

# **WHEN INSTITUTIONS DISCRIMINATE: Equality, Social Rights, Immigration**

Report of Project L.A.W. – Leverage the Access to Welfare

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# Index

<b>Introduction</b> .....	<b>4</b>
<b>Part I – The Juridical Perspective</b> .....	<b>6</b>
<b>A. Institutional Discrimination in Access to Welfare: Yesterday and Today</b> .....	<b>6</b>
<b>B. Discrimination in Access to Social Benefits and Services</b> .....	<b>9</b>
Citizenship income .....	9
All-inclusive family allowance .....	17
Basic current account .....	20
Family Allowance .....	22
Access to housing .....	23
Youth Card and Family Card .....	27
<b>PART II – The Socio-economic Perspective</b> .....	<b>35</b>
<b>A. When institutions discriminate</b> .....	<b>35</b>
<b>B. Results of Quantitative Analysis</b> .....	<b>46</b>
The reasons for an investigation into discrimination .....	46
Methodological notes .....	48
The perception of being discriminated against .....	49
Discrimination at work .....	52
housing discrimination .....	56
discrimination concerning access to services .....	59
discrimination at school .....	68
discrimination involving the police .....	69
discrimination in public places .....	72
skin colour is not the only discriminating factor .....	74
<b>C. Anti-discrimination advocacy cases. Initiatives, interpreters and implications</b> .....	<b>83</b>
Introduction .....	83
Analysis of cases by area of interest .....	87
Outlines for interpretation and ideas for discussion of anti-discrimination action .....	103
Conclusions .....	111

# Introduction

The concept of "institutional discrimination" in itself is a contradiction: "discrimination" refers not only to a difference in treatment compared to the overall majority of people (exclusion from an asset, service and/or relationship with other people), but above all a difference not allowed by law and consequently illegitimate. Not all differences are "discriminatory", since some - especially those concerning migrants - are enacted in law. For example, different procedures for employing Italians or foreigners do not necessarily constitute discrimination, at least while States can require "stay permits" for people from a different country.

Discrimination as such concerns not only a disadvantageous and prejudicial difference, but also a difference contrary to law.

"Institution", on the other hand, distinguishes a public entity that represents legality, as defined by the majority of citizens (or, rather, by the much more limited majority who actually bother to vote) who elect representatives to manage and govern our institutions.

Inasmuch, how can an "institution" perform acts contrary to its own nature as a "legal" subject? It ought to be impossible. Yet it happens and does so for several reasons.

It happens, first of all, because of ignorance of the delicate mechanism that governs advanced democracies (or those who would like to think they are): a mechanism embodying delicate balances between the will of the majority expressed precisely through its institutions and the protection of the most vulnerable members of the population, those who have the least say in the decisions governing collective life. Even in an historical context, when the prohibition of discrimination was much less known and analysed than today, the Italian Constitution already included among its fundamental principles both the prohibition of discrimination (Article 3) and "safeguard of minorities" (Article 6). This conceived a democratic system that produces rules that rebalance the majority principle, by also giving a voice to people excluded from decision-making processes and ensuring their civil and social rights.

When the institution forgets this rebalancing function, those in charge of it imagine being able to sit tight with the desires of the majority and thereby superimpose the real or presumed "will of the voters" over its obligation to protect all members of society, even those who enjoy less consensus. This is the case with many "anti-foreigner" measures (various bonuses "exclusively for Italians", registration restrictions and even "access bans" for street vendors and women wearing veils, etc.), launched by local administrations despite being well aware of their illegitimacy yet in the belief that this meets the wishes of their local electorate. Without forgetting cases where even the national legislator does the same thing, only to be held to account by the Constitutional Court (for example: not allowing local council registration for asylum seekers).

Secondly, "institutional discrimination" occurs because the legislation governing our collective lives has diversified, and law at several levels (national, European and international) is involved in mutual exchanges to improve the system of rights. Inasmuch, certain institutions may (perhaps even in good faith) apply an internal rule without realizing that "elsewhere", at a higher institutional level, a decision has been taken in a different direction to ensure rights that local or

national authorities were unable to recognise. This is the case when domestic regulations go against European rules on the issue of access by foreigners to social security benefits or the Family Card, where Italy has been repeatedly censured by the EU Court of Justice.

There is an additional problem often used as a justification for institutional discrimination: that this articulation of the system of rights is often described and perceived as an "expropriation" of the powers closest to citizens in favour of distant and uncontrolled powers (often "those European bureaucrats"); this should rather be seen as the necessary consequence of recognising social and civil rights that pertain to individuals, overcoming the need to belong to one or another local or national community.

Lastly, institutional discrimination occurs because the players in these institutions (the so-called bureaucracy) are often influenced by the same preconceptions that affect the public at large, at times aggravated by a mentality unaccustomed to change as well as cumbersome decision-making mechanisms. An exemplary case is the extreme delay whereby public administrations have adapted even to partial extension of access to public employment for non-EU citizens. This extension was envisaged in 2013, but even today there is no trace in many announcements that merely copy-and-paste previous versions - in the stubborn belief that foreigners cannot be involved in the management of public affairs. Equally exemplary is the case of so many administrative proceedings concerning foreigners, for whom the State considers an absolutely irrational and exhausting time-frame to be "tolerable" (three or four years to examine an application for citizenship, two years to renew a stay permit, etc.) which would be truly intolerable for any administrative procedure concerning Italians.

"Institutional discrimination" which, as we said at the beginning, may even seem to be the result of a simple logical contradiction, actually exists and is widespread under all these profiles (and perhaps others as well).

The work of the LAW project - Leverage Access to Welfare -, with the social surveys by Centro Studi Medí and the legal and judicial activity of ASGI, is summarised in the following pages. The intention is precisely to investigate the reasons for and effects of this phenomenon.

This is by no means a marginal aspect in the field of immigration.

Firstly, because the tangle of rules and administrative acts that causes an institution to contradict itself impacts real people, whose lives are changed and often shattered by exclusion from access to housing or by waiting for years to obtain a stay permit. The perspective of the work illustrated here is that of looking at people, their needs and their perceptions (often of humiliation and suffering) as reported in the questionnaires collected by the CSMedí.

Secondly, because a society less affected by tensions and conflicts, even if this certainly emerges "from below", can only come about if institutions are the first to promote it: institutions that spread the culture and practice of exclusion contradict their very nature and fail in the State's task of ensuring (to use the words of the Constitutional Court) *"that the life of every person reflects the universal image of human dignity every day and in every respect"* (sentence 44/2020).

This work makes its own small contribution to ensuring that this objective is always pursued with determination and trust.

*Alberto Guariso, ASGI*

# Part I – The Juridical Perspective

Edited by ASGI – Associazione per gli Studi Giuridici sull’Immigrazione

## A. Institutional Discrimination in Access to Welfare: Yesterday and Today

Over the last 20 years, ASGI’s work and commitment to equality between Italian and foreign citizens has focused in particular on issues of access to welfare.

After a short period (1998 - 2000) when Article 41 of the Consolidated Immigration Act ensured social benefits to everyone holding a stay permit for at least one year, the Italian legal system, with the 2000 Budget Law (Law n. 388/2000), began reserving social assistance benefits only to holders of long-term stay permits, pursuant to Article 9 of the Consolidated Immigration Act and Directive 2003/109/EC. This choice was progressively ratified for 22 years, until 2022.

This approach meant that a substantial number of foreigners were excluded from access to welfare. They were progressively fewer but still very numerous, down in the period from 70% to 34% of the legally residing foreign population, and therefore currently involving more than 1,219,000 people<sup>1</sup>. The exception was public housing, where criteria are slightly broader: as per Article 40, item 6 of the Consolidated Immigration Act, a long-term stay permit must be held or at least a two-year permit combined with employment.

ASGI consequently began to promote a far-reaching dispute (at times together with other associations and trade unions), and the limit for long-term stay permits was progressively removed.

Initially, the Constitutional Court ruled out the legitimacy of the requirement for long-term stay permits for services associated with disability, arguing that there is an **essential core** of social rights pertaining to the very survival of such persons which cannot be denied by limitations of any kind nor by *ratione census* (i.e. having a minimum income to be eligible for State aid) nor *ratione temporis* (being in Italy for a certain period of time).

This reconstruction had the advantage of partially removing the limitations, but it spread the belief that only services relating to disability can be included in the “essential core”. So much so that the first time the Court examined a service that was certainly essential but outside the issue of disability - namely, the social allowance, paid to poor people over 67 years old - decided otherwise, i.e. considered the requirement for long-term stay permits to be legitimate. The same decision was then reached for the citizenship income (basic income), as will be seen in the following paragraph. The impression is that the way out of poverty faces a struggle to enter the sphere of the “essential core” of social rights.

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<sup>1</sup> IDOS, *Dossier Statistico Immigrazione 2022*, p. 103.

While the Italian Parliament continued to multiply the benefits limited to long-term stay, the EU introduced Directive 2011/98. As of 25.12.2013, it required Member States to ensure equal treatment with local citizens for all non-EU citizens holding stay permits allowing work (and therefore permits for work or family reunification or awaiting employment). The possibility of accessing the labour market (even if not actually “in work” at the time when the benefit is requested) is therefore, according to EU law, good reason to acknowledge that foreign citizens are sufficiently integrated and “settled” in the territory. Inasmuch, they are entitled to be treated in the same way as the citizens of the host state itself. It should be added that this applies not only to services associated with work and therefore to all intents and purposes with social security, but also those financed by general taxation.

ASGI has therefore intervened, through advocacy action against INPS (Italian Social Security Department) and by promoting litigation, to assert the right to equal treatment and therefore the right to obtain the same services provided to Italians - and long-term foreign residents. This advocacy action has achieved little or no results. (At least until 2022, when the all-inclusive family allowance - “assegno unico universale per i figli a carico” - was introduced, as explained below.) Judicial action, on the other hand, achieved a very particular and perhaps unique outcome in judicial history: hundreds of judges in Italy (only two or three thought differently) “dis-applied” national law, progressively recognising all benefits to people holding a single work permit - baby bonus, maternity allowance for unemployed mothers, family allowance for families with at least three children, nursery bonus, birth bonus, family card (the latter was even envisaged only for Italian and EU citizens).

The system therefore “settled down”, albeit in a pathological form - because only those who took legal action were able to obtain benefits. This assigned a fundamental role to associations and trade unions, because without their information, support and assistance no one could envisage equal treatment being implemented.

Depending on the date of introduction of the benefit, this situation lasted for almost ten years, until the Constitutional Court intervened with sentences no. 67/2022 (concerning family allowances) and 54/2022 (concerning baby bonuses and maternity allowances). Almost simultaneously, the Government launched the all-inclusive family allowance and the reform of Article 41 of the Consolidated Immigration Act. Thanks to these regulations, the exclusion of single work permit holders was finally overcome in March 2022.

This began a new stage in which advocacy - even before litigation - played a fundamental role. In fact, the regulations for the single allowance, while overcoming the limitation of long-stay permits, nevertheless retained numerous exclusions, in part in contrast with EU law (e.g. international protection holders are not included in the all-inclusive family allowance law), and in part contrary to common sense. For example, people holding self-employment permits were excluded (while the purpose of the new allowance was precisely to extend protection beyond male and female recipients in employment) as well as those holding permits to assist minors (i.e. authorized to remain in Italy for this purpose).

**Almost all** these exclusions were superseded by circular letters issued by INPS at the request of ASGI and several trade unions.

The other aspect where ASGI worked was local welfare. Here, efforts by Local Councils and Regions to provide services financed by local authorities exclusively to Italians (frequent over a decade ago) have almost completely come to an end, although further restrictive measures have emerged, especially concerning access to public housing. In this context, long-term residence requisites are applied (which disadvantage foreigners since, according to ISTAT (Office of National Statistics) data, they are generally more mobile) and the “non-ownership” requisite, i.e. not owning property anywhere else in the world. The latter item is also required of Italians, but only foreigners are asked to exhibit documents from the “country of origin or last lived in”, which are often impossible to find. These regulations concerning “additional documents” have prevented large numbers of non-EU citizens from accessing social housing.

As for the first point, the ensuing legal action enabled the Constitutional Court to inaugurate a new jurisprudential stage, unlike the “essential core” approach mentioned above. The new stage focuses on the “prevalence of need”, *i.e.* that it is unconstitutional to introduce completely limiting requirements into regional laws **unrelated to the assessment of need**. One can therefore consider, for example, the seniority of inclusion in the rankings (which indicates the duration of residence as well as need) but **not previous residence, since this requirement has nothing to do with the condition of need of the person concerned** (sentence no. 44/2020). Unfortunately, despite the fact that the Constitutional Court ruled very clearly on this point with reference to the law in Lombardy, other Regions (Veneto, Liguria, Friuli, etc.) remain completely indifferent to their duties of institutional collaboration and still apply rules identical to the one declared to be unconstitutional.

As for the additional documents required of foreigners to demonstrate “global non-ownership of property”, a very extensive dispute has opened in many Regions and even in these cases the outcome has **always** been in favour of foreign citizens. However, some Regions (Friuli in particular) are resisting judicial rulings by applying all kinds of workarounds, most recently even introducing fictitious changes to Regional Regulations to circumvent the judges’ rulings: an interesting case of conflict between politics and justice.

### **L.A.W. Project Activities**

Through the L.A.W. Project, ASGI has collected reports and provided legal assistance via a specific IT help desk, receiving communications via email, telephone and by compiling an online form. Some of these cases were then taken on by the Association, followed by sending individual and collective letters of moral suasion.

**Between 1 March 2022 and 31 January 2023, ASGI received 363 reports and requests for information relating to discrimination.** These involved 198 women (54.4%) and 157 men (43.1%). For the remaining 2.2% it was not possible to collect this information.

The reports involved the following topics:

- Access to social benefits: 240



215 relating to the citizenship income, 15 to the all-inclusive family allowance, 4 to the basic maternity allowance, 3 to the social allowance, 2 to allowances for the family nucleus and 1 to the baby bonus.

- Access to housing: 4 (exclusion from public housing assignments, private rent announcements, applications for rent subsidies and favourable mortgage conditions)
- Registration with the NHS: 5
- Opening a bank account and financial services: 101
- Others: right to sport, registration with CPI (employment centres), access to SPID (digital ID service)

ASGI's data collection, unlike Centro Studi Medì in the same project, only sought to provide timely legal advice to Help Desk users. It is therefore incomplete. Examination of the issues involved clearly shows that questions mainly concerned issues where ASGI was and is committed (so that users probably turned to ASGI having learned of its commitment to these topics from the website) and cannot be representative of the type of discrimination experienced by foreigners. Finally, this data cannot be taken as exhaustive even in relation to ASGI's activity in the field of anti-discrimination law: numerous situations are followed up by ASGI after receiving direct news (websites, press, etc.) without specific reports from people who have suffered from discrimination.

Inasmuch, while referring to the Centro Studi Medì study for more rigorous and significant statistical analysis, this report nevertheless includes - where numbers so allow - data emerging from discrimination complaints received and the corresponding action taken by ASGI in the context of the LAW Project. Well aware that we have a preferential observatory on a small portion of discrimination situations in Italy, we provide in-depth analysis and commentary on our findings in the boxes below.

## **B. Discrimination in Access to Social Benefits and Services**

### **Citizenship income**

Citizenship income ("reddito di cittadinanza", RdC) is a "*fundamental labour policy measure intended to ensure the right to work and to combat poverty, inequality and social exclusion [..]. It is an essential level of service within the limits of available resources*" (Article 1, Italian Legislative Decree no. 4/2019). The main objective of this social benefit is to combat poverty and social exclusion and, secondly, to encourage reintegration into the world of work.

This social benefit requires obligatory participation in a work placement project (when the beneficiary is able to work) or a social placement project (when these conditions do not exist).

The 2023 Budget Law (Law no. 197/2022) established that as of 01.01.2024 the citizenship income rules will no longer apply. It is envisaged during the intermediate period (i.e. 2023) that only households including persons with disabilities, minors or persons over the age of 60 will maintain this benefit to the extent previously applied, while for all other persons the duration of the benefit is reduced to just seven months and is non-renewable. The following is also envisaged:

a) that beneficiaries “*must take part for a period of six months in a training course*” and that in the event of non-acceptance the benefit will be withdrawn. However, this is a de facto measure already envisaged previously and which in any case presupposes that these courses will effectively be organised, which currently does not seem to be the case;

b) that the person receiving the benefit loses it if the first job offer is refused - but it must nevertheless be a “fair” offer.

The partial changes introduced for 2023 have therefore not affected the two requirements that have so far significantly hindered access by foreigners to citizenship income, namely: 1) the requirement for a long-term stay permit, and 2) residence for at least ten years (of which the last two continuous) in Italy. This latter requirement, although envisaged indiscriminately for Italians and foreigners, has brought about more exclusions of the second group, as we shall see in the following section.

The negative effect of these two “access barriers” is reflected in the data. ISTAT estimates that in 2021 1.9 million families lived in conditions of absolute poverty: 31.3% (more than 614,000) were families with foreigners, despite representing only 9% of total<sup>2</sup>. While fewer than 6 out of 100 Italian families are poor, about 26 out of 100 families with foreigners are in a condition of absolute poverty, i.e. four times as many. This number then increases to 30 for families exclusively made up of foreigners. Despite this gap, the citizenship income in June 2021 “covered” 89% of poor Italian families, but only 31% of poor foreign families<sup>3</sup>.

The first barrier (long-term stay permit) was deemed legitimate by the Constitutional Court (sentence 25.01.2022 no. 19), and it will probably be difficult to revoke this for many years. According to this ruling, the requirement for a long-term stay permit is reasonable because the citizen’s income is not merely a welfare benefit, but also envisages a subsequent socio-employment integration course, whereby it is reasonable for the beneficiary to have a permanent stay permit and is not exposed to the risk of having to leave Italy. It remains obscure why overcoming conditions of poverty should not be considered one of the primary needs of every individual. Equally perplexing is the fact that at least partial social inclusion is the aim pursued by the measure (welcoming marginalised people and supporting them in the integration process) and also the prerequisite for accessing it. Obtaining long-term stay permits requires that the persons involved have already earned a minimum income, have suitable accommodation, five years of

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<sup>2</sup> ISTAT, *Rapporto Povertà 2021*, p. 5, 15 June 2022, [https://www.istat.it/it/files//2022/06/Report\\_Povert%C3%A0\\_2021\\_14-06.pdf](https://www.istat.it/it/files//2022/06/Report_Povert%C3%A0_2021_14-06.pdf).

<sup>3</sup> INPS, *Report Trimestrale RdC Aprile 2019 - Giugno 2021*, p. 30, Table 1.6, July 2021, [https://www.inps.it/docallegatiNP/Mig/Dati\\_analisi\\_bilanci/Osservatori\\_statistici/Report\\_trimestrale\\_Rei-RdC-REm\\_Aprile\\_2019\\_Giugno\\_2021.pdf](https://www.inps.it/docallegatiNP/Mig/Dati_analisi_bilanci/Osservatori_statistici/Report_trimestrale_Rei-RdC-REm_Aprile_2019_Giugno_2021.pdf).

residence and passed the Italian language test. In other words, such beneficiaries are expected already to be “halfway” through the integration process, while excluding those who have not even been able to start it and inasmuch are the people most in need. Not only: it is also perplexing to consider that logic could easily have suggested precisely the opposite conclusion. Namely, that precisely “non-free” aid conditional on the project for getting out of poverty and the commitment of persons receiving the benefit should be assured to everyone. This is equally a way of meeting the “duty of solidarity” (pursuant to Article 2 of the Constitution) by the beneficiaries themselves and helps “eliminate obstacles” pursuant to Article 3, second item of the Constitution. It is also in the public interest that aid should cease to be required as soon as possible.

Over and above these perplexities, it should in any case be noted that the position of the Constitutional Court is that indicated by sentence no. 19/2022.

As for the second requirement (ten years of prior residence), a further decision of the Court is expected in coming months, when the objection of unconstitutionality promoted by the Milan Court of Appeal for a case involving eight people with Romanian citizenship and INPS will be decided upon. The question obviously differs from the one examined by sentence no. 19. It refers to the reasonableness of a requirement that has nothing to do with the future prospects of personal stability. It also evidently contrasts with the right to free movement of EU citizens. Furthermore, the requirement for ten years of residence is the subject of an infringement procedure begun by the European Commission (see press release dated 26.02.2023<sup>4</sup>) and a referral for a preliminary ruling to the EU Court, which will issue a statement in coming months. The latter was set in motion by the Court of Bergamo, which believes that the requirement contrasts with Directive 2011/95, that assures international protection holders equal treatment to Italian citizens as regards social assistance services and access to them. Such a long residence requirement, which cannot be met by more than half the refugees currently living in Italy, may in fact violate the obligation of equal treatment established by the Directive. Moreover, it does not even meet any reasonable motivation, since the State has no interest in excluding needy people who have a stable presence in Italy and in any case hold an indefinite-term permit from a process of integration.

In addition to the foregoing, the total repeal of the measure raises considerable concern (as already envisaged by Article 1, item 318 of Law 197/2022) which, in the absence of replacement measures (not currently envisaged), would leave people in conditions of absolute poverty - including foreigners - without any support at all.

### **L.A.W. Project Activities**

Between March 2022 and January 2023, ASGI received **215** reports and requests for legal advice relating to citizenship income.

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<sup>4</sup> European Commission, *February infringements package: key decisions - Point 9: Jobs and social rights*, 15 February 2023, available at [https://ec.europa.eu/commission/presscorner/detail/en/inf\\_23\\_525](https://ec.europa.eu/commission/presscorner/detail/en/inf_23_525)

These reports were submitted by 139 women (64.7%) and 76 men (35.3%). No non-binary or other gender issues were declared. The **average age** was 43 years.

As regards **countries of origin**, it was possible to collect data for 197 out of 215 reports. Fifty-one different countries of origin were found, from several geographical areas (70 people from Africa, 58 from the EU, 29 from non-EU European countries, 18 from America, 11 from Asia). The most requests came from people of Romanian (38), Nigerian (19), Moroccan (16), Ukrainian (12) and Somali (10) origins.

In **90% of cases** concerning citizenship income, people contacted the anti-discrimination service after receiving a **revocation and request to reimburse said income**. Since the requirements were only checked by INPS at a later stage, it frequently happened that needy people, who were not adequately informed (in particular concerning the ten-year requirement issue), presented the same application and obtained payment only to be asked to reimburse even large sums, which there were obviously unable to pay. Only eleven people contacted us to request information before submitting a citizenship income application and seven following the suspension of the application to carry out further investigations. These data are the tip of the iceberg in a situation involving hundreds of foreign families and merits further study.

From the reports received by the Service and ASGI lawyers, it emerged that **in 2019, 2020 and part of 2021** many foreigners who contacted Fiscal Advice Centres (CAF) and Citizen's Advice Bureaus received **inaccurate information regarding the personal requirements for access to citizenship income**. In many cases, even people who did not meet the ten-year residence requirement or, more rarely, a stay permit, were encouraged to apply. When an intermediary is engaged, the citizenship income application form is generally compiled online by an operator and not by the person concerned. To send the application, this form requires ticking a box where the applicant declares possession of the requirements without the possibility of doing so freely. Many foreigners, trusting what they were told by operators who should know the requisites of the service, signed the request, thereby effectively and unknowingly declaring possession of requisites they did not actually have.

In this context, **extreme delays arose following checks by INPS and Local Councils**. Pursuant to Article 5 of Italian Legislative Decree 4/2019, INPS verifies the possession of requirements and then issues the citizenship income within the month following the application date. As regards residence and stay requirements, paragraph 4 of the Article specifies that "while pending late completion of the National Registry of the resident population" verification is the responsibility of Local Councils which, in accordance with Article 2 of the State-City and Self Governing Council Agreement dated 4 July 2019, must be completed within 30 days of acknowledging the benefit. In the cases of revocation collected by ASGI, however, the measures motivated by failure to meet residence and/or citizenship requirements were ordered by INPS between 2021 and 2022, even in relation to applications dating back to 2019 and 2020. This is confirmed by data published by INPS itself, which indicate that 864 revocations were ordered in 2019,

25,000 in 2020, 108,000 in 2021 and 73,000 in 2022, mostly motivated by the lack of registry requirements<sup>5</sup>.

These delays in performing checks, combined with the number of people who were ill-advised about the requirements in the first two years of issue, have generated dramatic and paradoxical situations. Many foreign families already having very low incomes received citizenship income for months, or even years, spending it for their subsistence in the conviction they were entitled to it, yet saw it revoked. Furthermore, they were asked to reimburse all the sums received, at times involving large amounts, even though they had met the requirement in the meantime. It must be repeated that this was based on a personal registry office data request that had little to do with real economic needs.

It is worth mentioning that the revocation notifications collected, and for which we have data pertaining to the stay permit, affected 162 families excluded because of the residence requirement and only 20 because of the citizenship requirement. It seems that **misinformation mainly concerned the stay permit requirement**, while fewer errors were made as regards the citizenship requirement.

However, confusion over the residence requirement still persists as regards **de facto residence**. Note no. 3808 dated 14 April 2020 issued by the Ministry of Labour and Social Policies clarified that, in order to define possession of residence requirements and then obtain citizenship income, it was not necessary to be on the local council registry. It was instead possible to prove *“the existence of effective residence through objective and unambiguous items of confirmation.”* It was therefore envisaged that local councils would contact applicants to verify effective residence conditions and that the residence requirement could be considered as not being met only in the absence of “objective evidence” concerning it. Among the 193 revocation reports received by ASGI, however, at least 77 involved people living in Italy for ten years at the time of the first application for citizenship income who were not registered in the local council registers for the entire ten-year period. This information should put the statistics issued monthly by INPS regarding revocations arising from the lack of ten-year residence into perspective: in how many cases could the families whose citizenship income was revoked actually demonstrate the effective residence? The reports show missing, poor or in any case often incomplete information on the subject, both on institutional websites and following contact with Public Administration Offices. It must also be mentioned that ASGI has also often been contacted by Italian citizens, who have always been resident in Italy but who for various reasons had been cancelled from council personal registers, having found the name of our association in the absence of other web pages containing appropriate information in this regard.

Lastly, there is the **penal profile: 14 people** contacted us after receiving a notification of investigation custody informing them that criminal proceedings were underway concerning

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<sup>5</sup> INPS, Report Trimestrale RdC Aprile 2019 - Dicembre 2022, January 2023, available at <https://www.inps.it/it/it/dati-e-bilanci/osservatori-statistici-e-altre-statistiche/dati-cartacei---rdc.html>.

false declarations. Article 7 of Decree Law 4/2019 envisages two to six years of imprisonment for people who make false declarations when applying for citizenship income.

Despite the rare involvement of Italian citizens, it is evident that the situations dealt with until now mostly concern foreigners or their family members. The shortcomings and omissions of Public Administrations must therefore be viewed in the light of this data, and identified in the context of institutional discrimination, in this case, towards **poor foreigners**.

### **Letters of moral suasion relating to the citizenship income**

Alongside promoting litigation to combat discrimination arising from the ten-year residence requirement which, as illustrated, brought about two referrals to the High Courts, ASGI has carried out numerous extra-judicial interventions starting from the reports received.

In particular, between March 2022 and January 2023, various *moral suasion* activities were implemented, involving a total of **62 people who had received revocations and requests to reimburse the citizenship income**. 37 of these said they were women and 25 men, although the cases often involved entire families who used this income to support themselves.

In most instances (40), ASGI intervened by speaking with the Local Councils of residence and INPS about the possession of council registry requirements for the persons in question. These are cases for which registry checks were negative, leading to the revocation of the measure, even though these people did meet the residence (registry or effective) and/or citizenship requirements. These exchanges prompted a series of considerations.

34 of these situations concerned the **recognition of effective residence**, i.e. people who were not listed in the population registers for ten years, of which the last two consecutive, at the time of applying for citizenship income but who had nevertheless lived in Italy for the entire period. In four of these cases, INPS also contested the citizenship requirement although the people we assisted clearly enjoyed this status. In all these situations, the anti-discrimination service provided support in identifying the periods not covered by the official register (proven through a historical certificate of residence or by contacting the Local Council Registry Office directly), in searching for documentation proving regular presence in Italy during the disputed periods. Letters were sent requesting recognition of de facto residence to the Local Council responsible for checks via certified e-mail, with a copy to the pertinent INPS office. In most cases, these communications were followed up by exchanging emails with the public offices. The outcome of these interventions was **generally positive, albeit variable**. **20 situations were resolved** after talking to Local Councils and INPS, followed by the resumption of citizenship income payments and cancellation of the request for reimbursement. In **7 cases** it was not possible to achieve a solution through our moral suasion activity, whereby it was necessary to refer users to lawyers in order to **present an appeal**. In the **remaining 7 cases**, communication with INPS and local council offices is **still underway**.

Such moral suasion activity also enabled us to observe the practices and methods whereby the legislation is applied and prompted a number of considerations. Firstly, **it emerged that people encounter significant difficulties in finding reliable information** about the possibility of

proving effective residence and the procedure to be followed. The process is quite straightforward: persons able to prove effective residence for ten years (of which the last two continuous) and who received a revocation order motivated by not meeting the residence requirement must contact the Local Council of residence that performed the check, present documentation supporting possession of the requirement and request rectification. If the Local Council deems the documentation to be sufficient, it requests the procedure to be re-opened and then corrected on the GePI platform (which Local Councils use to communicate with INPS) regarding possession of the requirement. On the basis of this new information, INPS cancels the revocation measures and requests for reimbursement. Many people, however, after going to the INPS office in their area, reported that they had not received information regarding their effective residence, nor the procedure for proving it, and that the only solution offered to them was to reimburse the sums (not) due to them to INPS in instalments. On the other hand, after being correctly directed by INPS to the offices of the Local Council of residence, other people were invited by the latter to go back to INPS, thereby rebounding responsibility between the two administrations - which naturally created distrust and confusion. It should also be borne in mind that identifying the right Local Council Office can also be difficult: the registry check procedure for citizenship income purposes is generally handled by the Registry Office or Social Services, depending on the Local Council of residence. During contacts between ASGI and the Offices designated for performing these checks, significant differences also emerged regarding knowledge of the subject by male and female employees. Intervention by ASGI was often necessary following an oral refusal to accept any documentation by Local Council offices. After sending our communications, some Local Councils insisted that they could not consider any other source than their own registry records. Nonetheless, the majority acknowledged or confirmed the contents of the note and then assessed the proof of effective residence.

In most cases, however, the question of effective residence is played out not so much on the possibility of accepting it but rather on the effective presentation of the **documentation**. Note no. 3808 dated 14 April 2020 issued by the Ministry of Labour does not specify exactly which documents have to be presented, but merely refers to the jurisprudence of the Court of Cassation. For better or worse, this leaves considerable room for discretion to the Local Councils handling such applications. Generally, social security account statements, rent contracts, employment contracts, medical reports, stay permits, entry visas, documents relating to asylum applications for holders of international protection, tax code attribution certificate, bills, course attendance certificates and fines are considered, provided that they manage to outline an overview of regular stay during the contested period. The point of greatest discretion can precisely be seen in relation to this last aspect: some Local Councils simply count the single days (effectively betraying the objective of the note and the requirement of ten years of residence), while others consider it sufficient to prove long or regular periods of residence amounting to ten years, accepting that in many cases it would be impossible to be able to prove every single day lived in Italy. In one case followed up by the

Anti-discrimination Service, the person concerned was able to prove a de facto residence of 9 years and 355 days, therefore only ten days short. Nevertheless, the Local Council refused to proceed with rectification and consequently confirmed invalidity regarding this requirement and the debt payable by the lady in question of more than 8,000 euros - which is all the more absurd if we consider that if she had received accurate information when making the application, she could simply have waited ten days before presenting it.

Finding sufficient documentation to “detail” ten years of residence is also **a very demanding requirement in itself, which at times even proves to be impossible**. It involves finding documents more than a decade after their issue and perhaps even after moving home several times. People from non-EU countries could present expired stay permits, but these are returned to Police Headquarters on renewal; obtaining proof through access to Police files often involves very long waits or, since many requests are not answered, even an order from a Judge. It should be added that Local Councils at times have also stated that the stay permit is not in itself proof of presence in the country (and indeed the holder may even leave the country), even if it should in any case at least be considered as strong presumptive information and therefore sufficient in lack of evidence to the contrary.

As EU citizens, on the other hand, they generally do not have any stay documents for the first months or even years after moving to Italy, or only the tax code assignment receipt. As far as work or rent contracts are concerned, the first years of stay for foreigners are often characterized by irregular jobs and informal leases, for which no documentary evidence is available. These difficulties are even more relevant for women, because they are often employed in domestic work, known for a very high percentage of undeclared work, and also because even if a rent agreement is available it is often made out in the husband’s name. The (frequent) case of childbirth in Italy is different, since hospital documentation has always been considered (obviously) sufficient by Local councils, even for periods immediately following birth.

Remarks on the role of INPS are also necessary here. As already illustrated, Decree Law 4/2019 delegates to Local Councils the Registry checks in relation to citizenship income. For those cases when we consulted the competent INPS offices concerning the Local Council Registry requirements, we were immediately told to refer to the Local Council. The judges of the Court of Turin (sentence dated 07.14.2022) and the Court of Rome (order dated 04.10.2022), in two appeals involving effective residence promoted by ASGI lawyers, however, confirmed the passive legitimacy of the Institute. It was deemed that Local Councils should carry out registry checks “on behalf of INPS”. INPS is responsible for granting and suspending the benefit, as well as checking the applicant’s registry data in advance. Verifications can be obtained from Local Councils as required. It is therefore clear that, if the Local Council of residence does not correctly verify the existence of “actual” residence, it is the responsibility of INPS to intervene and remedy the error.

In addition to cases of effective residence, ASGI also assisted two people whose residence requirement was contested despite having been duly entered in the Registry for ten years, as



well as three whose citizenship income had been revoked for not meeting the citizenship requirement, even though they possessed one of the permits required to obtain citizenship income. In three of these cases the citizenship income was restored, while the other two are pending.

Lastly, we point out an effort to apply *moral suasion* which was unsuccessful: after the Court of Milan raised the question of constitutional legitimacy in May 2022, ASGI sent 20 letters to INPS asking, in the light of the ruling of the Milan judge, that the revocation for interested parties be cancelled or in any case, subordinately, that the execution of the provision be suspended. In most cases we received no feedback; any feedback we did receive was negative.

## All-inclusive family allowance

The new “all-inclusive family allowance for dependent children” (“assegno unico universale per i figli a carico”, AUU) came into force on 1 March 2022, unifying and replacing almost all previous measures for families.

On this point, the enabling act no. 46/2021 contained a series of limitations that risked opening new conflicts with EU law: Directives 2003/109 (protecting people holding long-term stay permits), 2011/98 (protecting people holding single work permits) and 2011/95 (protecting people under international protection) all envisage an **equality clause** as regards access to family benefits and therefore the subjects protected by these Directives at the least could not be excluded.

Fortunately, initially the implementing decree (legislative decree 230/2021) and then - not the least under pressure from ASGI and trade union organisations - INPS itself in a circular (no. 23 of 09.02.2022) and a message (no. 2951 dated 25.07.2022) gradually widened the number of beneficiaries. Currently, the allowance is granted to people in possession of a long-term stay permit, a single work permit (even if obtained following family reunification), a permit for self-employment, international protection, stateless persons, “blue card” holders, male and female workers from Morocco, Algeria and Tunisia, non-EU family members of EU citizens, persons holding a special protection permit, seasonal work, assistance for minors and special cases. Inexplicably, this circular excludes people holding a permit for pending employment. This appears to be incorrect, because the permit in question allows holders to work and is not excluded from the single work permit category pursuant to Article 5, paragraph 8.2 of the Consolidated Immigration legislation. Inasmuch, this permit is acknowledged by Directive 2011/98 and Italian Legislative Decree 230/2021 itself, and thereby assures equal treatment regarding access to social services.

Holders of permits for elective residence are also excluded (which can give rise to delicate situations: for example, victims of accidents at work who receive INAIL annuities who - albeit in limited cases, since being part of a family should make it possible to obtain a permit for another reason - could find themselves having a permit for elective residence). Holders of permits for medical treatment (for example pregnant women whose exclusion from a measure aimed at children seems to be truly paradoxical) may also be excluded.

On the other hand, fortunately, the communication clarified that “requesting renewal of the stay permit must be considered valid, since the effects of the rights exercised in the pending late renewal procedure cease only in the event of non-renewal, revocation or cancellation of the permit in question.” Although it is specified that this must take place when applying for renewal, it must be assumed that the same principle is also valid when applying for the first time.

As for the all-inclusive family allowance, two questions remain open. The first concerns the two-year residence requirement needed to access the benefit, which is also the subject of the infringement procedure opened by the Commission against Italy and referred to in the above-mentioned press release<sup>6</sup> (the requirement, like all similar ones, conflicts with the principle of free movement). The second concerns the exclusion from calculations of family members abroad. This is also the subject of the above-mentioned procedure, which has brought about a substantial reduction in protections. Foreigners are especially affected, compared to results achieved beforehand after attaining equality with Italian citizens which the previous government already recognised the inclusion of children abroad.

### **L.A.W. Project Activities**

Despite the limitations mentioned above, the all-inclusive family allowance is currently a virtually universal measure.

This important result was also achieved thanks to advocacy by ASGI against the legislator and, in particular, against INPS.

Given the elaboration of the implementing decrees to ratify the enabling law, ASGI and 17 other associations **reported critical points to the Family Department of the Presidency of the Council of Ministers and the Ministries of Equal Opportunities and Labour** giving rise to unequal treatment between Italians and foreigners in accessing the measure. *“There is an urgent need,”* the letter pointed out, *“for a decisive turning point compared to past choices which excluded many legally residing foreigners from accessing important social services.”*

Decree 230/2021, as mentioned, had already introduced some improvements, even if many stay permits were still excluded after its ratification.

The anti-discrimination service sent several letters to INPS:

1. In June 2022, ASGI **asked INPS to modify the information published on its institutional website regarding the services of the all-inclusive family allowance and the maternity allowance** (funded by the State and Local Councils that had undergone changes following the sentence issued by the Constitutional Court no. 54/2022). As for the all-inclusive family allowance, the information did not take into account the content of circular no. 23/2022 issued by INPS itself which expanded the potential beneficiaries of the measure. As for the maternity allowance pursuant to Article 75 of Legislative Decree 151/2001 (the so-called State maternity allowance), the site indicated the long-term

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<sup>6</sup> European Commission, *February infringements package: key decisions - Point 9: Jobs and social rights*, 15 February 2023, available at [https://ec.europa.eu/commission/presscorner/detail/en/inf\\_23\\_525](https://ec.europa.eu/commission/presscorner/detail/en/inf_23_525).

residence permit as a requirement (for mothers of non-EU citizenship): this is in contrast both with the sentence of the Constitutional Court no. 54/2022 and the text of the above-mentioned Article 75 (in the text in force after 1.2.2022), which refers - for indications of entitled persons - to Article 41, paragraph 1 ter of the Consolidated Immigration Act. As for the maternity allowance pursuant to Article 74 of Italian Legislative Decree 151/2001 (the so-called Local Council maternity allowance), the site indicated that non-EU citizens must “*enquire with the Local Council of residence to find out if their stay permits entitle them to the benefit*”, almost as if to say that the indication of recipients could be handed over to assessment by the Local Council in question: obviously this is not the case in that, especially after the reform of Article 74, the categories are those indicated by the law (and therefore by Article 41 of the Consolidated Immigration Legislation, to which Article 74 also refers) amended, for the same reasons as mentioned above, by those included in the above-mentioned circular 23 concerning the all-inclusive family allowance.

2. In July 2022, ASGI sent another **letter to INPS since certain regional offices (Veneto and Lombardy in particular) suspended payments of the all-inclusive family allowance to foreign citizens pending renewal of their stay permits**. This practice contrasted with the principle of continued regularity of stay, whereby foreigners retain, during the permit renewal stage, all the rights deriving from the stay permit which has only expired in formal terms. A few weeks after sending the letter, INPS published the above-mentioned message no. 2951 dated 25 July 2022 which accepted many of ASGI’s requests: holders of permits for special protection, assistance of minors and special cases will also be entitled to the all-inclusive family allowance, as will those awaiting renewal of their stay permit.

The particular feature of the INPS Communication is that the extension took place not only in relation to foreigners who, even if “forgotten” by the legislator, would have been entitled to it under EU law (for example, those entitled to international protection), but also non-EU citizens who do not enjoy any special European protection (such as holders of special protection or self-employment permits) and which INPS has evidently included out of respect for the principle of equality, as can be seen in Articles 3 and 31 of the Constitution.

Such “independence” of INPS (i.e. from the Ministry of Labour which controls the Institute) in making up for the shortcomings of the legislator, staying ahead of any constitutional issues, can only be considered with great favour when - as in the present case - it aims to extend rights and assure certainty for recipients. It was not always like this in the past: mention need only be made of the citizenship income issue, whereby holders of international protection enjoy the right of access only because the INPS computer form allows users to “click” on this kind of stay permit, without the law indicating it among possible recipients and without INPS ever having issued an “extension” circular similar to that for the all-inclusive family allowance. It is evident that such situations generate uncertainty as regards the circulation of information and consequent loss of rights that affect many people.

## Basic current account

A current bank account is indispensable for safe-keeping of personal savings, receiving salary and social benefit payments, as well as various operations, such as bank transfers. The service is provided by banks or Poste Italiane.

To open a basic current account, you must show your tax code (even if only numeric) and an ID document. It is not necessary to have an identity card: a residence permit or the renewal receipt with a photograph is sufficient (Article 19, paragraph 1, letter a) Italian Legislative Decree 231/2007). Any request for further documentation, such as a residence certificate or employment contract, is illegitimate. Opening a basic current account is a fundamental right of everyone legally residing in the European Union, including homeless people and asylum seekers (Article 126-noviesdecies of the Consolidated Banking Legislation).

Some banks and post offices unjustifiably refuse requests to open basic current accounts for foreigners who are waiting for their permits to be renewed or issued, making it impossible for wages to be paid to people who have every right to work. The Court of Rome has already intervened twice on this topic, acknowledging the right of asylum seekers to obtain the so-called PostePay card.

### L.A.W. Project Activities

Between March 2022 and January 2023, the ASGI anti-discrimination service received **101 reports from foreign citizens denied access in banks or post offices to financial services**, especially basic current accounts. 33 were women, 61 men and 7 did not declare their gender. Considering data effectively collected as regards age (58 reports out of 101), denials seem above all to affect **young people**, under the age of 30 (23 reports) or 31 to 40 (27).

Although, as already outlined, the legislation and application circulars relating to opening basic current accounts are very clear, unlawful requests for documents are often made to foreigners which effectively deny access to opening an account. In many cases, banks and post offices refuse to accept the stay permit or the renewal receipt as valid identification documents, as envisaged on the contrary by Article 19 paragraph 1 letter a) of Italian Legislative Decree 231/2007, but issue a mandatory request for a passport or an Italian identity card. In some cases, residence certificates or hospitality declarations are requested. They are sometimes even asked to provide an employment contract.

The situation of **asylum seekers is particularly serious. They are the victims of more than half (48) the reports of discrimination concerning access to current accounts** received by our Service. In these cases, the illegitimate requests already discussed (which in the case of passports - which are retained by law at the Police Headquarters - and ID cards - which often involve very long waiting times before they are issued - are completely unreasonable) are joined

by refusals to open an account if the tax code held by the applicant is number-only, despite the circulars from Poste Italiane and the ABI (Italian Bank Association) clearly specifying its validity for this purpose.

Another large group of victims of these discriminatory practices are Nigerian citizens: ASGI received **28 reports of accounts being denied or blocked for the sole fact of coming from Nigeria**. Once again, various reasons are given but in these cases some offices, especially post offices, justify refusals and delays in opening accounts by referring generically to the checks required by anti-money laundering and anti-terrorist financing regulations (Legislative Decree no. 231/2007). Similar practices have been found, albeit in smaller numbers, even against **Russian citizens** (7 reports). These reports came a few months after Russia invaded Ukraine. Bank account denials means that many people reported not receiving their salaries for several months or missing out on a job opportunity. Some reports reached ASGI precisely through employers who are obliged to pay salaries to employees by bank transfer. In most reports, foreigners have received refusals when going to various banks and post offices, expending disproportionate economic resources (permission to be absent from work, transport) and time merely to obtain recognition of a fundamental right.

Analysis of the reports reveals a framework of discrimination found **all over Italy**: people who contacted the anti-discrimination service reported unlawful conduct by banks and post offices in 17 Italian Regions, especially Lombardy (28), Latium (13) and Piedmont (11), as well as in large cities such as Rome and Milan.

Between March 2022 and January 2023, ASGI supported **15 foreigners** by sending formal complaints via certified email to several banks that had previously denied opening basic current accounts. Ten of these interventions enabled discriminated persons to open current accounts; one person managed to open an account in another bank while waiting for a reply to our emails; we have since lost touch with another person; lastly, we are awaiting feedback for the remaining three cases. As regards Poste Italiane, there is no way to communicate with individual offices responsible for refusals and our discussions with central offices have not led to any results. It must be pointed out that *moral suasion* action in individual cases, although generally effective, nevertheless imply weeks of further waiting incompatible with the urgent need for foreigners to open an account. Furthermore, as clearly emerges from the foregoing, such out-of-court action involves individual situations that are part of pervasive discrimination, which would require much broader moral suasion intervention, with the active participation of the state authorities and institutions that perpetuate them. ASGI sought to speak with management at Poste Italiane, in particular on the issue of refusals affecting Nigerian nationals, and received the following entirely evasive answer: *“May we inform you that the internal processes followed by Poste Italiane envisage, for requests to open basic accounts, that the procedure should always conclude, if the legal requirements for the intended purpose exist, with authorisation to establish the relationship.”*

## Family Allowance

The Family Allowance (“Assegno al Nucleo Familiare”, ANF) was established by Article 2 of the Law 153/1988. It provides economic support for people in work, receiving unemployment benefit (NASPI) or pensioners in relation to income and the family nucleus (spouse and/or minors or other family members with disabilities). The law does not require the family member to be cohabitant, but since it was passed and until the Courts were involved family members of non-EU citizens residing abroad were not counted for the purposes of this benefit.

The issue, following extensive litigation, came before the Court of Cassation which then sent it to two High Courts. Firstly, the Court of Justice of the European Union which, with [two sentences dated 25 November 2020](#), stated that Articles 11 of Directive 2003/109/EC and 12 of Directive 98/2011/EU “preclude” the Italian provisions whereby Italian workers can include family members residing abroad in the household, while foreign workers can only include family members residing in Italy.

On that occasion, the EUCJ established three important principles:

- 1) Equal treatment between Italian citizens and holders of long-term stay permits and single work permits: any derogation must have been explicitly implemented when ratifying the Directives;
- 2) Potential difficulties in terms of control by the Italian State regarding any children/spouses residing abroad cannot justify a violation of the principle of equality;
- 3) The recital of the Directives has no binding legal value. This doubt arose regarding recital 24 of Directive 98/2011, according to which: *“This Directive should grant rights only in relation to family members who join third-country workers to reside in a Member State on the basis of family reunification or family members who already reside legally in that Member State.”*

Despite these clear statements, the Court of Cassation, which ordered referral to the EU Court of Justice, considered that it could not directly subordinate domestic law to EU law and decided to refer the matter again to the Constitutional Court.

The Constitutional Court closed the dispute with sentence no. 67 filed on 11 March 2022, stating the **obligation of the judge to apply the more favourable treatment envisaged for Italians also to people holding long-term stay permits and single work permits.**

This ruling also confirms important principles which can be summarised as follows:

- 1) The principle of the primacy of European Union law is “the cornerstone on which the community of national courts rests, held together by convergent rights and duties”;
- 2) The obligation for equal treatment envisaged by Directives 98 and 109 is clear, precise and unconditional and - once it has been ascertained that Italy has not made use of the derogation powers envisaged by the Directives - is applicable with **direct effect**;
- 3) This direct effect is not hindered by the fact that EU law does not contain a complete family allowance regulation (ANF) to replace the national regulation. The point is that EU law establishes equal treatment; if this equality is violated, the national judge is called upon to restore it by ensuring that the disadvantaged group receives the same treatment as the group favoured by such discrimination.

It was only **with circular no. 95 dated 2 August 2022** that INPS complied with the above-mentioned rulings by providing clarifications about recognition of the benefit, yet at the same time introduced requirements for additional documentation detrimental to non-EU citizens. This circular states that *“where it is not possible to issue self-certifications attesting to the conditions, personal qualities and facts of family members residing abroad of the long-term resident worker or holder of a single stay permit who is applying for the family allowance, these must be documented by means of certificates or attestations issued by the competent authority of the foreign state accompanied by a translation into Italian authenticated by the Italian Consular Authority, which certifies conformity with the original or by affixing an “apostille”.*

## Access to housing

### 1) Public Housing (ERP) lists

The classification of the right to housing as one of the fundamental social rights is illustrated concisely and clearly in sentence no. 44/2020 of the Constitutional Court: *“The right to housing is one of the essential requisites characterising the social life which the democratic state founded by the Constitution seeks to ensure. It is the duty of the state to guarantee this right, whereby every person’s life can reflect, every day and in every respect, the universal image of human dignity. Although not expressly envisaged in the Constitution, this right must therefore be considered included in the list of inviolable rights and its object - the home - must be viewed as an asset of primary importance.”*

Public housing or, more precisely, Public Residential Housing, are apartments at subsidised rents intended for people with limited incomes.

The Italian law regulating access to public housing for foreigners is Article 40, item 6 of the Consolidated Immigration Act. The right to access public housing at ***the same conditions as Italian citizens is acknowledged to holders of long-term stay permits and legally resident foreigners in possession of at least a two-year stay permit and who have regular employment or self-employment.*** Local Councils publish regular announcements which define the criteria for access and attribution of scores. The requirements included in these announcements vary from Region to Region and very often even between Local Councils in the same Region.

In general, **access criteria** may be as follows:

- maximum permitted income (usually measured on the ISEE form);
- no ownership of property in Italy or abroad;
- residence in the Region for a given number of years prior to the application (this requirement has been declared unconstitutional with reference to Regional Law in Lombardy: as a result of this decision, Tuscany also cancelled it from its legal system, while in other Regions, such as Veneto and Piedmont, the requirement is currently the subject of judicial dispute);
- no previous abusive occupation of property.

Variable criteria also define the **score** assigned to everyone in the ranking. The number of children, if there are any elderly or disabled people in the family unit, if an eviction order has been issued, living in unhealthy accommodation and a particularly low income are usually given a higher score.

The problematic aspects regarding access by foreigners to public housing are as follows:

- 1) residence requirements or previous work activity in the Region;
- 2) over-estimation of prior duration of residence;
- 3) additional documents required of foreigners.

Point 1): numerous regional laws (Piedmont, Veneto, Liguria and Marches among others) envisage that applicants must have been resident in the Region for at least five years in order to access public housing. A similar requirement envisaged by a regional law in Lombardy was declared unconstitutional by the Constitutional Court with the above-mentioned sentence no. 44/2020, but only the Tuscany Region has implemented the principles expressed therein by cancelling the requirement; the other Regions mentioned have maintained it, and two proceedings are pending in this regard before the Constitutional Court involving regional laws in Liguria and the Marches. It should be noted that sentence no. 44/2020 declared the requirement to be unconstitutional because it was unreasonable. It referred to an issue entirely unrelated to the needs of people but the requirement (as later confirmed by the Court of Milan where the judgement was resumed after the above-mentioned sentence) is also indirectly discriminatory, in that it is evident - even based on ISTAT data<sup>7</sup> - that foreigners are twice as mobile as Italian people and consequently encounter greater difficulty in meeting long-term residence requirements.

Point 2): it should be recalled that, if the above-mentioned sentence no. 44 referred to requirements that create real barriers to access through the waiting lists (without five years of residence or work, people cannot even access the ranking), the subsequent sentence no. 9/2021 re-stated the same principles but with reference to the “overestimation” of prior residence in the attribution of scores. The Court declared a provision of the Marches Region to be unconstitutional in that it envisaged a bonus score for residence in the Region of more than ten years: inasmuch, Local Councils and Regions should not assign scores to previous residence unless it is linked with considerations of need. In this context, the Court mentions the possibility of considering ranking seniority based on both aspects.

Unfortunately, even in this case and despite certain rulings that have already implemented sentence no. 9/2021 (see Court of Ferrara ordinance dated 6 July 2021), Local Councils and Regions seem to be very reluctant to adapt to these principles.

Point 3): some Regional Regulations have introduced an obligation, only for non-EU citizens, to produce “*documentation pursuant to Article 3, item 4 of Presidential Decree 445/2000 to certify that all family members do not own suitable accommodation in the country of origin.*” This has resulted in non-admission or cancellation from the rankings of many foreign families, even those in conditions of serious need. This provision was declared to be illegitimate by the Constitutional Court with the above-mentioned sentence no. 9/2021 with reference to regional laws in Abruzzo: the judge stated that the request is “*unreasonable in view of the obvious irrelevance and speciousness of the requirement it seeks to demonstrate*”, because, as the Court went on, “*the fact that someone from the same family nucleus owns such accommodation in the country of origin*”

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<sup>7</sup> Cf. e.g. ISTAT, Migrazioni interne e internazionali della popolazione residente [Internal and international migrations of the resident population] - Year 2021, 9 February 2023, <https://www.istat.it/it/archivio/280743>.



*proves nothing about the **actual need** for accommodation in Italy.”* In any case - as the Court stated - it is unreasonable to request different documents based on nationality because the possibilities of controlling properties abroad owned by Italian or foreign applicants are exactly the same.

More generally speaking, EU law in this regard should be mentioned. Article 11 of the European Directive 2003/109 envisages, on behalf of long-term residents, non-derogation equal treatment clause “in procedures for obtaining accommodation.” Consequently, any requirement or method of access which makes access to long-term residents more difficult constitutes unlawful discrimination. Directive 2011/98 envisages a similar clause on behalf of holders of a single work permit, but with the option of derogation by Member States: according to the consolidated jurisprudence of the EU Court, derogations must be expressly specified and cannot derive from the mere retention of laws in force prior to the ratification of the Directive in question. From this point of view, the same provision in Article 40, item 6, as already mentioned appears to be in contrast with Directive 98 in that it envisages not only a permit of at least two years (and holders of single work permits may have shorter permits), but also “being in employment”, a condition that is not required of Italians and in any case unreasonable, since even temporarily unemployed foreigners must have the chance to seek public housing.

### **L.A.W. Project Activities**

Monitoring of public housing announcements and reports from local offices helped us identify certain Local Councils that had published housing announcements containing discriminatory requirements. ASGI intervened to request their rectification:

- **Castellamonte Local Council**: five years of residence and stable employment are required for inclusion. The announcement also envisages eight additional points awarded to residents in the Local Council area for at least ten years. ASGI sent a formal notice asking for the announcement to be rectified, not only for the reasons mentioned above, but also because accommodations other than public housing were also involved in the strict sense and inasmuch no restriction can be applied, not even the one envisaged by Article 40, item 6 of the Consolidated Immigration Act. When no reply was received, ASGI filed an appeal with the Court of Turin.

- **Arezzo City Council**: this case also involves “overestimation” of prior residence, in contrast with the principles defined in the above-mentioned sentence no. 9/2021. ASGI sent a formal notice that remained unanswered and therefore filed an appeal before the Court of Florence, together with another association. The appeal also involves the Tuscany Region, since the scores to be assigned are set by regional law.

- **Veneto Region**: ASGI, together with SUNIA and another local association, filed an appeal against the Veneto Region before the Court of Padua to challenge the five-year residence requirement (which, as already mentioned, is applied by the Region) as well as overestimation of prior residence when attributing listing scores.

**- Local councils in Friuli Venezia Giulia Region:** a regional law in Friuli Venezia Giulia envisages the requirement of “non-ownership” of properties in Italy or abroad not only for access to public housing but also for access to the rent contribution and subsidised credit for purchasing a first home. ASGI promoted action to ensure modification of these regulations in accordance with the principles expressed in the above-mentioned sentence no. 9/2021, obtaining favourable outcomes in the first instance and on appeal. As a result, judges issued orders to the Region to modify the Regulations. However, the Region has not complied and the dispute is still open. Lastly, the Court of Udine raised an objection over the constitutionality of the regional regulations.

**- Umbria Region:** Umbria is one of many Italian Regions that included the request for five-year residence permits in order to access public housing. ASGI has sent a letter to the President of the Regional Council asking action to be taken with the Regional Council to ensure prompt inclusion of the amendment to regional law 23/2003 on the agenda, in order to ensure compliance with sentence no. 44/2020 of the Constitutional Court. No response has so far been received.

## **2) Rent support fund**

The rent support fund (“fondo di sostegno alla locazione”) is an economic contribution towards paying rent for families in poverty introduced by Law no. 431/1998 as modified by Law no. 133/2008. The decree implementing the law limited itself to indicating income requirements and did not introduce any limitation relating to stay or other permits. A decree law in 2008 introduced, only for non-EU citizens, the ten-year residence requirement in Italy or five years in the Region. After an appeal by ASGI, this requirement was subsequently declared unconstitutional by sentence no. 166/2018 with reference to the Lombardy Region.

It should be noted that the contribution is issued from a national fund divided among the Regions. The latter then integrate these national resources with their own funds. This is why they sometimes believe that they can introduce additional and often more restrictive requirements for foreigners. We have seen regional resolutions that introduce this requirement, only for non-EU citizens, to be in regular employment (resolution of the Lombardy Region declared discriminatory by the Court of Appeal in Milan in 2019) or resolutions that envisage long-term stay permits (resolution of the Valle d’Aosta Region declared discriminatory in June 2021 by the Court of Turin and subsequently modified by the Region); or even - as mentioned above - resolutions that require non-ownership of properties anywhere in the world, complete with relative documentary evidence (resolution of the Friuli Venezia Giulia Region declared discriminatory by the Court of Udine in March 2021).

As for the long-term stay permit requirement, since it is a social assistance contribution for families in conditions of hardship, it must necessarily comply with the limits envisaged by Article 41 of the Consolidated Immigration Act and therefore be granted at least to all foreigners holding

a stay permit for at least one year. Furthermore, the requirements for equal treatment imposed by EU social security law remain unchanged.

### **L.A.W. Project Activities**

- **Local Councils in Friuli Venezia Giulia:** here again (as for public housing), the Friuli Venezia Giulia Region has not complied with the Court order to amend the Regional Regulations. As a result, announcements made by many local councils still include discriminatory requirements. ASGI sent a letter to the following Local Councils: Azzano Decimo, Cordenons, Gorizia, Maniago, Muggia, Porcia, Pordenone, Ronchi dei Legionari, Sacile, San Daniele del Friuli, Spilimbergo, Tarvisio, Tolmezzo and Udine. On receiving no response, proceedings were initiated and continue before the Court of Pordenone.

- **Cosenza City Council:** the Council published an announcement with legal requisites declared unconstitutional with sentence no. 166/2018: *“Residence for at least 10 (ten) years in Italy or at least 5 (five) years in this Region, as attested to by appropriate self-certification of historical residence.”*

ASGI sent a letter reporting this discrimination. Cosenza City Council acknowledged the error and modified the announcement.

- **Perugia City Council:** the Council published an announcement for access to the rent support fund which included the five year residence requirement or employment in the Region and a requirement for a two-year stay permit. However, the announcement referred to a regional law which requires residence for 24 consecutive months - inasmuch a shorter period than the five years envisaged by the announcement. The request for a stay permit of at least two years is also illegitimate, because it is envisaged for access to housing as per Article 40, item 6 of the Consolidated Immigration Act.

ASGI therefore sent a letter to the Councillor for Housing requesting modification of the announcement. No acknowledgement has so far been received.

### **Youth Card and Family Card**

The Youth Card (“Carta Giovani”) is a digital tool for young people aged between 18 and 35 residing in Italy which allows easier access to goods, services, experiences and opportunities. The service is financed by the Presidency of the Council of Ministers - Department for Youth Policies and Universal Service, and aims to *“promote a better quality of life for younger generations.”* It was established with Article 1, paragraph 414, of Law no. 160 dated 27 December 2019 (2020 Budget Law). The service was initially intended only for Italian and European Union citizens. An identical situation occurred with the so-called Family Card (“Carta Famiglia”). This card was issued to families with children. Established in 2015, it became operational five years later. Despite

being a service of modest importance, in 2018 the legislator decided to limit it (with the Budget Law) to Italian and European Union citizens.

ASGI, together with two other associations, filed an appeal with the Court of Milan requesting, after referring a preliminary ruling to the EU Court, ascertainment of discriminatory conduct by the Presidency of the Council of Ministers, Department for Family Policies, *“in having prepared and maintained the portal used to apply for the family card for 2020 in a way that only allowed Italian or EU citizens to present applications.”*

The Court of Milan sent the documents to the EU Court of Justice asking for a preliminary ruling of compatibility of the law with the principles of equal treatment contained in EU Directives.

During the pandemic, the service was even expanded without income limits but always with the limitation of citizenship.

The EU Court of Justice, while acknowledging that the Family Card is not a “provision” (it does not award a sum of money), stated that it is a “service” which **cannot be limited only to Italian and EU citizens as per European Directives 2009/50, 2003/109 and 2011/98.**

The ruling was then put before the Court of Milan which withdrew the law which limited application only to Italian or European citizens, ordered the Presidency of the Council of Ministers to modify both the Prime Ministerial Decree implementing that restriction and the electronic forms on the portal of the Department for Family Policies to allow foreign families to present applications. The Presidency was also ordered to pay 100 euros for each day of delay in implementing the amendment.

Despite this, the Government did not comply with the sentence and, on the contrary, abolished the Family Card service.

The Youth Card Service was set up in 2020 and included the same discrimination.

### **L.A.W. Project Activities**

ASGI, together with four other associations, sent a **letter to the Presidency of the Council of Ministers** - Department for Youth Policies asking the evident discrimination already ascertained by the Court of Justice and the Court of Milan to be eliminated since, as the Associations maintained, it would be *“illogical and unfair that even in this case the same judicial process should be retraced and impact public finances while excluding, pending definition, thousands of young people from the benefit.”*

After a few months of silence, the Presidency finally changed the access platform and **allowed young people with non-EU citizenship to apply.**

## Other moral suasion action in response to institutional discrimination

As we have sought to explain in this report, the most pervasive institutional discrimination often originates from the political choices of the legislator. A blatant example is the citizenship income issue, even though it is by no means an isolated case. This is joined by public administration activities at regional and local levels which, when preparing public notices, very often insert discriminatory criteria or requirements affecting people from third countries.

Discriminatory requisites are often also included in public administration employment announcements, not so much because there is an intention to exclude people from outside the EU (or at least not always), but rather merely because of ignorance about legislation. Monitoring carried out not the least thanks to the support of local partners brought to light the following announcements containing problematic profiles:

- **Marche Region: start-up aid for young farmers**

The announcement concerned economic contributions to help young farmers get started and ensure generational turnover in agriculture in the Marche Region. The admission requirements for this announcement included possession of *“citizenship of an EU Member State or a stay permit having a duration at least equal to the commitment to run the agricultural enterprise as its manager, as envisaged by current legislation on Rural Development and PSR Marche 2014-2020.”* However, the commitment required for the purpose of granting the contribution was to continue agricultural activities, as head of the company, **for at least eight years from the individual decision to provide financial support.** This request seemed unreasonable because the national legal system does not envisage stay permits of the duration indicated and because the duration of the permit does not necessarily correspond to permanence of the interested party in the country: obviously any beneficiary, whether Italian or foreign, can decide to leave the commitment undertaken (to move abroad or for any other reason) before the expiry of the minimum 8-year term and in this case the announcement envisages consequent sanctions. There was therefore no reason to ask foreigners to provide a kind of additional “assurance” of their future stay. Furthermore, the provision was illegitimate because it did not take into account the right to equal treatment of foreigners holding a fixed-term stay permit allowing self-employment.

ASGI therefore sent a letter to the Agriculture and Rural Development Directorate of the Marche Region requesting modification of the announcement. This request unfortunately was not answered.

- **Basilicata Region: announcement of free and semi-free supply of textbooks**

This announcement by the Region asked students who applied for this service to be resident (understood as registration with the Registry Office) in the Region. Given that the right to education is recognized by the Consolidated Immigration Act itself (as well as by the

Constitution) to all foreign minors living (even irregularly) in Italy, requesting registration in the registry office may involve illegitimate exclusion. ASGI, with LUNARIA, sent a letter requesting the immediate modification of the announcement, deeming it correct to envisage an access requirement not based on the registered residence of minors but, rather, their enrolment in schools in Basilicata, thereby eliminating registration in the public register from the entitlement to participate in the announcement. Following this request, the Region sent a communication to all Local Councils as the subjects responsible for receiving applications, specifying that *“Local Councils must admit applications for the benefit in question by families/students from third countries without residence attending schools in their areas.”* Local Councils will be required to inform schools promptly.

- **Basilicata Region: “Service vouchers for access to infancy socio-educational services for the 2021-2022 academic year”**

Even in this announcement, the Basilicata Region indicated residence in the Region as one of the requirements for accessing socio-educational infancy services.

ASGI and LUNARIA wrote a letter to the Region asking for the announcement to be modified, but on this occasion the Region has not backed down.

- **Policlinico of Milan: public competition for qualifications and exams for permanent appointments in five positions as healthcare professional staff - nurse (Category D), full time**

The requirements for admission to the selection procedure included Italian, European Union or non-EU citizenship provided they are within the limits set out in Article 38 of the Consolidated Public Employment Law (i.e. *“family members of EU citizens, not having citizenship of a Member State, holding the right to stay or the right to permanent stay, citizens of third countries holding an EC long-term stay permit and holders of refugee or subsidiary protection status”*).

However, this Article should not have been applied in the present case in that as of 2020 there is a recruitment derogation in the public sector only as regards the health sector: all citizens from non-EU countries can also be hired provided they have a stay permit that allows them to work. This derogation was extended because of the pandemic until 31 December 2022 but is rarely applied. ASGI asked for the announcement to be rectified but the hospital replied that the derogation would only apply to fixed-term contracts expiring by 31.12.2022. The issue actually seems to be highly dubious because the derogating law refers to recruitments before that date, regardless of the duration of the relationship. In any case, it seems to be unreasonable for the citizenship requirement to be waived only in times of emergency (which in any case ceased during 2022) and subsequently re-applied. However, the letter did not have judicial follow-up.

- **San Giuliano Milanese Local Council: announcement for an administrative technical instructor**

In this case, unlike the Policlinico of Milan, San Giuliano Local Council offered jobs with the role of administrative technical instructor excluding everyone of non-EU citizenship without taking into account the stay permits envisaged by Article 38 of the Consolidated Public Employment Law. ASGI sent a letter asking for the announcement to be rectified, which was done on this occasion: the Council changed the discriminatory requirements and has contextually *“extended the deadlines for submitting applications, giving ample information about the modification in question.”*

- **Lombardy Region: announcement of sports funds**

The Lombardy Region allocated resources to help poorer families involve their young children more closely with sport. The regional law envisages that “sport funds” can be granted *“to families where at least one of the two parents, or guardian, has been resident in Lombardy for at least five years.”* The announcement referred to the contents of the regional law. However, the requirement of residence for at least five years conflicts with Constitutional jurisprudence. In the letter sent to the Region, ASGI pointed out that sentences no. 44 dated 2020 and 9 dated 2021 issued by the Court stated that the criteria for the provision of a social benefit or service that disregard the consideration of need (and in particular the criteria that emphasise previous residence) are **unconstitutional and contrast with Article 3 of the Constitution**, whereby *“the full development of individuals is the compass that must guide both national and regional legislators”* and consequently that the constitutional precept *“does not tolerate distinctions based on particular types of residence”* (as per sentence no. 9).

In addition to what has already been indicated (in the paragraph relating to access to housing) about the irrelevance of residence with respect to need, the UN Convention on the Rights of Children states that minors cannot be discriminated against in relation to the condition of their parents. Therefore, the duration of residence in a given place obviously does not depend on minors themselves. The Lombardy Region justified its position by pointing out that *“the requirements of the announcement duly follow a regulatory disposition”* and therefore did not intend to modify it.

ASGI intends to appeal against the requirement.

- **Lombardy Region: family care bonus**

The same problem as the announcement for sports funds also occurred over the family care bonus (“bonus assistenti familiari”), established by the Lombardy Region as a contribution to finding family carers even for disabled people. The five-year residence in the Region was again required of the person needing care assistance.

After unsuccessfully requesting the modification of the announcement, ASGI filed an appeal and the proceedings are currently before the Court of Milan.

- **Ministry of the Interior: driving licence bonus**

The Ministry of Infrastructures, with the Ministry of the Economy, has issued a decree intended to support “obtaining a driving license and professional qualifications for driving vehicles intended to transport people and goods” as a measure supporting access to employment. The bonus was only made available to Italian and EU citizens. The provision seems to contrast the Directives for safeguarding equal treatment in access to employment, since it limits employment opportunities (employee or self-employed) of non-EU citizens compared to Italians. ASGI sent a letter asking the Ministers to amend the Ministerial Decree to ensure that the contribution can also be accessed by all non-EU citizens holding permits that allow them to be employed or self-employed. No answer to this request has been received and the association is assessing the possibility of initiating strategic litigation.

### **Action by local “antennas”**

Many anti-discrimination “antennas” have been activated throughout Italy as part of the L.A.W. Project. Some of the action implemented by these antennas are briefly described in this last section.

**Trentino-Alto Adige antenna:** the province of Bolzano approved Resolution no. 1182 dated 30 December 2019, which defines the requirements for access to additional services offered by the Province such as the **provincial family allowance**, the **supplementary provincial family allowance contribution** and the **provincial children’s allowance**.

Only non-EU citizens have to meet special additional requirements not envisaged for EU citizens, whereby the right of the former to receive these benefits is unquestionably compromised.

In particular, Article 3 of Annex A to the above-mentioned Resolution envisages that *“non-EU citizens who intend to access the additional services offered by the Province must satisfy the following requirements: a) oral knowledge of one of the provincial languages at level A2 of the Common European Framework of Reference for Languages, b) knowledge of local society and culture, and c) attendance in compulsory education by the applicant’s children.”*

Following the approval of this law, which essentially subordinated the disbursement of family contributions to meeting linguistic requirements and knowledge of local culture only for non-EU citizens, ASGI’s local area antenna in collaboration with the anti-discrimination service wrote to the Public Administration. The Provincial Councillor, after receiving the letter with requests to modify it, invited the association for discussion and, on that occasion, although the position of the Province has not changed, in any case demonstrated a willingness to modify certain parts of the Resolution. Some of the changes proposed by the Association were accepted by the



administration and ASGI has also been mentioned in the preamble to the new Resolution no. 678/2022 which effectively “softens” the disputed “condition”, although the Province symbolically wanted to retain the basic and, in our opinion, extremely discriminatory message (“*We’ll give you money for your children only if you prove you speak Italian and know our culture*”).

A work group was created with the main players involved in local hospitality spheres to monitor the effective application of the Resolution.

**Apulia antenna:** the Apulia antenna mainly dealt with reports about difficulties in opening current accounts and the suspension/withdrawal of citizenship income.

In particular, a Nigerian citizen was not allowed to open a pre-paid PostePay Evolution card by a post office branch in Bari. Unfortunately, even after an official notice warning was issued, the post office still did not open the account.

Two reports concerning citizenship income referred to the absence of the ten-year residence requirement (one involving a female non-EU citizen living in Nardò, province of Lecce, and the other a female EU citizen living in Torre Maggiore, province of Foggia).

In both cases, a request for review was put forward to Local Councils and the local INPS offices, since both interested parties could demonstrate effective residence.

In the first case, no answer was received, while in the second Torre Maggiore Local Council corrected matters and the lady in question now benefits again from the citizenship income.

**Campania antenna:** the Campania antenna has received many requests for support from foreign citizens whose citizenship income has been revoked, in particular asylum seekers, women with valid status and an EU citizen.

Three letters were sent to INPS, also for two asylum seekers, to try and block repayments, given that the letters issued by INPS only dispute the residence requirement and not the citizenship requirement.

Following the order dated 15 March 2022 by the Court of Benevento acknowledging the right of international protection holders to register with the National Health Service and the issue the health card for a duration equal to that of their stay permits, the antenna monitored the situation since many illegalities are recorded in Campania. We are considering sending a letter directly to the Regional Government.

**Sicily antenna:** the Sicily antenna has dealt with many situations that reflect other observations throughout Italy. In the first instance, these include cases of withdrawal of citizenship income and contextual request to reimburse the amount received involving foreign citizens entitled to international protection (refugees or subsidiary protection), despite having de facto residence in Italy for more than ten years. In these cases, the antenna filed an appeal with the pertinent constitutional exception for both aspects (exclusion of refugees and subsidiary protection, and the ten-year requirement).

The antenna also dealt with many withdrawals of citizenship income based on not meeting the stay permit requirement for foreign citizens who effectively did not have the requested stay permit or even ten years of residence, with consequent reports to the Finance Police and related complaints. In these cases, steps were taken to request payment by instalments, although there are still no developments concerning criminal aspects.

Some cases when an all-inclusive family allowance application was rejected or suspended because of debts with INPS (especially for withdrawn citizenship income) have also been reported.

Lastly, the antenna wrote to the Post Office to support several cases of refusal to open basic and/or PostePay accounts to Nigerian citizens and more generally to asylum and special protection seekers. Legal action is being considered.

**Tuscany antenna:** the Tuscany antenna filed four appeals relating to citizenship income, involving applications presented by international protection holders (two) and EU citizens who did not have ten years of residence in Italy (two). They are all still awaiting settlement. Three persons contacted the Tuscany antenna directly, while one case was referred through the national antenna.

Letters were then sent to four Local Councils (Sovicille, Sinalunga, Livorno, Viareggio) requesting them to modify personnel recruitment announcements only open to Italian and EU citizens.

Two Local Councils informed the antenna that they have modified the announcement and set a new date for submitting applications. A letter is being prepared for the Florence Local Health Authority, since a number of announcements seeking paediatric surgeons limited access exclusively to Italian and EU citizens.

After receiving a report, a complaint over discriminatory practice was sent to a cooperative involved in selecting personnel to be employed by Esselunga S.p.A. (with specific reference to the Livorno premises, but it can be deduced that this applies to every workplace), which only required non-European Union citizens to produce certification of suitable accommodation and a copy of their passport. No answer has currently been received and the antenna is preparing possible legal action.

# PART II – The Socio-economic Perspective

Edited by Centro Studi Medi

## A. When institutions discriminate

Like a shadow, discrimination has accompanied the arrival and settling in of populations seen and classified as "immigrants" since the onset of international migration to industrial societies. Not foreigners in general, but those foreigners seen as poor, backward and less civilized have always and in various ways been subject to collectivised and stereotyped representations, as well as very poor treatment compared to national citizens, especially on a legal level and when interacting with public authorities.

On the other hand, since their foundation, modern states have built their own national societies based on alignment between population, territory, juridical status and cultural identification (Anderson 1996). In this project, the attribution of positions of advantage to national citizens compared to foreigners, perhaps even including residents, has been exploited to foster a sense of belonging and political loyalty. On the contrary, foreign residents, citizens of other states, people who speak different languages and have different customs, often believing in other religions and suspected of dubious political loyalty, have generally posed a stumbling block for national projects. While ethnic discrimination is often accompanied by racial prejudices and more or less open and violent forms of racism, it is precisely the role played by public institutions and legal standards that prompted us to distinguish between the two phenomena.

Racism is ultimately a kind of thought or intellectual attitude defined by UNESCO as "any theory which involves the claim that racial or ethnic groups are inherently superior or inferior, thus implying that some would be entitled to dominate or eliminate others, presumed to be inferior, or which bases value judgments on racial differentiation" (cited in Siebert 2003, 69). Collectivised representations are typical of racism. They make it possible to explain, or even predict, the aptitudes, dispositions or attitudes of individuals based of their racial, ethnic and cultural affiliation (Taguieff 1999, 57-58).

Discrimination, on the other hand, pertains to the sphere of *actual* behaviour that penalizes individuals and groups based on factors such as nationality, religion and physical appearance. More precisely, it can be defined as "differential and unequal treatment of persons or groups because of their origins, affiliations, appearance (physical or social) or opinions, be they real or imagined. This entails the exclusion of certain individuals from sharing certain social assets (housing, work, etc.)" (*ibid*, 112).

Discrimination may take many forms. First of all, there is direct and explicit discrimination: even in the 1990s in the United States, two restaurant chains had to face legal issues involving discrimination. The first applied an unwritten policy communicated and known only to employees which prohibited hiring black people for jobs involving direct contact with the public, unless the restaurant operated in a predominantly African-American neighbourhood. The management of the second chain, on the other hand, gave instructions not to serve African-American customers when they became "too numerous" (Pincus 1996).

More often, however, especially since anti-discrimination laws in many countries have been adopted, or extended and clarified, discrimination tends to take indirect and implicit forms. While we no longer see signs with wording such as "not rented to immigrants", when many immigrants looking for accommodation call in response to the advertisement they are told that the property has already been rented. It is also widely seen in many companies in Western countries that immigrants are numerous in the lower positions of the hierarchy but become fewer and fewer moving up to higher levels, to the point of disappearing in top positions. There are not even any informal and customary rules establishing constraints, yet this all occurs repeatedly. Even when having the same education and experience, and even with higher formal qualifications, candidates from minority groups are overtaken by those with a socio-cultural background similar to that of the recruitment managers. The freedom of choice of employers is contrary to anti-discrimination laws. In this regard, in the United States extensive litigation has developed in the courtrooms and many law firms specialise in this field: even in the advanced country which - culturally and institutionally - has most emphasised the entrepreneurial freedom to *hire and fire*, the development of anti-discrimination legislation has begun to erode the absolute status of the principle that entrepreneurs' decisions are beyond question.

Another form of discrimination is defined as "statistical" by US employment economists. It is based on generalisations and stereotypes as regards the attitudes and conduct of people belonging to minority groups, yet it takes on a particularly insidious character when it can be based on aspects that may to some extent be objectively verifiable: for example, the observation that during Ramadan practising Muslims may have issues relating to productivity, attention and punctuality. "Statistical" discrimination precisely takes over when employers reject candidates with a surname that might suggest they come from a Muslim-dominant country for fear of running into problems of friction between observing Ramadan and full efficiency at work.

The question at the heart of the LAW project, however, mainly concerns another form of discrimination: institutional. In general terms, it can be defined as the set of policies, standards and practices deriving from public institutions that systematically benefit certain groups and disadvantage others (Goldstein 2013). Inasmuch, they bring about the systematic denial of resources and opportunities for subordinate groups. This form of discrimination is generated by laws, regulations or cultural traditions in an institutional context and may give rise to direct or indirect forms of discrimination. Direct institutional discrimination concerns explicit public policies, such as the Jim Crow laws in the history of the US South, that sought to consolidate and reproduce the inequality between dominant and subordinate groups. Indirect institutional discrimination, on the other hand, consists of policies and practices that disadvantage minority groups without

explicit discriminatory intent. It may also result from the egalitarian application of a given policy involving differential treatment (e.g. in hospitals, when the cultural demands and attitudes of patients from minority groups are not addressed), or from the differential application of seemingly neutral policies (e.g. at security checkpoints) (Cunningham and Light 2016). Pincus (1996) distinguishes between institutional discrimination, when minorities are intentionally penalised by the policies, standards and conduct of dominant groups, and structural discrimination, when penalisation is not deliberately pursued and standards *per se* seem to be neutral, yet discrimination does occur in practice.

Furthermore, it is possible to distinguish discriminatory incidents, i.e. specific cases of unfair treatment, regardless of their seriousness, and everyday expressions of prejudice or attack on the dignity of persons belonging to minority groups. The former have tangible effects in terms of inequality, while the latter give rise to low levels of well-being and loss of interpersonal and institutional trust (Bursell 2021).

The issue of institutional discrimination in turn provides the chance to analyse the distinction between discrimination and racism: various forms of institutional discrimination do not necessarily imply racist visions, are not based on a hierarchy of human groups, do not imply value judgements concerning minority cultures and religions, nor do they presuppose, at least in principle, some kind of preference for certain subjects to the detriment of others. They may even derive from apparently neutral procedures that nevertheless involve linguistic and cultural knowledge, which immigrant minorities on average are less well equipped to handle than the majority of people. They may also derive from standards carried over from the past when they may have been justified, as in the case of public announcements which still require possession of Italian citizenship in order to register for competitive public exams: a once common requirement in legal systems in times when nationalism was institutionally approved and socially agreed upon, whereas foreigners were suspect by definition. Some institutional discrimination therefore depends on a lack of sensitivity towards the advent of a multi-ethnic society, poor organisation and reluctance to change. They can also derive, as in the case of public employment, from the political desire to reserve coveted jobs for citizen-voters: while not a very commendable intention, in itself it does not derive from racist visions.

This does not mean that such forms of discrimination are any less serious or harmful: the very fact that they are often incorporated into bureaucratic routines and customs consolidated over time means they become tolerated, and a lack of awareness ensures they are accepted as normal. Paradoxically, it is easier to identify and combat overt and unacceptable discrimination than more devious and hidden forms. For some time by now, the more advanced countries have understood the facets of this issue and incorporated guarantor institutions and independent authorities into their public services responsible for monitoring and sanctioning discriminatory conduct, proposing legislative reforms and procedural changes, and developing training courses for public employees in this context.

Other institutional discriminations are also nested in the hiatus between egalitarian standards and their effective application. A long tradition of studies has discussed the relationship between *law on the books* and *law in action* (Schuck 2000). In this regard, the role of what Lipsky (1980) defined

as "street-level bureaucracies" comes into play, namely the set of public officials who interact directly with people belonging to minority groups, in different fields and various roles. Often possessing little formal power, they actually enjoy wide margins of discretion in applying the rules to specific cases and their daily activities are subject to little *de facto* control by superiors: they can therefore allow or deny access to a service, accept or refuse an imperfect bureaucratic procedure, help users arrange matters or reject them, implement detailed or superficial checks. Inasmuch, discrimination can occur within public institutions when the rules are formally neutral but public officials actually apply them in differential ways. Schuck (2000) also distinguishes, in addition to *law on the books* and *law in action*, law interpreted by those who are called upon to follow and enforce it (*law in their minds*).

Over and above individual attitudes and preferences, Lipsky explains that street-level bureaucrats tend to develop routine models intended to make their workload manageable, giving priority to certain rules and developing a simplified view of the cases in hand. In these processes, beliefs, stereotypes and more or less justified moral judgements acquire importance in assessing the requests of individual users. This is where discriminatory conduct, assessments and decisions infiltrate the system.

Recent research in Sweden (Bursell 2021) investigated this issue and identified seven forms of institutional discrimination. In fact, users can be discriminated against in the following ways:

- 1) *Ignored* - when street-level bureaucrats intentionally do not provide the assistance, users are entitled to in a discriminatory manner. It is a subtle strategy of exclusion involving low-level activism, implemented for example by not responding to e-mail messages, or ignoring an applicant's candidacy for employment.
- 2) *Obstructed* - another subtle yet more active form of exclusion, implemented for example by identifying an error or omission in applications for access to benefits and thereby justify decisions to reject these requests.
- 3) *Judged or punished more severely* - in the event of non-compliance with rules, thereby enacting another subtle form of discrimination. Examples include more serious criminal sentences than those imposed on average for subjects belonging to the majority population for the same offences, or unjust exclusion from work placement programmes for failing to comply with the expectations of street-level bureaucrats.
- 4) *Suspected* - in cases where users classified as belonging to minority groups are subjected to additional checks in order to gain access to certain services based on assumptions of a propensity to defraud the welfare system.
- 5) *Judged negatively* - arising from the prejudices that induce lead officials to apply negative stereotypes regarding minority cultures, for example such as claims of being abusive parents.
- 6) *Attacked* - when public employees speak or act disrespectfully towards users, in cases of long-term relationships (for example, between teachers and pupils) as well as occasional interactions, such as those between police officers and ordinary people.

- 7) *Penalised by the rules* - if discrimination derives directly or indirectly from disadvantageous institutional rules but does not depend on the attitudes of street-level bureaucracies (Bursell 2021).

Another case can be added to this already detailed list: when procedures for accessing a service or benefit organised exclusively by telephone or internet require language and cultural skills of a certain level, but are not accompanied by instructions that are easy to understand or in any case create difficulties for people with a limited knowledge of the language, legislation and institutions of the country where they now live. The problem in this case also affects the culturally weak sections of the national population. Nevertheless, it certainly penalizes the immigrant population more severely, since in many cases these people are disadvantaged on language and cultural levels.

Research into solidarity to help newly-arrived refugees and vulnerable sections of the immigrant population confirms the extent of this problem: one of the most frequent activities performed by volunteers, activists and social workers, including immigrants who have been resident in the country for a longer time having cultural skills and familiarity with Italian public services (police headquarters, municipal registers, employment services, national health service...), involves accompanying asylum seekers and other immigrants in difficulty to these offices to translate, explain to officials the needs of their beneficiaries, help fill in forms, request more information and even protest against denials, delays and rude treatment (Hajer and Ambrosini 2020; Artero and Ambrosini 2020). According to testimonies collected by these studies, the mere presence of Italian assistants, or even immigrants with better argumentative and dialectical skills, leads to a significant improvement as regards the interaction and conduct of officials.

The inter-sectional perspective has also highlighted the connection between different forms of discrimination: foreign origin may in fact overlap with other kinds of penalisation, such as religious affiliation, skin colour, economic poverty and poor education. Among these, gender is particularly important, which in the case of immigrant minorities takes on specific facets. Women usually arouse less fear and are better tolerated than men, even when they are not in possession of regular documents: they are rarely perceived as a threat to security. Furthermore, the fact that they often work in the service of Italian families and their need for care and nursing, generates an image of social utility and close interpersonal relationships, which in turn usually translate into protection in relations with authorities. Consequently, efforts to settle matters tend to favour typically female domestic-welfare work.

At the other end of the scale, however, the close association between the condition of women, immigration and domestic assistance work translates into a stereotype that risks trapping immigrant women in a sector of the labour market that is already by far the most ethnicised. Merely being female and coming from a less wealthy country mean that women are seen as best suited to taking care of frail elderly people, children and household tasks, yet at the same time it is difficult to be acknowledged and assert other skills and aspirations. Social capital matters more to women than human capital and indeed overshadows it: when seeking work, a good contact - usually provided by networks of compatriots and not always in a disinterested manner - is much more decisive than possession of educational qualifications and work experience. Yet social

networks reinforce segregation in employment and become consolidated through stereotypes. In Milan, the wealthy classes often talk and ask questions such as "How much do you pay your Filipina a month?". National origin becomes synonymous with a given and obviously subordinate occupation.

Another insidious prejudice is gaining ground, and not only in Italy, in a context of what has been ironically called "the sexual clash of civilizations" (Fassin 2010). In several countries, such as the United Kingdom, France and Denmark, forces hostile to immigrants and Muslims have raised the banner of defending women against the supposed male chauvinism of these families and communities (Anderson 2013). Women, wives and daughters, are represented as victims, fathers as oppressors, even violent ones, and potential perpetrators of honour crimes, sons as contemptuous of the rules, turbulent and attracted by deviance. The victimising stereotype imprisons women in a condition of weakness, passivity, inability to express their voices and make independent choices. The same ban on wearing veils at school and in public employment is justified in France by the paternalistic argument of protecting girls and women against the impositions of their family members, albeit, once they attend university where the ban does not apply, many girls from Muslim families wear veils proudly on display as a symbol of identity and freedom, regardless of religious beliefs and practices.

Additional prejudices also affect specific members of the female immigrant population. Roma women are probably the greatest victims of stigmatizing stereotypes, being labelled as bad mothers, if not even entirely addicted to theft or begging. Muslim women who wear veils in turn come up against prejudices, social exclusion, suspicions of fundamentalism, or even, in certain periods, of collusion with terrorist networks, and greater barriers as regards access to employment, especially if qualified. Research by Bursell (2021) indicated that Muslim girls perceive dual discrimination, as alleged victims of patriarchal oppression as well as being a "cultural threat" to the host society.

Our research investigated the perception of discrimination by people of immigrant origin, with a special focus on women. Studying perceptions does not mean objectively taking snapshots of cases of unfair treatment and potential violation of the law, but it is nevertheless a point of view worthy of consideration: minorities exposed to discrimination have an interpretative prerogative and lived experience that make them very aware of the problem and able to identify it (Lamont et al., 2016). In any case, they must be listened to, especially regarding the issue of institutional discrimination. Indeed, social cohesion is threatened when certain social groups that are already structurally disadvantaged for economic and political reasons perceive that they are being treated unfairly. Public institutions not only have the obligation to respect rules of equality in relations with users and beneficiaries, but they must also communicate an image of impartiality and welcome. Perceptions of the conduct of institutions and their officials are therefore an item to be considered in order to evaluate the responsiveness of the public system to the needs of citizens. The relationship between perceptions of discrimination and objective facts can be explored by intersecting the two dimensions (Table 1). Let us consider the case results.



Table 1. Perception and reality of discrimination

	Perception of discrimination		
		No	Yes
Objective discrimination situations	No	a. Parity fully affirmed	b. Discrimination perceived but not demonstrated
	Yes	c. Under-reporting: discrimination enacted but not perceived as such by victims	d. Awareness of existing discrimination

- a. *Parity fully affirmed*. This would be the ideal situation to aim for: a national society where there are no forms of discrimination against minorities, in our case arising from immigration, and at the same time there being not the least perception of discriminatory phenomena on the part of interested parties. This is still a goal we should aim for, even though no complex society can be said to be completely free of discrimination problems.
- b. *Discrimination perceived but not demonstrated*. This is when perception of the situation is more serious than actual reality: it may seem to be negligible and classified as a kind of sterile sense of victimisation, but in reality it also requires attention on the part of public institutions. For example, this would encourage the availability of clear and complete public communications and mediators capable of explaining the reasons for a given decision, as well as envisage guarantor institutions (ombudsman) for additional support.
- c. *Under-reporting*. This is when victims do not realise or are not fully aware of the discrimination they suffer and accept it without protest. They may lack the language and cultural tools to grasp these situations, or may simply accept that the majority discriminates against minorities, that institutions themselves were designed by the majority and are destined to privilege that majority. An ability to identify discrimination is an important stimulus in combating it, by placing those directly involved in the forefront. Lack of perception consolidates injustices and inequalities. While it may perhaps help maintain social peace today, it prepares the ground for more serious social divisions and conflicts in the future. Minorities which are permanently discriminated against and segregated pose a risk to society as a whole.
- d. *Awareness of discrimination*. In this case, minorities become aware of the discrimination they suffer: it is not yet the solution to the problem, but it is nevertheless a necessary step. In this context, immigrant association and communities play a role as forerunners helping to promote an anti-discrimination culture and stimulating public institutions and the host society. A problem often raised in the Italian context is the fragility of immigrant

associations, which must therefore be strengthened and attain a greater capacity to express the interests of residents of foreign origin.

In international surveys, Italy remains a country where, despite appreciable anti-discrimination regulations introduced above all in the context of labour relations, the institutional commitment to monitoring and combating discrimination is still lacking. It only need be mentioned that systematic surveys of episodes of discrimination are not carried out, nor are the even scarce data available disseminated in good time. Disaggregated statistical data are often unavailable or out of date, thereby not allowing identification of the groups most exposed to discrimination (Corbanese and Rosas...). A European comparison of policies for integrating immigrants, based on a set of indicators summarised in the MIPEX index, identifies the weakness of anti-discrimination institutions as something lacking in the Italian institutional architecture intended to combat the phenomenon (Solano and Ponzio 2022). In fact, Italy established the UNAR, the National Office against Racial Discrimination, in 2003, under pressure from the European Union. However, it was placed it under the Presidency of the Council, and therefore of the national government. It was not given sanctioning powers and to provide compensation for victims, since limited human and financial resources were made available (Corbanese and Rosas...).

The Office of the High Commissioner for Human Rights of the United Nations, with the support of the ILO during its last visit to Italy (2021)<sup>8</sup>, stigmatized the fact that Italy is one of the few European Union countries still lacking a "robust and independent" national human rights institution. The Italian government and parliament were invited to remedy this gap as soon as possible. This institution should have sufficient resources and powers, including the power to issue compensation, promote awareness and action, and protect the defenders of human rights. ASGI has repeatedly denounced the limitations of UNAR. A recent event (December 2022) makes them clear<sup>9</sup>. The local council of a small town in Abruzzo voted to provide the school bus and school canteen free of charge only to Italian or European citizens, but excluded people of foreign citizenship. When questioned about the matter, UNAR issued a three-page document that complimented the initiatives implemented by the local administration to help needy families, as well as for welcoming Ukrainians fleeing the war; the document concluded with a timid exhortation: "Having acknowledged the jurisprudential structure that has emerged and the attention that this administration has had and still has as regards the vulnerable, *might we suggest the possibility of assessing the opportunity* to expand the groups of persons covered by the two bonuses [...] and extend them to all citizens residing in the municipal area without the requirement of citizenship". Instead of contesting the legitimacy of the local council's resolution, UNAR suggested "the possibility of assessing the opportunity" to modify it. ASGI pointed out that the functions assigned to UNAR include expressing recommendations and opinions concerning cases of discrimination that come to its knowledge, even though it does not have more incisive legal instruments to stop them. In this case, however, the Office fell short even

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<sup>8</sup> <https://www.ohchr.org/en/statements/2021/10/statement-end-visit-italy-united-nations-working-group-business-and-human-rights>.

<sup>9</sup> <https://www.asgi.it/notizie/il-comune-valuti-lopportunita-di-non-discriminare-lincredibile-risposta-dellunar/>.

of the limited powers of *moral suasion* it has at its disposition. An institution responsible for combating discrimination avoided making a clear statement that the measure implemented by the Public Administration is in contrast with Article 43 of the Consolidated Immigration Legislation, the UN Convention on the rights of children and various other legal provisions. Among other things, it also seems to be inappropriate to hear an argument that seeks to legitimize discrimination on the basis of generosity shown on other occasions.

This episode reveals a further weakening of UNAR in the current political context: the reticent tones used seem to be influenced by fears of repercussions against the Office, confirming once again that having to report to the Presidency of the Council conditions its independence of judgement and will to take action.

The episode is also instructive because it reveals a crucial aspect in Italian institutional discrimination: the importance of local policies that exclude immigrants, refugees and stigmatized religious minorities, which are an unexpected effect of the broad autonomy available to local authorities. By "local policies of exclusion" we mean measures issued by local authorities which aim to separate immigrants from the native local population by establishing specific prohibitions against them, even if implicit, indirect or disguised, and introducing special control procedures or limiting their access to the benefits and resources of local social policies. Inasmuch, these policies aim to mark the boundaries of legitimate belonging to the local community, reinforcing dualism between full-fledged members (the *insiders*, i.e. the native population or in any case people of Italian nationality) and the *outsiders*, whose right of abode tends to be redefined in limited and conditional forms. In this way, policies of exclusion aim to reassure native citizens, as the sole custodians of the right to vote, about the priority of their status over the *outsiders*, and to communicate that they are actively defended against the "invasion" of urban spaces which they feel threatens them. At the same time, by identifying certain groups, urban areas or conduct as dangerous, local public authorities stimulate demand for protection by citizens-voters and come forward as guardians of safety, decorum and social order (Ambrosini 2013).

A survey conducted in Lombardy, at the time of the Berlusconi-Maroni security decrees and the so-called "season of ordinances", already identified five types of local exclusion policy:

1. The first concerned the exclusion or limitation of civil rights, which we can therefore define as *civic exclusion*. It includes, for example, obstacles to local council registration, bans on begging, checks on the suitability of housing.
2. The second category comprises provisions that exclude immigrants from obtaining certain social benefits, such as access to school canteens, concessions for public transport and access to the public housing stock. This case can be defined as *social exclusion*.
3. A rather particular yet important sector - which may even fall within the scope of civil rights, although it seems appropriate to consider it separately given its symbolic resonance - concerns contrasts in cultural pluralism. This is a kind of *cultural exclusion*. The most pertinent case concerns impediments to building places of worship for the Islamic religion.
4. A fourth category concerns the set of provisions involving protection of public order and safety, which can be defined as *security exclusion*. This includes ordinances intended to contrast or repress spontaneous settlements of Roma groups, as well as various fantasy

initiatives to mobilize the municipal police, public transport inspectors and ordinary citizens to hunt for irregular immigrants.

5. Fifthly, there are measures that affect the freedom of entrepreneurial initiative, which can be defined as *economic exclusion*: for example, bans on opening new kebab shops or ethnic restaurants, rules against phone centres, bans on eating food in the street, limitations on opening hours and such like (Ambrosini 2013).

In the last decade, local exclusion policies have especially targeted asylum seekers and the establishment of reception centres around the country: many Local Councils (about 6,000 out of 8,000) have not agreed to join the SPRAR/SIPROIMI/SAI system and in many cases have attempted to oppose the opening of Special Reception Centres by collecting petition signatures, making declarations and organising protests, as well as through formal acts designed to prevent these accommodation facilities being opened. Various reasons were given, as ascertained by glancing through the daily press (Marchetti 2020). First of all, there are nationalist arguments: stand up for national citizens rather than spend public money to welcome refugees. Then security topics, presented as defending public order and prevention of health risks, even in the pre-pandemic era. On other occasions, mayors have even resorted to bureaucratic arguments: premises that are too small, lack the necessary structural conditions, with plant systems not in perfect working order... There is no shortage of arguments based on suspicion: be it false refugees, illegal immigrants or that the reception system aims at making a profit and so forth. In other cases, however, local authorities have resorted to utilitarian and pragmatic arguments: typically, they claim the importance of tourism for the local economy and express fear over the negative effects that the arrival of asylum seekers would cause. Lastly, paternalistic arguments have also appeared, highlighting the risks of creating ghettos, and the lack of services and personnel to offer decent hospitality.

In recent years, local policies against immigrants, as well as ethnic and religious minorities, have continued to put forward some of these lines already identified: opposition to religious pluralism, limitations for access to local welfare, restrictions on registration in the local council registry office. However, they often do not involve explicit references to citizenship (the example from Abruzzo mentioned above does not have many parallels) but resort to indirect arguments, such as duration of residence in the area: a barrier to access also adopted by national regulations such as access to basic income. Another exclusion strategy, on the other hand, seeks to require proof that no property is owned in the country of origin, which immigrants are often unable to provide: it is the approach applied in Lodi for the school canteen and in the Veneto Region for book vouchers (defeated in court by ASGI).

However, the fact that long and complex legal battles are necessary to restore equal treatment between foreign residents and national citizens demonstrates that formal institutional discrimination in Italy is still frequent, almost explicit, and largely tolerated when not solicited by a part of public opinion: the road to equality enshrined in the Constitution is still long and fraught with obstacles.

## Bibliography

- Ambrosini M. (2013). ['We are against a multi-ethnic society': policies of exclusion at the urban level in Italy.](#) *Ethnic and Racial Studies*, 36 (1), 136-155.
- Anderson B. (Benedict) (2016). *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso Books.
- Anderson B. (Bridget) (2013). *Us and Them? The Dangerous Politics of Immigration Control*. Oxford: Oxford University Press.
- Artero M. and Ambrosini M. (2020). Ragioni e percorsi dell'impegno sociale. In Ambrosini M. and Erminio D. (a cura di) (2020), *Volontari inattesi. L'impegno sociale delle persone di origine immigrata*. Trento, Erickson, pp. 105-161.
- Bursell M. (2021) Perceptions of discrimination against Muslims. A study of formal complaints against public institutions in Sweden. *Journal of Ethnic and Migration Studies*, 47 (5), 1162-1179.
- Corbanese V. and Rosas G. (...) *Inclusion of young migrants in the Italian labour market. A comparative review*. Geneva, ILO.
- Fassin É. (2010). National identities and transnational intimacies: Sexual democracy and the politics of immigration in Europe. *Public Culture*, 22 (3), 507-529.
- Hajer M.H.J. and Ambrosini M. (2020). Who helps irregular migrants? Supporters of irregular migrants in Amsterdam (the Netherlands) and Turin (Italy). *Revista Interdisciplinar Da Mobilidade Humana*, 28 (59), 151-168.
- Lamont M., Moraes Silva G., Wellburn J., Guetskow J., Mizrahi N., Herzog H. and Reis E. (2016). *Getting Respect. Responding to Stigma in the United States, Brazil and Israel*. Princeton: Princeton University Press.
- Lipsky M. (1980). *Street-level Bureaucracy. Dilemmas of the Individual in Public Services*. New York: Russell Sage.
- Marchetti C. (2020). Cities of exclusion: Are local authorities refusing asylum seekers? In Ambrosini M., Cinalli M., and Jacobson D. (edited by). *Migration, Borders and Citizenship*. Cham: Palgrave, pp. 237-264.
- Pincus F. L. (1996). Discrimination comes in many forms: individual, institutional, and structural. *American Behavioral Scientist*, 40 (2), 186-194.
- Schuck, P. (2000). Law and the Study of Migration. In Brettell C. and Hollifield J. (edited by) *Migration Theory: Talking Across Disciplines*. London & New York: Routledge.
- Siebert R. (2003). *Il razzismo. Il riconoscimento negato*. Rome: Carocci.
- Solano G. and Ponzio I. (2022). Does a Southern European model of migrant integration exist? A comparative longitudinal study across 15 European countries (2010-2019). *Politiche sociali / Social Policies*, 2, 211-238.
- Taguieff P.A. (1994). *La forza del pregiudizio*. Bologna: Il Mulino.

## B. Results of Quantitative Analysis

### The reasons for an investigation into discrimination

Immigration in Italy will soon come to half a century of history, if we consider that the first numerically significant migratory flows date back to the 1980s. It can be thought of by now as a structural phenomenon, giving an undeniable multicultural character to society. Despite empirical evidence, as well as the significant number of studies in this sector, the response to migration continues to use the tones of renewed emergency in public discourse and in political debate, generating or exacerbating contrasting feelings among the population. Inasmuch, certain facts and figures about Italy that emerge from several surveys are by no means surprising: Italy is still the European country with the most distorted perception of the percentage of foreign residents (estimated at three times the actual figure - Eurostat 2018 survey). Most citizens believe that the number of illegal immigrants is equal to or even higher than the number of immigrants legally residing in Italy. 31% of Italians (10 percentage points more than the EU average) would not be comfortable in having an immigrant as a family member (2021 Eurobarometer data on integration and immigration in the European Union). Around 7 out of 10 people define discrimination against people with a different skin colour or a different ethnic origin as "widespread" (2019 Eurobarometer data on discrimination in the European Union). In 2018, the Pew Research Center developed a 0-10 scale to measure nationalist, anti-immigrant and anti-religious sentiment in European countries based on 22 factors: Italy was the country with the highest percentage of hostile responses to immigration (38% compared to the average of 22%). A picture that is sadly confirmed by EU Human Rights Agency data, according to which (2022 report) EU citizens and their family members continue to be victims of discrimination on the basis of nationality in many areas, including the right to practice a profession and access goods and services, such as health services or social benefits. Nationality and skin colour are the underlying factors of most discrimination. This also emerges from the European Social Survey (round 8 in 2016) whose results, as far as Italy is concerned, were also taken up by the INAPP investigation<sup>10</sup>: Italy (together with Belgium) is one of those countries where the perception of being discriminated against is particularly marked and concerns one out of four foreigners. Referring again to this latest survey: Italy unfortunately stands out as the country that expresses the most negative judgements about migrants, defined as "ethnically different" by the majority group. This group expresses the greatest concern about the economic impact of migrants on the national economy and the one least in favour of equal access to social services and benefits.

A certain kind of narrative concerning migration, implemented for several years, has laid the foundations for widespread attitudes of fear and closure. These perceptions and opinions are largely formed through traditional media and the internet. They are affected by the ways in which the topic of migration is presented, such as emphasizing images of landings and shipwrecks or

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<sup>10</sup> L. Chirco, *Le distorsioni pericolose: immigrazione opinione pubblica europea secondo i dati ESS*, Inapp paper, Rome, 2019.

crime news. This stirs fears and insecurities which, while not backed up by empirical evidence, suffice to act as fertile ground for prejudices, stereotypes and discriminatory conduct.

Over the last two years, the focus initially on the pandemic emergency and then on the war in Ukraine eased media pressure on immigrants. However, the electoral campaign and the inauguration of the new government saw the "landings" topic once again hit the front pages, with everything that this also entails as regards attitudes towards migrants. Consequently, in their daily lives people once again suffered discriminatory experiences because of their skin colour, a foreign surname, accent, religion, style of dress or origins. These episodes of routine racism or intolerance cannot be detected solely by official statistics, because many such situations are either not reported or under-reported: we must therefore give a voice to people with a migrant background to understand how and where they experience direct, indirect or even institutional discrimination.

The survey promoted within the L.A.W. - *Leverage Access to Welfare* project seeks to analyse the discrimination faced by migrants, especially women and people of African origin, in accessing welfare measures and the labour market. In this regard, a questionnaire translated into several languages was prepared for foreign citizens that dealt with a variety of topics.

- Perceived discrimination in daily life: how often and where these situations arise, what are the main factors underlying the sensation of being discriminated against.
- Discrimination concerning employment: 1) situations of discrimination regarding access to employment (e.g. not being contacted after leaving a CV, not being hired after an interview despite having qualifications, not being hired without Italian citizenship, etc.); 2) discrimination in the workplace and employment quality compared to Italian colleagues (e.g. distribution of tasks, more frequent situations of contractual or payroll irregularities, difficulty in obtaining time off/holidays, excessive controls in the workplace, difficulty in obtaining promotions, bonuses or career steps, relationships with employers and colleagues).
- Discrimination concerning access to housing: 1) difficulties encountered when seeking to rent an apartment (e.g. landlords who do not rent to immigrants or foreigners, obstructive attitude of real estate agencies, requests for additional guarantees, higher rents, denial of mortgages, etc.); 2) difficulties encountered when seeking to access public housing (e.g. perception of the requirements defined by the Local Council, attitude of employees at public counters, complex forms and no help for completing them, etc.).
- Discrimination concerning access to services: 1) public (e.g. discrimination when seeking to access welfare services, assistance measures, denial of services despite being entitled to receive them, inaccurate information, overly complex forms, distrustful attitude of public counter employees, access difficulties related to SPID [digital ID], etc.); 2) private (difficulty when seeking access to banks, insurance services, etc.).
- Discrimination at school and in training contexts: orientation towards short and professional paths for children regardless of their abilities/aptitudes; attitude of teachers towards children at school and parents, denial of grants/scholarships, etc.

- Discrimination involving the police: to understand if people are stopped and checked by the police more often than is the case for other citizens, if they are unjustly suspected or accused of illegal acts, stopped, searched, interrogated or ill-treated.
- Discrimination in public places: to understand which forms of discrimination are more frequent in public spaces and the places and/or situations where they occur.
- Awareness of one's rights: how people react to discriminatory acts, to what extent they know they can report discrimination they have suffered and if they know who to contact.

## Methodological notes

The questionnaire was made available on a dedicated online platform (which could also be consulted via smartphone) in an effort to reach a high number of respondents (400 initially expected). The survey was open April-November 2022 and collected a total of 522 questionnaires; two-thirds (333) were also completed with gender-related information. Women (253) accounted for 75% of respondents.

As regards geographical origins, 41% of the sample involved persons from Latin America, 22% from Africa, 15% from Europe and 14% from Asia. (It must be said, however, that only two-thirds of interviewees indicated their country of birth.) There was a 9% share of interviewees born in Italy and consequently, in formal terms, the second generation, i.e. children of immigrants born in the country where their parents moved to (foreigners by citizenship but not immigrants).

The survey targeted all immigrants keen to think about and express themselves over the issue of discrimination, precisely because the objective was to analyse its various forms based on people's morphological characteristics (skin colour, facial features), or else linked to origin, nationality, culture, citizenship, as well as gender, religious faith, etc. The acquisition of Italian citizenship as a legal status does not ensure protection against discriminatory acts, even though it can mitigate certain dynamics (e.g. access to public employment is assured to everyone holding Italian citizenship over and above the country where they were born). This is why the sample includes a number of individuals born abroad who became Italian citizens, as well as even more contradictory situations of children born to a mixed couple who inherited Italian citizenship from one of the two parents.



Sample profile by country of birth and citizenship  
*(335 replies out of a total of 522 questionnaires, 64% response rate)*

		migration experience		total
		yes (born abroad)	no (born in Italy)	
citizenship	foreign	245	4	249
	Italian (acquired)	59	21	80
	Italian (from birth, child of mixed couple)	2	4	6
total		306	29	335

The following pages present the results of the survey, complete with statistical material in the form of tables which illustrate, for each question, the answers provided, their relevance in percentage terms compared to the total number of respondents and the total number of answers given where the question envisaged the possibility of selecting more than one answer.

The questionnaire mainly comprised multiple-choice questions which often included an additional "other" category, so that subjects could indicate unforeseen or less frequent discriminatory conduct in order to map their experiences more precisely. A series of "open" questions was also included. Details of the answers will be provided, again with a view to giving a more complete picture of perceived discriminatory conduct.

### The perception of being discriminated against

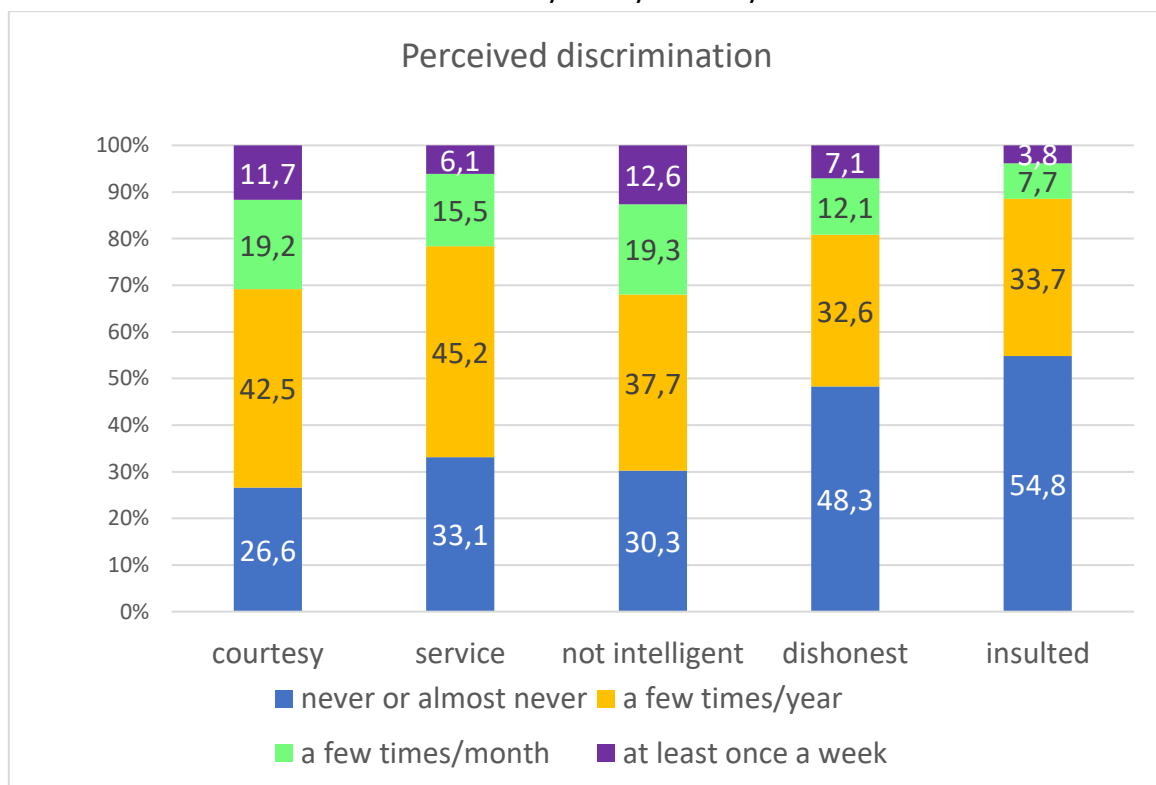
The first question in the questionnaire concerns perceived discrimination in various situations of daily life. Although not the main theme of the survey, this question was asked because it helps understand the experience of the people interviewed, even when discriminatory conduct does not appear to be of pertinence in legal terms. The term "perceived" refers to the complex, open and flexible nature of the concept of discrimination, not only because there is a difference between what happens in objective terms and when it is perceived by victims, but also because this perception depends on a series of psychological and cognitive elements: awareness of recognized rights, personal individual history with the baggage of experience and the plurality of discriminatory acts experienced, the individual predisposition of subjects (victims at times exorcise the problem by denying it, belittling it or even finding justifications for discrimination), etc. Since discrimination is sometimes not always identified by victims (especially in situations of indirect discrimination or institutional discrimination), the question (comprising a set of five items) provided some examples of discriminatory behaviour.

The most frequent example is "being treated with less courtesy than other people": this situation is experienced by 4 out of 10 people more than once a year, by 2 out of 10 people a few times a month and by 1 out of 10 people even once a week (graph 1, first column). Only 27% of the sample say they have never been subjected to conduct of this kind.

The second item, based on the number of answers, is "people act as if they think I'm not intelligent": a situation experienced very frequently by one-tenth of interviewees, a few times per month by one-fifth of the sample and a few times per year by 4 out of 10 people. Only 30% say they have never experienced such a situation.

The most serious forms of discriminatory conduct, such as receiving poorer service than other users of a public helpdesk, insults or being treated as a dishonest person, occurs a little more rarely, even though the values shown in the graph are not dissimilar to those seen beforehand (see graph 1 and table 1).

**Graph 1:** How often do these situations affect you in your daily life?



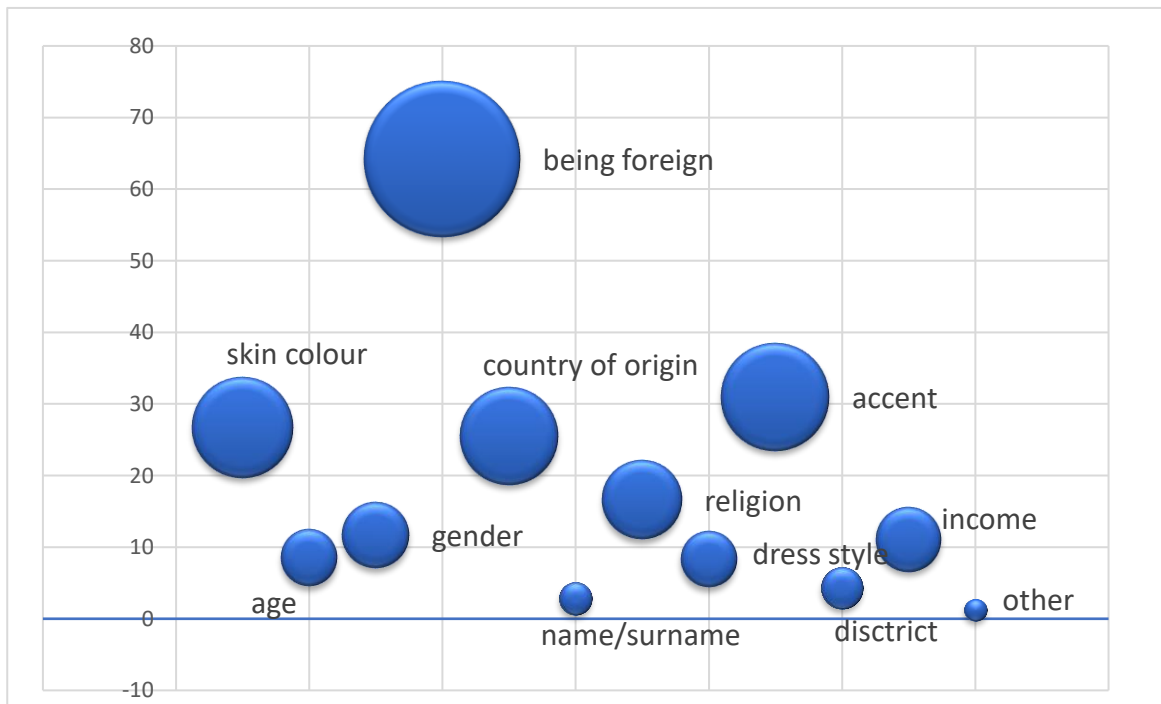
The areas in which discrimination is most marked are, in descending order: housing discrimination, which occurs above all when seeking accommodation to rent, as also emerges from other research into this issue (a situation experienced by 40% of interviewees); workplace discrimination (experienced by one-third of interviewees), discrimination in relationships with public offices (33%), public transport (31%), in the health sector (30%), in relationships with private services (26%) and with the police (25%). Out of a total of 522 people, there were also those (21 respondents, just 4%) who said they have never felt discriminated against.

**Graph 2: In which spheres do you feel most discriminated against?**



The reasons behind perceived discrimination are largely associated with four factors: being a foreigner (30.3% of answers), accent or the manner of speaking Italian (14.6%), skin colour (12.6%) and country of origin (12.0%). Religious beliefs (7.8%), style of dress (3.9%), income (5.2%) or gender (5.5%) are less significant.

**Graph 3: In your opinion, what are the main reasons for this kind of experience?**



## DISCRIMINATION AT WORK

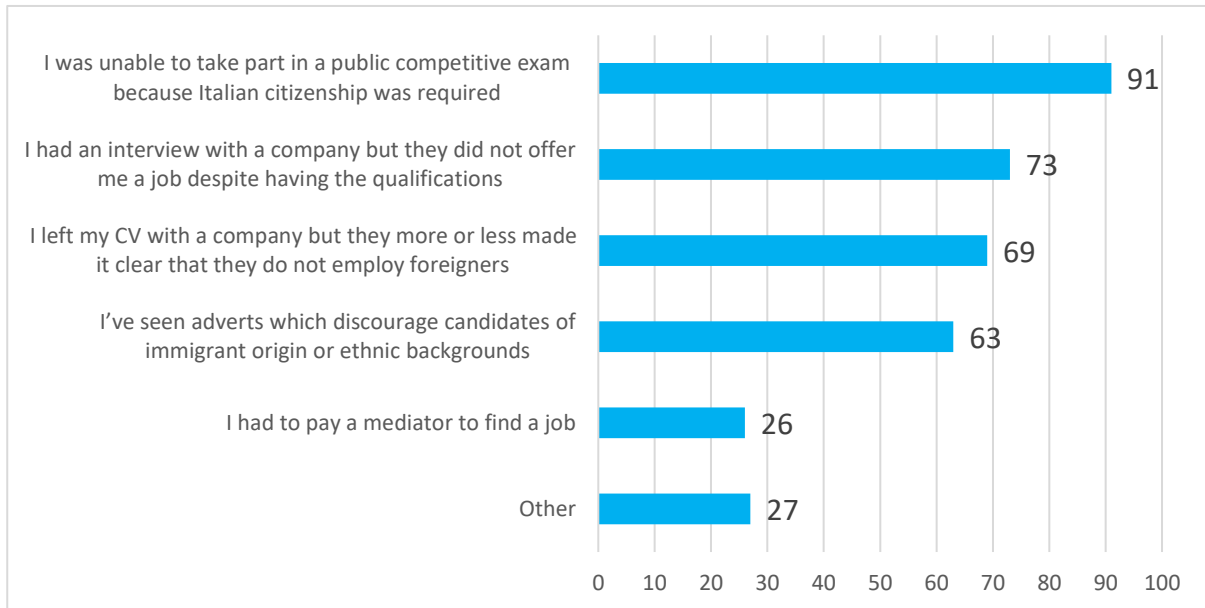
While it cannot be denied that work is a fundamental aspect as regards the social inclusion of migrants, it is equally true that the Italian labour market absorbs foreign labour mostly in professional positions complementary to the local employment offering, in medium-low or low skilled occupations (or worse still, in the shadow economy). Decades of studies involving immigrants and their inclusion in the productive fabric have highlighted critical issues and structural barriers persisting over time: the employment prospects for many migrants are still those of subordinate integration. The need to work, not only to earn an income but also to maintain a stay/residence permit, means that immigrant workers accept onerous employment conditions. All this, combined with the difficulty of obtaining recognition of educational qualifications issued in the country of origin and previous professional skills, as well as the impossibility of accessing public employment, makes obtaining employment compatible with personal skills particularly difficult.

One particular item in this regard more than illustrates the situation: domestic and care work are the employment areas that occur most frequently in the experience of interviewees (bear in mind that women make up 3/4 of the sample and at least 1 in 2 has worked in the domestic sector assisting the elderly, as babysitters or cleaners). Fortunately, there is no shortage of upward mobility paths in other spheres: others also work as clerks, interpreters, translators, cultural mediators, shop assistants or salespersons; nevertheless, highly skilled jobs are rare (see table 5).

Inasmuch, discrimination in the workplace was one of the central topics in this survey and involved several questions relating to entry into the job market as well as discrimination in the workplace. This overall picture is completed by the barriers concerning access to public employment. This context is an area of institutional discrimination.

The most frequent discriminatory situations as regards access to employment were the following: "I was unable to take part in a public competitive exam because Italian citizenship was required" (affected 91 people, equal to 38.6% of respondents); in second place, by number of responses, are cases involving "an interview with a company but they did not offer me a job despite having the qualifications" (almost one-third of respondents). There are also many situations of direct discrimination, such as: "I left my CV with a company but they more or less made it clear that they do not employ foreigners" (29%) or explicit situations where "I've seen adverts which discourage candidates of immigrant origin or with an ethnic background" (26%).

**Graph 4: Discrimination regarding access to employment**



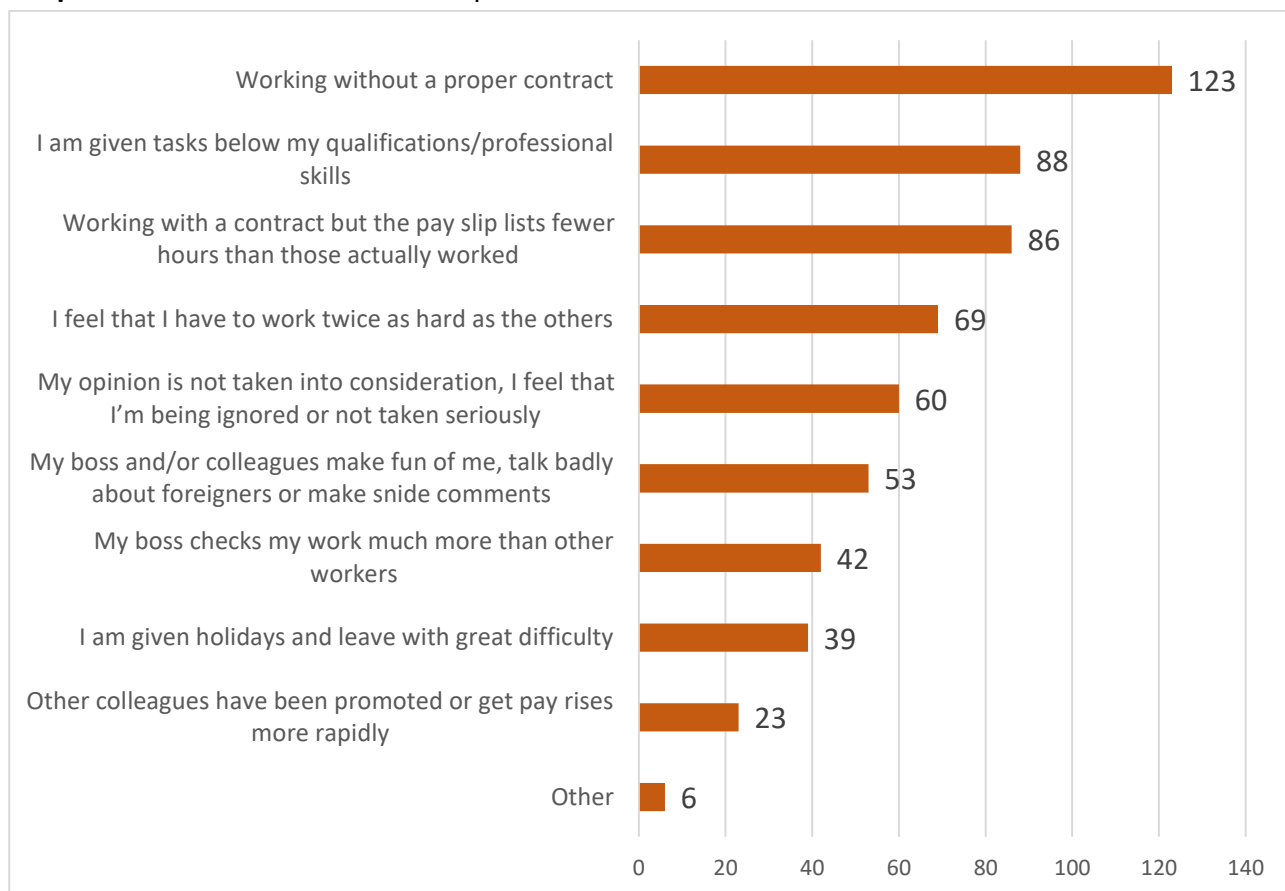
Even once employment has been found, immigrants may fall victim to other discriminatory conduct, such as total or partial non-compliance with contractual regulations, limitations on the exercise of labour rights, penalizing service orders such as working hours and onerous duties outside the professional position held, lower salary for the same job compared to Italian colleagues, etc. Other forms of harassment refer to ethnic origin, skin colour or other physical features and accents, and may be implemented by employers or colleagues (verbal expressions, derision, hostile attitudes).

Unfortunately, the situation that emerges most frequently from the questionnaire is recourse to the hidden economy: almost 1 out of 2 workers stated that they work or have worked without an employment contract (46.6% of respondents) and about one-third (32.6%) reported situations of so-called "grey" work whereby "you work with a contract but the pay slip lists fewer hours than those actually worked". One-third of interviewees are "assigned tasks below their qualifications and professional skills" (33.3%) and one person in 4 feels they "have to work twice as hard as the others" (26.1%).

A general sense of inferiority also emerges when interviewees answer that they "feel ignored, not taken seriously, not taken into consideration when expressing an opinion" (22.7%) or even mocked by colleagues and superiors (20.1%). The social depiction of "foreigners" distorts the processes of perception and evaluation of colleagues on the basis of physical appearance or foreign origin, often defined by skin colour.

When asked about the main reasons why people feel discriminated against at work, the most frequent answers (Graph 5) again highlight the condition of being foreign (71.6% of respondents), followed by foreign accent (29.3%), country of origin (28.0%), surname of non-Italian origin (22.0%) and skin colour (21.1%).

**Graph 5: Discrimination in the workplace**



In answering the question "other than these examples, are there any other ways in which you felt discriminated against or treated unfairly at work", interviewees shared their own experiences, which outline conditions encountered at work. The aspect mentioned most often by interviewees was the "lack of respect" underlying unkind comments and impolite attitudes, which - even when it does not effectively turn into discriminatory conduct - still conveys social devaluation of others and helps perpetuate a distortion of the way this part of the population is depicted (see Table 9).

One interviewee made an emblematic comment: "they only see me as a worker". This single sentence sums up all the debasement that the host society enacts towards migrants, reducing them to "helpful hands for the economy", tolerated because (and as long as) they are useful for the country's productive fabric, and highlighting a precise social stratification that sees "them" and "us" in an unchanged relationship of dominance.

We list below the examples and thoughts of several interviewees ("open" answers to questions 6 and 9):

### INFERIORIZATION - SOCIAL DEVALUATION

*"I am treated like an inferior being"*

*"Italians get more respect than immigrants"*

*"Lack of respect for my person. Colleagues only point out language difficulties by belittling my work skills"*

*"Hearing people say: we don't need you lot here"*

*"They believe that - because we are foreigners - we are also ignorant and don't know how to behave: for example, I had to go to an event at the theatre and the lady told me 'you know you can't go in shorts and a t-shirt'. I said of course I know because I've been more than 6 times with my Italian language and culture school and thanks to my level of education I often went to the theatre in my country"*

*"Clients who prefer to be served by my Italian colleagues"*

*"Clients who are less polite to me"*

*"I have experience with my employer. Despite having worked for a few years, my employer is still reluctant to give me a copy of the house keys"*

### INSTITUTIONAL DISCRIMINATION

*"I was unable to join a public competitive exam because my qualifications are not recognized in Italy or because I don't have the minimum residence requirement in Italy"*

*"You can't request 'equivalence for a high school diploma if you are not an Italian citizen"*

*"To volunteer as a park guard in Milan, they asked me for Italian citizenship. That was the last straw. They didn't even allow me to take the course and become a volunteer"*

### CONTRACTUAL IRREGULARITIES - EXPLOITATION AT WORK

*"My boss didn't want to pay for hours of work at night and always tried to work only with foreigners"*

*"They do not accept the permit issued in compliance with Law 104"*

*"When he worked, they made him work like Cinderella. That's no way to respect people"*

*"A cleaning company didn't pay wages on time, didn't want to acknowledge severance pay... etc."*

*"I have met people many times who said that because I am an immigrant or didn't have documents they couldn't pay me what they would pay an Italian and then deducted 100 or 200 euros from my wages"*

### SUBORDINATE INTEGRATION - SEGREGATION INTO LOW-LEVEL EMPLOYMENT PROFILES

*"They say that we foreigners only do this kind of housework and don't know how to do anything else"*

*"I did the jobs that others didn't want to do"*

*"My boss thought that because I was black I should do the hardest work"*

*"Foreigner is synonymous with cleaning work"*

*"More than all the others, I am obliged to do tasks that are not part of my job and which are not my responsibility"*

*"Companies usually do not make it clear that there can't hire you because of your background"*

*"They tell me the only (possible) positions are as housekeeper and caregiver"*

## MISTREATMENT AND HARASSMENT

*"Insults, attitudes of micro violence"*

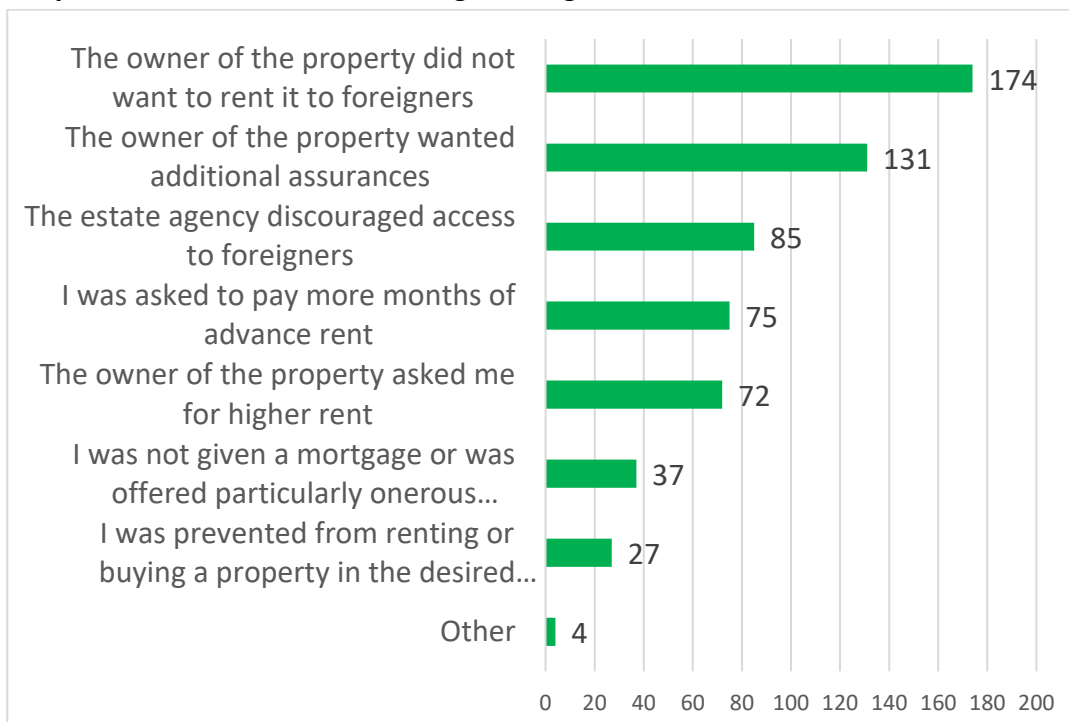
*"My boss wounds me with psychological abuse"*

*"I suffered from sexual harassment"*

## HOUSING DISCRIMINATION

Access to housing is one of the key issues when dealing with the topic of discrimination against people with a migration background. Many difficulties are encountered in terms of housing: obstacles in finding accommodation to rent because of prejudice and distrust on the part of the owners, high rents for foreigners sometimes even adjusted further upwards, requests for additional assurances, difficulties in stipulating regular rental contracts, etc. This often results in overcrowding, in homes that are inadequate, dilapidated or lacking basic services; in spatial segregation and irregular locations, rents increased by 30-50% for the same type of property.

**Graph 6:** Discrimination concerning housing





The search for a home to rent is one of the most difficult aspects and where the most discriminatory conduct is experienced. Consequently, the questionnaire included several questions concerning this topic. Out of the total sample, 309 people sought rented accommodation and of these only a small number (5%) said they had never suffered discrimination of any kind; all the other interviewees experienced more or less explicit discrimination.

2 out of 3 respondents (66.7%) were prevented from renting accommodation because the owner was unwilling to take a foreign tenant. An equally widespread case, and one also of direct discrimination, is when landlords asked for additional guarantees (experienced by 50.2% of interviewees). In much the same way, attitudes by many owners assume that an immigrant, as such, will be less punctual in payments or will cause greater damage to the apartment, which is why they are asked to pay a higher number of months in advance compared to Italian tenants (28.7%) or even higher rents (27.6%).

Even real estate agencies operate with discriminatory criteria, discouraging access to foreigners (32.6%) in various ways: e.g. proposing fewer visits to accommodation for rent, saying that the apartment has already been rented even when the advertisement has just been published or explicitly saying that the owners do not rent to people of foreign origin, as reported by testimonies from interviewees.

Mothers with children seem to be the most penalized category, since landlords prefer to rent to singles or groups of adults with short lease contracts, so that tenants are less reluctant to leave the property when the landlord needs it (this could well be a case of gender discrimination that also affects Italian families).

We publish here some examples and considerations from several interviewees ("open" answers to question 13):

#### REFUSAL TO RENT TO FOREIGNERS

*"Landlords do not rent to foreigners"*

*"I called on the same day the advert appeared in the newspaper and they immediately said it had already been rented"*

*"They immediately told me: since you are foreigner, we will not rent to you"*

*"When going to a real estate agency (more than one unfortunately), doors were practically closed in my face saying that they don't rent to foreigners"*

*"Even if you have already called earlier to visit the property, they say they will call you back but then no call comes, until they finally answer and say the apartment has already been rented"*

*"When they saw me wearing a veil they immediately said no from the outset"*

### ADDITIONAL ASSURANCES

*"Real estate agencies ask for more months of advance rent as assurances and/or an extra percentage for their service"*

*"They require for a fixed-term contract"*

*"I felt discriminated against for not having Italian citizenship"*

*"I had to rent with the help of a friend"*

### IRREGULARITIES IN THE RENT CONTRACT

*"Sometimes owners rent out houses to foreigners without a contract, exploiting those who are in desperate need of a place to stay"*

*"The landlord wants me to work as his maid without a contract to deduct from the 600 he gets from the rent. Then he doesn't fix things in the house and says I have to do it"*

### DIFFICULTIES EXPERIENCED BY WOMEN

*"They don't accept children when renting property (especially single mothers with children)"*

*"I'm a single woman and would like to bring my daughters here, but what can I do without a home"*

*"A woman cannot pay for her own house without assurances"*

About one hundred people in our sample tried to apply for public housing. Foreigners holding a stay/residence permit have the right to access public residential housing on equal terms with Italian citizens. However, the public housing stock in Italy is very scarce, especially when compared to the situation in other European countries. This limitation of public housing results in long waiting lists and the inability of the ERP [Public Residential Building] to respond to a large number of people in conditions of economic hardship, as well as a situation whereby "the last compete with the last but one", often pitting Italian and foreign citizens against each other.

A specific question in the questionnaire sought to investigate whether there were any forms of discrimination involving access to social housing. In 22 cases, we were faced with situations of institutional discrimination, since people replied "in the council area where I live, only immigrants who have lived in Italy for many years can access social housing". On the other hand, critical situations involving relationships with public offices are slightly less frequent, whereby the service is made more difficult to use by a series of obstacles which ultimately affect the possibility of exercising one's rights: "the clerks at the desk for presenting the application treated me very rudely" (18 replies), "the forms I had to fill in at the office were far too complicated and no one helped me understand them" (15 people).

## DISCRIMINATION CONCERNING ACCESS TO SERVICES

People with a migrant background can be victims of discriminatory behaviour in two other macro-contexts that we sought to investigate in a specific section of the questionnaire: public services and private services (with specific attention to the former, because situations of institutional discrimination can occur).

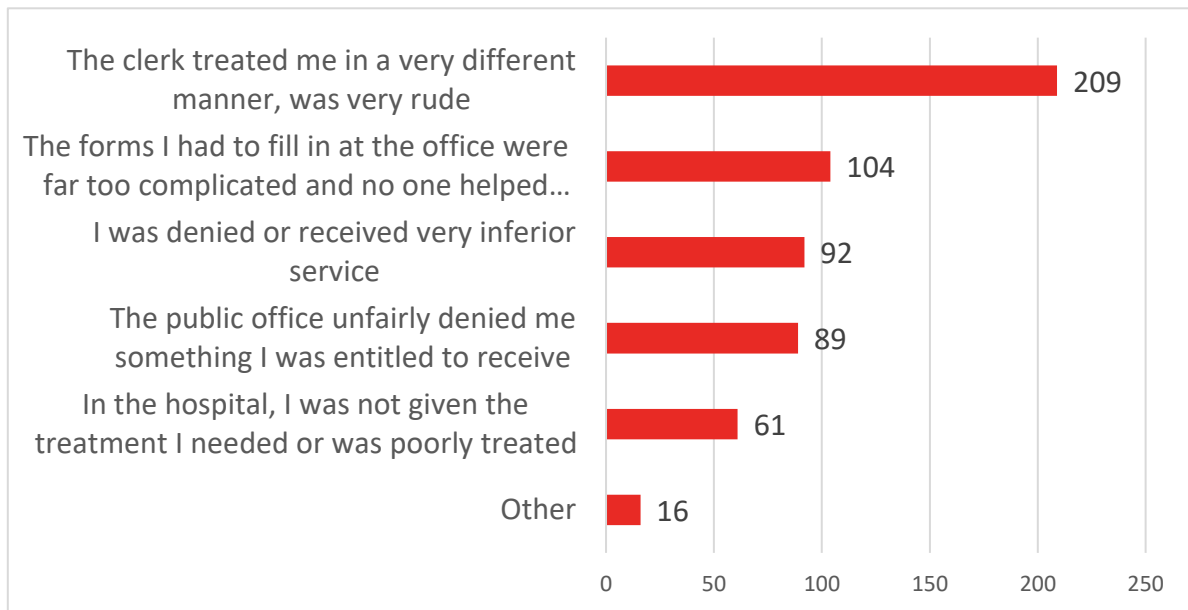
Discrimination can take place in relation to legislation and by the Public Administration whenever a public body or any other institution fails to provide an appropriate and professional service or provides for a rule or regulation that harms a particular category of people (UNAR definition). Institutional discrimination takes the form of regulations, procedures and practices that exclude a category of people based simply on being foreign (e.g. not being allowed to access a public competitive exam without Italian citizenship).

Forms of institutional discrimination are not expressed only through legislation, but also include all those attitudes or practices of institutional figures which impose more disadvantageous conditions on citizens merely because they are foreigners. Let's take, for example, an operator at a public counter prejudiced about immigrants or foreigners. Impolite, disrespectful and even negligent attitudes may arise whereby certain users are objectively in a condition of disadvantage as regards the service in question.

Furthermore, institutional discrimination is characterized by the fact that it is not particularly evident in the eyes of the individual; at times it may even appear to be neutral and, in being implemented by an institution, tends to be accepted more readily. In such instances, the people being discriminated against do not always perceive it, since there is a kind of trust in what is considered to be a legitimate act by the institution. This makes the effects of institutional discrimination riskier and more pervasive. In other cases, depending on the experience in such contexts (even in countries of origin), users expect public operators to be unreliable, make preferences based on nationality, etc. and therefore negatively interpret the lack of a service as a discriminatory situation, when on the other hand the refusal may arise from a lack of requirements or documentation.

The situations that emerge most frequently are: being treated very rudely (reported by 60.4% of interviewees) and difficulty in understanding the forms to be filled in without having any assistance (30.1%).

**Graph 7: Discriminations concerning access to public services**



When asked to explain what happened and what rights had been denied (open question no. 18) few people answered, but their testimonies are significant:

*"I have Italian citizenship, but they obliged me to hand over my residence permit by constantly repeating that I am a foreigner and that was impossible to apply without the residence permit even with citizenship"*

*"After 24 February 2022, they asked me where I come from and which side I am on politically. If I say I'm Russian, sometimes they look askance at me!"*

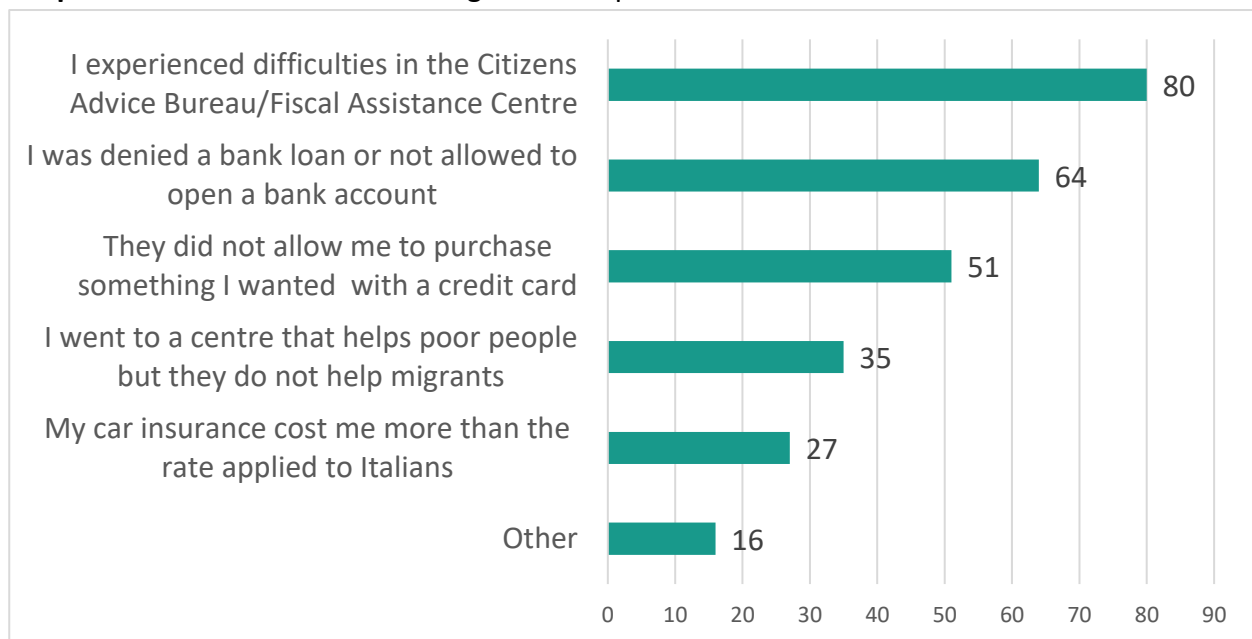
*"A friend of mine had some bad experiences at work and at the Police Headquarters"*

*"I was unable to obtain Italian citizenship even though I was born in Italy, study and live in Italy. This is because I had to reside in the country until I turned 18 but this was not the case since I spent a few years in my country of origin (on the decision of my parents). I had to wander around the entire Council offices to ask what I had to do but no one was able to answer me. However, I believe that in this case it was not the staff's fault"*

*"When I had problems with my ex-husband, I went to the Council social worker, told her everything and she replied: "If you want, I'll send you back to your own country". When the situation with my husband got worse, I went to the police and they took me to a place for two months (I was pregnant). When I was just 20 days from giving birth, the same social worker told me: "You have to stay with a friend of yours so you don't give birth in this place". I asked her to take me to a safe place for abused women because I don't know anyone and she replied: "So when your daughter is born, I'll give her to her father, at least he has a house and a job, and you can sleep under the bridge, you have nothing, you don't even speak Italian very well". When the court issued the decree, it said that the social worker had to take me to a family home but she told me that the Council had no funds".*

Various services today require possession of SPID-Public Digital Identity System, without which it becomes very difficult to access services, especially on certain digital platforms such as that INPS (which can only be accessed without SPID by subjects who for regulatory reasons cannot have it, such as persons subject to protection). If SPID is not available, the electronic identity card or the National Services Card can be used, but they require an R-feed reader or smartphone apps as self-identifiers (far from simple tools for many people). 82 people said they had encountered difficulties in accessing the service because they did not have a SPID or because they were unable to use it and a third of them eventually gave up the service (tables 19, 20 and 21 of the statistical annex).

**Graph 8:** Discriminations concerning access to private services



The second area of analysis concerns private sectors providing goods or public utility services which are accessible to users in their daily lives (banks/financial companies, associations, citizen's advice bureaus and tax assistance centres, insurance services, etc.). Even in this case, the question was rendered easier to understand by including effective examples, leaving interviewees the chance to provide further other examples of discrimination.

Based on the answers provided (see graph 8), citizen's advice/tax assistance centres stand out among private sphere offices in terms of discriminatory conduct (41.9% of interviewees encountered problems), followed by banks (33.5%). However, it must also be said that, out of a total of 260 respondents, 69 (therefore about one-quarter) said they had never been subjected to behaviour of this kind.

When asked the reasons why they felt discriminated against, most interviewees (61.4%) answered that such behaviour was linked to their status as foreigners. This was followed by country of origin

(28.4%), foreign accent (25.0%), skin colour (18.9%) and name/surname apparently not of Italian origin (17.8%).

Once again, many examples were provided (open question no. 25) relating to both private and public services. Here are the most significant testimonials:

*"Entering a service centre and asking about a specific office, such as the lawyer, and being advised to go to the immigration office"*

*"They start asking questions about why I came to Italy, assuming that I didn't have worthy conditions in my own country"*

*"Italy, under current legislation, facilitates discrimination in call centres by allowing and transferring calls for assistance inside the European Union, creating expectations in customers that their calls will receive assistance from Italian mother-tongue consultants; several times they told me 'but she is not Italian'..."*

*"They told me that foreigners like us steal from the Italian state. When I didn't have documents in a citizen's advice bureau, they shouted at me that I was an illegal immigrant and had to go to Egypt"*

*"I am ignored simply just because I am a foreigner, despite having dual nationality"*

*"You can't access all kinds of work; in my experience, foreigners come to do cleaning and care jobs because they still don't know what to do, they don't have basic knowledge of the language or academic qualifications equivalent to an average Italian"*

*"They did not allow me to open a bank account"*

*"When I want to ask for something at the counter (such as a train ticket), it was difficult to understand how to proceed since I don't speak Italian very well. It seemed that the person at the counter was annoyed by me"*

*"At times, they treated me unfairly in the way they spoke to me, with a certain unkind tone or an angry face while they talk to me. Sometimes I feel uncomfortable and embarrassed because perhaps it's the colour of my skin why they treat me like this"*

*"Sales people who were rude or made disgusting faces when I spoke, saying they didn't understand me"*

*"I don't have a regular contract, so I don't have a bank account, which is why I have a collaboration contract, but they told me I wasn't able to pay the expenses"*

*"Social Services did not believe my situation"*

*"They made me feel stupid even though I was right"*

*"Buying a car with a zero down payment is not allowed for non-Italian citizens"*

*"They create extra difficulties and don't explain things clearly, as if I'm unable to understand"*

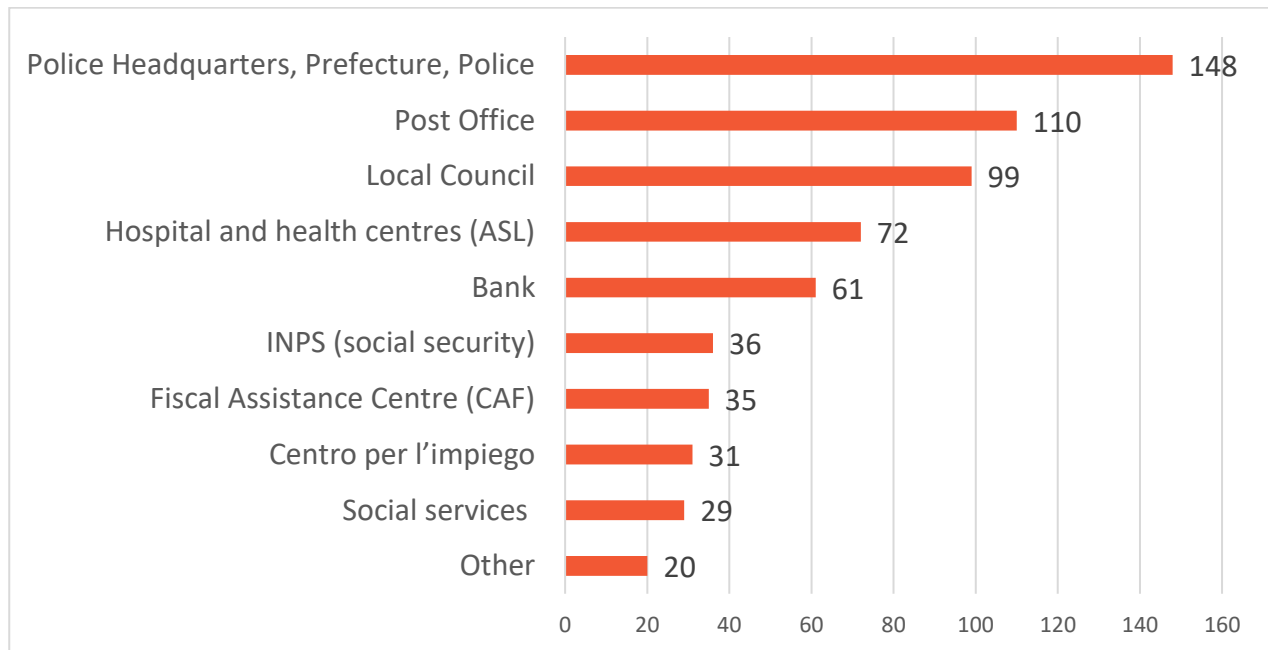
*"In the Council offices to obtain my residence document, they did know about the stay permit for asylum seekers"*

*"When they met me, they assumed I was an illegal immigrant"*

*"Discrimination suffered in various offices: Post Office, Police, Police Headquarters, Hospital, School, Sports Centre, Minors Office, Local Council, Social Service, Employment Office"*

The section dedicated to services concluded with a general question about offices where interviewees perceived having received more discrimination. Among all these offices, Police Headquarters stand out (discriminatory behaviour experienced by 45.8% of respondents), followed by post offices (34.1%), local councils (30.7%) and health services (22.3%). In this section, only 12% of the sample said they had never experienced discrimination.

**Graph 9:** In which offices did you experience the most discrimination?



Many interviewees (183) answered the question asking them to explain what happened and how they felt they were treated differently and unfairly (open question no. 28). Some of the most significant testimonies are given below by category.

#### THE QUESTION OF LANGUAGE AND COMMUNICATION METHODS

*"It didn't happen to me directly but to my mother, who doesn't speak Italian very well. She tends to mix the languages up and sometimes finds it difficult to explain herself. When I was with her, I noticed the postal worker begin was far less polite than with other customers, speaking to her in a very unpleasant manner and ignoring her difficulties as regards understanding and explaining herself. even to the point of calling her stupid"*

*"I notice that when they talk to other Italians, they use the polite form but when they talk to me they are not so polite"*

*"I didn't speak the language. They made me feel dumbfounded"*

*"The fact that even though I was born here and spoke Italian well, they corrected me even for a tiny mistake"*

*"I was treated differently because I speak Italian poorly and I needed help"*

*"They assumed that simply because I am a foreigner that I could not understand"*

*"You only have to speak and when they look at my documents, they ask me why I'm Italian?"*

*"When they first greet me, they use the polite form of Italian but once I hand over my foreign documents and they hear me speak, they change their attitude and are no longer polite"*

*"Sometimes they have little empathy in understanding the difficulties we have to express ourselves in Italian"*

*"They are impatient when listening to a person who is learning Italian"*

*"It often happens when I'm with my mother. The employees never use the polite form of Italian and rarely smile, while often asking her if she understands or knows what to do"*

*"They get annoyed when we speak poor Italian"*

#### RELATIONSHIPS WITH FORCES OF LAW

*"They treat you very badly at the Police Headquarters, they are rude, they make you wait outside in the street even with children and are very arrogant"*

*"There are some kind people at the Police Headquarters but most of them are very rude, treat us badly and respond badly when you ask a question"*

*"I think many police officers are not properly trained; I remember that many years ago they treated most foreigners, myself included, applying for a stay permit very badly and rudely. I hope that the situation has changed today"*

*"At the Police Headquarters, they treat you as if you were an animal or don't understand Italian"*

*"They made me go back to the Police Headquarters several times because they said some documents were missing but didn't clarify which documents I needed"*

*"The policeman at the Police Headquarters told me that my appointment with the territorial commission had already expired and to forget that I would get the documents. I went to a lawyer who obtained a copy of the summons: he said the commission would meet within a month"*

*"The policemen in the Police Headquarters treat all the people who ask for a stay permit with arrogance, answer questions rudely voice and the system is too slow"*

*"When handing over the documents for the stay permit, they were convinced (wrongly) that my passport was a forgery. When I went to collect the stay permit, they sent me home because I didn't have the coupon certifying delivery of the envelope and payment of stamp duty. When I returned, I found other police officials who only needed the code sent to me by the Ministry and informed me that my permit to stay was ready at Police Headquarters"*

*"We are Muslims. My wife and I went to Brescia Police Headquarters to apply for asylum. A photo was needed but my wife didn't want to take off her scarf because of her beliefs. The officer then shouted at my wife and forcibly removed her scarf. My wife cried and her psychological situation worsened"*

*"We were significantly discriminated against at the Police Headquarters. It seemed as if we owed them some kind of debt"*



*"Rude attitudes, very unwilling to understand the problems of foreign users. This situation is exponential in Police Headquarters"*

*"At Police Headquarters, they gave me the wrong information and told me I had to go back to Belgium to obtain a visa"*

*"Every time the police stop me they keep asking me to show my stay permit when in actual fact I no longer have it because I am an Italian citizen now"*

*"At the Police Headquarters, the officer refused to give me the stay permit because I hadn't waited like the others even though he was ready... and he sent me away"*

#### DIFFICULTY IN ACCESSING SERVICES IN PUBLIC OFFICES

*"In the Post Office: unwillingness to explain or help out when filling in registered letter forms / payment slips"*

*"Every time, the staff asked for new documents, apartment measurements, etc. and then forgot that we'd sent them"*

*"Superficial attitude regarding place of birth - the system automatically lists San Jose California and not San Jose Costa Rica, getting my citizenship wrong and causing eternal waste of time"*

*"I was in a property without electricity and had no income. I went to the Local Council with my 6-month-old baby and a 7-year-old girl to ask for a housing emergency. They explained that they can't help me because I have two children and not three. Later I made a written application, but then they told me that my income is too low"*

*"I was supported by an anti-violence centre and through them made an appointment with social services. I explained my situation but in the end they were judgemental and I let it slide, until today and after almost a year of fighting for me and my daughters, I've never had any help from them"*

*"In a Viterbo employment centre, the staff member said "you always waste time, I have to explain things two or three times, you don't understand". It was the first time a procedure was being explained to me"*

*"They treated me rudely when I asked for clarifications about a document"*

*"No one checked up me for hours and because of this a problem arose and they had to stitch up the wound"*

*"Once, when my husband was in terrible pain, I asked a nurse for help, but she ignored us and told us to wait our turn! She didn't even try to understand us"*

*"An employee with the CUP appointment booking department in the hospital did not want to book a diagnostic test for me, despite having a medical referral and Italian citizenship (but a foreign surname)"*

#### DIFFICULTY IN ACCESSING SERVICES IN THE PRIVATE SECTOR

*"At CAF [Citizen's Advice Bureau] they don't pay much attention and the last time they have given me the wrong directions and this slowed down my permit renewal process"*

*"I applied for a pension when I was widowed and the lady at the Citizen's Advice Bureau, when she saw that I am not resident here, shouted at me in front of everyone, telling me I was an illegal immigrant and that I had no rights. She made me sign a lot of papers while she shouted and humiliated me"*

*"When making withdrawal, not only did the person at the counter make me wait even though I was the only person present but then served whoever showed up after me; when I complained, he not only told me off but made me wait even longer. The day after I closed my account with that bank"*

*"At the bank and in the Local Council offices, being looked down on and asked to obtain an Italian identity card issued by another country. At the social services, not giving me correct information or certain help because of my country of origin and citizenship (born in Argentina)"*

*"I was asking for information and they kept telling me to wait or ask other colleagues"*

*"They denied me a rent contract because I'm not Italian"*

*"The rent contract was made out to my Italian partner and not to me despite having a permanent employment contract"*

#### DENIAL OF SERVICES AND RIGHTS

*"When I wanted to ask for a provisional health card, since my appointment was three months later, they refused to give me one"*

*"I have had a health problem for three years and until now they didn't know why but only told me to see another doctor who is better than them. They treated me very badly"*

*"They didn't give me enough information"*

*"They didn't explain matters at the beginning. Then when I want to look into the subject more and discovered that either Italian citizenship or a certain income or something else are required. In the meantime, I had to take time off work"*

*"After a terrible accident, I was taken to the emergency room where they gave me a trolley bed on wheels. When the police arrived, I sat on a chair to answer their questions. When the interview was over, I realized that the trolley bed was no longer there. I had to remain seated despite my health conditions and when I asked the doctor to find a trolley bed again, he replied 'I can only give you the couch at my house' and that upset me"*

*"I experienced domestic violence while an immigrant in Italy. While I was explaining my situation to the police, they didn't help me by saying that the situation wasn't that serious... even my social worker who was in a small town in the province of Piacenza!"*

*"They told me: if you don't speak Italian, it's not my problem, find someone who speaks Italian"*

*"They don't pay me regularly. I'm working when they call me, but they don't pay correctly; they think we are foreigners and do not know our rights"*

*"They didn't approve a cheque I received from work (because I didn't have a bank account), even though I had all the necessary documents"*

*"I wanted to buy a phone but they told me it wasn't possible because I'm not an Italian citizen"*

*"The hotel was accessible to my partner, but on first seeing me at reception they cancelled (I'm dark-skinned)"*

*"My children were not registered together with their team-mates because, despite being born in Italy, they need Italian citizenship and many documents that the others do not need"*

*"They didn't want to allow me to open a bank account"*

*"When I asked for a bank loan, the manager refused despite the fact that I have been their customer for almost 20 years and have a monthly deposit into my account"*

*"I wanted to report a white man who was exploiting me and was told that 'we blacks' do not have the right to denounce whites"*

### RUDENESS, OFFENSIVENESS AND DISCRIMINATION

*"They treat us like animals. I was offended"*

*"Rude answers and half the information given with a loud tone of voice"*

*"They have no patience for listening to and understanding foreigners"*

*"I was treated rudely since my Italian wasn't that good... the man laughed at me and didn't take my needs seriously because of my age and language difficulties"*

*"They don't explain things very well and don't care if I don't understand"*

*"The fact that they treated me as if I were ignorant"*

*"They treat me differently because I'm black"*

*"I was treated as if I were inferior and stupid"*

*"They talked offensively about immigrants in front of me as if I weren't there"*

*"They think I'm strange. I blame the veil but there's more to it than that"*

*"I felt bad for being a foreigner"*

*"The treatment of foreigners is disgraceful"*

*"Just because we are foreigners, they have hardly any respect and make you feel ignorant"*

*"Belittling me as a parent and my life experience about my situation, by treating me as a someone who doesn't understand..."*

*"Even if you stand in the queue with the others, you are always the last one in hospitals, INPS, Local Council and many other offices. Sometimes they don't stop on the bus because there are only foreigners on board or they make you get up from your seat, shouting and insulting you"*

*"When I presented the kit for the stay permit, the employee treated me in a discriminatory way by asking me inappropriate questions in front of other people. I felt humiliated"*

*"When I was looking for an apartment, because they thought I couldn't pay the rent"*

*"The post office is the worst place: unmotivated, badly trained, poorly qualified and over-aged personnel with solid contracts. They offload their existential and mental frustrations onto immigrants"*

*“Sometimes in the state immigration offices they look at us as if we were merely animals, sometimes they don't even know what their job is and give us the wrong information, etc.”*

*“The usual things since I wear a veil, without knowing where I come from or what language I speak... Simply because I wear a veil over my head”*

*“I was quietly taking my daughter to kindergarten on the bus and an old woman spat at me for no reason”.*

## DISCRIMINATION AT SCHOOL

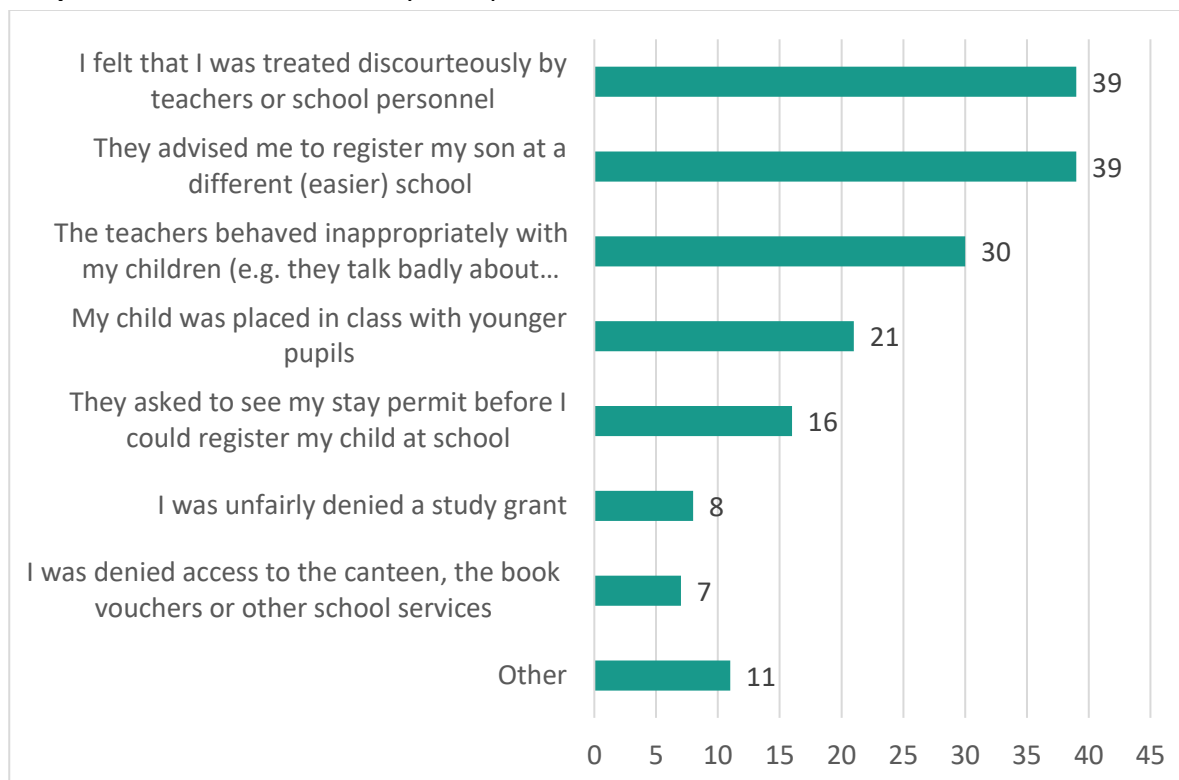
Discrimination can also be seen at school. This section of the questionnaire was answered only by interviewees with school-aged children or young people attending training courses (184 interviewees).

Immigrant pupils often do not have the same educational career opportunities as their classmates, with well-known differences in the literature between those born in Italy and those who are immigrants because of language factors. Good knowledge of Italian, on the one hand, and family able to support children in their relationship with school are still two variables with a major impact on educational trajectories, school results, attainment of diplomas, etc.

20.6% of people answering the question said they had never suffered behaviour of this kind. Others experienced some discriminatory behaviour, ranging from the relationship between teachers and parents (almost 4 out of 10 felt treated rudely, attributable to the fact of being foreigners) to orientation towards career paths judged to be easier and more within reach of children of foreign origin (almost 4 out of 10 received suggestions to send their children to an "easier" school rather than the one chosen). Although this phenomenon has become less common over the years, as also clearly visible from the distribution of students in secondary education, it is still by no means infrequent that foreign students (especially immigrants) are still directed towards less prestigious schools.

The attitudes can be more readily placed in the sphere of perception and do not necessarily always reflect truly discriminatory conduct. Circumstances are different when teachers engage in inappropriate behaviour towards migration and consequently also towards young people of immigrant origin (e.g. they speak badly of immigration in the classroom, criticize religious customs, etc.) (reported by 28.8% of interviewees).

**Graph 10:** In which offices did you experience the most discrimination?



## DISCRIMINATION INVOLVING THE POLICE

Law and order forces are a crucial element in the management of migratory phenomena, since they are responsible for presiding the territory and, in exercising this control, they can select people based on criteria of dangerousness and crime while focusing their attention on certain subjects rather than others.

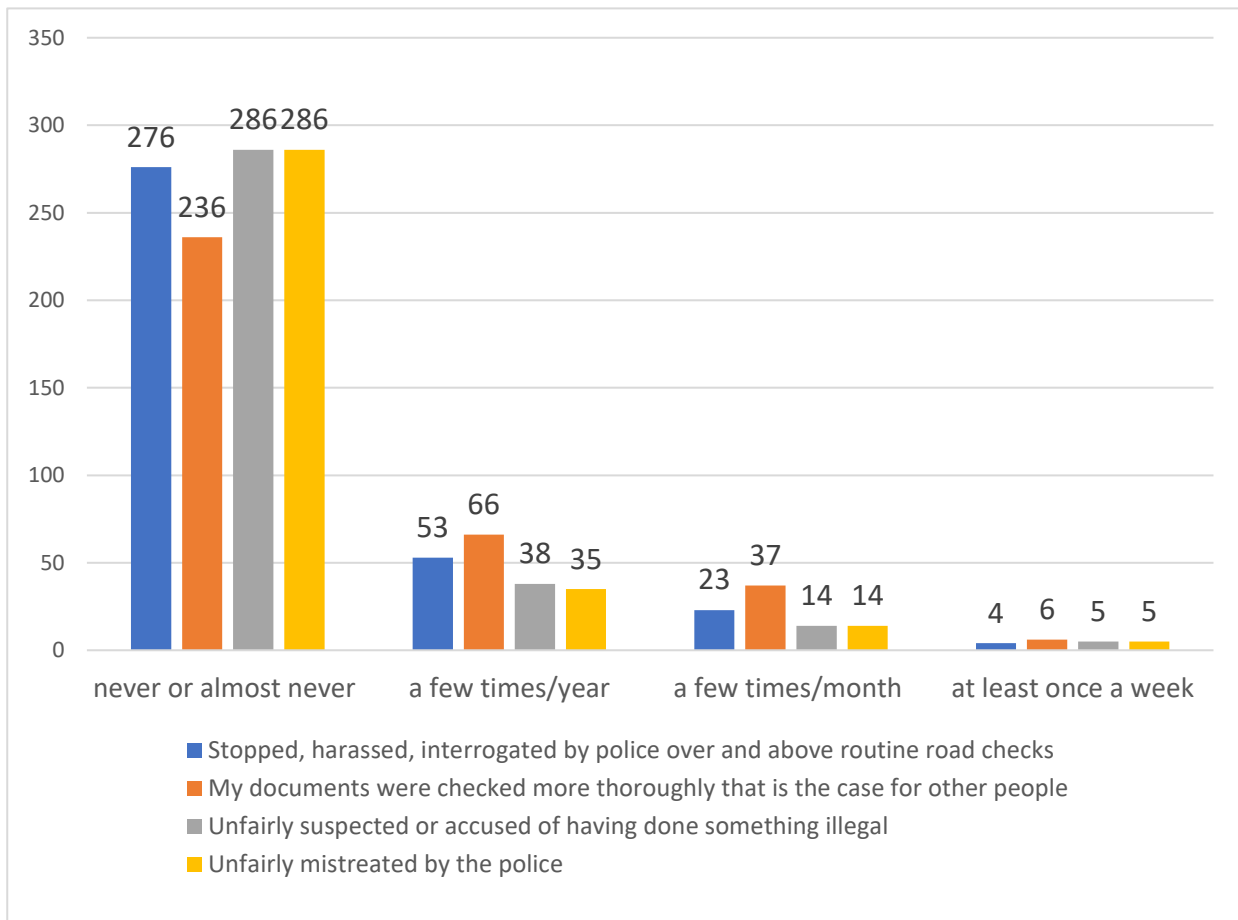
This is where labelling processes come into play, not only a certain common rhetoric that policemen share with the rest of society and which inevitably influences their perception of immigrants (the "difference" that generates insecurity), but also certain elements concerning the work of police forces. For example, it is more likely that adult males are stopped and checked, especially the younger ones (in general, young people are checked more because they use public spaces in cities differently, stay out later at night, are perceived as a source of disturbance and poor safety on the streets, etc.). Age and nationality act as "false appearances"<sup>11</sup> guiding policemen to stop people of a certain nationality more often, as also emerged from the questionnaire: Moroccans, Tunisians, Egyptians, Gambians, Ecuadorians, Bangladeshis, Turks and Albanians, more than other respondents, report being stopped on the street for document checks. Overall, Africans and Asians are stopped more often, with significant differences between areas of

<sup>11</sup> H. Sacks, *Come la polizia valuta la moralità delle persone basandosi sul loro aspetto*, in Giglioli, Dal Lago (a cura di), *Etnometodologia*, il Mulino, Bologna, 1983.

origin: people from South-East Asia (especially men) are subject to more frequent controls, while Filipinos are rarely stopped, perhaps because they match the stereotype of immigrants who do not create problems or the "docile" immigrant dedicated to work, who may be not entirely in order with documents but does not fit into the stereotype of dangerous characters requiring more attention.

It is therefore not only colour that marks off the border between who is checked and who is not but rather a series of negative traits that define potential criminals, since officers on patrol seek to maximize the probability of selecting, among passers-by, those who could be dangerous.

**Graph 11:** Since you arrived in Italy, have any of these situations ever happened to you?



In general, men are stopped and checked more often than women and generally suffer more discriminatory incidents when they find themselves in these situations.

Overall, not many people come into contact with police forces: out of about 350 people who answered this set of questions, most (78%) said that checks are really rare and in 13.9% of cases only take place a few times a year. However, what is striking is the feeling that emerges from the words of many interviewees and the feeling of constant discrimination against them, regardless of having foreign citizenship or having acquired Italian citizenship (the citizenship variable does not affect the frequency of police checks). This clearly emerges from the words of some interviewees

who answered the open question: "Is there any other way you were discriminated against or treated unfairly when stopped by police forces?"

*"One night when the police asked for my documents during a check and I still didn't have them, they took me to the police station. Some of them treated me well enough but there were also others who made me feel worthless"*

*"I was treated rudely and arrogantly"*

*"They carry out targeted checks: only on foreigners"*

*"The police came to me at 11 pm to ask for a document which they claimed was missing from my application for a stay permit"*

*"I am subject to prejudices and stereotypes"*

*"There is no doubt that when they deal with me they keep an eye on my gestures, almost as if I could be a threat"*

*"Just once: we were four friends waiting for our train which was late; the police came and checked our documents. A couple of other times they also stopped to check our documents"*

*"When I lost my documents, I went to the Carabinieri who were patrolling around Porta Nuova Station to report it, but they didn't listen or even look at me. I have to attract their attention before they talk to me."*

The relationship with law and order personnel is more complex than expected in that there is a significant distinction between the various kinds of police assigned to patrol local areas and the offices in charge of issuing/renewing stay permits. Police Headquarters in particular emerge as the place where interviewees experienced the most discriminatory situations.

*"At the Police Headquarters when we renewed our stay permits; the policemen were always grumpy and not at all polite"*

*"When I went to Police Headquarters to ask for information about a tourist visa for my sister"*

*"At Police Headquarters, a policeman answered us arrogantly when we needed guidance or help in applying for a stay permit"*

As well as age and geographical origin, the other main aspect is knowledge of Italian: demonstrating good spoken Italian becomes an assurance of integration, social inclusion and non-dangerousness, even if this combination is anything but obvious:

*"It almost never happens to me because I speak Italian well and defend myself, but it does happen very often to people who have only been in Italy for a short time or who do not know their rights and are afraid of being discriminated against"*

*"They didn't help me because I didn't speak Italian very well"*

## DISCRIMINATION IN PUBLIC PLACES

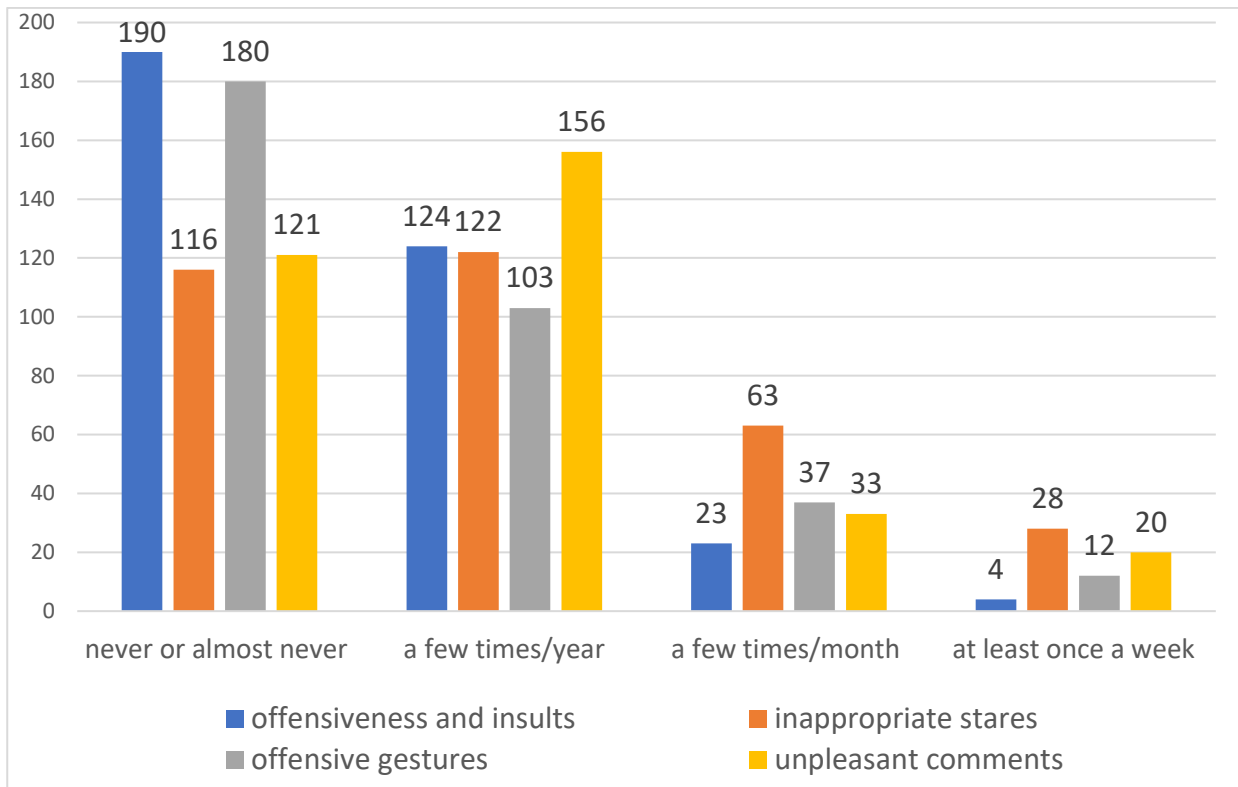
The last part of the questionnaire focused on discrimination in public spaces (street, means of transport, places open to the public, etc.) which may occur in different ways and locations. Given the wide variety of possible situations, we included an open question about the existence of spaces that people prefer to avoid for fear of being discriminated against or mistreated. There were not many respondents and, rather than relevance in numerical terms, the answers provide a picture of what many immigrants experience in our cities; we list in descending order the situations/places perceived as being the most discriminatory:

- Police Headquarters and Prefecture offices
- bars and restaurants
- public transport (bus, subway, train)
- crowded places (such as theme parks, amusement centres, fairs, markets)
- bank counters
- shops and businesses (especially those selling expensive products)
- Local Council offices
- hospitals and national health service offices
- certain city areas (considered to be dangerous)
- places only or mainly frequented by Italians
- public parks, urban green areas
- swimming pools or beaches

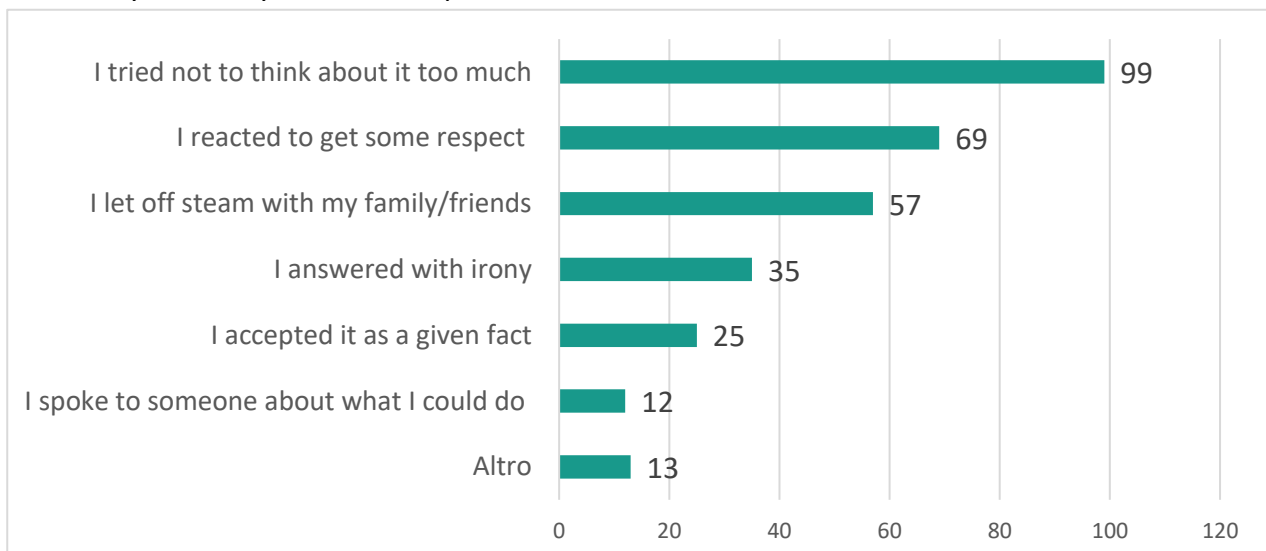
Is not unusual in such places to receive unpleasant, offensive or insulting comments, glares, offensive gestures (see graph 12 and table 35), since this affected 53.2% of interviewees with greater or lesser frequency. Africans are more affected than others by discriminatory situations of this kind.



**Graph 12:** When you are in a public place, have you ever experienced any of these situations because of your ethnic origin, skin colour or your religion?



**Graph 13:** In general, when situations arise that make you feel discriminated against or treated differently, what is your most frequent reaction?



Most people try not to give too much emphasis to these events, reacting to them as something that "can happen" however unpleasant (31.9%), but there are also those who react to gain respect (22.3%). We could divide the attitudes of our interviewees into "passive" and "active". The former

includes all those that do not involve a reaction to the person with discriminating conduct ("I tried not to think about it too much, going on as if nothing had happened", "I accepted it as a given fact", "I let off steam with my family/friends about how the situation made me feel"). The latter includes everyone who rejects the situation and attempts to fight back ("I reacted to get some respect; "I answered with irony", "I talked to someone about what to do about this situation"). Overall, 43.4% of respondents prefer responding "actively" to assert their rights and person, while 56.6% take a more "passive" position and ignore the situation.

The open responses to the "other" category reveal all the bitterness and burden of having to live like this:

*"I was afraid"*

*"I cry and try to forget"*

*"I unfortunately suffered almost all of these situations when I was a kid at school"*

*"I respect my religion and therefore I say it is the will of God"*

*"There is so much ignorance"*

*"I reacted with indifference"*

*"I only smiled"*

*"It depends on the situation, I often ignore it"*

*"I just wondered why"*

*"I said today I'm poor but later on I'll be richer for sure"*

Most people (56.7%) are aware of the fact that discrimination can be reported. However only some (41.4%) know who to contact or where. Most answers mentioned, police forces and Carabinieri (44.3%), followed at some distance by other realities: associations that combat discrimination or help migrants in various capacities (15.7%), ASGI (10.0%), Unar (8.6%), friends and acquaintances (5.7%), lawyers (5.7%), etc. (tables 37-38-39 in the statistical annex).

## SKIN COLOUR IS NOT THE ONLY DISCRIMINATING FACTOR

The last part shows multi-variant statistical analysis data in an effort to understand whether certain factors make subjects more vulnerable in terms of discrimination, such as age, skin colour, nationality, etc. Before presenting the results, it should be emphasised that the survey focused on the perceived discrimination. Consequently, it detected subjective experiences rather than realities that can be determined in an unequivocal and linear manner, linked to methods of interpreting experience which can vary considerably from person to person; some people may not have labelled objective episodes of discrimination as such, just as on the contrary there are others who interpret episodes that are not really such striking examples of discrimination.

Some individuals may be more receptive than others in detecting discriminatory situations. For example, they may have better knowledge of their rights which, in turn, is linked to a closer

involvement in the local area or better education<sup>12</sup>. This implies the possibility of highlighting only those relationships that emerge in a particularly evident and distinct manner.

The various kinds of discrimination - at work, access to housing, relations with services and the police force, in public places - were matched with several socio-personal variables (gender, age, country of origin, legal status, duration of migration, education, religious beliefs, employment and family situation). A general discrimination index and a public services discrimination index were developed<sup>13</sup> in order to identify the existence of groups that run a greater risk of being subjected to this type of experience (refer to table 1 for further details).

The results of the questionnaire show higher values (above average) of perceived discrimination in relation to duration of migration. This is linked to having lived longer in Italy and interacting more frequently with institutions and people, whereby the possibility of experiencing discriminatory behaviour has also presumably increased.

Settling in the local area, work or family situations do not give rise to major differences. Inasmuch these variables do not seem to correlate with discrimination in any of the sectors analysed. On the one hand, this can also be interpreted in terms that are not very reassuring, in the sense that nothing ensures protection against the possibility of being discriminated against if you have a certain skin colour, wear a veil or have a particular name, regardless of the level of social integration achieved. Interviewees who have acquired Italian citizenship (and therefore have been in Italy for longer), for example, do not show particularly lower levels of discrimination than those who have lived in Italy for less time; even those who were born in Italy and have lived here all their lives find themselves in the same condition. This means that what influences the behaviour of others is not simply being a foreigner (understood in technical terms as the condition of not having Italian citizenship), but appearing to be such.

In fact, physical appearance is very significant, there is still a "colour line" whereby people are more discriminated against, as also emerges from analysis of countries of origin: people of African descent are penalised the most, especially those from central and sub-Saharan Africa. Moreover, the interviewees themselves - Asians as well as Africans - mention skin colour as one of the main reasons why they suffer episodes of discrimination. Skin colour has an impact, especially in hindering access to housing.

Africans are the most discriminated against (above-average). However, somatic similarity to being "white" is only an advantage in certain cases. This is demonstrated when considering the fact that people from the Balkans (in particular Albanians) have higher rates of perceived discrimination, not the least arising from long-standing prejudicial rhetoric in the recent past which does not seem to have abated very much. Conversely, respondents from Eastern Europe or Europe (EU) are undoubtedly better protected against the risk of discrimination, since they always show below average rates.

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<sup>12</sup> People with higher educational qualification report higher rates of discrimination in the questionnaire. This is probably because they recognize and denounce these situations more readily given greater awareness of their rights.

<sup>13</sup> The index of discrimination in access to or relationships with public services also considers the answers to various other questions in the questionnaire (question 2 answers 3, 6, 7; question 6, answer 5; question 15; question 17; question 27 answers 1, 2, 3, 4, 5, 6 and 8; question 30 and question 32).

Juridical status requires further specification, since data seem to intersect two mechanisms: people who have lived in Italy for the longest time who have acquired Italian citizenship or are about to do so report the most discrimination; most discrimination is experienced by asylum seekers and people without a stay permit (or an expired permit) especially as regards access to housing, using public and private services and relations with the police.

Gender and age generally have very little impact, since they only acquire more significance in the relationship with police forces, which tend more often to stop and check young-adult male individuals on the basis of preventive "dangerousness" that often includes ethnic profiling mechanisms. As already seen in the paragraph dealing with the topic, police forces assume involvement in criminal activities of individuals with certain characteristics, even without having any justified objective reasons. Africans (especially if dark-skinned) and Asians from certain geographical areas (especially Bangladesh) are generally stopped more often.

Religion (unexpectedly, because it was assumed that religious symbols such as the veil had higher impact) does not lead to higher levels of discrimination.

Two main aspects were taken into consideration to achieve an overview: the overall discrimination index (which takes into account all dimensions of discrimination analysed during the survey) on the horizontal axis<sup>14</sup> of the graph below and the public services discrimination index, considering institutional discrimination as a particularly serious form of unfair treatment of people (vertical axis)<sup>15</sup>.

What catches the eye (graph 14) is the "privileged" status of Europeans who rarely experience discrimination. This is evident from their location bottom left of the graph (low rates in the two main dimensions). Eliminating from the graph the two categories of European citizen<sup>16</sup> (people with citizenship of an EU country and people from an Eastern European country), the other variables are distributed in an easier way to read (graph 15), thereby highlighting the most influential socio-demographic characteristics: Asians in general feel more discriminated against in their relationship with public services, while asylum seekers are those who suffer more forms of discrimination in general. However, no conditions especially ensure "protection" against the possibility of being treated unfairly, as confirmed by the rather compact distribution of the variables.

Overall, this research demonstrates the existence of a highly nuanced discrimination reality which, although fed by common roots of prejudice, manifests itself in different ways, and above all affecting certain categories of people with a migration background. Better knowledge of this phenomenon will help plan better counteraction.

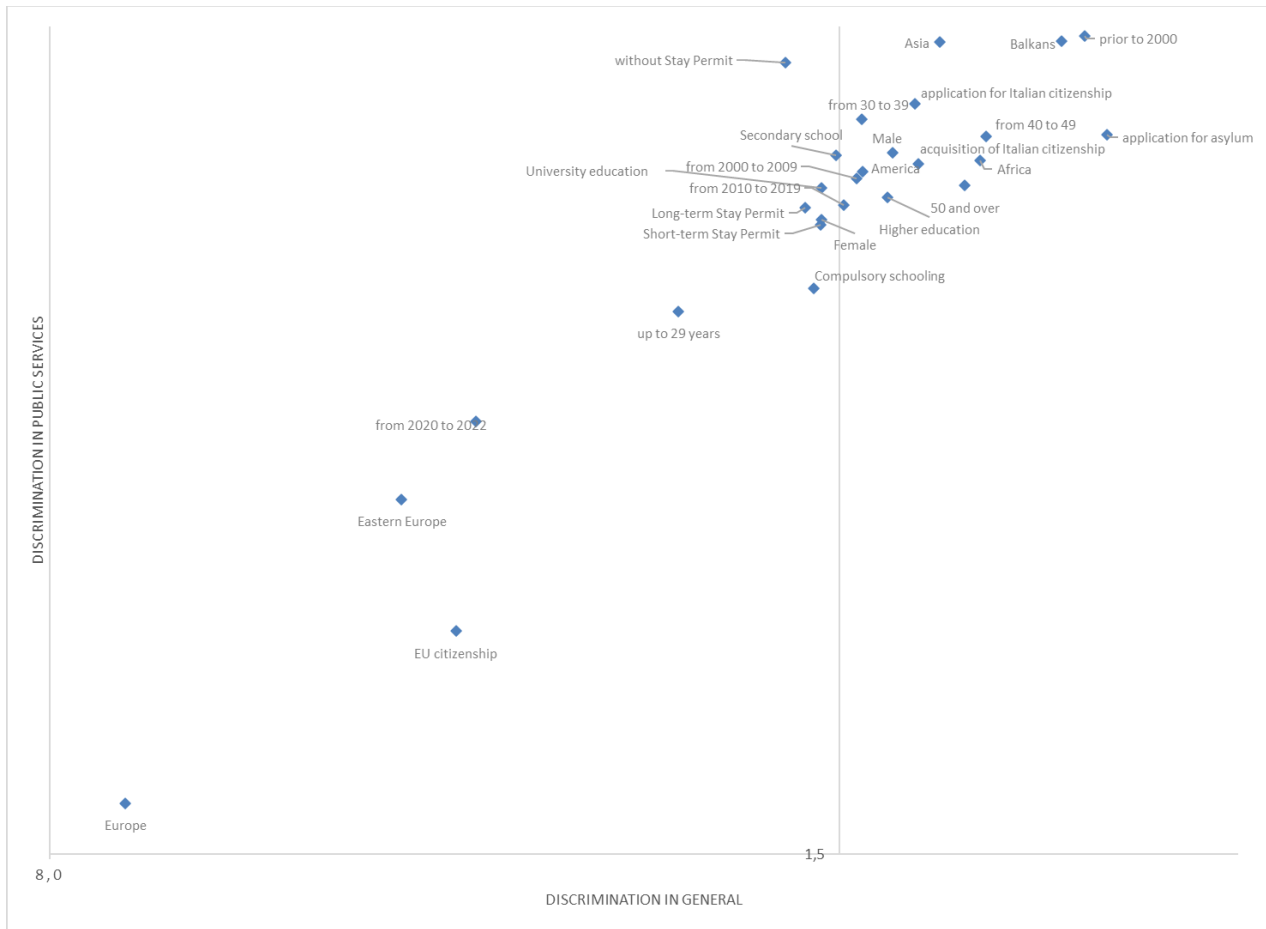
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<sup>14</sup> The variables in the upper part of the graph have the greatest impact, whereby individuals are more subject to forms of public discrimination.

<sup>15</sup> The variables in the right part of the graph have the greatest impact, whereby individuals are more subject to forms of general discrimination.

<sup>16</sup> Only nationals from Balkan countries were retained in the analysis because, across the various dimensions analysed, they also showed rather high discrimination values.

**Graph 14:** overall discrimination index and public services discrimination index



**Graph 15:** overall discrimination index and public services discrimination index (excluding EU and Eastern European citizens)

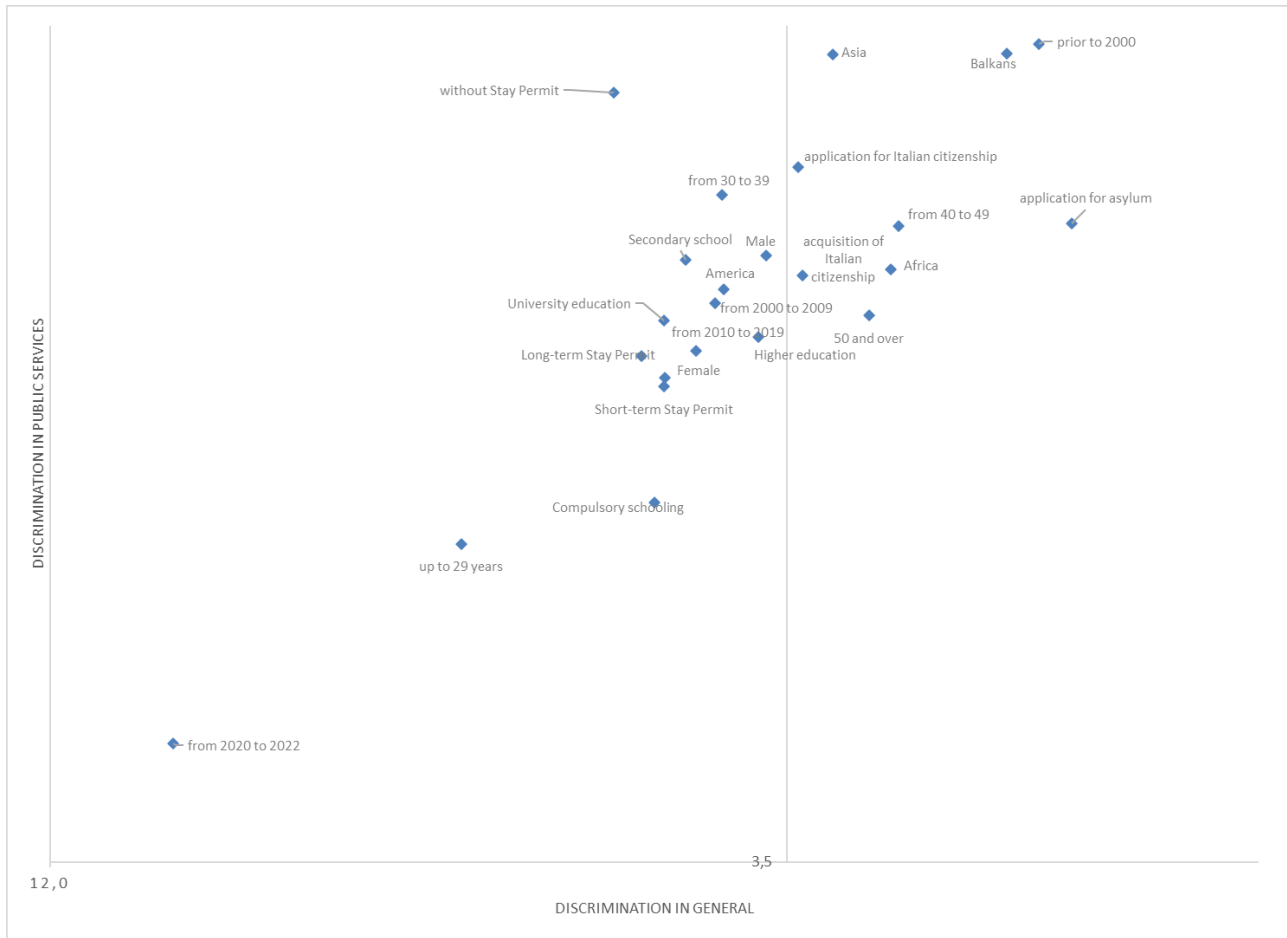


Table 1 - Socio-demographic variables compared to indices of perceived discrimination

	Overall discrimination index	Index: frequency of discriminatory situations	Index: discrimination at work
<b>age</b>			
until 29 years of age	below average	below average	below average
from 30 to 39 years	average	average	below average
from 40 to 49 years	<b>above average</b>	<b>above average</b>	<b>slightly above average</b>
50 years and above	<b>above average</b>	<b>above average</b>	<b>slightly above average</b>
<b>legal status</b>			
asylum seeker	<b>above average</b>	<b>above average</b>	<i>insignificant differences</i>
without stay permit	average	average	
short-term stay permit	slightly above average	average	
long-term stay permit	average	average	
Italian citizenship requested	<b>above average</b>	average	
acquired Italian citizenship	<b>above average</b>	<b>above average</b>	
citizens of a European country	below average	below average	
<b>geographical area of origin</b>			
Africa	<b>above average</b>	<b>above average</b>	average
America	average	slightly above average	average
Asia	<b>above average</b>	average	average
Balkans	<b>above average</b>	<b>above average</b>	<b>above average</b>
Eastern Europe	below average	below average	below average
Europe	below average	below average	below average
<b>migration seniority</b>			
arrived before 2000	<b>above average</b>	<b>above average</b>	<b>above average</b>
from 2000 to 2004	average	<b>above average</b>	average
from 2005 to 2009	average	average	average
from 2010 to 2014	average	average	average

from 2015 to 2019	average	average	average
from 2020 onwards	below average	below average	below average
religion			
Catholic	below average	below average	<i>insignificant differences</i>
Orthodox	below average	below average	
Protestant	<b>above average</b>	<b>above average</b>	
Muslim	<b>above average</b>	<b>above average</b>	
no faith	<b>above average</b>	<b>above average</b>	

	Index: discrimination over access to housing	Index: discrimination over access to public services ( <i>only question 17</i> )	Index: discrimination over access to private services
age			
until 29 years of age	below average	average	<i>insignificant differences</i>
from 30 to 39 years	<b>slightly above average</b>	average	
from 40 to 49 years	<b>slightly above average</b>	average	
50 years and above	<b>slightly above average</b>	average	
legal status			
asylum seeker	<b>above average</b>	average	<b>above average</b>
without stay permit	<b>above average</b>	<b>above average</b>	average
short-term stay permit	Average	average	average
long-term stay permit	Average	average	average
Italian citizenship requested	<b>above average</b>	average	average
acquired Italian citizenship	Average	average	average
citizens of a European country	below average	below average	below average
geographical area of origin			



Africa	<b>above average</b>	average	average
America	<b>above average</b>	slightly above average	average
Asia	<b>above average</b>	average	<b>above average</b>
Balkans	<b>above average</b>	average	average
Eastern Europe	below average	below average	below average
Europe	below average	below average	below average
migration seniority			
arrived before 2000	<b>above average</b>	average	<i>insignificant differences</i>
from 2000 to 2004	average	average	
from 2005 to 2009	below average	below average	
from 2010 to 2014	average	average	
from 2015 to 2019	average	average	
from 2020 onwards	below average	below average	
religion			
Catholic	<i>insignificant differences</i>	<i>insignificant differences</i>	<i>insignificant differences</i>
Orthodox			
Protestant			
Muslim			
no faith			

	Index concerning relationships with the police	Index of discrimination in public places	Overall index of discrimination in public services
age			
until 29 years of age	average	below average	below average
from 30 to 39 years	<b>above average</b>	below average	<b>slightly above average</b>
from 40 to 49 years	below average	<b>slightly above average</b>	<b>slightly above average</b>
50 years and above	below average	average	below average
legal status			
asylum seeker	<b>above average</b>	<b>above average</b>	<b>above average</b>
without stay permit	<b>above average</b>	average	<b>above average</b>
short-term stay permit	average	average	average

long-term stay permit	average	average	average
Italian citizenship requested	average	<b>above average</b>	<b>above average</b>
acquired Italian citizenship	average	<b>above average</b>	<b>above average</b>
citizens of a European country	below average	below average	below average
geographical area of origin			
Africa	<b>above average</b>	<b>above average</b>	<b>above average</b>
America	average	average	average
Asia	<b>above average</b>	average	<b>above average</b>
Balkans	slightly above average	average	<b>above average</b>
Eastern Europe	below average	below average	below average
Europe	below average	below average	below average
migration seniority			
arrived before 2000	average	<b>above average</b>	<b>above average</b>
from 2000 to 2004	below average	average	slightly above average
from 2005 to 2009	average	average	slightly above average
from 2010 to 2014	<b>above average</b>	average	<b>above average</b>
from 2015 to 2019	average	average	average
from 2020 onwards	average	below average	below average
religion			
Catholic	average	average	<i>insignificant differences</i>
Orthodox	average	average	
Protestant	average	average	
Muslim	slightly above average	slightly above average	
no faith	average	slightly above average	

## **C. Anti-discrimination advocacy cases. Initiatives, interpreters and implications**

### **Introduction**

The L.A.W. Project - Leverage Access to Welfare - researched institutional discrimination issues. It also considered the role of *legal advocacy* as a means for opposing regulations and practices that exclude the foreign population from entitlement to rights and/or full access to goods and services. This line of investigation initially developed through extensive monitoring of disputes involving Public Administrations to ensure correct application of current immigration, asylum, and citizenship legislation. This review drew up a sample of 25 cases worthy of interest, covering different spheres of interaction between the immigrant population and institutional bodies. The second stage involved people promoting the counter-initiatives identified in order to analyse subsequent jurisprudential developments. Special attention was given to the arguments put forward by public authorities supporting their discriminatory measures.

This research collected and looked into 80 documents of various kinds, such as official press releases, briefings, injunctions, sentences concerning disputes and articles in the national and local press. In addition, 20 semi-structured interviews were held with lawyers and activists who initiated and/or coordinated action to oppose the discriminatory practices selected.

As far as discussion of the cases is concerned, a brief synopsis of the disputes is initially presented, followed by analysis by areas of interest: subsidised housing, citizenship income, health and social services, welfare measures and freedom of worship. By cross-referencing the evidence gathered, starting from each case involved in a dispute, the intention was to reconstruct how safeguarding action was promoted and conducted; which interpretations and legal sources were the basis for the persons involved in pleading their cases; what kind of responses and what implications followed their initiatives to contrast and eliminate discrimination. Finally, special attention will be paid to the coverage that these cases received/did not receive in the media and public opinion.

In addition, there will also be a brief section pointing out the main similarities observed in the application of discriminatory measures and the legal process for opposing them. These aspects involve a much broader scope: the various data collected for this line of research can in some ways be seen as a “metatext” that helps us understand how entities and bureaucracies at local council and regional levels continue to introduce direct or indirect criteria and constraints designed to mark off “a border” for entitlement to a right or access to a service. With reference to a well-known formula coined by the social anthropologist Mary Douglas, we will seek during this analysis to understand “how institutions think” when they enact discrimination.

### **Synopsis of selected cases**

<b>Case study number</b>	<b>Area of interest</b>	<b>Discrimination profile identified</b>
1	Subsidised public accommodation announcement - L'Aquila City Council	Long-term stay permit requirement for all members of the applicant family
2	Announcement of rent support for poor households - Valle d'Aosta Region	<p>Long-term stay permit requirement</p> <p>Four-year residence in the Region</p> <p>Obligation to provide documents from country of origin proving non-ownership of property there</p>
3	Subsidised public accommodation announcement - Genoa City Council and Liguria Region	Obligation to provide documents from country of origin proving non-ownership of property there
4	Subsidised public accommodation announcement - Genoa City Council and Liguria Region	Residence or main work activity of at least five consecutive years in the Local Council area
5	Subsidised public accommodation announcement - Venice City Council	<p>Five-year residence in the Veneto Region</p> <p>Higher ranking score for residents in Venice for at least 15 years (continuously)</p>
6	Subsidised public accommodation announcement - Province of Trento	Residence of at least ten years to access the announcement and rent support funds

7	Citizenship Income benefit - Turin City Council	Residence of at least ten years
8	Citizenship Income benefit - Province of Foggia	Official (and not <i>de facto</i> ) residence of at least ten years
9	Citizenship Income benefit - Province of Trento	Residence of at least ten years
10	Citizenship Income benefit - Turin City Council	Official (and not <i>de facto</i> ) residence of at least ten years
11	Citizenship Income benefit - Florence City Council	Residence of at least ten years
12	Citizenship Income benefit - Pistoia City Council	Residence of at least ten years
13	National Health System registration - Local Council in the Province of Benevento	Registration with the NHS not matched with the pertinent stay permit
14	National Health System registration of non-EU family members dependent on Italians - Veneto Region	Continuous non-application of the State-Regions agreement
15	National Health System registration of non-EU family members dependent on Italians - Veneto Region	Continuous non-application of the State-Regions agreement

16	Funds for non self-sufficient people - Liguria Region	Measure attributed to non-EU citizens only if holders of a long-term stay permit
17	Announcement of an allowance for large families - Cavarzere Local Council	Measure reserved for Italian and EU citizens
18	Family allowance - Province of Alessandria	Exclusion of family members with foreign citizenship residing abroad
19	Family allowance - Bergamo City Council	Exclusion of family members with foreign citizenship residing abroad
20	School bus transport and school meals service - Teramo	Restricted to Italian or EU citizens for one of the two resident parents
21	Provision of the “shopping voucher” envisaged during the first stage of the pandemic crisis - L’Aquila City Council	Long-term stay permit requirement
22	Allowance to purchase basic necessities following the Covid-19 pandemic - Abruzzo Region	Requirement of permanent or two-year stay permit combined with “regular work activity”
23	NASPI unemployment benefit - Foggia City Council	Exclusion of temporary (seasonal) workers seeking asylum
24	Employment discrimination - Veneto Region	Violation of European anti-discrimination legislation relating to race or ethnic origin

25	Freedom of worship - Cantù City Council	Prolonged impediment to the possibility of modifying the intended use of a property
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## Analysis of cases by area of interest

### 1.1 Access to public/subsidised housing

#### *Case No. 1 Public housing assignment announcement - L'Aquila City Council*

The case concerns a long and complex dispute that began in 2018 when an Italian citizen, married to a non-EU citizen - holder of a stay permit obtained as a family member of an EU citizen -, applied for the assignment of public housing. However, the request was rejected because the husband did not have a “long-term stay permit”; the City Council’s announcement required that foreign members of a family should have this stay permit.

Subsequent announcements, issued in 2019 and 2020, also envisaged the same requirement and the couple, with two very young children, have never been able to access the procedure. ASGI intervened in the case, asking for the requirement to be removed from all announcements, together with a ban to prevent the City Council proposing it again in the future. The lawyer who followed the case said: *“There was an initial meeting with the City Council which came to nothing since [the Council] was convinced of its validity. Then came first and second degree sentences that declared this criterion to be discriminatory.”*

More specifically, the judge in the first instance acknowledged that no regulation envisages restricting access to subsidised public housing only to non-EU foreigners with long-term stay permits, least of all if they have an Italian spouse. However, the judge did not acknowledge the damage suffered by the family, nor was any order issued to the City Council for the future.

The Italian citizen and ASGI then opened an appeal which has now been fully accepted: the family (who had to live for over three years in smaller and more expensive accommodation than they would otherwise have received) was compensated with over 12,000 euros for “the harm to personal dignity and in particular the violation of the right to build a family based of personal choices of affection, without these having a negative impact on the social life of the entire family”, as well as recognizing the harm arising from the “social discredit of being excluded from a benefit because she is married to a foreigner.” ASGI’s lawyer commented: “The criterion caused harm to an Italian citizen. This is effectively discrimination even against Italian nationality itself.” The City Council was also sentenced to reimburse legal costs, pay the State a sum for having defended itself

in court without valid reason and no longer to include the requirement for long-term stay permits in future announcements.

### *Case No. 2 Announcement of rent support for poor households - Valle d'Aosta Region*

One of the most significant cases concerning housing involved an announcement for “rent funds to support poor households” living in Valle d'Aosta (resolution dated 7.12.2018). It prompted the “Rete antirazzista della Valle d'Aosta” [Valle d'Aosta Anti-Racism Network] together with ASGI to present an appeal before the Court of Turin. Before proceeding in court, the plaintiffs sent a letter asking for a technical discussion with the Regional Council but did not receive any response.

In this case, it should first be noted that the announcement introduced a number of criteria not envisaged by the national law which set up this fund. In particular, the announcement (1) excluded applicants resident in the Region for less than four years. It should be mentioned that the Constitutional Court (sentence 166/18) declared the illegitimacy of such a requirement (five years) for access by the foreign population to the rent support fund for poor families in Lombardy, stating that “a reasonable correlation cannot be found between meeting the primary housing needs of persons in conditions of poverty settled in the regional territory and the long-term existence of such territorial roots.” Furthermore, as observed by Rete Antirazzista (which promoted the case in Valle d'Aosta), this criterion also has restrictive effects for Italians who move from one region to another in search of better conditions.

The announcement also (2) excluded the regular foreign population not in possession of a long-term stay permit and (3) made it impossible of applying for the fund by foreigners who are unable to demonstrate through documents issued by the country of origin that they do not own property in said country.

The Court fully accepted the appeal, and ordered the Region to re-open the announcement without the contested requisites to allow access by all legally residing foreigners, without documentation costs and without having to demonstrate the four-year residence requirement in Valle d'Aosta (which therefore will not be required even of Italians). The Region was also ordered to pay 100 euros for each day of delay in executing the order, which must also be published on the Region's website. Finally, the cost of the new announcement will be entirely borne by the Region, which will no longer be able to use 2018 state funds (now unavailable).

### *Case No. 3 Subsidised public accommodation announcement - Genoa City Council and Liguria Region*

Another case of interest concerns the social housing announcement in Genoa. In particular, in 2020 the City Council issued an announcement for the assignment of social residential housing; it envisaged the requirement (point 8) of “not having rights of full ownership, usufruct, use or habitation in one or more properties suitable for family needs located abroad.” Moreover, in order



to submit an application, non-EU citizens were required “to possess documentation certifying that all members of the family unit do not have adequate accommodation in the country of origin.” These documents “must be issued by the competent authorities in the foreign State and accompanied by a translation into Italian authenticated by the Italian consular authority to certify conformity with the original.” Genoa City Council therefore envisaged, in line with a Regional Regulation, that foreigners could access the housing ranking list only by presenting documents from the country of origin testifying to non-ownership of property in that country.

ASGI, representing the entire foreign population and a group of foreign persons of various origins supported by “Avvocati di Strada”, filed an appeal with the Court of Genoa. The judge was asked to order the City Council and the Region to ensure equal treatment over access to housing rankings by foreign citizens; this opposition action also referred to a recent ruling<sup>17</sup> of the Constitutional Court (no. 9/2021) which stated, in a similar case, the same principle of equality concerning the introduction of restrictive criteria for public housing announcements.

During the proceedings, Genoa City Council declared that it had complied with the Regional Law. The Region, on the other hand, decided to comply with the appeal by modifying the Council’s resolution, thereby acknowledging that Italians and foreigners can access the rankings on the basis of ISEE certificates (which also concerns any properties abroad).

Following these adjustments, the City Council only admitted to the ranking foreigners who had already applied but were excluded because of missing documents. However, it did not order (and indeed contested) re-opening the terms of the announcement in favour of persons who, on seeing the regional law and being unable to present the required documents, did not make an application. ASGI therefore insisted and the judge accepted the appeal. Genoa City Council was ordered to modify the announcement and allow access to the ranking “by setting a new deadline for presenting applications.”

The judge, in declaring the criteria to be discriminatory, remarked in the sentence “that the equal treatment of foreign and Italian citizens is a principle rooted in law and expressed in conformity with Article 3 of the Constitution.” The judge also observed that “the prohibition of discrimination is also a founding principle of European supranational legislation.”

#### *Case No. 4 Subsidised public accommodation announcement - Genoa City Council and Liguria Region*

This case concerns an announcement in 2020 for the assignment of public residential housing (ERP) in Genoa, issued in implementation of Article 4 of Regional Law no. 10, dated 29.6.2004. The announcement and the regional law both envisage assignment requirements that applicants

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<sup>17</sup> The Constitutional Court (sentence no. 9 dated 29 January 2021) accepted an appeal brought by the Government. It declared as unconstitutional two regulations issued by the Abruzzo Region concerning access to public housing. It also addressed issues which concern regulations also seen in other Regions and other City Councils regarding additional documentation about property ownership and overall income and assets.

should have resided or carried out their main work activity in Genoa for at least five consecutive years prior to the announcement's publication date.

ASGI therefore filed an appeal and assisted a political refugee from Mauritania, legally residing in Liguria for three years in a hospitality centre in Genoa. After requesting access to the rankings, he was excluded in view of above-mentioned five-year residence requirement indicated in the Regional Law.

In relation to development of this appeal, the court declared the remission of proceedings to the Constitutional Court.

It was also requested that, following the outcome of the constitutional judgement, the discriminatory nature of the restriction would be ascertained and declared and, consequently, that Genoa City Council and the Liguria Region be ordered to eliminate the unlawful clauses from the respective administrative proceedings and re-open the ranking announcement.

Among the reasons for the appeal, ASGI highlighted how the five-year requirement had already been examined by the Constitutional Court in 2020, with reference to a similar law enacted by the Lombardy Region. On that occasion, the Court (sentence no. 44/2020) declared the law to be unconstitutional. Referring to this decision, ASGI urged the City Council and the President of the Regional Council to adjust the legislation by eliminating from the regional legal system an identical provision already declared to be unconstitutional. However, Genoa City Council and the Liguria Region appeared before the Court to contest these arguments. They denied both the discriminatory nature of the clause and the existence of an interest in taking such action.

In this regard, it should be mentioned that the Tuscany Region adapted to the 2020 Court ruling by modifying its legislation. In the case of Liguria, the request for adaptation fell on deaf ears, whereby the proceedings were then referred to the Constitutional Court. Should a judgement similar to the case of Lombardy be confirmed, the Liguria Region will be required to review the existing rankings and remain exposed to possible claims for compensation from unlawfully excluded persons.

ASGI nevertheless invited the Region not to wait for the judgement of the Constitutional Court, re-stating the principle that social policies must focus on people in need as their natural recipients, regardless of the duration of inclusion in the local registry office.

#### *Case No. 5 Subsidised public housing announcement - Venice City Council*

This case concerns a social housing assignment announcement in the Venice City Council area. In relation to Venice City Council resolution no. 139 dated 30/06/2022, two discriminatory profiles were identified: the request for at least five years residence in the Veneto Region in order to access the ranking and the assignment of a bonus score for residents in Venice for at least fifteen years.

ASGI, together with SUNIA (“Sindacato Unitario Nazionale Inquilini e Assegnatari”, Tenants Association), with reference to European equal treatment Directives (e.g. Directive EU 2003/109), decided to investigate and began looking for possible beneficiaries in the area at risk of exclusion. Lawyers then involved a single mother of foreign origin, whose request for access to the announcement had been rejected.

We are currently awaiting a judgement which may well set an important precedent for other institutional discrimination disputes, as well as becoming a reference for defining strategic coalitions with associations that do not exclusively represent the interests of the foreign population. One of the lawyers interviewed said: *“It is important to be able to involve subjects who do not only represent immigrants. [...] This is vital for legal as well as political reasons, and thereby spread anti-discrimination culture together.”*

### *Case No. 6 Subsidised public housing announcement - Province of Trento*

An order dated 29 September 2020 obliged the Province of Trento to withdraw its own public housing law. The news received widespread local media coverage, including a specific press conference called by the President of the Province.

In this case, Provincial Law 5/2019 established the ten-year residence in Italy requirement for access to public housing and rent support, in line with citizenship income regulations. For this reason, ASGI and an Ethiopian citizen, involved in collective efforts for the recognition of rights due to foreigners, appealed against this provincial law, which effectively caused the exclusion of many foreigners resident for some time in the Trentino area. In particular, the discriminatory effects of this provision were contested as being clearly in contrast with EU Directive 109/2003, which guarantees equal treatment to the non-EU foreign population holding long-term stay permits.

The judge ruled in their favour, ordering the Province to “withdraw” the provincial law and amend the regulation implementing it by eliminating the ten-year residence in Italy requirement. Moreover, referral to the Constitutional Court was declared superfluous, because obligations to ensure equal treatment derive directly from EU rules and, consequently, prevail over provincial law.

The appeal lawyers believe the decision should also be a matter for further thought regarding citizenship income legislation, for which the judgements of the Italian Constitutional Court and the European Court of Justice are still awaited, as detailed below.

## **1.2 Citizenship income and the foreign population**

### *Case No. 7 Citizenship income benefit - Turin City Council*

The institutional discrimination arising from the Decree Law 4/2019 which established the Italian citizenship income has many causes. They are all attributable to the duration of residence in Italy required to access the policy (at least ten, the last two continuous). This requirement contrasts starkly with European law, which ensures equal treatment for certain categories of foreign citizens with Italian citizens in terms of social assistance and access to services. Furthermore, this limitation involves a period of time even longer than envisaged for long-term stay permits (five years).

More precisely, as declared by the European Commission on 15 February 2023 (in accordance with Regulation 2011/492 and Directive 2004/38/EC), social benefits such as citizenship income should be fully accessible to EU citizens who are employees, self-employed or have lost their jobs, regardless of their residency history. Even EU citizens who are not in work should therefore be eligible for the benefit, with the only condition of having resided legally in Italy for more than three months. Furthermore, Directives 109/2003 and 95/2011 respectively envisage equality clauses for accessing this type of service for long-term non-EU residents and holders of international protection. The Commission also declared that the citizenship income is not *“in line with EU law on free movement of workers and citizens, thereby qualifying as indirect discrimination, since it is more likely that non-Italian citizens do not meet this requirement”*, and thereby commenced an infringement procedure against Italy. Prior to this declaration, various figures in Italian jurisprudence also raised the issue before the Italian Constitutional Court and the European Union Court of Justice (as will be explored below).

Case No. 7 therefore concerns a citizen originally from Cameroon, who arrived in Turin in April 2009 with a regular stay permit for work reasons. Having arrived in Italy, she was a domestic worker until 2015, when she interrupted the employment relationship; in March 2019, she applied for the citizenship income, reassured by a fiscal assistance centre (CAF) over the necessary requirements. However, in 2021, INPS revoked her citizenship income and also requested reimbursement of all the sums unduly received so far (approximately nine thousand euros); the lady has been resident in Italy for just under ten years. At this stage, thanks to the mediation of an association that protects and supports migrant women, the lady met ASGI and, assisted by a lawyer, formally requested INPS to recalculate the refund in accordance with her duration of residence in Italy - nine years and eleven months. INPS rejected this request. However, in the meantime, she requested and received citizenship income again. She then decided not to proceed through other legal channels and ignored the first communication from INPS.

### *Case No. 8 Citizenship income benefit - Foggia City Council*

Following the introduction of the citizenship income, one of the most controversial aspects concerned the ten-year residence requirement and, in particular, the need to demonstrate it through officially registered (and not *de facto*) residence. Note no. 3803 dated 14 April 2020 issued by the Ministry of Labour, however, clarified that it was sufficient for applicants to be included in the registry at the time of application and to have *effectively* resided in Italy for at least

ten years (the last two continuously). Subsequently, during other judicial proceedings involving ASGI lawyers, the Courts of Turin and Rome confirmed the content of the ministerial note, acknowledging the right to citizenship income to everyone who can demonstrate effective residence through objective and unequivocal proof. Specifically, the judge of the Court of Turin declared that the inclusion in the registry is a *“mere presumption of the recipient’s place of residence, which can be overcome with other objective and unambiguous proof [...] certifying regular presence in the country, such as an employment contract, INPS contribution statements, medical documents, school documents, rent contracts or old stay permits, etc.”*

Case No. 8 involves a similar experience in a local council in the Foggia area, although it was not necessary to appear in court. A Romanian woman resident in Italy for more than ten years went to the local area anti-discrimination desk promoted by ASGI following revocation of her citizenship income by INPS because, according to the registry in the council area where she lived (i.e. the one mainly checked by the Italian Social Security Department itself), she did not meet the ten-year residence requirement. However, it must be noted that many migrants not infrequently move from one council area to another and, even more frequently, their personal registry data is not integrated, updated or complete with all information.

The ASGI lawyer who followed the case began an investigation and collected all the necessary documentation (medical certificates and rent agreements) proving *effective* residence of the EU citizen to be sent to INPS and the Local Council in question. Both these parties accepted this request and council employees were very receptive to this investigation.

#### *Case No. 9 Citizenship income benefit - Province of Trento*

This case concerns the revocation of citizenship income by INPS - and request to reimburse sums unduly received - involving a Pakistani citizen who arrived in Italy in 2013 and has subsidiary protection status. ASGI filed an appeal in court challenging the communication of the department of social security, given public interest in the matter. In particular, legal action referred to EU Directive 2011/95, which ensures holders of international protection equal treatment with Italian citizens for social assistance benefits and access to services.

However, the Court of Trento held the revocation by INPS was legitimate, since the citizenship income is not a measure against poverty, in favour of fundamental rights, but a measure for reintegration into employment, claiming that it is reasonable to require local roots.

This is not the only negative sentence in this context. We are currently awaiting the Constitutional Court ruling; after another case followed up by ASGI, the order dated 31 May 2022 issued by the Court of Milan declared the question over the law’s constitutional legitimacy to be *“pertinent and not manifestly unfounded.”*

It should also be mentioned that judgement on the same issue is awaited from the European Union Court of Justice. In this instance, the Court of Bergamo raised the legitimacy of the ten-year

requirement for holders of international protection, since it contrasts with the obligation of equal treatment established by EU Directive 2011/95.

#### *Case No. 10 Citizenship income benefit - Province of Turin*

This case concerns a revocation of citizenship income by INPS involving a Somali refugee who arrived in Italy in 2007 but only signed up with the registry office in 2011. Thanks to the ASGI anti-discrimination service, an appeal was begun based on ministerial circular no. 3803 dated 14 April 2020, whereby it suffices to demonstrate the applicant's *de facto* residence in Italy through specific documents such as medical certificates and rent contracts. Reference was also made to the above-mentioned European Directives, which ensures equal treatment for foreigners entitled to international protection.

In this case, the judge ruled in favour of the foreign citizen, while also offsetting the legal costs of INPS. For this reason, it is assumed that INPS will not challenge the decision of the judge of the first instance, not the least because INPS itself, together with various Italian local councils, has recently paid closer attention - and consequently better application - to the Ministry of Labour circular on the broader interpretation of the "residence" concept required of foreigners benefiting from the citizenship income.

#### *Case No. 11 Citizenship income benefit - Florence City Council*

This case concerns another judicial proceeding which, in the first instance, rejected the appeal presented by an ASGI lawyer on behalf of a Nigerian citizen entitled to international protection, with reference to the European Directives already discussed above. The denial of citizenship income presented by INPS was considered legitimate, as well as the request to reimburse sums already received, since the ten-year residence in Italy requirement for foreigners envisaged by the policy was accepted as reasonable for the intended purpose. We are currently waiting for the decision of the Constitutional Court before initiating further proceedings.

#### *Case No. 12 Citizenship income benefit - Pistoia City Council*

Case no. 12 also concerns revocation of the citizenship income by INPS involving a Romanian citizen who arrived in Italy in 2014 with a stay permit for work reasons, although the lady later left her employment to look after a family member. Furthermore, in this case, registered residence was only about four years.

For this reason, the decision taken by INPS was challenged in legal proceedings thanks to support by ASGI, pursuant to ministerial circular no. 3803 dated 14 April 2020 (concerning *de facto* residence), as well as Regulation 2011/492 and Directive 2004/38/EC on an EU level. Inasmuch, social benefits such as the citizenship income should be fully accessible to EU citizens who are employed, self-employed or who have lost their jobs, regardless of their residence history. Even

people with EU citizenship who are not working should therefore be eligible for the benefit, with the only condition of having resided legally in Italy for more than three months.

As regards the appeal, in addition to the decisions of the Italian Constitutional Court and the European Court of Justice on the citizenship income issue and its access requirements, we are also waiting for the decisions of the magistrate assigned to the case.

### **1.3 Access to the National Health System**

#### *Case No. 13 National Health System registration - San Bartolomeo in Galdo (Province of Benevento)*

This case concerns the ASL (Local Health Authority) in San Bartolomeo in Galdo (Province of Benevento) and the right of international protection holders to register with the National Health System and receive a health card valid for the same duration as their stay permits.

This case arose from a comment sent to the ASGI anti-discrimination help desk concerning the issue of an annual registration card (service card), even though legislation states that the NHS registration duration must match the relative stay permit (this applicant had refugee status lasting five years). As observed by the lawyer who followed the appeal, Article 34 (Consolidated Immigration Act) establishes equal treatment for fundamental rights, such as health care and relative registration in the National Health System.

On this basis, the ASGI anti-discrimination service sent a formal notice to the Local Health Authority, which did not answer. A formal notice was also sent to the Campania Region as the health card issuing body. More specifically, the Local Health Authority is the body where NHS registration applications are presented, while the Region is the body responsible for issuing the card. ASGI itself also found - following careful monitoring of pertinent documents - a circular issued by the Region indicating “the maximum limit of one year of validity from issue for health cards to non-EU citizens residing in the Region with stay permits that allow registration with the NHS.”

On receiving no response from the Local Health Authority or the Region, ASGI - on the basis of this circular - began an appeal which was accepted by the judge of the Court of Benevento, who declared the right of the plaintiff to register with the NHS and the issue of the health card for the same duration as the stay permit.

#### *Case No. 14 National Health System registration of non-EU family members dependent on Italians - Veneto Region*

This case concerns an appeal against failure to register non-EU family members with the NHS dependent on people with Italian citizenship in the Veneto Region. In particular, the Region

imposed so-called “voluntary registration” on them and payment of 1,500-2,000 euros per year per capita. The subject of the dispute had already been dealt with in many rulings by Courts in the Veneto Region over the last few years - in particular ruling no. 15 dated 27.04.2020 by the Court of Appeal itself - which upheld all the individual appeals presented over non-registration. Inasmuch, this case joins long-standing and detailed litigation with the Veneto Region, which has repeatedly sought to impose the voluntary registration line (and related costs) on these residents.

Outlining the development of the various cases involving this issue requires mentioning and referring to the “up-line” legislative framework. This concerns the provisions of the “State-Regions-Local Authorities” agreement in 2012. They expressly envisage the right to mandatory NHS registration for non-EU family members dependent on people with Italian citizenship and, consequently, equal treatment compared to Italian citizens. However, the Veneto Region claims that this agreement is not binding because the Region did not ratify it; and in this context, the Region assumed the right not to apply it. The Regional Administration claims that these people would be comparable to over-65 parents reunited with non-EU citizens who are subject to the obligation of “voluntary registration”.

Following the appeal over discrimination, the Venice Court of Appeal intervened and countered the Regional Administration in stating a series of principles pertinent to this dispute. The first concerns the right to register with the National Health System by dependent non-EU parents of Italian and EU citizens with equal treatment as for Italians. The second referred to the provisions in the State-Regions Agreement, which are directly binding and neither require nor allow any ratification by the Regions. Briefly, the third establishes that denial of health care to family members of foreign origin dependent on taxpaying Italian citizens constitutes discrimination. Fourthly, the practice adopted by the Veneto Region was then defined as a form of collective discrimination. The Venice Court of Appeal consequently required the Region to amend the provisions applied until now and send indications with the correct procedures for compulsory registration to all Health Protection Agencies (ATS).

Lastly, it should be mentioned that litigation is still underway. The Region has “conditionally admitted” registration of non-EU parents dependent on people with Italian citizenship pending the ruling of the Court of Cassation, but has not yet admitted second degree family members, such as siblings, to register with the NHS.

### *Case no. 15 National Health System registration of non-EU family members dependent on Italians - Veneto Region*

Starting from a report received by the help desk for the migrant population operated by the Italian General Confederation of Labour (CGIL), a Cuban citizen, the mother of a naturalised Italian, contacted ASGI because the Veneto Region requested paid “voluntary registration” for registration with the National Health System.



As for case No. 14, the Venice Court of Appeal (sentence no. 138 dated 15 April 2022) accepted an appeal for collective discrimination brought by ASGI. Subsequently, the practice of the Veneto Region as regards NHS registration (government resolution no. 753/2019) has been acknowledged as discriminatory and therefore illegitimate. Subordinating health care for persons of foreign origin who are family members of people with Italian citizenship to “voluntary registration” violates both European Directive 38/2004/EC and the 2012 State-Regions-Local Authorities Agreement, which recognized the right of NHS registration for non-EU parents dependent on people with Italian and EU citizenship and, therefore, equal treatment compared to Italians.

Similar disputes have already been addressed by various rulings of Courts in the Veneto Region and the Court of Appeal itself (no. 15/2020), with the acceptance of all individual appeals presented so far.

#### **1.4 Family, family assistance and emergency social protection measures**

##### *Case No. 16 Funds for non self-sufficient people - Liguria Region*

This case involves a public announcement concerning funds for non self-sufficient people in the Liguria Region; the various services financed through the “Resources of the National Fund for non-self-sufficiency” include a measure amounting to 350 euros per month “for people over 65 and people under 65 with serious disabilities.”

ASGI - working on a similar case relating to self-sufficiency funds - identified that the forms issued by the Local Health Authority (ASL) of the Liguria Region to present applications for these funds indicated that they could be provided to non-EU citizens only if in possession of a long-term stay permit.

ASGI lawyers sent a letter to the Region and the various Local Health Authorities highlighting the illegitimacy of the requirement and calling for its immediate removal. In this initial phase, Local Health Authority no. 4 replied claiming that there was no discretion on the part of health authorities, who simply applied “regional provisions”. ASGI and APN (Avvocati Per Niente), on not receiving a prompt reply from the local association network involved in the disability field, filed an appeal with the Court of Milan against the Liguria Region, which defended its position by claiming that it had never issued provisions obliging Local Health Authorities and Local Councils to impose the disputed requirement.

An ASGI lawyer who followed the appeal commented as follows: *“The case was very strange, I would even say absurd. There was no law, administrative act, written provision or the like indicating that the funds were only due to long-term resident immigrants... Nothing... Yet, paradoxically, this criterion existed and was applied.”* In the appeal stage, the administrations (Region and Local Health Authorities) sought to transfer responsibility to each other for a *de facto* discriminatory criterion not envisaged in any official document. The judge in Milan thereby

recognized discrimination against non-EU citizens and also ordered the Region to “reopen the deadlines for the presentation of applications.”

#### *Case No. 17 Announcement of an allowance for large families - Cavarzere Local Council*

In Cavarzere (Metropolitan Area of Venice), a group of long-term resident Moroccan citizens decided to take action in 2013 for recognition of a benefit denied to them by INPS: the allowance for large families, disbursed at Local Council level and specifically for foreigners with at least three minor children with assets or incomes below a certain threshold.

Thanks to their spokesperson, who coordinated and collected all the necessary documentation, the group then jointly contacted a lawyer who had already previously and successfully followed up a similar case on behalf of another Moroccan citizen residing in Cavarzere. *“A specific informal channel made it possible to share an important technical opinion in the fight against institutional discrimination,”* said the lawyer concerned.

As regards developments in this case, the refusal by INPS was declared illegitimate since the allowance for large families - repealed as of 1 March 2022 with the introduction of the new all-inclusive family allowance - is not only for people with Italian citizenship but also to almost all stay permits envisaged by Italian legislation. In other regional contexts, particularly in Lombardy, various local council announcements have equally and unjustly reserved the right to receive this allowance to Italian and EU citizens, or at best to long-term residents. An emblematic case occurred in Varedo City Council, where everyone other than Italian citizens was excluded - as well as discriminated against. Similarly, on a national level, Legislative Decree no. 40 dated 4 March 2014 excluded foreigners with single work permits benefiting from the allowance for large families, a decree subsequently judged to be illegitimate as per the sentence dated 21 June 2017 issued by the European Court of Justice.

#### *Case No. 18 Family allowance - Province of Alessandria*

In the province of Alessandria, in 2021, INPS denied a Moroccan citizen the right to benefit from the family allowance - the so-called ANF, assegno per il nucleo familiare - on finding out that the family lived abroad. Since there is an evident difference in treatment compared to Italian citizens, for whom the problem of residence abroad of family members does not arise, the proceeding was contested administratively. It was ultimately concluded in favour of the Moroccan citizen and his family members, in accordance with EU principles that ensure equal treatment between different citizens.

The European Court sentence dated 25.11.2021 already found such a difference in treatment to be in contrast with Directives 2003/109 and 2011/98, whereby foreign workers whose spouse and/or children are still in the home country can nevertheless request family allowances. Nonetheless, it was only after sentence 2022/67 by the Italian Constitutional Court that INPS

ended its “resistance” over the question of family allowances to foreigners with family members residing abroad, albeit subjecting it to a consular attestation with its circular letter no. 95 dated 2.8.2022. Lastly, it should be emphasised that the all-inclusive family allowance was established on 28/02/2022 in place of the family allowance; disputes such as the one described above are therefore coming to an end and possible only until 2027.

#### *Case No. 19 Family Allowance - Bergamo City Council*

In 2021, a long-stay Senegalese citizen in Italy living in Bergamo and duly employed on the labour market was denied by INPS the right to receive the family allowance (ANF) since his family members lived abroad. This was another case of illegitimate refusal, with reference to EU Directives 2003/109 and 2011/98, which certify the equal treatment of people with Italian and foreign citizenship, and therefore the possibility of applying for this benefit by foreign workers who have left spouses and/or children in their home country.

The Italian Constitutional Court itself, with sentence 2022/67, invited judges and public administrations to apply EU Directives which the European Court had already ruled in favour of on 25.11.2021. Nonetheless, only one INPS circular dated 2 August 2022 clarified that requests of this kind could be made by foreigners with family members residing abroad, even if this is subject to consular certification.

The allowance was awarded to the Senegalese citizen in question, initially through an administrative appeal and then through a discrimination appeal before the Court of Bergamo. This news received significant media coverage, among legal professions and the Senegalese communities living in Italy.

However, INPS still seems determined to apply new forms of penalisation to the detriment of foreigners regarding family allowances. As commented by the ASGI lawyer who followed the appeal: *“Even after important sentences issued by the European Court of Justice, not to mention the Italian Constitutional Court, INPS is always reluctant to ‘disapply’ a practice. Indications from higher up, from the central offices of the institute if not Parliament, are awaited. Because ‘disapplying’ a rule is very complicated yet also very simple.”*

#### *Case No. 20 School bus transport and school meals service - Montorio al Vomano (Teramo)*

This case involves Montorio al Vomano City Council (Teramo): on 31 August 2022 it approved a resolution relating to a “gratuity notice” (different from an announcement) for school bus transport and the school meals service for families residing in the local area. However, the notice envisaged that one of the parents should be an Italian or EU citizen. Parents having third country nationality were therefore obliged to pay for the services, even if they were in difficult economic conditions and despite being resident in the local area and fully in compliance with stay permits and payments of municipal taxes.

The resolution, as the appeal presented by ASGI and ARCI explained, is contrary to the UN Convention on the Rights of Children as well as the Consolidated Immigration Act, “which requires all minors to have access to compulsory schooling and equal service conditions to Italian citizens.” The local mayor told a newspaper that the criteria introduced by the resolution are in line with national ones (reference to the family card for accessing vouchers and discounts for services). However, no mention was made that the European Union Court of Justice - on 28 October 2021 in response to an appeal by ASGI - declared criterion applied only to Italian and EU citizens to be illegitimate (a sentence similar to the case of baby bonuses and family allowances).

The proceedings with Montorio al Vomano City Council (Teramo) are still underway.

### *Case No. 21 Provision of the “shopping voucher” envisaged during the first stage of the pandemic crisis - L’Aquila City Council*

This case concerns L’Aquila City Council with reference to resolution no. 211 dated 4.4.2020, which excluded foreigners without long-term stay permits from the “shopping voucher” benefits envisaged in the initial stage of the pandemic crisis (March 2020).

In particular, as the lawyer who followed up the case commented: *“These are urgent food solidarity measures and the Civil Protection Department instructed Local Councils to ensure continuity of these measures by identifying beneficiaries; no criterion was envisaged other than that of finding vulnerable recipients in the area and no one authorised Local Councils to restrict access to vouchers by introducing discriminatory criteria.”*

ASGI and a third sector association (Altro Diritto Onlus) therefore took action against this restriction. The Local Council responded by supporting the legitimacy of the resolution but pointing out that it had adopted another one (no. 255 dated 4 May 2020) which included plaintiffs among the beneficiaries of the shopping voucher. In short, the Local Council adopted two different resolutions to establish the recipients entitled to the shopping vouchers envisaged for the Covid-19 emergency: the first limited recipients to residents and, for foreigners, holders of long-term stay permits; the second broadened selection criteria to include all foreigners domiciled in the local area with a valid stay permit. The enforcement action promoted by ASGI consequently ended with the adoption of the second resolution.

It is interesting to consider the reaction of L’Aquila City Council to ASGI’s appeal. The lawyer involved in the interview commented: *“All in all, the Council said: ‘We will correct the criterion immediately, but in abstract terms we consider it to be correct.’ That is to say: we [the Council] will not appeal and will expand the shopping voucher criteria with a second resolution, but that is our decision and we do not do so because it is in itself illegitimate.”* The Council therefore pointed out that its corrective action was a choice not dictated by the existence of discrimination but on its own initiative.

### *Case No. 22 Allowance to purchase basic necessities following the Covid-19 pandemic - Abruzzo Region*

The case concerns resolution 193 dated 10.4.2020, whereby the Abruzzo Region established a series of criteria for providing funds to purchase basic necessities allocated to households at risk of “social exclusion” following the economic crisis caused by the Covid-19 pandemic.

Initially, the Region was contacted to put forward the reasons for the future appeal, without response. ASGI and seven foreigners of various nationalities living in L’Aquila, with the support of ARCI Abruzzo, decided to query the Region. Admission was requested for the entire resident foreign population to vouchers on equal terms with Italians, without exclusions based on the type of stay permit. More specifically, the Abruzzo Region introduced a resolution requiring a permanent stay permit or a two-year stay permit combined with “regular work activity” (the only Region to introduce such criteria). The first requirement effectively excluded almost half the foreigners legally residing in the Region, while the second was utterly incomprehensible, since access to shopping vouchers was only envisaged for unemployed people; asking these foreign citizens to have a “regular job” would have prevented them from obtaining the benefit. The judge therefore declared the introduction of such criteria to be discriminatory.

#### **1.5 Other measures, employment and freedom of worship**

### *Case No. 23 NASPI [unemployment benefit] - Foggia City Council*

There are several examples where INPS denied foreign labourers unemployment benefits - more commonly known as NASPI. The recent ruling by the Court of Foggia is no exception. According to ASGI lawyers, it provides important points of interpretation to criticise the conduct of the social security institution.

More precisely, during the hearing on 23 February 2022, the Court of Foggia acknowledged the right of holders of stay permits seeking asylum to receive agricultural unemployment benefits: this is because, unlike seasonal workers who are authorized to work in Italy for up to a maximum of nine months in a twelve-month period, asylum seekers can work 60 days after they submit the application, without time limits, pursuant to Article 22 of Legislative Decree 142/2015.

This sentence is significant in that INPS previously did accept an application for agricultural unemployment presented by a fixed-term labourer seeking international protection, arguing that the relative stay permit was equivalent to the permit for seasonal work. The administrative appeal was unsuccessful.

### *Case No. 24 Employment discrimination - Veneto Region*

This case concerns a civil suit against a printing company based in the Veneto Region brought by ASGI, FIOM and CGIL, the Chamber of Labour and private citizens on the initiative of the persons directly concerned, i.e. Pakistani workers employed in the company through a cooperative; the reason concerns violation of European anti-discrimination legislation (Article 21). More specifically, the lawsuit arose from a series of demeaning comments and denigrating judgements relating to ethnic origin and belonging to a specific national minority made by a company manager during a newspaper interview.

As regards developments in the case, the lawyer involved explained that there were also parallel disputes over work conditions involving the same plaintiffs, since various forms and situations of exploitation affecting the people directly involved were ascertained (for example, extended overtime, denial of rest days and holidays, non-recognition of the right to sick leave, deduction of accommodation costs from salary, etc.). During the trial, the company proposed conciliation for all open disputes in exchange for closing the proceedings initiated with the racial discrimination action brought by ASGI.

In order to protect workers' interests, especially the proposal for employment in the company and payment of the wage differences due, an "overall conciliation" was agreed. As the ASGI lawyer who followed the case commented, with the conciliation proposal the company found a *de facto* way to avoid conviction for racial discrimination which - compared to its image and national and international exposure - would have been much more damaging.

### *Case No. 25 Freedom of worship - Cantù City Council*

This case exemplifies the difficulties and discrimination inherent for the foreign population in having a place of worship (Ferrari 2013; Ambrosini, Molli and Naso 2022), especially for a specific religious denomination: Islam. It is a long-running, extremely detailed and complex issue involving a Muslim community in Cantù.

Thanks to the legal representative, it was possible to reconstruct the story. It began in 2014, when a private individual, on behalf of a cultural association, enquired about the possibility of modifying the intended use of a property. The application was accepted but, while the bureaucratic procedure was being completed, a new regional law came into force in January 2015. (It was renamed by the media as an "anti-mosque law" since, although referring to all new places of worship, Islam was the main target.) It established a specific and more demanding plan (PAR, "piano per le attrezzature religiose") for opening new sites of worship to be adopted in the territorial governance plan ("piano di governo del territorio", PGT). Following this regional regulation, it is therefore expected that completion of the survey will be denied.

The appointed lawyer presented an initial appeal, motivated not the least by the pending unconstitutional nature of the new regional regulations. In the meantime, the Council - following inspections on site revealing activities related to worship - forbade any form of meeting. An appeal presented to the Regional Administrative Tribunal (TAR) was not accepted, so the lawyer appealed

to the Council of State. The Local Council intended to proceed and expressed its willingness to acquire the building as an asset for the local community but, thanks to the appeal to the Council of State, this action was suspended. The lawsuit became prolonged and much more ramified following several rulings by the Council of State relating to various aspects raised by the parties involved.

2023 marked a turning point, since the Council of State suspended the transfer of the property to the Local Council. The ruling also raised two issues: the absolute relevance of freedom of worship, and the need to wait for the TAR judgement to establish the validity of the association's request in 2014 to change the intended use of the property into a place of worship, denied exclusively on the basis of a Regional Law declared constitutionally illegitimate in many parts in that it violates Article 19 of the Constitution. Finally, the lawyer also decided to continue the battle in court and appealed to the ECHR, which is examining its admissibility.

Briefly, this case highlights how, in the absence of *specific* national laws for reviewing the regulatory system (dating back to the Fascist era) overseeing religious diversity, the PGT instrument (Territorial Governance Plan) has become the device whereby the freedom of worship upheld in the Constitution is limited or denied at local levels. In other words, the PGT can be used in a discretionary manner to deny opening a new place of worship without requiring the local administration to identify alternative solutions.

## Outlines for interpretation and ideas for discussion of anti-discrimination action

This section covers the main outlines for interpretation that emerged across the board from comparisons of the selected cases. In particular, there is the intention to examine how discrimination develops and takes shape within public institutions, at the same time as stimulating broader debate into the constraints that aggravate or deny access by the foreign population to services and welfare.

The first level of interpretation concerns the meaning underlying many of the discriminatory requirements identified, above all long-stay permits - a repeatedly sanctioned requirement since it only affects foreigners - and long-term residence in a given place - a more controversial and contentious issue since, although not directly referring only to foreign applicants, it ends up excluding them to a greater extent given their higher mobility on a national and regional scale; in other words, criteria of "time and space" are usually involved and often required together.

Their inclusion, in legal terms - also see the reviews by Guariso (2018) and Barbera and Guariso (2019) - has often been motivated by a logic that can be defined as "correspondence": the ability to "present a claim" only arises after becoming part of the community and, therefore, having also taken part in terms of previous contribution payments. The sentences, including those of the Constitutional Court, have repeatedly "debunked" this concept: on the one hand by stating that it is unfair to establish a "commutative purpose" between taxes and services, not the least because this logic actually leads to limiting access precisely to people who have the most need, and on the

other by prescribing that announcement criteria must be linked to the rationale between the aid tool and relative need, and not to aspects irrelevant as regards the need itself. More specifically, emphasising duration of stay does not respond to the main purpose of a welfare provision - i.e. to protect/support a need - but only to the desire to favour those who have settled in the area for the longest time. Moreover, as analysis of these court sentences shows, rewarding “sedentary poverty” over “mobile poverty” is not a convincing argument from legal or sociological points of view: people in need, and in view of their needs, tend to move around more to seek new opportunities and solutions, whereas people who already have some certainties (such as the availability of housing) tend to be less mobile and, consequently, are not the main and sole recipients of a service intended to respond to a need.

Another recurring criterion concerns the possession of assets, which on the other hand follows “the logic of suspicion” towards people who are assumed having intentions of taking advantage of (our) welfare. Many regional and local council regulations, in this context, have introduced a requirement for “planetary non-ownership”: access to announcements requires demonstrating that you do not own any property anywhere in the world. As commented by the Constitutional Court, this is a burdensome and unreasonable constraint. On the one hand, there is the practical impossibility of obtaining and presenting documents from countries of origin certifying non-ownership of property. On the other, given the fact that, for Italian citizens, only a self-declaration is required, whereas foreigners are obliged to present evidence and formal inspections.

From a sociological point of view, these criteria recurring in the cases considered are based on “a nationalist vision” (see Marchetti 2020) of assets and services, summed up in the slogan “Italians first”. A lawyer active on the subject for many years presented a cross-section of this “paradigm”:

*I'll tell you straight away, the rationale behind all these cases is precisely “Italians first”, then... I might also add that I came across this attitude in all cases and all the various steps involved... All the more, there is truly a strong emotional involvement in this among administrative staff, it is a feeling, but there certainly is involvement in this idea, which is always the same: that these here immigrants are taking something away from us.*

The constraints introduced tend to reproduce an “ethnic demarcation” line between possible beneficiaries of services by reserving them for people who belong to the national community. These measures seek to reassure them about their precedence and “right of first refusal”:

*Listen: for me, the sentences I've been involved in over recent years tell me one thing - and it is that the institutional discrimination that judges will sanction is nothing more than the practical and objective reproduction of a shared and socially accepted prejudice, so much so that it seems to be legitimate and almost taken for granted to accept. It emerges clearly in the arguments that end up*



*in court: it is the idea that foreigners, even if they are here, are not part of the community, and if you don't belong you cannot access community resources.*

In these terms, the institutions considered, be they Local Councils or Health Protection Agencies (ATS), by adopting these requirements convey and reproduce a political message of safeguarding and protecting Italian citizens against competition from immigrants regarding benefiting from public assets; today, this has become one of the most important sources of tension between “natives and foreigners”. More specifically, if creating consensus over criteria for accessing welfare is in itself a source of opposition in society and public opinion, since different social groups usually express conflicting interests, when the foreign population becomes a possible beneficiary, the “right of ethnic precedence” comes to the fore, especially in times of progressive reduction and contraction of public services.

Paradoxically, the fact that many of these constraints were later sanctioned and removed in court matters little; the time lag between “introduction, appeal and removal” of discriminatory aspects puts the defeat into the background, while the main reason why they were introduced remains in the foreground: communicating “protection” to local (and native) stakeholders to reassure them (see Ambrosini 2012 and 2013).

This observation is backed up by a second and correlated interpretative focus: many of the constraints (see cases No. 2 and No. 21) were not envisaged by the national or regional funds providing the necessary resources, but were introduced at a later stage by a local authority or council that assumed the *de facto* right to define new criteria<sup>18</sup>. It should be noted that in the “State-Region-Local Council” transition - i.e. the multilevel governance process that regulates the definition of welfare instruments between national, regional and local spheres - there emerges a volition to emphasise a margin of discretion that seeks to redefine access by immigrants to services in a restrictive and hostile way. As another lawyer commented:

*The Local Council wanted to stand out. No one authorised it to restrict a fund which, among other things, was during a massive emergency! I was struck very hard by this case: it was March 2020 after all, right in the middle of a pandemic crisis and a truly serious economic situation! These funds were made available without any criteria other than requiring Councils to identify people in need in their local areas. Yet the Council was determined to become involved and introduced exclusionary criteria regarding allocation.*

“Secondary source documents” are recurrent in this context, even though they are rarely requested. However, as ascertained while analysing sentences condemning their illegitimacy, they can only end up by harming individual rights and cannot in any case disregard sources of a higher

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<sup>18</sup> Also see publications by Campomori and Caponio (2017) and Semprebon, Marzorati and Bonizzoni (2022).

level, such as EU law; case No. 14 highlights a similar pattern as regards repeated non-application of the State-Regions agreement, sanctioned in the appeal stage by the Court of Appeal which restated the binding nature of this agreement.

A third focus concerns the attitudes seen on the part of public entities when faced by appeals: if, on the one hand, as just described, margins for manoeuvre are often “carved out”, on the other this show-boating gives way in discussion stages to defensive strategies focused on “de-responsibility”, i.e. they try to work around the introduction of a constraint by defining it as merely applying guidelines already envisaged by superior sources or used in the past by other entities without becoming a reason for appeal.

A fourth focus of interest concerns discriminatory profiles that are more difficult to identify but no less pertinent regarding distributing a fund and its potential beneficiaries. More specifically, in some cases (see No. 16), the long-stay restriction - eliminated as discriminatory - was included in the printed and digital forms made available by the entities in question, although none of them were able to indicate the source. Indeed, during the hearing, local administrations did not present any precise references to any guidelines requiring this criterion; the Health Protection Agency (ATS) and the Region also tried (see the third focus just discussed) to blame each other. Similarly, as also in case No. 13, the Health Protection Agency (ATS) had National Health System registration forms without being able to determine and justify precisely which circular or source instituted the practice of annual renewal, since legislation actually defines NHS registration as being commensurate with the type of permit. Some important considerations can be drawn from these observations: it is highly likely that entities will not review the forms and practices for accepting applications to update them in a non-discriminatory way with regulations effectively in force and relative court sentences. This context of “street-level bureaucracy” (Lipsky, 1980) generates grey areas of discretion which have a fundamental impact on the possibility of accessing rights<sup>19</sup>:

*I might add that if we hadn't checked, this practice would have carried on for years. And by the way, mine was a random check: I was assessing another case and looking through a series of documents and it immediately struck me: can you imagine all kinds of beneficiaries who have been excluded for years and years? Who knows what happens in a similar way in other offices and bureaucracies responsible for providing certain benefits at a local level.*

This starting point can also be viewed as prompting careful monitoring of the “discriminatory residues” that neither operators nor users are often aware of.

A fifth and correlated focus also emerges: training in public administration offices. In the interview stage, lawyers and activists were asked if they had ever been involved in conferences and

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<sup>19</sup> See also publications by Campomori (2007) and Barberis (2010).

seminars on the subject, and if any public body or administration had ever called on them for training courses or check and review tasks:

*Good question. Well, to understand this better: the course is run by health authorities for their employees, that is, training is in-house and that's it. All training is entirely in closed circles. I have never been involved in health administrations. Only once for third sector personnel. There was a great need for training there as well. But I can also say even social worker organisations have never contacted me and they also play an important role in this area; over and above the cases I have mentioned, I would say that there is a great deal of self-referencing in training. Other examples are labour inspectors and even the police... Who trains them? Only police personnel train other police officers, so no progress is made and the issue of discrimination is lost. There's another reason: nobody wants training about this.*

*So, I taught courses... but for Cooperatives; never the Police Headquarters, never a City Council, never a Public Entity. A large cooperative that provides a range of services once organised some open training and called me. Yet I can tell you that few employees and virtually no managers of the Local Health Authority (ASL) attended. I say this openly: in my opinion, nobody knows anything, least of all employees, they don't know a thing. Yet nobody ever stops to think - and forgive me for being blunt - that low-level employees are the point of entry.*

A sixth focus concerns reporting of cases. This is a very important aspect in terms of monitoring discriminatory practices in the country.

During the interviews, people were asked how protection action developed and, above all, which reports it was based on. Lawyers have often complained of a sense of "being left on their own" over the battles waged: faced by the magnitude of the phenomenon, they mention discouragement and perplexity regarding the lack of awareness, on the part of immigrants as well as associations. In other words, action mainly starts on their own initiative. Discrimination rights are often not even their primary area of specialisation - but voluntary work for the benefit of the community. To a lesser extent, action may also emerge from external reports (as in the case of trade unions) but not from an awareness rooted in the circuits and various terminals of civil society. There follow a number of considerations we collected:

*You know... On the one hand, how are immigrants supposed to know? Certain topics... For example: just think of health law: in itself this is a highly specialized and very complex subject which few people know very much about, let alone immigrants. We can mention the world of the third sector, as well as certain associations active in emergency fields, but not many. Some are*

*unaware of it and others do not expose themselves to legal battles that might compromise their positions and activities on a local level.*

*Well, the subject of perception is slippery but it is a subject, because there are many cases where victims do not perceive they are being discriminated against... If you don't know the subject, you think that a rule, even if it is like this, is still a rule.*

*It is not easy, when foreigners go to a public counter, and are told 'you have no rights.' They assume that's really the case. Average immigrants, who in our cases are usually not particularly well off, are led to believe that public administrations are always right. If driven by need, some things can change... Think of people who have to pay the NHS registration fee of 1,500 or 2,000 euros for a relative: after a couple of years, they begin to wonder and motivate themselves to understand if there is another solution.*

The interviews highlight various, interweaving factors, such as the perception of discrimination and awareness of the associations that immigrants can contact. Other interviews regarding the complexity of monitoring draw attention to the proactive aspects and efforts of these activities:

*When an announcement for rent aid came out, we got in touch with ASGI and pointed it out... Why did we do this? Because first of all there was the Lodi case... In my opinion, this case generated a certain awareness. It gave those who work for immigration in my area (volunteers and activists) greater awareness to do something. We got together and set ourselves the task of monitoring. We listened to some members of the group who work in the public sector, who are perhaps more experienced in such announcements and these bureaucratic aspects, and we said to ourselves: why don't we check it out as well! And this was how it all began... Then we looked for families whose application had been rejected, but it was difficult. So, now you prepare the formal notice, you ask people to explain everything to you, organize the documents... In short, it's not easy... The sentence came after years. They are not urgent trials, and in the meantime people are not stuck in one place, they also move around, find other solutions elsewhere and lose interest.*

This last interview raises a seventh focus: the role of the media echo. This has been a reason for thought and discussion with the people who guided protection action. Many declared that "discrimination hardly makes the news." Their victories are rarely covered by national and local press and even then in "articles lost at the back of the newspaper":

*Look, I've never understood, or maybe I have, why a newspaper didn't publish a good headline such as this: "Region condemned for discrimination." A good headline like this would strike readers, cause a sensation, I mean, the Region condemned because it discriminated! It should attract attention, stir the attention of other institutions or associations. Yet... none of the kind, it makes you think a lot: why is discrimination against foreigners accepted?*

*In my opinion, in communication terms it wasn't exactly big news as such. Think of the rent aid announcement [the topic of the interview]: it was money that also went to Italian landlords. Yet it didn't help to explain that discrimination affects everyone, not just immigrants. Do you know the narrative that comes out here locally: everyone was angry 'because immigrants blocked the money.' This was the headline, but we tried to say: discrimination affects everyone! Then, imagine, during Covid... This really didn't make any inroads... As for housing: fighting for immigrants means taking away houses from Italians, blocking money for Italians, blocking money from landlords who have decided to apply subsidised rents... In short, you know what I mean.*

As regards the court cases considered, a different resonance between them is also seen. The episode in Lodi received considerable media coverage since it included topics such as young children and school; case No. 20 (school bus and school meals) attracted attention since it also involved a similar issue. Other discriminatory motives, apparently less striking but no less important, remain in the shadows.

Citizenship income may also involve a specific consideration. As is well-known, it has repeatedly been the subject of media attention, mainly for fraud and especially in the case of foreign recipients; many revocations have referred to not having met the ten-year "registered residence" requirement. At the same time, however, news headlines did not mention the subsequent correction by a ministerial circular - and several court decisions - in terms of "effective residence"; a regulatory clarification of particular importance given the high mobility of foreigners in Italy, as well as the fact that municipal population registers are rarely integrated, updated or completed with all information about residence history (see also Gargiulo 2017). Even less resonance was given to the fact that the legitimacy of the ten-year requirement is currently being examined by the Italian Constitutional Court and the European Court of Justice, given its inconsistency with Directives promoting equal treatment of all citizens. It is also the subject of infringement proceedings begun in 2023 by the European Commission precisely for "indirect discrimination".

The eighth focus to emerge from our analysis is that "discrimination causes costs": local Administrations and public bodies, in addition to bearing costs at all levels of judgement, are also required to pay compensation for damages (tangible and intangible, e.g. case No. 1). At times, the fact that such announcements have been blocked and then resumed has also meant that the funds (national or regional) supporting them have been lost (e.g. case No. 4), causing significant

expenditure since re-opening after the sentence obliged the local authority to use its own resources - an aspect kept carefully under wraps. Here is another case of interest in this regard:

*Look, I think... well, I'm almost sure that a minority in the City Council is asking a question about how much was spent over the last eight years... The issue has floated to the top, they have spent, though I can't be sure, thousands of euros, thousands I can assure you. Several lawyers, even famous ones, levels of judgement, appeals - they are all absurd expenses, and for what: to stop people praying?<sup>20</sup>*

*So, the sentence meant they sustained by no means insignificant and at times high conviction costs, but who knows about it? It's just a court case and that's it. It's almost better not to comply with the sentences and wait for the next one to turn up. But I think... try thinking about a collective appeal against the Region, try thinking about it. If they lose, they lose a lot of money, and a huge dent in tax income, and then you can make an appeal to the Court of Auditors for discriminatory practices covered by taxpayers, perhaps this might have a little more impact... I mean, INPS has gone ahead for years with the baby bonuses just as it wanted, straight ahead.*

And the ninth focus concerns the “passive” resilience of public administrations. Even if condemned, variations of the discriminatory criteria are seen again, as well as resistance over publication of the news and the changes required by judicial decisions:

*Yes, ok, re-open the announcement, publish it in the section... no, not the benefits for the needy section or the social bonuses section, but another one at the bottom of the page. Then you might indicate that applications can only be presented on Wednesday morning in person... In other words, there is a form of resistance, they simply do not want to adapt...*

*But, you know... I think in the end it's not convenient for them to adapt... In any case, there are 'the causes' not 'the audience' of subjects, so how effective is my action? Yes, but I'd tell you... There is resistance and recurrence... I'd say it's a wall.*

*Yet they always win, these discriminating institutions, because people with foreign citizenship who appeal are always fewer than foreigners who have been denied their rights.*

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<sup>20</sup> Also see the publication concerning the series of lawsuits filed and still open in the Lombardy Region (Ambrosini, Molli and Naso 2022).

Lawyers point out persistent and “systemic resistance” among public bodies, which probably draws its strength from the issues discussed above: poor training implies poor awareness, little media coverage and little external pressure. Ultimately, there is widespread social acceptance of the criteria despite legal the lack of a legal basis.

The lines of interpretation identified, net of the differences between the cases, provide a cross-section of the great complexity of the anti-discrimination action field, its evolution and the need for broader attention from people and associations active in fields such as immigration, welfare, law and civic causes. This would help advocacy find renewed energy and even wider application of extensive and capillary monitoring.

## Conclusions

This research sought to analyse the role of legal advocacy action in the field of institutional discrimination. This line of investigation was developed through monitoring appeals opposing regulations, administrative acts and practices intended to exclude the foreign population from their rights and full access to assets and services.

The study then focused on a sample of 25 cases and, from a methodological point of view, used documentary sources, such as briefings, sentences, press releases and newspaper articles in national and local newspapers and semi-structured interviews with lawyers and activists who initiated or coordinated appeals under anti-discrimination law.

The analytical part looked at several typical kinds of relationship that exist between the foreign population and public administrations, such as access to subsidised housing, welfare measures and social and health services. The citizenship income and freedom of worship were also analysed alongside these topics. Thereafter, starting from each case subject to dispute, we outlined the jurisprudential development of the various appeals.

Comparisons of the cases in question highlighted the main lines of interpretation.

The first topic was the political significance of the various kinds of discriminatory criteria. More specifically, by introducing requirements that target exclusion, public organisations and institutions convey and reproduce a message of protection which is readily summarised in the slogan “Italians first”. Furthermore, many of the constraints identified were not even envisaged by regulations - national or regional - defining the guidelines for the provision of a service; a recurring feature we examined concerns the desire to obtain a margin of discretion between different levels of governance. This leads to a re-definition of methods of access to services in a restrictive and hostile manner towards immigrants.

Another topic of interest involved profiles of exclusion that are much more difficult to identify but no less relevant. In particular, discriminatory practices may emerge in the context of street-level bureaucracy - as in the case of circulars, internal provisions, application forms - which have an important impact on the possibility of obtaining a service.

Public administration training is another point of comparison and discussion; we noted a lack of interest and/or poor preparation in relation to the issue of discrimination in Italy.

Case reporting was another aspect worthy of attention: faced by the capillary nature of the phenomenon, there was widespread perplexity among lawyers over the awareness on the part of associations and the immigrant population itself; there is often a tendency to “think like the institutions”, *i.e.* the “presumed truthfulness” of the criteria for accessing a service is taken for granted.

Media coverage was also analysed, and research revealed that “discrimination is not very newsworthy.” Only a few cases generate there a resonance, such as services intended for children. Another relevant issue concerned the fact that “discrimination involves costs”: administrations and public entities, in addition to incurring the costs of court proceedings and compensation, are also often obliged to sustain significant expenditure to re-fund lines of finance - as required to issue an announcement - lost because of lengthy disputes over discriminatory conduct. These costs would be even higher if all unreported episodes were taken into consideration, given that - in many cases - foreigners are unaware of the discrimination they suffer. Another aspect concerns “passive” resistance on the part of institutional players: even if convicted, we see a recurrence of discriminatory criteria and a stubborn reluctance to comply with judicial sentences.

In relation to the framework outlined, and despite the various critical aspects raised, our research highlights an important and transversal fact: almost all lawsuits were won and institutions have been repeatedly fined. Action advocated through initiatives - generally without media coverage - against public administrations entrenched in their positions almost always achieves a positive outcome. The motivations of the Courts of Justice are almost always the same and take us back to a general principle: discrimination has no basis in law governing co-existence between citizens, including those of foreign origin. It is therefore important to take a significant step, which aligns with the perception of the phenomenon highlighted by the first part of the LAW research project. Monitoring and training are challenges emerging in this direction for more incisive and widespread anti-discrimination advocacy in Italy: equality can grow if it is pursued with determination through shared efforts.



## Bibliography

- Ambrosini, M., Molli, S.D., Naso, P. (2022). *Quando gli immigrati vogliono pregare. Comunità, Pluralismo, Welfare*. Bologna, Il Mulino.
- Ambrosini, M. (2013). 'We are against a multi-ethnic society': policies of exclusion at the urban level in Italy. In *Ethnic and racial studies*, 36.1, pp. 136-155.
- Ambrosini, M. (2012). *Governare città plurali: Politiche locali di integrazione per gli immigrati in Europa*. Milano, Franco Angeli.
- Barbera, M. and Guariso, A. (edited by) (2019). *La tutela antidiscriminatoria. Fonti, Strumenti, Interpreti*. Torino, G. Giappichelli Editore.
- Barberis, E. (2010). Il ruolo degli operatori sociali dell'immigrazione nel welfare locale. In *Autonomie locali e servizi sociali*, 33 (1), pp. 45-60.
- Campomori, F. and Caponio, T. (2017). Immigrant integration policy-making in Italy: Regional policies in a multi-level governance perspective. In *International Review of Administrative Sciences*, 83.2, pp. 303-321.
- Campomori, F. (2007). Il ruolo di policy-making svolto dagli operatori dei servizi per gli immigrati. In *Mondi Migranti*, dossier no. 3, pp. 83-106.
- Douglas, M. (1986). *How Institutions Think*. Syracuse: Syracuse University Press.
- Ferrari, A. (2013) *La libertà religiosa in Italia. Un percorso incompiuto*. Roma, Carocci Editore.
- Gargiulo, E. (2017). The limits of local citizenship: administrative borders within the Italian municipalities. In *Citizenship Studies*, 21 (3), pp. 327-343.
- Guariso, A. (2018). Le sentenze della Corte costituzionale 106, 107 e 166 del 2018: diritto alla mobilità e illegittimità dei requisiti di lungo-residenza per l'accesso all'alloggio e alle prestazioni sociali. In *Diritto, Immigrazione e Cittadinanza*, no. 3, pp. 1-10.
- Lipsky, M. (1980). *Street-level Bureaucracy. Dilemmas of the Individual in Public Services*. New York: Russell Sage.
- Marchetti, C. (2020). Cities of exclusion: Are local authorities refusing asylum seekers? In Ambrosini, M., Cinalli, M., Jacobson, D. (edited by), *Migration, borders and citizenship: Between policy and public spheres*. Basingstoke: Palgrave Macmillan, pp. 237-263.
- Semprebon, M., Marzorati, R., Bonizzoni, B. (2022). Migration governance and the role of the third sector in small-sized towns in Italy. In *Journal of Ethnic and Migration Studies*, published online, 6 February 2022.