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United Nations
Interregional Crime and Justice
Research Institute

MIGRANT FLOWER SELLERS

IN THE CITY OF TURIN





Migrant flower sellers in the City of Turin

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Introduction

This study has been conducted by the United Nations Interregional Crime and Justice Research Institute (UNICRI). Its objective was to deepen knowledge on a specific segment of society: the community of migrants selling flowers in the streets of Turin (Italy).

Little or nothing is known about them: they live in the city and walk among people without much interaction. They sell their flowers, trying not to be invasive, and never looking for someone to tell their stories. The study aimed at answering the following questions: *Who are they? Where are they from? How and why did they arrive in Turin? How do they deal with this job? How do they feel? Are they exploited?*

The initial consultations with local authorities (including law enforcement, social services, and non-governmental organizations working with migrants) led us to the conclusion that this group of migrants is paradoxically visible and invisible.

Migrants selling flowers in the streets of Turin are visible to everyone in the streets, parks, restaurants, bars and traffic lights. In short, every citizen transiting in public spaces can see them. But the ways these persons act and live in Turin make them invisible in the sense that little or nothing is known about them. Their ‘invisibility’ is primarily related to their legal status, to the way they arrive in Italy, to the informal work they perform and to their links which are limited to their immigrant communities.

Several studies on street vendors that have show that their situation as irregular migrant workers – without permits to stay or to sell their goods – puts them in a vulnerable and easily exploitable situation.

UNICRI started this study in order to understand the stories behind this minority group, disclose its vulnerabilities and verify its level of exposure to organized crime. But not only this: the purpose of the study also was to understand how they perceive and are perceived by the society in which they live.

This report presents some of the findings of the interviews and meetings conducted with migrant street vendors and with entities or people who, like us, have tried to understand more about them and the legal framework in place to address undocumented migrants.

About UNICRI

UNICRI was established in 1965 with the mandate of developing new knowledge in the prevention and control of crime and applying that knowledge in the fields of crime prevention and criminal justice. The Institute assists intergovernmental, governmental and non-governmental organizations in formulating and implementing policies for crime prevention and criminal justice, with due regard paid to their integration within broader policies for socio-economic development and the protection of human rights. UNICRI assists governments and the international community at large in tackling the threat that crime poses to social peace, development, political stability and human rights protection; and in fostering the development of just and efficient criminal justice systems.

UNICRI assists in the development of integrated actions by bringing together various actors (i.e. social services and law enforcement) and leading joint efforts in the design and implementation of joint initiatives.

In the past, UNICRI has conducted surveys on victims of crime such as *The International Crime Victims Survey (ICVS)*¹, *The European Crime and Safety Survey* and *The Victims of Crime in the City of Naples*. In the field of trafficking in persons, the Institute published a report in 2004 on *Trafficking of Nigerian Girls to Italy* as well as a report on *Trafficking in Women: the Czech Republic Perspective*.

Empirical research, such as that conducted in the ICVS and the EU ICS, has always been at the forefront of the work of UNICRI. It has played a crucial role in supporting more informed and suitable policies and raising awareness of the plight of the victims of crime.

The project at hand, however, endeavours to take a different approach to empirical research, and get closer to vulnerable categories of people in order to understand their vulnerabilities on the bases of their legal status and their experience.

Over the past decade, UNICRI has been strongly involved in the implementation of various applied-research and technical assistance projects in the field of counter-trafficking in persons and child exploitation. Several programmes have been carried out in the Czech Republic, Costa Rica, Germany, Italy, Nigeria, Poland, Thailand, the Philippines, and Ukraine. In addition, UNICRI has been working on the issue of trafficking in persons in peace support operation areas since 2002.

UNICRI's strategy on trafficking in persons and smuggling of migrants aims to assist Member States to prevent and prosecute trafficking and smuggling related crimes, to identify and support victims and to reduce the vulnerability of at risk populations. Activities are carried out in close cooperation with governments, international organizations and civil society organizations involved in preventing and combating trafficking in persons, especially women and children. UNICRI seeks and encourages the proactive participation and involvement of local communities at all levels of interventions.

1 The International Crime Victims Survey (ICVS) consisted in a programme of standardised sample surveys designed to improve knowledge of people's experiences with crime, policing, crime prevention, and the fears of insecurity in a large number of countries. The aim of ICVS was to provide reliable statistical data on peoples experiences with crime. UNICRI got involved with ICVS in 1992 and has, since then, been responsible for the development of ICVS in developing countries and countries in transition.

The phases of the project and its method

The objective of the presented study – started in 2012 – was to collect information on flower sellers. We wanted to understand if this segment of the migrant population was exploited by organized crime and to examine whether their illegal immigration status was the main reason behind the informal work they perform.

During the first phase, preliminary meetings took place with individuals or entities we presumed were in contact with flower sellers. We met with representatives of local institutions and NGOs providing support to and promoting migrants' integration. The objective was to get preliminary information on the target groups we wanted to study and in particular their age, legal status, cultural and other network links, reasons for leaving their country, travel route to Turin, work experiences of street selling and vulnerabilities.

At the very beginning, the nationality of this category of self-employed migrants living in Turin was unknown. The category of flower sellers was composed of a group of people who were difficult to quantify, not in contact with social services and NGOs in charge of supporting migrants, and with no criminal records.

The representatives of entities and the individuals² we met gave us some direction and helped us to understand that migrant flowers street vendors were not well integrated: they were not involved in the activities of one of the main NGO dealing with migrants; they did not attend classes to learn the local language; and they did not ask for social service support. They very much respect the context they live in and their presence was not raising security concerns.

The law enforcement authorities (Municipality Police and Carabinieri) in the two main districts where migrants communities were located, namely Porta Palazzo and San Salvario, reported that flower sellers in Turin were from Bangladesh. The law enforcement described flower sellers as very peaceful, with no criminal records and not involved in drug selling or robbery. On the contrary, because they usually operate on the streets, and very often during the night, they represent a deterrent for criminal activities.

Despite the perfect organization and territorial division of the migrants' selling of flowers, the persons interviewed were doubtful regarding the involvement of criminal organizations in the management of this business. The owners of flower shops who were contacted stated that flower sellers were self-organized. The owners didn't think that the flower sellers were exploited by criminal groups and specified that each flower seller purchased the number of needed flowers.

Despite this, the suspects related to possible forms of exploitation were not fully removed and we will explain why in the next chapters.

From the very beginning the method used to collect information on flower sellers evolved, in consideration of the fact that interviewing them in the streets posed some issues: we were subtracting their time during the "selling hours" and conducting the interviews in

2 Consultations took place with the Agency for local development (Agenzia di sviluppo locale); "The Gate" Porta Palazzo (Turin); Municipality of Turin, Social Service Division - Asylum and Nomadism (Comune di Torino, Divisione Servizi Sociali - Immigrazione - Asilo -Nomadismo); owners of the flower shops (Italian); Carabinieri (San Salvario, Turin); Municipal Police (Polizia Municipale di Porta Palazzo); Bangladeshi anonymous owner of flower shop, people from Bangladesh community and Bangladesh Association of Turin.

public spaces made them feel uncomfortable.

During the testing of the draft questionnaire in the streets, we found the persons interviewed very polite and cooperative. However, they were reluctant with respect to some parts of the pilot questionnaire, especially the ones related to their travel to and staying in Italy.

These initial meetings emphasized the main vulnerability of these migrants: the fact that the majority of them were staying in Italy irregularly. However, despite the fact that they had no possibility of obtaining evidence that the interview was administered by United Nations staff, they wanted to help. This phase improved the understanding of some issues and helped in finalizing the questionnaire.

This initial assessment, including meetings with local entities and individuals and interviews with a sample of migrants, highlighted the need to involve an association in Turin to support engaging migrant flower sellers in the interviews.

Contacts were established with the Bangladesh Association of Turin (BAT) which was indicated by migrants themselves as their point of reference. For example, the Association supports them by collecting funds when needed (i.e. repatriation of bodies).

The Bangladesh Association of Turin advertised UNICRI's initiative to encourage flower sellers to participate in the interview phase. A total of 50 persons consented to have face-to-face anonymous interviews which were conducted at UNICRI Headquarters in Turin by UNICRI staff and volunteers of the Student Association for International Organizations (MSIOI) previously trained.

The analyses of the questionnaires highlighted the main issues the migrants interviewed were facing: the majority of them were illegal immigrants, with no clear prospects and scared by the possibility of being rejected and have failed in their attempt to find a job and help their families in their home country.

The discrepancies and resistance to answering the questions related to the permit to stay process was also conditioned by that fact that the interviews took place during the implementation of the Italian regularization plan for undocumented migrant workers. Many of the individuals interviewed mentioned that their position was going to be regularized, but, as we will see in the next section, an employer is needed to start the process. The individuals interviewed provided more details about the actors who facilitate their travel from Bangladesh to Italy compared to the information on perspective employers. The second phase of the project further explored the reasons why they were so uncomfortable with this.

Weaknesses / Limitations

This exploratory study is based on the collection of information from different perspectives and with different methods: the information derived from the meeting with migrants, and the data collected through the answers to the questionnaires were complemented by the description of cases and the collection of information during the meetings with officers from different entities.

The study highlights the main vulnerabilities of irregular migrants and, in particular, the vulnerabilities of the segment we studied. It also highlights the need to improve the legal framework for economic migrants and the coordination mechanism of the actors involved in the migration process. More specifically, we consider that the limitations of the study, described below, mirror the main gaps to be addressed.

Some of the challenges addressed during the development of the study:

- At the time the interviews were conducted (2012), UNICRI had to refer to a Bangladeshi association to involve migrants in the interview. There was no Italian entity in contact or able to establish a channel of communication with them.

From 2012 to 2015, no personal records of this segment of the migrant population were available.

- Apart from data on Bangladeshi citizens regularly recorded in the local Chamber of Commerce database, it was not possible to have an estimate of the total number of Bangladeshi migrants in Turin (both regular or irregular).

An additional (and very practically challenging) problem during the interviews was represented by the linguistic barrier: the respondents did not have a good knowledge of Italian or English. Although the questionnaire was translated in Bengali and 2 interpreters and cultural mediators were involved, it was not possible to further investigate some inconsistencies in the answers.

- Many of the flower sellers interviewed were not comfortable with the questions and some of them told us they were not going to provide details about the way they entered Italy. Some responded in inconsistent and inaccurate ways (and some, we believe, gave information aimed at conditioning the perception of their stories in the hope of being assisted in the search for a job).

1. THE NATIONAL LEGAL FRAMEWORK ON MIGRATION

A. Introduction

The very first legal provision in Italy specifically aimed at regulating migration was the law known as “Martelli Law”, introduced in 1990. This legislation introduced the obligation for foreigners to obtain a residence permit (or permit of stay - *permesso di soggiorno*) as the condition for regular stay in the country. During the 90s, a number of different provisions were adopted to regulate and counter irregular migration. All these pieces of legislation, as well as other relevant norms dispersed in various provisions not specifically dealing with the subject, were eventually collated in 1998 by the “Turco-Napolitano Law” that led to the adoption of the Consolidated Law on Immigration, the Legislative Decree no. 286 of 1998, also known as Single Act. The Single Act aimed at establishing a balance between principles of solidarity and needs to regularize inflows of migrants. The immigration policy embodied in the Single Act moves along three main guidelines: 1) entry programming within annual quotas (subject to amendments starting from 2012); 2) fight against irregular immigration and criminal exploitation of irregular migrants; 3) social integration policy for foreigners regularly present on the territory.

Although the original text has been the object of several interventions reflecting the different priorities of Italy’s changing government, it is a fact that today the Single Act is still the main legal norm regulating all aspects of immigration, including the liability of irregular migrants, and the migrants’ rights and entitlement to services.

B. Entry into the country

1. The visa system

Non-EU nationals and nationals of countries that do not enjoy a visa-free regime (including Bangladesh)³, can normally enter the territory of Italy (or other Schengen countries) only on the basis of a visa. Visas are issued by the Italian diplomatic authority of the country where the individual is permanently resident.

Visas can be classified according to their territorial validity and their duration of the stay. First, visas are either Uniform Schengen Visas (type C) or limited territorial validity/ national Visas (type D). With the former the foreigner can travel within the Schengen Area, whereas with the latter long-term stay is allowed only in the country for which the visa has been issued.

Visas can also be divided in short and long-term according to their duration. The former enables the holder to visits of up to a total of 90 days, calculated over a 180-day period.

3 Citizens of countries that are a part of specific international agreements with the Italian government (e.g. all North American countries, Australia, New Zealand, Japan, South Korea and several Latin American countries) are not obliged to request an entry visa for stays less than 90 days if the travel purpose falls under tourism, mission, business, invitation, sport competition or study.

The number of days is calculated from the date of first entry to the territory of the Schengen area. Normally short-stay visas can be issued for business, medical treatment, sporting events, by invitation, self-employment, salaried employment, mission (related to the work of international organizations), religious grounds (i.e. for seminarians or exercise of religious functions), study, transport and tourism. Foreigners entering Italy for periods not exceeding 90 days, whether or not subject to visa requirements, do not need to apply for a residence permit. The entry of non-Schengen nationals is marked by the application of a stamp on the travel document at the moment of the border control.

Long-term visas are issued on the same grounds listed for short-term visa (except for tourism) and enable the holder to request a permit of stay for the relevant period. There is a direct correlation between the type of visa and the permit of stay issued.

Nationals of Schengen countries can, of course, freely move within the area. If they intend to stay for more than 90 days in a country other than theirs, they are nonetheless obliged to present a declaration of presence to the local Police Office (Questura) within 8 days of arrival.

2. The quota system

Of particular relevance for the purpose of this study is the regulatory system of migration flows based on annual quotas, which has been in place since 1995 and was the object of significant change in 2012. Considering that the present study covers the period during which the quota system was amended, it seems opportune to distinguish the legal framework applicable before and after 2012. Generally speaking, it can be said that the purpose of the 2012 scheme is to introduce annual ceilings (*flussi*) to determine the number of foreigners that can enter Italy for working purposes. The number of places available varies from year to year and is decided by a Governmental decree (the so-called *Decreto flussi*).

To enter the territory of Italy for working purposes (namely self-employment, dependent employment or seasonal work) the foreigner must obtain the corresponding visa. This is done through the mechanism established within the quota system. Under this scheme, the foreign worker must receive a job offer addressed personally from a prospective employer, who can be either an Italian national or a foreigner who is a permanent, regular resident of Italy. The job offer depends on the number of places available, as identified in the relevant Decree (*Decreto flussi*) which establishes the number of workers who can enter Italy to be employed as carers, domestic helpers, self-employed and seasonal workers. A portion of the places available are allocated to nationals of countries that have signed special agreements with Italy facilitating the repatriation of migrants in cases of irregular stay.

Under this scheme, the employer wishing to hire a foreign worker, must lodge a request for an identified worker with the *Sportello Unico per l'Immigrazione* (Single Desk, literally the one-stop shop for immigration), a service of the Ministry of Interior where representatives of different Ministries (Labour, Welfare) jointly operate. The designated *Sportello Unico* is identified on the basis of the residence of the employer or the headquarters of the enterprise. The request contains all the information needed to identify the employer and the worker, as well as the employer's obligation to pay the relevant salary, as determined by law, to provide the necessary accommodation and to bear the expenses related to

the return of the worker to his/her country at the end of the contract. The employer's income self-certification is also included. The *Sportello Unico* reviews the request and verifies the absence of deportation orders or convictions upon the foreign worker. Upon positive verification of the requirements and places available according to the quota system, the *Sportello Unico* issues the entry authorization (*nulla-osta*). Until March 2014, this authorization was given to the employer who was responsible for sending it to the worker. Since then, the *nulla-osta* is being sent in an e-form to the competent diplomatic representation of Italy where the worker will request the visa.

Upon issuance of the *nulla-osta*, the *Sportello Unico* invites the employer to collect the authorization of entry, to sign the contract and to provide evidence of the suitability of the accommodation made available to the worker. Whilst the original of the *nulla-osta* is handed to the employer, the work contract (in three copies) is kept by the *Sportello Unico*. The worker will have to come and sign it within 8 days since his/her arrival in Italy. The *nulla-osta* is valid for six months since the date of its issuance.

2.1 Verification of income

Particularly relevant for our purposes, as they can be manipulated, are the thresholds set to determine the income of the employer. They are distinct depending on whether the contract is related to domestic or non-domestic work. In the first case, the employer must declare an income which is double the salary that is going to be paid to the worker. The personal income of the employer, however, can be topped-up by that of the employer's children or parents, even if they do not live with him/her. No minimum income is required if the employer is not self-sufficient due to disabilities or other pathologies and wishes to hire a carer (provided that the medical condition of the employer has been duly certified according to law). In such cases, there is no limitation as to the number of carers (no other category of worker can be admitted) that can be employed.

When the position offered is not related to domestic work, *Sportello Unico* can determine whether the employer's income or business volume is sufficient to sustain the costs related to the employee and whether the hiring is opportune.

The *Sportello Unico* informs the National Institute of Social Security (INPS) when the contract is signed. INPS, in turn, provides the relevant information to the Employment Office, Ministry of Labour and INAIL (National Institute for Insurance against Professional Incidents).

2.2 The quota system until 2012

Entry of foreigners into Italy for seasonal work purposes has been governed by a quota system that encompasses the inflow of both self-employed and contract workers who are either permanent, temporary or seasonal. Quotas are set yearly by a Decree (*Decreto flussi*), on the basis of the estimated need for foreign labour as provided by local and regional labour offices of the Ministry, and local employers' associations. The system works on a "first-come, first-serve" basis. Since 1998, shares of such quotas are reserved for nationals of selected countries. In 2000, specific categories of people (workers of countries with which Italy has concluded cooperation agreements, and those foreigners already in the country wishing to convert their current residence permit into a work permit) have also been included.⁴ After a certain period of time set by the Decree, quotas reserved for

⁴ Since 2006, under the quota system, 3,000 Bangladeshis could enter Italy for work annually. In addition, many Bangladeshi

each category which remain vacant become available to nationals of any non-EU country.

2.3 The quota system after 2012

Beginning with the governmental decree of 2012, the *Decreto flussi* has been subject to significant amendments. Unlike the previous regulations, entry quota has been set exclusively for self-employment reasons of limited categories of foreigners (i.e. South Americans of Italian descent, specially skilled workers, liberal professionals and artists) and for converting existing residence permits (study, training or education, seasonal work, and long-term residence permits issued by another EU Country) into permits for self or subordinate work.

2.4 Seasonal workers after 2012

The scheme for hiring seasonal workers, employed in the agricultural and tourist sectors only, is currently different from the one illustrated above. The quota for such category of workers is established by a separate yearly governmental decree. As of February 2012, the procedure has been streamlined: the employment of workers who have been hired in the past by the same employer and who have returned to their countries upon the expiration of their contract, becomes subject to the rule of silent consensus. This means that if the *Sportello Unico* does not reply to the employment offer filed by the employer within 20 days, the request is considered to be accepted. Seasonal workers who, at the end of their contract, find a new working opportunity, can stay in the country and have their residence permit renewed up to 9 months.

3. The points system and integration agreement

Even before the new *Decreto flussi*, the Italian government introduced a merit/demerit system applicable to foreigners coming to Italy for the first time and wishing to obtain a residence permit for a period exceeding one year. The system applies to all new comers aged 16 to 65 who, starting from March 2012, have to sign the so-called “integration agreement” at the Prefecture or at the Provincial Police Headquarters. By signing this document, the immigrant agrees to comply with civic obligations and duties in order to obtain a residence permit.

According to this system, thirty points are required in 2 years for the applicants to obtain certain benefits. Of these, sixteen points are gained with the signature of the integration agreement, with the applicant declaring to adhere to the Charter of the values of citizenship and integration adopted by the Italian Government in 2007. Other points are accumulated based on the satisfactory knowledge of the Italian language, of the fundamental principles of the Italian Constitution, and of the organization and functioning of public institutions and civic life in Italy (health, education and social services, work and tax obligations). Applicants with school-age children also undertake the obligation to ensure their compulsory education and to fulfil taxes and charges obligations. Within six months after the signature of the contract, the new entrant will have to take a short civic education course organized by the Prefecture⁵ that will last for 5 to 10 hours. The course is delivered in different languages. Other credits can be obtained by attending Italian language courses and other training, registering with the National Health Services, signing a lease contract, etc.

nationals took advantage of the rules enabling family reunification to facilitate the migration of their spouses and children.

5 The State Administration with general powers and functions of government representation at provincial level.

Points are deducted in case of: criminal conviction (even if the verdict is not final); personal security measures (even if not definitive); and final imposition of financial penalties for serious administrative unlawful behaviour. The amount of points subtracted is proportionate to the severity of criminal, administrative or fiscal unlawful behaviours committed. Failure to attend the training session and information on civic life mentioned above also entails a deduction of 15 of the 16 credits gained upon signing the agreement.

One month before the expiration of the two-year agreement, the Prefecture starts checking the documents submitted by the person or awarded by the office itself. In the absence of appropriate documents, the person might be asked to determine their level of knowledge of the language, the civic culture and lifestyle in Italy through a special test. The audit concludes with the final allocation of credits and the assumption of one of the following determinations:

- a. Fulfilment of the agreement, if the final number of credits is equal to or greater than 30 credits and the person is also proficient in Italian language and civic culture and lifestyle in Italy.
- b. Extension of one year under the same conditions, if the number of end credits is between 1 and 29 and the person has not achieved sufficient levels of knowledge of spoken Italian or civic culture and lifestyle in Italy.
- c. Breach of the agreement and subsequent expulsion of the concerned person from the national territory if the final number of credits is equal to or less than zero.

Should the person gain more than 40 credits, privileged access to training and cultural activities is granted.

If pursuant to legislation, the person is not expelled (for instance in light of a family situation), the non-compliance with the agreement terms shall be considered solely for the purpose of future discretionary decisions.

In the case of a one-year residence permit (the normal duration of the agreement is 2 years but it also applies to cases where a shorter permit to stay is issued), the check will be conducted one month before the deadline for the participation in the civic educational course.

A national register has been established by the Department for Civil Liberties and Immigration of the Ministry of the Interior that includes all records related to each of the agreement subscribers, including the credits assigned or curtailed modifications and cessation.

Amongst the obligations of the State related to the integration agreement, it is worth mentioning those related to the full access of health and educational (compulsory) services. The objectives of these obligations are to facilitate the process of integration through appropriate initiatives, which may be carried out in collaboration with local authorities and non-profit organizations.

C. Residence in the country

1. Residence permit

Aliens subject to a visa-requirement and holders of a national visa (enabling sojourns longer than 90 days) are required, within eight days from the entry into Italy, to request a residence permit from the Italian authorities. The residence permit mirrors the reason for which the visa has been issued and is the only document authorizing regular stay in the country. At the same time, holders of a residence permit are allowed to enter and exit from the Schengen area and to travel within member states' territories for a period not exceeding 90 days in a 6-month period, provided that they hold a valid national passport or equivalent travel document. Nevertheless, all aliens are required to report their presence on the soil to the police of any Schengen state within 3 working days from their entry.

The length of the residence permit varies depending on the type of permit. In determining this, the Police Offices (*Questure*) enjoy quite a margin of discretion. The permit can be up to nine months for seasonal employment, up to one year for the attendance of study programmes and vocational training; up to two years for self-employment, dependent employment (with permanent contract) and family reunification. After five years of uninterrupted residence, and provided that income requirements are met, the foreigner can request the issuance of a long-term European residence permit with unlimited validity.

2. Conversion of the title of residence

In exceptional circumstances, and within the limits set by the immigration quota, a foreigner can request the conversion of his or her title of residence. In particular, a permit of residence for study or training can be converted into a permit for subordinate work, provided that the Single Desk for immigration has expressed a positive opinion. The permit can also be converted into a permit for self-employment, provided that the relevant requirements are met. The holder of a permit of residence for seasonal work can perform permanent subordinate work, and have his permit of residence subsequently converted, only if the previous year he got a permit of residence for seasonal work and, upon its expiration, he has gone back to his country of origin.

D. Special procedures

1. Family reunification

As outlined by article 30 of the Single Act, family reunification can take two different forms. The first applies when the family member for which the reunification is requested lives in his/her home country. In this case a request must be filed to the relevant Single Desk. The request must be supported by documents proving the eligibility: valid stay permit, availability of an adequate accommodation and minimum annual income. In their country of residence, the family member will have to produce to the Italian Consular authority all documents proving the degree of relationship, his/her age and his/her health conditions. Within 90 days after the receipt of the application, the Single Desk will issue

the authorization or the denial statement and will inform the Consular authority. Within eight days from the entry into Italy the family member must report to the Single Desk which issues the authorization. Failure to do so will result in his/her presence becoming irregular. The residence permit for family reasons allows to perform self-employed or subordinate job, to enrol in educational programmes and to be registered in the national health service.

A second form of family reunification (*coesione familiare*) is envisaged, with the same eligibility conditions, in case the family member to be reunified is already in Italy, provided its residence permit has expired not earlier than one year.

2. Regularization

On 29 August 2012, a new decree giving employers the possibility to regularize irregular migrants was issued. Its purpose was to enable irregular migrants to obtain a residence permit.

The different procedures indicated in the decree entailed the cooperation of employers who had to declare that they had de facto employed irregular migrants before a certain date (the so called *declaration of resurfacing*). Different criminal sanctions (fraud, false statement, favouring of irregular migration) were envisaged including the payment of a fee.

3. International protection

Regardless on how the foreigner has entered Italy, the individual persecuted for reasons of race, religion, nationality, membership of a particular social group and political opinion is entitled to international protection and can request asylum or another form of international protection by submitting an application for the recognition of “refugee status” according to the 1951 Geneva Convention related to the status of refugees, supplemented by its 1967 Protocol, that was ratified in Italy by Law no. 722 of 1954.

The Convention does not apply to individuals who are forced to leave their own country as a result of natural disasters and calamities, violent political upheavals or war. Such situations can be dealt with by adopting other protection measures, e.g. “temporary protection”, as was the case of the former Yugoslavian, Somali or Albanian citizens hosted by Italy. These individuals, however, might enjoy other forms of protection (subsidiary and humanitarian protection).

4. North Africa Emergency (*Emergenza Nord Africa*)

Following the Arab Spring events of 2011 and the humanitarian emergency that ensued, the Italian Government adopted special measures to assist those fleeing the North African countries in turmoil and entering the Italian territory in search of protection.

The Italian Government recognised the existence of a humanitarian emergency, in response

to which special regulations were issued. According to the so called “Tunisians Decree” of 5 April 2011, migrants who had reached the coasts of Italy from North Africa between 1 January 2011 and 5 April 2011 were granted a 6-month residence permit for humanitarian reasons (subsidiary protection) and appropriate assistance (accommodation in specific structures).

The procedure was then renewed many times so as to provide assistance until February 2013. During this period, migrants reaching Italy from North African countries automatically benefited of a one year residence permit for humanitarian protection. After its expiration the alternative was either to lodge a request for international protection, or to proceed with the conversion of the title into a permit for work, family, study and vocational training or assisted repatriation. In the latter case, beneficiaries received a lump-sum of € 500 and an authorization to travel.

Reportedly, a total of around 50,000 migrants benefited from the measure.

5. Victims of trafficking

Article 18 of the Single Act provides for a special scheme for foreign victims of trafficking. This provision is victim-centric and envisages long-term assistance and social inclusion programmes. According to article 18, victims are granted a six-month temporary “social protection” residence permit provided that they are able to prove that they have been subjected to violence and are exposed to serious and immediate danger following their attempt to escape the conditions imposed by the exploiters, or following their decision to testify against traffickers in preliminary investigations or criminal proceedings. The permit can be renewed for one year or more if necessary in connection with legal proceedings. It can also be converted into a long-term work or student residence permit. In accordance with article 18, the residence permit may be granted in one of two ways. The first is the judicial avenue, which is contingent on the victims’ cooperation with the public prosecutor’s investigation. In this case, the issuance of a stay permit is at the discretion of the public prosecutor. The second avenue is a procedure involving local authorities and civil society organizations, which does not depend on victims’ cooperation with the police, but the statement containing provable key elements on behalf of the victims submitted by an accredited civil society organization or the social services of a city council.

A special assistance programme has been in place since 2003 (article 13 of Law no. 228 of 2003) for victims of the offences envisaged by articles 600 and 601 of the Criminal Code (see below). The programme guarantees, on a temporary basis, adequate accommodation and healthcare, the right to enroll in unemployment lists, to engage in (subordinate) work or to study. Upon expiration it can be converted into a residence permit for work or study purposes.

E. Criminal offences related to migration

1. Trafficking in human beings

Following the signature of the United Nations Conventions against Transnational Organized Crime (UNTOC) – ratified by Italy in 2006 – and its Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and Protocol Against the Smuggling of Migrants by Land, Sea and Air, in 2003 the Italian Government introduced Law no. 228 on measures against trafficking in persons. The law specifically criminalizes both internal and cross-border trafficking offences and covers all forms of trafficking, including slavery and servitude. More severe punishment is imposed for the abuse of a power relationship when coupled with the requisite elements of the crime, i.e., violence, abuse of authority and profiting from circumstances in which the other person is in a situation of physical or psychological inferiority. The law also addresses situations in which victims are not subjected to total control and retain some freedom of movement, and in which they are not subjected to cruel forms of violence. Moreover, particular attention is paid to the involvement of organized crime networks in trafficking – the law extends the application of existing legal provisions on mafia, terrorism and subversion to human trafficking and slavery, on the assumption that they have similar characteristics. Any attempt to commit human trafficking is also criminalized. Penalties ranging from 8 to 30 years imprisonment and the confiscation of profits derived from trafficking are envisaged.

2. Protection against labour exploitation

In order to make the fight against labour exploitation more effective, Law no. 148 of 2011 introduced the crime of “illicit brokering and labour exploitation” (Art. 603 bis of the Italian Criminal Code): “Anyone who carries out organized brokering activities by recruiting workers or organizing their working activity with a view to exploiting them and exposing them to violence, threat or intimidation, or taking advantage of their vulnerable condition or state of need” shall be liable to a term of imprisonment from 5 to 8 years. Furthermore, Legislative Decree no. 109 of 2012 introduced the possibility to grant an authorization to stay to the foreigner who is victim of a particular form of labour exploitation (because he/she is aged less than 16 or is exposed to serious danger related to the characteristics of work and working conditions, etc.) and decides to report the employer to the police, and cooperates with law enforcement agencies in the criminal proceedings against him/her.

3. Irregular entry and stay

In 2009 the Single Act was amended by the new article 10 bis, introducing the crime of “irregular entry and stay”. Harsher criminal sanctions were also introduced for irregular immigrants failing to show their identity documents to law enforcement officials. According to article 10 bis, non-EU foreign nationals irregularly entering or staying in the country would be liable to a fine ranging from € 5,000 to € 10,000. The criminalization of such migration-related situations was one of the main novelties introduced by the so-called “Security package”, aimed at tightening the control of migrants and migration in Italy. The provision, following severe international criticism, was eventually repealed. However, non-compliance with administrative orders, such as re-entry after the issuance of an

entry ban or the failure to comply with a removal administrative order, has still criminal relevance.

The special aggravating circumstance of irregular stay which should apply to any crime committed by foreigners, introduced in 2008, was eventually declared unconstitutional in 2010.⁶

4. Facilitation of entry and stay

Article 12 of Legislative Decree 92 of 2008 punishable by a fine of € 15,000 for each person who illegally entered the country and imprisonment from one to five years for whoever promotes, manages, organises, finances, or transports foreigners in the territory of the State or commits other acts meant to ensure illegal entry into the territory of the State, or of another State of which the person is not a citizen or has no permanent residence. The same provision carries a fine of up to € 15,494 and imprisonment up to 4 years for those who take unfair advantage of the illegal status of a foreigner or in the context of the activities punishable under this article, aid the stay of a foreigner in the territory of the State. The rental of an estate by the possessor (not necessarily the owner) to an irregular immigrant is also punishable with imprisonment from 6 months to 3 years and the seizure of the estate when there is the intention of taking unfair advantage of the irregular migrant who lacks of a valid permit of stay when the contract (written or *de facto*) is concluded or renewed. However, relief efforts and humanitarian assistance offered in Italy to foreigners in need, irrespective of their stay status in the territory of the State, do not constitute crimes.

⁶ Constitutional Court decision n. 249/2010.

2. INTERVIEWS KEY FINDINGS

Introduction

This chapter, representing the core of the study, has been divided into two parts. The first part provides a picture of the situation of the flower sellers in Turin based on the interviews conducted. As stated, gathering information was particularly difficult. The majority of migrants were in a vulnerable situation and reluctant to provide details related to the visa and permit to stay procedures. This was also due to the fact that the limited time during which contacts with interviewees were established did not allow for full trust to be established.

The purpose of the second part of this chapter is to complement and clarify discrepancies. It has been expanded in light of more objective, verifiable data, and information provided by public authorities involved in immigration procedures, namely the *Sportello Unico per l'Immigrazione* and the Police HQs (*Questura*) in charge of criminal procedures related to migrations. This section provides an overview of the effective practices put in place by the public administration of *Torino* in order to fill the many gaps of the current legislation. It also endeavors to provide a picture of the criminal state of affairs related to migration. Although the data has been collected with specific reference to Bangladeshi nationals, it is evident that the findings can be extended to migrants in general. Based on the conclusions reached, recommendations have been proposed.

A. Personal data

This section aims at providing an overview of the identity of the migrant flower sellers who were interviewed in the course of the study. The overall picture that emerges is that of a group of male Bangladeshi nationals, whose average age is 29, who have sold much of their property and left their current occupations, families, spouses and children to seek better opportunities for their future abroad (not necessarily in Italy or Europe). The group, although heterogeneous, is composed of people who have had some schooling, on average up to a junior secondary education.

1. Origin, age, family situation, literacy

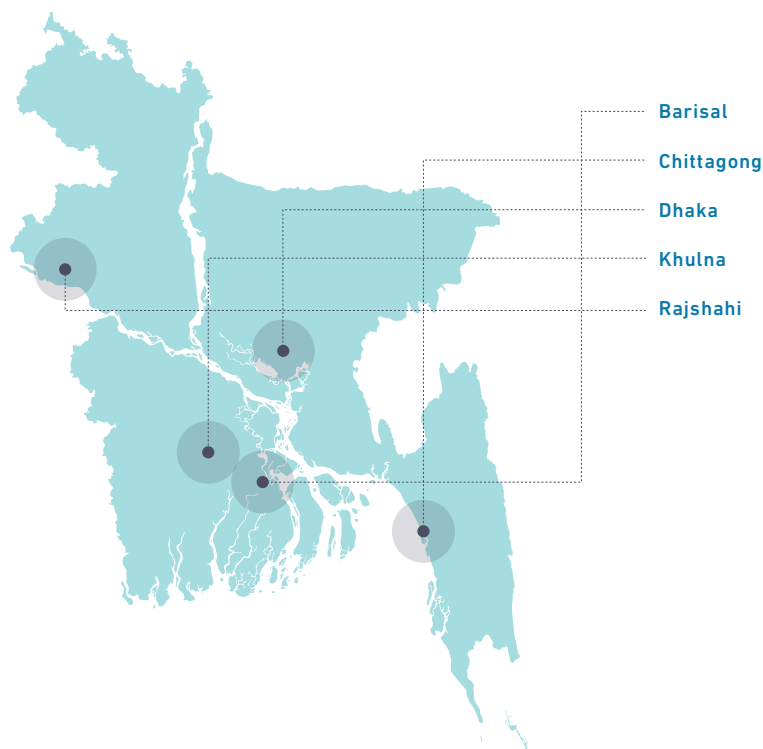
Origin

All the street flower sellers interviewed were from Bangladesh, with the exception of one holding both a Bangladeshi and Indian nationality.

At the time the interviews were conducted (in 2012) out of a total of 100,000 migrants with a permit of stay in Turin, 1,262 were Bangladeshi citizens. The majority of them were aged between 18 and 54.

The number would have been greater if irregular migrants were included, but a final estimate of total immigrants was not available. The representatives of the entities we met wanted to know themselves more about streets flower sellers.

Bangladesh



The interviewed migrants came from both urban and rural areas of Bangladesh. In particular, interviewees came originally from Barisal (Barisal City); Chittagong Region (Comila); Dhaka Region (Dhaka, Faridpur and Shariatpur); Khulna Region (Khulna); and Rajshahi Region

(Pabna). Although there are 64 districts in Bangladesh, Bangladeshi migrants in Italy are predominantly from a few districts such as Faridpur, Comilla, Dhaka and Noakhali.⁷

In 2010, Bangladesh had a population of 151,6 million people;⁸ approximately 5,4 million Bangladeshis lived abroad, which is the sixth largest diaspora in the world, after Mexico, India, the Russian Federation and China.

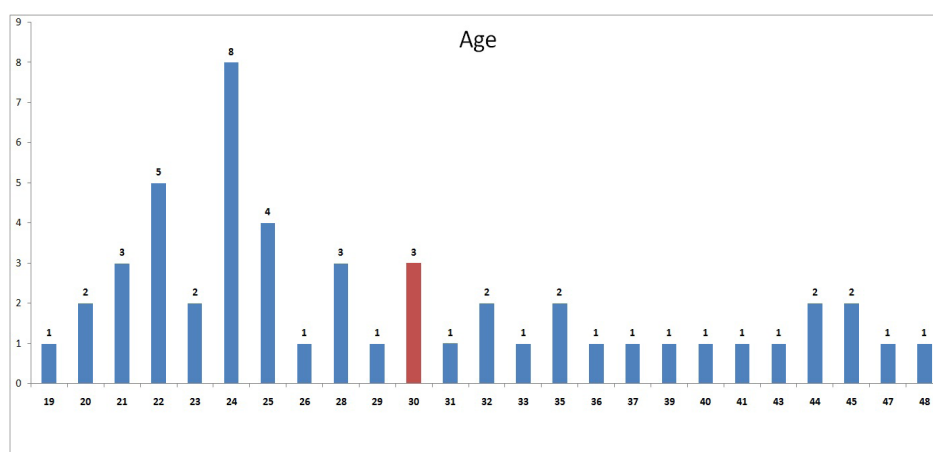
In 2015, the country had a population of 160,9 million people,⁹ while approximately 9 million Bangladeshi migrant workers lived abroad, mainly in the Middle East, Europe, and North America. It is estimated that Bangladeshi workers living abroad sent a total of \$14.5 billion in remittances to Bangladesh during the 2012-2013 fiscal year.¹⁰ In 2015, remittances amounted to \$15.8 billion, making Bangladesh the tenth largest remittance-receiving country.¹¹

Language

The main language spoken by the majority of the interviewees was Bengali, while three claimed to speak Hindi.

Bangla or Bengali is the official language in Bangladesh, but there are different Bangla dialects at regional level. English is also spoken and commonly understood due to the past British colonization. Thirty-eight minor languages are also in use in Bangladesh.¹²

Age



All the flower sellers interviewed were male. The majority of the participants were between 19 and 30 years old (average was 29.5 years); none of them was under 18. In Bangladesh, the population median age was 23.9 years in 2010 and 25.6 in 2015.¹³ Life expectancy at birth is 71.3 for females and 69.8 for males.¹⁴

7 M.Rahan, M. A. Kabir, Moving to Europe: Bangladeshi migration to Italy, South Diaspora Team, 17/05/2012

8 United Nations Department of Economic and Social Affairs - Population Division: World Population Prospects, Volume II - Demographic Profiles, 2015 Revision

9 Ibid.

10 International Business Time, Taka To Dhaka: Cash Remittances From Bangladeshi Migrant Workers Keep Declining, 24/11/2014, <http://www.ibtimes.com/taka-dhaka-cash-remittances-bangladeshi-migrant-workers-keep-declining-1556317>, 24/11/2014.

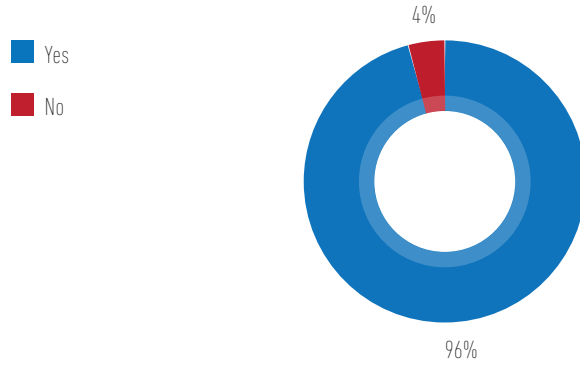
11 World Bank, Migration and Remittances Factbook 2016 Third Edition.

12 Data available at <http://www.bangladesh.com/languages/>, 24/11/2014

13 United Nations Department of Economic and Social Affairs - Population Division: World Population Prospects, Volume II - Demographic Profiles, 2015 Revision

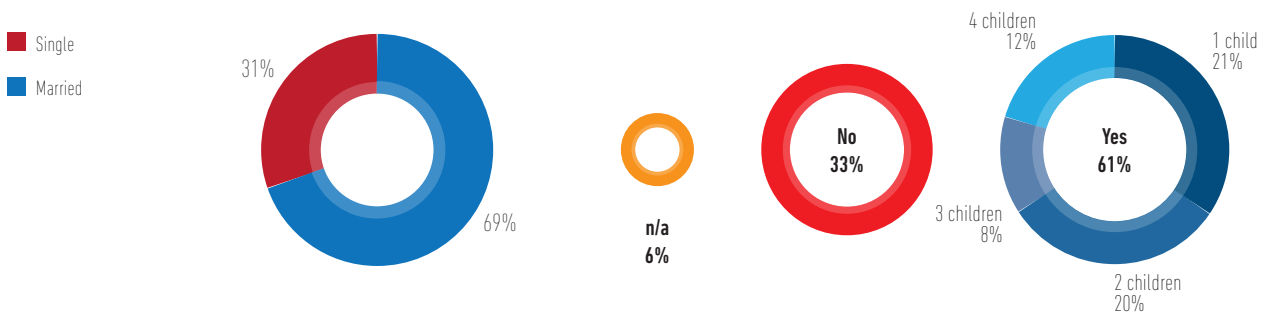
14 Data available on UN DATA, Bangladesh, <https://data.un.org/CountryProfile.aspx?crName=Bangladesh> (24/11/2014)

Family situation
Is your family in Bangladesh?



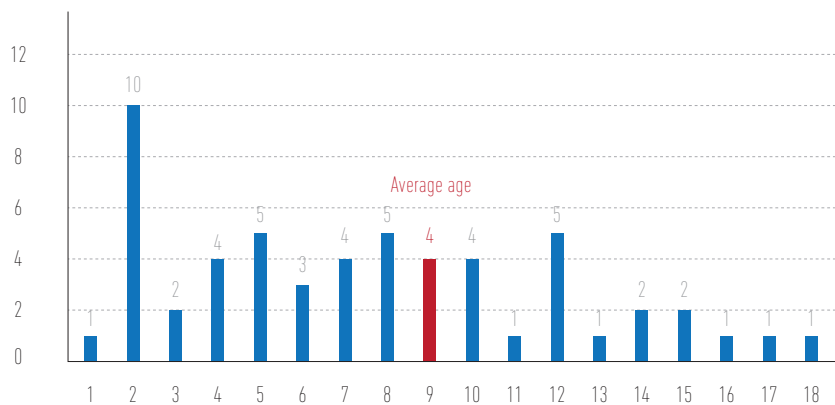
The vast majority of the interviewees (96%) declared that their family was in Bangladesh. One declared that his family moved to India because of fear of violence and discrimination by a religious group that burned temples in the country and inflicted physical violence upon him.

Are you married?
Do you have any children? If yes, how many?



69% of the participants were married. 61% of the interviewees claimed to have children: 21% of them had 1 child, 20% had 2 children, 8% had 3 and 12% had 4 children. The majority of the interviewees' children are younger than 8 years old.

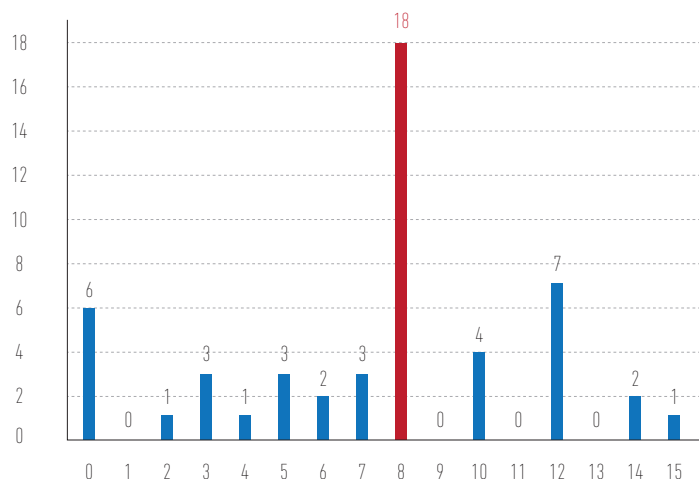
Age of children



Despite early age at marriage, fertility has been declining in Bangladesh (from a crude birth rate of 22.5 per 1,000 people in the period 2005-2010 to a rate of 20.4 in the period 2010-2015).¹⁵ Fertility decreases when marriage takes place at later stage. Long periods of separation between spouses also have an impact on fertility.¹⁶

Between 2010 and 2015 the total fertility rate (number of children per woman) was 2.23.¹⁷ Children can be considered as push factors in the decision to leave the home country for better prospects.

Education Years of education



The average number of years of education received by the interviewees was 8, ranging from 6 illiterate interviewees and 1 who held a degree in Information Technology.

In the period 2007-2011, 43.3% of the population of Bangladesh was living below the international poverty line of US\$1.25 per day. Widespread illiteracy (the total adult literacy rate in the period 2008-2012 was of 57.7%), low per capita income (GNI per capita in 2012 was of \$840) and rapid population growth (the population annual growth rate between 1990 and 2012 was of 1.7%) represent the main challenges the country faces.¹⁸

The Government's current priority in human resource development is the eradication of illiteracy to address poverty and promote progress.

Pre-school education is available mostly in the cities and some of the district headquarters. Pre-school education caters to children aged 4-5 and is not part of the formal education system.

Secondary education consists of three stages: junior secondary (Grades VI-VIII), secondary (Grades IX and X) and higher secondary (Grades XI and XII).¹⁹

¹⁵ United Nations Department of Economic and Social Affairs - Population Division: World Population Prospects, Volume II - Demographic Profiles, 2015 Revision

¹⁶ M.S.G. VDDIN, M. M. HOSAIN, Factors Affecting Marital Instability and Its Impact on Fertility in Bangladesh, ASA University Review, Vol. 7 No. 2, July-December, 2013.

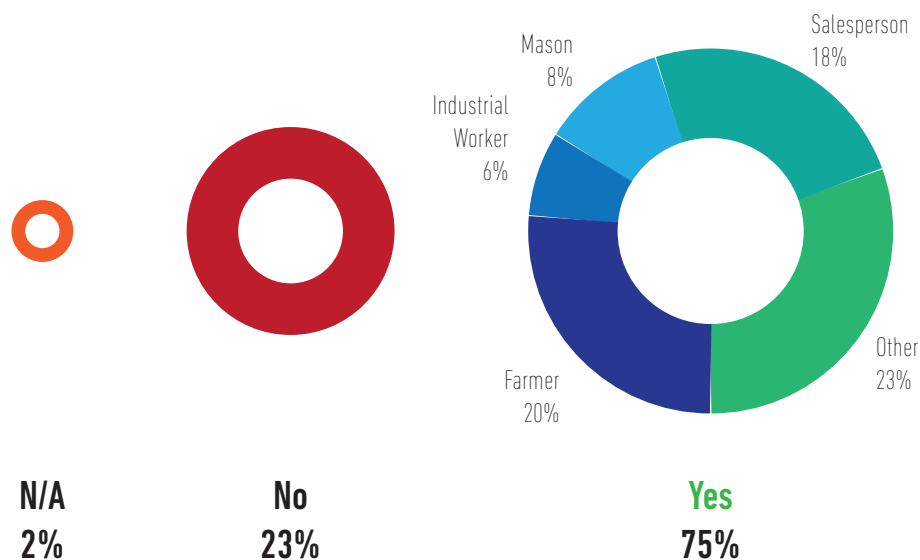
¹⁷ United Nations Department of Economic and Social Affairs - Population Division: World Population Prospects, Volume II - Demographic Profiles, 2015 Revision

¹⁸ UNICEF Statistics, retrievable at http://www.unicef.org/infobycountry/bangladesh_bangladesh_statistics.html

¹⁹ UNICEF, Statistic on Bangladesh, http://www.unicef.org/infobycountry/bangladesh_bangladesh_statistics.html, . 25/11/2014

Working experience

Did you have work experiences in your country? If yes, what was your job?



The majority of the respondents (74%) declared that they had working experience in Bangladesh, while only 23% did not. Of the former, 20% had been employed as farmers, 18% were shopkeepers, 8% were masons, and 6% were industrial workers.

Regarding the engagement of migrants in the different sectors of the Italian economy, foreign workers are mainly employed in the industrial sector (520,000 non-EU workers and 250,000 EU workers). In addition, both the services and the agricultural sectors have recorded, in the last years, an increase in foreign occupation.²⁰

²⁰ “Terzo Rapporto annuale, Gli immigrati nel mercato del lavoro in Italia”, a cura della Direzione Generale dell’Immigrazione e delle Politiche di Integrazione, (July 2013), Pg. 6-7, available at: <http://www.integrazionemigranti.gov.it/archiviadocumenti/lavoro/Pagine/III-Rapporto.aspx>

B. The migration paths of the Bangladeshi flower sellers of Turin

Following the scheme of the questionnaire administered to the street flower vendors, the current section focuses on the reasons the interviewees chose to leave their country for the uncertain.

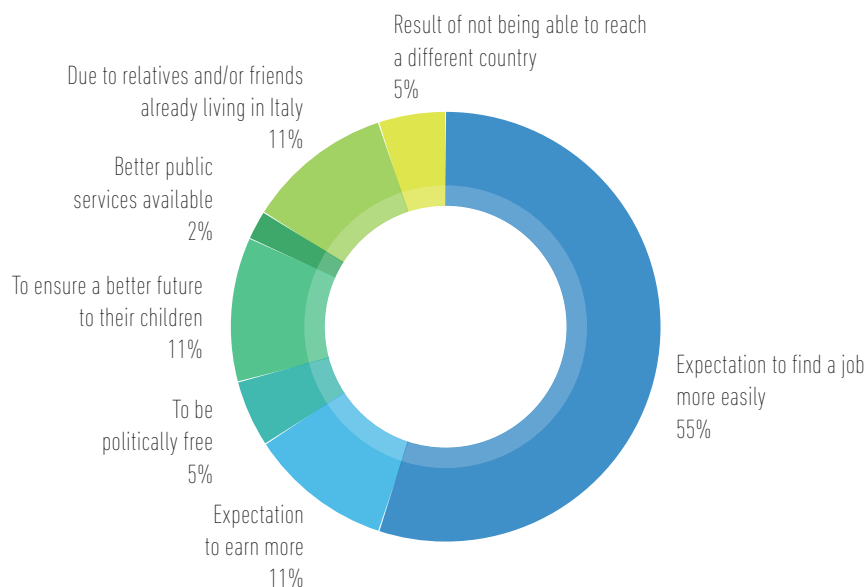
The survey clearly indicates that the group is mainly composed of economic migrants. Several of the questions pertained to the details of the journey that the interviewees undertook before reaching Italy. The answers provided enabled us to draw a picture of the situation suggesting that the main routes taken by migrants, with recourse to a variety of transportation means (airplane, boat, barge, foot), included a stop-over in Libya. The stories collected do not allow a conclusion as to whether Libya was ultimately a transit or a destination country (replaced by Italy after the civil unrest that occurred in 2011 during the Arab Spring). At a first glance it could be said that 40% of migrants actually did not intend to come to Italy and were forced to do so by the Libyan authorities or by the circumstances. But, the information collected on the type of title of entry in Italy highlights inconsistencies, generating the hypothesis that Italy was the final destination country for a much higher percentage of the interviewees.

What is clear, however, is that in many cases migrants relied on the logistical support of “travel agencies” who organized their journeys. The true nature and role of such intermediaries is not yet clear, though there are some indications (for instance related to the “purchase” of a visa for working purposes) that seem to suggest that the services provided are not those traditionally performed by standard travel agencies. The migrants spent an average of € 4,520 for their trips: such amounts include not only the travel, by whatever means, but also some sort of provision related to the documents necessary for entry/stay into a country, whether Italy or elsewhere. Analysing the Italian labour migration legislation in connection with the data acquired through this research emphasizes how the current legal and operative frameworks offer ample possibilities for manipulation, providing for ample opportunities of misuse at the expenses of those, like our interviewees, are simply seeking a better life.

1. Reasons for leaving Bangladesh

The first questions asked of migrants after having reviewed their personal and social situation concerned their journey, starting with the motives that prompted them to leave their country.

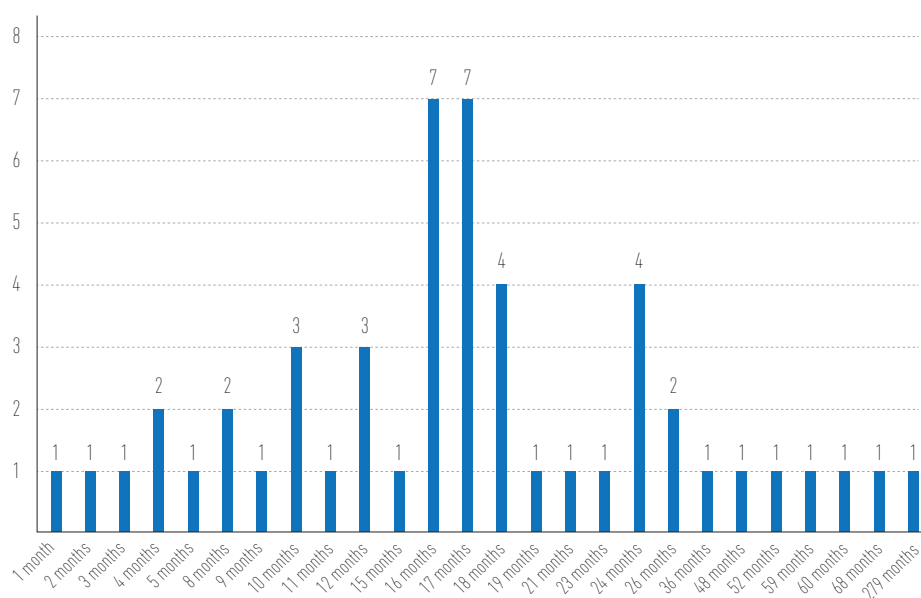
Why did you leave your country for Italy?



There were many reasons why the 51 people interviewed said they left their country of origin for Italy: 55% expected to find a job more easily; 11% in order to ensure a better future to their children; another 11% because relatives and friends were already living in Italy; the last group (11%) clarified that the driving force was the hope to gain more money. Other reasons were also mentioned: to be politically free, to be unable to reach other places or the expectation of enjoying better services.

These findings show correspondence with a report published by the International Labour Organization (ILO) which highlighted that one of the major pull factors for Bangladeshi migrants is the prospect of higher earning in destination countries; more than one third of the Bangladeshi youth want to move permanently to another country.²¹

When did you arrive in Italy?



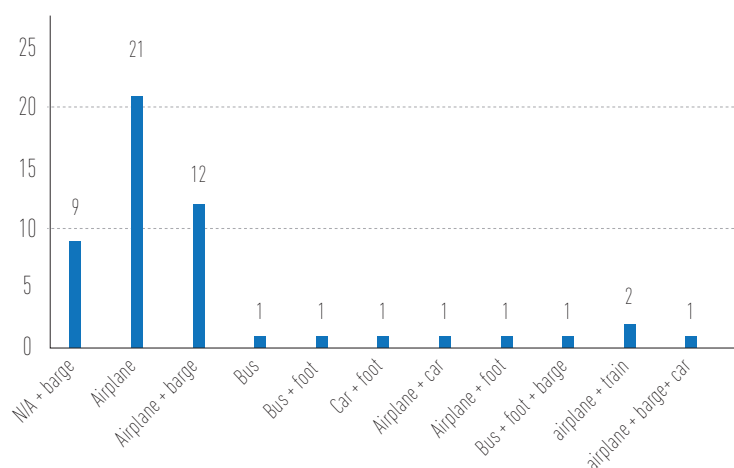
²¹ International Labour Organization, *Bangladesh: Seeking better employment conditions for better socioeconomic outcomes*, 2013.

The figure highlights an increase of the arrivals in Italy between 16 and 18 months before the interview took place. The peak appears to be connected with the broader geopolitical context. Considering that the interviews were held in September 2012, one year and a half earlier means that the increase in arrivals to Italy coincided with the civil unrest recorded in Libya in the spring of 2011. In any event, all those interviewees that had reached Italy via Libya arrived between 12 and 24 months before the interview.

2. Travel routes

This paragraph summarizes the information provided by the street vendors in relation to their journey: from the actors or entities who organized it, to the means of transport used, to the paths actually followed, and the assistance received for its cost. The stories clearly indicate that a number of actors intervened during the journey to provide logistical and practical assistance. As previously stated, many of the subjects interviewed were not comfortable with providing details and therefore it cannot be said for certain whether the various actors or stakeholders were or were not part of organized systems and/or interacting amongst themselves. What is clear, however, is that in most cases the interviewees had to pay smugglers in order to reach Italy.

How did you reach Italy from Bangladesh?



The stories collected demonstrate that 21 of the interviewees came to Italy by airplane, 9 by barge, while other 9 did not specify the first means of transportation but only the second one, which was a boat. Thirty-six people travelled by airplane at least for part of the journey, while 23 used a barge for the second leg of their travel.

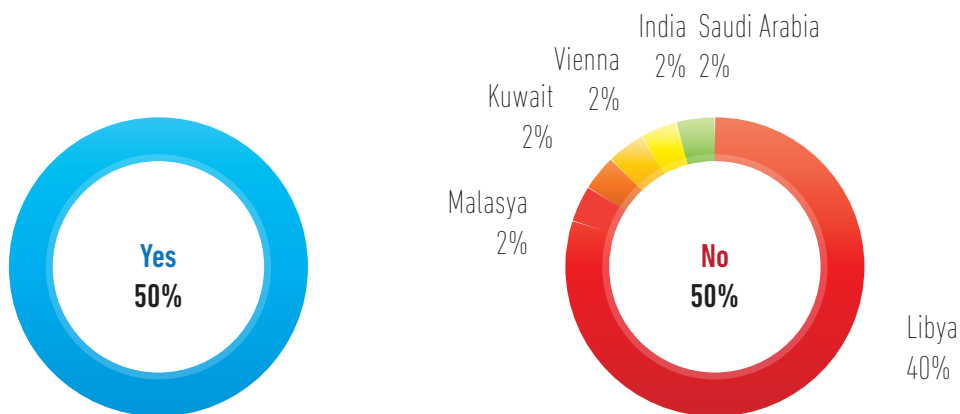
For 23 respondents, representing the majority of the group, the travel route was from Bangladesh to Libya to Southern Italy. Only a few migrants declared to have voluntarily travelled by boat; the majority referred to the force exercised by the Libyan authorities. In 2015, UNICRI met a group of Bangladeshi migrants hosted in a centre managed by an NGO. The 20-30 individuals composing the group were asylum seekers and claimed to have travelled from Libya.

Other travel routes were: Bangladesh-Pakistan-Georgia-Armenia-Turkey-Greece-Italy; Bangladesh-United Arab Emirates-Iran-Turkey-Greece-Italy; and Bangladesh-Russia-

Bulgaria-Romania-Italy.

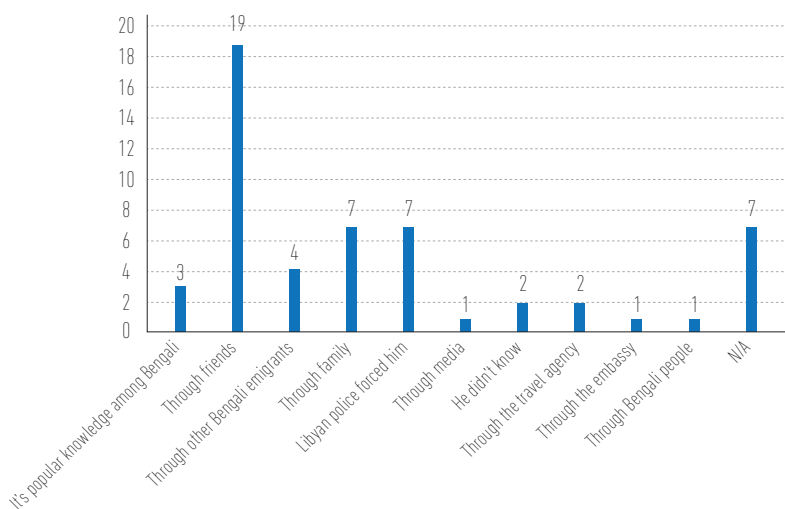
The average duration of the travels undertaken was 2 months using public land transport or on foot.

Was Italy your first destination?



50% of the interviewees declared that Italy was their first destination, while the other 40% declared that Libya was their destination country. The remaining percentage is equally shared (2%) amongst Malaysia, Kuwait, Austria, India and Saudi Arabia.

How did you know about the possibility to stay in Italy?



The vast majority declared they knew about the possibility of living in Italy from family, friends, and acquaintances. Italy appears to be commonly known in Bangladesh as a popular destination country.

Migration through irregular channels usually involves the use of more than one route. It is often a combination of air and land or air and sea routes and sometimes all of the three.

In the journey to Italy, potential migrants typically fly to a nearby transit country first with a visa, but later they become irregular in an attempt to enter Italy through land and sea routes.

Irregular migration to Italy through sea borders mainly involves three routes: The crossing of the Otranto Channel (Valona-Lecce coast), the Sicily Channel (the coast of North Africa to the Sicilian coast); the eastern Mediterranean channels (Eastern Mediterranean ports—Turkey, Egypt, Syria, Lebanon—to Apulia, Calabria and Sicily route). In the 1980s and 1990s, most Bangladeshis reached Turkey and flew to Morocco first to go onto Italy. However, in the last decade the overwhelming majority of Bangladeshis who used sea routes departed mainly from North African countries, especially Libya.

Regarding land routes, Bangladeshi migrants often use two land routes from the transit country. In the first route, potential migrants fly to south-eastern Europe and then travel overland to Italy. In the second route, potential migrants visit Turkey or north-eastern European countries and use the area of the former Yugoslavia as an entry point to Italy. Some popular transit countries are Poland, Hungary, Albania, Romania, Russia, Turkey, Libya, Tunisia, Morocco and Algeria.

Libya was a destination country only until 2011, as it offered many job opportunities. As a transit country it provided migrant workers with the possibility to earn some money to pay smugglers for the subsequent leg of their journey.

A desk review on Libya was conducted to better understand the role played by this country in the migration flows. According to the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX)²², Libya represents a nexus point where migrants from the Horn of Africa and Western African routes converge before embarking on their journey towards the EU.

Libya has no clear policy framework regarding migration or refugees and asylum seekers. Libya's policy on migration seems to fall short of international standards. So far, the country has not ratified the 1951 Geneva Convention on the Status of Refugees nor its Protocol.²³ According to the European Union Partner Policy's report on Libya between the years of 2011-2013, the country has been a very important destination country for irregular migration for many years. However, starting from 2007, it has begun to be more of a transit country for migrants on the way to the EU.²⁴ This growth in the importance of Libya as a country of transit corresponds directly to the decrease in the importance of routes originating in Albania, Tunisia and Turkey, and to the reduction of flows from Morocco to Spain.²⁵

Libya has been a destination country for economic migrants from West Africa and the Sahel but has also been a long-standing and important entrepôt for the migrant smuggling and human trafficking trade from Africa to Europe. In particular, nationals of Bangladesh and Pakistan enter Libya across land borders in order to continue to Europe by boat.²⁶

In 2008, there was a large increase of irregular migrants due to smugglers operating along

22 <http://frontex.europa.eu/news/update-on-central-mediterranean-route-5wQPpW>

23 See United Nations Treaty Collection, Convention Related to the Status of Refugees - List of Ratifications, available at http://treaties.un.org/Pages/ViewDetailsII.aspx?&src=TREATY&mtdsg_no=V-2&chapter=5&Temp=mtdsg2&lang=en [accessed 29 October 2013]

24 European Neighborhood and Partnership Instrument, Libya: Strategy Paper & National Indicative Programme 2011-2013, p. 7, available at http://ec.europa.eu/world/enp/pdf/country/2011_enpi_csp_nip_libya_en.pdf [accessed 30 October 2013]

25 United Nation on drug and crimes (UNODC), *Smuggling of migrants into, through and from North Africa*, 2010, http://www.unodc.org/documents/human-trafficking/Migrant_smuggling_in_North_Africa_June_2010_ebook_E_09-87293.pdf, (01/12/2014).

26 United Nation on Drug and Crimes (UNODC), *Smuggling of migrants into, through and from North Africa*, 2010, http://www.unodc.org/documents/human-trafficking/Migrant_smuggling_in_North_Africa_June_2010_ebook_E_09-87293.pdf, (01/12/2014).

the Libyan coast, bringing migrants across the Mediterranean Sea to Italy and Malta.²⁷ This led to the Libyan authorities' decision to increase their cooperation with Italy in terms of information and intelligence exchange. In August 2008, both countries started joint naval patrols and agreed on implementing a comprehensive surveillance system for Italy's southern borders.²⁸

Civil unrest erupting in Tunisia and Libya in 2011 resulted in a massive spike in the number of migrants from Libya (nearly 60,000). Between March and August 2011 many migrants were forcibly expelled by the Gaddafi regime and a large number of them applied for asylum.

The Libyan crisis represents a focal point for this report because it resulted in an enormous number of refugees and asylum-seekers—an estimate of 10,000 individuals by the end of August 2012 registered with UNHCR.²⁹ A large portion of them were triggered into movement by the human rights violations and other risks they faced during and after the Libyan conflict. The crisis, which began in early 2011 has had ongoing implications for refugees, neighboring North African countries and the EU, and may have played a key role in leading Bangladeshi migrant sellers to Turin.

In March 2012 the International Organization for Migration (IOM) published a newsletter on the issue of Bangladeshi migrants. It stated that “between February and April 2011, Bangladeshi nationals were repatriated to Bangladesh in the thousands, with an average of 5 to 6 flights landing daily”. By that time, the total number of returnees stood at 36,713.³⁰ From this data, we can infer that shortly after the 2011 Libyan crisis there was a general policy of controlling migration movements, hence the number of repatriations.

Illegal border crossings on the Central Mediterranean route (including Puglia and Calabria) in numbers:

2008	2009	2010	2011	2012	2013
39,800	11,000	4,500	64,300	15,900	31,000

Source: Frontex

27 Id.

28 Id., p. 12

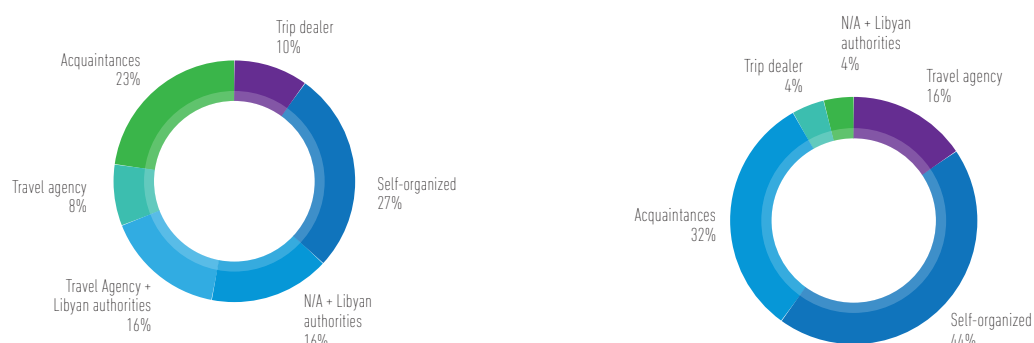
29 <http://www.unhcr.org/pages/49e485f36.html>

30 International Organization for Migration, IOM Bangladesh Newsletter March 2012, available at <http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/bangladesh/IOM-Bangladesh-Newsletter-March-2012.pdf> [accessed 30 October 2013]

3. The travel

Who organized your travel?

Who organized the trip for those who entered Italy with a visa?



Questions on the organization of the travel highlighted that in 27% of the cases the trip from Bangladesh to Italy was self-organized; 23% of the interviewees declared that the travel was managed by acquaintances. Moreover, 16% of interviewees said that a travel agency was involved and the Libyan authorities compelled them to take the sea route, whilst another 16% mentioned only the role of the Libyan authorities. In 24% of the cases (16% for one part of the travel; 8% for the travel) an agency was involved.

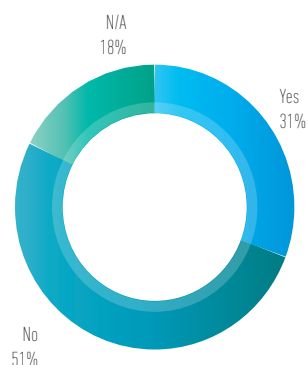
A report of the ILO³¹ emphasized that migrant workers from Bangladesh often face fraud and corruption before they even exit their country, a situation which is exacerbated by the migrants low levels of literacy, lack of educational background and poor understanding of the migration process, both legally and socially. Many migrants rely on verbal agreements with their recruiters, do not keep papers or contracts and cannot understand the complex language of their contracts.

Recruitment agencies have been playing a key role in the Asia-Middle East migration corridor. According to an ILO estimate, 80% of labor migrants in this passageway come through private employment agencies. These agencies are supposed to inform migrants about their rights and working conditions. However, studies have shown that migrants face abuse in their own countries, particularly by overpaying for recruitment and logistic help. Recruitment fees in Bangladesh and Viet Nam are around 3.5 times the average annual per capita income. Bangladesh has a relatively high fixed maximum fee that an agency can charge.³²

31 International Labour Organization (ILO), Bangladesh: Seeking better employment conditions for better socioeconomic outcomes, 2013

32 45 The Global Initiative against Transnational Organized Crime, Smuggled Futures: The dangerous path of the migrant from Africa to Europe, International labour Organization (ILO), *Word of Work Report 2014: developing with jobs*, 2014.

Have you ever been mistreated or experienced violence during transit to this country?



About 31% of the interviewees stated they have been mistreated during or before the travel. Usually they were robbed and threatened by the brokers, guides and drivers, or other passengers. Some respondents alleged brokers were even torturing those who were late with the payment. Women and children were also present amongst the travelers: they are those who suffered most. Very often the boats were overcrowded. Space, water and food were limited. Some respondents stated they were afraid of falling asleep because the broker was throwing people off the ship.

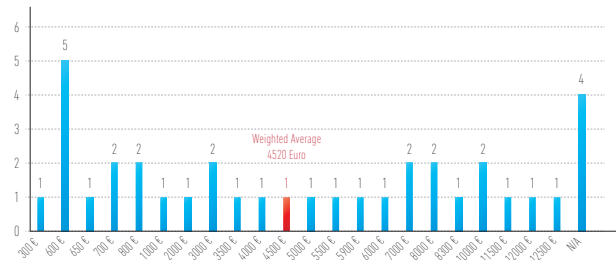
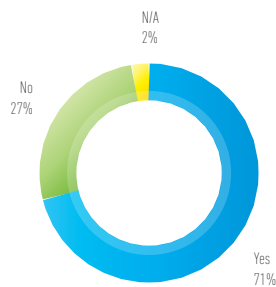
The trip from Libya to Italy (Sicily and in particular Lampedusa), which can take just over a day under optimal conditions, often stretched out over weeks. The risk of shipwreck was very high, especially since vessels were often driven by migrants themselves, who were not familiar with the waters of the Sicilian Channel. In order to avoid detection, the boats sailed without a flag, allowing the boat owners to remain unidentified and preventing future investigation. The smugglers are not concerned with migrants' travel conditions: the boats are sometimes not even supplied with enough fuel to get to the Italian coast. The table below presents information provided by the interviewees.

Organization of travel	Type of transport	Travel route	Duration of travel	Visa	Cost
Self - organization Across "specialized travel agency (trip dealer "broker agency")	Airplane	From the airport of Dhaka to Malpensa-MI or Fiumicino-RM with the stop in: Airport Katar (Libya) or in Istanbul (Turkey).	8 and 12 hours (normal)	Yes (included in the travel package)	Between min 6000 € max12000 €
Helped by relatives or friends in IT and Bangladesh	Airplane	From the airport of Dhaka to Malpensa-MI or Fiumicino-RM with the stop in: Airport Katar (Libya) or in Istanbul (Turkey)	8 and 12 hours (normal)	Yes (included in the travel package)	Between min 6000 € max12000 €
Self - organization (trip dealer "broker agency")	Boat	From port of Libya to port of Lampedusa (Sicily) IT	Between 2 and 7 days	No (illegal)	Between min 3000 € max 6000 € Between 50 and 800 passengrs (very bad conditions)

Forced by Libyan authority	Boat	From port of Libya to port of Lampedusa (Sicily) IT	Between 2 and 7 days	No (illegal)	500-1500 € duty tariff to the Libyan authorities
Self - organization “adventurous” travel route	All types of transport onland/ on feet walking	Bangladesh-Pakistan-Georgia-Armenia-Turkey-Greece-IT	~ 2 months	No (illegal)	N/A

4. Travel costs

Did you pay someone to assist your transit?
How much did you pay for being assisted in the transit?



These two figures demonstrate that migrants were typically in need of more assistance in the transit phase and had to pay other actors. This highlights the involvement of intermediaries and is connected to the different routes used and situations migrants had to address (i.e. coming from Libya).

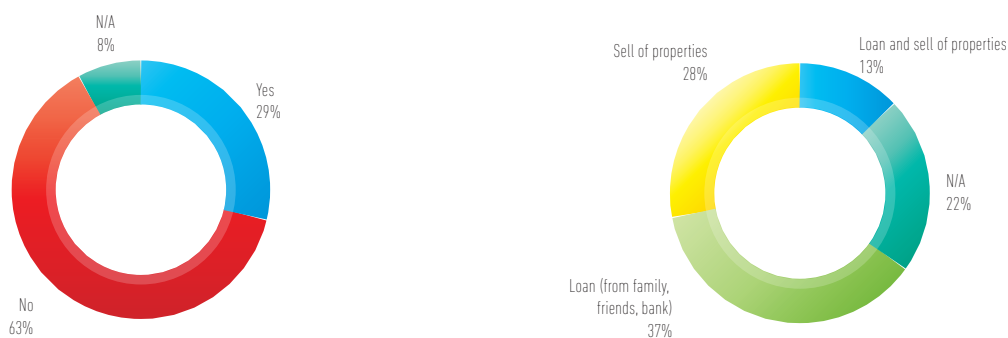
The average total cost paid by the interviewees to get to Italy was € 4,520 per person. Included in this sum was often the costs for the various intermediaries, guides and travel documents. In fact, as migrants cross through different territories, their guides change along the way. These escorts are often locals living in the border regions, with sound knowledge of the territory to be crossed, and possibly associated with smuggling networks or providing services on a contract basis.³³

Below are three examples of the “travel package” costs:

- between € 6,000 to € 12,000 for the travel route by airplane with regular ticket and visa arrangement;
- between € 3,000 to € 6,000 for the travel route by boat with visa arrangements;
- between € 500 to € 1,500 as some sort duty tariff for the Libyan authorities (also if the person was forced to travel).

³³ The Global Initiative against Transnational Organized Crime, *Smuggled Futures: The dangerous path of the migrant from Africa to Europe*.

**Did you have enough money for the journey?
If not, how did you get it?**

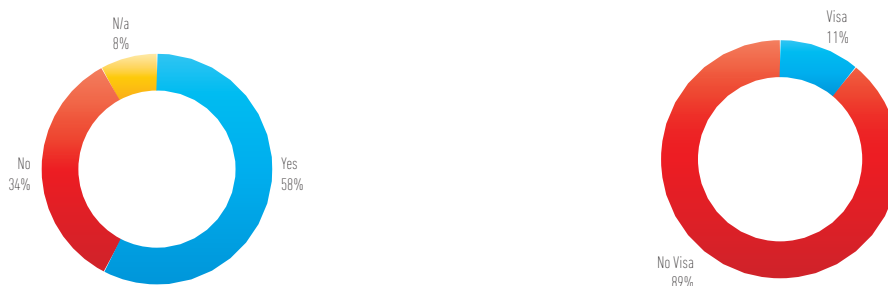


The majority of the respondents (63%) did not have enough money for the journey and had to ask for a loan or sold their properties (land, house, commercial activities like shops). In many cases, the families’ wellbeing was compromised by the travel costs. Some of the migrants interviewed were afraid to return because of the loan and the prospect of informing family members that they had failed to find a proper job. One of them stated that he considered committing suicide because he felt he was trapped: unable to sustain his family in Bangladesh anymore, and not in a position to return because his land was sold.

5. Visa

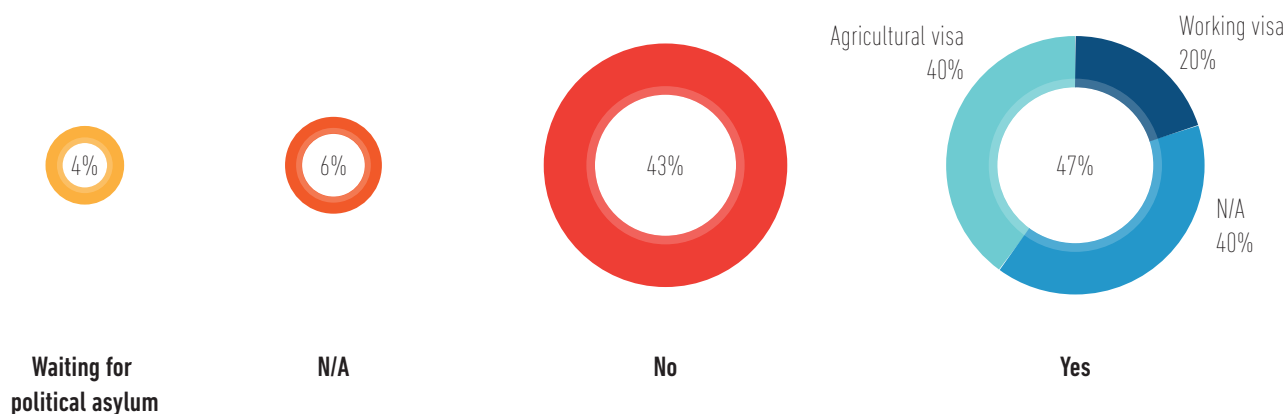
Answers provided during the interviews in relation to visas are by far the most problematic as they portray a situation which does not seem to match other parts of the migrants’ accounts, particularly those related to the means and route of transport. In particular, it is not clear how and where almost half of the interviewees who claimed to have had a visa to enter Italy obtained it and why, if they actually had it, they had to reach Italy via Libya and/or with recourse to smugglers. The impression, not having seen the documents that the street vendors claimed to have, is that they did not actually have a full understanding of the process regulating immigration in Italy, with reference to both entry and residence.

**If you were in a different country, did you have the visa to stay there?
Status of migrants coming from Libya:**



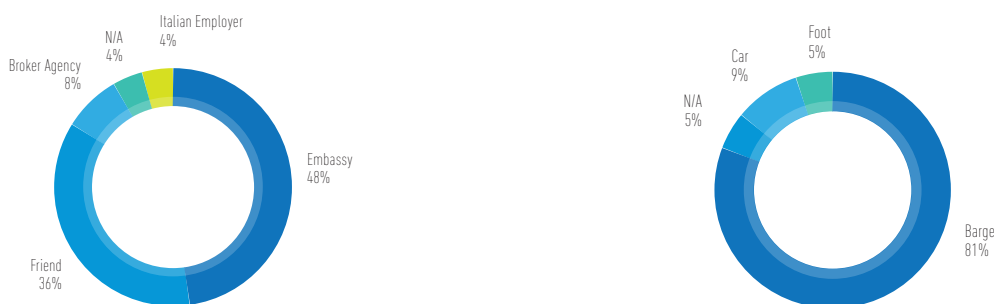
Many of the interviewees passed through different countries before arriving to Italy. 34% of them said they did not hold a visa to stay in those countries. Among all those that came from Libya, only 11% (6 interviewees) stated they have a visa to stay there.

Did you have a visa to enter Italy? If yes, wich one?



The majority of the interviewees did not have a visa at the moment of their arrival in Italy, while 47% declared they held a valid visa. However, the vast majority of those who had a visa were not able to specify what kind of visa they had. 40% of them said they had an agricultural visa, and 20% had a working visa, while the remaining 40% was not able to specify.

If you have a visa, how did you get it? If you do not have a visa, how did you enter Italy?



The large majority of interviewees who arrived in Italy without a visa reached the country on a barge (81%).

Among the 47% of people entering Italy with a visa, the majority of the migrants (48%) obtained it through the Italian Embassy, 36% declared they obtained their entry document from friends and 8% from a broker agency. It should be noted that only 4% mentioned an Italian employer. The role played by friends/acquaintances was very much relevant.

The adam baparis system³⁴

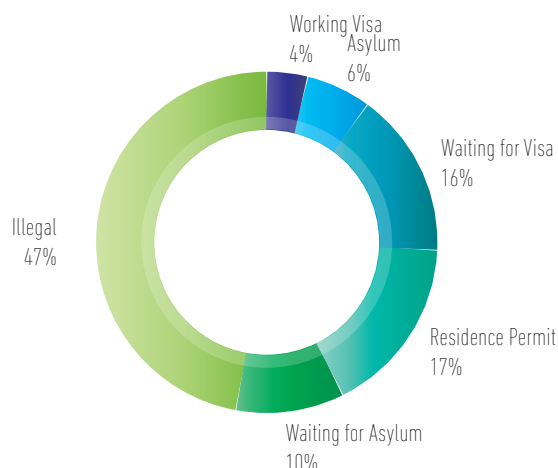
The role played by intermediaries, the so-called “adam baparis” is crucial in the Bangladesh-Italy migration corridor. Adam bapari is a Bengali term widely used by Bangladeshi migrants and local media to describe those people who are familiar with migration procedures and use that knowledge to take economic advantage of the local bureaucracy to connect people to the Italian labour market. The service of adam bapari are unavoidable in the migration process whether it is regular or irregular migration. In 2012 it was estimated that out of US \$10,000 paid on average by Bangladeshi migrants to move to Italy, just US \$1,800 was used to meet formal migration fees. Adam baparis located both in sending and recipient country charged migrants approximately US \$8,200 to provide their informal services. Bangladeshi migrants moving to Italy encounter adam baparis mostly within their families or circle of friends. For this reason, the migration phenomena from Bangladesh to Italy is almost limited to just 4 out of the 64 Bangladeshi districts, namely Faridpur, Comilla, Dhaka, and Noakhali. As previously reported, the respondents to the questionnaire were from Barisal; Comilla; Dhaka, Faridpur, Shariatpur; Khulna and Pabna.

6. Legal Status

The uncertainty in relation to visas is mirrored with the residency permit (which enables legal presence on the territory). A clear example of this confusion is that only 4% of the interviewees held a permit of stay at the time of entry into the territory, whereas according to answers to other questions, at least 28% of them claimed to have a working visa (which should have led to a permit of stay for work purposes). Such information is difficult to interpret as it would only apply to persons who, having already been granted a residency permit, leave Italy temporarily – a situation that does not appear to apply to the focus group.

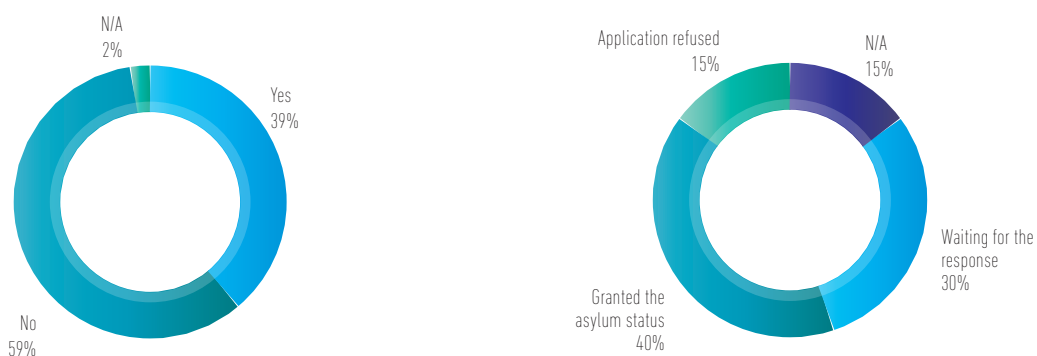
34 M.Rahan, M. A. Kabir, *Moving to Europe: Bangladeshi migration to Italy*, South Diaspora Team, 17/05/2012.

Legal status at the moment of interview



At the time of the interview, only 4% of the migrants had a working visa while almost 50% of them were irregular.

Did you enter the asylum process? Result of the asylum request:



The asylum process was entered by 39% of the interviewees. 40% of them received the status of refugee, while 15% had their application rejected and 30% were still waiting for the response.

Media coverage of work visa fraud/permit to stay in Italy

In the last years, the Italian press has been exposing false schemes to obtain work visas for migrants through the submission of fraudulent documents. Reported investigations carried out by Italian judiciary authorities shed light on the complex system put in place by employers, lawyers and accountants to make profit off of migrants' long-term work visas. Media reports revealed that the scheme would allow migrants to obtain a visa and permit to stay by paying amounts ranging from 500 to

8,000 euros.³⁵ If the visa application was accepted by Italian authorities, migrants would not actually perform the profession declared in the supporting documentation.

It was reported that more than 134,000 requests for long-term work visa regularisation submitted by foreigners were rejected because of “suspected irregularities” in 2012.³⁶ These applications included supporting documentation from regular employees willing to hire low skilled foreign workers such as cleaning ladies (79,315) and caregivers (36,654). Reports show that the illicit practice is ongoing and is not limited to one geographical region, as these crimes are currently being investigated by prosecutors from Northern, Central and Southern Italy.

It has been reported that judiciary authorities in Turin arrested a qualified accountant in April 2016 because of his suspected involvement in the production of fraudulent work documentation submitted by 70 migrants. The accountant would have received 3,000 euros in exchange for a granted work visa. Fake employers were involved as well in these illegal activities, that according to the law enforcement was just the tip of the iceberg.³⁷ In 2015 the Public Prosecutor of Florence launched an investigation on an analogous case. Approximately 22 people would have supported fraudulent work visa requests in exchange for a payment of 3,000 euros each.³⁸ According to the same source, about 450 migrants over 2 years would have been granted long term visas backed by false documentation.

The involvement of regular migrants in the fraudulent scheme is often reported. In 2013 a migrant that had been living regularly in Italy for 20 years was investigated in Reggio Emilia for recruiting 17 co-national irregular migrants and submitting fraudulent documents. The scheme was supported by 5 employers in coordination with one professional working for a legitimate accounting firm. Besides paying for the illicit paperwork, the migrants had to cover social security contributions by themselves, amounting to about 1,000 euros per year. According to the report, the investigation was triggered when regular controls found that the employers could not afford relevant costs.³⁹

35 http://www.lettera43.it/cronaca/sanatoria-immigrati-il-business-dei-falsi-lavoratori_43675120971.htm

36 http://www.lettera43.it/cronaca/sanatoria-immigrati-il-business-dei-falsi-lavoratori_43675120971.htm

37 <http://www.ilsole24ore.com/art/notizie/2016-04-20/torino-false-assunzioni-extracomunitari-arrestato-commercialista--100919.shtml?uuid=ACDL6MBD>

38 <http://www.firenzepost.it/2015/10/29/finenze-permessi-di-soggiorno-agli-immigrati-grazie-a-falsi-contratti-5-arresti/>

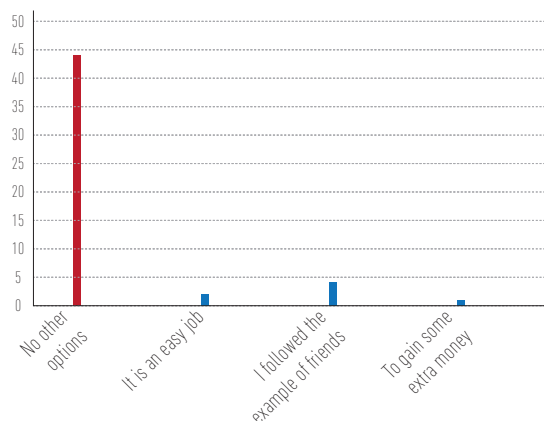
39 <http://www.4minuti.it/citta/falsi-rapporti-lavoro-ottenere-permessi-soggiorno-24-denunce-0055887.html>

C. Life of flower sellers in Turin

This section provides a summary of the conditions of the flower sellers. Before they are (economic) migrants, the individuals interviewed are human beings, with their own feelings and perceptions, wishes and hopes for their life in Italy and/or in their country of origin, for their relatives and their future.

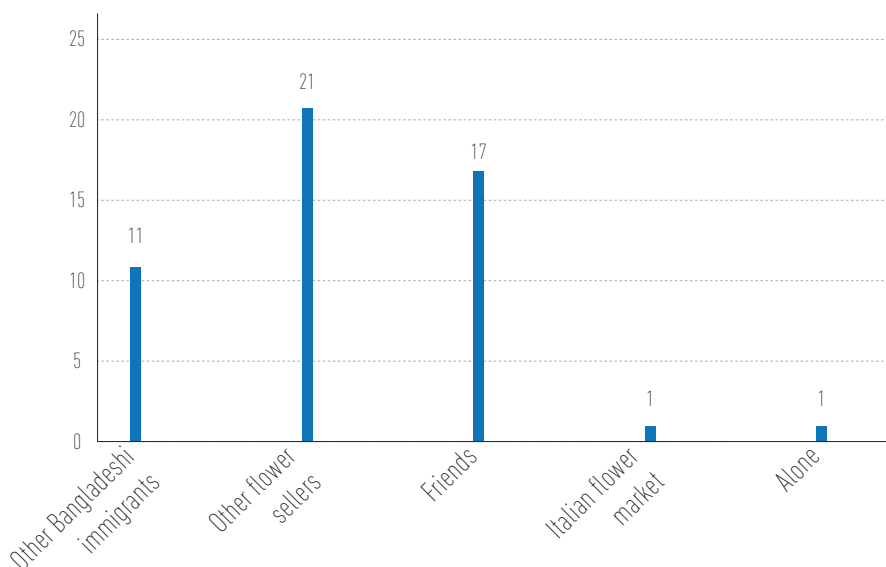
1. Living as a flower seller: working conditions

Why do you work as a flower seller?



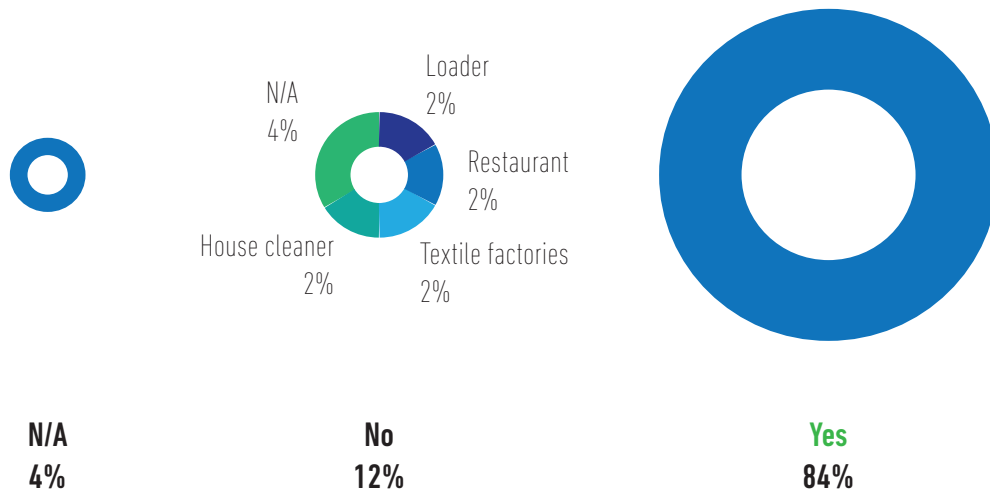
The majority of the respondents declared that they are working as flower sellers because no other option is available. Two of them declared that the reason was because it is an easy job, one because of the desire of earning extra money, while four were following the example provided by friends.

How did you find this job/activity? Through which channels?



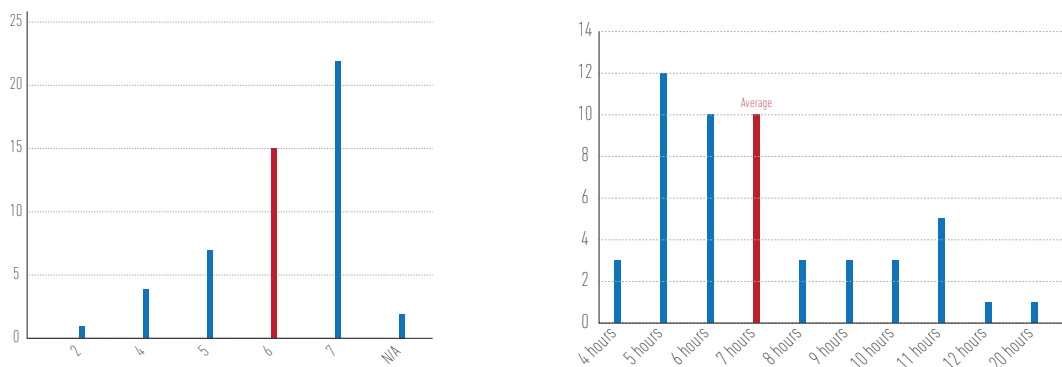
The majority declared to have found the current job thanks to other flower sellers (21 interviewees). The rest mainly joined the business activity through friends and other Bangladeshi immigrants.

Is this the only form of work available to you? If not, what alternatives exist?



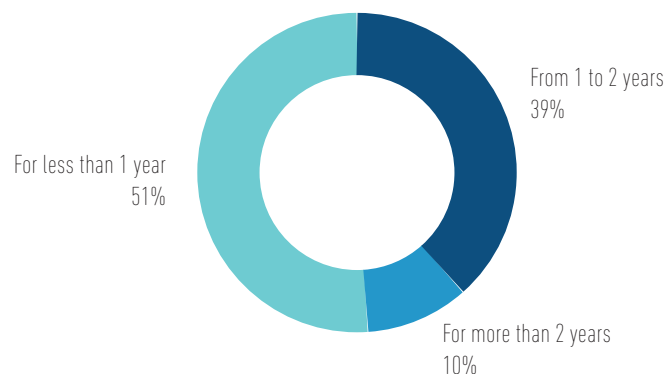
Most of the interviewees (84%) said that this is the only work they can have in their situation, as they do not have proper documents and do not speak Italian. The following were identified as possible alternatives available: newspapers sale, street market jobs and cleaning houses.

How many days per week do you work? How many hours do you work every day?



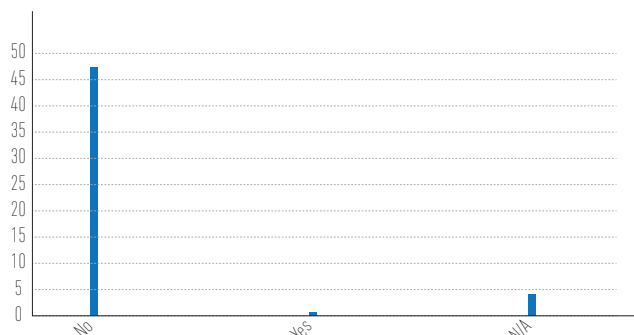
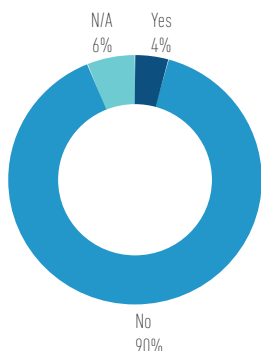
Reportedly migrants work approximately 6-7 hours per day, seven days a week. Some of them sometimes take a day off.

How long have you been working as a flower seller?



The majority of the interviewees have been working as flower sellers for less than a year (51%); another 39% have been doing this job for more than one year but less than two years, while just 10% have been doing it for more than 2 years.

**Do you have to give a part of your earnings to someone?
Are you required to sell a certain quota?**

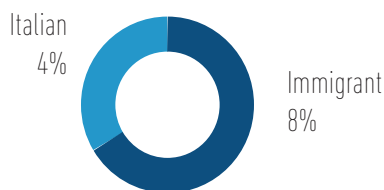


Almost all the respondents declared that they do not have to pay a percentage of their earnings to anyone. Moreover, they are not required to sell a specific number of flowers per day.

Do you have a boss?



No
88%

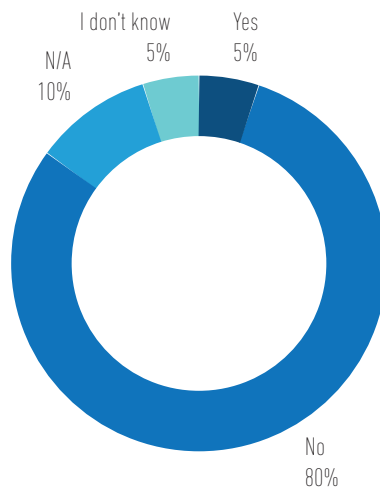


Yes
12%

In relation to the possible presence of a hierarchical working structure, 88% of the respondents denied the presence of individuals supervising their activities. Only 12% of them declared to have a boss: for 4 interviewees, the boss was another migrant, while in 2 cases reference to an Italian citizen was made.

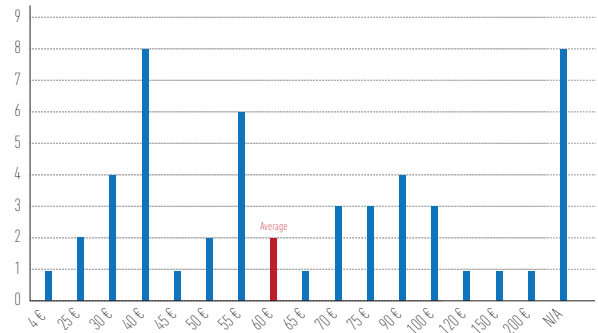
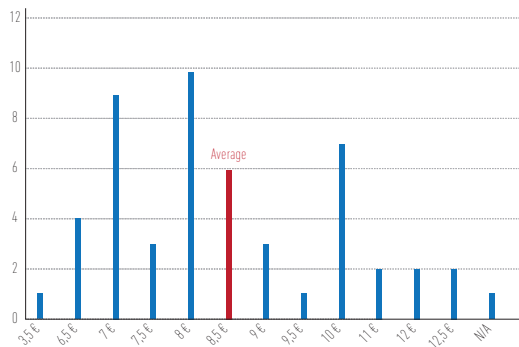
One interviewee declared that he does not have a boss but he regularly buys the flowers, with around 200 other flower sellers, from three compatriots who are wholesale marchants.

Is there some sort of official subdivision of the streets of Turin amongst you and your colleagues, in regards to where each one of you can sell flowers?

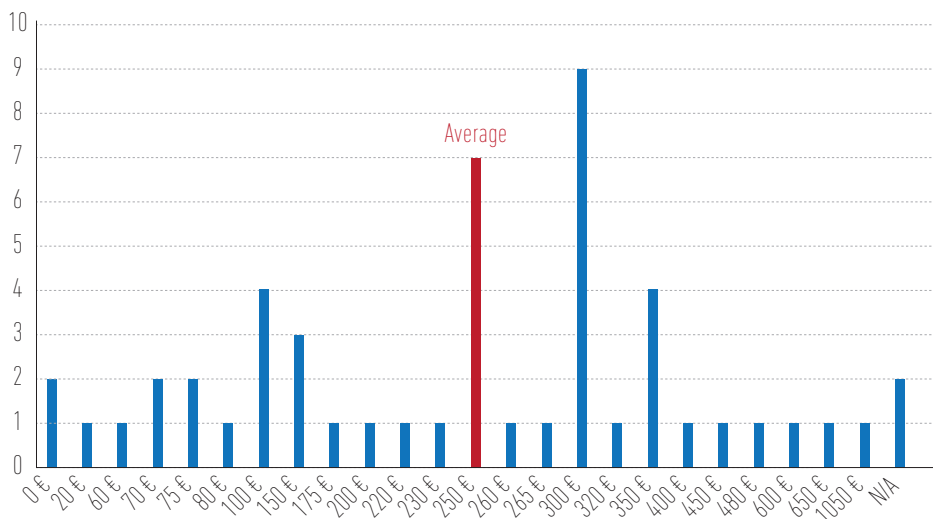


Reportedly, the itinerant sale of flowers is being exercised freely, with no geographical division of streets amongst sellers.

How much do you pay for 20 roses?
How much do you earn per week?

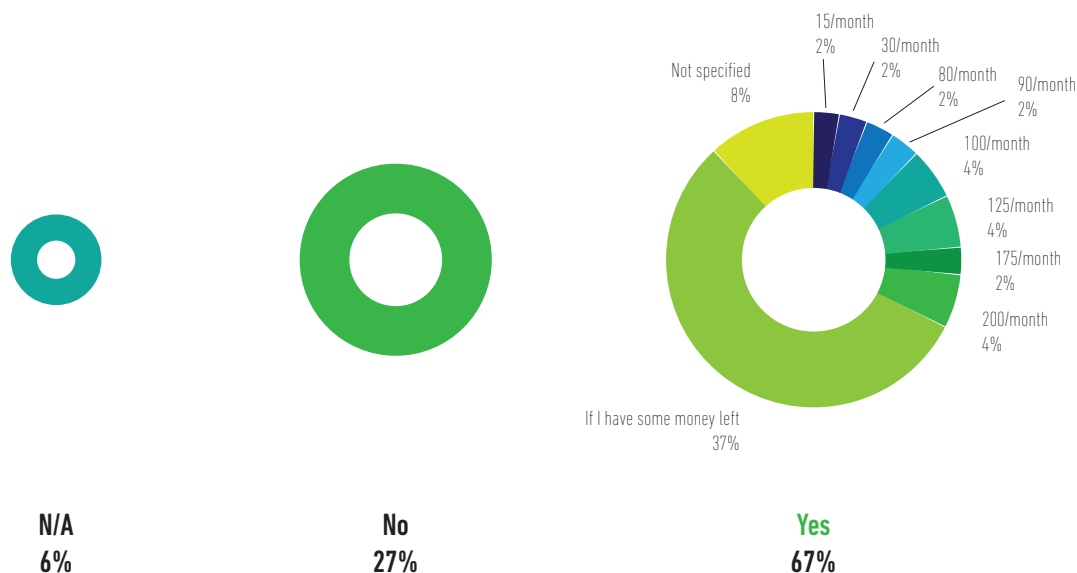


How much money do you spend monthly in Turin?



Interviewees said that their average monthly expenditure is € 250, with a minimum of around € 20 (for those living in shelters) and a maximum of € 1,050. Those who share a flat spend approximately € 100 and earn approximately € 240 per month.

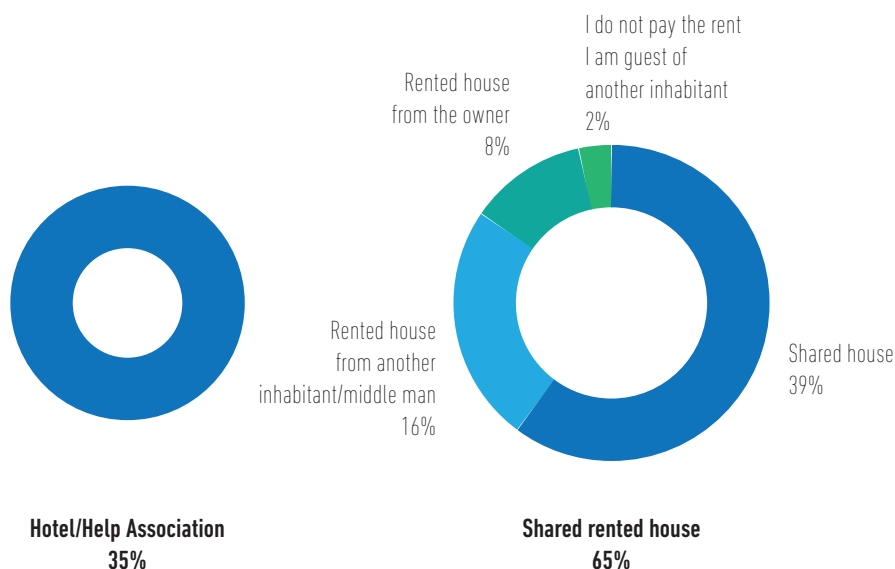
Do you send a portion of your earnings home? If yes, how much?



A significant majority of the respondents (67%) are able to send remittances to their families. The sums range from € 15 to € 200 per month. Many of them (37%) are not able to do so on a regular basis.

2. Living as a flower seller: the human dimension

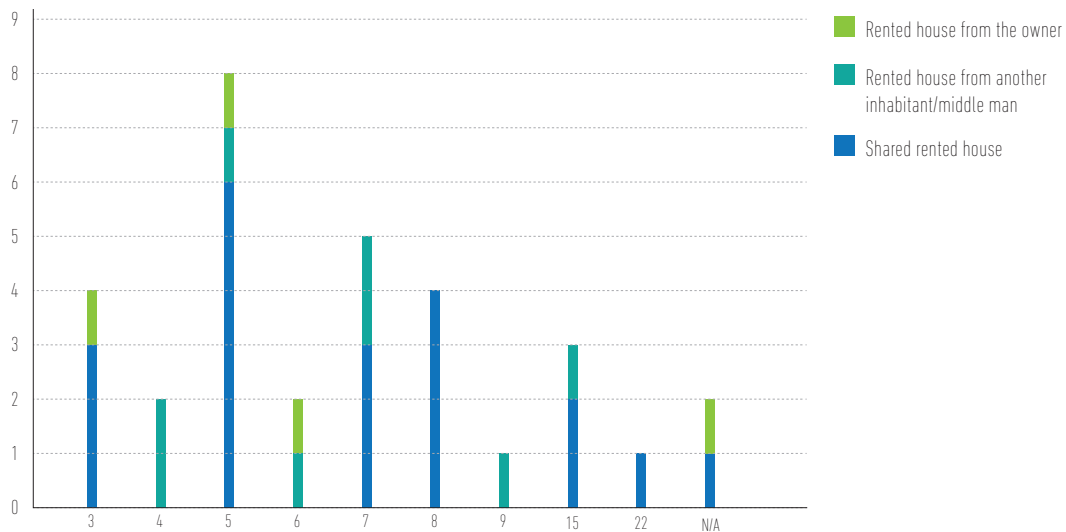
The place you live is?



The majority of the interviewees live in rented flats with an average of 5 co-nationals,

while only a small percentage live in shelters.⁴⁰

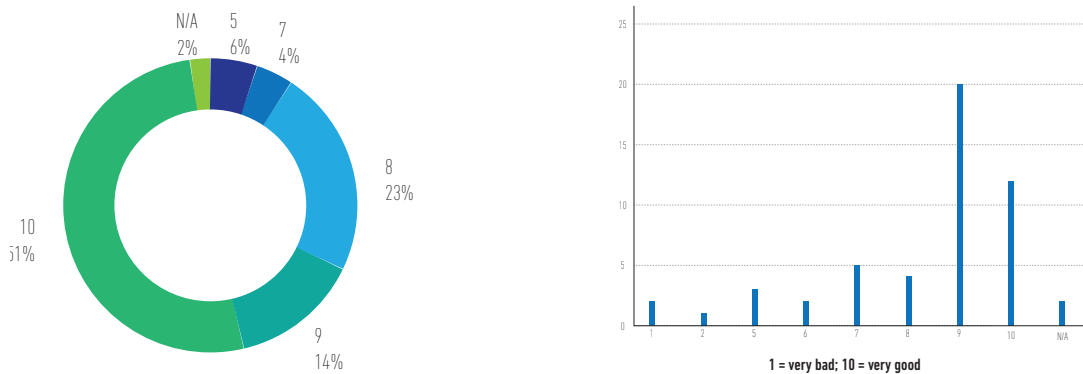
If you live in a shared flat, with how many people do you live?



3. Living as a flower seller: perceptions

On a scale from 1-10 (1 being very bad and 10 being very good) how would you rate your experience with the local Italian population?

On a scale from 1-10 how would you rate your experience with the Italian local institutions?



In general, respondents described their positive experience both with the Italian population and with Italian institutions.

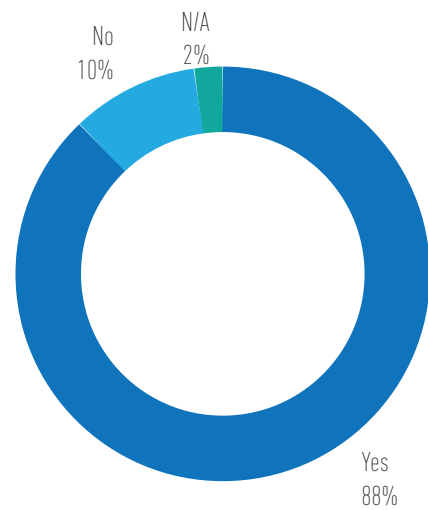
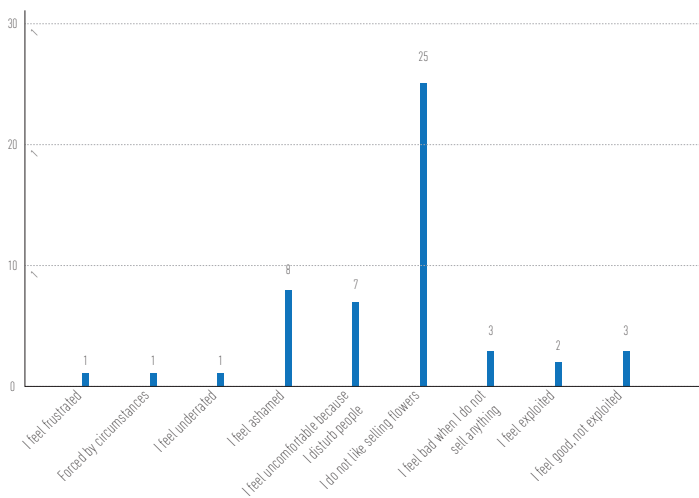
During the last years, the perception of migrants in Italy has been conditioned by the economic recession that hit the country almost at the same time as a significant increase in the waves of migrants arriving from Africa and the Middle-East. A recent survey showed that about eight-in-ten Italians want less immigration, and about seven-in-ten think that immigrants are a burden on society.⁴¹ Moreover, 45% of Italians say immigrants are more to blame for crime than other groups, and 77% say that immigrants do not want to be assimilated.⁴²

⁴⁰ Reference to the accommodation process envisaged by “North Africa Emergency.”

⁴¹ <http://www.pewresearch.org/fact-tank/2015/04/24/refugees-stream-into-europe-where-they-are-not-welcomed-with-open-arms/>; <http://www.pewresearch.org/fact-tank/2015/09/24/what-americans-europeans-think-of-immigrants/>

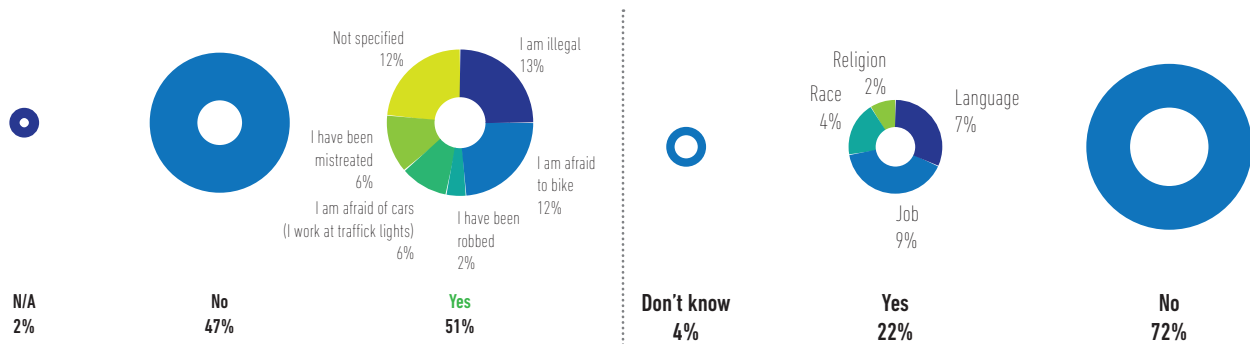
⁴² Ibid.

How do you feel about flower selling? Are you looking for a different job?



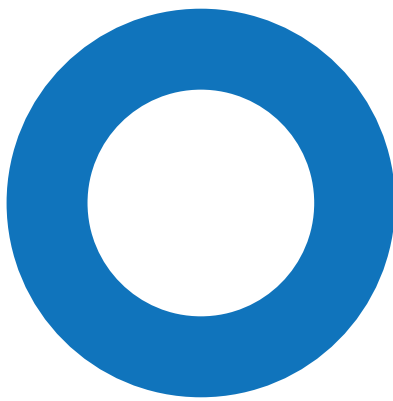
The majority of the respondents expressed negative feelings about their working activity, firstly because they do not like selling flowers. They feel ashamed while doing it, they feel uncomfortable because they disturb people, they feel bad if they do not sell anything and they feel exploited. The majority of them (88%) are looking for a different job, mainly through relatives, friends, acquaintances and by self-proposal.

Do you consider your job has the potential to expose you to risks? Would you describe yourself as member of discriminated group in Italy? If yes, why?

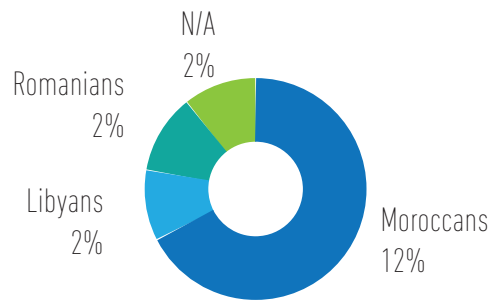


The majority of the respondents (51%) think that their job could expose them to some risks, mainly due to the realities of being an irregular migrant and worker. However, just 22% think they are part of a discriminated group. Those who have experienced physical violence in general total 18%, while 4% declared to have been mistreated either by the owner of the house they live in or by other flower sellers.

Have you ever experienced physical violence in Italy? If yes, by whom?

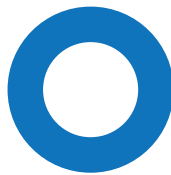


No
82%



Yes
18%

Have you ever been mistreated or experienced violence by your employers in this country? If yes, please details



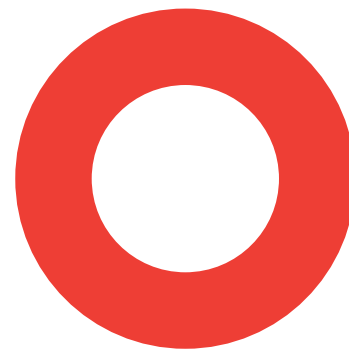
N/A
18%

Yes,
by the owner
of the house
2%



Yes,
by other
flowersellers
2%

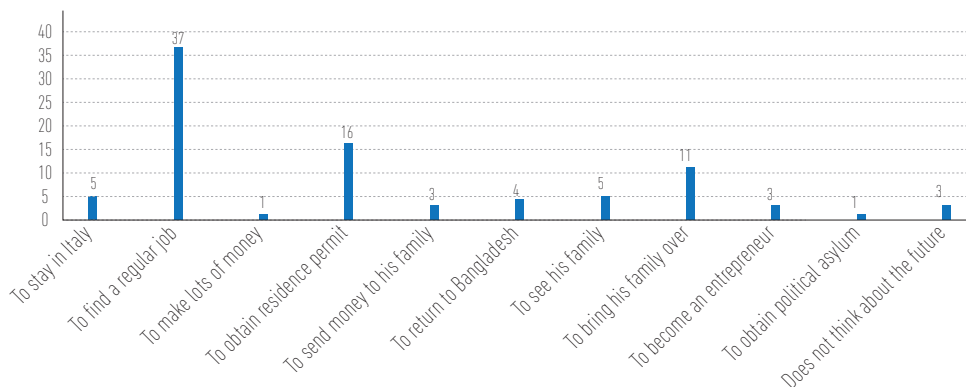
Yes
4%



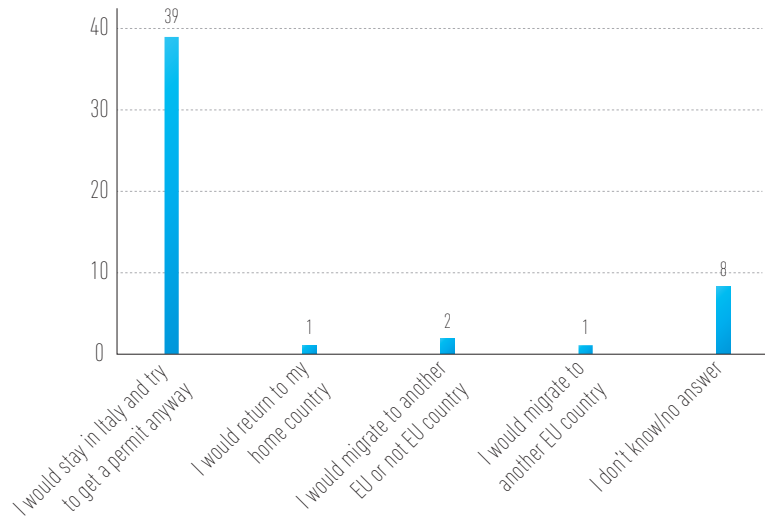
No
78%

4. Living as a flower seller: wishes for the future

What are your expectations and wishes for your future?

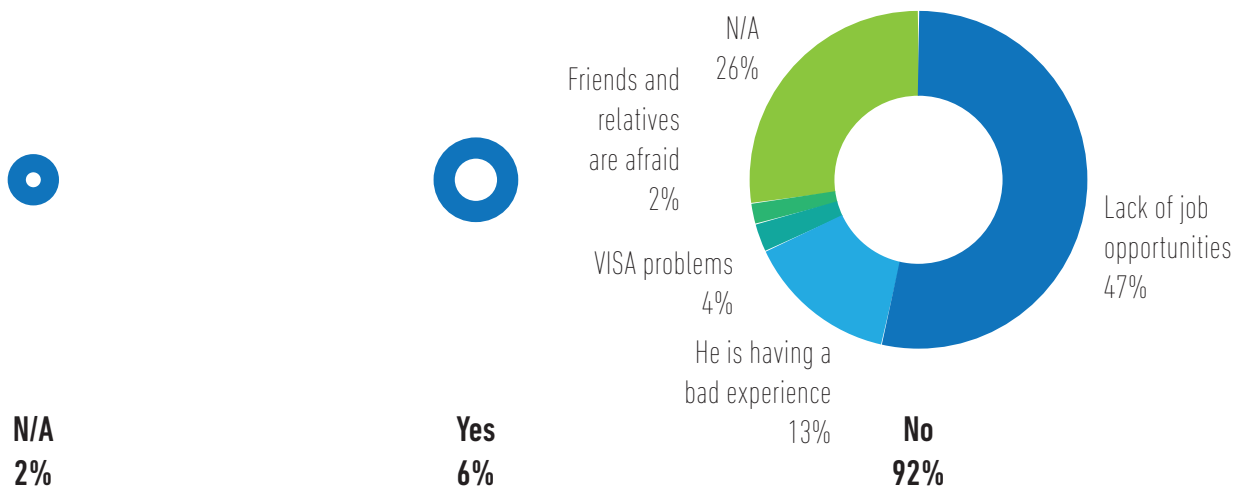


What would you do if your permit of stay was not renewed/released?



When asked what their expectations and wishes for the future are, the interviewees expressed their desire to regularize and stabilize their situation in Italy, by finding a regular job, obtaining a residence permit and bringing their family to Italy. In fact, even if their residence permit was not renewed, the majority of them (39) would stay in Italy anyway and try to get a new permit.

Would you advise your friends and relatives to live in Italy? If not why?



On the other side, the majority of the respondents (92%) would not recommend Italy as a country to live in mainly because of the lack of job opportunities, because they are having a bad experience, or because of the complicated immigration rules.

5. Meetings with local stakeholders: coordination and data availability

In the course of the study, meetings were held with various authorities including those in charge of the procedures related to the entry and stay of foreigners (including the 2012 regularisation) (Turin's *Sportello Unico per l'Immigrazione* and *Questura*), those in charge of social security of workers (Turin branch of the National Institute for the Social Welfare - INPS), and those in charge of criminal proceedings (Turin's Public Prosecutors Office). NGOs and legal professionals providing services and support to asylum seekers were also contacted.

All meetings revealed an inherent difficulty in obtaining disaggregate data about the nationality of foreigners in general, and of Bangladeshi in particular. At the meeting with the Public Prosecutor, the lack of data concerning citizens of Bangladesh was explained by the fact that the specific nationality of either offenders or victims of crimes is not one of the elements that is recorded under a separate heading. All data pertaining crimes where the foreign status of perpetrators or victims is either relevant for the establishment of a crime or for the determination of aggravating circumstances are recorded as a total and not broken down by different nationalities. Thus, no observations relevant to the present study could be inferred.

The data presented below, however, was made available upon request by the *Questura*, confirming once again how different public administrations have different methods of collecting and keeping information. Unfortunately, quantitative data on crimes attributed to citizens of Bangladesh was not supplemented by details on the type of crime committed and/or whether the numbers also include recidivists. According to the facts provided, in 2012 the total number of crimes attributed to Bangladeshi citizens that was 9 in the course of 2012, 27 in the course of 2013 and 10 during 2014. Unfortunately, again, it was not possible to gather information as to whether the offenders were regularly or irregularly present in Italy. However, considering that in the Turin area in the period under consideration, the average number of residence permits issued to Bangladeshi nationals was 877 per year and that the average number of expulsion orders over the same period was slightly below 13 per year, it is evident that the data (despite the absence of any information as to the total number of criminal files opened during the period under examination) indicate that very few Bangladeshi enter into conflict with the law. These conclusions were also supported by the qualitative information provided by the staff of the Prosecutor's Office and by the law enforcement officers met by UNICRI according to which citizens of Bangladesh are not known for setting up criminal organizations or gangs.

Expulsions	2012	2013	2014
Accompanied after expulsions	1	3	0
Expulsions	27	4	7

Crimes committed	2012	2013	2014
Various	9	27	10

Source: Questura di Torino

In relation to the residence permits, the chart below indicates the types of authorizations issued.

MOST RELEVANT PERMIT TYPOLOGY	2012 (807 residence permits)	2013 (832 residence permits)	2014 (992 residence permits)
Employment	328	397	360
Self-employment	79	99	100
Unemployment (maximum validity 6 months)	42	75	116
Humanitarian reason	83	66	111
Family reasons	103	137	196
Study purpose	45	43	71

Source: Questura di Torino

During the visit paid to an NGO in 2015, which represented an opportunity to meet with a number of asylum seekers from Bangladesh, migrants did not feel like providing much information about the reasons why and, most of all, how, they left their countries. In reading between the lines, however, it emerged quite clearly that for many of them the trip to Europe, facilitated by various intermediaries (including the *adam baparis* mentioned previously), was a real personal and family investment. Legal professionals contacted for the purpose of this study also confirmed this.

The meetings with the representatives of the *Sportello Unico* and of the *Questura*, on the other hand, offered a true insight in the problems affecting the Italian legislation and regulation of migration for occupational purposes, as well as the practical obstacles that hinder its effective implementation. What emerged during the consultations was that the quota system currently in place is impracticable and ineffective. On the one hand, it is not realistic that employers agree to engage in an employment relationship with a total stranger, randomly chosen from a list of names of individuals who have expressed their wish to come to Italy to work. On the other hand, the procedures impose different requirements on employers depending on the type of work they offer (domestic or personal care, agricultural, tourism, etc...). For instance, when offering work as care-giver, there is no need for the prospective employer to bear a minimum revenue: under these circumstances, it is evident the system is prone to manipulations.

Although there is an obligation of the Single Desk to inform various agencies about the positive conclusion of the process upon signature of the contract, the various administrations involved do not share institutional cooperation mechanisms for detection of possible fraudulent situations. Eventual reactions to suspect files depend on the experience of the officers processing them, who can thus activate *ad hoc check* on a particular employer, including of their criminal record. These inter-agency cooperation efforts, however, only take place at a local level. This, coupled with the fact that none of the actors involved in the immigration process for occupation purposes (primarily Single Desk, National Social Insurance Agency and Questura) have access to unified databases, means that “forum

shopping” and corruption represent good opportunities to bypass local offices that are particularly efficient in crossing information.

In the course of the meeting with the Single Desk the latter shared a number of problematic cases taken from those that fell within the regularisation process of 2012, which are exemplary of the flaws listed above. Of the 172 surfacing requests introduced by Bangladeshi citizens, 143 were positively concluded, whilst the remainder were either closed for inactivity or rejected on the merits. It turned out that most of the foreigners were represented by the same lawyer. The Single Desk pointed out 11 cases involving Bangladeshi citizens as workers or employers. All of the cases analysed dealt with non-domestic work where higher standards are required (as mentioned in the early pages of this report, perspective employers seeking domestic workers or care-givers do not have to bear a minimum revenue, making the system particularly prone to fraud). In the cases under consideration, 10 involved Italian employers, whilst in 2 cases the employer was foreigner (only in 1 case from Bangladesh). In the vast majority of cases both employers and workers were male and the time declared for previous occupation was the minimum imposed by the law (this is because the resurfacing process requires the employer to pay the relevant tax contributions for the duration of the prior occupation). In fact, in the vast majority, if not the totality, of cases of resurfacing contributions are paid by the workers (often in addition to a compensation paid directly to the employer for the services rendered!). This is the reason why workers do not feel any responsibility in relation to the outcome of the procedure.

Below is a list of cases presented to UNICRI during the meetings.

Case n. 1: A very useful case was presented by the National Social Insurance Agency (INPS): the case involved an Italian who was receiving unemployment benefits while also recruiting a foreigner to be a care giver - whose permit of stay was going to expire to be a care giver. The case came immediately under scrutiny because the recruitment was done through the same entity (INPS) providing financial support to the perspective employer - unemployed).

Case no. 2: The resurfacing of a worker in a call-center was successful and a 20-month contract was concluded. The employer had a serious criminal record that was not legally relevant, though related to migration.

Case no. 3: An employer from Moldova trying to regularize a construction worker. The request was rejected as the employer did not have a long-stay residence permit. The Single Desk referred the case to the Prosecutor’s Office as the conduct of the employer involved a criminal offence - according to article 22 of the Immigration Law, recourse to work by irregular migrants is punished with the penalty of 6-month to 3-year imprisonment and a fine of € 5,000 for every worker, in addition to administrative sanctions. Very rarely, however, are investigations launched as they are not cost-effective.

Case no. 4: A female restaurant-owner regularized a Bangladeshi cook with a permanent work contract. The relevant residence permit was thus issued.

Case no. 5: A request rejected due to the relevant criminal record of the employer, who had already been signalled in the course of other regularization or immigration procedures.

Case no. 6: Italian employer regularizing a junior confectioner with a permanent contract.

The worker had entered Italy as a seasonal worker in 2010 in Rome and overstayed his visa.

Cases no. 7, 8 and 9 concern two files which were closed either due to lack of documents or no-show for the signature of the contract. All of them concerned an occupation within the restaurant industry. In the first case, the Italian employer had a negative revenue whilst the worker had a criminal record (he had entered in Italy as asylum seeker and later obtained a visa for humanitarian reasons).

Cases no. 10 and 11 relate to Italian employers in the food sector. In one case the employer never paid the required social contributions. As his activity closed before the signature of the contract, the worker did not even have the chance to obtain a residence permit for unemployment. In the second case the worker, who made a late payment of the social contributions, eventually did not show up for the signature.

Case no. 12 concerns an Italian worker with a criminal record linked to immigration, that is however irrelevant for the purpose of surfacing. He wished to regularize two construction workers, but the certificate concerning his position related to social security and insurance payments of workers employed in the past was negative— despite them being regularly employed, no contributions had been paid in their name. The check of the contribution was made *ad hoc* and is not required on a regular basis.

Recommendations

1. The quota system currently in place present critical issues, considering the necessity to effectively regulate the migration flows. Indeed, it is rather unlikely, to say the least, that an employer agrees to engage a foreign worker in occupation; whose identity is completely unknown, randomly chosen from a list of names of individuals having expressed their wish to come to Italy to work. Any quota system regulating the entry of foreign nationals into Italy for work purposes must take into consideration that mutual trust is key in employment relationships. Thus, the system should be based on *ad personam* invitations, regardless of the nationality of the perspective worker.
2. The second critical aspect of the current system is that the selection of workers is done not on merits of the individual immigrant but rather on the typology of service provided (domestic or agricultural workers, for example). Considering that for certain categories of workers, namely carers, there is no need for the perspective employer to show evidence he/she holds a minimum revenue in order to honour the terms of the contract, it is evident that the system is prone to manipulations, and therefore is in need of improvements to prevent distortions and exploitation.
3. Although there is an obligation of the Single Desk (*Sportello Unico per l'Immigrazione*) to inform the various agencies about the positive conclusion of the process upon signature of the contract, the various administrations involved do not have established institutional cooperation mechanisms to detect possible fraudulent situations. They therefore, *de facto*, rely on the experience of the officers processing the case-files, who can thus activate *ad hoc* checks on a particular employer. It is therefore advisable to establish a stringent coordination mechanism in this respect, including more direct access to the criminal records of the perspective employer and worker.
4. Although the procedural changes recently introduced, namely a) the authorization of entry (*nulla-osta*) is now sent directly to the Embassy where the visa is being requested, and not given to the perspective employer and b) the work contract is to be signed upon entry of the foreigner in the country and is no longer given to the employer for transmission and signature prior the entry into the country, have reduced the number of subjects involved, thus limiting possibilities to abuse, the possibility of authorization of entry into the country not followed by signature of the contract is not excluded that.
5. Uniform, transparent procedures and standards for local Single Desks should be adopted and implemented to limit “forum shopping”.
6. Local cooperation and coordination groups should be established to gather institutional actors involved in the immigration process, including law-enforcement and social services. These cooperation groups could increase communication, trust and exchange of information and good practices.
7. Staff working in the immigration system should be adequately trained on trafficking in human beings, and smuggling of migrants and the trends and practices of organized crime.

8. Institutional coordination platforms that gather all different actors involved in the entry of foreign workers should be established at the national level, with a view to harmonize procedures and monitor the overall situation.
9. Databases used by law-enforcement, the Single Desk, the Labour Ministry and other relevant areas of public administration should be easily accessible in order to limit the length of the procedure and facilitate the identification of possible fraudulent employers.
10. Information on black-listed employers should circulate nationwide to all Single Desks.
11. Regularization processes should not be solely based on the existence of a work contract but should take into consideration the holistic situation of the individual, including his/her integration into the society.
12. Integration programmes for foreigners should be strengthened and effectively implemented in order to reduce vulnerability of migrant workers. Such integration programs should include instruction in the Italian language.
13. Awareness-raising campaigns should be conducted to correctly present the contributions that migrant workers make to the Italian welfare system. Such campaigns would encourage the general public to favour acceptance and integration, and to avoid stigmatization of foreign migrants.
14. Whilst communities of origin are a valuable resource for migrants, special attention at the local level should be paid to avoid spatial segregation and the creation of de facto ghettos. Initiatives to encourage a more balanced residential distribution of migrants should be taken to favour real integration and reduce polarization and lack of dialogue.



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