilizing the real potential of the society and changing the fate of those living in that region. Social entrepreneurs, who are part of the common goodness movement, find the source of the problem and solve it by changing the system, instead of leaving the solution of delayed social problems to the public or business world. They persuade the masses with their leadership abilities and enable society to take steps into the goodness movement where new ideas are applied. While the most distinguishing feature of the twentieth century was “uncertainty” the paradigm of the twenty-first century is that “the world will not change without changing the paradigm.” Each paradigm arises as a solution to the cluster of problems piled up in a certain period in a system and is constructed and implemented according to its proposed system. To overcome
several problems, the scope of citizens’ responsibilities has also developed and brought a new understanding of citizenship, “active citizenship” (responsibility-based citizenship). Today, societies that have surpassed the traditional lifestyle should not demand everything from the state’s sovereign authority. Non-Governmental Organizations’ (NGOs) role and importance, which is a third dynamic together with the state and the private sector, are increasing in all areas of life, and society’s expectations are in this direction. Social entrepreneurs, who are the dynamo of social transformation, have been pioneers of change by prioritizing mind over destiny. They provide color and dynamism to their environment by feeding their value-based leadership attitude with a strong management philosophy. This is because they are the creators and systematic executors of great ideas, they work with leadership, creativity, courage, and stubbornness, and create value. They know that a good idea will remain only an idea unless implemented in the broadest possible environment. As a result of the efforts of Ashoka members, more than 1,600 social entrepreneurs in 5 continents, 60 countries, 64% business investors, 22% organizations, and companies, 14% of other individuals have increased the social effects of the new enterprise model since 1980. The legal framework of social entrepreneurship increases its effectiveness and reduces its exposure to peer-structured institutions’ pressures. Social entrepreneurship, which presents an ethical argument to social problems, has also caused dominant paradigm changes for today’s societies in a short time compared to the last century. Undoubtedly, societies’ wealth will be proportional to social entrepreneurs’ diversity, each of whom is an “Active Citizen.” David Bornstein says, “The idea is like a game. It needs a good producer and transmitter, but nothing compares to a masterpiece...”. It will not be difficult to predict that sharing innovative thinking and social entrepreneurship education and training experiences that have been given over a long period in many developed societies will create role/model effects for other individuals, societies, and nations.

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VULNERABILITY OF UNACCOMPANIED FOREIGN MINORS AND LIMITS OF EXISTING PROTECTIONS


The essay analyzes the Italian law 47/2017 about the protections of unaccompanied foreign minors. The goal of the Italian legislator was to recognize the same rights as Italian or European Union children: the right to listening, to health, to education, and in particular, the right to grow and be educated within a family, possibly his own.

But the Covid-19 pandemic has further accentuated the numerous problems affecting unaccompanied foreign minors. In the lockdown period, young people, mostly adolescents who must be able to learn a new language, train themselves, become independent from a working and housing point of view, once they come of age, have witnessed helplessly the sudden interruption of their inclusion.

From the analysis emerges that it is necessary an European approach that overcomes the differences between the reception regulations existing in the various Member States to achieve the best interests of the child, a fundamental principle of the international legal system.

1. Introduction.

In Italy the need to guarantee the best interests of the minor has extended to unaccompanied foreign minors, with law 47/2017. The Convention on the Rights of
the Child was thus implemented, which placed the interest of the minor at the center. It also recognizes itself the Nice Charter which, in addition to the general principle of equality, pursuant to art. 21, prohibits any form of discrimination based on birth, in art. 24 indicates, in par. 1, among the rights of the child that to receive care and protection, functional to his well-being and in par. 2 states that in all acts, which concern minors, whether they are carried out by public authorities or private institutions, the best interest of the same must be considered paramount.

The legal recognition reserved for minors, and not all migrants, is based on the condition of their greater vulnerability. The Italian law 47/2017 attributes a series of rights to minors, for the obvious purpose of achieving effective integration of the same, through a strengthening of the existing protections, and the guarantee of uniform application of the rules for reception throughout the national territory. The art. 1, par. 1, recognizes, “on equal terms with minors of Italian or European Union citizenship”.

This legislation implements the principles established by the UN Convention which in art. 3, par. 1, substantially reproduced by Article 24 of the Nice Charter, has sanctioned that in all decisions taken by public and private institutions, the interest of the minor must be considered paramount. In art 10, par. 1, states that any request, presented by a child or his parents, in order to enter a State Party or to leave it for the purpose of family reunification, must be considered “with a positive spirit, with humanity and diligence”, specifying, in par. 2, the right to leave your country and to return to it, committing the acceding States, pursuant to art. 11, to take measures to prevent illegal movements.


2. Who is unaccompanied foreign minor?

The legal recognition reserved for minors, as such and not for all migrants, generally considered, is obviously based on the condition of their greatest vulnerability.\(^4\)

The expression “unaccompanied minor”, pursuant to art. 2, Legislative Decree no. 142/2015, c.d. welcome decree and art. 2, l. 47/2017, indicates the citizen of States, not belonging to the European Union or stateless, under the age of eighteen, who is for any reason, in the national territory, without assistance and legal representation.

The Supreme court\(^5\) has sanctioned how, based on art. 2 of the l. n. 47/2017, the unaccompanied foreign minor must be without assistance and representation, by parents and other legally responsible adults, in accordance with the laws of the Italian legal system. The use of the conjunction “and” - observes the Court - indicates the necessary competition of both conditions: the first, relating to the profile of material assistance, understood as the absence of subjects who have care, custody and ensure well-being of the minor; the second, relating to the profile of legal representation, understood as the absence of subjects representing the minor and for this reason they are formally responsible.

A fundamental step is the identification of the minor: art. 5 of Law 47/2017, introduced a homogeneous procedure in the national territory, suitable to overcome the differences of territorial practices, previously existing. This represents a fundamental step, since the possibility of applying protection measures depends on the assessment of the minor age. The assessment is necessary where it is not possible to identify the parents, also through the documentation existing in the country of origin or in the presence of reticent behavior by adults linked, in various capacities, with the minor. There is a tendency for many young foreigners to declare an age less than eighteen. This is because the protections provided by the legislator stop at the age of majority. This is an aspect that reveals a limitation of the existing legislation, since many young people who, despite having passed the age of majority, are still in an uncomfortable situation, are excluded from the application. It cannot fail to be highlighted, in fact, just as a series of rights and protections provided for by law 47/2017, are not reserved for adults, there is a tendency for many young foreigners to declare an age lower than that of eighteen and this further accentuates the difficulties of assessment. This is a datum that reveals a limit of


\(^5\) Sup. Court, sez. VI, 5 march 2019, n. 9199.
the existing legislation, as many young people who, despite having passed the age of majority, are still in an uncomfortable situation, despite being over the age, are excluded from the application.

In the presence of a minor, it is necessary to evaluate which solution is most appropriate to his interest: ex art. 403 of the Italian civil code, in fact, public intervention is mandatory, aimed at placing it in a “safe place”. Significant rules, introduced from a procedural point of view, which aim to implement the Dublin regulation⁶: pursuant to art. 11, at each Juvenile Court, the institution by the regional guarantors for children and the adolescence of a list of voluntary guardians, who are willing to assume the protection of an unaccompanied foreign minor.

The voluntary guardian is an important support figure in the process of reception and progressive integration of the minor, as he is assigned, according to the case, the task of assisting or replacing the minor in all those activities aimed at making full exercise effective of rights. The dialogue between the minor and institutions, put in place by the guardian, allows, for example, to facilitate the activation of family investigations, without prejudice to the recognition of the right to the possible appointment of a trusted lawyer, making use of free legal aid at the expense of the State, in each state and degree of the procedure, pursuant to art. 16, l.47 / 2017.

3. The recognized rights by the Italian law 47/2017

In addition to the attribution of a series of procedural guarantees, the legislative process, starting from the initial discipline of forms of reception⁷, has

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⁷ The reception structure must meet minimum standards of services and assistance, functional to the needs of the minor and be authorized or accredited, in accordance with national and regional legislation: v. CGUE, Gr. Ch., 8 May 2018, C 82/16, in www.curia.europa.eu; ECHR, sez. V, 29 May 2019, Khan c. France, c. 12267/16; EU Court H.R., sez. I, 13 June 2019, Sh.d. and others c. Grècia, Austria, Croatia, Hungary, Macédonia, Serbia and Slovénia, c. 14165/16, in relation to the case of Afghan citizens, who entered in Greece in 2016, as unaccompanied migrant minors. The judges of Strasbourg have declared Greece’s violation of art. 3 EU Convention of H.R. (prohibition of inhuman or degrading treatment) for conditions of detention in various police stations, as well as in relation to the permanence in an absolutely unsuitable field, without sanitation. The Court found that all that could reasonably be expected to fulfill the child protection obligation had not been done. Protection obligation was incumbent on the state, above all, in relation to persons particularly vulnerable for young age such as the applicants. The ECHR also recognized the violation of art. 5, which protects the right to freedom and security, to the detriment of the then migrant minors, since their placement at police stations meant an illegitimate deprivation of liberty.
been directed towards integration policies that are expressed in the recognition of a series of rights to the minor. The right to health care, education and listening, recognized to unaccompanied foreign minors constitute tangible proof of the integration process started in Italy.

The right to health care is achieved through the extension of the registration to the National Health Service, which the previous legislation considered mandatory only for minors with a residence permit, also pending the issue of this permit.

The right to education is incentivized through the adoption of specific measures by educational institutions and training institutions, suitable to facilitate the fulfillment of compulsory education by minors.

The right to listen, in the administrative and judicial procedures involving the minor, even in the absence of the guardian, however, is not always fully realized, and yet nevertheless performs a basic function for understanding the effective needs of the minor and activating the consequent protections. In this regard, one cannot fail to underline how, for the accomplished exercise, the role of the guardian or the manager of the reception center is central, which must have the sensitivity to understand precisely by listening, if the minor needs a possible emotional and psychological assistance to which, also entitled, pursuant to art. 15 l. 47/2017.

But among the rights guaranteed also to the foreign minor, on an equal footing with the Italian minor, is to be mentioned, above all, that of growing up and being educated within a family and, possibly, their own.

Although, as previously pointed out, there is an objective divergence between the notion of “state of abandonment” and the situation of “unaccompanied” foreign minor, also in this case the legislator expresses a preference, compared to being placed in a host community (art 6), towards custody within a family or in a family type community.

Based on the objective data, according to which the family environment constitutes a privileged location for a balanced and harmonious psychophysical development of the minor, art. 7 of Law 47/2017, modifying art. 2 of L. May 4, 1983, n. 184, which provides for family custody for the minor temporarily without an autonomous family custody, provides that, without further burdens for public finance, local authorities can “promote the awareness and training of carers to encourage the family custody of unaccompanied foreign minors, as a priority compared to being admitted to a reception facility”. In this sense, in implementation of the directive on reception conditions, as far as possible,

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we tend to keep the brothers together, limiting changes of residence to the indispen-
sable. These provisions are inserted in the furrow of the l. October 19, 2015, n. 173 that, also modifying art. 44, l. May 4, 1983, n. 184, provides for the right to the “affective continuity” of children and, therefore, the possible transition to adoption in the presence of a minor orphan of the parents by persons joined to the minor by kinship up to the sixth degree or by a pre-existing stable relationship and lasting also accrued in the context of assignment procedures.

Similarly to the Italian minor, placed in a custody situation, the optimal solution could be that of an adoption by the foster children, if the needs, which led to the separation from the biological family, even if not in a completely radical way, subsequently they may cease to be temporary. A possible interruption of the educational and emotional relationship with the carers, may not be responsive to the actual interest of the minor.


The implementation of these principles, with L. 47/2017, has thus allowed the European Commission to affirm that “Italy guarantees unaccompanied foreign minors adequate legal protection both at an organizational-administrative level and on the legislative level “, and to file an infringement procedure against Italy, launched by UE in 2013.

The Italian law, 47/2017 had the merit of introducing integration measures, in a long-term perspective for the new adult, in order to guarantee him support in view of achieving autonomy. The benefits, which derive from the provisions contained therein, currently do not seem to risk undergoing a turnaround, despite the addition of a broader context of reform, aimed at preventing or limiting the reception of migrants.

The c.d. immigration and security decree legislative 113/2018, which was partly repealed with the Immigration decree passed by the Council of Ministers on 5 October 2020, has canceled protection for humanitarian reasons, of which a great use has been made in recent years, but has kept the protections reserved for minors in consideration of their vulnerability.9

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9 D.L. 4 october 2018 n. 113, converted, with modifications, with the law december 1, 2018 n. 132, it introduced a form of protection, limited to “special cases”, lasting one year, which cannot be converted into a residence permit, in the absence of stable accommodation. Further limitations have been made to the right to asylum and the links of the SPRAR, the system for the reception of asylum seekers and refugees, renamed SIPROIMI. Access, previously granted to asylum seekers
In the so-called “Special protection”, which replaces humanitarian protection, in addition to minors, it is not so obvious that new adults and families with vulnerabilities are included, for example because they are victims of trauma and violence and in need of support. The Covid-19 pandemic has further accentuated the numerous problems affecting unaccompanied foreign minors. In the lockdown period, young people, mostly adolescents who must be able to learn a new language, train themselves, become independent from a working and housing point of view, once they come of age, have witnessed helplessly the sudden interruption of their inclusion with the suspension of work or training placements, finding themselves without financial resources and with difficulties in renewing or converting residence permits.

A setback that occurred in an already very difficult period, due to an ever greater closure of borders and European and national policies ranging from pushbacks along the Eastern European border to the closure of Mediterranean ports.

5. Conclusions

It is necessary that the migration phenomenon be addressed through a political direction that, regardless of the specificities of the individual European countries, translates into organic legislation. In fact, in the resolution of 12

and to those who have been granted an application for international protection, refugee status or subsidiary protection, will now cover holders of international protection or “special” residence permits and foreign minors not accompanied. Among the “special cases”: medical treatment, domestic or work-related violence, provided that the worker has made a report, situations of “contingent and exceptional calamity”, which do not allow the person to return to and stay in the country of origin in conditions of security, acts of “particular civil value”, cases in which expulsion or rejection to a State is not possible, where the applicant may be subject to persecution for reasons of race, sex, language, nationality, religion, political opinions, personal or social conditions or where he may be subjected to torture. A doubling of the period of detention, in detention centers has been foreseen, the possibility of providing detention at the border or, in any case, the extension of the crimes that preclude the possibility of obtaining asylum in Italy.

But the Italian Court of Cassation, section II Civil, with ordinance n. 19253/20, filed on September 16, 2020, established that “for the purposes of granting a residence permit for humanitarian reasons, a situation of typical vulnerability of European origin and implemented by the Italian legislation currently in force is also that of single parents with minor children

April 2016, on the situation in the Mediterranean, the need for a common approach by EU migration policy emerges.

If, from a market point of view and, therefore, depending on the achievement of substantially economic interests, the Union has managed to adopt homogeneous legislation, which guarantees, on the one hand, the free movement of goods, services, capital and on the other hand, the protection of weak contractors such as consumers, savers, when there are interests at stake, which pertain to an exquisitely non-patrimony sphere, as emerges for the phenomenon of migrants, on the other hand, exists an objective difficulty in finding an overall picture that allows effective policies to be implemented.

Furthermore, it is also necessary to stem the migration phenomenon through policies to support the poorest countries. The European Union has committed itself to the “2030 Agenda for Sustainable Development”, a program aimed at providing support to migrants’ countries of origin and transit, to strengthen regional cooperation on the protection of minors, with support activities of the West African Network, for the protection of minors. A series of funding has been provided for the education of refugee children, with the creation of special funds for refugees in Turkey, or the “European Union Trust Fund in response to the Syrian crisis”12.

But, in Italy, worrying signs derive from the failure to join the Global Compact for Migration, a negotiated convention at intergovernmental level promoted by the ONU. The inversion of political direction which, on the other hand, took place in Italy and which is aimed, formally, to guarantee security needs, in concrete terms, appears contrary to those principles of solidarity and respect for the value of human dignity which constitutes an innate right to each person.

In this sense, the text of Law 130/2020, which presents a series of important innovations, including the repeal of the security decrees, should be considered an important step forward in terms of immigration13.

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RECOGNIZING PROFESSIONAL COMPETENCES OF MIGRANTS: FROM EXPERIMENTATION TO THIRD MISSION SERVICES AT THE UNIVERSITY OF BARI “ALDO MORO”


1. Introduction

According to data from UNHCR’s fourth annual education report (2019), only 3% of refugees manage to continue their academic studies, which had been interrupted in their country. This percentage, although it has slightly increased from the 1% indicated in 2018, shows that migratory dynamics have grown wider and that the processes of cultural integration for those entitled to international protection turn out to be rather low. Therefore, migratory processes and social inequalities at national level are increasing, whilst the ability of education systems to promote the cultural integration of young refugees is decreasing. This is because academic systems are neither very inclusive yet, nor capable to reduce the mechanisms hindering the recognition of skills, qualifications and professional experiences of refugees and people with a migrant background.

Italian universities play a determining role in promoting actions for the academic integration and inclusion of refugees, also in light of the importance that internationalization, third mission and the Certification of Competences services (Palumbo, Proietti 2020) are hiring in the Italian academic community.

The experience reported in this essay focuses on the role of the University in internationalization and third mission and on the relevance of the Certifi-
cation of Competences services in promoting inclusion’s processes (in terms of Lifelong Learning), which are contrary to wastefulness and inactivity of the cultural capital of the migratory resource.

2. The Recognition, Validation and Certification of Competences service

This chapter is focused on the Recognition, Validation and Certification of Competences (RVCC) service run by the CAP (Centro per l’Apprendimento Permanente; Centre for Lifelong Learning) at the University of Bari “A. Moro”\(^1\) in collaboration with Puglia’s Regional Administration\(^2\).

This service offered by the CAP, a university service provider, falls within the framework of ‘third mission’ activity. As we can read in Novelli, Talamo (2014): “The term “third mission” refers to all the activities universities use to initiate processes of direct interaction with civil society and the business community. The objective is to promote territorial growth in such a way that knowledge becomes instrumental to productive output.”

The objective of the third mission is to connect the university to its territory in such a way that technology developed in the academic sphere can drive productive processes and services, and so promote innovation and social inclusion. The service this chapter focuses on is based on the application of a new operational model, Recognition and Validation of Competences (IVC), which aims to support the Region of Puglia in bringing out professionalism and codifying work experience gained in non-formal and informal settings and therefore unrecognised by any academic title. In this, the Puglia Region is following a 2004 directive issued by the European Community in Decision No. 2241/2004/CE of the European Parliament and Council, of 15 December 2004, relative to a single community framework for the transparency of qualifications and competences (Europass) (cf. Regional Council Deliberation 4/4/2019, No.632), with which Europe commits to support the processes of lifelong learning and learning on the job.

As the aforementioned Regional Council Deliberation outlines, this decision led to the European Council Recommendation of 22 May 2018 concerning the key competences for lifelong learning. The first articles of this state: “[…]

\(^1\) The University “A. Moro”, founded in 1925, is southern Italy’s second largest university with 45,000 students (2020 figure).

\(^2\) REGIONAL COUNCIL DELIBERATION 4 April 2019, No. 632, Approval of the content and experimental objective of the operational model for the Recognition and Validation of Competences service (IVC).
everyone has the right to quality and inclusive education, training and lifelong learning in order to maintain and acquire skills that allow full participation in society and successful transitions in the labour market. [...] Fostering the development of competences is one of the aims of the vision towards a European Education Area that would be able ‘to harness the full potential of education and culture as drivers for jobs, social fairness, active citizenship as well as means to experience European identity in all its diversity’” (COUNCIL RECOMMENDATION of 22 May 2018, on key competences for lifelong learning, art.1).

This policy responds to various objectives which, from the perspective of the worker who decides to follow the IVC process, amount to the following: improve the employment prospects of people with little education; give visibility to hidden skills; improve the worker’s appreciation of the skills they’ve acquired.

The adoption of this as an active work policy would seem to fulfill the objective of recognising jobs that are informal, largely unprotected, and under-valued in their documentable and reproducible skills.

The Council Recommendation also refers to the need to support work retraining systems in a continuously fluctuating job market: “Supporting people across Europe in gaining the skills and competences needed for personal fulfilment, health, employability and social inclusion helps to strengthen Europe’s resilience in a time of rapid and profound change” (COUNCIL RECOMMENDATION of 22 May 2018, on key competences for lifelong learning, art. 2). In this sense, the ‘new normal’, by which I mean the world which awaits us and which we are currently living in, is characterised by the limitations imposed by the health emergency and the emergence of new skills required by the enforced transfer to digital interaction. The need to face growing unemployment and global competition, will also require an attitude sharply focused on adapting to changing conditions. See Buheij & Buheij (2020, 241): “Such a dynamic condition and environment require the workers to manage change continuously”. If employability has until now been considered the capacity to educate oneself in order to find work, it can now, thanks to the changing conditions imposed by the Covid-19 pandemic, be defined as the ability to adapt to change, both within a single work environment and between jobs.

Thus the regional system of competence certification (SRCC) can, in this environment of increased complexity and demand for professionalism, provide tools for rendering workers’ more competitive and professional, while also increasing regulation in the job market.

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The conditions of the ‘new normal’ that the Covid-19 pandemic is imposing recall what is stated in a theory of unorthodox rational action, an alternative to *thin rationality* (Salvati 2008), in which the actors are required to measure themselves against continuously changing environmental conditions. This, the model holds, results in a reduction in the capacity to acquire complete information: actions are always performed in conditions of *bounded rationality* (Simon 1982).

In *unorthodox rationality* risk is accepted in the absence of a *dominant* strategy (defined, in game theory, as the best strategy to follow irrespective of the course of action adopted by the other players). When one can’t determine the best choice because the environmental conditions are changing too quickly, thus rendering it impossible to achieve a level of perfect information, the best strategy becomes to pass to a course of action modelled in the assurance game. In this, players are safeguarded by the presence of a regulatory principal represented by the State, or, as in our case, by the regional authority. From the perspective of the actor involved in the organisation, what is required is the ability to make decisions in an environment of quickly changing conditions.

In terms of organisational knowledge, the capacity to create a work environment in which information circulates becomes fundamental. For this reason, a constant flow of information should be ensured:

“This competency represents the capacity to process and exchange information between individuals through a common system, or a behaviour that creates a productive and harmonious environment” (Buheij & Buheij 2020, 244).

The immaterial resources, or social capital, that an organisation can call on takes on considerable significance in the form of trust (Pelligra 2002). This becomes an essential resource where a sense of community, reinforced by the emergency situation, becomes pride in the squad, team spirit (Bartscher, Seitz, Siegloch, Slotwinski, Wehrhöfer 2020).

3. *The regional System of Certification of Competences*

Puglia’s Regional System of Certification of Competences (hereafter referred to as SRCC), of which the CAP is one of the accredited bodies, falls within the framework of the National System of Certification of Competences (SNCC), as a welfare policy of inclusion (Maretti, Di Risio 2020). Its objective is to recognise skills acquired in informal and non-formal contexts, including through job experience (Manuti, Pastore, Scardigno, Giancaspro, Morciano 2015).
The normative process behind the current legislative asset was initiated in Italy with law No. 92/2012. This provided the foundations for the SNCC and defined lifelong learning as “any activity undertaken by a person in a formal, non-formal or informal way, at any stage in their life, with the aim of improving their knowledge, ability and competences, in a personal, civic, social or occupational context” (art. 4, clause 51).

Italian legislative decree No. 13 of 16 January 2013 establishes the standards and essential performance levels (LEP) of the SNCC. The inter-ministerial decree of 30 June 2015 determines an operational framework for the national recognition of regional qualifications and relative competences, and defines the phases of recognition, validation and certification of the competences (art.1, clause 5). Article 3 of the same decree establishes the National Framework of Regional Qualifications (QNQR). A further step was taken towards completing the normative framework with the decree of 8 January 2018. This instituted the National Framework of Qualifications (QNQ), a device for classifying and describing the qualifications issued through the SNCC.

Initially this emerging national context saw several Italian regions act in a way one could define as maternage or ‘ferrying’, thus leading the way for those regions which didn’t yet have their own professional directories. Puglia is one of several regions that, following in the wake of trail blazers such as Tuscany, has adopted the model of already established professional directories. (Maretti, Di Risio 2020).

4. Certifying the professional qualifications of refugees: a challenge for the academic third mission

This protocol, adopted by the Regional Council of Apulia and the CAP and later extended to the Universities of Foggia, Salento and the Polytechnic of Bari, concerns the construction and implementation of the Regional System of Validation and Certification of Skills of the Apulia Regional Council (SRVCC). This embraces the experimentation set up by the CAP for the issue of the certification of skills/qualifications acquired in non-formal and informal contexts in terms of heritage earned by the individual over the course of his/her life, which must be valorised, clarified and recognizable, with particular reference to the target of political refugees or beneficiaries of international protection, namely the CAP users (Scardigno 2018). The researchers of the CAP and the Professional Training Section of the Apulia Regional Council collaborated on the definition of an experimental working methodology for the provision of the
service for the identification and validation of skills, and the CAP of the University of Bari was acknowledged as ‘certifying authority’ for the identification and validation of skills.

The experimentation began with the request, sent to the CAP, to examine the experiential and training background of two users of Afghan origins, who had been in Italy for a few years, involved on a daily basis in intercultural mediation at acceptance centres, public structures and bodies. The two users aspired to carry out their professional activity with the formal recognition of the qualification of ‘intercultural mediation expert’. The service centre of the university accepted this innovative request, making the commitment to lay down the bases of an ever more structured service, accessible also to those who might need it in the future. The activity started with the drafting of the request for participation and the compilation of the ‘Consent to the itinerary for the identification and validation of skills’ sheet. Those responsible for the acceptance and validation at the CAP therefore undertook the itinerary for the recognition and clarification of formal qualifications as well as non-formal and informal experiences, in view of their potential certification by the Apulia Regional Council. The starting point, within the Regional Repertory of Professional Figures, was to identify the profile for which certification had been requested. The description sheet of the skill units, with relative knowledge and skills, was compared with the curriculum presented by the users in order to verify any similarities. The figure identified as the target of their certification for both users appeared to be made up of three areas of competence: the acceptance of foreign citizens, the facilitation of the exchange between foreign citizens and their territory of reference, and the development of social integration activities.

Starting from there, individual interviews were carried out, in which the CAP researchers asked the users to provide a description as detailed as possible of their formative and professional experiences relevant to the field of reference. This information, documented by proof (letters of reference, work contracts, certificates of participation, diplomas etc.), was included in the clarification document, which highlights the experiences and the activities carried out, translating them into meaningful and documentable learning processes. In particular, by making reference to the experimentation carried out with the two users – respectively citizens with subsidiary protection and international protection – the analysis of the curriculum and its translation in the clarification document highlighted major overlapping between skills, knowledge and abilities outlined in the sheet of the Regional Repertory. In addition, the studies documented by various sources of proof, have been numbered so as to make them available in the confirmation process as foreseen by the certification itin-
Recognizing professional competences of migrants

The CAP contributed then to enhancing the curriculum of the two users, inserting among the documented studies and those in progress the so-called soft skills, i.e. interpersonal skills useful for carrying out the role of intercultural mediation expert alongside their other technical skills.

The phase following the drafting of the clarification document consisted in the validation of skills, which, in concrete terms, entailed the analysis of the evidence produced to support the studies declared. Once the reconstruction phase was completed, the itinerary foresaw the possibility – in relation to the percentage of coverage of the skills expected by the users – to complete the itinerary with the definition of a plan of action regarding the potential completion of study careers, and/or the integration of relevant professional experiences. In the case of the two users, given that the percentage of coverage of the three areas of competence investigated was over 70%, it was possible to continue along the path of formal certification. The validated skills were formalized in the Certificate of Validation, and this stage came to an end with the identification of the contents to investigate in the direct assessment followed by the official request for the constitution of a third-party evaluating commission. This shall be made up of experts in the subject area in question, as well as experts in validation and certification from the CAP, representatives of social sectors, of the Ministry of Labour and the Sector of Professional Training of the Apulian Regional Council. The exam consisted in a technical-practical test of the skills not covered by the users’ curricula. The itinerary came successfully to a close, with the awarding of the certificate of professional qualification as ‘intercultural mediation experts’ for both users, the first two beneficiaries of international protection in Italy to receive a professional qualification recognized by the Regional System of Education and Training.

5. The RVCC service as a system: the firsts regional qualifications as “Family Care Assistant”

Regarding the current regional context, within which the experiences we refer to in this article should be read, we are in the middle of a trial launched in Puglia by Regional Council Deliberation No. 632/2019.

Thanks to this trial, we have initiated a system of collaboration between the Regional Work, Cooperation and Vocational Training Department, Professional Training Section, and Educational and Training Institutions (ETIs). The aim is to create a short list of accredited bodies for the provision of a competence registration service. The very first people to use this service were two Afghan
refugees who, after a process of registration, recognition, validation and certification, were awarded the qualification of technician of intercultural mediation. The trial has continued with the professional figure of “Family Care Assistant”, (Regional Council Deliberation No. 632/2019) art. 428 of the Regional Directory of Professional Figures.

The certification of competences, to be experimentally conferred on this professional figure, falls within the sphere of *lifelong learning* in that it recognises learning acquired while working on a job. Indeed, the learning ‘returns’ to the profession to highlight aspects that can be used to construct an educational programme.

In this sense, the IVCC service functions as a ‘third mission’ service in that it provides professional validation and recognition for a figure that’s as necessary in a rapidly ageing population as it is vulnerable to a lack of employment protection and the scarce regulation of its delicate skills, while also reinforcing the web of territorial relationships between the university and local authorities. The actors involved and the regional system of professional training and higher education are stakeholders in the territorial development for which these alliances4 are necessary.

The university reassumes its role as a propellant of local development, steering it towards social justice (Barca 2019), while also accepting its responsibility for maintaining a system that connects the university and community (in this case the regional system of vocational training and world of work, the third sector, and social enterprise):

> “The universities’ standing, prestige and reputation continue to be determined by internal, disciplinary values and scholarly attainment. However, they are also intimately associated in official thinking with the appropriateness of the services rendered to the community—where that community can be local, regional, national, or even inter-national. This change in the mission, role and tasks laid upon universities affects the relationships between the university and its environmental constituencies. In short, the legitimacy of higher education in society will increasingly be a direct function of the nature, quality and evolving ties with the Stakeholder Society” (Jongbloed, Erders, Salerno 2008, 307).

> “In other words, universities are playing—and according to some should play—a broader and more visible role in the educational, social and economic well-being of local communities and the nation. The third mission therefore consists of a knowledge transfer function as well as a more general community func-

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4 With regard to regional development, it doesn’t seem out of place to recall, once again, the notion of institutional trust, a precondition for the effective mobilisation of social capital, not exclusively orientated towards individual and/or specific ends (Cartocci 2002, Trigilia 1999, Barca, Forum Diseguaglianze Diversità, 2019).
tion. It is an umbrella term that refers to a wide variety of principles and strategies for economic and social development” (Jongbloed, Erders, Salerno 2008, 313).

Moving in this direction is a proposal, launched by the Forum Disuguaglianze Diversità (2019), to evaluate a university’s third mission in terms of cases that have successfully promoted social justice (15 proposte per la giustizia sociale - 15 Proposals for Social Justice - pp. 76-77; Barca, Forum Disuguaglianze Diversità 2019, pp. 21-22).

With this in mind, the objective of the trial is to recognise skills acquired ‘on the job’ (Römgens et al. 2019) and to translate them into professional qualifications recognised by the Region of Puglia.

In terms of institutional actions, the process led to the creation, as a preliminary step, of a Regional Table on Lifelong Learning, following the signing of an Agreement Protocol between the Region of Puglia and Puglia’s universities for the creation and activation of a Regional System of Validation and Certification of Competences (SRVCC).

As we said above, the experimental recognition of a qualification as a “Family Care Assistant” follows the processes established by the CAP in awarding the professional title of “inter-cultural mediator” to two Afghan citizens, both of whom had no formal qualifications but a decade of professional experience.

Regarding the accord signed with the Region of Puglia, the CAP offers a service of recognition and validation of training and professional experiences and their translation into Units of Competence relevant to the qualifications covered in the Regional Directory.

The recognition process is made up of several stages: reception, identification of the informal and/or non-formal skills, validation of these skills, and certification.

During the reception phase\(^5\), the purpose of the service is explained and a ‘contract’ between the user and operator, through which the free service is accessed, is defined. This phase aims to “Prepare people so that they can actively and knowledgeably participate in the fruition of the IVC” (Department of Economic Development, Innovation, Education, Training and Work, Vocational Training Section, IVC Trial, Training for service providers, University of Bari 1-3 July 2019)\(^6\).

\(^5\) Some authors use the expression ‘take responsibility for’ to define this phase, recalling the terminology used to refer to users of social services. However, we maintain that while the service is evidently social in nature, we are not dealing with ‘needs’ which, in the case of services attributable to social assistance, are managed by figures from a different profession (social workers).

\(^6\) The launch of the trial was preceded, in July 2019, by a training course run by the Accompanying Technical Committee of the Region of Puglia’s IVC Trial, for professionals in the field (experts in the identification and recognition of competences, validation experts, sector experts),
The reception phase is followed by the identification stage in which accredited service centre personnel are called on to “support the person in identifying their competences and collating documentation from evidence and proof of their acquired skills” (Department of Economic Development, Innovation,…).

As one can read in the note published on the University of Bari’s website to accompany the awarding of the first titles, and the press conference held to present the initiative, an event attended by the University Rector and officials from the Region’s Vocational Training Division: “The instructional work carried out by the CAP will enable the user to decide if they want to continue with the certification process run by the Region and take a technical and/or theoretical test allowing them to fill any gaps in their CVs and obtain a professional qualification in relation to a specific professional project.”

The identification phase is completed with the production of a «Transparency Document». At this point the user can decide whether to continue onto the validation phase, during which an expert translates the presented evidence into skills and competences grouped into relevant Units of Competence (UC). The UCs are the modules which, in reference to the Directory of competences, define the profession for which the qualification is being requested.

During the evaluation phase an expert carries out a technical examination of the “Transparency Document” as well as any direct evaluation, here intended as an evaluation test in the presence of the user. This might take the form of hearings, technical interviews or performance tests (attachment 5 of the inter-ministerial decree of 30 June 2015 “Definition of an operative framework for the national recognition of regional qualifications and relative competences in relation to the national directory of educational and training titles and professional qualifications with reference to article 8 of legislative decree No. 13 of 16 January 2013”).

The evaluation function covers the assessment, which, at the very least, requires a technical examination of the «Transparency Document». It might also require a direct evaluation in the presence of the candidate in the form of hearings, technical interviews or performance tests. In every case pre-defined

selected by the accredited bodies. An online introduction was followed by three days at the University of Bari “A. Moro”, Department of Training, Psychology and Communication Science.


8 From this point on, the treatment refers to the text of normative materials distributed during the training course for ‘service providers’ as identified by the accredited bodies (1-3 July 2019, University of Bari “A. Moro”).
evaluation standards are applied. The need for and depth of the evaluation will be determined by the quantity and quality of the documentation presented in the «Transparency Document» assessed against criteria of value and relevance. To this end, the following essential actions have been identified:

1. verification and evaluation of the candidate’s documentation, including the evidential documents presented in the «Transparency Document»;
2. planning of the competence evaluation procedure in line with the user’s characteristics, job environment and reference standards;
3. planning of the operational procedure for the evaluation with respect to criteria of collegiality, objectivity, impartiality and independence, as provided for in the regional regulations, as well as fairness and user privacy;
4. definition, where necessary, of the objective indicators under observation and the minimal standards in relation to the relevant professional standards;
5. detailed planning of the testing procedure and definition of the relative evaluation criteria;
6. producing the procedures and verification tests in accordance with the planning of the trial and in conformity with the reference regulations of the validation and certification system;
7. attention to the traceability of the whole process through reporting and information or documentary systems.

The actions necessary for this function require a level of professionality corresponding to at least an EQF (European Qualification Framework) fifth level (attachment 8 of the inter-ministerial decree of 30 June 2015 “Definition of an operative framework for the national recognition of regional qualifications and relative competences in relation to the national directory of educational and training titles and professional qualifications with reference to article 8 of legislative decree No. 13 of 16 January 2013”).

The evaluation stage is followed by a technical interview or, where it’s considered necessary, an integrative test. These are designed to highlight the abilities and competences necessary for completing the professional profile as defined in the official job directory and are fundamental to the certification process. In fact, in most cases the documentary proof (contracts, training courses, work experience referred to in the competence identification phase) brought to support the reconstruction of informal and non-formal educational processes is insufficient to show that the requirements of the competences and abilities referred to in the official job directory have been met. These competences and abilities have been identified in the trial as prerequisites for accessing to the regional training course, completion of which results in the candidate qualifying as a certified family care assistant.
6. The trial’s local context collaboration between university and local authority in inclusive perspective

For the user, the final objective of the IVC process is to qualify as a social-health worker (in Italian operatore socio-sanitario, OSS). This qualification is gained after a free training course run by the Region of Puglia; a prerequisite of access to the course is the certification issued at the end of the IVC procedure. In this way, a virtuous collaboration is created between the local authority and regional universities, as is happening in other Italian regions to various extents (Maretti, Di Risio 2020).

Regarding the OSS course run by the Region of Puglia, the certification of “Family Care Assistant” provides recognition, in terms of training credits, that allows access to a ‘fast track’ and so opens the door to the possibility of qualifying after less training time. This trial represents the creation of a modality through which “competences acquired by adults in previous contexts of formal, informal and non-formal acquisition are recognised as credits towards a personalised training process” (Porcaro, Sibilio, Buonanno 2020).

The first users to participate in the trial were a group of 250 candidates. Requisites for entry to the trial were that they had been working in structures providing social-health care and had five years of professional experience. The final OSS qualification corresponds to a professional profile listed in the regional directory; this was included after an earlier trial aimed at uncovering hidden professional figures that could be described as home care providers. The R.O.S.A. project (Rete per l’Occupazione e i Servizi di Assistenza, Network for Care Jobs and Services) was launched as a trial in Puglia in 2008. It was aimed at people who had worked as home care providers and who could qualify as family assistants after a training process. This policy is part of the Region of Puglia’s efforts to address the life/work balance: following the issue of so-called ‘conciliation vouchers’ (Balenzano, Moro 2018), anyone employing a worker listed in the regional directory of qualified home carers could claim a regional conciliation voucher.

Competences certified and attained through regional training courses, starting with those for family care assistants, can be developed into the skills of social-health workers. The process is also open to foreign home care providers.

9 “Launched in trial form in 2008, the ROSA Project is a qualification initiative targeted at home care providers. It aims to regulate the job of care provider by providing economic support to the families who employ them”. It comes as part of a policy to “support home care for people who are not self-sufficient and to search out and prevent undeclared work - see http://www.pariopportunita.regione.puglia.it.”
as the only pre-requisite is that applicants must be working. An obvious obstacle to this is the permit to stay (permesso di soggiorno) as anyone who applies to be added to the directories, maintained by Job Centres, must be employed, a state for which a permit to stay is necessary.

During the competence identification stage, it’s vital to listen to the candidates in order to collate their experiences. The expert’s skill lies in their ability to help the candidate narrate their life story in such a way that it can be reconstructed as a sequence of events. The expert’s role in the identification is to lead the person by asking questions and, above all, by listening. The way in which the professional experiences recounted in the user’s interview were lived not only gives an idea of the activities themselves and their context but also of the degree of autonomy and responsibility they entailed.

The identification expert is guided in the recognition of employment experiences by the Regional Skills Directory which establishes the profile’s professional content in the form of competences. The result of this inquiry and collation is a draft document of competences. In the following stage, the evaluation expert will use this evidential document to measure, in percentage terms, the degree of cover that the document demonstrates. The process of having everything transparent in the documents (certificates, work contracts, courses followed, high school educational qualifications) is aimed at disseminating a ‘culture of evidence’ and developing the capacity to ‘keep track’ of professional results and training.

In Italy, law No. 92 (the so-called Fornero law) of 28 June 2012, provides the basis for the system of recognising competences. It attempts to trace how much of one’s professional development took place during the different phases of one’s life through formal means (educational qualifications, for example), non-formal means (learning in intentional contexts) and informal means (learning on the job).

In this way, what is learned in daily life is valorised as informal learning when it is framed as part of a growth process that can be reconstructed by highlighting one’s capabilities. An example of such learning would be the role of a caregiver who worked for family members for years and in so doing acquired competences in family care provision.\(^\text{10}\)

The evaluation expert draws up an assessment for each UC (unit of competence), suggesting what should be done in the next stage of the interview. The interview is necessary in every case, even when a UC is covered 100 per cent, as

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10 This policy comes as part of efforts to promote home care in place of institutionalisation. For an examination of the reasons for home care see Dal Pra Ponticelli (ed., 2004).
it represents an interaction which, developing from the narration which itself recognises many milestones in the skills and competences covered by the UC, helps verify what has been revealed.

Where there are documented skills, these are translated into evidence. Planning for the identification of evidence involves the following steps: collecting the experiences; translating and modulating these experiences into activities; looking at the activities to identify which competences are implied in relation to the Areas of Activities (ADA) listed in the National Job Atlas; identifying the skills developed; returning to the presented and reconstructed documentation.

It’s up to the identification expert to decide if the minimal prerequisites, which allow for the extraction of the skills from the documentary evidence and narration, have been met, and whether the candidate can proceed to the evaluation exam. The documentation, which is always the user’s responsibility, is fundamental to the question of whether the minimal levels have been met and whether the process can continue. And unless there are too many gaps to enable identification, it is always possible to call the candidate for a further interview in order to complete the documentation. In cases where there are too many gaps and the competences cannot be professionally recognised, the fact of having retraced them can lead to an increase in self-awareness. Even writing a CV represents an occasion to reflect on how much one has achieved up to that point in time. Thus, asking a candidate to take a self-compiled CV to the centre also serves a pedagogical purpose.

For the professional figure that’s the subject of this trial, examples of evidence produced in formal contexts might include a nursing course or a high-school diploma from a school specialising in social sciences. Other formal cases could include internships, for which one could provide contracts with objectives and hours of presence.

In non-formal experiences, learning takes place in an intentional and deliberate fashion, meaning that there are formal objectives and a tutor is present, but it results in no formal qualification. If, for example, someone had started but not completed an apprenticeship and so had no qualification to show for it, one would talk of non-formal learning (conversely, if they had completed the apprenticeship one would talk of formal learning).

Evidence can be presented in document form if the documents are official. “The evidence must be ‘detailed’, it must recount pieces of the person’s life”. For example, if a project’s contract includes an outline of the project, we have a description of the activity carried out\(^{11}\). Qualifications, in turn, represent mile-

\(^{11}\) From the training run by the Accompanying Technical Committee of the Region of Puglia’s IVC Trial, held at the University of Bari “A. Moro”, Department of Training, Psychology and Communication Science.
stones, set points in a person’s professional experience. Self-certified evidence is considered first party evidence. And where this is accepted, its value in the collation process is not great. The value of second and third party evidence increases when it’s accompanied by qualifications awarded by regionally-accredited organisations or educational institutions.

The last stage of the IVC process is the validation interview. This is not an exam interview even if questions might be asked about the content of a competence, not just about work experience. The start point remains the candidate’s experience, from which it can be deduced whether they have reached the relevant level of knowledge and ability.

7. The IVC Service during pandemic time

The Covid-19 pandemic has disrupted all aspects of society, not just the health, economic and social sectors. Everything from economic activity and the provision of services to family and social life, work, and education have been affected. One of the first decisions the University was compelled to make was how to continue with the teaching, research, third mission duties, and administrative functions that all universities, however large or small, are required to perform.

These decisions have required universities to reconcile the right to education with the security norms imposed during the lockdown\textsuperscript{12} . In compliance with the principle of autonomy the universities enjoy and under which their activities are regulated, they are free to establish the modalities for the resumption of the next academic year, whether on a face to face basis or remotely, depending on the epidemiologic situation of their home region. After teaching activities, both curricular and residual, were initially, and necessarily, halted, and research seminars, conferences and third mission activities, both in terms of public engagement and ‘by third parties’ were suspended, a re-organisation phase was initiated. Just a week after the Prime Minister’s Decree of 9 March

\textsuperscript{12} Italy was the first European country to be hit by the pandemic. In response to it, Prime Minister Giuseppe Conte decreed a state of emergency that remains ongoing at the time of writing (October 2020) and is set to remain in force until 31 January 2021. The first phase of lockdown led to the closure of all businesses except those defined essential (effectively only health services and food stores), as well as an order forbidding citizens from leaving their homes except for work or health reasons. A so-called ‘second phase’ was initiated in mid-May when the Prime Minister activated decree No. 33 of 16 May, which came into force on 18 May. This allowed for travel within one’s home region and the gradual re-opening of commercial activities and services, with the exception of schools.
2020, the so-called #iorestoacasa (or #imstayingathome), curricular courses for first and second level degrees were being taught online. This led to an immediate increase in digital socialisation, even by teachers who had previously favoured traditional teaching methods in their lessons13.

Providing this service during the Covid-19 pandemic has highlighted, once again, how the ‘new normal’ requires more fluid competences and a new method for identifying the link between knowledge and skills. In fact, while knowledge can be measured through credentialist-style qualifications, (ed. Rossi, 1997), competences and skills trace a continuous learning process in tune with the current times, which call for constant adjustments in respect to the continuously changing environment: “Therefore, measuring knowledge could be discrete facts, but measuring competency and abilities to apply knowledge in ambiguous circumstances is what can make the difference in a post-COVID-19 pandemic era”. (Clarke 2008, Buheij & Buheij 2020).

In Puglia, the figure of a family care assistant was selected for the initial trial due to the high number of undeclared workers active in the field (after the trial, the process for ensuring transparency and the certification of competences will be implemented for other professional profiles). Over the years, training in this sector has developed without any guidelines, leading to the proliferation of unregulated training courses and frequent occasions of non-transparent and opportunistic behaviour. It therefore seems strategic not only for the professional system but also for the harmonious balancing of family-care responsibilities, and, most importantly, for the wellbeing of the users, to introduce regulation of the required competences by highlighting and certifying them. This policy also appears to be crucially important from the perspective of employment and welfare intervention.

As observed by Palumbo and Proietti (2020), the certification of competences can contribute to the success of learnfare, which pertains to the right to life-long learning, hereby considered in an emancipatory fashion, instead of the mere expression of compliance to market exigencies. This way, universities could play a truly inclusive role towards those categories which have left their training environment too soon, so that may find themselves unprepared facing

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13 For a useful description of the way university teaching went from ‘in person’ to online, see M. Knapp, 2020, From “Face-to-Face” to “Face-to-Screen”: Virtual Classrooms as Synthetic Situations, Issue 45: Pandemic (Im)Possibility, vol.1: https://www.europeansociologist.org/issue-45-pandemic-impossibilities-vol-1/%E2%80%9Cface-face%E2%80%9D-%E2%80%9Cface-screen%E2%80%9D-virtual-classrooms-synthetic. This process was accompanied by a huge training campaign at universities which involved writing, in record time, ‘guides’ for delivering online lessons, exams and graduation sessions (Meister 2020).
policies aiming to activation (Cantillon 2011), but without ensuring whether their recipients are provided with the levels of competence required.

Recognition of a certified professional figure could lead to virtuous regulation processes and safeguards for workers who often operate in the Third Sector, itself the subject of new regulatory processes (legislative decree 117/2017, the so-called Third Sector article).

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A GLANCE AT IMMIGRANT INTEGRATION. FROM RECOGNIZING SOCIAL RIGHTS TO GRANTING REAL PARTICIPATION IN LOCAL GOVERNMENT


1. Introduction

The response of States to the phenomenon of immigration and its sway between two opposite poles, striving to find a balance in public policies, legislation, and the overall actions of public administration and jurisprudential decisions, is sometimes more unbalanced towards security and public order protection needs, sometimes more linked to human-rights profiles and migrants’ integration policies.

According to the best scholars, both positions have strong roots in different theoretical systems.

The first one refers to the traditional idea of the State, understood like nation, which is a huge community of individuals living together that share...
common origins, language and, more generally, culture. In this frame aliens have been considered mainly as a national security treat: the State exercises its full sovereignty within national borders, deciding which aliens to expel or admit and under what conditions. Only citizenship characterizes a long-lasting bond with the State that gives full recognition of civil and public rights.

Instead, the second one, newer then the first, refers to an idea of society that organizes itself through dialectical structures functioning in a non-coercive way. Pluralism expressed by social bodies is resolved in democratic participation in public choices. This approach could justify full integration of all those who reside permanently in a specific territory and contribute to its social fabric, regardless of their status as citizens.

This is also the perspective of Christian social doctrine in the last papal encyclical “Fratelli tutti”.

So we must take note that the phenomenon of immigration cannot be treated on the basis of abstract references frames, it has to be put into the historical, socio-economic and cultural context in which it manifests itself.

Therefore, having cleared the field from philosophical and political positions, abstractly shareable if you look at the reference system to which they belong, it is appropriate to analyse the phenomenon on the basis of a precise context which examines all the implications and variables in order to come up with a response consistent with the context and functional to the development of the society of reference.

However, Italian legislators interfaced with the phenomenon of immigration rather late compared to other European countries. Initially involved with admission regulation, it is only more recently that attention has been paid to integration profiles.

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6. The Encyclical Letter “Fratelli tutti”, On Fraternity and Social Friendship, speaks about «The rights without borders» (§ 121) and «Borders without limits» highlighting how a country’s response «to the arrival of migrating persons can be summarized by four words: welcome, protect, promote and integrate» (§ 129), in vatican.va/content/francesco/it/encyclicals/documents/papa-francesco_20201003_enciclica-fratelli-tutti.html.
7. A. Sayad, *Doppia assenza. Dalle illusioni dell’emigrato alle sofferenze dell’immigrato*, Raffaello Cortina Ed., Milan, 2002. The author considers migration as a total social fact, not limited to economic or demographic phenomenon. It has the capability to demonstrate the limits of the Nation-State and its categories.
“Immigration” is a varied and complex phenomenon and, as such, requires multi-faceted regulatory and institutional responses, which cannot be limited to the regulation of entry and stay inside of national borders, but must be extended to, equally important, aspects of the foreigners’ settlement and integration within the community where they live.

The concept of “integration” is, in general, referred to social or labour integration, implying that the fundamental rights of the human being as such are also to be identified among social rights. However, it should be noted that social and labour integration in a community without corresponding participation in the political choices of the community itself is not fully effective and complete.

Needs that arise within a given social substratum, although territorially circumscribed, gather around interests worthy of attention by the system and are generally entrusted to the care of local authorities. The involvement of people who express these interests in general choices that public authorities are called to make, far from being a limit, constitutes a normal system to achieve greater efficiency in public action and more complete effectiveness in the ability to satisfy needs that arise there.

From this perspective, we can observe that administrative organization is naturally permeable to demands that come from civil society and those that cannot always be shared, for various reasons, and can’t find space in the political level but end up being realized within the organizational structure of public administration.


The progressive expansion of the sphere of rights granted to foreigners present in our system is evident in accordance with the affirmation of the need for a higher level of integration, arising from shared common values for the foundation of a multicultural and multi-ethnic society such as the one that is emerging in many European countries and also in Italy8.

The European States have provided diversified responses to the theme of the cultural and social integration of foreigners: from the so-called “Charter of Values” (approved in Belgium, Great Britain and Holland), to the “integration contract” (adopted in France), to the preparation of documents by

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the same immigrant associations containing principles to which foreign communities intend to draw inspiration in their relations with the host society (as happened in Germany)\(^9\). Also in Italy, in 2007, a “Charter of values, citizenship and integration” was adopted\(^10\), with the idea that the migrant should be considered essentially as a person (and not as a source of labour) and as such a recipient of the same “social” rights that the national legislation recognizes to citizens\(^11\).

The Charter of Values was preceded by progressive, but slow recognition of the foreigner’s position regarding fundamental rights.

Regarding the status of aliens, the Italian Constitution statute is defined by Art. 10, paragraph 2\(^12\).

This provision states that the legal status of foreigners is regulated by law, in accordance with international rules and treaties. It imposes two limits on State powers: a) only ordinary law can regulate the legal status of foreigners; b) the content of this law must be compatible with general international rules and treaties stipulated by Italy.

That rule does not define much more about “integration” or about the recognition of fundamental rights to non-citizens. So we need to find a baseline point to define the rights and, ultimately, the inclusion of migrants\(^13\).

The Constitutional Court played an important role in this field, with a jurisprudential interpretation that went beyond literal expression inside constitutional rules.

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\(^9\) For information about the Charter of Values, see C. Cardia, *Carta dei valori, dialogo tra culture*, in federalismi.it, 2/2008.

\(^10\) Adopted with the Decree of Internal Affairs Minister (Giuliano Amato) and published in the Official Gazzette of the Italian Republic (G.U.R.I.) on 15 June 2017.

\(^11\) Our “Charter of Values”, which has an exquisitely programming character, consists of a set of directives that are directed at public authorities in their functions. It deals essentially with “social” rights. It should be pointed out, however, that, over and above the legal value that the Charter of Values possesses (or does not possess), it constitutes an important starting point for fostering the process of foreigners’ integration. However, in the logic of the Charter, the integration of foreigners who do not belong to European Union passes through the acquisition of Italian citizenship.


Article 3 of the Constitution explicitly refers to citizens\textsuperscript{14}; in two important judgments the Court confirmed the extension of the principle of equality to non-citizens «when it comes to protection of inviolable human rights, guaranteed to foreigners in accordance with international laws\textsuperscript{15}.

The Court acknowledged that, despite the express provision of the Fundamental Charter, inviolable human rights have to be recognized to a person such as he is, regardless of his relation to the State.

This is an important statement, which deals with the additional assertion about the coexistence of different rules justified by factual differences between the condition of citizens and foreigners, respectively. So, even if citizens and aliens are equal in terms of the abstract possession of fundamental rights, \textit{de facto} law can apply a different treatment provided it reflects differences due to reasonable grounds\textsuperscript{16}.

These judgements belong to a period when the Italian legal system dealt with foreigners exclusively in the public security area, which is why, despite their limited practical impact, they must be considered as a founding moment of the foreigner's statute\textsuperscript{17}.

In fact, the thin regulatory fabric, aimed at public security purposes, totally omitted the salient aspects of aliens’ social life (work, healthcare, education, etc.).

\textsuperscript{14} In Const. Court, 15 November 1967, n. 120 we can read: «Se è vero che l’art. 3 si riferisce espressamente ai soli cittadini, è anche certo che il principio di eguaglianza vale pure per lo straniero quando trattisi di rispettare quei diritti fondamentali».

\textsuperscript{15} Const. Court, 19 June 1969, n. 104, paragraph 4.

\textsuperscript{16} The Court affirms: «Ma la riconosciuta eguaglianza di situazioni soggettive nel campo della titolarità dei diritti di libertà non esclude affatto che, nelle situazioni concrete, non possano presentarsi, fra soggetti uguali, differenze di fatto che il legislatore può apprezzare e regolare nella sua discrezionalità, la quale non trova altro limite se non nella razionalità del suo apprezzamento. Ora, nel caso, non può escludersi che, tra cittadino e straniero, benché uguali nella titolarità di certi diritti di libertà, esistano differenze di fatto che possano giustificare un loro diverso trattamento nel godimento di quegli stessi diritti. Il cittadino ha nel territorio un suo domicilio stabile, noto e dichiarato, che lo straniero ordinariamente non ha; il cittadino ha diritto di risiedere ovunque nel territorio della Repubblica ed, ovviamente, senza limiti di tempo, mentre lo straniero può recarsi a vivere nel territorio del nostro, come di altri Stati, solo con determinate autorizazioni e per un periodo di tempo che è in genere limitato, salvo che egli non ottenga il così detto diritto di stabilimento o di incolato che gli assicuri un soggiorno di durata prolungata o indeterminata; infine il cittadino non può essere allontanato per nessun motivo dal territorio dello Stato, mentre lo straniero ne può essere espulso, ove si renda indestabilibile, specie per commessi reati», see Const. Court, 19 June 1969, no. 104, paragraph 4.

\textsuperscript{17} Until the 1980's Italian legislation on foreigners was limited to ten articles of the Consolidated Law on Public Security (so called TULPS contained in Royal Decree, 18 June 1931, n. 773).
Over the years, this situation forced the Executive to intervene on a number of occasions by means of general administrative acts in order to solve some of the problems that arose in practice\textsuperscript{18}.

The perception of the social relevance of the migratory phenomena manifested itself in the mid-80’s when the entry of foreigners into Italy was progressively increasing\textsuperscript{19}. In 1986 Italian legislators issued a first law about placement and treatment of non-EU immigrant workers and against illegal immigration\textsuperscript{20}. This law was inadequate for managing migration flows and illegal immigration.

In this weak regulatory framework, ‘Martelli’s Law’\textsuperscript{21} was issued, named after the Vice Prime Minister of the time. The law contained urgent rules on asylum, entry and stay of aliens (non-EU citizens) and on their regularization as well as stateless people already present in national territory.

This law deals mainly with refugees: it broadens and defines refugee status and the related right to political asylum. The second part of the legislative text, on the other hand, is concerned with regulating exponential increases in migration flows, by planning the entry of foreigners (non-EU citizens) according to the country’s production and employment needs.

Italy did not have a complete law on asylum, entry and stay in its territory. Therefore, this law, that views migrants fundamentally as an economic problem, can be considered as a way to settle a new emergency quickly\textsuperscript{22}. We are still far from a complete approach to recognizing the social rights of migrants, even if some fundamental rights have been recognized for immigrants by the Constitutional Court\textsuperscript{23}.

\textsuperscript{18} In 1963 the Minister of Labour, in agreement with the Ministers of the Interior and Foreign Affairs, adopted a circular letter with which, \textit{prater legem}, they introduced the mechanism of work authorisation as a necessary requirement for entry into the territory of the Italian State, after ascertaining the «unavailability of suitable and willing workers» (Circular letter no. 51/22/IV of 4 December 1963). Some time later, the Minister of Foreign Affairs issued another Circular letter setting out rules on the stay and transit of foreigners, trying to soften the rigidity of Consolidated Law on Public Security (so called TULPS).

\textsuperscript{19} In 1981, there were approximately 351,000 foreigners living in Italy. In 2016 there were 5,000,000 (as shown by the census surveys of the National Institute of Statistics – ISTAT).

\textsuperscript{20} Law 30 December 1986, no. 943.

\textsuperscript{21} Law no. 39/90, converted with amendments to Legislative Decree no. 416 of 30 December 1989.


\textsuperscript{23} On acknowledgment of fundamental the rights to foreigners, see G. \textsc{Moschella}, \textit{La parabola dei diritti umani nella legislazione italiana sull’immigrazione}, in S. \textsc{Gambino}-G. D’\textsc{Ignazio}, \textit{Immigrazione e diritti fondamentali}, Giuffrè, Milan, 2010, pp. 481-483.
Among the inviolable human rights guaranteed to all persons, the Constitutional Court – in two different occasions - has included the “right to family unity”, as a fundamental right of the person, with no distinction between citizens and foreigners, to whom providing protection with regards to the “nuclear family”, guaranteeing reunification with minor children to non-EU unemployed mothers and to non-EU mothers who are unmarried but cohabiting with an Italian citizen.

Only in 1998 did Italy finally adopt a law characterized by a different approach to migrants, more respectful of international treaties and more responsive to the constitutional provisions that place the person as such at the center of the system. It was law no. 40 of 1998, the so-called ‘Turco-Napolitano’, inspired by solidarity and egalitarian principles, that inserted a list of rights recognised to foreigners on the basis of domestic and international law: the fundamental rights of the human being (Art. 2, paragraph 1), civil rights attributed to Italian citizens (Art. 2, paragraph 2), equal treatment and full equality of rights for a worker legally residing in Italy as well as Italian workers (Art. 2, paragraph 3); the right to participate in local public life (Art. 2, paragraph 4). Furthermore, the Immigration Act grants foreigners equal treatment with citizens in regard to judicial protection of rights and legitimate interests in relation to public administration and access to public services, within limits provided by law (Art. 2, paragraph 5); diplomatic protection within limits and forms provided by international standards (Art. 2, paragraph 7); the right of defence (Art. 17); the right not to be expelled to a State where the foreigner may be persecuted for reasons of race, sex, language, nationality, religion, political opinions, personal or social conditions (Art. 19); the right to family unity (Art. 28) and family reunification (Art. 29).

The law, transfused into the Consolidated Act of Immigration adopted with
Legislative Decree 25 July 1998, no. 286, is directed to govern regular entry and stay within Italian borders and recognizes the social rights of immigrants who hold a residence permit and have a stable and long-lasting relation with the State.

3. **Aliens and political rights**

Despite the progress made in the last twenty years, the integration of foreigners is limited. In fact, integration doesn’t extend to right to vote, in other words to participate through the mechanisms of representative democracy in public choices. On the one hand, it is true that citizen status is no longer a prerequisite for recognition of the right to vote, since the voting rights in local elections have been recognised to non-citizens belonging to an EU Member State\(^\text{27}\); and on the other hand, the Chamber of Deputies has examined a bill on the introduction of the right to vote in local elections in favour of long-term resident foreigners\(^\text{28}\); and that there is considerable pressure from various associations to extend immigrants’ rights of political participation\(^\text{29}\).

In Italy the attribution of the right to vote continues to be linked to the status of “citizen”.

It should be added that the European States have developed very different solutions with regard to the attribution of the right to vote to non-citizens. In general, a distinction can be made between countries more open to inclusion of non-EU foreigners (as in the case of Ireland, the Scandinavian countries or the Netherlands)\(^\text{30}\); national practices characterised by an intermediate position

\(^{27}\) Directive 94/80/EC of 19 December 1994 laid down detailed arrangements for exercising the right to vote and running as a candidate in municipal elections by citizens of the Union residing permanently in a Member State of which they are not nationals. Legislative Decree no. 197 of 12 April 1996 implemented directive in our legislation.

\(^{28}\) This was Bill no. 2234 of 27 March 2014 containing “Delegation to Government for amending immigration regulations and rules on legal condition of foreigners”.

\(^{29}\) There were various awareness-raising campaigns including “I am Italy too” promoted by different associations belonging to civil society such as Caritas, the C.G.I.L., ‘Migrantes Foundation’ and also supported by ANCI, aimed at collecting signatures on two popular initiative proposals of laws on the simplification of procedures for recognition of citizenship and recognition of the right to vote in municipal elections for foreigners residing in Italy.

\(^{30}\) In Ireland, the right to vote in local elections is granted to residents regardless of the length of time of their stay in Ireland. In other countries the recognition of the right to vote in local elections is linked to the possession of residence for a fixed period of time.
(as in Belgium)\textsuperscript{31} and practices based on selective disciplines (as in the English case)\textsuperscript{32}.

The current structure of legislation in Italy, characterised by the pluralism of autonomous institutions, shows room for extension, both quantitatively and qualitatively, of fundamental rights recognised to foreigners and in particular the rights of «political-administrative» participation, despite the manifest resistance encountered on the political level to recognize the right to vote at the local level.

The need for “participation”, coming from the changing society and presenting itself as a social need linked to the integration of resident immigrants, has found openings, if not in constitutional system, but in administrative organisation. Unlike the “legislative power”, the administrative organisation has conformed promptly in order to respond to pressures coming from the community, confirming its natural vocation to the satisfaction of collective needs\textsuperscript{33}.

Territorial affiliation or permanent residence in Italian territory are not sufficient elements to allow the foreigner to be included in the electoral lists of the Municipality of residence, even if it is expressly established that the subjects in possession of the residence card can: «participate in local public life, exercising also electorate rights when provided by the law and in harmony with the

\textsuperscript{31} In Belgium, the right to vote in local elections is guaranteed under several conditions: possession of residence on Belgian territory for 5 years; signing of an oath of allegiance to both Belgian Constitution and European Convention on Human Rights and formal acceptance of the laws of the country; registration in electoral registers.

\textsuperscript{32} In Great Britain, citizens of Commonwealth countries who are recognised as having the right to enter and reside in Great Britain also have the right to participate in elections relating to various levels of government. For a complete analysis of the European countries and the choices regarding the allocation of the right to vote to non-EU foreigners, see: D. Fiumicelli, L’integrazione degli stranieri extracomunitari può ancora passare dalla «partecipazione politica»? Spunti di carattere comparato e brevi considerazioni sulle proposte più recenti e sulle prassi locali, in gruppodipisa.it, February 2014.

\textsuperscript{33} On the position and function of the organisation in the economy of community life, see M. Nigro, Studi sulla funzione organizzatrice della pubblica amministrazione, Milano, 1966, p. 117, that affirms p. 117 «L’organizzazione non è un corpo estraneo e sovrapposto rispetto al territorio delle relazioni e delle ragioni di vita del gruppo, ma è uno sviluppo logico di esse e si pone nei loro confronti come elemento integratore e potenziatore: non, cioè, un ricamo che si aggiunge dall’esterno al tessuto sociale, ma il rinforzamento di alcune delle trame di questo stesso tessuto. Ciò spiega in che senso vada intesa la strumentalità dell’organizzazione».

«The organization is not an extraneous and overlaying body regard of relations and reasons of group’s life context, but it is a logical development of them and it sets towards them as an integrating and strengthening element: that is, not an embroidery that is added from the outside to the social fabric, but reinforcement of some of the wefts of this same fabric. This explains in what sense should be understood the organization’s instrumentality». 
provisions of chapter C of the Convention on the participation of foreigners in public life at local level, made in Strasbourg on 5 February 1992» 34.

Primary legislators, therefore, have not yet untied the knot of acknowledgement of the right to vote for non-EU foreigners in the field of regional and local elections35, where the pressure towards a higher level of political integration is greater.

4. What happens at the local level of government?

It is precisely from the levels of government closest to territorial communities that the issue attempts to be addressed in a positive way, taking into account the lack of State intervention. It has happened therefore that some Regional Statutes have provided for the extension of the right to vote to resident immigrants, albeit in a promotional form. Tuscany Region’s Statute in Art. 3, paragraph 6, states: «The Region promotes, in compliance with constitutional principles, the extension of the right to vote to immigrants»36; or the Statute of the Emilia-Romagna Region which, in Art. 2, paragraph 1, letter f), identifies among the priority objectives of the region the «enjoyment of social rights of immigrants, foreign refugees and stateless persons, ensuring, within faculties that are constitutionally recognised, the right to vote of resident immigrants»37 and which in Art. 15, paragraph 1, provides for extension of participatory rights, establishing that «within the framework of faculties which are constitutionally acknowledged to» the Region, «it recognises and guarantees to all those who reside in a municipality of regional territory the participatory rights contemplated in this Title, including the right to vote in referendums and other forms of popular consultation». The Statute of the Campania Region also includes among its programmatic objectives the «achievement of a high level of benefits concerning social rights and the enjoyment of political and social rights of immigrants, foreign

34 Art. 9, paragraph 4 of Legislative Decree no. 286 of 25 July 1998. As already mentioned above the same legislative decree includes participation in local public life among the rights and duties of foreigner legally residing in the country (Art. 2, paragraph 4).

35 In fact, it is up to the Italian State Law to lay down the fundamental principles on election system and on cases of ineligibility and incompatibility of Ordinary Regional bodies (art. 122 Const.). But it is also the State’s task to establish electoral legislation of local bodies (art. 117, paragraph 2, letter p) Const.).

36 Tuscany’s Statute was approved by the Regional Council on 19 July 2004 and published in the Official Regional Bulletin (BUR) on 11 February 2005.

37 Statute of Emilia-Romagna Region was approved by the Regional Council on 14 September 2004 and published in the Regional Official Bulletin on 16 September 2004.
refugees and stateless persons, including the right to vote, as far as compatible with the Constitution».

These are a few limited, but significant, examples, so much so as to call for intervention by the Government, which has challenged the above rules before the Constitutional Court. The Court rejected the questions of constitutional legitimacy submitted by the Italian State, considering the «programming» nature of contested rules, which the Region is entitled to issue as an exponential body of the interests of the community.

In the Court’s perspective, these are rules that have cultural and political functions, but without legal effectiveness and therefore have no harmful effects.

In some cases the Regions have gone so far as enacting laws aimed at pursuing socio-cultural integration purposes, always opposed by the Government. For example, there is the case of the Emilia-Romagna regional law no. 5 of 24 March 2004, containing regulations for social integration of immigrant citizens, which was also submitted to the constitutionality test on the whole text (considered by the Government overall to be exceeding the boundaries of regional legislative power); and in reference to specific rules. Also in this case the Con-

38 Constitutional Court with judgment 27 July 2004, no. 372, Italian Government vs. Tuscany Region, affirmed that the contents of Regional Statutes can recognise regional functions and tasks; and can declare persecuting aims. These contents have a cultural and political purpose, but haven’t juridical effectiveness, because they are merely expressive of different political sensitivity existent in the regional community when the Statute were issued. In the Court’s view these declarations of aims and commitments aren’t comparable to the so-called “future programming” of the Constitution because regional Statutes aren’t constitutional charters.

This approach is confirmed in the following judgment 6 December 2004, no. 379, Italian Government/Emilia Romagna Region, where the Constitutional Court, rejecting the raised question of the constitutional legitimacy of Art. 15 of the regional statute, decided that the Region had no claim to intervene in the matter of the State, regional and local elections, recognizing the right to vote for persons unrelated to those defined by State legislation, or including such persons in procedures affecting the composition of representative assemblies or their acts. The Court affirmed that the involvement of persons who take part in associated life consciously and with stability remains in the area of possible decisions by the Regions, even regardless of the ownership of the right to vote or even of Italian citizenship.

39 The decisions of the Constitutional Court have provoked a lively doctrinal debate, mainly focused on the declared “legal ineffectiveness” of the programmed rules contained in the Statutes. For further details see Vv.Aa. “Le norme programmatiche degli Statuti dopo le sentenze della Corte Costituzionale. Otto opinioni”, in Le Regioni, 2005, p. 11.

40 Particularly about: a) institution of the Regional Observatory on the migratory phenomenon with tasks of observation and monitoring of centres instituted by Art. 14 of Consolidated Act on Immigration (Art. 3, paragraph 4, lett. d); b) provision of substitute powers towards non-compliant local Authorities (Art. 3, comma 5); c) creation of a Regional council for social integration of foreign immigrant citizens also composed of representatives of aliens distributed in
Constitutional Court rejected the Government’s assaults on regulatory autonomy of the Region\(^{41}\) on the issue of the alien’s participation tools for political life.

Dialectical conflict on the issue of the recognition of political rights to immigrants, which includes on the one hand the most progressive Regions and on the other the State, actually concerns two different ways of approaching the issue and the problems connected to it, which depend on the different role played by the two levels of government. On one side, it deals with the capacity of the regional level of government - even though it is contained within constitutionally assigned competences - to become bearer and promoter of the requests coming from the territorial community; on the other side, it remains in the foreground, at the State level, a strong connection between the recognition of political rights and the possession of citizenship.

Despite the prevalence of such a close relationship in the current state of the legal system, it is possible to highlight some openings from which the request for greater political integration of foreigners permanently residing in our territory makes a breach in the fabric of the legal system. This explains the statutory provisions that recognise the rights of participation and, in particular, the right to participate in referendums, to all those who reside in a municipality of a regional territory and those regional laws that provide for the establishment of an organisational tool (the regional consultative body for immigrants), composed of and representative of foreigners present in the territory\(^{42}\).

For the sake of completeness, it should be recalled that the participative requests mentioned above have been strongly welcomed by some municipal administrations that have courageously attempted to recognise the right to vote for non-EU foreigners\(^{43}\).

But also in this occasion the Government intervened and, with a Prime Ministerial Decree of 17 August 2005, proceeded with the extraordinary annulment of resolution of the Genoese City Council, pursuant to Art. 138 of Legislative Decree no. 267/2000, «to protect the unity of the system», which gives to

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\(^{41}\) Const. Court, 22 May 2005, no. 300, Italian Government vs. Emilia Romagna Region.

\(^{42}\) Many Italian regions have now equipped themselves with participation tools for foreigners: 14 out of 20 regions in Italy have established Regional Immigration Councils and have laws on immigrant’s the integration themes (www.integrazionemigranti.gov.it).

\(^{43}\) Just to mention the most well-known cases: in 2004 Genoa City Council amended the City Statute by extending the active and passive electorate for municipal and local elections to non-EU foreigners. In 2005, Turin City Council (by resolution no. 108 of 21 July 2005) introduced the right to vote, limited to local councils, in favour of non-EU foreigners resident in the city for at least six years.
the Government the power to annul administrative acts of local authorities for defects of legitimacy to protect unitary interests\textsuperscript{44}.

The same fate concerned Art. 47, paragraph 1-bis, of the Statute of the City of Turin, which was annulled by Presidential Decree of 20 March 2006. After the annulment, in the subsequent drafting of the Statute (approved on 7 February 2011), there was no trace of the recognition of the right of an active electorate for district councils in favour of non-EU foreigners\textsuperscript{45}.

On the basis of the events described above, it is possible to establish at least two fixed points: the right to vote in local elections for non-EU persons with an entry visa and stay permit, with a view to true integration on the political (and administrative) side must be recognised, in a uniform manner throughout the national territory, by State law\textsuperscript{46}; but the right to vote, elect or be elected, at least at a local level, must be built around those who live, work, and contribute to the maintenance of the local community (also by increasing its employment and cultural contribution)\textsuperscript{47}.

5. \textit{Rights to participate and impact on the community}

It is well known that other forms of participation in political life, alternative to voting, are permitted at the local level. The Constitution is based on the

\textsuperscript{44} It should be remembered that the extraordinary annulment ordered by the Government of the Genoese statutory provision obtained a favourable opinion of the Council of State (Council of State, Section I, 16 March 2005) and that the judicial remedy filed in front of the Liguria Regional Administrative Court by the Municipality of Genoa against the extraordinary annulment order was rejected by sentence no. 230 of 3 February 2010.

\textsuperscript{45} The same thing happened in other local areas: the Government proceeded with the extraordinary annulment (Presidential Decree of 11 July, 2006, published in Official Journal of Italian Republic no. 226, 28 September 2006) of the regulations of the Statute of the Calenzano’s Municipality, which extended active and passive electorate to foreigners and stateless persons; as well as those of the Statute of the Caulonia’s Municipality in the part in which they recognised active and passive electorates in municipal elections to stateless persons and foreigners legally residing in Italy, resident in the Municipality, who were in possession of a residence permit and who had legally and habitually resided in Italy in the two years preceding the elections (Presidential Decree of 13 August 2010).

\textsuperscript{46} In this sense the Council of State expresses itself in the advice mentioned in footnote 44. According to the advice, the mention of citizens only, in Art. 48 Const. (on the right to vote) and in Art. 51 Const. (on access to elected bodies), is intended to guarantee them an active and passive electorate, but does not preclude the ordinary legislator from extending these rights to persons without Italian citizenship.

broad recognition of inviolable human rights and determines its most genuine affirmation in the principle of removing obstacles that cause the exclusion of individuals from participation in the political, economic and social life of the country (Art. 3 Const.). The full development of the human personality, the solidarity principle, the protection of social formations, the pluralistic principle and related recognition of autonomy as a moment of political representation of territorial communities that constitute the Republic (Art. 2, 3, 4, 5 Const.) assume a central function in the complex relationship that has been established between civil society, republican institutions and democracy; a relationship that increasingly tends to be resolved in the value of participation. Democracy understood in this way is not limited to representative mechanisms, which in complex societies are certainly necessary for its correct functioning, but makes use of further participatory moments consisting both in the provision of specific institutions and bodies of participatory democracy - such as consultations, referendums, petitions, proposals - and in the valorisation of social formations.

At the local level, representative democracy and democratic participation constitute an essential continuum to foster decision-making and governance processes: for this reason, “participation” certainly benefits governors, who through it collaborate with political power, with respect to which they no longer place themselves in terms of extraneousness and subjection, but rather as an active part, natural referents of an administration sensitive to the interests to which it reacts. But it also benefits local institutions, which through it increase their knowledge of the needs that the territory expresses, with the advantage of being able to turn their attention to real problems and concrete solutions, also gaining in terms of efficiency and good performance.

The rights of participation, depending on the case, are vested in individual

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49 On the concept, history, evolution and experiences (both Italian and foreign) of “participatory democracy” see the essays contained in dossiers n. 3 and n. 4, year 2006, of periodical magazine Democrazia e diritto. Particularly in dossier no. 3: U. Allegretti, Le basi giuridiche della democrazia partecipativa in Italia: alcuni orientamenti, p. 151; A. Magnaghi, Dalla partecipazione all’autogoverno della comunità locale: verso il federalismo municipale solidale, p. 134; G. Allegretti, Politiche di partecipazione in Venezuela: tra discorso costituzionale e pratiche sperimentali, p. 42; in dossier no. 4: L. Bobbio, Dilemmi della democrazia partecipativa, p. 11 and also U. Allegretti, Democrazia partecipativa e controllo dell’amministrazione, p. 71.

50 Democracy on the one hand and efficiency on the other are general directives, characterized by their mutual complementarity (in terms of compatibility and concordance of the principles of democracy and efficiency referable to the plan of administrative organization, see F. Trimarchi, Funzione consultiva e amministrazione democratica, Giuffrè, Milano, 1974, p. 131).
persons, groups of people gathered in bodies and associations, or the whole local community.

In our system there are several participative institutions that are used by local authorities. First of all, the Municipalities are required to promote participative bodies and to encourage their involvement in administrative decisions, together with the other associations present in the territory. In addition, local and regional authorities are usually obliged to provide residents’ associations and more or less organised groups of citizens with a series of rights, such as the right to submit requests, petitions and proposals to the political and administrative bodies of local authority; to access documents and information held by the administration that are relevant to their activities, as well as existing spaces available at local authority; to participate in consultative bodies set up by local authorities.

Participation is not, however, a sum of legal institutes through which local public administration causes involvement of members of the local community in government choices, it is one of the ways of defining the general interest\textsuperscript{51}.

It isn’t a coincidence that participation in administrative procedures, the place of election for the care and realization of public interests, is guaranteed to anyone with a qualified interest (recipient of a final measure or party with opposing interests) regardless of his or her citizen status\textsuperscript{52}.

In the administrative field, the extension of participation beyond “citizenship” can be explained by the need, specific to “administrative States”, to en-

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\textsuperscript{51} This is because there has been a multiplication of public interests, due to the institutional pluralism that characterises our State, and because private individuals have also been recognised as competent to carry out activities of general interest. The growth of public interests and the diversification of the ownership of their development generate the need for a constant conciliation between them. On this matter see Y. MANSILLON, L’esperienza del «debat public» in Francia, in Democrazia e diritto, 2006, issue no. 3, p. 102, who observes that the solemn and uncontested notion of general interest is surpassed: today there is no longer an unquestionable general interest «but several types of general interests that must be combined and reconciled. On the other hand, the State no longer holds a monopoly in this field, since other stakeholders - local communities, economic actors, associations and citizens themselves - have a vocation to participate in its definition».

sure that action corresponds to social needs and to legitimise activities of public administration in this way\textsuperscript{53}.

In our system, the Constitution lays the foundation for such an approach, since Art. 1 identifies democracy and labour as foundations of the Republican State and in Art. 3, second paragraph, it calls for the effective participation of workers in the political, economic and social organisation of the country\textsuperscript{54}. Moreover, it is good and reasonable to give a chance to participate in public choices, express opinions, needs and interests to those who live and work in a given location and contribute to its development. This reasoning is all the more convincing if we relate it to the local community where the natural proximity between the administration and individuals makes the transmission of needs/petitions from the social level to the institutional level extremely fluid.

The provision of participatory forms of local administration, generalised in the reform of local self-government in the 1990s, stems from the need to fill the gap of the selection systems’ representativeness by political bodies, based on a weak consensus that flows into the vote\textsuperscript{55}.

So-called representative democracy is inadequate in providing effective responses to contemporary societies\textsuperscript{56}, while the models of participatory democracy and its implementation tools favour the process of emerging needs/petitions from below, guaranteeing the certain identification of the public interest\textsuperscript{57}, without mediations by political parties and therefore in a more spontaneous way.

If tools of participatory democracy are already useful and functional for citizens residing in a given territory, forming the local community, they are even


\textsuperscript{55} L. Bobbio, \textit{Dilemmi della democrazia partecipativa}, cit., at 49, p. 23.

\textsuperscript{56} U. Allegretti, \textit{Democrazia partecipativa e processi di democratizzazione}, General Report to the Conference \textit{La Democrazia partecipativa in Italia ed in Europa: esperienze e prospettive}, Florence, April 2-3, 2009, who says: «Democracy, that is configured in representation, and as such traditionally perceived, perhaps exalted, as a stable structure and tending towards completion, is instead subjected to “original dysfunctions”, which have only recently been fully revealed. Dysfunctions that go back to the very concept that lies at its basis, that is, to the centrality and almost exclusivity of the electoral moment of designation of the representation, which translates into the essence of democracy a “procedural” artifice such as the formation of a majority to which the decision is entrusted in place of the people, who are the subject of democracy».

\textsuperscript{57} Id., \textit{Op. ult. cit.}, p. 8, where we can read: «we can say that participation becomes a “natural” element of administrative procedures once the perception has been accepted that the identification of the public interest, the purpose of administrative activity, can no longer be as it used to be determined by law in conjunction with the power of the administration, but it is the fruit of the administrative procedure, the better as this is more articulated and open to persons outside the administration».
more useful within the framework described above (see § 2), to foreigners not belonging to the European Union, who find themselves permanently in a socio-territorial context, within which they continuously relate to an identified institutional context\textsuperscript{58}.

Integration and the need for representation of those who belong permanently and regularly to a territorial community, contributing to its economic and social development even though they do not have the right to vote has therefore been expressed through certain organisational phenomena, symptomatic of the permeability of administrative organisation to social demands.

Local authorities felt the need to involve foreigners legally residing in their territory in participatory relations promoted and implemented by them\textsuperscript{59}.

6. **Experienced organisational paradigms at the local level**

On the organisational level, two types of bodies have been registered inside local authorities: the so-called Consulta (Consultative bodies for the problems of immigrants and their families)\textsuperscript{60} and additional councillors.

\textsuperscript{58} From the experiences matured, also abroad, it turns out that the participatory models demonstrate the involvement of all those who are in a certain relationship with a given territory or with a given institutional reality (therefore not only “citizens”, but also foreigners and stateless people), beyond the ownership of a specific legally protected interest, just because they live or operate in a given territory. See U. ALLEGRETITI who in his studies states: «Practices developed in other countries and the extensive literature on it provide the elements for a sufficient conceptual approximation. Participatory Democracy refers to the idea that participation - considered first of all from the point of view of the persons called to intervene - has as its actors all citizens - summary expression that actually includes all human beings (therefore also foreigners who come into contact with a given community and a given order), as individuals, even if their participation will be facilitated and supported by the associative entities and collective self-organisation realities of which some of them may be members. And not only, nor properly, because they are specifically concerned, in the sense of individualistic systems, of those who can claim a precise individual right specifically protected by the legal system on an ownership basis or similar to it, but also of those who do not enjoy such rights, for example to be simply inhabitants or operating in a given territory or otherwise related to it. On the contrary, in a certain sense, it is precisely those-without-rights, at weaker strata of the population, the marginalised, who are the ones to whom the participatory openness is destined more than all the others, in order to allow them to express their needs and will», in *Le basi giuridiche*, cit., at 49, p. 157.


\textsuperscript{60} These types of collegial bodies, with exquisitely consultative functions, are also present at a State level, such as the National Council for Immigrants Problems constituted by Council of Ministers’ Presidency; the National Liaison Body set up by the CNEL; the Territorial Councils for Immigration set up within each province, etc.
In the first case, these are bodies representing foreigners, most of which have a consultative function and are identified by the State and regional regulations and by statutory or regulatory provisions approved by local authorities at their discretion⁶¹.

These bodies could be on an elective basis or not⁶², have an internal organisation (Board, President, Bureau), give opinions, including mandatory ones, and make proposals to the City Council for the adoption of resolutions and administrative acts: they therefore essentially exercise consultative and propositional functions⁶³.

“Consulta” so, is a body of the local authority that aims to improve the level of interaction between foreigners belonging to the local community and institutions, but also of fostering the social and cultural integration of representatives in their area of competence⁶⁴.

Local Statutes provide for its constitution. It plays a supporting role to the activities of the Council and the Community Board with which it interacts at an institutional level⁶⁵.

⁶¹ Often such bodies are instituted by the municipal or provincial Statute (as provided for by the Statute of the Municipality of Turin). But it may happen that a general statutory provision, concerning the establishment of thematic participatory bodies called “Consulta” is translated into a mere Council resolution. This is what happened in the City of Palermo, where the “Consulta delle Culture” was established by City Council resolution no. 49 of 15 May 2013, with the aim to foster the building of an Intercultural City.

⁶² See, among others, «Regulation of consultative body of the communities of aliens» of Livorno dated 7 April 2014; «Regulation of the aliens’ community Council» of Ferrara Municipality, dated July 8, 2013; «Regulation for the establishment and functioning of the municipal migrants’ consultative body», organisation for integration and participation of foreign citizens and stateless persons of Catania’s Municipality, dated February 21, 2017. In these cases consultative bodies rotate around the idea of community and association, in fact members of the councils are representative of the foreigners’ citizens associations registered in municipal lists.

⁶³ We can say that on a large part of the national territory local administrations have equipped themselves with these advisory bodies. Regions themselves has often favoured establishing these collaborative and participatory models. For example, the Region of Tuscany, with a resolution of the Council of 16 March 2009, stipulated a Protocol with UPI and ANCI and the Regional Coordination of Foreigners’ Consultations aimed at promoting homogeneous models of functioning and the evolution of relations between the institutions of the territory and foreign communities.

⁶⁴ “Consulta” for foreigners are different from the similar “Consulta” that the local authorities sets up by categories of subjects or by matter, because, while for the former, the representativeness of the body prevails, since they are set up according to bottom-up models, for the latter, the constitution is frequently under the aegis of the representative bodies of the local administration that set them up and chair them, supervising their functioning. It is clear that in the latter case popular participation is not spontaneous and not even “lato sensu” democratic.

⁶⁵ The establishment of the “Consulta” as a body in charge of connection between foreigners and local authority does not exclude that each foreigner may individually exercise other
Scholars’ judgement on these forms of participation is generally negative. It is believed, in fact, that these bodies, not having the power to influence the choices of direction of local authority within which they are established, and not being guaranteed an effective representation of the different communities of foreigners, have ended up accentuating the differences between the different ethnic groups, rather than becoming the institutional place of proposal and consultation⁶⁶.

If this is true, it must be said that the institutional interaction of the foreigners’ councils with local political bodies, in any case, gives rise to the manifestation of collective needs and the emergence of interests that would otherwise be unexpressed⁶⁷.

Undoubtedly, the political-administrative choices always remain the responsibility of the Council of the local authority or the Mayor (and the Board), but the use of a consultative body such as the one in question helps to make readable what would otherwise remain unrepresented and unsaid. This tool is not, therefore, ineffective in itself (it being understood that participation in the deliberative body is the maximum form of participation that is desirable), but ends up being ineffective if it is not provided with the human and material resources necessary for its functioning, and where the model’s founding and regulatory rules do not make it a mandatory organization of confrontation with the political bodies.

From an organisational point of view, the concept of additional council-lors deserves attention. It is a body called upon to participate in the meetings of the Municipal or Provincial Councils with proactive and consultative, but participation rights provided for in Statute and in Municipal Regulations, if and when such acts generate them, extending the content of the participation rights not only to citizens registered in the electoral lists of Municipality, but also to those registered in the Resident Population Register. As in the case of Statute of the City of Turin (Art. 8), which recognises and guarantees participation rights both to those registered on the electoral lists and to those aged six months or more in the City’s Resident Population Register, and the Statute of the City of Rome which, in Art. 6, identifies among the holders of participation rights foreigners who are over the age of 18, legally residing and resident in the City or who have their domicile for study or work reasons (but there are Statutes which recognise participation rights only to citizens).


⁶⁷ But see M. CALABRÒ, that referring to the similar bodies constituted at the regional level considers with favour the co-presence of Italians and foreigners in the immigration council. In his opinion this represents a strong point of this body: in that «the heterogeneity of the composition stimulates the dialogue “between equals” and the exchange of opinions between individuals who are part of the same community» in Legal Immigration And Local Resilience, cit. at 59, p. 113.
not deliberative functions. The differences with the previous model are that in most cases the figure is monocratic, although sometimes there is more than one added councillor\(^6\) and, moreover, that it is included in the highest deliberative body of the local authority.

Additional councillors have the same dignity as municipal (or provincial) councillors, have the right to information on the subjects dealt with in the Council meetings, have the right to speak and may submit proposals to the deliberative body to which they belong, but they do not have the right to vote. Despite the lack of deliberative power, which exonerates the added councillor from influence on political-administrative issues of the administrative body, the problem of legitimacy of its institution has been submitted to the scrutiny of administrative jurisprudence\(^6\).

On the occasion of appeal, the Council of State was requested to annul the statutory and regulatory resolutions in the part in which they had established and regulated the “Additional Foreign Councillor” of the Statute of the Province of Venice\(^7\), confirmed the legitimacy of the contested provisions, which, considered in their actual content, could not affect the structure and functions of the governing bodies of the Province and, in particular, of the Council Assembly, and could not determine any concrete invasion of the sphere of State regulatory powers\(^7\).

The presence of these organisational models in minor local authorities demonstrates their vocation to offer themselves as a terrain of hope, reactive to the collective demands and needs of the communities they are called to administer.

For the sake of completeness, it is useful to remember that the legal doctrine that has taken an interest in the issues of integration practices and social inclusion of foreigners has found a stimulating place to implement the partici-

\(^6\) See Statute of the Municipality of Rome (art. 20 of the Statute, voted by Council resolution no. 122 of 17 July 2000), which established two of them.

\(^6\) There was a trial for annulment of Art. 8-bis of Statute of Province of Venice, which established additional councillors.

\(^7\) Cons. St., V, 9 June 2008, no. 2872.

\(^7\) In that occasion Council of State observed that even if the formula used «Additional Provincial Councillor» could lead to think of an alteration in the composition of the council, in reality it is the substantial fact that must guide the interpreter and, indeed, the real consistency of the figure doesn’t determine any interference in the matters reserved to state legislation (i.e. the matter of electoral legislation, government bodies and fundamental functions of territorial authorities). In other words, the judges affirmed that, although the formal and lexical data tend to emphasize the political significance of the choice made, it does not actually determine a structural modification of the governing body and its “fundamental” functions.
pation of foreigners in urban regeneration\textsuperscript{72}. Urban regeneration, understood as the recovery of urban goods and spaces susceptible to collective use, is the result of a negotiation between the administration and private individuals. Here participation is not limited to the decision-making process, but extends to the implementation phase of the decision through the function of caring for the common good that is the purpose of intervention. The legal instrument through which to achieve the higher goals are the “collaboration pacts”\textsuperscript{73}. They therefore become a measure and way of participation of all those who want to be involved in the concrete care of public goods and spaces. These are innovative forms of participation, which make the provision of Art. 118, par. 4, which is about the “horizontal subsidiarity” of the Italian Constitution, relevant with reference to the communities of foreigners who reside in the territory and feel part of the social context\textsuperscript{74}.

7. **Concluding considerations.**

The affirmation of democratic principle enshrined in our Constitution is pressing for the recognition of the right to vote for foreigners and stateless persons permanently residing in the national territory. This is demonstrated by the lively doctrinal debate that has lasted for about a decade, by the attention given to the issue by associations belonging to civil society, by the presentation of various projects and proposals for legislation during the legislatures. Permanent belonging of non-citizens to a specific local community, to whose economic, social and cultural development he or she continuously contributes, invokes legitimacy at the political and administrative levels.

In the course of this brief paper, it was observed that, despite significant pressure from many sides, the most effective forms of participation were implemented at the organisational level within local administrative structures. This demonstrates that administrative organisations have proved to be more permeable to the needs of social groups and interests expressed by them to the legislator himself and that the local authority is more sensitive than State institutions in enhancing the community and its needs in a more direct and immediate way. If, on one hand,

\textsuperscript{72} See recent paper of A. BONOMO, L’inclusione dei “non cittadini” attraverso la rigenerazione urbana, cit. at 59, p. 197 and extensive literature cited therein.

\textsuperscript{73} A. BONOMO, L’inclusione dei “non cittadini” attraverso la rigenerazione urbana, cit. at 59, p. 199.

\textsuperscript{74} For some examples of collaboration pacts between local authorities and foreigners see A. BONOMO, L’inclusione dei “non cittadini” attraverso la rigenerazione urbana, cit. at 59, p. 202-204.
solutions found and implemented (consultancies, additional councillors) are not fully able to meet the demand for representation coming from groups of foreigners residing in our country, on the other hand, the organisational tools used are the only ones that at the moment constitute “structured” and formalised places for the emergence of interests and needs, which would otherwise remain without an institutional seat in which to express themselves systematically.

From this point of view, the administrative organisation of its structures in relation to social groups and the interests they express is an effective place for the realisation of the democratic principle75 demonstrating - once again and where necessary - that this principle is not only limited to legality, or the guarantee of the democratic elaboration of laws, nor can it find its full and unique expression in those formal guarantees, contained in laws and considered indispensable to circumscribe and limit the activity of public authorities, but it needs a further opportunity of expression in offices dedicated to the care of collective interests. The provision of stable organisational models, such as bodies for the participation and representation at the local level of groups of foreigners not belonging to the European Union and carrying demands for social, economic and cultural integration within the minor local authorities, i.e. in places that are naturally intended for the exercise of the functions of care and management of public interests concerning the population and the territory of reference, highlights the intensity of the need that these bodies seek to meet. The level of administrative participation of non-EU foreigners is therefore achieved, even if not fully due to implicit prohibition imposed by the State on local authorities on the recognition of the right to vote and stand for election to local councils. The time has also come to guarantee their political participation, recognising that the current structure of national order does not prevent adoption of a law granting foreigners and stateless persons the right to vote in local elections.

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ENTREPRENEURSHIP OPPORTUNITIES: THE EFFECT OF SOCIAL ENTREPRENEURSHIP ON THE PRESENCE OF AFGHAN IMMIGRANT YOUTH IN IRANIAN UNIVERSITIES


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1. Introduction

In order to create optimal transformations for a better future, in addition to adapting to a dynamic environment, society must also change\(^1\). To this end, with the increase of human relationships between societies, the phenomenon of migration is raised as one of the most important social, political, economic and international issues\(^2\). The upward trend of increasing immigrants is expanding daily with the emergence of political and social crises in different countries. This situation has progressed to the point that the percentage of immigrants to the total population in many countries is over 20\% and even in some countries more than 50\%, in 2017, this figure reached more than 258 million people\(^3,4\).

According to the 2016 census, 83,912 Afghan immigrants in Iran had refugee cards, 30000 had long-term residence permits, 450000 had short-term passports, and 734622 did not have legal documents\(^5\). The areas of concentration of Afghan immigrants are mostly in Tehran, Khorasan Razavi, Isfahan and Kerman. The disadvantages of the source community in terms of education and facilities of the destination community can be considered a severe factor for the migration of Afghans to Iran\(^6\). So, immigration is not a coincidence, but a response to deprivation. Of course, not every deprivation causes migration, in conditions of equality of origin and destination, deprivation of goals such as education that are more valuable can be influential in migration\(^7\).

Social entrepreneurship involves activities and processes that require to finding opportunities and so, it increases social wealth by creating new risky transactions or

\(^5\) https://morr.gov.af/
managing existing organizations in an innovative way. The social entrepreneurship is a process of innovative use and combination of resources to pursue opportunities to accelerate social change or identify social needs. This type of entrepreneurship is the effort of public, voluntary and social organizations and the purpose of their activities is not purely for profit. Social entrepreneurs bridge the gap between the private and public sectors, government and the market in order to develop effective and efficient solutions to more complex social problems. In general, social entrepreneurs focus on unmet needs or creating new social opportunities that the private and public sectors have failed to address. Because of this, their impact on human motivation is very high. Also, social entrepreneurs seek to identify and meet the social needs of community and in this way they sacrifice their social credibility and life and property to accelerate social change and bring long-term and lasting social consequences. Schumpeter believes that entrepreneurial activity is a source of innovation. Hence, the special role of the entrepreneur is to stabilize economic growth by eliminating the old and sustainable ways of doing business. He describes the term as creative destruction. But entrepreneurial opportunities can be described as a way to meet the needs of the market through the creative combination of resources which provides exceptional value. Entrepreneurship includes all activities and actions related to understanding opportunities and exploiting these opportunities. Every opportunity is visible when, after this time, it

is no longer exploitable\textsuperscript{16}. Thus, opportunities in the environment are waiting to be discovered so that people with superior human capital are able to consciously discover opportunities\textsuperscript{17}. People with high levels of human capital identify more business opportunities over a period of time\textsuperscript{18}. Human capital as a hierarchy of inflows of knowledge and skills leads to outputs such as self-employment decisions and development of entrepreneurial activities\textsuperscript{19}. Migration also affects both source and destination communities. As a result, it is important to address the components of social entrepreneurship and effectiveness of entrepreneurial opportunities, and communities must use appropriate mechanisms to develop it. Social entrepreneurship is a new and emerging topic in academic research and it has attracted the considerable attention of researchers, policymakers and stakeholders. Given the nature of international competition and the intense and continuous environmental changes, if societies cannot develop entrepreneurship in various domains, it can be said that they have not played their role well. According to the issues raised, the main purpose of this study is to investigate the effect of social entrepreneurship components on entrepreneurial opportunities with emphasis on the presence of Afghan students in Iranian universities to study.

2. Theoretical background

Entrepreneurship is recognized as the backbone of economic development in all societies and it plays an important role in employment, income and social change, especially in developing countries\textsuperscript{20}. Social entrepreneurship has


been identified as an important source of social, economic, cultural and environmental wealth\textsuperscript{21} and, therefore, doing research and policy-making based on the idea that social entrepreneurs are important for economic and social development became critical and vital\textsuperscript{22}. The term first appeared in the entrepreneurial literature in the early 1980s, and although it is not as well-known as economic entrepreneurship, its popularity and achievements are growing dramatically\textsuperscript{23}. This type of entrepreneurship has a vague meaning as a two-way institution involving the community and the dimensions of entrepreneurship\textsuperscript{24}. This vague and unclear concept can illustrate the complex nature of social entrepreneurship, the multidisciplinary nature and the efforts of researchers to define it from different angles\textsuperscript{25}. Social entrepreneurship is the process by which individuals create or change an organization. In other words, they create social value by providing advanced solutions to social problems such as human rights violations and exploitation in order to improve the lives of many people in society\textsuperscript{26}. Social entrepreneurship is an innovative activity to create social value within or between nonprofit, business, or the governmental sectors\textsuperscript{27}. Thus, social entrepreneurship is represented as an innovative approach to respond to social needs with an emphasis on solving social problems and breaking down


traditional boundaries between the private, public and non-governmental sectors\textsuperscript{28}. Organizational credibility is one of the most vital parts of organizations\textsuperscript{29}. In fact, for social entrepreneurship, three situations are conceived as follows: (a) identifying a stable but unjust balance that causes deprivation, marginalization or discomfort to some people, these people cannot meet their needs at the appropriate level; (b) identifying opportunities that expand social values in this unjust balance and inspiring creativity, direct action, courage and tolerance through which the existing stable but unjust conditions are challenged; and (c) creating a balance that eliminates potential flaws or shortcomings faced by a particular group and leads to a better future for the target group and even society as a whole by creating a natural, stable, new and reassuring system\textsuperscript{30}. In fact, instead of increasing shareholder wealth and personal gain, the main motive of social entrepreneurship is to create social values and allow them to identify new opportunities so that they can move from a dissatisfied citizen to an altruistic and sensitive citizen\textsuperscript{31}. Innovation is essential for organizations because it can create sustainable competitive advantages for them through entrepreneurial opportunities\textsuperscript{32}.

The main difference between social and economic entrepreneurs is that the ultimate goal of social entrepreneurs is to maximize social value over economic value. They seek to maximize social effect by addressing needs that have been overlooked by other institutions\textsuperscript{33}. Studies show that components of social entrepreneurship include policies and regulations\textsuperscript{34}. Research by Acs et al. (2016) emphasizes the empowerment of individuals in policy-making and notes


\textsuperscript{31} Ferri, Elisabet, and David Urbano. “Environmental factors and social entrepreneurship.” (2010). http://hdl.handle.net/2072/97455


that entrepreneurship opportunities cannot be achieved without training and learning key skills. Mintrom also emphasize the importance of public sector institutions in policy implementation and believe that the macroeconomic environment, relationships and coordination of organizations and stakeholders affect policy implementation. The first hypothesis of the research is as follows:

\[ H_1. \text{Laws and policies have a positive and significant effect on the entrepreneurial opportunities of young Afghan student immigrants in Iran.} \]

Entrepreneurial activities are not just about refereeing opportunities, but also about the formation and use of new ideas adopted by institutions. Entrepreneurial activities play an important role in economic growth. Studies also show that the component of financial resources affects entrepreneurial opportunities. Simultaneously, declining access to credit is doubly financially burdensome for entrepreneurial activities, especially the fledgling one. Therefore, increasing the opportunities for access to credit and reducing the necessary conditions for the required capital increase the possibility of creating


entrepreneurship. However, the main focus of social entrepreneurs is on the emergence of social value. Creating economic value in income is essential to ensure financial sustainability and self-sufficiency. It can be concluded that having financial resources causes entrepreneurial opportunities to be identified and turned into ideas. Consequently, the second hypothesis of the research is formulated as follows:

\[ H_2: \text{Financial resources have a positive and significant effect on the entrepreneurial opportunities of young Afghan student immigrants in Iran.} \]

Communication and networking include the ability to identify and communicate with others, to establish communication based on mutual trust (communication skills), and to coordinate and integrate a set of communications as coordination. This has led to a widespread change in communication and networking. As a result, connecting with other people has the advantage of being a leader among Afghan immigrants. Hence, access to new and complementary knowledge is greater and their entrepreneurial activities increase. Also, people’s communication skills reduce the possibility of opportunistic behavior between people. However, research shows that building trust is one of the main catalysts for providing knowledge and information in collaborations that exist in the opportunistic behavior of individuals. Immigrants who can build informal rela-

relationships based on trust and mutual commitment with others gain more knowledge in their cooperative relationships. This knowledge is crucial in identifying and exploiting new ideas and entrepreneurial opportunities. In other words, the main obstacle to achieving entrepreneurial opportunities in this field is the lack of active participation of individuals in altruistic social responsibilities. According to the contents, the research hypothesis is as follows:

\[ H_3: \text{Communication and networking have a positive and significant effect on the entrepreneurial opportunities of young Afghan student immigrants in Iran.} \]

Social entrepreneurship is defined as a tool to reduce social problems and issues and accelerate social change which creates social capital by emphasizing the two dimensions of innovation and leadership in the social domain by pursuing social goals. Social entrepreneurship offers sustainable solutions to social problems to make the small-scale change that affects the entire networking and organization on a larger scale. The main difference between social entrepreneurship with other entrepreneurs is pursuing social goals and supporting people. Social capital refers to the potential of gaining valuable resources through social communication which helps immigrants to access a variety of resources and opportunities, save time, use career counseling, and provide a lot of support that may not be available to the individual. They are so diverse and will be very effective in examining environmental change and identifying entrepreneurial opportunities. Actually, social capital in individuals leads to

knowledge sharing. Therefore, it is one of the most important variables explaining the development and welfare of communities. According to the contents, the fourth research hypothesis is as follows:

\[ H_4: \text{Social capital has a positive and significant effect on the entrepreneurial opportunities of young Afghan student immigrants in Iran.} \]

Some scholars consider cultural and social values to be synonymous. According to them, social values are among the cultural criteria that determine the general goals desirable for organized social life and cause behaviors. According to others, society defines particular behaviors and special values as cultural behaviors and values according to the necessity of its life. These cultural values underlie the behavioral patterns of entrepreneurs as incentives for individuals and groups to explore and size opportunities. Innovative cultural values increase risk-taking and support individual growth and development. So, it can lead to the identification of entrepreneurial opportunities. According to the previous contents, the fifth research hypothesis is as follows:

\[ H_5: \text{Cultural values have a positive and significant effect on the entrepreneurial opportunities of young Afghan student immigrants in Iran.} \]

According to the hypotheses presented in this research, the conceptual model of the research is represented as follows:

![Conceptual Model](image)

Figure 1. Conceptual model (Source: authors)

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3. Research Methodology

The current study is descriptive-correlational in terms of applied purpose and data collection. The statistical population of the study is approximately 35,000 students in all educational levels which have been obtained based on Cochran’s formula\(^6\) and with an error level of 5% at a 95% confidence level of 380 people. In this study, according to UNICO, an immigrant is someone who moves from one place to another to work or live off their own free will. The statistical sample in this study includes those Afghan immigrants who have lived in Iran for more than five years and have studied one of the levels of their university education in Iranian universities. A 30-item questionnaire taken from the scaled research literature with a 5-point Likert scale\(^6\) distributed in individual and online in a simple random manner among these students and data were collected. By using Smart PLS 3 software and structural equation modeling method, the relationships between variables have been investigated. This method is a statistical model for examining the relationships between indigenous variables and exogenous variables. In order to evaluate the fit, the model was examined in three levels of measurement, structural and general. In order to ensure the accuracy of the research results, the technical characteristics of the questionnaire were evaluated in two parts: validity (construct and content) and shared reliability by using different criteria. For this purpose, first a copy of the questionnaire was provided to five experts and faculty members of universities to assess the content validity of the questionnaire and, finally, their proposed views were applied in the questionnaire. In order to evaluate the shared reliability of the tool for measuring research variables, Cronbach’s alpha coefficient and composite reliability index have been used. As shown in Table 1, the value of Cronbach’s alpha coefficients for all variables is more than the minimum acceptable, i.e. 0.7; therefore, it can be said that the tool for measuring variables has good shared reliability.

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6. Cronbach’s alpha is used to measure the internal consistency of the questionnaire. Accordingly, with increasing the internal consistency of the questionnaire, the alpha coefficient also increases, which means that if the items are most relevant to the target, the coefficient increases.

6. Likert scale is one of the most common measurement scales in research which is done based on the questionnaire. In this scale or spectrum, according to the subject of his / her research, the researcher, provides a number of items to the participants to determine their tendency based on the items and multiple answers. In this questionnaire, a 5-point Likert scale (1. strongly disagree, 2. disagree, 3. undecided, 4. agree and 5. strongly agree) is used.
Table 1. Relationship between Variables and Questionnaire Items (Source: authors)

<table>
<thead>
<tr>
<th>No.</th>
<th>Dimensions</th>
<th>Items</th>
<th>Cronbach’s alpha</th>
<th>Resource</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Laws and policies</td>
<td>1-5</td>
<td>0.905</td>
<td>Extracted from literature review</td>
</tr>
<tr>
<td>2</td>
<td>Financial resources</td>
<td>6-10</td>
<td>0.919</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Communication and networking</td>
<td>11-15</td>
<td>0.919</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Social capital</td>
<td>16-20</td>
<td>0.756</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Cultural values</td>
<td>21-25</td>
<td>0.834</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Entrepreneurial opportunities</td>
<td>26-30</td>
<td>780</td>
<td></td>
</tr>
</tbody>
</table>

In this study, as shown in Table 2, the value of the composite reliability coefficient of all constructs is more than the minimum acceptable, i.e. 0.7; hence, the constructs of this study are optimally reliable. Also, the analysis of the Average Variance Extracted (AVE) shows that the value of the whole construct is higher than the acceptable minimum, i.e. 0.5. According to the results of Table 2, convergent validity is established in all indicators.

Table 2. Composite and Collective Reliability and AVE (Source: authors)

<table>
<thead>
<tr>
<th>Variable</th>
<th>Composite reliability</th>
<th>Reliability</th>
<th>AVE</th>
<th>R²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laws and policies</td>
<td>0.927</td>
<td>0.929</td>
<td>0.723</td>
<td>-</td>
</tr>
<tr>
<td>Financial resources</td>
<td>0.944</td>
<td>0.939</td>
<td>0.755</td>
<td>-</td>
</tr>
<tr>
<td>Communication and networking</td>
<td>0.941</td>
<td>0.939</td>
<td>0.754</td>
<td>-</td>
</tr>
<tr>
<td>Social capital</td>
<td>0.772</td>
<td>0.756</td>
<td>0.543</td>
<td>-</td>
</tr>
<tr>
<td>Cultural values</td>
<td>0.862</td>
<td>0.883</td>
<td>0.604</td>
<td>-</td>
</tr>
<tr>
<td>Entrepreneurial opportunities</td>
<td>0.848</td>
<td>0.809</td>
<td>0.556</td>
<td>0.734</td>
</tr>
</tbody>
</table>

In order to evaluate the convergent validity, the AVE was used and for divergent measurement, the root mean index of the extracted variance was used. Also, since the values of the root mean square of the variance are greater than the

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correlation of the variable with other variables, divergent validity is acceptable if the numbers in the original diameter are higher than their lower values\(^6\). Table 3 shows that the variables are valid and their divergent validity is confirmed.

Table 3. Convergent Validity (Source: authors)

<table>
<thead>
<tr>
<th>variable</th>
<th>Communication and networking</th>
<th>Cultural values</th>
<th>Entrepreneurial opportunities</th>
<th>Financial resources</th>
<th>Laws and policies</th>
<th>Social capital</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication and networking</td>
<td>0.868</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Cultural values</td>
<td>0.476</td>
<td>0.777</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entrepreneurial opportunities</td>
<td>0.462</td>
<td>0.776</td>
<td>0.786</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial resources</td>
<td>0.890</td>
<td>0.497</td>
<td>0.420</td>
<td>0.897</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laws and policies</td>
<td>0.843</td>
<td>0.423</td>
<td>0.314</td>
<td>0.841</td>
<td>0.851</td>
<td></td>
</tr>
<tr>
<td>Social capital</td>
<td>0.720</td>
<td>0.731</td>
<td>0.748</td>
<td>0.717</td>
<td>0.675</td>
<td>0.756</td>
</tr>
</tbody>
</table>

Based on the above and the results obtained from the output of Smart PLS 3 software in Tables 2 and 3, the measurement models are suitable in terms of validity (convergent and divergent) and reliability (composite reliability coefficient and Cronbach’s alpha).

4. Findings

4.1 Descriptive Statistics

Respondents to the questionnaire were 79% male and 21% female; In terms of education, 7% had a doctorate, 26% a master’s degree and 67% a bachelor’s degree. In terms of age, 68% were in the age group of 25-35, 27% in

\(^6\) Fornell, Claes, and David F. Larcker. “Structural equation models with unobservable variables and measurement error: Algebra and statistics.” (1981): 382-388. https://doi.org/10.1177%2F002224378101800313
the age group of 35-45 and the remaining 5% were over 45 years old. In terms of immigration history to Iran, 63% have a history of fewer than ten years and 37% have a history of more than ten years.

4.2 Inferential statistics

To evaluate the fit of the structural model of the research using the method of least squares several criteria are used. The first and most basic criterion is the values of t-values. The fit of the structural model using t-coefficients is that these coefficients must be greater than 1.96 to confirm their significance at the 95% confidence level. Figure 2 shows that all paths between model variables are valid and meaningful.

![Figure 2. T-values (Source: authors)](image)

The second criterion for examining the fit of a structural model in research is the $R^2$ coefficients related to the latent endogenous variables of the model. $R^2$ is a criterion that indicates the effect of exogenous variables on an endogenous variable and three values of 0.19, 0.33 and 0.67 are considered for weak, medium and robust values of $R^2$.^{68}

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^{68} Fornell, Claes, and David F. Larcker. “Structural equation models with unobservable variables and measurement error: Algebra and statistics.” (1981): 382-388. https://doi.org/10.1177%2F002224378101800313
The mentioned criteria are shown within the circles related to the structural model of the research and for the structural model of this research, considering that an endogenous latent variable exists, it is natural that the number within the other circles is equal to zero. Figure 3 shows that in this study the criterion is higher than 0.67 (criterion of strong values), so the structural model from the perspective of this criterion also has an appropriate and acceptable fit.

4.3 Overall Fit of the Model

The general model includes both parts of the measurement and structural model, and by confirming that, the fit of the model is checked. Hence, the overall fit of the model is possible with the GOF fit goodness criterion. According to the three values of 0.01, 0.25 and 0.36, which are weak, medium and strong values for GOF. A value of 0.805 for this criterion indicates a strong fit of the overall research model. Therefore, the fit for the proposed model in both measurement and construct is confirmed.

4.4 Hypothesis Testing

At this stage, t-values is used to investigate the hypothetical relationships between variables. To test the main hypothesis, five sub-hypotheses have been
examined, which according to Table 4, the t-coefficient of the five existing relationships has been confirmed. Thus, the main hypothesis was confirmed. To determine the effect of predictor variables on dependent variables, standardized factor load coefficients related to the paths of each hypothesis are examined. These coefficients indicate that changes independent variables are explained by independent variables up to a few percent.

Table 4. T-values and Research Influence Factor (Source: authors)

<table>
<thead>
<tr>
<th>No.</th>
<th>path</th>
<th>Influence factor</th>
<th>T-values</th>
<th>Hypothesis testing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Laws and policies have a positive and significant effect on the entrepreneurial opportunities of young Afghan student immigrants in Iran.</td>
<td>0.392</td>
<td>2.802</td>
<td>Approved</td>
</tr>
<tr>
<td>2</td>
<td>Financial resources have a positive and significant effect on the entrepreneurial opportunities of young Afghan student immigrants in Iran.</td>
<td>0.165</td>
<td>2.868</td>
<td>Approved</td>
</tr>
<tr>
<td>3</td>
<td>Communication and networking have a positive and significant effect on the entrepreneurial opportunities of young Afghan student immigrants in Iran.</td>
<td>0.312</td>
<td>2.597</td>
<td>Approved</td>
</tr>
<tr>
<td>4</td>
<td>Social capital has a positive and significant effect on the entrepreneurial opportunities of young Afghan student immigrants in Iran.</td>
<td>0.573</td>
<td>3.523</td>
<td>Approved</td>
</tr>
<tr>
<td>5</td>
<td>Cultural values have a positive and significant effect on the entrepreneurial opportunities of young Afghan student immigrants in Iran.</td>
<td>0.456</td>
<td>3.362</td>
<td>Approved</td>
</tr>
</tbody>
</table>

The results show that the t-value for all paths is higher than 1.96, which indicates the confirmation of the hypotheses. So, it can be said with 95% confidence that the components of social entrepreneurship have a positive and significant effect on entrepreneurial opportunities.

5. Discussion

Considering that the purpose of this study was to investigate the effect of social entrepreneurship components on the entrepreneurial opportunities of Afghan immigrant youth in Iran, the results of the software showed that the hypotheses related to the main purpose of the research had been confirmed. Regarding the confirmation of the first hypothesis that laws and policies have a positive and significant effect on the entrepreneurial opportunities of young Af-
ghan student immigrants in Iran, it can be said that policies and laws play an important role by providing investment guarantees to entrepreneurs to encourage them to recognize entrepreneurial opportunities. These policies and regulations should reduce uncertainty and transaction costs. The results of this hypothesis are consistent with the studies of Yoon\textsuperscript{69}, Acs\textsuperscript{70} and Mintrom\textsuperscript{71}. Confirming the second hypothesis that financial resources have a positive and significant effect on the entrepreneurial opportunities of young Afghan student immigrants in Iran, it can be said that lack of financial resources to develop entrepreneurial opportunities is one of the main limitations of entrepreneurship that Afghan immigrants encounter when they carry out their social missions. Given that having financial resources makes people do not seek to identify opportunities, so the existence of stable financial resources prevents a person from looking for new and innovative opportunities. The results of this hypothesis are consistent with the research of Acs\textsuperscript{72}, Mair and Marti\textsuperscript{73} and Yoon\textsuperscript{74}. Regarding the third hypothesis, communication and networking have a positive and significant effect on the entrepreneurial opportunities of young Afghan student immigrants in Iran, the results show that by creating social entrepreneurship networking and communication the individuals in the group can do more activities. Furthermore, they increase the scope of their activities to achieve more opportunities. On the contrary, if communication and networking are not done properly, it will cause conflicts and contradictions between people and prevent them from achieving entrepreneurial opportunities. The results of this hypothesis are consistent with


the results of researchers such as Teng\textsuperscript{74} and Schilke and Goerzen\textsuperscript{75}. Regarding the fourth hypothesis that social capital has a positive and significant effect on the entrepreneurial opportunities of young Afghan student immigrants in Iran, it can be said that the more participation and cooperation among individuals, the more entrepreneurial opportunities are identified. Also, the relationship between entrepreneurship opportunities and social capital in terms of the emergence of innovation in society can be examined. Thus, social capital is a key factor in identifying entrepreneurial opportunities and creating new ideas. The results of this hypothesis are consistent with the results of researchers such as Turner\textsuperscript{76}, Light\textsuperscript{77} and Johnson\textsuperscript{78}. By confirming the fifth hypothesis that cultural values have a positive and significant effect on the entrepreneurial opportunities of young Afghan student immigrants in Iran, then, entrepreneurship means value creation in such a way that entrepreneurship innovatively revives and creates cultural values. Cultural value does not always include economic value, but economic value can also include cultural value, so achieving entrepreneurial opportunities in this field has dynamic and lasting benefits and in the long run they can play a role as a contributing force in the country’s development cycle. Cultural values also play an important role in the formation of institutions in societies. These values lead to influence on social investment as an excellent way to achieve entrepreneurial opportunities. Finally, the results of this hypothesis


are consistent with the results of researchers such as Smelser\textsuperscript{79}, de Castro\textsuperscript{80} and Donate and Guadamillas\textsuperscript{81}.

6. \textit{Conclusion}

Contrary to ancient history, migration today has no biological motivation, but migration in today’s world is a social, economic, political and cultural phenomenon under social conditions in the broadest sense. Migration takes place between a source and a destination. In general, it can be said that the main reason for all migration is the failure of societies to meet the needs and aspirations of their citizens. The desire to progress and achieve valuable things encourages man to seek opportunities beyond the available opportunities. This issue is significant in terms of the effect it has on the source community, regardless of the possible outcomes that may be present for immigrants or the destination community. Among them, the student bodies are of special importance because they are precious and have a significant effect on the future and the growth and development of the community of origin. Therefore, if an immigration community has an upward trend and its immigrants are considered as scientific and labor forces, it is a global and complex issue, and Afghanistan can be named as a country that sends immigrants to different countries including Iran.

In contrast, social entrepreneurship is important because it seeks to find practical and sustainable solutions that can be implemented in most parts of the world. For this reason, Iran is also taking steps towards development and progress, and the introduction of social entrepreneurship can help accelerate the progress. Entrepreneurs take advantage of opportunities that others overlook to grow society with new approaches and create solutions to improve the situation.

7. Recommendation

In this regard, it is suggested that educational workshops be held in universities, because constructive criticism methods can have a significant effect on increasing social capital. Also, appropriate recommendations should be given in accordance with the skills of the people. The following suggestions can be taken into consideration:

• Informing people about social entrepreneurship through various media.
• Encouraging these people to take advantage of entrepreneurial opportunities by holding festivals and promotional conferences.

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THE PANDEMIC CONSEQUENCES ON IMMIGRANT WORKERS IN AGRI-FOOD SUPPLY CHAINS: A MISSED OPPORTUNITY


1. The condition of migrants in Italian agriculture: an overview

Although the literature on agri-food supply chains has greatly developed over the last few decades, agriculture studies, at least in the Italian case, remains relatively little explored, also due to the relevant transformations that have affected food production and distribution systems and the consequent territorial, political and environmental implications. Italy, in fact, with a total production value of approximately 55 billion euros and added value equal to 18 per cent of all EU value, is the leading agricultural producer in the European Union.\(^1\) Compared to the labour market, in this sector there has been a steady decrease in employment: it has gone from about 1.4 million in the 1990s to less than 900,000.\(^2\) At the same time, however, there was an exponential increase in immigrant manpower, largely irregular: although it is arduous to have reliable information about immigrant workers in agriculture, the recent official data confirm that in 2015 approximately 48 per cent of employees (about 405,000 out of a total of 843,000)—came from abroad. “Also, according to 2015 data, some 430,000 workers in this sector (i.e. more than 50 per cent) were employed without an official contract; 80 per cent of these workers, or 344,000, were foreign nationals and some 100,000 were identified as being at high risk of exploitation.”\(^3\)

The precariousness of these workers promotes widespread illegal practices which, in addition to the absence of a contract, include reduced wages, longer

\* Department of Cognitive Science, Education and Cultural Studies (COSPECS), University of Messina.


\(^2\) Ibidem.

\(^3\) Corrado, Alessandra, Caruso, Francesco Saverio, Lo Cascio, Martina, Nori, Michele, Triandafyllidou, Anna (eds.), “Is Italian Agriculture a “Pull Factor” for irregular migration – and if so, why?”, European Policy Institute, 2018: p.3.
working days, the exercise of intimidation and violence; these kind of exploitation, widespread, especially in the South, produce dynamics of real slavery and represent the most effective method for reducing production costs, often favoured by the State absence or its retreatment. From this point of view, it is interesting what happens in Gioia Tauro plain, in Calabria region: “By analysing this phenomenon more closely it becomes clear that the process, from production to orange consumption, explicitly represents an exploitation supply chain. As a result of their lack of influence in terms of salary and working conditions, the migrant workers in Rosarno, already disadvantaged, are further exploited as a result of the economic difficulties linked to the big price competition of agricultural products (...). So, for a whole day of work in the orange groves, from dawn to dusk, the labourers’ salary ranges from 21 to 25 euros. The attribution of poor pay to immigrants, is a direct consequence of a misrepresented productive supply chain that defines the whole stagnant economic sector”. Similar situations occur in all agricultural production, especially in the tomato supply chains.

For a long time, the policies to fight the exploitation of immigrant workers have been limited to prosecuting criminal organizations, called “caporalato”, which illegally recruiting and managing groups of migrants to be included in the labour market, but these measures that have proved to be rather weak. Only with the law No 199/2016 has an important achievement been made: even entrepreneurs who practice the exploitation of labour can be arrested and their assets can be seized; furthermore, victims can access an assistance system and social inclusion programs; even in this case, however, the law has not always proved effective. “At the local level, the spotlight on exploitation has resulted mainly in the implementation of emergency humanitarian policies rather than in the development of structural policies concerning such issue as recruitment,


7 D’Onofrio, Giuseppe, “Firms, labor, migrations and unions within tomato value chain in Southern Italy”, Ledizioni, Milano, 2020.
transportation and housing. For instance, in Rosarno (Calabria), since 2011 the question of housing for seasonal workers has been addressed primarily by creating tent cities far from the urban centres, without transport services, which are under constant police surveillance. These facilities are inadequate for the thousands of workers arriving for the orange-picking season.8"

Paradoxically, beyond the desperation and the tragedies connected to it, the spread of the pandemic Covid-19 can also represent an important opportunity to produce those policies that the players of the agri-food sector have been waiting for a long time. In this context, the essay aims to analyse these dynamics in an attempt to answer the following question: can coronavirus represent the great opportunity to obtain adequate social and economic recognition for migrant workers? Or, on the contrary, will this new condition eventually further increase social inequalities?

2. The pandemic impact on agriculture supply chain

On March 11th 2020 with these words announced: “WHO has been assessing this outbreak around the clock and we are deeply concerned both by the alarming levels of spread and severity, and by the alarming levels of inaction. We have therefore made the assessment that COVID-19 can be characterized as a pandemic. Pandemic is not a word to use lightly or carelessly. It is a word that, if misused, can cause unreasonable fear, or unjustified acceptance that the fight is over, leading to unnecessary suffering and death9”. As much as WHO tries to send a reassuring message, this speech inevitably produces a sense of bewilderment and disorientation10 in the world population. On the same day, a few hours later, after weeks of uncertainty and hesitation from the Italian Government, Prime Minister Giuseppe Conte issues the Decree No 64/2020 (known as the “#IoRestoCasa Decree”) with which it is decided the suspension of retail commercial activities, educational activities, catering services, the prohibition of gatherings in public places or places open to the consumers. A few weeks later, on March 22, 2020, a new, even more restrictive decree will follow, which provides for the closure of those production activities considered non-essential (it will be published a list of all sectors considered strategic for

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the Italian economy) and all people are forbidden to move from their residence except for recognised work needs or for extreme urgency reasons: it officially begins in lockdown.

Actually, Italy is the first Western country to undergo with a response to the pandemic and to have to invent a strategy, using all the human and material resources at its disposal.

From an economic point of view, the consequences of the lockdown are huge, especially as regards exports in the food and agricultural products sector, which represents an important item of the state budget: according to Istat data, in 2019 it was recorded a value of 44,57 billion euros, a growth of 5,3% compared to 2018. It is still too early to calculate the damage suffered, but certainly these are enormous losses.\textsuperscript{11}

Surprisingly, Italians respond to this government imposition with great self-discipline and a sense of responsibility: within a few hours they will be able to reorganize their daily lives in light of the new rules.\textsuperscript{12}

The instantaneous transformation of lifestyles immediately translated into a change in consumption: in contrast to the general collapse in consumption, food spending record growth of 19\% in March, with a peak of 23\% for supermarkets, where almost half of purchases took place. The increase in sales is mainly due to two features: the increase in stocks for fear of quarantine and the forced closure of bars, taverns and restaurants.\textsuperscript{13}

Coldiretti, the major organization representing agricultural entrepreneurs at national and European level, also declares: “Under pressure is the work of over three million Italians who have been asked to continue operating in the food supply chain, from industrial campaigns to transport, shops and supermarkets, to ensure continuity in the supply of food and drinks to the population”.\textsuperscript{14}

The rapid spread of Covid-19 has brought out all the contradictions typical of advanced economy countries. Thus, some categories of workers considered marginal such as carers, shop assistants, home delivery workers, farm workers, suddenly discover that they are essential and find themselves considered key workers, in the same way as health personnel.

While the majority of Italian workers, quickly followed by European ones,


\textsuperscript{14} Ibidem.
find themselves working from home, in smart working, agricultural labour, mostly immigrants, cannot stop production: even as a result of the increase in demand for agricultural goods, they continue to work in the same unhealthy conditions, forced to live in tent cities and to share putrid spaces lacking sanitation with each other, with the strong risk of transforming these places into coronavirus outbreaks.

In this scenario, the European political establishment, perhaps for the first time, is starting to seriously question the need to find new solutions to a problem that has never really been addressed. The temporary closure of borders, which prevents the mobility of foreign seasonal workers, especially from Eastern Europe, has raised the issue of labour shortages and the risk of loss of food production in many EU countries.15

In Italy, triggering strong reaction from populist right-wing parties, “Giorgio Gori, the mayor of Bergamo, one of the worst hit cities from coronavirus, has called on the Italian government to speed up the issuing of the yearly decree that regularises non-EU migrant workers, as Italy is in desperate need for agricultural workers before the harvest season begins16”. Then he has written on twitter: “This year, a lot of regular migrant workers will not come to Italian farms. We need at least 200,000 non-EU workers and we need that the decree is released immediately “.

While the EU is working on a reform of the Common Agriculture Policy (CAP) which provides for the recognition of the rights of agricultural workers, many European states have issued temporary measures with the aim of containing the problem. So, Italy, with a government measures, automatically extends for validity until the 15th of June 2020 all expiring residence permits for seasonal work as well.

3. The new Italian policies after pandemic crisis: the big chance

The pandemic crisis has led to need to review many of different states and the EU policies that have implemented over the last few decades, rethinking the relationship between state and market. This is immediately evident for some

sectors such as health and education, but also for long neglected sectors, especially in Italy, such as agriculture, which acquires a new centrality.

It is in this situation that many of the Italian government choices are implanted, once the lockdown is over, which also mark the gradual reopening of all production activities in the country.

On May 19, 2020, Decree No 34/2020 (known as “Relaunch Decree”) was issued, with which the government authorisations economic aids and policies that will be pursued in order to revive the Italian economy and relaunch the country in the European and international scene.

As regards the agricultural sector, 1,150 billion euros are assigned (destined to: support the agricultural supply chains in crisis; creation of a food emergency fund, to help the food distribution among poor people; facilitate access to credit for agricultural enterprises; compensate for the economic losses of wineries that have had to stop exports; resume the activities of the land reclamation authorities).

With the distribution and use of these funds, the government hopes to have a positive impact on the development of the agri-food system. Beside these measures, temporary forms of social safety nets and support measures for businesses are introduced to reduce the risk of contagion in the workplace.

As regards the protection of workers, the main measure envisaged concerns the regularization of employment relationships: from 1 June, employers will be able to submit a request to INPS (the Italian Social Security Service) to close an employment contract with citizens foreigners present on the national territory or to declare the existence of an irregular employment relationship, still in progress, with Italian or foreign citizens.

Moreover, foreign citizens with a residence permit expired from 31 October 2019, will be able to apply for a temporary residence permit, lasting 6 months. The law referring to activities in specific sectors: agriculture, grazing and zootechnics, fishing and related activities; assistance to the person like caregiver; domestic work to support family needs (art. 103).

The minister for agricultural policies, Teresa Bellanova, a previous farm worker, in presenting this provision, amid tears of emotion, will say: “If I think about my history, my life, this is an extraordinary result for me. (...) From today invisibles will be less invisibles. The state is stronger than caporalato.”.

Outcomes, however, are well below expectations: by the expected deadline date, only 207,542 applications have been received, out of the expected 600,000; of these, 85% (176,848) concern domestic work and caregivers and only 15% (30,694) refer to the emergence of irregular employment relationships in other sectors, including agriculture.
The reasons for this lack of success are due to several factors: first of all, it is a real amnesty with a complicated bureaucratic process that provides for a tax of 500 euros that the employer must pay for each worker to be regularized. From an economic point of view, however, for the employer is much more useful to have an irregular employee: it is much more easily exploited. There is no incentive for employer to proceed with the regularization. Furthermore, from an investigation by the magazine “L’Espresso”, it emerges that this law has become a business for caporalato organizations who have become intermediaries. And many migrants pay thousands of euros for a bogus piece of paper to unscrupulous torturers and entrepreneurs in order to obtain a residence permit\textsuperscript{17}, triggering a new form of exploitation of immigrant labour.

This also explains why most of the questions concern care and domestic work: employers, in this case, are families who need assistance, but do not have to earn and have no interest in maintaining irregular employment relationships\textsuperscript{18}.

On a more general level, the limit of this law is represented by the strongly economic connotation that does not consider the sphere of rights: it seems to be structured only with the aim of solving the shortage of agriculture manpower, without affecting the social consequences that the result: lack of adequate housing solutions, precarious hygienic and sanitary conditions, difficult access to health care. Portugal, for example, responded to the covid-19 crisis with a law that guarantees temporary residence permits to those who have already requested it, guaranteeing access to all public services such as the national health system and social services\textsuperscript{19}.

4. \textit{Closing remarks}

Until the spread of coronavirus, the exploitation of workers in agriculture issue was left to the self-organization capacity of civil society. This is the framework in which experiences such as that of SOS Rosarno are placed; it is an

association which promotes responsible consumption, solidarity economy, and workers rights.20

In Italy, today, there are several civil society organizations launched similar activities. Such as the “Funky Tomato”, a project to promote “a European campaign against agricultural workers’ exploitation, and support[ed] the creation of a participatory supply chain of production and transformation of high quality tomatoes, by constituting a social alliance among migrant workers, farmers, consumers, precarious workers and artists.21 In 2011 born “No Cap” an international association against caporalato which creates an ethical supply chains as well.

The civil society looks like to know better than the political establishment that the exploitation of workers in the agri-food chain is a structural problem that is part of the global agri-food chains within the food regime of transnational corporations.22 From this structure depends the exploitation and degradation of production, labour, territories and the labour market segmentation on the basis of gender, nationality or strict immigration policies.

It is clear that the Italian government, alone, without the support of the EU, cannot achieve great results, however, the coronavirus could really have been the great opportunity to pave the way for important processes of social inclusion and the recognition of the rights of migrant workers and, at the same time, promote appropriate policies to be discussed and negotiated at European level. At present, what remains is a missed opportunity

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Europe, and Italy in particular, have been the recipients - in recent years - of intense migratory flows, which have required the attention of the legislator to address the problems arising from the phenomenon in question. An in-depth reflection is therefore required, aimed at reviewing the whole issue of immigration and proposing to verify the applicability of the principle of equality in perspective with its reconciliation with the principle of popular sovereignty. A new concept of citizenship is taking shape. How does the concept of citizenship change? How does the acquisition of citizen status interact with the legal system that regulates it? To answer these questions it is necessary to “historicize” the concept of citizenship, studying it in its historical evolution. The deepening of the state of “civis” in ancient Rome and its various functions and attributions constitutes an indispensable prius in consideration of the strong influence that the Roman legal culture has had in the formation of Italian and European legal science. This work takes a brief historical excursus of the institution of citizenship from the origins of the Urbs to the Constitutio Antoniniana, better known as the Edict of Caracalla, with which the Emperor granted the status of cives to all the inhabitants of the empire (212 AD). Then, a paragraph is dedicated to the actual legislation on the subject of citizenship in Italy, founded on Law 91/1992 and following modifications. The final conclusions suggest looking at the experience of the Roman legal system as a model for a new concept of citizenship.

A contribution to the current political and legal debate, consequent to the phenomenon of mass migration, regarding the enjoyment of civil and political rights by foreigners within the territory of the European Union, can be made through historical-legal research, with reference to the Roman legal system, outlining what was the condition of the cives and the means to obtain citizenship in the ancient Roman world.
Turning our gaze to the past becomes an obligatory step considering the fact that the modern concept of citizenship is the result of the doctrinal scientific elaboration of generations of jurists and philosophers (Machiavelli, Bodin, Montesquieu, Rousseau and Kant) who in the past centuries studied the relationship between individual and power, based on the Roman philosophical and juridical tradition. 

The roots of the current citizenship can be traced back to the “classical Greco-Roman thought”.

We must first underline that the argument requires the modern observer to overcome the sharp contrast between inclusion / exclusion, changing the perspective; the Roman juridical experience, in fact, has unfolded over the centuries, enhancing the intermediate status that is declined in a range of nuances in the various occasions of acceptance.

Roman citizenship has a peculiarity that should be highlighted: it is not limited by the radical opposition between citizens (totally capable) and non-citizens (totally unrelated to capacity) but also a foreigner can benefit from favorable treatment while remaining without citizenship.

A non-dualist perspective - the one outlined above - which allows us to overcome the contrasts between antithetical doctrinal models that have long guided Romanist studies on the subject: on the one hand, Mommsenn’s authority that moved from a natural state of war “naturaliche Feindshaft”, according to which the original conception of relations between peoples would have been that of perennial enmity, with the consequent equation of the foreigner with the enemy (hostis) if the latter did not enjoy specific protection; the other orientation based on a reconstruction antithetical to the previous with which the dogma of “natural friendship” was postulated.

2. *Cives, Latini and Peregrini*

With regard to the status civitatis the Roman legal order distinguished cives, latini and peregrini. As already known, the enjoyment of Roman citizenship constituted the optimus status, recognizing the fullness of the capacity of both public and private law to the citizen. The ius suffragi and ius honorum were part

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2 ORESTANO, IL “problema delle persone giuridiche” in diritto romano, , I TORINO 1968 p.186
3 MAFFI s.v. Straniero (diritto Romano) in ED 43 1990 1139-1141
of the capacity of public law: the citizen could vote in the comitial assemblies thus exercising the three fundamental powers that were attributed to the assembly: legislative, elective and judicial; and he could also be elected to magistrate offices. From the point of view of private law, the civis was recognized the ius commercii (the right to perform legal acts which the legal system recognized as valid) ius connubii (the right to contract legitimate marriage) testamenti factio (the right to disposal and receive by will) and the patria potestas (the absolute personal and patrimonial juridical power granted to the pater familias over children and descendants).

From its origins the Roman civitas was open to neighboring peoples and a series of agreements were stipulated which can be considered as a sort of international pact law in an embryonic form: the most ancient pacts gave foreigners the status of Latini prisci or veteres, and recognized in all the neighbors the important rights of the cives. These were above all the members of the ancient communities that were part of the Latin League, who at the time of its dissolution saw the rights they previously enjoyed recognized and confirmed.

The Roman legal system also provides for the figure of the Latini coloniaii who became such by settling in the colonies founded by Rome in the conquered territories; while the category of Latini iuniani was mainly made up of slaves freed by forms other than those provided for by civil law. The peregrini were free citizens of a sovereign state allied with Rome and protected by a foedus. In the imperial age the term generally indicated the free inhabitants of the empire who were neither Romans nor Latins. The juridical condition was generally regulated by a specific lex provinciae for which there could be differences in the condition of the peregrini. In the field of public law the peregrini did not participate in any of the political rights; in the field of private law they had neither conubium nor commercium and were excluded from the possibility of acting per legis actiones. In 242 BC the role of praetor peregrinus was created, who had the task of settling disputes between citizens and peregrini, and among peregrini themselves.

Excluded from the enjoyment of the ius civile, the peregrini were granted the possibility of having juridical relations with the cives protected by the ius gentium.

Roman citizenship was acquired by right of descent (iure sanguinis): due to the value attributed to the concept of family, the son of citizen parents is born a citizen and is subjected to the authority of his pater familias.

If one of the parents was not a citizen (he belonged to the category of Latini veteres or coloniaii) but equally the marriage rose to the dignity of iustae nup-
riae, the son followed the condition of the father; if the parents were not united in iustae nuptiae the son followed the condition of the mother⁴.

Slaves liberated by the forms provided for by the ius civile (manumissio testamento, vindicta, censu) acquired Roman citizenship together with freedom.

According to the ancient ius civile, it was possible to obtain citizenship even by settling in Rome within the boundaries of the sacred territory of the Urbs.

According to the ius migrationis, the foreigner who bought his residence in Rome obtained citizenship⁵. Sources testified that after the victory over Hannibal there was a massive migration, which forced the authorities to enact mass expulsion measures. These expulsion measures should not be read as measures tailored to the advantage of some peoples and to the detriment of others, but should be framed as measures to contain the migratory phenomenon linked to social issues⁶.

It was also possible to obtain citizenship thanks to a senatorial or magistrate provision on the basis of particular merits, for example for having served in the military for a certain number of years, so that at the time of the honesta missio the military obtained Roman citizenship as a reward.

Citizenship could still be acquired by “naturalization”, i.e. by concession to entire ethnic communities by means of targeted measures, first of the Senate or of the magistrates - of the Emperor later in time⁷. These measures show that inclusion in the enjoyment of the status civitatis responded to the need to

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⁴ Lex Minicia was voted with the specific reason of prohibiting the acquisition of citizenship by birth imposing a derogation to the principles of ius gentium.

In the absence of conubium between parents the child born to a foreign mother or citizen Roman mother would not become a Roman citizen.

⁵ Even if the sources in our possession are not sufficient we can believe that the privileged holders of this ius were those who came from the Latin federated cities or those who already Roman citizens had settled in the newly founded colonies.

⁶ Tito Livio reports that the expulsions were decided at the request of the legates who came in the Senate from all over Lazio to express the need not to see their lists of local citizens emptied due to the movement of the latter en masse to Rome and their consequent inclusion in the list of Roman censors. See MERCOCGLIANO, Commercio, conubium, migratio. Immigrazione e diritti nell’antica Roma, in Cultura giuridica e diritto vivente 2 (2015) p.7

⁷ The first law which favored the admission of the peregrine to the enjoyment of citizens’ rights was the lex Iulia de civitate latinis et sociis danda of 90 A.D. that extended citizenship to those allies who had remained faithful to Rome in the fight against the Sanniti. Two years after the lex Plautia et Papiria which enlarged the citizenship to those subjects who, already citizens of federal cities, had to register with the praetor.

Julius Cesar’s lex Roscia n 49 BC extended citizenship to the inhabitants of Gallia Cisalpina to obtain the alliance of these people.

The same Spanish Emperor Vespasiano allowed the entry of many nobles of Spanish origin into the Senatorial Assembly.
create a generalized consensus to the power of the *Urbs*. As has been correctly pointed out “Rome makes the granting of citizenship a functional political tool for its development and the consolidation of its power, both in Italy and in the provinces”\(^8\).

3. “*Civis Romanus Sum*”

Cicero, in the oration against Verre\(^9\), reports the story that had Gadio as its protagonist, beaten in the middle of the square in Messina, on the orders of Verre himself. Gadio doesn’t complain about the pain, but repeats “I’m a Roman citizen!” knowing that it was the duty of the magistrates to guarantee the safety of citizens. This expression served Cicero to enhance the condition of *civis*, free and holder of rights. Roman citizenship was the most important subjective legal situation provided for by Roman law. However, Roman citizenship couldn’t be considered as a unitary and static *status*, but as a concept in continuous evolution that changed with the succession of the various eras. In the first phase of Roman history - in which the values of the ancestors (*mores maiorum*) were in force - expression of a community of farmers and shepherds jealous of their prerogatives, citizenship was reserved for a few who used it to perpetrate abuses to the detriment of the less well off. Subsequently, the requests of the plebs began to find acceptance, slowly leading to a levelling between the two orders following the plebeian patrician compromise sanctioned with the *Licinia Sextiae* laws. When the expansion of commercial traffic led Rome to have contacts with the Lazio communities, the need arose to increase the number of holders of *ius civitatis*. With the advent of the Principality, the democratic content of citizenship was slowly being eroded to give more and more powers to the prince. In this way the citizens from the protagonists of Roman public life, custodians of prerogatives, political powers and negotiating skills, became subjects.

4. *The Constitutio Antoniniana*

From the 2nd century AD the process of extending citizenship developed further. The coming to power of Septimius Severus brought about a new con-
cept of Principality in Rome. Augusto and his successors, up to that moment, had become guarantors of the republican balance, apparently respecting the Senate and the still surviving magistrates. Septimius Severus tried to establish a model of absolute monarchy, which provided for absolute submission to the sovereign and extends citizenship to many provinces of North Africa and Asia. In the spring of 212 the Emperor Antoninus Caracalla granted Roman citizenship by edict to all those who were in his empire. The sources in our possession present extensive gaps that the fortuitous discovery of the Giessen Papyrus was unable to fill. It reads quite certainly “I grant all foreigners living in the ecumene the citizenship as Romans” but the question still remains whether the concession excluded the so-called *peregrini dediticii* to those who had resisted with the force of arms. I do not want to go into the difficult topic here about the reasons that prompted the Emperor to issue the *Constitutio Antoniniana* (tax purpose to increase tax revenues, a hypothesis supported by the fact that the inhabitants of the *Foederate* cities enjoyed up to that moment important tax exemptions; a demographic purpose to enlist new legions; but also an ethical purpose: in fact Caracalla was inspired by Alexander the Great who we know wanted the Persians and the Greeks to merge into one people, but his project was cut short by his premature death). Regardless of the reasons that led Caracalla to adopt this edict, it is clear that in Rome the idea of citizenship changed from being an instrument used to maintain a position of pre-eminence of the patriciate over the plebs first and then over the Italic allies, then it became a prize granted to those communities that had allied themselves with Rome in the conduct of war campaigns. Caracalla completed the work of emptying the *ius civitatis*, already undertaken by Augustus, transforming the *civis* from a protagonist of political life into a real subject. “Starting from the Principality, we will no longer have to speak of citizens, but of subjects, who are perhaps guaranteed *libertas*, but who are deprived of the *civitas libertas que ex iure Quiritium*”.

5. The Legislation in force in Italy

In our current system, the matter of citizenship is regulated by law no.91 of 5 February 1992. Pursuant to this law, those whose parents (even just the father

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10 Dione Cassio Storia LXXXVII (78) 9.4-5; Ulpiano D.1.5.17.(22 ad ed.) L.657; Papiro Giessen n.40, col. I
11 Discovered near Heptacomia and published in 1910
12 CRIFO’ s.v. Cittadinanza (dir. Rom.) in ED 7 (1970) 127 -131
or mother) are Italian citizens acquire Italian citizenship by *ius sanguinis*, by right of birth, even if the birth occurred abroad. The Italian legal system also recognizes the alternative criterion of *ius soli*, while providing for it only on a residual basis and for limited cases: a) those who are born in the Italian territory and whose parents are to be considered either unknown (from a legal point of view) or stateless (that is, without any citizenship); b) those who are born in the Italian territory and who cannot acquire the citizenship of the parents as the law of the state of origin of the parents excludes that the child born abroad can acquire their citizenship; c) the children of unknown persons who are found (as a result of abandonment) in the Italian territory and for whom the possession of another citizenship cannot be proven by any interested party. Italian citizenship is also acquired through recognition of filiation (by the father or mother who are Italian citizens), or following the judicial verification of the existence of the filiation. There are facilitated procedures for acquiring citizenship for foreigners of Italian origin: Italian citizenship can be acquired by foreigners or stateless persons, descendants (up to the second degree) of an Italian citizen by birth, provided that they make an express declaration of will and that they meet at least one of these requirements: 1) have effectively and fully carried out military service in the Italian Armed Forces: in this case the willingness of the interested party to acquire Italian citizenship must be expressed in advance; 2) take up a public employment in the employ of the Italian State, even abroad; 3) have been legally residing in Italy for at least two years at the time of reaching the age of majority; the desire to obtain Italian citizenship must be expressed with a declaration within the following year. Special provisions are dictated regarding the acquisition of citizenship *per iuris communicatio* by foreigners or stateless persons who have married Italian citizens (Articles 5 to 8). Foreign spouses of Italian citizens obtain citizenship upon request submit-

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13 Law 91/1992 art.1, paragraph 1 letter a).
14 Law 91/1992 art.1, paragraph 1 letter b).
15 Law 91/1992 art.1, paragraph 1 letter b).
16 Law 91/1992 art.1, paragraph 2.
17 The acquisition of citizenship in the two cases illustrated is automatic for underage children (Article 2, paragraph 1); adult children instead retain their citizenship, but can elect the citizenship determined by the filiation with a specific declaration to be made within one year of recognition, or from the judicial declaration of filiation, or from the declaration of effectiveness in Italy of the foreign provision in the case in whose filiation has been ascertained abroad (art. 2, par. 2).
18 Law 91/1992 art.4, paragraph 1 letter a).
19 Law 91/1992 art.4, paragraph 1 letter b).
20 Law 91/1992 art.4, paragraph 1 letter c).
ted to the prefect of the person’s place of residence, or, if resident abroad, to the competent consular authority, if they can simultaneously meet the following conditions: a) legal residence in the Italian territory for at least two years, following the marriage, or, alternatively, for foreigners residing abroad, the lapse of three years from the date of marriage between the foreigner and the citizen; the aforesaid terms are reduced by half in the presence of children born of the spouses; b) persistence of the marriage bond; c) non-existence of legal separation; d) absence of criminal convictions for crimes against the international and internal personality of the State and against the political rights of citizens; e) absence of criminal convictions for non-culpable offences for which a legal penalty of not less than three years is envisaged; f) absence of criminal convictions for non-political crimes, with a prison sentence exceeding one year, inflicted by foreign judicial authorities with a sentence recognized in Italy; g) absence, in the specific case, of proven reasons relating to the security of the Republic. Lastly, the acquisition of citizenship can take place by concession (Law 91/1992, art. 9): in this case, unlike the procedures illustrated so far, which reserve very limited margins for the authorities, the issue of provision of granting citizenship is subject to a discretionary assessment of opportunities by the public administration, albeit mitigated by the obligation of the prior opinion of the Council of State. A foreign citizen who meets one of the following conditions can apply for the granting of Italian citizenship: 1) resident in Italy for at least ten years, if a citizen not belonging to the European Union, or for at least four years, if a Community citizen (Article 9, paragraph 1, letter f) and d); 2) state-

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21 The requirements for the acquisition of citizenship by marriage are the result of the changes made to the law on citizenship by the so-called “Security package” (law 94/2009: art. 1, paragraph 11). On the basis of these changes, the minimum duration of residence necessary for the acquisition of citizenship by the foreign spouse residing in Italy was doubled in the case of marriage with children (from six months to one year) and quadrupled in the case of marriage without children. (from six months to two years); while the minimum duration of marriage necessary for the acquisition of citizenship by the foreign spouse residing abroad remains unchanged in the case of marriage without children (3 years) and is halved in the event of marriage with children (from 3 years to 18 months). It should also be noted that the directive of the Minister of the Interior of 7 March 2012 attributed to the Prefect’s competence the acceptance of the application for acquisition of citizenship iure matrimonii presented by the foreign spouse legally resident in Italy and its rejection for impeding reasons referred to in letters a) and b) of art. 6 of the law n. 91/1992. If the foreign spouse is resident abroad, the body competent to confer or deny the citizenship is the head of the Department for Civil Liberties and Immigration. The Ministry of the Interior has the power to deny the acquisition of citizenship if there are reasons inherent to the security of the Republic.

22 For the regulation of the procedure for acquiring citizenship, see D.P. no. 362 of 18 April 1994.
less person residing in Italy for at least five years (Article 9, paragraph 1, letter e); 3) whose father or whose mother or one of the ascendants in a straight line of the second degree were citizens by birth, or who was born in Italy and, in both cases, has resided there for at least three years (Law 91/1992, art. 9, par. 1, lett. a); 4) adult adopted by an Italian citizen and resident in Italy for at least five years (Article 9, paragraph 1, letter b); 5) has served in the employ of the Italian State, including employment abroad, for at least five years (Law 91/1992, art. 9, par. 1, lett. c). Art. 10 makes the effectiveness of the decree granting citizenship conditional on the performance by the interested party (within six months of notification of the decree) of the oath to be faithful to the Republic and to observe the Constitution and the laws of the State. The provision for the granting of Italian citizenship is adopted on the basis of widely discretionary assessments regarding the existence of a successful integration of the foreigner in Italy, such as to be able to affirm their complete belonging to the national community; therefore, for the purposes of granting the benefit in question, considerations of an economic and patrimonial nature relating to the possession of adequate sources of subsistence may well be relevant (Council of State, section IV, 16 September 1999, no. 1474). Citizenship can be granted, in exceptional cases, by virtue of the foreigner who has rendered significant services to Italy, for high political needs related to the interest of the State.

As part of the urgent provisions introduced with the D.L. 113 of 2018, some changes and additions are envisaged regarding the acquisition and revocation of citizenship, as governed by law no. 91 of 1992. First, DL of 2018 has abolished legal provision that precluded the refusal of the citizenship through

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23 The administration called to decide on the application for granting Italian citizenship is required to verify the seriousness of both the intent to obtain Italian citizenship and the reasons that lead to abandoning the community of origin. It is also necessary to ascertain the level of knowledge of the Italian language, professional suitability, compliance with tax and social security obligations. The need for re-composition of family groups, part of which already resident in the Italian territory, cannot be overlooked. The administration must verify any impediments to the acquisition of citizenship, related to reasons of security of the Republic and public order (Council of State, section I, opinion no. 1423 of 26 October 1988).

The administration, for the purpose of granting Italian citizenship to a foreigner legally residing in Italy for at least ten years, may take into consideration all the situations useful for evaluating the successful integration of the foreigner; therefore, any criminal sentences against the interested parties are relevant, in relation to the facts to which these sentences refer and to their possible repetition (Council of State, section I, opinion no. 9374, of 20 October 2004). As regards the denial of the granting of Italian citizenship, the competent administration, even where it has a broad discretion, must indicate, albeit briefly, the reasons underlying its decisions (Council of State, section IV, sentence no. 366 of May 24, 1995).

24 Law 91/1992, art.9, paragraph 2.
marriage to the applicant after more than two years from the date of submission.  Furthermore, the term for the conclusion of the procedures for the recognition of citizenship by marriage and for the benefit of the law (so-called naturalization) was extended from twenty-four to forty-eight months. The term starts from the date of presentation of the application. On the end of these proceedings, the decree-law no. 130 of 2020 (art.4, co. 5-7), which established it as a maximum of thirty-six months (instead of the previous forty-eight).

The legal decree of 2018 has also stipulated that the applicant for Italian citizenship through marriage and by legal concession, must also have a good working knowledge of the Italian language, not less than the accepted European B1 standard.

The new legal requirement also introduced the revocation of citizenship in the case of convictions for extreme crimes (terrorism, political conspiracy which threatens democracy, subversive associations culminating in terrorism).

The revocation is established by a Republican Presidential decree, submitted by the Ministry of Domestic Affairs) within three years from the date of the final sentence. In recent legislatures, various proposals for an overall reform of the law on citizenship have been subject to parliamentary examination with the aim of adapting the current legislative framework to the massive increase in migratory flows, without however reaching the approval of a definitive text. In the current legislature, the Chamber’s Constitutional Affairs Commission has begun the examination of a bill of parliamentary initiative as part of the investigation of which a cycle of informal hearings is underway. The proposal would have the purpose of facilitating and increasing the possibilities of acquiring citizenship, in particular through the extension of the cases of ius soli and the provision of ample opportunities for acquiring citizenship for minors present in the territory. In particular, the proposal provides that the foreigner born in or who entered Italy within the tenth year of age acquires, on request, Italian citizenship if he has legally resided in Italy until he reaches the age of majority. At the same time, a form of acquisition of citizenship by minors, children of foreign parents, is envisaged, which requires the carrying out of education courses at schools of the national education system or vocational training courses to obtain a professional qualification (ius culturae). The main innovation of the

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25 The abrogated rule assigned to the public administration a peremptory term of two years to rule on the application for citizenship, with the specification that, once this term had elapsed, the Administration was precluded from issuing the decree rejecting the application, coming to operate a sort of silent assent on the relative application of the foreigner married to an Italian citizen, given that due to the useless expiry of the term the administration lost the power to deny citizenship.
proposal consists in the fact that the acquisition of citizenship would therefore no longer be discretionary but would constitute a necessary act once the requirements prescribed by law have been verified.

As can be seen from the brief enunciation of the discipline currently in force, although it has been influenced by history from the unification to the present day, the ways of acquiring citizenship are substantially the same as in Roman law: *ius sanguinis* in the first place, unlimited *ius soli* and the concession to entire categories of subjects or to deserving individuals, in particular to those who serve in the military structure of the State.

Roman law did not allow for the acquisition of citizenship following marriage, but this is justified given the Roman conception that sees marriage as a “*res facti*”.

6. *Historia Magistra Vitae: Final Conclusions*

The Roman experience teaches that integration is always possible, despite diversity and multiculturalism.

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26 The legislative and administrative unification resulting from the proclamation of the Kingdom of Italy in 1861 also affected the discipline of citizenship. The civil code of 1865 brought provisions in this regard, in its articles 1-15.

That discipline (borrowed from the civil code of the Kingdom of Sardinia) was soon obsolete.

The massive migratory flow of Italians abroad was sometimes followed by the return to their homeland, but with citizenship constraints in the meantime contracted in the country of emigration. Nor was there a lack of arrivals of people with foreign citizenship, requesting Italian citizenship. On the dual side of dual citizenship and naturalization, in particular, that legislation was no longer in keeping with the times.

Some regulatory interventions followed (with the 1901 law on emigration and the 1906 law on naturalizations).

But a complete discipline of the matter came only in the XXIII statutory legislature, with the law n. 555 of 1912 (the right Parliament then approved the Giolitti reform of extension of suffrage).

The 1912 law set a discipline destined to have a solid duration. Despite inevitable changes, it remained in force until 1992.


This law first of all sanctioned the recognition of equality between men and women, adopting the guidelines of constitutional jurisprudence in fact, before that date, the events of citizenship gravitated exclusively to the figure of the *pater familias*.

27 Although we cannot ignore the provision that if a Roman citizen married a foreign woman by mistakenly believing her to be a citizen, she acquired Roman citizenship. About Gaius *Institutiones* 1.67 see TERRENI, Gaio e l’erroris causae probatio, in Labeo, 45.3, 1999 p.333-367
The process of inclusion of “Romanization” took place in an open manner “the Romans did not know racial prejudices in the proper sense, that is, based on ethnic discrimination in terms of biological inferiority as a justification for subjugation and oppression (as in the colonial ideologies of the modern world)”\textsuperscript{28}.

On the contrary, since its birth, Rome was marked by a unifying thrust.

The traditional tale attributes the fusion with the Sabines to the figure of Romulus\textsuperscript{29}. Tradition has it that Tito Tazio and Numa Pompilio are of Sabine origin. The kings Tullo Ostilio\textsuperscript{30} and Anco Marzio\textsuperscript{31} were sons of Sabine women; King Tarquinio Priscus\textsuperscript{32} was son of a Greek father from Corinth and an Etruscan mother from Tarquinia.

We learn\textsuperscript{33} that Romulus welcomed foreigners in the city he had just founded, creating an Asylum\textsuperscript{34} that he wanted to build in the sacred area of the ‘Camiloglio’ near the Temple of Jupiter Feretrio to welcome all those who came from the neighboring “pagi” by inserting them as cives in the newly formed community and giving them a plot of land.

At every level of society in every age there were foreigners who became Roman citizens and often held leadership posts.

Rome welcomed foreigners and made them Roman, by gradually standardizing the customs and conventions while keeping local customs intact.

Further confirmation of this, is the speech delivered by Emperor Claudius in the Senate, reported by Tacitus Annales XI, 24 to convince the Senators to approve a law that granted the right to hold political office - and therefore entry into the Senate - to citizens of the Gallia Comata.

Rome created a flexible legal system and an administrative apparatus open to the provincial subordinates in which populations with different cultures and religions gathered within a multi-ethnic community. After the Constitution of Caracalla, the idea of a common empire and an universal and right dominion constituted the main support of a large supra-state organization. Rome was able to propose the innovative ideal of a Nation of which all the peoples of the empire could be part\textsuperscript{35}.

\textsuperscript{29} Cic. Rep. 2.7.12.13; Balb.31; Varr. De lingua latina 5.32.159 e 6.7.68
\textsuperscript{30} Dionys.3.1.1-3
\textsuperscript{31} Dionys.2.36.5; Liv. 1.32.1
\textsuperscript{32} Liv. 1.34.6
\textsuperscript{33} Liv. 1.8. 5-6; Dionys. 2.15.4; Strabone, Geografia V.3.2
\textsuperscript{34} See CALORE, ‘Hostis’ e il primato del diritto. In BIDR, CVI, 2012 p.132
\textsuperscript{35} BRYCE, The Holy Roman Empire, Oxford 1864
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THE EXPERIMENTATION OF SOCIAL WORKERS IN BENEFICIARIES’ JOB ORIENTATION


1. Introduction

This contribution intends to offer a view on knowledge situated in social practices. The assumption is that during the development of the help relationship it is possible to share skills and generate knowledge which are helpful for building the migrant’s personal network. The èquipe of professionals operate to connect the person to the territory and put him or her in contact with citi-

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zens, neighbours, officials and other social actors which may become a reference point once the beneficiaries have left the project. It is a complex operation because the subjects, just like the authorities involved, are numerous and the outcome of the operation is the result of a number of subsequent stages, which are sometimes contemporary. Each step requires the acquisition of knowledge, skills and competences on behalf of the migrant but also on behalf of the other social actors directly or indirectly involved.

The first step is to consider the beneficiary’s job orientation as a tile of a more articulated mosaic: the government reception system for asylum seekers. A second feature which must be considered is that the action takes place in a complicated help relationship where operators and beneficiaries are subjects capable of “agency”, who move in a field where opposite forces clash. A third component is to think of this pathway as a learning process for all the subjects involved. The intent is to build an “ideal-type” starting from the components which have been successful, keeping in mind that the social situation of these projects is difficult to model, not only due to the geographical variety of the settings in which they take place but also due to the heterogeneity of the professional figures involved and the organisational structures used.

Such complexity within the Sprars (nowadays Siproimi) originally lies in the institutional mandate:

- Each territorial project is the combination of an “integrated reception” methodology based on, as established by the guidelines, a holistic approach of the services (physical reception; linguistic and intercultural mediation; guidance and access to the territory’s services; training and professional retraining; job orientation and placement; housing guidance and support; social inclusion guidance and support; legal guidance and support; psychosocial and health protection), on the construction of individualized pathways of integration considering the characteristics of the host territory, in order to create reception projects based on vocation, skills and competences of the local actors, taking

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into account the resources (professional, structural, economical), the welfare tools and political social strategies experimented over the years in the same territory.

These projects are services which cannot be placed in a precise category: they hardly ever provide direct services, apart from a few cases, but they support the beneficiary in relating to educational and social health services. They are also relational contexts when, for example, they guide the person with individualized intervention projects and they are also thresholds when, starting from the first weeks of arrival they prepare the beneficiaries towards the departure from the project and finally, they are conditioning environments, where it is necessary to adapt to the rules of communal spaces or cohabitation even when it occurs in a diffused hospitality manner. In this case, although the housing units require that few people cohabitate, if the members are not part of the same family they can host refugees of different nationalities and ages. It is easy to imagine how the operators often work in ambiguous and conflictual situations which may cause dilemmas; it is not uncommon for these professionals to find themselves having to mediate between the institutional mandate and their social mandate, between the help and control function.

This contribution’s purpose is to highlight and point out, as explained further on, those strategies which have triggered righteous processes and which have had positive outcomes in the realities investigated. The legislation defines the institutional frame which must be referred to, but the single projects can become workshops of innovation and exchange of good reception practices. The idea here is not to point out a static picture but to trigger questions around an operational proposal, a solid basis for generating other possibilities. Although the various elements which will be described originate from practices situated in the single experiences, in a game of reconstruction, that we consider as artificial, we will set the information, choices, decisions and various dilemmas set forth by the professionals. This paper’s viewpoint is the workers’ perspective

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operating in second reception. The intent is to provide several useful points of discussion not only for those who enter this environment for the first time, but also for those who are veterans in the field and are interested in comparing their own way of building social inclusion processes with other workers. Before starting the analysis, it is necessary to outline the prominent features of the research design, the methods and tools adopted.

2. Objectives and methodology of the research

The research has been developed in two different phases. The first phase refers to the period from 2014 to 2018 in which 51 workers operating in different Sprar projects in Sicily, Calabria and marginally Sardinia, were interviewed. During this period the in-depth interviews and the focus groups involved concerned social workers, project coordinators, social and health workers, job orientation workers and cultural mediators. About ten beneficiaries were also interviewed. In the second phase, which started in 2018 and is still underway, a “participated educational and research board” was formed in order to extract tacit knowledge\(^\text{11}\) incorporated in the reception workers’ social practices. Such professional knowledge is conceptualized and therefore made explicit within the work group. This research, which uses collaborative techniques\(^\text{12}\) requiring a direct and active involvement of the various stakeholders in a discussion space characterized by an atmosphere of confrontation and trust, helps the participants to give a new meaning to the routine of their work and their experience in the organisations. The long-term intent is to create a reverberation in terms of know-how in the help relationship built between the social workers and the refugees. The “participated educational and research board” is formed by academic scholars, refugees (previous beneficiaries from SPRAR projects), social workers and university students. Over the last two years the “boards” have involved 19 social actors who met about 5 times in each semester. This group had the task of structuring a co-teaching lesson for students attending the first year of Social Service Sciences at Messina University in 2018 and 2019. It concerned one of the “boards” formed within the research “Professional social practices


in services throughout the territory: making knowledge explicit”. The groups are heterogeneous in their form and they work to pin down what knowledge is present in the practice of reception services in order to co-construct a lesson attended by the whole group and where the group can take part in the discussion with the students about the topics dealt with during the meeting moments.

The researcher has gradually approached the complexity of some of the reception projects in the Ionian area of Calabria, in the Area of the Straight of Messina, and the Tyrrhenian area of Sicily. The starting point moved from the assumption that it would not have been possible to define a linear and univocal comprehension of what was happening in these spaces but, on the contrary, it would have been necessary to have a wider initial viewpoint that would give the possibility to focus on particular aspects and phases such as the orientation interviews regarding training experiences or the èquipe’s weekly meetings. In the first part of the research, besides the interviews and the focus groups, the information was studied starting from the field notes taken during the direct observation in the SPRARs in Calabria, whereas the second phase was and still is characterised by participatory and collaborative research techniques such as world cafes, circle time and brainstorming.

This contribution uses information obtained during the first phase of the research because it is consolidated and it is helpful in order to build a picture deriving from the various experiences. As a consequence, the legislative reference framework is prior to the c.d. “Security Decree” and “Security Decree bis” which have brought substantial changes in second reception in Italy in terms of migrant reception procedures and granting residence permits. In spite of this, what is described further on may still be important for those who work in the reception field and it will possibly generate interest regardless of the changes which have occurred in the projects in Italy. Job orientation is currently a SIPROIMI objective and it continues to be put in relation to the achievement of autonomous and emancipated integration. The considerations expressed further on can be useful in terms of training, transmission of good practices and discussion with workers and administrators in the sector.

3. The intricacy of the Italian Reception System. A brief overview

This paragraph does not want to describe the passages of the Italian reception system, this may be examined in other contributions. It will introduce certain aspects of the reception system which are useful in order to study the focus of this contribution. The reception of people seeking the status of refugee is a complex path in Italy and its aim is to reach the beneficiary’s integration. The beneficiary is placed in a system of actions supposing that there is a help relationship between a professional and a person needing help. In this case a migrant requests, by filling in the c.d. “modello C3” form, to be assisted and therefore receive services envisaged by the national welfare for the reception of those seeking protection. It is important to state out that this paper refers to what is called “second reception” and consequently, attention will concern the help process which is triggered in this system of rules and relations. The Siproimi network: “is a network of local authorities which access the National Fund for asylum policies and services (FNPSA) and create integrated reception projects within the local welfare state and collaborate closely with other institutional interlocutors and with private social organisations”.

This description highlights two aspects which are interesting for this contribution: the first is the network’s form and the second regards inter-institutional relations. What is referred to is the integration with the local welfare assistance and the relation between governance and government. Both profiles are already included in Law 328/2000. Second reception projects are developed as a service whose effectiveness depends on the amount of infrastructures offered by the territory and by the functioning of other local services. The scenario in which these projects take place is not uninfluential. The same thought can be extended to the local programmes and the fulfilment of social-health integration, which highlight how in certain areas, the shortage and lack of services is a structural fact which has to be taken into account by the social workers when defining the beneficiary’s personal intervention project. On this matter, Barberis points out how theories based on the “mixed embeddedness approach”,

17 Siproimi, op.cit, p.1.
which conjugate Granovetter’s paradigm with Polanyi’s, confirm how the intensity and variety of the relations that the migrant has at his or her disposal in a certain environment can influence their actions: “The model emphasizes that entrepreneurial activities are affected by migrants’ embeddedness in the structure (laws, rules, market characteristics, etc.) of the places where the business is conducted; at the same time, entrepreneurs are also embedded in their networks of social relations”. Two interesting considerations can be made. The first shows how these networks are not only linked to the fellow-countrymen and therefore connected to the sole beneficiary, but they also call natives into play. The second underlines how these connections also develop according to job opportunities offered locally and how they occur within a frame regarding “laws, rules, market characteristics and other aspects”. Further on we will see how these elements are necessarily taken into consideration by the social service operators and by the beneficiary when they have to construct the job orientation process.

3.1 The help relationship with the beneficiary

In SPRAR projects, which are the last stage of what is considered as the Italian governmental reception chain, a pathway is activated and the essential indications are described in the operational guidelines published on the official SIPROIMI network website (Protection System for Beneficiaries of International Protection and for Unaccompanied Foreign Minors), previously SPRAR network (Protection System for Asylum Seekers and Refugees). Several social workers support the beneficiary’s life project (social service workers, cultural mediators, L2 teachers, legal operators, social-health and reception workers). Their task is to create a line of actions which facilitate the inclusion of the person, the project’s guest: “social work as a ‘methodology of life planning’, where professionals assist people to make choices about how to live in a world of multiple choices”. The beneficiary is taken care of by the whole multi-professional èquipe, even though each team chooses how to organise itself and share the work necessary to guide the person. The professional figures involved may be varied. During the period of the research people would be sent anywhere in the country even without a stay permit, therefore, the guest would be supported by a legal operator to prepare for the interview by the local authority Commis-

sion. At the same time the person would be supported in his or her life project through actions which would place him or her in the surrounding environment by subscribing to the National Health System and by attending L2 classes at the CPIA or other projects, up to the job orientation stage.

The beneficiary is then interviewed, supported by a specific operator, the cultural mediator and sometimes by other professionals such as social assistants and a balance of competences is drawn up. The social workers start to reconstruct the beneficiary’s life and work history with care and attentiveness: it is a delicate process which sometimes touches raw nerves and which makes it is necessary to support the person to regain self-esteem and, therefore, give him or her the possibility to look towards the future. These are not easy results to obtain given the traumatic events of the migrants’ who arrive in the projects. It is not easy to remember and re-evaluate one’s past in the perspective of attempting a new start in an unknown country, where it is necessary to use a foreign language and where one has few reference points. These interviews are often necessary to create an atmosphere of trust and to break tension and anger, to restore dignity and awareness of one’s personal life.

3.2 The learning process

Second reception operators are professionals who have had to adapt their professional knowledge, giving it a new meaning, and also acquire further knowledge in an ever changing political-legislative and organisational setting. Supporting a beneficiary is a reciprocal learning process which involves the operators and the refugees but also citizens, various employers from the local authorities and all those people, who in some way, are involved in the integration process. For example, in job orientation cases we consider the operator who has this specific task, the beneficiary, the shop owners and the entrepreneurs, other workers or employees, and the community related to the specific area in which the SPRAR is set, as social actors. They are all considered as social actors because they are potentially capable of “agency”. All these people participate in a learning process on various levels and structure geometrically vari-

iable relations. The social operator is engaged, with the beneficiary, to discover what competences can be used and in which sector; the potential employer has to search for and coordinate the most appropriate strategies for the migrant’s training process; the trainee studies the technical aspects of the job and also all the tacit knowledge regarding the practical knowledge of actions carried out by the colleagues, and so on\textsuperscript{24}.

It is a learning acquisition process; if it becomes bidirectional and circular it enables the acquisition of social rules, technical-professional language and also all “vernacular knowledge”\textsuperscript{25} which would otherwise remain incorporated in daily social practices, but if made clear can create a place of opportunities and experiential discussion.

4. The beneficiary’s orientation process: a possible model

The orientation process must take various aspects into consideration. The operators’ activity in this phase in the SPRARs I have visited is not isolated, but it is a step in the help process supporting the beneficiary for the entire period of the project. Considering the operational manuals intended for the professional workers it is clear that this action is a linchpin, together with housing inclusion, around which to construct “emancipating reception”\textsuperscript{26}.

4.1 The structure of the orientation process

In the SRARs taken into consideration by the research there is a social operator engaged in job orientation. The beneficiary is usually interviewed once or more supported by a cultural mediator and in some cases other professionals such as social assistance workers. The interview constructs a balance of competences by gathering the person’s past experiences (degrees, professional activities) and also through his or her wishes and plans. These interviews are specific moments\textsuperscript{27} in which the operators prepare a welcoming setting and a trustwor-


\textsuperscript{26} Servizio centrale del Sistema di protezione per richiedenti asilo e rifugiati (2018). Manuale operativo per l’attivazione e la gestione di servizi di accoglienza integrate in favore di richiedenti titolari di protezione internazionale e umanitaria. Roma. p. 6

thy atmosphere in the attempt of capturing, as much as possible, the person’s motivations and interests. The beneficiary, as easily imagined, may be strongly influenced by the surrounding situation (he or she is a guest in an unknown nation, a beneficiary of a governmental service in an unknown area, without any contacts if not marginally, and sometimes may be accompanied by his or her family for which he or she feels responsible). The operators often try to take responsibility for this uncertainty which can lead to anxiousness and worry and can be expressed by passive behaviour and depression but also anger and dissatisfaction.

Below, according to each micro passage, various strategies and experiences have been pointed out; they refer to the SPRARs joining the project.

The description\textsuperscript{28} takes into account what we consider as the most interesting aspects of an “ideal-type” path: social actors (beneficiaries, operators, shop owners, other citizens), fields of knowledge (language acquisition, rule socialization, interaction with colleagues, managing one’s home life), and the specific characteristics of the environment and territory (job vacancies; need of specialized workers or not; the territory’s infrastructures in which the project is set).

4.2 The interview with the beneficiary

The beneficiary’s job orientation begins with one or more interviews supported by a specific operator\textsuperscript{29}. During the interviews I assisted as an external observer there was also a cultural mediator and another professional. The presence of a mediator helped to construct a climate of trust and also to translate the beneficiary’s words and explain part of the information linked to the person’s background (for example, the educational system may be different from the Italian one and a certain work activity might seem the same but is actually different). The interview takes place in a specific place and dedicated time. It is not an easy moment for the person. The beneficiary might even recall difficult situations besides not being able to express himself or herself in his or her mother tongue. In one of my field notes I annotated a feeling of sadness which fell after what seemed to be a simple question regarding the possession or not of a title of study certificate; the beneficiary said that everything had been burnt when his house had caught fire, including that document (Author, 2018c). It is a difficult moment to handle, emotionally demanding even for the operators.


\textsuperscript{29} Tarsia T. (2018a). \textit{Saperi degli operatori…op. cit.}
who, on the contrary of what usually happens during the interviews, are not able to communicate directly with the person because their words are always mediated by an interpreter. The social assistants, just like the other operators find themselves having to adapt their professional tools like the interview and use their own intercultural sensitivity to deconstruct prejudices and culturalistic perspectives which are always lurking. The presence of various professionals (the previously mentioned triad) help the operators face the tense situation and share doubts and perplexities which may arise. This leads to the choices made by some work teams to discuss, during èquipe meetings, the outcome of the balance of competences and a possible job offer for the beneficiary. This discussion space is meant to build circular communication, where feedback is constant and reciprocal, and to support the specific operator taking action and to make all the professionals involved in the choice co-responsible. In addition, the work team is also a space where the operator shares potential difficulties connected to a possible job for the beneficiary. For example, the possibility to stay in the place where the training will take place because of a night shift or the difficulty of finding a particular job.

4.3 Work in the territory

The operator involved in dealing with job orientation searches for training or apprenticeship opportunities for the beneficiaries. This means building a range of possibilities, which is constantly enriched and which will be used at the right moment. To this point, the experts who have been interviewed suggest several strategies which have been refined over time. In these cases, professional knowledge is operational knowledge which comes from trial and error experimentation. All the people who have been interviewed underline that their aim is not to place the person in a working place but to create the basis of a good apprenticeship and socialization experience in the working world in which the person is set. One of the operators says that he tries to enrich the list of businesses or potential employers in order to give at least one possibility for the person to receive a job contract. If the same business is always called on for availability to hire, the possibility of actually getting a job becomes less

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concrete. Another operator thinks that it is fundamental to involve the person actively to search for a job; it is a way of getting the beneficiaries to explore the territory and make them become aware of the real difficulties in the various contexts. Other operators try to start, initially, from shops particularly sensitive to reception matters such as those linked to associations like “Libera”. These networks also fulfil another operator’s need: they offer a secure experience in terms of working conditions and respect of their rights. Other operators point out that searching for a training experience is sometimes the result of negotiating with the authority head of the project. It may occur that a Council, for example, offers to accept beneficiaries temporarily in their staff as garbage collectors or pruners. It is unlikely that the migrant will be hired in these cases, so the operators suggest strategies such as diversifying the training experiences (for example, partly at the Council and partly in a business). The operators involved continually search for new opportunities: they feel the importance of their role in relation to helping the beneficiaries to find their life pathways with the community and their potential employers. They maintain constant relations with the institutions in the territory such as the employment centres. Finally, they help to mediate conflictual situations linked to misunderstandings, behaviour considered as inappropriate or cultural choices which may lead to dilemmas on behalf of the migrants.

4.4 Mediation and negotiation in job inclusion

The last interesting aspect I would like to point out is linked to a skill which crosses all the operators working in second reception: the ability of facilitating communication and construction of spaces full of potentiality where the beneficiaries can directly experiment the construction and implementation not only of strong relations but also weak ones, more informal, extemporary. Not only do the experts challenge their personal and professional knowledge but they support the beneficiaries in the attempt to meet other people and create new relations. The operators dealing with job orientation, particularly, spend much time explaining the importance of what the apprenticeship experience means to the beneficiary, to the potential employers without forgetting to mention the advantages that come from welcoming that specific person in the work team. In some cases, the operators inform the employer but are not able to place the person. When the apprenticeship does take place operators support the

company’s tutor, the beneficiaries and the employers during situations of tension and misunderstandings or reciprocal fatigue. Finally, the operators move in order to certify the new trainings and convey other possibilities in view of the project’s end. Similarly, the operators spend part of their time decoding the migrant’s colleagues’ or employer’s behaviour, contextualizing and situating behaviour, deconstructing stereotypes which the beneficiaries themselves have and which in some occasions influence the frame through which attitudes and words are understood.

5. Brief final reflections

In conclusion, a few lines to point out the interviewees’ opinions about the strategies and useful actions in order to set up a righteous job orientation processes. First of all, it seems that great importance has been given to the beneficiary as actually being in the condition to be in control of his or her life plan; as we have seen, this depends on personal factors (the guest’s history, title of study, capacity of being resilient) but also on structural factors (the area where the project is set, the community’s context). The operators, who have been interviewed, seem to be projected toward a limitation of what has been defined as an “infantilization” process of the beneficiary: the migrants have to be supported but at the same time it is important to provide them, from the very start, with tools so that they can find their way in the territory. Another interesting threshold seems to be the rising awareness and mediation with the potential employers and the local community: a personal network is co-built around the beneficiary and managed directly by the refugee without external mediation at the end of the project. Supporting the beneficiary means that he or she will become acquainted with the rules of the place, the laws and with the meaning of certain behaviours belonging to informal communication. Finally, the setting, in which the interviews take place, is of great importance. They are reserved areas where one may be emotionally moved and where it is possible to tell one’s life story. This type of work questions those professionals who, having to work as a junction of relations, need to work on their biases, on their personal limitations, searching for the right balance between being an operator and belonging to that specific country or place in which the project is set. In conclusion, it is

exactly in the acknowledgement of how complex it is to carry out this role that I have decided, in this contribution, to reflect on and clarify certain actions and strategies used by professionals to face the problems encountered in refugees’ job inclusion paths.

6. Bibliography


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