

Stuck and Exploited

Refugees and Asylum Seekers in Italy Between Exclusion,
Discrimination and Struggles

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The Emergency Management of Migration and Agricultural Workforce during the Pandemic

The Contradictory Outcomes of the 2020 Amnesty Law

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Abstract The chapter aims to illustrate the effects of the COVID-19 pandemic and, in particular, of the amnesty law passed by the Italian government in May 2020 for migrants working in agriculture, highlighting the continuity of the latter measure with the previous policies regulating migration and agricultural labour. For decades, these policies have managed both international migrations and domestic mobility of the seasonal labour force through an emergency approach. The chapter resorts on data collected through statistics, interviews and participant observation inside informal settlements in the South of Italy. In conclusion, we argue that the health emergency accelerates the resort to administrative and bureaucratic emergency practices in the management of migrations, thus contributing to the reproduction of an emergency frame, that relegates labourers to the role of 'victims of exploitation', and at the same time regulates their possibility of movement and their employment opportunities.

Keywords Amnesty. Emergency. Migrant farmworkers. Agriculture. Reception system. Informal settlements.

Summary 1 Introduction. – 2 The Construction of the Emergency in the Migratory Policies and the Management of the Agricultural Workforce. – 3 The Amnesty Law: Expectations and Critical Aspects. – 4 The Effects of the Amnesty Law. – 5 Conclusions.



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1 Introduction

The health crisis following COVID-19 virus has seen a marked difference between people who are inserted in more protected contexts and have kept their jobs, often transferring their own activities to working from home with fewer health risks, and those, instead, who have continued to guarantee the essential services in the front line, albeit with difficulties and a fear of being infected. Apart from the doctors, the health service workers and the care-home workers, these also included farmworkers, those occupied in the food industry and logistics, live-in domestic caregivers, all of them employed in sectors that usually see a high rate of migrant workers (Pastore 2021; Baglioni, Calò, Lo Cascio 2020; Ambrosini 2020; Triandafyllidou 2020; Campa et al. 2020; Fasani, Mazza 2020).

In the agricultural sector, the explosion of the pandemic and the measures adopted to contain the infection rates made farmers all across Europe fear a lack of seasonal workforce for the summer crop harvest, highlighting the fundamental role of a mobile workforce, both at the international level and inside the national territory, which guarantees daily supplies of foodstuffs to the supermarket shelves (Palumbo, Corrado 2020). In an overtly functionalist manner, some countries like Germany, provided for the opening of *ad hoc* entry mechanisms for the seasonal farmworkers, forced to rigid health checks and to the limitation of free movement inside the country (Caprioglio, Rigo 2020). Other countries, like Spain, have implemented measures addressed to curbing the likely increase in irregular workers as a result of the difficulties caused by the pandemic, extending the residence permits, but above all temporarily reducing the income thresholds and the requisites needed to access the ordinary forms of legalisation required by the laws (the so-called *arraigo*, Palumbo, Corrado 2020).

Although this chapter is the result of collective discussions e several years of joint research, we specify that §§ 1 and 5 were written by Valeria Piro, § 3 by Emanuela Dal Zotto, § 4 by Martina Lo Cascio and § 2 jointly by Emanuela Dal Zotto e Valeria Piro.

In Italy, the government has responded to the farmworkers' demands¹ and to the claims of networks in support of migrants,² by issuing an amnesty law³ which, on the one hand, declared as its purposes the fight against irregular work and illegal recruitment as well as the safeguarding of public health, and on the other hand rigidly established the sectors in which migrants can be legalised, thereby answering the employers' demand for labour force.

The aim of this chapter is to illustrate the effects of the COVID-19 pandemic and, in particular, of the amnesty law passed by the Italian government in May 2020 for migrants working in agriculture,⁴ highlighting the continuity of the latter measure with the previous policies regulating migration and agricultural labour. Indeed, for several years these policies have managed both international migrations and domestic mobility of the seasonal labour force through an emergency approach that, by using the instruments typical of a "humanitarian regime", relegates labourers to the role of 'victims of exploitation,' and at the same time regulates their possibility of movement and their employment opportunities (Rigo, Dines 2017). Hence, we argue that the health emergency simply accelerates the resort to ad-

1 The employers' associations circulated an alarm for a "workforce shortage", arguing that the measures taken by the governments to deal with the COVID-19 emergency had made impossible the arrival of thousands of Eastern European workers, essential for the seasonal harvests. On 10 March 2020, in particular, Coldiretti (one of the main associations representing Italian farmworkers) sounded an alarm in regard to the possible shortfall of 370,000 migrant workers employed in harvesting, a figure definitely overestimated. The demand for government interventions to guarantee the arrival of foreign labourers has been accompanied by the claim for greater 'flexibility' in workers' employment. All the main political parties have supported the employers' demands, while the concerns relating to agricultural workers' living and working conditions had not too much room in the debate (on this aspect, see Caruso, Lo Cascio 2020).

2 Among the proposals for regularisation circulating before the approval of the amnesty see, in particular: Boeri, Briguglio, Di Porto (2020). *Chi e come regolarizzare nell'emergenza coronavirus*. <https://www.lavoce.info/archives/65966/chi-e-come-regolarizzare-nellemergenzacoronavirus/>; the proposal of ASGI, *Emergenza COVID: è indispensabile la regolarizzazione delle persone straniere*. <https://www.asgi.it/primopiano/regolarizzazione-stranieri/>; and the campaign *Siamo qui. Sanatoria subito*. <https://www.meltingpot.org/+Siamo-qui-Sanatoria-subito-.html>.

3 The amnesty measure is contained in Art. 103 of Law Decree 34 dated 19 May 2020 which adopted "Urgent measures on health, support for labour and the economy, as well as social policies connected to the epidemiological emergency COVID-19".

4 In Italy, in 2017, the agricultural companies with dependent workers were 188,000, and the workers formally hired 1,060,000, for a total of 110.7 million working days. Even without taking account of the large share of irregular workers, the agricultural sector in Italy employs up to 13% of workers, one third of whom migrants. Of these labourers, in 2016 INPS counted almost 364,000 (in 2006 they were 126,000), and the CREA (*Consiglio per la Ricerca in Agricoltura e l'Analisi dell'Economia Agraria*) estimated 405,673 of them (while they were 23,000 in 1989). The most represented nationalities were Romanian, with over 120,000 workers, followed by Indian, Moroccan, and Albanian (around 30,000 people altogether).

ministrative and bureaucratic emergency practices in the management of migrations, thus contributing to the construction of a frame that conceives mobility as a matter of public order, a contingent problem, unpredictable and hard to manage. The double-edged emergency paradigm, which combines migratory and health emergencies, obscures the structural presence of migrants in the agricultural labour market and shrouds the functionalism implicit in the Italian and European migratory policies, of which the 2020 amnesty law is just the latest expression.

The chapter in the first part briefly reviews some of the debates regarding the processes of social construction and the effects of the emergencies, to then illustrate – through the Italian case – how the emergency is produced by adopting specific policies for the management of migrations and internal mobility of the agricultural labour force (§ 2). Secondly, the chapter reconstructs the context in which the Italian government passed the amnesty laws following the COVID-19 pandemic in May 2020 and describes its content (§ 3). In the last part, this contribution focuses on the effects of the regularisation both at the aggregate level and in the rural ghettos that we were able to visit directly during the pandemic (§ 4). In particular, in this chapter we refer to the data collected from March to October 2020 in some contexts of agricultural work and informal settlements in Sicily (Vittoria, RG, and Campobello di Mazara, TR) and in Puglia (Borgo Mezzanone, FG). In these contexts, we collected five interviews addressed to trade unionists and members of the NGOs, and we conducted several hours of observation thanks to the participation of one of the authors in a social-legal helpdesk that conducted their reaching-out activities among the labourers resident in the informal settlement of Campobello di Mazara (Trapani, Sicily). On the basis of the empirical data, the last section of the chapter puts forward some conclusive remarks.

2 The Construction of the Emergency in the Migratory Policies and the Management of the Agricultural Workforce

In the last decades, social sciences have widely dealt with the topic of the emergencies – whether they are defined as such by means of a legal act or following a particular social and media alarm – as an interesting field of study, in which seeing at work processes of construction of a specific frame capable of suspending normality and normalising the exception (Fassin, Pandolfi 2010). In social sciences perspective, emergency has been studied both as a way of thinking and as a manner of making the world comprehensible, as well as an arena of political, economic, and symbolic conflict. Whilst not denying the presence of unexpected events that trigger moments of

crisis, therefore, different disciplinary fields have reflected deeply on the causes and on the social and political effects of the so-called 'emergencies'.

Social sciences have often empirically observed the bureaucratic practices and routines designed to govern the exceptionality. Such practices, legitimated by the need to intervene timely and urgently (Agamben 2003), on the one hand conceal the causes and the responsibilities of the phenomena (De Senarclens 1999), on the other involve a strong top-down structure and open spaces of discretionality for those who govern them, excluding these subjects from the possibilities of collective assessment of some fields that are thus delegated to the management of technicians and experts (Pandolfi 2005). The emergency practices, in turn, contribute to fuelling a sense of precarity and fear (Calhoun 2004), which leads to invoking an authoritarian and top-down management of the processes (Cuono 2013).

The management of the emergency is also a frame with an ambivalent nature: the demand for greater control is habitually accompanied by the need for safeguarding and caring for the so-called 'victims'. "Care, cure and control", in the words of Michael Agier (2005), thus represent two sides of the same coin, which combines the safety drives with an ethical-moral dimension of 'caring' for the (so defined) vulnerable subjects. Hence, the victim becomes by definition a 'body to be saved,' a passive beneficiary of the interventions, a subject without autonomy and without the capacity of self-representation (Pitzalis 2018; 2020).

In the management of migrations in Italy, an emergency approach has been adopted for a long time both in the national policies and in the local administrative practices (Colucci 2018; Scotto 2018). For several years, the regulation of migration through juridical tools typical of the emergency paradigm, such as urgent decrees and government administrative acts (Cuono, Gargiulo 2017; Gjergji 2013; 2020), as well as the periodical recourse to amnesties,⁵ has contributed to constructing the image of a naïve country, unprepared to handle a phenomenon repeatedly defined as 'new' and 'uncontrollable'.

Although starting from the post-war years the movements of population have implied the adoption of forms of containment of mobility typical of the emergency approach (Colucci 2018), it is especially from the early 1990s, with arrivals from the sea, that migrations have become an 'exceptional' and 'spectacularised' event also from a legal and media standpoint (Cuttitta 2012; Ciabbarri, Pinelli 2015). The phenomenon of the landings, which since then have succeeded

⁵ A distinctive trait of a migratory policy based on the emergency is the frequent recourse to amnesty laws. In Italy from 1986 to 2013 this instrument was used nine times for a total of over 2.5 million applications (Colombo 2012, Bonifazi, Strozza 2020).

one another with a certain continuity both in terms of frequency and in terms of numbers, is promptly framed as an emergency and it is in these terms that interventions are organised, by merging a secular and humanitarian approach (Campesi 2011; Dal Zotto 2014).

In the last decade, arrivals from the sea and the reception of the asylum-seekers have become pivotal in the public discourse and in the Italian political agenda on migrations. Two events, in particular, have characterised this transformation: on the one hand, the so-called *Emergenza Nord Africa*⁶ of 2011, that inaugurated a period characterised by the increases in the number of landings of people who, once in Italy, handed in an asylum application;⁷ on the other hand, the closure of the ordinary access routes and the reduction in the number of permits to a few, mostly for seasonal work, granted sporadically by the quota system – the so called, *decreti flussi* (Bontempelli 2018; Chiaromonte, D’Onghia 2020).

In 2011, the decreeing of the state of emergency before the intensification of departures from North Africa allowed the Italian government to introduce an extraordinary reception system, parallel to the ordinary one (historically undersized) managed by local authorities through the network known by its acronym SPRAR (*Sistema di Protezione per Richiedenti Asilo e Rifugiati* ‘Protection System for Asylum Seekers and Refugees’) (Marchetti 2014; Dal Zotto 2014). To face the ‘landing emergency,’ then, alongside the existing governmental reception centres (the so-called *Centri di Accoglienza* and the *Centri per Richiedenti Asilo*) and the previously cited SPRAR projects, extraordinary centres have been opened, on the basis of a convention with the operators of the *Protezione Civile*, by public and private subjects. Besides the lack of a homogeneity in the service standards and the limited competencies of some managers (Dal Zotto 2016), these structures had in common the absence (in some cases total) of measures of inclusion also due to their peripheral position on the territory. Indeed, they were located mostly in isolated and marginal spaces, surrounded by barbed wire, so as to make it unclear to the observer whether they were built to protect the guest or, vice versa, to protect the people on the outside (Sanò 2018a).

⁶ *Emergenza Nord Africa* (North Africa Emergency) is the name of the extraordinary reception plan organised for migrants arriving from Libya and managed by the Civil Protection with Presidential Decree dated 13 April 2011.

⁷ With the North Africa Emergency a phase is opened that would last at least until 2016 (with a peak in 2014 within the scope of the operation called ‘Mare Nostrum’) in which all the people reaching Italy from the sea were addressed towards reception system (Marchetti 2015). In 2011, the decision to proceed in this way for those who arrive from Libya (almost all of citizens from Sub-Saharan and Asian countries who have lived and worked in Libya for some time) led to an increase in the applications for protection by 208.1% as compared with the previous year.

Following the end of the North Africa Emergency, in 2013, Italian reception system continued to follow a dual track constituted, on the one hand, by SPRAR (in the meantime enlarged, but not yet sufficiently so) and, on the other hand, by the Extraordinary Reception Centres (*Centri di Accoglienza Straordinaria* – CAS), whose creation was made necessary due to the ‘new emergencies’ of the following years, and that still represent the centres with the highest number of beneficiaries in the last years (Bonesso et al. 2020). The management of these centres is outsourced to third sector entities by the Ministry of Interior through tendering procedures implemented at the local level (by *Prefettura*). In regard to what happened during the North Africa Emergency, the tendering procedures have guaranteed minimum standards and financial auditing (to which, in the name of urgency, the first phase of the North Africa Emergency had derogated). At the same time, the presence of contracts signed by each tender bind the quantity and the quality of the interventions aimed to asylum-seekers’ inclusion to resources that are unpredictable and volatile.

As widely argued, the ‘extraordinary’ character of this type of reception system can lead to situations of institutional abandonment, into pathways that not only fail in the integration of the asylum-seekers and refugees, but actually risk passivising and reducing the latter to mere ‘beneficiaries’ limiting their agency, albeit allowing some room for informal spaces of adaptation and resistance (see, amongst others, Altin, Sanò 2017; Ciabbarri, Pinelli 2015; Marchetti 2017).

Less discussed, instead, are the implications of the emergency management of the reception system on the labour market. For asylum seekers and refugees, the chances to find a proper job are limited also due to the precarity of their legal status and the presence of some limitation (such as the income or the possibility of mobility) that those living inside the reception centres are compelled to accept. For example, those who live in reception centres, often peripheral and decentralised with respect to the working opportunities, can leave their domicile for just a few days, and this greatly limits the chances for mobility both on the urban and the national territory to look for a job. Moreover, the beneficiaries must waive the right to accommodation in the reception centres if their income from employment exceeds the threshold of the social security allowance (i.e., around 5,000 euros per year); in many cases this constraint turns into an incentive to opt for informal or partially-informal labour. In addition, the problem of the uncertainty of the legal status makes it hard and less convenient for the employers to legally hire asylum-seekers, creating further leeway for resorting to informal labour. The precarity of the legal status, therefore, along with the rigidity of the regulations in migrant reception facilities, produce as an effect a workforce employable in marginal and irregular jobs, such as those needed in the agricultural sector.

In parallel with the emergency management of the reception of asylum-seekers and refugees, also the seasonal presence of migrants employed in agriculture has been for long time conceived and managed, on the national territory, as an emergency phenomenon. Indeed, as argued by Rigo and Dines (2017, 91) speaking about an “humanitarian exploitation” of labour, “the mixture between humanitarian and securitarian apparatus in the management of the migrations goes beyond the phases of migrants’ arrival and transit, and pervades fields, such as those of management of the labour force, that before had been excluded”. The demand for migrant labour during the harvest seasons, therefore, is cyclically accompanied by a housing ‘emergency’ for farmworkers who usually live inside informal settlements and abandoned farmhouses, that is in the so-called ‘ghettoes’ scattered around the countryside of Southern as well as Northern Italy.⁸ The national and local policies that in the past few years have tried to tackle the diffusion of irregular labour and illegal recruitment practices have had as their declared objective that of improving also the living situation in the countryside.⁹ This objective has materialised via interventions characterised by an emergency approach, above all implying the creation of temporary camps to accommodate farmworkers, managed by the *Protezione Civile*, the Red Cross or other entities of the third sector (Sempredon et al. 2017; Lo Cascio, Piro 2018; Brovia, Piro 2020). The price to pay for an improvement, albeit limited, in the living conditions in the countryside (i.e., access to drinking water, showers and hygienic facilities) is represented by the exercise of a greater control over the working and non-working life of the labourers hosted in camps. The latter, portrayed as ‘victims’ of the exploitation implemented by foremen and employers, are constructed as vulnerable subjects who need safeguards, instead than potential subjects of rights; the only exercise of *voice* envisaged by the current system concerns the possibility to denounce the ‘oppressors’ (indeed recognising oneself in the role of ‘victims’) while other forms of *exit* (such as geographical and working mobility) and of col-

⁸ Perrotta, Sacchetto 2013; Filhol 2016; Sempredon et al. 2017; Caruso 2018; Ciniero forthcoming.

⁹ We are referring, in particular, to Law 199/2016 (the so-called *Legge sul caporalato*), which was followed in 2017 by a document called *Experimental protocol against illegal intermediation and exploitation in agriculture. Care - Legality - Exiting the Ghetto*, signed by several Ministries, Regions, unions and employers’ associations, by which it was possible to create local steering committees to monitor and provide accommodations for migrant labourers, identifying informal settlements as a problem of hygiene and security. More recently, in February 2020, the national, regional and local institutions have underwritten the *Three-year plan to fight labour exploitation in agriculture and illegal intermediation 2020-2022*, which envisages similar prevention and control measures (<https://www.lavoro.gov.it/temi-e-priorita/immigrazione/focus-on/Tavolo-caporalato/Documents/Piano-Triennale-post-CU.pdf>).

lective action in the workplaces are neither facilitated nor contemplated. Moreover, limiting ourselves to identifying in the illegal recruiters (in Italian *caporali*) the worst of all evils, these policies do not cast any doubt over the relations of production, nor the organisation of the agri-food supply chain that produce the conditions for the existence of precarious labour. That is, they do not act, if not to a limited extent, on the structural causes that produce demand for underpaid and precarious labour in the agricultural sector (Corrado, De Castro, Perrotta 2016).

Starting from 2011, most of the people who have found accommodation in the institutional camps and in the informal settlements situated close to the harvesting areas came via reception system, thus moving from one camp to another and experiencing alternatively one and the other 'emergency' (Palumbo, Corrado 2020). In March 2020, the explosion of the COVID-19 pandemic had potentially devastating effects for those who found themselves at the time of the lockdown in particularly crowded centres or in informal settlements.¹⁰

As said previously, in answer to the health concerns, but above all in response to the demands advanced by employers' associations, the Italian government has passed an amnesty law. The introduction of this amnesty can be considered as a continuation of emergency migratory policies, considering irregularity as a situational element (and thus solvable) and not as the structural result of the closure of the legal access (hence, as the product of the policies itself). The amnesty law thus contributes to reproducing the frame of the emergency with a delicate health situation, rather than acting on the structural causes that produce irregularity and precarious conditions of life and work. As will be shown in the following paragraphs, the effects that it determines in the rural contexts, then, do not only epitomise the scarce efficacy of such measures, but allow to show how the emergency frame is repeatedly reproduced, till becoming the paradigmatic form of management of geographical and labour mobility.

3 The Amnesty Law: Expectations and Critical Aspects

We should add to the long series of amnesties concerning migration, that succeeded one another in Italy starting from 1986, the one included in the Law Decree 34 dated 19 May 2020 that adopted *Urgent Measures on the Subject of Health, Employment Support, and So-*

¹⁰ See, for example, the reports on the health conditions in the informal settlements at the time of the pandemic, made by the NGOs MEDU (Medici per i Diritti Umani) (2020). https://mediciperidirittiumani.org/medu/wpcontent/uploads/2020/07/pandemia_rosarno_rapporto_completo.pdf; and Intersos (2021). https://www.intersos.org/wp-content/uploads/2021/03/La-pandemia-diseguale_INTERSOS.pdf.

cial Policies Connected to the Epidemiological Emergency COVID-19, amongst which the emergence and legalisation of irregular employment contracts that in particular saw the involvement of foreign workers present on the national territory irregularly. In the text of the decree, it is stated that the urgency of the measure is mainly linked to reasons of a health nature, as we can read in clause 1 of Article 103.¹¹ Given this premise, fostering work in conditions of safety and the access to the basic health services recognising the rights of those who find themselves in a state of invisibility seems to be a shared pathway for the containment of contagions and the pandemic. However, the fact that the measure refers to a restricted field and to specific situations, instead of finding a broad application, makes us think that the measure represents more a response to the demand for labour supply in some sectors of the Italian labour market than an actual attempt to contain the spread of the infection rate (Caprioglio, Rigo 2020; Chiaromonte, D'Onghia 2020).

Indeed, first of all, the economic sectors for which it was possible to request the legalisation of informal labourers were only three: agriculture, animal rearing and livestock breeding, fishing and similar activities; caregiving; domestic work. For these sectors Article 103 envisages two possible pathways: a first one, foreseeing the emergence of irregular employment relations through the underwriting of a contract with foreign citizens present on the territory before 8 March 2020, upon application by the employer and at a cost of 500 euros; and a second option to obtain a temporary work permit for an irregular migrant, following an application by the migrant him/herself (ANCI 2020).

Those who were able to benefit from the regularisation were foreign citizens with a permit expiring from 31 October 2019 who had already worked in the sectors identified by the measure, and irregular foreign citizens, who could prove they had been in Italy by 8 March 2020, who were legalised and hired in the three sectors listed above. For them, a temporary six-month permit was envisaged convertible into a permit for reasons of work. Notwithstanding the requisites to access regularisation highlight again the limited scope of the measure, the granting of a temporary permit for job-seeking (albeit exclusively reserved to those who had already worked in the past in the sectors identified) in any case represents an important novelty brought by this measure: "For the first time in the Italian legal framework for what concerns the arrival and permanence of for-

¹¹ The measure is issued "in order to guarantee adequate levels of safeguards for individual and collective health as a consequence of the contingent and exceptional health situation connected to the crisis stemming from the diffusion of the infections from COVID-19 and to favour the emergence of irregular employment relations".

eign citizens is introduced the possibility, albeit granted by way of simple concession and for a very short period of time, to be able to move from a condition of irregular sojourn to one of regularity to look for a job, thereby foreshadowing a norm present in other European legal frameworks” (Schiavone 2020; Campomori, Marchetti 2020).

The ISMU Foundation estimated that at the time of discussing the amnesty the number of so-called ‘irregulars’ present in Italy was around 690,000 people. This number included asylum-seekers whose application had not been accepted: a group that was growing in 2019 following Law 132/2018, the product of the anti-immigration policies of the Italian government, that abolished the form of humanitarian protection, granted in most of the cases of successful applications by asylum-seekers in Italy.¹² As regards the process for the recognition of protection it was completed with the passage to a situation of irregularity, the access to regularisation was possible in the case of possession of the requisites indicated (residence permit expiring on 31 October 2019, presence in Italy before the 8 March 2020, prior employment in one of the sectors specified in the measure).

Instead, it was not possible for the asylum-seekers with the procedure for recognition of protection still in progress to convert their own document into a work permit, except once again for the three above-mentioned sectors. This meant, in the case of a negative outcome of the procedure for the asylum application, the passage – incontrovertible – to irregularity of around 120,000 people in 2020.¹³

The critical aspects of the amnesty measure were numerous, first of all that of remaining confined to some sectors of the labour market “in which foreign labour seems more useful, or even unavoidable, being hard to substitute” (Campomori, Marchetti 2020, 320). A further critical element is represented by the fairly high costs, which it is reasonable to presume have mostly been borne by migrants. Lastly, the difficulty of access for asylum-seekers is a further example of the limits of this regularisation, limits undoubtedly due to the need to identify a compromise between the political forces in government at the time the Decree was issued, but also emblematic of an emergency policy that produces *ad hoc* measures based solely on the urgency.

¹² According to the data of the Ministry of the Interior, the rejections went from 59-60% of the period between 2015 and 2017, to 67% in 2018, to 81% in 2018 and 76% in 2020.

¹³ This is an estimate of GREI 250 (*Gruppo Emergenze e Inclusione*) on the grounds of the rejections and the likely negative outcomes of the applications of asylum-seekers still pending in late 2019 (Bonesso et al. 2020).

4 The Effects of the Amnesty Law

The dual emergency paradigm, produced by the combined migratory and health emergency, during the early months of the pandemic translated into an apparent contrast between the identification of migrant workers as essential and at the same time, the invisibilisation of the processes ongoing in the countryside. If for thousands of workers this has meant remaining ‘stuck’ in informal settlements where the physical distancing and the safety measures imposed for the containment of the infections actually was a denied right, for others this translated into an increase in the pace and the risks of illness at work with no guarantees and safeguards.

In this section we refer to the effects of the amnesty on the conditions of the workers employed in agriculture who live in the informal settlements because this group in particular was functional, in the past few years, to the transfer of the emergency approach already tested in the reception system also to the management of the seasonal workforce in agriculture. The progressive adoption of an emergency approach, which holds together control and care, underpinning the normative interventions addressed to migrant workers has been possible by using the informal settlements to construct a pietistic rhetoric on which to base the need for interventions aimed at ‘saving lives from exploitation’.

For this reason, in analysing what has happened following the amnesty, it is useful to take into consideration the alarmist overtones used by the employers’ associations regarding the risk of shortages of agricultural labour needed to make the Italian agro-industrial system working, the expression of the same vision of the Agriculture Minister, Teresa Bellanova. In this sense what is interesting is the emotion with which the Minister presented the intervention to make sure that the “invisible shall be invisible no longer”,¹⁴ and match it with the quantitative and qualitative outcomes of the amnesty that show a failed possibility, by the ‘invisibles’ to whom reference is made, to concretely use this instrument.

In a context in which the number of irregular workers is estimated to be around 164,000 units,¹⁵ the forecast by the government to receive around 75,000 applications for emergence in agriculture clashed with a reality in which the applications presented were only 29,555 for the agriculture sector as compared to 176,848 applications collected for domestic work (despite an extension of the deadline for applications from 15 July to 5 August 2020). The latter data is

¹⁴ Press conference presenting the Recovery Law Decree, 13 May 2020.

¹⁵ Ministry of Employment and Social Policies, 2020, *Piano triennale di contrasto allo sfruttamento lavorativo in agricoltura e al caporalato*.

at the same time to be associated to a further two elements that suggest looking critically at the high number of applications for emergence in the domestic sector: the first one concerns the fact that in the last few years, the domestic employment relationship has been seen as the simplest path for emergence and thus for regularisation; the second has to do with the structure of the amnesty itself which, by reinforcing the position of the employer in the working relationship, has actually created a further space of commodification of the possibility for contractualisation.

In general, the overall figure of regularisation applications is ambivalent because if on the one hand it indicates a failure of the measure in respect to the objectives declared by the government, on the other hand it had the effect of opening spaces of action for those who managed to access it and at the same time of frustration for those who attempted to do it without ultimately managing to.

In view of the fact that of the 364,000 migrant workers in agriculture surveyed by INPS (Italian Social Security) in 2017 (CREA 2019) the most represented nationalities are Romanian, with over 120,000 workers of both sexes, and then Indian, Moroccan and Albanian, around 30,000 units, a further significant factor is that relating to the countries of origin of those who applied for emergence. The top ten nationalities represent over 80% of the 29,555 applications for regularisation in agriculture; and yet among these the only sub-Saharan component is constituted by the Senegalese nationality (1,265 applications). What stands out instead is the record of Albanian (5,176) and Moroccan (4,556), with respect to which rarely, in the past few years, a condition of diffuse irregularity has been reported, in particular among the agricultural workers. These data thus allow the difficulty of access to the amnesty emerge on the part of the informal settlements' residents – mostly sub-Saharan – to whom the intervention was addressed via the media. At the same time, it reflects the stratification of the agricultural labour force that is also confirmed by the empirical data collected thanks to the ethnographic incursions to the informal settlements in Sicily and Puglia between May and October 2020.

In particular, it was possible to conduct interviews and participant observation with the *Casa del Mutuo Soccorso Fuori Mercato* at the *ex Calcestruzzi* in Campobello di Mazara, the latter being the place where a deeper ethnographic research has been conducted since 2014 by one of the authors of this chapter. This was the main place of field observations that was then compared with some interviews carried out in other areas of intensive agriculture particularly in the South-East of Sicily (between Vittoria and Cassibile) and in Puglia (around Foggia in Borgo Mezzanone and Contrada Antonacci). The second part of the data collection is focused on some interviews with privileged witnessed; particularly useful was the encoun-

ter with Francesco Caruso, a researcher active for several months in Puglia at the USB (grassroots union) helpdesk of Contrada Antonacci with whom one of the authors held discussions.¹⁶

Such settlements are to be found in areas characterised by different productive systems that have given rise to different processes of stratification based in all cases on the employment of migrant labour with a variety of working and living conditions.

In particular, it is interesting to look at the province of Ragusa where the diffusion of the greenhouse production techniques has made it possible to go beyond seasonality, allowing for the stabilisation of a big share of male and female migrant workers, above all Romanian, Tunisian and Albanian, who habitually live in the town or inside the companies (Sanò 2018b). With 2,005 applications for regularisation for dependent work, this province is second only to Caserta for number of applications handed in. To deepen the reasons for this peculiarity we report the words of a trade unionist interviewed in Vittoria, during a ethnographic incursion in July 2020 hinging on the need for a discussion on the effects of the ongoing amnesty, who states:

Here the procedures of regularisation have mostly been started by stable migrants who find it easier to find an employer or an established intermediary who can find [in his turn an employer] available to start up the amnesty procedure. Obviously to have the chance to have an employer to activate the procedure costs money! This possibility and its costs are not accessible to the asylum-seekers or to the sub-Saharan migrants in general. (Trade unionist in Vittoria (RG), Sicily, July 2020)¹⁷

So according to the trade unionist, Article 103 has paved the way to the possibility of regularisation in particular for the migrants residing stably and with higher social capital. It also seems to be an instrument that has further reinforced the position of the employers and the intermediaries, paving the way, as usual, to a further segment of informal market for the sale of labour contracts.

The situation appears to be different in a context like that of Foggia (Puglia) during a visit in July 2020 to the settlements of Borgo Mezzanone and Contrada Antonacci. These two settlements, hosting farmworkers almost all coming from sub-Saharan Africa (Caru-

¹⁶ These discussions led to the writing of the article “Invisible Yet Indispensable: Emergence Among Farm Labourers in Southern Italy”, in Cigna 2021.

¹⁷ The interview took place at the headquarters of the union in July 2020 during a fieldwork aimed at drawing on elements of evaluation on regularisation and work transformations after the first phase of pandemic.

so, Lo Cascio 2020), are among the best known for number of people present and the structured organisation of the spaces. They are the most important among the many disseminated in the territory and are permanent even though the workers are mainly employed on a seasonal basis and informally in the tomato harvest. This is a component of the agricultural labour force that occupies positions characterised by low wages, temporary work above all during the seasonal harvests, extreme precariousness, heavy tasks and continuous turnover (Caruso, Lo Cascio 2020). According to a unionist active inside the largest informal settlement of the area, out of hundreds of potentially interested workers, only a few dozen actually managed to have the requisites to reactivate the amnesty application, often adopting the first procedure included in Article 103, that is the access to the regularisation for migrant workers with permit of stay expiring after 31 October 2019, with at least one working day in the sectors indicated by the measure, without the need to resort to an employer:

A residual possibility of emergence remains, which has to be valorised. It is not by chance that [among the applications handed in] there are Senegalese workers who have a more stable situation, others [workers] would have been interested [in taking part] but have not had the chance because in most of the cases, in particular the asylum-seekers of the last few years have ended up being tangled up in the ghettos, they have a residence permit that expired before 31 October, often as a direct result of the Security Decrees. (Operator of the grassroots union in Foggia, Puglia, October 2020)¹⁸

Even in this extract from an interview it is underlined how the Senegalese component, the only one to have been able to present a total of 1,265 applications for regularisation, was able to activate a certain type of relational and social capital, as can be deduced from the data collected in the past few years that show how in the hierarchical scale among workers of the informal settlements they are those who often fill the positions as intermediaries or reference points of the worker communities in the settlements. They have been present on the territory for longer and, notwithstanding this social capital, they are still relegated to conditions of informality. The difficulties of maintaining regular work, which also regard workers with higher social capital, also emerges from an interview with a Senegalese worker from the area of Touba, known by one of the authors from the

18 One of the authors met the operator in July 2020 during an ethnographic incursion and then she had the opportunity to talk over the phone in the following months and in particular this excerpt is taken from a telephone interview.

start of his ethnographic camp in 2014, who lived for five years in the informal settlement of Campobello di Mazara (Trapani, Sicily) and for two years in a house in the same village. In view of the sheer number of jobs piled up, Moussa has managed to work almost constantly beyond the olive harvest season. In July 2020 he turned to a union help desk of the *Casa del Mutuo Soccorso Fuori Mercato*¹⁹ to have information as to the chance of have access to the furlough scheme provided to labourers by the Government measures of March 2020:

I called my employer to tell him to send something that says I had worked for more than 100 days even though you just need 50. I discovered that he had registered [for INPS, that is to say, officially] just 15, but I am sure I had worked many more days. (Farmworker, Campobello di Mazara, Sicily, July 2020)²⁰

What emerges from the conversations with the migrant workers residing inside the ghettos is that the stratification of the legal status has implications not only on the living conditions, but also on the actual possibilities of emerging from irregularity. During the legal aid desk of the Casa del Mutuo Soccorso Fuori Mercato in the ghetto of Campobello di Mazara it has been possible to detect the interest shown by the most fragile workers in looking at the possibility of emergence. That interest has allowed the operators of the help desk to reach out to the asylum-seekers, in particular of Gambian nationality, usually less inclined as compared with the Senegalese migrants resident in the ghetto to relate with ‘the whites’.

For the first time we managed to enter the area opposite the informal settlement. The part of the ghetto which we had access to previously was limited to the one run by the Senegalese who have the monopoly of the relations with the outside and with the resources that come from lawyers, institutions and in any case the monopoly of contacts with the ‘whites’. We manage to access ‘the Gambian part’²¹ because there is an urgent demand for contacts

19 The help-desk was born within a long-lasting project consisting of two local and one national realities (Partinico Solidale, Contadinazioni and Fuori Mercato autogestione in movimento), which in April 2020 focused their activities with the launch of the campaign ‘Let’s take water to the ghetto’ which, on the one hand, provides for a collection of funds to supply water to support the life in the settlement and on the other hand provided legal and union support to satisfy individual and collective needs, one of which is access to the amnesty.

20 This excerpt is taken from a conversation with a worker who has been present in Campobello di Mazara for many years and with whom the relationship of trust and exchange with the group with which I enter the ghetto is very solid.

21 This settlement was born in March 2018 and it is mainly organised by the Senegalese who manage the central square that offers from September to December, the

with the lawyers: they want information about the amnesty. This part of the ghetto is visibly poorer and organised with found materials besides being dirtier than the Senegalese one. Right from the start we meet Faraji, who organises a line of people in an area with a sofa and a table. They all need to speak with a lawyer or just talk. We are able to talk with nine people and make appointments for the coming Friday: they all have an expired work permit, were physically stuck from start of the pandemic, no one could access the amnesty or thinking of having an employer to a 'favour' of concerning the start of the procedure of emergence. Faraji is definitely a reference point in this part of the ghetto, seeing that he has a few years' experience of living in Italy. He prefers to speak about his personal situation only at the end of the day. This turns out to be rather critical. Indeed, Faraji has a criminal record and a sentence, the ghetto is his refuge, like that of many others who are not there because they recognise themselves as labourers. They have simply been expelled from society and have fallen into a vicious circle: it costs less to live in the ghetto and at the same time they lost every contact with all the rest. (Fieldnotes, Campobello di Mazara (TR), Sicily, 3 July 2020)²²

The latter note supplies us with important elements with which to understand how the ambiguity, pertaining to the emergency paradigm, represents the rationale underlying the amnesty. It has reached some migrant workers and has opened in their imagination a space of possibility that in this case is translated into the choice of the workers to come to terms with the legal aid activists. However, it turns out to be an instrument that has further reinforced the process of stratification and hierarchisation among the workers themselves. As also emerged from the data on the countries of origin of those who applied for the amnesty, the possibility to access the measure or not has involved the emergence of new stratifications.

As a whole, the data relating to the number of applications handed in, besides being indicative of the fact that the measure of amnesty has not had an effective diffusion among those living inside the informal settlements, coming mainly from sub-Saharan Africa, show above all the ambivalent character of the intervention itself. The latter, on the one hand, borrows some constitutive elements from the

month of the olive harvest, activities of catering, prayer and sale of utensils or clothes. In the same months around this central zone there are 'peripheral' quarters mostly divided by nationality and visibly organised with fewer resources.

22 This ethnographic note is taken from the field diaries in Campobello di Mazara where the observation has been ongoing since the time of the doctoral thesis started in 2013. The intensity of this moment is the attention that is placed on this is the result of an overall analysis of years of research.

paradigm of asylum management, on the other, it uses the spread of COVID-19 as a scenario with a view to consolidating an emergency management approach of farm workers, subordinate to the functioning of the labour market.

This approach has been partly questioned by some workers who have underlined the functionalist limit of the amnesty measure. The latter have summarised their position with the slogan “People, not disposable arms” launched during a strike held on 21 May 2020 in the cities of Rosarno (Calabria) and Foggia (Puglia), which saw the participation of hundreds of migrant workers. Such a protest was supported by a broad front of associations that came together to carry forth a communications campaign titled “We are here, amnesty now” with the aim of casting light on the interdependence between health salute, migration and work, and the need for an effective regularisation without conditions of thousands of invisible workers of both sexes.

5 Conclusions

As the chapter has showed, the amnesty passed by the Italian government during the COVID-19 pandemic situates itself in continuity with the emergency policies for the management of migrations and agricultural labour adopted in the past few decades. Indeed, the regularisation appears like a contingent measure, with limited scope and a temporary nature, which does not envisage a substantial modification in the legal conditions (in particular, the possibility to legally access Italy for work reasons and the restrictions in the reception and asylum policies) which produce situations of irregularity among migrants. Moreover, being addressed to particular sectors and including several strict requisites, it has excluded from access numerous potential beneficiaries, amongst whom many residents in the informal settlements and asylum-seekers.

This type of measure, hardly effective in order to solve the irregularities in a generalised and long-lasting way, has however fostered the reproduction of an emergency frame, whose elements have been highlighted throughout this chapter.

The emergency paradigm has, first of all, allowed to represent some groups of migrants (the irregulars, and in particular among them, those living inside ghettos and informal settlements) as particularly vulnerable and as subjects to be protected (in this case with respect to the threat of the diffusion of COVID-19 and with respect to labour exploitation). The definition of migrants not as workers bearing rights, but as ‘victims’ of exploitation also facing informal living, which exposes them to several health risks, further legitimates the reproduction of an “humanitarian exploitation” regime (Dines, Rigo 2017): migrant labour force employed in agriculture can continue to

be managed with tools pertaining to the humanitarian paradigm, that is living in camps and reception centres where control and care represent two sides of the same coin.

Furthermore, the reproduction of an emergency frame on the one hand may have given greater visibility in regard to the precarious living and working conditions of migrant workforce in the agricultural sector, while on the other hand it has given less emphasis to the structural and historically crucial causes of such conditions. In the problem-solution approach typical of the emergencies, constantly focused on the present, measures such as that of amnesty law have given public opinion the impression that the problems of irregularity and informal labour had been solved, whereas actually they were only postponed or transferred to an administrative level, characterised by a quite large amount of discretionality.

Lastly, the adoption of an emergency paradigm has meant a simplification of the complexities. Not only the individual trajectories, the aspirations and the desires of migrants have been overlooked, but also the forms of segmentation of the labour force have been obscured. What emerges from observing the data relating to the applications for amnesty, as well as taking part in the daily life of the ghettos, is that the agricultural workforce is highly fragmented and stratified on the basis of nationality and legal status. If the Eastern European workers have been among those who have had the easiest access to the amnesty it is because the latter find themselves in more stable working positions with easier access to networks and resources on the territory. Instead, those who live inside informal settlements, usually coming from sub-Saharan Africa, in the last few years in a growing number asylum-seekers and refugees, represent the more marginal fringes among farmworkers, those who experience the most precarious living and working conditions, tied to the seasonality of the production and the harvest. The amnesty law in 2020, which falls within the track of emergency policy to manage migrations and agricultural workforce, without taking into account the complexity of biographies and the variety of migratory and working situations, has actually constituted a measure that has been accessed in a selective way, and that, in turn, has had the effect of filtering and hierarchising the labour force present on the territory.

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