

ANNEX V

Migration: Position papers

PREVIOUSLY TO C.D. IMMIGRATION AND SECURITY DECREE - Decree-Law 4 October 2018, n.113 today converted with Law L. 1 December 2018, n. 132

PROPOSALS OF THE WORKING GROUP OF CATHOLIC ASSOCIATIONS

Acli, Agenzia Scalabriniana per la Cooperazione allo Sviluppo (ASCS Onlus), Associazione Papa Giovanni XXIII, Azione Cattolica, Centro Astalli, Centro Missionario Francescano Onlus (Ordine dei Frati Minori Conventuali), CNCA, Comboniani, Comunità Sant'Egidio, Conferenza Istituti Missionari Italiani, Federazione delle chiese evangeliche in Italia (FCEI), Federazione Salesiani per il Sociale, Fondazione Casa della carità "A. Abriani", Fondazione Somaschi, Gioventù Operaia Cristiana (GiOC), Istituto Sturzo, Movimento dei Focolari Italia, Pax Christi, Vides Italia, Federazione Universitaria Cattolica Italiana (FUCI)

Proposte per una nuova agenda sulle migrazioni in Italia

The Catholic organisations that operate in various capacities in the field of migration, feel the need to open a discussion space in which to give voice to the needs of civil coexistence and social justice that they identify as priorities for the sake of many men and women whose rights and dignity they promote. In the horizon of a welfare system that increasingly puts at the centre a vision of an inclusive civil community based on solidarity, migration phenomenon poses a crucial issue that cannot be postponed and affects everyone regardless of his or her origin. The different political groups at the next electoral round are called to express their intention on how to tackle these issues. The migration crisis across Europe clearly shows a

profound decline of the common values on which the Union is based. The issue of migration seems to have become an important test for the European and National policies.

In this context, the migration phenomenon is crucial for the future of Italy and occupies increasingly important spaces within the public debate and, even more so in view of the upcoming electoral deadlines. For this reason, we believe it is essential to create opportunities for a sincere and constructive dialogue, thanks to which the political parties that are candidates to lead the country, can make clear and specific commitments to the public opinion. In this view, the assumption is to get rid of the emergency logic and to rethink the migration phenomenon with a planning attitude. At present, however, we are certain that many citizens in the country, when we speak of immigration, have a great need for reflection, action and change. The campaign "I was a foreigner - The humanity that does well", launched in April to change the Bossi-Fini law and that ended in October with the collection of over 90 thousand signatures, confirmed this: there is a strong demand for information and for finding a meaning and concrete answers. A growing number of citizens understood how crucial it is for everyone to address the issue in a different way.

Based on our experiences in the field, having been inspired by the constant appeals of Pope Francis to welcome, protect, promote, integrate migrants and refugees and recalling the 20 suggestions proposed by the Dicastery for the promotion of integral human development of the Vatican for the drafting of the Global Compact that is the agreement on migrants and refugees that will be adopted by the United Nations in 2018, we have drawn up seven proposals for a respective number of areas in which it is crucial to intervene as soon as possible. The following are seven challenges that, citing that important document, must be tackled not only to contribute to the "protection of the dignity, rights, and freedom of all the subjects of human mobility", but also to "build a common, inclusive and sustainable environment for everyone".

Agenda on migration: 7 specific bullet points:

- **Reform of the law on citizenship**

Since too many years, the Italian legislation on the acquisition of citizenship does not adapt to the changed social context and too many citizens are not recognized as such by law. A legislative provision that heals these contradictions cannot be postponed any longer.

- **New ways to enter Italy**

A new legal framework is needed to welcome those who arrive in our country without forcing them to seek asylum. Against migratory flows that experts increasingly define as mixed, creating a political division between asylum seekers and "economic migrants" is difficult, anachronistic and ineffective. We must move beyond. We ask for a quick reactivation of the ordinary entry channels, which have been almost completely closed for years, with the

inevitable consequence of favouring irregular entry and staying. In order to enter legally in Italy, we need more flexible and efficient methods, starting with an immediate reactivation of the flow decree, to arrive at broader and more organic proposals for the amendment of the immigration law: temporary residence permit for the search for employment, intermediation between Italian employers and non-EU foreign workers and reintroduction of the sponsor system (direct call system).

- **Regularization on an individual basis of "rooted" foreigners**

Irregular foreigners, following the models of Spain and Germany, should have the possibility to be regularized on an individual basis if they prove to have a job, to have proven family ties or to no longer have relations with the country of origin. This would be a residence permit for proven integration, renewable even in the event of job loss at the conditions already provided for, by the "expected occupancy permit". Finally, the residence permit for asylum application could be transformed into a residence permit for proven integration, even in the case of the definitive asylum seeker who has carried out a fruitful path of training and integration.

- **Repeal of the crime of illegality**

The crime of illegal immigration, which is unjust, ineffective and counterproductive, is still in force: it must be cancelled as soon as possible, repealing Article 10-bis of Legislative Decree 26 July 1998, n. 286.

- **Expansion of the SPRAR network**

The imbalance in favour of the CAS, the Centres of Extraordinary Reception, is still too strong and the quality of the hospitality is affected. The objective must be to reunite the entire system in the SPRAR, which must return under effective public control and provide for the inclusion of reception among the ordinary administrative functions of local authorities as well as increase substantially and rapidly the number of total seats.

- **Valorisation and dissemination of good practices**

We have long been flooded with cases of bad reception. Unfortunately, such cases exist, are numerous. We must never stop denouncing them with force and speed without the slightest fear. Anyhow, there is also another aspect of the reception of migrants, less visible and much more positive. It should be told as much as possible, precisely through an observatory capable of identifying and spreading good practices, so that they can be replicated as much as possible.

- **Effective participation in democratic life**

An active and passive electorate is envisaged for administrative elections in favour of foreigners holding a residence permit for long-term residents.

THE APPEAL OF CATHOLIC ASSOCIATIONS

SECURITY DECREE, APPEAL OF THE ASSOCIATIONS: NORMS TO BE REVIEWED BECAUSE OF THE RISK TO INCREASE IRREGULARITY; INTEGRATION SHOULD BE PROMOTED!

Appeal to parliamentarians regarding the conversion into law of Decree-Law 4 October 2018, n.113

The Decree-Law 4 October 2018, n.113, which has been being converted into law, introduces in its first part radical changes in the discipline of asylum, immigration and citizenship. Some of these changes have been added through amendments that further harden an already harsh legislative initiative. As a preliminary point, we observe how the transition from the possibility of obtaining of a residence permit for humanitarian reasons (conceived in the previous legislation as a general clause) to the release of a limited number of residence permits for "special cases" would require some additional measures compared to the provisions of the decree-law, which are suitable to make this passage less traumatic. As of today, in fact, about 140,000 people holding a residence permit for humanitarian reasons risk falling or have already fallen into a condition of irregularity of staying that will expose them to the risk of extreme poverty, marginalisation and deviance. Regarding the new regulation of residence permits for special cases, we express concern that these residence permits are configured as extremely precarious authorizations, almost always non-renewable and non-convertible, for example, in a residence permit for work purposes. This means that after the first year of application of the new discipline, many persons who today are about to obtain a residence permit will lose it, becoming irregular.

Therefore, in the name of security, the discipline of staying in the country is becoming tougher and is going to increase the tendency to illegality. This will make social cohesion even more fragile for the Italian families, while the companies will find more difficulties in legally obtaining motivated and young manpower; all this will be at the exclusive benefit of the few dishonest entrepreneurs and organized crime. We are instead convinced that there can be no real security without the awareness that, in the absence of adequate flows of regular entry and of a drastic decline in disembarkation on our shores, we need to promote integration as much as possible and not to venture into rules that risk widening the irregularity. The co-signatories, therefore, look with great concern at the loss of the sense of balance and moderation in immigration policies, replaced by complacency for gestures and signs of harshness, which, however, by producing suffering, do not solve problems but sharpen them.

In particular, we see how much more resources will be spent on the administrative detention of foreigners under irregular conditions up to 180 days and perhaps even longer, instead of the maximum term of 90 days in force until today. This happens, however, without having acquired the necessary authority to obtain from the governments of the countries of origin repatriation agreements that are both effective and respectful of fundamental human rights. At the same time, unfortunately, the policies to promote integration are underestimated, lacking political acumen and the investments that would be needed.

The international protection is mortified by the predisposition of procedures that seem to have the only objective of speeding up, without ensuring adequate listening, without any certainty of a fair proceeding and in several cases, without even allowing the entry and hospitality of the asylum seeker on the national territory. Knowing the situation of the Italian prisons and their finalities, we wait with deep concern for the increase in prison sentences motivated only by the irregularity of staying for those who have been rejected or expelled. Finally, we are worried about the serious involution of legal civilization exercised in regard to procedures for the acquisition of citizenship. In a country that has made transparency and regulation of the procedural time (determined ordinarily in a maximum of 90 days) its two basic objectives of reform of the public administration, the decision to determine in 48 months the procedural deadline for the definition of applications for acquisition of citizenship by persons residing in Italy for many years, sounds very discriminatory. The requirements of honesty, transparency and good performance of the public administration are thus humiliated by the elimination of the obligation to respond with a minimum of concern to a question that should be considered of great importance both for the applicant and for the large community of citizens. Therefore, we turn to the Senators of the Republic to commit, in these last and brief hours of parliamentary debate, to improving the rules submitted to their scrutiny. For the good of the country and the safety of everyone, it is not appropriate to increase the irregularity but is rather necessary to strengthen integration.

The appeal is promoted by:

Comunità di Sant'Egidio, ACLI, Centro Astalli, Associazione Comunità Papa Giovanni XXIII, Caritas Italiana, FCEI (Federazione delle Chiese Evangeliche in Italia), Tavola Valdese, Casa della Carità di Milano, Fondazione Migrantes and ASCS (Agenzia Scalabriniana per la Cooperazione allo Sviluppo).