Legal Indicators for Social Inclusion of New Minorities Generated by Immigration – LISI

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Partners of the Project are: EURAC (European Academy of Bolzano Bozen), the AIRE Centre (Advice on Individual Rights in Europe – London) and the ETC (European Training and Research Centre for Human Rights and Democracy – Graz)

Regional Report

The Province of Bolzano/Bozen

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I. INTRODUCTION

The Report on Immigration in the Province of Bolzano/Bozen (South Tyrol) (hereinafter referred to as “the Province”) is part of the LISI project (Legal Indicators for Social Inclusion of New Minorities Generated by Immigration) funded by the European Commission (DG Employment and Social Affairs) and the European Academy of Bolzano/Bozen (EURAC). The LISI Project aims at identifying legal indicators to measure, recognize and prevent social exclusion for a specific target group: new minorities originating from immigration. The identified set of indicators will be able to engender standardised and comparable data in different countries and different contexts with a view at measuring social exclusion as well as assessing the impact of legal provisions on the social inclusion of the target group.

The potential EU-wide applicability of the LISI indicators is maximized by the diversity of the three areas examined: the Province of Bolzano/Bozen, characterized by a special legal framework aiming to protect linguistic minorities; the Region of Styria, exposed to immigration linked to the EU enlargement and to flows of refugees from the former Yugoslavia; and the town of London, with a long-standing immigration tradition in an urban environment. In addition to the three principal partners, EURAC, ETC (European Training and Research Centre for Human Rights and Democracy–Graz) and the AIRE Centre (Advice on Individual Rights in Europe-London), the Project has also two supporting partners: the Provincial administration of Bolzano/Bozen and IFIAS (Institute for International Assistance and Solidarity-Bruxelles).

In the first phase of the Project (Jan.-Jul. 2002), the main objective was to gain a deeper knowledge and understanding on the extent, characteristics, processes, causes and trends of marginalization and social exclusion of immigrants in the three selected areas. According to common guidelines, three Regional Reports (South Tyrol, Styria and London) have been prepared analyzing the national and local legal framework with regard to various aspects of social integration such as participation in public life, citizenship, employment, social policy, housing, education, etc. The problems faced by women within the target group have been particularly taken into consideration.

The Regional Report on South Tyrol is based on research and analysis conducted through an integrated and multidimensional approach and takes into consideration various aspects of the social exclusion experienced by the target group in South Tyrol and the national, regional and local legislation pertaining to the various aspects of their social integration. In addition, best practices generated in these fields as well as the role of local authorities in combating social exclusion are thoroughly analysed.

A Report on Common Issues and Best Practices, consolidating the outcomes of the three Regional Reports, will be discussed at local workshops held respectively in Bolzano/Bozen, Graz and London with the aim to deepen the discussion and to gain a critical feedback on the research findings. Participants will be representatives of the target groups, ngos active in the fight against social exclusion, local authorities, academics and researchers and other civil actors engaged in addressing problems centred around immigration and social exclusion.

Subsequently (Aug. 2002-Jan.2003), the three partners will develop a preliminary set of legal indicators for the three selected areas that will be reviewed and selected together with external international experts and IFIAS, in order to better devise the final set of legal indicators potentially applicable in a wide EU-context. The last phase of the LISI project (Feb.-Jun.2003) will aim at...
widening the debate as well as at disseminating achievements and research findings by organizing a wide-scale consultation forum on the relevance and applicability of the proposed set of indicators.

Bolzano/Bozen, 30 June 2002
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II. GENERAL OVERVIEW

A. Some Statistical Data

In South Tyrol, as in the rest of Italy, immigration from third-countries has greatly increased starting from the middle of the 1980s. The last decades have been dominated by two migratory flows: the first flow of third-country nationals (hereinafter referred to as “TCNs”), composed prevalently of young men from Morocco and Tunisia, has been exceeded, starting from the 1990s, by immigration, mostly of families, from the countries of former Yugoslavia and Albania.

According to ASTAT data, as of 31 December 2000, the TCNs registered as residents in South Tyrol amounted to around 9000. About half of them reside in Bolzano/Bozen, while the others are distributed in the rest of the Province. The most frequent countries of origin are: former Yugoslavia (30%), Albania (16%), Morocco (12%), Pakistan (8%), Tunisia (5%), Bangladesh (3%), Czech Republic and Slovakia (2%). Those remaining come from fifty other countries or are stateless.

As of 2001, the number of foreign minors appears to be on the increase: around 20 % more in comparison to the previous years in Bolzano/Bozen and around 16 % in the entire Province. This is the consequence of new births and family reunifications and it is an important signal of the integration of foreigners in the Province. Minor foreigners are currently around 17 % of the entire foreign population of the Province.

A particular feature of the immigrant population in the Province is the large presence of immigrants from Pakistan in comparison with the number of inhabitants of the Province. Only in three other Italian regions higher figures of Pakistani immigrants can be found: Lombardia, Lazio and Emilia Romagna. This community is almost absent in other Italian regions. In comparison with these three cited regions that attract foreign citizens from all over the world, such a high number of immigrants from Pakistan is indeed a special feature of South Tyrol.

In South Tyrol is also present a community of TCNs of Roma origin. This is mainly composed by displaced persons arrived in the Province following the conflict in the ex-Yugoslavia and coming mostly from Macedonia. In South Tyrol the presence of the Roma/Gypsy community is estimated in approximately 250 persons. This figure is rather uncertain in light of their high mobility in the territory and because it is based on the presence of the members of this community in public official dwellings and in those known to the authorities. In addition, these figures do not take into consideration the Roma/Gypsy who found a permanent housing (in most cases an IPES apartment – Institute for Social Housing).

In Bolzano/Bozen, as of 2001, there were around 70-80 asylum seekers and refugees. With regard to the displaced persons from Kosovo, in particular, those allowed to stay for humanitarian reasons on a temporary basis, could convert their permits into work permits. In general, they have been, at

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1 The Report has been prepared by Roberta Medda-Windischer with the collaboration of Orsolya Farfas for the paras. A (4,5), B (1.1, 3,4,5) of Chapter III. Note that at the time of writing, the Law No.189/02 of 30 July 2002 containing norms amending the existing legislation on immigration had not been yet entered into force. Following the adoption of this Law, when necessary, the present Report was updated and amended.

2 In the Province there are 2 camps for Roma: one located in Bolzano/Bozen for 130 persons and another in the North of the Province – Varna- for 10-15 persons. The latter was due to be closed by 2001, and its guests moved to social housing.
least economically, integrated as they found fairly rapidly a job and in most case an accommodation.

**B. Legislative Framework**

1. **Testo Unico (1998)**

At the time of writing the law still in force regulating issues pertaining to immigration was the Law No. 286/1998 (hereinafter referred as to “Testo Unico”). This law consolidates various provisions regulating different aspects of immigration such as entry of foreigners, residence permits, control of the frontiers and expulsions, family reunification, employment, education, professional activities, health, housing, social assistance and fight against discrimination.

The Testo Unico guarantees to TCNs with legal status most civil and social rights on equal footing with Italians. Furthermore, it contains a range of measures aimed at facilitating their integration in society, which involves authorities at all levels as well as civil society and includes language courses, the valorisation of foreign cultures, the establishment of intercultural mediators, training courses, and dissemination of information to combat racism and xenophobia.

With regard to the institutions having competence on immigration and integration of TCNs, the Testo Unico establishes various institutions that have not been modified by the Law No. 189/02. The Testo Unico set up Regional Observatories tasked with monitoring and information functions as well as legal assistance to victims of discrimination. In South Tyrol such Observatory has been established at the beginning of 2003. The Provincial Observatory on Immigration is the focal point in the Province for the definition and implementation of integration policies and for coordinating various offices of the Public Administration responsible for immigration matters. The Observatory is charged with studying the typologies of immigration and the integration-related problems, setting up an information and monitoring system, supporting victims of discriminatory acts and promoting equal treatment among TCNs and Italian citizens.

The Testo Unico established also the Commission for Immigrants Integration, an advisory body to the Government dealing with policies concerning the integration of immigrants, inter-cultural policies, and the fight against racism. The Commission is required to: prepare an annual report to the Parliament on the current state of implementation of policies to integrate immigrants; elaborate proposals to improve those policies; and respond to any questions the Government may have on matters of its competence. The Commission is composed of academics, experts in immigration issues and representatives of the State administrations involved in policies for the integration of TCNs.

Moreover, the Testo Unico established within the National Council of Economy and Labour (CNEL), a National Co-ordination Unit for local policies of social integration of foreign citizens. This body has the primary task of studying local initiatives and experiences of social integration of foreigners and of identifying and promoting good practices in this field. It brings together representatives of the local (municipal, provincial as well as regional) administrations, trade unions and employers associations, as well as associations working with immigration-related issues and associations of immigrants.

Finally, within the Office of the Prime Minister, a Council for the Problems of Immigrant Workers and Their Families was established. This body brings together representatives of different sectors...
and institutions, including representatives of the National Co-ordination Unit, associations working with TCNs, Ministries, and social partners.


On 30 July 2002, the Law No. 189/02 containing provisions amending some provisions of the Testo Unico was approved (it entered into force on 10 September 2002). The main elements of innovation can be summarized as follows:

- new requirements for the issuing of the work permit are: fingerprints evidence and residence contract for reasons of employment (contratto di soggiorno per lavoro). This contract can be issued only upon the guarantee given by employers to provide suitable housing for foreign workers as well as the commitment by the employer to pay for the worker’s return to his/her country of origin;
- the duration of the work permit is the same as the duration of the relative working contract but, in any case, it cannot exceed 9 months, for seasonal contracts, one year for short term contracts, two years for permanent contracts;
- an increase from five to six years of the period of residence necessary to obtain a permanent residence card;
- in case of unemployment, the foreign worker is allowed to remain in Italy until the expiring period of the permit to stay, or, in any case, 6 months and no longer one year as provided for by the Testo Unico;
- priority is given to foreigners who have undergone training in their countries of origin on the basis of training programmes approved by Italian authorities;
- single immigration offices in each Province are set up at the Prefectures (the central government’s representative in the Provinces) to be responsible for the entire procedure concerning the hiring of foreigners with short-term or permanent contracts. Among the duties of the single immigration office, there is also that of acquiring the fiscal code of the foreigner and communicating this to the Italian consulate competent for the issuing of visas;
- the suppression of the norm providing for the possibility to extend family reunification to third-degree relatives;
- in addition to the annual decrees for the determination of TCN-workers’ quotas, further decrees may be issued from time to time during the year on the basis of applications filed by prospective employers. Special quotas are reserved to TCN-workers of Italian origin residing in third-countries;
- suppression of the figure of sponsor, which, according to the Government, in its implementation has not reached the objective of favouring the effective entry of TCNs into labour market;
- the immediate expulsion of irregular immigrants, with accompaniment to the nearest frontier by the police. This amendment modifies the provisions in force under the Testo Unico requiring a preliminary injunction to leave the country, which, according to the Government, in its application has proved to be a way of avoiding expulsion; in case of expulsion, the person concerned is forbidden from re-entering in the Italian territory for a period of 10 years; this period can be reduced to 5 years in light of the overall attitude of the person concerned during his/her stay in Italy;

At the time of writing, this law was still under examination by the Constitutional Affairs Committee of the Senate.
• A Committee charged with the coordination and monitoring of the implementation of the Law No. 189/02 is established. A Working Group of this Committee is set up within the Ministry of Interior and is composed of representatives of various Ministries and three experts in immigration-related issues.

III. AREAS OF CONCERN

A. Economic, Social and Cultural Rights

1. Employment

The manpower offered by foreign workers represents, in general, a precious resource for the host society. It most certainly is in responding to an insufficient supply of manpower, which is more evident in South Tyrol than elsewhere. Immigrant manpower is in fact considered by most as a structurally indispensable component of the economic life of the Province which, for endemic reasons, such as full occupation, school-attendance and a demographic decline, is destined now and in the future to have increasingly recourse to foreign workers.

In 2000, TCNs represented on the average about 4% of all persons employed in South Tyrol. Foreign manpower in the Province is characterised by a clear preference on the part of employers to hire seasonal workers from Eastern Europe rather than from Maghreb or Asia. This is mainly due to language knowledge as well as geographic and cultural proximity.

The number of work permits issued for TCNs has increased in the last years and the trend continues to be upwards. The employment of TCNs in the Province is characterised by a strong seasonal nature and low presence of women, who represent approximately 25% of overall number of foreign workers. In most cases, the work contracts last less than three months and, in some cases, one month only. In general, in 2000, only less than 30% of all contracts stipulated by foreign workers lasted more than a year.

Two sectors monopolize the hiring of TCN-workers in the Province: agriculture and tourism. Farm businesses hire some 60% of foreign workers (Italy, approx. 12%). The tourism sector follows immediately with over 30% (Italy, approx. 10%). Other sectors accounting for a quota above 10% are: manufacturing, 14% (Italy, approx. 13%); building, 13% (Italy, approx. 12%); cleaning contractors, 13% (Italy, approx. 6%); commerce, 10% (Italy, approx. 9%).

It is important to note that while at the national level one worker hired out of twelve is a TCN, in the Province one out of four persons hired is a TCN.

Concerning the level of education of TCN-workers in the Province, those with no schooling represent less than 10% of the total. But while this percentage approaches zero for workers from Albania and Eastern Europe, it tends to rise in all other cases, up to almost 16% in the case of persons of Asian origin. These percentages tend to increase among women. It must be pointed out, however, that among those with university degrees women are the majority, while men are in the majority as concerns professional qualifications.

Another interesting point is that before arriving in South Tyrol, about one third of TCNs resided in other Italian regions, especially in Central and Southern Italy (Latium, Apulia and Campania having
where the majority held one or more jobs in different sectors, with a prevalence in the building sector.

Generally, most TCNs arrived in the Province through acquaintances, friends or relatives. Only some chose South Tyrol because they were aware of concrete job prospects and of low unemployment rate.

Stable employment characterizes more consistently workers from the Maghrebi area and Albania, while Asians, as seen prevalently from Pakistan, represent the majority of those who are employed sporadically. East European workers are instead more frequently involved in seasonal work. This is likely due to the vicinity of their countries of origin, which allows them to reside at home for most of the year.

With regard to the hiring mechanism, the most common is the procedure based on direct call: almost all workers, especially from Poland, Czech Republic, Slovakia and Slovenia, obtain a residence permit for seasonal work on the basis of an employer’s direct call. In South Tyrol the direct call mechanism appears to work fairly well especially in agriculture owing to the coordination between the Farmers’ Union, the provincial labour exchange and the police. Employers thus can avail themselves of a single office where they can apply for authorization and report the hiring of immigrant workers.

As seen above, among the peculiarities of the Province is the high percentage of foreign workers hired on the basis of short-term contracts, especially of a seasonal nature. Among the applications to the Ministry of Labour between 1999-2001 for seasonal foreign workers, around 60% came from the Trentino-Alto Adige/Süd-Tirol region, followed by Veneto with approx. 15%, and all southern regions together representing 4% of seasonal labourers. For the year 2002, the Province obtained from the quota of the Ministry of Labour 3629 authorisations for seasonal workers for the hotel sector and 9371 for the agricultural sector.

It has to be noted that although seasonal workers characterises large part of foreign work, there is the tendency among TCNs to aspire to longer periods of residence and in many cases there is the wish to settle permanently, especially when they are joined by their families.

1.2. Seasonal Work

- The seasonal labourers, authorized to enter in Italy in the first nine months of 2001, are only a part of the seasonal workers present in Italy. Most of them are from Eastern Europe, especially Poland, Czech Republic, Slovakia and Hungary because for these countries no visa to enter Italy is required.
- Foreigners with residence permits allowing employment or for other reasons that allow work (family, humanitarian reasons) enter also the seasonal labour market.
- Besides TCN-workers who are fully authorized to perform seasonal work, there are many foreign university students who engage in seasonal activities despite the fact that their residence permit does not authorize them to work. Indeed, seasonal labour in the tourist sector but also, to a lesser extent, in agriculture, provides chances to earn money that are otherwise not available to foreign students.

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4 The Italian legislation provides for the possibility of signing a labour contract by students up to an average total of 20 hours per week per year. But students prefer to avoid being counted as workers since this would exclude them from grants and access to student hostels.
• Individuals with permit to stay as tourist perform often seasonal works. This is the most widespread kind of irregularity connected with seasonal labour practiced by persons from East European countries in which visas are not required and who remain in Italy for two or three months to harvest crops or work in hotels and then leave the country before their permissions to stay as tourist expire.

• As concerns women, they represent a consistent minority of authorized seasonal labourers in Italy. In the last three years they have received about one third of total authorizations granted. Many female seasonal workers are employed in agriculture, where the role of seasonal labourer is traditionally assigned to men. In South Tyrol, women are in demand in agriculture for the harvesting of strawberries and apples. The presence of women is relatively more widespread in the services and tourist sectors. As seen for irregular workers, in general, many women from East Europe, especially from Poland, enter with tourist permission and work off the books in hotels. Others are represented by domestic helpers who, already present in Italy either with or without a work permit, are free during the summer holiday season. 5

1.2.1. Agriculture

In the Province, the work in the agricultural sector is mainly harvesting and sorting fruit and in the vineyards. Despite the reassuring declarations of farmers’ representatives, besides the almost 20,000 seasonal workers, there are in agriculture numerous foreign workers with no residence permit who work off the books in the harvest season.

As mentioned above, in the Province there is a clear preference of local employers for workers from Eastern Europe, due to cultural, linguistic and often professional affinities. This preference goes back some years: previous to this, the first foreign workers hired came from North or Central Africa. Relations with Eastern Europe are facilitated by international social security conventions between Italy and some of these countries, which make it possible for employers to contract out work to foreign companies, which in turn have the advantage of being able to apply the labour laws of their own countries rather than those in force in Italy. This element is also a factor favouring development of relations with foreign countries and of progressive recourse to foreign manpower, also in the sense of manpower not directly hired by local employers but by foreign companies having commercial relations with Italian companies.

The sector of seasonal employment in agriculture must meet the competition of other productive sectors in search of manpower, and is hindered by the very evanescence of employer-employee relations that it entails. One of the reasons that lead farmers to search for seasonal labourers in countries outside the EU is the tendency of foreign workers already present in Italy to look for jobs with permanent contracts, such as cattle raising, where the work is certainly hard, but it offers if not a higher wage, at least the opportunity for continuity.

With regard to accommodations, they are usually provided by employers in their own structures during harvests. This implies a materially favourable condition for workers, but also highlights one of the main problem of TCN-workers: the lack of integration in the local community and the feeling to belong to the firm. In addition, this situation makes controls difficult: for example, it is not easy to establish clearly the number of working hours in this kind of work and, in this sector, trade union influence is extremely low.

5 Note that at the time of writing, the amnesty (sanatoria) included in the Law No. 189/02 (art. 29) for the so-called “badanti” (persons in charge of taking care of elderly or handicapped persons) and domestic workers without regular documents had not been yet implemented.
1.2.2. Hotel sector

In the hotel sector, the seasonal characteristic of the activity creates general conditions of periodical employment. In South Tyrol, the past ten years have seen a general rise of massive employment of TCN-workers. In this sector as well, at the beginning these workers were prevalently from North Africa and then they have been progressively replaced by workers coming from Eastern Europe.

Representatives of hoteliers speak of massive employment of women from Eastern Europe, even from countries which are poorly represented in official figures: Ukraine, Rumania and Russia. These data may be interpreted as an (unintentional) indication of a high percentage of irregular workers present in South Tyrol. It is known that many women from Eastern Europe enter Italy without a visa and remain here working without a regular labour contract until the end of the three months granted. On the other hand, Russian, Ukraine and Rumanian women are believed to enter with a Schengen tourist visa (which is often valid for one week only) and remain beyond the end of the season and then “disappear” into domestic service to store up savings until the following season.

In this sector, as in agriculture, the most widespread problem is the bureaucratic requirements and delays in processing residence/work applications by the police. In most cases the work permits are granted for up to six or nine months since it may be necessary to stay both in the summer and winter seasons.

As is the case of agriculture, accommodations are usually provided by employers. The hotel associations organize training courses that cost very little so that immigrant workers can participate and gain further skills.

1.2.3. Domestic Workers and Family Assistants

Work in the home and assistance to families is one of the so-called “underground” sectors in expansion. In these sectors, it has to be highlighted the close relations with the community of origin: there is in fact a fairly high turnover rate among female workers through a sort of exchange with friends and relatives from their countries of origin who take turns working for a family.

1.3. Specific Problems of Integration at Work

The condition of marginality among immigrant workers can be divided into horizontal segregation (confinement within determined job areas) and vertical segregation (hiring at the lowest level and no chance for advancement), which is especially present among unskilled labourers and women. This element, coupled with discrimination in terms of wages, strongly affects immigrant women.

Recent studies have highlighted that among difficulties in integration, TCNs usually cite: long working hours and shifts, problems concerning holidays, difficulties in reconciling working hours and shifts with religious practices, poor working conditions from the viewpoints of health and safety and different treatment compared to Italian workers.

Among different aspects of employment, “security”, especially in economic terms, but also in terms of stability and non-harmfulness of their jobs, represented quite an important component for a large majority of foreign workers. This finding belies the commonplace according to which immigrants are available to work in jobs that offer few guarantees and safeguards. The fact that necessity often forces them to accept jobs of this kind obviously it does not mean that they do not aspire to better working conditions. Among the reasons behind the refusal to accept a job there are often safety
concerns more than economic considerations on wages. Jobs that are considered “bad” are indeed those responding to the “3 D’s” (dirty, dangerous, demanding), menial jobs, those far from one’s domicile, those that are “flexible”, which is to say uncertain and precarious as concerns job continuity and social security payments.

The difficulty in enjoying holidays flexibly concerns, most of all, those whose countries of origin are far : in other words, workers from the Maghreb and Asia. With regard to religious practices, those who encounter problems at the workplace are usually Muslim workers. Other problems encountered with some frequency are those connected with the difficulty in reconciling work commitments with family life, and finally problems with language.

1.3.1. Seasonal workers

Among the reasons behind the strong and growing demand for TCN-seasonal workers are: the low cost and absolute economic convenience of hiring labourers from third-countries and the social “invisibility” of these workers. Seasonal workers have the right to health care and other fundamental services, but they do not have a stable community in the host country, they usually do not perform social activities, their relationship with the host community is mediated by their employers and is in any case limited to the duration of their work contracts.

Living and working in the same place might represent in fact an advantageous solution to the housing problem which also allows significant savings, but it causes social isolation and limited access to available services. In addition, in setting up housing facilities, employers often put into practice what they define as “preventive” measures, making sure they do not mix different ethnic groups under the same roof, the Poles with North Africans, for example. In addition, this “privileged” relationship between employer and seasonal worker does not facilitate visibility and transparency in hiring practices. Indeed, according to trade union sources, in comparing authorizations issued by the labour offices for the entrance of seasonal farm labourers with the number of labourers hired and reported to social security authorities, and especially with the number of working days reported to the same authorities, it emerges that approx. 75% of these workers elude all controls.

With regard to trade unions, it appears that they have difficulty in approaching seasonal workers because they are usually not willing to put at stake the trusting relationship with their employer that will probably allow them to return for the following season. Vigilance in the seasonal sector is additionally quite loose due to the fact that, with few exceptions, there are no large enterprises in South Tyrol having recourse to seasonal workers from abroad but a constellation of family enterprises and thus a widespread distribution of workers. For seasonal workers residence permits are linked to the duration of the seasonal work contract and this often leads to TCNs’ being considered almost exclusively as manpower. When this close connection between residence permit and work contract will become generalized as provided for in the Law No. 189/02 (previously this applied only to seasonal workers), exploitation may tend to increase since renewal of their residence permits would be dependent on the work contract and this would place workers in an extremely weak position from which to defend his/her rights in case of their violation.

1.3.2. Unemployment

Some of the difficulties encountered by TCNs at work may led to unemployment. Misunderstandings with employers, a hostile environment or one that is felt to be hostile, demotivation, lack of gratifications and professional recognition may cause conflicts leading workers to leave their jobs and causing problems of reintegration.
Fortunately, the unemployment rate among TCN-workers, characterized by cyclic trends connected with the seasonal nature of the sectors in which they are mainly employed, has been decreasing constantly: from an annual average of 15% in 1998, it decreased to 7% in 2000. In the same period the presence of women on the unemployment lists remained practically constant, with an average decrease of few persons: from 250 in 1998 to 211 in 2000.

From statistical data on unemployed-TCNs, it emerges that they were mainly employed in the hotel and restaurant sectors. Most are in the 30 to 39-year age group. As concerns schooling, almost half have an elementary school certificate and the other half a lower secondary school certificate. For the majority, the duration of their unemployment period ranges from one to two months; the others remain unemployed for no more than nine months. Among TCN-workers, the number of long-term unemployed (i.e. more than 12 months) is quite low (about 2%), whereas among EU citizens the percentage is ten times higher.

It is important to note that the Law No. 189/02 provides that in case of unemployment, foreign workers, except seasonal workers, are allowed to remain in Italy, enrolled in the lists of the public unemployment agency, until the expiring date of the permit to stay or, in any case, for no more than 6 month.

In case of unemployment of TCN-workers employed seasonally, they enjoy a right to precedence over other TCNs residing abroad only if they inform in writing the labour office and the employer of their availability for rehiring in the following season. Workers are, however, often not informed about this rule or are informed only if they have joined a trade union.

1.3.3. Irregular contracts

In South Tyrol, evasion of social security payments and irregular contracts of TCNs are fairly limited. According to representatives of INPS [National Social Security] and INAIL [National Compulsory Accident Insurance], evasion of payments by employers still exists, but irregular contracts in the Province are at a fairly low level, although there is a certain discrepancy between the number of work permits and contributions paid by employers.

Irregular contracts tend usually to concern overtime and a number of working hours above what is reported in the contract. Women’s jobs, which for the most part are performed within the family environment, are more prone to be irregular.

Employers’ representatives tend to confute the hypothesis of widespread irregularities explaining that controls are strict and that employers are less and less willing to run the risks involved in this practice. However, according to recent official data, out of 2500 enquiries undertaken in 2001 by the authorities of the Province, almost all revealed some degrees of irregularities ranging from breaches of the working contract to irregular payment of social contributions.

1.4. Good practices

Below are described some measures proposed by the Autonomous Province of Bolzano/Bozen for 2000-2002 aiming at improving the level of information on immigration as well as improving the
social situation of TCNs who are already residents in South Tyrol. Some of these proposal have been implemented by the year 2002.

- Creation of an Observatory
  Creation of a public observatory for TCNs in Bolzano/Bozen charged with studying the typology of immigration; monitoring their integration; surveying needs and recourse to public services; setting up an information system and periodical reports.

- Coordination and unification of data
  The lack of uniform data on immigration and the lack of agreement on data coming from different sources make it difficult to orient planning. It is therefore necessary to perform a vast amount of work of coordination and harmonization of the results of surveys and subdivision of data by different institutions such as the municipal registers of statistics in South Tyrol, police data on residence permits, data collected by the provincial labour office concerning lists of the unemployed and ASTAT publications.

- Creation of a guidance service
  TCNs have little knowledge of provincial structures and institutions and their knowledge of the local languages is generally quite limited; furthermore, there are often strong cultural barriers which make TCNs feel insecure and vulnerable. It is therefore necessary to provide qualified public and professional guidance for TCNs present in the Province. This service should provide information and guidance in different sectors such as: housing, labour market, legislation, health, social service, schools and nursery schools.

- Creation of the possibility of housing in workers’ residences
  The problem of housing for TCNs is becoming progressively more serious. According to a study carried out by the Social Services, as of 31 December 1997, more than a thousand TCNs lived in temporary quarters without permanent or suitable housing, or lived without any sort of housing, sleeping in automobiles, caravans or in abandoned buildings. The capacity of existing structures for first and second reception (510 beds in 1997) was deemed to be insufficient to cover the need for living quarters for refugees and TCN-workers. To satisfy such a need, the Social Services proposed to build eight residences for workers as permanent housing or to transform three existing hotels/boarding houses into structures of this kind.

- Integration and promotion of awareness of public opinion
  Resentment and prejudice against foreign nationals among the resident population are partly caused by a lack of information and unjustified cultural barriers. It is foreseen the organization of intercultural meetings, possibly of an informal nature, the preparation of information handouts and publications with the aim of promoting comprehension and integration in large sectors of the population and implementing a vast programme of integration in the schools and in all institutions working in the field of occupational training.

2. Training

In South Tirol, language courses, especially German, are undoubtedly those that are most in demand by TCN-workers. There is also a fairly consistent interest in regulatory and legislative issues (rights and duties of workers, social security issues). These courses are particularly requested by workers from Maghreb. This can be explained by the need of these workers to reduce the disadvantage in terms of language knowledge and education between them and other TCN-workers, for instance those from Eastern Europe, who as seen above are preferred by employers in South Tyrol.
Among TCNs there is also a general interest in future self-employment, and thus there is a demand for training courses to acquire or improve useful skills in this field.

With regard to the interest of TCNs to attend training courses, they often do not consider such courses as a personal opportunity, especially for those employed under short-term contracts and having their families still in their countries of origin. To address this problem training courses should be short and should offer access not only to the unemployed but also to the employed. They should be addressed to persons interested in upward mobility as many TCNs have schooling that allows them to aspire to occupational advancement. More concentrated training courses, or courses during working hours, would be also useful.

As of TCNs of Roma origin, it is clear that the lack of education and training impact negatively on their employment possibilities that are further reduced by widespread prejudice and discrimination on the part of potential employers.

In the context of trainings, it is worth mentioning that the Law No. 189/02 will provide that foreign workers who attended professional trainings in their country of origin enjoy a right to precedence with respect to other foreign workers. This seems to be an interesting policy, however to prove the validity of this provision it will be necessary to wait for its implementation.

3. Housing

In the future of immigration and integration an important role will be played by housing policies. The role of housing in improving self-esteem and dignity of TCNs is evident, especially, in view of another important element of integration: family reunification. These two aspects are closely intertwined also from a legal point of view because the authorisation for family reunion is conditioned upon housing requirements.

The TCNs’ access to housing is conditioned not only upon their uncertain legal status and weak social network, but also upon ethnical, cultural and racial prejudices of the host society. In South Tyrol, as in other parts of Italy, there have been reported forms of exploitation and overcrowding when TCNs rent an accommodation. This situation hinders a real process of integration and prevents TCNs from obtaining a real social citizenship, even if they are well integrated in the labour market and have full economic citizenship.

Particularly relevant in the context of social integration is the type of accommodation in which TCNs live. The availability of autonomous housing is deemed to facilitate, to a large extent, the integration in the hosting community. However, most TCNs, even those living in the Province for more than 4 years, do not live in autonomous accommodations (private or rent) and around one TCN-worker every four live in an accommodation provided by his/her employer. Quite important is also the number of TCNs living in dormitories or dwellings such as garages, or abandoned accommodations. Most of them are single, but a small number of them live in these conditions with their families. Furthermore, if this situation is experienced mainly by unemployed persons (around one out of three), there are also immigrants without a stable accommodation having a job either permanent or precarious.

As for the period of time spent in search of an accommodation, in general, this ranges from a minimum of 6 months to more than one year.
Access to public housing concerns a limited part of the immigrant population. In 2001 around 10% of them presented a request for public housing but has not received a reply, while the large majority of them did not even present a request.

According to IPES (Institute for the Social Housing of the Province of Bolzano/Bozen), as of March 2002, 51 social accommodations have been provided to foreign citizens (in 1999 they were only 9 and in 2000, 13). In addition, in 2001 around 1.5 million euro have been provided by IPES to finance 686 requests for housing benefits presented by foreign citizens, an average of 2.000 euro per request (in this data, however, “foreign citizens” also include EU citizens).

For TCNs, housing problems mean that they must spend a long time in the structures they were assigned at the time of their arrival, which tend to become their permanent homes, giving rise to three kinds of problems: firstly, is the risk of segregation and self-exclusion, with repercussions not only on the life, dignity and self-esteem of TCNs, but also, and consequent to this, on the planning of their integration in the receiving community. Secondly, the permanent saturation of structures of first reception that represents an obstacle to the reception of new TCNs. Finally, the precariousness that characterizes this kind of accommodation, not to mention the legislation itself, does not allow TCNs, even those with regular jobs and satisfactory wage levels, to bring in the host community their families, which, as seen earlier, represents a factor of stability and a strong impulse in the direction of integration.

Possible housing solutions for TCN-workers are the following:

- **Collective social and/or private accommodations while waiting for a regular accommodation**
  These are housing solutions organised as dormitories. It is evident that this solution can only fulfil temporary and limited needs. They should be of a fairly good quality to provide to the TCN-workers a decent environment to live but also to give to the residents living in the area a positive impression preventing, thus, tensions and conflicts.

- **Provincial contributions to restore existing accommodations**
  This kind of contribution can be particularly effective to carry out projects aiming at using existing public properties with limited costs and time of realization. Private properties could also be identified and agreements between the authorities and the owners can be reached to provide these accommodations to TCNs for a certain number of years upon payment of a rent.

- **The involvement of employers**
  It would be important that the employers too, who are in need of foreign manpower, would help in searching housing solutions together with local authorities and associations. These joint efforts will be obviously more effective and will contribute to present an image of normality reducing tensions and social alarm. In Italy agreements of this kind have been already reached between Industrial Associations and local authorities in order to build dormitories or buy apartments with the financial contribution of the employer for the rent. It is evident that to implement this kind of initiatives, a fiscal incentive will be extremely relevant.

In this context it is very interesting to note that the Law No. 189/02 requests on the part of the employer a guarantee of an adequate accommodation for the foreign worker. It is still unclear how this provision will be implemented in the practice.
3.1. Good practices

With a view at tackling housing problems, numerous initiatives have been promoted in the Province aiming to provide TCNs information and guidance in their housing seeking. The Province has since long recognised that the accommodations conceived to tackle the initial emergency phase are no longer adequate to fulfil the needs of the immigrant population having difficulties in finding an accommodation in the real estate market. Accordingly, the Province has decided to create accommodations having a more stable and long-term definitive character, such as boarding houses for workers and mini-apartments, where TCNs can live for periods not exceeding 5 years, rather than maintaining structures for first reception, whose function has been often altered by the lack of other housing solutions.

In Bolzano/Bozen, the Office for the First Reception of Immigrants (ODAR) deals with the lists for temporary boarding houses, the applications in cases of expulsion from social housing and the cooperation with religious organisations for assisting immigrant homeless. In addition, this Office organises language courses and act as mediator with the Public Administration.

4. Health

Unless the law provides differently,\footnote{For example foreign journalists, employees resident in other states, who are present in Italy only temporally, or foreigners with a residence permit for business purposes are not obliged to be registered, but they have to be insured against sickness, accident and maternity. Voluntary registration is possible for students and for “au pairs”.
} registration of foreign citizens at the NHS (Servizio Sanitario Nazionale) is compulsory. The registration has to be made at the competent local health authority according to the place of residence. Once the registration takes place the applicant receives a health card (tessera sanitaria).

Foreigners registered at the NHS enjoy equal treatment with Italian citizens. The registration ceases if the foreigner’s residence permit has expired, was annulled or withdrawn, or in case of expulsion. Some health care services are available for everyone, regardless of the legal status in Italy. These services are: first aid and preventive services; assistance in case of pregnancy or maternity and for minors; and assistance in case of infectious diseases including prevention and vaccination.

Although the Italian legislation aims to ensure health care services to most foreigners even if they are not registered or have insufficient economic resources, effective access to health care requires more than legal intervention. For instance, more adequate services could be provided if the specific needs of users were known. Access to health care means also access to information on legal norms and on the rights and obligations of foreigners. The communication gap between foreigners and service providers is not only a linguistic gap, but often a cultural gap: for instance, foreigners should be encouraged to make recourse to professional and recognised health services instead of traditional methods used in their home country. Foreigners might have health problems which rarely exist in the host country, or as a consequence of the changing climate, long trips, adaptation to the new environment other diseases might emerge.

In order to gain a deeper knowledge on the complex social and health situation of foreigners a multidisciplinary approach should be applied with the participation of experts, field workers and foreigners. In this regard training has an absolute importance. Courses organised for service providers should concern information on immigration, and on the consequences of immigration on social relations as well as on national and local legislation. An update is also indispensable on new health care issues: risk factors, critical issues for health protection, emerging diseases.
5. Social security and social assistance

The TCNs working in Italy can obtain social security benefits by paying regular contributions. It is possible for TCNs who return to their countries of origin to obtain the transfer of social security payments made directly to the competent administration of the country of origin. However, this is possible only if they come from states that have signed a social security reciprocity agreement with Italy. According to the Law No. 189/02, when bilateral agreements do not exist, TCNs may have social security payments reimbursed, even in case of less than 5 years contributions, but only when the TCNs have reached 65 years of age. Should the worker return to Italy before, the worker’s social security position can be re-opened.

In the practice, with the exception of cases regulated by specific bilateral agreements, TCNs can acquire social benefits generally with much more difficulty than EU-citizens. This is due to the legal obstacles that still exist pertaining to the aggregation and exportability of social security benefits.

The creation of a net of bilateral agreements would have some very favourable consequences: it would build temporal continuity into each personal situation and when the payment of benefits is at stake, the financial burden could be shared by the competent national institutions in proportion to the periods of contribution. Furthermore, a foreign worker, who can take with him/her the “acquired rights and periods” would consider the period he/she spends in one country more probably as a temporally one and would move again more easily according to the demand on the labour market. At the European level, in order to open up the Community’s labour market for TCNs the European Commission adopted a proposal according to which TCNs, legally resident in one of the EU Member States, can maintain their social security rights when they move from one Member State to another. The proposed regulation would be the extension of the several times amended Regulation 1408/71 on the co-ordination of social security systems applicable to EU citizens.

The Testo Unico, which has not been modified by the Law No. 189/02 in this respect, provides particular forms of obligatory pension and social security treatment for seasonal workers. This is due to the limited duration and specific nature of these contracts. Seasonal workers are entitled to most benefits such as disability, old-age and survivors benefits; benefits in case of accidents at work and occupational diseases; sickness and maternity benefits. As for family assistance and involuntary unemployment benefits, seasonal workers are not entitled to them, but the employer is required to pay the equivalent of these contributions to the National Fund for Migration Policies. This Fund has been created to finance various forms of assistance in the field of education, training, housing or in case of exceptional events such as natural disasters or conflicts taking place in third-countries.

With regard to social assistance, according to the Testo Unico equal treatment with Italian citizens is ensured not only to foreigners with long term residence permit (carta di soggiorno) but also to those having a residence permit valid for at least one year (permesso di soggiorno). The equal treatment is applicable to social assistance services both in cash and in kind. However, the requirement on the minimum validity of the residence permit excludes seasonal workers from the

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7 Social security benefits are considered as insurance, that is available in situations defined a priori by legal norms (illness, death, unemployment, maternity, etc.), and their amount and/or their calculation are also previewed by legal norms, whereas social assistance is means tested, and public authorities have discretion power.

8 Countries having reciprocity agreements with Italy are: EU Members States, Iceland, Liechtenstein, Norway, Argentina, Brazil, Cape Verde, Yugoslavia, Croatia, Slovenia, Switzerland, Venezuela, Australia, U.S.A, Canada, Monaco, Tunisia, Turkey, and Uruguay.

benefits of social assistance, because the maximum validity of a residence permit for seasonal work is 9 months.

Not all services, benefits and allowances which make part of social assistance are regulated at national level. The Province of Bolzano/Bozen has the legislative competence to issue regulation regarding minimum income support (reddito minimo di inserimento), housing assistance (locazione e spese accessorie), special benefits in emergency situations, benefits for minors in difficulty, and other allowances.¹⁰ Financial assistance can be obtained by TCNs having attained at least 3 months residence in the Province and whose country of origin has signed a bilateral agreement on mutual social assistance. Stateless persons and TCNs can obtain these benefits only for a maximum period of two months per year and only in case of special need and for the period absolutely necessary. Local public authorities have the discretionary power to check the economic situation of the applicant and to define the period during which the assistance is provided. These requirements do not apply in case of severe and urgent situations.

### 6. Education

In the Province, as of 1 January 2001, third-country pupils, including foreign Roma children, enrolled in schools (compulsory schools, nursery schools and upper secondary schools) numbered around 1500. Around 1000 were enrolled in Italian-speaking schools and the remaining in German-speaking schools. In the same period, in Italy, there were approx. 10000 foreign students, representing an average of 7% of the school population.

In South Tyrol, third-country pupils are mainly children born in South Tyrol (this is the case of many Pakistani, Senegalese, Moroccans and Tunisians), children of mixed marriages and those who joined one or both parents after a long separation. There are also children who have been adopted through international procedures (esp. from Rumania, Russia and Peru, as well as India and Brazil), refugees, unaccompanied adolescents, victims of modern forms of slavery and foreign Roma children.

As the Italian-speaking schools are concerned, ASTAT statistics reveal that the presence of foreign students is inversely proportional to the size of the town where they reside. This is confirmed by the fact that in Italian schools in Bolzano/Bozen there are 26 foreigners per thousand children enrolled, whereas in the so-called periphery this presence doubles: 46 per thousand pupils. This occurs despite the fact that in the smaller towns the presence of foreigners is smaller than in the large towns. In the German-speaking schools, instead, the presence of foreign pupils decreases with decrease in the size of the municipality involved.

The school may be considered the best environment where integration can take place because it ensures reception and inclusion of the foreign children and it also represents a place where immigrant families and members of the host society can come together to discuss various aspects of daily life as well as the cultural specificities of the different countries of origin.

In studies carried on South Tyrol it has come to light, however, that only a minority of foreign families maintain normal relations with the school, while the majority reported only sporadic meetings with school representatives. Parents of foreign children are wary in their approach to the school for several reasons: scanty knowledge of Italian and German, lack of participation in the life of the school in their countries of origin and fear of interfering with teachers’ decisions which may be detrimental to their children’s being accepted in their new school.

¹⁰ Decree of the President of the Provincial Council, n.30 of 11 August 2000.
National regulations concerning school enrolment and inclusion of foreign children establish:

- foreign minors present in Italy have the right to education whether they are or are not legal residents;
- enrolment may be applied at any time during the school year;
- foreign minors are enrolled in classes corresponding to their age group, except in cases in which the teaching body decides to enrol them in a different class (the one immediately above or immediately below their age group) taking into consideration:
  a) the educational system in their countries of origin;
  b) the ascertainment of their level of competence, skill and preparation, including language knowledge;
  c) the studies they have completed;
  d) any school certificates they may have;
- the teaching body proposes the separation of foreign students so as to avoid the formation of classes in which foreigners predominate;
- the teaching body defines, as concerns the level of competence of each foreign student, the necessary adaptation of syllabuses so that specific, custom-tailored measures for single students or groups of students can be adopted, using whenever possible the professional resources of the school. To improve their language knowledge, intensive courses may be organized as part of extracurricular activities to extend the range of courses made available;
- the teaching body proposes the criteria and ways of communicating between the school and the foreign families, also through recourse to qualified cultural mediators;
- the councils of the teaching district and of the single schools promote agreements with foreign and volunteer associations for the implementation of reception projects and initiatives in the field of intercultural education.

As concerns Roma schoolchildren, their integration poses a complex challenge for schools which can be met through different long-term initiatives. In particular, projects addressed to these pupils shall aim at ensuring assiduous attendance and the involvement of their families in the educational activities. The reception and integration of Roma pupils can be facilitated by the presence of mediators acting as a link between children and school and between school and families.

With regard to the language spoken in the family, at least as Italian language is concerned, according to a study carried out by the Province, in most foreign families, in addition to the language of the country of origin, Italian is also spoken. However, a number of families reported that they speak only Italian and, of these, most are mixed families.

Many considers that the conservation of the mother tongue facilitates communication within the family, produces cognitive skills leading to the development of a multilingual identity which is one of the basis of the process of integration. Attempts have been made in South Tyrol to organize courses in Arab language on the Arab tradition and culture for children coming from the Maghrebi area. Another significant experience was the reading of fairytales in the mother tongue by cultural mediators as attempt to maintain the language of origin of foreign schoolchildren.

In this context, it is important to note that, in 1994/1995, a survey was conducted among elementary school children, which revealed that a quarter of the children speaking a foreign language did not have an adequate knowledge of the teaching language, half of them had a sufficient knowledge only and the other quarter had an insufficient knowledge.

The difficulty at school of foreign pupils is also reflected by the alarming data collected by ASTAT, which reveal that in the last four years (1997-2001) they have reached a percentage of scholastic
failure that is clearly higher than average: in elementary school the percentage of failures is 14.3%, compared to an average of 1.0%; in secondary school the percentage is 27.5% compared to an average of 15.7%.

The scholastic delay, at least as elementary schools are concerned is caused almost always by the enrolment in a class at a lower level than the one attended by children in their country of origin. A “delayed” enrolment concerns mostly children from former Yugoslavia and Albania, who belong to the communities which have settled in South Tyrol most recently. Pupils coming from North African families are instead more frequently enrolled at the beginning of the scholastic cycle.

6.1. Good practices

The Provincial Law No. 12 of 29 June 2000 entitled “School Autonomy” introduced autonomy in teaching and organization and paved the way for innovation and change by assigning duties of educational research and experimentation to the single schools. Such autonomy is to be put into practice “in planning and implementing actions aimed at the development of the human being in the fields of upbringing, training and education best suited to the different contexts and to the satisfaction of families’ expectations, in line with the specific characteristics of the persons involved so as ensure their successful formation”.

Some schools in South Tyrol have developed initiatives aimed at the inclusion and integration of foreign pupils, in particular, following the adoption of this provincial law. They have organized in-school training courses centred around intercultural topics and accumulated an important and useful documentation for those who intend to include diversity among their educational goals. The methods adopted by schools in South Tyrol in meeting the challenge of inclusion and integration of foreign pupils have the following characteristics:

- almost all schools included in the compulsory range and, recently some upper secondary schools have planned a first stage of reception either limited to few initial activities or extended to a more continuous and better organized involvement of families, cultural and volunteer associations as well as linguistic/cultural mediators. Many schools distribute to newly-arrived foreign families a guidebook containing information on the different activities, as well as printed forms in different languages to facilitate communication and participation in school life;
- all schools provide courses in Italian and German. Teaching is carried on at different levels and language courses are tailored to individual needs, with supplementary after-school activities to consolidate language learning.
- some school districts and secondary schools attribute special importance to intercultural themes, with more articulated projects providing for the development, comparison and exchange between cultures, the broadening of the range of training courses made available, the offer of optional mother-tongue language courses, the setting up of language laboratories and intercultural workshops, the performance of activities of various kinds leading to encounters between the school and the families with the consequent occasions for acquaintanceships.

Since the school is the initial point of contact, exchange and comparison between immigrant families and the host community, there is also the possibility of organizing meetings with families and children, with the presence of a linguistic/cultural mediator in order to plan and organize their inclusion. Some schools have appointed a person in charge of intercultural issues and set up a committee in charge of organizing reception activities and initial inclusion in classes, as well as preparing language teaching activities and extracurricular support. The person in charge of
intercultural issues is usually in charge of the initial period of inclusion, maintains contacts with the immigrant family and coordinates the work of the cultural mediators.

7. Media

The vast majority of information in the Italian media touching upon TCNs appears to be connected with crime. In the case of Albanians, in particular, one of the biggest immigrant communities in Italy, they are usually represented amongst the immigrant population, who is largely criminally-inclined and who live in Italy without legal status even if most of them reside legally in Italy since long time. This negative attitude vis à vis Albanians is particularly nourished by reports of criminal activities carried out by some members of this community resulting in a general public negative perception towards the entire Albanian community.

In order to counter racism and xenophobia, the Italian media professions should adopt codes of self-regulation or charters aimed at promoting cultural pluralism and tolerance. These instruments should include guidelines on reporting, but also a commitment to reflect cultural pluralism in all sectors and to respect the human dignity of all persons affected by the media. Media professional association should also encourage its members to attend specific training in the field of combating ethnic, racial, religious and linguistic discrimination.

B. Civil and Political Rights

1. Effective Participation in Public and Political Life

Italy ratified the CoE Convention on the Participation of Foreigners in the Public Life at Local Level in 1994. This Convention aims to improve integration of foreign residents into the life of the host community. It applies to all persons who are not nationals of the Member State and who are lawfully resident on its territory. The Convention provides that, in addition to guarantee to foreign residents, on the same terms as to its own nationals, the "classical rights" of freedom of expression, assembly and association, including the right to form trade unions, the Parties will make efforts to involve foreign residents in processes of consultation on local matters. The Convention opens the possibility of creating consultative bodies at local level elected by foreign residents in the local authority area or appointed by individual associations of foreign residents.

The Preamble of the Convention recalls that foreign residents participate economically and culturally in the life of the local community and generally have the same duties as the citizens at local level. These considerations justify a common commitment to enhance the possibilities of participation in local public life which should be open to foreign residents. The Convention is divided into three chapters: the first deals with freedom of opinion and assembly and the right to join associations; the second concerns the creation at local level of consultative bodies to represent foreign residents; and the third chapter concerns the right of foreign residents to vote and stand for election at the local level. The Convention left open to the Parties the possibility not to apply the provisions included in the second and third chapters, or to postpone their ratification. With the Law No. 203/94, Italy, has ratified only the first two chapters, excluding the provisions on voting rights at local elections.
1.1. Voting rights

In Italy, the right to vote at national parliamentary elections is limited to Italian citizens. The underlying argument says that the constitutional limit to grant voting rights to foreigners at national elections is set out in art.1 of the Italian Constitution, which states that sovereignty is reserved for the Italian people. However, it is exceedingly difficult to define what sovereignty is. It is much less problematic to say which acts represent the exercise of sovereignty. They are those acts, which express the general political orientation of a country, that is the acts which determine national policy.

According to this line of argumentation the vote at national elections constitutes an exercise of sovereignty and it is thus limited to Italian citizens only. The same reasoning can be applied to the abrogating and constitutional referenda. The abrogation of a law and the revision of a constitutional law or the Constitution are considered as acts of sovereignty. On the contrary, in the occasion of consultative referenda, foreigners could, in principle, exercise voting rights since consultative referendum do not produce effects which are directly translated into practice, and, according to this reasoning, they cannot be defined as acts of sovereignty.

With regard to regional and local elections, although the extension of active and passive voting rights to non-EU citizens with long term residence permit (carta di soggiorno) was included in the draft version of the Testo Unico, subsequently it was not retained by the Italian Parliament. Consequently foreigners have no voting rights at local elections albeit a more direct participation in public life at local level would enhance their responsibility and promote their integration into the host society.

In the prospect of the extension of voting rights to TCNs, it has to be underpinned that in the Province active voting rights can be exercised only after four years of residence in the Province. The reason of such condition is the protection of national minority groups living in the Province and the need of maintaining their demographic weight unmodified by external factors.

1.2. Political Bodies

Forms of representations of TCNs are extremely important in particular in the initial phase of inclusion, when the integration process in the host society and in its institutions has not been yet completed. Through political bodies, TCNs can achieve some forms of integration and narrow the gap between them and the receiving community. This distance, on one hand, humiliates TCNs and prevents their integration, and on the other, it undermines the civil and democratic development of the host society.

Local institutions play an essential role for the participation of TCNs in the political life of the receiving society. A number of local institutions have already undertaken a series of initiatives to tackle the problems related to the integration of foreign residents present in their territories.

In this regard, one of the most interesting innovations of the Law No.142/90 on Local Autonomies is the possibility to set up political bodies to facilitate the participation of Italians and foreign citizens in the municipal councils.

The implementation of this provision varies from municipality to municipality but reference is usually made to the fact that local institutions are responsible for the well-being and development of the whole community present in the territory, which includes foreign citizens as well.
In March 1994, the representatives of various Municipalities (Bologna, Torino, Napoli, Roma, Palermo, Modena, Catania, etc) decided to create some forms of institutional representation and participation for TCNs as a middle-term instrument to achieve the right to vote for foreign citizens in the local elections. The local bodies set up as a result are: the Auxiliary Counsellor (Consigliere aggiunto) and the Council of Foreigners (Consulta degli stranieri). The Auxiliary Counsellor is elected by foreign citizens and can participate in the meetings of the Municipal Council, where he/she can make proposals but has no right to vote. The Councils of Foreigners were set up in most Italian regions and include representatives of the local institutions, trade unions, NGOs and immigrants’ associations. In general, the activities of these bodies have been quite limited so far and their meetings very irregular.

Following the entry into force of the Testo Unico in 1998, other forms of participation of TCNs in public life were introduced. According to art. 2 of the Testo Unico: “Foreigners lawfully resident participate in the local public life.” Among the most relevant forms of participation are: the Territorial Councils and the Cultural Mediators.

1.2.1. Territorial Councils

The Territorial Councils represent a new approach in the Italian policy on immigration. They are an important instrument charged with analysing needs and promoting initiatives to be undertaken at the local level. They are established within the Prefettura (office of the representative of the Government at the provincial level) and chaired by the Prefetto. They are composed by representatives of local and central institutions, organisations dealing with TCNs, trade unions, representatives of entrepreneurs and foreign workers.

This form of decentralisation at the provincial level create a strong link between policy-makers and stakeholders. The initial implementing phase was rather difficult because the Councils failed to elaborate long-term strategies. Furthermore, there was a lack of transparency in the selection of the associations entitled to participate in their activities and the general trend was to neglect the role of the TCNs’ representatives, who often do not have a decision power.

A Territorial Council for Immigration has been established, in 2000, in the Province of Bolzano/Bozen within the Office of the Commissioner of the Government (Prefettura). The Council is charged with planning and implementing initiatives and projects involving a wide range of institutional, economic and social stakeholders. At the time this Report was drafted, no additional information could be found on the concrete activities of this Council.

1.2.2. Cultural Mediators

The Testo Unico introduced also the “Cultural Mediators”, a new institution charged with facilitating the relations between the public administration and foreigners having different ethnic, national, linguistic and religious origins. The Cultural Mediators represent the needs of foreigners before the authorities and vice versa; reduce tensions and misunderstanding; inform TCNs on relevant legislation, job/housing opportunities, requirements to obtain various documents, provide translations and guidance; in general, facilitate full access to public services for TCNs.

In order to avoid overlapping with other institutional bodies, it was important to clearly define their role, competences and required qualifications for the whole Province. Generally, they work under

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11 For further reference on the bodies having competence on immigration and integration established by the Testo Unico see para. B (1) of Chapter II in this Report.
short-term contracts, in various sectors and/or specific projects funded by the Public Administration or private organisations.

The Department for Professional Training in Italian Language of the Province has, in 2001, first organised training courses for Cultural Mediators. In addition, the Department for Social Services of the Province has opened, together with a local ngo, an Office for Intercultural Mediation active in the social services, health, education, etc.

1.3. Freedom of Associations

1.3.1. Associations of TCNs

The initial forms of aggregation among TCNs arise spontaneously to set up natural networks of mutual support. The passage from a spontaneous aggregation to an association takes place when a more stable structure is necessary to better respond to the growing complex needs and interests of its members. The associations of TCNs, in comparison to other organisations, face in general a lack of adequate financial resources and logistic instruments. These difficulties limit their capacity to keep up to date on developments and pass on information to their members and confine their activities to initiatives of relatively minor importance. They are often faced with the impossibility of implementing actions and strategies in the direction of integration because their potential of human resources is often not used to full capacity.

On the political level, the development from a network of personal relations to a formal association is of great importance for the political integration of TCNs. In fact, external relations of the group, especially with the local population and its institutions, are reinforced by this progression. It therefore becomes necessary for the organisation to gain an understanding of the local political and institutional scenario and to gain a minimum of representation.

1.3.2. Trade Unions

Trade unions, in comparison with the associations of TCNs, are considered to be the organizations that best and more effectively represent foreign workers. The presence of TCNs in working positions opened new possibilities for the trade unions to better represent them through simple membership or through the involvement in the activities of the trade union, either at the workplace or under contract within the trade union itself. In the last decade the presence of foreign members within trade unions has indeed considerably increased.

Trade unions seek to provide concrete answers to the problems of TCNs by offering services, protecting and defending their rights, training leaders, and more generally, by mediating between local population and TCNs.

The activities of the trade unions for foreign workers concentrated, in particular, in the following areas: procedures for regularisation, first reception and house-seeking, possibility to accumulate leave and extra working hours in order to visit their families in the country of origin, unpaid temporary permits for family needs, possibility to obtain part of the salary in advance for special needs such as buying an accommodation, participation in trainings, possibility to keep their post even in case of obligation to perform military service in the country of origin, possibility of having special food in the canteen as prescribed by their culture or religion as well as time and space to pray.
In the Province, trade unions’ membership rate among TCNs is rather low in comparison to the rest of Italy. As of 2000, TCN-members were: 1451-CGIL (Italy, 90411); 293-CISL (Italy, 105721); 21-UIL (Italy 27500); 1 full time staff - CISL (Italy, 165-CISL; 25-UIL). A higher percentage of members is registered among TCN-workers from Maghreb, while among those coming from former-Yugoslavia and Eastern Europe the percentage is much lower. Membership rate is much higher among male and skilled workers.

Trade union’s membership rate among seasonal workers is even lower than among other workers due to the length of their contracts and to the particular interest they have in maintaining a good and stable working relation with their employer. This relationship will give them indeed the possibility to obtain a second call for the following season and a chance to convert their seasonal contract into a permanent one.

2. Justice

2.1. Some Statistical Data

According to the latest reports of Italy (13th and 14th) to the UN Committee of the Elimination of All Form of Racial Discrimination, between 1991 and 1997, the percentage rate of foreigners accused of crimes increased from 4.2 to 9.8 per cent. This increase is also found for the same period, in the number of the convicted with a final sentence recorded in the central judicial register and even more in the number of foreigners present in the prison system (31.6 %). These percentages are particularly high in relation to the percentage of foreigners present in the Italian territory.

According to the Italian authorities, the high presence of foreigners in prisons is linked to the specific typology of the crimes committed, which most frequently are crimes giving rise to detentive intervention; it is related, in particular, to the greater use of preventive detention in their case and to the smaller possibility they have of availing themselves of alternative and substitutive measures to detention due, on the one hand, to higher risk of their absconding, and, on the other hand, to the lack of the necessary requisites to obtain them (the ownership of a house, a job, family and parental ties).

The growth in the number of foreigners present in the Italian prison presents a sharp territorial variation, with high peaks in the north/east (+290%) where the Province of Bolzano/Bozen is located. However, it is important to note that in spite of the increase of criminality rate among foreigners, the Province has still a rather low rate of foreign criminality especially in comparison to the number of TCNs present in its territory. Among the reasons of this positive rate is probably the fact that in the Province there are less factors generating and/or intensifying the phenomenon, ie. poverty, unemployment, social instability, urban decline.

2.2. Anti-Discrimination Legislation

According to art. 3 of the Italian Constitution "all citizens have equal social status and are equal before the law without distinction as to sex, race, language, religion, political opinions, and personal or social conditions". Although this article only refers to "citizens", the principle of equality applies to "non-citizens" likewise, as art. 3 must be interpreted in the light of art. 2 of the Constitution, which guarantees the inviolable rights of the “individual”. The Constitutional Court has confirmed this interpretation in several rulings.
The main provisions in the field of fight against racism and intolerance are to be found in the Law No. 205/1993 containing "Urgent Measures on Racial, Ethnic and Religious Discrimination". This law amended the previous Law No. 654/1975, which implemented the UN Convention for the Elimination of All Forms of Racial Discrimination.

In addition to these provisions, the Testo Unico (not amended in this respect by the Law No. 189/02) prohibits discrimination in the field of employment, housing, education, training and social services committed by public officials, persons providing public services or by whoever offers goods and services accessible to the public. It also prohibits forms of indirect discrimination committed by employers.

Moreover, the Testo Unico provides that in proceedings concerning discriminatory acts committed at the workplace, the judge has the possibility to reverse the burden of proof. However, the burden of proof can be shifted only if the complainant has given prima facie evidence of discrimination by providing, for instance, statistical information on employment, contributions, assignment of tasks and qualifications, transfers, promotion and dismissal. If the judge considers these elements as "serious, precise and consistent", then, the burden of proof lays with the respondent.

In general, the Italian legislation prohibits and sanctions adequately direct cases of discrimination. However, there are still cases of indirect discrimination especially in the form of administrative implementing rules that introduce unjustifiable differences in the treatment of foreigners, or simply disregard their different background and special needs.

2.3. Specific Problems of Foreign Detainees

In recent years, the penitentiary administration has adopted various means of action to improve the social integration of foreign detainees: directives have been issued geared towards the removal of obstacles for foreigners in access to working opportunities, in the exercise of religious beliefs and worship and in the relationship with the consular authorities of the countries of origin.

2.3.1. Legal aid

According to the Italian legislation, everyone has the right to be represented by a lawyer, either of his/her choice or appointed by the court. Moreover, any foreign citizen, even if not legally resident in the country, can be granted free legal aid on the basis of a sworn statement endorsed by the Consular Authority.

The Italian Constitution provides that any person, as from the moment of his/her first contact with the judicial authorities, shall be informed of his/her rights in the language he/she knows (art. 111). The Court of Cassation further clarified that any judicial act regarding the suspect and/or the accused is null and void if it is not translated in his/her mother-tongue.

In spite of these provisions, there are reports that many foreigners, especially those without legal status, have difficulties in accessing the system of free legal aid. This situation is particularly alarming, especially because it applies to all criminal as well as most non-criminal cases, including those relating to expulsion orders.
2.3.2. Freedom of Religion

The principles of impartiality of treatment and of non-discrimination in relation to nationality, race, economic and social conditions, political opinions and religious beliefs are factors of great relevance in the instances where detainees profess a religion which calls for the observance of specific duties.

With regard to Muslim detainees, according to a decree issued by the Ministry of Justice in 1998, prison staff are obliged to satisfy the requests of detainees of the Islamic faith, in particular during the period of Ramadan. The prison personnel must provide for the appropriate preparation and distribution of food, facilitate the entry of accredited Muslim clergy and allow for the exercise of the most important religious practices during the period of Ramadan.

2.3.3. Health

The protection and promotion of the right to health of detainees and internees, including TCNs, falls under the competency of the NHS. A 1999 Legislative Decree, after affirming the parity of treatment and full equal rights of detainees with respect to free citizens, foresees compulsory subscription to the NHS of all TCNs, whether or not they hold a valid residence permit, including detainees at partial liberty or with alternative sentences.

In particular, the NHS ensures preventive interventions, care and support for social and psychiatric problems, special forms of assistance in cases of pregnancy and maternity of women detainees or internees and paediatric assistance and infant nursing for the children who during the first stages of infancy cohabit with their mothers in detention centres. Detainees and internees do not pay fees for the services provided by the NHS.

2.3.4. Work

Administrative obstacles can seriously hinder the effective implementation of the right to work for TCNs-detainees. In this context, it has been recently clarified that TCN-internees and detainees allowed to work outside prison do not need residence permits. The competent labour offices release a special permit for apprenticeship, valid solely for the duration of these activities.

A similar problem concerned TCN-detainees, who wished to work outside the penitentiary but did not have neither a residence permit nor a valid identity document. According to the Italian legislation, the fiscal code, necessary to work, could not be issued. In order to overcome such an impediment that might appear insignificant but that represented a real obstacle for TCNs, the competent authorities decided that in these cases the fiscal code could be issued regardless of the above-mentioned documents.

Other issues concerning foreign detainees arose with regard to asset liquidity. Foreign detainees who, once released, returned to their country of origin or moved to a third country faced difficulties in receiving their salaries, which at the time of release from the prison were not liquid. Accordingly, some guidelines have been elaborated giving to foreigners the possibility to receive these sums abroad either at their domicile or alternatively at the consulate of their country of origin, or finally at the defence counsels’ address.
2.4. Best practices

The Italian authorities have introduced a number of measures to improve the situation of foreigners in prison. These measures include: a better integration of the foreigner in the penitentiary institutions through cultural mediators; measures aimed at raising foreign detainees’ awareness of their rights; better training of prison staff to ensure their knowledge of foreign languages as well as culture and general background of foreign detainees; initiatives to guarantee the free exercise of religion; and measures to prevent ill-treatment, such as registers which are under the control of the judicial authorities.

In addition, the subject: “Knowledge of Constitutional Rights and the International Protection of the Rights of Detainees” is included in the training programme of penitentiary personnel and a series of training projects on the dignity and human rights of foreign detainees are carried out involving all personnel of the prison administration. Finally, the State Police personnel is requested to attend experimental courses on the “Training of Police in multicultural Societies”.

4. Residence

The most important document that a foreign worker has to obtain to legalise his/her permanence in Italy is the residence permit (permesso di soggiorno). According to the Law No. 189/02 in order to obtain a residence permit, a TCN must have a work contract and a so called “residence contract for reasons of employment” (contratto di soggiorno per lavoro). In the contract for reasons of employment, the employer must guarantee adequate housing facilities for the foreign worker according to regional regulations and to pay to the employee the return ticket to the home country. The Law No. 189/02 introduced also that the applicant’s fingerprint will be taken when a residence permit is issued. This provision was introduced after long and intense discussions in the Parliament and in the media.

The validity of the residence permit depends on the type of working contract. According to the Law No. 189/02, if the foreign worker has a fix term contract, the validity of the residence permit cannot exceed one year; in case of permanent contract the validity of the residence permit is two years; in case of seasonal work, even if more than one contract is signed, the maximum period of stay is limited to 9 months. The residence permit can be renewed, but for periods not exceeding the validity of the initial residence permit.

The fact that the maximum validity of the residence permit is limited to two years renders very uncertain and insecure the stay of foreigners who cannot feel encouraged to make efforts to integrate.

The entry of TCNs for working purposes is regulated by a quota system. Quotas are set up annually by Ministerial decrees taking into consideration family reunifications and the measures on temporary protection for humanitarian reasons. In addition, on the basis of bilateral agreements some quotas are reserved in a preferential way.

The long term residence permit (carta di soggiorno) can be obtained after six years of lawful residence and it is issued for an indeterminate period; it has only to be authenticated after 10 years. As further conditions, the foreigner must have a legal entitlement to renew his/her residence permit without limits, and must have sufficient means of sustenance for him/herself and for his/her family.
Applications for long term residence permit can be submitted also for the spouse and minors living together with the applicant.

The long term residence permit can be considered as one of the most important documents for the integration of TCNs in Italy. This document recognises that the TCN is part of the host society and thus a continuous check of his/her situation is no longer required. Beyond the rights attributed to a TCN lawfully staying in Italy, the holder of a long term residence permit is entitled to enter in the Italian territory without visa; to practice all lawful activities with the exception of those forbidden to foreigners or reserved for citizens; to have access to services and benefits provided for by the public administration unless regulated in a different way; to participate in local public life and practice voting rights if so provided by the law (see above, the CoE Convention on the Participation of Foreigners in Public Life at Local Level).

4. Right to Citizenship

Citizenship can function as an important point of reference for the integration of foreigners but also for policy-makers. Citizenship guarantees stability, solidarity and equal opportunities and at the same time, it provides to foreigners with the opportunity to assume responsibility towards the host society and seize the chances to develop the ability to be self-sufficient and to participate actively in society. Citizenship is an important means to achieve social integration but it cannot be considered as an exclusive guideline to integration policies because other instruments and policies such as the concept of “civic citizenship” should also be taken into consideration. The application for citizenship represent, in any case, a clear sign of the intention to settle down in a stable way in a country and to integrate in the host society.

In Italy, citizenship is regulated by the Law No. 91 of 5 February 1992. The Law applies the principle of *ius sanguinis* : children, whose father or mother are Italian, become Italian citizens by birth. Foreigners can obtain Italian citizenship in various ways, but naturalisation is the most frequently applied method:

- under the ordinary naturalisation procedure, the acquisition of citizenship is based on the length of legal residence. Without prejudice to specific categories, foreigners are required to have a legal residence in Italy for a period of at least 10 years; refugees and stateless persons need 5 years of residence; foreigners born in Italy or whose father or mother were Italians by birth need a legal residence in Italy of at least 3 years. The procedure is to be completed in a period of two years, but in the practice it takes a much longer time and the law does not provide time limits.

- naturalisation by marriage with an Italian citizen requires a legal residence in the Republic of at least six months, or, if the legal residence is outside Italy, after three years of marriage. Practice proves that, in these cases, the procedure is completed in a period of two years as it is provided for by the law and requests are refused only if the applicant has a serious criminal record.

With regard to double citizenship, if naturalisation takes place by marriage, double citizenship is allowed, whereas in case of ordinary naturalisation a Ministerial decree of 1994 requires the release from the original citizenship.

Another possibility to acquire the Italian citizenship is by *comunicatio juris*. This is the case of foreign children whose mother or father had acquired Italian citizenship: they acquire automatically the Italian citizenship if they live together with their parents. In case of multiple citizenship, once attained the full age, they can decide which citizenship they wish to maintain. A further possibility
is limited to minor foreigners born in Italy and having residence in Italy without interruptions until the full age. In this case, they can acquire automatically the Italian citizenship by declaring so within one year after having reached full-age.

According to statistics, in the overwhelming majority of cases citizenship is obtained by marriage. The other procedures to acquire citizenship have a minor role only. Taking into account only procedural elements, in case of ordinary naturalisation, bureaucratic aspects and discretionary power of the public authorities, play a essential role. The requirements to obtain citizenship by ordinary naturalisation are, in fact, besides the length of the residence, lack of criminal record, fulfilment of fiscal obligations, sufficient economic means, also discretionary elements such as language knowledge.

As a final remark, it has to be said that a reform of the Italian legislation towards an easier access to the Italian citizenship for children born or raised in Italy and for long-term residents would contribute to a large extent to the integration of the immigrant population.

5. Right to Family Life

Family reunification constitutes an important step towards the integration of foreign workers in the host country. The legal framework that regulates family reunification depends to a large extent from policy choices. If a state treats migrant workers exclusively as an economic resource its regulation will tend to limit the permanence of foreigners according to economic necessities. In such a case legal provisions concerning family reunification will be strict. By contrast, if the policy choice aims at integrating foreigners, national regulation will make it easier to apply for family reunification. Albeit, the family is seen as an important element for integration, it has to be said that, initially, family reunification seriously challenges the economic capacity of the head of the family and of the receiving society.

Under the Italian legislation, spouses not legally separated, children and parents can be the beneficiaries of family reunification. The Law No. 189/02 introduced some restrictions on family reunification. Dependent parents can apply for family reunification only if they have no other children in their home country, or, otherwise, only if they are more than 65 years of age and their children in the home country cannot provide sustenance because of documented serious health problems. The Law No. 189 abrogated also the provision giving the possibility to extend family reunification to dependent relatives within the 3rd degree.12

The Law No. 189 has broaden, however, the category of children admitted to join their parents in the host country. In addition to minors, as provided by the Testo Unico, also children of full age with total disability can apply for family reunification.

The economic requirements for family reunification concern housing facilities and income. Housing facilities are considered adequate according to the regional laws, which regulate the minimum size of flats per capita. The person applying for family reunification must give evidence of a regular income, which should be no lower than the annual amount of the Italian family allowance (assegno familiare). The double of the above mentioned income has to be proved if 2 or 3 persons are in question, and the triple of the income in case of 4 or more relatives.

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12 This category was a rather minor one, because under the Testo Unico only relatives, who were disabled according to the Italian legislation could be taken into consideration.
A further condition for family reunification is that the person, who submits the application, has to be the holder of either a long term residence permit (carta di soggiorno), or, an entry visa issued for subordinated work with a validity of no less than one year, for self-employment, study or religious reasons.

The residence permit on family grounds (permesso di soggiorno per motivi familiari) provides the holder with access to services of assistance, as well as enrolment into study courses or professional training and the right to work as a subordinated worker or as a self-employed. The residence permit on family grounds is valid for the same period of time as the residence permit of the main applicant and they can be renewed together. According to the Law No. 189/02, in general, the validity of the residence permit on family grounds cannot exceed 2 years. However, for those foreigners who are reunited with a person in possession of a long term residence permit (carta di soggiorno) or with an Italian or EU-citizen, a long term residence permit is issued which, as described in the section on residence, provides for a more stable position and permanence in Italy.

The residence permit is immediately withdrawn in case of bogus marriage, except when a child was born from the marriage.

According to an inquiry held among TCNs in South Tyrol, a significant part of the foreigners living in South Tyrol are married. Among these, more than half live in South Tyrol with their partners. In most cases both spouses have the same origin, but a not insignificant part of these couples are mixed, being one of the partner from South Tyrol or from a different country. Approximately half of the couples still living separately, submitted an application for family reunification. More than half of them are parents, but only half of them have their children with them. The considerably high percentage of families present in South Tyrol reflects the willingness to settle down and it is obviously a sign of integration. Families are, in fact, more tied to the local society than a single person because they have stronger links with the local community and institutions.

However, even after family reunification takes place, the risk of exclusion still exists and women are more exposed to this risk than men. While the male population have continuous contacts with the receiving society through the employment, women tend to concentrate themselves on family and house daily duties. As a result they learn the language and participate in the life of the host country to a lesser extent than their spouses. This situation depends mainly on the cultural background of the person concerned but, in general, it occurs when the husband leaves first the country of origin and established his social network in the host society and his wife arrives at a later stage.

6. Right to Identity

In South Tyrol foreign citizens, even if they have their residence in the Province, are excluded from the provisions requiring Italian citizens only to submit a declaration of membership or affiliation to one of the three officially recognised linguistic groups (Italian, German and Ladin). These declarations have an important value, from a personal and economic viewpoint as the resources of the Province are distributed according to the percentage of these declarations.

As a consequence, foreign citizens, who contribute to the well-being of the Province by paying here their taxes, do not have the possibility to influence the distribution of provincial resources. This restriction is, however, justified by the need to protect the national minority groups living in the Province.
In the context of the right to identity reference has to be made to a special category of TCNs, i.e. the Roma/Gypsy community. It has to be stressed that the Roma/Gypsy population is not included in the list of groups whose language and culture are protected and promoted by the Italian law (Law No. 482/1999). A specific reference to Roma/Gypsies was deleted from the Law No. 482/1999 during its passage through Parliament, on the grounds that this minority is not linked with a specific part of the Italian territory and under the assumption that the protection of the language and culture of Roma/Gypsies would be the subject of specific legislation. However, although certain aspects of Roma/Gypsy language and culture are covered by regional legislation, no comprehensive legislation yet exists at the national level for Roma/Gypsies.

The situation of practical segregation of Roma/Gypsies in the Italian territory, as well as in South Tyrol, is quite alarming because it reflects a general approach of the authorities inclined to consider Roma/Gypsies as nomads wishing to live in camps separated from the rest of the society.

In 2000, the Department for Social Services of the Province launched some projects centred around the issue of integration of minors Roma living in camps. These projects aim to encourage and sustain school attendance of Roma minors, foster their integration, and facilitate access to public and private services for Roma families with the assistance of cultural mediators.
IV. BIBLIOGRAPHY

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