

SAPIENZA - UNIVERSITÀ DI ROMA

ANNALI DEL DIPARTIMENTO DI METODI  
E MODELLI PER L'ECONOMIA,  
IL TERRITORIO E LA FINANZA

2012 - 2013

PÀTRON EDITORE  
Bologna 2014

**Direttore Responsabile - Director**

Alessandra De Rose

**Direttore Scientifico - Editor in Chief**

Roberta Gemmiti

**Comitato Scientifico - Co-editors**

Maria Giuseppina Bruno, Francesca Gargiulo, Roberta Gemmiti, Cristina Giudici, Ersilia Incelli, Antonella Leoncini Bartoli, Isabella Santini, Rosa Vaccaro.

**Comitato di Redazione - Editorial Staff**

Elena Ambrosetti, Maria Caterina Bramati, Filippo Celata, Augusto Frascatani, Maria Rita Sebastiani, Marco Teodori, Judith Turnbull, Mauro Rota.

**Consulenti Scientifici - Advisory Board**

Catherine Wihtol de Wenden (CERI-Sciences Po-CNRS Paris), Raimondo Cagiano de Azevedo (Sapienza - Università di Roma), Maria Antonietta Clerici (Politecnico di Milano), Marina Fuschi (Università di Chieti-Pescara), Alessandra Faggian (The Ohio State University), Alison Brown (Cardiff University), Luciano Pieraccini (Università degli Studi Roma Tre), Silvia Terzi (Università degli Studi Roma Tre), Gennaro Olivieri (Luiss Guido Carli), Giulio Fenicia (Università degli Studi di Bari), Angelo Moioli (Università Cattolica del Sacro Cuore), Filomena Racioppi (Sapienza - Università di Roma); Pablo Koch-Medina (Centro di Finanza e Assicurazioni, Università di Zurigo).

**External Reviewers - Blind review**

Copyright © 2014 by Pàtron editore - Quarto Inferiore - Bologna

I diritti di traduzione e di adattamento, totale o parziale, con qualsiasi mezzo sono riservati per tutti i Paesi. È vietata la riproduzione parziale, compresa la fotocopia, anche ad uso interno o didattico, non autorizzata.

PÀTRON Editore - Via Badini, 12  
Quarto Inferiore, 40057 Granarolo dell'Emilia (BO)  
Tel. 051.767003  
Fax 051.768252  
E-mail: [info@patroneditore.com](mailto:info@patroneditore.com)  
<http://www.patroneditore.com>

Il catalogo generale è visibile nel sito web. Sono possibili ricerche per autore, titolo, materia e collana. Per ogni volume è presente il sommario, per le novità la copertina dell'opera e una breve descrizione del contenuto.

Stampa: Rabbi s.r.l., Bologna per conto di Pàtron editore.

ISBN: 978-88-555-3290-7

ISSN: 2385-0825

# **WHICH FUTURE FOR MIGRATION IN EUROPE? A BRIEF ANALYSIS OF THE EU MIGRATION POLICIES IN THE MEDITERRANEAN AREA**

*Abstract:* Starting from an analysis of the migration policies enacted by the European Union before 2011, this work aims to understand how European countries managed the North Mediterranean's situation after the events of Arab Spring, and which kind of policies has been adopted by them. A particular attention is devoted to Italy, as one of major Mediterranean immigration countries. Although past evidence shows that restrictive migration policies are unable to prevent irregular flows and control migration, the main response of the European Union to the migratory movements from the south Mediterranean countries was a reinstating of prior positions on the matter, which are based on border controls and restrictions over migrants and refugees. We argue that such policies increase the likelihood of dying at border crossings and cause marginalization and episodes of racism in the host societies. Policies in favor of mobility and integration of foreigners should be preferred to surveillance measures, the former being more realistic, effective and, above all, safer for migrants.

*Keywords:* European Union, Mediterranean, Italy, migration policies.

## **1. Introduction**

Migration policies can be adopted by both origin and destination countries to regulate the labor demand and supply, as

\*\* Dipartimento di Metodi e Modelli per l'Economia, il Territorio e La Finanza - Sapienza - Università di Roma.

\*\* Dipartimento di Scienze Statistiche - Sapienza - Università di Roma.

well as to face changes in the population structures of societies (Baldi, Cagiano, 2006). In particular, we need to distinguish between immigration and emigration policies. However, as it has been argued (de Haas, Vezzoli, 2011), the debate around migration policies is more focused on immigration than emigration policies, due to the continuous efforts of receiving countries to control and regulate immigration flows.

Developing and less developed countries, such as the Middle-East and North-African countries consider emigration as a solution to the demographic surplus at working age (Fargues, 2011) or, as a normal rite of passage for young generations (Castles, 2004a). Developed countries, such as the EU countries, resort to immigrants to face the penury of workers in certain economic sectors and to partially alleviate the structural population aging of their societies. Nevertheless, the efficiency of migration policies in pursuing such objectives is considered rather limited. Evidence demonstrates that immigration policies are not able to regulate the number and the composition of flows (Termote, 2011) and migrants cannot alone invert long-term population tendencies in hosting societies (Ambrosetti, Giudici, 2013).

From a different point of view, it can be noticed that some countries, such as Romania and Bulgaria which usually face with a huge emigration of their citizens towards more advanced neighboring European countries, are currently trying to retain their population through the definition of re-integration policies based on economic and social incentives (de Wenden, 2010). This is an example of how migration policies can change over time and how countries can adapt migration policies according to their domestic needs.

With the primary objective of shedding light on the partial failure of past and recent migration policies in controlling borders, this article will be organized as follows: first, we will present the EU borders policies till 2011, with a particular emphasis of the EU and Italian-Mediterranean relationship. Then, we will present briefly Italian migration policies and discuss the Italian case study in order to put the emphasis on the effectiveness of borders control policies. In the final stage of the article, we will focus our attention on the post Arab Spring period. We intend to analyze both quantitative (evolution of stocks and flows) and political aspects related to migration with the aim of showing how policies have

followed, most of the times inadequately, political, economic and demographic events.

## **2. Borders policies: EU, Italy and the Mediterranean till 2011**

Since the beginning of the Barcelona process in 1995 – which officially launched the so-called Euro-Mediterranean Partnership (EMP), as a “significant departure from the pattern of bilateral relations between Europe and Mediterranean countries” (Hollis, 2012, 82) – the European policy on migration and asylum has been to a certain extent externalized.

In the EU, the main aim was to intensify cooperation on migration management with third countries (TC). Since then, such a policy objective led to a stronger cooperation with Mediterranean non-member countries (MNCs). Migration management and border control have been the main issues of that cooperation (Cassarino, 2005a). However, the EMP failed to achieve its main objective to bring together the EU and the group of MNCs economically and politically, showing its real intention: to reduce the flow of migrants into Europe. Nevertheless, a European common policy on migration was not yet an objective in the mid-90s when the Barcelona process took place.

A comprehensive European migration policy emerged at the end of the '90s, in particular at the European Council of Tampere in 1999. One of Tampere's purposes was the definition of a migration policy based on the integration of migrants, and not exclusively on the fight against irregular migration flows. This new orientation was taken into account in the Amsterdam Treaty that “translated the communitarization process of asylum and migration issues into practice” (Cassarino, 2005b, p. 5-6). Then a new process started with Tampere, which included in its framework not only the cooperation with TC (in the fields of asylum and border control and management) but also the development of the countries of origin and transit of migration, according to their own economic and demographic needs.

Since 2000, the EU-Mediterranean policy has been reshaped, following the new orientation of a *comprehensive approach on migration and asylum*<sup>1</sup>. Such new policy focuses on the increased

---

<sup>1</sup> For further details, see: [http://europa.eu/rapid/press-release\\_MEMO-07-188\\_en.htm](http://europa.eu/rapid/press-release_MEMO-07-188_en.htm) (accessed online 15/09/2013).

cooperation on the management of asylum and migration flows with MNCs and it includes the conclusion of readmission agreement, the effective control of external borders and the formation of coordinated return policies.

The European Neighborhood Policy (ENP) was introduced in 2003, with the aim of reinforcing the EU-Mediterranean cooperation started with the Barcelona Process on the one hand, and of promoting “good governance, economic stability, democracy and human right” on the other. New financial instruments for the management of migration and asylum as well as incentives (mostly preferential trade agreements) were in fact allocated to TC who agreed to make efforts towards political and economic reforms. The EU was in fact trying to expand its comprehensive approach on migration and asylum to MNCs by helping their governments to conform to the 1951 Geneva Convention on refugees, to implement readmission agreements, to cooperate in the control of EU external borders and to combat illegal migration and human trafficking.

Although the ENP did not convert the Euro-Mediterranean partnership into an accession to the Union, as some Mediterranean countries expected, its plan of action was rather primarily to facilitate stability, safety and prosperity around Europe. It must be said that, as Hollis (2012) recently argued, the ENP was designed as a result of the competition between the EU and the United States both dealing with the Middle East after the September 11<sup>th</sup> attack.

The new five year programme of The Hague (2005-2009), which, under the heading of *Freedom, Security and Justice*, has replaced the EU’s Amsterdam Treaty in the effort of making a concerted European immigration policy, confirmed the orientation of the EU to reinforce cooperation with TC on migration and asylum issues, the latter being considered more prominent as an international issue. Since then, MNCs have become an EU strategic partner to implement migration and asylum policies. That new externalized framework of the EU migration policies was, at least in the short term, mostly security oriented (Cassarino, 2005a). It is in this strongly exclusive and more external conception of migration that can be contextualized the 2005 Asylum Procedures Directive. The Directive introduced the concept of the *safe country of origin*, of which legitimacy is considered very dubious: asylum seekers from

countries with minimal standards of human rights will be immediately rejected. Several scholars expressed their disappointment towards this concept, which demonstrates an unacceptable lack of common sense by EU, as well as a violation of liberal principles, because it essentially ignores the fact that even in countries that had ratified the Geneva Convention on Refugees, and for this they are considered as safe, persons or groups of people can be persecuted (Wierich, 2011).

The cooperation with MNCs in the management of migration flows was of course not a new phenomenon for certain EU countries. Italy and Spain, for instance, had already made bilateral agreements with Tunisia and Morocco before the adoption of The Hague Programme at the end of 2004. Indeed migration, asylum and trafficking were the heart of political debates in Northern and Sub-Saharan Africa since the mid-90s. From a security point of view, the most important achievement of the Hague Programme was the establishment of the European Agency of Integrated Borders Security (FRONTEX) in 2004. One of the main tasks of the FRONTEX is to secure the external borders of the Union, in cooperation with the member countries.

Another achievement of the EU policy was, on the same wave of the Hague Programme, the Global Approach to Migration. It was initially approved in December 2005. It is based on a stronger and more successful cooperation between the EU and the TC on migration policies, in order to ensure, *inter alia*, the respect of human rights of migrants. While the Global Approach was focused on Africa and the Mediterranean region in the beginning, in December 2006, it was extended to be applied to the Eastern and South-Eastern regions neighboring the EU.

An Interim Report of the Global Approach to Migration, assessing the progress in negotiations of agreements with Mediterranean and African countries and Eastern and South-Eastern regions, was published at the end of 2007. Focusing on the MNC countries, the Commission stressed several achievements from the political point of view (joint meetings, plans of action, ministerial conferences etc.)<sup>2</sup> and on the topic of migration and development. As far as borders control and fighting against illegal

---

<sup>2</sup> For further details, see: Commission Staff Working Document Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of



migration are concerned, the EU has been trying to negotiate re-admission agreements with Morocco and Algeria since the beginning of 2000: however for the time being no agreements have been concluded. From the organizational point of view, a lot of initiatives were taken under the FRONTEX framework.

The year 2008 saw the birth of the *European Pact on Immigration and Asylum*, an initiative promoted by the French government, led by Nicolas Sarkozy. The same year also saw the concretization of another project strongly supported by the French presidency: The Union for the Mediterranean (UfM). With the aim of overcoming the impasse produced by the previous efforts in the Mediterranean and in the attempt of giving more representativeness to the MNCs through a joint presidency, the UfM launched a series of commercial projects and economic activities between Europeans and North Africans, with the idea that development aid and new incomes could replace migrations to some extent (Ambrosetti, Paparusso, 2012). Nevertheless, the Union for the Mediterranean was soon considered as a failure because of the European intention to exclude the neighboring countries.

The European Pact on Immigration and Asylum is in continuity with the Global Approach; nevertheless it is voluntary and non-binding. It is composed of five pillars: (1) to organize legal immigration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration; (2) to control illegal immigration by ensuring that illegal immigrants return to their countries of origin or to a country of transit; (3) to make border controls more effective; (4) to construct a Europe of asylum; and (5) to create a comprehensive partnership with the countries of origin and of transit in order to encourage synergy between migration and development<sup>3</sup>. In order to make the second pillar of the Pact effective, Europe has given Member States a legal instrument to harmonize the legal procedures on return and a fund for this purpose amounting to € 676 million for the period spanning from 2008 to 2013. The Frontex Agency is in charge of organizing joint return flights on behalf

---

the Regions towards a Common Immigration Policy Interim progress report on the Global Approach to Migration {COM(2007) 780 final}.

<sup>3</sup> Council of the European Union, "European Pact on Immigration and Asylum", no 13440/08, ASIM 72, Brussels, 24.09.2008.

of requesting Members, but “returns policy continues to be unsatisfactory, as Member States find it very difficult to effectively remove third country nationals unlawfully residing in their territory” (Bertozzi, 2010, p. 4).

As a consequence of the insecure atmosphere created by the Arab Spring, in 2011 the Global Approach on Migration was converted into the *Global Approach on Migration and Mobility* (GAAM). The GAAM’s framework, designed during the Stockholm Programme in 2009, includes four pillars: legal migration and mobility; irregular migration and trafficking in human beings, international protection and asylum policy; and maximizing the development impact of migration and mobility<sup>4</sup>. In order to restore stability in the Mediterranean region, many efforts have been dedicated to the second and third pillars.

The short exploration of the EU Mediterranean migration policy during the last 15 years, which has been presented above, contributes to confirm the initial idea that despite of the huge efforts made, results did not live up to the expectations. In particular, despite of the externalization of policies, a lot should be done in terms of their communitarization. The need of a common immigration policy is recognized by the EU. After the Stockholm Programme, adopted in December 2009, the European Commission was asked to improve harmonization and consolidation of the legislation in the area of immigration. The adoption of an EU Code concerning legal immigration is expected no later than this year. This Code, which should take the form of a Directive, is expected to cover three different fields of interest: “extension of the EU law to cover more categories of persons; a greater intensity of harmonization; and higher standards for the persons concerned” (Peers, 2012). Nevertheless, the EU still keeps the *status quo*: member countries and TC are still using bilateral agreements as a substitute of the Global Approach instruments. For instance, if we focus on the Italian case, we will see that Italy has signed more than 30 readmission agreements with TC since the second half of the 90s<sup>5</sup>. In particular, according to a study conducted

---

<sup>4</sup> European Commission, “The global approach to migration and mobility” (COM(2011) 743 final), 2011, [http://ec.europa.eu/home-affairs/news/intro/docs/1\\_EN\\_ACT\\_part1\\_v9.pdf](http://ec.europa.eu/home-affairs/news/intro/docs/1_EN_ACT_part1_v9.pdf).

<sup>5</sup> For further details, see: <http://www.interno.it>.

by MIREM<sup>6</sup> “Bulgaria, France, Germany, Italy, Latvia, Lithuania, Romania, and Spain are the most involved EU Member States in bilateral readmission cooperation”<sup>7</sup>. These agreements are at the core of Italian border-control policies, because they provide concerted border controls with TC. For the Italian government, they are considered nowadays the most efficient way to fight illegal migration and trafficking in cooperation with TC. These agreements are used by MNCs to leverage on the EU destination countries in terms of financial aid and development assistance.

The most important agreement signed between Italy and a Northern African partners is the Benghazi agreement. It was initialized in Tripoli on the 30<sup>th</sup> of August 2008 between Libya and Italy<sup>8</sup>. The Libyan government, represented by the then President Mu’ammar Gheddafi, was engaged in a huge cooperation including borders control policies and readmission agreements with the Italian partner in exchange of expensive bills for Italy that include development aid in the form of infrastructures (highways, buildings) and human capital (scholarships for Libyan students, border polices training, etc.). Fighting undocumented migration from Libya is one of the main goals not only of the Italian government but for of all the EU member countries. The results of this bilateral agreement in the field of border controls were quite strong: since the application of the Treaty the number of illegal immigrants landed on the Italian coasts strongly decreased. At the same time, the emergency of a human right crisis (referring to those who are imprisoned in Libya) has become a real problem. Those troubles should call our attention to a multilateral way of managing migration and border control. The main problem regarding the bilateral agreements concerns their character of informality and lack of transparency. This means that these agreements are not always respected by the counterparts and that they are not really effective in guaranteeing human rights. Indeed, development aid and transfer of technical and economic skills towards migrants-sending countries are always considered as substitutes of migration.

---

<sup>6</sup> Migration de retour au Maghreb project: <http://rsc.eui.eu/RDP/research-projects/mirem/>

<sup>7</sup> <http://rsc.eui.eu/RDP/fr/research-projects/mirem/> (accessed on line 18/09/2013).

<sup>8</sup> Trattato italo-libico di Amicizia, Partenariato e Cooperazione (Italo-Lybian treaty of Friendship, Partnership and Cooperation).

This approach, based on the long-lasting efforts of making countries of origin more comfortable for the aspirant migrants and discouraging emigration from the source, produces, on the contrary, a negative spiral of irregular migration and increases the risks and the costs of human trafficking of migrants (Adepoju et al., 2009).

In the framework of the Global Approach on Migration it can be found the EC Mobility partnership. In theory, these agreements should cover all the fields of the EU Global Approach: “fight illegal migration, in partnership with the EU, in exchange for enhanced possibilities of mobility between their countries and the EU for their citizens, in terms of legal migration opportunities and of short term movements (short stay visa issues)”<sup>9</sup>. Concretely, the Mobility partnership framework will prevent overlapping of intervention and strengthen the action of the EU governments within a unique agenda. The objective of the harmonizing external migration policies is in line with the freedom left to member states to manage their national policies. Pilot mobility partnership programs have been implemented since 2007 with Cape Verde and Moldova. They are conceived as a new approach from the EU to its external migration policy, which is supposed to be more and more inclusive.

From the analysis of migration policies in the Mediterranean until 2011 portrayed above, it can easily be deduced that the way in which the EU deals with North-African region has always been marked by initiatives aimed at protecting Europe from insecurity, instability and terrorism. The fear of an invasion of migrants from Arab countries actually pervades the European border policies, contributing to the erection of the enormous bureaucracy of the so-called Fortress Europe. For migrants and asylum seekers, borders turned out to be expensive boundaries. The result is not a discouragement of mobility, but an increase of irregular flows. For migrant communities in Europe, restrictive and security-based border policies mean the growing of episodes of intolerance and racism, difficulties of integration and barriers to the access to the citizenship status. Both from an external observation than from an internal look, the actual European migration policy leads countries and institutions to rethink most of their intentions and

---

<sup>9</sup> For further details: <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/197> (accessed online 18/09/2013).

decisions, which seem to be in strident conflict with the professed European liberal values.

Concerning integration, EU is not directly responsible for this issue; it supports national and local policies with coordination of actions, exchange of knowledge and financial contributions. The EU cooperation in the integration of non-EU citizens started with the Council of Tampere in 1999. In 2004 “Common Basic Principles for immigrant integration policy”<sup>10</sup> were embedded with the aim of: providing a strong framework for policy-making, assisting the EU States in formulating their integration policies and providing the EU States with a basis to explore how EU, national, regional, and local authorities can interact in the development and implementation of integration policies. In 2005, a *Common Agenda for Integration* has been developed by the Commission to implement the Common Basic Principles. Furthermore, in July 2011 the Commission proposed a *European agenda for the integration of non-EU migrants*, focusing on action to increase economic, social, cultural and political participation. As part of this agenda, the Commission is trying to provide national authorities with ad hoc measures for their particular integration objectives. The main instruments to support integration currently are: the European Integration Forum, for stakeholders involved in integration activities; the European Web Site on integration; a Handbook on Integration, for policy-makers and the European Integration Fund. The latter is mainly aimed to support countries’ efforts in the integration of non-EU nationals. Migrants’ integration represents also one of the main issues envisaged by Europe 2020 Strategy.

Summarizing, while the external borders defense and the management of migration inflows from geopolitical area of international interest can be easily communitarized – albeit with some exceptions and derogations – immigration and immigrant policies remain national sovereignty issues (the EU can only provide states with very general guidelines), as the demonstrated by the following case of Italy.

---

<sup>10</sup> For further details, see: [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/jha/82745.pdf#zoom=100](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/82745.pdf#zoom=100)(accessed online 18/09/2013).

### 3. Italy's immigration policies

Italy is one of the principal destination countries in the Southern Europe, with around 4.4 million legal immigrants in 2013 (ISTAT), representing around 7.4 percent of the total population. Central Eastern Europeans and Northern Africans are the biggest immigrant communities in Italy, with Romanians, Albanians and Moroccans as the predominant groups. Italy turned into an immigrant receiving country in the mid-1970s, as a consequence of an open borders policy adopted during the international crisis of the 1973. Policies aimed at regulating inflows and immigrant integration started only in the 1980s. Until this period, the *T.u.l.p.s - Testo Unico delle leggi di pubblica sicurezza* (Single Act of public order laws), drawn up in 1931 for movements of foreigners and public security during fascism, represented the only reference for migration in Italy (Einaudi, 2007). The first immigration law was introduced in 1986 (Law n. 943/1986). Immigrants employed in informal sectors and refugees were not taken into account by this legislation, despite the increasing number of irregular arrivals those years.

The growing number of arrivals of immigrants in Italy, especially after the fall of the iron curtain and the imminent ratification of the Schengen Treaty (1993), pushed the Italian legislator to introduce in 1990 a new law regulating immigration known as Martelli law. It extended the possibilities of regularization to all the immigrants present in Italy, not only to the workers with a regular labour contract. The Turco-Napolitano law, approved in 1998, was aimed at balancing norms concerning immigration controls (the law introduced temporary detention centers) and repressive measures, as the possibility of deporting illegal immigrants who had committed crime, on the one hand, and socio economic and cultural integration issues, like actions against discrimination and for ethnic participation, on the other. Furthermore, the 1998 law introduced a triennial document on planning of flows and quotas, as well as the job-seeker visa system, according to which immigrants could enter the country with previous links with individuals or associations offering them accommodation and public health insurance. In 2002 the Bossi-Fini law was introduced. Its main innovation was the *unified contract of employment and residence* (Zincone, 2006), which made more

precarious the condition of immigrants, since the immigrant's permit of stay turned out to be dependent from the employer. In particular, residence permits became renewable for not more than two years; the application for renewal had to be presented much in advance of the expiration date, the period of unemployment allowed was reduced from 12 months to 6 months and the sponsor-mechanism was abolished as well. More systematic police controls and detention for over-stayers (from 6 months to 12 months in case of second time without a permit of stay, and from 1 year to 4 years in case of a third violation) were also introduced, consolidating the legalitarian approach started with the previous government.

Three different kinds of measures were adopted as a consequence of the rapid change in the government coalitions during 2006 and 2008: the legislation on Asylum, adopted by the centre-left government of Romano Prodi; the decree n. 181/2007 on the "nomad emergence" (the decree allowed the deportation of EU citizens from Italy and it was referred mainly to Romanian); and the law decree (later converted into law n. 125/2008) on "public security" adopted by the Silvio Berlusconi government. The latter introduced measures to control and repress irregularity, such as the crime of irregular immigration. Other measures concerning restricting the possibility of family reunification with children over 18 years and the right of free circulation for asylum seekers marked the last Berlusconi government.

As shortly summarized above, the necessity of fulfilling the important gap of rules concerning migration and integration has been the *leitmotiv* of the Italian immigration policies for many years. Nevertheless, the EU security echoes and national electoral constraints have prevailed over the good practices of integration. Short-term policies aimed at amending situations of irregularity and emergency, in addition to the restrictive measures based on policy controls, have been progressively adopted by the Italian legislator (regardless of changes in the government coalition, a continuity between centre-left and centre-right can be observed), contributing to the precarization and the stigmatization of immigrants.

#### **4. The controversial effect of policies on migration in Italy**

Did the different policies adopted at the Italian and European level have an effect on migration flows in Italy? As far as regular migration is concerned, the number of migrants resident in Italy has constantly increased since the beginning of the '90s till today (Figure 1 and Figure 2). The effect of policies seems to be neutral for both EU and Italian policies. The trend of the annual flows of migrants (Fig. 3 and Fig. 4) arrived in Italy since 1995 does not seem directly affected by the migration policies both on the European nor on the Italian level. Therefore, migration stocks and flows in Italy are certainly influenced by other factors. Among those factors, the systematic use of massive regularization have certainly played an important role. The immigration phenomenon in Italy has been accompanied so far by a high number of irregulars. At the beginning of 2010 the stock of undocumented migrants was about 544,000 migrants (ISMU, 2011).

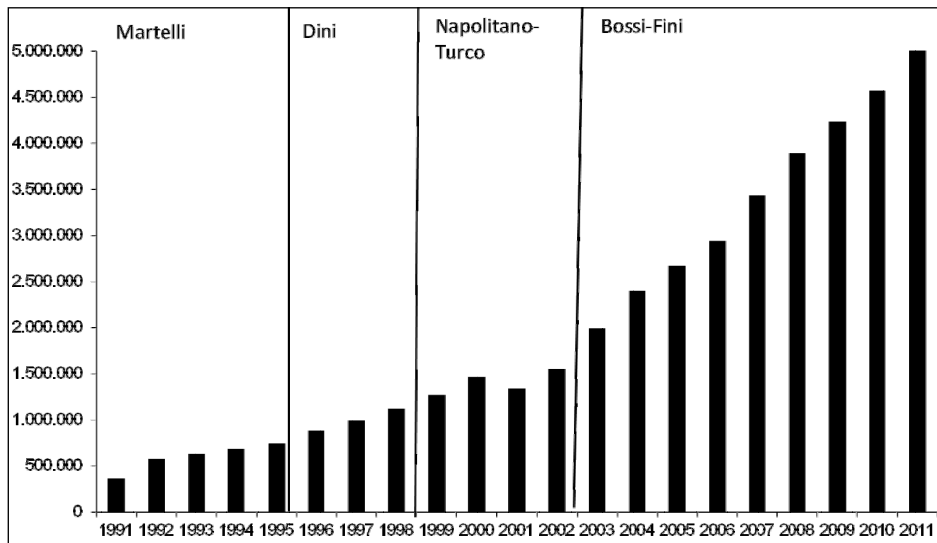
A high share of undocumented migrants is one of the main structural and constant feature of the immigration phenomenon in Italy (Pugliese, Maciotti, 1991), together with the continuous amnesties adopted for the regularization of undocumented migrants. The first migration law of 1986 regularized 105,000 individuals; it was followed by another amnesty envisaged in the next law (Law n. 39/1990) that regularized 222,000 migrants (Guarnieri, 2005). The Dini Decree of 1995 regularized 244,000 undocumented migrants. In the following years the Turco-Napolitano Law adopted an amnesty, which regularized about 215,000 migrants. The Bossi-Fini Law envisaged an amnesty for 646,829 migrants, the largest ever up to then in Europe (Zincone, 2006). The law n. 102/2009 was especially addressed to the regularization of domestic workers and caregivers: the amnesty was effective for about 200,000 migrants. Finally with a decree of the 29<sup>th</sup> of August 2012, an amnesty for full time workers was opened and about 134,000 migrants were regularized.

Taking into account the above mentioned regularizations, we can see that migrations flows in Italy were particularly affected over the years by the numerous amnesties adopted by the Italian government. For instance, the peaks observed after the greatest amnesty, the one of 2002, can clearly be seen in figure 3 and 4.

In figures 5 and 6, we can see the number of unauthorized ar-

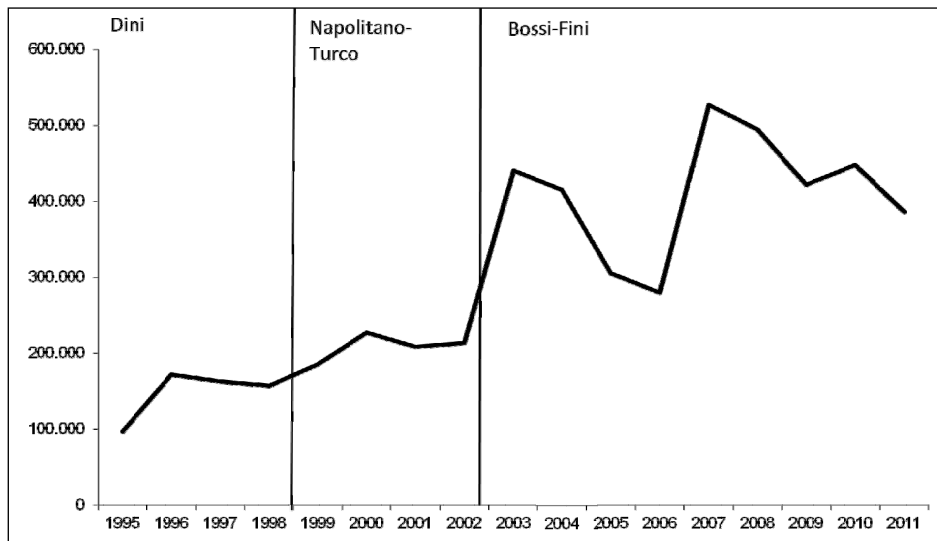


Fig. 1 - Italy: Stock of migrant population 1991-2011 (31st of December) and Italian Policies.



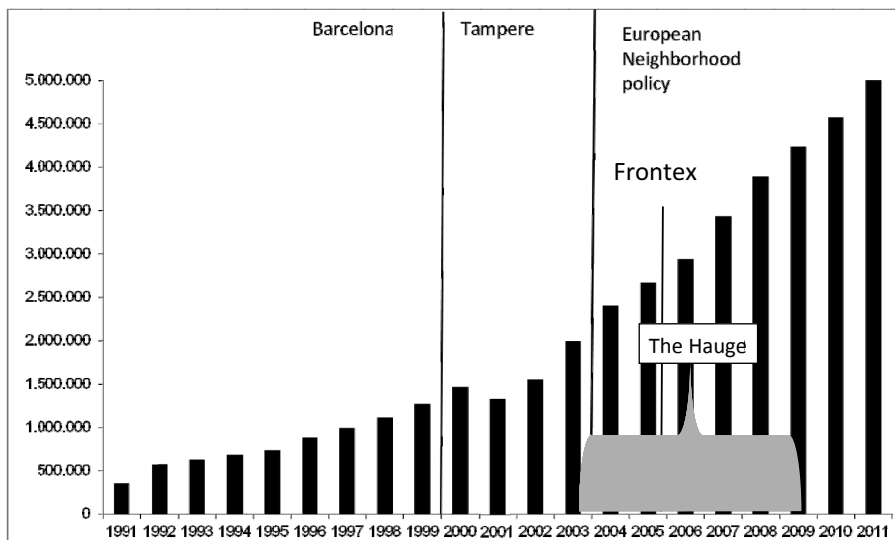
Source: ISTAT.

Fig. 2 - Italy: Flows of migrant population 1995-2011 (31st of December) and Italian Policies.



Source: ISTAT.

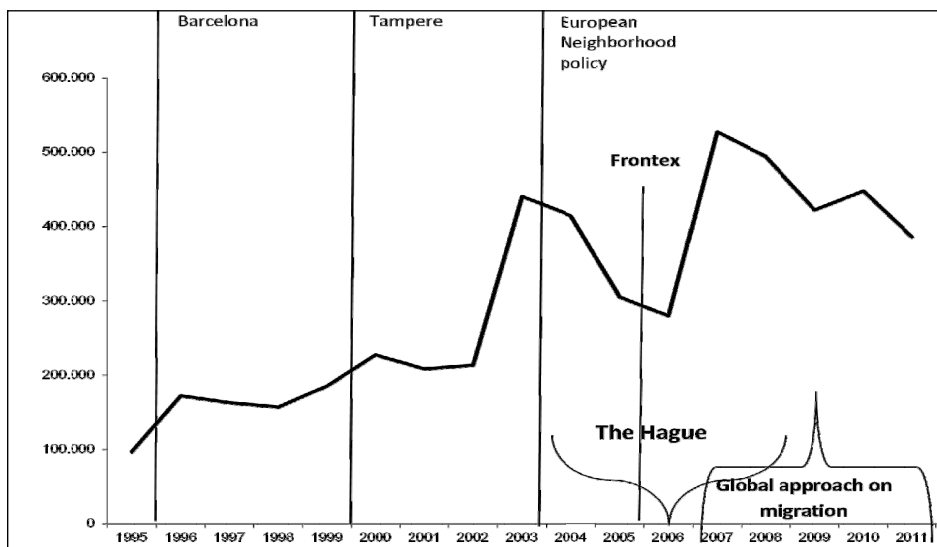
Fig. 3 - Italy: Stock of migrant population 1991-2011 (31st of December) and European Policies.



Source: ISTAT.

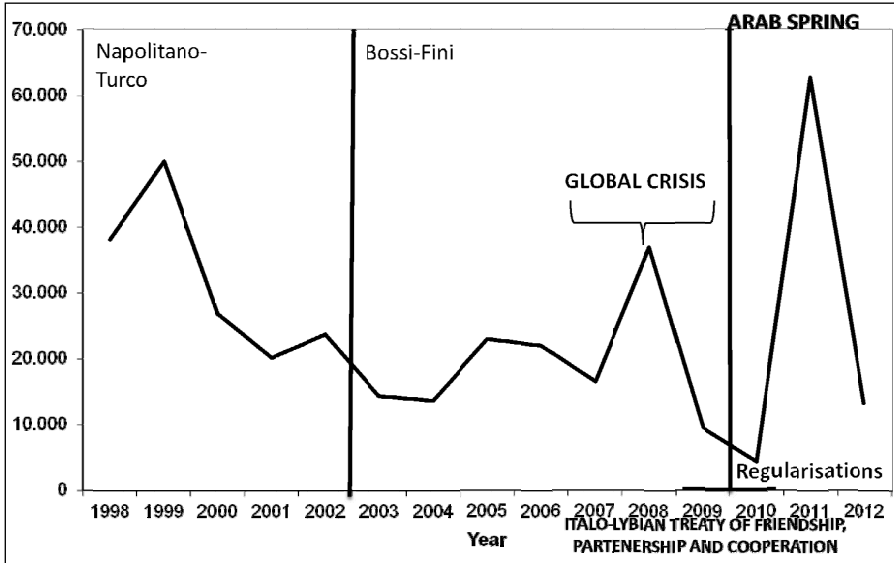
Global approach on migration

Fig. 4 - Italy: Flows of migrant population 1991-2011 (31st of December) and European Policies.



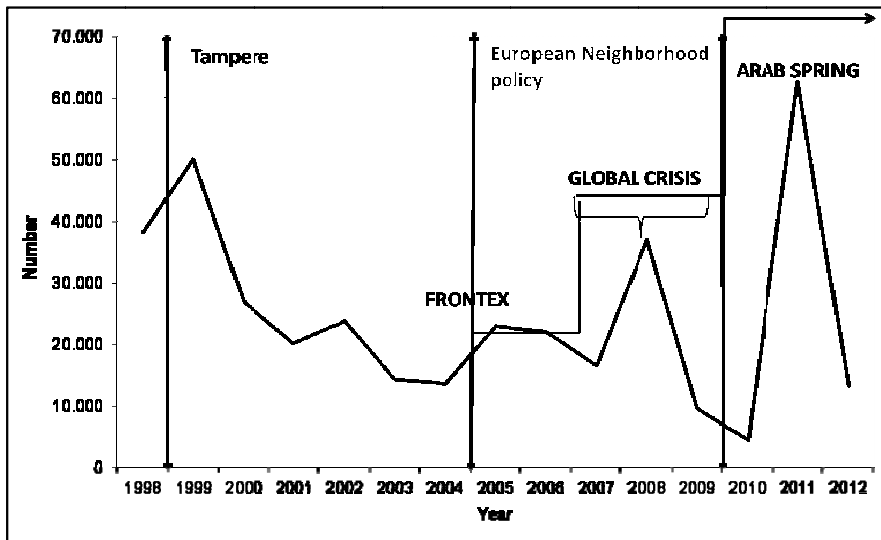
Source: ISTAT.

Fig. 5 - Unauthorized arrival by sea in Italy 1998-2012 and Italian Policies.



Source: Italian Ministry of Interior.

Fig. 6 - Unauthorized arrival by sea in Italy 1998-2012 and European Policies.



Source: Italian Ministry of Interior.

rival in Italy by the sea in relation to Italian and European policies. In this case, the more restrictive policies that were introduced at the beginning of the 21<sup>st</sup> century, in particular Bossi-Fini law of 2002 and European border control, decreased the number of arrivals. However, external events, such as the global economic downturn and the Arab spring events should also be considered as important pull factors for irregular migration.

## **5. Policies and flows evolution after the Arab Spring**

The outbreak of the Arab Spring has been perceived by European countries more in terms of massive migration flows invading Europe, than in terms of a political opportunity for the whole Mediterranean region. The fear of an exodus of migrants of “biblical proportions”<sup>11</sup> from North-African countries, as the Former Italian Foreign Affairs Minister Franco Frattini stated, immediately pervaded media and public debates. The alarm of significant inflows of migrants and asylum seekers coming towards the north river of the Mediterranean was increased by the Arab leaders themselves in order to obtain the European support in the management of the uprisings. However, the predictions did not realize and mass flows of migrants did not happen, as the main flows consisted in population displacement in the Arab region itself (Fargues and Fandrich, 2012).

According to the United Nations High Commissioner for Refugees (UNHCR), the civil war in Libya caused 550,000 internal displaced persons. More than 1 million individuals left Libya in spring and summer of 2011 to Tunisia, Egypt, Niger, Algeria, Chad and Sudan, of which around 40,000 were Libyans and around 70,000 were foreign nationals (IOM). Around half a million of these persons was received by Tunisia and Egypt. By contrast, the number of individuals that crossed the Mediterranean to Europe in 2011 was smaller. For instance, Italy received around 60,000 individuals and Malta 1,500 persons. They were mainly people from Bangladesh, Mali, Nigeria, and Pakistan who lived in Libya at the moment of the outbreak of the crisis. The total number of Liby-

---

<sup>11</sup> For further details, see: [http://www.repubblica.it/esteri/2011/03/27/news/frattini\\_piano\\_italo-tedesco\\_per\\_la\\_libia\\_gheddafi\\_in\\_esilio\\_e\\_pi\\_diritti\\_alle\\_trib-14142806/](http://www.repubblica.it/esteri/2011/03/27/news/frattini_piano_italo-tedesco_per_la_libia_gheddafi_in_esilio_e_pi_diritti_alle_trib-14142806/) (accessed online 18/09/2013).

an refugees was of 4,384, of which 1,505 were asylum seekers. Refugees who crossed the Mediterranean were mainly Tunisian (27,982) and Nigerian (6,078).

The number of asylum seekers was also not as big as the sensationalistic predictions: the top five nationalities of asylum seekers in Europe were still Afghans, Russians, Pakistanis, Iraqis and Serbs (EUROSTAT online database). In particular, Italy, due to its “privileged” position in the Mediterranean Sea, was expected to be the most exposed country. However, it received only 34,120 individuals, which was lower than previous predictions. This number is even more interesting, compared to the number of asylum seekers in France (56,000) and in Germany (53,000).

The EU’s immediate response to the migratory movements from the south Mediterranean countries was nothing new. The EU reinstated old positions based on border controls and containment of migrants, asylum seekers and refugees. The measures adopted by the EU to deal with the Arab Spring turmoil can be summarized as follows: “the intensification of border control and surveillance; the pressure on new authorities in North Africa to cooperate in curbing irregular migration; the introduction of new legislative proposals suspending mobility and the attempt to address the refugee crisis in North Africa” (Carrera et al., 2012). For instance, in order to intensify surveillance policies and assist the member states in controlling borders, the EU agency, FRONTEX, provided support and additional financial resources to the “member states under pressure”<sup>12</sup>, such as the “Joint Operation EPN Hermes extension 2011”. Moreover, in October 2011, the Visa Information System (VIS) was launched to facilitate the exchange of visa data among the member states (Fargues and Fandrich, 2012). Nevertheless, the main efforts of the EU were directed to cooperate with the Mediterranean countries to control irregular migrations. A substantial aid (around 400 million Euros) was provided to Tunisia in order to prevent massive flows and readmit illegal migrants. Several bilateral agreements were also concluded by individual EU member states with North African authorities. For instance, Italy signed two repatriation agreements, one with Tunisia on 5 April 2011 and another one with Libya on 17 June 2011.

---

<sup>12</sup> Frontex’ executive director, Ilkka Laitinen at the EUobserver: <http://euobserver.com/fortress-eu/118471> (accessed online 20/1/2013).

Another strategy used as well by the EU to restrict mobility from the south river of the Mediterranean was to insert clauses in the communitarian legislation justified by “external migratory pressures” (Carrera et al., 2012, p. 7). The two European countries which dealt more with this issue were Italy and France. The arrival of around 30,000 Tunisian in Italy, with special permits to travel in the Schengen area, pushed France to ask for temporary reintroduction of borders controls at the Italian frontier of Ventimiglia, on the principal of “the threat to public policy and internal security” (Carrera et al., 2012, p. 7). The reform of the Schengen Treaty, approved in 2012 by the Interior Ministers of EU member states, plus Island, Liechtenstein, Norway e Switzerland, could lead, as it has been appropriately argued (Pastore, 2011), to a “cluster of small fortresses”, where the mobility right could encounter multiple ruptures and even its definitive decline.

These short-term responses should be distinguished by a more long-term approach which was also used by the EU during the Arab spring. In March 2011, the European Commission presented a communication entitled “A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean Countries”<sup>13</sup>, with the aim of promoting democracy and development in the Mediterranean region. Special task forces to support the democratic reforms and the economic growth were formed initially in Tunisia, and successively in Jordan and Egypt. In October 2011, the “Dialogues for Mobility Partnerships” were also launched in Tunisia and Morocco. They were reinforced by the introduction of the mentioned above Global Approach to Migration and Mobility (GAMM), which was adopted in November 2011 to promote legal migration, development and human rights among migrants. The autumn of 2011 also saw the birth of the *Dialogues on Migration, Mobility and Security* with Tunisia and Morocco. Similar dialogues were launched with Egypt, Jordan and Libya.

As expected, some “mid-term evaluations” of the Dialogues have shown lack of equal participation between the EU and the south Mediterranean countries. Imbalances in the Euro-Mediterranean partnership are due mainly to divergences in both the intentions and the goals of the counterparts of these agreements. For this reason, in January 2012 Tunisia asked for: “job opportunities for

<sup>13</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52011DC0200:EN:NOT> (accessed online 20/1/2013).

Tunisian; recognition of skills/diplomas; reforming the Tunisian education system in order to meet the requirements of the EU labor market; promoting migrant's fundamental rights; integration in the receiving societies; and visa facilitation inclusion of merchants, civil servants, and family members of migrants in Europe" (Fargues, Fandrich, 2012: p. 8). Tunisia's requests demonstrate that the EU is still far from establishing a balanced partnership and a sincere dialogue with the Mediterranean neighboring countries. Basic human rights, such as family reunification and asylum, are perceived like charges which can be arbitrarily derogated by the European countries. Violations of the international law, disrespect of the *non-refoulement* principal, lack of solidarity and signing of unequal agreements seem to be the main features of the EU migration policy, before and after the Arab revolts.

## **6. Discussion and conclusion**

Several doubts have been expressed on migration policies' effectiveness, as well as about their capacity to influence the size and the composition of migration flows (Czaika, de Haas, 2013).

If a policy is to "assign an objective to society and implement measures to achieve this objective" (Vallin, 2012, p. 1), then migration policies clearly fail to achieve their objective to prevent migration flows, as the number of individuals crossing international borders confirms (214 millions of people in 2012, according to UN). Moreover, the existence of transnational communities and the growing importance of transnational participation among migrants confirm the failure of migration policies: in effect they cannot prevent unexpected and unwanted consequences, as migrations are (Castles, 2004b). Therefore, we can affirm with a reasonable level of confidence that restrictions to mobility do not imply decreasing migration.

On the contrary, they produce irregular flows and contribute to the exploitation of migrants. For instance, as already shown above, the repressive migration policies gradually adopted by the EU countries in the Mediterranean area, and in particular by Italy, before and after the recent uprising of the so-called Arab spring, did not stop migration. Conversely, these measures "seem to have a larger impact on the ways people migrated, that is, the legal

channels and geographical itineraries they use to move” (de Haas, 2011, p. 5). In particular, for migrants and asylum seekers, internal and external border controls produce insecurity and illegality; they increase exponentially the risk of dying at border crossings and trigger skepticism, invisibility and marginalization in the host societies. From the point of view of the receiving countries, restrictive measures are not able to reduce the number of irregular migrants, as they encourage settlement, instead of circulation. For all of the above reasons, we assume that countries should adopt more liberal migration policies, based on a sustainable *laissez-faire* approach. Policies in favor of mobility and integration of foreigners should be preferred to surveillance measures, the former being more realistic, effective and, above all, safer for migrants.

Moreover, it should be noticed that migration policies are usually used as short-term measures for electoral purposes or to cope with economics or political crisis. Nevertheless, migrations are long-term and self-sustaining processes (Castles, 2004b). Therefore, to promote development of migrants’ sending countries through international trade – instead of foreign aid – also appears a solution for migrations. Both neoclassical economy supporters and international left-wings militants argued that the participation of migrants’ sending countries to the international trade could reduce the economic and technological gap between geographical systems, preventing the causes of migration and avoiding at the source the necessity of implementing migration policies. Nevertheless, it should be said that the opening of trade barriers to less developed countries does not coincide automatically with the removal of social inequities and economic distortions. The contradictions of a globalized world should be taken into account when more vulnerable economic actors are considered. Indeed, policies regarding liberalization of markets and free trade should be followed by institutional and political reforms, both at the national and international level, in order to equally distribute the benefits of wealth among nations and populations. As there are evidences that migrations cannot trigger development, and migrants alone with their remittances cannot remove situations of structural economic and political stagnation in the home country (de Haas, 2012), free trade and circulation of goods cannot eliminate the causes of migration and consequently the need, or perhaps “the temptation”, of introducing migration policies. These



considerations lead us to agree with the idea that maybe one of the main causes of the inefficiency of migration policies should be also detected in the absence of a global governance of international migrations which is able to guarantee solid human rights (de Wenden, 2013). Nevertheless, although today more and more international organizations are dealing with the issue of migration (Geiger, Pécoud, 2014), the governmental and non-governmental efforts towards the building of an hypothetical World Migration Organization remain too weak, as it is a challenge to convince countries to devolve their sovereignty in the area of international migrations.

With the considerations of the above, the previously mentioned proposal of Vallin (2012) on population policies may be extended to migration policies. It may be more reasonable and convenient for receiving countries to find measures aimed at adapting our societies to the challenges of migration than trying to prevent them. The best way to adapt our societies to migrations is to foster human mobility and to make foreigners part of our societies. By this way, migration can be converted into integration; boundaries of social participation will be eliminated and the inner borders regarding the citizenship status will be opened to immigrants. A multi-level governance aimed at identifying common best practices among countries dealing with migration may represent a good starting point.

## References

- ADEPOJU A., VAN NOORLOOS F., ZOOMERS A. (2009), Europe's migration agreements with migrant-sending countries in the global south: a critical review, *International migration*, 48, 3, pp. 42-75.
- AMBROSETTI E., GIUDICI C. (2013), L'Europe rajeunie par ses migrants, *Revue projet*, 355, pp. 32-38.
- AMBROSETTI E., PAPARUSSO A. (2012), *Respect at borders, respect to borders in the Mediterranean*, in CASSANI B., MAZZARELLI F., *Education and research without borders*, Casa Editrice La Sapienza, Rome, pp. 219-240.
- BERTOZZI S. (2010) *European Pact on Migration and Asylum: a stepping stone towards common European migration policies*, available at [www.cidob.org/es/publicaciones/opinion/migraciones/european\\_pact\\_](http://www.cidob.org/es/publicaciones/opinion/migraciones/european_pact_)

- on\_migration\_and\_asylum\_a\_stepping\_stone\_towards\_common\_european\_migration\_policies.
- BALDI S., CAGIANO DE AZEVEDO R. (2006), *Politiques migratoires*, in *Démographie. Analyse et synthèse, VII, Histoire des idées et politiques de population*, Paris, Ined, pp. 489-522.
- CAGIANO DE AZEVEDO R. (2007), *Le migrazioni internazionali*, Ed. Giappichelli, Torino.
- CARRERA S., DEN HERTOOG L., PARKIN J. (2012), EU migration policy in the wake of the Arab Spring. What prospects for EU-Southern Mediterranean relations? Available at [www.medpro-foresight.eu/system/files/MEDPRO%20TR%20No%2015%20WP9%20Carrera.pdf](http://www.medpro-foresight.eu/system/files/MEDPRO%20TR%20No%2015%20WP9%20Carrera.pdf).
- CASSARINO J-P. (2005a), Migration and border management in the Euro-Mediterranean area: heading towards new forms of interconnectedness, available at [www.cadmus.eui.eu/bitstream/handle/1814/6283/med\\_2005\\_cassarino.pdf?sequence](http://www.cadmus.eui.eu/bitstream/handle/1814/6283/med_2005_cassarino.pdf?sequence).
- CASSARINO J-P. (2005b), Europe's migration policy in the Mediterranean: an overview, CARIM AS 10, Robert Schuman Center for Advanced Studies, San Domenico di Fiesole, Firenze.
- CASTLES S. (2004a), The factors that make and unmake migration policies, *International Migration Review* 38, 3, pp. 852-884.
- CASTLES S. (2004b), Why migration policies fail, *Ethnic and Racial Studies*, 27, 2, pp. 205-227.
- CZAIKA M., DE HAASH. (2013), The effectiveness of immigration policies, *Population and Development Review*, 39, 3, pp. 487-508.
- COMMISSION STAFF WORKING DOCUMENT (2007), Accompanying the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. "Towards a Common Immigration Policy Interim" progress report on the Global Approach to Migration {COM(2007) 780 final}, available at [aei.pitt.edu/38166/1/SEC\\_\(2007\)\\_1632.pdf](http://aei.pitt.edu/38166/1/SEC_(2007)_1632.pdf).
- COUNCIL OF THE EUROPEAN UNION (2008), European Pact on Immigration and Asylum No 13440/08, ASIM 72, Brussels, 24.09.2008, available at [www.stranieriinitalia.it/briguglio/immigrazione-e-asilo/2008/ottobre/patto-ue-immigr-asilo.pdf](http://www.stranieriinitalia.it/briguglio/immigrazione-e-asilo/2008/ottobre/patto-ue-immigr-asilo.pdf).
- DE HAAS H. (2011), Mediterranean migration futures: patterns, drivers and scenarios, *Global Environmental Change*, advanced online publication, doi: 10.1016/j.gloenvcha.2011.09.003.
- DE HAAS H. (2012), The migration and development pendulum: a critical view on research and policy, *International Migration*, 50, 3, pp. 9-24.
- DE HAAS H., VEZZOLI S. (2011), Leaving matters. The nature, evolution and effects of emigration policies. DEMIG/IMI project paper no. 4. International Migration Institute, University of Oxford, Oxford.

- DO U., HUDDLESTON T. (2009), Negotiating migration in the Euro-Mediterranean: the potential for EC Mobility partnerships. IEMed-CIDOB Mediterranean Yearbook 2009, available at [www.migpolgroup.com/public/docs/163.NegotiatingMigrationintheEuro-Med.pdf](http://www.migpolgroup.com/public/docs/163.NegotiatingMigrationintheEuro-Med.pdf).
- EINAUDI L. (2007), *Le politiche dell'immigrazione in Italia dall'Unità ad oggi*, Editori Laterza, Roma-Bari.
- EUROPEAN COMMISSION, *The global approach to migration and mobility* (COM(2011) 743 final), 2011, available at [http://ec.europa.eu/home-affairs/news/intro/docs/1\\_EN\\_ACT\\_part1\\_v9.pdf](http://ec.europa.eu/home-affairs/news/intro/docs/1_EN_ACT_part1_v9.pdf).
- EUROSTAT online database: <http://epp.eurostat.ec.europa.eu/>
- FARGUES P. (2011), Voice after exit: revolution and migration in the Arab world, Migration information Institute, available at [www.migrationinformation.org/Feature/display.cfm?ID=839](http://www.migrationinformation.org/Feature/display.cfm?ID=839).
- FARGUES P. (2012), *Demography, migration, and revolt in the Southern Mediterranean*, in MERLINI C., ROY O., *Arab society in revolt. The West's Mediterranean challenge*, Brookings Institution Press, Washington D.C.
- FARGUES P. and FANDRICH C. (2012), Migration after the Arab Spring. MPC Research Report 2012/09. Robert Schuman Center for Advanced Studies, San Domenico di Fiesole, Firenze.
- GEIGER M., PÉCOUD, A. (2014), International organisations and the politics of migration, *Journal of Ethnic and Migration Studies*, 40, 6, pp. 865-887.
- GUARNIERI A. (2005), Le politiche migratorie nei paesi mediterranei dell'Unione Europea nell'ultimo quindicennio: Dimensione comunitaria e peculiarità nazionali, IRPPS-CNR, working paper 05/05.
- HOLLIS R. (2012), No friend of democratization: Europe's role in the genesis of the Arab Spring, *International Affairs*, 88, pp. 81-94.
- ISMU (2011), *XVII Rapporto sulle migrazioni in Italia*, Franco Angeli, Milano.
- PASTORE F. (2011), The Migration impact of North-African revolutions and what it reveals about Europe. Observatory of Euro-Mediterranean Policies, available at [www.iemed.org/documents/euromesco-brief6.pdf](http://www.iemed.org/documents/euromesco-brief6.pdf).
- PEERS S. (2012), An EU Immigration Code: towards a common immigration policy, *European Journal of Migration and Law*, 14, pp. 33-61.
- PERRIN D. (2009), La gestion des frontières en Libye, CARIM AS, 31, Robert Schuman Center for Advanced Studies, San Domenico di Fiesole, Florence.
- PUGLIESE E., MACIOTI M.I. (1991), *Gli immigrati in Italia*, Laterza, Roma.
- TERMOTE M. (2011), The efficiency of immigration and integration policies, *Population Review Publications*, 50, 2.

- VALLIN J. (2012), Is a population policy really necessary? *Population & Societies*, 489, pp. 1-4.
- WEINER M. (1996), National sovereignty and the control of immigration, *International Migration Review*, 30, 1, pp. 171-197.
- WIERICH A. (2011), Solving problems where they are made? The European Neighbourhood Policy and its effects on the context of other migration-related policies of the European Union, *Perspective on European policies and society* 12, 3, pp. 225-241.
- WIHTOL DE WENDEN C. (2010), *L'Europe, un continent d'immigration malgré lui*, in 10 PAPERS FOR BARCELONA; *Le dynamiques de mouvement de personnes*, pp. 31-42.
- WIHTOL DE WENDEN C. (2013), Gouvernance mondiale, une graine d'espoir ? *Revue projet*, 355, pp. 40-50.
- XUEREB K. (2009), European cultural policy and migration: why should cultural policy in the European Union address the impact of migration on identity and social integration? *International Migration*, 49, 2, pp. 28-53.
- ZINCONI G. (2006), Italian immigrants and immigration policy-making: structures, actors and practices, Imiscoe Working paper, available at [www.dare.uva.nl/document/39856](http://www.dare.uva.nl/document/39856).

*Riassunto:* Partendo da un'analisi delle politiche migratorie attuate dall'Unione europea prima del 2011, questo lavoro si propone di comprendere come i paesi europei hanno gestito la situazione del Nord Africa dopo gli eventi della Primavera Araba. Particolare attenzione è dedicata all'Italia, poiché essa rappresenta attualmente uno dei principali paesi d'immigrazione nel Mediterraneo. La risposta dell'Unione Europea ai movimenti migratori provenienti dai paesi del Sud del Mediterraneo si è basata sui controlli alle frontiere e sulle restrizioni alla circolazione per i migranti e i rifugiati. La nostra tesi è che tali politiche aumentano la probabilità di morire ai valichi di frontiera e causano emarginazione ed episodi di razzismo nelle società ospitanti. Le politiche in favore della mobilità e dell'integrazione degli immigrati dovrebbero essere preferite a misure di controllo e sicurezza, le prime essendo più efficaci e soprattutto più sicure per i migranti.

*Résumé:* A partir d'une analyse des politiques migratoires mises en place par l'UE avant 2011, ce travail vise à comprendre comment les pays européens ont géré la situation en Afrique du Nord après les événements du printemps arabe. Une attention particulière est consacrée à l'Italie, car il est actuellement l'un des principaux pays d'immigration dans la région méditerranéenne. La réponse de l'Union européenne aux

mouvements migratoires en provenance des pays du sud de la Méditerranée a été basé sur les contrôles et les restrictions à la circulation des migrants et des réfugiés à la frontière. Notre thèse est que ces politiques augmentent la probabilité de mourir aux frontières et provoquent la marginalisation et le xénophobie dans les sociétés d'accueil. Les politiques en faveur de la mobilité et de l'intégration des immigrants devraient être préférées aux mesures de contrôle et de sécurité, les premières étant plus efficaces et plus sûres notamment pour les migrants.