



THE UNIVERSITY
of LIVERPOOL

EU FIFTH FRAMEWORK PROGRAMME

*THE EUROPEAN DILEMMA: INSTITUTIONAL PATTERNS
AND POLITICS OF 'RACIAL' DISCRIMINATION*

WorkPackage 1: Discriminatory Landscapes (UK)

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WorkPackage 1

Discriminatory Landscapes: United Kingdom

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WORKPACKAGE 1: AN OVERVIEW

As this report highlights, in the British context definitions of ‘immigrant’ and ‘ethnic minority’ are highly contested and perhaps uniquely problematic. In the UK the term ‘immigration’ often features in anti-immigration or racist discourses. In the UK the vast majority of people from, for example, Asian and Afro-Caribbean communities are not, and are not regarded either legally or in the popular consciousness, as ‘immigrants’. The notion of ‘immigrant’ is a heavily loaded concept that implies a strong notion of self and other, and as such is avoided where possible in this WorkPackage. The concept of ‘ethnic minorities’ is also becoming a very contested idea in academic writing, with many anti-racist authors suggesting that the term is grounded in the politics of a failed model of multiculturalism, which was more about assimilation than respecting differences. The notion of ‘minority’ is further problematized as it implies the existence of a (white) ethnic ‘majority’.

Moving on from these initial, and pervasive problems of definition, this WorkPackage shows that there are some considerable gaps in existing knowledge about **migrants**, those who were born abroad but are now resident in the UK. Recent Home Office research into the impact of migration on the labour market has supported this claim, suggesting that there is very little systematic existing research into the outcomes and inputs of migrants in key social areas. However, even given that migrants are a relatively under-researched group in the UK, there are some significant contemporary studies into migrants’ experiences in the labour market, with a range of statistical data produced about the ‘inputs and outcomes’ of migrant workers in the UK economy. Migrants, who now make up a greater proportion of the overall UK population than do minority ethnic communities (see below), fare generally worse than the native population in the **labour market**. On average migrant workers have lower labour market participation rates and associated higher unemployment rates than their UK born counterparts.

However, these generalizations mask a great deal of variation in migrant experience in the labour market. A significant proportion (9 per cent) of the working age population are migrants, with non-UK born workers featuring at both ends of the skills (and earnings) spectrum. The polarized nature of the migrant experience in the UK labour market is underlined by the fact that migrants have on average higher wages than UK born workers, but are over-represented at the top end and the bottom end of the wage scale. Fluency in English language and qualification on entry are significant variables for earning potential, but it also appears that the ethnic background of migrants is a significant factor in determining an individuals’ economic outcomes. When controlling for factors such as class background, educational qualification, age and geographical location white migrants in the UK have relatively similar employment probabilities to the UK-born white population. This is in contrast to the economic outcomes for migrants from minority ethnic populations, whose employment probabilities and earning potential is lower than the UK-born white population and white migrant groups. White migrants earn on average more than UK born white people with similar characteristics. In general then, the migrant population have a very mixed

experience in the UK Labour market, with some groups and individuals over-represented amongst the highest earners (and indeed the best qualified – see below).

Migrants are also very polarized in terms of their **educational** experience, and tend to stay on in education for longer periods than the UK born population. As with economic experience though, there is a great deal of polarization of educational achievement within the migrant population: a higher proportion of migrants hold a degree, there are also more of the non-UK born population who hold no formal qualifications at all. There is currently a lack of research into the experiences of migrants earlier on in the education system, with an especially large gap in knowledge about the achievements and outcomes of school age migrants (11-16)

As is the case with migrants, the experiences of **minority ethnic communities** in the UK are also widely varied. Indeed the labour market and educational outcomes of the minority ethnic population are so disparate as to call into question the analytical use of the concept as a coherent, explanatory framework. From existing data it is clear that, as is also the case with migrants, minority ethnic populations are heavily concentrated in the UK's large urban centres (almost half of the total minority ethnic population live in the London region).

Labour market analysis of minority ethnic populations suggests that, on the whole, these communities fare less well in terms of employment prospects and wages, although again, such broad generalizations hide as much as they reveal. Although in general individuals from minority ethnic groups had higher unemployment rates than those in the UK born, White group, young people (aged 16 to 24) had higher unemployment rates than the working age population across all ethnic groups. Some groups fare particularly badly, with the Bangladeshi, group having the highest unemployment rate (21 per cent). The high unemployment rate of people from black and black Caribbean communities in the UK has remained throughout the last 40 years, with the continuation of this trend borne out by the latest government statistics, which indicate that young Black African men, Black Caribbeans, and those belonging to the new Census group with 'Mixed Ethnic Origin' having relatively very high unemployment rates.

Some evidence also exists to suggest that in some respects certain ethnic minority groups have become part of a structurally disadvantaged class in **education**. However, the statistical evidence from the education system also underlines why it is inappropriate to consider 'ethnic minorities' as a homogeneous, coherent group of actors. There are some group who demonstrate very low achievement in terms of educational qualifications. In particular Pakistanis and Bangladeshis were most likely to lack formal educational qualifications. Nearly half of Bangladeshis had no formal educational qualifications, but in the higher education sector minority ethnic students taken as a whole are over represented in higher education. Again though, polarization of experience complicates this picture, as despite members of some ethnic groups being more likely than the white population to have a degree, they were also more likely to have no qualifications at all.

The apparently interconnected nature of disadvantage is confirmed by the statistical overview provided by this WorkPackage. The summary of policies and statistics relating to areas of society such as the labour market, education, housing, judiciary and the media are illustrative of broad, structural forms of discrimination and inequality operative in UK society.

1. BACKGROUND

1.1 Total Population

The population of the United Kingdom (England, Scotland, Wales and Northern Ireland) on census day (April 29th 2001) was **58, 789, 194**. The UK population is growing more slowly than many other European countries. The average population growth for EU Europe since 1951 is 23 per cent, while the UK's rate of growth is only 17 per cent.²

1.2 Potential Working Population

In 2000 the working age population ('working age' is currently 16-64 for men and 16-59 for women) of the UK was 36.9 million people (Barham, 2002: 3). However, the UK's population is steadily ageing, with the mean average age predicted to rise from 38.8 years in 2000 to 42.6 years by 2025; it is also estimated that the number of people of working age will rise by only around 6 per cent to 39 million in 2011, and to 40.8 million by 2021. The composition of this working age group will alter though, as the working age population will become slightly older in general. There will be little or no change in the number of adults aged under 30 as a result of the ageing of the 'baby-boom' generation of the mid-1960s. (Barham, 2002: 3-10)

Recent Labour Force Survey (LFS)³ statistics indicate that some 27.7 million people were employed in the UK in summer 2002. The working age employment rate - the percentage of the working-age population who are in employment - for this time was 74.4 per cent. Estimates of unemployment rates for summer 2002 were 1.52 million (5.2 per cent of the working age population).

1.3 Total 'Immigrant' Population

'Immigrant population' is a highly problematic concept in the British context. The term 'immigrant' is frequently used in anti-immigration, racist discourses in the UK media (see 3.2 and Media Section 5), and as such is a strongly normative term that many suggest should be avoided. Also, as this report demonstrates, in the UK the vast majority of people from Asian and Afro-Caribbean communities are not, and are not regarded as, 'immigrants', although they are often referred to as such in other parts of Europe, where being 'Black' is widely treated as a mark of immigrant status (Moore, 2000). More broadly than this Ludi Simpson has recently suggested that in the contemporary British context both 'race' and 'ethnic group'

¹The census takes place once every ten years, and is a count of the population of the UK. As such the census provides the most complete source of information available on a range of matters. The census asks the same range of questions to everyone in the country, offering a way of comparing people in different parts of the UK in terms of demographic and other factors. The census is planned and carried out by the Office of National Statistics in England and Wales, the General Register Office in Scotland, and the Statistics and research Agency in Northern Ireland.

² From National Statistics Online at: <http://www.statistics.gov.uk/cci/nugget.asp?id=185>

³ The LFS is a large sample survey in which around 10,000 people aged 16 and over are interviewed each week.

have become synonyms for immigration, further confusing an already highly contested area. He says that to talk of ‘immigrant populations’ or ‘a permanent foreign population’ is to fall back on meaningless terms, given the mixed and migratory origins of everyone at a time in the past. He argues that “[f]oreign” is also a pernicious term to use for the Black and Asian citizens of the UK, carrying a sense of permanent limitation of rights and settlement, which is contrary to the law of the land’ (Simpson, 2002: 3). Given this context, the term ‘immigrant’ is avoided where possible in this WorkPackage; where its use is necessary apostrophes are used to denote its contested nature.

The term ‘migrant’ is used in place of ‘immigrant’, as it has a less normative tone and a diminished sense of ‘us’ and ‘them’, or ‘insider’ and ‘outsider’. However, migrant is never used as a synonym for ‘ethnic minority’, and where appropriate data is provided for both migrant and ‘ethnic minority’ populations (which in itself is also a problematic term – see 1.8). Given these qualifications the migrant population can be defined as those people who are born in a country other than, but are resident in, the UK. Using this definition there are **4.8 million migrants** in total in the UK, which means migrants make up 8 per cent of the total UK population and 10 per cent of the working age population (16-59 for women and 16-64 for men). 47 per cent of these migrants have acquired British citizenship (Kempton, 2002: 4). However, it is important to bear in mind when looking at such statistics that migrants should not be considered a coherent, homogenous group. Glover et al, in their study of the social and economic impacts of migration, concluded that ‘migrants are a very heterogeneous, differing at least as much from each other as they differ from the general population. In particular, migrant experiences are more polarised than those for the population as a whole’ (2001: viii).

1.4 Potential Migrant Working Population

In the year 2001 there were **3.6 million** migrant workers of working age, when this group constituted 9 per cent of the UK’s total working age population. A third of these working age migrants have arrived in the last decade, although the average time migrants have spent in the UK is 19 years (Dustmann et al, 2002a: 17). People who migrant are disproportionately of working age, but there is very little evidence to suggest that migration has an adverse effect on the labour market outcomes of the native-born population – in fact the opposite is frequently found to be true (see Labour Market, Indicators 1-3 below).

1.5 Migrants' Countries of Origin

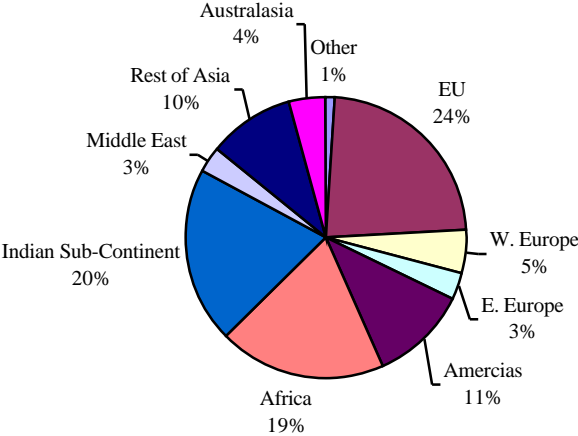


Chart adapted from Haque et al (2002: 12)

1.6 Regional Distribution of Migrants



Percentage of Migrants

Chart adapted from Haque et al (2002: 4)

As this chart demonstrates, the migrant population in the UK is highly concentrated, with over 40 per cent of the total migrant population living London in 2001. Migrants currently constitute about 26 per cent of London's total population (Haque et al, 2002: 4). Clearly where migrants decide to settle is a complex issue, although the fact that many

migrants choose to settle in London possibly reflects the size of the labour market there, and in particular the unmet demand for labour in the capital (Glover et al, 2001: viii). As is suggested later on in this report, recent migrants frequently gravitate to areas with cheap housing stock and established migrant communities, and London provides both of these.

These basic arguments certainly contribute to an explanation of why migrants are highly concentrated in the UK's large urban centres.

1.7 Regional Distribution of 'Minorities'

In 2001 minority ethnic groups were more likely to live in England than in the other countries of the UK. Minority ethnic populations are also heavily concentrated in the UK's large urban centres. 45 per cent of the total minority ethnic population live in the London region, where they comprised 29 per cent of all residents. As would be expected given these figures, frequently a large proportion of a given ethnic group's overall population are also concentrated in London, the UK's capital city. For example, 78 per cent of Black African population and 61 per cent of Black Caribbean population lived in London, while 54 per cent of the Bangladeshi group were also resident there.

After London, the second largest proportion of the minority ethnic population lived in the West Midlands, where 13 per cent of the UK's minority ethnic population are resident. Other regions of the UK with relatively high minority ethnic communities are the South East (8 per cent), the North West (8 per cent), and Yorkshire and the Humber (7 per cent). Regions with the smallest proportion of the minority ethnic population were the North East and the South West, where they made up only 2 per cent of the respective region's population. However, some other minority ethnic groups were more dispersed across the UK. For example, only 19 per cent of Pakistanis resided in London, with 21 per cent living in the West Midlands, 20 per cent in Yorkshire and the Humber, and 16 per cent in the North West.

Of all people living in England, 87.4 per cent gave their country of birth as England and a further 3.2 per cent of the population came from other parts of the UK. London has the lowest proportion of people born in the UK (72.9 per cent) while the North East has the highest proportion (97.1 per cent). Eighty-seven per cent of the population of England and 96 per cent of the population of Wales gave their ethnic origin as White British. The largest proportions of White Other (that is, not White British or White Irish) people are in central London, particularly the borough of Kensington and Chelsea (25.3 per cent). Two per cent of the population of England and Wales are Indian, with Leicester having the highest proportion of Indian residents (25.7 per cent). Bangladeshis formed 0.5 per cent of the population of England and Wales overall, with the highest proportion in the London borough of Tower Hamlets (33.4 per cent). In England and Wales, 1.1 per cent of people are Black Caribbean, 0.9 per cent are Black African and a further 0.2 per cent are from Other Black groups.

Black Caribbeans form more than ten per cent of the population of the London boroughs of Lewisham, Lambeth, Brent and Hackney. Over ten per cent of Southwark, Newham, Lambeth and Hackney are Black African. More than two per cent of people describe themselves as Other Black in Hackney, Lambeth and Lewisham. Chinese people form more than two per cent of the population in Westminster, Cambridge, City of London and Barnet. The largest proportions of people of Mixed origin are in London, with the exception of Nottingham, where two per cent of people are Mixed White and Black Caribbean.⁴

⁴ All statistics from <http://www.statistics.gov.uk/census2001/profiles/commentaries/ethnicity.asp>

1.8 'Ethnic Minorities'

As with 'immigrant population', the term 'ethnic minority' is a highly problematic concept, again perhaps particularly so in the British context. In popular usage in Britain the term 'ethnic' is often used as a synonym for non-white or non-western (Parekh et al, 2002). This is clearly not a rigorous enough definition to support further analysis; here the term ethnic is used to denote some sense of a recognized commonality of culture and origins within a community. As is also pointed out in the Parekh Report, 'the term "minority" has connotations of "less important" or "marginal"' (Parekh et al, 2002: xxiii), and resultantly is often considered pejorative. Also, given the that 'ethnic minority' populations are numerically greater than the UK born white population in some wards (see 1.7) then often the term, and indeed the concept, becomes devoid of analytical use. Another objection to the term 'ethnic minority' is that it implies the existence of an ethnic 'majority', which carrying with it notions of homogeneity, power and legitimacy.

After a great deal of controversy about the implications of recording the ethnic background of respondents, the 1991 census was the first one to include a question on Ethnic Origin. In 2001 people could tick 'mixed' for the first time (1.4 per cent did). The question on the 2001 census asked:

'What is your ethnic group? ONE from A to E to indicate your cultural background':

A White. Tick box options of: British; Irish or Any other White background (please write in).

B Mixed. Tick box options of: White and Black Caribbean; White and Black African; White and Asian or any other Mixed background (please write in).

C Asian or Asian British. Tick box options of: Indian; Pakistani; Bangladeshi; Any other Asian background (please write in).

D Black or Black British. Tick box options of: Caribbean; African; Any other Black background (please write in).

E Chinese or other ethnic group. Tick box options of: Chinese; Any other (please write in).

Eighty-seven per cent of the population of England and 96 per cent of the population of Wales gave their ethnic origin as White British. The proportion of minority ethnic groups in England rose from six per cent to nine per cent; this rise was partly due to the aforementioned addition of 'Mixed' ethnic groups to the 2001 Census form. The Campaign for Racial Equality (CRE)⁵ a government funded body charged with disseminating anti-racism in civil society. Their ethnic minority figure of 9.9 per cent includes those who identified as Irish (1.2 per cent). The Irish category was included for the first time in 2001 following research published in 1997, which showed that Britain's White Irish population experience racial discrimination and disadvantage. It would appear that there is also potential for further research on the experience of the UK's 'Other White' category, which is 2.6 per cent.⁶

⁵ An anti-racist government funded research body charged with disseminating good practice to public services organizations

⁶ From www.cre.gov.uk/

On the question of the design of the 'Ethnic Group' question on the census, Simpson has claimed that there are serious problems with the categories. For example, he argues that 'White' and 'Black' suggest that skin colour is the most important criteria, a very much narrower concept than ethnic group (Simpson, 2002: 4). There are other problems with the design of this question on the census, for example the conflation of the categories of 'Black' and 'Black British' - using the very broadest interpretation of these labels, the first one relates to ethnic group, whereas the second category seems to be asking a question about nationality. However these questions aside, the census provides a comprehensive, up-to-date, and relatively reliable source of data, which is utilized in various places in this WorkPackage.

1.9 Categories of 'Immigrants'

The distinction is often blurred between the following groups:

Migrants

See 1.3

Refugees

A refugee is a person who, 'owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his [sic] nationality, and is unable to or, owing to such fear, is unwilling to avail himself [sic] of the protection of that country.' (Article 1(2)). International law considers a 'refugee' as a someone who has fled from their country and/or cannot return to due to a well-founded fear of persecution, including war or civil conflict. The 1951 United Nations Convention Relating to the Status of Refugees obliges contracting states to recognise the rights of refugees to asylum (see below), rights of association, freedom of movement, employment and welfare and obliges the contracting state to co-operate with the UNHCR. The UK state has recently attempted to restrict access to these benefits in order to cut down on the numbers of 'bogus asylum seekers' entering the UK. Jack Straw, the current Foreign Secretary has recently suggested that '[t]he time has come for the Convention's (1951 Refugee Convention) signatories to re-examine its operation'⁷ However, presently in the UK individuals deemed to be refugees are automatically given Indefinite Leave to Remain (ILR) (see below). There is no limit to how long refugees may stay in the UK. In most cases, they may apply for British citizenship five years after their arrival in the UK.

It is important to distinguish the formal definitions of categories of refugees, asylum seekers and migrants from those in popular use, particularly in the media. Such media definitions, especially in tabloid newspapers (see section 5 of this report on racism in the media) tend to conflate these very different groups of people; for example they often present anybody who has had to flee from their home for any reason as a refugee (even if they do not leave their state borders⁸). Of course, in the UK, and indeed in international law, the term 'refugee' has a specific meaning and should not be confused with 'asylum seeker' or the inaccurate term 'economic refugee' (the accurate description of people who leave their country to seek improved economic opportunities is called an 'economic migrant'.)

⁷ From a speech to the IPPR, 6 Feb 2001 at: <http://www.asylumsupport.info/publications/ippr/an.htm>).

⁸ This group is often referred to as 'Internally displaced peoples'. There is a growing debate on their exclusion from refugee status and their lack of legal recourse (see for example Bakewell, 1998)

There is a great deal of contestation around refugees in the UK at this time. Bakewell has argued that this is because stronger, more coercive approaches to border control have been coupled with the individual assessment of asylum applications. This combination of policy shifts has meant that 'the key resource available is refugee status itself, which effectively grants the refugees the right to remain indefinitely. This has become more valuable because other avenues for immigration into industrialised nations from developing countries have been steadily closed down over the last twenty years since the economic downturn in the 1970s and the decreasing need for migrant labour. As a result, potential migrants have a stronger incentive to claim asylum as the only channel offering them a chance of access' (Bakewell, 1998: 4). Certainly as the UK actively seeks to reduce access to asylum, there is a tendency to 'play a numbers game', with political parties competing to cut down numbers of asylum seekers. This is perhaps one reason why distinctions are frequently blurred between asylum seekers, economic migrants and illegal immigrants - the focus is often on the numbers of asylum applications rather than the small number of individuals who are actually granted refugee status.

Bakewell (1998: 2-6) reminds us that there are no reliable ways to count numbers of refugees and that with so many different and competing interests involved. As such, any numbers relating to refugees, asylum seekers, and illegal immigrants need to be contextualized in terms of where they have come from, how they have been generated, who is using them, and who is being counted. Refugees themselves are largely excluded from the counting process except as its objects.

Asylum Seekers

An asylum seeker is a person who has left their country of origin, has applied for recognition as a refugee in another country, and is still awaiting a decision on their application. British Asylum law on this stems from the provisions of the UN Convention on Refugee Status, as briefly outlined above. According to government figures there were 22,560 applications for asylum in the UK in the third quarter of 2002. This was 11 per cent higher than the previous quarter, and the highest quarterly level on record. The top five applicant nationalities were Iraqi, Zimbabwean, Somali, Afghani, and Chinese. This rise followed the first annual fall for five years in 2001 when applications for asylum in the UK, excluding dependants, fell by 11 per cent in 2001 to 71, 365. This rise followed an annual record of 119,015 initial decisions in 2001, nine per cent higher than in 2000 (109,205). Of these, 9 per cent were granted asylum, 17 per cent granted ELR and 74 per cent refused. Overall, it is estimated that around four in ten applications in 2001 resulted in the granting of asylum (10 per cent) or of ELR (22 per cent) or in appeals that were allowed by adjudicators of the Immigration Authority (another 10 per cent)

There were 20,415 initial decisions in the third quarter of 2002. Of these, 10 per cent were granted asylum, 22 per cent granted exceptional leave to remain (ELR) (see 2.2) and 68 per cent refused refugee status.⁹ In 2001, the UK received the most applications of any country in Western Europe, with 21 per cent of applications for asylum in Europe made to the UK.

⁹ From Office of National Statistics at:

www.statistics.gov.uk/CCI/nugget.asp?ID=261&Pos=1&ColRank=2&Rank=176

However, when the relative size of domestic populations is taken into account, the UK ranks 10th among European countries for the numbers of asylum seekers per head of the population.

Many of the regulations that became law in the Nationality, Immigration and Asylum Act 2002 were initially introduced in the Government's white paper called *Secure Borders, Safe Haven: Integration with Diversity* (February 2002). The White Paper posited a radical overhaul of the asylum system. The White Paper put emphasis on the control and the removal of unsuccessful asylum applicants, and the desire to cut down on 'bogus application'. In an article in the Times newspaper (7/10/2002) the Home Secretary announced that asylum applicants from some so-called 'safe countries' would have their applications certified as 'clearly unfounded', regardless of their individual case. Section 115 (7) of the Act contains a list of these countries, currently including the ten EU accession countries (Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovak Republic, Slovenia).

Illegal Immigrants

Under Article 14 of the Universal Declaration of Human Rights, everyone has the right to claim asylum. In addition to this, Article 13 of the 1951 Convention Relating to the Status of Refugees states that countries should not impose penalties on individuals coming directly from a territory where their life or freedom is threatened on account of their illegal entry. Research indicates that frequently refugees may not be able to obtain the necessary documents when trying to escape and may have no choice but to resort to illegal means of escape. Therefore although the only means of escape for some may be illegal entry and/or the use of false documentation, if the person has a well-founded fear of persecution they should be viewed as a refugee, and should not be labelled an 'illegal immigrant'. It has also been suggested that, for the same reasons, the more bureaucratic obstacles that are placed on entry, then the higher the likelihood of a refugee using false documentation to enter a country (Bakewell, 1998).

This is particularly pertinent in the British case, as the government recently attempted to bring in legislation that would make it necessary to apply for asylum on arrival to the UK, with the penalty for not doing so the withdrawal of benefits. The High Court blocked Section 55 of the Nationality, Immigration and Asylum Act 2002, which denied 'late claimants' (anyone who did not apply for asylum 'as soon as reasonably practical', in other words immediately upon arrival) the right to state-funded food and shelter. In his summing up Justice Collins said that the rules, as they were applied in the six test cases, breached the European Convention of Human rights. He ruled that there was a 'real risk' of destitution, leading to injury to health of asylum seekers (Mamon, 2003: 1).

2. MIGRANTS' LEGAL STATUS IN THE UK

2.1 Types of Residence Permits for 'Aliens'

There are different ways in which someone who is not a British Citizen can enter the UK. Each route offers different ways to obtain residence, permanent residence and citizenship:

Exceptional Leave to Remain/Humanitarian Protection

People uprooted by civil war fall outside the UN definition of a refugee because they have not been *individually* targeted for persecution. Asylum seekers who do not meet the criteria of the 1951 Convention, as briefly outlined above, but nevertheless need protection may be granted

Exceptional Leave to Remain (ELR). It may also be granted on human rights grounds, for example, if a person is likely to be 'subjected to inhuman or degrading treatment', or would not receive a fair trial if they returned home. ELR is normally, but not always, granted for a period of four years (one year initially, then a three year extension). After four years with ELR, a person could apply for Indefinite Leave to Remain (ILR). The right of ELR to remain has very recently been replaced with *Humanitarian Protection*, with the Home Secretary announcing that ELR has encouraged abuse and acted as a pull factor, encouraging economic migrants to apply for asylum in the UK in the belief that they will be given ELR when their asylum claim is rejected. We have already stopped the routine granting of ELR on a country basis and we are now significantly tightening the basis on which leave will be granted to all those who have been refused asylum.... our asylum system is not a short-cut to work or settlement in the UK.'¹⁰ Due to the current changeover in this policy area, it is still unclear what the main differences in outcomes will be.

Temporary Protection

In the event of arrival of a large group of people seeking asylum from a particular country because of widespread persecution or upheaval in that place, refugee status may be temporarily suspended and 'temporary protection' granted instead. For example, Kosovo Albanians were granted temporary protection to stay in the UK in 1999, as were Bosnian Muslims during the Bosnian conflict (between 1992-1995).¹¹

Indefinite Leave to Remain

In the UK permanent residence for those not already British citizens is known as 'indefinite leave to remain' and is often referred to as 'settlement'. Applications for this status can be made after four years of residence under some immigration categories (for example, work permit holders, business entrepreneurs and investors), as long as the conditions specified by the Immigration Rules continue to be met. A person with permanent residence may stay in the UK indefinitely so long as they do not leave the country for extended periods. The 'returning resident' rules state that a person should not normally leave the UK for a period of over two years without returning to reclaim their residency. Some types of residence, notably those relating to dependant relatives, confer immediate permanent residence.

Work Permits and Other Temporary Visas

A wide range of residence permits exists for people without British citizenship, the main types of which are outlined here. **Work Permits** come in many different forms: Visit Visas allow short-term entry for periods of up to six months, and are not usually extended beyond this time. Students can be granted leave to remain for extended periods in order to complete a course, but their status does not normally lead to indefinite leave to remain. For individuals on work experience with, for example, a multi-national company, leave to remain is normally granted for a maximum period of twelve months but cannot subsequently lead to indefinite leave to remain. Commonwealth Working Holidaymakers are granted leave to enter for a maximum of two years, while self-employed persons from certain Central and East European countries may be granted leave to enter or remain. Retired people of independent means can apply for permanent residence after four years resident in the UK. UK citizens holding dual citizenship (two or more nationalities) are entitled to a 'Right of Abode' stamp in their foreign

¹⁰ Cited on the Asylum Support website at: www.asylumsupport.info/law/restrictions.htm#elrending

¹¹ Definitions of Exceptional Leave to remain and Temporary Protection both modified from the UN website at http://www.unhcr.org.uk/info/briefings/basic_facts/definitions.html#who

passport/s to enable travel to the UK without hindrance should they wish to enter or leave the UK on their foreign passport/s. Commonwealth citizens with a British born parent may also claim UK Right of Abode.¹²

2.2 Guest workers

There are a number of ways people who were not born in the UK but wish to work there can apply to do so: EU citizens have the right to live and work in the UK. Non-EU family members accompanying or joining an EU national may also apply to get UK residence if the relevant procedures are followed (see below). Individuals can apply for a work permit, which allows for indefinite leave to remain if he or she remains in work permit employment for a period of four years and can show that they are still required for the post in question. There are also other forms of entry related to this, for example ‘investors’, ‘entrepreneurs’, ‘highly skilled migrants’, ‘innovators’ and so on all apply for work permits on the basis of special skills, investments, business ideas etc that they will bring to the UK economy. The award of these work permit variations usually depends on the applicant being able to provide evidence of his or her ability in certain fields (education, business experience, previous salaries). Such applicants must also be able to demonstrate that neither they nor their family will use any public money in their time in the UK (housing benefit, income support, etc.)

3. EXISTING RESEARCH ON ‘IMMIGRANTS’ AND ‘MINORITIES’ IN BRITAIN

3.1 Existing Research on ‘Immigrants’ and Minority Ethnic Communities

Recent Home Office research has concluded that little systematic research has been conducted on the impacts of migration on areas such as the economy, housing and education (Kempton, 2002: 1). At the moment there is ongoing governmental research, mainly through the Home Office, into a range of ‘impacts and outcomes’ of migrants. This work tends to focus on the economic situation of migrants, with less research addressing, for example, the experiences of migrants’ children in the education system (at present a very poorly researched topic). There is also substantial investigation into ‘Analysing the Illegal Population’, but given the current political climate towards such migrants the outcomes of any such inquiry should be treated with caution (Bakewell, 1998). Migration flows more generally are also being researched. Many of these projects exist under the government’s research framework of ‘Sustainable Growth and Social Inclusion’; again many of these projects have an economic/labour market focus.

There have been some recent comprehensive surveys of the experience of minority ethnic communities in the UK, many of which are utilized in this WorkPackage. The report into *The Future of Multi-Ethnic Britain* commissioned by the Runnymede Trust is a particularly far-reaching survey of statistical evidence and policy analysis (Parekh et al, 2002). Slightly older surveys that were considered groundbreaking at their publication include Modood et al (1998), and Skellington (1996). Of course, by their very nature, statistics that try to capture something as elusive and transitory as the experience of a given minority ethnic communities’ experience in, for example, the labour market, are likely to become dated more quickly than other forms of academic analysis. The recent publication of figures from the 2001 Census

¹² All from www.webbimmigration.com/uk_residence_and_citizenship_overview.htm#TOP

provides the potential for up-to-date statistical analysis of representation and discrimination in the UK.

3.2 Fields of Research Interest

Race Relations

In the UK there is a long history of research into race relations. The key race relations policies providing a framework for this research have been:

The Race Relations Act 1965, which made discrimination illegal in certain, specific social contexts. This act was relatively weak in practice as it lacked any strong enforcement mechanisms, making prosecutions for 'racial hatred' very hard to prove. The Race Relations Act 1968 extended the scope of this earlier act by making discrimination on the grounds of race illegal in the labour market and the housing sector specifically. However, enforcement powers were still relatively weak, with effective implementation again difficult. The Race Relations Act 1976 was arguably the landmark piece of race relations policy in the UK, as it extended the remit of anti-discrimination legislation to unintended forms of racist discrimination. This has been a key principle, and has informed much contemporary research into institutional racism, which rests on the principle of unintended, structural forms of discrimination against certain individuals and groups (see below).

The Labour Market

Although there is a growing body of research addressing the experiences of minority ethnic communities and recent migrants in the UK labour market, there are frequently problems with such inquiry. For example as, almost by definition, illegal migrants do not appear on official statistics such as census data or other data sources. The same is true of many asylum seekers, who often do not appear in data such as the Labour Force Surveys, mainly because it is a household survey, and many asylum seekers do not live in 'households' per se (detention centres, bed and breakfast accommodation etc.). The Government has begun to produce a great deal of research, especially statistical information, pertaining to this question, much of which is assessed in more detail elsewhere in this WorkPackage.

Education

Overall, existing research indicates a clear pattern of continuous under achievement for certain ethnic groups which starts in early education, and continues through further and higher education. As is suggested above (3.1) there is presently a very small body of research that addresses migrants' experiences in certain education sectors, and much of this inquiry has been tangential to the main research theme. The evidence presented later in this WorkPackage reaffirms the need to understand the heterogeneity that currently exists within the minority ethnic population in the UK. Students from different ethnic minority groups have quite different experiences and even within ethnic group, there are important differences in participation and achievement due to factors such as class, gender and age.

While there has been an improvement in the position of people from particular ethnic groups (for example, Indians and Chinese), this is not the case for all minority ethnic people. There is a clear pattern of continuous underachievement for certain ethnic groups, which starts in early and compulsory education, continues through further and higher education, and persists in the labour market. Most notably, for some ethnic groups such as Black Africans, educational achievement is not adequately rewarded in the labour market. Among the second generation,

the three ethnic groups who appear to benefit least from the education system and in the labour market are Bangladeshis, Black Caribbeans, and Pakistanis.

Housing

Almost by definition, much of the existing research tends to be focused on a very specific area, or more likely on a specific group within a specific area. However, in general, and as was outlined above, the majority of the UK's minority ethnic population live in inner city areas. This has a strong impact on their situation with regards to housing. There is a well-established body of research that suggests a high level of housing segregation between the UK born White population and other groups, although again, much of this work is city-specific.

Norman Ginsberg published an influential and wide-ranging study on racism in housing, in which he concluded that three distinct, but inter-related forms of racist discrimination were operative (1992). This study provides a useful framework for situating statistics on racism in housing. He suggested that at the micro level of individual interaction people could experience *subjective racism*, as practised by a particular estate agent, housing officer, landlord or house-seller. Ginsberg also identified an *institutional racism*, operative at a more structural level, which can knowingly or unknowingly disadvantage minority ethnic individuals or families and recent migrants in a number of ways. For example, Rex and Moore, in their seminal Neo-Weberian study of Liverpool, found that minority ethnic communities were disadvantaged in the housing sector because poor quality housing was allocated to those with the most pressing need for housing, frequently recent migrants and the groups disadvantaged in other parts of society (1967). Ginsberg found that in addition to such competition for housing resources, housing officers often attempted to keep white residents away from these areas to avoid (potential) conflict. Ginsberg's study found that *state racism* was the third level of discrimination operating in the housing sector. This refers to government policy that can be seen to disadvantage certain ethnic groups – the study illustrates this with the example of the sell off of council housing in the 1980s, which disadvantaged black communities who, for the reasons cited above, only had the options to purchase the lower quality housing stock in which they were resident (1992: 172-80).

Media

Many studies in the 1980s and early 1990s focused on the racist principles that informed much tabloid journalism and news reporting. Many of these studies were influenced by the work of the Glasgow Media Group, who pioneered content analysis, a quantitative method for uncovering 'hidden' codes that frequently favour the dominant ideological perspective. Although their early major works focused on industrial relations (1976), their framework proved a very influential one for later researchers into racism in the media.

Hall et al (1979) wrote a very influential book on racism in the media called *Policing the Crisis*, which suggested that the 'scapegoating' of young black men from working class backgrounds was inextricably tied to structural economic crisis in the UK economy at the time. This seminal publication suggested that the media played an active role in the creation of a 'moral panic' around mugging, and more than this, developed a link in the minds of the general public and the police between this 'new' crime and working-class black males. Many other studies on racism and media have followed this framework, assessing the role of the media in 'racializing' a given social phenomena.

3.3 Some Particularities of the British Case

As suggested earlier on, in the 'British case' terminology is a significant, sometimes insurmountable problem that must be taken into account when beginning any type of research on migration, racism or related topics. It was stated earlier on in this WorkPackage that definitions of 'ethnic minority' and 'immigrant' are highly problematic in the British context. Indeed, it is fair to say that the very concept of 'Britain' itself has become very much contested over the past two decades. The contested nature of contemporary British identity is highlighted by the Runnymede Trust report into *The Future of Britain as a Multi-ethnic Nation*, which concludes that even the word 'British' has come, for many, to imply a coded racism. The report, by Parekh et al, suggests that 'Britishness' 'has systematic, largely unspoken racial connotations. Whiteness nowhere features as an explicit condition of being British, but it is widely understood... that by extension Britishness is racially coded' (2002: 38). These questions of identification, although not of vital importance for present concerns, provide the backdrop for the many types of structural, institutional discriminations outlined elsewhere in this WorkPackage.

Sivanandan has recently suggested that British racism appears to have 'three faces' or at least one face with three expressions: state, institutional, and popular (2001: 3). Institutional racism is certainly a major issue in contemporary Britain, with the impact of the Macpherson inquiry into the murder of black teenager Steven Lawrence highly significant. The Macpherson report said, unequivocally, that the police force and by implication many other institutions in the UK, was racist. The definition of institutional racism employed by Macpherson is useful:

The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.

The report made over seventy tangible recommendations and led to changes in the law, most notably in bringing about the Race Relations (Amendment) Act in November 2000, which means that all public bodies have a responsibility to actively promote racial equality.

Some commentators on racism in Britain have recently posited the existence of a new form of 'xeno-racism' (Fekete, 2001; Sivanandan, 2001). This is a 'new' type of racism that is not only directed at 'non-white' groups and individuals, as older, more biologically based discrimination was, but is a 'xenophobia that bears all the marks of the old racism, except that it is not colour-coded' (Sivanandan, 2001: 2). The arrival of displaced, poor white populations from Europe has, it is argued, shifted the racist focus away from 'black' groups and individuals and towards other groups, which may often be dispossessed European white communities. This new framework is particularly useful for interpretation of the growing racism directed towards people seeking asylum and refugees in popular media and political discourses (see below). These debates exist against the backdrop of a government policy that many suggest is coercive and oppressive to such migrant groups (see 4.3).

4. LEGAL RIGHTS OF 'IMMIGRANTS'

The Labour Market

As of July 2002, those seeking asylum have not able to work (or even undertake vocational training) until they are given a positive decision on their claim. The Government justified this policy on the basis that most asylum decisions would be made in less than six months, and that employment acts as a 'pull-factor' to 'bogus' asylum seekers. However, the Refugee Council suggests that the average claim for asylum now takes slightly more than 13 months to process, and that there is also no evidence that giving asylum seekers who are awaiting a decision permission to work encourages more asylum applications. In fact, previous research commissioned by the Home Office found that this is not a reason why people apply for asylum in the UK. There are also other strong arguments as to why asylum seekers should have the right to work; such discussions usually center on the fact that working would allow claimants to contribute to their own upkeep while filling some of the skills shortages in the UK labour market (e.g. social workers, doctors, engineers). The Refugee Council also suggest that not allowing asylum seekers the right to work particularly impacts on those with specialist, high-tech occupations who need to keep their skills up-to-date (such as medical specialists, computer technicians etc.) (Refugee Council, 2002).

Education

Immigration status makes no difference to educational entitlement up to the age of 16 in the UK. All refugee or asylum-seeking children can use pre-school facilities (such as local authority nurseries) and children aged 5 to 15 are all required by law to attend school. For older children refugee status makes no difference to entitlement to education for pre-16s. Also Government policy states that schools and Local Education Authorities (LEAs) are obliged to offer school places in accordance with their published admissions arrangements, and are obliged to provide education for all children resident in their area. But as asylum seekers, and frequently recent migrants, are usually resident in areas with less-well resourced schools (see below).

However, aside from being disadvantaged by the constraints largely linked to poverty, as opposed to any other type of discrimination, refugee and asylum-seeking children have the same entitlements to pre-school facilities as other children in the UK, and can register on nursery lists. However, children under 5 years of age from families seeking asylum, refugee families or children of other recent migrants are under-represented in nurseries. There is also evidence to support the claim that parents under-use facilities such as toy libraries other extra curricula clubs (Refugee Council, 2000). Many refugee children will also need help in learning English. Often a specialist English as an Additional Language (EAL) teacher can help the child, while some LEAs have 'refugee support teachers' who can help recently migrated children who are experiencing difficulties in school. Children whose families are on income support or are being supported by the National Asylum Support Service (NASS) can receive free school meals.

Housing

People with refugee status or what was previously called exceptional leave to remain (ELR), now 'humanitarian protection', are entitled to claim housing benefit and can join the local authority waiting list for public housing. Following a positive decision, the person is free to live in whatever area of the country they choose to. Although people can secure their own accommodation privately if they are in a position to do so, this would mean having money available for a deposit and advance rent payments.

4.2 Migrants' Experiences with Xenophobic Violence

A significant piece of legislation in this context is the Crime and Disorder Act 1998, which added 'racially aggravated' to a list of assault, criminal damage and other existing public disorder offences. A criminal act is defined as 'racially aggravated' if there is 'the existence of racial hostility at the time of committing the offence, or immediately before or after doing so', or if 'the offence was motivated wholly or partially by racial hostility'¹³

In 1999 the risk of being the victim of a racially motivated incident was considerably higher for members of minority ethnic groups and migrants than for UK born White people. Racially motivated incidents represented 12 per cent of all crime against minority ethnic people compared with 2 per cent for White people. The people at highest risk of attack were Pakistani and Bangladeshi people (4.2 per cent), followed by 3.6 per cent for Indian people and 2.2 per cent for Black people. This compared with 0.3 per cent for white people. According to the British Crime Survey¹⁴ the estimated number of racially motivated offences in England and Wales fell from 390,000 in 1995 to 280,000 in 1999. The number of racially motivated incidents against Black, Indian, Pakistani, and Bangladeshi people also fell, from 145,000 in 1995 to 98,000 in 1999. According to Clancy et al (2001) this shift indicates that increased levels of racially motivated incidents as recorded by police statistics, relate primarily to improvements in recording and higher levels of reporting incidents. Supporting this claim, and speaking after a 20 per cent rise in reports of racially motivated crime over the last year the attorney general Lord Goldsmith said that a government campaign to persuade people to report the hate crimes would see the numbers rise further. There were 3,728 cases of racially aggravated crime handed to the CPS by police between April 2001 and March 2002. Of these, 72 per cent were prosecuted, with the remainder discontinued or dropped at court. More than eight out of 10 of the cases that went ahead resulted in a conviction. A quarter of the 28 per cent of race crimes that never reached court were dropped or discontinued because of problems with witnesses, he said. Lord Goldsmith revealed that prosecutors have so far brought 15 religiously motivated cases under new measures in the Anti-Terrorism, Crime and Security Act 2001. The legislation, which, for the first time, made it a crime to target a person on religious grounds, has so far led to five convictions, two discontinued cases and one acquittal (Guardian, 6/2/2003).

2 per cent of victims of racially motivated crime said that they had been 'very much affected' by the incident, compared with only 19 per cent of victims of other sorts of crime. Black victims were most likely to report being 'very much affected' (55 per cent compared with 41

¹³ From the Home Office website at <http://www.homeoffice.gov.uk/cdact/racagoff.htm>

¹⁴ The British Crime Survey (BCS) is a victimization survey in which respondents are asked about their experiences of crime in the last calendar year. Because the survey is confidential, many suggest that it presents a truer picture of crime levels than do official statistics collected by the government (for example, Maguire, 1997). As part of the BCS respondents are asked, in respect of all crimes of which they were victims, whether they thought the incident was racially motivated. Victims of such crimes are defined as anyone who judged that racial motivation was present in any crime or threat that they had experienced in a given year. The definition is broadly in line with that recommended by the Stephen Lawrence Inquiry, which has subsequently been adopted by the police, which categorizes a racist incident as one which is perceived to be racist by the victim (Macpherson, 1999).

per cent for both Asian and white victims (Guardian, Feb 6 2003). This claim is supported by the Home Office study into the psychological and psychosocial health of migrants in the UK, carried out by Shields and Wheatley-Price. They conclude that fear of racial harassment is a significant factor in lowering levels of psychological well-being amongst members of migrant communities, who report lower levels of psychosocial well-being than do the UK-born white population (2002: 22). Indian, Bangladeshi and Pakistani people are more likely to be victims of household crime than either Black or White people. Indians were particularly more at risk of burglary than others (Clancy et al, 2001).

There have also been racist assaults on some Jewish people, physically attacked by demonstrators protesting against Israel. Indeed figures show a 13 per cent increase in anti-semitic attacks in 2002. Attacks on Jews reached a peak during the Israeli reoccupation of Palestinian cities and towns in the West Bank in spring 2001. The Community Security Trust, which monitors anti-Semitism in the UK, published figures showing a 13 per cent increase in anti-Semitic attacks. As well as noting a general increase in violent assaults on Jews, the trust's report suggested that it is 'now almost routine for extremists to express their hatred for Israel by attacking British Jews.' There were a total of 350 incidents, including 47 violent assaults and 55 attacks on property, and the desecration of synagogues and seven Jewish cemeteries. (21/2/2003)

In their study into racism in education Cline et al found that although few of the minority ethnic children they interviewed had been physically hurt in racist incidents, over a third of the children reported experiences of hurtful name calling and verbal abuse either at school or during the school journey. For around half of these the harassment was continuing or had continued over an extended period of time (2002: 12).

4.3 Natives' Attitudes Towards 'Immigrants' and Ethnic Minorities

As Gellaw has recently observed, the European Commission against Racism and Intolerance (ECRI) and the European Monitoring Centre on Racism and Xenophobia (EMCX) have both suggested that racial hostility and xenophobic attitudes towards refugees and asylum seekers are rife in the UK. Indeed the UK has been identified as one of the most hostile and xenophobic countries in the European Union in two recent reports by anti-racism organizations. 'Over recent years, the United Kingdom has taken positive steps to counter racism and discrimination. Problems of xenophobia, racism and discrimination, however, persist and are particularly acute *vis-à-vis* asylum seekers and refugees' (cited in Gellaw, 2002: 2). The police force has also acknowledged the existence of racism, particularly against asylum seekers. A manual published by the Association of Chief Police Officers concluding that 'racist expressions towards asylum seekers appear to have become common currency and 'acceptable' in a way which would never be tolerated towards any other minority group.' (cited in the Guardian, 1/3/2003)

The ECRI also found that this 'xenophobic intolerance' was reflected not only in the media (see below) but also 'in the tone of the discourse resorted to by politicians in support of the adoption and enforcement of increasingly restrictive asylum and immigration laws.' (ibid). This conclusion seems to imply the state in the proliferation of racist/xenophobic tendencies, with report indicating the damaging effect of the increasingly coercive nature of immigration and asylum policies on public opinion towards migrant groups. The report was particularly scathing about politicians who use 'charged racist language in the hope of gaining mass appeal for their own political agenda... politicians have contributed to, or not adequately

prevented, public debate taking an increasingly intolerant line with racist and xenophobic overtones' (ibid). The report also criticised the Immigration and Asylum Act (1999) for withdrawing benefits from the majority of asylum seekers by introducing 'degrading and stigmatising' food vouchers and the dispersal scheme as a means of 'share the burden' of asylum seekers among local communities.

Gellaw also highlights another survey, carried out by the European Monitoring Centre on Racism and Xenophobia (EMCRX). This report found that more and more Britons want established immigrants to be sent home, with 23 per cent of British citizens think that even legally accepted political refugees should be sent back to their country of origin. Nearly 39 per cent of Britons surveyed said that legal immigrants who became unemployed should be forcibly repatriated (ibid).

In a research project drawing on data from the British Social Attitudes survey (BSA), Dustmann and Preston found that two-thirds of the public are opposed to any further migration into the UK by ethnic minorities (2002:1). They concluded that this hostility was closely linked to racist views about ethnic minorities. Dustmann and Preston find that opposition to further immigration is heavily correlated to racist attitudes as revealed by the BSA questions about ethnic minorities. Significantly they found that worries about immigrants taking jobs or welfare benefits, traditionally a 'competition for resources' argument, are a less important factor. Low-skilled workers, who might be thought to worry about competition for jobs, are in fact more likely than more highly skilled workers to be hostile to immigrants because of racist views, according to the report. 66 per cent of the sample that they would want less immigration from the West Indies, while 70 per cent wanted less migrants from Asian countries. The fact that only a minority oppose immigration from ethnically similar countries such as Australia and New Zealand is further proof of entrenched public hostility towards people of Asian or Afro-Caribbean origin. The research found that racism explained these variations towards immigration of ethnically different populations (Dustmann and Preston, 2002: 11-14).

The research perhaps also goes some way to explaining why anti-immigration speeches by politicians and reports in the media are popular with the public. However, Dustmann and Preston argue that European countries are going to have to change their approaches to immigration because they are running out of workers. To keep a stable working population stable between now 2050, the European Union as a whole needs to import 1.4m immigrants a year. To stop the ratio between workers and retired people falling, it needs a net inflow of 12.7m immigrants a year (2002: 27). Although the government has recognised the need for immigration to attract skilled workers in some sectors (see section 2.2 on entry permits for 'Highly Skilled Migrants' and others) and has changed work permit rules to allow in a limited number of migrants, they are still considered by many to be 'anti-immigration' (Alibhai-Brown, 2002; Silvanandan, 2002; Fekete, 2002; Dustmann and Preston, 2002)

4.4 Political Participation and Political Rights

British citizens aged 18 or over can vote in general and local elections. Citizens of the Irish Republic and Commonwealth countries who are aged 18 or over and meet certain other residency requirements can also usually vote. There is no single document or law which defines who can stand for election as Member of Parliament, but candidates must be over the age of 21 and be citizens of the UK, the Republic of Ireland or the Commonwealth.

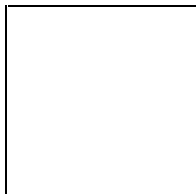
4.5 Laws on Becoming a British Citizen.

British Citizenship confers the right to live in the UK (and the associated freedom of movement in the European Union) and may be acquired through birth, descent, registration or naturalisation. The most important policy regarding citizenship is the British Nationality Act 1981, which came into force on 1st January 1983 and replaced all earlier nationality laws.

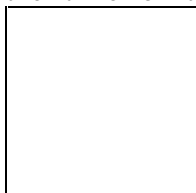
There are three distinct forms of citizenship in the UK:

1. *British Citizenship*: for people ‘closely connected’ with the United Kingdom, the Channel Islands and the Isle of Man. British citizens have the right to live in the UK permanently, and are free to leave and re-enter at any time.
2. *British Dependent Territories Citizenship*: for people connected with the ‘dependencies’.
3. *British Overseas Citizenship*, for those citizens of the United Kingdom and Colonies who do not have these connections with either the United Kingdom or the dependencies.

Children who are born in the UK whose parents *aren't* British citizens or resident there can acquire British citizenship if one of their parents becomes a British citizen or becomes settled in the UK. Or, if the child lives in the UK for the first 10 years of his or her life and is not absent more than 90 days in any one of those years, they are entitled to registration as a British citizen. Also, if the child is a British Dependent Territories citizen, a British Overseas citizen, a British subject under the 1981 Act or a British protected person, he or she will have an entitlement to registration as a British citizen if he or she lives legally in the United Kingdom for 5 years and is not absent during those 5 years for more than 450 days and if he or she is not absent during the last 12 months of those 5 years for more than 90 days.

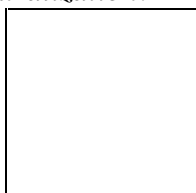


A child born outside the United Kingdom is a British citizen if one of his or her parents is a British citizen otherwise than by descent (i.e. by birth, adoption, registration or naturalisation in the UK). The child will be a British citizen by descent; or if one of his or her parents is a British citizen in Crown service under the Government of the UK at the time of the birth. The child will be a British citizen otherwise than by descent; *or* one of his or her parents is a British citizen serving outside the UK under a European Community institution at the time of the birth. The child will be a British citizen otherwise than by descent.



Adopted children become British citizens if one of their adoptive parents is.

People who are not British citizens can become so in one of two ways – *registration* or *naturalization*:



Commonwealth citizens and citizens of the Republic of Ireland are entitled to **registration** if they have been settled in the UK since 15 years previous. **Naturalisation** generally applies to a foreign or Commonwealth national who has lived in the UK for five years or more and are: of good character; have sufficient knowledge of the English language; intend, once naturalised, to have their principal home in the UK; and meet the other residence requirements which are outlined below. People applying for citizenship through naturalisation are also normally required to have been in the UK for 5 years and spent not more than 450 days outside the UK in the period and not more than 90 days outside the UK in the 12 months immediately preceding the application. They also must have had UK permanent residence (indefinite leave to remain) for these 12 months immediately preceding the UK naturalisation application. The conditions for naturalisation are: five years legal residence in the UK; be 18 years old or over and not of 'unsound mind'; be of good character; have sufficient knowledge of English, Welsh or Scottish Gaelic (see 4.6); and have the intention to 'remain closely connected' with the UK. The wife or husband of a British citizen may apply for naturalisation after completing three years legal residence in the United Kingdom

To meet the residence requirements a person must not have been absent from the UK for more than 450 days over the 5 year period or for more than 270 days over the 3 year period. In each case the applicant cannot have been absent for more than 90 days in the last year of the period. The Act does not affect civic rights (such as the right to vote or stand in elections).

4.6 Cultural Rights (Languages)

Right to Free Education

See 4.1

Education in Language of Origin

See 4.1

Language Education

The research carried out by Cline et al found that while some primary schools (for pupils aged 5-11) operated a 'language across the curriculum' strategy, no school they surveyed had a strategy in place for supporting children learning English as an Additional Language (EAL) beyond the initial stages. The long-term language development needs of migrant pupils were not given attention by the teachers, and none described strategies for supporting and enhancing their proficiency and confidence in using English for academic purposes. Teaching provision for children in the early stages of learning EAL was variable, and no school had a strategy in place for supporting children with EAL beyond the initial stages (Cline et al, 2002: 8).

4.7 Laws and Regulations Concerning the Status of Migrants in Employment

Overseas nationals who are not settled in the UK but who intend to take employment are required to have work permits unless they are: EU Nationals (or their families); Gibraltarians; Commonwealth Citizens given leave to enter or remain on the basis of UK ancestry; sailors contracted to join a ship in British waters; persons employed as civilian workers of NATO; people admitted as the dependants of persons settled here; or students (in some circumstances).

4.8 Laws and Regulations Concerning Language Requirements

The Nationality, Immigration and Asylum Act 2002 made applicants for British citizenship sit a language test to demonstrate that they have 'sufficient [language skills in] English, Welsh, or Scottish Gaelic'.¹⁵ Exactly what level of competence is needed to pass such a test has been a matter of some debate. Home Office minister Beverley Hughes 'sufficient' is enough linguistic ability to 'sustain unskilled employment' (Guardian Dec 12 2002). This new language requirement is part of other measures in this act that have become widely referred to as the 'Britishness test', which also requires applicants for citizenship to be familiar with other aspects of 'British culture', in itself a highly contested concept (see 3.3). The Refugee Council suggested shortly after this Act became law that, although in the UK a lack of English language skills can lead to social exclusion, it is also important to provide specially tailored courses and an environment that caters for people who are not comfortable learners (Refugee Council, 2002).

The Home Secretary David Blunkett has recently suggested that UK-based migrants should speak English in their own homes to help prevent the emergence of what he termed 'schizophrenic' rifts between generations of their families. He argues that almost a third of British Asian families speak only their native languages behind closed doors. Blunkett, in an essay published by the Foreign Policy Centre think-tank, said that he feared that Muslim women with traditional husbands would not be encouraged to learn English if it was seen just as the language of the workplace. But his suggestion that learning English could improve family relationships angered community leaders, who said that he should not meddle in private matters (Guardian, 15/9/02). The Parekh et al report argued that more than this, language recognition in public and private was vital as 'the cultural identity of some groups ('minorities') should not have to be confined to the private sphere while the language, culture and religion of others ('the majority') enjoy a public monopoly and are treated as the norm' (2002: 48).

The research into racism in mainly white schools carried out by Cline et al (2002: 1-7) found that ethnic identity was promoted by most parents through teaching their children their home language or religious and cultural values. These additional language skills involve them in contacts with wider community networks. Two thirds of the schoolchildren in Cline et al's study had some exposure to a language other than English within their household. Among those parents who were bilingual most would have liked their children to become fluent speakers of their own first language. In their study on racism in the education sector Cline et al (2002) also concluded that only a handful of schools had experience of working with children who were in the early stages of learning English as an additional language.

Dustmann et al (2002: 19-20) have also made a valuable contribution on how English language skills relates to labour market outcomes. They found that not only was there was a great deal of variation in language proficiency across migrant groups, these skills also varied according to age, with higher language skills amongst the people that entered the UK at a younger age. As would also be expected, language proficiency is also positively linked to the probability of employment, and beyond this, the amount of wages earned. Smith and Wheatley-Price fluent English language speakers have dramatically improved employment rates (2002: 22).

¹⁵ These language requirement may be waived on grounds of age or physical or mental condition.

INSTITUTIONAL DISCRIMINATION

1. LABOUR MARKET

Indicator 1: Unemployment

Migrants

In general have lower participation rates in the UK labour market than the native born population. The employment rate among working age migrants is roughly 64 per cent, compared to 75 per cent employment for UK born, working age population. However, migrants who do find work tend to earn about 19 per cent more than UK born workers. The average Gross Weekly Earning among migrants is £403 compared with the £338 weekly average earned by UK born population (Haque et al, 2002: 14). However, as the Haque et al study also points out, comparative data on wages is notoriously unreliable.

From the existing sources it appears that the input of migrant workers into an economy is beneficial overall, with a positive effect on the wages of the existing, 'native' population. The *Migrants in the UK* study found that a 1 per cent increase of migrant workers in the economy leads to a roughly 2 per cent increase in the wages of the non-migrant working population (Haque et al, 2002: 8). This finding is supported by the work of Glover et al who found that 'migration is likely to enhance economic growth and the welfare of both natives and migrants.... Restrictions on migration are likely to have economic costs' (2001: vii).

Dustmann et al, in their study on the performance of migrants in the UK labour market, found that 'employment and participation rates of foreign-born ethnic minority individuals are considerably lower than those of British-born whites' (2002, 18). However, although Asian migrants from Pakistan, and black migrants from Africa and the Caribbean were most disadvantaged in the labour market, white migrants, when weighted for gender, age, education, geographical location and some other measurables, had very similar labour market outcomes to the UK-born, white population (Dustmann et al, 2002a: 18). This underlines the fact that participation rates in the labour market vary substantially between different migrant communities, even when the very different socio-economic backgrounds of individuals are taken into account.

Also, the UK born population is more likely than migrants with the same or equivalent qualifications to be in work. However, it is worth bearing in mind that there is frequently a problem when attempting to determine the equivalence of qualifications across nations. This is confirmed by the work of Shields and Wheatley-Price (2002) that found employers unsure about the relative merit of non-UK qualifications.

Ethnic Minorities

In general, minority ethnic groups have a younger age structure than the UK born White population. This reflects both past patterns of migration (see 1.3) and differing fertility patterns from the UK born 'White' population. The 'Other Black' group has the youngest age structure with 52 per cent aged under 16. The Bangladeshi group also has a particularly young age structure, with 39 per cent aged under 16. This was almost double the proportion of the

White group. In contrast, the White group had the highest proportion of people aged 65 and over at 16 per cent, compared with 4 per cent of the Pakistani, Bangladeshi and Chinese groups. Progressive ageing of the ethnic minority population is anticipated in the future (Modood, 1997: 17), but changes will be dependent upon fertility levels, mortality rates and future net migration.¹⁶ This younger population structure is a significant factor to take into account when assessing the performance of different minority ethnic communities in the labour market.

There are also significant differences between the economic activity rates of different ethnic groups, that is, the proportion of people in work or looking for a job. In general individuals from 'minority' ethnic groups¹⁷ had higher unemployment rates than those in the 'White' group in 2001-02. However, young people (aged 16 to 24) had higher unemployment rates than the working age population across all ethnic groups. Overall the Bangladeshi, group had the highest unemployment rate, at 21 per cent. Unemployment among young people aged 16-24 ranged from 37 per cent among young Bangladeshi people to 11 per cent of young White people.

In 2001-02 economic activity rates were 85 per cent for White men and 74 per cent for White women. As Simpson observes, the high unemployment rate of black people in Britain has remained throughout the last 40 years (2002:3). The continuation of this trend is borne out by the latest government statistics, which indicate that young Black African men, Black Caribbeans, and those belonging to the 'Mixed' group had very high unemployment rates – they ranged between 25 per cent and 31 per cent. The comparable unemployment rate for young White men was only 12 per cent.

Black Caribbean women had economic activity rates almost as high as White women at 72 per cent. Bangladeshis had the lowest economic activity rates among both men (69 per cent) and women (22 per cent). Pakistani women had particularly low rates of economic activity – 28 per cent. Across all minority ethnic groups men have higher levels of economic activity than do women. In 2001-02 men and women from minority ethnic groups had higher unemployment rates than White people. Bangladeshi men had the highest unemployment rate at 20 per cent - four times that for White men. The unemployment rate among Indian men was only slightly higher than that for White men, 7 per cent compared with 5 per cent. For all the other minority ethnic groups, unemployment rates were between two and three times higher than those for White men. This pattern was the same across different age groups. For men from all ethnic groups unemployment was much higher among young people aged under 25 than for older people. Over 40 per cent of young Bangladeshi men were unemployed.

The picture for women was similar to that for men. Bangladeshi women had the highest unemployment rate at 24 per cent, six times greater than that of White women (4 per cent). Seven per cent of Indian women were unemployed. Women in all other ethnic groups had rates between 9 per cent and 16 per cent. Rates for young women under the age of 25 years were considerably higher than for older women and this was true across all ethnic groups.¹⁸

¹⁶ Statistics from Statistics Office website at www.gov.org.uk/statistics

¹⁷ This is the term used in the census data to signify people who ticked any category except A: White.

¹⁸ All statistics from Statistics Office website at www.gov.org.uk/statistics

Ludi Simpson suggests that the high unemployment rates for black communities in the UK can be understood 'half' to do with place of residence and discrimination, and the rest to do with other, less overt discriminatory practices (2002: 3). Of course it should also be kept in mind that where people live and their educational outcomes can also often be understood in terms of discriminatory practice (see sections on Housing and Education).

Indicator 2: Type of contract or conditions of employment.

Migrants

There is a clear dividing line between the wages of white and ‘non-white’ migrant workers in the UK. Whereas, in general, individuals from white migrant communities have higher wages than the UK-born white population with the same characteristics (age, gender, education, location etc), ethnic minority migrants have lower wages (Dustmann et al, 2002a: 19). These inequalities are more pronounced in the male working population, with wage differentials reaching 40 per cent between the UK-born white population and the migrant Bangladeshi community – these wages do seem to converge slightly as length of residence increases (ibid). This conclusion is supported by the work of Shields and Wheatley-Price who have concluded that recently arrived ‘ethnic minority’ migrant workers have a ‘significantly reduced employment and participation rates’ (2002: 22).

Ethnic Minorities

People from minority ethnic groups were more likely than White people to live in low-income households in 2000/01, but there was considerable variation among the different minority ethnic groups. Pakistanis and Bangladeshis were much more likely than other groups to be living on low incomes. Almost 60 per cent of the 1 million people in this group were living in low-income households before housing costs were deducted. This increased to 68 per cent after housing costs. A substantial proportion (49 per cent) of Black Non-Caribbean households also lived on low incomes after housing costs had been deducted. However, the risk of low-income for this group was much less pronounced in comparison with other ethnic groups if income before housing costs is used. The White population were least likely to be living in low-income households, 16 per cent did so before housing costs were deducted and 21 per cent after housing costs.¹⁹

Indicator 3: Sectors of Employment.

Migration to Britain post world war II was a reaction to shortfall in certain sectors of the economy. Workers migrated especially from the Caribbean, Africa and South Asia to fill positions generally avoided by the white working class in times of full employment.²⁰ The textile mills of North England, factories in the Midlands, the transport industry in major urban centres (especially London), and the health service all benefited from migrant labour in the 1950s and 1960s.

Contemporary research would seem to indicate that many of the descendents of these early labour migrants are still employed in relatively restricted and marginalized occupational sectors (Parekh et al, 2002: 193-204; Modood et al, 1998: 83-183). However, this is not the case for all migrant workers in the UK, with recent research suggesting that migrant workers at the higher end of the skills market are vital to many professions. For example, suggests that in 2000 migrants made up 27 per cent of health professionals and 9 per cent of teachers (Haque et al, 2002: 7). Of course, it is important to bear in mind that labour markets do not contain a ‘fixed’ number of jobs. Migrants, as well as contributing to the existing labour market by filling positions and addressing skills shortages, also generate new jobs. Dustmann

¹⁹ From <http://www.statistics.gov.uk/ci/nugget.asp?id=269>

²⁰ Of course this is somewhat of a generalization, as there were many academics, doctors, teachers, engineers and business people who migrated to Britain at this time (Parekh, 2002: 192).

et al found that migration certainly does not have an adverse effect overall unemployment for the existing population (2002a: 7).

The average earnings among Muslim men are only 68 per cent that of non-Muslim men, while Three-quarters of Bangladeshi and Pakistani children live in households earning less than half the average income. 25 per cent of Pakistani men are self-employed compared with 11 per cent of white men. 65 per cent of Bangladeshis are semi-skilled manual workers compared with 23 per cent among other ethnic minorities and 15 per cent among white Britons. 54 per cent of Pakistani and Bangladeshi homes receive income support, three times other households (Guardian, 17/6/2002)

The Runnymede Trust commissioned research to indicate the numbers of ethnic minority managerial/professional staff in the FTSE 100 (stock market) companies in the UK, and to assess the opportunities and barriers that ethnic minority professional and managerial staff experience in these organizations.²¹ The report confirmed the analysis from elsewhere in this section, concluding that there was a lack of ethnic minorities in senior positions. Of those companies studied (27 companies employing 860,000 employees in the UK) 5.4 per cent of employees were from ethnic minorities (versus a now estimated 9.9 per cent in the UK population as a whole). However, representation fell sharply with seniority of grade: 3.2 per cent of junior and middle managers and 1 per cent of senior managers were from an 'ethnic minority' background. As with ethnic minority achievement in education (see below), there are significant variations in representation between different ethnic groups. For example those from Indian ethnic origin are represented more consistently across the grades, while Black Caribbeans are significantly underrepresented at managerial and professional levels. Bangladeshis in particular appeared significantly underrepresented at all levels.

This report found that minority ethnic professionals feel excluded by subtle, non-overt discrimination. Although all of the companies involved in the research claimed that their procedures for progression did not discriminate against any groups this view was not shared by their employees from minority ethnic backgrounds. They perceived the lack of representation at senior level as a 'significant and demotivating factor' that confirms that institutional discrimination continues to operate. All those involved in the focus groups and one-to-one discussions reported occasions when they had felt excluded by colleagues or not supported by their managers. The report also found that although ethnic minority employees are often anxious not to attract special favours, they did have the expectation that their employers will have policies in place to combat institutional racism. The research concluded that race is still not firmly on the agenda of the top businesses in the UK. This is reflected in the numbers who, despite long-term and plentiful guidance from the Commission for Racial Equality and others, do not monitor their staff populations by ethnicity. (Only 27 companies were able to provide this data.) Only 4 companies reported setting targets for the representation of ethnic minorities, and even amongst the 40 companies who responded to the survey, only 60 per cent had developed a business case for race equality and 48 per cent had agreed a strategy for improving 'racial equality' (Sanglin-Grant and Schneider, 2000).

²¹ The research took place between September 1999 and January 2000. A questionnaire was distributed to all of the FTSE 100 companies in order to gather data on their policies and the demographic profile of their employees. 55 companies responded, 40 returned the questionnaire and 15 wrote in with reasons for **not** completing the survey. Focus groups and one-to-one discussions involving 23 ethnic minority professionals and managers were held in order to gain an insight into their experiences and perceptions.

In 1999 the Bank of England published a report entitled *The Financing of Ethnic Minority Firms in the United Kingdom* (Bank of England, 1999), in which they suggested a number of reasons why minority businesses sometimes experience difficulties in the labour market. The study found that minority businesses are concentrated in activities with high failure rates (catering for Bangladeshi and Chinese) taxi driving (especially Pakistanis) and construction work (self employed West Indians) (see Labour Market Indicator 3 below). The research also found that frequently minorities lack collateral for start-up; West Indians, for example, are more likely to live in council housing (see Housing section) and therefore have no real property to pledge. Both direct and indirect discrimination are thought to occur, but not on a wide scale. Banks are taking action across the board against this (see above). Minorities did not, according to the Bank of England, feel especially discriminated against. (Moore, 2000)

Indicator 4: Qualified People Engaged in Low Skill Sectors

The UK born population is more likely than migrants with the same or equivalent qualifications to be in work. The Parekh report on *The Future of Multi-Ethnic Britain* concluded that for particularly for competitive positions applicants from black and Asian communities have to be better than their competitors to be successful (Parekh et al, 2000: 193). There is certainly evidence to suggest that Asian and Black graduates fare less well in the labour market than do other graduates. Also, even though Indian, African and Chinese people are generally better qualified than white people they still have problems getting top jobs (Sanglin-Price and Schneider, 2002). The second generations face the same problems as the first, so this cannot be explained as problems associated with being new to Britain, or with having overseas qualifications. High levels of discrimination are operative against particular groups of people. Pathak has concluded that 'Black African men and women, despite being extremely well qualified, experience extremely high levels of unemployment (for men, more than twice the rate for white men and for women, more than three times that of white women)' (2000: 5).

The Home Office report on *The Labour Market Outcomes and Psychological Well-Being of Ethnic Minority Migrants* suggested that the government should provide greater assistance to employers to help them to assess the value and relevance of non-UK qualifications (Shields and Wheatley-Price, 2002: 23)

Indicator 5: Constraints and Opportunities for the Self-Employed

Migrants

On arrival in the UK the probability of self-employment increases for all migrant groups comparative to the UK-born white population. Self-employed migrants appear to be concentrated in certain sectors, varying dependent on an individual's origin. Half of all self-employed migrants in the UK works in the distribution, hotel and restaurant sector (compared to only one in six of the UK born white population) (Dustmann et al, 2002a: 18).

Of the working population who were born in the Middle East²² 25 per cent are self-employed, compared to only 10.7 per cent of the UK born population. The report suggests that those coming from 'less developed' countries are more likely to be self-employed, whereas people

²² Again a problematic term: middle east, far east and other such geographical references are all defined with reference to West Europe as the 'centre'.

from western countries are closer to the UK in the respect of self-employment rates (Dustmann et al, 2002: 14). Of course it should be kept in mind that many foreign born workers are forced into self-employment due to high levels of discrimination in other sectors of the labour market (see Indicator 3, Labour Market section).

Ethnic Minorities

People from Pakistani and Chinese groups are far more likely to be self-employed than those in other groups. Around one-fifth of Pakistani (22 per cent) and Chinese (19 per cent) people in employment were self-employed in 2001/02 compared with only one in ten White people. (stats.gov). Black communities are under-represented in self-employment, with just below half the national average (less than one in ten) self-employed.

Certain ethnic groups were concentrated in particular industries. Self-employed Pakistani people were more likely than other people to work in the transport and communication industry, over half of them worked in this sector compared with 7 per cent of people overall. Chinese people were much more likely to work in the distribution, hotel and restaurant sector: 71 per cent did so compared with an overall figure of 18 per cent.²³ Asian and black businesses are often involved in import/export, and rely on language skills, family and community networks as many British Trade International and Business Links initiatives are directed towards large businesses (Parekh et al, 2002: 203).

Nearly 40 per cent of all small businesses raise more than 75 per cent of their start up resources from non-banking sources. Savings are important for all start ups, especially for West Indians, but bank loans are especially important for Bangladeshis. However, this observation is based on small samples. Voluntary and self-help sources of support are also available for business, including 'partnering' for West Indian businesses. There is a problem with credit unions in the restrictions placed upon the level of loans that may be made. The problems continue with finance for expansion (Moore, 2000: 7)

Indicator 6: Labour Union Exclusion/Inclusion Of 'Immigrants'

Trade Unions in the UK have historically been very influential in anti-racist struggle. The Trade Union Council (TUC) has recently published a briefing document in association with the Joint Council for the Welfare of Immigrants, recently published *Migrant Workers – A TUC Guide*, which included a range of information on the reasons for migration; and on migrant workers, their status, their rights, and the typical problems they encounter.

The report emphasizes that migrant workers have always played a key role in the UK economy (see 3.2). All of this means that trade unions need to recognise the specific needs of migrant workers, in order to provide good advice to members, and to recruit more of the new entrants to the workforce. It also means that the trade union movement has to enter the debate about training and keeping skilled workers. The TUC has produced the new Guide to help union officers and representatives respond. Indeed in his preface to the Guide, TUC General Secretary John Monks suggests unions have to: 'hold out the hand of friendship to workers new to our shores, bring them into the movement, argue their cause and defend them from exploitation' (TUC, 2002: preface). Trade Union responses to the issue of migration reflect some of their existing priorities against racism and xenophobia.

²³ Taken from Office for National Statistics at www.gov.uk/statistics.

2. EDUCATION

Indicator 1: School Zones where Migrants are Concentrated

As was established earlier on in this report, migrants are highly concentrated in the UK's urban centres. Moreover, as the section on housing reveals, recent migrants to the UK are frequently housed in poor quality housing stock in inner city areas. Although there is not any existing research of a systematic nature on the school zones in which migrants are concentrated, it can be concluded from this other data that the children of recent migrants will tend to be in less well resourced schools whose catchment areas to draw pupils from is the inner city areas. Certainly though, this is an area where there is a gap in existing research.

With regards to the children of asylum seekers there was even a suggestion from the Home Secretary that children from asylum seeking families should be educated in segregated camps, but the idea was dropped after strong protests from teachers' unions and others within the education system (Guardian, 25/4/02). Rebecca Hardman, from the Save the Children charity suggests that the universal right to school-based education is being eroded in the UK, although she concludes that mainstream education is the 'ideal starting point to enable refugee children to rebuild their lives' and is 'vital to... his or her long-term positive integration into school, community and wider society. The alternative is a slippery slope of exclusion' (Hardman, in the Observer, 9/6/2002)

Some research that exists in this area, although some research carried out by Dobson et al into *Pupil Mobility in Schools* (2000) found that schools with 'high' levels of mobility (i.e. more than a 20 per cent turnover of pupils) are linked to areas with certain residential patterns. Children without access to a secure, permanent residence (such as asylum seekers, refugees and recent migrants – see 3.2) have difficulty integrating into schools, especially if they are in the position of having to learn English as an Additional Language (EAL).

Indicator 2: Discrimination in the Education System

Pre-School Education

Ethnic minority parents are slightly less likely to use early years education for their children than are White parents. A 1998 survey of parents with 3 and 4 year old children showed that 94 per cent of white parents had used such provision compared to only 88 per cent of ethnic minority parents (Pathak, 2000; 3). Even at this young age, there appear to be differences in attainment of children from different ethnic groups. Results from a study of pre-school children have shown differences in the average attainment of different ethnic groups when tested in cognitive skills (verbal and non-verbal) on entry into pre-school children of white UK heritage had the highest mean score with the lowest scores recorded for Pakistani followed by Black African children (Pathak, 2000).

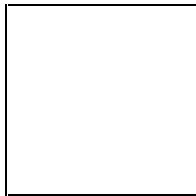
Pathak's excellent research also found that on entry into pre-school, children from UK-born, white backgrounds had the highest mean score in cognitive skills tests, with the lowest scores being recorded for Pakistani children (2000). Consistent with many of the studies into children's' achievement in education, differences between groups are reduced when factors

such as parents' educational and occupational classifications are taken into account (see below).

GCSE Performance

Frequently analysis of pupils' attainment have tended to be based on individual Local Education Authorities because of the lack of national pupil data by ethnicity (see above). Because studies indicate variations between Local Education Authorities, it is difficult to make national assumptions. However, on average Black pupils and black Caribbean boys in particular perform less well than white pupils in early schooling and make least progress through school. This is a complex issue though, where we need to be cautious about making definite conclusions (Pathak, 2000). However, from the national data that exists, some conclusions of a general nature can be drawn.

Proportion of Children aged 16 who achieved 5 or more GCSEs (grade A*-C), 1999



In 1999, a higher proportion of girls than boys in each ethnic group achieved five or more GCSEs at grades A*-C. Indian pupils are more likely to get these qualifications than those in other ethnic group, with 66 per cent of Indian girls and 54 per cent of Indian boys doing so in 1999. This contrasts with only 37 per cent of Pakistani and Bangladeshi girls and 22 per cent of Pakistani and Bangladeshi boys.

Of those who achieved five or more A*-C grade GCSEs, only half of Black pupils achieved very high results (8 or more A*-C grades) whereas at least two-thirds of all other ethnic groups achieved this level. Between 1997 and 1999 all ethnic groups, with the exception of Pakistani and Bangladeshis, saw a rise in achievement of five or more A*-C grade GCSEs by sixteen year olds. This meant that the gap between the lowest and highest achieving ethnic groups widened over this time.

In particular Pakistanis and Bangladeshis were most likely to lack formal educational qualifications. Nearly half (48 per cent) of Bangladeshi women and 40 per cent of Bangladeshi men had no such formal qualifications. Among Pakistanis, 40 per cent of Bangladeshi women and 27 per cent of men had no formal qualifications at all.²⁴ In 2000, 30 per cent of Pakistani students gained five or more GCSEs between grades A-C, compared with 50 per cent in the population as a whole (Guardian, 17/6/2002). These statistics further underline, should a reminder be necessary, why it is not desirable or accurate to talk about 'ethnic minorities' as a homogenous group. There is a huge range of achievement across ethnic groups, and even within such communities, with gender also frequently proving a significant variable.

²⁴ Statistics from <http://www.statistics.gov.uk/cci/nugget.asp?id=268>

School Exclusion, Bullying and Related Problems

Recent research into school exclusions and ethnic background has highlighted the disproportionate levels of exclusions amongst the children from certain communities (Osler and Hill, 1999). In their work *Examining School Exclusions and the Race Factor* Appiah and Chunilal conclude that the government currently adopts a 'colour-blind' approach to reducing exclusions overall, which means that even with less exclusions overall certain groups are still over-represented in the figures (1999: 3). They also recommend that schools develop a 'multicultural approach' to school inclusion, both in the curriculum and across other areas of school life. For example, Appiah and Chunilal suggest, Local Education Authorities should include the specific needs of ethnic minority groups *as distinct groups* (1999: 4). This is at odds with the current provisions in education, where teachers are often uncertain about their role in teaching minority ethnic pupils (Cline et al, 2002: 7)

In 2000/01, black pupils were more likely to be permanently excluded from schools in England than children from any other ethnic group. The highest permanent exclusion rates were among children belonging to the 'Other Black' group (40 in every 10 thousand pupils) and Black Caribbean pupils (38 in every 10 thousand). This compared with 13 in every 10 thousand White children. The lowest rate of permanent exclusions was for Indian pupils, for whom only 3 in every 10 thousand pupils were excluded. For all ethnic groups, the rate of permanent exclusions was higher for boys than for girls.²⁵

As suggested elsewhere in this report, few schools use monitoring to track the experience of pupils from different ethnic groups. Government research suggests that where such processes are in place, schools can respond to over-representation of certain groups of pupils by 'reviewing and strengthening their relationships with students, parents and the community; encouraging high expectations of both teachers and students; and enriching the curriculum so that it is culturally inclusive to their pupils' (Blair, 1998: 2). This conclusion is supported by the aforementioned research carried out by Cline et al (2002).

The government funded study *Minority Ethnic Pupils in Mainly White Schools* study investigated the situation of minority ethnic pupils in schools in which only 4–6 per cent of pupils were from 'minority ethnic' backgrounds.²⁶ The research found that although ethnicity was central to pupils' identity, there was ambiguity in how pupils would like this aspect of themselves expressed at such schools. However, at the time of the project, none of the schools in the survey had a coherent, fully developed strategy for reflecting life in diverse societies; the research concluded that '[a]t present mainly white schools do not adequately prepare their pupils for adult life in a society that is culturally and ethnically diverse.' (Cline et al, 2002). Many of the teachers interviewed suggested that their schools attempted to 'play down' ethnic or cultural differences. The mainly white pupil population of the schools was served by an almost entirely white teaching staff (of the 14 schools assessed by Cline et al's research there were only three minority ethnic teachers). Supporting this claim, Pathak found that in 1997/98, 5 per cent of final year primary teacher trainees and 7 per cent of secondary teacher

²⁵ From the Office of National Statistics at <http://www.statistics.gov.uk/cci/nugget.asp?id=268>

²⁶ The study focused on 8 to 14 year olds, with pupils filling in questionnaires about their perceptions of support available in school. These pupils came from a range of minority ethnic backgrounds representative of the composition of the school population (Cline et al, 2002).

trainees were known to be from an ethnic minority, much lower than the proportion of ethnic minority pupils in schools (2000:4). Cline et al's study also reported significant levels of racist bullying and name-calling, as a 'significant proportion of the minority ethnic pupils reported race-related name-calling or verbal abuse at school or while travelling to and from school. For example, in a questionnaire survey 26 per cent said that they had had such experiences during the previous week.' (Cline et al, 2002).

Further Education

Pathak found that staying on in full-time education after age 16 compulsory schooling is more common among ethnic minority groups (over 85 per cent) than white, UK born young people (67 per cent).. (Pathak, 2000: 7). At the level of post-compulsory education there are huge variations across different groups. For example, the percentage of Pakistani and Bangladeshi girls taking A levels, the traditional academic qualification for those in England and Wales wanting to study at university, in 1998 was more than double that of young white men, while Bangladeshi and Pakistani children with unemployed parents are more likely to enter higher education than their white counterparts (Guardian, 17/6/2002).

Higher Education

It is interesting to note, given the under-representation of ethnic minorities in other areas of life in the UK, ethnic minority students taken as a whole are over represented in higher education, accounting for 13 per cent of undergraduates. Whites are generally under-represented at this level of education. For example, although 91 per cent of 18-24 year olds in Britain are white, white students account for only 86 per cent of undergraduates of this age. In 2001-02 people from some minority ethnic groups in the UK were more likely to have degrees (or equivalent) than UK born White people. Those most likely to have degrees were Chinese people, Indians, Black Africans and Other Asians. Among men, Black Caribbeans were the least likely to have degrees (8 per cent), whereas among women, Pakistanis and Bangladeshis were the least likely to have degrees (7 per cent). There is polarization here though, because despite members of some ethnic groups being more likely than the White population to have a degree, they were also more likely to have no qualifications at all. There are some variations in the constitution of these various groups. For example, black undergraduate entrants are disproportionately likely to be mature students with only a fifth under 21 years of age on entry compared to nearly half of white undergraduates. Over half of Black undergraduates are aged 25 or over on entry, compared to just over a third of white undergraduate entrants. This tendency is true for both Black Caribbean and Black African students. In particular, about 60 per cent of Black African male and Black Caribbean female students start their degrees aged over 25. (Pathak, 2000).

Although the overall age profile of these populations is older than other ethnic groups, there are likely to be other factors at play here but as yet, these have not been investigated. There is no firm evidence for reasons for the high proportions of Black Caribbean mature students. However, one possibility could be that Black Caribbean men have spent time improving on previous qualifications, or they may have spent an additional period of time in the labour market before entering higher education. For women, on the basis of high economic activity rates in the younger age group, the majority of whom are probably entering after a period of employment. Because of their age there is evidence to suggest these students are likely to experience additional employment difficulties upon graduation, as suggested by the higher unemployment rates of older recent graduates. (Elias et al., 1998)

There is still division within the university sector in the UK. Explain the Distinction (briefly) between new and old universities With the exception of Chinese and Asian Other students, a larger proportion of ethnic minority students are studying at the 'new' (post 1992) universities. (Pathak, 2000)

Analysis of admission rates suggests that even controlling for factors such as age, parental social class, appropriate entry qualifications and number of exam sittings, students from certain ethnic minority groups are less likely than white applicants to gain admission to the old universities (Modood and Shiner, 1994). In addition, also controlling for these background factors, the analysis showed that polytechnics (now new universities) were more likely to make offers to students from certain ethnic minority groups compared to white students. Although there may be unmeasured factors contributing to the allocation of places, the possibility of institutional discrimination by the old universities against students from minority ethnic communities cannot be dismissed.

Ethnic minority students are much more likely than whites to be taking subjects leading to professional qualifications. This reflects the greater focus of ethnic minority people on some of the more traditional professions, although these are also some of the more competitive areas in which to succeed. There are though, significant differences by both gender and ethnic group. Business and Administrative studies is a popular choice for many groups, but most likely to be studied by Chinese women and Indian women and men. Computing Science and Engineering and Technology are a frequent choice for ethnic minority men while Pakistani and Bangladeshi women are more likely than other women and men to study Law. Agricultural subjects, Physical Sciences, Librarianship and Information Science, Languages, Humanities and Education are least studied by ethnic minority students (Van Dyke, 1998).

Graduates from minority ethnic communities are less likely than white graduates to obtain an upper second or first class honours degree (53 per cent of white graduates obtain the higher classes of degree compared to only 37 per cent of ethnic minority graduates). (Pathak, 2000: 17) Given the comparatively high attainment of Chinese and Indian students at earlier levels of education, it is surprising that they underachieve in relation to Whites students in higher education. Moreover, as university procedures would appear to offer more limited scope for discrimination in teaching and assessment, reasons for differentials in achievement are elusive. There is some evidence to suggest that students from certain ethnic groups experience difficulties in progression through university (ibid).

Indicator 3: Improper 'Channelling' of Students into Subject Areas

See Indicator 2 above.

Indicator 4: Differential Access to Student Loans and Scholarships.

Many scholarships and loans are only awarded to British citizens. For example, the Economic and Social Research Council (ESRC), the main funding body for humanities higher education research in the UK, only provides maintenance grants to British PhD students, although they will fund course fees for foreign nationals studying in British universities.

3. HOUSING

Indicator 1: Segmentation Data.

Housing associations and their regulator, the Housing Corporation, were recently characterised as being white dominated and hypocritical on race, by an inquiry into race and housing (Guardian, 26/4/2001). The inquiry was set up in the wake of the Macpherson report into the murder of Stephen Lawrence after it highlighted institutional racism in the housing sector as well as the police force.

A 1997 survey found that although minority ethnic populations were concentrated in certain, usually urban areas, numerically they still remained 'minorities' in areas where white residents formed the majority. For example, on average, Chinese respondents lived in wards where only 1 per cent of the population were Chinese. Black Caribbean individual lived in wards where on average 9 per cent of the population was Caribbean; Asian respondents lived in wards where just over 13 per cent of residents were from the same ethnic groups. The research found that segregation was most pronounced in metropolitan areas outside London, where white people tended to live in wards where only 3 per cent or 4 per cent of the population were from non-white minorities (CRE, 1999).

Housing tenure patterns vary widely between different ethnic communities. Data from the 1991 census, analyzed by the Commission for Racial Equality (1999) found that 82 per cent of Indians and 77 per cent of Pakistanis were home owners, followed by 67 per cent of white people, 62 per cent of Chinese people, 55 per cent of people born in Ireland, 48 per cent of Caribbeans and only 45 per cent of Bangladeshis. People from Black African communities were least likely to own their homes (28 per cent) (CRE, 1999: 2). There is also a marked difference in the type of housing tenure occupied by various ethnic communities - Indians (8 per cent, Pakistanis (10 per cent) and Chinese (13 per cent) were least likely to live in council rented accommodation and Africans (41 per cent), Bangladeshis (37 per cent) and Caribbeans (36 per cent) most likely. More than a quarter of households headed by people born in Ireland were in public sector accommodation compared with 21 per cent of people in the white group.

Figures from the 1991 Census also showed that 44 per cent of Caribbean households and 42 per cent of Bangladeshi households lived in flats, compared to 20 per cent of white households. 80 per cent of white households lived in houses (terraced, semi-detached or detached) compared with 65 per cent of other households. In 1991 census, only 2 per cent of white households and 5 per cent of Caribbean households were living in overcrowded conditions compared with 30 per cent of Pakistani and 47 per cent of Bangladeshi families. Thirty-five per cent of the worst housing in the owner occupied sector was occupied by black and Asian groups compared to only 7 per cent occupied by white groups.

Indicator 2: Bank Regulations on Loans to 'Immigrants'

Access to banking services is widely held to be an important indicator of social inclusion. This is especially given as very few workers are now paid their wages in cash, with most salaries transferred straight into bank accounts – indeed only 12 per cent of employed people were paid in cash in 1998 (compared with 58 per cent in 1978) (Moore, 2000: 4). '[H]aving a bank account is, therefore, increasingly a condition of employment' (OFT, 1999: 20). Indeed the British government's Social Inclusion Unit have indicated that the importance of not having access to a bank account should not be underestimated, and is a fundamental marker of social exclusion (Moore, 2000). Banks are increasingly less willing to provide loans to poorer people regardless of ethnic background and the objective scoring systems (including age,

occupation and postcode) used to decide whether or not to provide a loan makes it very difficult indeed for many people to get bank credit (ibid).

Of course, it is not only migrants that are discriminated against in terms of access to financial services. Some members of some other, longer established groups in the UK may have specific financial needs arising from an interpretation of an aspect of religious, or other cultural, teaching. For example, in the UK there have been relatively well-publicized debates amongst some Muslims over the prohibition on usury, the lending money for interest (Moore, 2000). The Government's social exclusion unit confirmed this last year when it found Muslims to be a very disadvantaged group in terms of access to financial services. Although not all British Muslims take the same view, many do have fundamental religious objections on how some financial services (and even banks) operate. Depending on an individual's interpretation of (and subsequent adherence to) Islamic law (Sharia), Muslims also have concerns about any form of insurance that is not strictly mutual. As a result, British Muslims often avoid contact with banks, insurance companies and building societies.

Quoted in The Observer newspaper (18/6/2000) Richard Thomas of the Arab Banking Corporation says: 'Most British Muslims would prefer to use an Islamic system' As currently most British banks do not provide services based on Islamic principles 'a large proportion of Muslims pay rent, don't have bank accounts, and don't participate fully in the mainstream economy'. However, at least one organization, The Islamic Investment Banking Unit (IIBU), has identified demand among British Muslims for financial products that adhere to strict Islamic principles.

Most obviously ethnic minorities are on the whole poorer than the white UK-born population (see Labour Market, Indicator 2). As financial services are more geared to higher income groups and inner city areas are perceived by insurers to be higher risk areas. In other words it is the actual or perceived economic status of ethnic origin that explains their experiences of the financial services sector, rather than their ethnic background. In fact the Office of Fair Trading suggests that the bureaucratic, routinized processes that banks use for assessing financial risk makes it unlikely that ethnic origin could be a factor in discrimination. In other words, as market rationality is built into the computer programs and the exclusion of candidates for financial services on the grounds of ethnic origin would be contrary to the profit-maximising strategies of capitalist corporations (Moore, 2000: 4). It has been suggested that any institutional discrimination that does exist in the financial services sector can best be explained in 'rational' economic terms; as the interests and professional culture of organisations are no protection against discrimination (ibid).

Almost by definition refugees and asylum seekers have no record of their financial status or economic activities in the UK. They will therefore have many problems attempting to open a bank account. Robert Moore suggests that in the banking sector 'economic rationality will prevail' (2000: 5). So, migrants and individuals from some minority ethnic communities will be excluded because they are over-represented amongst the poorest. Although still discrimination, this would seem to be an example of institutional racism as opposed to direct discrimination based on overtly 'racialized' prejudices.

4. JUDICIAL

Indicator 1: Relative Percentages of the Prison Population.

Recent statistics indicate that Black people are six times more likely to be sent to UK prison than white people (Observer, 29/12/2002). However, white prisoners more often came from a background that was impoverished or abusive than their black counterparts. Black prisoners were half as likely as whites to have been taken into local authority care during childhood, to have reported violence in their homes or suffered sexual abuse. Coid et al (2003) looked at whether black people are dealt with more harshly within the criminal justice system, and suggested that in particular black men are more likely to receive imprisonment, even for a first offence. Coid et al's study examined data on more than 3,000 prisoners and uncovered huge differences in treatment based on ethnicity.

Almost a quarter of Britain's jail population of 72,416 people come from an ethnic minority background. Black prisoners account for 15 per cent of all prisoners and if 'black Britain' were to be a separate country it would have the highest imprisonment rate in the world. Black people are five times more likely than white people to be stopped and searched by police and, once arrested, are more likely to be remanded in custody than other offenders charged with similar offences (Observer, 29/12/2002). Institutional racism is operative in other parts of the criminal justice system. For example, Jenny Bourne has suggested that the recent attempt by the Home Secretary Jack Straw to remove the right for all defendants to a trial by jury would impact heavily on the likelihood of a fair trial for black people. She argues that as black people are hugely represented in the figures for police stops and subsequent charges, and that as magistrates are much more likely to believe a police officer's version of events than a defendant's, then black people would suffer disproportionately due to this mooted change in trials (Bourne, 2001: 14).

Indicator 2: Complaints about the police and other authorities

In 2001-2002 there were 525 complaints of racially discriminatory behaviour made to the Police Complaints Commission (PCC), an independent body set up to by the government to oversee complaints made by members of the public about the police in England and Wales. However, only twelve of these allegations (4.6 per cent) resulted in either formal or informal disciplinary action (PCC, 2002: 61). The number of complaints made to the PCC fell from 647 in 2000-2001. However, the PCC point out that this fall is counter to the trend of increasingly numbers of complaints in recent years, and that the lessened number of complaints does not necessarily signify a change in police or complainant behaviour. Indeed, for example, it was also noted that there has been a 'dismaying' rise in the incidence of discriminatory behaviour directed towards travellers by police officers. (PCC, 2002: 61-64). A great deal has been written about racism in the police since the murder of Steven Lawrence and the subsequent enquiry, the Macpherson Report, a landmark for debate on institutional racism in Britain (see above).

Aside from actual complaints about the police, it is also worth taking into account how satisfied people were with the police after being the victim of a crime. The research carried out by Clancy et al found that satisfaction with the police response to sought contact was highest amongst white respondents and Pakistanis and Bangladeshis were the least satisfied. This trend was found across several different aspects of police performance. Barely half of respondents were satisfied with police efforts to keep them informed following their enquiry; dissatisfaction was greatest amongst Pakistanis and Bangladeshis (Clancy et al, 2002: 10).

5. MEDIA

As is outlined in section 3.2 of this WorkPackage, there is a well-established tradition in British academic research exploring the relationship between the media and racism. Sivanandan (2001) has suggested that racism, although conditioned by the economy, is negotiated through culture. The media is certainly one such vehicle that is significant for the process of negotiating and mediating racism. However, most commentators agree is that there has been a general improvement in the media coverage and representation of migrants and minorities in Britain since the first systematic research was carried out in 1960s and 1970s. Yasmin Alibhai-Brown, author and former newspaper journalist is indicative of this viewpoint. She believes that many of the racist tendencies displayed by the media in these decades are still in place, as '[i]mmigration is still discussed in terms of numbers and problems, "black" families are still pathologised and "Asians" in general only considered worthy of media interest if they can be shown to be "culturally backward", if they are victims of racism or, less frequently, if they have made good as hard working immigrants.... [but] only the most pessimistic would argue that nothing has changed. Most obviously it has, and in the direction that was sought by those who were campaigning back in the 1970s and 1980s' (2002: 116).

Statham's Home Office funded research found that overall the general impression is that there has been an improvement in standards of journalism regarding the representation of minorities relative to previous decades (2002). His study suggested that although roughly three quarters of all media coverage carries broadly anti-racist themes, some newspapers, in particular some tabloid newspapers, take an anti-immigration stance, which is frequently conveyed by images or stories that have the effect of stigmatizing migrants and refugees.

Another study in this area by Law et al (1997), commissioned by the Commission for Racial Equality (CRE), gives a good summary of the coverage of issues relating to immigration and ethnic relations across a range of print and broadcasting media. The study used content analysis on the stories relating to minority ethnic population and migration issues on commentary and political programmes on terrestrial, satellite, radio, and in the print media. Law et al found that public broadcasting (British Broadcasting Corporation or BBC) gives more coverage to such issues than do the independent broadcasters. The greater occurrence of these stories on the BBC could be due to the official obligation of all state bodies in Britain under the Race Relations Acts to promote equal opportunities (see 3.2); this regulation indirectly affects the state broadcaster in the self-definition of its duties (Statham, 2002: 399). Another point that emerged from this study was that the specialised news programmes, which are more likely to be watched by political elites, are also likely to have a higher proportion of coverage on these issues than the other more populist formats of broadcasting (ibid).

Statham (1999) found that in all six newspapers, ethnic minorities were the sources of political claims between four and ten times more often than the extreme Right. This confirms that the pariah status of the extreme Right within the public domain is one that is upheld by the newsprint media. Conversely, it indicates that ethnic minorities in Britain are treated by the media as a significant and legitimate source for making claims in relation to the political issues about them. A similar finding which confirms this is in the research by the Law et al. which found that ethnic minorities and related organisations were the primary actors in 23 per cent of the news items that were studied (1997: 37).

Findings also indicate that the standard norm for British media reporting is in general to perpetuate anti-racist stances that are in fact in line with the official policy stance of the state on Race Relations, which of course is not unproblematic (see 3.2) (Mair, 1997). Nonetheless, Law et al found that tabloids do still carry a higher proportion of negative items than the other forms of media (33.3 per cent compared to 23.6 per cent for broadsheets, 16.1 per cent for radio, and 12.9 per cent for TV), but in part this higher level of both pro- and anti- positions may be due to the polemical style of the tabloid news genre. Overall it is clear that the tabloid press takes a general anti-racist position, and that only a few tabloid news items constituted what the researchers called a 'denial discourse', in other words denying the existence of racism (1.6 per cent) as their main theme, a figure that was ironically even lower than the broadsheets (2.4 per cent). Law et al found that this overall anti-racist position of the tabloid press, however, appears to relate principally to British ethnic minorities and does not extend to immigrants and asylum-seekers. Indeed the only variation across the overall pattern of media positions is that tabloids take up a strongly anti-immigrant stance whereas the broadsheet press, radio and television carry more pro- than anti-immigrant themes. This ties in with the beginning of the report and the strong distinction between migrants and minorities. Being British seems to be an important thing then.

Of the anti-immigrant themes carried by the media about a quarter were stories demanding the reduction of migrant rights, whereas a further quarter claimed that they were a burden on the welfare state, and an eighth identified migrants themselves as being dishonest (e.g. using false passports) and 'bogus'. Indeed, the European Commission against Racism and Intolerance have expressed their concern about the inflammatory coverage of refugees and asylum seekers by the British media. It urged the UK authorities to review the effectiveness of the existing legal provisions prohibiting incitement to racial hatred.

According to the Law et al. study (1997: 39), groups were most often referred to by racial references, with most references being to 'black' or white. 'Asian' was a more common usage than religious references, such as Muslim, Hindu or Sikh, and there was very little usage of homeland national identities, such as Indian, Pakistani, or Bangladeshi. Afro-Caribbean and West Indian were hardly used at all. These findings underline that the officially sponsored categories in British Race Relations politics of 'black' and 'Asian' are the predominant forms of identification for minorities that are used by the media.

The findings of a MORI poll illustrate this trend. The poll into 'Attitudes to Asylum Seekers'²⁷ carried out in June 2002 found that the UK general public associates negative words and phrases with media coverage of asylum. 85 per cent of respondents associated negative words with media reporting. 64 per cent said that the media most use the term 'illegal immigrant' when referring to refugees and asylum seekers (even though refugees and asylum seekers are not in the UK illegally – see 1.10). Other words the survey found to be commonly associated with media coverage were 'desperate', 'foreigners', 'bogus' and 'scroungers'.

27 MORI poll at: <http://www.mori.com/polls/2002/refugee.shtml>

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**THE EUROPEAN DILEMMA:
INSTITUTIONAL PATTERNS AND THE
POLITICS OF “RACIAL” DISCRIMINATION**

**WORKPACKAGE 1
MAPPING DISCRIMINATORY LANDSCAPES ?? ITALY:
ETHNIC DISCRIMINATION IN THE LABOUR MARKET
AND EDUCATION**

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CHAPTER ONE: DEMOGRAPHIC INFORMATION INFORMATION

1.1. Total population

As of 1 January 2001, and according to the national census compiled by ISTAT, the total resident population of Italy was 57 884 1017. The census also broke this down into geographic and gender categories.

1.2 Potential working population

According to the 2001 census figures, the Italian labour force numbers 23 781 341 (51.9% of whom are women), of which 63% are employed in services, 32% in industry and 5% in agriculture. 2, 267 000 were recorded as seeking work. Tables 1-4 below break down the work force in terms of gender, geographical distribution and sector.

Table 1 - Resident population by sex, and current population per geographic division – Census 2001, early results

Geographic division	Resident population					Density for Km ²	Current population
	Men	Women	Total	Percentage	Women for 100 residents		
North-West Italy	7,129,314	7,639,695	14,769,009	26.2	51.7	254.9	14,840,827
North-East Italy	5,130,217	5,438,400	10,568,617	18.8	51.5	170.5	10,713,769
Central Italy	5,151,709	5,564,766	10,716,475	19.0	51.9	183.7	10,593,302
Southern Italy	6,714,969	7,070,785	13,785,754	24.5	51.3	188.2	13,607,521
Islands	3,134,744	3,330,969	6,465,713	11.5	51.5	129.9	6,377,620
Italy	27,260,953	29,044,615	56,305,568	100.0	51.6	186.9	56,133,039

Source: ISTAT 2002

Table 2 - Population of working age as of December 2001 (thousands)

	Total	Male	Female
North West	13,109	6,311	6,799
North East	9,224	4,455	4,769
Centre	9,630	4,608	5,022
South	11,580	5,589	5,991
Islands	5,541	2,668	2,873
Italy	48,759	23,461	25,298

Source: calculated by Caritas/Dossier Statistico Immigrazione from Istat data

Table 3 - People in search of work as of December 2001 (thousands)

	Absol. value	Tot. percentage	Male	Female
North West	289	4.3	2.9	6.3
North East	174	3.6	2.3	5.4
Centre	348	7.4	5.4	10.3
South	950	18.6	14.1	27.3
Islands	506	20.8	16.1	29.9
Italy	2,267	9.5	8.3	11.5

Source: calculated by Caritas/Dossier Statistico Immigrazione from Istat data

Table 4 - Employed by sector as of December 2001 (thousands)

	Absol. value	Agriculture	Industry	Services
North West	6,410	2.6	37.7	59.7
North East	4,680	5.0	36.7	58.3
Centre	4,345	3.8	28.4	67.3
South	4,149	9.2	25.8	65.0
Islands	1,931	9.3	20.7	70.0
Italy	21,514	5.2	31.8	63.0

Source: calculated by Caritas/Dossier Statistico Immigrazione from Istat data

1.3 Total immigrant population

According to ISTAT estimates in 2001, the number of foreign citizens living in Italy (i.e. those with a legal permit to reside) numbered 1, 464 589 (792 591 male and 671 998 female), thus representing 2.5% of the population. However, this official figure has since been readjusted downwards (because of double registrations) to 1 362 630 on the basis of figures derived from the census and new Ministry of Interior data. Nevertheless, data from the Statistical Dossier on Immigration produced by Caritas in 2002 actually shows the figure to be higher (as it includes individuals missed by the official statistics, such as those who previously had legal work permits, but who are now no longer in possession). According to Caritas' calculations, the figure is closer to 1 600 000 (around 2.8% of the population).

There has also been an increase in recent years of births to foreign residents. Between 1993 and 2002, 112 000 births to foreign residents were recorded. The birth rate among foreign residents continues to increase (in contrast to the low birth rate among the native population in Italy), for example increasing by 22.3% in respect of the preceding year in 2000.

1.4 Immigrants and country of origin

In terms of the provenance of immigrants, the nationality with the highest representation is Morocco (158 000), followed by Albania (144 000), Romania (75 000), the Philippines (64 000) and China (57 000). There then follows a group of 14 nationalities numbering between 20 000 and 46 000: Tunisia, USA, Yugoslavia (Serbia-Montenegro only), Germany, Senegal, Sri Lanka, Poland, Peru, India, Egypt, France, Macedonia, UK, Bangladesh (if one brackets all the former Yugoslav states together, the total number of immigrants from them comes to more than 90 000). Then comes a group of nationalities numbering between 15 000 and 18 000: Brasil, Spain, Pakistan, Ghana, Nigeria, Switzerland. It is quite evident from these statistics that there is not any particular preponderance of one nationality or ethnic group, or even of immigrants from one particular continent. Immigration to Italy is marked by a polycentrism of ethnic groups. The presence of various national groups increased by varying rates between 1991 and 2001. For example, the presence of Poles and Pakistanis increased by 2 and a half times, the presence of Chinese, Indians, Bangladeshis and Nigerians tripled. For Albanians and Peruvians, there was a 6 fold increase, and for Romanians a 9 fold one. However, if 1990 is taken as the starting point (when 20 000 Albanians entered Italy), rather than 1991, one finds that the Albanian population has undergone the largest increase. It is notable also that in this period the number of Argentines in Italy has fallen from 9 603 to 6 790. However, this does not take into account the many migrants from Argentina who have 'returned' to Italy with Italian passports. The Italian authorities are also currently facilitating the entry of a number of Argentines with Italian origin who have not retained Italian nationality. If one brackets, the number of immigrants by geographical region it is notable that immigrants from central and Eastern Europe are the most numerous in Italy, numbering 400 000 (30% of the total).

See tables 5 and 6.

Table 5 - Legal immigrants: continental provenance (2000/2001)

2000			2001		
Continent	Absolute value	% on total	Continent	Absolute value	% on total
European Union	151,799	10.9	European Union	147,495	10.8
Eastern Europe	380,462	27.4	Centre-Eastern Europe	394,090	28.9
Other European states	24,306	1.8	Other european states	22,300	1.6
Total Europe	556,567	40.1	Total Europe	563,885	41.4
Northern Africa	252,110	18.2	Northern Africa	243,846	17.9
Centre-Eastern Africa	36,112	2.6	Eastern Africa	25,351	1.9
West Africa	96,702	7.0	Western Africa	89,036	6.5
Central-Southern Africa	706	0.1	Center-Southern Africa	8,365	0.6
Total Africa	385,630	27.8	Total Africa	366,598	26.9
Far East	142,566	10.3	Far East	136,276	10.0
Indian Subcontinent	103,608	7.5	Indian Subcontinent	104,893	7.7
Near and middle East	26,661	1.9	Near and middle East	18,614	1.4
ex Soviet States	4,809	0.3	Total Asia	259,783	19.1
Total Asia	277,644	20.0	North America	46,073	3.4
North America	50,123	3.6	Latin America	112,133	8.2
Latin America	114,819	8.3	Total America	158,206	11.6

Total America	164,942	11.9	Oceania	2,461	0.2
Oceania	2,519	0.2	Stateless persons	824	0.1
Stateless persons	851	0.1	Unknown	10,873	0.8
Total	1,388,153	100.0	Total	1,362,630	100.0

Source: calculated by Caritas/Dossier Statistico Immigrazione on Ministero dell'Interno data

Table 6 - Immigrants "soggiornanti": increase in national groups (1991-2001)

Country	1991	Country	2001	% 1991-2001 increase
Morocco	83,292	Morocco	158,094	1.89
Tunisia	41,547	Albania	144,120	6.58
U.S.A.	41,523	Romania	75,377	9.13
Philippines	36,316	Philippines	64,215	1.77
Ex-Yugoslavia	26,727	China	56,566	3.59
Germany	26,377	Tunisia	46,494	1.12
Albania	84,886	U.S.A.	43,650	1.05
Senegal	24,194	Yugoslavia	36,614	1.37
Egypt	18,473	Germany	35,888	1.36
UK	17,351	Senegal	34,811	1.44
France	16,637	Sri Lanka	34,464	2.84
China	15,776	Poland	30,658	2.53
Switzerland	15,007	India	29,873	3.01
Poland	12,139	Perù	29,627	5.90
Sri Lanka	12,114	Egypt	26,166	1.41
Ghana	11,303	France	25,880	1.56
Brasil	10,953	UK	23,617	1.36
Spain	10,863	Macedonia	23,142	--
India	9,918	Bangladesh	20,127	3.63
Argentina	9,603	Brasil	18,776	1.71
Somalia	9,265	Spain	18,775	1.73
Romania	8,250	Pakistan	18,624	2.67
Ethiopia	7,615	Ghana	17,791	1.57
Pakistan	6,983	Nigeria	17,832	3.17
Iran	6,821	Switzerland	16,895	1.13
First 25 + other nationals	648,935	First 25+other nationals	1,362,630	2.10

Source: calculated by Caritas/Dossier Statistico Immigrazione from Ministero dell'Interno data

1.5. Categories of Immigrants

Most official information focuses on first-generation immigrants legally resident in Italy. There is a lack of information on second generation 'immigrants', given the relatively recent emergence of significant numbers. In connection to this there is some relevant data on the children of immigrants in the education system (see chapter 5).

In terms of the presence of illegal immigrants, it is acknowledged that there are a number of persons not in possession of the necessary permits to work or reside in Italy. To address this situation, there was a 'sanatoria' (amnesty) in 1998 which contributed to a diminution of the number of clandestine immigrants (*clandestini*). More recently, in the course of 2002-2003, another regularisation is being implemented with the objective of reducing drastically the number of immigrants without a residence permit (*permesso di soggiorno*). Official data from the Ministry of the Interior indicates that 702 156 applications for regularisation have submitted. It has been estimated that the current regularisation will bring the total number of legal immigrants to 2 395 000 (equal to 4% of the population).

Entry visas granted in Italy, in the course of 2001, numbered 947 332. However, these included visas for tourism (434 468), business purposes (137 667) and transit (80 095). Visas for motives of work or for immigration numbered 207 969 in 2001. In 2000, the figure had been 182 541 and in 1999 it was 125 035. Some of these visas regarded work permits of less than one year in duration. The disaggregated data in table 7 demonstrates the considerable increase in visas granted for dependent work. It is notable here that research and judicial investigations have uncovered grave abuses of the system by organised crime, often with the collaboration of public officials. Table 8 indicates motives on entrance of those coming into Italy.

The total number of resident permits at the end of 2001 amounted to 1 362 630. This included 232 813 new permits granted in 2001, equivalent to 17.1% of the total. 43.4% of the new permits granted in the last few years were granted to immigrants from Central-Eastern Europe, in many cases temporary permits for seasonal work. These new permits are at their most numerous in the North-East of the country (permits for short periods granted in 2001 that had already expired by the end of the year are not included in these figures).

Table 7 – Foreign citizens: entry visas for work and integration (1999-2001)

Reasons	1999	%	2000	%	2001	%
Dependent work	35,902	28.5	82,115	45.0	91,007	43.7
- several sectors	35,902	-	65,302	-	66,216	-
- maritime sector	-	-	5,005	-	4,795	-
- entertainment	-	-	855	-	1,746	-
- sport	-	-	328	-	1,286	-
- sponsorship	-	-	6,776	-	14,204	-
- not sponsorship	-	-	3,847	-	2,760	-
Autonomous work	7,279	5.8	7,568	4.2	5,987	2.9
- several sectors	7,279	-	5,558	-	1,485	-
- entertainment	-	-	1.702	-	4,342	-
- sport	-	-	308	-	160	-
Family reunion	44,666	35.5	48.705	26.7	64,800	31.2
Study	31,609	25.18	35.628	19.5	38,336	18.4
Study	31,609	-	33.101	-	34,763	-
University	-	-	2.527	-	3,573	-
Religious motives	6,080	4.8	8.007	4.4	7,018	3.4
Elective residence	499	0.3	518	0.2	791	0.4
Total Visas for Work/integration	126,035	100.0	182,541	100.0	207,969	100.0
TOTAL visas	834,776	-	1.008.999	-	947,322	-

Source: calculated by Caritas/Dossier Statistico Immigrazione from Ministero Affari Esteri data

In terms of categories for resident permits, according to data from the Ministry of Interior as of 31 December 2001, 59% of permits had been granted for employment purposes (800 680 persons), and 29% for family motives (400 000 persons). The rest related to a variety of reasons including adoption, religious reasons, study, elective residence, as well as those seeking asylum. Those seeking asylum numbered 5155 at the end of 2001 (this did not include those who had requests for asylum rejected in the course of the year). In addition, there were 4 600 other persons present in Italy for humanitarian reasons. Tables 9 and 10 show the number and types of *permessi* granted in recent years.

Table 8 – Regular immigration: reasons for staying from 1996 to 2000

Reasons	Absolute value	2000 %	1999 %	1998 %	1997 %	1996 %
Work	839,982	60.5	59.7	59.5	61.0	63.2
Family (adoption, foster care)	366,132	26.4	25.4	25.1	19.4	18.7
Not working (religion, elective residence, study)	136,098	9.8	10.2	12.2	13.0	13.2
Other reasons (judicial motivations, waiting for emigration, health, tourism)	14,161	1.0	1.1	1.3	4.4	3.3
Asylum and Asylum seekers	10,435	0.8	0.4	0.5	0.4	0.4
Others	21,435	1.5	3.2	1.4	1.9	1.2

Source: calculated by Caritas /Dossier Statistico Immigrazione from Ministero degli Interni/Istat data

Table 9 – Regular immigration: reasons of permanence (2000/2001)

	2000	%	2001	%
Work	850.718	61,3	800.680	58,8
Family motivations	354.850	25,6	393.865	28,9
Other motivations	182.585	13,1	168.085	12,3
- religion	55.098	3,9	48.898	3,6
- elective residence	45.259	3,2	44.635	3,2
- study	25.741	2,6	30.790	2,3
- asylum seeker	6.318	0,5	5.115	0,4
- others	50.169	3,6	38.647	2,8
TOTAL	1.388.153	100,0	1.362.630	100,0

Source: calculated by Caritas Dossier Statistico Immigrazione 2002 from Ministero dell'Interno data

Table 10 – “Permessi di soggiorno” (permission to stay) issued from 1997 to 2001

Permessi di soggiorno	YEAR
85,337	1997
119,858	1998
130,745	1999
155,264	2000
232,813	2001

Source: calculated by Caritas/Dossier Statistico Immigrazione from Ministero Affari Esteri data

1.6 Territorial distribution of immigrants

According to the ISTAT 2001 figures, 37% of immigrants reside in north-west Italy and 29% in the north-east. The figures are lower for the centre (22.7%), south (7.6%) and islands (3.2%). As a total percentage of the population, the highest ratio of immigrants is present in the north-east where 27.3 residents in every 1000 are foreign. Tables 11-14 illustrate the geographical distribution of immigrants and their motives for presence.

Table 11 – Foreign citizens, residents and not residents, per geographic division, Census 2001, early results

	Residents		Not residents	
	Absolute value	%	Absolute value	%
North-West	367,008	37.2	55,471	22.0
North-East	289,011	29.3	92,535	36.7
Center	224,027	22.7	57,765	22.9
South	75,239	7.6	29,155	11.6
Islands	32,078	3.2	17,259	6.8
Italy	987,363	100.0	252,185	100.0

Source: ISTAT census2001

Table 12 – Number of “permessi di soggiorno” (permission to stay) in 1994 and in 1999

Geographical Division	1994	1999
North-West	198,127	423,434
North-East	147,057	301,369
Center	224,527	407,261
South	68,330	141,997
Islands	39,750	66,594
Italy	667,791	1,340,665

Source: calculated by Caritas /Dossier Statistico Immigrazione from Ministero degli Interni/Istat data

Table 13 – Immigrants “soggiornanti” per Region and geographic areas (2000/2001)

Region	2000	%	2001	%
Val d'Aosta	2,494	0.2	2,730	0.2
Piemonte	83,811	6.1	95,872	7.1
Lombardia	308,408	22.1	313,586	23.0
Liguria	38,784	2.6	32,688	2.4
Trentino AA.	31,799	1.8	33,331	2.4
Veneto	139,522	10.5	127,588	9.4
Friuli V.G.	43,432	3.2	40,985	3.0
Emilia R.	113,048	8.4	126,584	9.3
North	761,298	54.9	773,364	56.8
Toscana	114,972	8.3	94,467	7.0
Umbria	26,068	1.8	26,797	2.0
Marche	35,777	2.6	39,211	2.9
Lazio	245,666	17.1	236,359	17.3
Centre	422,483	29.8	396,834	29.2
Abruzzo	18,933	1.4	18,072	1.3
Campania	68,159	5.1	63,681	4.7
Molise	2,039	0.2	2,130	0.2
Basilicata	3,110	0.2	3,136	0.1
Puglia	35,565	2.7	32,590	2.4
Calabria	15,315	1.2	13,654	1.0
South	143,121	10.8	133,263	9.7
Sicilia	49,808	3.8	47,904	3.5
Sardegna	11,443	0.8	11,265	0.8
Islands	61,251	4.5	59,169	4.3
Italy	1,388,153	100.0	1,362,630	100.0

Source: calculated by Caritas - Dossier Statistico Immigrazione 2002 from inistero dell'Interno data

Table 14 – Immigrants distribution per Region and reasons of permanence at 31.12.2001

Regione	Dipen- dent work	Autonomous work	Looking for work	Family reasons	Sponsor ship	Political Asylum	Political asylum request
Piemonte	46.9	8.3	4.2	31.6	0.7	0.3	0.2
Valle d'Aosta	46.6	4.0	4.4	34.4	1.8	0.0	0.0
Lombardia	53.4	8.2	1.7	27.3	1.2	0.3	0.2
Liguria	44.1	5.9	2.8	29.7	0.8	0.3	0.3
Nord-Ovest	51.3	8.0	2.3	28.5	1.1	0.3	0.2
Trentino A.A.	56.3	3.8	1.8	26.3	0.8	0.3	0.3
Veneto	51.2	7.1	2.2	32.7	0.9	0.3	0.2
Friuli VG	39.2	5.7	1.6	35.5	0.2	0.6	0.6
Emilia R	51.3	5.7	2.7	30.3	1.9	0.3	0.1
Nord-est	50.3	6.0	2.3	31.5	1.2	0.3	0.2
Toscana	45.5	8.7	2.4	30.6	0.4	0.2	0.1
Umbria	49.2	3.7	1.9	29.5	0.9	0.2	0.1
Marche	48.6	3.8	1.4	33.6	0.7	0.3	0.2
Lazio	45.9	3.5	4.7	20.2	0.4	0.7	0.3
Centro	46.3	4.8	3.7	24.6	0.5	0.5	0.2
Abruzzo	42.6	4.5	2.0	39.7	0.3	0.3	0.4
Molise	30.3	9.3	3.4	39.0	0.2	0.1	0.8
Campania	38.6	7.0	7.0	36.4	0.3	0.3	0.1
Puglia	41.5	6.2	2.1	30.2	0.5	0.8	6.7
Basilicata	40.9	7.6	5.5	32.8	1.0	1.3	0.4
Calabria	29.0	14.9	14.0	30.1	0.1	1.4	0.9
Sud	38.8	7.3	5.8	34.7	0.4	0.6	1.9
Sicilia	43.3	6.0	6.6	33.6	1.3	0.2	1.1
Sardegna	23.7	19.4	5.4	34.6	0.2	0.0	-
Isole	39.5	8.6	6.4	33.8	1.1	0.2	0.9
ITALIA	47.9	6.6	3.2	28.9	0.9	0.4	0.4
v.a.	89,498	652,064	49,973	393,865	11,630	5,152	5,520

Source: calculated by Caritas - Dossier Statistico Immigrazione 2002 from Ministero dell'Interno data

CHAPTER TWO: ITALIAN MIGRATION CHARACTERISTICS. WHO'S WHO?

2.1. Citizens, aliens and institutions

The 1990s witnessed new patterns of immigrant participation in the Italian labour market. This involved a continual increase in employment in industry, above all in small and medium enterprises in the centre and north, together with more structured employment patterns in service industry and agriculture. It was necessary to revise traditional images of immigrant employment in the secondary sector, or in unqualified and marginal sectors. There were also increases in immigration participation in professional career paths and increased immigrant ownership of firms. Aside from the labour market, there have been increases in births to immigrant families and of immigration for family reunion/marriage purposes, above all in areas where immigration is made necessary because of structural labour market needs. All these factors have made necessary the development of adequate responses in terms of housing, health and social services which until recently, if they existed at all, were aimed generally at single males.

Initially, the onset of significant immigration to Italy was met with a mixture of surprise and indifference. However, this was followed by increasing concern and dramatisation of the phenomenon, as immigration flows became increasingly visible. Concerns increased in the 1990s due to the spectre of large numbers of Albanians disembarking along the Adriatic coastline. Initial pity for refugees fleeing from Europe's last Stalinist outpost, turned into alarm as the media portrayed images of large influxes of Albanian migrants. Fears about the implications of these influxes first crystallised in a major fashion in 1991, when thousands of Albanians landed at the south-eastern port of Bari and were gathered in the local football stadium. Ill treatment of these refugees incited both protest and violence. However, this also sparked widespread concerns about the ability of the authorities to control entries into Italy. Italian immigration law was perceived as being ill designed to cope with such large influxes, and there were subsequent demands from right-wing and populist politicians for the law to be tightened up. The first major tightening of the law came with the decree issued by the Dini government in 1995 (the predominantly technocratic caretaker government was sustained by the votes of the centre-left parties, and the decree was issued in opposition to the more explicitly xenophobic proposals put forward by the populist Lega Nord). The Dini government had been put in place following the collapse of the right-wing coalition government led by Silvio Berlusconi in 1994 (caused by the withdrawal of the Lega Nord). Fresh elections in 1996 brought a centre-left coalition led by Romano Prodi into government. It put forward a new law on immigration (known as the Turco-Napolitano law, after its two main sponsors). The initial proposal for the law was seen as quite progressive, seeking to introduce various measures to promote integration of immigrants and give them electoral rights, in addition to already existing rights to medical assistance, popular housing and obligatory schooling (for their offspring). The proposal became law in early 1998, but with substantial modifications, because of the unfavourable political environment, which was becoming more hostile to immigrants (with the right wing parties leading the opposition to granting new rights to immigrants). The parts of the law which regarded the fight against clandestine immigration, expulsions of illegals and reception camps became more preponderant. The clauses providing for electoral rights (in administrative elections) were removed, following opposition from the right-wing parties.

The Turco-Napolitano law was based on 3 main elements: i) a more efficient programme for managing flows of immigration for labour purposes, ii) measures to combat illegal immigration, iii) strengthened measures to ensure the effective integration of legal immigrants. In relation to the management of immigration flows, the law provided for 3 year framework programmes to determine quotas based on the numbers of new immigrants required to fill gaps in the labour market. A novelty of the law was the introduction of sponsoring, whereby an Italian citizen or an immigrant already resident, or various local and regional entities, business organisations, trade unions or voluntary organisations could sponsor the entry of an immigrant and guarantee the provision of housing and sustenance and cover the cost of health assistance for him/her for the period of the residence permit. The law also provided for international agreements to fulfil labour needs for seasonal work and to control frontiers and ensure the return of clandestine immigrants.

By the end of the 1990s, immigration was no longer viewed as a novelty in Italy, but as an unavoidable phenomenon, in many ways necessary given labour shortages in certain sectors and areas. Nevertheless, in the same period politicians increasingly exploited anxieties created by the phenomenon, playing the xenophobia card to achieve electoral popularity. Immigrants became the scapegoats for complex phenomenon such as urban degradation and diffuse senses of insecurity. During the election campaign of May 2001, the centre-right parties focused on the perceived inadequacies of the Turco-Napolitano law. Once in government, under the guidance of the leaders of the National Alliance and Lega Nord parties, Gianfranco Fini and Umberto Bossi²⁸, a new law was put forward, resulting in a fundamental tightening of the Italian immigration law.

The Bossi-Fini law drastically reduced channels of regular entrance into the country for immigrants, and abolished the sponsorship concept. It also provided for an annual decree determining a quota for immigrants allowed to enter – with regions no longer involved in defining the official quotas. Because of the importance of the nursing profession, however, immigrants seeking to enter Italy in order to engage in this sector of employment are not subject to the new rules. Separate rules and quotas also apply for those wishing to enter for sporting activities. The law also effected a tightening of rules on family reunion and entrance for marriage purposes, as well as those for seeking asylum. Nevertheless, the law did provide for a regulation of those working as home helps (*colf*) and carers. A regularisation was also put in place for all illegal immigrants in irregular employment (the fifth in fifteen years). As already mentioned above, 705 156 applications have already been made in the course of this – making it the largest operation of this kind ever realised in Italy. According to Ministry of Interior figures, 341 121 of these applications have come from home helps and carers, while 361 035 regard other workers. The highest number of applications have come in the

²⁸ The National Alliance had initially been an electoral front for the self-avowed neo-fascist Italian Social Movement (MSI). The MSI was formally dissolved into the new AN party in 1995. Its leader, Gianfranco Fini, himself once a self-declared fascist, capitalised on the collapse of the traditional parties of the centre-right following the corruption scandals of the early 1990s, to steer the AN into government, in coalition with Silvio Berlusconi's newly formed *Forza Italia* in 1994. The third main partner in this coalition, was the Lega Nord, which came to prominence at the end of the 1980s and early 1990s, blaming the ills of Italy on a corrupt backward South, sporadically calling for a separate northern Italian state, and utilising a populist anti-establishment and anti-immigrant discourse. The 1994 government collapsed after the Lega fell out with the other parties. However, the coalition was successfully reconstituted for the 2001 general election.

Lombardy and Lazio regions. It is likely that many of these applications will not be accepted – any individual found to have previously been sent away from another EU country or to have been the subject of a complaint to the police (even if this did not lead to a conviction) will have his/her application rejected. Nevertheless, it is likely that the present regularisation will bring the number of immigrants to around 2 395 000 (4% of the population).

The new restrictions introduced by Bossi-Fini have been the subject of controversy. They have been criticised for creating doubt and uncertainty about the role of various local authorities and private entities previously involved in implemented policy. They have also been criticised by the centre-left opposition and by various associations involved on the ground. The government has been accused of legitimising xenophobia and creating resentment and fear among existing immigrant residents. The last report of the Council of Europe's European Commission against Racism and Intolerance (ECRI) was the subject of much polemic on the part of the government. The report, among a number of critical observations, criticised the anti-immigrant discourse of the Lega Nord and the various declarations of a violent and xenophobic tone made by its representatives, particularly with regard to Muslims. Prior to publication in July 2001, the government was invited to read and comment on the document. It consequently requested a number of substantial modifications, arguing that it was not legitimate to generalise on the basis of single episodes taken out of context and to draw conclusions without regard to reality. Though its request for modifications were refused by ECRI, the government's attempted refutation was circulated as an annex to the published version of the report. Although the government could have vetoed publication of the report, it decided against this course of action, given that it would have been rather unprecedented and would have exacerbated the controversy, preferring instead the route of seeking to put across its side of the argument for public scrutiny in the annex.

2.1.1. Aliens, migrants and extracomunitari

The difficulty of the categorising immigrants on the part of the Italian population has been reflected in recent years in the various labels assigned to the new arrivals. The first encounter of many with the new immigrants, was with the various street vendors, who were labelled rather derisively as 'vu cumprà' (a kind of mangled Italian meaning 'would you like to buy'). The term *extracomunitario* has been an often used label for the new immigrants. Technically speaking it referred to citizens of those countries not belonging to the European community. However, in practice it is used to refer to those coming from poorer or developing countries (rather than say, North Americans). The term immigrant itself, when used in its Italian form (*immigrato*) combines criteria of class and ethnicity and implies a kind of marginality. Only the term *straniero* (foreigner) has managed to maintain neutral connotations (referring to those coming from all other countries, rich or poor).

2.1.2. Relations between citizens and immigrants

In general, the Italian literature in the field of immigration tends to suggest that the development of a multicultural character to Italian society is still in an initial phase, though with potential to evolve. Examination of the effect of the recent immigration phenomenon needs to be placed in the context of its coincidence with a period of profound economic transformation in Italy, towards a post-fordist model of production. This is one factor distinguishing immigration to Italy from the main waves of immigration which occurred in earlier periods in northern Europe. However, there are also other factors distinguishing immigration to Italy. In particular, both the population at large, and institutions in Italy became conscience of the ongoing phenomenon rather late. Legislative measures have been

forced to catch up with events, responding to them rather than governing them. Thus, the entry of immigrants was not co-ordinated by the official authorities – immigrants entered in an irregular fashion and found their way into an informal, non-regularised workforce. The authorities were then forced to respond to the existing reality by introducing various regularisation measures. The gap created by the weak response of institutions at the national level has been filled by the activities of local government and various local civil society entities, ranging from religious to lay and trade union associations. However, while some local associations were open to assisting the new arrivals, a large section of the population remained closed towards them. This combined with the marginal nature of the economic activity that many immigrants were involved in and the weak institutional response at the national level to leave the new arrivals in a precarious situation.

The table below provides a re-elaboration of the Mediterranean model developed by Ambrosini (2000: 129), reflecting the situation in Italy:

	Implicit Model
Conception of Immigration	Officially necessary, but utilised in both regular and irregular forms
Access to Citizenship Status for Immigrants	Difficult and Uncertain
Rapport between immigrants and host population	Ambivalence between humanitarian welcoming and intolerance
Employment policy	Equal pay for those in the regular workforce. Tolerance of irregular workers. Fragmentation of services locally
Social Policy	Underdeveloped, voluntaristic character, in grand part devolved to local and non-governmental sector

Acknowledgement of the necessity of immigration to fill certain gaps in the labour market, and the formal requests made by business associations, for quotas to regulate and increase immigrant entrances has led to formal recognition of Italy as a country of immigration. However, it remains difficult for immigrants to acquire Italian citizenship.

While perhaps not as prevalent as in some other western countries, discrimination and racist incidents have accompanied the new wave of immigration. As with elsewhere, immigrants have become the first target of the racist. Discrimination exists in many forms, for example in the workplace, in seeking accommodation and settling in neighbourhoods, and in opening bank accounts.

2.2. Entry and Residence permits for aliens

2.2.1. Entrance visas:

Applications for entrance visas need to be made at the Italian consulate/embassy, specifying reasons for visit, how the journey is being made, where the person is staying and how he/she will sustain herself. These visas are valid for very brief stays. However, for stays with a duration of more than 8 days a permesso di soggiorno (resident permit) is required. Visas will not be granted to persons who have been previously deported from Italy or any other Schengen member, or to those viewed as a threat to public order or security. The Bossi-Fini law specifies such persons as anyone convicted of trafficking in narcotics, aiding clandestine immigration or earning from exploitation of prostitution or child labour. The Turco-Napolitano law provided that motives for refusal and means in which to be appeal be communicated to applicants. However, under Bossi-Fini this is no longer obligatory.

There are 21 types of visa:

Adoption	Invited Guest	Family Reunion
Business	Autonomous Work	Study
Medical Treatment	Dependent Work	Air transit
Diplomatic	Mission	Transit
Family visit	Religious Motive	Transport
Sport	Re-entrance	Tourism
Entrance to Labour market	Elective Residence	Work Vacation

Of particular importance are the following visas:

Visas for business: these allow a brief stay for business reasons, contract negotiations etc – individuals need to be invited by Italian nationals of equal standing.

Visas for autonomous work: these can apply for longer stays, for those you engage in a non-subordinate profession. The process to obtain one of these is very complicated.

Visas for subordinate work or family reunion – these should be applied for through Italian consulates overseas – which must then seek to have the person inserted into Ministry of Interior and INPS records.

Visas for elective residence are those given to immigrants who wish to stay permanently in Italy and who are able to maintain themselves autonomously without the need for active employment.

It is also worth noting that the Schengen accord, of which Italy is part, provides for uniform visa rules for third country nationals with regards to the following:

- a) airport transit;
- b) transit;

- c) brief stays of a maximum of 90 days for medical treatment, sporting activities, as invited guests, autonomous or dependent work, missions, religious motivations, study, transit, transport and tourism;
- d) authorisation for periods of more than 90 days are granted nationally for adoption, medical treatment, family visits/reunion, autonomous and dependent employment, missions, study and working vacations.

2.2.2. Permessi di soggiorno e contratti di soggiorno (residence permits and residence contracts)

The Bossi-Fini law made it more difficult to obtain permits for work reasons. Those seeking to work in Italy are now required to obtain 'contratti di soggiorno' (contracts). These generally last for one year (for dependent fixed term work) or two years (for dependent work of an undetermined time period and autonomous work) and are linked to the existence of a contract of work. Thus immigrants who wish to enter Italy for motives of work must now be in possession first of a contratto di soggiorno linked to an offer of legal work from an employer in Italy. They will only receive the permesso di soggiorno once they have commenced their contract of employment. Thus, other than permits for purposes of tourism, study, family reunion, political asylum and humanitarian purposes, under the Bossi-Fini law, permits will only be granted for those in possession of a work contract. The permesso di soggiorno has the same duration as the contratto, and can be renewed for the same duration as the original permesso. In the case of seasonal work, they have a maximum duration of 9 months (though they can be renewed for following years).

In order to have contratto di soggiorno renewed, a request has to be made to the provincial police HQ 90 days previous to expiry (for those in possession of a contratto for subordinate work of undetermined period), 60 days previously (for those in possession of a contratto for dependent fixed term work) or 30 days previously (for seasonal workers). The period for which it will be renewed will not exceed the initial period for which the contratto/permesso was granted (though it can be renewed again at the end of the period).

In the case of family reunion, immigrants in possession of a permesso, can request that they be joined by their spouse and by their children. They can also be joined by their parents, provided they are over 65 years of age and there are no other sons/daughters to look after them. The permessi for spouses will be revoked if they are found to be based on marriages of convenience (unless there have been children born to the couple).

2.2.3. Sponsorship Permits

The institution of the sponsorship concept by the Turco-Napolitano law reflected a willingness on the part of the then centre-left government to keep open channels of entry to immigrants, and an acknowledge of the need for continued immigration. It also reflected a willingness to co-operate with various Catholic and other voluntary associations, as well as less formal networks of family or friends made up of existing immigrants, who were willing to provide accommodation, social services and general sustenance to new immigrants. According to Ministry of Interior data of 31 December 2001, 11 630 sponsored permits were in circulation (those in work would have the opportunity to apply for a normal permesso di soggiorno). The abolition of the sponsorship concept by Bossi-Fini was the cause of much regret on the part of many of the associations actively involved in its promotion.

2.2.4. Carta di Soggiorno

The carta di soggiorno should not be confused with the permesso. The carta was also introduced by the Turco-Napolitano law, and was aimed at those immigrants legally resident in Italy for five or more years. The Bossi-Fini law changed the qualification period to six years. Provided he/she has not been convicted of any crimes, an immigrant who has been in possession of a permesso for six years (i.e. a two-year permesso renewed three times) or is married to someone already in possession of one, can apply for a carta – this allows for the immigrant to stay in Italy for an indefinite period (though it has to be verified every 10 years). This instrument has not, however, been utilised much so far.

2.2.5. Autonomous Work

Those foreign citizens who wish to exercise an activity of autonomous work in Italy (to be self-employed or start a business) need to fulfil a number of criteria. To exercise a professional activity, the professional qualifications of the person concerned have to be recognised by the relevant licensing professional body in Italy or the relevant Ministry with jurisdiction in this area (i.e. the Ministry of Health for health workers, the Ministry of Justice for whole range of professional activities, not just legal ones, e.g. journalism, psychologist, geologist, chemist). He/she also has to demonstrate possession of the necessary resources required to exercise the professional activity (this would include the necessary resources and equipment to start up a business, if the applicant wishes to engage in some kind of commercial activity). For certain commercial activities that do not correspond to any of the licensing and authorising bodies, various guarantees as to resources and finances need to be provided and submissions made to the Italian consulate in the prospective immigrant's country of origin (or the submission can be underwritten by an existing business in Italy). The process is a very complicated one.

2.3 Aliens without papers

The phenomenon of illegal immigration has been viewed as a fundamental problem for Italy. The Italian territory is generally regarded as vulnerable to the phenomenon given its long Mediterranean and Adriatic coastlines. Attempts by the government to develop an efficient system of legal immigration have been stymied by the difficulties it has had in preventing clandestine immigration and tracking down and expelling those found on the Italian territory. Nevertheless there has been a degree of exchange between legal and illegal immigration. Legal immigrants who stay within the territory following the expiry of their permessi become illegals, while the five regularisations that have taken place (1987, 1990, 1996, 1998 and 2002-3) has allowed many illegals to become legal.

Two elements of the clandestine immigration phenomenon have caused particular concern: i) firstly, the way in which clandestines gain entry to Italy – often with the assistance of human trafficking syndicates linked to international organised crime organisations - has caused alarm; ii) Secondly, the effects of having a large number of clandestine immigrants who find it difficult to integrate themselves in Italian society and economy and end up working on the margins of the economy, often becoming co-involved in the illicit economy and practices of dubious legality. The absence of legal status for clandestine immigrants means that they are not able to exercise the civil, political and economic rights enjoyed by Italian citizens and legal immigrants and are therefore vulnerable to exploitation and susceptible to involvement in criminal activities.

Nevertheless, the Italian legal system does provide some comfort for illegal immigrants. According to Italian law, to give humanitarian assistance and medical aid to illegal

immigrants is not a criminal act. According to the Turco-Napolitano law, being a clandestine immigrant was not itself a criminal act – rather it is a type of administrative violation – thus it was not punishable. A number of instruments to combat clandestine immigration were created, including deportation (accompanying illegals to the frontier) and placement/detention in special centres (CPT: *centro di permanenza temporanea*). These centres are usually found close to ports of entry, and illegals are supposed to be detained in them for a maximum of 30 days, given all necessary assistance and treated with ‘full respect to their dignity.’ As already mentioned, the clandestines are not subject to the normal legal guarantees afforded to legal residents and therefore have to rely on the discretion of the police who oversee the centres. Simply being an illegal immigrants is sufficient grounds to be detained.

The existence of CPTs and the treatment of detainees has also led to a great deal of polemic in Italian society. In October 1998, there were a number of manifestations in Italian cities protesting at the treatment of clandestines in these centres. It was alleged that their treatment was undignified and that they were kept in squalid conditions. That many of those treated as clandestines could also be classed as asylum-seekers fleeing persecution, that the means of legal immigration had become more difficult and complex leading some to turn to illegal entry, and that many legal immigrant residents in Italy had originally entered illegally, were all points of controversy.

According to some authoritative voices²⁹, the Bossi-Fini law, runs contrary to Italian constitutional norms, as well as the EU Treaty of Amsterdam and various international conventions to which Italy is party. In particular, concerns have been raised about the following provisions:

- a) **Expulsions** – if a permesso di soggiorno has been expired for more than 60 days without a request for renewal, an expulsion order will be delivered asking the individual concerned to leave the country within fifteen days. This can involve immediate accompaniment to the border. If an immigrant is found without the necessary legal documents, he/she can be taken to the CPT for 60 days, during which procedures to identify the individual are undertaken. If the individual is not identified in this period, he/she is given three days to leave the country. Any clandestine immigrants who re-enter Italy after being expelled risk imprisonment.
- b) **Fingerprinting** – All immigrants seeking a permesso di soggiorno, including existing immigrants renewing, are now obliged to have their fingerprints taken. In the future, this will be required for the identification cards of all citizens, immigrant and Italian.
- c) **Sanctions for Immigrants** – Employers that employ immigrants who are not in possession of current and valid permessi di soggiorno risk suspension of activities for three months to a year, and a fine of €5000 for every worker not regularised.
- d) **Naval powers and reduced sentences for penitent smugglers** – the law increased the powers of the navy to protect the Italian coast from clandestine disembarkments. Smugglers can get reduced sentences (reducing by up to a half) if they collaborate with the forces of law and order in order to identify and capture the organisers of people trafficking.

2.3.1 Tracing the illegals

²⁹ For example, a number of declarations from the Italian Democratic Magistrates Association and the Association of Giuridical Studies on Immigration (ASGI).

2001 saw a diminution of the number of illegal entrants turned away upon entering Italy in respect of the preceding year (there were 41 000 cases, of which 30 625 involved turning people back at frontiers and 10 433 involved police action). This was actually its lowest level for four years. The national grouping with the most returnees are generally from East and Central Europe, i.e. for 2001: Albanians (7 810), Bulgarians (2 611), Croatians (2 095), Yugoslavia (2 065), Romania (1 011). The only other national grouping to top 1000 is the Turks with 1 282 cases. However, in addition to this, large numbers were expelled having been found to be without the necessary permessi by police action internal to the Italian territory. This number increased to 34 000 in 2001 (up from 24 000 the year before). 13 000 were sent back to countries with whom Italy has readmission agreements. These number 23 countries in central/eastern Europe and the Balkans, and North Africa. There are now attempts to extend these agreements to sub-saharan countries and the Indian sub-continent. However, expulsions are more costly and difficult in the majority of cases, where there is no such agreement. In addition to direct expulsions, another 58 000 deportation orders were issued in 2001. There were not immediately executable, giving the individuals concerned some time to comply. Some of the individuals concerned would have gone to other European countries, some would have returned voluntarily to their countries of origin. Others will have stayed in Italy, disappearing once again into the irregular economy. The figures for 2001 (see table 15), show that in total 134 000 persons without the legal right to stay in Italy were identified in the course of the year, of which 56% were removed from the territory. The figures are compared with the previous three years.

Table 15 – Illegal immigrants tracked down per categories (1998-2001)

	1998	1999	2000	2001
Turned away	45,157	48,437	42,221	41,058
Police	15,564	11,500	11,350	10,433
Border police	29,593	36,937	30,871	30,625
Expelled	8,978	23,955	23,836	34,390
Acompanied to border	8,546	12,036	15,002	21,266
Judicial authority measures	432	520	396	373
Readmission agreement	-	11,399	8,438	12,751
Expulsion notify	44,121	40,489	64,734	58,207
Total	98,256	112,881	130,791	133,655

CHAPTER THREE: RESEARCH ON IMMIGRANTS AND MINORITIES: THE STATE OF THE ART

3.1 Overview of research undertaken

Research on the theme of immigration to Italy has been active for a number of years now. Much of this is quantitative data, based on official data related to the labour market and social security contributions and the census data provided by ISTAT.

In terms of qualitative research, much comes from the various associations working in the field. However, a lack of co-ordination is apparent at the national level, given the territorial differentiation and bureaucratic polycentrism that initially marked the response to the first significant immigrant flows. An official research centre at the national level is lacking. It is very notable here that the National Commission for the Integration of Foreigners, headed by Giovanna Zincone (set up by the previous centre-left government), was disbanded following

the victory of the centre-right coalition in 2001. However, other centres of research are active, for example CNEL, ISMU, CARITAS and IRES.

The most up-to-date and comprehensive research comes from CARITAS, a Rome-based catholic association, which produces an annual Statistical Dossier on Immigration. The most recent edition, published in 2002, presents data on immigration up to and including 2001. In addition to this, useful data and research on citizenship can be found in the recent publication from the Ministry of the Interior (Department of Civil Liberties and Immigration, Central Directorate for Civil Rights, Citizenship and Minorities) *Cittadinanza Italiana, La Normativa, Le Procedure, Le Circolari*, published at the end of 2002. In relation to the study of the phenomenon of clandestine immigration – because of the objective difficulty of researching the theme. Nevertheless, the ongoing regularisation should permit a better and more up-to-date understanding of the numbers, provenance and type of activity of those currently in the territory.

With regard to racism, xenophobia, and anti-semitism, research is under-developed and weak. To date, there is no state body specialising in this area. The European anti-racism directive (2000/43/CE) which needs to be transposed into Italian law by July 2003, stipulates that each member state should set up such a body. Thus, the government needs to get going urgently on this. The *European Roma Rights Centre* has identified the Office for the Problems of Border Zones and Ethnic Minorities, located within the Ministry of the Interior in Italy, as the only official entity which deals with the problems of ethnic minorities in Italy. However, it does not undertake all the functions required of by the European directive.

The Turco-Napolitano law provides for the institution within the National Economic and Labour Council (CNEL – a state body) of a national organ or co-ordination and information, together with regional centres for observation, information and legal assistance for foreigners.

At present, a number of mainly local and non-governmental observatories and associations operate, including the following:

- The National Observatory on Xenophobia (ONX) constituted by voluntary groups in Bologna,
- The Observatory on Manifestations of Racism, Anti-Semitism and Xenophobia in Italy, financed by the regional council of Piedmont and organised by the Committee Against Racism of the Gramsci Institute;
- The Network of Urgency against racism in Turin;
- The Stop Racism Association of Padua – part of the Melting-Pot Europe- Multi-Ethnic Communication and Society project of Radio Sherwood, developed in collaboration with the Office of Immigrants and Nomads of Vicenza Municipal Council.

The most useful research in this area is:

Commissione Nazionale per l'Integrazione, *Secondo rapporto sull'immigrazione*, a cura di G. Zincone, 2001

Le paure degli altri: Sicurezza e insicurezza urbana nell'esperienza migratoria, svolta dall'Associazione LeNove, con il patrocinio della Commissione per l'integrazione del Dipartimento degli Affari sociali

Anti-discrimination Legislation in EU Member States. A Comparison of national anti-discrimination legislation on the grounds of racial or ethnic origin, religion or belief with the Council Directives, Italy, Migration Policy Group, EUMC, 2001

Anti-islamic reactions in the EU after the terrorist acts against the USA. A collection of country reports from RAXEN National Focus points (NFPs) 12 Sept-31 Dec 2001, Italy, COSPE, EUMC

Second report on Italy, European Commission against Racism and Intolerance, ECRI, 2002

Immigrazione e trasformazione della società, P. Basso, 2002

Non-persone, A. Dal Lago, 1999

3.2 Labour Market

The area of participation in the labour market is probably the aspect of immigrant life investigated in most depth in Italy. However, the problem remains of collecting data on (legal and illegal) immigrants working in the irregular economy (this is also a problem when gathering data on the employment of Italian citizens!) and on the employment of clandestine immigrants. The on-going regularisation should result in a significant diminution of those not working in the regular economy and therefore not accounted for in the official data.

Of the plentiful existing research, the following is of particular use:

Consiglio Nazionale dell'Economia e del Lavoro (CNEL), Organismo Nazionale di Coordinamento per le politiche di integrazione sociale degli stranieri, rapporto di ricerca, *La Convenzione internazionale sulla protezione dei diritti di tutti i lavoratori emigranti e dei membri delle loro famiglie (Convenzione ONU) e legislazione italiana in materia di immigrazione*, 20 June 2001

Consiglio Nazionale dell'Economia e del Lavoro (CNEL), Organismo Nazionale di Coordinamento per le politiche di integrazione sociale degli stranieri, rapporto di ricerca, *Le iniziative per contrastare il razzismo l'intolleranza, la xenophobia, la discriminazione nel mercato del lavoro*, 2001

La fatica di integrarsi, M. Ambrosiani 2001

Utiles invasori, M. Ambrosiani, 2001

Dossier Statistico immigrazione, CARITAS, Rome

F. Bordignon, D. Marini, *Gli immigrati visti dagli imprenditori: pericolo o risorsa?*, Quaderni Fondazione Nord Est, Collana Osservatori, n. 4, October 2001 (the research involved 1000 business owners, from different economic sectors in the Veneto, Friuli-Venezia Giulia and Trentino Alto Adige regions)

Rapporto sull'Immigrazione IRES-CGIL, edited by the Observatory on Immigration of IRES-CGIL (provides a detailed analysis of immigrant integration in employment (how they find work, integration in the labour market, types of qualifications and contracts, training and formation, trade union membership, collective contracts, and territorial concentration).

3.3. Educational System

The most recent and complete quantitative research is as follows:

Alunni con cittadinanza non italiana – a.s. 2001/2, produced by the Ministry of Education, Universities and Research in June 2002. This research is based on the so-called 'Rilevazioni Integrative' (Integrative survey) conducted by the Ministry annually of state and non-state schools operating in Italy, which provides important information on integration of non-Italian school pupils. The last survey was based on analysis of 89% of all state and non-state schools. In terms of qualitative research, the existing research is a bit lacking, as it tends to be more locally based, making it difficult to obtain a general overview of the situation – this is a particular problem given the strong territorial heterogeneity of Italy. This makes presentation

of a thorough assessment of the experience of foreigners in the Italian education rather problematic. Nevertheless, some useful analysis can be found in the following:
La pelle giusta, Paola Tabat (Einaudi, 1997)
Dossier Statistico Immigrazione, CARITAS (2002)
Le trasformazioni della scuola nella società multiculturale of the Ministry of Education (June 2001)

3.4. Housing

There is much research at the local level, and also some at the national level, concentrating on the problem of access to housing on the part of immigrants. Looking for accommodation to rent is one of the major problems faced by immigrants.

At the national level, the following research is of interest:

Commissione Nazionale per l'Integrazione, *Secondo rapporto sull'immigrazione*, a cura di G. Zincone, 2001.

P.L. Crosto, A. Mariotto, A. Tosi, Immigrati, territorio e politiche urbane. Il caso italiano, in *Migrazioni, Scenari per il XXI secolo*, op cit

3.5. Judicial System

With respect to the discrimination caused by the day-to-day practices of the judicial system, it is difficult to gather conclusive information and research findings. There is some literature on this area, but it does not demonstrate much consensus on the effects of the system. Of interest here is *Immigrazione e reati in Italia*, by M.Barbagli, 2002 (which provides an in-depth analysis of crimes committed by and against immigrants in Italy).

3.6. Racial Discrimination

The National Commission for immigration integration policy, in its Second Report on Integration, provided a study of the principle sectors in which discrimination was occurring. Another research study, *Le paure degli'altri. Sicurezza e insicurezza urbana nell'esperienza migratoria*, has been undertaken by the Association, LeNove, with the patronage of the Department of Social Affairs of the Commission for Integration. The research, edited by M. Morelli and M.G. Ruggerini, studied a sample of 604 immigrants resident in five Italian cities of diverse size and geographic location: Turin, Rome, Palermo, Reggio Emilia and Prato. The immigrants were mainly from central and eastern Africa, with a small number from North Africa and China. From these two studies, one can deduce that the spheres in which immigrants find the most difficulty are: i) finding housing (because of the refusal of landlords to rent to them, because of excessive rents set by landlords seeking to exploit them, landlords seeking to deceive or trick them, the difficulty of establishing relationship with neighbours who may be antipathetic to them or who are intolerant of their cultural differences or their difficulties in communicating); ii) the workplace – because of the refusal to accept foreigners, because work is often only offered in the irregular economy, because of exploitation and discrimination, non-reporting of accidents, non-recognition of foreign qualifications – meaning that even well qualified immigrants are often forced into at low level unqualified work; iii) access to banking, financial and insurance services – this is rendered more complex because of the difficulty in verifying accurately the records of non-Italian applicants (according to managers in these sectors), requiring requests for additional documentation and guarantees from employers and/or Italian customers; iv) the education system – requests made of the non-Italian students of the same exam passes/qualifications for entry to courses etc as

those required of Italian students can discriminate against those with objectively different educational backgrounds and/or those with language difficulties; v) sport – because of the reduction in quotas enforced for the major sporting federations, many young people can no longer take part in non-professional competitions.

CHAPTER FOUR: LEGAL RIGHTS OF AND CONSTRAINS ON IMMIGRANTS

4.0. International Instruments relating to the rights of immigrants and Ethnic Minorities

A number of international instruments guaranteeing rights for ethnic minorities and outlawing racism have been incorporated into Italian law. Moreover, the Italian constitution itself (art. 3) guarantees equal treatment before the law irrespective of sex, language, race or religion. In 1975, a law incorporating the 1965 International convention on all forms of racial discrimination was incorporated into Italian law (law n. 654, 13/10/1975). In 1994, the 1992 European Convention on the Participation of foreigners in public life (1992) was incorporated into Italian law (law, n.203, 8 March 1994). This guarantees to immigrants various social rights, such as the right to work, to equal treatment and respect, to family reunion, to medical assistance, to study, to housing, to social assistance, and to participation in public life. Fundamental rights should be respected irrespective of whether an immigrant is legal or not.

The International Labour Organisation Convention (n. 143/1975), ratified in 1981, bestowed upon non-EU workers and their families in Italy parity of treatment and equal rights as to those afforded to Italian workers. The substance of the Convention had already been incorporated into Italian law in 1980, in anticipation of the ratification, by legislative decree (n.33 of 29/02/1980). This recognised the right of foreign workers in Italy to have access to social and health services, housing and schooling (for their children), as well as the right to retain their cultural identity. Nevertheless, it is notable that while state workers in Italy are obliged to provide uniform treatment of workers, private employers are allowed some flexibility in treating workers working in similar situations in a diverse manner, provided that individual and collective workers' rights are guaranteed. However, the Italian workers statute (law n.300 of 10/05/1970) is favourable to immigrants in forbidding economic treatment of a discriminatory character.

4.1. INPS (Istituto National Previdenza Sociale/National Social Insurance Institute)

Immigrants in possession of a regular permesso di soggiorno and with regular work are automatically covered by national social insurance INPS, and have the rights to the same benefits/services as Italian workers, such as family allowances, maternity benefits, unemployment, sickness and disability benefits and pensions. Immigrants workers have the same employment rights as Italians – in this sector at least, immigrants to Italy are protected by fairly advanced legislation. Women who are not in work are also entitled to maternity benefit. Thus regular immigrant workers, like Italian workers are entitled to unemployment benefit, if they have been made redundant and find themselves involuntarily unemployed. This does not apply to those with a permesso for seasonal work. Immigrants from outside the EU can redeem their insurance contributions once they have reached 65 years of age, if they have left the national territory (even if they were paying in for less than five years – Italian nationals can only reclaim if they have paid for five years or more).

4.2 Employment

At the end of the 1980s a number of laws were passed regarding the employment of foreign workers. They stipulate that Italian workers and foreign workers employed for the same kind of work must receive equal treatment.

4.2.1 Employment Contracts

Employment contracts for immigrants have to be validated by the immigration office of the province in which the immigrant resides or in which the employer has its legal seat. For the contract to be valid, the employer has to guarantee that the immigrants has lodgings (which come within the parameters of the Italian legal requirements for habitable accommodation) and must guarantee the cost of travel for the immigrant to return to his/her country of origin. If a foreign worker loses his/her job (even through resignation) he/she is entitled to register on the official unemployment list for the period left of his/her permesso di soggiorno.

4.2.2. Discrimination in the Labour Market

While the law provides for equal treatment for workers once in employment, discrimination in the labour market tends to manifest itself in relation to paths of entry and advancement into certain types of employment and careers. It is clear that for clandestine/illegal workers, lacking the legal rights of regular workers, discrimination is a fact of life. However, even immigrants in possession of regular permessi find themselves forced to work in the irregular economy. They may flit between periods of regular work and irregular/illegal work, finding regular work when it is time to renew the permesso di soggiorno (and it is necessary to present a contract of legal work) and then later returning to the illegal labour market. Employers often collaborate in this, offering immigrants more pay if they go onto the irregular pay-roll whilst also saving themselves on employers tax and insurance contributions.

Aside from this issue, a number of variables can influence immigrants' experience of the Italian labour market. These include the immigrants' country of origin, the period in which they immigrated to Italy, the circumstances in which they immigrated (whether they are economic migrants or political refugees, or if they came originally as students), level of education and professional formation and training. Nevertheless, in general, the labour market for immigrants is characterised by its static nature. "It does not matter if their professional profiles are diverse. One can conclude that before being engineers or technicians, they are Albanians or Moroccans. Thus, migrants continue to find themselves in agriculture, only that before they were Tunisians and Moroccans and now they have become Poles, Albanians and Rumanians. The women arrived as domestic helps, the Eritreans, the Somalis, the Cape Verdeans. Now the Peruvians, Philippino, Rumanians are the colfs. In synthesis, the subjects change (the provenance and social conditions of departure) but not the classification' (Network of Urgency against Racism, Annual Report 2000, Turin).

Immigrants, above all of first generation, are found generally in marginal or undesirable sectors of the workforce, without much hope of mobility because often they are victims of prejudice and are not placed in responsible roles corresponding to their qualifications and experience, and because their qualifications are not recognised or considered equivalent. A number of stereotypes have developed according to ethnic group and religion - leading to a form of sexual and ethnic job segregation. Thus, typically, Muslim males from North Africa find themselves in dependent but unstable work, while Catholic women will find themselves working illegally, but stably, as domestic helps (colfs). This kind of segmentation of the

labour market explains the existence of requests for immigrant workers in certain sectors in certain localities, when a residue of immigrant unemployment already exists.

In terms of the relationship between immigrants and Italian nationals in the workplace, it is notable that Italian trade unions have made demands for equal opportunities and recognition of the professional competences of immigrants. This could potentially lead to resentment among Italian workers, who might see foreign workers as a threat to their jobs. However, until now, significant conflicts between immigrant and Italian workers in the workplace have not been prevalent, mainly because in general, immigrants have not had the opportunity to take part in qualified position commensurate with their qualifications, and generally do the work that Italians do not want.

4.3. Education

There have been a number of legislative instruments that relate to the education of immigrant children. Initial Italian legislation in this area emphasised inter-cultural education, Italian language education and the valorisation of the language and cultural origin of the immigrant (v.C.M. 8/9/1989, n. 301). Following on from this, the principle of coinvolvement of Italian pupils in an interactive relationship with immigrant/foreign pupils, in a process of reciprocal enrichment, was emphasised (v.C.M. 22/7/1990). Discussion of education of the new immigrant minorities and historical minorities in Italy were linked for the first time in legislation in 1993. Other legislation in 1993 and 1994 emphasised multi-cultural education as the best way to prevent racism and intolerance. The multi-cultural nature of Europe as a whole and the need for a European dimension to education was also emphasised.

The Turco-Napolitano law brought together the various regulations in vigour regarding immigrants and the children of immigrants in the education system. Accordingly, all children of immigrants present in the Italian territory have rights to participate in the Italian education system and are indeed obliged to attend Italian schools (this is independent of whether immigrants are regularised or not). This also involves the provision of appropriate Italian language tuition. Respect for the immigrants' linguistic and cultural difference and the value of intercultural interaction is emphasised. The law established initiatives to ensure that immigrants' culture and language were respected and understood. These were developed according to local needs and in co-operation with immigrant and cultural associations and the consulates/diplomatic representations of the countries of origin. Regional governments also promoted various cultural programmes for different national groups. A project for scholastic and social integration for foreign minors and their families was established, providing various support services, e.g. information points for schooling and health and social services and intercultural education, linguistic mediation services in language of immigrants. The objective of these measures was to combat social isolation of immigrant children, reducing the risks of educational underperformance and dropping-out and ensuring linguistic competence in Italian.

A decree on behalf of the President of the Republic in 1999 was issued regarding school enrolment. This set out various regulations regarding enrolment of children of immigrants/immigrant minors. It stipulates that they can be enrolled in schools at any time in the school year, and will be placed in the class corresponding to their age group unless their level of linguistic ability, previous educational background and general competence/ability requires that they be placed in a higher or lower class. Those with incomplete or irregular documentation will be enrolled provisionally and without prejudice. The teaching/school

board in each school, however, is supposed to use its discretion and seek to disperse foreign pupils among classes in such a way as to avoid them being in a majority in a particular class. Teachers will also intervene where necessary in providing necessary language tuition to individuals or groups of foreign students. Again, the decree sets out various initiatives to ensure intercultural communication and involvement of the families of foreign children – involving local immigrant and cultural associations and diplomatic representations where necessary – and to provide education country of origin and cultural and language education as well as Italian language tuition to adult immigrants as well their children. Various other adult education initiatives are also provided for, for example, the development of literacy skills and other education and training courses to allow immigrants without education to get secondary-school equivalent diplomas etc.

4.3.1 Non-accompanied minors

According to the Committee for Foreign Minors of the Ministry of Education, unaccompanied minors numbered 7 921 in January 2002. The most numerous were Albanians (50.7%), Moroccans (17.4%) and Romanians (8.5%). However, the real number is likely to be higher, given that many may be living clandestinely. Of the overall total, 86.2% were male. The number of minors placed in foster care was (2208), half the number of the previous year. Another 3115 were awaiting placement.

Unaccompanied foreign minors (i.e. those found within or entering Italian territory without parents or guardians) are passed on to the Committee for Foreign Minors. The Committee needs to operate with due respect to the UN Convention on the Rights of the Child. One course of action is repatriation (involving police accompaniment). However, the authorities often decide this is not the best course of action, for example if it interferes with the minor's course of education/training/ employment. In such cases, the minor is passed on to Social Services who seek to place him/her in state/foster care. A permesso for minors in state/foster care is issued, convertible into a permesso for work or study at the age of 18. The wait for this is long however and leaves the person concerned at the mercy of events. But the alternative is to maintain a permesso for minors, which does not allow the holder to study or work and can involve repatriation at the age of 18 (though the legal situation is still not very clear).

The Bossi-Fini law stipulates that a permesso for minors is convertible into a permesso for study or work at the age of 18, only if a repatriation decision has not already been made, if the minor has been in Italy at least three years, if the minor has been inserted for at least two years in a project of social and civil integration of a public/private entity, if he/she has lodgings, and if he/she is undertaking study or work activities or is in possession of an employment contract. The granting of permessi to minors or ex-minors will be subtracted from the overall annual quotas for entry of immigrants.

It is worth noting, therefore, that the conversion of permessi for minors is only obtainable if they entered Italy when under the age of 15. Thus those who have entered at a later age (a significant and increasing number) are penalised, with the consequence that they are more likely to abandon studies or work and disappear into the clandestine economy.

4.4. Immigrants' experience with discrimination and xenophobic violence

As well as attitudes of rejection and everyday discrimination towards immigrants in Italy, a number of instances of racist abuse and violence have been recorded. Particularly serious in recent years have been incidents of violence against Roma, who more than any other group are the object of the hostility. There have also been acts of anti-semitic violence.

A research study undertaken in 2000, *Uno al giorno. Gli atti di violenza contro gli stranieri in Italia*, collected and analysed reports of racist violence in 20 daily newspapers. It observed that an act of violence against a foreigner occurs every 25 hours in Italy. One can hypothesise that such attacks are likely to be more frequent and numerous, given that not all attacks are reported, and even where reported to the police they may not always be publicised. There are a number of reasons why victims might not report such attacks: victims of such attacks might not have the sufficient language skills and knowledge of the law and the system in general, they might not have confidence that the police will be on ‘their side.’ Moreover, if they are illegal immigrants, they will obviously not want to report attacks for fear that their own illegal status be uncovered. The study revealed that there were 261 reported cases of violence against foreigners between in the first 9 months of 2000. Of these 34.7% were classified as having a clear xenophobic origin. The definition of ‘clear xenophobic origin’ used by the researcher requires that the motive for the act of violence was explicitly declared at the time or was easily documentable. Of the 261 cases, 23 resulted in permanent injury while 47 (26.8% of the cases) were homicides.

These statistics are of considerable cause for concern. While homicides as a whole of decreased in Italy in the last decade, the murder of foreigners has increased. Indeed, Ministry of Interior figures confirm that in the last decade, the number of murders of foreigners has double for men and tripled for women. In 1992, 6% of murders in Italy were of foreigners. By 1999, this figure had risen to 15% (those these were not always provoked by racism, indeed some of the murders were committed by other foreigners, often due to involvement in criminal groups). Foreign women have been a principle target of crime, suffering from acts of violence, robbery and rape. In some cases, immigrants/foreigners have suffered violence because they have entered/passed through zones/areas forbidden to them. For example, racist groups on the periphery of Rome threaten with violence any immigrants who pass through certain streets or piazza (this kind of problem appears to be at its worst in the Rome area).

In the previously mentioned research by Association LeNove, interviews conducted to understand the extent and type of aggression inflicted on immigrants have indicated that episodes of violence tend to be predatory street attacks and violence related to workplace harassment, coercion and exploitation, perpetuated by Italians, and (in the large cities) by other foreigners. The table below indicates the type of violence inflicted on foreigners (source: Michele Sorice, *Uno al Giorno, Gli atti di violenza contro gli stranieri in Italia*):

TYPE OF VIOLENCE	
Physical Aggression	58.3%
Verbal Aggression/Discrimination	25%
Workplace harassment	8.4%
Burglary	8.3%

The significant percentage of racist abuse and of forms of exploitation at the workplace indicated by the table – as underlined by the Caritas XI report on immigration - suggests that ‘violence’ towards immigrants is evolving towards more refined and subtle forms, though just as unacceptable.

4.5. Civil Rights of Immigrants and Anti-discrimination

The Turco-Napolitano law included a number of provisions to combat discrimination against immigrants and foreigners in Italy. Article 2 of the law states that foreign nationals present at the frontier or within the territory of Italy should be entitled to the same fundamental rights protection as that enjoyed by national citizens. The law also sets out procedures to initiate a civil action in cases of alleged discrimination. However, the law has been rather difficult to use, because of the high burden of proof required on the part of the complainant.

4.6 Juridical Instruments to combat Racism: the law of 1993

In 1993 a law (n.205) was approved aimed at launching criminal prosecutions those engaged in unacceptable forms of racism and discrimination. The law provides for criminal proceeding against those that promote ideas based on racial and ethnic superiority, or those who incite acts of discrimination or who commit or incite acts of violence for motives of race, ethnicity, nationality and religion. Any organisations that condone such acts are also outlawed. In some cases, in addition to traditional punishments, the offender may be obliged to undertake a re-education programme or undertake a community service. The latter can involve cleaning/restoring buildings damaged by racist graffiti and working for various voluntary groups. Research in *Lo straniero quale vittima del reato* shows that cases of racist violence and brought to the judicial proceedings very rarely – often because of victims anxieties about reporting violence mentioned previously.

4.6.1. Italian law on racism in the light of EU law

There is some incongruence between Italian law and European law regarding racist discrimination. The European directive on this (34/2000) stipulates that the burden of proof should be on the defendant to prove that an action (e.g. an act of discrimination) was not linked to racist motivations.

The Second Report of the Commission for Immigration Integration Policy on the other hand notes that in Italy, the law (Turco-Napolitano) places almost insurmountable obstacles for victims of discrimination seeking to pursue civil cases, and is rather vague in setting out exactly what can be classed as discrimination.

4.7. Political Participation

Rights to political participation for immigrants to Italy have so far been very limited. Though the Turco-Napolitano law when originally proposed provided for participation in local administrative elections for foreigners with *permessi di soggiorno*, this part of the proposal did not make it into law. However, the final legislation did provide for participation in trade union activities and the formation of various consultative organs (Territorial Councils for Immigrants). However, the role of these has so far been limited. It is notable that certain cities, namely Turin, Bologna and Rome have allowed for immigrant participation in various local consultative referenda, utilising provisions to improve public participation in the law on local autonomy of 1990 (law n. 142/1990). Provision for immigrant participation in these referenda played an important symbolic function.

4.8. Acquiring Citizenship

The acquisition of national citizenship, in theory, represents the achievement of full parity of rights and obligations between immigrants and the national population. However, such acquisitions have so far been limited. However, citizenship can be acquired by immigrants

and their children in certain cases. In certain cases it can be recognised at birth, through naturalisation, through marriage to an Italian, or by having Italian ancestors or descendants. Citizenship can be acquired at birth, if the person concerned is born to stateless persons or persons unknown, if the law of the country of origin of the parents does not allow the children born overseas to assume its national citizenship. Minors left abandoned in Italy can also assume citizenship. Children with at least one Italian parent are automatically recognised as Italian. This is the case even if the existence of an Italian parent is discovered later, or confirmed through a judicial declaration. In other cases, much depends on the circumstances of the individual concerned and the attitude of the Italian authorities.

The law on the acquisition of Italian citizenship (n.91, 5/02/92), provided for a gradual period of naturalisation of non-EU nationals after a ten-year period of residence. However, the granting of citizenship after this period remains discretionary. The law states that citizenship 'can be granted.' Thus, the Italian state retains powers to hold various other factors in consideration in deciding whether or not to confer citizenship. These factors can include the general conduct of the immigrants during his/her period of residence, level of integration in Italian society, income, fulfilment of fiscal obligations and judgement as to the willingness of the applicant to become part of the Italian nation.

To summarise, Italian citizenship can be acquired in the following ways:

- If one has a parent or descendent who has been Italian since birth;
- Those born to foreign parents but who have lived in Italy uninterrupted since birth can become Italian citizens at the age of 18 (willingness to acquire must be indicated one year before). The situation becomes more difficult if the parents cannot prove regularised residence for the entire period or if the period has been interrupted by a return to the country of origin, even if the child was born in Italy. Naturalisation is still possible provided that the birth was registered at the time to the relevant civil authorities in Italy and the parents were at the time in possession of valid *permessi*. If residence has been interrupted, the person concerned can still apply for citizenship after three years continuous regular residence, rather than the 10 required of other *extracomunitari*;
- Naturalisation after 10 years of legal residence (for *extracomunitari*), after 4 years for EU citizens, after 5 years for refugees or stateless persons, after 3 years if a descendent of an Italian citizen within at least two generations;
- Through marriage to an Italian citizen after 6 months of marriage (if resident in Italy), or after 3 years of marriage (if resident overseas);
- After adoption, for all foreigners adopted by Italians (for those over 18, after 5 years of residence following the legal adoption). Residence has to be uninterrupted for 5 years after the application for citizenship.

By 2000, at least 350 000 foreign residents had passed 10 years of residence in Italy, yet the number of acquisitions for citizenship in that year was only 9 545. In 2001, 10 381 new citizenships were granted (and this included 1 821 applications from overseas). Between 1991 and 2001, there were 87 032 acquisitions of memberships (including 15 000 from overseas). 60% of acquisitions were in the North, 27% in the Centre, 9.2% in the South and 4.2% in the islands. The rate of naturalisation is around a third of the European average. Moreover, most citizenship acquisitions in recent years have come through marriage (90%). Most acquisitions are female (64.7% in 1991, rising to 77.5% in 2001). In 1990, of citizenship acquisitions numbered 4 672 through marriage, and just 562 through residence. In 2001, the figure was 9

266 through marriage and 1 203 through residence. Of the new citizens between 1991 and 2001, 37 279 were from (mainly Eastern) Europe, 22 187 from the Americas (mainly Latin) and 11 736 from Africa. Following on from these were those from Asia, Oceania and stateless persons.

CHAPTER FIVE: PATTERNS OF PARTICIPATION, DISADVANTAGE AND DISCRIMINATION

5.1. Employment

A recent survey by the Union Camere (Italian chamber of commerce) based on examination of the recruitment practices of 100 000 employers showed that 20% of applications came from extracomunitari. According to data from INAIL regarding taking up and cessation of employment positions in 2001, extracomunitari represented 9.9% of job take-ups and 8.8% of cessations, though they represent only 3% of the national workforce (one must take into account here that immigrants generally do more unstable non-permanent jobs, while Italians are more likely to have permanent positions and therefore less likely to be available to apply for new jobs).

According to INAIL data, there were 4 743 650 jobs starts in 2001, of which 467 304 came from outside the EU. 4 297 205 people left job, of which 378 856 were non-EU workers (an overall increase in jobs for non-EU workers of 88 448). Non-EU workers were more likely to find work in small and medium enterprises than in larger firms (with more than 50 workers). 58% of non-EU workers are employed in SMEs (7% above the rate for Italian workers).

5.1.1. Sectors of Employment

Of the 800 680 immigrants with work permits in 2001 (a 50 000 decrease in respect of 2000), 90 000 were in autonomous work, 651 000 in dependent work and 60 000 unemployed/seeking work (this was a decrease from the 98 000 seeking work in 2000). See tables 16 and 17. One must be cautious about these figures, as it is possible that some persons may have been registered twice in different areas. Of the job take-ups registered for 2001, 49% were in services, 36% in industry and 15% in agriculture. Hotels and restaurants were particularly prolific recruiters of immigrants, taking on 87 182 immigrants (10.2%) of the total. In restaurants and hotels, one in ten workers taken on is an immigrant. The figure is similar for construction, transport and cleaning. However, for agriculture and the textile and metallic industries, one in six workers taken on is an immigrant. Looking at other industries, for manufacturing/processing, 14.2% of workers taken on are immigrants. For timber/wood industries, the figure is 16.3%, for rubber 16.9%. See table 18 for a breakdown.

Table 16 - Immigrants “soggiornanti”: reasons of permanence (2000/2001)

	2000	%	2001	%
Employment	850,718	61.3	800,680	58.8
Autonomous work	86,920	6.3	89,498	6.6
Dependent work	665,805	48.0	650,787	47.8
Unemployment	97,993	7.0	60,395	4.4
- waiting to start work	64,116	4.6	36,246	2.7
- unemployment list registered	15,174	1.1	7,727	0.6
- seeking specialisation for professional work	1,202	0.1	1,277	0.1
- looking for job	9,066	0.6	8,152	0.6
- work insertion (apprenticeships,	2,683	0.2	3,478	0.2

training etc)				
- extraordinary reasons	5,752	0.4	3,515	0.2

Source: Calculated by Caritas - Dossier Statistico Immigrazione 2002 from Ministero dell'Interno data

Table 17 – Division of permission for work motivations in 1994 and in 1999

	Dependent work	humanitarian work permission (temporary Balkan refugee)	Looking for work	Autonomous work	Total
31.12.1994	68.7	10.1	14.2	7.0	405,475
31.12.1999	77.9	1.0	11.1	10.0	827,618

Source: Calculated by Caritas - Dossier Statistico Immigrazione 2002 from Ministero dell'Interno data

Table 18 - New job starts per sector and per proportion of non-EU workers (2001)

Sectors	Job starts	Non—EU workers as % of job starts	Proportion of total job starts %
Hotels-restaurants	87,182	17.5	10.5
Agriculture	59,987	12.5	17.4
Construction	49,098	9.8	12.0
Cleaning/domestic work	43,209	8.7	9.5
Metal industry	24,267	4.9	16.0
Commerce	22,324	5.5	5.4
Transport	21,095	4.2	11.2
Textile industry	14,691	3.0	16.5
Public services	15,522	3.1	6.1
Food industry	12,454	2.5	8.3
Retail trade	11,425	2.3	4.8
Wholesale trade	10,899	2.2	6.2
All sectors	496,861	100.0	11.2

Source: Calculated by Caritas/Dossier Statistico Immigrazione from INAIL/DNA data

5.1.2. Ethnic Origin and Stability of Work

Table 19 shows the take-up rate for jobs in 2001 of the major immigrant national grouping in Italy, the most numerous being the Albanians (47 000), the Moroccans (46 000) and the Romanians (28 000). It also shows the numbers who had kept their jobs by the end of the year. On average, only 17.5% jobs had been retained among the major immigrant nationalities by the year end. Among those not listed, Ecuadorians and Philipinos have a better record (36% and 34% job retention respectively), while the figure for Peruvians and Bangladeshis is also around 30% (similar to Chinese and Romanians).

Table 19 - Mobility major national groups (2001)

	Job starts	Terminations	Balance	Balance as % of job starter
Albania	47,035	37,348	9,687	20.6
Morocco	46,344	39,929	6,415	13.8
Romania	28,690	20,167	8,523	29.7
Switzerland	20,379	18,643	1,736	8.5
Ex-Yugoslavia	17,207	15,658	1,549	9.0
Tunisia	16,885	14,944	1,941	11.5
Senegal	13,644	12,590	1,054	7.7
China	13,208	10,637	2,571	29.7
Poland	10,297	8,549	1,748	17.0
total	420,511	346,854	73,657	17.5

Source: Calculated by Caritas/Dossier Statistico Immigrazione from INAIL/DNA data

5.1.3. Territorial Concentration of Immigrants

The immigrant workforce tends to be focused in the more productive areas of Italy, for example the north-east, where in 2001, 15.2% of workers taken-on were immigrants. In the north-west, the figure was 11.6%, for the centre 9.5%, for the south and islands it was less than 4%. In respect of the south and regions, the figure does not tell the whole story, given the large size of the irregular economy in which immigrants are strongly represented.

5.1.4. Immigrants and Domestic Work

Of the 227 249 of domestic workers registered in Italy with INPS in 1999, just over half (114 000) were non-EU workers. Around 80% of these were women. 40% come from Asia (49 214, of which 36 606 came from the Philippines), while 18 930 came from Central/Eastern Europe (mainly Poles, Romanians and Albanians). 11 470 came from sub-Saharan Africa and 20 499 from the Americas (mainly Latin). Following the Philippines, the most numerous national group was Peruvians (11 847) and Sri Lankans (9 791). These figures are likely to be transformed radically by the current regularisation process, given that so many domestic workers are irregular. Indeed, 340 000 applications have so far been made for regularisation by domestic helps. Many have worked in the irregular economy for years, but have been unable to become regularised because of the difficulties in achieving the minimum income required for regularisation and difficulties in getting sponsored. It is estimated that around 950 000 families in Italy utilise immigrant domestic workers to assist in caring for children and older relatives.

5.1.5. Immigrant Unemployment

The unemployment rate of immigrants in possession of a permesso di soggiorno is 7.4%, considerably lower than the rate for Italians (11.4%). However, there are significant variations with immigrant unemployment outstripping Italian unemployment in the north-west and centre (see table 20).

Table 20 – Italian and legal immigrants unemployers in 2001

	Immigrant unemployment	Italian unemployment
North West	8.1%	4.3%
North East	3.6%	3.6%
Centre	14%	7%
South and Islands	14%	18%

One of the problems here is the lack of adequate mechanisms allowing for labour mobility in response to variations in supply and demand in the labour market. A number of studies have pointed to the inadequacy of public labour agencies, though recently they have been reformed to respond better to the needs of workers. A report on immigration and the labour market produced by IRES-CGIL (2002), showed that the channels most used for job hunting are informal ones – through friends and acquaintances.

5.1.6. Irregular/illegal work

Though governments have made attempts to address the situation, Italy's irregular economy remains one of the largest in Europe. In 2000 and 2001, 25 000 firms in each year, employing between them 11-12 000 immigrants annually, were checked. 40% of the immigrants were found to be irregular in terms of their national insurance contributions. Around 20-25% were found to be in possession of expired permessi. Around one in twenty firms had not put in place the requisite insurance coverage for their immigrant workers.

According to research presented in 2002 by the Labour inspectorate of the Carabinieri, half of firms had employed an irregular worker (Italian or immigrant) in the previous year. Among 21 431 firms surveyed (industrial, commercial and agricultural), 55% (11 589). This is a problem which afflicts both North and Southern Italy, though with diverse characteristics. Immigrants are generally abused in this way in the service sector and in industry in the north, while in the south they tend to be employed in agriculture (2 477 illegals were found working in agriculture illegally in 2001). Overall, 12 350 extracomunitari were found to be working illegally by Carabinieri in 2001, of these 2396 were clandestine immigrants, while 3 276 did not have regular contracts. 1457 cases of minors working illicitly were uncovered. Table 21 shows the percentage of immigrant workers found by inspections to be with/without the required permits.

Table 21 - Irregular and illegal workers: results of inspections (1993-2001)

Year	Immigrant employees	% with residence	% without residence permit
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		permit	
1993	48,000	65.2	34.8
1994	56,700	51.4	48.6
1995	37,100	65.2	34.8
1996	31,600	50.3	49.7
1997	33,800	67.2	32.8
1998	31,200	71.9	28.1
1999	21,695	88.2	11.8
2000	11,172	72.7	27.3
2001	12,186	78.1	21.9

Source: Calculated by Caritas/Dossier Statistico immigrazione from Ministry of Labour data

Data from INPS and INAIL shows that in the three years from 2000-2002, 900 000 immigrants were working regularly and making contributions. Nevertheless, immigrant workers in Italy are generally stigmatised as tax evaders.

5.1.7. Immigrant Entrepreneurs

Research undertaken by the National Confederation of Artisans (CNA), undertaken in 2002 draws attention to the presence of immigrants in Italy who create work for others and wealth for the country. It pointed to 17 008 businesses run by immigrants in Italy (1.1%) of the total. Over half of these (9 412) are building or installation firms. There are also 1977 firms producing clothing and 1270 in the transport sector. The other 4 000 include a variety of sectors, such as catering, hotels, textiles, and quarrying/mining. Immigrant firms are concentrated mostly in the centre-north. The most are found in Lombardy (4 872 – 28% of the total), followed by Emilia Romagna (2815 – 16%), Veneto (14%), Piedmont (12.5%), Tuscany (11%). In terms of provinces rather than region, the most are found in Reggio Emilia (308), followed by Bologna (307), followed by Rome (181), Turin (140), and Milan (73). In the south of Italy, the numbers are much smaller compared to the north and centre. In terms of the provenance of the business owners, the most come from China (2597) and Albania (2595). These two together comprise 35% of the total. Then come those from Morocco (1697), Romania (1516), Tunisia (1461) and Egyptian (1236). There also appears to be a great degree of specialisation, with the Chinese for example specialising in textiles and the leather industry, those from ex-Yugoslavia and Egypt tend to own construction and installation companies, Peruvians are involved in transport, and call-centre owners tend to be Moroccan.

5.1.8. Seasonal Workers

Of the 83 000 immigrant workers who entered Italy with regular permits in 2001, 39 400 were seasonal workers. They found themselves mainly in Trentino-Alto Adige, Veneto and Emilia Romagna. Their countries of provenance were mainly East European, Romania and Poland above all, followed by Slovakia, Albania and Morocco.

5.1.9. Health and Safety at Work

Despite the legal rights given them by labour laws, immigrants still tend to work in poorer conditions, for lower pay, and receive less protection for work. The primary indicator of this is the high incidence of industrial accidents. There were 76 219 reported injuries to immigrant workers in 2001 (a growth of 11.7% relative to the 64 707 figure of 2000). This amounts to nearly one in ten (9.5%) of those immigrants with work permits in Italy. The highest level of these occurred in the north (12.2%). There were 101 fatal accidents to foreign workers in 2000, and 125 in 2001 (an increase of 23.7%). Agriculture appears to be the most dangerous occupation, with immigrant deaths double the average rate.

5.1.10 Trade Union Participation

The role of trade unions in Italy has been an important one in seeking to ensure the smooth integration of immigrant workers into the national workforce. Although they initially sought to ensure that Italian workers were protected from negative side-effects in terms of employment levels, salaries and conditions of work, and tried to limit the recruitment of immigrant workers, this was then followed by attempts to ensure equal treatment for immigrant workers and national workers and thus avoid unfair competition in the labour force. In general, the relationship between immigrants and trade unions has been constructive. Trade union concern for the welfare of immigrants reflects the general role of trade unions in Italian society in seeking to promote social solidarity and assist the weakest sectors of society and compensate where intervention on the part of the public/state sector is weak. Thus trade unions have developed a number of service centres within their structures, which rather than being aimed specifically at work related problems, are aimed at helping immigrants become regularised (in terms of permessi), finding accommodation and providing services for new entrants. Trade unions have also organised a number of manifestations and initiatives against racism. Trade union centres for immigrants often themselves employ immigrants with high levels of education, who perform important representative and mediation roles in relation to the immigrant communities. Their presence is particularly strong in the centre and north. One observer suggests that trade unions in Italy, are the organisations that have offered the most opportunities for qualified work to immigrant workers (Ambrosini 1999). The rate of trade union membership is higher among immigrants than among Italians. Immigrant membership of the three main trade union confederations (CSIL, CGIL and UIL) in Italy in 2001 was around 140 000. Immigrants have been attracted to trade unions as a way of ensuring that they receive equal treatment from employers, have their employment rights defended, get clear information on their rights, assistance in problems related to permessi and regularisation and to family reunion.

5.1.11. Discrimination in the Labour Market

The principle problems encountered by immigrants in the labour market, according to research in *Le paure degli 'altri': Sicurezza e insicurezza urbana nell'esperienza migratoria* (LeNove), based on findings of the Commission for Immigration Integration Policy, are listed in table 22.

Table 23 shows the results of a survey of the North-East foundation, which sought the views of employers in the North-East of Italy, as to the problems they associated with the employment of immigrant workers. It is notable that the employers surveyed accepted the need for an increased presence of immigrant workers to assist the socio-economic development of the country, above all in the more economically advanced areas of the country such as the North-East. Furthermore, those businessmen that do actually employ immigrant workers tend to have a different attitude to those that do not employ immigrants. The former tend to be more favourable to the entrance of more immigrant workers and less fearful of so-called crime and security implications. It seems that direct encounters with immigrant workers and closer involvement with them provide the best means of overcoming negative stereotypes of them.

Table 22 – Types of discrimination

TYPE OF DISCRIMINATION	PERSONALLY		ACQUAINTED		NO	
	M	F	M	F	M	F
Offer of irregular work	54.1	43.0	46.9	43.0	37.0	40.6
Fraud related to work	29.5	20.1	29.8	28.9	55.4	59.7
Discrimination at the workplace	29.2	18.8	28.5	28.5	57.7	62.1
Refusal of work because immigrant	23.0	17.1	27.2	27.2	63.6	67.1
Accident at work not reported	11.1	5.0	14.8	14.8	78.0	81.5
Sexual harassment at the workplace	1.0	7.0	6.9	8.7	92.5	86.2

Source: Ass. LeNove per Commissione per le politiche di integrazione degli immigrati

Table 23 – Main problems connected with immigrants presence in firms. Responses from North-East entrepreneurs

Language	32.3
No problems	24.6
Bureaucratic delays for job take up	12.6
Different lifestyles	11.9
Attitude to work	10.9
Relations between employees	4.8
Religious obligations	1.7
Others	1.2
Total	100.0

Source: Fondazione Nord Est, Osservatorio sugli imprenditori del Nord Est (base: 950 unità)

5.2. Education (number of pupils, territorial distribution, countries of origin)

Changes in the Italian education system in order to comply with the new commitments to multiculturalism brought on by the new need to deal with a significant number of non-Italian schoolchildren have been quite rapid. In 2001, the number of foreign minors in Italy was 277 976. In the school year 2001-2002, the number of school pupils without Italian citizenship was 181 767, representing 2.31% of the total school population. The rise has been rapid. In 1992, the number of non-Italian school pupils was 25 000. These pupils are distributed in the Italian territory quite unevenly. They are most prevalent in schools in the Padanian plain (the centre-north of Italy around the Po basin) and the lower and more populated parts of the Alpine valleys. 66.57% of pupils are found in the north, 23.3% in the centre, and 10.11% in the south and islands.

Table 24 – Resident foreign population and minors (2000-2001)

	2000	2001	Percentage variation
Resident foreign population	1,270,553	1,484,589	15.3
% total population	2.2	2.5	
Resident foreign minors	229,549	277,976	20.9
% foreign population	18.1	19.0	

Source: Alunni con cittadinanza non italiana – a.s. 2001/02 June 2002, Ministero dell'Istruzione

The provinces with the highest numbers of non-Italian pupils are as follows:

Milan: 19 166, Rome: 11 863, Turin: 7 640, Brescia: 7 618, Vicenza: 5 700, Treviso: 5 564, Verona: 4 977

In terms of regional distribution, the highest numbers are in Lombardy (24.73% of the total number of foreign pupils in Italy), followed by Veneto (12.6%) and Emilia Romagna (12.55%). In terms of ratio to the general school population, the highest percentages can be

found in Emilia Romagna (4.8% of school students are foreign), followed by Umbria (4.31%), Lombardy and Marche (both 3.8%). See table 25.

Table 25 – Pupils without Italian citizenship per Region and area. School year 2001-2002

Regions and geographic areas	Absolute distribution per region	Percentage distribution per region	Pupils without Italian citizenship as percentage of total school pupils
Piedmont	17,235	9.48	3.21
Lombardy	44,949	24.73	3.80
Veneto	22,901	12.60	3.66
Friuli Venezia Giulia	4,650	2.565	3.41
Liguria	6,339	3.49	3.48
Emilia Romagna	22,814	12.55	4.80
Toscany	14,884	8.19	3.71
Umbria	4,836	2.66	4.31
Marche	7,961	4.38	3.80
Lazio	14,714	8.09	2.34
Abruzzo	3,235	1.78	1.61
Molise	216	0.12	0.44
Campania	2,293	1.26	0.30
Puglia	4,719	2.60	0.65
Basilicata	422	0.23	0.40
Calabria	1,904	1.05	0.55
Sicily	4,709	2.59	0.53
Sardinia	864	0.48	0.34
Total Italy	181,767	100,00	2.31
North-West	68,523	37.69	3.60
North-East	52,487	28.88	4.06
Centre	42,395	23.32	3.13
South	12,789	7.04	0.58
Islands	5,573	3.07	0.49

(Trentino Alto Adige data are included in the national and area data, though not regional figures are available)

Source: *Alunni con cittadinanza non italiana – a.s. 2001/02, June 2002, Ministero dell'Istruzione*

Table 26 shows the proportion of foreign pupils in each year group, distributed across region. This shows that the highest proportion of foreign pupils are in the North-East and North-West in the first year of elementary school (6.18% and 5.43% respectively).

Table 26 – Non-Italian Pupils as % of school class, per geographic area and school year (2001-2002)

School Level	North West	North East	Centre	South	Islands	Total
Infant	4.16	4.26	3.46	0.61	0.70	2.62
I primari	5.43	6.18	4.70	1.01	0.90	3.65
II primary	5.30	5.87	4.56	0.87	0.72	3.40
III primary	4.94	5.59	4.37	0.81	0.65	3.17
IV primary	4.53	4.97	4.08	0.79	0.63	2.90
V primary	4.49	4.78	3.85	0.77	0.65	2.80
Total	4.60	5.32	4.03	0.78	0.64	2.99
I middle	4.47	4.93	4.26	0.78	0.67	2.89
II middle	4.28	4.76	3.76	0.63	0.54	2.65
III middle	4.01	4.51	3.28	0.55	0.44	2.43
Total	4.43	4.77	3.82	0.68	0.54	2.70
I high	2.92	3.76	2.78	0.55	0.29	1.96
II high	1.91	2.15	1.64	0.39	0.20	1,23
III high	1.40	1.79	1.34	0.33	0.15	0.98
IV high	0.91	1.21	0.89	0.29	0.14	0.68
V high	0.64	0.89	0.65	0.19	0.12	0.48
Total	1.57	2.00	1.47	0.27	0.18	1.06
Total Italy	3.60	4.06	3.13	0.58	0.49	2.31

Source: *Alunni con cittadinanza non italiana - a. s. 2001/02 Giugno 2002, Ministero dell'Istruzione*

Though the lowest proportion of foreign pupils is in the south and islands, it is important to note here that the birth rate for Italian nationals is a lot higher than the rest of Italy, and that there is therefore a higher proportion of Italian school-age children as a percentage of the overall population in the south than there is in the north and centre.

In terms of the different levels of schools, one can observe that 2.99% of elementary school pupils are foreign, as are 2.7% of middle school pupils and 1.06% of high school pupils. 56.76% of elementary schools, 62.6% of middle schools and 47.42% of high schools have at least one foreign pupil. The proportion of foreign pupils increases towards the lower age groups. This clearly reflects the increasing number of children born to immigrants being entered into the school system and indicates the trend is likely to continue upwards in years to come.

Table 27 - Pupils without Italian citizenship, absolute value and percentage on scholastic population in 2001-2002 school year

	Without Italian citizenship	Without Italian citizenship per 100 attendance
Infant	36,823	2.62
Primary	76,662	2.99
Middle	44,219	2.70
High	24,063	1.06
Total	181,767	2.31

Source: Alunni con cittadinanza non italiana – a.s. 2001/02, June 2002, Ministero dell’Istruzione

Table 28 – Percentage pupils without Italian citizenship on total pupils, per gender. School year 2001-2002

School level	Male	Female
Infant (pre-school)	2.80	2.43
Primary	3.13	2.85
Middle	2.87	2.51
High	1.01	1.11
Total	2.40	2.20

Source: Alunni con cittadinanza non italiana – a.s. 2001/02, June2002, Ministero dell’Istruzione

Table 29 – Pupils without Italian citizenship by continental provenance and level of school. School year 2001-2002

Continent	School level								Total
	Infant		Primary		Middle		High		
	Abs.val	%	Abs.val	%	Abs.val	%	Abs.val	%	
EU	769	15.60	1,992	40.41	1,100	22.32	1,068	21.67	4,929
Europe (non-EU)	13,622	18.00	34,169	45.14	17,901	23.65	10,001	13.21	75,693
Africa	13,921	26.94	20,965	40.57	11,315	21.89	5,480	10.60	51,681
America	3,019	13.83	8,122	37.22	6,342	29.06	4,342	19.89	21,825
Asia	5,454	19.92	11,300	41.29	7,482	27.33	3,138	11.46	27,374
Oceania	38	14.34	114	43.02	79	29.81	34	12.83	265
Totale	36,823	20.26	76,662	42.17	44,219	24.33	24,063	13.24	181,767

Source: *Alumni con cittadinanza non italiana – a.s. 2001/02, June 2002, Ministero dell’Istruzione*

5.2.1. Presence of female pupils

Of the 181 767 foreign school pupils in state schools, it is noticeable that 83 279 are female, representing only 45.82% (whereas for the entire school population the figure is 47.98%). In seeking an explanation for the shortfall here, it is notable here that that nationalities in which school pupils show the greatest imbalance between male and female pupils are generally of the Muslim religion. Thus female pupils represent 28.57% of the total number of pupils for Saudi Arabians, 33.95% for Algerians, 37.5% for Iraqis, 38.19% for Pakistanis, 40.79% for Turks and 40.91% for Tunisians. On the other hand, it is notable that the number of female foreign pupils in non-state schools is significant higher than male foreign pupils.

5.2.2. Provenance and attendance rates

186 different nationalities are represented in Italian schools. The most numerous nationalities present are Albanians (32 268), followed by Moroccans (28 072), and ex-Yugoslavians (Serbia-Montenegro) (18 577). These four groups represent around half of the total. In terms of broader regions, the most prevalent group are Eastern Europeans, followed by Africans (mainly Moroccans), then Asians (notably from the Phillipines) and then Latin Americans (notably Peruvians, Ecuadorians and Brasilians). See table 30.

Table 30 – Majority provenance of pupils without Italian citizenship. School year 2001-2002

Nationality	Absolute value 2001	% total continental proveninece	%total foreign pupils	Absolute value 2002
Albania	25,050	41.6	17.0	32,268
Morocco	23,052	54.5	15.6	28,072
Ex-Yugoslavia	16,225	26.9	11.0	18,577
China	8,659	37.6	5.9	9,795
Romania	6,096	10.1	4.1	8,804
Perù	4,486	25.6	3.0	-

Source: *Calculated by Caritas/Dossier Statistico Immigrazione on Ministero dell’Istruzione data*

Examination of the origin of (non-EU) foreign students in the Italian school system, shows that 75 693 are European (non-EU), followed by some distance by Africans (51 681) and Asian (27 374). A high proportion of non-EU European students are to be found at elementary

school (45%) whereas pupils from the Americas and Asia have higher rates of participation at secondary school level (compared to non-EU Europeans and Africans).

5.2.3. School Success Rates

Exam result data from the school year 200-2001 allows for some conclusions to be drawn as regards the success rates of foreign pupils in the Italian school system. These seem to show a progressive improvement in the school performance of foreign pupils. In the school year 1998-99, the percentage of non-Italian pupils being promoted to the next grade in elementary school was 95.59%, for promotion at middle school the figure was 84.07%. For 1999-2000, the figures respectively were 95.99% and 86.2%. For 2000-01, the figures were 96.64% and 88.42%. The figures for middle school in particular were still significantly lower than they were for Italian pupils (which were 95.55% in 1999-2000 and 96.07% in 2000-01). See tables 31 and 32.

Table 31 – Pupils promoted per 100 examined. Comparison between total pupils and pupils without Italian citizenship. School years 1999-2000 e 2000-2001

	School year 1999-2000		School year 2000-2001	
	Total pupils	Pupils without Italian citizenship	Total pupils	Pupils without Italian citizenship
<i>Level of school</i>				
Primary	98,92	95,99	98,92	96.64
Middle	95,55	86,20	96.07	88.42

Source: Alunni con cittadinanza non italiana – a.s. 2001/02, June 2002, Ministero dell’Istruzione

Table 32 - Pupils without Italian citizenship and school success per level school

	Pupils without Italian citizenship per 100 attendance				Pupils promoted per 100 pupils without Italian citizenship examined	
	Infant	Primary	Middle	High	Primary	Middle
Italy	2.62	2.99	2.70	1.06	96.64	88.42

Source: Alunni con cittadinanza non italiana – a.s. 2001/02, giugno 2002, Ministero dell’Istruzione

According to research on the transformation of schooling in a multicultural society undertaken by the Ministry of Education, which involved a survey of 5 361 schools (68.8% of the total number of schools in Italy), the principle cause of abandonment of education on the part of Italian and non-Italian pupils (according to school heads) were as follows:

Table 33 - Reasons for abandoning education

MOTIVE	Italian pupils	Foreign pupils
Schooling objectives not achieved	57.6	47.9
Lack of Student Commitment	54.6	24.4
Lack of Family Commitment	32.3	23.0
Erratic Attendance	24.4	24.9
Inadequate Syllabus Content	9.7	24.0
Insufficient Integration	4.3	18.2

Source: Le trasformazioni della scuola nella società multiculturale, Ministero dell'Istruzione, giugno 2001

5.2.4. Qualifications of Adult Immigrants

One of the most interesting results of research undertaken on Immigrants in Lazio, sponsored by the regional government and undertaken by CUEIM (University Consortium of Industrial Economics) and published in 2002, was the finding that around a half of immigrants in Rome possessed a high school diploma, and around 20% had a degree. It was extremely rare to find an illiterate immigrant in the Rome area. Out of 80 000 immigrants, just 16 were found to be illiterate.

5.3. Housing

The housing situation in Italy creates particular difficulties for immigrants. Problems in the housing market also affect Italians, but the negative effects tend to be felt disproportionately by immigrants. Finding landlords willing to rent to them and being accepted by their neighbours are key difficulties facing immigrants. This is an area where discrimination is at its most explicit and diffuse in Italy. In addition to the scarcity of offers of housing for rent to immigrants, there is also the problem of exploitation by landlords (demanding excessive rents and deposits etc), overcrowding and poor conditions of properties. In general, immigrants find themselves having to pay higher rents than those paid by Italians for similar properties. Many landlords with properties to rent are unwilling to rent to immigrants, even if they are in stable work. Contracts are often not properly registered by landlords, leaving their tenants in a weaker position.

The small size of the rental market in Italy causes particular difficulties. According to CNEL data in 1996, only 20% of housing in Italy was in the rental sector, and only 5% of housing was social housing. In recent years, the imbalance between supply and demand has increased due to a new phase of immigration involving family reunion and the formation of new families among the immigrant communities. One estimate is that around 40-50 000 immigrants live in extremely precarious conditions (around 3% of the total number of immigrants). One way of dealing with this has been to increase the number of accommodation in Initial Reception Centres (Centri di prima accoglienza/CPA). These offer around 20 000 beds on 980 different sites, mainly in the North (72%) (*Secondo Rapporto sull'Integrazione*, National Commission for Integration). These are managed by the Regions, in collaboration with provincial and municipal government and voluntary associations. They are also supposed to offer social and medical services. However, these centres do not afford immigrants the privacy, autonomy and responsibilities one associates with conventional housing.

There also appears to be discrimination as to access to conventional social housing, managed in Italy by IACP (Istituto Autonomo Case Popolari). As a public entity, it is subject to legal anti-discrimination standards. However, though the Turco-Napolitano law states that foreign citizens in possession of a carta di soggiorno in regular work should have the same access to popular housing as Italian citizens, some of the specific rules for applications make it difficult for immigrants to benefit. In particular, immigrants are required to have been in possession of a carta di soggiorno for at least two years (a carta itself takes 5-6 years of regular residence to obtain).

Voluntary and trade union associations have sought to develop in recent years other forms of housing for immigrants, both collective and individual, sometimes in collaboration with local authorities. These are not however very numerous, and are mainly concentrated in the Centre-North. Local authorities in collaboration with other public and private entities, have also been involved in initiatives to renovate immigrant housing, ensuring it is hygienic, and providing loans for immigrants registered as unemployed to assist them in acquiring housing. Again these only scratch the surface of the problem. The Bossi-Fini law has made the granting of contratto di soggiorno to new immigrant workers dependent on guarantees by employers that the immigrant workers that they wish to employ will have adequate housing arranged. This has led employers to become more involved in local initiatives to develop adequate housing for immigrants, though this may also have the undesirable side-effect of making immigrants excessively dependent on their employers.

5.4. Experience of Judicial System

Immigrants encounter severe difficulties in exercising their legal rights in relation to the Italian judicial system, both as victims of crimes and as accused/defendants in crime cases. Given their generally economically weak situations, they find it difficult to gain access to decent legal services (though they will have duty lawyers assigned to them). Immigrants find it difficult to be informed of all the rights to which they are entitled within the judicial system (M. Pastore 1995). Most of those charged with crimes are irregular immigrants (78%). Illegal immigrants in particular, are more susceptible to be drawn into criminal activities, given that they can not take part in regular economic activities. The nationalities most frequently charged are Moroccans, Albanians, Romanians, Tunisians, Algerians, Yugoslavians, Senegalese, Nigerians and Chinese. The crimes most frequently committed related to violations of the drug laws, living off prostitution, violation of the immigration laws, and crimes against the public administration. Around a third of the prison population in Italy is foreign (16 330 out of the 55 383 total in May 2001). This figure includes those in temporary custody awaiting trial, in relation to which immigrants tend to be particularly over-represented (this relates to difficulty in getting bail due to lack of funds, lack of knowledge of legal rights and the defendants often being illegal immigrants).

5.5. Access to Banking Services

The opening of a bank account is an important factor in one's ability to integrate fully into the functioning economy. Yet immigrants in Italy often find it very difficult to do so. According to research undertaken by the Lunaria Association (2001), immigrants face the following difficulties in gaining access to banking services:

- Lack of interest on the part of banks in assisting immigrants who wish to open bank accounts, often because they view immigrants as unreliable with little job stability, and because they presume immigrants will wish to undertake transactions with high operational costs offering little profitability,

- Immigrants often have language difficulties which banks do very little to address (only rarely is information offered in other languages)
- To open a bank account, immigrants generally have to undergo much stricter credit checking and submit more documentary information than is the case for Italian clients (some banks ask for guarantees from employers, other Italian clients etc).

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