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Motivations, experiences and consequences of returns and readmissions policy: revealing and developing effective alternatives



## *Executive Summary*

### **Development of the Return and Readmissions policy across Europe: multilevel analysis**

#### **Case Study: Italy**

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## **Disclaimer**

This document provides a concise summary of the key findings from the policy brief on Return and Readmissions policy across Europe that was conducted in the framework of MORE project. For detailed analysis, evidence, and comprehensive insights, please refer to the full report. The information in this summary should not be considered complete or fully representative of the entire study.

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## Introduction

Italian State efforts to prevent arrivals and rootedness of migrants on its territory has been a defining feature of Italian migration policies since late 90s. The Return and Readmission (R&R) framework grew increasingly restrictive, intertwining migration enforcement with other domains, such as detention and asylum, resulting in heightened repression. These policies have institutionalised irregularity by reducing pathways for regularisation, thereby marginalising significant sections of the migrant population. Of the 5 million migrants currently in Italy, 500,000 are undocumented, with limited access to fundamental rights.

The 1998 Consolidated Law on Immigration (Law 40/1998) linked residence permits to work and housing, subjecting social rights to migration status. It also introduced a quota system requiring employers to hire workers from abroad, a process hindered by logistical and bureaucratic barriers. Insufficient quotas and lengthy procedures compelled many migrants to enter Italy irregularly, exposing them to detention and expulsion.

Repressive measures intensified under Law 189/2002, which required migrants to sign “staying contracts” guaranteeing housing and return costs. Job-seekers’ residence permits were abolished, further entrenching irregularity. Subsequent criminalisation of irregular entry and stay under Law 94/2009 curtailed migrant access to public services, deepening exclusion until its repeal in 2014.

Restrictive asylum policies exacerbated vulnerabilities during the migration surge of 2015. Law 46/2017 curtailed asylum seekers’ rights by removing first-instance appeal hearings, undermining procedural fairness. Similarly, the 2018 abolition of humanitarian protection left many vulnerable individuals undocumented. Fragmentation of residence permits into narrow categories failed to address the complexity of migrant realities, while discretionary granting of permits created inequities in protection.

The 2020 introduction of the “special” residence permit aimed to integrate migrants through employment, voluntary work, and social contributions but often excluded those deemed “undeserving” for minor offences, disproportionately risking persecution upon return. Concurrently, financial resources for returns tripled, reflecting a securitisation agenda.

Lastly, Law 77/2019 targeted migrant rescue NGOs and replaced inclusive reception systems with centralised centres offering limited integration support. This policy shift reinforced the portrayal of migration as a security threat, bolstering public perceptions of government control.

These policies have systematically produced irregularity, using expulsions as a performative response to appease public concerns.

## Evidence and analysis

- Italian migration policies since 1998 reveal a consistent trajectory of restrictive measures and securitisation, often prioritising control over integration.

### Legislative Milestones and Evolution of Policies

#### Introduction of Restrictive Measures (1998-2002):

- Law 40/1998 institutionalised precariousness by linking social rights and residence permits to employment and housing.
- Law 189/2002 escalated punitive controls through the "residence contract," stricter unemployment limits, and enhanced enforcement, fostering irregular migration.

#### EU Influence vs. Domestic legislation (2008-2015):

- Despite the 2008 EU Return Directive promoting humane returns, Italian policies remained coercive, emphasising detention and forced returns, with prolonged detention and limited voluntary return options.
- Legislative changes, including Law 46/2017 and Law 132/2018, extended detention durations and increased police-managed facilities, eroding procedural safeguards.

#### Outsourcing and Externalisation (2015-2023):

- Italy increasingly relied on external agreements, particularly non-standard, informal arrangements, especially with African nations like Libya and Tunisia, often bypassing parliamentary scrutiny.
- Partnerships extended beyond Africa, including a 2023 agreement with Albania to establish migrant centres, raising concerns over non-refoulement and arbitrary detention.

#### Impact of Recent Laws:

- Law 50/2023 reinforced restrictive policies by strengthening border detention, limiting legal recourse for asylum seekers, and eliminating voluntary return grace periods.

### Structural Impacts and Criticisms

#### Detention Practices:

- Administrative detention centres (CPR) face widespread criticism for poor services, inhumane conditions, lack of legal support, and hygiene issues. Reports also highlight abuses like psychiatric drug misuse and cost-cutting practices by profit-driven management firms.
- Euphemistic terminology such as "administrative holding" obscures the punitive nature of detention, perpetuating double standards against migrants.

### **Externalisation and Informalisation:**

- Agreements, particularly with Libya, Tunisia, and Niger, subcontract migration control to non-EU states, often enabling human rights violations such as torture and inhumane treatment.
- Informal agreements, cheaper and less transparent, disguise international arrangements as police cooperation, avoiding public scrutiny and accountability.

### **Integration Challenges:**

- Employer dependency for work permits fosters exploitation and precarious employment.
- Reduced residence permit durations and restrictive family reunification policies exacerbate instability, limiting socio-economic integration.

### **Assisted Voluntary Return (AVR) Limitations:**

- Initially limited to vulnerable groups, AVR expanded under Law 189/2002 but remains poorly monitored. Quantitative metrics, like return numbers, overshadow qualitative evaluations of reintegration success.
- Gender-specific needs are neglected, and inadequate pre-return preparations leave migrants ill-informed, further complicating reintegration.

### **Policy Narratives and Public Discourse**

#### Securitisation and Stigma:

- Migration is framed as a cultural and security threat, with African migrants disproportionately criminalised in political and media rhetoric. This narrative legitimises militarisation, border externalisation, and privatisation of migration governance.
- Public discourse emphasises terms like "invasion," reinforcing restrictive measures and public hostility towards migrants.

#### Shift in Effectiveness Assessment:

- Since 2015, EU policies shifted focus from sustainability to quantitative effectiveness, measured by return rates rather than ethical considerations or integration outcomes.
- Despite high costs of coercive measures, data from 2015-2023 show low proportions of returns relative to expulsion orders.

## Policy recommendation

Italian migration policies consistently prioritise control over integration, perpetuating irregularity and marginalisation. Restrictive frameworks, externalisation of responsibilities, and stigmatising narratives undermine migrants' rights and social inclusion.

Recommendations include:

- Enhancing transparency and oversight of external agreements.
- Expanding AVR programmes to include comprehensive pre-return preparations, gender-specific support, and extended reintegration monitoring.
- Shifting policy focus towards integration opportunities, ethical considerations, and socio-economic contributions of migrants.
- This comprehensive consolidation underscores the systemic challenges and areas requiring urgent reform within Italian migration governance.