

# A time for change?

Access and barriers to regularization in Italy seen from the experiences of irregular migrant and refugee workers

MMC Briefing Paper, December 2020



*“It is always complicated to get the document; it takes a lot of time, and they always tell you that you have made some mistake, or that you are in the wrong place, or that you have to come back at another time. It’s very difficult to understand what they want. If the volunteers of the associations don’t help you, you are lost”*

Senegalese respondent, in Italy for five years.

**Front cover photo credit:**

Stefano Carnevali / Shutterstock. Rome, Italy, July 25, 2016  
Seasonal agricultural field workers cut and package lettuce, directly in the fields, ready for shipping.

# Acknowledgements

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# Contents

- 03 Acknowledgements
- 05 Executive Summary
- 06 Introduction
- 07 Methodology
- 08 Findings
- 11 Final reflections



# Executive Summary

On 19 May 2020 Italy introduced a wide-ranging stimulus package, known as the “[Relaunch Decree](#)”, in a bid to repair the economic damage wreaked by the Covid-19 pandemic.<sup>1</sup> The decree’s many measures include enabling those working irregularly in specific economic sectors to apply for temporary regularization. The purported aim was to tackle labour shortages [and](#) limit the spread of the coronavirus in the informal settlements that continue to exist as migrants and refugees engage in a highly exploitative labour market.

Between 1 June and 15 August [207,542](#) people applied to be regularized.<sup>2</sup> Only 15 percent of applications related to work in the agricultural sector, and of these almost none were submitted by African workers, despite many Africans being directly involved in the highly exploitative sector. In the light of this, this briefing paper explores access and barriers to applying for regularization under the Relaunch Decree faced by African irregular workers. It is based on interviews with both people who applied and who did not.

As expected, our findings show that for many migrants and refugees, working irregularly in Italy is better than not working at all. But such labour is tied to risks of exploitation and not being paid, and to feelings of anxiousness which the Covid-19 pandemic have exacerbated. Many therefore see the decree as an opportunity for change. However, interviewees found it extremely difficult to understand the many requirements for documentation to be submitted as part of the application process. This made them dependent on assistance from civil society organisations and others to succeed. For some, the cumbersome application process, combined with little trust in actual change, kept them from applying.

The Relaunch Decree can therefore only be a first step towards ending the highly exploitative migrant labour market that exists within certain sectors of Italy’s economy. Especially within the agricultural sector, there was little to incentivize employees to apply for the regularization of their workers, a process that was complicated, costly and time bound.

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1 Government of Italy (2020) [DECRETO-LEGGE 19 maggio 2020, n. 34](#) Gazzetta Ufficiale

2 Italian Ministry of the Interior (2020) [Emersioni dei rapporti di lavoro 2020](#)

## Introduction

As a consequence of the Covid-19 pandemic, Italy faced a potential [food shortage and, especially in the agricultural sector, a labour crisis](#) during the spring of 2020.<sup>3</sup> Towards the end of that year (at the time of writing) [Covid-19 is on the rise again](#), lockdown measures have been reintroduced, and there is no clear indication as to when the country will manage to control the spread of the virus and return to normality.<sup>4</sup>

One of the critical issues related to the feared food shortages and labour crisis was that due to the effects of the pandemic, seasonal workers were either unable or unwilling to travel. This left a large gap as 25 percent of Italy's agricultural workforce consists of seasonal migrant labourers from [Eastern Europe](#).<sup>5</sup> Other migrant workers originate from [Africa and other non-European countries](#) and have entered Italy irregularly, many via the Mediterranean.<sup>6</sup>

In total, there are between [600,000 to 650,000](#) irregular migrant workers in Italy.<sup>7</sup> Many have faced labour exploitation for years to the point where NGOs describe the phenomenon as a [modern form of slavery](#).<sup>8</sup> They often live in isolated rural ruins or shanty towns and work for wages that are [far below union standards](#) and hours far above them.<sup>9</sup> With the pandemic, Italy has therefore also faced challenges in limiting the spread of Covid-19 among irregular migrant and refugee workers<sup>10</sup> living in the overcrowded informal camps where conditions make it difficult to protect themselves and others.

### The 'Relaunch Decree' is passed

On 19 May 2020 the Italian government issued Decree-Law no. 34, known as the Relaunch Decree, which includes a specific measure pushed for by the Minister for Agriculture, Teresa Bellanova to [address labour shortages](#) and limit the spread of Covid-19 in informal settlements that accommodate migrant farmworkers.<sup>11</sup> A provision entitled "[Transforming employment relationships](#)" aims to "ensure adequate levels of individual and collective health protection" as a consequence of the Covid-19 pandemic and to "facilitate

the emergence of regular employment relationships" with regard to all those working irregularly in specific sectors, including refugee and migrant workers but also Italian citizens.<sup>12</sup> The eligible sectors are: agriculture (including crop production, livestock, fisheries, and forestry), social care and domestic work.<sup>13</sup>

The decree allowed people working irregularly in the abovementioned sectors between 1 June and 15 August to apply for a six-month residency permit by following one of [two procedures](#):

1) Workers could themselves apply for a six-month residence permit to look for a job as long as they could document that a) they had been in Italy with a permit of stay that had expired by 31 October 2019, and b) that they had worked regularly until that date in one of the specified economic sectors and that they were still present in Italy on 8 March 2020 and thereafter.

2) Employers could apply to regularize their foreign<sup>14</sup> and Italian workers without a regular contract by putting in place proper employment contracts. Again, foreign workers had to be able to demonstrate that they were in Italy already before the 8 March 2020.<sup>15</sup>

### Praise and criticism for the Relaunch Decree

The decree has since its adoption been heavily discussed and criticized. Politicians on the right claimed it would serve as [a pull factor](#), increasing immigration to Italy and that the Covid-19 outbreak was being used as a pretext to give amnesty to people with an irregular status.<sup>16</sup> Trade unions and humanitarian groups, on the other hand, regard the decree as a positive step to protecting refugees' and [migrants' rights](#), but also take issue with its focus on [economic interests](#) and its overly narrow applicability to people working in sectors of the economy deemed "essential" during the health crisis.<sup>17</sup> The decree has also been criticised for being temporary and for doing little to address the root causes of the widespread [exploitation of migrant labour](#) in the country.<sup>18</sup>

3 Peitromarchi, V. (2020) [Amid food shortage fears, will Italy legalise migrant workers?](#) Al Jazeera

4 New York Times (2020) [Italy Coronavirus Map and Case Count](#)

5 Reidy, E. (2020) [In the news: Italy to grant undocumented migrants work permits](#) The New Humanitarian

6 D'Ignotti, S. (2020) [Italy's coronavirus amnesty: Migrant rights or economic self-interest?](#) The New Humanitarian

7 Camilli, E., Laganà, G., Pinyol-Jiménez, G. & Schneider, J. (2020) [Towards an EU Toolbox for Migrant Workers](#) Open Society

8 Jones, T. & Awokoya A. (2019) [Are your tinned tomatoes picked by slave labour?](#)

9 Ibid.

10 When using 'irregular migrants and refugee workers' throughout this paper, "irregular" refers to the work status. We therefore refer to all migrants (regardless of immigration status), refugees and asylum seekers [working irregularly in Italy](#).

11 European Commission (2020) [Italian government adopts targeted regularisation for migrant workers](#)

12 Government of Italy (2020) [DECRETO-LEGGE 19 maggio 2020, n. 34](#), Art. 103 Gazzetta Ufficiale

13 The first draft of the decree only applied to workers in the agriculture sector. Social care and domestic work were included after protests and pressure from civil society.

14 Only if the foreign worker could document that he/she was present on the national territory before the 8 March 2020.

15 European Commission (2020) op. cit.

16 Roberts, H. (2020) [Italy's coronavirus farmworker shortage fuels debate on illegal migration](#) Politico

17 Reidy, E. (2020) op. cit; ANSA (2020) [Italy: Undocumented farmworkers to strike on May 21](#) (Republished by InfoMigrants)

18 D'Ignotti, S. (2020) op. cit.

## A historical lens: past regularisation and efforts to combat exploitation of migrant workers

Italian governments across the political spectrum have on several occasions introduced regularisation programmes with a view to solving economic issues and tackling labour exploitation. There were nine such initiatives between 1982 and 2020. The largest effort was in 2002 when [nearly 700,000 migrants and refugees were regularised](#) after the Bossi-Fini law was enacted, introducing, at the same time, criminal sanctions for persons caught illegally entering the country and providing for the immediate expulsion of people without residence permits.<sup>19</sup> Penalties for employees engaging in irregular work were first introduced in 2011 and tightened in 2012 with a [Directive of Sanctions](#).<sup>20</sup> In [2016 a law was adopted](#) that focused specifically on legal tools for combating labour exploitation in the agricultural sector.<sup>21</sup> This was followed by [site inspections in 2018](#) to assess the extent of the law's implementation.<sup>22</sup> Despite these efforts, labour exploitation of irregular migrant and refugee workers remain a critical issue in the country.

## The absence of applicants among African agricultural workers

As of 15 August, a total of [207,542](#) people applied for regularization under the Relaunch Decree.<sup>23</sup> Only 12,986 of these applications were made directly by foreign citizens, with the low number likely due to the onerous documentary requirements. Eighty-five percent (176,848) of the applications related to domestic work, with the remaining 15 percent (30,694) relating to work in the agricultural sector; almost none of this latter category of applicants were African workers. This is a cause for concern since irregular migrant workers from West Africa in particular are amongst those directly involved in highly exploitative sectors such as [seasonal tomato harvests](#).<sup>24</sup>

There has been little explanation about why so few African workers applied for regularization under the new decree. To bridge this information gap, the Mixed Migration Centre (MMC) interviewed African irregular migrants and refugees working in the agricultural sector – including applicants and non-applicants – to understand their perceptions of access and barriers to regularization.

Some of the questions that this briefing paper addresses are: What are the concerns among African migrants and refugees linked to irregular work in Italy in general and especially during the pandemic? What information do they have about the Relaunch Decree and where did they obtain it? How do they perceive access and barriers to the application process? What are their hopes for the future regarding the changes the decree might bring?

## Methodology

The interviews for the research were organised by MMC in collaboration with Oxfam Italy. Interviews were collected remotely (via phone) between 26 August and 10 September 2020.

Nine qualitative interviews were conducted: seven with irregular migrants who had applied for regularization and were waiting for an official response, and two with people that did not apply.

All the interviewees originally come from West Africa (three from Senegal, two from Ghana and one each from Gambia, Nigeria, Guinea and Liberia) and include eight men and one woman. At the time of the interviews, six worked in the agricultural sector, two people worked in silviculture and one was unemployed. Six interviewees were living in the south of Italy (five in Apulia and one in Sicily), two were based in the North of Italy during the time of interview and one was in Tuscany but had lived in Borgo Mezzanone, (a small town in the Foggia province, in the Apulia region), until February 2020. Considering the limited sample size of respondents, this paper does not have the ambition to exhaustively cover this subject. Rather, it aims to put the direct experiences of refugees and migrants at the centre, using the in-depth interviews as illustrative examples.

19 Pai, H. (2020) [Italy's all too revealing call for regularising migrant labour](#) OpenDemocracy

20 Testore, G. (2020) [Italian government adopts targeted regularisation for migrant workers](#) European Commission

21 Salis, E. (2016) [Italy: New law combating severe labour exploitation finally entered into force](#) European Commission

22 Testore, G. (2020) [Italian government adopts targeted regularisation for migrant workers](#) European Commission

23 Italian Ministry of Interior (2020) <https://www.interno.gov.it/it/notizie/emersione-dei-rapporti-lavoro-presentate-piu-207mila-domande>

24 Forin, R. (2018) [The Tomato Conundrum](#) Mixed Migration Centre

## Map 1. Regions of interview



## Findings

### Working irregularly – For want of anything better

From the interviews it becomes evident that all the respondents had complicated lives in Italy filled with anxiousness and fear tied to having an irregular status:

*My stay in Italy has never been happy. I live in the ghetto of Borgo Mezzanone, you don't live well there. I did a lot of jobs ... Now I work without a contract as a farmer... I don't like this job, both because I have no contract and because I don't want to violate the law.*

**Liberian farm worker in Italy since 2016**

The Covid-19 pandemic only seems to have exacerbated such feelings of anxiousness. Some interviewees described how they worked longer hours during the spring of 2020 without proper protection measures, while others lost their job and depended on food rations provided by civil society organisations. A 24-year-old man from Ghana who has been in Italy since 2013 and works in the fields of Foggia described his fear of falling sick with Covid-19 and in the process of seeking medical help getting caught with an irregular status:

*During the pandemic I stopped for three weeks. There was total panic in the fields, we were afraid of getting sick and being found out that we were undocumented. We wore masks but we didn't feel safe. We didn't have the possibility to change the masks and we didn't have the gel.*

The interviewees, who have lived for years in Italy, generally expressed a strong desire to contribute to Italian society by working regularly, and to settle down into a more stable life than which they have so far experienced. A 26-year-old Nigerian woman living in Italy for five years summed this up thus: “I would like to work legally, and I would like a nice home. I would like it to be quiet for once in my life.” The large number of applicants for regularisation is a clear indication of this wish to live and work regularly and integrate into Italian society.

However, lacking other options, working irregularly is also seen as an opportunity by many. A Senegalese migrant, who arrived in Italy in 2008, explained:

*My documents expired in 2011. I have been working illegally for almost nine years. Working conditions depend on the boss. The important thing is to be calm because working without documents is different, do you understand? You can't mess around; you can't complain, but that's okay.”*

Apart from constantly making sure to stay on the right side of their employer, interviewees also highlighted the challenges of getting paid:

*Working illegally is always a challenge. The work isn't too hard but getting paid is hard. After three months you get paid for the first month: €33 per day, €3 are for sleeping. Every night you pay €3 and you have a bed, a bathroom, everything.”*  
**29-year-old man from Guinea, in Italy since 2016**

In addition to these challenges, interviewees described their anxiety about something happening that would prevent them working, even if irregularly.

### The challenges of the law

All the interviewees, including those that had not applied for regularization, knew about the Relaunch Decree and had received information from various sources including social media, lawyers, NGOs, friends and colleagues. However, when it came to the details of the relevant content of the decree and the application process itself, they all voiced challenges in understanding the requirements, frustrations over the extensive number of documents needed to successfully apply, and experiences of confusing application processes. For example, a 24-year-old man from Gambia who arrived in Italy in 2016 described his experience with the application process as “terrible” due to confusion over whether he was eligible and how to apply:



*I tried to understand by myself, but it was too difficult for me and for my Italian friends. I went to the patronato<sup>25</sup> and they told me that the job in silviculture was not among those for which it was possible to request documents. [But then...] They contacted me again and told me that a new law had come out and that I could apply and return with my boss. My boss and I went to the patronato to try to understand what to do, which steps to take. At the patronato they told us again that I could not apply for the regularization because I had a regular contract and my permit of stay expired on 18 August, so at that moment I was still legal. In the meantime, the time to make another appeal expired,<sup>26</sup> I was desperate. The lawyer told me that the patronato was wrong and that I could apply for regularisation. The lawyer called my boss to tell him to fire me and take me back.*

Despite the confusing process, this interviewee succeeded in applying, but for others the extensive number of documents requested in the submission phase made it impossible. A 30-year-old man working on a farm in Borgo Mezzanone and who has been in Italy for six years expressed his frustrations:

*I did not apply for regularization because they would have said no... When I went to get information, they told me I should have a passport. How does someone who comes in a boat with nothing have a passport? I tried to ask the embassy and they told me that I need my birth certificate to get a passport but my whole family in Liberia is dead, I no longer have anyone there. I am tired of trying...*

A Nigerian woman who works as a farm worker in Foggia recounted her onerous application experience:

*I had to bring pay cheques, expired permit of stay, passport and many other requests ... This regularization made no sense in my opinion. It would have made sense if there weren't all those hard-to-prove requirements.*

## A system of dependence

The interviewees mentioned that they had received a range of support from Italian friends, civil society organizations, the patronato, and the Centre of Fiscal Assistance (CAF) – which organised help desks during the application period. While the interviewees expressed their appreciation for such support, the fact that it has been impossible for migrants and refugees to successfully complete the application process unaided creates a “system of dependence” where they have to rely on support from the above-mentioned institutions and civil society organisations. Only those who received free support and/or were able to pay for support managed to apply. This dependency contributes to lack of empowerment among the migrants and refugees themselves.

One of the interviewees from Ghana who for the past three years worked in agriculture and arrived in the country in 2014 explained how he relied on other people to complete his application:

*A friend of mine told me about regularization. I immediately contacted my lawyer; he did everything for me. [...] A friend of mine helped me with the housing [issue]. He is Italian, I had to prove I have a home, so he signed a paper where he said I lived in his house.*

An applicant from Guinea Bissau who has lived in Italy for seven years, explained the process in this way:

*The legal worker filled out the [forms] for me, and he prepared the documents to bring, such as the declaration of hospitality, the consular certificate to prove my identity, and the pay slips to prove that I worked in agriculture. Then I went to the post office by myself.<sup>27</sup> I went to the post office many times because I got something wrong every time. I also tried to go to another post office, but it didn't help; they always told me to go to a CAF to get help. In the end, the lawyer came to the post office with me and magically the same papers were fine, nothing was wrong.*

In some cases being dependent on others also made the refugees and migrants vulnerable to scams and exploitation, as explained by a Senegalese respondent working in agriculture, who has been in Italy since 2013:

25 Welfare office run by trade unions

26 This respondent did not apply for an extension of his residence visa as he thought he could regularize his situation.

27 Applications could be submitted at 5,700 post offices across the country.

*I know many people who have paid a lot of money, who had to pay the boss €1,000 or €2,000 to get the job contract. I pray for them every day.*

### **High hopes for the future**

Despite the many challenges voiced above, the interviewees who applied for regularization were optimistic about the impact of the decree. A Senegalese man who has been in Italy for five years explained:

*For sure my life will change. I already found work. I am currently on probation, but I am a good worker, so I think they will make me a longer contract in six months. I don't know how my life will be like in the future, but I hope that in six months I will have my own home.*

Others also hope that with a regular status they will not only find legal work and get a proper home but also bring their family to Italy:

*With the documents, I can get my family here without risking their life. I have always opposed letting them do the same journey that I did from Ghana.*

**24-year-old man from Ghana, in Italy since 2013**

Apart from believing that their individual situation would change if they became regular, some interviewees also expressed hope that regularisation would deliver substantial change to the general living situation for refugees and migrants in Italy in terms of access to better lives on equal terms with Italians. Such optimism, however, was not shared among all respondents. Some focused on the limitations of the decree and the exclusion of many economic sectors, as highlighted by a 26-year-old Nigerian woman living in Italy since 2015: “I don't know what impact the regularization will have. It will work for those lucky few.”

Others were also hesitant given that the results of the applications have yet to be released:

*I can't say that the regularization has had a positive impact because I still don't have the document in hand. No one in Borgo Mezzanone has had the final document. In my opinion it's a good thing, but I've never seen anyone with an appointment to collect the permit to stay.”*

**33-year-old Senegalese interviewee in Italy for seven years**

## Final reflections

The analysis in this short paper helps to explain why so few African irregular migrants and refugees working in Italy's agricultural sector applied for regularization under the measures introduced in the Relaunch Decree. It looks at concerns linked to working irregularly, explores migrants' and refugees' understanding of the decree, their experiences of applying for regularization and their hopes for future change.

The main reasons agricultural workers are underrepresented among applicants seem to be related to the complicated application procedure and its narrow timeframe, coupled with the central role put on the employer. For domestic workers and caregivers there has been a clear interest by employer-families to apply for regularization. In contrast, within the agricultural sector, it is assumed that regularizing workers has been perceived as a [long, complicated and costly](#) procedure, which is not worth the effort when day-to-day business can run based on irregular workers.<sup>28</sup> It is also important to note that resort to irregular workforce often occurs against the background of a supply chain system where large retailers take the largest share of the profits from agricultural produce, followed by food processors and transporters, leaving producers next to nothing. Under these conditions for medium/small size farmers employing people regularly on the minimum wage (or more) is economically challenging.<sup>29</sup>

Based on the interviews conducted for this paper, it is evident that for migrants and refugees, due to the desperate situations they are in, working irregularly in Italy is better than not working at all. This gives employees a certain freedom to continue to exploit their irregular workforce under poor working conditions. Accordingly, working irregularly is for the interviewees clearly tied to risks of exploitation, not being paid, and general feelings of anxiousness. The Covid-19 pandemic has only exacerbated these feelings. People are for example afraid of getting sick and having to go to the doctor where their irregular status would be revealed, even though in practice, such a scenario would not lead to any kind of intervention by the authorities.

Due to the circumstances described above, many of the interviewees see the decree as an opportunity for changing their status. It gives them high hopes for a new and different future in Italy. Applying for regularisation, however, proved immensely challenging, and while all interviewees knew about the decree, it was close to impossible for people to understand the many requirements for documentation to be submitted

as part of the application process. For people working in agriculture, for example, it was often impossible to prove previous employment in the sector without supplying a copy of a contract or payslips. In addition, the procedure assumed a continuity in terms of employment, whereas agriculture is marked by seasonality and mobility.

Some interviewees managed to apply with assistance from friends, civil society organizations, a *patronato*, or the CAF. For others, the cumbersome application process, combined with scepticism about its positive effects, deterred them from applying. As one interviewee put it: "The decree is likely to help the lucky few that managed to apply." It is therefore difficult to see how the Relaunch Decree will significantly or sustainably address the major challenges Italy continues to face with regard to the systemic exploitation of irregular migrant and refugee workers – especially those from Africa – whose living conditions are often dire and inconducive to containing Covid-19.

The Relaunch Decree can therefore only be a first step towards change in Italy. There is still a need to implement a permanent, and more accessible application process, in line with the ["Io ero straniero" \(I was a foreigner\) citizens' initiative](#), to create a navigable legal channel for people who have lived and worked in Italy for several years to enter the labour market and attain regular status.<sup>30</sup> This should be combined with legal pathways for migrants and refugees from third countries to travel to and work in Italy in efforts to manage the continuous need of migrant workers in the country.

28 Camilli, E., Laganà, G., Pinyol-Jiménez, G. & Schneider, J. (2020) [Towards an EU Toolbox for Migrant Workers](#) Open Society Jones, T. & Awokoya A. (2019) [Are your tinned tomatoes picked by slave labour?](#)

29 Neil Howard & Roberto Forin (2019) [Migrant workers, 'modern slavery' and the politics of representation in Italian tomato production](#), Economy and Society

30 Italianvisa (2020) ["Ero Straniero" campaign: a legislative proposal to create a legal channel for immigrants to enter the labour market](#)





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