

# Yearly quotas and country-reserved shares in Italian immigration policy

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## Abstract

Regular immigration to Italy is based on a quota system setting annual ceilings to legal entries. Reserved shares are granted to single countries or categories of countries. Reserved shares have been increased; they are used as an incentive to obtain the cooperation of countries of origin in stemming irregular migration flows. The total quota of regular immigration has gradually increased too. Still, it does not fully respond to the growing demand of foreign workers on the labour market, and quotas seem to be used as crypto-regularisations rather than as an instrument for regulating legal entries.

**Keywords:** Italy; legal immigration; entry quotas; reserved shares; regularisation.

## Introduction

Since 1995 immigration to Italy has been regulated by means of a quota system setting annual ceilings to legal entries of foreign workers (Pittau, 2004). Every year one or more governmental decrees (the so-called *decreti flussi*) set the maximum number of foreign workers to be admitted. The yearly quota regulates the inflow of both self-employed people and contract workers, the latter including permanent as well as temporary and seasonal workers.

In 1998, in the frame of a wider immigration law reform,<sup>2</sup> the centre-left government decided to establish reserved shares of the annual quota for citizens of certain countries. Since 2000, besides shares reserved to single countries, the

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<sup>2</sup> Law 40/1998 (also known as *legge Turco-Napolitano*).

yearly decrees have also established shares reserved to categories of countries, without previously splitting each share among the single countries of each category. The remaining part of the annual quota is free and open to nationals of any non-EU country. After a certain time period, the shares which are not fully exploited by citizens of the relevant states can be opened to citizens from other countries. Table 1 shows the development of quotas and reserved shares from 1998 to 2007.<sup>3</sup>

### **Reserved shares as a reward for cooperating countries**

Countries of origin have an interest in keeping emigration levels high (since remittances sent by their citizens from abroad are among the main items of their Gross Domestic Product), so they are expected to consider reserved shares as a benefit insofar as they allow a number of their citizens to work in Italy legally and enjoy the rights resulting from a permit of stay. In exchange for this, Italy requests from such countries cooperation in stemming irregular flows (both of their own citizens and of third country nationals transiting through their territories).

Morocco and Tunisia for instance were granted reserved shares in 1998, shortly after they signed readmission agreements with Italy in July and August respectively: in October the yearly decree was supplemented for the first time ever with the addition of reserved shares. Besides Morocco and Tunisia, only Albania (that was the main country of origin during the 1990s, and it was the first one to sign a readmission agreement with Italy as early as 1997) was granted a reserved share.

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<sup>3</sup> The source of all data are decrees and other ministerial acts issued by the Italian government (*decreti ministeriali* of 24.12.1997, 16.10.1998, 8.2.2000, 8.6.2000, 9.4.2001, 12.7.2001, 4.2.2002, 12.3.2002, 22.5.2002, 16.7.2002, 15.10.2002, 20.12.2002, 6.6.2003, 19.12.2003, 20.4.2004, 8.10.2004, 17.12.2004, 14.2.2006, 15.2.2006, 14.7.2006, 25.10.2006, 9.1.2007, 30.10.2007; *circolare della direzione generale per l'impiego* of 24.3.1999; *direttiva ministeriale* of 4.8.1999, *ordinanza presidenziale* of 22.4.2005). Data were processed by the author.

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<b>TABLE 1: Annual immigration quotas (1998 - 2007)</b>					
	1998	1999	2000	2001	2002
Albania	3,000	4,000	6,000	6,000	3,000
Tunisia	1,500	2,000	3,000	3,000	2,000
Morocco	1,500	2,000	3,000	1,500	2,000
Egypt	-	-	-	-	1,000
Moldova	-	-	-	-	500
Sri Lanka	-	-	-	-	1,000
Nigeria	-	-	-	-	500
Somalia	-	-	-	500	-
<b>Subtotal single countries</b>	<b>6,000</b>	<b>8,000</b>	<b>12,000</b>	<b>11,000</b>	<b>10,000</b>
South Americans of Italian origins*	-	-	-	-	4,000
New cooperating countries*	-	-	6,000	4,000	-
Coop. countries + further selected countries + previous beneficiaries*	-	-	-	-	33,000
<b>Subtotal categories of countries</b>	-	-	<b>6,000</b>	<b>4,000</b>	<b>37,000</b>
<b>Total reserved shares</b>	<b>6,000</b>	<b>8,000</b>	<b>18,000</b>	<b>15,000</b>	<b>47,000</b>
	<b>10.34%</b>	<b>13.79%</b>	<b>21.69%</b>	<b>16.78%</b>	<b>59.12%</b>
<b>Total free share</b>	<b>52,000</b>	<b>50,000</b>	<b>65,000</b>	<b>74,400</b>	<b>32,500</b>
	<b>89.66%</b>	<b>86.21%</b>	<b>78.31%</b>	<b>83.22%</b>	<b>40.88%</b>
<b>TOTAL QUOTAS</b>	<b>58,000</b>	<b>58,000</b>	<b>83,000</b>	<b>89,400</b>	<b>79,500</b>

\* N.B.: South Americans of Italian origins include Argentine citizens of Italian extraction (2002, 2003); Argentine, Uruguayan or Venezuelan citizens of Italian extraction (2004, 2005, 2006); New cooperating countries include countries that were about to conclude new agreements in the migration field during the relevant year; Cooperating countries + further selected countries + previous beneficiaries include the following subcategories: i) countries that have already concluded agreements in the migration field (any such country in 2002; only Tunisia, Albania, Morocco, Moldova, Egypt in 2004, 2005, 2006 and 2007; the aforementioned plus Sri Lanka and Nigeria in 2003); ii) countries candidate to EU accession such as Bulgaria, Romania (until 2006) and the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, the Slovak Republic and Slovenia (until 2004); iii) the following countries: Serbia, Montenegro, Croatia (2003, 2004); the aforementioned plus Bosnia-Herzegovina and Fyrom (2005, 2006); all the aforementioned plus India, Pakistan, Bangladesh, Sri Lanka and Ukraine (2007); iv) citizens from any non-EU country who had already been holders of a permit of stay as foreign workers in the previous two years (2003, 2004, 2005) or in the previous three years (2006, 2007); New EU members include the eight Eastern European countries that became new EU members in 2004 and that were still subject to limitations as regards labour mobility until July 2006: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovak Republic and Slovenia; Cooperating countries + new cooperating countries + foreign citizens of Italian origins include countries that have already concluded or are about to conclude agreements in the migration field as well as foreign citizens of Italian extraction from any non-EU country.

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<b>TABLE 1: Annual immigration quotas (1998 - 2007)</b> <i>(continued)</i>					
	2003	2004	2005	2006	2007
Albania	1,000	3,000	3,000	4,500	4,500
Tunisia	600	3,000	3,000	3,500	4,000
Morocco	500	2,500	2,500	4,000	4,500
Egypt	300	1,500	2,000	7,000	8,000
Moldova	200	1,500	2,000	5,000	6,500
Sri Lanka	500	1,500	1,500	3,000	3,500
Nigeria	200	2,000	2,000	1,500	1,500
Bangladesh	300	1,500	1,500	3,000	3,000
Pakistan	-	1,000	1,000	1,000	1,000
Philippines	-	-	1,500	3,000	5,000
Somalia	-	-	100	100	100
Ghana	-	-	-	1,000	1,000
Algeria	-	-	-	-	1,000
Senegal	-	-	-	-	1,000
<b><i>Subtotal single countries</i></b>	<b>3,600</b>	<b>17,500</b>	<b>20,100</b>	<b>36,600</b>	<b>44,600</b>
South Americans of Italian origins*	200	400	200	500	500
New cooperating countries*	-	2,500	700	1,400	2,500
Coop. countries + further selected countries + previous beneficiaries*	68,500	50,000	45,000	80,000	80,000
New EU members*	-	36,000	79,500	170,000	-
Coop. countries + new cooperating countries + foreign citizens of Italian origins*	-	-	-	350,000	-
<b><i>Subtotal categories of countries</i></b>	<b>68,700</b>	<b>88,900</b>	<b>125,400</b>	<b>601,900</b>	<b>83,000</b>
<b>Total reserved shares</b>	<b>72,300</b>	<b>106,400</b>	<b>145,500</b>	<b>638,500</b>	<b>127,600</b>
	<b>90.94%</b>	<b>92.12%</b>	<b>81.28%</b>	<b>88.68%</b>	<b>50.63%</b>
<b>Total free share</b>	<b>7,200</b>	<b>9,100</b>	<b>33,500</b>	<b>81,500</b>	<b>124,400</b>
	<b>9.06%</b>	<b>7.88%</b>	<b>18.72%</b>	<b>11.32%</b>	<b>49.37%</b>
<b>TOTAL QUOTAS</b>	<b>79,500</b>	<b>115,500</b>	<b>179,000</b>	<b>720,000</b>	<b>252,000</b>

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Egypt is a further example: an agreement on police cooperation was signed by Italy and Egypt as early as 2000, but actual cooperation only started when Egyptian citizens were granted a reserved share for the first time (by the decree issued in October 2002). Then the joint control of the Suez Canal could start, and no more ships carrying migrants from the Indian subcontinent reached Italian coasts in the following years. Sri Lankans, for instance, were repatriated from Egypt with flights chartered by the Italian government: Sri Lanka had signed a readmission agreement with Italy in 2001 and had been rewarded with a reserved share for 2002 too. After Egypt proved its willingness to cooperate with regard not only to transit migrants but also to its own nationals, by readmitting thousands of Egyptians from Italy in 2004 and 2005 (although no readmission agreement had been signed yet), the Egyptian reserved share was further increased for both 2005 and 2006, reaching the maximum number ever allocated to a single country (7,000). As Egypt accepted to sign a readmission agreement with Italy in January 2007, its reserved share was increased again that year.

Reserved shares can be also reduced if a country's cooperation becomes unsatisfactory: the share reserved to Moroccan citizens was dropped from 3,000 to 1,500 in 2001 owing to the difficulties the Italian government had to face while trying to implement the readmission agreement.

The number of countries beneficiaries of own reserved shares remained unchanged from 1998 to 2000. The growing confidence of all political parties in reserved shares led to an increase from 3 to 4 countries in 2001, then to 7 in 2002. The number was gradually increased to 14 in the following years.

The centre-right government (in charge from Spring 2001 to Spring 2006) also increased the share reserved to particular categories of countries, including EU-accession candidates and other European countries as well as countries that have concluded agreements related to migration controls or are negotiating such agreements. From 2001 to 2002 the total share reserved to single countries decreased from 11,000 to 10,000, whereas the total share reserved to categories of

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countries increased from 4,000 to 37,000 that is from little more than one third to nearly the quadruple of the single countries' share. So countries of origin are given the chance to obtain a reserved share (or increase their share if they already have one) in the course of each year, and the Italian government can exert a continuous pressure on them.

Consequently, the free share has strongly decreased (both as an absolute term and as a percentage of the whole annual quota), and even after its slight increase of 2005 it has remained far below previous levels.

Only after the government change of 2006 was there a considerable reduction of both the share reserved to categories of countries and the reserved share as a whole. Nevertheless, the latter still constitutes over 50% of the total quota.

Although their function to stimulate countries of origin to cooperate in curbing irregular flows is supposed to be their main reason to exist, and the above mentioned examples seem to confirm that they can have an impact on countries of origin, it is not easy to tell how effective reserved shares actually are in this respect, since many countries have been offered also other incentives, e.g. development aid and technical equipment for police forces (Commission of the European Communities, 2004:12; Cuttitta, 20006a and 2006b).

Reserved shares may also raise ethical questions insofar as they discriminate people who are offered less chances to enter Italy legally only because of their nationality. Anyway, quotas seem to work mainly as a means of regularisation of foreign workers already residing irregularly in Italy, as shown in the following paragraph.

### **Regularisation of foreign workers through the quota system**

The second decree regarding the 1998 quota, which was issued in October (supplementing the decree of December 1997), addressed not only to foreigners residing abroad and wishing to enter Italy, but also to people residing irregularly in Italy. The quota system, which had been created with the

aim to regulate the legal entry of immigrants, turned thus into an instrument for the regularisation of irregular immigrants (Bonetti, 2004; Santoro, 2006).<sup>4</sup>

Although no further regularisation programmes were officially carried out by means of the quota system,<sup>5</sup> things did not change much in fact in the following years. Bureaucratic obstacles slowed up procedures for regular immigration, and employers were reluctant to employ people they had never met before: only from 2000 to 2002 was it possible for small numbers of foreign workers to enter the country in order to look for a job within the quota system – then new law provisions made entry procedures even more complicated than they were before. So every year tens of thousands of foreigners queue at Italian post offices in order to submit their applications in time, showing that quotas are used mainly by foreigners who already reside and work irregularly in Italy. Ironically, if their applications – which are signed and formally submitted by their employers – are accepted they have to leave Italy irregularly first, then they must obtain an entry visa from the Italian consulate in their home country, and finally they can enter Italy regularly. This is because according to Italian law employers should only apply for workers residing abroad. Since 2003 beneficiaries of reserved shares can also be citizens from any non-EU country who have been granted a permit of stay in previous

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<sup>4</sup> The decree set a ceiling of a further 38,000 permits of stay (to be added to the 20,000 set by the previous decree) that could also be granted to people who had been residing in Italy before 27 March 1998. In 1999 another legislative measure granted a permit of stay to all 217,000 foreigners who met the requirements set by the previous decree and who had applied before the deadline of December 1998. This further measure was not a decree regulating the inflow of foreign workers, so the 1998 and 1999 quotas remained formally unchanged.

<sup>5</sup> A massive regularisation programme was carried out in 2002 on the basis of Law 189/2002 (also known as *legge Bossi-Fini*) instead. Around 650,000 foreign workers were granted a permit of stay within this framework.

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years and have left Italy after its expiry, but most of those who apply under this category are in fact over-stayers – that is people who have remained irregularly in Italy after the expiry of their permit of stay.

Actual labour demand in Italy seems to be much higher than political actors are willing to admit, and yearly quotas mostly prove insufficient, although they have been increased almost every year. Even the centre-right government coalition, that had won the 2001 elections after announcing restrictions on immigration, had to bend to employers' associations requesting drastic increases: so, after a slight decrease in 2002, the 2004 and 2005 quotas were twice and three times as high respectively as the 1998 and 1999 ones (which had been set by the previous government). Still, the 2005 ceiling proved too low (Melchionda and Pittau, 2006), so the quota was nearly doubled for 2006, as Italy decided to allow entry to 170,000 citizens of non-EU countries and 170,000 citizens of states which had joined the EU in 2004. Afterwards the new centre-left government decided, in July 2006, to lift restrictions towards nationals of new EU countries, and then admitted a further 30,000 non-EU citizens as seasonal workers. Finally it also issued another decree allowing the entry of a further 350,000 non-EU citizens as non-seasonal workers. The reason for this was that around 500,000 people had applied for the non-EU quota, and it was evident that almost all of them already resided in Italy. So the last 2006 decree was regarded from the beginning as a regularisation programme in disguise.

Procedures for the 2006 quota were heavily delayed as a consequence of the unprecedented number of applications submitted. As a result, the main decree establishing the 2007 quota could only be issued in November 2007, which was after the previous year's procedure was completed. A total of 252,000 entries was allowed for 2007, that is not only greater than for any other year before 2006 but also greater than for 2006 itself if one deducts from that quota both the share for citizens of new EU member states (no longer subject to limitations) and the 350,000 crypto-regularisations of the last

2006 decree. At the end of the year nearly 700,000 applications had already been submitted.

Currently, the Prodi government aims at a law change. Quotas should be established on a three-year basis in order to simplify procedures, and permits for the job search should be granted in order to reduce irregular entries and the resulting misuse of the quota system.

### Conclusions

The Italian quota system has been conceived as an instrument for the quantitative limitation and the qualitative selection of foreign workforce: not only does it set limits to the number of foreigners to be admitted to the Italian labour market, but it also sets nationality-based criteria to decide who should be offered more opportunities.<sup>6</sup> Reserved shares for particular countries or categories of countries have been established as an incentive for countries of origin to cooperate with Italy in curbing unwanted immigration.

From a quantitative point of view, the growing demand for foreign workers in the labour market has led to an increase of the annual immigration quota. Still, quotas have proved too low, procedures too slow and requirements too difficult to meet, both for workers and employers. As a result, foreigners are *de facto* forced to enter the country irregularly and try to use entry quotas as a regularisation instrument. Considering that: a) applications regard mostly people already residing and working irregularly in Italy; b) the number of applications notably exceeds the available quota; c) massive regularisation programmes have been carried out in 1998/1999 and 2002 in addition to yearly quotas; it can be argued that the quota system has failed in limiting and regulating the inflow of foreign workforce.

From a qualitative point of view, reserved shares for citizens from particular countries or categories of countries have

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<sup>6</sup> Other qualitative selection criteria have not been investigated in this article, such as the distinction between self-employed people and contract workers, and between temporary and seasonal workers.

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been increased too, and the share for citizens from all other countries has been consequently reduced. Although the examples mentioned in this article seem to confirm that reserved shares may improve the willingness of countries of origin to cooperate in the field of migration controls, it is indeed difficult to tell how effective they actually are in this regard, since such countries have been offered other incentives too. Furthermore, reserved shares raise ethical questions insofar as they discriminate between individuals on the basis of their nationality.

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