



In recent years, the EU has experienced an unprecedented influx of migrants and refugees, and data shows that global human mobility – whether it is spurred by economic, social, environmental or political reasons – will increase in the following decades. European societies will become more diverse, plural, and multi-ethnic. Thus, integration policies applied from the European to the local level need to be improved in order to be able to respond to the changing needs, and to guarantee social cohesion while respecting the rule of law and promoting a human rights-based approach.

This FEPS and SOLIDAR publication is a collection of contributions by academics, high level experts and policymakers presenting progressive policy solutions to turn the challenges linked to migration and integration into social and economic opportunities for the European Union and its Member States. The analysis touches upon the institutional frameworks in which integration policies are developed from the European to the local level as well as the existing cooperation models between local authorities and civil society organisations to provide services to migrants and refugees. This book underlines the positive and constructive role played by local actors in the process of integration of migrants and suggests how to improve cooperation between different levels of governance to support the active participation of migrants and refugees in the economic and social life in the receiving societies.

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FROM EUROPE TO LOCAL: MIGRATING SOLIDARITY



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FOREWORD

CONNLY REUTER

SOLIDAR

ERNST STETTER

Foundation for European Progressive Studies

In recent years, the EU has experienced an unprecedented influx of migrants and refugees, and data shows that global human mobility will increase in the following decades. The future of European societies is to become more diverse, plural and multi-ethnic. Thus, integration policies applied from the European to the local level need to be improved in order to be able to respond to the changing needs, and to ensure social cohesion and equal opportunities for all.

The difficulties encountered by the European Union and Member States in providing a comprehensive and united response to tackle the root causes of migration and the increased refugees influx in 2015 show that a lot still needs to be done to have a truly European migration policy and diffuse the tension among Member States. Similarly, third country nationals' integration policies all over the European Union have been very diverse and EU efforts to harmonise standards have mostly encountered the opposition of Member States. Research suggests that migrants and refugees in the European Union continue to face barriers in the education system, on the labour market, and are victims of prejudice and discrimination in society. Moreover, this group is more at risk of poverty and social exclusion compared to host-country nationals. The cost of non-integration might turn out to be higher than the investment in solidarity and human rights-

based integration policies. Reverting the logic of austerity and improving social investment is key. This should go hand in hand with the imperative to guarantee the rule of law which provides the conditions for peaceful coexistence and equal treatment for all. Therefore, new progressive policy solutions need to be developed in order to turn these challenges into a social and economic opportunity for the European Union.

Against this background, SOLIDAR and FEPS joined forces and set up a research programme to explore and assess models of cooperation between institutions from the European to the local level and civil society organisations to implement integration programmes and services addressed to migrants and refugees. Composed of eleven outstanding contributions from academics, high level experts and policymakers, the book *"From Europe to local: migrating solidarity"* is the result of this research programme.

The book aims to respond to three main research questions. The first one examines the institutional frameworks in which integration policies are developed in France, Germany and Italy with the aim of suggesting ways forward to overcome possible gaps between the different levels of governance (from the national to the local level) in order to ensure coherent and harmonised policy outcomes. The second part of the book investigates the cooperation models between local authorities and the civil society organisations in providing integration services to migrants and refugees. Cases from three very different contexts are illustrated in this part: Italy, Poland and Serbia. Last but not least, the book includes contributions from two Members of the European Parliament, Ms Tanja Fajon and Mr Brando Benifei, providing a political perspective on what can be done at the European level to improve the EU capacity to integrate migrants and refugees and building inclusive societies.

As shown by the contributions in this book, the horizontal involvement of all levels of governance, civil societies and policy

beneficiaries from the European to the local dimension is key in shaping successful integration models and to ensure equal opportunities. FEPS and SOLIDAR will continue to work together to spur progressive thinking for a more social and inclusive Europe.

This volume would not have been possible without the initial contribution from Judit Tánczos, whom we would like to thank for her invaluable work.

INTRODUCTION

HEDWIG GIUSTO

Foundation for European Progressive Studies

ELSA LAINO

SOLIDAR

Over the last few years, the still unfolding refugee crisis has contributed – for better or for worse – in pushing the issues of immigration and integration of immigrants higher among the European Union political priorities. At the same time, the very fact that a significant part (but far from the largest share) of refugees wish to reach Europe has indeed contributed to shining the spotlight on a crisis that otherwise would have probably remained a marginal and regional issue, as are the many other migration crises around the world, which are usually ignored or neglected by the media. The present crisis will probably last for quite some time and it is only going to be one in a chain of migration crises.

The constant flow of desperate people fleeing their homes and countries, entrusting their lives and those of their dear ones to unscrupulous human traffickers, crossing the Mediterranean on makeshift boats, undergoing a long and wearying journey – often on foot – from their home countries to the European shores and borders, to escape conflicts and persecution in Africa and the Middle East, has urged the European Union to call for a solution to the humanitarian emergency on the one side, and to support initiatives aimed at promoting integration policies and activities (addressed to third country nationals) on the other.

Although immigration and integration policies are a shared competence between the EU and its Member States since the

entry into force of the Treaty of Amsterdam in 1999, the extent to which the EU has acted as legislator on integration policy has remained very limited, mainly due to the opposition shown by Member States appealing to the principle of subsidiarity. Therefore, EU efforts to harmonise standards for integration of third country nationals have always remained at the level of soft-policy instruments, as also shown by the EU Action Plan on the integration of third country nationals, released by the European Commission in June 2016. On the other hand, more concrete steps on the harmonisation of Member States' standards have been taken for the integration measures to be guaranteed to beneficiaries of international protection. In this case the EU has developed strong legal tools to influence Member States' policies such as the Common European Asylum System (CEAS) and a number of directives (i.e. the Reception Condition Directive, Qualification Directive, Family Reunification Directive) defining the standards for integration in society and the labour market for asylum seekers and refugees. Notwithstanding the stronger legal framework, the implementation of these directives by Member States has been very weak, slow and insufficient. As a result, the so-called "refugee crisis" has exposed and exacerbated the many contradictions and tensions that the EU Member States were harbouring – to the point that the humanitarian crisis has turned into a European one, uncovering mutual mistrust, worsening fractures among Member States and even contributing to the unprecedented decision made by the British citizens to leave the European Union for good.

Furthermore, with the fading of any distinction between asylum seekers, refugees and migrants – encouraged by the often inappropriate use of the three terms by policymakers and media, with the mounting scaremongering about the crisis, with the widespread diffusion of anti-migration rhetoric, and in the context of a slow economic recovery, EU citizens'

apprehension vis-à-vis the newcomers have increased. According to Eurobarometer, in spring 2016 immigration was at the top of the European people's main concerns, and about six Europeans out of ten opposed immigration from outside the European Union, while approving the idea of free circulation of EU citizens among European Member States.

In the EU, humanitarian issues, European and national political cleavages, and domestic problems have therefore been interwoven into such a complex fabric that it will not be easy for European and national policymakers to disentangle it. Against this backdrop the question of integration of immigrants plays a crucial role.

The idea that immigration offers benefits to host countries is increasingly contested by European citizens, who dread competition by immigrants in the labour markets in accessing public housing, welfare state services and education, and whose fears and misperceptions are increasingly fed by populist and demagogical discourses.

Supporting active participation of immigrants in the economic and social life of the host country is essential for ensuring social cohesion, overcoming prejudices and preconceptions, and helping migrants become productive members of the community and eventually full citizens. As integration is not a one-way route, but involves both the migrant and the hosting society, the actors involved in the process are many, from public authorities and institutions (at European, state, regional and local level) to civil society organisations, from immigrants – both individually and in groups – to local populations. With this in mind, and against the background of an increasingly complex European political context, the Foundation for European Progressive Studies and SOLIDAR decided in 2015 to launch a call for papers addressed to young and independent European researchers, academics and experts in the field to investigate the relationship between civil

society organisations providing services to migrants and authorities at any level, to assess the effectiveness of legislation and provide useful and progressive recommendations to European, national and local policymakers. This is in the belief that local, solidarity-based integration initiatives play an essential role in reducing the distance between newcomers and local populations, in fighting prejudices and improving mutual knowledge and understanding, and in raising awareness of the opportunities offered by cohabitation, and that they can exert a significant influence on the public authorities and can therefore contribute to positively shape the process of integration. The volume 'From global to local: migration solidarity' is the result of this research programme.

This volume aims at underlining the positive and constructive role that local actors, both public and private, can and should play in order to enhance the process of integration of immigrants in the receiving societies. In fact, even if the legislative competence in this field lies both at European and national level, it is at regional and local levels that decisions and measures are implemented and that the actual integration takes place. Also, local actors usually have room for manoeuvre when applying national regulations. The outcomes of the process can vary a lot from Member State to Member State, as well as from region to region and even from municipality to municipality. Actors operate, in fact, in different economic, social and cultural contexts and it is not always easy to identify and transfer best practices. Yet, data and examples help the formation of a better-informed debate and the formulation of better-targeted policies and instruments. Paraphrasing the title, this volume intends to travel on a complex journey from the global dimension (the international context, the external dimension of the EU policies, the EU immigration law and integration framework) to the local dimension (regions, cities, communities, schools, hosting centres, sport associations) where solidarity turns into action and integration actually happens.

The present book is divided into three parts. The first one focuses on the institutional framework that outlines the integration process, and on the discrepancies between the different levels of governance, while the second section aims to illustrate the models of cooperation between authorities and civil societies. The last part – whose drafting has been entrusted to two members of the European Parliament who are actually involved in the definition and promotion of progressive political measures aimed at encouraging the integration of immigrants in Europe – offers a political perspective on the challenges, shortcomings and prospects for European policies addressed to third nationals and refugees living in the EU Member States.

As mentioned, legislative frameworks vary from one EU Member State to the other, since integration remains in the hands of national governments despite the attempts of the EU to provide a comprehensive framework through the promotion of soft-policy tools such as the recently published Action Plan on Integration, and discrepancies persist even within countries. This question and the different outcomes that the same national legislation can produce in different regions or municipalities have been tackled by Markéta Seidlová and Daniel Riemer.

Seidlová focuses her attention on two very diverse French regions (for number of immigrants, and socioeconomic and geographic characteristics): a metropolitan area, Paris, and a rural region, Basse-Normandie. Her goal is to identify the factors that drive the implementation of immigrant-friendly measures (political affiliation, share of immigrants on the total population, immigrants' own initiatives, etc.) and the extent to which such factors effectively influence the local administration's performance.

The coexistence of diverse levels of government in Germany (federal, regional and municipal) is at the core of Daniel Riemer's chapter. In this country, in fact, the definition and implementation of migration, integration and asylum policies are affected by the inter-

action and “competition” among federation, *Land* and *Gemeinden* (to which, one should also add the European level), and their outcome is largely due to the willingness and capability of the regional and/or local administration to enhance integration in the shortest possible term. The result, according to the author, is that *the chance of a fast and good integration (...) is a pure game of luck.*

Another aspect of German legal framework is illustrated and analysed by Tina Aliche, Nadine Seddig and Stephanie Warkentin, who focus on the problems raised by the reception of young refugees (both accompanied and unaccompanied) in German municipalities and on the faults of the system where minors are concerned. In spite of recent efforts to improve it, many problems persist, such as *incertitude about the residence status, the procedures of age determination and (...) the problems regarding family reunion.*

The approach to the study of integration legislation and processes chosen by Andrea Romano and Davide Sardo is different from the previous ones, as the two researchers decided to focus on the role that sport, and in particular football organisations in Italy, play in the integration dynamics. The framework is very complex because participation of foreign nationals and particularly minors to football leagues is regulated not only by the Italian Football Federation but also by national legislation. To some extent, sport, as far as integration is concerned, finds itself at the crossroads between public and private spheres.

The second section of the book is dedicated to the relationship between civil society organisations and initiatives and local or national authorities in three very different contexts: Italy (the municipality of Rome and the Region Emilia Romagna), Poland and Serbia.

As for Rome – a city that has been recently shaken by a corruption scandal which has involved politicians and officials at municipal level as well as associations working in the field of migrants’ reception – the two essays by Enza Roberta Petrillo and Venere Stefania Sanna investigate different aspects of grassroots

initiatives. While civil society organisations are vital for the implementation of integration policies in Rome (due to the fact that many CSOs complement, when they do not fully replace, public authorities in the provision of services to migrants, refugees and asylum seekers), their credibility has been undermined by the recent set of scandals. Moreover, if on the one hand they somehow manage to act beyond the institutional constraints, on the other, they often fail to significantly influence the shaping of integration policy and programmes. To sum up, the Rome case seems to be characterised by both lights and shadows.

If Italy is a country of recent immigration, Poland and Serbia are two examples of emigration countries, whose integration policy, in the case of the former, and asylum policy, as for the latter, are still embryonic and, to a certain extent, dysfunctional. Nevertheless, in both cases, the authors (respectively Piotr Plewa for Poland and Nevena Gojkovic Turunz for Serbia) highlight that civil society organisations are playing a significant role in the management of migrants and refugees, with mixed results as far as cooperation with public institutions and authorities and mutual collaboration are concerned.

The last chapter of this second part of the book, written by Claudia Marà, Miriam Salussolia and Mirta Soverini, focuses instead on the fruitful dialogue established between civil society organisations and regional government in Emilia Romagna, in the definition of rules concerning the involvement of asylum seekers in programmes of voluntary work for public utility. These have proved to be a powerful instrument to *create a real solidarity connection between the newcomers and the local population*.

In the last section of the volume, Tanja Fajon and Brando Benifei move from the refugee crisis, the disordered, hypocritical and incoherent reaction that EU Member States have shown in the face of the largest humanitarian crisis that the European Union had to face for decades, to analyse the measures that Brussels

and the Member States should approve and implement in order to ensure integration, and particularly to facilitate migrants' and refugees' access to labour markets, while preventing the feeling of frustration and fear of local populations.

The challenges that lie ahead of the European Union are many. And welcoming people in need and ensuring their integration into European societies is an important one that can be by no means disregarded. As was also highlighted by the European Commission in the Action Plan on integration, 'human mobility will be an inherent feature of the 21st century for Europe'. Migration flows to the EU, whether they are caused by economic, social, environmental or political reasons, are not going to stop. European societies are and will continue to become more diverse, plural, and multi-ethnic. The EU must adjust to this reality and must adapt its integration policies to the changing composition of European societies. And in order to turn this challenge into a social and economic opportunity, the EU must do it while abiding by the values of democracy, freedom, universality of human rights and solidarity, upon which it was built. Furthermore, as made crystal clear by the contributions in this book, in order to be successful the adaptation of integration policies to the changing reality must involve all the different levels of governance, starting from the EU to the local authorities, as well as all the different stakeholders, actively including the civil society and the final beneficiaries. It is not a simple task. Yet, in spite of the economic downturn, the difficult European political landscape, the spread of populist movement and xenophobic moods that are undermining traditional parties and political cleavages, Europe cannot expect to make progressive economic and social advancements by building walls and neglecting human rights and equal opportunities for the most vulnerable people.

PART 1

MIGRANTS' INTEGRATION: THE INSTITUTIONAL FRAMEWORK

THE DISCREPANCY BETWEEN THE NATIONAL AND LOCAL LEVEL IN THE APPROACH TO IMMIGRANTS. THE CASE OF FRANCE

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The social integration of immigrants into mainstream society always has a strong local (and especially urban) dimension, and the attitudes and practices of local councils significantly affect this process and its results. Our research compares the practice of 22 French cities/city districts, contrasting the metropolitan region of Paris with a significant immigrant population to the rural region of Basse-Normandie with a considerably lower share of immigrants. The concrete measures towards immigrants were substantially influenced by the size of the immigrant population, the duration of its presence in the city and its composition (country of origin, type of migration, etc.) and by the political persuasion of the city leaders. The study is based on a large number of detailed discussions with municipal officials, and allows and supports the illustration of general observations through concrete examples.

Among the European countries, France has one of the longest traditions of receiving immigrants and for a long time was considered to be a model country of integration of immigrants.¹ The national government is always responsible for migration policy

at the borders, but all migration ends up as a local government issue – and it is the local councils that end up dealing with it.² This chapter will attempt to analyse the tools and measures used by local authorities while supporting the integration of immigrants into mainstream society based on the analysis of experience in two French regions: metropolis Paris and the rural region of Basse-Normandie. These two regions are as opposite as possible with regards to both the total number of immigrants living there (and their share of the total population of the region) and their socio-geographic characteristics.

The diversity of approaches to the concept of integration and the importance of the local dimension

The term *integration* is used by various researchers to both describe the process of integration itself and its results, even on different scale levels (individual-group-state). *At the level of the state*, three main and classical models are distinguished. They differ in conditions and possibilities, which they give to immigrants while staying in the “new” country and in the im/possibility for them being fully accepted into society. The *multicultural model* gives all rights to immigrants and promotes their cultural differentness, which is considered to be a treasure (Sweden, Canada). In the *differential exclusion model* (Germany, Austria) the immigrants are very quickly integrated in one or two domains of everyday life (most commonly in the labour market), but they are denied access to another one (most usually to citizenship). *Assimilation*, applied in France, gives all rights to immigrants very quickly, but in exchange it is expected that they will give up their cultural particularities and that they will in some way “forget” where they come from. However, only a few countries nowadays apply one of the above listed models in its purest form: the states most commonly use a combination of various approaches in different

domains. This approximation of attitudes to immigrants gave birth to a model called *civic integration*, used in fact by the majority of the occidental countries nowadays.³

At the level of individuals, integration is at the same time the *process* of integrating individuals (or groups) into the major society itself, as well as the subsequent *outcome*. The integration as a *process* means incorporating newcomers into an already existing society that has a certain structure. Heckmann and Schnapper (2003) defined four basic dimensions of the process of social integration: *structural* (gain of rights and access to memberships, roles and positions in the key institutions of the host society), *cultural*, *interactive* (personal participation of immigrants in relationships in host society) and *identification* (the sense of belonging to the majority). This *process* is necessarily two-sided: for immigrants it means, among other things, learning about a new culture, acquisition of rights and duties and gaining access to positions in society and to the social status; while for host society it means opening the institutions and ensuring equal opportunities for migrants. Seeing integration as the *resulting state* usually stands on the idea of immigrants occupying similar positions in society as the members of the major society. This allows measuring the success of particular integration policies, evaluated by comparing the values of selected indicators between major and immigrant population.

However, the process of integration of immigrants into the host society always has a strong local (and especially urban) dimension. From the point of view of history, the biggest experience with integrating diverse and culturally enriching populations had big cities with strong economies⁴ serving as “machines of integration”. Therefore, *the integration of immigrants takes place at the local level*.⁵ The city administrations may act as “only” implementing national integration policy or, on the contrary, they may have considerable autonomy and

independence in both finance and opinion.⁶ The processes and the structures are, of course, heavily influenced by the policy of higher levels, i.e. counties/regions, states or even by supranational organisations such as the European Union.⁷ However, the everyday practice in the implementation of laws and regulations at the local level always provides some space for interpretation by municipalities. The everyday practice also implies other actors working in the locality who add to the local integration policy of some of the aspects to which the local government does not pay attention. Most commonly, the local authorities co-operate with the non-governmental organisations (NGOs), who provide social and legal assistance to the immigrants, but it can also involve (for example) employers, trade unions or the local branch of the labour office. Still the attitudes and everyday practices of municipal councils and of their administrations are the most important ones and they have significant influence on the results of the process of integration of immigrants into the host society. The type of migration coming to the city defines the attitude of the municipality to the integration policy and lists integration as a key or marginal priority within the issues solved.⁸

Since integration is a two-way process, the immigrants play an important role. Perfect knowledge of all aspects of the local environment allows local leaders to easily identify specific problems that migrants may face. The powers of authorities give them the opportunity to undertake actions that will facilitate the life of immigrants,⁹ adjusted in function of groups concerned (refugees, economic migrants etc.).¹⁰ The interest of cities in creating a good and functional integration strategy is strongly motivated by the fact that in the case when integration will not work, the city will pay a high price for it, for example in the form of spatially segregated areas.¹¹

Alexander (2007) carried out a classification of policies implemented by local authorities within the above-mentioned

state models of integration. To the three main models at national level (see above), he assigned the fourth one, *making no policy*. On the other hand, he did not consider the model of civic integration: he ranked the two main components of this model (i.e. language courses and those of everyday culture of the major society) among the elements of the model of local multicultural policy. He had then assigned – for each of these four models of local integration policies – main types of non/action of local governments in four key areas: legal-political, socio-economic, cultural-religious and spatial. The main characteristics of the assimilation model on the local level can be seen in table 1. In other words, table 1 shows how the policies of local governments in France should work when acting accordingly with the policy of national level. Given the fact that this is one of the few theoretical perspectives (if not the only one) that assigns specific characteristics of supposed behaviour of local governments to the traditional national models of integration (and hence allows comparing them), we used it as a theoretical basis of our research.

Table 1. Main characteristics of the assimilationist model on the local level according to Alexander (2007)

Local policy	Assimilationist
Local authority attitudes toward labour migrants	Migrants permanent, but their otherness is temporary
Policy type and aims	Facilitate individual integration by assimilation into host society
Measures	Universalist (non-ethnic criteria); formal anti-discrimination mechanisms

Policy domain	Issue area	Attitude of local government
Legal-political	Civic status	Facilitate naturalisation
	Consultative structures	Reject, or mixed (non-ethnic) advisory councils
	Migrant associations	Co-opt or exclude migrant associations; delegation to migrant associations is implicit
Socio-economic	Social services (health, welfare, etc.)	Equal access to all services (ignore ethnic-based needs)
	Labour market	Anti-discrimination policy; equal access to vocational training
	Schools	Spatially dispersed; support for teaching the language of major society
	Policing	Depends on areas; migrants can join
Cultural-religious	Religious institutions/ public practices	Institutions (e.g. mosques, religious school) and religious practices are not supported
	Public awareness	Campaigns against racism and discrimination
Spatial	Housing	Equal access to social housing; marginalisation of discrimination based on ethnic criteria in access to housing
	Urban development	Ethnic enclaves are seen as a problem – the policy of their abolition; policies of gentrification
	Symbolic use of space	Against clear and physical representation of differences (e.g. a mosque yes, but without a minaret)

Source: M. Alexander, *Cities and labour immigration. Comparing policy responses in Amsterdam, Paris, Rome and Tel Aviv*, Asghate, Hampshire 2007, pp. 40-45.

Methodology

All of the above inspired our research, conducted between 2007 and 2011.¹² The research questions to which we were very keen to know the answers had arisen as follows:

Is there any difference in the approach of local governments to the immigrants, even if they are acting within the same national model of integration of immigrants? Does this difference depend in some way on the proportion of immigrants in the total population of the city and/or on the composition of immigrant population?

If a difference in the approach to the immigrants exists, does it also depend on the type of socio-geographic environment, e.g. will there be any difference between a town in a rural region and a big metropolis?

How much do the local councils really know “their” immigrants and their specific needs?

At what moment do the local governments start to be aware of the need to participate actively in the process of integration of immigrants? When do they start to deal with the integration of immigrants? Which tools and measures do they use?

The tested hypotheses were then formulated as follows:

- 1) *The method of implementing the national integration policy by local councils varies depending on the context in which they act: the bigger share of immigrants in the total population of their city, the bigger awareness of the need to deal with immigrant integration.*
- 2) *The process of integration of immigrants achieves better results in the place where there is a higher concentration.*
- 3) *Better knowledge of local conditions allows local governments to better formulate specific projects which aim to promote the integration of immigrants into the host society.*

- 4) *The tools and measures used by local governments in rural and metropolitan areas are quite similar; the only difference is the extent.*

With the following precision:

- ad 1) Awareness, in the sense of knowledge that something exists, and verified then within the semi-structured interview and hence set on a three-level scale according to the understood need of dealing with immigrants in the city/city district;
- ad 3) The local officials have better knowledge of local conditions than the state officials would have.

In order to confirm their validity or their non-validity, it was necessary to select two regions in the already set country (i.e. France), which will vary in *the share of immigrants in the total population of the region* and in *the share of immigrants in the region on the total number of immigrants in France*. We sought answers for both extremes: for the regions with the lowest and the highest values of these shares, under the assumption that cities in such selected regions will also meet the desired dichotomy “*city in rural area – metropolis*”. After analysing the available secondary data, the regions of Île-de-France and of Basse-Normandie appeared as the best suitable. The region of Île-de-France had to be narrowed down to one city, so the choice of its capital, *Paris*, where in 1999 24.1 % of all immigrants lived in the region, was obvious.¹³ Almost half (41.0 %) of immigrants in the region of Basse-Normandie lived in only seven cities: Caen, Hérouville-Saint-Clair, Cherbourg-Octeville, Flers, Alençon, Argentan and Lisieux. These seven cities and 14 friendly city districts out of the total 20 in Paris (see below) were explored further.

Besides the analysis of secondary data and participative observation, the method of semi-structured interviews was

used. We interviewed 39 representatives of cities/ city districts and representatives of NGOs on 22 questions, divided into three main areas: *relationship to national immigration policy, migration situation in the municipality and role of municipal government in the integration of immigrants*. The composition of respondents was as follows: 15 representatives of NGOs (eight with national scope, seven local in Basse-Normandie); 15 representatives of districts of Paris and of the city of Paris (only 14 persons in 14 districts out of 20 agreed to interview: in the 1st, 2nd, 3rd, 5th, 8th, 10th, 11th, 13th, 14th, 15th, 16th, 17th, 18th and 19th district, and one person from the town hall of the city of Paris); nine representatives of seven researched cities in Basse-Normandie, i.e. Caen, Hérouville-Saint-Clair, Cherbourg-Octeville, Flers, Alençon, Argentan and Lisieux (in Hérouville-Saint-Clair and in Flers the main representative of the city invited one of his colleagues to join us). The representatives of municipalities (cities/city districts) were elected officials, most commonly in the function of deputy mayor and responsible for the integration of immigrants, social cohesion etc. (the name of function as well as its contents varied from town to town – thus also making it one of the factors which we studied).

The attitude and the un/friendliness (or un/helpfulness or lack of quality) of every researched town hall to immigrants – as well as the comparison between themselves – was then evaluated with the help of our own methodology.¹⁴

This comparison consisted of five steps, containing also links to other data (i.e. not only the data acquired from semi-structured interviews). Firstly we described the immigrant population of every city/city district using secondary data sources. The first ranking was hence created: the city/city district with the highest proportion of immigrants ranked first. Secondly we evaluated the factors that could potentially affect the form of the local integration policy, while the choice of these factors was based on existing theories

and concepts of migration and migration policy. The institutional theory, looking for the influence which institutions and their leaders could have on the continuity of international migration and (in brief) stating at the same time that once institutions are established, it is impossible to stop the migration,¹⁵ was the most inspiring, adding to the strong power of French mayors towards the immigrants (see below). Only the following data were available in comparable quality for all researched cities/city districts: 1) Political affiliation of mayors and their possible migrant origin. The political affiliation, i.e. if a mayor belongs to right wing or left wing party, was chosen even if because of the voting system in France (based on huge list of candidates) the political affiliation itself usually does not play such a significant role on the local level. However, we can still presume that the elected left wing mayors will be more welcoming and friendly to immigrants than their right wing colleagues. We considered the Socialist Party for the left wing party; Union for a Popular Movement, and National Centre of Independents and Peasants for right wing parties, and as more or less centre parties the Europe Ecology Greens and Democratic Movement; 2) Possible migrant origin of other members of the city/city district council; 3) The areas in charge of deputy mayors; 4a) For Basse-Normandie: the presence of their own strategic document of the city addressing the issues of integration of immigrants; presence and activities of non-governmental organisations (NGOs) (both with national and local scope) and by whom they were founded (major society – immigrants); 4b) For Paris: the presence of an advisory body composed of immigrants from third countries (i.e. non-members of the EU) – despite the fact that such a body should exist in every district, it has been set up in only a few. The ranking for each of these factors (i.e. 1, 2, 3, 4a, 4b) of surveyed cities/city districts was then averaged, thus making the second final ranking by other prerequisites for the implementation of “integration-friendly”

policy. The third step evaluated the data acquired within semi-structured interviews in terms of used tools of policy (number, nature). The nature of the tools and their un/friendliness (un/helpfulness) towards immigrants was judged according to the scale of Alexander (2007): the most accommodating, immigrant-friendly and helpful local integration policy is the multicultural one, the less responsive one is assimilation, then even less friendly is the discriminatory policy, and the last and least friendly policy is no policy (or ad hoc policy). This gave us the third ranking of the cities/city districts by the real integration policy. In the fourth step, the rankings of the cities/city districts were compared among themselves in two researched regions with the help of Spearman's rank correlation coefficient. Finally, the comparison of results for Paris and Basse-Normandie region as whole was made.

Basic characteristics of studied territories

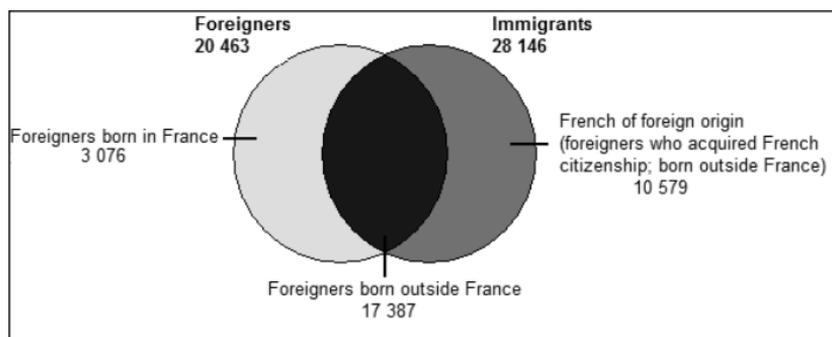
First of all, we have to stress that given the fact that our research was conducted between the years 2007 and 2011, the input data were those from the census of 1999, last available at the beginning of research.¹⁶ In French statistics, the most important division of inhabitants is their citizenship. French citizens (French) and citizens of another state (foreigners) are distinguished from each other. An immigrant is therefore a person born outside of France with a different citizenship to French and currently living in France. The difference and interference of terms used can be clearly seen in the following Figure 1.

So, in 1999 386,398 immigrants lived in Paris, who thus constituted 18.2% of all city residents. There were also 305,784 foreigners living there the same year, making 14.4% of all inhabitants.¹⁷ Among the city districts, the foreigners represented more than 20% of inhabitants in the districts no. 2 (21.5%) and

10 (21.2%), and this level was also approached in districts no. 18 (19.1%), 3 (18.3%) and 19 (17.2%). At the other end of the scale, with values of the share around 10%, were districts no. 12 (9.8%), 15 (11.0%) and 5 (11.3%). So, the districts in the northern part of the city, on the right bank of the Seine (the “business” part of the city) had larger proportion of foreigners in the total population if compared with districts in the southern part of the town, on the left bank of the Seine (the “intellectual” part of the city). Most immigrants in Paris came from Algeria (38,691 persons, i.e. 10% of all immigrants), Portugal (34,549 persons, i.e. 8.9%) and Morocco (31,598 persons, i.e. 8.2%), Tunisia (29,343 persons, i.e. 7.6%) and Spain (17,197 persons, i.e. 4.5%): thus from these five countries 39.2% of all immigrants in the city originated.¹⁸

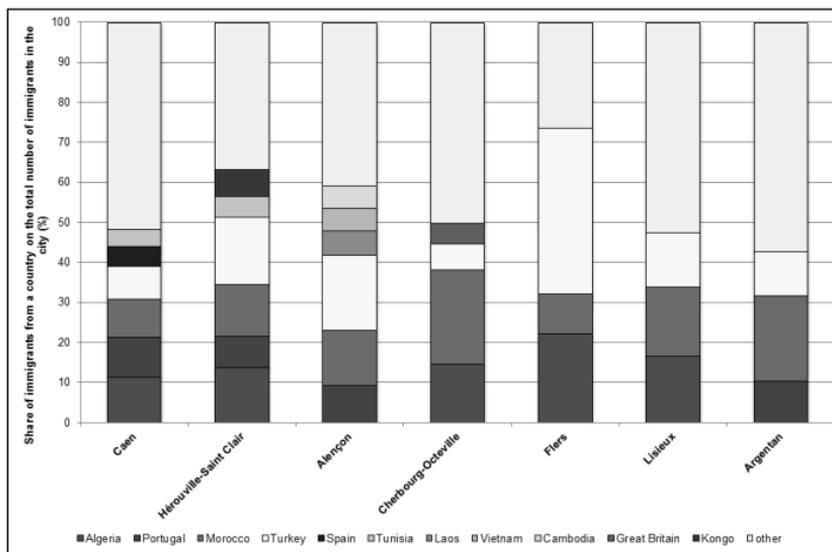
A total number of 28,146 immigrants lived in the *Basse-Normandie*, situated in the northwest of France, in 1999 (see Figure 1), making thus 1.98% of all inhabitants of the region. Immigrants who were also foreigners born abroad were 17,387, making 1.22% of all inhabitants of the region. More than half of the immigrants in the region lived in the department of Calvados (52.5%; i.e. 14,774 persons); the second half was distributed quite evenly between two other departments of the region (Orne: 26.9%, i.e. 7,579 persons; Manche: 20.6%, i.e. 5,793 persons). Almost half of immigrants (41%) in the region of Basse-Normandie lived in seven cities: Caen, Hérouville-Saint-Clair, Cherbourg-Octeville, Flers, Alençon, Argentan and Lisieux (see Figure 2). The most important in number was the immigrant population in Caen, the administrative centre of the region (4,727 persons, i.e. 16.8% of immigrants in the region), then in Hérouville-Saint-Clair (1,892 persons, i.e. 6.7%) and in Alençon (1,648 persons, i.e. 5.9%). The largest share on the population of the whole city were the immigrants in Hérouville-Saint-Clair (7.9% of the total population), Flers (6.2%) and Alençon (5.7%).

Figure 1. Immigrants and foreigners in the region of Basse-Normandie in 1999



Source: Institut National de la Statistique et des Études Économiques, *Résultats du recensement de la population 1999*, 2006.

Figure 2. Most represented groups of immigrants (by country of origin) and their share on immigrant population in the surveyed cities in the region of Basse-Normandie (1999)



Source: B. Blazevic, *Les populations immigrées en Basse-Normandie*, INSEE, Paris 2005

Therefore, these cities were, based on the significant presence of immigrants in them, selected as cities in whose local integration policies we are interested. Almost half (45.3%) of immigrants in the region came from five countries: Morocco (10%), Portugal (9.6%), Turkey (8.9%), Great Britain (8.5%) and Algeria (8.3%).¹⁹

So, how is the diversity of the immigrant population in the two researched regions reflected in practice in their local integration policy? Are there also some additional factors that affect this policy?

Tools and measures used by local integration policies

The above-mentioned study²⁰ examined in detail the practice of 22 town halls of different cities/city districts. To show these practices in detail would be, however, above the possible extent of this chapter. Therefore, the obtained findings were summarised and divided into three major groups, according to the target population. The presented tools and measures are the ones that are genuinely and actively in use by local councils and their integration policies in surveyed cities/city districts in Paris and in the region of Basse-Normandie. Information about them was acquired during the semi-structured interviews with city officials. The research confirmed the validity of the above defined hypotheses, i.e. that *the tools and measures used by local governments in rural and metropolitan areas are quite similar; the only difference is the extent*. The number of tools and measures used by the particular city/city district can be derived indirectly from the final ranking of the particular city/city district in what concerns the real and performed policy (see below tab. 2 and tab. 3). However, in the list that follows, we trace the cases when a concrete tool is used only in Paris or only in the towns in the Basse-Normandie region.

The first group of tools and measures are the ones which *primarily target immigrant populations*, ranked from the most commonly used ones to less used ones in surveyed cities/city districts:

- 1) *Public declaration of support to diversity* or, in other words, the statement of the city leaders about fostering open and multicultural society. For example, the town of Hérouville-Saint-Clair in the region of Basse-Normandie openly declares its support for local multicultural policy by the words of the deputy mayor responsible for integration of foreigners, Mr. Simeoni Kouéta-Noussithe: *Hérouville is a window open to the world. Our differences should be our pride. Our diversity is the sign of a tolerant and friendly city.*²¹ This openness is then also translated to the number of activities that the city does for its immigrants;
- 2) *The Advisory Body of the City composed of representatives of immigrants from third countries* (i.e. non-EU countries) which allows immigrants to easily express their points of view, wishes and requirements;
- 3) *Promoting the right for foreigners to vote in local elections* motivates them to actively participate in public life;
- 4) *Support for non-profit organisations (NGOs) that help immigrants* could be financial or material (see Figure 3) or in the form of help with organising multicultural events. Only in the towns in the region of Basse-Normandie such NGOs were concentrated in one to two places (houses) in the city, which facilitated the access of immigrants to this kind of service;
- 5) *Courses*
 - a) *Language courses*, i.e. the courses of French, provided by town halls for free or at a very symbolic fee (e.g. in Paris for 40 euros per school year) and held in the evening;
 - b) *Literacy courses* for immigrants who come from either a culture which uses a different font of the alphabet or who are even completely illiterate;

- c) *Courses of “everyday life”*, informing immigrants about the functioning of the institutions, etc.;
- 6) *Preparatory classes in schools for children of immigrants* work in Flers in the region of Basse-Normandie: their main aim is to teach French to the children of immigrants;
- 7) *“Parenthood” of foreigners including intervention at the prefecture* is a specific tool enabled by French legislation. It means that the elected members of municipal councils can intervene in prefectures (police offices) in favour of a particular immigrant using letters, personal meetings or by accompanying him/her to meeting on the prefecture – and this intervention is really effective in many cases;
- 8) *Organisation of ceremonies to celebrate gaining French citizenship* at the town hall in order to stress the importance and seriousness of the moment when an immigrant becomes a French citizen;
- 9) *Advisory places targeting their activity on traditionally marginalised groups of immigrants*, i.e. for women (only in the region of Basse-Normandie) and for seniors (only in Paris):
 - a) Two *“Clues for women”* were working in the city of Cherbourg-Octeville as places where women could come and learn French or ask for a French-speaking assistant who then helped them in dealing with everyday issues in the town (doctor, post office, school, etc.);
 - b) For senior migrants *“Social cafes”* are proposed, where they can meet each other in a relaxed atmosphere, attend educational or cultural programs or solve their particular problems (access to social benefits, pension, etc.) with the help of a social worker who works in this cafe;
- 10) *Banners with the requirements of various social movements that defend the rights of foreigners, publicly displayed in the building* of the town hall or other public institutions, a new tradition since about 2005 (only in Paris);

- 11) *Grant scheme "Developing partnerships between Paris and the South"* is a special tool that Paris City Hall has been using since 2006 and hence is used only in Paris. It gives financial support to selected development projects that aim both to implement a development project in the country of global South and to integrate the immigrants coming from outside of the EU and living in Paris;
- 12) *Restoration of common residences of foreign workers* takes place only in Paris, where 45 collective dormitories for foreign workers were built mostly in the 1970s. Besides improving the technical state of buildings and the quality of housing, the rooms for providing specialised services for immigrants (like legal, social and medical assistance or courses of literacy or of French) are also built;
- 13) *Using the option of the mayor's right to assess the bride and groom* in order to detect marriage fraud is an instrument that is not really favourable to immigrants, but since some town halls in Paris use it, we had to include it here too.²²

Figure 3. Most important places for everyday life of refugees in Cherbourg-Octeville: the community centre (funded by the city) and the harbour

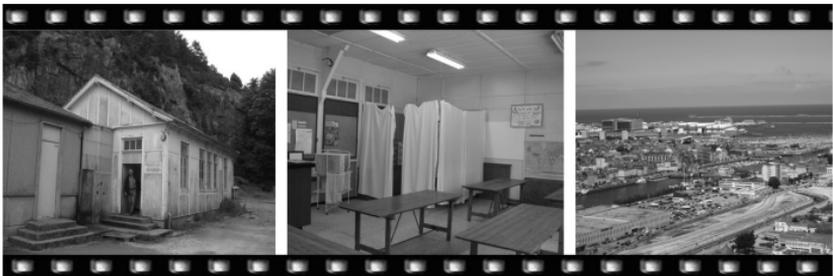


Photo: M. Seidlová.

The second group of tools, *targeting primarily the major society*, is not so large in number, but it is the most visible for all

as these tools support the projects that increase the awareness of the majority about the diversity of cultures present in the town. These may be of three types:

- 1) *Multicultural festivals* that show the details of other cultures to the city's inhabitants, most commonly through performances of traditional music groups or by tasting typical food;
- 2) *Lectures, conferences, exhibitions, theatre and film performances* showing the country of origin of the immigrants, their life in France or the life of immigrants in general;
- 3) *Specialised library*, where one can borrow books related to migration issues.²³

Finally, yet importantly, is the third group of tools and measures *targeting all city residents* and promoting social cohesion in the city. These tools help all disadvantaged groups of inhabitants or promote the active participation of citizens in public life.²⁴ From the very concrete tools, we can mention, for example:

- 1) *Promoting equal access to all rights and all the services provided by the city*: in the case of immigrants this means that for example in Paris all major information booklets (about access to social housing, about services for seniors, about services for children under the age of 6, etc.) were translated to mostly commonly spoken languages of immigrant communities (Arabic, Spanish, Turkish, Russian and English);
- 2) *Advisory Body of the City/District Council intended for all inhabitants* of the city/city district;
- 3) *Financial and material support for NGOs* that provide legal and social assistance for free to all citizens;
- 4) *Retraining courses held in the evening* and aiming to boost the success of unemployed citizens on the labour market (only in Paris);
- 5) *Teams for school success for children from disadvantaged backgrounds* work in Hérouville-Saint-Clair in the Basse-

Normandie region and help all disadvantaged families dealing with problems in school attendance (tutoring), family relationships, culture and health;

- 6) Formulation of own *city policy of social cohesion*;
- 7) *Partnerships and cooperation with cities abroad* which can be either more formal (only a signed partnership) or more friendly and project cooperation, giving real results;
- 8) *Special section in the local magazine* which presents two successful people who grew up in the city and at least one of them is always of immigrant origin (only in the Basse-Normandie region);
- 9) *Competition of lawyers for the best speech defending human rights* held in Caen in the Basse-Normandie region since 1989 is not *a priori* a tool of local integration policies, but, on the other hand, it shows the long-term human-rights-friendly approach of the city town hall.²⁵

Factors influencing the helpfulness and friendliness of a local integration policy

As we can see from the above set list of tools and measures used in all three categories, our surveyed cities/city districts used many different tools and measures that aim to facilitate the life of immigrants and their integration into the major society. However, the level of activity of local councils and the level of their friendliness (helpfulness) towards immigrants was very different in the monitored group.

In the above-mentioned study,²⁶ we examine in detail on which factors this difference depended. Due to the limited space of this chapter, we therefore limit ourselves only to the overall results for the two examined regions:

In Paris, where the share of immigrants in the population varied from 11% (district no. 5) to 21.5% (district no. 2) in all

studied districts, the most important factor in the specified policy was the political affiliation of the mayor of the district (right/left wing party), and other considered factors do not play as significant a role as we were thinking.

On the other hand, in the rural region of Basse-Normandie, the activity and the initiatives of immigrants themselves were the most important factors for the implementation of migrant-friendly policies, while the activity and the initiatives of immigrants were likely to be higher when more immigrants lived in the city. The dependence on other observed factors probably also exists, even if these other factors may not play such important role as the two above-mentioned; however, due to the small number of studied cities it was not possible to prove it statistically.

Conclusion

We have seen that not all surveyed cities and city districts use the tools and the measures that can help immigrants with their integration into major society with the same intensity. In some cases, we found even inverse relationship between the share of immigrants on the total population of the studied city/city district and the number of tools used by local governments. This discrepancy was most striking when comparing the conurbation of Caen and Hérouville-Saint-Clair in the region of Basse-Normandie with the 1st district of Paris: the share of immigrants being 4.3% resp. 7.9% contra 13.7%. However, among the studied cities, the cities of Caen and Hérouville-Saint-Clair belong to the most active ones in the field of local integration policies, while the 1st district of Paris could be described as even hostile to immigrants.²⁷ The explanation for this contradiction can also be found as well as in the activity of people in the local council, depending on their political affiliation with the right wing or left wing party (for Paris), as in the activity of the immigrants themselves (in the case of cities in the region of Basse-Normandie).

In the studied metropolitan area, in the city of Paris, the most important factor for performing “immigrant-friendly” policy was the political affiliation of the mayor of the observed city district (left wing party). Other considered factors – including a high share of immigrants on the population of the districts, which accounted from 11% to 21.5% in our studied districts – did not play as significant a role as we were thinking at the beginning of our research.

On the contrary, in the rural region of Basse-Normandie, the most important factors for executing an “immigrant-friendly” policy were the activities and the initiatives of immigrants themselves. At the same time, these activities and initiatives are likely to be higher if there is a higher number of immigrants living in the city. Other observed factors could also interfere in the nature of the adopted policy, but they are not likely to be playing such important role as the two above-mentioned factors, even if – due to the small number of studied cities – we cannot prove it statistically.²⁸

The results of the undertaken analysis of attitude of French cities towards immigrants, while studying cities with both a high and low share of immigrants on the total population, can be used as inspiration for concrete and specific tools of local integration policies in cities and towns in other countries of the world. Even if the current composition of the immigrant population in every country is the result of specific migration history of each country, the basic principles of successful integration of immigrants into major society remains the same.

Their importance has risen even more in the light of the current refugee crisis, which brought about a million newcomers (mainly asylum claimants) to Europe in the year 2015 and whose influx still continues. The process of their integration will take place by their participation in everyday life of a local community, in their places of residence and of work, and through social

interaction with members of major society. The need for residential integration continues to emerge and even more so if we bear in mind that when it comes to such migrant newcomers, local integration policy in the time of refugee crisis is increasingly governed by national governments. That national government is not only setting the overall rules and decisions about the entry and about the stay in the country in general, but it also influences their future place of residence by their distribution within a country according to existing facilities for newly arrived asylum seekers. The task of municipalities then lies more than ever in the active promotion of the integration of foreigners, supporting the development of civil society at local level, as well as in the promotion of participation of foreigners in public life. The emphasis should also therefore be put on continuous monitoring of the situation in the city and on relationships among different communities, which is an important source of information on the development of the mood in the city and as such can serve as a system of early warning about possible future problems.

In the interest of harmonious coexistence and the prevention of tensions between immigrants and the majority, there is a need to foster openness of society, communication and activities linking both sides – foreigners and the majority. Communication between foreigners and the majority environment, social networking and the development of intercultural and interreligious dialogue is necessary for tolerance, eliminating racism and xenophobia and other negative phenomena.

Since integration is a two-way process, which has to be based on the will to integrate and on mutual benefits for both parties, it is necessary to encourage foreigners to actively participate in society. This could be done, for example, by enabling them to be actively involved in the implementation of integration activities and by bringing up new ideas. The emphasis must therefore lie

with the individual, i.e. on his personal effort and his responsibility towards its independence and integration into society.

From our field research, we can conclude that in practice the applied concrete tools and measures applied by local governments in order to obtain better results of integration process should always therefore respect the situation in the concrete city, town or region. Furthermore, they should also reflect the fact that the local governments are not the only players in the field of integration of immigrants in the area, as the successful implementation of the chosen strategy is always the result of cooperation among more involved subjects. The involvement of NGOs working with immigrants – founded by members of major society or by immigrants themselves – seems like the very basic minimum. More than appropriate is also the need to co-operate with other practitioners and representatives of local/regional offices of all possible state institutions when creating or practising the chosen local integration policy. It is also desirable to include in this strategy already at the time of its creation the mechanism through which the feedback on applied measures and tools from foreigners living in the place will be given. This feedback is the only tool that allows us to see if the adopted strategy is working well and if not, it allows flexible changes to be made according to the suggestions of immigrants.

Generally speaking, we should recommend to the city's administrations to, for example, think in advance about the possible arrival of large numbers of immigrant workers to the city and to prevent their possible concentration when preparing local plans. This should be done by ensuring the even distribution of possible places for common residences of foreign workers or for social housing throughout the whole city and its boroughs. In the instance if, for example, an opening of a new factory within the city occurs – while it seems that due to an insufficient number of local inhabitants who should work in this factory the arrival

of foreigner workers is more than probable – the local council should not hesitate to be in touch with the new employer. The local council should also participate in making room for the accommodation of immigrants as well as setting up a new place to provide immigrant-specialised services. In addition, informing local residents about the new and emerging situation should not be omitted.

If there are immigrants already living in the city, it is necessary to have a thorough analysis of them (number, origin, age distribution, etc.) before starting to prepare and adopt any strategy and actions in their favour. In case of the lack of capacity of the city in providing the immigrant's specific services (like legal or social counselling, language courses, etc.), it is very convenient to set up a mechanism that will support local NGOs in doing so (or to collaborate with a NGO of national scope and help it in creating new branch in the city). Translating the leaflets informing people about the services provided by the city and the website of the city into the most commonly spoken languages of communities living in the city then ensures better knowledge of immigrants about everyday issues and prevents them from using the services of questionable mediator agencies.

And finally, yet importantly, every city council should still bear in mind the needs of the people from the majority population, in order to prevent them feeling that the city council is so immersed in combating discrimination and promoting diversity issues that it forgets the needs of other disadvantaged populations of its own city. So the policy makers at the local level need to listen carefully to the challenges that marginalised people – regardless of their origin – face in local communities.

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MIGRATION AND INTEGRATION POLICY IN THE COMPLEX FEDERAL SYSTEM OF GERMANY. THE EXAMPLE OF INTEGRATION COURSES IN THE CITY OF ERLANGEN

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In Germany, the existence of a federal system has an impact on decisions concerning migration and integration policies, and on their implementation. In fact, the three different levels of government (federal, state and municipal), which in the case of Bavaria become five, affect the way migration and integration issues are treated at local level. The result is discrepancies from one state to the other, and even from one municipality to the other, in the treatments of migrants, as shown in the case of the language orientation courses offered by Bavarian municipalities. The federal system also represents an obstacle for the elaboration of a single and comprehensive legislation in this field, which Germany urgently needs.

German migration and integration policy is characterised by Germany's institutional framework with its three different levels (federal, states,¹ municipalities²). While the general framework and directions are decided by the national government, the regional governments have quite an impact on the concrete implementation in each federal state. The actual execution of the asylum policy is then practiced by the municipalities. The different

levels of the federal system always try to gain more power, and with different parties ruling the different institutional levels we can see a discrepancy between framework and practices between the different institutional branches in Germany. In Bavaria with its five different state levels we can see even more conflicts and discrepancies. To exemplify the processes and problems I will analyse the situation of asylum seekers in Germany by focusing on language courses for newly arrived refugees and migrants.

My conclusion is that the federal system, due to the competition between institutions at different levels, in certain conditions may offer the best solutions. Right now this system and the mechanism of finding solutions by means of competition does not work, and the situation for asylum seekers and refugees in particular is more a game of luck than a law-based process with the same chance for everyone.

The federal system of Germany

Before we can analyse the actual integration of migrants in Germany, it is necessary to look at the political system of the Federal Republic of Germany.

Germany is a federal republic with three main levels. This constitutional principle of Germany is based on the history of the German nation, where the different states had almost always had a strong position.³ The first level is the federal level. The second level is formed by the 16 states (*Länder*). In many aspects they are independent of the state level as they have their own state constitution, executive, legislative and judicial branches. Those state branches exist beside the federal branches. Nevertheless, federal law overrides state law. The municipalities build the third level. A municipality is sometimes a single city, or sometimes it consists of a group of cities. Strictly spoken the municipalities are not a separate political level as they are counted as a part of the

states. Nevertheless, the municipalities do have a guaranteed status in the constitution (*Grundgesetz*, GG) and the municipalities and their administrations execute many of the actual implementation of laws. To complicate the situation, the municipalities do have political autonomy in some political areas but no real financial autonomy as they heavily rely on the relocation of money by the federal level. One reason for this complex and confusing structure is the principle of subsidiarity. The idea of this principle is that the lowest state level should make the decisions. Only when this state level is not able to fulfill this duty, the next higher level should decide. This principle shall guarantee that the interests and traditions of the regions are not ignored.⁴

When it comes to law-making, competences are divided between the federal level and the states. Depending on the policy field, there are five different kinds of laws. The two clearest categories are law-making with competences clearly assigned to only one level, either the federal or the states level (*Ausschließliche Gesetzgebung*). Citizenship and immigration, for example, is the sole competence of the federal level and education is exclusively regulated by the states. But there are also policy areas in which both levels share competences, e.g. the sector of agriculture. In the fourth type of law-making the federal level passes a law and the states have the right to enact a divergent law (*Abweichungsgesetzgebung*). The fifth category of law-making is the *Konkurrierende Gesetzgebung* (competitive legislation, translation by the author). In this category, the states have the right to make their own laws as long as there is no need for the federal level to enact a law. If the federal level decides to enact a law to create common standards in all of Germany, all existing state laws become invalid.⁵ As nearly every aspect of everyday life is also an aspect of the lives of migrants, nearly all state levels are involved and have different competences in the different areas of integration.

Apart from this division of law-making powers, there is another relevant aspect. The execution of federal laws can be delegated to the states. The states can then delegate it to the municipalities. The same is true for state laws⁶. In some states the municipalities are not the only administrative divisions. In Bavaria there are three levels beneath the level of the state. Although this is an exception, all states have at least one more level. The different levels, in the case of Bavaria from the lowest to the highest degree of division,⁷ are federal, states (16), *Bezirke* (7), *Landkreise* (71) and *Gemeinden* or municipalities (2056).⁸

It is important to explain all these detailed divisions within the German federal system, since due to them there is not one single integration and migration law in Germany. The very complex structure of vertical allocation of competences between the different state levels (which is additionally jealously guarded) and also the horizontal distribution between different ministries makes it very complex and difficult to talk about a single German integration policy. Therefore, not only are the actual laws of the states different, but the way they are implemented differs from one municipality to the other as well. The same is true for federal laws. If the next higher level hasn't specified the instruments to implement a certain law (and often it is not even allowed to do that as a result of the principle of subsidiarity) the lower executing level can interpret laws with executive legal norms. Hence, every state, as well as every municipality, has its own way of handling and integrating migrants. A top-down approach by the federal government to implement an integration policy is therefore nearly impossible.⁹ This results in a situation where every state level can decide if it will implement the law exactly the way it was intended, tighten it or mitigate it. There are of course some limitations and the political levels are not allowed to change everything but they have the opportunity to interpret laws in the way they prefer.

Who is responsible for which aspect of the migration policy?

After this short dive into the structure of the German federal system I will now describe which state level is responsible for which aspect of the migration and integration policies.

When we talk about Germany's integration policy, we can only talk about the last fifteen years. Germany never did and still doesn't consider itself an immigration society.¹⁰ Even with the huge migration movements after the Second World War, the millions of guest workers between 1955 and 1973 and the migration within the borders of the European Union, Germany never established an elaborate immigration law. Therefore migration and integration is not a policy field with a broad national strategy. For a very long time integration policy consisted basically of a few single measures conducted by different state levels of the federal German system. Only in the 1970s, the central government formulated for the first time a rudimentary integration measure. The assumption was always that migrants would come to Germany only for a limited time and then leave again. In conclusion, the state never saw a reason to adopt any kind of comprehensive integration agenda. Only for the last 15 years, integration of migrants and their descendants has been recognised as an important issue. In 2006, the first integration summit by the federal government, the states and a variety of municipalities decided to create a National Integration Plan (NAP). With this plan they committed themselves on a voluntary basis to an *activating and sustainable policy*. The aim was to improve the coordination and the networks and to deal with the challenges for an integration policy which result from the federal system. Reforms and changes should also be evaluated on a regular basis. It is important to mention that this plan cannot be called a national strategy or agenda. It was always only a

voluntary declaration of intention. This NAP shows that there is undoubtedly a will to better coordinate integration efforts and to improve the current situations. But nevertheless, there is also an urgent need for all levels to secure their competences.¹¹

As a result of the non-existence of a national migration policy and the complex federal structure, nearly all integration attempts are based on crosscutting measures. Hence, different ministries, sometimes even on different state levels, need to work together. The integration of young migrants, for example, is touching the fields of education, labour, demographics, economy, and urban development.¹²

Besides the challenges of the federal system there are further aspects that have to be kept in mind when analysing the role of the institutional branches. In Germany, immigrants are treated in accordance to their residence status.¹³ This is very problematic as a lot of integration benefits are only given to those migrants who are going to stay in Germany. For example, during the month-long wait for a decision which asylum seekers in Germany face at the moment,¹⁴ there is no chance for them to take part in any integration measures whatsoever.

There is another aspect that complicates a common and coherent migration policy. I explained earlier that the municipalities have a certain scope to interpret and implement laws. That is also visible in the asylum law. The most important aspects of German asylum law are regulated in the federal law *Asylbewerberleistungsgesetz* (AsylbLG). The AsylbLG is for example regulating the monthly payment for asylum seekers. Surprisingly, this law has an uncommonly high number of so-called "*unbestimmte Rechtsbegriffe*" (undefined legal terms, translation by the author) and "*Ermessensspielräume*" (administrative discretion, translation by the author). Basically, those terms mean that the law is written in such a manner that there are a huge number of rules and standards that are not

clearly defined. As a result the states and the municipalities have some flexibility on how to implement its regulations.¹⁵

A final general criterion to keep in mind is the question of the real intention of laws like the AsylbLG. There is no common ground in political discourse on whether the aim of it is to regulate migration, e.g. by reducing the state payments to a minimum, or to guarantee the minimal breadline which human dignity and the human rights require.¹⁶ This conflict is not only given in the AsylbLG but is the basis for all discussions about the way to deal with migrants in Germany.

After analysing the general structure of the federal system and its implications for integration, I will now explain every state level and its competences in the migration and integration policy in detail.

The European level

Even though the European level is not part of this paper's focus, we can't ignore the fact that the EU has an impact on the migration policy in Germany. The biggest influence is the Common European Asylum System (CEAS). It sets common standards and general rules for the members concerning for example the process of determining the asylum status, how the asylum procedure has to be exercised, or the general standards for accommodation fit for human beings.¹⁷

The federal level

The federal level decides the main aspects of the German migration policy. It is part of the *Konkurrierende Gesetzgebung* (Art. 74 Abs. 1 Nr. 4 and 6 GG). The competence for all decisions about asylum procedures and residence is held by the Federal Ministry of the Interior (Bundesministerium des Inneren, BMI)

and its Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge, BAMF), located in Nuremberg. Integration is part of their tasks as well. Hence, the BAMF is coordinating the participation of immigrants and refugees in language and education programs. It is also responsible for allocating the money of the EU Asylum, Migration & Integration Funds (AMIF). On the other hand all aspects attached to the securing of the welfare of refugees are the task of the Federal Ministry of Labor and Social Affairs (Bundesministerium für Arbeit und Soziales, BMAS). This is regulated by the AsylbLG. This law does not only guarantee the minimal living standards for asylum seekers in Germany but also regulates their access to social life and society.¹⁸ Hannes Schammann sees a fundamental tension caused by this division of competences between the ministries. The tension is between a regulatory approach (limiting migration) by the BMI and a welfare approach (Integration and securing the minimal living conditions) by the BMAS. This friction is also visible on the other levels of the political system. For the state level it is between the Ministry of the Interior and the Ministry for Social Affairs of the state in question and in the municipalities between the *Ausländerbehörde* (foreigners' registration office, translation by the author) and *Sozialamt* (social security office, translation by the author).¹⁹

The states

Although the main responsibilities for migration policies lie with the federal level, the 16 states do have the opportunity to manage and shape integration in their own way. This is again not limited to social integration but holds for the right of residence as well.²⁰

There are four ways for the states to shape migration and integration policy. First, the states have their own competences

they can use. They can implement their own laws regulating integration. They can also enact bylaws and directives in addition to federal laws. An example for such a directive is the accommodation of asylum seekers. A Bavarian law²¹ tightens the federal law. Therefore, in Bavaria asylum seekers do have to live together with other asylum seekers in so-called common accommodation (*Gemeinschaftsunterkünften*) and are not allowed to move out for four years.²² The second option is that the federal government delegates the execution of their laws to the states. It can regulate what has to be done but not the way it is done. Therefore, the states have a vast scope of options to execute the laws in the way they want. The third way is to delegate the tasks they have from the federal level to the municipalities and only supervise the rightful execution of the law. An example here is the expulsion of rejected refugees who have been denied asylum. This has to be done by the municipalities. The last possibility is the financial support of integration programs or other aspects of the municipalities' work with refugees. It is not so much a direct way of regulating the execution but rather a way of supporting programs in their favour. As described in the last chapter, the municipalities do not have a lot of taxes they can charge on their own. They receive most of their money from the states and a small amount from the federal government. By raising the allocated money the states have the chance to support integration programs. Bavaria for example supports its municipalities by co-financing the creation of coordination positions which network and coordinate the work of volunteers.²³

The municipalities

The municipalities face a somewhat paradoxical situation. On one side, they are the lowest level in the political system and therefore have really limited competences. On the other side, they nearly

always have the task of executing the laws. They are the political authority that has the most contact with migrants and has to explain when something is going wrong. Hence, the municipalities have a strong interest in integrating migrants and asylum seekers fast and successfully. Because of that, many cities have developed their own local integration concepts.²⁴ As long as the superior political level does not explicitly regulate the way a law has to be enacted, the municipalities – similar to the states described above – have the competence to enact the laws the way they want. This right is even explicitly guaranteed in § 10 AsylbLG.²⁵ The city of Erlangen for example is using this given possibility. With the duty of executing the expulsion of rejected asylum seekers they were faced in the past with a conflict between a strict expulsion like the state Bavaria demands and their own attempt to treat the people humanly. Hence, they decided to stop expulsions in winter months with the argument that rejected asylum seekers would not have any place to stay in their country of origin and that this would be inhumane in winter.

Apart from this special interaction between the political levels the municipalities also have the *Selbstverwaltungsrecht* (right of self-government, translation by the author). This means that the municipalities have the right to create their own integration programs. Some of the typical programs are language courses, migration consultation or helping and coordinating volunteer work. The municipalities have often shown that they have a strong interest in integrating all migrants into their society as fast as possible. Since the federal level's distinction between the different legal status of migrants is not really relevant for the municipalities, it doesn't matter for them if the migrant is going to live in the city for a few months, a few years or even forever. The most important point for the municipalities is that the migrants are integrated into society and that they are going to live peacefully together with the rest of society. In conclusion,

they are willing to pay for measures like the opening of integration courses for all migrants independent of their residence permit. Whether such integration measures are enacted depends on two preconditions: the political will of a municipality, and its financial situation. Since nearly all German municipalities are facing a large financial deficit, the financial aspect is the driving force behind the adoption of integration measures.²⁶

The city of Erlangen and its integration courses

After this overview of the general competences in migration and integration policies, I will now show the problems and opportunities this system faces by focusing on the example of language courses.²⁷ The federal government recognises that language skills are one of the key aspects for integrating migrants. In conclusion, the government has established so-called integration courses (*Integrationskurse*). These courses include 600 hours of language training and 60 hours of general orientation about Germany (the political system, the economy, the social system, laws and rights, culture etc.).²⁸ This concept is in part based on the Dutch model. Attendance is regulated by the federal law § 44 *Aufenthaltsgesetz* (AufenthG). The measure is cooperation between the federal government and the states. Every migrant has the right and the obligation to attend such a course.²⁹ The aim of the courses is that afterwards the participants have German language skills of B1 according to the Common European Framework. But these federal integration courses are only open to migrants with a residence permit, refugees with granted asylum status, refugees with a subsidiary protection status and – only recently added – asylum seekers with a good chance of acceptance as asylum seekers (*Gute Bleibeperspektive*).³⁰ If there are open spots all other migrants can participate, too.³¹ But this is not realistic due to the fact that there are not even enough

places for all migrants and refugees with granted asylum status at the moment.

Apart from these state-regulated integration courses, additional language courses are the most important so-called “optional services” of municipalities. Many cities and states have their own language courses. Stuttgart offers a course of 200 hours financed only by the city, Bavaria and Hamburg each have courses with 300 hours financed by the state and Brandenburg offers courses of 600 hours financed by the EU and the state. These courses are open for all migrants that are not (yet) allowed to participate in the federal courses. Besides these professional courses, many municipalities do not have professional integration courses.³²

The gaps are mostly filled by volunteers, churches etc. These volunteers help in all areas related to migration and integration. Their work includes private language courses, help with finding work or housing, emotional support and more. The municipalities are nearly always thankful for this work, as they don't have the financial capacity (a result of the missing integration and migration law) to complete those tasks on their own. But this attitude is also controversial, as many volunteers believe the municipalities ignore public duties. All in all, the cooperation (at least in Erlangen) between the municipalities and the volunteers is good and respectful, but not without controversy.

By only looking at these few examples we can already see that the chance of participating in a language course, when an asylum seeker has not been granted asylum status yet, is not equal in every municipality. Even more, it is pure fortune whether an asylum seeker will be allocated to a municipality with enough places in federal integration courses or additional language courses. In conclusion, the chance of a fast and good integration via language classes is a pure game of luck.

In Bavaria, the municipalities have the chance to buy the

course concept "*Deutschkurse zur sprachlichen Erstorientierung für Asylbewerber*" (German classes for a first language orientation for asylum seekers, translation by the author). This concept has been developed by the BAMF and the Bavarian Ministry for Work and Social Affairs, Family and Integration (StMAS Bayern). With this course, independent from their residence permit asylum seekers have the chance to learn German and get information on more aspects of life in Germany.

In the city of Erlangen the local mayor and the city government have developed a strong and comprehensive integration concept. Since 2007 they show a strong will to improve the situation of asylum seekers and all other migrants in the city. In order to teach all migrants German language skills they have given the *Volkshochschule*³³ the mandate to allow every migrant – unattached to their residence permit – to participate in a language course. These courses are based on the federal integration courses and are 600 hours long. But participants can also take only 300 hours and have language skills of A2 afterwards. Another project of the city is the so-called "*Deutsch-Offensive*"³⁴ (German Language offensive, translation of the author). In cooperation with volunteers it offers language programs for migrants. This program exists for several years now and is an example for the strong political will for integration in Erlangen.

This vast scope of courses in Erlangen is only possible because of several factors. First of all the city government is willing to integrate all migrants as well as possible. Hence, they accept that they will use their optional rights and are open to pay for the programs. This is only possible because of the good fiscal state of the city. The second reason is the strong and open civil society in Erlangen. The number of volunteers is enormous and only with them it is possible to give so many migrants the chance to participate in a language course. The third aspect is that the Bavarian government is financially supporting their municipalities

in their integration efforts. Therefore the municipalities have the financial means to offer voluntary measures.

Conclusion

The two main conflicts of migration and integration policy in Germany shall now be summarised. First, the biggest problem Germany is facing is the absence of a comprehensive immigration and integration law. So far migration and integration are only regulated by some incoherent measures on different levels of the political system and in different ministries. The easiest way to deal with this problem would be a federal integration and migration law. But this isn't realistic in the foreseeable future as there is no consensus on what the goal for such a law should be. Should it be a law that regulates and diminishes migration of all sorts as large parts of the Conservative Party CDU/CSU are demanding? Or should it mostly regulate and improve the integration of migrants and turn Germany into a real immigrant society like it is the position of the Social Democratic Party SPD and the Green Party? As long as the political parties won't find a common ground on this question there will be no coherent German integration and migration law.

The second roadblock to a comprehensive immigration and integration law is the complex federal system of Germany. But the federal complex does also have some good effects as I will describe later. First of all the federal system has a vertical and horizontal division of competences. The vertical division is between three (or in some states five) political levels. Each one has some competences and some obligations delegated from the superior level. Hence, in some aspects they can decide on their own and in some they can't. With different political parties ruling the different levels, discrepancies between interests can be large. The second division is the horizontal one between different policy

fields. Integration and migration are touching nearly every aspect of life and, therefore, many different ministries are responsible for some aspects of integration. Like every state level, every ministry has an interest in increasing or at least securing their competences. Independent of the subject, the federal system always has this tension on the national level.

The tensions between the different levels are wanted as they increase the so-called “federal competition” between the states and the municipalities. It can help to find the best solutions for a problem. The problem with this competition concerning the subject of integration and migration is that competition is only possible if there is a possibility of sanctioning and rewarding institutions for a good measure. Normally, this happens through elections and changing of residence. But migrants can’t vote and are rarely allowed to change their residence. In conclusion, a competition between the different institutions for the best integration policy is not possible, as no instruments for sanctioning and rewarding exist. But despite all these negative points about the federal system it would not be fair to ignore the positive aspects. An important argument in favour of federalism is the principle of subsidiarity. Often it is best to decide things in the municipalities, as they have to deal with the outcome of this decision. Hence, they have a strong interest in creating an instrument as well as possible.³⁵ With this in mind the often-quoted sentence *Integration happens at the local level* is still true and should be enforced.³⁶

Undeniably, there are benefits to a federal system and a homogenous strategy dictated by the federal government would have problems as well. But the situation which migrants and especially asylum seekers are facing today in Germany feels often like a pure game of luck. The allocation of asylum seekers is decided by fortune and this fortune decides if an asylum seeker is allocated to a municipality with a functioning integration

program or not. In conclusion, the German system does not provide a fair chance for everyone to be treated the same and the future of asylum seekers is more based on a game of roulette than a regulated, law-based process.

Endnotes

- ¹ States are used as an equivalent for *Länder* in this article.
- ² Municipalities are used as an equivalent for *Gemeinde* in this article.
- ³ The strong position of the state has only seen a short break during the Nazi Regime.
- ⁴ W. Rudzio, *Das politische System der Bundesrepublik Deutschland* (7., aktualisierte und erweiterte Auflage ed.), VS Verlag für Sozialwissenschaften, Wiesbaden, 2006; J. Bogumil and L. Holtkamp, *Kommunalpolitik und Kommunalverwaltung - eine policyorientierte Einführung*, VS Verlag für Sozialwissenschaft, Wiesbaden 2006.
- ⁵ R. Sturm, *Der deutsche Föderalismus. Grundlagen - Reformen - Perspektiven*, Nomos Verlagsgesellschaft, Baden-Baden 2015.
- ⁶ W. Rudzio, *Das politische System der Bundesrepublik Deutschland* (7., aktualisierte und erweiterte Auflage ed.), VS Verlag für Sozialwissenschaften, Wiesbaden 2006.
- ⁷ The numbers are from 2009.
- ⁸ G. Fuchs, *Kommunalpolitik im Freistaat Bayern*, [in:] *Kommunalpolitik in den deutschen Ländern. Eine Einführung*, (ed.) A. Kost and H.-G. Wehling, VS Verlag für Sozialwissenschaften, Wiesbaden 2010; W. Rudzio, *Das politische System der Bundesrepublik Deutschland* (7., aktualisierte und erweiterte Auflage ed.), VS Verlag für Sozialwissenschaften, Wiesbaden 2006.
- ⁹ P. Bendel, *Coordinating immigrant integration in Germany: Mainstreaming at the federal and local levels*, Migration Policy Institute Europe, Brussels 2014.
- ¹⁰ Parts of the political party system identify Germany as an immigration country, but there are also large parts who deny this. Therefore, I argue that Germany as a whole does not have such an understanding of itself as other, typical immigration countries like USA and Canada have.
- ¹¹ P. Bendel, *Coordinating immigrant integration in Germany: Mainstreaming at the federal and local levels*, Migration Policy Institute Europe, Brussels 2014.

¹² Ibid.

¹³ Ibid.

¹⁴ The BAMF claims that in 2014 a decision to grant asylum status took an average of 7.1 months. The numbers for 2015 are not available yet but are expected to be lower than 2014 (Pro Asyl, 2015). It is important to keep in mind that those numbers are an average and there are cases where refugees waited for over a year.

¹⁵ H. Schammann, *Wenn Variationen den Alltag bestimmen. Unterschiede lokaler Politikgestaltung in der Leistungsgewährung für Asylsuchende*, [in:] Zeitschrift für Vergleichende Politikwissenschaft, N° 3, 2015, pp. 161-182.

¹⁶ Ibid.

¹⁷ H. Schammann, *Rette sich, wer kann? Flüchtlingspolitik im Föderalismus*, [in:] APuZ, N° 27, 2015 (Flucht und Asyl), pp. 26-31.

¹⁸ P. Bendel, *Coordinating immigrant integration in Germany: Mainstreaming at the federal and local levels*, Migration Policy Institute Europe, Brussels 2014; H. Schammann, *Rette sich, wer kann? Flüchtlingspolitik im Föderalismus*, [in:] APuZ, N° 27, 2015 (Flucht und Asyl), pp. 26-31; H. Schammann, *Wenn Variationen den Alltag bestimmen. Unterschiede lokaler Politikgestaltung in der Leistungsgewährung für Asylsuchende*, [in:] Zeitschrift für Vergleichende Politikwissenschaft, N° 3, 2015, pp. 161-182.

¹⁹ H. Schammann, *Rette sich, wer kann? Flüchtlingspolitik im Föderalismus*, [in:] APuZ, N° 27, 2015 (Flucht und Asyl), pp. 26-31; H. Schammann, *Wenn Variationen den Alltag bestimmen. Unterschiede lokaler Politikgestaltung in der Leistungsgewährung für Asylsuchende*, [in:] Zeitschrift für Vergleichende Politikwissenschaft, N° 3, 2015, pp. 161-182.

²⁰ P. Bendel, *Coordinating immigrant integration in Germany: Mainstreaming at the federal and local levels*, Migration Policy Institute Europe, Brussels 2014; H. Schammann, *Rette sich, wer kann? Flüchtlingspolitik im Föderalismus*, [in:] APuZ, N° 27, 2015 (Flucht und Asyl), pp. 26-31.

²¹ The name of the law is *Gesetz über die Aufnahme und Unterbringung der Leistungsberechtigten nach dem Asylbewerberleistungsgesetz* (AufnG-Bay).

²² An exception is possible due to health care problems and if they can pay for their own the rent.

²³ H. Schammann, *Rette sich, wer kann? Flüchtlingspolitik im Föderalismus*, [in:] APuZ, N° 27, 2015 (Flucht und Asyl), pp. 26-31; Schammann, *Wenn Variationen den Alltag bestimmen. Unterschiede lokaler Politikgestaltung in der Leistungsgewährung für Asylsuchende*, [in:] Zeitschrift für Vergleichende Politikwissenschaft, N° 3, 2015, pp. 161-182.

- ²⁴ F. Heckmann, *Integration von Migranten. Einwanderung und neue Nationenbildung*, Springer VS., Wiesbaden 2015.
- ²⁵ H. Schammann, *Wenn Variationen den Alltag bestimmen. Unterschiede lokaler Politikgestaltung in der Leistungsgewährung für Asylsuchende*, [in:] *Zeitschrift für Vergleichende Politikwissenschaft*, N° 3, 2015, pp. 161-182.
- ²⁶ H. Schammann, *Rette sich, wer kann? Flüchtlingspolitik im Föderalismus*, [in:] *APuZ*, N° 27, 2015 (Flucht und Asyl), pp. 26-31.
- ²⁷ It is not possible to give a comprehensive description of all different aspects of language education in Germany. Hence, this can only be a short overview of the most relevant aspects. For an extensive overview see for example F. Heckmann, *Integration von Migranten. Einwanderung und neue Nationenbildung*, Springer VS., Wiesbaden 2015.
- ²⁸ M. Griesbeck, *Integration auf der Grundlage des Zuwanderungsgesetzes gemeinsam gestalten*, [in:] *Integration von Muslimen* (Vol. 1), (ed.) P. Bendel and M. Hildebrandt, Allitera Verlag, Munich 2006, pp. 81-88.
- ²⁹ P. Bendel, *Coordinating immigrant integration in Germany: Mainstreaming at the federal and local levels*, Migration Policy Institute Europe, Brussels 2014.
- ³⁰ The BMI assumes a good chance of acceptance when the asylum seeker is coming from a country with a protection quote of over 50% in Germany.
- ³¹ Charta der Vielfalt, *Flüchtlinge in den Arbeitsmarkt!. Praxis-Leitfaden für Unternehmen*, 2015 http://www.charta-der-vielfalt.de/fileadmin/user_upload/beispieldateien/Bilddateien/Publikationen/Fl%C3%BCchtlinge_in_den_Arbeitsmarkt_-_Charta_der_Vielfalt_2015.pdf.
- ³² H. Schammann, *Rette sich, wer kann? Flüchtlingspolitik im Föderalismus*, [in:] *APuZ*, N° 27, 2015 (Flucht und Asyl), pp. 26-31.
- ³³ Volkshochschulen are schools for further learning (adult education). They are organised as public charities and offer a broad variety of courses. Large parts of their program are language courses for everyone.
- ³⁴ See: www.erlangen.de/desktopdefault.aspx?tabid-1162/, accessed 11 July 2016.
- ³⁵ H. Schammann, *Rette sich, wer kann? Flüchtlingspolitik im Föderalismus*, [in:] *APuZ*, N° 27, 2015 (Flucht und Asyl), pp. 26-31.
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SOCIAL SERVICE PROVISION FOR YOUNG REFUGEES IN GERMAN MUNICIPALITIES: ASSESSING INDIVIDUAL NEEDS AND PROMOTING LONG-TERM INTEGRATION

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The flow of refugees seeking shelter in Germany has raised numerous concerns for this country's policymakers and public authorities, among them the question of the provision of adequate assistance to the many minor refugees hosted in German municipalities. It is essential to identify the needs of these young migrants, whether they are accompanied or not (a situation that places them in a different legal regime), and to correct the major discrepancies between children's rights and the legal framework of asylum procedures, in order to promote their long-term integration into the country's educational system, labour market, and ultimately, society.

The dramatic increase in the number of refugee arrivals in Germany escaping from terror, war, persecution and social or economic deprivation in their home countries represents important concerns for the political landscape, public authorities and social scientists. In 2015, over a million people arrived in Germany.¹ One of the major challenges arising from this situation

is the adequate assistance and support for children and young people seeking asylum in Germany: About a third of the refugees are children and young people under 18 years of age. The majority of the young asylum seekers arriving in Germany are *minors accompanied by their families*, however, there is a substantial amount of minors arriving unaccompanied and thus presenting very particular individual needs. According to Eurostat, in 2015 about 92% of minors arrived with their family and 8% of minors arrived alone as *unaccompanied minor refugees*.² In absolute numbers, approximately 70,000 unaccompanied minor refugees were registered in German municipalities in need of child and youth welfare services.³

Young refugees are a heterogeneous group presenting very different backgrounds, needs, experiences, capabilities, and resources. The identification of their needs and how they match with the existing support systems will not only be essential to promote a long-term social integration process and to ensure access to the educational system and the labour market, but it should also be the starting point for creating a framework of adequate social services provision.

Currently, German municipalities are providing numerous services for migrants and elaborating strategies for the coordination of the different players working with young refugees. However, conceptualisations of measures for long-term integration are still under discussion. Supporting the large number of young refugees represents an important challenge for municipalities and for the local child and youth welfare systems. There are remarkable discrepancies between international agreements, the German national and regional legal frameworks which makes it difficult to implement stringent concepts at the municipal level under the current situation of emergency. Consequently, observations show a lack of systematic and evidence-based knowledge about the needs of young refugees, even if certain social service providers

show practical knowledge concerning the heterogeneous situations faced by young refugees and their families.

Minor refugees have often suffered traumatic experiences not only in their home countries but also on the dangerous escape routes to Europe: Most of them have dealt with hunger and precarious humanitarian conditions in the refugee camps of the neighbouring countries in Africa and the Middle East, and many have experienced death risks during their escape by boat across the Mediterranean Sea and along the Western Balkan route. Since the submission of asylum applications in EU Member States requires the personal presence in the EU-territory for applying for asylum and the submission for a visa in their home countries is not possible, refugees are forced to pass through dangerous escape routes. This procedure of the asylum regime is currently putting hundreds of people at risk of danger and death.

For those young refugees who managed to cross the German border, there are different legal regimes for accompanied and unaccompanied minors. The German child and youth welfare system is responsible for unaccompanied minor refugees according to the Code of Social Law VIII (in German: *Sozialgesetzbuch (SGB) VIII*).

When the presence of young refugees in German territory has been detected by self-report, police officers, or any other responsible institution, the municipal youth and welfare office (in German: *Jugendamt*) is responsible for their custody and housing (*vorläufige Inobhutnahme*) until the redistribution within the federal states and then to other municipalities can be conducted.

Unlike unaccompanied minors, children and young refugees under the age of 18 accompanied by a person, who has custody of the child or young person (normally a family member) stay together with his family through the asylum procedure. According to the German principle of subsidiarity⁴ they are generally not

under national or municipal custody. They are therefore at the risk of being “overlooked” by the authorities.

This contribution addresses the differences between individual needs and structural integration of both accompanied and unaccompanied minor refugees in Germany given the current discrepancies between the national and regional legal frameworks. The main questions of the contribution are the following: How does this discrepancy influence the possibilities of integration of young refugees? What measures can be undertaken to improve the situation of both accompanied and unaccompanied minor refugees? Finally, the contribution proposes some approaches to enhance the current system of social service provision for young refugees.

Accompanied minors

Accompanied children and young people under the age of 18 who crossed the border are taken with their family, or with the person who has custody of the minor, to a reception camp. From there, they are distributed by means of the EASY-System (German System for distribution of asylum seekers) to an initial reception centre (in German: *Erstaufnahmeinrichtung*, EAE) in one of the German federal states. There they get food supplies, clothes, a place to sleep and a registration card as an asylum seeker. The initial intended duration of their stay during the asylum procedure is six months. If the asylum procedure is not completed within those six months, refugees will be distributed within other municipalities. If they arrive at one of the airports in the German territory, refugees have to stay in the transfer area and pass an accelerated procedure to determine if they are allowed to stay in Germany any longer (*Flughafenverfahren*).

Asylum procedure and residential status

The German asylum procedure is regulated by the German Federal Asylum Law (*Asylgesetz, AsylG5*), which establishes the right to asylum according to the German constitution (Art. 16a GG, *Grundgesetz*) and constitutes together with the Residence Law (*Aufenthaltsgesetz, AufenthG*) and the (*Asylbewerberleistungsgesetz, AsylbLG*) the legal basis of the German asylum law.

Children and young people under 18 are transferred through the asylum procedure with their families or with the person who is legally in charge of the minor. Accompanied minors can either submit an asylum application on their own or be treated as accompanying family members (§26 AsylG). The main institution responsible for the evaluation of the asylum application is the Federal Office for Migration and Refugees (BAMF) in Nuremberg or an outpost of the BAMF located near their accommodation in an initial reception centre (EAE). Authorities verify their identities and execute the Dublin III-check. If Germany is the responsible state for the application, the asylum procedure starts. Applicants can obtain three types of residence status if their application for asylum is accepted: First, they can obtain the “recognition as entitled for asylum” (Art. 16a GG), when they are politically persecuted by the government of their home country. Second, they can be recognised as refugees (§3 AsylG, in accordance with the Geneva Convention), when they are persecuted by other parties because of race, nationality, political conviction, or belonging to a certain social group. In case of a favourable decision based on those cases, the migrants obtain a residence permission for three years, the same access to social services and social security as German residents, and full access to the labour market. After that, they may obtain an indefinite residence permit status, if the reasons for the asylum persist in their home-countries. Third, if there is a risk of serious harm, for example due to arbitrary violence in an armed conflict, refugees can obtain subsidiary protection (§4

AsylG, following the EU Qualification Directive 2011/95/EU). In this case, the residence permission is granted for one year and can be prorogued for two additional years, with the same access to social services, social security and the labour market as mentioned, if the migrants are able to provide for themselves.

The situation is more difficult for those whose asylum application has been rejected. In this case, applicants have to leave the country after a few weeks or even days. When an expulsion would lead to an immediate risk of death, asylum seekers can be “tolerated” (§60 AufenthG), and the expulsion is suspended. In this case, asylum seekers may obtain limited access to the labour market and social services.

Several problems concerning the rights of children arise from this legal framework. First, the processing time for asylum applications takes about six months, but often much longer. Especially during the first months in the initial reception centre (EAE), children and young people have limited access to the education system and to health care services (depending on the different German federal states) and therefore suffer from social exclusion. But even after the redistribution within German municipalities, the fear of being deported to their home country or a transit country persists and may impede or delay their integration.⁶ The legal framework prioritises the organisational setting of the asylum procedure over the needs of children and youth. This can be interpreted as a violation of the Conventions on the Rights of the Child, which states that every country has to base its actions considering “the interests of the child”.

Needs, problematic issues and requirements for the integration of accompanied minors

The discrepancies between children’s rights and the legal framework of asylum procedures lead to several obstacles for the integration of young refugees, even if many protagonists from

authorities to volunteers especially at the municipal level are attempting to improve the living conditions of young refugees and to promote their long-term integration.

Living conditions

Since the children's accommodation possibilities depend on the parents' rights, the majority of the accompanied minor refugees live in initial reception centres (EAEs) with their family during the first few months. After being redistributed within German municipalities, they stay in shared accommodation (in German: *Gemeinschaftsunterkünfte*, GU) or in accommodation facilities located outside urban areas. This situation frequently leads to precarious living conditions for both young refugees and their families, being one of the main obstacles for starting a new life in Germany. The primary reception centres are not obliged to comply with the requirements for institutions providing child accommodation and care according to §45 of the German law of child and youth welfare (SGB VIII) (§§44 and 53 AsylG), as for example adequate spatial and professional standards for the support of the integration and the protection of the children's rights. This results in several problems concerning the living conditions:

- The need for privacy and safe retreats are mostly disregarded, and minors live with an increased risk of becoming victims of violence and sexual harassment.⁷
- Conflicts between security guards and asylum seekers, tensions between refugees, and xenophobic assaults on refugee centres are part of the living conditions of minors in shared accommodation.
- The initial reception centres of the federal states and the communal shared accommodation for refugees can be often situated in industrial areas and/or outside the urban area, so spatial mobility and access to social services is very limited.

Also, minor refugees are not able to build up a social life, establishing living conditions as one of the main reasons for social exclusion and stigmatisation.

In order to improve the difficult living conditions of minor refugees, three courses of action can be taken.⁸ First, associations for child protection, such as Pro Asyl and other NGOs, demand defined and compulsory standards to be implemented in shared accommodation and the application of a checklist for the responsible authorities in the housing facilities against sexual harassment,⁹ that include:

a) Spatial standards:

- Adequate, centrally located accommodation with individual apartments, max. 80 inhabitants and no less than 9 m²/person;
- Supervised play and leisure areas with qualified staff, as demanded by the EU Reception Conditions Directive, Art. 23.3;
- Lockable sanitary facilities and separate areas for men and women, and especially for single mothers.

b) Staff standards:

- Awareness raising and information about sexual violence for staff members and volunteers;
- Behaviour supervision of the staff by both the social service providers and the responsible authorities;
- The implementation of a complaints mechanisms, independent from both the social service providers and authorities;
- Criminal record certificates for the employees.

c) Information and support:

- Culturally sensible and easily comprehensible information and support in every relevant language, especially for children;
- Male and female partners can be contacted in case of

- suspicion regarding possible sexual harassment;
- Facilitation of language mediators;¹⁰
- Conceptualisation and implementation of emergency plans in case of suspicion regarding possible violence or sexual harassment against children and youth;
- Support with help desks and information centres.

Second, some federal states, such as North Rhine-Westphalia (NRW), conceived recommendations for implementing the standards mentioned above and other good-practice measures, for example the establishment of a play area or sport and leisure activities for youngsters, often together with NGOs or volunteers.¹¹ Third, even if the German asylum law promotes shared accommodation facilities for refugees in order to stay in contact with refugees during their asylum procedure, some approaches promote individual accommodation facilities for refugees. The Leverkusener Modell (named after the city of Leverkusen) for example allows refugees to look for individual accommodation by themselves during the asylum procedure. Other communities try to accommodate families with children in individual apartments, but this option is often limited because of the large demand in housing markets. However, those individual solutions that enhance the self-determination of the refugees depend on their (financial) capability. Even if there are various approaches for the improvement of living conditions of minor refugees and their families, the implementation of these measures differ extremely between municipalities, and the standards mentioned above are not yet being successfully implemented nationwide.

Access to health services

Many children and youngsters who escape to Germany are traumatised by the experiences they had in their home countries or on their escape routes to Germany. Minors in particular are in

a vulnerable situation since they were often exposed to hazards and violence. Therefore, several young refugees need physical or psychosocial care.

In the initial reception centres (EAEs), initial medical examinations are conducted. These aim in particular to detect acute and infectious diseases (§62 AsylG). Additionally, the vaccinations recommended by the Permanent Commission on Vaccination (*Ständige Impfkommision*, STIKO) of the Robert-Koch-Institute are applied, such as tetanus, diphtheria, measles, mumps, rubella, polio, pertussis, and varicella.¹²

Accompanied minor refugees are subjected to the same rules as adults: In the first 15 months in Germany, they only have limited access to medical services (§4 AsylbLG). According to §4 and §6, there is the possibility of them being granted health services *that are necessary for the recovery, convalescence or soothing of diseases or their consequences*, and especially if they are essential to meet the needs of children. Even if this provides a considerable margin in the application of the law, the medical health care is in practice mostly restricted to acute conditions of pain or diseases. This disregards the fact that some medical treatments of non-acute conditions prevent further health problems, for example teeth treatments can prevent further dental problems. After 15 months in Germany, asylum seekers are entitled to obtain the full benefits of the statutory health insurance (§2 AsylbLG). Victims of serious acts of violence or persons with special needs should obtain the necessary medical assistance (§6 AsylbLG). In practice, this remains unclear, too.

Federal state governments and municipalities are currently seeking solutions to enhance the access to health care for young refugees and their families. One of the main problems is the lack of medical staff to face the demands of so many refugees. In NRW, for example, the responsible administration (*Bezirksregierung Arnsberg*) concluded contracts with physicians and dentists for

the care for refugees, including retired medical staff.¹³ The costs derived from the redistribution continue to be the subject of debate between the national government, federal governments and the public health insurance companies. There is evidence that limited access to health care produces higher costs for the social and health care system in the long term.¹⁴ As a consequence, until April 2016, six out of 16 federal states had introduced an electronic health card for asylum seekers (G-Card).¹⁵ The G-Card provides direct access for asylum seekers to medical assistance without having to apply for it at the social offices but it does not increase their rights for the provision of medical attendance. This could help to minimise administration and transactions costs. Additionally, it allows communal staff without medical training to decide if medical treatment is necessary for refugees. Nonetheless, the introduction of the G-Card is voluntary for municipalities and health insurances and its implementation remains rather marginal.

Access to education

Germany has a sophisticated system to guarantee the education and vocational training of young refugees. Nonetheless, there are a few problems which are worth mentioning.

The *right* of education is specified in Art. 1-3 GG and protected in the UN-Convention on the Rights of Children (Art. 28.1, Art. 1.2). It is therefore valid for every child in Germany territory. Still, the interpretation – if the *compulsory* school attendance (about ten years) also applies to young asylum seekers – differs between federal states. In some federal states like Saxony and Saxony-Anhalt, minor refugees have the right to education, but there is no law referring to compulsory school attendance in these states. In contrast to this, there are other federal states like Berlin, Bremen and Hamburg where minors have free access to the educational system from the first day on which they register in the respective municipality. In Baden-Wuerttemberg, Bavaria

and Thuringia young refugees have to wait between three and six months until they can register at a school. In other federal states, for example in North Rhine-Westphalia, Hesse, Brandenburg or Lower Saxony, compulsory school attendance starts mostly with the redistribution of young refugees to the municipalities – that is after six months in the initial reception centres (EAEs) or with the approval of the asylum application or the tolerance status. During this period, minors have limited access to the educational system and very limited access to social services. They lose more education time than they already have done due to the crisis in their home countries and the time lost during the escape, and have therefore more limited chances to build a base for their personal future. Additionally, it impedes social integration with other young people in Germany. This period is contradictory to the Reception Directive 2013/33/EU (Art. 14.2) which states that *access to the education system shall not be postponed for more than three months from the date on which the application for international protection was lodged by or on behalf of the minor.*

To deal with this problem, many federal states provide language courses for children and youth in the initial reception centres (EAEs). The idea is that children and youth can use the obligatory waiting period to prepare for school attendance. This approach would meet at least a part of the Reception Directive 2013/33/EU (Art. 14.2): *Preparatory classes, including language classes, shall be provided to minors where it is necessary to facilitate their access to and participation in the education system (...).*

Moreover, mobile *Brückenprojekte* (bridge projects) which provide daycare for children under the age of six shall lead to regular daycare when the families are distributed to the municipalities. Nonetheless, those activities apply only to those refugees with a perspective to obtain a positive asylum decision. It is an issue of concern regarding the rights of children that asylum seekers and their children from so-called safe countries of

origin¹⁶ have to stay in the initial reception centres (EAE) until their asylum request is decided, and mostly denied. This process often takes far longer than half a year. During this time, young refugees are excluded from education. On February 25th 2016, the German government agreed on Asylum Package II (*Asylpaket II*). According to this legislative package it is planned that five Special Reception Centres in Germany (*Besondere Aufnahmezentren*, BAE) for asylum seekers from so-called safe countries of origin and for those who “do not contribute to the asylum procedure” (for example because they are without valid identity papers) shall be initiated. Asylum seekers in these centres shall be subjected to accelerated asylum procedures. The asylum procedure must be conducted within one week. If the decision is negative, appeals shall be conducted within two weeks. Even if this procedure were to tackle the problem of the long waiting periods, welfare organisations, NGOs and human rights organisations criticise that accelerated asylum procedures and Special Reception Centres with very restricted free movement can lead to practices that are against the current legislation (for example AWO 2016a; B-UMF 2016).

For minors who are distributed to the municipalities, there are different ways to access the education system. In cities with a higher number of young refugees of school age, there are preparation classes (before the school year starts), reception classes (during the school year) and international classes in vocational colleges. In smaller municipalities, young refugees often attend the regular classes and take additional German language courses. Nonetheless, the lack of financial resources and qualified staff for the work with – often traumatised – refugees, take municipalities to their limits.

Unaccompanied minors

The situation of unaccompanied minors differs significantly from the conditions of accompanied minors. In Germany, all children

and young people who arrive without a parent or guardian fall under the responsibility of the Child and Youth Welfare according to the 8th Social Insurance Code (SGB VIII). At the beginning of 2016 the Child and Youth Welfare was responsible for almost 70,000 unaccompanied minor refugees nationwide (AWO 2016b).

Arrival and custody

Many children and young people who survived the dangerous route all by themselves first arrive in the large metropolitan cities in Germany such as Munich, Berlin, Frankfurt, Cologne or Stuttgart. Because of the fast increase of underage refugees' arrivals in the last year, the local communities had to deal with a considerable increase in the number of unaccompanied minors. As a consequence, a new law came into force on 1st November 2015 referring to the accommodation and care of underage refugees in Germany, the so-called "*Gesetz zur Verbesserung der Unterbringung, Versorgung und Betreuung ausländischer Kinder und Jugendlicher*"¹⁷ (a law amending the improvement of accommodation, supply and care of foreign children and youngsters). When the presence of an unaccompanied minor is detected, the local youth welfare office takes the unaccompanied minor refugee under temporary custody (*Vorläufige Inobhutnahme*). According to this law, the unaccompanied minor refugees should then be distributed to different German federal states according to the principle of the so-called "*Königsteiner Schlüssel*".¹⁸ In the receiving federal state, the minor is distributed to a municipality if there are no physical or psychological obstacles and if none of their relatives were found in Germany. The local youth welfare office will then organise a custodian who will represent the minor legally. Within the clearing procedure several topics will then be clarified concerning, for example, the legal situation of the unaccompanied minor refugee, the presence of relatives in Germany, the option of returning

to their country of origin and the current needs of this person. Furthermore it will provide accommodation, food supply, access to education and medical care, as well as further youth welfare services (*Hilfen zur Erziehung*, SGB VIII). Unaccompanied minor refugees are often provided with accommodation in a foster family, in an institution or in another sheltered housing.

As a result of the new distribution system, many communities are overwhelmed with their new responsibilities since many do not have any experience and do not have a structure in place for unaccompanied minors. Therefore it is essential to establish new structures of communication and cooperation, relating to the experiences already made with this specific group of people.

Needs, challenges and requirements for the integration of unaccompanied minors

Unaccompanied minors are a highly vulnerable group. In recent years a few improvements have been introduced into German law. A major problem is often faced because young refugees from the age of 16 were treated as adults under asylum law (*asylmündig*). This resulted in a permanent discrepancy between asylum law on one hand and the Rights of Child and the §45 of the German law of child and youth welfare (SGB VIII). According to the new law amending the improvement of accommodation, supply and care of foreign children and youngsters, the age limit for someone to be considered a minor within the asylum procedure has been raised from 16 to 18. Now, every minor that arrives in Germany falls under the responsibility of the Child and Youth Welfare. Still, there are the following obstacles in asylum law that complicate the integration of unaccompanied minors at local level.

The question of age determination

The main prerequisite for young refugees to fall under the custody of the Child and Youth Welfare is the determination of

the age of the young person (§42f. SGB VIII). If the person is under 18 years old, he or she will be treated as a minor. The determination of age is the responsibility of the municipal youth welfare office. The applicant's documents will be checked. If these are not available, a qualified inspection will be conducted. Not only the visual appearance is evaluated in the procedures but also the way the person communicates, the statement of witnesses and other documents. Only in unclear cases, a medical examination can be ordered. This examination should be done by a qualified medical professional using gentle methods and excluding genital examination. Radiological procedures in order to do an examination of the skeletal structure are highly criticised by scientists. Moreover the criteria for evaluating the skeletal structure are not consistent. The criteria are based on medical studies from the 1930s and they do not take the different ethnical physiologies into consideration.¹⁹

Still, there is no procedure to determine the age with absolute security, even if being estimated 17.5 or 18 years old might imply considerable differences in the treatment, provision of accommodation and aid a young person will receive.

Insecure residence status

A minor does not have to apply for asylum, but there are important effects of this decision on the possibilities of integration in Germany and further residence after the 18th birthday. If no asylum application is lodged, an unaccompanied minor usually obtains a tolerance because of nonage. This document allows the person to stay in Germany as long as he is underage or as long as the person is undergoing vocational training. The tolerance has a duration of several months to a year and can be prolonged, but the uncertain residence status persists. Furthermore, there are several restrictions, for example a residence obligation in the district or in the federal state can be implemented. This means that a young

refugee sometimes cannot take part in social activities like soccer games in other federal states with his club or school excursions, impeding his or her social integration. Still, without an asylum application, other ways of obtaining legal residence are possible, for example for humanitarian or personal reasons (§25 AufenthG).

If the minor lodges an asylum application that is decided positively, he has full access to social services, the labour market and other advantages. If asylum is denied, the minor can get a tolerance, including the described limits, but further ways to obtain legal residence are then not possible.

The problems of family reunification

With the implementation of the EU Directive on Family Reunification (2003/86/EC) into German law, nationals of non-member countries who hold a residence permit valid for at least one year and who have the genuine option of long-term residence were granted the right to family reunification. This law was also applied to persons who were given refugee status and also unaccompanied minors. The objective of this law is to protect the family unit and to facilitate the integration of nationals of non-member countries.

However with the enforcement of Asylum Package II into German law on 25th February 2016, persons with a subsidiary protection were excluded from this law for two years. After these two years, the family reunification should be opened again also for persons with subsidiary protection.²⁰ The limitation of family reunification was one of the main points of criticism against Asylum Package II from different NGOs and other institutions. The German Child Protection Association states, for example, that this regulation is against the German constitution that protects the family. It says that the family is especially important for minor refugees.

Conclusion

Child refugees in Germany live in a deprived situation in comparison to children already living in Germany (see UNICEF 2014). The different needs of children and youngsters who fled to Germany are not sufficiently considered by policymakers or society whilst these people are not perceived as agents with their own rights. Children in particular are affected by the social disadvantages of refugees. Some characteristics are the isolation of accommodation, little options of leisure activities, restrictions on the choice of school, or a lack of access to health care (UNICEF, 2014). Therefore this situation is expected to have a negative impact on the child's growing up-process.

The children and youth who escape to Germany from terror, war and persecution as asylum seekers are a very heterogeneous group with different backgrounds, experiences and resources. Different requirements are common, such as finding their way around, getting information, safety and support. Many of them need psychosocial care because of the dramatic experiences they had in their home countries or on their route to Germany. Providing suitable support and care therefore seems to be an important challenge for employees of the child and youth welfare services providers, for example school teachers, social workers, and everyone who works in contact with children and teenagers with a refugee background.

In recent years policymakers have introduced helpful legal changes and the provision of specialised social services within the youth welfare systems. Nonetheless, many problems persist, such as the incertitude about the residence status, the procedures of age determination and, most recently, the problems regarding family reunion. Also, there has not been adequate attention given to the problematic situation of accompanied minors. However, regarding this area of child and youth services insufficient knowledge about

individual needs and requirements for a successful integration of young refugees can be observed. Due to the sharp increase in refugee arrivals over the last two years the capacities of social welfare services to children and youth as well as accommodation facilities reached its limit in many German municipalities.

Many players, for example authorities, social service providers and volunteers, are doing their best to improve the living conditions of young refugees in Germany. Nonetheless, there are some basic requirements that need to be considered:

- It is important to improve the legal base for the Rights of Child and take it far more into account in the legal framework, giving them priority over the organisational structures of the asylum regime.
- At the moment, the focus of politics and local players is still directed mainly - and understandable - at the emergency situation. Still, it is very improbable that the situation in many of the countries of origin will improve considerably in the coming years. It is therefore necessary that concepts and structures that aim towards the long-term integration of young refugees are implemented.
- Structures and concepts have to aim towards the inclusion of young refugees in existing systems to avoid mechanisms of exclusion. Still, sustainable measures and concepts have to meet the needs of young refugees. There is still a lack of evidence-based knowledge about these needs.
- Measures and structures need to be embedded in an integrated concept for municipalities that does not only include all players, but also builds chains of support from birth to the integration in the labour market.
- These concepts cannot be elaborated by one single player. New, cross-sectorial structures of cooperation of all the involved persons - including young refugees and their families - have to be implemented.

The challenges discussed in this article are currently being studied by the authors in the ongoing research project “*Young Refugees NRW*”. This project tackles the complexity of matching individual needs of young asylum seekers and social service provision structures in the region of North Rhine-Westphalia. It aims to enhance the professional expertise of municipal social service providers focusing on an extensive analysis of primary data collected from underage refugees and their families. The findings of this research project are not yet available but are expected to be published at the end of 2016.²¹

Endnotes

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- 4 The principle of subsidiarity states that an authority should only perform those tasks that cannot be performed effectively at a more immediate level, e.g. first in the families and then at a local level.
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- 8 The following examples aim to provide an insight in some of the solutions included strategies. Those are not meant to address all the measures that could be undertaken.
- 9 For example Flüchtlingsrat NRW, *Petition - Eine menschenwürdige Unterbringung von Flüchtlingen braucht verpflichtende Mindeststandards*, 2015, www.change.org/p/landesregierung-nrw-eine-menschenw%C3%BCrdige-unterbringung-von-fl%C3%BChtlingen-braucht-verpflichtende-mindeststandards; K. Wendel, *Unterbringung von Flüchtlingen in Deutschland. Regelungen und Praxis der Bundesländer im Vergleich*. Förderverein PRO ASYL e.V., Frankfurt a.M. 2014; J.-W. Rörig, *Checkliste Mindeststandards zum Schutz von Kindern vor sexueller Gewalt in Flüchtlingsunterkünften. Unabhängiger Beauftragter für Fragen des sexuellen Kindesmissbrauchs*, Berlin 2015, www.beauftragter-missbrauch.de/fileadmin/Content/pdf/Pressemitteilungen/September/Checkliste_Missbrauchsbeauftragter_Mindeststandards_Fl%C3%BChtlingsunterk%C3%BCnfte.pdf.
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- 11 For example Ministerium für Inneres und Kommunales des Landes Nordrhein-Westfalen, *Fortschreibung der Leistungsbeschreibung über Standards in Unterbringungseinrichtungen des Landes Nordrhein-Westfalen*, 2014, www.mik.nrw.de/fileadmin/user_upload/Redakteure/Dokumente/Themen_und_Aufgaben/Auslaenderfragen/Asyl/2014-10-12_leistungsbeschreibung_neu.pdf.
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- ¹⁶ Currently, the states of the European Union, Bosnia and Herzegovina, Macedonia, Serbia, Montenegro, Albania, Kosovo, Ghana and Senegal are legally defined as safe countries of origin, the extension to Morocco, Tunisia and Algeria is under discussion.
- ¹⁷ Bundesministerium für Familie, Senioren, Frauen und Jugend, *Gesetz zum besseren Schutz von Flüchtlingskindern*, Berlin, 16 October 2015, www.bmfsfj.de/BMFSFJ/kinder-und-jugend,did=220226.html.
- ¹⁸ Ibid.
- ¹⁹ See for example: Deutsche Gesellschaft für Kinder- und Jugendpsychiatrie, Psychosomatik und Psychotherapie e.V., *Gemeinsame Stellungnahme zu Methoden der Altersfeststellung bei unbegleiteten minderjährigen Flüchtlingen*, Ulm, 2 November 2015, www.dgkjp.de/aktuelles1/337-altersfeststellung.
- ²⁰ Bundesregierung, *Asylpaket II in Kraft – kürzere Verfahren, weniger Familiennachzug*, Berlin 2016, www.bundesregierung.de/Content/DE/Artikel/2016/02/2016-02-03-asylpaket2.html.
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INTEGRATION AND ACCESS TO FOOTBALL LEAGUES: THE ITALIAN CASE AFTER THE RECENT LAW ESTABLISHING AN *IUS SOLI* FOR SPORT

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The question of access of foreigners to non-professional football leagues is multi-faceted. It implies, on the one hand, non-discrimination and integration measures, and, on the other, actions aimed at the protection of foreign minors; it requires the formulation and implementation of national legislation while involving the competence of local, national and international bodies entrusted with the regulation of sports activities. Last but not least, it entails the involvement of civil society associations. In this chapter, Italian legislation (recently approved) and regulation concerning the membership of foreign minors and adults to non-professional leagues will be analysed, with the aim of evaluating the impact that the new law might have on migrants' conditions and more in general the relationship between sport and integration.

In the past 15 years, the EU has laboriously built its common policy on integration, especially in relation to the integration of third country nationals. But integration is a simple word with a complex

meaning, which can be (and, indeed, is) used in many ways, with different significations and different purposes. For what concerns the use of the word in the framework of the EU policies, the European institutions correctly intend the notion of integration as *a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States*.¹ Such a process is, however, not only a two-way process in a *horizontal* sense (between immigrants and residents), but also in a *vertical* sense, as it results from an interaction between institutions (at the various levels) and civil society.² In other words, top-down and bottom-up processes necessarily co-exist and interact in a fair and comprehensive approach to integration.

In this context, the role of sport in the dynamics of integration of migrants into host societies is explicitly recognised by the EU institutions. This is emphasised, amongst others, by the European Commission in its White Paper on Sport, where it is stated that *sport makes an important contribution to economic and social cohesion and more integrated societies, and can also facilitate the integration into society of migrants and persons of foreign origin as well as support inter-cultural dialogue*.³

What is all the more interesting, in connection with the mentioned complexity of integration as a multi-dimensional concept, is that sport finds itself at a crossroads between the intervention of the public power and the initiative of the civil society through the international, the national and the local level. In fact, although sporting activity is free in principle, and the freedom of association covers the various forms in which such activities can be performed in a collective and organised fashion (from little tournaments in the park to big sporting clubs), the participation in official competitions in the various disciplines is subject to the rules laid down by specific associations and federations.

Such associations and federations, and the rules they lay down, constitute in fact a special system of norms and institutions,

which is, however, not entirely independent from the public power. On the one hand, in fact, the rules laid down by the sports institutions are autonomous from the legal norms dictated by the public power only for as long as they intervene in a field that is specific to their order. In other words, the rules in the 'sport jurisdiction' cannot contrast with the 'proper' legal norms, which only encounter the limit of the respect of fundamental rights.⁴ On the other hand, the sports institutions themselves are not entirely independent from the public power, being often subject to the (direct or indirect) control of public or semi-public bodies. This framework is further complicated by the intersection of the powers of national, international and local institutions in both the sport and the general jurisdictions.

In such an institutional and regulatory maze, the issue of inclusion *in* the participation of sporting activities becomes an issue that logically pre-exists the issue of the inclusion *through* the participation in sport activities. In other words, in order to benefit from the virtues of sport as regards the integration of migrants into the host societies, special care has to be taken in the first place as to ensure fair access to the sporting activities themselves for foreigners and migrants.

This might seem obvious, and in some ways it is when seen solely from the standpoint of integration. However, when looked at more closely, the issue of fair access to sporting activities for foreigners, and especially for non-EU nationals, appears to be an intricate battle of conflicting interests and visions. The recognised potential of sport when it comes to the inclusion of foreigners and migrants is, therefore, only partially deployed, while it is partly sacrificed to other (allegedly) more compelling interests.

Such interests are, indeed, various, and they essentially have a two-fold nature. On the one hand, stricter regulation of the access of foreigners to official leagues and tournaments is advocated in the defence of foreigners themselves, especially minors, as it is

intended to prevent a potential 'trafficking' of young boys and girls, which happen to be conveyed from their home country towards a European country for mass try-outs and then essentially abandoned if no club would eventually sign them.⁵ On the other hand, it is impossible not to notice that most of the rules hindering full access of foreigners to official leagues and tournaments are, instead, founded on the rationale of protecting the interest of the home nationals for having preferential access to such leagues.⁶ This is all the more problematic as it does not only jeopardise the full operation of a powerful means of integration (as sport is recognised to be), but it also substantially limits the individual freedom of each migrant, in a way that looks highly doubtful as regards its compatibility with some of the fundamental rights recognised in the national constitutions and in the international charters.⁷

The picture is completed by a further element of reflection: the limitations to the access are mirrored by the under-representation in the managing bodies of the official associations and federations, what makes it, in turn more difficult for foreigners and migrants to have their voice heard when it comes to discussing and promulgating the rules that directly affect them.⁸

Against this general background, the paper will aim at providing a closer analysis on a more limited field. The study will, in fact, concern in general the access to official football leagues in Italy, with a special focus on minors. The analysis will be ultimately directed to provide for a first assessment of the recent intervention of the national legislator that, with a law passed on 14 January 2016, now imposes to all sport federations to grant foreign minors full access to official leagues and tournaments.

To this end, the next Section 2 will be dedicated to a general overview of the rules concerning the access of foreigners to the official leagues managed by the Italian Football Federation. Then, Section 3 will look into the details of the recent legislative

intervention, explaining its aims and assessing its results from a legal standpoint. Finally, Section 4 will explore the issues still pending after the entry into force of the law, and will shed a light on the future legal and political challenges.

The rules on the participation of foreigners to the “official” football leagues

The Italian Football Association (Federazione Italiana Giuoco Calcio, FIGC) is the association of the football clubs established in Italy.⁹ It is the only institution recognised in Italy by the UEFA (Union of European Football Associations) and by the FIFA (Fédération Internationale de Football Association) *for any aspect concerning the game of football at the national and the international level*.¹⁰ As regards the Italian legal order, the FIGC stands as a recognised legal person of private law, federated to the Italian National Olympic Committee (Comitato Olimpico Nazionale Italiano, CONI), which is, instead, a body regulated under public law (and a member of the International Olympic Committee, IOC).¹¹

From these few lines the complex tangle is already becoming apparent that involves the relationship between public powers and civil society, and between the national and the international level of regulation, in the organisation and regulation of sporting activities, and in this case of football tournaments and leagues. In fact, on the one hand, the FIGC is an association regulated under private law, and federated to other private associations at the international level, with the aim of organising and regulating the game of football. On the other hand, the FIGC is hierarchically subordinated to a public body (the CONI, which is, in turn, an international subject within the IOC), as well as (of course) subject to the Italian law (including, therefore, the international treaties and conventions by which Italy is bound).

Finally, it remains to specify that the FIGC holds the monopoly of “official” football (that is to say professional football, and all non-professional leagues that have its recognition), but the freedom to associate in a football club and to organise a tournament have to be considered as covered by the constitutionally-recognised freedom of association, and therefore open to anyone without the obligation of the affiliation to the FIGC.¹²

One of the main regulatory activities of the FIGC concerns the rules on the enrolment and membership of players and coaches in football clubs participating to official leagues.¹³ Before briefly approaching the substance of such rules in what concerns the enrolment of foreign players, it is worth noting that different sets of norms apply to professional, non-professional and youth leagues, and to adults and minors. In an attempt to offer a synthetic overview, the rules concerning professional adults, non-professional adults and minors will be considered in turn.¹⁴

As regards professional adults, the enrolment of foreign athletes is, in principle, free, and there is no limit to the number of foreign players (including both EU and non-EU nationals) that can simultaneously be lined up in a single game.¹⁵ However, non-EU nationals are subject to a mechanism of quotas as regards their first enrolment in a professional league: the general quota is set with a decree by the Ministry of Interior; then, the CONI provides to break down such quota per each sport federation; finally, the federations establish the limits applying to the affiliated clubs.¹⁶ Currently, clubs playing in professional leagues can sign two non-EU nationals per season (but one of the two has to substitute another non-EU national); however, the quota does not apply to athletes transferred between Italian clubs.¹⁷

As regards non-professional adults, the rules are more complex, as different sets of rules apply to EU and non-EU nationals, and to players having previously been enrolled in foreign federations and players registering for the first time in Italy. It is sufficient,

here, to recall the two main limitations that apply to non-EU nationals in non-professional leagues: first, each club can sign a maximum of two non-EU nationals having previously been enrolled in foreign federations (while enrolment is free for EU citizens and for non-EU nationals registering for the first time in Italy); second, all non-EU nationals have to document their right to reside in Italy by providing a copy of a residence permit which is valid at least until the 31st of January of the year in which the season terminates.¹⁸

As regards minors, the most important rule has to be found in the FIFA Regulations on the Status and Transfer of Players, establishing at Article 19 that international transfers¹⁹ and first registrations²⁰ of foreign minors are forbidden, unless *the player's parents move to the country in which the new club is located for reasons not linked to football*.²¹ The existence of such condition has to be evaluated by a 'subcommittee appointed by the Players' Status Committee for that purpose'.²² Such a rule is incorporated in the FIGC Rulebook,²³ and it is valid for all foreign minors: this includes, in particular, the foreign minors aged from 14 to 18 that aim at being signed as professionals or non-professional players, as well as for minors aged from 8 to 16 that wish to be enrolled in the youth leagues. Moreover, the limitations indicated above with regards to the adults also apply to the minors enrolled in the professional and non-professional leagues.²⁴ In addition, burdensome documentary evidence is required to all minors, including those aged from 8 to 16 wishing to play in the youth leagues. Such evidence includes, in particular and amongst other documents, the copy of the residence permits of the minor and of his parents, which have to be valid at least until the 31st of January of the year in which the season terminates; a declaration of attendance from the school where the minor is enrolled; and a signed declaration form the parents of the minor (which cannot be substituted by a declaration of the tutor for unaccompanied minors).²⁵

The limitations concerning the enrolment of the minors in the youth and the adult leagues offer an interesting picture confirming what has been outlined in the introduction as regards the nature of the interests protected by the rules in question. On the one hand, in fact, the protection of minors from any form of exploitation has to be taken seriously when it clashes with the functioning of market forces and the mere logic of profit. In particular, it is important to maintain rules and controls to avoid foreign minors being eradicated from their countries of origin with the ephemeral hope of a future in the business of football, but being ultimately used on a large scale just to produce a short-term cash flow for agents and clubs. On the other hand, the rules that have been described above seem completely disproportionate as regards this purpose, and they rather appear to serve the different rationale of safeguarding a preferential access to football (and to the related opportunities, also in terms of economic gain) for nationals. Such supplementary burdens are, indeed, those reducing the potential of sport as a catalyser for integration, as well as corroding the sphere of fundamental freedoms of a growing number of individuals residing on the national territory.²⁶

It is in this intricate regulatory context that the daily practice of integration through football strives to find its way. On the one hand, notwithstanding the objective limitations and the bureaucratic burdens, some 37,750 foreign minors have been enrolled for the last season in the Junior Sector (this amounts to the 70% of the foreigners enrolled in FIGC leagues, and to the 5.6% of the minors enrolled in the Junior Sector).²⁷ On the other hand, a growing number of civil society associations throughout the whole peninsula are exploring the virtuous dynamics of integration through football, especially for what concerns vulnerable categories of migrants such as refugees and asylum seekers. Currently, about 10 associations operate in Italy

through football teams mainly formed by refugees and asylum seekers, overcoming the practical and bureaucratic obstacle to the practice of football. In particular, the precarious legal status of the asylum seekers and the limitations to the enrolment of non-EU nationals in non-professional leagues do not allow, on the basis of the rules outlined above, such teams to fully take part in 'official' leagues: where this happens, it is only on the basis of ad-hoc agreements with the local committees of the FIGC, which allow the team to take part in the league but without the right to acquire points on the table and to be possibly promoted to the higher divisions.²⁸

A (limited) legislative response: the law on the so-called "sport citizenship"

The impact of the obstacles described in the previous section is especially relevant as regards minors. As a matter of fact, a sheer number of foreign minors suffer from a substantial limitation in engaging in professional and non-professional sport competitions, including in particular those who were born or grew up in Italy. The above-mentioned rules concerning the enrolment of athletes overlap, in this sense, with the discriminatory effect produced by the strict rules characterising the access to Italian citizenship, which is based on a strong protection of the principle of *jus sanguinis*. Other than very limited exceptions, in fact, minors born in Italy from foreign parents have to wait until they become adults to apply for Italian citizenship, so they are consequently excluded from citizenship's rights during their childhood.²⁹

In such circumstances, two meaningful contributions to change the current situation have arisen from the civil society. The first was the campaign "*Gioco anch'io*" (I do play too) promoted by the NGO Sport alla rovescia" in 2012, and subsequently joined from the network FARE (Football Against Racism in Europe) and other

organisations. The campaign reached a remarkable outcome, as it led the FIGC to modify, in July 2013 (also leveraging on a recent pronouncement of a lower court),³⁰ paragraphs 11 and 11-bis of Article 40 of its Rulebook, in order to strike down some of the obstacles preventing foreigners from enrolling in non-professional leagues.³¹ The second relevant initiative concerned the Italian federations of Hockey and Boxing, which introduced the so-called “sport *ius soli*”, opening their membership to foreign minors who were born in Italy.³² Albeit limited in scope and extension, this was undoubtedly a commendable initiative, which may have had a relevant impact in fostering the debate over the necessity to address the rights of foreign minor athletes.

It is indeed building on the momentum created by those campaigns that the very recent Law 12/2016, establishing the right of minors to register into non-professional sport leagues under the same conditions of Italian citizens, has resolved many of the concerns regarding foreign minors. Over the course of its approval, the bill³³ has received a wide political support, as only Lega Nord (the largest right-wing anti-immigration party in Italy) voted against the law. However, this unusual political convergence should probably not be overestimated, as the new rule has a limited scope and entails just one concise article, which has probably contributed to muffle the political debate.

In detail, Article 1 of Law 12/2016 allows the enrolment of foreign minors in non-professional leagues, subject to the fulfilment of certain conditions. Firstly, the new rule is restricted to minors who entered the country before the age of 10. Such an age limitation has proven controversial during the parliamentary debate,³⁴ but it has been maintained in the final text in order to preserve the genuine objective of the reform, i.e. to foster and facilitate the social integration of foreign minors through sport, and to reduce the risk of profit driven arrangements, as it results from the parliamentary debate.

Second, the law states that minors need to be lawfully residing in the country. This appears, however, to be a problematic requirement, as it would imply that minors have a residence permit and have their data transcribed into the population registers. According to the Italian legislation on immigration (see, in particular, Legislative Decree 286/1998, enacting the Consolidated Act on Immigration, CAI, which differs, on this point, from the Returns Directive), in fact, the removal and detention of minors is forbidden. It is only to ensure the unity of the family and the best interest of the child that a return or detention order against a minor can be issued.³⁵ Therefore, minors have a right to stay and thus, technically, their status can never be qualified as irregular.

In particular, the requisite of the regular residence raises a relevant issue concerning the documentation to be provided in order to prove it. Such an issue can be connected with a similar one arising in connection with the procedures for the acquisition of the citizenship for foreigners born in Italy. According to the Italian law on citizenship, in fact, foreigners born in Italy can apply for Italian citizenship within one year of reaching the legal age and on the condition that they have legally and without interruption resided in Italy.³⁶ In order to demonstrate legal and continuous residence, the secondary legislation implementing the law on citizenship requires parents to enrol their children into the population register.³⁷ If they fail (or simply delay) to fulfil such a formality, then Italian citizenship could be denied. However, the Government – taking into account a settled case law³⁸ – has recently established that minors can prove their regular residence *with all proper documents*.³⁹ Thus, this rule should apply also to minors wishing to be enrolled in non-professional leagues and if parents do not enrol their child into the population register, the right to sport for minors should not be affected by that incompliance. As established in the above-mentioned provision,

minors may prove to have resided “with all other documents”, and the irregular status of their parents should not hinder their access to sport membership.

A third relevant element of the new law concerns the status of the athletes once they reach the age of 18. Once again, this has to be read in connection with the complex procedures for the acquisition of Italian citizenship. The original version of the draft bill stated that once athletes become adults they could keep their enrolment status for one year in the cases in which they have applied for obtaining Italian citizenship. However, as the procedure to acquire the citizenship often exceeds one year, athletes could easily lose their chance to continue to play while the procedure for obtaining citizenship is still ongoing. Therefore, an amendment to the original draft version has been introduced providing that athletes are enrolled until the acquisition of citizenship is completed. The athletes who do not wish to acquire Italian citizenship will be subject to the general rules applied by each sports federation to foreign adults (and therefore, as regards football, to the rules outlined in the previous section).

With regards to, the practice of football in particular, notwithstanding the mentioned challenges, the new law presents some relevant benefits that can be assessed both at legal and social level. As regards the legal implications, the reform directly affects the FIGC, which is in principle bound to apply Article 19 of the FIFA Regulation to the enrolment of foreign minors. As has been convincingly affirmed,⁴⁰ the rule enacted by FIFA is now becoming inconsistent with the new legislative provisions, whose aim is to ensure that foreign and Italian minors do have the same rights as regards their membership of non-professional leagues.

Thus, the entry into the force of the law creates two conflicting regimes with serious practical implications: it is true, in fact, that the sport normative and institutional order benefits from a degree of independence from national legislation; however, there

are several sectors where national legislation has to prevail over sports rules. In 2003, a Law Decree addressed the longstanding dispute on this relationship, and established that *the relationship between State's legal order and sport regulations is governed by the principle of autonomy*.⁴¹ This – adds the provision – *is without prejudice of cases where legally relevant subjective situations connected with sport are involved*, as in those cases the principle of autonomy cannot be applied and national legislation should prevail.⁴² This safeguard clause is provided with the view of ensuring, in particular, the protection of fundamental rights, and it certainly becomes relevant in the present case. In fact, Law 12/2016 has to be understood as ensuring the enjoyment of a number of constitutionally protected rights and freedoms (in particular the principle of equality and non-discrimination,⁴³ the right to health⁴⁴ and the freedom of association⁴⁵), as well as the respect of the rights of the child enshrined in the UN Convention on the Rights of the Child.⁴⁶ This entails, in turn, that the principle of autonomy of sport regimes cannot be applied in this case, and thus FIGC has to now give precedence to the application of Italian Law over the respect of Article 19 of the FIFA Regulation in relation to foreign minors wishing to have their right to membership of non-professional football leagues recognised.

As regards the social impact of the reform, it goes without saying that the new legal framework will make it easier for thousands of foreign minors to foster their integration both in the local communities and in the national society. In detail, a look at some statistics may be useful to better understand the scope of the new rule. In Italy more than 1 million foreign minors are registered in the database of the National Institute of Statistics (Istituto Nazionale di Statistica, ISTAT).⁴⁷ The range between 0 and 9 years comprises 642,483 foreign minors. As the new rule will apply to minors who entered the country before completing their ninth year, the reform will involve those 642,483 children, plus

all those minors aged between ten and seventeen who entered Italy before turning 10. Even deducting from this quota those who do not reside “regularly” (in the sense specified above) this is a highly relevant number, and even this limited reform has the potential to produce a relevant impact over the life of thousands of children.

Conclusion

This recent legislative intervention represents a first and provisional adjustment of the legal framework to the reality of Italian society, while some open issues remain to be faced.

First and foremost, the practical implementation of the reform will have to be monitored in order to verify if and to what extent sport associations and federations (and, in particular, the FIGC) will properly adapt their internal norms to the legislative change. If that it is not the case, Tribunals might be faced with civil action against discrimination based on nationality relying on Articles 43 and 44 of the CAI.⁴⁸

Moreover, the new law is liable to have an impact on the current condition of unaccompanied minors applying for enrolment in non-professional and youth leagues. The FIGC, in fact, currently denies enrolling unaccompanied minors in foster care as it does not recognise the quality of child’s guardian as equivalent to that of the parents’ in order to fulfil the requirement of Article 19(2) (a) of the FIFA Regulation. This, as advocated by ASGI (the Italian ‘Association for the Legal Studies on Immigration’),⁴⁹ could be challenged on the basis of the present legislation, arguing that unaccompanied minors in foster care and residing in Italy since their tenth year should be allowed to enrol at the same conditions of nationals.

More generally, it has to be pointed out that Article 3 of the Italian Constitution enshrines two complementary conceptions

of equality: whereas paragraph 1 addresses formal equality, paragraph 2 deals with substantive equality, which is directed at *remov[ing] those obstacles of an economic and social nature which, by limiting in fact the freedom and equality of citizens, prevent the full development of human person*. It might be said that so far only the former conception of equality – at least on paper – has been pursued (and partly reached) by the legislator, putting an end to most of the limitations regarding fair access to sporting activities for foreign minors. The substantive face of equality, however, will have to be considered in the future, so as to ensure that foreign minors will have the possibility to concretely exercise their right to sport.

Of course, this implies a more ambitious intervention for institutions at a different level. In particular, one can argue the opportunity of a future legislative intervention addressing more specifically the relationship between sport and integration. First, for example, an intervention on sporting structures and facilities is needed in order to ensure that athletes have suitable resources to exercise their right. This is, for instance, what the association Polisportiva San Precario is currently advocating as regards the area of Padua.⁵⁰ Second, especially at the agonistic level, the participation in sports might be hindered by economic constraints of families and athletes. To this end awards, scholarships and economic aids might be provided so to support young athletes to cultivate their talents in competitive activities. Third, a more strict relationship and dialogue between institutions and associations involved in the promotion of migrants' integration through sport might become the object of future initiatives. Naturally, this will require an increase of public expenditure, whereas the law recently adopted avoided any economic burden for the state. However, if it is assumed that access to sport enhances integration and this is a value of constitutional interest, then it becomes logical to foresee an adequate financial contribution to make it effective.

In sum, sport might be a useful perspective to experience integration, intended as inclusion through rights, while national and European legislators are currently faced with two general models of integration. The first one is based on selective or compulsory integration, which grants rights on condition that migrants follow courses or pass language tests in order to preliminarily verify the potential integration of migrants into society.⁵¹ This trend seems to have little to do with the complex nature of integration, as intended in the introduction, as it eschews its dynamicity and pretends to assess the potential integration of an individual before actually the integration process begins. An alternative integration pattern proceeds from the recognition that promoting the inclusion of third country nationals through rights and equal participation might be a more realistic way to avoid exclusion and social marginality. In order to ensure that, it is crucial to pay attention to the demands that arise from the civil society in triggering and fostering legislative change. This is particularly relevant as the needs of migrants are quite often shadowed and excluded from the law-making process in the field of migration policies.⁵² In the precedent section it has been remarked that Law 12/2016 has been supported by the efforts of associations and some sport federations. Similarly, a reform of the Italian citizenship legislation was strenuously advocated by initiatives of associations and NGOs involved in the campaign "*L'Italia sono anch'io*" (I am Italy as well). However, at the time of writing, the parliamentary debate proceeds slowly and with difficulty. And it should be emphasised that introducing *ius soli* criteria into the access to citizenship could address dis-entitlements of rights of foreign minors in several areas, included but not limited to sport. One could consider the political convergence that led to the approval of Law 12/2016 as a laboratory to experiment on the feasibility of political and legislative advancements when the nexus between integration and rights is at stake.

Endnotes

- ¹ Council of the European Union, Justice and Home Affairs, *Common Basic Principles for Immigrant Integration Policy*, 14615/04 (Presse 321). 19 November 2004, p. 15. As regards the integration of migrants in the EU see: *inter alia*, S. S. Carrera, *In search of the perfect citizen? The intersection between integration, immigration and nationality in the EU*, Brill-Nijhoff, Leiden 2009, K. Groenendijk, *Legal concepts of integration in EU migration law*, [in:] *European Journal of Migration and Law*, N° 2, 2004, pp. 111-126.
- ² This has been recently recognised in the latest Commission Communication on migration, the European Agenda on Migration, dated 13 May 2015. See: *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A European Agenda on Migration*, COM(2015) 240 final, 13 May 2015, p. 2.
- ³ European Commission, *White Paper on Sport*, COM (2007) 391 final, 11 July 2007, p. 7.
- ⁴ As recently recognised by the Tribunale di Palermo (28.12.2015), available here: www.asgi.it/wp-content/uploads/2016/01/Tribunale-di-Palermo-I-sez.-civile-28.12.2015-est.-Ruvolo-XXX-c.-FIGC.pdf.
- ⁵ See: L. Andersson, *FIFA lowers age requirement for transfer certificates*, retrieved at www.playthegame.org/news/news-articles/2015/0005_fifa-lowers-age-requirement-for-transfer-certificates/.
- ⁶ Such rationale has been detected and criticised, for example, by the Tribunale di Lodi in its order of 13 May 2010 (concerning the appeal of a Togolese citizen towards the refusal of the enrolment in an Italian non-professional football league), where the judge has recognised that the rationale of the protection of the national youth teams is by itself “discriminatory and ethnocentric” (at this regard, see ASGI, *Minori stranieri e diritto al gioco. Una ricerca giuridica sul diritto al gioco in Italia*, ASGI, 2014, www.asgi.it/wp-content/uploads/2015/03/MINORI-STRANIERI-E-DIRITTO-AL-CALCIO-2.pdf, p. 33).
- ⁷ The reference is, in particular, to the principle of equality and non-discrimination, to the right to health and to the freedom of association, which are recognised by the Constitutions of all EU Member States, as well as by the EU Charter of Fundamental Rights, and are included in several international conventions (including the European Convention of Fundamental Rights, ECHR). Moreover, some specific rights apply specifically to minors, including in particular the right to non-discrimination

on the basis of the condition of his/her parents, and the right to sport, enshrined in the UN Convention on the Rights of the Child, signed in New York on 20 November 1989.

⁸ See Fundamental Rights Agency, *Racism, ethnic discrimination and exclusion of migrants and minorities in sport: The situation in the European Union*, Summary Report, 2010, p. 8.

⁹ FIGC Statute, Article 1(2).

¹⁰ *Ibid.*, Article 1(4).

¹¹ *Ibid.*, Article 1(1).

¹² Italian Constitution, Article 18. At this regard, see: T. Pensabene Lioni, *Il diritto allo sport: tra esigenza socialmente rilevante e interesse fondamentale della persona*, [in:] *Il Diritto Amministrativo*, N° 3, 2012, pp. 415-490.

¹³ FIGC Statute, Article 1(2).

¹⁴ A detailed analysis on the rules concerning the enrolment of foreigners in the Italian football leagues is contained in ASGI, *Minori stranieri e diritto al gioco. Una ricerca giuridica sul diritto al gioco in Italia*, ASGI, 2014, www.asgi.it/wp-content/uploads/2015/03/MINORI-STRANIERI-E-DIRITTO-AL-CALCIO-2.pdf.

¹⁵ FIGC Rulebook, Article 40(7).

¹⁶ Legislative Decree 286/1998, Article 27(5-bis).

¹⁷ EU nationals are not subject to any type of limitation or quota since the pronouncement of the CJEU in the *Bosman* case (Case C-415/93, *Union royale belge des sociétés de football association and Others v Bosman and Others*, ECLI:EU:C:1995:463).

¹⁸ FIGC Rulebook, Article 40-quater(1).

¹⁹ FIFA Regulations on the Status and Transfer of Players, Article 19(1).

²⁰ *Ibid.*, Article 19(3).

²¹ FIFA Regulations on the Status and Transfer of Players, Article 19(2). Article 19(2) of the FIFA Regulations on the Status and Transfer of Players provides for two other exceptions to the absolute prohibition to transfers of first registrations of foreign minors: the case in which the transfer takes place within the territory of the European Union (EU) or European Economic Area (EEA) and the player is aged between 16 and 18, provided that the new club fulfils certain obligations; and the case in which the player lives no further than 50km from a national border and the club with which the player wishes to be registered in the neighbouring association is also within 50km of that border. On 2 April 2014, FC Barcelona has been famously sanctioned by the FIFA Disciplinary Committee for the breach of

Article 19 of the FIFA Regulations on the Status and Transfer of Players (for a summary of the case, see P. Shapiro, *Barcelona Transfer Ban Explained*, retrieved at www.charlesrussellspeechlys.com/insights/latest-insights/sport-new/barcelona-transfer-ban-explained/).

²² FIFA Regulations on the Status and Transfer of Players, Article 19(4).

²³ FIGC Rulebook, Article 40-quater(1).

²⁴ *Ibid.*, Article 40.

²⁵ A detailed list of the documents required to foreign minors for the purpose of the enrolment (and of the renewal of the enrolment) in the Italian football leagues is contained in ASGI, *Minori stranieri e diritto al gioco. Una ricerca giuridica sul diritto al gioco in Italia*, ASGI, 2014, p. 20.

²⁶ The reference is, once again, especially to the freedom of association and the right to non-discrimination, recognised and protected by the Italian Constitution, by the EU Treaties and by a number of International conventions, as well as to the right to access to sport in the cases in which minors are concerned, protected by Article 31 of the UN Convention on the Rights of the Child, signed in New York on 20 November 1989.

²⁷ Dossier statistico immigrazione, 2015, pp. 227ff.

²⁸ *Ibid.*, pp. 227ff. The first association to enrol in a FIGC league a football team consisting only of refugees and asylum seekers is the Liberi Nantes ASD (www.liberinantes.org), active since 2007 and playing in the league of Terza Categoria (the tenth and last tier of the FIGC leagues) since the season 2008-09. The participation of the team to the league, however, is depending on an ad-hoc permission: on the one hand, in fact, the number of non-EU citizens having already played in a foreign league is higher than 2; on the other hand, some of the players, and especially those awaiting on an appeal on their application for obtaining the refugee status, could not fulfil the documentation obligations imposed by the FIGC regulations in order to be officially enrolled. This entails that the team, although it participates to the fixtures of the league, does not acquire points on the official table of the league, and cannot, therefore, be promoted to the higher division.

²⁹ At this regard, it is worth mentioning that a reform of the Italian citizenship law addressing that problem is currently under scrutiny by the Italian Senate. For further reference, see A. Romano, *Diritti fondamentali dei minori e costruzione della comunità politica*, [in:] *Nel Diritto*, N° 11, 2015 pp. 2254-2257.

³⁰ See the Order of the Tribunale di Lodi (13 May 2010), holding that Article 40(11) of the FIGC Rulebook, inasmuch as it requires non-EU

players to have a residence permit until the end of the tournament, is discriminatory and inconsistent with Article 43 of Legislative Decree 286/1998 (see http://old.asgi.it/public/parser_download/save/tribunale_lodi_ordinanza898_2010_13052010.pdf).

³¹ Paragraphs 11 and 11-bis of Article 40 of the FIGC Rulebook required foreign minors to prove twelve months of prior residence in Italy, and the exhibition of a residence permit which was valid at least until the end of the season in order to enrol in non-professional leagues. For further details, see www.meltingpot.org/Melting-Sport-FIGC-abrogati-gli-articoli-discriminatori.html#.Vtdn9pPhDdd.

³² See: the press release of the Italian Hockey Federation at <http://briguglio.asgi.it/immigrazione-e-asilo/2013/novembre/circ-fih-14-10-2013.pdf>. The press release of the Boxing Italian Federation is available at www.fpi.it/lente-di-ingrandimento-news-approfondimenti/4798-comunicato-fpi-risultanze-consiglio-federale-roma-15-dicembre-2013.html.

³³ Unsurprisingly, the parliamentary reports of the legislative process entail several references to the precedents of Hockey and Boxing federations.

³⁴ See: in particular, the interview to Mauro Valeri, one of the leading experts in this field, available at http://lacittanuova.milano.corriere.it/2016/01/16/cittadinanza-sportiva-non-e-una-rivoluzione/?utm_source=rss&utm_medium=rss&utm_campaign=cittadinanza-sportiva-non-e-una-rivoluzione&utm_source=twitterfeed&utm_medium=twitter&refresh_ce=cp.

³⁵ Legislative Decree 286/1998, Article 19.

³⁶ Law 91/1992, Article 4(2).

³⁷ Decree of the President of the Republic 572/1993, Article 1(2).

³⁸ See: *inter alia*, Corte d'Appello di Napoli (13 April 2012, n. 1486), available here: www.stranieriinitalia.it/briguglio/immigrazione-e-asilo/2012/settembre/corte-app-na-cittad.pdf Tribunale di Milano, 29 January 2015, available here: www.piemonteimmigrazione.it/mediato/images/news_materiali/Sentenza_Tribunale_Milano_cittadinanza_.pdf.

³⁹ Decree-Law 69/2013, Article 33(2).

⁴⁰ See: A. Baracchi, A. Guariso, *Lo 'ius soli' sportivo è legge*, ASGI, 7 February 2016, www.asgi.it/notizia/lo-ius-soli-sportivo-e-legge/.

⁴¹ Decree-Law 220/2003, Art. 2.

⁴² *In caso di conflitto non può non prevalere la norma statale, così che il riconoscimento della c.d. autonomia si traduce in una politica legislativa tesa ad evitare, per quanto possibile, le zone suscettibili di costituire fonti di contrasto*, (ed.) M. Sanino, G. Verde, *Diritto sportivo*, Cedam, Padua 2015.

- ⁴³ Italian Constitution, Article 3.
- ⁴⁴ Italian Constitution, Article 32.
- ⁴⁵ Italian Constitution, Article 18.
- ⁴⁶ UN Convention on the Rights of the Child, signed in New York on 20 November 1989. See: in particular, Article 2 on the right to non-discrimination on the basis of the condition of his/her parents, and Article 31 on the right to sport.
- ⁴⁷ Data available at <http://demo.istat.it/strasa2015/index.html>.
- ⁴⁸ Those provisions enables individuals and associations to file a claim for every behaviour carried out by individuals or Public Administration implying a discrimination grounded – inter alia – on nationality. See at this regard the mentioned Order of the Tribunale di Lodi (13 May 2010).
- ⁴⁹ See www.asgi.it/notizia/tesseramento-calcio-figc-minori-stranieri-non-accompagnati/.
- ⁵⁰ See the campaign *Spazio allo sport*, <http://polisportivasanprecario.blogspot.com.es/2016/02/spazio-allo-sport-chapter-1-la-mappatura.html>.
- ⁵¹ See: D. Acosta Arcarazo, ‘*En attendant Godot*’ or the EU limits to integration conditions, [in:] *Which integration policies for migrants? Interaction between the EU and its Member States*, (ed.) T. Strik, Y. Pascouau, Wolf Legal Publishers, Nijmegen 2012, pp. 153-170.
- ⁵² See: A. Singleton, *Speaking truth to power? Why civil society, beyond academia, remains marginal in EU migration policy*, [in:] *Integration Immigrants in Europe*, (ed.) P. Scholten et al., Springer, Berlin 2015, pp. 131-142.

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PART 2

CIVIL SOCIETY ORGANISATIONS AND PUBLIC AUTHORITIES: A COOPERATION TO BE IMPROVED

THE RELATIONSHIP BETWEEN PRO-MIGRANT CIVIL SOCIETY ORGANISATIONS AND LOCAL AUTHORITIES IN ITALY. AN ANALYSIS OF THE CASE OF ROME

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Italy is a country of recent immigration and its migration and integration legal framework is consequently still very weak. In Rome, civil society organisations have gradually become key actors in the coordination and implementation of social services for the migrants. As a result, the relationship between public institutions and CSOs has been characterised by a complex mix of devolution, utilitarianism, conflict and corruption. The latter phenomenon, in particular, has undermined the credibility of both municipal civil servants and pro-migrant organisations, in spite of the high level of professionalism of many organisations operating in the Italian capital. The Roman case, therefore, seems to prove that civil society organisations and public institutions do not always manage to develop a positive and mutual enhancing relationship.

Over the last twenty years major changes have taken place in the nature and role of Italian civil society¹ that range from radical anti-immigration movements to pro-migrant civil society

organisations (CSOs) that together with local authorities seek to limit the effects of the restrictive national migration policy, offering irregular migrants essential integration services for regular migrants.² Despite the fact that there is no universally accepted definition of CSOs, this paper considers them as *the multitude of associations around which society voluntarily organizes itself and which represent a wide range of interests and ties*.³ These can include pro-migrant organisations, non-government organisations, pro-migrant associations linked to trade unions, religious-based organisations, foundations, research institutions, and cooperatives.

Moving from this background, this paper investigates the key, and in many respects understudied relationships, between pro-migrant CSOs and local authorities in the field of migration and integration policy and programs by considering the case of Italy, and, more in depth, the case of Rome. The massive devolution of competence on immigrant integration to local authorities and civil society implementing organisations⁴ makes the Italian case a paradigmatic example of the challenges and the weaknesses of the multi-stakeholder model.

To disclose the policy implications resulting from the relationship between civil society organisations and local authorities I undertake an in-depth empirical investigation of the immigration and integration policy programs implemented in Rome by CSOs. Through the analysis of this case study, I seek to uncover how different framings of immigrant integration can challenge or contrast with the EU emphasis on the role of civil society and local authorities in the process of integration.

Additionally, I investigate CSOs' claims, practices, and programs to critically assess the operation models between civil society actors and local policymakers in order to identify a number of recommendations to European policy makers regarding priority areas of political interest where further action is needed

to overcome the identified gaps. The methodology for this study includes the analysis of academic literature and secondary materials, and insights collected through field research, interviews with key informants working at the institutional level and in CSOs, as well as informal conversations with migrants residing in Italy. Additional findings have been collected by conducting onsite observations, talking to supervisors and volunteers, and visiting CSOs' websites.

Pro-migrant civil society organisations in Italy: An overview

Italy has become a country of immigration quite recently. Although statistically the turning point was in 1973, when immigrants outnumbered emigrants, the first considerable inflow took place between 1984 and 1989.⁵ Besides being a relatively recent phenomenon, immigration to Italy has also been a relatively rapid one. On 1 January 2003, foreign nationals amounted to 1,549,373 or 2.7% of the total population. More than a decade later, on 1 January 2015, this figure was up to 5,014,437 or 8.24% of the total population.⁶ The fact that immigration in Italy is a relatively new phenomenon can partially explain the weakness that has characterised the evolution of the Italian migration and integration legal framework. The initially modest numbers led the Italian government to fail to consider the new migration as a permanent fact for a long time. In addition, when they did, the first immigrants' flows towards Italy faced the absence of a well-structured legal and policy frame. From the mid-eighties onwards, migration legislation was introduced slowly, responding more to "urgency factors" than to a coherent migration and integration policy, more pursuing the goal of flow control than one of integration. In this context, the inclusion of immigrants into Italian society has taken place mainly through ex

post regularisations required by a labour market that needed a labour force for low skilled jobs in informal sectors progressively neglected by the nationals. Just reflecting on this peculiar context, Ambrosini suggested the concept of subordinate integration:⁷ immigrants were relatively well accepted in the labour market and, gradually in society too, as long as they remained at the lowest levels of the social and professional scale, ready to perform the least pleasant tasks.

The unresponsiveness of the central government towards the development of a consistent set of integration policies has faced, by contrast, an increasing commitment of local authorities (especially regions and municipalities) in defining local integration policy and programs (often in complete autonomy) and also with the view to solve potential local conflicts between foreigners and nationals.

Far from reflecting on the implications of the irreversible demographic change spurred by international migration and promoting the effective integration and empowerment of the arriving new members⁸ in Italian society, the national government has de facto adopted a *laissez faire* integration policy, whose governance shortcoming, nevertheless, was the great degree of autonomy guaranteed to local government, thanks to decentralisation provided by the Italian Constitution and the legal changes introduced over the years.⁹ As a consequence, immigrant integration and the related recognition of cultural diversity has principally taken place almost exclusively at the regional and urban level,¹⁰ where local governments, in collaboration with CSOs (religious and non), have adopted their own integration measures, such as courses of Italian language and provision of social housing.¹¹ This welfare mix system has shown, over the years, a wide range of social interventions that would not have been possible without the contribution of CSOs.

Here, we mean as CSOs the wide web of non-governmental and non-profit social movements (religious or not) which were

not created by the state and are not directly controlled by it. The growing political significance of CSOs is reflected in the literature that has proliferated since the 1990s in Europe and Italy.¹² Despite the role of CSOs as a key factor in the integration of public policies on immigration being a recognized fact,¹³ the civil society's role in shaping integration services has not yet been adequately explored at the local level.¹⁴

Against this background, analysing how CSOs interact with local authorities to improve the lives of migrants and to impact on local policies through claims, local activities, and every day practices, is an increasingly indispensable, if relatively unused, exercise. Does the progressive increase of integration programs promoted by local government in tandem with CSOs always develop without conflict with the institutional actors operating at the local level? Have these different framings of immigrant integration challenged or contrasted with the EU emphasis on the role of civil society and local authorities in promoting equal rights and empowerment of those in need?¹⁵

I will address these points by critically questioning the rhetoric and the intrinsic limits of the multi-level governance that often characterise the political debate on the relationship between civil society and local authorities,¹⁶ focusing my attention on the relationships established at the Rome local level between CSOs and institutional actors.

CSOs in Rome: Beyond the multi-level governance

The leading role of the institutions and local actors in the social management and integration of migrants in the Rome territory has increased in parallel with the processes of decentralisation which began in the 1990s due to the administrative reforms that have gradually given municipalities greater autonomy in the field of social services, mirroring what was taking place at the national

level since the 1980s.¹⁷ As key actors in charge of the coordination and implementation of the social services' network reserved for migrants, the Italian local governments have had a composite reality to manage which has required large outsourcing to CSOs as providers of expertise and operational resources.

In Rome, politically speaking, the regulation and management of migrants' social policy has become one of the priorities on the political agenda of urban government in particular, thanks to the municipal government of the mayor Francesco Rutelli (1993-2001), a left leaning associated with the Democratic Party. Although with the drastic exceptions recorded during the following Gianni Alemanno's rightist municipal government (2008-2013), in Rome, the hostile political discourse towards migrants, together with the manifest discreditation of the multiculturalist model, did not get a foothold, nor did it significantly affect the mainstream approaches towards regular immigrant integration.

The situation has been considerably different for the irregular new arrivals, who, in Rome, as in other Italian cities, have faced though the years systematic policies of exclusion¹⁸ and inadequate receptive conditions, especially during the Alemanno's term of office, when a restrictive stance against immigrants was taken and many controversial decisions against migrants were promoted. Notwithstanding the official commitment to local policies aimed at encouraging an immigrant integration framework in line with the EU policy priority and conceived to improve social cohesion and multi-level governance, neo-assimilationist trends, actually, have emerged in Rome as in other Italian urban cases¹⁹ as well. This happened firstly through the progressive institutional emphasis on "civic integration" (especially after the issue of the Integration Agreement in 2009)²⁰ and the duty for new arrivals to learn the Italian language and culture. Secondly, through the substantial legitimisation of differential citizenship²¹ which openly discriminates between legally residing foreigners

and undocumented migrants. It is a case in point that with the introduction of the Security Package in 2008, restrictive measures have been introduced in the fight against irregular migrants as a guarantee of urban security. Many of these measures, like some local policies of exclusion,²² have caused severe reactions from the great part of CSOs, who have responded to the presence and needs of immigrants, including those without residence rights, substituting local public intervention in the case of forced irregular migrants transiting or established in Rome, and implementing targeted integration programs deserved for regular migrants and funded by the municipal authorities.

Overall, despite a number of demagogic calls from Rutelli and the succeeding leftist mayors Veltroni and Marino to develop integration measures addressing the political, social and urban inequalities faced by migrants' communities, to date, the Special Office for Immigration established during the Rutelli mandate in the Council's Department of Social Services is the only municipal institutional structure for immigrant integration. Social assistance and integration are the two main tasks managed by this office, whose main activities range from the legal representation of migrants to housing and insertion into the labour market. The office is also responsible for managing 22 reception centres, 22 intercultural centres for children, and holding a register of cultural mediators. Since 2005, the social cooperative Programma Integra, on behalf of the town hall, manages a range of projects to promote the territorial integration of vulnerable migrants. However, both the actions put in place by the municipal office for immigration and Programma Integra, despite the declaratory rhetoric of pluralism, *have no long-term plans for responses to the presence of immigrants nor an overarching philosophy of integration.*²³

The involvement of Programma Integra in the management of migration and integration policy is not an isolated case. Scholars²⁴ recently indeed highlighted the importance of CSOs in generating

forms of social inclusion through the implementation of activities that the local government would be unable to handle, thanks to the intrinsic ability of CSOs to anticipate the migrants needs, diversify and specialise the supply of services, support people normally excluded from public assistance programs, experiment with new forms of social intervention, and sustain the most effective use of public interventions.²⁵

In coherence with this general consideration, currently, according to the national Registro delle Associazioni established by the Law n. 394/1999, 140 Rome based pro-migrants CSOs carry out activities to supports migrants' assistance and integration at the local level. CSOs offer the necessary skills, flexibility and rapidity of intervention to cover heterogeneous areas of interventions: the first reception services for the newly-arrived migrants, special integration services like alphabetisation courses, school support and guidance, recreational activities, job placement, psychological support and cultural mediation intervention.

The profile of the CSOs active in Rome range from formal non-governmental organisations, religious institutions, trade unions, coalitions, immigrant and ethnic organisations, anti-racist and radical social movements. Due to the high level of professionalism in the delivery of interventions, their role in the field of pro-migrant programs cannot be compared to the role of volunteeristic and informal networks. On the other hand, this commitment cannot be considered better than public intervention because CSOs are non-governmental by definition, and also the production of their social services is defined in reference to the original identity of a non-profit organisation and to the religious and cultural values typical of the community from which they originate.²⁶

In 2015, 508,241²⁷ regular migrants lived in Rome, 124,777 more than in 2013. Today, almost 80% of the regular migrant population present in Lazio²⁸ resides in Rome. Historically, the

local municipality has managed this presence through the use of agreement protocols stipulated with CSOs and with public bodies of the territory (ASL, prefecture, province, schools, universities) to cover different subject areas, such as employment, first reception, school, and health. Normally, the main promoter of the relations with CSOs and other public institutions has been the Municipality through the Department of Social Affairs, Health and Subsidiarity.

According to different informants, at the institutional local level, immigrant integration is considered to be a *complex political issue*, especially in the last ten years, when a bipartisan political mainstream has preferred to talk about immigration as a security and legality issue rather than as a question of integration to gain political consensus. Therefore, with very few exceptions, integration policy has never been at the centre of public and political discourse, but it has been conceived as a de facto process, linked mainly to the participation in the low skilled labour market. Similarly, no structural public intervention has been planned to deal with the issue of the irregular forced migrants transiting or residing in Rome. As a consequence, to date public integration policies were mostly formulated to support the economic insertion of migrants.

The clear ineffectiveness of the public institutions in taking care of weakest members of the immigrant population prompted different CSOs to plan substitutive interventions to sustain the categories of migrants that often overlap with the targets of restrictive local control policies, like irregular immigrants, asylum seekers, and victims of abuse and exploitation, such as unaccompanied minors and trafficked women. In this context, religious institutions, in particular, have represented a crucial point of reference for migrants and especially for irregular immigrants. In addition, trade unions like CGIL or CISL, through its pro-migrant association ANOLF, have also been involved in political action in

favour of migrants and in the provision of services to migrants explicitly related to the job market.

Looking more broadly at the Rome case, in the following paragraph I will analyse the different claims, local activities, and every day practices of the CSOs to support regular and irregular migrants and, in such cases, to counter restrictive state policies through human rights advocacy or campaigning. A complex picture arises from the Rome case. Being a capital city, Rome hosts a number of CSOs who have also national interests. CSOs, like Amnesty International, OXFAM, INTERSOS, are highly adversarial in their declarations and public claims, but not concretely active in immigrants' support, especially in the delivery of daily social services. The picture changes in the case of locally-based CSOs, who are normally not prominent in the daily contestation of restrictive immigration policies, both at the national and local level, but contest them by daily material activities and in such cases by empowering immigrants' mobilisation in collective action.

The variety of the CSO's profile in the Rome case has progressively structured three different forms of pro-migrants activities: 1) promoting multi-stakeholder networks through advocacy; 2) organising mobilisation actions; 3) producing services. As concerns the first kind of activity, *Rome offers various examples* of CSOs committed to weaving together through occasional collaboration or structured alliances. Often many of these organisations have created links with other civil society actors involved in "advocacy coalitions" in defence of immigrants' basic human and social rights.²⁹ This the case, for instance, of the recently born CILD, a pro-migrant coalition funded by Open Society, whose aim is to provide Rome based legal assistance, transparent information and connections with local networks and social services. If CSOs with strong national ties, like Save the Children, Lunaria, Médecins Sans Frontières or Amnesty

International, are able to fight in the forefront for migrants' political and social rights, other locally-based CSOs opt for a more operational and apolitical networking with other institutional services, including those promoted by the Rome Municipality. This is the case of the Association Cittadini del Mondo, Centro Astalli or Associazione Senza Confine, who have defined over the last decades a number of agreements and protocols of collaboration with Rome Municipality.

The second action, the protest, pertains to the field of the mobilisation to promote the protection of the rights of irregular and regular migrants. Normally these types of actions happen in clear opposition to restrictive measures put in place by state or local authorities. Since the first evictions of Rome's camps, which were ordered by the leftist mayor Veltroni in 2008, different CSOs, together with medical associations, lawyers and journalist associations, have undertaken appeals, petitions and demonstrations. This is the case of the campaign LASCIA TE CI ENTRARE, a civil society coalition created to request access for journalists and representatives of organisations to immigration detention centres, which has seen the participation of trade union (CGIL), association for the freedom of press (Articolo 21), feminist NGO (Casa Internazionale delle Donne) and associations of medical doctors (Medici per i Diritti Umani). Many of the actors coming from the coalitions for migrants' rights active in Rome are often engaged in a political battle against the stereotyped vision beyond restrictive migration and integration policy. Associazione a Buon Diritto, for instance, does not only provide alternative services to fill the gaps in the provision of services for the weakest part of the immigrant population but it also participates in the activities of the Coalition CILD to influence in various way the activity of governments, through the assertion of the wide political rights of migrants, the strong opposition to stricter regulations, and to make the public aware of the issues of

irregular and vulnerable migrants like unaccompanied children.

The third activity, the provision of social services, concerns both the CSOs independent of public institutions, even if they are sometimes partly supported by national and EU funds and CSOs operating on behalf and with funds coming from the municipality of Rome. A case in point for the first category is the association *Medici per i Diritti Umani*, one of the few organisations that has provided assistance and medical care to forced irregular and vulnerable immigrants, like Afghan unaccompanied minors and transiting Eritrean asylum seekers, openly contesting the inaction of the local public services.

Their work, as that carried out by other practitioners such as lawyers or doctors offering their expertise for free to sustain irregular migrants' claims, addresses the real impasse faced by the local public authority. Officially, the municipality of Rome does not legitimate the presence of irregular immigrants, who are seen as violators of the principle of national sovereignty;³⁰ on the other hand, to avoid the social criticalities raising from their marginalisation, the city hall turns a blind eye on their presence and informally allows the CSOs to provide assistance as to limit the increase of deviances, or counteract the increase of diseases among the population. This is the case of the *Associazione Civico Zero*, one of the few providers of assistance for the invisible unaccompanied minors transiting through Rome aiming to reach the northern European countries, who are excluded by the host facilities reserved for identified UAMs.

As concerns the CSOs operating on behalf and with funds coming from the municipality of Rome, the positionality of these organisations seems to be much more complicated than the others. Different informants have critically labelled some of the CSOs funded by the municipality as functional to opaque and ineffective public governance. In 2015, the judicial inquiry *Mafia Capitale* led by Rome's chief prosecutor Giuseppe Pignatone

revealed a network of corrupt relationships between some CSOs, politicians and criminals. The scheme involving CSOs took advantage of the recent influx of immigrants coming from the Central Mediterranean Route immediately after the rise of the Arab Springs, with one of the group's associates boasting that they made more money from the new arrivals than they did from drug trafficking. In the well-known wiretapping that led to the inquiry, Salvatore Buzzi, head of Cooperativa 29 giugno – the CSO which is at the core of the inquiry – stated: *We got revenues for 40 million euro and we made all these money and profits from gypsies, housing crisis and migrants; all the other economic sectors end up in balanced budget.* Those forms of clientelism, corruption and illicit business demonstrate how the interaction among local governments, bureaucracies, economic actors, trade unions, social movements, CSOs and immigrant communities can yield final outcomes that can differ drastically from the initial expectations of policymakers.

Last but not least, what an informant has described as *the collapse of the Rome's third sector*, question about the perspectives of the multi-stakeholders governance of immigration implemented at the local level and suggests to better reflect on the long-term process that involves multiples actors.

CSOs and local authorities: Implications and criticalities of a complex relationship

Pro-migrant CSOs have been analysed to understand the power and feature of their relations with public actors and to identify the implications and the perspectives of the current system of local governance. CSOs' claims, practices, and programs have been analysed to critically assess the operation models between civil society actors and local policymakers in order to identify a number of recommendations to European policy makers regarding

priority areas of political interest where further action is needed to overcome the identified gaps. Referring to the Rome case study, different CSOs' actions have been identified and analysed in order to understand if and how their action can challenge or contrast with the EU emphasis on the role of civil society and local authorities in the process of migrants' integration.

With the exception of a few best cases, the Roman third sector seems to currently be weighed down by a variety of burdens. The most perceived problem, of course, is the lack of credibility and authority of a public system that saw its top-level civil servants and directors of the pro-migrants organisations end up under investigation for having profited from the migrants' humanitarian emergency.

- 1) Regrettably, the types of activities for the great part of local CSOs have appeared to be indispensable, but their impact on policy is debatable. Beyond good intentions, the CSOs who are not colluding with the criminal system have failed to impact on politics or on governance. Differently, and in some terms paradoxically, the corrupt CSOs currently under inquiry have shaped a shadow welfare mix system marked by the systematic instrumental use of the humanitarian emergencies. This suggests that fundamental action for the empowerment of fair pro-migrant CSOs and effective multi-stakeholders governance in reality still seems to be a distant aim.
- 2) While CSOs and local authorities cooperate daily to provide social services for migrants, Rome- based CSOs have scarcely conditioned or impacted on the formulation of policies or on the definition of most effective interventions. The great heterogeneity, the multiplicity of political and cultural and the differences in organisational forms characterising the Roman third sector partly explains why local pro-migrant CSOs cannot be considered coherent actors. If, as described, a number of CSOs regularly collaborate with public authorities, others want

to conserve their independence and neutrality relying on private donor funds or EU funds through which they can finance services not covered by the state support. Therefore, the question of the dialogue that CSOs have with local public powers or how they challenge local authorities vary from case to case.

- 3) While the literature on pro-migrant CSOs has frequently referred to the mutual need characterising at the local level public institutions and local CSOs, in Rome some cases of radical pro-migrant CSOs confirm the need to keep their roles distinct. This is the case for associations like *Medici per i Diritti Umani*, one of the CSOs that operates where public authorities directly or indirectly refuse to provide essential services and basic rights, and openly contest state restrictive policy on migration. Similar oppositional claims characterise those CSOs fighting for migrants' political rights. It is the case of the *Associazione a Buon Diritto* who openly contested state and local authorities for having systematically avoided working on the capacity of local institutions to empower migrants political rights, granting at least local voting rights.³¹
- 4) In Rome, generally speaking, local authorities have relied on CSOs mainly for utilitarian reasons as they provide social services; Not directly, but by delegating these tasks to CSOs or by indirectly facilitating or funding their activities. Politically speaking, the institutional level to date has not enhanced the knowledge coming from the CSOs, neither has it integrated it into a frank policy discussion on the necessary reforms of this system of multilevel governance. All this in a legal and policy framework characterised by the coexistence of multiple and inconsistent provisions, which resulted in enormous difficulty of legitimising innovative practices.
- 5) Both the literature and the interviewed informants confirmed that pro-migrant social services at the Rome level represent a hot question, also due to the unclear web of responsibilities

and accountability between local, regional and national authorities which often overlaps in the management of programs for the integration of migrants. This state of affairs is exacerbated by the spoil system that has characterised the changes in the management of the public services, and by the logic of distribution of public funds that has become over the years the framework within which to move, with which to contend (not just symbolically) and confront.

- 6) Therefore, EU funds have become of vital importance for local CSOs, given that private donations and volunteer contributions represent only a minor part of the funds needed to guarantee the economic sustainability of the implemented programs.

Overall, a complex picture has arisen from Rome, a case that shows how the actual multistakeholders' local governance of immigration is a long-term process of uncertain success. In many respects, the litmus test which illustrates the absence of perspective of this system of local governance is offered by the political invisibility that characterise immigrants' associations in Rome, a patchy and multifaceted universe that seems to be crushed by the interaction between the Italian pro-migrant CSOs and the local public authorities.

Since the 1990s Rome's local institutions have often displayed a clear preference for the interaction with the Italian pro-migrants considered to be more responsible and experienced. This is not surprising: In a welfare system traditionally characterised by a high degree of externalisation to CSOs, the national organisations, thanks also to their experience in the provision of social services, have crowded out immigrants' own initiatives. The result is that immigrants' associations, even in the case of Rome, have always played a marginal role in shaping integration policy and programs. In this context, a limited exception attesting the centre-left sensibility towards the empowerment of migrants

associations could be considered the Consulta Migranti³² promoted by the Rome municipality, a substantial case to illustrate the leftist local commitment towards the opportunity to increase public recognition of the immigrants' organisations. However, as has happened with all the left-wing local administrations, institutional resources for migrants associations have always been inadequate and extremely complicated to obtain also due to the bureaucratic obstacles, particularly in the case of non-Italian native applicants.

Overall cases of positive collaboration are still scarce, episodic and ineffective, as with a few exceptions, the great parts of migrants' associations still suffer exclusion from representation within the institutions. The structural weakness of immigrants' associations and their inexistent weight reflects the current limited capacity of the institutions to empower cultural diversity in a full multicultural perspective. In Rome the change of pace will not be immediate. While left-wing majorities acted in a contradictory way, right-wing ones such as Polo della Libertà presented immigration as a problem of public security, and completely ignored questions regarding the participation of immigrants' associations in defining integration policy and programs. The new city council established after the last local elections of June 2016 will hopefully clarify the direction of a super diverse city³³ still waiting for an efficient model of immigration and integration governance.

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CRISIS AND COMMUNITY: GRASSROOTS INITIATIVES AS SPACES OF MIGRANT INTEGRATION IN ROME

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This chapter will give an insight into the role of community-based initiatives (CBIs), which are in the process of transitioning into sustainable economic models, taking into account the crucial themes of social inclusion and of equity. Having mapped the CBIs that operate in Rome, the article will focus on those civil society organisations that provide services to migrants and will investigate the mechanisms through which these organisations receive material (e.g. spaces) or financial support from relevant authorities, and how they engage in discussion, consultation, and negotiation with local authorities on integration policies.

Rome is a city in crisis for many reasons: it is undergoing significant changes in population growth, experiencing economic hardship, and suffering from corruption scandals. Moreover, in common with most major European capitals, Rome is also experiencing a vast increase in migrant numbers, both those in transit and those who end up settling in the capital. Migrants arrive daily into a city struggling with its own issues, largely unprepared and unable to cope with their presence, which exacerbates the many privations they are forced to undergo. However, in turn, the city's many problems are exacerbated by the growing migrant population.

Historically, Italy's capital has had a long roster of community action, sometimes in opposition to, but sometimes as an adjunct to, the city's local authorities. In many cases, Rome's community-based initiatives (CBIs) owe their survival to passive support granted by local government and satellite bodies, particularly in the allocation of underutilised public spaces in which to operate. As Rome's migrant population continues to expand, CBIs are increasingly filling the gaps in service caused by both poor city management and lack of local government funding, and are heavily involved in assisting immigrants and alleviating some of their issues.

In this work I investigate some examples of CBIs in Rome and how they currently work with the city's migrants. I also show the ways in which their work is being threatened or curtailed. I argue that current neglect by the city's authorities, and even ideology-driven policies, threaten to undermine work that must necessarily be performed by CBIs due to the inadequacies of the same local government that is putting their existence at risk.

Rome's migrant situation: Public attitudes and hidden aid

According to the European Agenda on Migration (2015) and Agenda for the Integration of Third-Country Nationals (2011), the integration of migrants *is an ever evolving process (...) that starts on the ground and integration policies should be developed with a genuine "bottom-up" approach, close to the local level (...) and through participation*¹ and migrants (...) *should not be faced with reluctance and obstruction – they should be given every assistance to integrate in their new communities.*²

Despite losses engendered by the ongoing economic crisis, on January 1st 2015 the *Comune* (municipality) of Rome was officially home to more than 363 thousand documented foreign residents, who made up 12.7% of the city's population (Table 1). This is more

than double the proportion ten years previously, when foreign residents numbered 145 thousand, or 5.7% of the population. According to the latest figures available, the majority of foreign residents are European (44.6%, of whom 60.5% are women) followed by Asian (32.1%, of whom 56% are men), then African (12.4%, of whom 63.6% are men). While flows of migrants from Europe and Africa showed an increase over the previous year, the number of Asian migrants (as well as those from America and Oceania) decreased significantly.

Table 1 – Foreign residents in the Municipality of Rome per area of origin, January 2015

Area of origin	Total	Total (%)	Males (%)	Females (%)	Total var. prev. year
Europe	162,317	44.6%	39.5%	60.5%	9.6%
Asia	116,625	32.1%	56.0%	44.0%	-5.4%
Africa	44,934	12.4%	63.6%	36.4%	7.1%
America	39,357	10.8%	37.5%	62.5%	-1.2%
Oceania	249	0.1%	41.0%	59.0%	-20.4%
Stateless	81	0.0%	66.7%	33.3%	-72.8%
Total	363,563	100.0%	47.6%	52.4%	2.8%

Source: Istat, 2015.

The ranking of Rome's migrants by the top fifteen countries of origin (Table 2) shows that they make up 79.5% of foreign residents. Nearly a quarter of all foreign residents in Rome (24.3%) hail from Romania, with the next largest populations being 11.1% Filipino, and 7.8% Bangladeshi. In fourth place is the Chinese population, which has shown a large decrease over recent years; by contrast it is significant to note a massive increase in residents from Egypt (25.5%).

Table 2 – Foreign residents in the Municipality of Rome per country of origin (first fifteen), January 2015

Ranking	Country of origin	No. residents	% Total foreign residents	Males (%)	Females (%)	Total var. prev. year
1	Romania	88,404	24.3%	43.1%	56.9%	15.7%
2	The Philippines	40,463	11.1%	41.0%	59.0%	-4.3%
3	Bangladesh	28,493	7.8%	78.0%	22.0%	-8.9%
4	China	16,099	4.4%	50.8%	49.2%	-13.1%
5	Peru	14,291	3.9%	38.3%	61.7%	-3.6%
6	Ukraine	13,702	3.8%	18.5%	81.5%	0.3%
7	Poland	12,696	3.5%	32.7%	67.3%	16.3%
8	Egypt	10,328	2.8%	71.5%	28.5%	25.5%
9	India	9,075	2.5%	54.8%	45.2%	-1.3%
10	Sri Lanka	8,837	2.4%	54.2%	45.8%	13.9%
11	Moldova	8,613	2.4%	34.7%	65.3%	-1.7%
12	Ecuador	8,354	2.3%	39.0%	61.0%	7.3%
13	Albania	7,243	2.0%	51.3%	48.7%	7.8%
14	Morocco	5,232	1.4%	56.1%	43.9%	3.9%
15	Nigeria	4,181	1.2%	55.1%	44.9%	7.3%

Source: Istat, 2015.

With the European Commission’s agendas’ recommendations in mind, and given the high proportion of migrants in the population, Rome’s attitudes towards its foreign residents take two major forms, particularly towards refugees and economic migrants from Africa and the Middle East: the “public” and “hidden” faces.

In terms of public provision, despite the number of reception places for asylum seekers and other migrants being increased from 1,756 to 3,017 since 2014³, the system is constantly overwhelmed, and existing structures are showing signs of decay and neglect. It is failing to meet the needs of growing immigrant numbers.

Roughly concurrent with the marked growth in immigration, the city has also been affected by major investigations into bribes and corruption: the “Mafia Capitale” scandal of 2014⁴ that coincided with the fall of the local administration, and the incarceration of many public and political figures. Following the uncovering of the involvement of organised crime in – and embezzlement of funds dedicated to – immigrant services, dozens of migrant accommodation centres were closed and their assets impounded. One of the accused was said to have claimed that involvement in immigrant services was more profitable *than drug trafficking*.⁵

The situation with regard to the public provision of services for foreign residents has been exacerbated by an attitude expressed in some media, and by some members of the local administration, characterised by alarmism, panic, xenophobia, anger, and exaggeration of the negative impacts of incoming migrants and refugees.

To complicate matters, in the months after the Mafia Capitale scandal broke, Ignazio Marino, the relatively new mayor of Rome, was forced to resign for tangentially connected reasons.⁶ Consequently the city was managed by a “caretaker” administration, appointed in October 2015 as an emergency measure until the new mayor, Virginia Raggi, was elected in June 2016. The prior appointment had further consequences on policies regarding the reception of migrants, since the then *commissario prefettizio* (acting mayor) Francesco Tronca was particularly concerned with rigid adherence to, and application

of, certain laws with particular emphasis on evictions from unofficially occupied premises.

Despite the many shortcomings of the “public” migrant reception system, however, Rome also has a “hidden” side, with private citizens participating in numerous organisations that, via different techniques and channels, endeavour to promote and sustain the economic status and social integration of migrants on a daily basis.

CBIs in Rome

Rome boasts a long history of activism, social movements, and active citizenship⁷ including many CBIs that are aimed at, and derived from, the local population: soup kitchens, squatters’ cooperatives, self-managed spaces (e.g. urban gardens, cycling groups, agricultural cooperatives, etc.), right up to novel organisations that practice with experimental economies, that have over time become spaces of integration and urban culture centres.⁸ CBIs are found all over the city, as much in the outskirts as in more gentrified central areas, and are often characterised by physical spaces that operate largely outside the capitalist economic model.

Even those CBIs that appear to perform solely utilitarian functions can constitute “spaces of citizenship”.⁹ For example the rediscovery of urban agricultural practices – from “guerrilla gardening” movements, to community, shared, and urban gardens – which have as their founding objectives the satisfaction of basic needs relating to food and sustainable lifestyles for their members. Beyond these functions, they also facilitate socialising¹⁰ and trigger participation in the “reconquest of the city”.¹¹ Such CBIs appropriate (or reclaim) common spaces, converting them into centres of activism, places for experimentation with new social economies, and into “workshops” for artistic, cultural and

political expression. By doing so they represent social “innovation niches”¹² that are often capable of activating processes of transition towards a more sustainable and inclusive economy, and fertile ground for triggering wider social changes.

With the worsening economic crisis and the concurrent migration crises, many such CBIs now play a role that is complementary to, or even in place of, local authorities, providing services and opportunities for social inclusion, spaces for immigrant accommodation, and the opportunity for a variety of methods of cultural, educational, social and political participation. They seek to offer a concrete response to shortages of affordable housing, food and clothing for migrants, and the need for support and legal protection for asylum seekers, as well as psychological support and other services that benefit immigrants (for example Italian language courses, vocational training, etc.).

It is both politically and academically acknowledged that grassroots initiatives can produce a variety of social impacts, e.g. creating and/or increasing cohesion among a heterogeneity of participants, strengthening social interaction, and enhancing participants’ self- and social awareness and empowerment.¹³ It is therefore important not just to investigate the effects of CBIs, but the mechanisms through which these organisations receive or rely on material (e.g. spaces) or financial support, particularly from relevant authorities, and how they engage in discussion, consultation, and negotiation with local authorities on integration policies.

We have chosen three CBIs to illustrate and represent these issues. Two are oriented towards migrants by definition, of which one has changed radically in nature to confront the growing crisis; the other is more general, but has by necessity expanded its activities to provide assistance for migrant issues.

REFUGEE ScART: Immigrant art for recycling and integration

REFUGEE ScART,¹⁴ founded in Rome in 2011, is a humanitarian project of the SPIRAL Foundation which operates under the patronage of the United Nations High Commissioner for Refugees (UNHCR) – South Europe Office. This initiative was set up with the primary goal of providing *protection by facilitating opportunities and paths to regain one's dignity*.¹⁵ To this end, the project helps immigrants and refugees to participate in a number of for-profit activities that enable them to become active citizens, to escape from common migrant conditions of anonymity and isolation, and to gain a sense of belonging and positive identity that strengthens and encourages them on their path towards integration.

The SPIRAL Foundation has been operating abroad for several years in situations of extreme poverty such as in Vietnam (since 1997) and Nepal (since 2002). The Rome initiative was founded in 2011 at the city's central Termini Station, and initially facilitated a group of ten refugees to begin collecting plastic waste and transforming it into useful and creative items (handbags, wallets, jewellery, household items, etc.). The project headquarters are now located within the premises of AMA Roma S.p.a. (Municipal Environmental Company), the agency that handles refuse collection in the city, which are located in the Montagnola district of Rome's Municipio VIII.

The core activities of REFUGEE ScART take place in a workshop in which an average of 15 refugees create objects entirely from waste materials, the sale of which primarily allows them to obtain a small income for themselves and their often distant families (e.g. still overseas waiting to obtain the necessary documentation to obtain asylum), thus providing the migrants with the opportunity to enter the world of work, while also allowing the association to support other initiatives which share a similar vision. Purely

economically, the initiative is self-sufficient – however it is helped to achieve this in no small part by dint of its zero-rent agreement, which also includes all utilities.

REFUGEE ScART represents a particular success story among initiatives of its kind, not only for the positive contribution that the workshop's waste recovery makes to the ecology of the city of Rome (since August 2011, more than ten tonnes of plastic and cardboard have been saved from landfill, with a monthly average of around 250kg of plastic refuse recycled), but also for the earnings that it has been able to realise. From an initial investment of just €1,600, the organisation has produced revenues of approximately €250,000 over the course of three years, which have been used for the benefit of migrants and their families, and also in support of other charitable associations. Indeed since August 2013 the employees of ScART have begun helping other migrants in greater difficulty than themselves by donating a part of their monthly income to the Emergency Ong Onlus charity medical centre in Castel Volturno (Caserta, Italy), which provides medical assistance for recent migrants.

This initiative represents an exercise not only in social innovation, but also in technology. REFUGEE ScART has the merit of having devised a method of work placement that, in addition to removing some burden from the local welfare system, is based on the exercise of handicraft activities suitable for people of all ages, without the requirement for specific technical or professional training, and thus easily learned on the job. The organisation therefore promotes a model that can be replicated in other areas and contexts, not just urban ones, and which can potentially produce similarly beneficial spin-offs both in terms of social integration and of local production. The project is an interesting experiment in technological innovation, having also invented and patented a new material process, created by the fusion of plastic and paper.

REFUGEE ScART counts on the support of several institutions, and collaborates with a wide range of institutional and non-institutional actors (from the UNHCR to Emergency, to the more local Centro Astalli, Laboratorio 53, and the Associazione Sportiva Liberi Nantes). It recently partnered with one of the most important museums in Rome: MAXXI - the National Museum of 21st Century Arts. MAXXI displays various objects produced by the organisation to give visibility to the project, not only promoting its civic engagement and humanitarian aspects, but also the quality and originality of its aesthetic achievements, and genuine forms of artistic expression. REFUGEE ScART also generates extra income by providing souvenirs for sale in the MAXXI gift shop.

Thus as a humanitarian project that enjoys the recognition and the support of major international institutions, this initiative is quite different from the other CBIs currently operating in Rome (even by the standards of the highly connected Città dell'Utopia described below), enjoying a network of contacts that facilitates its work and supports its causes and intent. Among the organisation's most prestigious "clients" are the Chamber of Deputies, the Prefecture of Rome, and the Ministry of Foreign Affairs. The organisation also receives material support from AMA, which allows the free use of workshop space, allowing the organisation to be economically profitable from the sale of goods.

The initiative has a recognised legal status (Onlus: a non-profit organisation for social benefit), and has a clearly defined internal governance of a more conventional nature than other organisations in the field, especially compared to the working realities of other social movements. It has neither political implications nor major opposition: it has been able to integrate itself into an "institutional" system without creating distrust or social tension.

One major differentiator with respect to other CBIs in Rome is that REFUGEE ScART does not seek to meet the needs of local

residents (in terms of creating opportunities for refugee integration or socialisation), has not been able to commit to transforming the relational and organisational dynamics of the context in which it exists, and (despite a few functional relationships with local bars and shops that provide plastic garbage) has not created a firm bridge between the migrants who work with it and the communities in which they reside. Nevertheless the informal collaboration and cultural *mélange* that this kind of activity stimulates show how workshops of this kind could allow migrants to be perceived less as a social “burden” and more as contributors to the common good: in other words, to be seen as a positive resource.

Città dell’Utopia: A social innovation niche in the heart of Rome

From among the Roman experiences one initiative stands out as particularly comprehensive. In many ways Città dell’Utopia¹⁶ is a microcosm of the entire landscape of social movements: a meeting place for diversity and activism, in which numerous projects are developed to stimulate and promote the processes of active citizenship. Città dell’Utopia is a project under the auspices of the International Voluntary Service (SCI - Servizio Civile Internazionale). Since 2004 the Project has rented Casale Garibaldi (Garibaldi House) from the Comune of Rome, a historical building in the San Paolo district that has recently been restructured and restored, and is surrounded by a large garden of indigenous plants.

Thanks to the cooperation of SCI volunteers and participants of all backgrounds who take part in activities concerned with the issues of human rights and international solidarity, sustainable lifestyles, social inclusion and active citizenship, Casale Garibaldi has become an “open house” and a centre of activism: a meeting

place of different territorial realities, united by the will to build a new model for development, focusing on the issues of equity and sustainability.

In terms of social inclusion, and with particular regard to the immigrant component of society, Città dell'Utopia has started integration courses – courses to promote more sustainable lifestyles, and non-formal education courses for adults. In addition to offering free Italian lessons to recent immigrants, the organisation plays host to Laboratorio 53, an association that provides legal and psychological assistance to refugees and asylum seekers in Rome, and legal aid to migrants concerning residence permits, bureaucratic problems, housing, and work. Moreover, to keep the debate on migration and border control alive, in collaboration with Laboratorio 53, Radio Ghetto and Amisnet, in 2014 Città dell'Utopia organised the “*No Border Fest*”. Now in its seventh season, the festival hosts many cultural events and discussions on the issues of migration, hosting workshops, exhibitions, debates, music and theatre.

Over the years, Città dell'Utopia has been able to build a strong network at institutional, local, national, and international levels (the European Commission, the Lazio regional government, the province of Rome, the Comune of Rome, Municipio VIII and ASL, the public health department). This initiative has one of the most dense and diverse network of contacts and collaboration at different scales among the CBIs that have been studied in Rome.¹⁷

Over the years, the local focus of Città dell'Utopia has changed and grown significantly, and it has been able to adapt to changes in alternative markets and critical consumption, such as the development of “solidarity purchasing groups” (*GAS - Gruppi di Acquisto Solidale*), organic produce markets, the “zero kilometre” food movement, produce self-sustainability, and sustainable consumption. In addition to hosting its own GAS and

the “terraTERRA” market (which deals in zero kilometre organic products), Città dell’Utopia offers the use of its space to other organisations that promote awareness and alternative forms of consumption and mobility, such as the Associazione Ruotalibera (Freewheeling Association) which encourages the use of bicycles in urban areas and for tourism. Città dell’Utopia also interacts with the local San Paolo Social Network, Eduraduno, Radio Fuori Onda, the Libellula association, neighbourhood associations, and a rich network of other active social and political urban movements.

Despite international recognition by the SCI, and the institutional legitimacy conferred on the project by its many associations, in keeping with other initiatives in Rome, Città dell’Utopia is currently suffering from various critical threats. In its relations with public organisations its main problems concern the use and management of its space, in this case one that is publically owned (as discussed below); it also suffers from “neighbourhood isolation” due to the mistrust that many local residents have towards the political activism that characterises several of its activities.¹⁸

Despite an active and connected network, Città dell’Utopia suffers from the perception that many local residents have of such organisations when they are on their doorsteps: that of self-isolation.¹⁹ Although the activities carried out in the volunteer work of many participants can help to build bridges between the project and parts of the local community, often such movements tend to be seen as “gated communities”.²⁰ It is thus no coincidence that some participants of Città dell’Utopia say they do not feel that their work is adequately recognised by the local community, traders, and many of their near neighbours. *Environments that are comfortable and secure for activists may often be considered unintelligible, exclusive, and even dangerous to local residents*, writes Pecorelli. These initiatives, then, *although designed to be*

*windows on a (better) world, can actually end up being isolated and self-referential in terms of ideas and activities, and lacking consent from the rest of society.*²¹

Baobab: Evicted – but still active – reception centre for refugees

Finally, no discussion of CBIs and migrants in Rome would be complete without mentioning the Baobab Centre.²² Founded in 2004 in a former glassworks near Rome's Tiburtina Station, the Baobab Centre was initially a volunteer-run CBI that provided Eritrean cultural activities, and eventually accommodation, to 60 (mostly African) migrants, in response to a lack of reception centre facilities in the city. When the flow of refugees underwent its major increase during 2015, the organisation mounted a massive media appeal for material and personal contributions to the project, and hundreds of Roman citizens responded. This had the effect of building and strengthening relationships between the CBI and residents of the city.

Few of the migrants passing through Baobab claim asylum in Italy, but instead use the centre for a few days as a stopping-off point on their journey from a perilous Mediterranean crossing to the eventual northern European destinations in which they will make their formal asylum application.

By the time its premises were closed down on December 6th 2015, the centre was open constantly, day and night, and despite the building being theoretically able to accommodate more than 130 asylum seekers and refugees per night – and even though the Comune only provided financial support to accommodate 60 people²³ – it was in fact feeding and providing accommodation and clothing for more than 800. Between May 2015 and its closure in December of the same year, the Baobab Centre had hosted, fed, provided advice, and rudimentary medical care,

to about 35,000 refugees and migrants, mainly from Eritrea, Ethiopia and Sudan.

Despite the apparent moral consensus between the organisation and much of Rome's citizenship, the assumption of Tronca as a "caretaker" mayor following the Mafia Capitale scandals of 2014 coincided with a number of police raids on the centre,²⁴ and eventually the land-owner, despite being paid €25,000 rent per month on behalf of the centre by the Comune of Rome, demanded the occupants of the centre be evicted in order for the building to be redeveloped.²⁵ This eviction was not actively protested by the organisation, partly because there was a legal justification for the removal: it had been ruled in court that agreed-upon rent had not been paid to the landlord. Immediately following this ruling, on December 14th 2015 Baobab representatives met with Commissario prefettizio Tronca and the Comune's *sub-commissario* for social policy, and it was agreed that the organisation would leave without protest provided it would be re-housed. However the alternative accommodation promised turned out to be in the city's remote EUR business district, far removed from the major transport hubs. This was unsuitable, and would have been impossible to manage. Subsequently Baobab asked for further meetings to locate other premises, but received no response.

In the absence of suitable replacement premises, the organisation turned its attention to a former fish processing plant, also in the Tiburtina area, which had lain derelict since 2008. This building could potentially accommodate up to 300 people, could provide a large kitchen area, and also has a large amount of enclosed external space that could house tents in the case of overflow.

The bureaucratic situation regarding this building, however, is complex and unclear. There is little communication regarding migrant management between the Comune and the actual

owner of the building, which is the Lazio regional government. Furthermore a local residents' committee opposes repurposing the disused building for use by migrants due to negative experiences with the antisocial behaviour of former squatters, most of whom were foreign nationals. In the face of these issues, in April 2016 the building was occupied by Baobab volunteers, but they were evicted immediately, although this time the volunteers' opposition to the move was expressed by their passive resistance to police actions.²⁶

Both the glass factory and the fish plant remain unoccupied,²⁷ and despite the lack of premises, the organisation has continued to house new arrivals in the area, albeit in tents outside. At the time of writing, seasonal weather was improving and the effect of favourable conditions on the increase in migrant flows was already noticeable. Meanwhile for suitable alternative arrangements, the organisation awaits the outcomes of talks between the different institutions involved – or even that they talk at all.

CBI: Autonomy versus reliance

While from a financial point of view, two of the CBIs discussed here have been able to make small but sustaining revenues from their core activities (selling products/services, collecting donations, etc.), their existential issue is often down to the physical space they use – which was also the deciding factor in the demise of the first incarnation of Baobab.

The use of space is a common problem for many grassroots initiatives in Rome. Despite the financial crisis, rents are still relatively high in the city, and many CBIs therefore rely on external support for the space in which their activities are carried out. REFUGEE ScART has a legally-binding *comodato d'uso a titolo gratuito* (title of free use) from AMA; Baobab informally occupied a private space, and when circumstances conspired not to make rent, they

were evicted with negative effects on their activities; meanwhile Città dell’Utopia occupies its building according to legacy rules of the Council of Rome²⁸ that, due to the recent scandals, are currently “under revision” – with ominous implications. This point is crucial. Recent shifts experienced by the Council in how it regulates public real estate could reshape the entire geography of civil society organisations in Rome, threatening many CBIs with fundamental changes in how they operate or, as in the case of Baobab, peril.

The Comune of Rome has recently resolved to realise the profitability of 860 properties in the city that are currently being used for public or commercial purposes but do not reflect current income-generating potential. According to Resolution 140, 30th April 2015,²⁹ leases on these properties must be put out to re-tender in order to generate revenue in accordance with market value. In practical terms, this resolution threatens the existence of many current activities which play a complementary role in the social field and in the processes of social inclusion, but that do not operate according to a profit motive, and therefore do not have enough purchasing power to be able to honour the rents that will be demanded by the owners of the land. The problem could be solved by means of direct allocation of the spaces to these initiatives by the Comune, but this is not always feasible.

Even though Città dell’Utopia collaborates with local public bodies, and despite having the potential to act as agents for change, territorial actors, and project leaders in projects for the inclusion of migrants, thus compensating for the lack of such provision by local authorities, they are not counted as stakeholders by local government. For this kind of initiative it is difficult to engage in discussion, consultation, and negotiation with local authorities on integration policies. Instead, the organisation engages with political issues in a more confrontational way – and indeed its members have been significant participants in most of

the recent protest movements in Rome – which is another reason the organisation finds it difficult to “sit at the table” with the local authorities. Similarly, and despite its demonstrably successful work, REFUGEE ScART remains “sceptical” about being able to engage in constant dialogue with local authorities. They interact, but the bureaucracy, climate of corruption, and promises made but never honoured push the organisation into acting independently and in its own best interests. Finally, Baobab’s major problems relate to its premises. Despite being a legal association, collaborating with an extended network of international organisations and local associations – including the UNCHR, the Italian Red Cross, INTERSOS, Doctors Without Borders, Medici per i Diritti Umani (MEDU), ARCI, Consiglio Italiano per i Rifugiati, LasciateCIEntrare, and A Buon Diritto – if it is unable to find another headquarters, for bureaucratic reasons it will not be able to bid for public grants/money to run its initiatives, and will thus be hampered in its activities.

All three of the initiatives that we interviewed expressed feelings common to many CBIs in Rome: that there is a significant lack of attention paid to the social problems that they and their beneficiaries face, they feel their activity does not have recognition, and they face the issues of corruption. As is also evident in the case of Baobab, there is a total absence from the local authorities of consistent planning to cope with the increasing numbers of migrants, and there are no organised integration processes: management of the growing numbers is constantly in a state of “firefighting”, and despite requiring the assistance of CBIs to help, local government often acts in ways that are counterproductive to what they can achieve.

Conclusion

This brief exploration of community-based initiatives that involve themselves in promoting integration and social inclusion for migrants shows that they can serve as a resource both for local communities, and as an adjunct to – or even a replacement for – an institutional reception system for migrants. Rome, a city in crisis, is currently overburdened and therefore facing serious difficulties; therefore such CBIs should be seen as a vital resource to achieve this, despite forms of activism that often criticise local authorities and seek to undermine the neoliberal production model – instead proposing alternative creative forms and the solidarity-based, “alternative” (and sometimes rebellious) management of self-organised spaces. Reliant on publically-owned land, such CBIs may be seen as symbiotic with, yet sometimes attacking, their host.

In Rome, territorial projects that are implemented by the local government system (for example SPRAR - System for the Protection of Asylum Seekers and Refugees) are necessarily complemented by a number of associations and informal initiatives, mostly self-managed and self-financed, that have shown – particularly in the case of Città dell’Utopia – that they are able to operate in concert with the different actors involved in such areas as the reception of migrants, municipal departments, educational institutions, the public health department, etc.

More generally, grassroots initiatives are able to create territorial projects that can operate outside the “borders” of institutionally defined responsibilities. This does not mean that the role of the institutions and local authorities should be disregarded by the CBIs, and in turn it is important that institutions show foresight, political sensitivity and willingness to explore local practices, to understand their scope, and to capitalise on their transformative potential.

In the light of these complex and sometimes self-defeating circumstances, various recommendations can be made, particularly for governments and policymakers:

- At both national and local levels, policymakers need to guarantee a true long-term vision and continuity of specific policies, even if legacy policies may conflict to a minor degree with the stated ideology of an incoming regime.
- Coordination between institutional actors must be improved. The extent of responsibility must be more clearly defined (e.g. between the purview of municipal and regional governments); communication between these actors must be regular – or indeed must happen in the first place.
- Dialogue between CBIs and local government could also be improved: to create channels for cross-pollination of ideas, for CBIs to ask for and receive support, and to acknowledge how CBIs fill the gaps created by a lack of local authority resources, and to assist them in that goal.
- At a local level governments and institutions should ensure that the initiatives and the principles that CBIs promote – and thus assist the local institutions with their responsibilities – reach a wider number of beneficiaries, by improving CBIs' access to land, property and funding. The availability of property is vital for the important roles that CBIs perform in the absence of adequate institutional support, and lack of it can threaten their existence.
- On the part of CBIs, the ideological drive that prevents some of their members from engaging in dialogue with, or even violently opposing, the public institutions on which they rely to survive should be overlooked when the wider objectives of the organisations are at stake.
- CBIs should also engage with the local communities in which they exist. Local residents who are more comfortable with CBI neighbours will tend to be more favourable towards their goals.

and action. CBIs could be more effective by encouraging synergies between themselves and local communities, particularly in the case of raising awareness about migrant support and integration. Moreover if CBIs could educate local people on how they fill gaps left by failing authorities, they would lower barriers and thus increase their impact.

In the context of a city in deep crisis, such initiatives are effective responses to the increasing needs of a population that features a growing number of migrants. Operating outside the paradigm of neoliberal development, they mobilise local resources, create spaces for collective action, and fill in the inadequate response from a local government crippled by scandal, economic restriction, and negligence. Nevertheless, they are in turn reliant on the same local authorities for their survival, mainly in terms of provision of physical operating spaces. It is vital that this symbiosis be acknowledged by both parties, and particularly that local governments realise that the provision of buildings is cheaper than the alternative, which is the discontinuation of such CBIs, and a subsequent collapse in, and a requirement for extra funding for, the provision of services to the waves of immigrants that will only keep growing in the foreseeable future.

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THE ROLE OF CIVIL SOCIETY IN MIGRANTS' INTEGRATION IN POLAND

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Unlike other European Union Member States, Poland is still a country of emigration, rather than immigration. However, the recent migration crisis is making the elaboration of a proactive integration policy more urgent. This development is largely prevented by the growing xenophobia within the country, which in recent times has been fed by the newly elected conservative government. In spite of the difficulties, the foundations of a solidarity network among NGOs that deal with migrants have been laid. However, a lot remains to be done to increase cooperation among organisations, both at local and European level, to avoid the implementation of weak or overlapping projects, and to focus on more challenging goals, such as integration in rural areas and promoting multicultural attitudes among adults.

The study consists of two parts followed by recommendations. The first part provides an overview of migration trends in Poland. It explains that while Poland is still an emigration – rather than an immigration – land, it should develop a proactive – rather than reactive – migrant integration policy. This is because the profile of non-EU foreigners is transforming from relatively “secure” economic migrants to “insecure” asylum seekers. While

the economically-active Ukrainians or Vietnamese were able to integrate themselves despite the paucity of integration policies, the non-working asylum seekers are vulnerable to discrimination for as long as they are stuck in legal limbo and prevented from working and living with the Poles.

The risk of xenophobia in Poland has increased since the 2015 elections. Having politicised migration, the newly-elected conservative government has provided legitimacy to xenophobic sentiments. Previously these sentiments were limited to a small group of extreme right supporters. Since the last elections they have become more pronounced among the moderate political right supporters. The corruption of Polish society by anti-immigrant sentiments in the context of a very low immigration presence makes it necessary for all democratic institutions and individuals to act in solidarity to prevent this worrying trend.

The second part maps out the structure of migrant-concerned NGOs in Poland. It examines its major activities executed in collaboration with each other and municipal authorities in the seven key cities. It establishes that in recent years Polish NGOs increased collaboration with each other and with municipal authorities. While an exhaustive assessment of these collaboration frameworks requires more time, examination of the documents, and interviews with the organisations' members, this preliminary desk research suggests that this collaboration remains embryonic.

While a basic solidarity network has emerged, the network lacks strong leadership. Various organisations forming the network act on an ad hoc basis. Due to weak leadership, the network has not developed a comprehensive shared vision, thus its projects vary in quality, with innovation and sustainability remaining their weakest points. Moreover, similar projects have been carried out by different organisations, thereby indicating poor communication and collaboration by the network members. With the spread of

anti-immigrant sentiments and the transformation of migration flows, the network needs to develop a clear vision and strong leadership in order to secure continuous external funding. In the context of the ruling conservative party's anti-immigrant position, the ability to secure international funding will condition the solidarity network's ability to survive.

The study closes by recommending how to strengthen solidarity among migrant integration-concerned organisations in Poland following the country's political turn to the right, and in the context of the likely increase of migration by asylum seekers.

The study is based on desk research, because publically-available written sources were more reliable than interviews. The last election has divided Polish society, including individuals working with migrants, on migration policy. The new decree on public administration revoked all public officials and replaced them by the Law and Justice Party unequivocal loyalists. Those who were able to stay obtained new contracts "by nomination" – meaning they could no longer maintain political independence. While the civil society has in theory not been affected by the decree, in practice it is also dependent on the Law and Justice Party acolytes both outside and inside the migrant integration network. If solidarity on migrant integration until late 2015 had been only embryonic, the last election attempted to abort it altogether.

Migration trends in Poland

The fact that Poland remains an emigration land has delayed the development of integration policies despite low Migration Integration Policy Index (MIPEX) ranking.

As of 2015, there were more Poles leaving the country than third country nationals immigrating to it. Per 1000 inhabitants, Poland would receive only 1.2 migrants. By comparison Slovakia

would receive 0.5, while Germany 13.7.¹ It is estimated² that non-EU citizens constituted only 0.1% of the Polish population.³

Up until early 2016, the major category of third country immigrants to Poland was seasonal migrants. According to the Ministry of Labour, some 90% of them came from Ukraine. The financial crisis in Southern Europe (where many Ukrainians had worked prior to the crisis) and political turmoil in Ukraine accelerated Ukrainian migration to Poland. But since most would come on short-term visas and were viewed as culturally similar, Polish authorities did not deem it necessary to develop a comprehensive migrant integration policy.

As of 2015, Ukrainians constituted around a quarter of all migrants arriving in Poland.⁴ The next four nationalities dominating the new arrivals were Chinese, Vietnamese, Belarussians and Russians. Constituting between 4 and 8% each, their migration even for settlement was not viewed as a reason to critically expand an integration policy. To a large degree all four nationalities learned Polish, and benefiting from solid social networks managed to secure employment and housing. Particularly successful were Vietnamese, who were able to support themselves thanks to their ethnic network.

The lack of pressure on the host country's authorities to strengthen migrant integration policy was not unique to Poland. Spain throughout the 1980s also considered its basic integration policy sufficient given that most non-EU migrants would come from Latin America. The 1990s proved this assumption wrong. The realisation of what Antonio Izquierdo Escribano called *unexpected immigration* precipitated the outgrowth of migrant-concerned civil society, which in turn helped to expand migrant integration policies.⁵

Spain scored 11th on the MIPEX integration rank, twenty one positions ahead of Poland. Throughout much of its transformation from an emigration to an immigration land, migration was not

politicised in Spain. It remains to be seen whether the newly-elected Polish government would show enough political maturity to learn this valuable lesson.

Having won the election, among others, fuelling public fears about the "EU-dictated admission of Moslems and jihadists" the Law and Justice Party divided Polish society on migration and alienated itself from EU and Western European sources of funding and migrant integration best practices. While the previous government could be criticised for a short-sighted belief that Poland is only a transit country, the current government has recognised that increasingly more migrants will settle in Poland, but has portrayed the trend as undermining Polish values and national security.

The politicisation of migration may prevent an adequate development of migrant-concerned civil society, keeping it fragmented and thus ineffective. Poland's low MIPEX ranking (32 out of 38) is an alarm call for the Polish government to overcome ideology and to collaborate with the civil society.

According to the 2014 MIPEX report, Poland's integration policies create more obstacles than opportunities for immigrants to fully participate in society. Among the key challenges which Poland should address, MIPEX identified:

- Weak labour market integration support for the new non-EU migrants;
- Weak support for migrant children to integrate themselves in Polish schools until they master Polish;
- Weak protection against social discrimination;
- Restrictions on political liberties (including local voting rights) and the lack of migration consultative body;
- Strict language and income requirements for naturalisation.

The politicisation of migration by the newly-elected conservative government has triggered anti-migrant sentiments

among those who have not considered migration problematic before.

If one is to believe recent public opinion studies and media reports, the latent xenophobia among the Polish society has been awakened. One public opinion poll carried out in 2013, i.e. already before the onset of humanitarian crisis, suggested that around two thirds of Poles thought that Poland should not encourage migration of culturally distant people, including Romanians and Russians.⁶ According to research conducted by a group of leading Polish NGOs, the paucity of migrant integration could be traced to the lack or inadequate implementation of laws.⁷ In the context of a small migrant population the early nationalistic movements – such the *National Movement* or the *National Revival of Poland* – targeted Roma, Jews, Germans and Russians. The refugee crisis created an opportunity to target asylum seekers regardless of nationality. The Law and Justice Party's opposition to asylum seekers' admission lent political legitimacy to anti-immigrant public sentiment.

Until the early 2000s Polish xenophobia could be traced to politically unorganised teenagers and would primarily materialise through graffiti and soccer match riots. However, in recent years xenophobia widened beyond teenage vandalism, involved educated people, and was instigated by the right wing politicians. The spread of xenophobia across Poland and among an increasingly wider spectrum of society calls for multi-stakeholder collaboration to counteract, detect and prevent it. A decade ago a single NGO could educate a group of teenagers vociferating their hate without political backing. Today preventing xenophobia requires wide-ranging coalition-building, including with the Polish government.

The 2011 law on the implementation of European Union regulations in the area of equal treatment formally improved protection against racial, national and ethnic discrimination. But

it has not yet proven effective in practice.⁸ According to Helsinki Foundation, in order to prevent xenophobia, NGOs and Polish authorities should collaborate.⁹ According to the Foundation, any hate crimes victims in Poland must rely on NGOs and social assistance centres, both of which have limited financial and legal resources. Law enforcement officers do not fully understand the problem. Aware of the lack of institutionalised support, the hate crime victims are discouraged from voicing their concerns.

The structure and sample programs of migrant-concerned NGOs in Poland

A migrant-concerned NGO community has emerged in Poland. This community has the potential to engage in solidarity and to obtain domestic and international funding and logistical assistance.

The number of migrant-concerned organisations in Poland has been growing. As of early 2016, there were a few dozen NGOs in Warsaw that claimed migrant integration goals in their programs. As migrant communities were growing in other parts of Poland, new NGOs began to mushroom in other cities. Despite their gradual spreading, migrants in Poland tend to be concentrated in the largest cities, where year-round work is available and universities are concentrated. Warsaw, Wroclaw and Krakow enjoy 0.25, 0.13 and 0.11% migrant populations.¹⁰ Other cities attracting migrants are Lublin, Gdansk, Lodz, and Poznan. The concentration of migrants in urban centres, where civil society operates and Polish natives are more exposed to foreign cultures, puts Poland in a better position than Southern European countries. In Southern Europe significant numbers of migrants settled in rural areas, where integration infrastructure was more difficult to create.

Migrant integration-promoting NGOs differ in their structure and programs. *Grosso modo*, they could be divided into three

groups. Given the scope of their experience and social capital, these groups could be stratified like college students: seniors, juniors, sophomores and freshmen.

- 1) *Seniors: foreign-headquartered organisations.* International organisations (e.g. IOM, UNHCR, Amnesty International, Caritas, Red Cross) are the least numerous, but their funding is most comprehensive guaranteeing their permanence. They collaborate closely with the Polish government on all levels. Their funding and contacts allow them to develop multi-stakeholder programs and support weaker organisations.
- 2) *Juniors and sophomores: Polish-headquartered organisations* (among others Fundacja Inna Przetstrzen, Polish Humanitarian Action, The Helsinki Foundation for Human Rights, Halina Niec Legal Assistance Center). These organisations are more numerous. Having developed their vision and methods, including relationships with the Polish government and society, they are resilient to change. Juniors have been operating since the 1990s and have accumulated considerable experience obtaining international and domestic funds. Sophomores have been operating for a much shorter period of time and have not yet acquired full institutional and financial stability, but under normal circumstances should be able to do so, even if they had to merge or transform.
- 3) *Freshmen: virtual space-headquartered, target-focused organisations.* Freshmen are newer, smaller organisations, which operate on internet space or have just started up. Their programs focus on specific programs and there is a chance that they may disappear once this purpose is achieved (if not earlier).

In Warsaw, the key migrant-concerned NGOs formed a Social Dialogue Committee to overcome the financial, logistical and administrative obstacles they would have faced working

individually. In early 2016 the Committee was composed of 31 NGOs. It did not involve intergovernmental organisations, but encompassed representatives of local authorities. The involvement of local authorities has been an important step towards the development of solidarity-based migrant integration programs. One practical implication of forming a network and collaborating with municipal authorities has been the acquisition of physical meeting space from the city of Warsaw.

Even though migrant integration-concerned NGOs have fostered collaboration with each other and with municipal authorities, the adequacy, innovation and sustainability of projects varied. There have been too many ambivalent projects whose outcomes are difficult to immediately assess and too few pragmatic projects addressing migrants' immediate needs. Unless project design improves, it may be difficult for Polish migrant integration-concerned organisations to secure new funding.

There has been a slow formation of multi-stakeholder solidarity network concerning migration in Poland on the municipal level. With the support of Polish and international funding a number of projects were launched.

Participate in Poland

Participate in Poland recognises that Poland attracts increasingly more migrants and that these migrants are becoming a part of Polish society and economy. The project convinced Polish teachers to sign the Council of Europe Convention on the participation of migrants in public life on local level and in local elections. The project aimed to:

- Educate Polish society about Poland's historically multicultural character and the need to revive multiculturalism;
- Strengthen representation of migrants' interests in civil society and municipal government;
- Involve migrants in municipal-level migration policymaking

- Facilitate migrants economic, social and political integration programs, including through local voting rights.

Neither the project website nor the Facebook account has been updated since September 2014. Thus it is uncertain which of its stated goals have been carried out. Some project actions were carried out successfully thanks to the funding from authoritative donors, but the long term purpose of those projects remains questionable.

Open Cities

Open Cities project aimed to identify municipal authorities-civil society partnerships across Poland. It focused on eight cities where municipal policies concerning migrants were considered significant: Warsaw, Krakow, Wroclaw, Poznan, Gdansk, Lodz, Bialystok and Lublin.¹¹ The initiatives identified by the project as possible best practices had to be run or co-run by local or municipal authorities, have long-term effects and be innovative. In 2015 the jury distinguished initiatives that promoted:

- Multiculturalism;
- Incorporation of migrants in Polish schools and their employment by local administration;
- Migrants' access to social assistance;
- Collaboration between local authorities and research institutions'.

Warsaw

Warsaw has the largest concentration and the most diverse number of migrants in Poland. However, the relatively high numbers of migrants have not been matched by adequate migrant integration policies.¹² The key step to multi-stakeholder collaboration fostering migrants' integration in Warsaw has been the development of the Multicultural Centre. In 2016 a

Committee to coordinate integration initiatives run by Warsaw Municipal Office, foster intercultural dialogue and education, and prevent social exclusion was established. It is open to ad hoc participation by civil society.¹³

Warsaw Municipal Office supported families living in a refugee centre, multicultural workshops and foreigner-friendly services by local administration. The municipality is aware of limited funding, short project duration and weak participation by migrants. The authorities suspect that migrants, particularly in an irregular status, may be unwilling to participate in the initiatives affecting them due to the lack of time and fear of being deported. Poland has carried out periodic legalisation of migrants, the policy that civil society has supported and advocated for.

Warsaw municipal authorities prided themselves in *not prohibiting* foreigners from contributing ideas to the municipal development programs.¹⁴ In collaboration with civil society the municipal authorities also introduced a clause in the rental agreement preventing restaurant and bar owners from discriminating against migrants.¹⁵ While useful, those small initiatives do not address the key policy imperative – that of recognising all migrants (whether short-term workers, asylum seekers or students) as potential settlers and providing them with enough support to facilitate long-term stay. For instance, foreign students used to be recognised as temporary visitors who would go home upon graduation. However, the non-OECD students have been found to be an important source of high-skilled settlers in the OECD countries.¹⁶ Having completed studies they are allowed to remain in the country for a specified period of time to look for a job. If they find it and the employer is willing to extend their work contract, these students can adjust their status from a migrant to a settler. The likelihood of settlement calls for a number of programs that universities, NGOs, municipal authorities and foreign embassies could collaborate on. In Poland, Warsaw attracts the

greatest number of non-OECD foreign students and thus potential settlers.

Krakow

Krakow Municipal Office encouraged NGOs and city boroughs to develop anti-discrimination projects. This attempt was a long-awaited answer to the 179 registered cases of xenophobia, antisemitism and homophobia-related vandalism registered between 2007 and 2011.¹⁷ Most hate crimes targeted Jews and materialised through vandalism. The “culture” of discrimination, latent in Polish society due to the tacit approval by authorities and some church leaders, requires education and multi-stakeholder collaboration. However, anti-discrimination actions remain ambivalent.

Lublin

Lublin authorities acknowledged the gap between stated integration policy goals and the funds available to implement them in practice, thereby explaining why in Lublin (and elsewhere in Poland) migrant integration projects look more impressive in the planning than the evaluation stage. They explained, however, that this difficulty could be overcome through greater collaboration between municipal authorities and other partners in order to pull resources.

A Cultural Support and Diversity Management Group was established in Lublin. The group consists of representatives of municipal government, family support centre, cultural institutions, police and NGOs. It mapped out migrants and minorities and began to formulate policies based on the best practices learned from Neuchâtel.¹⁸ A Foreigners’ One Stop Information Point in the city’s Office of Residential Services was established. Previously, foreigners had to report to a larger number of officials, many of whom spoke Polish only and were

not used to servicing foreigners. The Point itself found it difficult to employ qualified staff, so greater collaboration with NGOs or employment of migrants would have been useful. The Office aimed to tighten collaboration with other institutions dealing with foreigners, including police, regional office, and universities.¹⁹ The municipal Lublin government earned nationwide distinction when it employed two Ukrainians, one of whom completed her entire studies in Lublin. According to municipal authorities, the two Ukrainian employees would strengthen the municipality's ability to attract, integrate and retain Ukrainian students and entrepreneurs.

As the number of immigrants in Polish localities increases, Polish local authorities may consider more pro-active steps in recruiting foreigners, particularly where their skills could increase the effectiveness of their services. It is also important to consider strategies for the employment of foreigners who are not as well integrated as Ukrainians.

In 2013 Lublin launched "*Study in Lublin*" project. The project aimed to attract foreign students through a multilingual information portal and greater information support after arrival. The initiative focuses on the former USSR students. This narrow focus may be missing students from other countries whose contribution to the Polish economy would be needed in the future, notably IT-educated citizens of India. The focus on the culturally similar former USSR citizens also belies the true challenges associated with a truly multicultural integration policy.

Attracting foreign students is important, but it does not necessarily mean greater openness, unless it is open to students from culturally-diverse milieus and goes beyond the activities that any international students' office does. The Open City jury noted that municipal governments should actively support university efforts to attract foreign students, especially in the context of Poland's demographic and the labour market demand

for people. Municipal government could facilitate contact with employers so that these students and employers would find it easier to strike working relationships with each other following graduation.²⁰

Municipal Social Assistance Offices can provide more extensive protection as long as they have secured funds. Funding uncertainty posed a question about what programs to design so that they can meet their purpose and what programs to forego, if there is a danger that they would need to be discontinued. Looking at migrant-assistance programs in Lublin and other parts of Poland, housing to families with minor children proved so useful that they were extended even when their original funds ended. Labour and language training programs did not attract as many migrants as expected despite their potential importance. Integration workshops, social activities and psychological counselling had ambiguous outcomes that could not be readily evaluated. Integration activities placed some emphasis on migrant children. While their outcomes could not be readily seen, they have potential, as long as these children are going to stay in Poland.

One reason why labour market training activities did not attract as many participants is that most of Lublin's migrants are Ukrainians, many of whom know Polish and rely on their own networks.

Thus any integration activity should be based on research and consider the needs of the specific target group. Municipal officials would benefit from partnering with research institutes to obtain information on when, where and how to support migrants. Collaboration with the research community would also strengthen the proposed programs' likelihood to obtain funding.

Gdansk

The Multi-stakeholder Immigrants' Integration Model Team set up by Gdansk authorities aimed to coordinate actions of various entities dealing with migrants' integration. In the short term it aimed to attract foreign students. It spelled goals and created a website. But as of 2015, the 2012 website was not updated and the goals were overlapping, vague and not innovative.

It seemed that too many educational initiatives in Poland run solely by universities focus on admitting foreign students without doing much to promote their integration and diversity. If diversity was the goal, the universities would open themselves to students from more diverse countries of origin. While municipal governments and NGOs cannot decide for the universities whom to attract, they can help these universities to harness the multicultural potential of the students attracted. Municipal governments may help to promote diversity by co-sponsoring cultural events and by helping students to find off-campus housing and employment opportunities.

Poznan

Between 2009 and 2011 Poznan aimed to attract and integrate immigrants. Some projects turned out to be too ambitious or too expensive to carry out. Others did not seem to be ambitious enough. Poznan's efforts to promote multiculturalism turned out to be more successful in attracting foreign students. Unlike other municipalities in Poland, Poznan recognised the need for a proactive student recruitment policy by promoting the city universities at the international fairs and attempting to retain international alumni.²¹

A migration research centre at Adam Mickiewicz University of Poznan carried out a project aimed at fostering migrant-integration knowledge exchange in collaboration with Munich local authorities. The project encouraged employers to contract

migrants. Also municipal authorities' staff were trained how to provide better customer service to foreigners.²²

Wroclaw

Supported by the European Commission and seven other (Polish) funding sources the representatives of Wroclaw migrant-concerned community have developed a Multilanguage website which could be considered a "welcome package" for new foreign residents – "*Infolink*". Furthermore, Wroclaw carried out workshops to familiarise Polish and foreign children with each other' cultures.²³ Children are easy to access, working with them is inexpensive and does not require significant expertise. But the effects of programs focusing on children do not address immediate integration goals. Thus any community should have a good balance between projects targeting children and those targeting adults, because it is the (native) adults who vote or provide jobs and the (foreign) adults who need support integration in the labour market and into society.

Wroclaw gave migrants entrepreneurial training and taught them basic IT skills.²⁴ While keenly appreciated by migrants, individual assistance in filing in forms turned out to be unsustainable and demonstrated an inadequate use of resources and short-sighted planning. Polish administration should simplify forms and translate them into different languages rather than spend all the project money on short term individualised assistance.

Bialystok

Bialystok witnessed a series of hate crimes featuring destruction of objects of cult, violence and arson.²⁵ Hence, Bialystok municipal authorities began to monitor hate crimes, established an alarm hotline and distributed brochures aimed at fostering migrants' integration. School lectures and an art exhibition aimed to

educate the local population about the region's multicultural past.²⁶ The conservative population of Bialystok protested against the opening of asylum seekers centres in the region. If Poland were to demonstrate European solidarity, the centre would be opened. The key reason for the opposition of local communities to the admission of migrants is the high unemployment rate in this primarily agrarian part of Poland. None of the programs discussed so far and implemented in other parts of Poland are likely to be effective enough to address the issue of unemployment.

Country-wide initiatives

Infomigrator is a website created to provide migrants with as comprehensive information about resources available to migrants as possible, including through a migrant radio (imiradio). It was developed by three NGOs, with the support of multi-donor funding from European and Polish sources. The project aims to facilitate cultural integration of migrants in Poland by educating Polish society that Poland had historically been a multicultural land and espousing multiculturalism again is legitimate. Among the specific means used to achieve this goal are information campaigns as well as cultural heritage activities. The project staff also assist migrants in better understanding Polish migration legislation affecting them (legalisation of stay, work permits application, administrative support in business development).

Multisector fora on labour migration policies

The fora are a series of annual debates about the role of migrants in Polish society. They attempt to gather representatives of central and local government authorities, civil society and migrants themselves in order to generate multi-stakeholder policy recommendations.

Migrant education

Poland has a smaller proportion of migrant children than other Western European countries. But the municipalities with the fastest growing numbers of migrant children – notably Warsaw – have recognised the need to integrate migrant children. Curricula incorporated diversity promotion elements and schools started to seek teachers with cross-cultural competencies. More expansive actions have been stemmed by limited funding.

The Polish educational system provides mandatory schooling to all children, including migrants. However, the curriculum requires prior familiarity with the Polish language and culture. Furthermore, public schools struggle to attract and retain staff with multicultural teaching competencies. Given the slowly adapting curriculum and limited school budgets, schools and NGOs agree that integration of migrant children should be promoted in schools and in communities.

One factor that accelerated thinking about the integration of migrant children has been the expectation that increasingly more migrant children will be of culturally distant backgrounds. While Ukrainian or Vietnamese children learned Polish quickly and were familiar with the type of education provided by Polish schools, there was a fear that this would not be the case with the children of refugees who lagged behind in schooling due to war or cultural norms.

To adequately address the increasingly more difficult integration, as well as to overcome budgetary constraints, Warsaw schools sought to collaborate with NGOs and municipal authorities. Certain private schools approached diversity as an opportunity rather than a challenge rightfully marketing classes with foreigners as increasing their Polish students' cross cultural competencies.

The Syrian crisis has posed a new challenge. Children of war refugees do not have the same competencies as children of

economic migrants. Islamic education emphasised other issues than Polish education and disadvantaged girls, both empirically and behaviourally. Collaboration with parents who do not know Polish, are unemployed, and stuck in an unregulated status, further complicates the integration of migrant children.

Key lessons

The fundamentals of the migrant-integration concerned solidarity network in Poland have been explained. However, there is considerable work ahead for the network to make its impact sustainable, especially in the new political context. The solidarity network is not homogenous. Like a collection of university students, it consists of a mixture of freshmen, sophomores, juniors and seniors who differ by their social, political and economic resources and thus its ability to act independently and make a long lasting contribution to migrants' integration. In the most fragile extreme, the "freshmen" organisations remain lethargic or exist only in virtual spaces, e.g. as Facebook platforms. Some were created to fulfil a very specific purpose and may disappear when this purpose is achieved. Others may evolve and start to affect migrants' integration in more durable ways. In the strongest extreme, the "seniors" are a permanent feature of Polish civil society. As international organisations, they can be powerful policy shapers. They can also guide less established members of the solidarity network and help them obtain funds. But their day-to-day input to the network's action may be limited by their specific missions, procedures, relationship with the Polish government and focus on larger programs. In between the two extremes are the so-called "juniors" and "sophomores". The programs of these organisations have been the focus of this report. These organisations are established and interact with migrants frequently enough to understand their needs.

In early 2016, the sophomore/junior type of migrant organisations evolved in Polish cities with a sizeable migrant community. However, not all of their projects have made a difference. The key to their effectiveness lies in solidarity, i.e. the ability to act as a network rather than individually, and to develop project proposals strong enough to secure stable funding free from political pressures of Poland's ruling party. In Warsaw major migrant-concerned NGOs partnered up with city authorities to discuss migration policy issues and projects. The onset of the humanitarian crisis has galvanised the committee to meet on a monthly basis since 2016. Prior to the crisis the network members formulated policy recommendations and discussed projects.

The strengthened collaboration between NGOs themselves and the NGOs and municipal governments is an important step forward. So are some of the projects implemented so far in Warsaw and other parts of Poland. However, there are two reasons why there is an urgent need for more coordinated collaboration between the network partners and for new programs: 1) the transformation of the political context in Poland and abroad; 2) the transformation of migration flows to Poland.

Migration scholars agree that there is a link between migration and security (Castles et al. 2013). However, contrary to what the right wing politicians claim, this link is to a much larger degree conditioned by the host states' integration policies rather than jihadism. France has already been experiencing social tension involving migrants since the late 1960s. The tension was caused by a combination of factors, but most notably migrants' concentration in ethnic ghettos, limited ability for labour mobility and an assimilationist integration model. In other words, what is often referred to a link between "migration" and security is really a link between "migrants' integration" and security.

The hardening of migration attitudes following Poland's last election has posed a new challenge: increasingly more people

have been led to believe that there are welcome and unwelcome categories of migrants and that once any of the unwelcome migrants are admitted, Poland's security will be threatened. The welcome migrants are ethnic Poles and culturally close Christians, mostly Ukrainians. The unwelcome migrants are non-Christians and any culturally-different people (e.g. Roma) who do not fit with the ruling party's notion of Polish values, including sexual orientation – thus also ethnic Poles who may have adopted progressive values.

Unless Poland opts out from the basic principles of European solidarity concerning migration and respect of human rights, it will need to improve its integration policies, at least along the lines recommended by MIPEX. The projects that migrant-integration network will develop in the near future should dovetail with those changes.

The programs implemented by Polish NGOs served their purpose in the context of depoliticised migration of allegedly “welcome” migration (migrant workers from culturally-close countries of origin). They will need to be refined to continue to serve the purpose in the context of politicised migration of allegedly “unwelcome” migration (asylum seekers from culturally-distant countries of origin).

The key lessons from the emerging solidarity on migrant-integration in Poland are:

- Each Polish city with a sizeable migrant community also has a sizeable NGO community to assist those migrants. The resources available to Poland's rural migrants are much more limited. The NGOs have not yet reached rural areas, which may be because most migrants in rural areas work and reside there seasonally. However, the proportion of migrants employed in rural areas over the course of the summer exceeds those employed in urban areas. The migrants working in agriculture are more likely to be affected by substandard working and

living conditions and they have limited channels to report concerns. Apart from domestic services, agricultural workers tend to suffer the most deprivation. Migrant-integration NGOs should leave their urban comfort zone and test the demand for their services in rural settings. The rural migrant workers are not provided with adequate housing. The same problem affected other EU countries, notably Italy and Spain, so there is the possibility of cross-country learning.

- The urban-based NGOs appear to have taken an easy path by focusing their resources on promoting multiculturalism among migrant and Polish children. Instilling multicultural attitudes among children is important, but it is not as urgent as among the adults. The paucity of programs directed at Polish adults may facilitate their vulnerability to radicalisation. The paucity of programs directed at foreign adults may deprive them of the resources to protect themselves against social and labour discrimination. More needs to be done to protect female domestic workers. Also the urban projects aimed at preventing migrant discrimination focused on the prevention of very rare cases. The key form of discrimination that migrants face does not concern access to restaurants or discos, but to housing. Polish cities are yet to come up with the ways on how to convince landlords not to discriminate against migrants.
- Whether directed at children or adults, far too many programs have had ambivalent, too broad or weakly innovative objectives (e.g. “increase multicultural awareness”). This may be one reason why there is more publically-available information on the program proposals than reports on their outcomes. Some of the migrant-integration projects websites have not been updated or their websites are inaccessible.
- The relative ease of obtaining funding has resulted in many relatively weak programs. Paradoxically one positive

implication of narrowing funding resources should be pressure to focus on fewer, less overlapping, more coordinated, more sustainable and both policy and research oriented projects in the future.

- The most successful migrant-integration projects seem to be those which included an element of cross-national or cross-European collaboration, e.g. collaboration between Polish and Western European municipal authorities on migrant integration practices. These projects are also more likely to secure funding.
- Research communities have been a missing link in Polish solidarity in migrant integration and underutilised in the projects implemented by NGOs and municipal authorities. This has resulted in migrant integration research being insufficiently connected realities on the ground and in policies taken in the context of insufficient scientific understanding of migrant-integration in Poland. As project funding becomes increasingly more competitive, proposals including a clear collaboration between researchers, NGOs and public administration increase the chances of getting sponsored.
- Focusing on the projects serving migrants, network participants have not paid sufficient attention to their own training. To increase the chances that the members of the migrant integration concerned network obtain project funding and carry out increasingly more useful programs, they should postulate for funds allowing the expansion of their own competencies. For instance, Polish municipal authorities, public employment services or public schools put in charge of implementing migrant-related projects appear to have lacked the staff with multicultural and language competencies.

Endnotes

- 1 OECD, *International Migration Outlook 2015*, 2015, <http://www.oecd.org/migration/international-migration-outlook-1999124x.htm>, p. 237.
- 2 Eurostat in MIPEX, 2016.
- 3 MIPEX measures migrant integration policies in 38 states, EU members and selected number of non-members. It is based on 167 policy indicators. Increasingly more policymakers, researchers, NGOs and even international institutions have cited MIPEX to understand and compare national integration policies and improve migrants' integration standards. For more information on MIPEX methodology see: www.mipex.eu/methodology.
- 4 OECD, *International Migration Outlook 2015*, 2015, p. 237.
- 5 A. Izquierdo Escribano, *Inmigración Inesperada*, Trotta, Madrid 1996.
- 6 J. Suchocka, M. Urzędowska, P. Pacewicz, *Polska dla Polaków. Dwie trzecie Polaków nie chce u nas więcej imigrantów*, [in:] *Gazeta Wyborcza*, 25 October 2013.
- 7 These included Association of Legal Intervention, Institute of Public Affairs, and Foundation of Development without Borders, Local Knowledge Foundation and Helsinki Foundation for Human Rights.
- 8 HFHR, *Submission to the 84th Session of the Committee on the Elimination of Racial Discrimination*, Helsinki Foundation for Human Rights, 2014 http://www.hfhr.pl/wp-content/uploads/2016/03/INT_CERD_NGO_POL_16285_E.pdf, p. 7.
- 9 The Helsinki Foundation was established in Warsaw in 1989 to guard human rights in a newly democratising Poland. Since then the Foundation has evolved as one of the most active human rights fostering NGOs in Poland and some of the ex-USSR states, including Ukraine and Belarus.
- 10 MIPEX, 2015.
- 11 Fundacja Inna Przestrzen, *Miasta Otwarte*, 2015, p. 7.
- 12 Fundacja Inna Przestrzen, *Miasta Otwarte*, 2015, p. 45.
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- 14 *Ibid.*, p. 150.
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- 20 Fundacja Inna Przestrzen, *Miasta Otwarte*, 2015, p. 243.

- ²¹ Fundacja Inna Przestrzeń, *Miasta Otwarte*, 2015, p. 148.
- ²² AMIGA, Active MIGrants on the labor market – a German-Polish cooperation, www.cebam.amu.edu.pl/en/projects/cebam-projects/108-amiga-active-migrants-on-the-labour-market-a-german-polish-cooperation.html.
- ²³ Fundacja Inna Przestrzeń, *IV Forum ds. Lokalnych Polityk Migracyjnych we Wrocławiu*, 2015.
- ²⁴ Fundacja Inna Przestrzeń, *Miasta Otwarte*, 2015, p. 98.
- ²⁵ J. Klimowicz, J. Medek, *Rasizm już niebezpieczny. Co się zmieniło w Białymstoku po atakach na cudzoziemców?*, [in:] *Gazeta Wyborcza*, 23 April 2014.
- ²⁶ Fundacja Inna Przestrzeń, *Miasta Otwarte*, 2015, p. 44.

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THE COOPERATION BETWEEN THE STATE INSTITUTIONS AND CIVIL SOCIETY ORGANISATIONS IN SERBIA IN THE REFUGEE CRISIS

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Serbia only became seriously affected by a migration flow in 2015. Thus, the policies regarding asylum and integration are still underdeveloped. In previous years, Serbia hosted a few thousand asylum seekers in four asylum centres, but a small number of people have obtained legal status. A few civil society organisations assist refugees and asylum seekers, but their activities are confined to the provision of legal advice and humanitarian aid. In general, the CSOs in Serbia are not involved as a stakeholder in discussions with the authorities. The specific goals of this paper are to outline the current context, to present the most urging issues for the CSOs, and to discover what kind of cooperation, and in which areas, CSOs want with the authorities.

The context

The Republic of Serbia has had an independent asylum system since 2008, when the Border Police Department overtook the mandate from UNHCR. Since 2008, only 48 asylums have been granted out of it, 30 were granted in 2015. Nonetheless, the

system is dysfunctional as there is, first of all, a huge discrepancy between the number of people applying for asylum and those who are granted asylum. To illustrate this, two people were granted asylum and one person subsidiary protection out of 74 who submitted an official request, and 4,257 who expressed an intention to ask for asylum in the first half of 2014.¹ There are two main factors behind the extremely low number of granted asylums. First, a vast majority of migrants do not see Serbia as a final destination, and their ultimate goal is to reach some of the EU countries.² Second, Serbian officials also aim to keep Serbia solely as a transit country.

Furthermore, the Serbian asylum procedure lasts an unreasonably long time. Some people spend up to two years waiting in the asylum centres prior to the decision. The reason is that so-called "confirmation about the intention to ask for asylum", issued by the police during the first contact with an asylum seeker, is not a starting point of the asylum procedure. It is solely a legal basis for entering one of the asylum centres. Afterwards, a person cannot apply for asylum independently, but must wait for the employees of the Asylum Office to visit the asylum centre. The asylum seekers are accommodated in just five asylum centres: Krnjaca, close to Belgrade; Banja Koviljaca and Bogovadja in central Serbia, and Sjenica and Tutin in a predominantly Muslim region of Sandzak, and officials of the Asylum Office visit the centres out of Belgrade only several times a year.³

Moreover, the vast majority of asylum applications are rejected on the basis of the principle of the safe third country. In spite of UNHCR's argument that Macedonia cannot be considered a safe third country and that Greece does not have an effective asylum system, for Serbian authorities all neighbouring countries are safe. However, the Serbian Asylum Office passed 42 decisions in 2012, and they all were negative on the basis of the safe third

country⁴ (it means that in practice, Serbian authorities do not respect the principle of non-refoulement, as stated in Article 33 of the 1951 Refugee Convention).⁵

Zimmerman makes a distinction between initial and secondary refugee movements. The initial refugee movements refer to a primary move to a place of safety: *Irregular secondary movements are ones that occur from initial areas of safety to newer destinations.*⁶ In the Serbian case, virtually all asylum seekers belong to the secondary refugee movement. Accordingly *safe third country policies have been used in particular in an attempt to transfer responsibility back to earlier "safe" points of entry.*⁷ In this case, being Macedonia and Greece. It leads to a possibility of "chain" refoulement, which contradicts Article 32⁸ of the 1951 Convention. According to Legomsky, this is *the problem of "orbit" – refugees who have escaped from persecution or from other trauma, only to be shuttled consecutively from one country to another. There is a more serious problem of "chain" refoulement, in which the third country, in turn, refoules the person to his or her persecutors in the country of origin.*⁹

Furthermore, the Serbian Parliament has passed relevant laws regarding asylum and migration, such as the Law on Asylum (2008), the Law on Foreigners (2008), the Law on the Protection of State Border (2008) and the Law on Migration Management (2012). Nonetheless, neither at national nor local level has Serbia developed and applied policies on migration and integration.¹⁰ An additional reason for a lack of policies at the local level is a discrepancy between the different levels of authorities due to the various political parties being in power. It is not only the fact that the local authorities do not participate in forming the policies, but their representatives are even, in some cases, also openly against the opening of asylum centres in their municipalities. Such cases are numerous. For instance, 1,000 people gathered at the protest against the opening of an asylum centre in a village 7km away

from their city Mladenovac, and they were led by the president of municipality Dejan Cokic from the Democratic Party. According to his statement, the protest was supported by presidents of municipalities Vracar, Topola, and Smederevska Palanka.¹¹ In this very case, the oppositional Democratic Party protested together with the right wing movement Dveri.¹² It is indicative that the goal of the protest was to send a message to the government that local municipalities do not have sufficient capacity and infrastructure to host asylum seekers. It demonstrates a lack of communication between different levels of authorities, particularly when they are held by different political parties. However, since summer 2015, the media reports and public speeches of politicians have overall been in line with the government's efforts to present Serbia as a "good" state, in particular against the "bad" states, such as Hungary or Bulgaria, for instance. It means that the media has emphasised the humanitarian aspect of the migration ("people who lost everything") and the humanism of Serbian citizens. Incidents, such as the statement from the president of the Municipality Kanjiza Mihalj Bimbo, which said that *foreigners do not have the basic elements of intelligence and culture*, were very rare.¹³

At this moment, there are not enough immigrants residing in Serbia to develop and implement integration plans and policies at the local level. Besides, as can be inferred from the public protests of local authorities against the opening of asylum centres in their municipalities, it is apparent that the local authorities have not been involved in the decision-making process at the national level. They are simply executants of decisions made by the government. As Stojic Mitrovic summarises, *Serbian migration practice is the result of often conflicting policies at regional, state and local level. Serbian aspirations to become a member of the EU led to the adoption of laws and the implementation of practices for which local institutions, personnel, and people were not adequately if at all prepared.*¹⁴

As Brkic and Stankovic argue, Serbian *migration management and integration policy* are primarily characterized by being focused on problems and needs of refugees and internally displaced people¹⁵ meaning ethnic Serb refugees from Croatia and Bosnia-Herzegovina and IDPs from Kosovo.¹⁶ The comparable approach has been applied to the increased number of asylum seekers and people transiting Serbia – fulfillment of their basic needs, but without providing incentives to stay or plans to foster integration. In 2015, according to the Commissariat for Refugees and Migration, 579,518 people from the Middle East and Africa passed through the Serbian border. Thus, whereas the Serbian asylum system is highly dysfunctional, the authorities in cooperation with the civil society have so far made a significant effort into facilitating the transit of people towards the EU.

Hence, the goal of this paper is to describe the actual cooperation between the Serbian state and CSOs and to propose recommendations for its improvement. The paper is divided into three parts. First, it outlines the cooperation between the civil sector and state authorities and institutions. Afterwards, it presents a case of the Asylum Info Centre in Belgrade as a best practice of collaboration between local authorities, local CSOs, UNHCR, Save the Children, and state institutions. Finally, the problems CSOs encounter in cooperation with state authorities and institutions are identified in the last part, and recommendations for improvements are given. The goal of the research was to explore and to collect information from people working directly in the field. Thus, the paper is based on the 15 semi-structured interviews with representatives of CSOs, the asylum centre in Krnjaca, and activists and volunteers. The interviews were centred around the following topics: activities of the organisation; experiences with different state authorities and institutions; main problems, and their ideas for the enhancement of cooperation, and it allowed the respondents to focus on the

issues most important to their organisation. The respondents were reached through personal contacts and a snowball method. All examined CSOs are based in Belgrade. The list of participating organisations is given in Annex 1.

The modes of cooperation between the state institutions and the civil society

Regarding the cooperation between the state institutions and the civil society, it is crucial to distinguish between large international organisations (i.e. Danish Refugee Council, Doctors without Borders, WAHA – Women and Children International, Caritas, the Workers’ Samaritan Foundation, UNICEF, and Red Cross.), national foundations (Ana and Vlade Divac Foundation) and small local organisations. The cooperation between the state and the large organisations takes a form of a partnership. The reason is that the state is dependent on the large organisations due to their financial and human capacities.

During the refugee crisis, the state has most heavily depended on the civil sector in the provision of medical aid. Primarily, Doctors without Borders, Danish Refugee Council (DRC), and WAHA – Women and Health Alliance International – are in charge for the provision of medical help in asylum centres and at critical points, such as borders and the park next to the train station. WAHA and DRC are the implementation partners of UNHCR. Their activities are coordinated in the sense that there is no overlapping of activities of WAHA and DRC in the border areas. DRC operates in Belgrade and Presevo (Macedonian border), and WAHA in Sid (Croatian border) and Dimitrovgrad (Bulgarian border). WAHA also works with local primary health care units and employs previously unemployed medical staff from local communities. The Ministry of Health coordinates the work of organisations and local primary health units. Also,

the Ministry of Health provided official letters of support to the participating organisations.

Furthermore, asylum centres are connected to municipal primary care units, and the free health care is provided to asylum seekers. Nonetheless, only one doctor is permanently employed in Krnjaca, and when his shift is over, the Doctors without Borders are present in the centre. Besides, the necessary medicines are provided through the donations of the Danish Refugee Council and Ana and Vlade Divac Foundation and other large organisations.

Moreover, during 2015, Serbia opened 17 transit centres for immigrants providing temporary shelters, and this would not have been possible without large organisations. To give some examples, DRC built the centre in Presevo (Macedonian borders) and the Workers' Samaritan Foundation in Subotica (Hungarian border).

On the other hand, local CSOs are mostly independent in designing and implementing activities, and they cooperate with the institutions when necessary. Besides, when it comes to cooperation on the drafting of laws and strategies or the provision of training courses to state employees by the CSOs, the initiative comes from the local CSOs, donors, or the EU. What is more, the state authorities overall agree to participate in such initiatives due to the position of Serbia as a candidate country for the EU. Serbia established an independent asylum system and passed the law on asylum as it was required for the visa liberalisation for Serbian citizens. Accordingly, representatives of state institutions play a part in the aforementioned initiatives to fulfil Serbia's obligations stemming from the EU integration process.

Some prominent local CSOs (NGO Atina, Group 484, and Belgrade Centre for Human Rights), with a long-standing experience in their respective fields, are stakeholders in discussions and consultations at the national level, primarily regarding

the legal framework and drafting strategies and action plans. Accordingly, the Project Group was established by the Ministry of Interior in 2013 with a mandate to analyse legal regulations in the field of asylum and to propose a new draft of the law on asylum. The group consisted of representatives of the Ministry of Foreign Affairs, the Commissariat for Refugees and Migration, Ombudsman, UNHCR, IOM, Delegation of the EU in Serbia, the UN Office in Serbia, and the non-governmental organisations Belgrade Centre for Human Rights, Asylum Protection Centre, Group 484, and Zero Tolerance. Although it began as an excellent example of cooperation between state institutions, international organisations, the EU, and local CSOs, and Belgrade Centre for Human Rights and Group 484 prepared a draft of a new law, this group has not met since 2014 and the law has not been adopted.¹⁷ Similarly, NGO Atina participated in a working group for drafting the Strategy against Human Trafficking together with representatives of the Ministry of Interior in 2012, but this strategy has not been ratified by the Parliament. As with the passing of relevant laws, drafting of specific strategies is frequently a result of the necessity to fulfil international obligations, primarily as a part of the EU pre-accession process.

An important aspect of the cooperation is the training provided to state employees by the CSOs, particularly NGO Atina, Group 484, and Belgrade Centre for Human Rights (BCHR). Group 484 and BCHR conduct training for state employees - policeman, judges, doctors and nurses, social workers, and educators - about the refugee law, international norms, and procedure of conduct, treatment of unaccompanied minors, etc. It is important to emphasise the training given to the judges. As the Law on Asylum is in a collision with the Law on Foreigners and the Law on Protection of State Border, the judge should give primacy to the Law on Asylum, which in practice means that a person must not be sanctioned for the illegal crossing of the border. However,

such projects are typically financed by foreign donors and have as a goal the raising of state employees' capacities and bringing issues of asylum and integration into the political and public debate. To illustrate this, a joint project of Group 484 and BCHR "*Networking and Capacity Building for More Effective Migration Policy in Serbia*" (2015), supported by the Royal Norwegian Embassy in Belgrade, focuses on the dialogue and networking between CSOs and institutions with an aim to *reach consensus on necessary legislative changes based on CSOs' Draft Law on Asylum proposed in 2014*.¹⁸

Although the practical results of discussion and consultations in drafting policies on migration and integration have so far been scarce, Serbian CSOs closely cooperate with the state authorities and institutions on an everyday basis. To summarise, CSOs cooperate with police, the Commissariat for Refugees and Migration, centres for social work, primary health care units and hospitals, asylum centres, courts, centres for the accommodation of unaccompanied minors in Belgrade and Nis, city administration, and schools.

Significant cooperation occurs between asylum centres and CSOs. CSOs are quite independent in designing and implementing their activities in asylum centres, whereas the directors of asylum centres approve how the proposed activities are conducted. Hence, different CSOs conduct psychosocial workshops, provide legal advice, organise language courses, and bring aid to the centres.

The cooperation with city authorities of Belgrade is largely confined to issues of permission, such as permission to set up a little wooden house in the park given to Info Park, or permission to set up toilets in a park next to the central bus and train station in Belgrade, where during the summer of 2015 a great number of migrants used to gather. Furthermore, groups such as No Borders Serbia, who regularly serve tea and cook food to migrants in the

park, obtain permits to organise such an event from the local police station. Similarly, the main aspect of collaboration with the Commissariat for Refugees and Migration (KIRS) is that KIRS issues permissions to visit asylum centres and conduct activities there and access border areas. All CSOs cooperate with the police, as their members assist people during the registration process.

Group 484 in the scope of their educational program “Us and the others”, accredited by the Ministry of Education, organises seminars for teachers on migration issues and exhibitions together with cultural institutions. The topics of the seminars are various, including “*Childhood in the refugee conditions*” and “*My aunt from the US*” aimed at mapping migratory itineraries through family histories. The impact of the program is significant, as the teachers are obliged to repeat the attended workshops with their students.

The Balkan Route was officially closed on March 8, 2016. The number of immigrants entering Serbia decreased, but the route has not ceased to operate. What occurred is the re-criminalisation of it. Transit became more expensive and dangerous and relying on the smugglers is inevitable. However, state institutions and international and local organisations are still present at the border areas, providing assistance and aid. The following section presents the Asylum Info Centre as an example of good practice at the local level.

Asylum Info Centre: Good practice at the local level

The Asylum Info Centre is an example of a relatively good practice of cooperation, within the limited conditions of the current system, among the local authorities and civil sector, as well as among different CSOs. It was established in August 2015 as a joint initiative between municipality Savski venac and a group of CSOs (ADRA, Belgrade Centre for Human Rights, and

KlikAktiv), and it is financially supported by UNHCR. Besides, the Centre cooperates with Save the Children, NGO Atina, and state institutions.

Space, where the Centre operates, is provided by the municipality. Nonetheless, its support and activities stop there. The Info Centre, located in the main street in front of the central train station in Belgrade, represents, according to project assistant Maja Dragojevic *a mediator between the rights and practices; It mediates between beneficiaries and options they have in Serbia.* The goals of the Centre are to provide information necessary for the incorporation of migrants into the system, to deliver services to beneficiaries, and well as monitoring and referral to the partners. The incorporation into the systems begins with registration at the nearby police department for foreigners. The following services are offered:

- *Cultural mediation.* There are 12 cultural mediators employed in the Asylum Info Centre. They are not solely translators in Urdu, Arabic, and Farsi. Rather, their main function is to mediate between beneficiaries and the system, the representatives of the state institutions and a new culture. More precisely, it means accompanying the beneficiaries to the Foreign Police Department to complete the registration process, taking them to an asylum centre in Krnjaca, and accompanying them when necessary to the doctor.
- *Psychological support.* Volunteers from KlikAktiv provide first psychological aid.
- *Legal aid.* First legal aid is provided. In addition, when cultural mediators and volunteers assume that someone has the intention to apply for asylum, the experts of the Belgrade Centre for Human Rights are invited. Subsequently, they accompany a beneficiary throughout all stages of the asylum procedure, including accompanying a client to the hearing. The cultural mediators are also present.

- *Provision of information.* Volunteers provide necessary information about the Serbian asylum system and their rights, as well as practical information.
- *Communication.* Free Wi-Fi and computers for migrants.
- *Medical aid.* Primary medical aid is provided by UNHCR in the park, whereas people from the AIC accompany people in need of secondary medical aid to state hospitals.
- *Non-food aid.* Aid in clothes, shoes, blankets, hygienic packages, raincoats, etc.
- *The safe place for children,* run by Save the Children, provides a safe space for families with children, where children can play and mothers can breastfeed them.

In February 2016, the International Organization for Migration began to conduct the return of people to their countries of origin, and they also work with the AIC.

Furthermore, on the way to Europe many women and children are victims of violence and sexual assaults (i.e. sexual violence within the family and by smugglers, sexual exploitation in Turkey, etc.). When cultural mediators assume that a person may be a victim of human trafficking, they contact NGO Atina. Experts from Atina work on detection and case management, which means that they assist a woman or child throughout the whole procedure. Furthermore, if a person continues a journey, which is the most common case, one of Atina's goals is to establish transnational referral mechanisms – to map organisations in all countries on the route which can help her. Thus, Atina has partners in the EU countries that continue to work with their clients. In addition, the Centre informs the Tracing Service of the Red Cross about missing persons and centres for social work about unaccompanied minors.

Also, the AIC significantly facilitates the work of the Asylum Centre in Krnjaca as it assists migrants during the registration

process with the police and acquiring of “confirmation”. It also closely works with the Refugee Aid Miksaliste, the main distribution centre of humanitarian aid, Info Park, whose volunteers provide the initial information and help to people arriving in Belgrade and other CSOs in the field.

Finally, the AIC has also served as a point where citizens and small CSOs can receive assistance. It is important to emphasise that during June and July 2015 citizens of Belgrade were the first to start collecting and distributing aid to refugees gathered in the park. Such are the initiatives of a non-formal group of citizens AlternAktiva and the newly-established NGO Defend and Support. During the summer their activists were visiting the parks and, commonly, when they encountered a person in a need of urgent medical help, they would take him or her to Asylum Info Centre, whose employees would take over the case. Hence, the Asylum Info Centre also represents a good practice of cooperation with activists and smaller CSOs.

Identified problems and recommendations

The main identified problems in Serbian migration and the asylum system in general and in cooperation with the civil sector are the following: a) dysfunctionality of the asylum system; b) a discrepancy between different levels of authority and a lack of autonomy of local levels; c) a lack of systematic communication; d) a lack strategic partnerships and a coordination of activities; e) slowness of state institutions to respond to emergency situations; and f) a reluctance of the state to accept and to conduct the integration of a larger number of people.

The basic problem is dysfunctionality of the Serbian asylum system. The first step is that the Asylum Office terminates the almost automatic application of the principle of the safe third country and to accept recommendations of UNHCR and other

relevant organisations. Besides, the work of the project group for drafting of a new law on asylum should be restored. It is necessary that civil society experts continue to educate people involved in the asylum process about refugee law. There is a pressing need to employ more skilled and competent personnel, primarily in the Asylum Office, to accelerate the asylum procedure.

The activities and impact of local authorities are rather limited, and they are often antagonistic to the central government, especially when the municipalities are run by opposition parties. Hence, it is necessary that the government passes a general strategy of integration so that local levels can further develop policies in line with the strategy in the partnership with local institutions, business sectors, and CSOs. What is more, stemming from the specificity of the emergence of the Serbian civil sector in the opposition to the Milosevic's regime in the 1990s, there remains a certain antagonism and a lack of trust between the state institutions and the civil society.

One of the most common complaints expressed by the representatives of the civil sector is a lack of coordination of activities among different state and non-state actors. The Serbian government established The Office for Cooperation with Civil Society in 2011. It is defined as *an institutional mechanism to support the development of a dialogue between the Serbian Government and CSOs*. Moreover, *The importance and role of the Office for Cooperation with Civil Society is reflected in the coordination of Government and CSOs cooperation, regarding the process of creating and establishing accurate standards and procedures for including the CSOs at all levels of the decision-making process.*¹⁹ Nonetheless, this Office has been completely absent during the refugee crisis. It means that the government has not yet used or already established an institutional mechanism to foster the cooperation in such extraordinary circumstances of *en mass* humanitarian crisis.

Moreover, representatives of Serbian CSOs do not receive relevant information directly from the state authorities, but through the media and non-formal methods of communications. One example is a sudden decision to only accept into Serbia nationals of Syria, Iraq, and Afghanistan. The majority of the CSOs did not receive this crucial information from the officials. As it was already underlined, CSOs do not cooperate with institutions, but rather with certain individuals within institutions, which makes the functioning of the state institutions highly personalised. In particular, representatives of local CSOs rely on employees from the institutions who are willing to cooperate.

As a result of the lack of systematic mechanisms and official and efficient mechanisms for communication, the CSOs, and specifically Atina, resolve the particular, individual cases. The representatives of the civil sector frequently point out that they have excellent cooperation with certain individuals within the state institution. However, they concurrently emphasise that cooperation and communication with the state representatives is heavily dependent on personal connections. Thus, it is important to establish an effective mechanism of communication that does not depend on personal relations.

Although the state relies on the civil sector, strategic partnerships are missing. Well-established NGOs, such as Atina, depend on project financing. They pay market prices for renting their safe house for victims of human trafficking and their social enterprise Bagel Bejlg, a restaurant run by former victims. Parliament has not yet passed a law on social entrepreneurship, which could play a crucial role in re-integrating Serbian returnees and asylum seekers as well. The state should financially support strategically important projects of public interest, such as a safe house for victims of trafficking and domestic violence.

Furthermore, as it was emphasised, the Serbian institutions neither have enough nor fully competent personnel. Nonetheless,

the state missed the opportunity to coordinate the activities of the local CSOs and to delegate tasks and responsibilities to local CSOs. The Government established a Working Group for Resolving Problems of Mixed Migratory Flows on June 18, 2015. It consists of five Ministries, but the representatives of the civil sector are not included in any form.

The issue of coordination and delegation is also paramount for any future integration of migrants. It is expected that this year Serbia will receive a quote of 5,000 to 10,000 asylum seekers, and inter-sectorial cooperation will be crucial for their successful integration. It must start with the speeding up of the asylum procedure and be followed by the coordinated development of activities in asylum centres, such as intensive language courses, continuous psychosocial support, assessment of their qualifications to foster their economic empowerment in partnership with the business sector, and continuation of professional training and education. Thus, it is necessary to include as soon as possible local CSOs into governmental and institutional working groups dealing with refugees, asylum, and integration.

Annex 1: List of participating organisations

Arbeiter-Samariter-Bund (The Workers' Samaritan Federation),
www.asb.de/en www.asb-see.org

AlternAktiva (informal group of activists)

NGO Defend and Support, www.facebook.com/odbranipodrzy/?fref=ts

Asylum Centre Krnjaca

Asylum Info Centre, www.facebook.com/Info-centar-za-azil-Asylum-info-centre-مركز-معلومات-اللاجئين-829831617114153/?fref=ts

Belgrade Centre for Human Rights, <http://www.bgcentar.org.rs/bgcentar/eng-lat/>

Danish Refugee Council, www.drc.org.rs

Group 484, <http://grupa484.org.rs>

Info Park, www.facebook.com/Info-Park-885932764794322/?fref=ts

Initiative for Development and Cooperation, www.idcserbia.org

Atina (NGO), Citizens Association for Combating Trafficking in Human Beings and all Forms of Gender-Based Violence www.atina.org.rs/en

Defend and Support (NGO), www.facebook.com/odbranipodrzki/?fref=ts

Refugee Aid Miksaliste, refugeeaidmiksliste.rs/about-us/

WAHA – Women and Health Alliance International, www.waha-international.org/

Endnotes

- ¹ *Centri za azil u Republici Srbiji*, 2015, www.kirs.gov.rs/articles/azilcentri.php?type1=38&lang=SER&date=0.
- ² To illustrate this, according to the director of Asylum Center in Krnjaca, only seven people currently residing there are interested in remaining in Serbia, and they come from Macedonia, Russia, Ukraine, Somalia, Ghana, and Sudan.
- ³ Belgrade Center for Human Rights, *Pravo na azil u Republici Srbiji*, Belgrade 2014, www.bgcentar.org.rs/bgcentar/wp-content/uploads/2015/04/Pravo-na-azil-u-Republici-Srbiji-2014.pdf.
- ⁴ Group 484, Belgrade Center for Security Policy and Belgrade Center for Human Rights, *Izazovi prisilnih migracija u Srbiji*, Belgrade 2013, http://azil.rs/doc/Izazovi_prisilnih_migracija_u_Srbiji_drugi_pogled_print_08_02_2013_1.pdf.
- ⁵ *No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom*

would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion, UNHCR, *Convention and Protocol Relating to the Status of Refugees*, 1951, Article 33.

⁶ S. E. Zimmermann, *Irregular secondary movements to Europe: Seeking asylum beyond refuge*, [in:] *Journal of Refugee Studies*, N° 1, 2009, p.74.

⁷ Ibid.

⁸ *The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order*, UNHCR, *Convention and Protocol Relating to the Status of Refugees*, 1951, Article 32.

⁹ S. H. Legomsky, *Secondary refugee movements and the return of asylum seekers to third countries: The meaning of effective protection*, [in:] *International Journal of Refugee Law*, N° 15, p. 572.

¹⁰ The Director of Asylum Center in Krnjaca expects that two young men, one from Ghana and the other Sudan will be granted asylum, with his recommendation. Moreover, they are already engaged as translators at the Center and the borders, and it is planned that they continue to work as translators. However, it is a sporadic, individual initiative, and it is important to underline that so far no one from this Asylum Center was granted asylum.

¹¹ M. Nikolic, *Demokrate i Dveri zajedno na protestu protiv azilanata*, [in:] *Blic*, 6 October 2014, www.blic.rs/vesti/beograd/demokrate-i-dveri-zajedno-na-protestu-protiv-azilanata/9n1ct5c.

¹² The Democratic Party is pro-European, whereas Dveri are known as traditionalist and conservative pro-Russian political movement close to the Serbian Orthodox Church.

¹³ *Predsednik Opštine Kanjiža iznosio diskriminatorske stavove*, [in:] RTV.rs, 22 December 2015, www.rtv.rs/sr_lat/drustvo/predsednik-opstine-kanjiza-iznosio-diskriminatorske-stavove_672349.html.

¹⁴ M. Stojić Mitrović, *Presenting as a problem, acting as an opportunity: Four cases of socio-political conflicts taking the presence of migrants as a focal object in Serbia*, [in:] *Glasnik Etnografskog Instituta SANU*, N° 1, 2014, p. 80.

¹⁵ M. Brkic and D. Stankovic, *Harmonization of asylum and integrations policy with the European Union legislation*, [in:] *Serbian Political Thought*, N° 2, 2012, p.67.

¹⁶ Their status is regulated by the Law on Refugees (1992) and different strategies.

¹⁷ Belgrade Centre for Human Rights, *Pravo na azil u Republici Srbiji*, Belgrade 2014, p. 54.

¹⁸ www.bgcentar.org.rs/bgcentar/eng-lat/projekti/.

¹⁹ The Office for Cooperation with Civil Society.

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THE SOCIAL THIRD SECTOR AS FACILITATOR OF CIVIL SOCIETY-LOCAL AUTHORITY RELATIONS IN ITALY: AN EXPERIENCE IN THE PROVINCE OF BOLOGNA

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Cooperative Society Lai-momo

In Italy, public authorities tend to outsource important services connected with the reception of asylum seekers to associations and social cooperatives. In June 2015, the regional government of Emilia Romagna issued a protocol on volunteering work activities aimed at asylum seekers, which moved from experiences in the field undertaken at national, regional and local level, and was also the result of a drafting process that involved several regional actors, including local authorities and representatives of the third sector. The project proved that the involvement of asylum seekers in programs of voluntary work can help establish a positive connection between newcomers and the local population.

While analysing the asylum seekers' reception system in Italy and studying the relations between local authorities and civil society, it is necessary to take into account the fundamental role played by the organisations of the third sector. The Italian asylum system strongly relies on the work of private social enterprises, such

as structured associations or social cooperatives, to implement the legal provisions prescribed in the National Plan to Tackle the Migration Influx passed in July 2014 and the most recent and comprehensive law 142/2015, related to structure of the reception of asylum seekers in Italy.

Starting from 2011, the Italian government decided to create an emergency system of reception supervised by the public authorities based in each province representing the central Government at local level (the Prefecture). Each Prefecture was asked to identify through public tenders the actors of the social third sector that could best run asylum seekers reception facilities.¹ Since 2013, several Extraordinary Reception Centres (CAS – Centri di Accoglienza Straordinaria) have been opened and managed by social enterprises. They became the fundamental middle actor with which civil society and local authorities can connect and work at best to foster solidarity and achieve migrants' full integration within the local social fabric.

The article will investigate the link between civil society actors and local authorities in the Italian province of Bologna (Emilia Romagna region) through the lenses of the work carried out by the Cooperative Society Lai-momo, through the analysis of one specific feature, which is the involvement of asylum seekers in voluntary work for public utility.² The first section of the paper will investigate the experience of the province of Bologna since the spreading of local experiments of voluntary work addressed to asylum seekers, by providing some examples and a wider analysis of the relationship between local authorities and civil society. The second paragraph will offer a chronological overview of the process that led to the signature of the Emilia-Romagna regional protocol on voluntary work activities for people asking for international protection and its most recent application. The third part will provide an overview of the press perception about volunteer activities.

One year before the regional agreement. The experience of the reception centres in the province of Bologna (August 2014 – August 2015)

The call for interest launched by the prefecture of Bologna to find organisations and enterprises that could run reception centres for asylum seekers generally require the participant to suggest projects that would help the asylum seekers to get involved in voluntary work and voluntary activities for public utility. In this section of the paper, we will focus on three cases that have involved the guests of the Extraordinary Reception Centres that were opened during the first months of the so-called “Emergency in the province of Bologna but not in the city of Bologna”³. We will then illustrate the examples of the reception facilities of Villa Angeli (in the territory of Sasso Marconi, which was opened on April 10th 2014 with an initial capacity of 50 places), the Centre in Budrio (opened on September 9th 2015 in the socio-sanitary district of Pianura-Est, Union Reno Galliera) and the Centre in Castello d’Argile (opened on May 14th 2015 with 16 places available).

Villa Angeli and the surrounding territory

The opening of the Centre of Villa Angeli was quite problematic: in the fast decision process that led to its opening (24 hours), the prefecture of Bologna bypassed the local authorities, namely the municipality of Sasso Marconi, as a consequence of the prefecture’s necessity to tackle the massive and unexpected arrival of asylum seekers sent to the north of Italy after being rescued at sea, in the framework of the Mare Nostrum Operation. A few days after the opening of the centre, the mayor of Sasso Marconi declared: *I am upset by the way this thing has been handled. We never said no to helping people in distress, but we protest against the arrogant way the Government has treated*

a local authority that is called to guarantee security and public order on the territory. The municipality of the small town of Sasso Marconi repeatedly showed the prefecture the fear that hosting such high number of asylum seekers (50 when it was first opened and about 100 today) could cause problems in the area. In fact, since April 2014, the local administration has been confronted with a growing hostility from public opinion, which has made the relationship between the local authorities and the managing authority of the centre an increasingly problematic one.

However, despite the political concerns, solidarity and contacts with the third sector and the world of social associations have thrived in a genuine environment of mutual help. Several associations and individual volunteers spontaneously offered their help by showing up directly at the facility. The managing authority then played, during the first months, an important role of mediation and information among the local community where the centre is located, mainly providing truthful information about the centre, the services provided and the needs of the guests. After the initial informational phase, the local volunteers, together with the managing authority of the centre, developed a number of activities and projects that have involved the centre's guests in recreational activities outside the centre, also aiming to become familiar with the territory and with its population. As an example of these many activities, during summer 2014, 25 guests of Villa Angeli visited the Remembrance House of Colle Ameno where they met some representatives of the ANPI (National Association of Italian Partisans) and of the ANED (National Association of Ex Deported in the Nazi Camps). The representatives of the two associations explained to the asylum seekers the important historical value of Colle Ameno, a 17th century village near Sasso Marconi, where in 1944 the Nazi Feldgendarmerie built a gathering and sorting camp where 2000 people were imprisoned and 22 killed.

Only after being assigned the centre with a regular call for tenders in April 2015 and opening a new Reception Centre in the municipality of Crespellano – Casalecchio di Reno district, could the managing authority start a constructive dialogue with the local authority. The municipality of Sasso Marconi decided then to start a pilot project that would get two Villa Angeli's guests involved in the project "*Green Thumb for Integration*". The project consisted of volunteer activities to support the municipality in the maintenance of green public spaces and the cleaning and the maintenance of public spaces of the town. The project was presented during a press conference on 1st July 2015 and on that occasion the mayor declared his concerns about the presence of the high number of asylum seekers in the small town that was mentioned above.⁴ In November 2015 the local authorities organised a course on security at work, which was attended by the potential volunteers (20 guests of Villa Angeli). The voluntary activities started in February 2016.

Before the initiative of the municipality, other structured voluntary activities had already got two guests of Villa Angeli involved in favour of the Public Assistance of Sasso Marconi⁵ in November 2015: the volunteers performed activities connected to socio-sanitary services, such as transportation and assistance to the sick, the elderly and the disabled. In this case, the managing authority of the centre paid for the insurance coverage for the volunteers during the voluntary activities, while the hosting association (the Public Assistance) covered the expenses for the training courses and offered the necessary individual security equipment.

Only in October 2015 the Casalecchio di Reno district showed an interest in meeting the prefecture of Bologna to have a discussion with the managing authorities and start a path of collaboration and information that would involve all the local authorities of the district and the local population on the topic

of reception in the towns of Sasso Marconi and Crespellano. At the end of November 2015, the managing authorities were invited to take part in a meeting of the Assembly on Social Issues at the municipality of Sasso Marconi to illustrate before the representatives of the third sector and of the local associations the situation of the reception of asylum seekers and present the Regional Protocol on Voluntary Work.

The municipality of Sasso Marconi has committed to developing a project that would investigate the availability of local associations to get asylum seekers hosted in the local reception centres involved in voluntary activities. It is important to note that in this case the managing authority of the centre played an important role of mediation and providing information among the local community and was able to gather all the civil society associations keen to offer their support within the asylum seekers reception system. At the same time, Lai-momo was in discussion with with local authorities, supporting them if required in planning new voluntary projects.

The reception in the Pianura Est District

In September 2014 the prefecture of Bologna decided to open the first of two Extraordinary Reception Centres in the District of Pianura Est – Unione Reno Galliera. The local authorities assigned the management of the centres to the social cooperative Abantu (of which Lai-momo is one of the founding associates). On 4th September 2014 two centres were opened to host asylum seekers: one in Budrio (12 guests) and one in Bentivoglio (8 guests). The municipalities of the district started a dialogue with the prefecture of Bologna to open reception facilities with a maximum capacity of 20 people and to spread the centres all over the territory in what is called the “diffused reception”.

In May 2015 two more reception facilities were opened in the district: the prefecture appointed the cooperative society Lai-

momo as managing authority for the centre in Castello d'Argile (16 guests) and Castenaso (4 guests). In order to tackle the massive arrival of asylum seekers into the territory of the Metropolitan City of Bologna, several reception facilities were opened during that time without involving the local authorities in the decision process, therefore facing widespread resistance from the local population about the opening of the new centres. The cases of these two reception centres will be dealt with later in this paper.

Between 2011 and 2013 the Pianura Est district hosted 37 asylum seekers, in the framework of the so-called North Africa Emergency operation; in this context, Lai-momo worked as managing authority in direct collaboration with the Civil Protection. The cooperative society Lai-momo has been active on this territory since 2007, providing services of consultancy, information and reception to the migrant population, the local administration, the third sector and the local community. Knowing the territory and the actors that interact in it, the managing authority of the centre was then able to create a rich network of association and voluntary organisations in the areas where the reception centres are located. Such a task was facilitated by the local longstanding tradition of a proactive third social sector and a committed civil society. These favourable conditions have eased the development of activities of inclusion and mutual recognition with the asylum seekers hosted in the area. Well aware of the tensions arisen after the opening of the reception centres, the local municipalities and the managing authority started planning several interventions that would aim to correctly inform the local population, promote the reception of asylum seekers and the analysis of topics connected to the right of asylum and, at the same time, get the guests actively involved in voluntary activities that could make their commitment concrete.

In fact, after the initial adjustment phase in the reception facilities, it is the asylum seekers themselves who offer their help

and time to conduct activities that could be useful for the local population, especially when the citizens have proved particularly welcoming and prone to including the newcomers.

The rich network of associations and voluntary organisations created by Lai-momo was positively welcome by the district's authorities and brought to the development of a great amount of voluntary projects as well as information programs directed to the local communities.

The Extraordinary Reception Centre in Budrio

A month after the opening of the Extraordinary Reception Centre in Budrio in October 2014, the municipality of Budrio set the so-called "table of subsidiarity" to discuss with the managing authority of the centre the planning of activities that could facilitate the meeting of the citizenry with the new asylum seekers. In fact, as in other cases mentioned above, the opening of the centre had stirred negative reactions among the population and the local administration decided to stem the hostilities as soon as possible by promoting integration projects.

After the meeting, where the managing authority of the centre, the municipality and the district had agreed on attempting to get the guests involved in voluntary activities, Lai-momo started to meet the asylum seekers individually to assess their competences and potentials, while during group meetings the concepts of voluntary work and work of public utility were explained to the guests – with the help of linguistic mediators – as well as their social value and lack of retribution.

Moreover, the managing authority agreed with the municipality to create small groups that would follow different voluntary activities, further clarifying the amount of working hours, potential future employment and the execution of the activities within the group. Insurance was partly paid by Lai-momo, when a membership to a voluntary organisation was required, and

partly paid by the municipality, in case of registration to the local Single Volunteer Register.

In mid-December 2014 the first four asylum seekers started volunteering with the Association Exaequo – an association that runs several Fair Trade shops. The tasks of the four volunteers consisted of helping the usual Fair Trade shops' volunteers in wrapping Christmas presents and baskets.

At the beginning of February 2015, eight guests of the Budrio reception centre started working in voluntary activities for public utility supporting the municipality staff in the maintenance of green and public spaces. They were volunteering 10 hours per week, enhancing the opportunities of meeting and mingling with the local population. In September 2015 the voluntary work conducted by some asylum seekers in restructuring a music school was widely and positively covered by the local media and shortly afterwards two volunteers were invited by the municipality to take part in a traineeship with a local social cooperative, opening positive perspectives of professional development for the two asylum seekers.

Local authorities, social third sector and associations of the local civil society have been able to open a constructive discussion on the topic of volunteering and to create a model to be replicated in other reception centres. Such an experience was implemented almost one year before the signature of the Emilia-Romagna protocol even if today its structure appears to be really similar to the system created by the regional protocol.

The Extraordinary Reception Centre in Castello d'Argile

When the Extraordinary Reception Centre opened in Castello d'Argile in May 2015, the local administration showed the will to involve the guests of the facility in entertainment and voluntary activities. Many citizens were eager to know more about the asylum seekers hosted in their town and about the selection of the

managing authority of the centre and its compensation. In fact, a few weeks after the opening of the centre, the attention of the media on the management of reception facilities had increased significantly due to the scandal *Mafia Capitale* that had erupted in Rome, which had shed light on a broad network of corruption and mismanagement of reception centres in the Italian capital. The mayor of Castello d'Argile then asked for help from Lai-momo to organise and promote informational activities and meetings with the citizenry to show the transparent administration of the facility and provide a positive presentation of the guests. The mayor was also present during the opening of the centre to show his interest in collaborating with the managing authority. Since the beginning he proved to be very committed to creating voluntary opportunities for the asylum seekers, and during the first month of their stay in Castello d'Argile – when they generally start the asylum application procedure and the Italian language classes – Lai-momo conducted individual interviews to assess their competencies and skills. Later, a meeting was organised with a language mediator to inform the guests about the voluntary activities and evaluate their availability. The Castello d'Argile's population was very welcoming and soon started offering clothes, supporting the Italian language teacher, involving the asylum seekers in public celebrations and sport events. The managing authority, in agreement with the prefecture, started meeting the local associations and, since the end of June 2015, began to plan structured activities to engage the guests of the reception facility in voluntary activities with two local organisations: the Voluntary Association of Castello d'Argile (AVCA) and the association *Insieme si può fare* (Together we can).

The first small group of volunteers started working in support of the local administration in the maintenance of public spaces, within the Voluntary Association of Castello d'Argile. Soon, the municipality suggested selecting a small group of asylum seekers

for a project of training and promotion of biologic agricultural techniques funded by the municipality in collaboration with the biologic agriculture cooperative ARVAIA.

The local administration nonetheless had to confront some citizens who criticised the employment of volunteers in the activities of maintenance of public spaces in Castello d'Argile, maintaining that the municipality should employ and pay local enterprises and workers. The mayor defended the idea that such activities are not real work but rather volunteer work performed only 10 hours per week by each volunteer and stressed how Castello d'Argile could not otherwise afford services such as the ordinary maintenance of the municipal kindergarten.

The volunteer activities became effective in mid-August 2015, when the first asylum seekers supported the local volunteers in the maintenance of the kindergarten mentioned above. Such activities became an important part of the guests' life and, at the same time, they started becoming "more visible" to the local population and started to mingle with their volunteer "colleagues". The local volunteers themselves said they were positively surprised by the commitment of the newcomers in conducting small but important services for the community.

A warm environment of collaboration was created in Castello d'Argile, so the guests of the reception facility were asked to take part in the organisation of an event to welcome some Saharawi children hosted in some families within a project implemented by the association Al Queli of Bologna. Some asylum seekers then joined the local volunteers to welcome the children.

From September 2015 nearly all the guests of the Castello d'Argile reception facility follow a weekly schedule of volunteer work of public utility. As an outcome of such a positive experience, the town municipality decided to organise a public event to discuss reception and asylum, actively involving the guests-volunteers to talk about their experience. In order to better present what

had been done during the past months, Lai-momo organised a workshop of video-making to produce a video that would show the daily routine of the guests and their voluntary work in Castello d'Argile. The video produced was later successfully displayed in front of the population of Castello d'Argile. Following the municipality's local policies in the field of migrants' inclusion, Lai-momo was asked to establish the availability of local associations to be involved in the management of volunteer work activities addressed to asylum seekers.

In summary, this section has described the high level of interconnection between local authorities, civil society and social third sector in four different situations. In fact, the cases dealt with in this paper are only examples of a wider list of positive integration projects implemented in the province of Bologna. Through the involvement of members belonging to all three of these categories, the volunteer activities addressing asylum seekers could be successfully planned. As explained, the involvement of the social third sector played a fundamental role in gathering together all the civil society associations as well as mediating with and supporting local authorities (Villa Angeli); creating a rich network of associations and voluntary organisations to be shared with local authorities (Pianure Est District); to be part of the constructive dialogue opened among local authorities, social third sector and associations of the local civil society to create a model to be replicated in other reception centres (Budrio) or, finally, to act as a collector of local associations involved in the management of volunteer work activities addressed to asylum seekers (Castello d'Argile).

The Emilia-Romagna regional protocol on volunteering work: A chronology of the agreement

On 6th August 2015 the regional protocol on voluntary work activities addressed to asylum seekers was approved by the

government of the Emilia-Romagna region. The protocol was signed by all the involved parties on 14th September, when it also entered into force.⁶ The aim of this paragraph is to provide a national, regional and local overview of the route that led to the signature of the document. In order to provide an organic and complete review of this process, an interview with Andrea Facchini and Stefano Rimini of the Emilia-Romagna region (Reception Policies Area – Social Affairs Department) was conducted on 3rd March 2016.⁷

The Italian Government started discussions about involving asylum seekers in voluntary work in 2014. Indeed, starting from September 2013, Italy has been experiencing the highest migration flows in its more recent history: people seeking protection have been welcomed and accommodated in reception facilities in every province, waiting more than one year for the response of their asylum claim. One of the critical issues faced during this period is related to “migrants’ inactivity”.⁸ Asylum-seekers do not generally know the Italian language and therefore they have difficulties in finding regular jobs. At the same time, integration within local communities is not so simple, which is also due to a widespread negative attitude towards asylum seekers.

Trying to deal with this topic, on 27th November 2014, the Chief of the Immigration Department of the Italian Ministry of Interior published an official document – Circolare del Ministero dell’Interno – related to migrants’ voluntary activities.⁹ It suggested that every prefecture should have discussions with local authorities and associations in order to establish programs aimed at identifying voluntary activities to be undertaken by asylum-seekers.

Such activities should be directed exclusively to migrants who apply for international protection and who are waiting for the final decision on their claim (or for the local court judgement in case of appeal after a negative decision). The Ministry of Interior also provided a short list of requirements to be met:

- 1) Voluntary activities should be carried out on a voluntary basis;
- 2) Voluntary work should not provide any profit to the association that is managing it;
- 3) Adequate insurance should be ensured to each asylum seeker involved in the program;
- 4) Appropriate training should be provided;
- 5) Migrants should freely join the voluntary association.

Finally, each prefecture is asked to involve regional competent bodies in the process of signing protocols in order to grant uniform planning at regional level.

It is important to notice that the *Circolare* referred to the experience undertaken in 2014 by the city of Bergamo¹⁰ which subscribed a protocol with local stakeholders aimed at establishing projects based on voluntary work addressed to asylum seekers, almost two months earlier than the Ministry of Interior's recommendations.¹¹ Such a protocol represents one of the first experiences in Italy that aims towards *integrating asylum seekers at local level and at spreading reciprocal knowledge between them and territorial communities*. It involves the local prefecture, the municipality of Bergamo, smaller municipalities of the province of Bergamo, local representations of the main labour unions, and a few other actors belonging to the third sector such as a social cooperative and the local Caritas.

The protocol establishes that mayors will identify some activities producing benefits for the whole local community that may be carried out by asylum seekers. Such activities should be supervised by a tutor, identified by the voluntary association involved. Migrants should be engaged on a free and voluntary basis, agreeing not to receive any kind of compensation for their work. A monitoring body called "Coordination Roundtable" (Tavolo tecnico di coordinamento) to be convened periodically by

the prefecture was established to supervise the implementation of the protocol.

As reported by Andrea Facchini and Stefano Rimini, since the end of 2014 several municipalities in Emilia-Romagna started having discussions about creating structured programs at the local level aimed towards involving asylum seekers in voluntary activities. According to the interviewed, some researches thought that such protocols were strictly related to the public speech of the Italian Ministry of Interior Angelino Alfano held in May 2015. He declared that *municipalities may allow asylum seekers to conduct free work*, as established by ministerial acts.¹² As this article will also demonstrate, the impulse to regulate this topic rather comes from local authorities and actors that deal every day with the challenges that hosting asylum seekers may create. For instance, in April 2015 the municipality of Modena approved a protocol addressed to the asylum seekers hosted in the city.¹³ While adopting the guidelines foreseen in the *Circolare* of the Ministry of Interior, Modena decided also to grant a small budget to the Service Centre for voluntary activities in order to cover insurance costs and other costs mainly related to work equipment. The program is currently managed by the Service Centre, which acts as a coordinator of all the local voluntary associations.

In May 2015, following the encouragement of the prefect of Bologna, the Emilia-Romagna region opened a dialogue on the regional protocol on voluntary work for asylum seekers. Several actors belonging to local municipalities, local representations of the main labour unions, associations and members of the third sector convened in order to agree on a shared program on this topic. Andrea Facchini explained that regional consultations immediately looked with great attention and interest at the protocol signed by the Tuscany Region¹⁴ on 25th May 2015. The document was signed by ANCI Tuscany (ANCI is the National Union of Italian Municipalities), the Tuscany region, the prefecture of Florence,

local voluntary associations, social promotion associations (APS) and social cooperatives.¹⁵ By creating a regional instrument, the Tuscan government implemented the guidelines contained in the *Circolare* of the Ministry of Interior and expanded the model created in the city of Bergamo to the whole region.

According to the protocol, associations may ask for a reimbursement of 50 euros per asylum seeker engaged in social activities. Such an amount should cover insurance and equipment costs. The protocol also includes the scheme of the agreement that should be signed by the local municipality, the governing institution of the reception centre where the migrant is hosted and the association that will supervise and manage voluntary activities. The asylum seeker will sign the Voluntary Pact, expressing his/her commitment to the project. Nevertheless, the document does not contain a maximum amount of hours that migrants may dedicate every week/month to voluntary work.

The protocol of the Emilia-Romagna region was approved by the regional government on 6th August 2015 and it was signed by all the parties on 23rd September 2015. As reported by Stefano Rimini, the “Bologna actors” decided to insert a few changes to the general structure designed by the Tuscan government:

- It contains a specific reference to the involvement of social cooperative of type B¹⁶ among those bodies that can promote and manage voluntary work activities;
- Local representations of the main labour unions have been actively involved in the process of drafting the protocol;
- The monitoring body (Tavolo di gestione dei flussi migratori) is established at regional level and is also composed of the Presidents of the Union of Municipalities. In so doing, monitoring actions could be wider and promoted by every municipality that could directly check the implementation of the protocol at the local level.

Recalling the model adopted by Tuscany, the protocol intends to entrust different tasks to all the involved actors, as reported:

- Voluntary associations should develop local projects based on asylum seekers' competences and local needs;
- Municipalities should approve the projects presented by local associations;
- The managing authorities of the reception centres should offer support in monitoring the activities and promoting participation among the asylum-seekers, making sure that every migrant is well informed about all the activities he/she will carry out;
- Prefectures should facilitate the exchange of information among local stakeholders.

This model has been studied and implemented in order to prevent any abuse that may arise from employing voluntary workers: a great discussion on this topic has been faced during the preparatory work. Indeed, cooperatives and labour unions were afraid of the possibility that local public administrations may decide to ask asylum seekers to perform some tasks that they are no longer able to finance due to budgetary cuts. This would create a negative cycle because simple maintenance jobs are generally assigned to cooperatives where most disadvantaged people (people with physical or psychological disabilities) have the possibility of being employed. To overcome such problems, all actors and volunteers will be involved in the project monitoring: through permanent discussions and analysis of each situation the fairer conditions for the whole community may be created. For instance, in many municipalities the cooperative society Lai-momo (acting as managing authority) had the possibility of discussing with public bodies and voluntary associations to establish that no more than 10 hours of free work per week may be conducted by every asylum seeker. This would allow weekly activities aimed at

integrating migrants into the local territories without exploiting them and without interrupting the programs that are active in the reception centres for a while.

After the signature of the protocol, municipalities took several months to decide how to implement such projects and had to ask the Emilia-Romagna region for some advice. Since December 2015, several agreements have been signed in each territory of the region. Stefano Rimini stated that some data related to the fulfillment of the protocol have been gathered: nevertheless, such information is not yet available. Generally speaking, more than 600 asylum seekers have been engaged in voluntary activities. Bigger municipalities decided to create some volunteer experiences in the field of culture and social services while smaller municipalities focused their attention on the maintenance of public spaces. The municipality of Rimini included some asylum seekers in cultural projects directed to all the citizens, called "*Civibo*". The municipality of Bologna decided to bring together many voluntary associations of the city and to create common projects and guidelines.

In conclusion, the process that led to the signature of the regional protocol lasted less than one year and moved from some experiences undertaken at national, regional and local level aimed at regulating voluntary work activities for asylum seekers. The drafting process involved local authorities, representatives of the civil society and of the social third sector: all the stakeholders are the main actors engaged at the local level to monitor and implement what has been established by regional institutions.

The volunteer activities of asylum seekers in the media

The development of the events that have taken place around the topic of voluntary work conducted by asylum seekers in the Emilia-Romagna region has been fairly covered by the local and

– in a few cases – national printed media. From the spontaneous projects implemented in some municipalities of the region to the signing of the regional protocol and the setting out of new, more organic projects, the local newspapers followed the evolution of the topic providing a rather homogeneous perspective on it.

On 26th May 2015 the most read local newspaper *Il Resto del Carlino* published an article entitled “*Asylum seekers at work as volunteers. They do not want to be a dead weight*”. The article reports an interview with the deputy mayor of Quattro Castella, a small town in the province of Reggio Emilia, where for more than two years asylum seekers have been conducting volunteer work, which represents for them *some kind of redemption, so that they are not perceived by the locals as a dead weight*. Despite often indulging scaremongering titles and populist claims on the migration issue, *Il Resto del Carlino* positively receives the commitment of refugees to volunteer for the local public good.¹⁷

A few months later, in August 2015, the issue gained momentum in the local newspapers for two main reasons: the regional protocol finally seemed ready to be signed, and at the same time a little scandal erupted when right wing representatives at the regional assembly (governed by the centre-left Partito Democratico) reported the employment of volunteer asylum seekers at a political initiative organised by the Partito Democratico in Reggio Emilia. On an article published by the online newspaper *Piacenza Sera* on 23rd August, the journalist reported the harsh speech of a Northern League’s regional member who accused the Partito Democratico of being a *pro-slavery political party*.¹⁸

In those same days, several printed and online newspapers reported the news of the forthcoming regional protocol. Despite the diverse journalistic style and political bias of every newspaper, they all reported the news with a rather positive attitude, highlighting that *asylum seekers will do volunteer work for public*

*utility (cleaning streets, gardening and doing parks maintenance), which will favour the whole community.*¹⁹

At the end of September 2015 the regional protocol was finally signed and the media reported on it, trying to clarify what the protocol entailed and what it did not. On the online newspaper *Intelligo News*, primary importance was given to understanding whether this agreement represented a turning point in the employability of asylum seekers, soon clarifying that volunteering does not mean doing real work but is rather a tool to keep refugees active and therefore avoid the emergence of conflicts inside the hosting facilities.²⁰ The signing of the agreement was however not left without negative comments.²¹

Conclusion

A closer look to the dynamics spurred by the management of reception of asylum seekers at the local level will show a very complex set of actors and competencies which are not always simple to involve in the co-operative game. In particular, due to the importance gained by the migration issue in the political discourse, local authorities tend to be very cautious when dealing with asylum seekers and their integration. Though often hard to achieve, the involvement of asylum seekers in programs of voluntary work for public utility can be a key element in creating a real solidarity connection between the newcomers and the local population.

In the Italian context, where a great deal of the services connected to the reception of asylum seekers are outsourced by the state to the third sector, the latter plays a fundamental role in connecting local authorities with the local population and civil society organisations. The experience we dealt with in this article clearly shows it: the third sector organisation which acts as managing authority of some asylum seekers reception centres

in the area helped implement several programs of voluntary work conducted by asylum seekers in collaboration with local voluntary associations and local authorities. In the triangular relation between local authority, third sector and civil society, the third sector has then played the role of the mediator that, on the one hand, can support the local authorities by leveraging its wide network of contacts with civil society organisations on the territory, and on the other hand, provide grassroots associations with a professional and trustworthy channel of communication with the institutions. Such three-party synergy sets the stage for the implementation of successful programs whose functioning was later openly recognised and institutionalised within the regulatory framework of the Emilia-Romagna region's protocol (as explained in the second chapter). At the same time, the results of the projects soon came to fruition, having a positive impact on the local population, as reported on the main local and – sometimes – national media.

Endnotes

- ¹ The emergency system, directly managed by the national government, was created to work in parallel with SPRAR, the national system of asylum seekers and refugees reception (Sistema di accoglienza richiedenti asilo e rifugiati) promoted, monitored and managed by ANCI, the National Association of the Italian Municipalities (Associazione Nazionale Comuni Italiani).
- ² Lai-momo's mission is to provide high quality services to asylum seekers and migrants living in the province of Bologna, paying great attention to their integration within the local social and economic fabric and therefore stimulating a broader development of the local community. Since 1995, the cooperative has been working closely with the local authorities to implement innovative integration projects aiming to communicate the values of a multicultural society, and since 2007 it started providing direct assistance to migrants through projects such as migration help desks, Italian as a second language classes, projects to help migrants get into

the local economic market, etc. Since 2011, Lai-momo also represents one of the main third sector actors involved in the management of asylum seekers reception facilities and the collateral services in the province of Bologna.

- 3 "The emergency in the province of Bologna but not in the city of Bologna" is part of the "Disembarkation emergency", which is the emergency plan that the Italian prefectures set out in response to the massive arrivals of asylum seekers into Italian territory during the Mare Nostrum and Triton operations.
- 4 La Repubblica, *Due profughi africani al lavoro volontario per Sasso Marconi*, [in:] laRepubblica.it, 1 July 2015, ricerca.repubblica.it/repubblica/archivio/repubblica/2015/07/01/due-profughi-africani-al-lavoro-volontario-per-sasso-marconiBologna06.html.
- 5 The Public Assistance is a volunteering organisation based in Sasso Marconi which provides first aid services to the population in case of emergencies.
- 6 The regional protocol was approved on 06 August 2015; doc. N. GPG/2015/1297 – Giunta della Regione Emilia Romagna. Object: "Approvazione schema di accordo di collaborazione per la realizzazione di attività di volontariato finalizzate all'integrazione sociale di perone inserite nell'ambito di programmi governativi di accoglienza per richiedenti protezione internazionale". The "Accordo di collaborazione tra Regione Emilia-Romagna; Prefettura – Ufficio territoriale del Governo di Bologna; ANCI Emilia-Romagna, Forum Terzo settore Emilia-Romagna, CGIL, CISL, UIL, Organizzazioni regionali della Cooperazione sociale per la realizzazione di attività di volontariato finalizzate all'integrazione sociale di persone inserite nell'ambito di programmi governativi di accoglienza per richiedenti protezione internazionale" was signed on 14 September 2015; doc. n. RPI.2015:0000389.
- 7 The interview with Andrea Facchini, Director of the Reception Policies Area, and Stefano Rimini, regional office of the Reception Policies Area, was conducted by Mirta Soverini, on 3 March 2016, at the Emilia-Romagna region premises in Bologna.
- 8 Legislative Decree 142/2015 established that asylum-seekers may regularly work in Italy two months after they have officially asked for asylum in Italy. The previous law established that such a possibility was allowed only six months after the asylum claim.
- 9 Ministero dell'Interno, *Attività di volontariato svolte dai migranti*, Circolare, n. 14290, 27 November 2014.

- ¹⁰ Bergamo is located in the centre-north of Italy; it is the main city of the province of Bergamo, Lombardia region.
- ¹¹ "Protocollo di Intesa tra Prefettura di Bergamo, Comune di Bergamo, Comune di Antegnate, Comune di Casazza, Comune di Monasterolo del Castello, Comune di San Paolo d'Argon, Comune di Sedrina, Comune di Urgnano, Comune di Valbondione, Comune di Vigano San Martino, Direzione territoriale del lavoro di Bergamo, Direzione provinciale dell'INPS di Bergamo, Segreteria Provinciale della CGIL di Bergamo, Segreteria Provinciale della CISL di Bergamo, Segreteria Provinciale della UIL di Bergamo, Assembla distrettuale dei Sindaci – Ambito Val Cavallina, Caritas Diocesana di Bergamo, Cooperativa Sociale Rinnovamento ONLUS", 2 October 2014.
- ¹² See www.glistatigenerali.com/legislazione_p-a/alfano-i-migranti-possono-lavorare-gratis-solo-che-per-fortuna-non-e-vero/.
- ¹³ "Accordo operativo sugli aspetti organizzativi relativi all'avvio e alla gestione delle attività previste dal Protocollo d'intesa per la realizzazione di percorsi di accesso al volontariato rivolti a persone inserite nell'ambito di programmi governativi di accoglienza per richiedenti protezione internazionale approvato con deliberazione della Giunta comunale di Modena n. 156 del 14/04/2015".
- ¹⁴ "Deliberazione Giunta Regionale 25 maggio 2015, n. 678 – Approvazione schema di accordo per la realizzazione di attività di volontariato per i migranti ospiti nelle strutture di accoglienza presenti nel territorio regionale".
- ¹⁵ "Accordo di collaborazione tra Regione Toscana, Prefettura – ufficio territoriale del governo di Firenze, ANCI Toscana, associazioni di volontariato di promozione sociale, cooperative sociale e altri soggetti gestori delle attività di accoglienza per la realizzazione di attività di volontariato per i migranti ospiti nelle strutture di accoglienza presenti nel territorio regionale".
- ¹⁶ The social cooperatives of type B work on activities that aim to introduce disadvantaged people into the labour market in the industrial, agricultural, trade and services sectors.
- ¹⁷ G. Principe, *Profughi al lavoro come volontari. 'Non vogliono essere una zavorra'*, [in:] il Resto del Carlino, 26 May 2015, www.ilrestodelcarlino.it/reggio-emilia/profughi-volontari-quattro-castella-verde-1.997205.
- ¹⁸ Piacenza Sera, *Immigrazione, Lega: 'PD schiavista, sfrutta i profughi a scopo politico'*, 23 August 2015, www.piacenzasera.it/prefettura/immigrazione-lega-pd-schiavista-sfrutta-profughi-scopopolitico.

jspurl?IdC=1143&IdS=1538&tipo_padre=0&tipo_cliccato=0&id_prodotto=60527&css.

- ¹⁹ Bologna Today, *Richiedenti asilo, dalla Regione il protocollo per il lavoro volontario: 'Patto di convivenza civile'*, 26 August 2015, www.bolognatoday.it/cronaca/rifugiati-lavoro-volontario-emilia-romagna.html.
- ²⁰ L. Lippi, *Profughi-volontari al lavoro, c'è il sì dei comuni*, [in:] Intelligo News, 24 September 2015, www.intelligonews.it/articoli/24-settembre-2015/30887/profughi-volontari-al-lavoro-c-il-s-dei-comuni.
- ²¹ The national newspaper "*Il Fatto Quotidiano*" published on 29 September an interview to Alberto Alberani, general director of Legacoop Emilia Romagna, who claimed that *asylum seekers could be used as free labour by municipalities who are experiencing budget problems, therefore taking away some categories of work from the companies and cooperatives that have done it until now* (*Il Fatto Quotidiano*, 29 September 2015). An immediate counterattack arrived from the national newspaper "*La Repubblica*" where the deputy mayor of the town of San Lazzaro di Savena (one of the towns accused by Alberani) rejected the accusations by claiming that none of them were true and that Alberani's claim was a sort of revenge for the bad reputation that Legacoop has gained in San Lazzaro over the last few years (*La Repubblica*, 28 September 2015).

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PART 3

THE EUROPEAN DIMENSION: POLITICAL PERSPECTIVES

THE EU AND THE REFUGEE CRISIS. “DISUNITED IN THE FACE OF DIVERSITY”

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The European Union has not shown its best aspect in the face of the still unfolding refugee crisis. If some Member States have been carrying the largest burden of the crisis, others have been letting political propaganda fuel negative attitudes towards migrants. This latter approach does not resemble the European values of inclusion and solidarity. Emphasis is to be put rather on integration, by means of education and training, in order to prepare refugees and migrants to access European labour markets.

With the splash into the European Union, which has not yet recovered from the financial and economic crisis, the refugee crisis has revealed the community nature that for decades proudly designated itself as advanced, inclusive, and as a peaceful continent “united in diversity” that is able and wishes to help the poor and the diverse, both states and people.

Over the past months, we could observe, examining the (in) hospitality for refugees, how much the true solidarity spirit, will, and empty words are practised in such designation.

It has often been said that the European Union welcomed the migrant wave unprepared. This is partly true. Due to this “physical” unpreparedness, we have been and are still witnessing scenes of weary refugees at the borders, meeting points and refugee camps. However, these are actually the least pressing and

quickly solvable problems; I believe that the main problem lies in the spiritual, not to say moral unwillingness of Europe as one. While some countries, such as Germany, Denmark, and Sweden, with their almost legendary solidarity and good programmes, have committed to welcoming and helping people who flee for their lives, others, like Hungary or Slovakia, that on behalf of the virtual protection of their citizens closed their borders, have spread populist and provocative speech and thus triggered a discourse that is completely opposite to being “united in diversity”.

Without a doubt, the discourse is essential at all levels, but it is not negligible, which the starting points are. In addressing refugee issues, it often seems that people are less important than capital. *For example, when it came to the capital question – the recovery of Greek finances – European leaders met on a weekly basis. But when it came to people, the European Commission gave its first statement no earlier than at the end of August 2015, only a few months after the river of refugees had already started to enter the EU.* Due to such a late response from both the European institutions as well as the majority of countries, many communication opportunities were missed. In some countries, it still seems as if they are not aware of the refugee crisis, whereas others, due to the lack of community cooperation, were forced to assume an enormous burden. And yet in others, particularly where there were national elections approaching, the residents succumbed to various propaganda, gathering political points for their leaders. In such circumstances, conditions for the rise of negative attitudes toward newcomers and seriously dangerous hate speech quickly grew.

One would expect that we, the European citizens who are supposed to live “united in diversity” by the principles that we express at the declarative level, would demand the highest political authorities to immediately condemn the hate speech. Unfortunately, this did not happen, and what is more serious,

some politicians – and this we have often witnessed in the European Parliament – have contributed to a further panicked response to the refugee crisis.

The European response resembles the response of a closed society with low self-esteem. This is particularly unusual since Europe has a long tradition of dealing with refugees and displaced persons. Not to mention that after the Second World War, over 12 million people sought shelter and a new life only in Germany. And found it.

After the EU expansion and due to globalisation, migration flows across Europe have strongly increased. It is clear that the integration programmes are one of the key elements in the management of the migrant issue. And Europe has not been resting in this area – we have integration programmes, we have examples of good practice exchanges, and the impression was that the integration programmes are working and progressing. And now we are wondering what happened to the people who were born and educated in Europe; have they become radical? We are also wondering if the truth about integration could be different? Did it come forth due to the combination of the financial crisis and the war in Syria (in which the EU does not have clean hands)? Would it have been any different if the refugee crisis had taken place during the EU's prosperity? Or would it have been different if the refugees had European skin colour and believed in the European God? Is everything only a coincidence?

There are many questions, and they are tough, and it is not merely the issue of Islamisation; it relates to the identity and social situation, not only virtual but the real sense of inclusion. This will be a major challenge for Europe. Despite everything, I would like to emphasise that it is very dangerous and unwise to spread the stereotyped image of immigrants as future criminals. Looking at the statistics in the US, we see that the greatest criminals are not Cuban or Mexican immigrants, but Americans from the bottom

of the social scale. *On the other hand, there are countries where educated immigrants occupy leading positions and significantly contribute to the state prosperity.*

The latter is what we should give the highest priority to in Europe. The ageing European society, which, with its long-lasting, low birth rate, can no longer ensure its existence, needs a new labour force. Therefore, we need to promote immigrant integration policies, so that they become productive as quickly as possible and useful to the development of societies. The German Chancellor, Angela Merkel, did not utter her "invitation" to refugees by accident. Unfortunately, people often understand receiving immigrants as a competition to the local population, including various vulnerable groups and they are afraid of social dumping.

In the European Parliament, we are giving it a lot of attention, also in light of the increase of resources for social policy. In a recent report, prepared by my parliamentary colleague from the Group of Socialists and Democrats, we have proposed a number of concrete recommendations, and among other things, to enable refugees to enter the labour market in six instead of nine months. Strong emphasis was placed on education, linguistic and other training, since this is the only way the refugees can prepare to enter the labour market and adapt to the employers' requirements. Above all, we need to remove administrative barriers in the treatment of asylum applications, where procedures are still long and not unified, and often even confusing. It is also necessary to simplify the procedures for the labour market entry.

But legislation is not the only important thing. The integration of refugees into society can only be successful if it involves all actors and a high degree of solidarity and understanding. This cannot be ordered, but it may be a result of greater awareness, sincere communication with citizens, and the final realisation that we are all just people who share the same planet.

It is hard to blame, for example, the Lebanese, who due to the vast number of Syrian refugees on their soil, no longer try to integrate them. And how could they, if they have besides their population of 4 million, 1.3 million registered and at least half a million unregistered refugees. Taking these figures, a million or two refugees who, at this moment are waiting for the fulfilment of their dream in Europe with its population of half a billion, is such a negligible number that it is shameful that the Member States and numerous citizens publicly and in every possible way wriggle out of helping them. Above all, it is arrogant and dangerous to think that we as Europeans are any better, more valuable, and that the experience of being a refugee cannot happen to us. In this world nothing is permanent, nothing is guaranteed, least of all peace.

HOW TO PROMOTE THE INTEGRATION OF REFUGEES AND ASYLUM SEEKERS IN THE EU LABOUR MARKET

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The current refugee crisis has made the question of the integration of refugees, asylum seekers and migrants more urgent, but also more difficult to approach due to the populist rhetoric that has become common across the European Union. There are many measures that can be adopted by the EU and the Member States in order to support refugees' integration. But, due to the extremely complex situation, only a holistic approach that takes into account, on the one side, the external dimension (cooperation with third countries, humanitarian and development aid, trade, investment, security and defence policies, etc.) and, on the other, the domestic one (employment, education, welfare, health policies, etc.) can adequately face it. Policies promoting access to labour markets play a particularly important role, but against the backdrop of a not yet solved economic crisis, it is essential that the principles of equal treatment and opportunities are respected, while preventing the perception of a dangerous competition between the local population and newcomers.

The problem of the integration of refugees and asylum seekers in Europe has become increasingly urgent and dramatic since the ongoing migration crisis began in 2015. The issue was widely discussed in the media and by politicians, but the tone and the arguments of such a discussion were frequently misleading, when not populist and xenophobic. A sort of populist rhetoric is becoming more and more widespread in the public discourse and in the social media. The term “refugee” itself in public and political discourse is used in an unclear and confused way. This is also the case for the issue of integration of refugees in the labour market, which has been presented by some political forces only as a threat. For this reason, it is quite difficult to discuss social inclusion and integration of refugees and asylum seekers in an informed and balanced way. In the report I drafted on the topic for the Employment and Social Affairs Committee, which was then voted and endorsed by large majority by the European Parliament on 5 July, I sought to propose a rational approach to the issue. Integrating refugees in the labour market could be an opportunity, but only with certain conditions, and only if it’s promoted in the right way, for instance avoiding the creation of a separate labour market for refugees, not subtracting funding from other programs, etc.

Humanitarian migrants and migration crisis

The right to asylum is protected by the Geneva Convention¹ and by EU legislation. According to the Lisbon Treaty, *The Union shall develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of non-refoulement. This policy must be in accordance*

with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties.

There are three types of legal statuses benefiting or potentially benefiting from international protection: people with refugee status, people seeking asylum and people benefiting from subsidiary protection.² All of them could be classified as “humanitarian migrants”, which are distinguished from economic migrants.

The number of humanitarian migrants rose sharply since 2014 because of the geopolitical context. The Syrian war and the destabilisation of States in the neighbourhood of the EU created a worldwide migration crisis which also had an effect on Europe. The main causes of the refugee crisis are conflicts and only a solution for them could reduce substantially the number of refugees, reducing the inflows and making it possible for those who came to Europe to go back to their countries of origin. Anyway, the situation is very complex and only a holistic approach could be adequate to face it. External policies of the EU, such as cooperation with third countries, humanitarian and development aid, trade, investment and security and defence policies, should be capable of addressing the root causes of migration: Conflicts, poverty, lack of freedoms, inequalities, and extreme environmental conditions. At the same time, internal policies such as employment, education, welfare, and health, should be open, harmonious and flexible enough to turn the challenges presented by migratory pressures into a resource for the economic and cultural development of our societies. The answer to the refugee crisis, which is a common European problem, shall be a European solution.

In 2015, EU Member States received 1,255,600³ first time asylum applications, more than double that of the previous year and unprecedented compared to the past levels. This

humanitarian crisis, provoked by the global and geopolitical contest, also created a policy crisis in Europe, highlighting problems of the existing rules framework in the asylum policy and intensifying tensions within the European institutions and among Member States.

The rules on registration and asylum applications for migrants were still based on the Dublin system.⁴ According to such a regulation system the asylum seeker should apply in the Member State where he enters first in the European Union. In a moment of extraordinary influx of asylum seekers such a system could create high pressures on some border countries (Greece, Italy, Hungary etc.), which are also facing hard economic conditions (high unemployment, slow growth). Thus, an excessive concentration of refugees in such countries could make their integration in the labour market very difficult and create tensions between themselves and local inhabitants. Then, it would be imperative to really apply the relocation system that was decided in April and September 2015 and was never fully implemented. In fact, the quotas for receiving refugees are not being met by the majority of the Member States.⁵

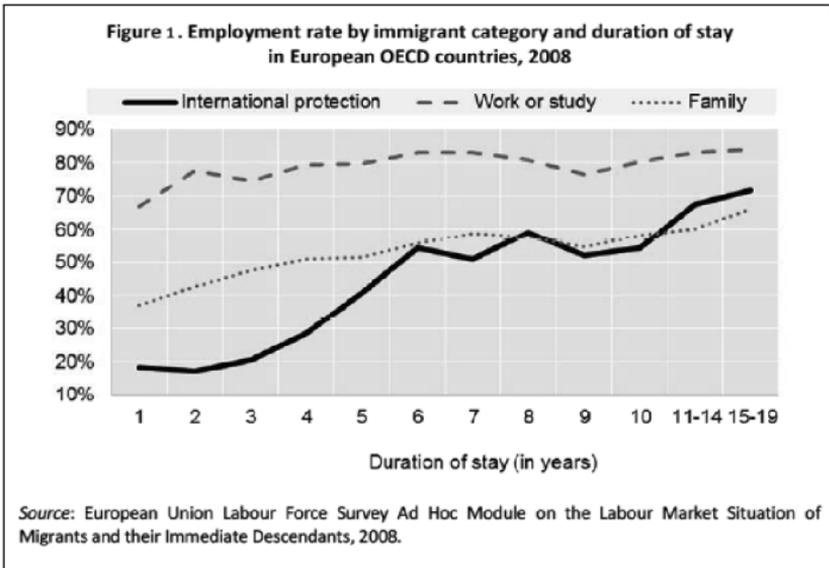
Beyond that, the Dublin system as a whole should be radically rethought, moving towards a real communitarian system of quotas which could ease the burden on the peripheral States. In this perspective the Commission's efforts in updating the European Agenda on Migration, in particular by revising the Dublin III Regulation in order to improve solidarity, responsibility-sharing and harmonisation of protection standards among Member States should be welcomed. The decision taken by some Member States to suspend Schengen and closing borders is not a solution at all, while a permanent mandatory relocation and a resettlements scheme could be.

This kind of debate is fundamental but it tackles only one of the issues raised by the refugee crisis. The migration crisis is a humanitarian emergency, which should be tackled in the short-term, but it's also a long-term issue. In other words, the refugee crisis is first and foremost a humanitarian crisis, but one with long-term impacts on the labour markets and societies and thus requiring long-term and well-evaluated responses in order to guarantee social cohesion at the local level and successful integration of newcomers. After the arrival of asylum seekers in a Member State, the main struggle is to find ways to integrate them into society. Enabling them to access the labour market is the best way towards a durable integration: granting refugees and asylum seekers effective access to the labour market is important to restore their human dignity, to increase their self-esteem and to provide a successful insertion in the host society and is also cost-efficient, by being a responsible approach towards public finances, easing the cost borne by Member States and local authorities while also enabling refugees to become active fiscal contributors.

Labour market integration of refugees

All humanitarian migrants, being asylum seekers and refugees, leave their countries forcefully and therefore are the most vulnerable group among all migrants, having often serious health needs, suffering from psychosocial and posttraumatic stress disorders or forms of disability. Forced displacements, conflicts, human rights violations, and wars can have a severe impact on the physical and mental health of people affected. According to the 2008 European Union Labour Force Survey (Figure 1) humanitarian migrants need much more time than other categories of migrants to integrate into the workplace.

At the same time, early access to the labour market is the best way for a successful integration in the host society. Thus, implementing appropriate policies which could promote labour market integration of refugees is needed.



Nevertheless, such policies should be well designed and conceived in order to be effective and not counterproductive. Unfortunately in the public discourse there are increasing levels of hate speech, anti-migrant sentiment, and xenophobic violence from both institutional actors as well as individuals. The migration issue is highly politicised and refugees could be an easy target for rage and dissatisfaction which are spread among the population because of economic hardship. Unemployment in the EU, in particular youth and long-term unemployment, is still at an alarming level, and matching supply and demand on the labour market is a persistent challenge. In this kind of society the risk is twofold: on

the one hand, humanitarian migrants could accept lower wages than the local people, creating social dumping and downward pressure on the general wage level; on the other hand, xenophobia against the newcomers could rise easily. It is important to fight all forms of discrimination, xenophobia and racism, also raising awareness of anti-discrimination laws, but at the same time, strenghtening the perception among the general population of a competition between humanitarian migrants and local inhabitants should be avoided at any cost. The idea of creating special labour markets for refugees should be rejected and the respective national minimum wages also remain valid for refugees. In fact, a healthy labour market within the country of arrival is a determining factor for a successful and durable integration of refugees, therefore policies and investments aimed at quality job-creation and economic growth must remain a priority. Moreover, the weakening of welfare instruments or other support measures targeting disadvantaged groups would have negative social and political consequences: the principles of equal treatment and equal opportunities should always steer policymaking in the field of social inclusion and integration.

Labour market conditions within host countries and the major differences in social and economic circumstances within the EU are a determining factor for the successful integration of refugees and should be carefully taken into account, for instance when refugees are relocated, avoiding moving them to places where they cannot be integrated into the labour market.

In general, policies and investments aimed at quality employment for the whole of society, with a particular focus on the most vulnerable people, and economic growth are key.

At the same time, a set of specific policies aimed at integrating refugees should be conceived, not subtracting

resources to policies targeting other vulnerable groups. It must be clear that any measure taken to integrate refugees into European economies will not be sufficient if not accompanied by job-creation policies and ambitious investment strategies.

Policies

Policies should be aimed at giving opportunities to humanitarian migrants and, at the same time, to empower them, promoting their own commitment. Social inclusion and the integration of refugees into the host societies is a dynamic two-way process, as well as a two-dimensional one (involving rights and duties), representing a challenge and an opportunity. Early intervention is crucial to allow successful social inclusion and integration of refugees into the labour market. To make such a process work all actors of the society should be involved: Member States, local and regional administrations, host communities, social partners (representatives of employers and employees' organisations), civil society and volunteer organisations. Also support from microenterprises and small and medium-sized enterprises is crucial and their effort in integration of refugees in the labour market should be sustained. Furthermore, the role of cities, as first points of arrival, transit hubs and also ultimate destinations, should be highlighted.⁶ In order to increase cooperation between those actors and make their action more efficient, it could be very useful to share information and best practices, making the best use of mutual learning programmes among authorities and civil society organisations, public and private actors, NGOs and trade unions. Also innovative instruments based on new media, such as social media and apps, could play a pivotal role in facilitating access to as well as exchange of information, refugees' registration, skills assessment, job-

search, language training, as well as direct assistance to people in need.

In order to give refugees a real chance to join the labour market they should also have access to public services: housing, healthcare, social protection, integration courses, language learning modules and other educational and training measures. Welcoming refugees should be accompanied by a solid integration policy, which includes language courses and orientation courses, providing comprehensive insights into fundamental EU rights and values of social inclusiveness.

An early, fair, transparent and free-of-charge assessment of refugees and asylum seekers' formal and non-formal skills, as well as the recognition and validation of their qualifications, in order to facilitate access to active employment policies, with particular regard to training and employment guidance, must be deployed. Besides, measures to guarantee access to the labour market and non-discriminatory working conditions, as well as developing tailored measures allowing them to make full use of their potential, and to match labour supply and demand in the host countries, should constitute the underwood for an effective and durable integration policy environment.

Access to the labour market should be granted as soon as possible because the earlier migrants enter the labour market, the better their integration prospects in the long run. Otherwise, they risk resorting to informal work. According to the Reception Conditions Directive⁷ *Member States shall ensure that applicants have access to the labour market no later than 9 months from the date when the application for international protection was lodged if a first instance decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.* Many EU Member States chose to shorten this time period but others don't even

respect this upper limit, so the situation is very fragmented. It would be important for the Commission to consider a targeted revision of the this directive in order to shorten the maximum time before asylum seekers could enter in the labour market to six months once their applications were lodged, in this way promoting harmonisation towards a lower limit. Also shortening the time of processing of applications would be important in order to promote integration. Times and modalities of processing requests for international protection are very different among Member States: slow and excessively bureaucratic procedures may make it difficult for refugees and asylum seekers' to access to education and training, employment guidance and the labour market, as well as increasing the refugees and asylum seekers' vulnerability to undeclared work and precarious working conditions. Another issue is that the length of the residence permit granted (especially to those with subsidiary protection) could be an obstacle to labour market integration if it is only of relatively short duration.⁸ Training, internship, and apprenticeships are useful tools to give people easier access to the labour market: easy and equal access to those training possibilities, as also to vocational education should be granted to refugees, even before they start working.

Funding

At the European Union level, there are three main funds which could be used to finance actions in favour of refugees: the European Social Fund (ESF), the Fund for European Aid to the Most Deprived (FEAD) and the Asylum, Migration and Integration Fund (AMIF).

The ESF purpose, according to the Article 162 of the Treaty on the Functioning of the European Union, is to *improve*

employment opportunities for workers in the internal market and to contribute thereby to raising the standard of living. The ESF funds could be used for refugees when they are legally able to participate in the labour market or, alternatively, for vocational training actions or for actions concerning the education of children. The ESF budget amounts to EUR 86.4 billion in the 2014-2020 period.

The Fund for European Aid to the Most Deprived has the specific objective of alleviating the worst forms of poverty in the EU such as homelessness, child poverty and food deprivation. The budget of FEAD amounts to approximately EUR 3.8 billion for the 2014–2020 period.

The eligibility of asylum seekers for FEAD depends on a decision by Member States, which define the type of assistance and who may benefit from this fund.

The European Regional Development Fund (ERDF) which amounts to EUR 183 billion for the period 2014-2020, focuses on infrastructure developments, on structural, medium and long-term measures by redressing regional imbalances in the Union. It can be used for programmes from which refugees (and migrants) may benefit. For example, it is within the purpose of this fund to strengthen the institutional capacity of public administration and services including those dealing with the integration of migrants (supporting also actions under the European Social Fund). Moreover, it is possible on a case-by-case basis to support emergency measures such as building up reception capacities for migrants (thus supporting the AMIF).

The Asylum, Migration and Integration Fund (AMIF), with a total of EUR 3.137 billion for the period 2014-2020, promotes the efficient management of migration flows and the implementation, strengthening and development of a common Union approach to asylum and immigration.

In the field of asylum, it could support actions which can be related to the different stages of the asylum procedure and to the different aspects of the asylum policies. Particular attention is paid to the needs of vulnerable groups.

The Fund has used up all its resources; therefore the fund should be retained when the MFF is revised. Unfortunately available tools and programmes at Union level do not appear sufficient to cope with the size of the job. The main tool to promote integration of refugees in the labour market is the European Social Fund, because the other mentioned instruments which could be used to target social inclusion and labour market integration measures are rather small, heterogeneous and not always easy to access due to bureaucratic hurdles or a lack of flexibility.

The ESF was cut by 8% in the last Multiannual Financial Framework negotiation, so to efficiently tackle these new challenges ESF allocations should now be raised back to at least 25% of the cohesion policy budget. Raising ESF allocations to its possible maximum is also the best way of avoiding that some kind of competition in receiving financial support takes place between the most disadvantaged groups of our societies, for example people with disabilities, young people, and the long-term unemployed.

Culture, education and sport

Free public education, culture, intercultural and interreligious dialogue, non-formal and informal education, lifelong learning, and youth and sports policy could play a crucial role in fostering the integration and social inclusion of refugees and asylum seekers in Europe. They are also fundamental in fighting racism, xenophobia and extremism. Culture could help to build more cohesive and inclusive

societies, defending cultural diversity and promoting common European values.

Refugees should have access to educational opportunities and there should be a smooth transition between educational facilities available in refugee camps and the educational system of the Member State. Then, the enrollment of refugee students should be facilitated, the EU and the Member States should establish 'education corridors' by promoting agreements with European universities and the Mediterranean Universities Union (UNIMED) to host refugee students coming from conflict areas in order to facilitate their access and to promote peer support and volunteering. Initiatives adopted in this regard by a number of European universities and their partnerships should be welcomed. When refugee and asylum-seeking children and young people enter the school system, they should be supported through intensive language courses and general induction programmes, including pedagogical support, in order to allow them to participate in mainstream classes. Counselling, linguistic and cultural mediation, civic education and active citizenship programmes should be provided in order to accelerate and ensure the social and cultural inclusion and integration of not only the students but also their families as a whole.

It could also be useful to create helpdesks for teachers giving support in handling various types of diversity in the classroom and promoting intercultural dialogue and guidance when they are confronted with conflicts or students at risk of being radicalised. The Member States should extend opportunities of political education, and provide appropriate further training opportunities and educational materials so as to clarify why people flee and to combat extremism.

Conclusion

The refugee crisis is a humanitarian emergency due to external conflicts, which will have long-term consequences on Europe. Shaping policies that could help asylum seekers' to join the active labour force is fundamental in order to enable a successful integration in the host societies. At the same time, competition between local inhabitants and refugees should be imperatively avoided. In order to do so, additional resources are needed for integration. The ESF resources should be raised up to at least 25% of the cohesion policy. Local labour market conditions should be taken into account when relocating migrants in the Member States and, in any case, policies and investments which could help growth and job-creation at European level should be prioritised. Training, education and cultural programs will play an important role in order to facilitate the integration of refugees. It's also important to find ways to communicate such policies in the correct way, in order to counter populist and xenophobic discourse and to make it clear that refugees are not a threat to the local population.

At the same time, all efforts should be put in place, with diplomacy, international cooperation and action, in order to stop the conflict in Syria and in other war zones where refugees are coming from in search of protection.

Endnotes

- ¹ According to Article 1 of the Geneva Convention, as amended by the 1967 Protocol, a refugee is *A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and*

being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

- ² According to the Qualification Directive (2011/95/EU) to be considered “recognised refugees” it should be a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group. To be a recipients of so-called “subsidiary protection” there should be substantial grounds for believing that the person concerned, if returned to his or her country of origin or former habitual residence, would face a real risk of suffering serious harm, i.e. death penalty or execution; torture, inhuman or degrading treatment or punishment; indiscriminate violence in situations of international or internal armed conflict (Art. 2). A third category falls outside the scope of the Directive, the so-called recognition for humanitarian reasons, i.e. third-country nationals or stateless persons who are allowed to remain in the territories on a discretionary basis on compassionate or humanitarian grounds on the basis of national law.
- ³ Eurostat data, <http://ec.europa.eu/eurostat/en/web/products-press-releases/-/3-04032016-AP>.
- ⁴ The most recent version is the Dublin III Regulation, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF>.
- ⁵ There are also other decisions related to the refugee issue, which are not applied. For instance the Receptions Conditions Directive, adopted in 2013, regarding matters such as access to employment, vocational training, schooling and education of minors, food, housing, healthcare, medical and psychological care and provisions for disadvantaged persons, has not being implemented by 19 Member States.
- ⁶ Often city authorities are not sufficiently, or not at all, included in the development of programmes or adequately supported in financial terms capacity since the asylum policy is a responsibility of national governments.
- ⁷ Directive 2013/33/EU, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013L0033>.
- ⁸ While recognised refugees shall be granted a (renewable) residence permit for at least three years, recipients of subsidiary protection shall receive a renewable residence permit for at least 1 year (in case of renewal at least two years) which may turn into an obstacle for labour market integration (see Qualification Directive 2011/95/EU).

CONTRIBUTORS



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