

Europe of Migrations: Policies, Legal Issues and Experiences

Edited by
Serena Baldin
and Moreno Zago



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LOGO DESIGN: Pierax

*Il presente volume è stato pubblicato con il contributo del
Dipartimento di Scienze politiche e sociali dell'Università degli Studi di Trieste.*

UPI
UNIVERSITY
PRESS ITALIANE

Opera sottoposta a *peer review* secondo
il protocollo UPI - University Press Italiane

impaginazione
Gabriella Clabot

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ISBN 978-88-8303-851-8 (online)

EUT Edizioni Università di Trieste
via Weiss 21, 34128 Trieste
<http://eut.units.it>
<https://www.facebook.com/EUTEdizioniUniversitaTrieste>

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Introduction

SERENA BALDIN, MORENO ZAGO*

According to Eurostat, in 2015 over 1.2 million asylum seekers applied for international protection in the EU Member States. It is a figure more than double that of the previous year. In the first quarter of 2016, the number of asylum applicants increased by more than 50% compared to the same quarter of 2015. These flows represent a crucial test to verify the institutional endurance of the EU and also a severe challenge to European countries. Indeed, there is little doubt that the unequal distribution of new arrivals among EU Member States and the increasing restrictive measures recently introduced by several countries in order to prevent the entrance of migrants in their territories call into question the survival of the EU policy in this regard. They also endanger the credibility of the EU as a whole. In addition, the migrant crisis in Western Balkan raises doubt about the EU enlargement process towards these countries. In parallel, migrations raise many issues for national and local authorities. Welcoming policies and welfare assistance have to be foreseen for migrants, both legal and illegal. Often these matters give rise to tough political debates, difficult practices, and normative obstacles, as is the concern related to ethnic diversity and cultural values potentially in contrast with those of the majority of the population.

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The collection *Europe of Migrations: Policies, Legal Issues and Experiences* brings together scholars from law, sociology, history, and political science with the aim of taking the stock of these topics. The volume focuses particularly on three aspects: firstly, how the European Union is facing to the emergency of great fluxes of migrants, while its policies and rules are explicitly questioned or opposed by some Member States; secondly, which are the major legal issues at stake regarding the integration of migrants in the European countries; thirdly, how welcoming policies are dealt with national and local bodies and which matters involving ethnic diversity and new migrant communities may arise from specific experiences.

In the first part, entitled “The European Union Migration Policy”, Alessia Vatta introduces the theme highlighting the tension between Europeanisation efforts and national sovereignty in the evolution of the migration policy, in the attempt to identify possible developments in this field. With the aim of stopping large flows of irregular migrants, principally coming from Syria, EU and Turkey signed in 2016 a statement. Francesco Cherubini wonders if this statement is an international agreement, if it is compatible with the principle of non-refoulement, and if it is legal. While Turkey’s role is of crucial importance in this context, the volume also focuses on the migration crisis managed by other Western Balkans countries. Ezio Benedetti privileges the perspective of the EU’s enlargement policy to these countries for trying to demonstrate that the current approach is not responding to the basic need of a re-launch of this process. The Common European Asylum System and the role of the European Union in protecting the rights of asylum seekers is dealt with considering two vulnerable groups. Serena Baldin and Moreno Zago introduce the legal framework of asylum and illustrate the policies provided for unaccompanied foreign minors. Delia Ferri discusses how and to what extent EU directives ensure the protection of migrants with disabilities and meet the standard of protection of the UN Convention on the rights of People with Disabilities.

The second part is devoted to “Issues on Legal Integration of Immigrants”. In a theoretical perspective, the issue of the emergence of a multicultural ideology and its compatibility with the idea of Constitution is deeply questioned by Carlos Ruiz Miguel. From a comparative point of view, Maria Chiara Locchi deals with the well-established phenomenon of the imposition, by many EU immigration countries, of linguistic and civic integration tests for migrants as pre-entry integration requirements. Given that the success of integration policies depends in a large extent on the recognition of social rights, further case studies are addressed to these rights in Spain, Ireland and Italy. Spain, despite being a gateway from the North African route, has traditionally accepted few refugees. And even if the rate of economic migrants is higher, in this country the main challenge is already that of establishing effective mechanisms for their integration, as revealed by Juan José Ruiz Ruiz. Historically, Ireland was a country of mass emigration, rather than net immigration. However, the continuous influx of refugees

during the mid 1990s imposed a revision to its immigration system. In this respect, the chapter written by Charles O'Sullivan provides an analysis of the Irish legal system in relation to third-country migration, and demonstrates two key characteristics of the employment permit system: ministerial discretion and the propensity to operate on almost purely administrative basis. In Italy, the welfare for migrants is conditioned by two factors, which recently have influenced policies at national and regional level, namely the economic crisis and the migratory emergency. The legal effects of continuous and chronic emergencies on the Italian social security system are highlighted by Maria Dolores Ferrara, while Davide Monego provides a framework of the application of the provisions set up by the legislative decree no. 286/1998 on immigration, that is the most effective measure to protect migrants' right to health.

The last part, "Experiences of Migration", opens with the exploration of the concept of ethnicity. Ornella Urpis analyses in depth the perspective of ethnic identity in its cognitive, evaluative and emotional dimensions, as well as the policy approaches of multiculturalism and interculturalism in relation to violence and social conflict. The following chapters are devoted to the study of specific cases. Giovanni Delli Zotti and Donatella Greco underline the "Protection System for Refugees and Asylum Seekers" (SPRAR), as a good practice implemented in the Region Friuli Venezia Giulia and in the town of Trieste. The North-Eastern part of Italy is examined also by the research group of the Institute of International Sociology of Gorizia (Anna Maria Boileau, Daniele Del Bianco, Olivia Ferrari, Ramona Velea, Chiara Bianchizza). Their chapter summarises the research's findings on Gorizia, proposing future actions to implement the adaptive capacity of the actors involved in the management of the migration fluxes. International trafficking from Punjab and exploitation of migrants workers in the Province of Latina are objects of the analysis by Marco Omizzolo, also conducted through the participant observation working as a farmhand. With a historical approach, the chapter written by Diego Abenante is devoted to the examination of the characteristics of the community of Pakistani immigrants in Italy. The essay focuses in particular on the demographic characteristics of this community, on its religious and social values, and on the structures of political authority. Pietro Neglie investigates the specific case of Armenian diaspora in Italy as the consequence of the massacres and genocide at the beginning of the XX century, and Cesare La Mantia examines the case of the Magyar refugees escaped from Hungary in 1956, highlighting Austria's, Yugoslavia's and Italy's welcoming before their departure towards other final destinations.

The interdisciplinary volume shows that the EU and the European States are managing with great difficulties the recent flows of migrants. Although they should have several years of experience in this field, and notwithstanding the fact that they need migrants for their labor markets and for contrasting the demographic decline, the reality is that different political views and interests, inside single States and among States, do not facilitate the development of co-

herent policies and legal frameworks to tackle this issue. In spite of a number of good practices arising from NGOs and civil society and also from local and national authorities, as a whole the “fortress Europe” still seems unable to adopt effective policies to welcome and integrate migrants in accordance to the Charter of Fundamental Rights of the European Union.