

Italy: the ‘illegality factory’?

Theory and practice of refugees’ reception in Sicily

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Abstract

The recent surge of migrants crossing the Mediterranean in search of protection has presented a major challenge for the whole European Union. What has been often labelled as a ‘refugee crisis’ is first and foremost a crisis of international politics and the result of inadequate response mechanisms at national and local level. This paper focuses on the case of Sicily, the second main area of arrival, after Greece, when migration to Mediterranean reached its peak. The history of the Italian island has been marked by dramatic shipwrecks and scandals concerning the management of some reception centres. Since Autumn 2015, however, Sicily has also seen the rapid implementation of a new approach based on the creation of ‘hotspots’: designated areas for the rapid separation of those deemed as economic migrants from ‘genuine asylum seekers’. In the view of some observers, this has made Italy into a model of migration management, as opposed to the ‘chaotic’ situation of the Greek islands. However, the ‘hotspot approach’ has been also criticized for being engrained on practices that many deem illegal by both national and international standards. Migrants are filtered largely on the basis of national and racial lines and those who are not allowed to stay receive a ‘deferred expulsion’ which in effect condemns them to an illegal status on the Italian soil. Informed by findings from an ESRC-funded research project (EVI-MED) – which included analysis of official statistics and policy documents and interviews with local activists and practitioners - this paper examines this complex scenario, exploring the social, legal and human implications of the refugees’ reception system in Italy.

Keywords

Hot-spots; reception; Sicily; mixed migration; illegality

Introduction

The arrival of migrants crossing the Mediterranean in search of protection has come to represent a major challenge for the whole European Union since at least the summer of 2015. What often has been labelled as a ‘refugee crisis’ is, more precisely, a crisis of transnational politics on the one hand and the result of inadequate responses at national level on the other. Indeed, these two dimensions are strongly connected. As observed by Heisbourg (2016:14), “the refugee crisis is aggravating and accelerating the economic, social and political consequences of Europe’s inability to deal jointly and severally, in an effective and legitimate manner, with the challenges of our age”. Spijkerboer (2016) argued that this ‘perfect storm’ has reached the point of threatening the European project as a whole. In most countries, including those which have experienced relatively small mixed-migration flows, these have been exploited by xenophobic movements to hijack national political agendas, with moderate parties dragged behind more or less reluctantly. At local level, the (mis)management of arrivals and reception mechanisms have interacted in extremely complex ways with pre-existing economic, social and political structures, producing effects often dramatic, but also extremely diverse across nations, within regions and over time. If ‘crisis’ is an appropriate term to describe what we are witnessing in the Mediterranean, clearly there is a multiplicity of crises, interconnected but very different, each requiring a separate analysis.

This paper focuses on the case of Sicily, which, when migration to the Mediterranean reached its numerical peak (April 2015-March 2016), was the second main area of arrivals after Greece, and indeed the first before and after that dramatically exceptional period of time. The history of the Italian island has been marked by shipwrecks, scandals concerning the management of reception centres, and media outrages on the living conditions of migrants, as well as on the impact of their presence on the local communities. Since Autumn

2015, however, Sicily has also seen the rapid implementation of the so called ‘hotspot approach’ introduced by the European Agenda on Migration and based on the development of designated areas for the rapid identification and ‘channelling’ of migrants and refugees. In the view of some international observers, this made Italy into a model of migration management, as opposed to the ‘chaotic’ situation seen on the Greek islands around the same time (D’Angelo, 2016). However, the ‘hotspot approach’ has been also criticized for its intended and unintended consequences and for being engrained on practices that many deem illegal by both national and international standards (Melchionda, 2016).

This paper aims to examine this complex scenario, exploring the legal, social and human implications of the Italian reception system. It is informed by findings from the ESRC and DFID-funded research project ‘EVI-MED’ⁱ, and particularly its review of official statistics and reports and over 25 interviews with local policy-makers, practitioners and activists.

Mixed migration in the Mediterranean: numbers and politics

Irregular migration by sea is not a new phenomenon in Italy. In fact, as recalled by Pastore et al. (2006, 16) “the route between North Africa and Sicily has a long history, having started as a channel supplying seasonal workers to Sicilian agriculture in the early 1990s, after Italy had introduced visa requirements for the Maghreb countries”. Over the years, these routes have become increasingly heterogeneous, reflecting geopolitical constraints, international affairs and the ability of the Italian governments to establish, at different times, bilateral agreements with some of the countries of origin (Fondazione Ismu, 2005).

It is only more recently, following the Arab-Spring, the collapse of the Libyan regime and the war in Syria, that the term ‘Refugee Crisis’ has appeared – dominating the public discourses on migration in Italy. At a political level, this marked the failure of “a decade of

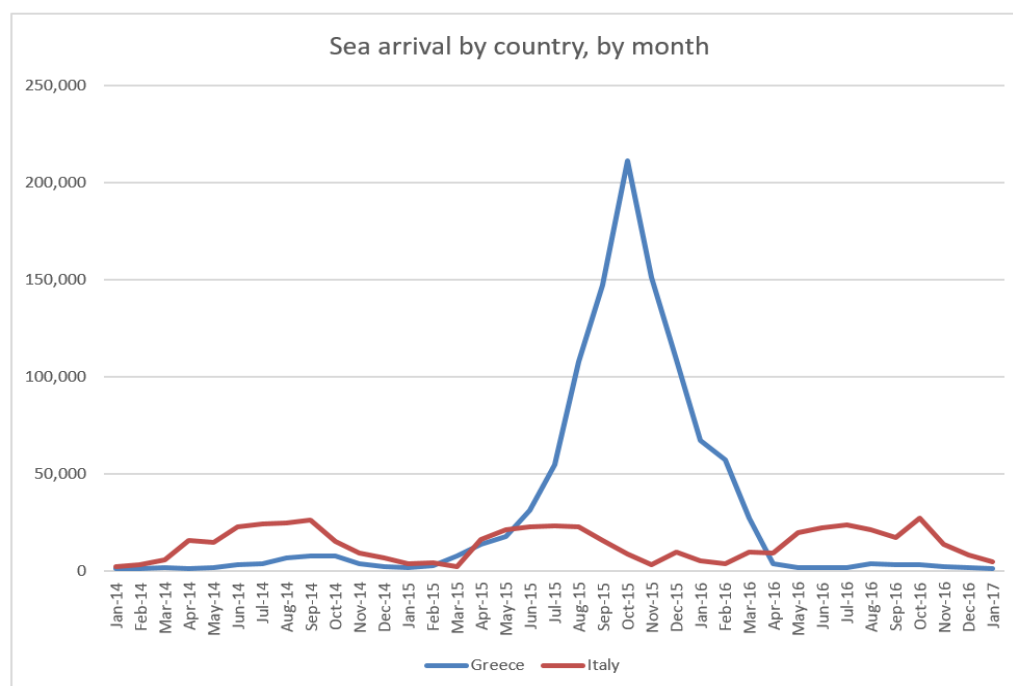
the European Union (EU) costly collaboration with North African countries towards an overarching policy of offshore containment” (Albahari, 2015:1). Although the numbers of monthly arrivals have been relatively stable for several years, this phenomenon has become to be perceived as a national emergency, regularly making the news headlines and feeding the narrative of anti-immigration political parties, such as the former independentist ‘Lega Nord’ as well as, more recently, the populist ‘5 Stars’ movement. Like in most other European countries, the rise of these stances has seen the consolidation of immigration as one of the defining themes in all political elections (Peters and Besley, 2015: 1371). Irrespectively of who is in government, state migration policies have become increasingly restrictive, aiming to protect labour markets, limit access to social services and expel those unwanted (Ambrosini and Van Der Leun, 2015; Peters and Besley, 2015). The series of migrant boat tragedies occurred over the course of 2015 and 2016 (Trauner 2016), although usually met with consternation in the short term, have not altered this trend: the overall focus being on reducing arrivals rather than saving lives.

Ruhs and Martin (2008) suggested that a way to understand recent development in refugee policies is to think in terms of a ‘trade off’ between numbers and rights or, in other words, “between a host state’s openness in terms of access for migrants to its territory (numbers) and the extensiveness of migrants’ access to rights granted” (Thielemann and Hobolth 2016: 644). However, such a rationalistic approach explains only to a limited extent what we have witnessed across Europe in the last decade, with a much stronger role played by negative attitudes towards migrants, partially as a reaction to “the excruciating consequences of Austerity” (Albahari, 2015:3), mixed with fears about international crime and terrorism, and the decreasing popularity of the European project.

Migration statistics tell a different story from what has become the media vulgate of the unprecedented, unpredictable, skyrocketing and unmanageable numbers of migrants. Up until

2014 the inflows to Italy had always been higher than in Greece. For example, according to official sources, in 2014 there were 170,100 sea arrivals in Italy against 41,038 in Greece. It is however between Summer 2015 and Spring 2016 that the arrivals in the Eastern Mediterranean saw a dramatic increase – as summarized by figure 1. Overall, in 2015 there were 856,723 sea arrivals officially recorded in Greece, a figure nearly 20 times higher than in the previous year, and much higher than that registered in Italy during the same period (153,842). What occurred in Greece was indeed a phenomenon of historic proportion; and one relatively limited in time too. By Spring 2016 – also as an effect of the EU-Turkey deal to block the migration flows through Anatolia into Europe – the balance of Mediterranean flows appeared re-established. In the whole of 2016, the arrivals in Greece went down to 173,450, compared to 181,436 in Italy. Thus, whilst it is understandable why the Greek situation was treated as an emergency, it is much less so with regard to the Italian side.

Figure 1 – Arrivals by sea by country of arrival – 2014-2017



Source: Author's analysis on UNHCR data

The other key difference between the Italian and Greek fronts is in the composition of arrivals in terms of countries of origin. As indicated in figure 2, whilst the vast majority of migrants coming to Greece were Syrian (46.6%), Afghan (24.1%) and Iraqi (15.1%) nationals, the flows to Italy are much more diverse, though dominated by Sub-Saharan African countries (e.g. Nigeria 20.7%) and the Horn of Africa. With the exception of Eritrea (11.4%), these are countries whose citizens are very unlikely to be granted refugee status. According to Eurostat (2016) data, in the 4th quarter of 2016, of all asylum applications to EU countries, 61% received some form of recognition (refugee status, humanitarian status or subsidiary protection). However, among Nigerians the recognition rate was only 24%, and 34% for citizens of Guinea and Gambia, 32% for Mali and 29% for Senegal. This compares to a 98% recognition rate for Syrians and 61% for Afghan applicants. In other words, the vast majority of those entering Italy by sea – mostly black African young men – are seen as

coming from ‘safe’ countries and thus, by definition, economic migrants. The widespread violations of human rights, persecutions and conflicts in many of the areas of origin and transit do not seem to count. This is reflected on the dominant perceptions in the public opinion on the nature of these migration flows, often described as ‘bogus asylum seekers’ or, more often, ‘clandestini’: clandestine people; a term with no legal basis but very popular with Italian media and some politicians. Indeed, across most of the political spectrum, those deemed worthy of protection are a very small minority.

It is within this context and, to an extent, on the basis of these perceptions, that the current Italian system of migrants’ reception emerged and is implemented. However, as discussed in the next section, its history goes back to several years and was shaped by the interaction of a variety of local, national and international factors and interests.

Figure 2 – Arrival by sea in Greece and Italy, by country of origin - 2016

Greece	#	%	Italy	#	%
Syria	80,749	46.6%	Nigeria	37,551	20.7%
Afghanistan	41,825	24.1%	Eritrea	20,718	11.4%
Pakistan	8,793	5.1%	Guinea	13,345	7.4%
Iraq	26,138	15.1%	Côte d'Ivoire	12,396	6.8%
Iran	5,315	3.1%	Gambia	11,929	6.6%
Others	10,630	6.1%	Senegal	10,327	5.7%
			Mali	10,010	5.5%
			Others	65,160	35.9%
Total	173,450	100.0%	Total	181,436	100.0%

Source: Author’s analysis on UNHCR data

The Italian reception system

The Italian system of migrants' reception – as defined by the country's laws and regulations – is complex. It involves a number of state and non-governmental actors and a multi-tier classification of services and centres, each one with a specific name or acronym – though not all of them underpinned by clear legal status. Over the years, regional variations, short-term changes of function, closures and re-openings have been the norm, rather than the exception. The first, fully-fledged national framework for the reception of asylum seekers and refugees began in the year 2000, with the institution of the 'National Asylum Programme' or PNA (in Italian 'Programma Nazionale Asilo'). The founding document of the PNA was an agreement between the Ministry of Interiors, UNHCR and the Italian Association of Local Authorities (or ANCI). Thus, from its inception, Italy aimed to give itself – at least on paper - an ambitious model based on national coordination, within an international framework, but also strongly decentralised, with a major role played by local actors. Interestingly, the term most often used in Italy to describe the overall system is not 'reception' ('ricezione') but 'accoglienza', which roughly translates into 'hospitality'. Two years later, the 2nd Berlusconi Government established - as part of the 'Bossi-Fini' immigration Law - the 'System for the Protection of Asylum Seekers and Refugees' or SPRAR (in Italian: 'Sistema di Protezione per Richiedenti Asilo e Rifugiati'). This national programme included reception and hosting centres, with boarding/lodging services, as well as integration support, legal advice and social assistance services. The SPRAR system is coordinated and monitored at national level, but managed by the ANCI: individual projects and centres are run by local social enterprises and cooperatives, with funds assigned at the level of individual municipalities. With its high standards and multi-agency structure, the SPRAR is not a cheap system, seemingly designed to deliver best practice to a relatively small number of people. In 2015 the public funds allocated to it amounted to € 242.5ml: not enough to create the number of places required to

respond to the ‘refugee crisis’. More to the point, a SPRAR centre requires time to be set up, is complex to organise, requires highly skilled staff and it is subject to regular monitoring by a central office.

It is for these reasons that the Italian authorities have created a parallel system of ‘extraordinary reception centres’ - or CAS (in Italian: Centri Accoglienza Straordinaria). This is overseen by the Ministry of Interior provincial offices (prefetture), which allocate funds to private or third sector providers. The required standards for the CAS are much less prescriptive than for the SPRAR, since these are meant to be just a rapid, interim measure whilst the SPRAR system is fully developed – at least in theory. In practice, the CAS network ends up hosting the majority of those who are recognised as asylum seekers and refugees. As indicated by official Italian data (see figure 3), at the end of 2016 there were 4,488 migrants hosted by the ‘CAS’ against 4,065 in the SPRAR network. Thus, a good part of the reception system is run through an emergency approach. As highlighted by local independent observers, the process of CAS subcontracting bypasses many formal regulations and requirements, often with lack of transparency, allowing all sorts of private or ‘third sector’ organisations, some with very little experience and expertise, to run migrant centres. There is no public database of the CAS centres, however independent research (InCAsStrati 2016) highlighted many cases of inadequate structures, sometimes lacking even in terms of basic health and safety standards. As revealed by some national investigations (Melchionda, 2016:10) for some of the improvised managers of CAS centres, this is first of all a business opportunity.

Figure 3 - Migrants in the official reception system – 31/01/2017

	Italy		Sicily		
	#	%	#	%	% on Italy
hot spot	711	0%	587	4%	83%
'first reception' centres (CPSA, CDA, CARA)	14,026	8%	4,494	33%	32%
'temporary' reception centres (CAS)	136,729	78%	4,488	33%	3%
SPRAR	23,107	13%	4,065	30%	18%
Total	174,573	100%	13,634	100%	8%

Source: Author's analysis on Italian Ministry of Interiors (Ministero degli Interni) data

In addition to the actual system of reception of refugees, there is a whole galaxy of 'governmental centres' (centri governativi) - including CDA, CPSA and CARA - performing a pre-reception role, as well as a number of parallel, ancillary tasks which, again, vary constantly across geographical areas and depending on the needs of the moment. Some of these governmental centres – which in 2015 received overall funds for about € 918.5ml - have been in place since much earlier than the National Asylum Programme was even conceived. The CDA (Centri di Accoglienza), in particular, were created in 1995 by the so-called 'Legge Puglia' (Apulia Law) as an emergency response to the arrivals of migrants from former-Yugoslavia: a reminder of very different arrivals by sea in a recent, though often forgotten past. In addition to these, the CARA (Centri di Accoglienza per Richiedenti Asilo e rifugiati), first instituted in 2004, have for long represented the only widely developed system of reception for asylum seekers and refugees. It is only in the mid-2000s, however, that Italy

saw the introduction of centres devoted to the ‘pre-reception’ stage: the so-called CPSA (Centri di Primo Soccorso e Accoglienza). Here migrants arrived by sea receive assistance straight after disembarkation, including, when necessary, medical assistance, before being transferred to other types of centres or services. It is also here that migrants are photo-identified and can express their will to seek international protection. In effect, the CPSA were the forerunners of the ‘hotspots’, as discussed in the next section.

Completing the picture there is one more type of ‘governmental centre’, the CIE: Centres for the Identification and Expulsion. These are supposed to play a completely different role, i.e. to briefly host those migrants who have been identified for repatriation to their country of origin. So, strictly speaking, the CIE are not part of the reception system as such. However, as discussed later on, the boundaries between reception and ‘accoglienza’ (hospitality) on the one hand and detention and policing on the other are problematically blurred.

Such a complex, indeed overcomplicated, collection of structures, which stratified over the years in response to different ‘emergencies’ and produced by different, at times contradictory pieces of legislation and regulations, can be baffling to an external observer, and is indeed quite confusing even for many of those working on the ground. When asking key informants in Sicily to explain the structures and functions of the Italian reception system, many would start by saying “*had you asked me last month it would have been a different story, but today it goes like this...*”. From the end of 2015, however, the Italian reception system underwent a much more drastic and rapid change than ever before, with the introduction of the so-called ‘hotspot approach’.

The Hotspot approach

On the night between April 18th and April 19th 2015, over 800 migrants died in what is now considered the Mediterranean's worst shipwreck of modern times (Trauner, 2016). This dramatic event produced an international outcry, and was soon followed by an emergency EU summit in Brussels. The meeting saw the launch of the so-called European Agenda on Migration (13 May 2015), a political document identifying a new set of strategic actions "that look beyond crises and emergencies and help EU Member States to better manage all aspects of migration" (European Commission, 2016). In reality, the Agenda was mainly dealing with borders management, focusing on the here and now (D'Angelo, 2015). Presented as an urgent and ground-breaking initiative to prevent further "human tragedies", the document promised increased funding to Frontex to prevent "illegal entries" and introduced the idea of the 'hotspot approach' "to swiftly identify, register and fingerprint arriving migrants". Although the Agenda is merely a declaration of intents – not legally binding – soon after the Italian Ministry of Interiors followed it up with its 'Italian Roadmap' (Ministero dell'Interno, 2015), leading the way to the implementation of this approach in the Southern regions of the peninsula. It is worth remembering that the rapid adoption by the Italian authorities of the 'hotspot approach' followed a long period of tensions between Rome and its European partners around the inadequate implementation of the Dublin Convention, and particularly regarding the fingerprinting of disembarked migrants. For months, the EU authorities had accused Italy of not doing enough to identify new arrivals and indeed of making it relatively easy for them to avoid identification and moving to other European countries undocumented (Trauner, 2016). For the European Commission, the implementation of the Agenda was key to restore confidence on a "well-functioning and effective migration management at the external borders" (Casolari, 2015:2) and thus on the overall EU system, including the Schengen area of free movement. For the government of Matteo Renzi, gaining political

credibility through the implementation of the Hotspot Approach appeared as a precondition to be able to demand a stronger European effort on search and rescue at sea and the implementation of the second pillar of the Agenda: the relocation of asylum seekers from the countries of arrivals to other EU member states.

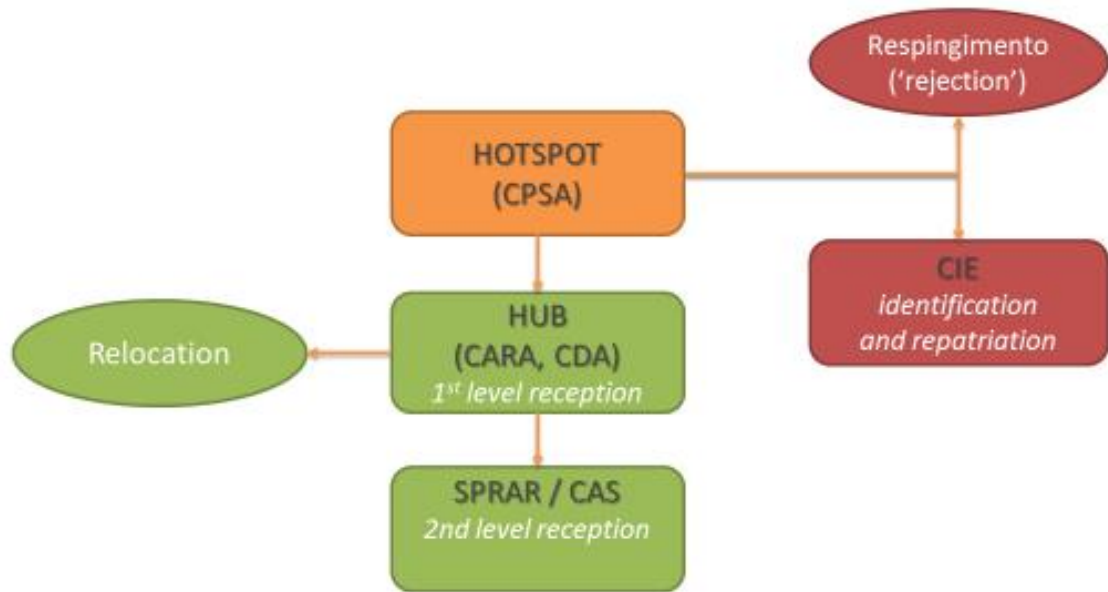
The first Italian hotspot was opened in the little island of Lampedusa on 21 September 2015, followed by Trapani (20 December) and Pozzallo (19 January 2016). There have been many discussion about new hotspots in other locations, including Augusta (Catania), Mineo (Catania), Messina, Porto Empedocle (Agrigento) and, most recently, Palermo. So far these have all ended in nothing because of logistic problems, lack of adequate structures or resources, pressures from the local public opinion or financial scandals regarding the management of other structures. In the main, the ‘hotspots’ are not new facilities, but a rebranding of pre-existing reception centres (CPSA), following some minor refurbishments, and with a much bigger role played by European agencies such as Frontex and EASO. These, as observed by Trauner (2016:318), have been “promoted as a panacea for dealing with the migration flows into Europe (or, probably more accurately, for curbing them)” – though in effect, for the Italian authorities, they came to represent a form of supranational control on the actual implementation of the European Agenda (Campesi, 2015).

At the same time, it is interesting to note that no official document provides a clear and detailed definition of what a ‘hotspot’ should be and how it should operate. As noted, among the others, by Casolari (2015:6) the hotspot approach is indeed just an ‘approach’: it has not been established by means of EU or Italian law and, as such “it only implies a re-shaping of existing legal instruments”. The general idea, however, is to create designated ‘areas of disembarkation’, where migrants are screened, identified, and fingerprinted - against their will, if necessary. “Those claiming asylum” - explains an EU factsheet (European Commission, 2015) - are “immediately channelled into an asylum procedure”, whilst “those who are not in

need of protection” are returned to the countries of origin or, in the Italian case, taken to the Centres for Identification and Expulsion (CIE). Thus, the ‘hotspots’ are only meant to be the entry point to the reception system, with those recognized as in need of protection to be transferred to a Hub – a new denomination for large first-level reception structures, similar to some of the old CDA (Centri di Accoglienza) or the largest CARA (reception centres for refugees). These are, in theory, short-term arrangements before being moved to the SPRAR (see figure 4).

The specific aspect of fingerprinting ‘by force’ for those who resist identification has been singled out by many observers as unlawful since it is not contemplated by Italian law (Melchionda 2016,10) and it has attracted “severe criticism from NGOs and international actors due to concerns about the protection of migrants’ fundamental rights” (Casolari, 2015: 3). In addition to this, the practices within the so-called ‘hotspots’ have received wide condemnation among human rights activists with regard to the living conditions experienced by migrants, going from poor to appalling. In December 2015, for example, the humanitarian health organisation Médecins Sans Frontières (MSF) decided to leave the centre of Pozzallo, in southern Sicily, because “undignified and inadequate reception conditions” made it impossible to care for their patients (MSF 2015). Similar complaints by NGOs operating in different centres followed over the course of 2016.

Figure 4 - Hotspot system in Italy (in theory)



Filtering ‘real’ refugees

If the main function of the hotspot approach is to identify ‘actual’ asylum seekers – how is this performed? Also with respect to this, both the European Agenda and the Italian Roadmap are extremely vague – and worryingly so. What happens in practice has been the object of criticism by several NGOs, which have denounced the inadequacy of the legal information provided to migrants on their arrival and the hasty methods used to separate ‘real asylum seekers’ from those who are ‘just economic migrants’. One of the tools used in the Italian hotspots is the so-called ‘foglio notizie’ (information sheet). This is a very short questionnaire, collecting some general personal details and, crucially, asking migrants what is the reason of their arrival. The questionnaire provides a number of tick boxes: family reunion, work, and asylum are some of the options available - though different versions are used in different centres and at different times. If, for any reason, ‘work’ is one of the selected options, an individual is automatically classified as an economic migrant. *“It is ridiculous – explains one of the local activists interviewed during fieldwork – several of these people do*

not even fully understand why they are completing the questionnaire and proper interpreting is not always available. We know of many refugees who select 'work' because they want to show their willingness to integrate economically, and for that reason they are denied the right of asylum”.

Communication networks among migrants work very fast, so many new arrivals have become extremely wary about any piece of paper which is placed in front of them. However, the ‘foglio notizie’ is only one of the selection instruments. Interviews also take place, though even most of the lawyers working in this field are unable to provide a clear account of how these work. Also in this case, it appears different practices are implemented at different times and in different places.

What the Italian system is consistent about, is in its outcomes. In fact, everybody working on the ground knows what is the main criteria used to distinguish ‘real’ asylum seekers: the country of origin. Those who come from countries deemed safe (more precisely, those who are deemed to be from those countries) are automatically classified as economic migrants and receive a document notifying their ‘respingimento’ (rejection). This affects a considerable part of those who get into the hotspots, since – as mentioned earlier on - the vast majority of the arrivals in Italy are from Sub-Saharan African countries. As noted by Albahari (2015:2), “the complicated story of a person leaving Nigeria, for example, needs to be assessed individually and on the basis of rigorous knowledge, which often challenges the Cold War dichotomy between economic and forced migration”. Instead, the hotspot approach has in effect resulted into a delegation to police forces – assisted by Frontex and EASO – of the extremely sensitive and complex task of separating those in need of protection from the others (Melchionda, 2016: 10). This, as explained by one of the human rights lawyers interviewed during fieldwork *“is a blatant violation of the right of asylum as an individual right, as defined by the international conventions”.*

An additional reason of concern regarding the Italian system is in the delayed waiting times before decisions are made, which, in effect, can turn the ‘swift identification’ of the European Agenda into a form of detention. The government act that established the CPSA (the forerunners of the Hotspots) did not indicate any requirement for the hosting of migrants, nor the conditions of restraint. Although 48 hours are usually considered the limit (in accordance to national legislation), in many cases people have been kept in these centres for several days and even weeks (Suprano, 2016). The de-facto detention of migrants has at times been justified as a result of the exceptional character of the refugee crisis. However, as Pichou (2016:1) argues, although the European Court of Human Rights “takes into consideration the multiple challenges that states confront” these cannot serve as an excuse for deviating from the obligation under the European Convention of Human Rights. In other words, “administrative practices alone, without a statutory provision and established case law, are insufficient legal bases for the detention of people at reception centres” Pichou (2016,1).

Those who are deemed genuine asylum seekers at the hotspot stage often risk facing an even longer wait before their applications are processed. A legal and social limbo that can go on for up to 18 months. Although centres such as the CARA are meant to be ‘open’, they can be miles away from the nearest town or village, so migrants live totally isolated, often with lack of adequate information, interpreting services or psychological support – as repeatedly reported by Italian NGOs such as Borderline Sicilia, ASGI and many others. In some cases, people simply give up and decide to leave the centres, bypassing the official system and trying to join friends or family somewhere else in Europe by their own means and off-the-radar. In this way, the destiny of these asylum seekers becomes not very different from those who have been identified as economic migrants or ‘clandestini’.

Virtual expulsions

As discussed in the previous section, the hotspots filter people largely on the basis of national (if not racial) lines. Migrants from countries who have signed a bilateral agreement with Italy – for example Nigeria, Egypt, Morocco – can be taken straight to the CIE for repatriation. The idea is that local consuls should regularly visit the CIE and identify their citizens before the repatriation process can begin. This is much easier said than done; particularly since most migrants do not hold documents or, if they do, these are not necessarily accepted as genuine. Countries of origin, on their part, do not have much of an interest in bringing back their emigrants. Furthermore, the material cost of repatriations via charter flight is considerably high. All in all, it comes as no surprise that the complex and expensive process of repatriation involves only very small numbers of people each month.

What happens to the others? Some are left in the CIE for a very long time, after which, in some cases, they manage to ‘escape’. As reported by local activists: *“Every now and then the gates of the CIE are ‘inexplicably’ left open. So migrants can run away undisturbed – thus freeing-up a few more places for the new arrivals.”* The majority of economic migrants, anyway, never go through the CIEs. Indeed, the number of these centres has seen a progressive reduction between 2015 and 2016 (LasciateCIEntrare, 2016). Following their identification at the hotspot, most receive a letter notifying their ‘deferred expulsion’. The document, written only in Italian, demands that they leave the country, by their own means, in about six days. It is not clear how people who travelled for months across a continent, often with no knowledge of Italy or the Italian language, now left with little or no money, are expected to do this. The official line is that they should catch a train or coach from Sicily, head north to the capital Rome – specifically the international Ciampino Airport – and simply fly back home. It is a surreal proposition no one believes in. Italian news

channels have caught police officers on camera admitting that virtually none of the migrants who receive these letters would ever contemplate going back to their country of origin.

What happens in practice, though, is equally dramatic. Up until recently, migrants were left outside major train stations. The presence of these relatively large groups – which, in some cases, staged public protests – raised the negative attention of national media and local residents. So, over time, the police forces have started taking smaller groups to out-of-sight local stations. In other instances, as reported by many locals, migrants are put in a police van which wanders across the countryside, stopping every few miles to abandon small groups of people in the middle of the road – with no information on what to do and how to continue their journey. It is difficult to know exactly what happens to these migrants, but anecdotal evidence indicates that some try to continue their journey through central and northern Italy and, after that, northern Europe. Often they do this with the support of networks of smugglers, most of which are also migrants. Others, at least for some time, end up living on their wits in Sicilian towns or the countryside. It is a well-known fact that Sicily's agricultural sector is now able to survive only thanks to the large number of migrants employed in exploitative, largely illegal conditions - as reported for example, by Catholic organisation Caritas Italiana (2015). Traditionally these migrants were third country nationals who entered legally on a short-term visa, but it appears many of those arriving more recently, smuggled through the sea, are now joining the ranks. *“The working conditions and pay are unacceptable by Italian standards – explains a practitioner in a local migrants' centre – but they represent some kind of improvement compared to what some of these people experienced en route through Africa”*. Clearly this is a system that – whether by accident or by design – creates a direct connection between the so-called refugee crisis and the specific socio-economic characteristics of the areas of arrival.

The ‘illegality factory’

As argued in the previous sections, the so-called SPRAR (Sistema Protezione Richiedenti Asilo e Rifugiati) - with its ambitious multi-actor framework and relatively high standards - does in fact represent only a very small part of an Italian reception system which, in practice, is largely based on emergency approaches and temporary measures, some of which have been running as such for nearly two decades (Vassallo Paleologo, 2012). Whilst the introduction of the hotspot approach has significantly changed the overall picture, this has happened without passing any new legislation, neither at EU nor at national level. Indeed, as observed by some local activists, the Italian Roadmap has been mainly “*a political agreement between the Italian Government and Europe, which has bypassed and superseded the law*”. The main objective of this agreement was to resolve political problems, rather than addressing the needs of those seeking protection in Europe. If before the hotspots many migrants were able to get through Sicily without being fingerprinted, this has now become extremely difficult. In this respect, the Roadmap has paid some political dividends. Short after its implementation, Italy ceased to be seen as one of the weak links in the European migration system. When visiting Rome in February 2016, the President of the European Commission, Jean-Claude Juncker, praised the implementation of the hotspot approach as a model for other European countries on how to manage the refugee crisis. The fact that the other pillar of the European Agenda on Migration – the relocation scheme – has been largely unsuccessful, with only a handful of migrants benefiting from it, has allowed the Italian Government to turn the tables and accuse its partner countries of not doing enough in terms of ‘burden sharing.’ For Matteo Renzi this political success was merely symbolic, bringing very little in terms of concrete EU-support, and was quite short-lived: his government coming to an end in December 2016 following the failure of a constitutional referendum. In a mere matter of weeks, the new government led by Paolo Gentiloni announced a new piece of

legislation on “international protection and illegal immigration”. The key elements of the law include the abolition of the right of appeal for refused asylum seekers and the expansion of the CIE expulsion centres – to be renamed CPR (Permanent Centres for Repatriation) – which should be increased from 4 to 20, one for each of the Italian regions.

Whilst such decisions have been criticized for strengthening the repressive elements of the Italian system and making it even more difficult for migrants to access some form of protection, it is unlikely that these will substantially change the nature of what some have described as an ‘illegality factory’. The meaning of this term is at least two-fold. On the one hand, as discussed, the hotspot approach as well as the broader reception system are run on the basis of ‘legal blind-spots’ and many of the practices used – from the forced fingerprinting to the inadequate hosting conditions, from the lack of legal information to the mass rejections on the basis of nationality – have received wide criticism for their unlawfulness. On the other, this is a system that produces illegality, a large-scale machinery that, for the most part, channels migrants, hinders them for a while – often quite a long, alienating while - and then releases them in the local territory undocumented. In fact, the main effect of the ‘hotspot’ approach is neither to provide protection nor to return unwanted migrants. What we see at the Sicilian border is very different from any traditional idea of ‘Fortress Europe’. In fact, migrants do come through and are, in practice, free to stay, provided they are first deprived of rights, including the right to work legally, the right to welfare, the right to be visible. Whilst in the short term this system has been serving some quite specific political and economic purposes, in the long-run it is producing some very negative human, social and legal externalities, whose long-term impact is hard to predict.

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