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**Master's degree in
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**BOCCIATO! ITALY'S FAILED ATTEMPT AT
UNCAPPING INTERNATIONAL STUDENT
POTENTIAL**

**A LESSON ON ECONOMIC IMMIGRATION FROM THE
GREAT WHITE NORTH**

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“To: Signora Mazzega e bambino”

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LIST OF ACRONYMS

AIRE	Anagrafe degli Italiani Residenti all'Estero
ANPAL	Agenzia Nazionale per le Politiche Attive del Lavoro
CDP	Career Development Practice/Practitioner
CEFR	Common European Framework of Reference for Languages
CIMEA	Centro di Informazione sulla Mobilità e le Equivalenze Accademiche
CRS	Comprehensive Ranking System
EC	European Community
EEA	European Economic Area
EHEA	European Higher Education Area
ENIC	European Network of Information Centres in the European Region
EQF	European Qualifications Framework
ERASMUS	European Community Action Scheme for the Mobility of University Students
EU	European Union
FO	Foreigners' Office
HCI	Human Capital Index
HEI	Higher Education Institutions
HNWI	High-Net Worth Individuals
ILO	International Labour Organization
IRCC	Immigration, Refugees and Citizenship Canada
ISCED	International Standard Classification of Education
ISTAT	Istituto Nazionale di Statistica
LMIA	Labour Market Impact Assessment
MIUR	Ministero dell'Istruzione, Università e Ricerca
MoU	Memoranda of Understanding
NARIC	National Academic Recognition Information Centre
OECD	Organisation for Economic Co-operation and Development
OLMC	Official Language Minority Communities
RCIC	Regulated Canadian Immigration Consultants
RISIA	Regulated International Students Immigration Advisor
ROI	Return on Investment
SET	Student Engagement Team
STCA	Safe Third Country Agreement
STEM	Science, Technology, Engineering, and Mathematics
TFEU	Treaty on the Functioning of the European Union
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
VET	Vocational Education and Training

ABSTRACT

This study aims to explore why immigration seen as an asset difficultly translates into Italian environment. More specifically, it looks at the ability for the nation to attract and retain international students as it has been lagging behind its neighbours. An important discrepancy between the European Union (EU) macro-objectives on the matter and Italian street-level application have been perceived. Hence, three levels of analysis (macro, meso, and micro) are used to bring to light barriers faced by the individuals in their dual character of immigrant and student. Specifically, issues around reactive immigration policy, discretionary powers, bureaucratic challenges, Italianità, and an absence of a human capital vision are the key factors in this trend. The Italian condition is juxtaposed with Canada's human-capital focused policy in an attempt to integrate best practices into the Belpaese. Two key complementary importations from the Canadian framework have been suggested: the creation of parallel, points-based, regional sponsorship allowing for access to a reduced period of required for EC long-term residence, and the creation and integration of Registered International Student Immigration Advisor as part of university welcome departments.

INTRODUCTION

“Ma...È sicuro che Lei non è italiano?” (*Are you sure you’re not Italian?*), said the clerk as I presented my type-D study permit at my Italian town hall of residence, “È Lei che me lo deve dire!” (*you tell me!*), I answered. She glanced at my Canadian passport and continued, “che coincidenza, mia figlia studierà a Toronto e tu vieni a studiare qua!” (*what a coincidence, my daughter is going to study in Toronto and you’re coming to study here!*). Perhaps unaware, the municipal employee’s question is one still largely unanswered in Italian political circles. In me, it evoked further doubts: *What is an “Italian”?* *What does it take to become one?* *What are the mechanisms at play to establish the in- and out-groups?* Back in Canada, I worked as a Regulated Canadian Immigration Consultant (RCIC) and as an Immigration Settlement Officer. My duties included travelling to France and Belgium to promote Canada as a destination country, coordinating pre- and post-arrival settlement services, assessing, and educating clients on the various immigration and citizenship streams, and reporting to Immigration, Refugees and Citizenship Canada (IRCC) to guide bottom-up policy development. In partnership with a local tertiary institution, our team members were trained and awarded a Career Development Practice (CDP) certificate (career counselling) to manage immigration in line with economic and sectoral employment targets. This immigration/job readiness link was of particular importance when, for a point in my career, I was responsible for international students.

A hint on where thus philosophy emerged lies in the nation’s history: Canada as a concept was one created due to economics. French and British colonists expanded their territories to further their own financial interests. Hence, from its inception, the logic fuelling Canadian immigration law answered the questions: *Who do we need?* *How do we get them here?* and *How can we make them stay?* This instrumental, human capital-based approach to immigration has therefore evolved in close relation to economic, cultural, and political will in the nation. Ironically, my family’s Italian citizenship fell victim to Canada’s ingenuity: in 1958, Canada Immigrant Visa GH-19742-43 was issued (fig. 1) and Air France

booking, “Viaggio Milano/Vancouver – Signora Mazzega e bambino” was emitted at Compagnia Italiana Turismo, piazza Cavour 11, Padova (fig. 2).



Figure 1, Canada Immigrant Visa (1958)

Nostalgia aside, this shift represented a transfer of capital that is often overlooked: Grandpa had graduated from the R. Università di Padova (fig. 3), Grandma was one of the few women who had a driving licence (fig. 4) (she had also acquired valuable work experience working in university’s administration), and between them they spoke English, French, Italian and German. They and their “bambino” (my father in the story) had benefited from services afforded to them by the Italian State in matters of health, education and infrastructure before hopping over the Atlantic with their human capital in hand.



Figure 2, Milano-Vancouver (1958)

In contemporary terms, this type of flux is referred to as brain drain and is typical of countries of emigration. But, just as the trends in the movement of people shifted in the *belpaese*, so must policy and mentality regarding newcomers. Paradoxically, my family's emigration story is a defining component of my *Italianità*¹ and, at the same time, it made me eligible for a tuition-fee waiver for non-Italian students.

¹ Eva Garau, *Politics of National Identity in Italy: Immigration and 'Italianità'*, 1st ed. (London, England: Routledge, 2015), 7.



Figure 3, Tessera di Immatricolazione

This brings me to other questions: *Why hasn't Italy sought a return on its investment on foreign students?* Canadian immigration law sees this class of persons as ideal permanent integration into the national fabric. If there is something that we can learn from Canada, it is its ability to have transformed itself to one of the world's leading economies by fostering inward capital of all sorts (human and other).

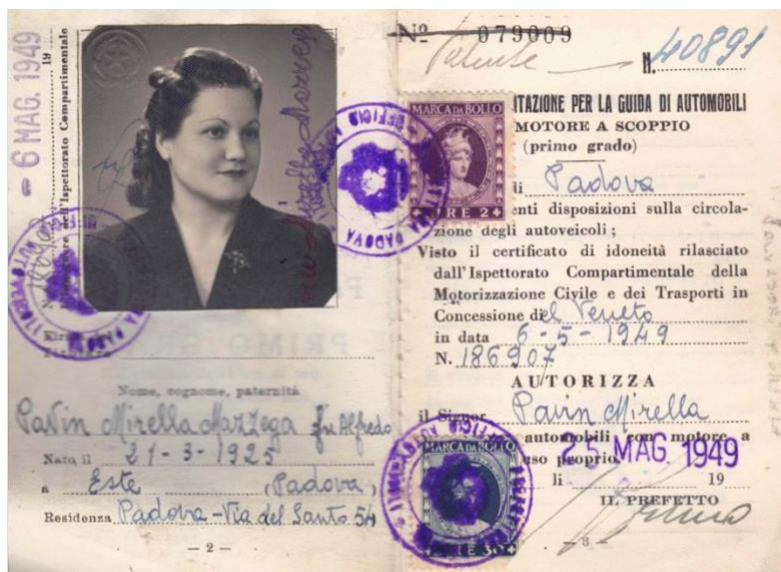


Figure 4, Patente di Abilitazione per la Guida di Automobili (1949)

This study aims to explore why immigration seen as an *asset* difficultly translates into Italian environment. Before going any further, it must be said that we will be distancing ourselves from low-skilled immigration in Italy. This choice is not to discredit any potential benefits or to overlook any potential problems brought on by its dominance in the Italian territory². Simply, its complexity—and its existence—cannot be explained from the Canadian perspective.

The scope of this study will also be limited the analysis of students in tertiary programmes at accredited Higher Education Institutions (HEI). A further terminological note: contrary to the American conception of *international student* meaning “student from another nation”, in the European context, the term restricts itself to a “non-EU/EEA country” sense. This latter notion is the one adopted for this work. Furthermore, when referring to *retention* we will restrict ourselves to retention *after graduation* from an Italian HEI.

Although close in age, Italy (1861-1870) and Canada (1867), have diverging histories on the matter—one nation having been constituted as a settlement colony and the other having become a destination country in the 1970s³; one being geographically isolated, the other peninsular and at the border of the Global South. Consequently, it is no surprise that immigration discourse in Italy has evolved in relation to polarizing politics and reactive emergency measures⁴. It has also been shown that Italy is particularly sensitive to geopolitical phenomena⁵.

One might say that apples and oranges cannot be compared, but I posit that valuable lessons can be drawn based on these contrasting views on immigration. To Italy’s credit, Canada could have borrowed Italian reactivity to deal with recent unforeseen events. One such example occurred when President Trump came to power in 2017, Canada’s refugee-processing system was disrupted by a surge in applications from people in the United States who—

² Massimiliano Bratti and Chiara Conti, “The Effect of Immigration on Innovation in Italy,” *Regional Studies* 52, no. 7 (2018): 934.

³ Bruno Mascitelli and Chiara De Lazzari, “Interculturalism, Multiculturalism and Italianness: The Case of Italy,” *Australian and New Zealand Journal of European Studies* 8, no. 2 (2021): 49, <https://doi.org/10.30722/anzjes.vol8.iss2.15165>.

⁴ Alessandro Vaccarelli, “Studiare in Italia: Interculture e Inclusione All’Università,” *Studiare in Italia : Interculture Inclusione All’Università*, La Melagrana (Milano, Italy: Ministero dell’Interno, 2015), 33.

⁵ Ibid.

fearing deportation and other sanctions—transited to the northern border⁶. The United States being designated as “safe” by the 2004 Safe Third Country Agreement (STCA) required Canada to process (and ultimately deny) applicants and send them back to the U.S.A.



Figure 5

Considering this, Canada lacked legal mechanisms to cope with the unexpected turn of events which caused the need to expend resources in combatting disinformation on social media (fig. 5 and 6). As I was working in immigration at the time, the challenge at hand was finding other forms of temporary residencies allowing the migrant to enter all the while respecting our international obligations. Since I was in the francophone branch of the department, my work primarily consisted of matching candidates from Haiti and ex-colonial Africa with employers. In turn, this allowed them to enter as part of the C-16 Francophone Mobility Programme which was open to French-speaking people (and their immediate family) who had been offered qualified employment outside of Québec in hopes of strengthening official language minority communities (OLMC).

⁶ Reuters, “Canada’s New Wave of Asylum Seekers,” 2018, <http://fingfx.thomsonreuters.com/gfx/rngs/TRUMP-EFFECT-CANADA-IMMIGRATION/0100617F2J1/index.html>.



Figure 6

Although the objective of this work is to focus on what Italy can learn from Canada, this example stresses that the potential adoption of best practices is bidirectional and could be a fertile field for study. A first glance at the literature reveals an important discrepancy between European Union (EU) macro-objectives and street-level, micro-application, in Italy⁷. Hence, this work will adopt a strata-by-strata approach to unveil which actors are at play in the Italian context to anticipate potential issues in the application of Canadian mechanisms.

When entering a member country for the purpose of study, the migrant is subject to two forms of inspection. The first is of academic nature and is the competence of national universities; the second, is migratory, and is the competence of foreign diplomatic missions, national immigration offices, and

⁷ European Migration Network, “Attracting and Retaining International Students in the EU in 2018,” 2019; Giulia Fabini, “Managing Illegality at the Internal Border: Governing through ‘Differential Inclusion’ in Italy,” *European Journal of Criminology* 14, no. 1 (2017): 46–62; Mariagrazia Santagati, “Interculturalism, Education and Society: Education Policies for Immigrant Students in Italy,” *Australian and New Zealand Journal of European Studies* 8, no. 2 (2016): 6–20, <https://doi.org/10.30722/anzjes.vol8.iss2.15162>; Anna Triandafyllidou, “Immigration Policy Implementation in Italy: Organisational Culture, Identity Processes and Labour Market Control,” *Journal of Ethnic and Migration Studies* 29, no. 2 (2003): 257–97; Anna Tuckett, “Strategies of Navigation: Migrants’ Everyday Encounters with Italian Immigration Bureaucracy,” *Cambridge Anthropology* 33, no. 1 (2015): 113–28.

border enforcement. Consequently, being an international student should not only be considered as a personal condition or circumstance, but as an immigration class implying rights, obligations, opportunities, barriers, and a given timeframe. Thus, when trying to analyse international student retention, close attention will be placed on the undivorceable link between the student and his or her immigration status. Accordingly, the dual character of the individual as both an *immigrant* and *student* will be maintained throughout the study.

CHAPTER I. POLICY OF CONVERGENCE

1.1. Macro Analysis: European Union Legal Framework

Before going any further, it is important to contextualize Italian immigration policy in its wider European context. Considering the European Union's *aquis communautaire*, it is no surprise that it acts as a converging force between its members states in the management of the movement of people. In the interest of this work, the Union's attitude and legal framework vis-à-vis international students will be emphasized.

1.1.1. EU International Student Policy

The source of European Immigration policy is largely found in the form of EU directives, resolutions, and pan-EU organizations. The first major step in the international student admission is often viewed as the *Council Resolution of 30 November 1994 on the admission of third-country nationals to the territory of the Member States for study purposes*. In 1997, the *Convention on the Recognition of Qualifications concerning Higher Education in the European Region* was signed and ratified by non-member states Australia, Belarus, Canada, the Holy See, Israel, Kazakhstan, Kyrgyzstan, Tajikistan and New Zealand.

The next important mention is the 1999 *Bologna Declaration* which ensured European co-operation in quality assurance, mobility, a common system of credits, easily readable and comparable degrees, harmonization of cycles, and institutional co-operation. This step was adopted with the aim of enhancing the competitiveness of the European Higher Education Area (EHEA). In 2004 and in 2005, EU directives establishing common entry requirements for study, exchanges, and researchers came into force which later evolved into the directive currently in vigour, *Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, study, training, voluntary service, pupil exchange schemes or educational projects and au pairing*. Proof of acceptance by a HEI, proof of sufficient resources to cover living costs, tuition,

and health insurance (except in Belgium) are required for the issuance of a visa and the subsequent residence permit and its renewals. On a more pessimistic note, Directive 115/2008/CE even provides common standards to return third-country nationals should they be expelled from the country.

The European Migration Network (2019) is an authority on student migration inside the EU and provides us with noteworthy side-by-side statistical comparisons. In its most recent publication on the matter, *Attracting and Retaining International Students in the EU in 2018*, it states that, in 2017, over 460,000 first residence permits for study reasons were issued in the EU. There has been a perceivable upward trend in enrolments since 2013⁸. The top countries of origin of the students were: China (118,830 permits), the United States (33,000 permits), India (32,317 permits), Ukraine (16,248 permits), Morocco (13,472 permits), South Korea (11,358 permits), Brazil (10,414 permits) and Turkey (9,941 permits). The top destinations were the UK (180,000), France (80,000) and Germany (40,000). Unfortunately, Italy fell short compared to its western European counterparts ranking seventeenth out of the twenty-eight countries studied⁹.

1.1.2. EU Objectives: Attracting and Retaining International Students

Harmonizing the EU was an important first step in also harmonizing objectives and admission criteria for non-EU nationals. Finally, a common set of standards could be used to evaluate, orientate, and promote the EU as a place for international study. The rationale of this undertaking was two-fold—combatting irregular migration by ensuring that member states acted in unison and to contribute to a more competitive economy¹⁰. The need for this was reiterated in the 2015 European Agenda on Migration¹¹. Promotional activities reported in member states included, “dissemination of information targeted at prospective international students, for example through online portals or education fairs

⁸ European Migration Network, “Attracting and Retaining International Students in the EU in 2018,” 2019.

⁹ Ibid, 6–12.

¹⁰ Ibid, 7–8.

¹¹ Ibid, 7.

organized in third countries, scholarships provided both by the state and HEIs, as well as availability of English-language programmes”¹². Under the new Directive, students are allowed to work during their studies (minimum 15 h/week) and profit from the procedural guarantees (decision on an application within 90 days and provision of a justification of a negative decision)¹³. A third major factor in promoting international students demonstrates the EU political will of retaining those students. This is found in Article 25 of the Students and Researchers Directive which, “provided for a residence permit for the purpose of seeking employment or self-employment/starting up a business after completion of studies [...] for a minimum duration of 9 to 24 months”¹⁴. Some countries, including Italy, also allowed for family reunification visas to be issued to relatives of students in their country¹⁵. Outside of the legal realm, measures for retention included, “facilitation of labour market access, including exemption from labour market tests, exemption from salary thresholds (where such conditions were in place), and exemption from having to obtain a work permit”¹⁶.

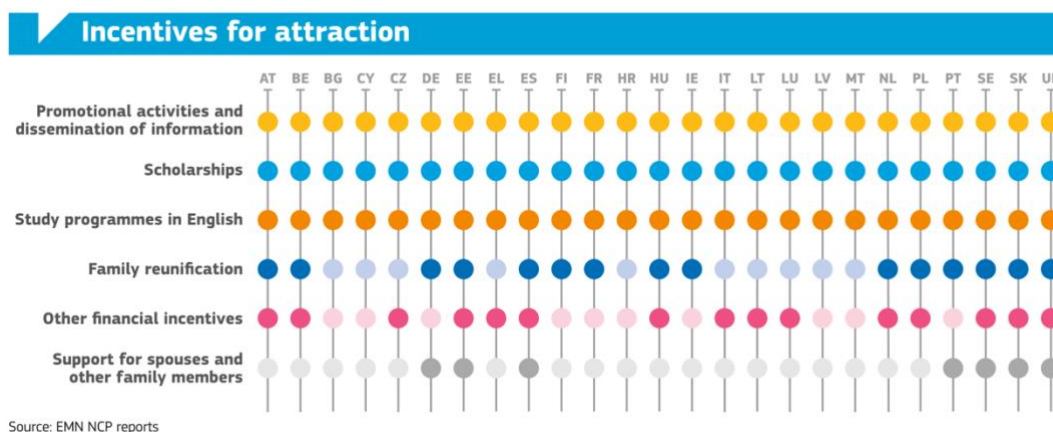


Figure 7, Incentives for Attraction¹⁷

¹² Ibid.

¹³ Ibid, 9.

¹⁴ Ibid.

¹⁵ Ibid, 6-7.

¹⁶ Ibid, 7.

¹⁷ Ibid, 4.

1.1.3. Educational Actors

Although immigration in the EU is structured in vertical, top-down matter, norms are also established horizontally by pan-European actors. The *European Network of Information Centres in the European Region* (ENIC) is an association of each member state's *National Academic Recognition Information Centres in the European Union* (NARIC). Together, they are tasked with establishing EU equivalencies for foreign credentials. The authority in the Italian context is the *Centro Informazioni Mobilità Equivalenze Accademiche* (CIMEA). The guiding principle for the evaluation of extra-communitarian credentials is realized through guidelines from Bologna Process using the *European Qualifications Framework* (EQF). Furthermore, the *Common European Framework of Reference for Languages* (CEFR) facilitates the evaluation of linguistic requirements for admission and immigration matters. The CEFR-accredited exams are largely coordinated by universities and cultural association such as the Università per Stranieri di Siena, British Council, l'Alliance française, Goethe-Institut, and the Instituto Cervantes. These organizations are found all around the globe therefore ensuring adequate linguistic mastery before arrival. The EU uses the *International Standard Classification of Education* (ISCED) which is maintained by the United Nations Educational, Scientific and Cultural Organization (UNESCO). Since 2014, it has implemented its data collection framework which strengthened the validity of comparative analysis. The Erasmus Programme (**E**u**R**o**p**ean **C**ommunity **A**ction **S**cheme for the **M**obility of **U**niversity **S**tudents) was established by the EU in 1987 and was revamped in 2014 to encompass sport, lifelong learning, youth in action, training, and international co-operation programmes (and adding a '+' to its name). Universities also play a role by signing memoranda of understanding (MoU) by establishing course equivalencies, dual- and multi-campus degrees.

1.1.4. Challenges

As seen in the graphics (fig. 7 & 8), the attraction and retention initiatives by different member states are uneven. Challenges reported in the attraction of students included, “limited availability of courses taught in foreign languages (especially in English); lengthy processing times of applications for visas and residence permits (especially for Member States with insufficient representation in third countries); and insufficient promotional activities and scholarship possibilities”¹⁸.

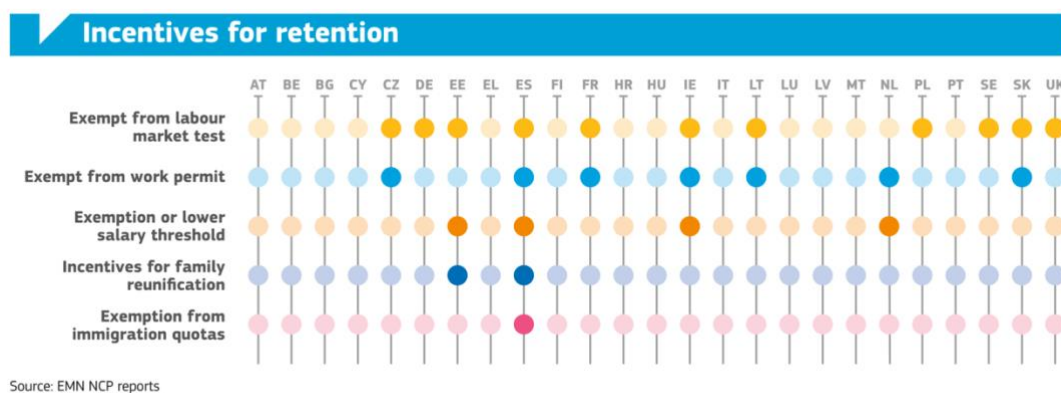


Figure 8, *Incentives for Retention*¹⁹

When it came to retaining students, further issues came to light, “a high national unemployment rate and unfavourable economic situation as well as challenges around extensions of permits, including long processing times”²⁰. In the previous section, English-language programmes were seen an important building block of promotional strategy. In most cases, as in the case of Italy, students admitted to such programmes are not required to meet national language requirements for admission (as is the case for this MA programme); instead, proof of sufficient English sufficiency is required. As we will see further, the bridge between education and employment is vital in retaining international students by allowing them to access/retain status. Hence, lack of skill in the national language can

¹⁸ Ibid, 7.

¹⁹ Ibid.

²⁰ Ibid, 4.

impede the likelihood for professional integration and the meeting immigration requirements.

CHAPTER II. IL SISTEMA PAESE

2.1. Meso Analysis: The Italian State

In the previous chapter, EU macro level policy and objectives regarding the promotion of Europe as a destination for study and international student retention was presented. As seen in figures 7 and 8, Italy has lagged in its ability to successfully recruit and retain foreign students. In 2017, Italy issued 2,893 first time study permits and ranked seventieth out of the twenty-eight European Union countries evaluated (Table 1)²¹. The differences between its statistical neighbours should also be contemplated adjusted to population size: with Slovakia representing roughly one twelfth of Italy's population and Czechia representing one sixth of it²². Hence, Italy's gap takes a sizeable dimension when adjusted to a per capita basis.

A deeper reflection on the semantics of the term "immigration" are indeed a clue on how reality came to be in the Italian context. For starters, *immigrant* brings about the existence of a native or indigenous population, an established territory, and legal mechanisms which prescribe one's status delimiting legality and illegality. It goes without saying that the terminological building blocks of this notion also vary in chronological, political, and geographical space (for example the differed meaning of *nation*, *indigenous*, and *native* in ex-colonies)²³. In short, this opposition brings about the division between the in-group and the out-group. Hence, this chapter examines this problem with two further levels of analysis: meso-level (the Italian State and its derivatives) and the micro-level (street-level application).

Table 1

EU- 28 countries	460 694
United Kingdom	1 79 633
France	80 566
Germany	39 546
Spain	37 531
Poland	21 579
Netherlands	16 873
Ireland	13 519
Hungary	10 779
Sweden	9 620
Belgium	6 248
Finland	5 094
Cyprus	4 861
Portugal	4 057
Austria	3 876
Romania	3 817
Czech Republic	2 934
Italy	2 893
Slovakia	1 729
Latvia	1 566
Slovenia	1 344
Bulgaria	1 267
Estonia	1 072
Lithuania	898
Croatia	472
Luxembourg	372
Malta	326
Greece	286

EMN, 2019

²¹ European Migration Network, "Attracting and Retaining International Students in the EU in 2018" (2019), 12, <http://proxy.lib.sfu.ca/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=eue&AN=95938607&site=ehost-live>.

²² "Population, Total - European Union | Data," accessed July 4, 2022, <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=EU>.

²³ Aboriginal Infant Programs in B.C. (AIDP), "Terminology of First Nations, Native, Aboriginal and Metis (NAHO)," 2010.

Together, these two strata act as the inspiration for this chapter's title, "Il Sistema Paese" [the system of a country], a term borrowed from A. Tuckett (2015), which aims to bring to light the breakdown of EU will across the different layers of Italian implementation.

In the first section, we will understand how Italy's atypical migratory history and the contested notion of *Italianità* have influenced public opinion—and by extension—policy in the country. In the second section, we examine street-level application and discover the role of discretion within Italian bureaucracy. Here, we will also learn the multiple tacit actors who are part of the immigration decision process. The weight that these factors hold in the country is to such an extent that, A. Tuckett, argues that the very navigation of the system is part of their integration process²⁴. Additionally, this acquisition of cultural knowledge demonstrates commendable adaptability and resourcefulness on the immigrant's part²⁵.

2.1.1. International Student Policy in Italy

As seen in the previous chapter, one source of immigration policy in Italy is through the ratification of EU directives. This was the case with Directive 2016/801/EU, which translated into Italian Law 163/2017 through Legislative Decree 71 on May 11, 2018. As mentioned earlier, Italy has—at least at the political level—adhered to EU-will to attract and retain international students. In the national context, this has been translated into the following major incentives:

- a. Law 148 (11 July 2002), which deals with the recognition of the foreign qualifications
- b. Law 122 of (30 July 2010) which established the Uni-Italia Centres which aim to attract foreign students and researchers to Italian universities by promoting the Italian educational offer and to encourage university co-operation between Italy and other countries.
- c. Bilateral treaties with third countries
- d. University regulations reserving a percentage of admission for international students and including courses taught in English
- e. Budget law 205/2017 which has allocated specific funding in order to enhance the internationalization of education.

²⁴ Tuckett, "Strategies of Navigation: Migrants' Everyday Encounters with Italian Immigration Bureaucracy," 4.

²⁵ Ibid.

- f. The 2017/2020 Strategy which provides for a high number of actions for the internationalization of higher education such as the simplification of access to courses and visa procedures for international students, as well as enhancement of information resources.²⁶

In addition to law, the Italian state commissioned the *Strategia per la promozione all'estero della formazione superiore italiana* [Strategy for the Promotion of Italian Higher Education Abroad] which brought together relevant sectoral actors to stimulate interest in Italian schools. The report was guided by three major areas of investigation:

- A. The analysis of international students flows, the establishment of priority geographic areas of interest and of key sectors, and areas of improvement in the promotion and recruitment of international students.
- B. Access to courses and current immigration procedures.
- C. Tools and strategies to promote the Italian higher education system abroad.²⁷

Following their analysis, the cohort outlined seven major recommendations:

1. Mapping of international students through the creation of a centralized national database
2. Simplifying access to courses, degree evaluation, emission of visas and residence permits
3. Re-enforcing “Universitaly” and the creation of other mediums to promote academic offer.
4. Leveraging Italian culture and language
5. Strengthening of lightweight promotional instruments: i.e. streamlined, with robust governance and diffused through consular and cultural networks (as defined in Uni-Italia 2.0).
6. Creation of “roadshows” and satellite institutions geared at promoting Italian higher education abroad.
7. Other promotion initiatives: ex. summer programmes, MOOCs, foundation programmes, cross-border education, bilateral agreements.²⁸

As mentioned above, part of this strategy involved promotion platforms such as Universitaly and Uni-Italia²⁹. At first glance, both websites seem dated and hard to navigate. On a positive note, Universitaly maintains an impressive database of courses taught in English and information on scholarships in English.

²⁶ European Migration Network (EMN), “Gli Studenti Internazionali in Italia e in UE,” 2019, 8–9.

²⁷ Ministero degli Affari Esteri e della Cooperazione Internazionale Ministero dell’Istruzione dell’Università e della Ricerca Ministero dell’Interno Conferenza dei Rettori delle Università Italiane Università per Stranieri di Perugia Università per Stranieri, “Strategia per La Promozione All’estero Della Formazione Superiore Italiana,” 2017, 11.

²⁸ Ibid, 13-17.

²⁹ European Migration Network, “Attracting and Retaining International Students in the EU in 2018,” 2019, 17.

Unfortunately, the goal of diffusing these resources through diplomatic and international student networks seems to have limited impact as knowledge of these tools was inexistent among me and my international student peers.

Unlike the majority of EU Member States, Italy focused on promoting the fields of the arts, design, and architecture³⁰. The few other states who targeted specific fields tended to concentrate on the science, technology, engineering, and mathematics (STEM) sector³¹. A notable exception is the Canada - Québec bilateral agreement which was in place between 2017 and 2019 which promoted the fields of Big data and data protection; climate change and biodiversity protection; biotechnology and precision medicine; new materials, photonic optics, nanotechnology and nanosecurity; food safety and agriculture; smart cities and communities; aerospace and physics; marine sciences and oceanography, arctic³².

Rightly so, these examples of stakeholder-driven strategic development should be applauded as good practices in sustaining growth in the international education sector. Conversely, in the Italian context, EU law seems to have filled national legal vacua largely explained by a reactive response to immigration *tout court*. Perhaps this top-down integration of inorganic policy is part of the reason why its fruition has been limited on Italian soil. To better grasp the root of this incompatibility, light must be shed on the legal context in which immigration law evolved in Italy.

2.1.2. Immigration Law

A simple look at migration data brings to light key trends regarding the movement of people. Emigration was seen as a solution for the densely populated resource-poor country. Between 1876 and 1942, 19 million people left Italy³³. The net outflows continued until the 1970s and, in 1974, more Italians re-entered Italy than exited due to labour market conditions in neighbouring

³⁰ Ibid, 11.

³¹ Ibid.

³² European Migration Network (EMN), “Gli Studenti Internazionali in Italia e in UE,” 23.

³³ Mascitelli and De Lazzari, “Interculturalism, Multiculturalism and Italianness: The Case of Italy,” 6.

countries³⁴. Legislative action was deemed necessary when, between 1984 and 1989, roughly 800,000 people entered the country (most of whom did not have a valid residence permit)³⁵. As a result, changes in the 1980s replaced the 1931 Fascist-era public security law called the Rocco Code to establish a framework to manage residence in the country. In turn, this strengthened Italy's capacity to respect its 1975 commitment to Convention NR. 143 of the International Labour Organization (ILO) which guaranteed human as well cultural rights to migrant workers and their families who were *legally* within its territory. We will see later how this has crucial connotations.

In 1990, the creation of the Martelli law was the first comprehensive law tackling visa requirements, Schengen, and deportations. Awareness of the shift in migratory trends also brought about the creation of a monitoring centre for immigration (*osservatorio sull'immigrazione*) as a counterweight to the pre-existing centre for emigration (*osservatorio sull'emigrazione*)³⁶. In contrast with the provisions found in Ministerial memorandum No. 51 of 4 December 1963 of the Ministry of the Interior³⁷ which solely viewed the migrant as a worker, the Martelli Law widened the scope of immigration law³⁸. When considering international education, it is also important to note that this law allowed for the conversion of study permits into work permits and opened the door for minors aged 14-18 to join their parents who worked in Italy³⁹.

In fact, immigration for academic purposes reacted to economic and political circumstances in neighbouring countries. Up until the late 1960s, international students in Italy were dominated by western Europeans searching for higher quality education⁴⁰. In 1967, the Greek coup d'état created a new type of international students: those who left their countries due to political reasons⁴¹. This peaked in 1982 when 113,000 students enrolled in the shadow of the Iranian

³⁴ Ibid, 49.

³⁵ Ibid, 55.

³⁶ Garau, *Politics of National Identity in Italy: Immigration and 'Italianità'*, 154.

³⁷ Ibid, 148.

³⁸ Ibid, 155.

³⁹ Ibid, 147.

⁴⁰ Ibid.

⁴¹ Ibid.

revolution⁴². In response, policy aimed at making it increasingly difficult for foreign students to study in Italy was passed between 1973 and 1990. Accordingly, this brought about a steady decline in the number of enrolments⁴³ in part due to the use of *sanatorie* [regularization programmes] which allowed individuals to obtain status⁴⁴.

Suddenness and unanticipated migration events have traumatized the Italian psyche making it suffer from the *sindrome da assedio* [invasion syndrome]. The perduring trope of the invasion of Italian shores finds its origins following the event which transpired on August 8, 1991, in Bari. On ‘*Quel giorno che gli Albanesi invasero l’Italia*’ [that day where the Albanians invaded Italy] the Vlora docked on Italian shores carrying 20,000 Albanians⁴⁵ (fig. 9). A clear parallel between this and the current Mediterranean can be observed in European discourse⁴⁶.



Figure 9, Vlora docked to a quay in the port of Bari, public domain

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid, 147-149.

⁴⁵ Ibid, 155.

⁴⁶ Laura Cervi and Santiago Tejedor, “‘Africa Does Not Fit in Europe’: A Comparative Analysis of Anti-Immigration Parties’ Discourse in Spain and Italy,” *Migraciones* 51, no. 51 (2021): 207–39.

This event, the fall of the Berlin Wall, and the conflict in Yugoslavia were a turning point which marked an increase in legal and illegal migration. In response to a feeling of control loss, a policy of frequent sanatorie began in 1986 and has lasted until now⁴⁷ (the most recent amnesty happening in 2020⁴⁸).

The Turco-Napolitano law of 1998 was the first attempt at removing some of the obstacles put in place by the reactive measures⁴⁹. It also introduced a focus on settlement and integration⁵⁰. In doing so, other EU countries were reassured that Italy would not be a permeable point of the Schengen Zone⁵¹. Three aspects were prioritized: “the need for a strict planning of the incoming flows of immigrants; the will to introduce new measures against organized crime linked to the smuggling of people across the borders; and the importance of citizenship and integration policies for immigrants”⁵². In the same vein, it permitted for new types of renewable work visas which allowed immigrants to reach five years of temporary residence and be granted a permanent residence card (now called the European Community residence permit for long-term residents). This new pathway was an important shift which finally recognized that immigration could be permanent⁵³. Conversely, the establishment of the *Decreto flussi* stipulated the yearly number of non-EU people admitted from outside Italy for work purposes (subsequent to bilateral agreements with foreign states). The true ethos of the law can be seen in that it included the “reinsertion of the migrant in the origin country” as an objective. Later we will see how its actual use widely differs from this intention. Another novel factor of the Turco-Napolitano law was adoption of a bottom-up, *concertazione* (public consultation), approach which made use of an advocacy coalition in the drafting of laws⁵⁴. Unfortunately, as Garau (2015) noted, few of the coalition’s recommendations appeared on the final text⁵⁵.

⁴⁷ Ibid, 148.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Mascitelli and De Lazzari, “Interculturalism, Multiculturalism and Italianness: The Case of Italy,” 58.

⁵¹ Garau, *Politics of National Identity in Italy: Immigration and ‘Italianità’*, 158.

⁵² Ibid.

⁵³ Ibid, 149.

⁵⁴ Ibid, 158.

⁵⁵ Ibid, 159.

Although some encouraging changes were seen in the Turco-Napolitano law, the social and political reality of the mid-nineties was dominated by the rise of the right and the foothold of Lega Nord, populism, as well as the influence of the Church⁵⁶. It is during this period that Catholic became synonymous with Italian in the media⁵⁷. Consequently, immigration brought along a reflection on national identity. Unfortunately, the immigrant was often juxtaposed with the notion of what “Italian” consisted of. Italianità—or the quality of being Italian—has since its inception been constructed through opposition. In this relatively young country, lines demarcating North and South⁵⁸, regions, the urban and the rural⁵⁹, and isoglosses⁶⁰, have moulded identitarian sentiment. In addition, authors point to diverging memories regarding colonialism⁶¹ and resistance⁶². By shaping the in-group, the out-group is also, defined making the internal divisions of Italian society weaker⁶³. As Massimo d’Azeglio wrote in his memoir in response to unification, “L’Italia è fatta. Restano da fare gli italiani” [We have made Italy. Now we must make Italians]. A hint of what the cultural-political conception of Italianità can be found in the very juridical mechanism responsible for conceding nationality: citizenship law. Curiously, in 2020, Italy was the EU Member State which granted the most citizenships (131 803, or 18 % of the EU total)⁶⁴. According to the *Istituto Nazionale di Statistica* (ISTAT), 66,211 were granted on the grounds of residence, 14,044 due to marriage, and 51,548 following “other” grounds⁶⁵. Mascitelli and De Lazzari (2021) bring to light an important trait of

⁵⁶ Ibid, 164.

⁵⁷ Ibid.

⁵⁸ Ibid, 25.

⁵⁹ Riccardo Armillei, “Reflections on Italy’s Contemporary Approaches to Cultural Diversity: The Exclusion of the ‘Other’ from a Supposed Notion of ‘Italianness’.” *Australia and New Zealand Journal of European Studies* 8, no. 6 (2016): 37.

⁶⁰ Armillei, “Reflections on Italy’s Contemporary Approaches to Cultural Diversity: The Exclusion of the ‘Other’ from a Supposed Notion of ‘Italianness’.”; Sabina Perrino, “Performing Extracomunitari: Mocking Migrants in Veneto Barzellette,” *Language in Society* 44, no. 2 (2015): 141–60.

⁶¹ C Burdett et al., “Roundtable on Visuality, Race and Nationhood in Italy,” *Journal of Visual Culture* 18, no. 1 (2019): 59.

⁶² Garau, *Politics of National Identity in Italy: Immigration and ‘Italianità’*, 184.

⁶³ Triandafyllidou, “Immigration Policy Implementation in Italy: Organisational Culture, Identity Processes and Labour Market Control,” 290.

⁶⁴ Eurostat, “Acquisition of Citizenship Statistics - Statistics Explained,” 2022, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Acquisition_of_citizenship_statistics.

⁶⁵ Istituto Nazionale di Statistica (ISTAT), “Acquisitions of Citizenship,” 2020, <http://dati.istat.it/Index.aspx?QueryId=19614&lang=en>.

Italian citizenship law which could explain the quasi-symmetrical proportion of residence vs other cases:

“Generations of former Italians, including millions who cannot speak the language and have never set foot on Italian soil exercise rights and privileges migrants can only dream of. With a foothold in legislative principle of jus sanguinis, Italy becomes defined as being non-receptive to foreigners ultimately influencing much of its approach toward migration and its legislation. This ethnocentric citizenship approach has created obstacles in supporting the creation of a more heterogeneous Italian society and thereby neglecting the citizenship status of many migrants that have been permanent residents in the Italian territories for decades.”⁶⁶

Hence, we can infer that the “other” category would largely be dominated by the *Riconoscimento del possesso della cittadinanza italiana a cittadini stranieri di ceppo italiano* [Recognition of Italian Citizenship by Descent due to Italian Ancestry] category. This pathway to citizenship—legitimized by a genuine attachment to the Republic—has been commodified and used instrumentally for professional and mobility reasons (ironically outside of Italy). In 2017 and 2018, the Sao Paulo (BR) embassy counted 17,730 pending applications and an estimated wait time of 12 years for processing. It is reported that as soon as citizenship is acquired, citizens apply for the passport and register at the Anagrafe degli Italiani Residenti all'Estero (AIRE) of their country of birth⁶⁷. Furthermore, many new Italians benefit from the free movement provisions enshrined in Article 45 of the Treaty on the Functioning of the European Union (TFEU) and are overrepresented in certain member states as was the case in the UK (pre-Brexit), “Italians who were not born in Italy represented 16% of the 115,000 Italians living in the UK in 2011”⁶⁸. Ironically, the obtention of immigration status for mobility reasons does not limit itself to citizenship, “Research shows that in times of economic crisis, a significant proportion of the migrants who are leaving [Italy] are documented, while undocumented migrants usually prefer not

⁶⁶ Mascitelli and De Lazzari, “Interculturalism, Multiculturalism and Italianness: The Case of Italy,” 56.

⁶⁷ Milena Gabanelli, “Ospedaletto Lodigiano, 2057 Abitanti e 1300 Brasiliani. Che Nessuno Ha Mai Visto,” *Corriere.it*, 2018, <https://www.corriere.it/dataroom-milena-gabanelli/cittadinanza-ius-sanguinis-sudamericani-brasiliani-truffa/973252ec-fd73-11e8-84b7-ff9bf5ee4344-va.shtml>.

⁶⁸ Claudia Finotelli, MariaCaterina La Barbera, and Gabriel Echeverría, “Beyond Instrumental Citizenship: The Spanish and Italian Citizenship Regimes in Times of Crisis,” *Journal of Ethnic and Migration Studies* 44, no. 14 (2018): 2333.

to leave until they get their papers”⁶⁹. Furthermore, re-emigration patterns are not widely discussed in Italy which tends to focus on deportations⁷⁰. In a study by Tedesco (2018), it was shown that within the Brazilian population of Veneto, there was an increase of Brazilian citizens returning home or emigrating to Canada, the USA, Austria, and Australia between 2015 and 2017⁷¹.

Surprisingly, even when interrupted due to naturalization (as was my family’s case in 1972) an ethnocentric view of *Italianità* is maintained regardless of the rupture in the citizenship continuum. Consequently, *jus sanguinis* in Italy must be interpreted by its literal meaning, the law of the blood, fortifying the notion that “Italian” is an ethnicity and not merely a legal status: ex-Italian citizens and sons and daughters of ex-Italian citizens *by birth* up to the second-degree profit from drastically reduced residency requirements from the prescribed 10 years for *other* extra-communitarians:

Article 4

An alien or stateless person, whose father or mother, or direct ancestors in the second degree were citizens by birth, shall become a citizen:

- a) if he or she serves in the Italian Army and preventively declares his or her intention to acquire Italian citizenship;
- b) if he or she becomes a civil servant employed by the Italian State, even abroad, and declares his or her intention to acquire Italian citizenship; c) if, at the age of majority, he or she has had legal residence for at least two years in the territory of the Republic and declares within one year his or her intention to acquire Italian citizenship.

Article 9

Italian citizenship may be granted by decree of the President of the Republic, upon a proposal by the Minister of the Interior, after consulting the Council of State:

- a) to aliens, whose father or mother or one of the direct ancestors in the second degree were citizens by birth, or aliens who were born in the territory of the Republic and, in both cases, have been legally resident therein for at least three years, subject to the provisions of Article 4, paragraph 1, subparagraph (c);

⁶⁹ Fabini, “Managing Illegality at the Internal Border: Governing through ‘Differential Inclusion’ in Italy,” 48.

⁷⁰ Giuseppe Campesi and Giulia Fabini, “Immigration Detention as Social Defence: Policing ‘Dangerous Mobility’ in Italy,” *Theoretical Criminology* 24, no. 1 (2020): 50–70.

⁷¹ João Carlos Tedesco, “Migrants and Economic Development in Areas of Origin. Immigration and the Return of Brazilians from Italy,” *Ciências Sociais UNISINOS* 54, no. 3 (2018): 283.

Article 13

Any person who has lost Italian citizenship shall reacquire it:

- a) if he or she performs military service for the Italian State and previously declared his or her intention to reacquire it;
- b) if, having taken up or while taking up employment as a civil servant for the Italian State, even abroad, declares his or her intention to reacquire it;
- c) where he or she declares his or her intention to re-acquire it and establishes or has established residence in the territory of the Republic within one year of such declaration;
- d) one year after establishing residence in the territory of the Republic, unless he or she has expressly renounced citizenship within the same time limit;
- e) if, having lost citizenship due to lack of compliance with an order to renounce the employment or office accepted from a foreign State, a foreign public body or an international organization, or the military service for a foreign State, declares his or her intention to re-acquire citizenship, provided that he or she has established residency in the territory of the Republic for at least two years and proves that he or she has renounced the employment or office taken up or military service performed, notwithstanding the order referred to in Article 12 paragraph

(Law 5 February 1992, n.91)

More concerning is a tendency by elites to instrumentalize the use of the immigrant for partisan ambitions often by accusing “other corrupt elites” to have ceded Italy’s sovereignty to migrants and the EU⁷². Through this process, the notion of the “immigrant”—or more precisely—the “extra-communitarian” has been reduced to a monolith not representative of reality. Examples of this include the fear of Islamification of Italy (when most newcomers to Italy are Christian)⁷³; Lack of immigrant employment (employment rate of immigrants is persistently higher than that of Italians⁷⁴; the number of immigrants in Italy (Italians perceive 4 times more immigrants than those reported in ISTAT)⁷⁵. Instrumentalization of this belief is often a strategy adopted for propaganda reasons (fig. 10).

⁷² Burdett et al., “Roundtable on Visuality, Race and Nationhood in Italy” 68; Laura Cervi and Santiago Tejedor, “‘Africa Does Not Fit in Europe’. A Comparative Analysis of Anti-Immigration Parties’ Discourse in Spain and Italy,” *Migraciones* 51, no. 51 (2021): 228; Fabini, “Managing Illegality at the Internal Border: Governing through ‘Differential Inclusion’ in Italy” 47; Garau, *Politics of National Identity in Italy: Immigration and ‘Italianità’* 58; Mascitelli and De Lazzari, “Interculturalism, Multiculturalism and Italianness: The Case of Italy.” 62.

⁷³ Vaccarelli, “Studiare in Italia: Interculture e Inclusione All’Università,” 46.

⁷⁴ Luigi Bonatti, “Is Immigration Necessary for Italy? Is It Desirable?,” *Rivista Internazionale Di Scienze Sociali* 127, no. 2 (2019): 128.

⁷⁵ Garau, *Politics of National Identity in Italy: Immigration and ‘Italianità’*, 1.



Figure 10, Anti-Immigration Propaganda, public domain

This reductionist construction brings about an erasure of the multiple facets of immigration and, most notably, the one which is the focus of this thesis. The culmination of this rhetoric was the election of Silvio Berlusconi in 1994 and the introduction of the 2002 Bossi-Fini law (189/2002) which has been described by Livia Turco as “a political manifesto, aimed mainly at sustaining an anti-immigrant rhetoric” and an “empty box” since it was not operational⁷⁶. Turco sums up Bossi’s guiding philosophy in the following motto, “few immigrants, only to work, exclusively for the strictly necessary time, after which, after which they should go home”⁷⁷. A more insidious trait of the 2002 law was the criminalization of illegality and the immediate deportation of people found without a residence

⁷⁶ Ibid, 166.

⁷⁷ Ibid.

permit. Furthermore, immigrants were to be fingerprinted and is a perfect example of the distorted view of “crimmigration” presented later in this chapter by Fabini (2017).

Berlusconi’s rocambolesque legislation did not end there: in 2008, the so-called security packages were converted into law decree NR. 9266 ‘concerning urgent measures to deal with public security’ and came into force. Additions were made to it continuing into 2009. The most notable articles made the condition of being illegal an aggravating circumstance in other crimes and made jail sentences one third longer for irregular migrants. Mayors and city councils were also conceded discretionary emergency powers. An example of local initiatives was the new permission to use unarmed civilian vigilante patrols (so-called “ronde”) to monitor the streets and denounce illegality to the police (Art. 3.7-3.10). In reality, these structures existed before the law and have been shown to have far-right and fascist connections⁷⁸. Garau (2015) also draws our attention to the fact that this law renamed the Centres of Temporary Permanence to Centres for Identification and Expulsion (CIE). She notes an important particularity in this choice, “The focus shifted from the fact that immigrants would only be temporarily deprived of their freedom, to the idea that expulsion was the only expectation they could have after identification”⁷⁹. Moreover, Articles 3 and 6.2 required individuals to show residence permits to access certain leisure, educational, and administrative services. Critiques of this measure argue that this could have serious access to education implications for foreign minors without proper documentation in direct conflict with Italian and International Law⁸⁰. Likewise, Articles 12 and 22 brought consequences to people who rented housing to—or employed—irregular migrants⁸¹. Critics of the laws worried about fostering a culture of witch-hunting as civilians and public servants were asked to report irregular individuals to authorities⁸². Lastly, Article 4 brought about the signing of an *Integration Agreement* between immigration authorities and certain immigrants obliging them to obtain integration credits to maintain their status. We

⁷⁸ Ibid, 169.

⁷⁹ Ibid, 174-175.

⁸⁰ Ibid, 169.

⁸¹ Ibid.

⁸² Ibid, 168.

will discuss this further in Chapter 5. Garau (2015) cites Naletto who sums up the prevailing ethos, “The choice to intervene in the legal condition of foreigners only through safety laws and measures sends an important symbolic message: that so-called insecurity is due to the presence of foreigners, who, as they were born in another country, are inclined to criminality by nature”⁸³. Similarly, *sanatoria* comes from *sanare* which means to heal, this “implies an interpretation of immigration as an illness or a plague and *extracomunitario* is an “inward-looking perspective focused on the inside, the community”⁸⁴.

2.1.3. The “Italian Documentation Regime”

As we saw in the section above, the foundation of immigration policy in Italy is rooted in unforeseen, unexpected, migration as a response to economic and geopolitical events in nearby states. Beginning in the 1980s, demographic data pointed to large foreign and illegal populations present in the country. This triggered alarmists who began to use immigration as a rally point for identity politics. Subsequent legal modifications answered to growing fearmongering and restricted and criminalized immigration. “Immigrant” as construct was created and largely still perdures today.

However, obtaining or maintaining status does not only rely on the legal code itself. A bureaucracy is required to evaluate and validate applications to ensure they meet the prescribed requisites. Tuckett (2015) reminds us that although it is perceived that, “the law changes from day to day”, in reality, there is little change in immigration law⁸⁵. Instead, “the great flexibility and myriad interpretations of the law by different actors means that individuals experienced it as fickle and shifting”⁸⁶. She also highlights the importance of what she calls the Italian Documentation Regime. Paradoxically, Italian bureaucracy is dependent on law yet has parallel norms and regulations on its execution. In turn, this is in fact another barrier stipulated in the *Strategia per la promozione*

⁸³ Ibid, 171.

⁸⁴ Ibid, 174.

⁸⁵ Tuckett, “Strategies of Navigation: Migrants’ Everyday Encounters with Italian Immigration Bureaucracy,” 10.

⁸⁶ Ibid.

*all'estero della formazione superiore italiana*⁸⁷ and also plays a role in the access to the sanatorie:

“The fact that the necessary procedures for regularization were not very clear (a constant factor in the Italian legislation on immigration) and that official information was not made easily accessible to applicants by the institutions in charge also contributed to this failure – a failure that, according to various commentators, resulted not only from the inability to discourage illegal entry into the country, but also from the lack of attention paid to promoting integration.” (Zincone)⁸⁸

Tuckett (2015) is particularly well versed on the matter, she concludes that the “bureaucracy of Italian immigration law is characterized by long waiting times, mix-ups of information, the issuing of expired permits, endless queues, chasing up ‘blocked’ applications and documents being lost”⁸⁹. The immigrant is forced to understand the difference between “real” rules and the “official” rules⁹⁰. Navigation strategies such as “accessing contacts, paying for paperwork in the informal economy or learning to accept and make the most of the changing and flexible laws, were referred to by staff members [of the immigration office] and long-term migrants as pertaining to ‘il sistema paese’”⁹¹. In turn, this exclusionary documentation regime paradoxically leads the migrant to become a cultural insider⁹². The importance of the regime is not to be understated: renewal of a work permit does not consider how long a person has been residing legally in the nation, it simply looks at the existence of an employment contract at that moment⁹³. Shockingly, having one’s legal residency interrupted implies restarting the clock for access to the EU residence permit for long-term residents and citizenship. Calavita (2005) views this *institutionalized irregularity* as intentional and that it is a “critical ingredient of their flexibility and ensures that they remain

⁸⁷ Ministero degli Affari Esteri e della Cooperazione Internazionale Ministero dell’Istruzione dell’Università e della Ricerca Ministero dell’Interno Conferenza dei Rettori delle Università Italiane Università per Stranieri di Perugia Università per Stranieri, “Strategia per La Promozione All’estero Della Formazione Superiore Italiana,” 11.

⁸⁸ Garau, *Politics of National Identity in Italy: Immigration and ‘Italianità’*, 157.

⁸⁹ Tuckett, “Strategies of Navigation: Migrants’ Everyday Encounters with Italian Immigration Bureaucracy,” 2.

⁹⁰ Ibid.

⁹¹ Ibid, 20.

⁹² Ibid, 22.

⁹³ Ibid, 19.

in low-level, poorly paid and insecure jobs – the so-called non-EU jobs (those that native European citizens refuse to do)”⁹⁴. An important fact must be noted, although the Questure (Immigration Offices) do not allow for leniency on which documents must be presented, they seem indifferent on whether the documents have a very different ‘life’ to the one that really exists⁹⁵. This was so true that migrants did not feel like they needed to conceal their actual situation provided that they had the correct papers⁹⁶. Often, this is what allowed the use of the *Decreto flussi* to bring in family members (not covered by family reunification programmes), regularize people who were already in the territory, or to obtain a new status (as did some international students who wanted to stay)⁹⁷. This was notably done through the use of ingenuine work contracts⁹⁸. The number of conversions from a study permit to a subordinate/autonomous work permit is established by the annual *Decreto* and, out of the 12,850 permits issued in 2018, 3,500 study permits and 700 internship permits were allowed to be converted⁹⁹.

In closing, it must be remembered that migrants adopting illegal practices to obtain status hide the fact that the state is in fact responsible for creating illegality. It is also in the self-interest of the bureaucracy to rectify its inefficiency by adopting a superficial view of the documentation provided. A remarkable example of State contradiction arose in an interview with a migrant applying for amnesty during the 2009 sanatoria, “Being ‘illegal’ in Italy is a criminal offence, yet the amnesty was exclusively for ‘illegal’ migrants who had been living in Italy for at least five months”¹⁰⁰. Tuckett (2015) reminds us that, “the state is not a single, unified entity but ‘a dispersed ensemble of institutional practices and techniques of governance’. [...] By engaging in ‘unofficial’ and ‘illegal’ practices,

⁹⁴ Kitty Calavita, *Immigrants at the Margins: Law, Race, and Exclusion in Southern Europe* (Cambridge: Cambridge University Press, 2005), 43, <https://doi.org/10.1017/CBO9780511493942>.

⁹⁵ Tuckett, “Strategies of Navigation: Migrants’ Everyday Encounters with Italian Immigration Bureaucracy,” 14–18.

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*, 16.

⁹⁸ *Ibid.*

⁹⁹ European Migration Network (EMN), “Gli Studenti Internazionali in Italia e in UE,” 21.

¹⁰⁰ Tuckett, “Strategies of Navigation: Migrants’ Everyday Encounters with Italian Immigration Bureaucracy,” 13.

migrants' strategies enable the Italian state to reconcile its contradictions and reproduce itself as a coherent whole"¹⁰¹.

2.2. Micro Analysis: Street-level Application

In the previous section, two levels of the Italian state were brought to light—legal and bureaucratic. We witnessed how law and procedure endorsed flexibility which allowed for their instrumental use from both parties—migrant and administration—to maintain the status quo. If one were to invite Banfield (1958) to the discussion, this tendency would be expected from a society of *amoral familists*. In his sociological study of a Chiaromonte, Basilicata, he posits that Italian culture is difficultly able to concert organized action, has a lack of trust in the administration, has little accountability of officials, is a victim of unenforced law (as enforcement is unprofitable), clientelism, and has a preference for keeping as they are¹⁰². In the following sections, the reader will be transported to the *sportelli* [counters] of Italian immigration offices, cross police checkpoints, and take a seat in a university *aula* [classrooms] all from the perspective of an international student. An important commonality is that all three institutions share a military heritage and are built on rank structures instilling a rigid vertical chain of command¹⁰³.

2.2.1. The Power of Discretion

The monolithic view in Italy society of the “needy immigrant” meshed with the barriers in Italian law and bureaucracy culminate in the *uffici immigrazione* found within the *questure* [Immigration offices within police stations]. Triandafyllidou (2003) demonstrates how organizational culture and identity shape implementation at the micro level. In her study, the author sought to understand the organizational culture within what she calls the Foreigner Office

¹⁰¹ Ibid, 23.

¹⁰² Edward C. Banfield, *The Moral Basis of a Backward Society* (Glencoe, IL: The Free Press, 1958), 88–101, <https://doi.org/10.1177/000276425800200111>.

¹⁰³ Triandafyllidou, “Immigration Policy Implementation in Italy: Organisational Culture, Identity Processes and Labour Market Control,” 272.

(FO). Before diving into this concept, let us set the stage by describing a few trends perceived:

“The focus was more on the output of the FO than on the outcome of the work [...] Despite the user-oriented culture advocated by the interviewees, participant observation revealed that daily practice was generally unpredictable and often contrary to any sense of public service. Sometimes, the goal of the police agents was to get rid of the immigrant client in front of them rather than satisfy her/his request effectively.”¹⁰⁴

From my personal observation at the Questura di Padova, this strategy is still alive and well today. Discourse in the agency was structured around an “us and them”. “Us” represented the officers and “them” being the foreigners: “The linguistic forms used toward immigrants pointed to their 'weakness' as non-members of this community even if they were legally present in the country and their rights were protected by law like those of Italians¹⁰⁵.”

Triandafyllidou’s team noted the most common dismissive sentences used by the immigration agents.

Typical reactions used to deal with problems posed by immigrant clients

- a. The officer you are looking for is absent today.
- b. I have just returned from a leave of absence, and I did not have time to get informed about developments.
- c. The office is very busy today; return tomorrow if you wish.
- d. I have not seen the director today; call tomorrow if you wish and they will connect you.
- e. For this kind of information, you must refer to the switchboard.
- f. I do not know; (or) I really do not know.
- g. You should have read the instructions at the door
- h. Let me see your passport and then I will tell you.
- i. Say clearly what you would like to know; there are many other people waiting for their turn.
- j. Do you have all the documents required to make the application?
- k. Lo straniero (the foreigner).
- l. Be quiet, we are working for you.
- m. Please sit down and wait your turn.
- n. I do my work the best way I can.
- o. Wait for me to come out [from behind the counter] and we will speak.
- p. Madam/Sir, the director would like to speak to you inside, let me open the door for you.
- q. S/he is very busy at the moment; if you wait, I will notify you as soon as s/he becomes available.

¹⁰⁴ Ibid, 269.

¹⁰⁵ Ibid, 290.

- r. I know, I understand perfectly but what can I do? It is not me who is responsible for such requests.¹⁰⁶

These phrases are far from anecdotal. Having arrived in early September of 2019 to participate in Italian classes, I was required to apply for my *permesso di soggiorno* [residence permit] within 8 days of arriving in the territory. Hence, the validity of my permit expires on September 9 of the following year. In line with Italian law, I renew my permit 60 days prior to its expiration. Unfortunately, the University of Padua's automated system for payment and enrolment for the following year is not accessible at the time of my renewal. Consequently, year after year, I am required to present myself at the appointment set by the questura and attempt to explain the situation. On my last encounter, the officer interrupted me by saying, "are you, or are you not, enrolled?" and, not only provided me with a form stating that my permit would be refused, but demanded that I have my "self-certification"—a document which is legally equivalent to official certificates for certain uses as per DPR 28 December 2000, n. 445, 46 and Law 12 November 2011, n. 183, art. 15—sealed by a university official. Had this not been enough, my yearly rental contract is renewable as of the 15th day of September of every year. So, obtaining its renewal, registration at the fiscal agency, and forwarding the *Comunicazione di ospitalità in favore di cittadino extracomunitario* [Communication of hospitality in favour of a non-EU citizen] to the Police Headquarters—as per Article 7 of Leg. Decree NR. 286 of 1998—is taxing, if not impossible. Let us remember that my permit expires on the September 9th and appointments are usually well in advance to that date.

In the same way that Tuckett's immigrants depended on their ingenuity to navigate the *sistema paese*, Triandafyllidou's immigration agents used discretion to reconcile the State's incoherence. She perceived two levels of discretionary practice:

Formal discretionary practices involved a flexible interpretation of the law which aimed to (a) find solutions and achieve certainty in daily routines, (b) process efficiently the work and facilitate co-ordination with other public agencies, and (c) avoid unnecessary hardship for the immigrant. Formal discretion did not involve organized prioritization of tasks within the specific office or request of further

¹⁰⁶ Ibid, 275.

resources. [...] Formal discretionary practices responded to the flexibility and efficiency requirements placed on the FO.

Informal discretion, on the other hand, took the form of prioritization of cases, favouritism and discrimination. The scope of informal discretionary practices was more often than not to serve some clients better than others and hid an informal network of power relations between agents, immigrants and intermediaries (e.g. lawyers, immigrant association representatives) immigrants' friends or their employers). This behaviour reflected the more traditional current in the FO's organizational culture, which privileged a clientelist pattern of relations between public servants and clients. However, informal discretionary practices were also adopted as coping strategies: they helped the FO agents manage their daily workloads. Last but not least, informal discretion sometimes took the form of 'organized philanthropy': individual agents put special initiative and agency into their work to serve specific clients whom they perceived as being in special need.¹⁰⁷

In the second form of discretion, described as *informal discretion*, we note the importance of advocacy coalitions at the micro-level as well. As Garau (2015) showed earlier in this chapter, these types of unions are also important at the State level as seen in their role in Turco-Napolitano law of 1998¹⁰⁸. Yet, we can also perceive differences between these two levels: at the meso level, it was reported *questure* were rigid on the documents required¹⁰⁹, however, the reality at the *sportelli* of the Florence Questura showed that in practice, alternatives or a total lack of the appropriate document were accepted¹¹⁰. When interviewing immigrants, the effect of this type of discretion for the end user is clear, "inflexibility in some provinces and elasticity in others... Rigidity in Trieste, Rimini, Perugia. Clemency in Milan, Venice, Bologna and other provinces. Consequently, uncertainty everywhere."¹¹¹

2.2.2. Differential Policing

Geography teachers have taught us for centuries that borders delimit nations. By their mere existence, they create immigrants by establishing that "someone came *here* from *somewhere else*". However, in Italy, most of immigration policing is

¹⁰⁷ Ibid, 292-293.

¹⁰⁸ Garau, *Politics of National Identity in Italy: Immigration and 'Italianità'*, 158.

¹⁰⁹ Tuckett, "Strategies of Navigation: Migrants' Everyday Encounters with Italian Immigration Bureaucracy," 14–18.

¹¹⁰ Triandafyllidou, "Immigration Policy Implementation in Italy: Organisational Culture, Identity Processes and Labour Market Control," 278–79.

¹¹¹ Tuckett, "Strategies of Navigation: Migrants' Everyday Encounters with Italian Immigration Bureaucracy," 11.

done within—and not at—the external border¹¹². Hence, police act as “street-level bureaucrats” applying policy with a large degree of discretion in *performing* or *imposing* a border¹¹³. To better understand this, Fabini (2017) transports us to the streets of Bologna where—as was the case with political elites—immigration law was instrumentalized for alternate means. Discretionary application of the immigration code by the local police force was used as a tool to combat crimes other than those covered by its provisions. The case of female undocumented migrants in Bologna is a telling example: domestic workers were informally allowed to stay and sex workers were excluded¹¹⁴. This attitude is in part explained by the ‘cimmigration’ culture which is built around a *dangerousness* of the migrant rhetoric. Police reports in the Bologna Questura did not only include the fact of being illegal in the country, but included additional crimes committed¹¹⁵. This tendency was also present during hearings on irregularity in the country, where prosecutors enquired about previous crimes regardless of what the trial was set to judge¹¹⁶. “This rhetoric of dangerousness transforms the condition of being undocumented from an imposed condition—a condition produced by restrictive immigration law—into a deliberate choice. In this rhetoric, undocumented migrants who commit crimes want to be undocumented, to remain invisible from the law, with no risk of punishment”¹¹⁷. Conversely, “by following the rules of the game, undocumented migrants can avoid being labelled as ‘dangerous’ and be allowed to remain in the territory, even in breach of conditions and tolerated (even welcomed) in the shadow economy”¹¹⁸. Again, this is in direct contrast with the objectives seen earlier in the Bossi-Fini law (189/2002) which provided for immediate deportation of persons without a residence permit.

¹¹² Fabini, “Managing Illegality at the Internal Border: Governing through ‘Differential Inclusion’ in Italy,” 47.

¹¹³ Ibid, 50-51.

¹¹⁴ Ibid, 50.

¹¹⁵ Ibid, 55.

¹¹⁶ Ibid, 56.

¹¹⁷ Ibid.

¹¹⁸ Ibid, 57.

2.2.3. University Climate

At this point of the chapter, one may be wondering why so much importance has been placed in analysing the Italian immigration system and its implementation at multiple levels as well what the link between illegal migration and international student retention is. Chapter 3 will focus on these relationships, but for now, we will explore the micro-application of Italian international education policy in its athenaeums. As is the case in the immigration offices and the police force, the social climate also plays a part in university experience. Vacarelli (2015) conducted a telling study at the Università dell'Aquila which reveals the familiar themes of excessive bureaucracy, a weak capacity for immigration/citizenship application processing (inland and externally), and xenophobic tendencies. Evidence of this can be found in the answers provided by students in the study:

The testimonies of students of non-Italian citizenship

1. Difficulties encountered related to excessive bureaucracy lengthy procedure

-Cameroon: "After passing the Italian language exam, you must be among the first 450 selected by the embassy and have 5,750 euros in the bank."

-Romania: "It was very complicated to deal with the embassy and there is a lot of unnecessary bureaucracy at certain times."

-Cameroon: "One year of intensive language course and a far above what is required on the site."

-Philippines: "There are many issues with the paperwork, the long waiting times and lack of accurate information to follow."

-Iran: "I had to go to the capital ten times to get my visa. There is no system for making an appointment."

-Ukraine: "Translations made at the Italian embassy cost too much and the wait is very long."

2. Difficulty linked to reaching the embassy

-Moldova: "At the time Italy did not have an embassy in my country and I had to go to the neighbouring country, Romania."

-Madagascar: "The absence of an Italian embassy in Madagascar, and the insufficiency

Of university information make everything very difficult."

3. Difficulties encountered in Italy linked to integration difficulties, overcoming the linguistic barrier and with episodes of discrimination

-Romania: "I have been in Italy for 7 years. The "racism" problem encompasses all the others."

-Greece: "Some professors don't like the fact that we have an accent or make mistakes when we speak."¹¹⁹

¹¹⁹ Vaccarelli, "Studiare in Italia: Interculture e Inclusione All'Università," 132.

As part of international student support, major universities have put in place “Welcome Desks” for international students and researchers to facilitate in-country processes related to academic and administrative procedures¹²⁰. However, based on data found in Vaccarelli (2015), these initiatives seem insufficient as can be seen when students were asked to evaluate initiatives realized by the university to support non-Italian students. On a 1-5 scale (5 being the most positive), non-Italian students rated the actions done in their favour at a 2.42 average. Italian students were slightly more positive in rating the services in place for their counterparts citing 2.83¹²¹.

Top issues perceived by students were:

1. “Scarce or inexistent initiatives” (16%),
2. “Scarce or inexistent courses taught in English” (16%),
3. “Inadequate services and courses” (14%),
4. “Disinterest from professors and administrative staff” (7%), and
5. “initiatives poorly promoted” (3%).

Only 2% of respondents believe that the university’s action was within the norm¹²². As we will see in the next chapter, similar issues were perceived during my internship at the Student Engagement Team (SET), when considering international student experience at the University of Padova.

¹²⁰ European Migration Network (EMN), “Gli Studenti Internazionali in Italia e in UE,” 18.

¹²¹ Vaccarelli, “Studiare in Italia: Interculture e Inclusione All’Università,” 137.

¹²² Ibid.

CHAPTER III. INTERNATIONAL STUDENTS IN ITALY

At this point in the study, we have understood that “immigrant” in Italy is a loaded term which has been used as a pawn in both political, enforcement, and as a means of perpetuating economic inequalities. As promising EU directives and strategies trickle down, discretion (both formal and informal) at every level of the national architecture create a parallel system where organizational culture and personal bias trump legislation as necessary.

We have presented the juridical notion of international students as defined by the legal codes and their application in the Italian administration. We have further described them by quotas, challenges faced, their otherness, and access problems. Law, bureaucracy, and street-level implementation are all forces which the end user, the student, must contend with. In this chapter, we will look at what the outcome out this ensemble and its repercussions on international students.

3.1. Students with Non-Italian Citizenships

When diving into the world of international students, differing immigration policies make comparing student mobility challenging as stated in a 2014 Organization for Economic Co-operation and Development (OECD) report:

“Foreign students are those who are not citizens of the country in which the data are collected. While pragmatic and operational, this classification is inappropriate for capturing student mobility because of differing national policies regarding the naturalization of immigrants. For instance, Australia has a greater propensity to grant permanent residence to its immigrant populations than Switzerland. This implies that even when the proportion of foreign students in tertiary enrolment is similar for both countries, the proportion of international students in tertiary education is smaller in Switzerland than in Australia. Therefore, for student mobility and bilateral comparisons, interpretations of data based on the concept of foreign students should be made with caution.

International or mobile students are those who left their country of origin and moved to another country for the purpose of study. Depending on country-specific immigration legislation, mobility arrangements, such as the free mobility of individuals within the EU and the EA, and data availability, international students may be defined as students who are not permanent or usual residents of their

country of study or alternatively as students who obtained their prior education in a different country, including another EU country.”¹²³

As seen in the definition of foreign students, access to residency and citizenship play a crucial part in the statistical representation of international students in a country. This phenomenon holds true in the Italian context. In the 2015 report *Studiare in Italia: interculture inclusione all'Università* [Studying in Italy: Interculture and Inclusion at University] funded by the EU and Italy's *Ministero dell'istruzione, università e ricerca* (MIUR) [Ministry of Instruction, University and Research] special attention is attributed to categorical differences between the two groups. As part of its methodology, data is disaggregated to demonstrate that *studenti internazionali* [international students] and *studenti stranieri scolarizzati in Italia* [foreign students educated in Italy] face varied needs in a university context. The report's sample population is based on a group of 184 non-Italian students studying at Università degli Studi dell'Aquila between October 2014 and March 2015. The proportion of international students versus foreign students is 62.5% against 37.5%¹²⁴.

¹²³ Organisation for Economic Co-operation and Development (OECD), *Education at a Glance 2014: OECD Indicators* (Paris: Paris: OECD publ, 2014), 132, <https://doi.org/10.1787/eag-2014-en>.

¹²⁴ Vaccarelli, “Studiare in Italia: Interculture e Inclusione All'Università,” 88.

Table 2: Significant Statistical Differences: Italian Students and Students with non-Italian
Citizenships (International and Foreign Students)

	Studenti italiani	Studenti di cittadinanza non italiana		
Età media	26,8	28,7	stranieri	30,9
			internazionali	25,2
Sesso:% di femmine	52,3%	56,5%	stranieri	75,4%
			internazionali	46,4%
Reddito familiare: % basso	13%	43,5%	stranieri	47,7%
			internazionali	41,2%
Prime 5 nazionalità	----- -----	Grecia, Albania, Romania, Israele, Camerun	stranieri	Albania, Romania, Macedonia, Ucraina, Moldavia
			internazionali	Grecia, Israele, Camerun, Albania, Angola
Livello di pratica religiosa (scala 1-10)	5,7	6,2	stranieri	6,5
			internazionali	5,5
Scuola frequentata: % formazione liceale	66,6%	63,0%	stranieri	53,8%
			internazionali	71,8%
Voto scuola superiore: % votazione medio-alta	44,2%	46,8%	stranieri	36,5%
			internazionali	55,8%
Conoscenza della lingua italiana: % ottimale	----- -----	52,0%	stranieri	78,5%
			internazionali	36,6%
Incidenza fuori corso	31,7%	32,1%	stranieri	16,9%
			internazionali	40,3%
Votazione media esami di profitto	25,6/30	23,8/30	stranieri	24,1/30
			internazionali	23,5/30
Corsi a numero programmato	22,9%	55,3%	stranieri	36,7%
			internazionali	65,7%
Presenza di pregiudizi/discriminazioni	25,1%	53,5%	stranieri	47,4%
			internazionali	58,9%
Numero di amici = o inf. a 3 amici	44%	48,1%	stranieri	50,9%
			internazionali	45,6%
Numero di conoscenti = o inf. a 5	37,9%	34,2%	stranieri	29,2%
			internazionali	37%
Non hanno amici italiani (per gli italiani: stranieri*)	83,9%*	19,9%	stranieri	9,1%
			internazionali	26,4%

[Top to bottom: average age, sex % female, % family income low, top 5 nationalities, level of religiosity (1-5), % attended *liceo*, % grades high school medium-high, % optimal knowledge of the Italian language, incidence out of study course, average exam scores (out of 30), attending courses with admission quotas, reports of prejudice/discrimination, number of friends < 3, number of acquaintances > 5, have no Italian friends (non-Italian friends for Italians)]¹²⁵

¹²⁵ Vaccarelli, 89.

A relevant particularity for this study is the incidence of international students being outside of the regular study course (40.3% international vs. 16.9% foreign students). In part, this may be explained by a lesser knowledge of the Italian language (36.6% versus 78.5%), and a higher presence of discrimination and prejudice (58.9% vs. 47.4%).

However, I posit the explanation of this relies on additional data: out of the sample on non-Italian students, 44.1% hold a study permit, 26.7% an EC residence permit for long-term residents, 10% hold a family reunification permit, and one student has a permit reserved for asylum. Furthermore, 15.5% of students do not have a residence permit and 2.7% hold an expired permit¹²⁶.

Table 3: Length of time in Italy for students with non-Italian Citizenship

<i>% area geografica di provenienza</i>	<i>Da meno di 6 mesi</i>	<i>Da 6 a 12 mesi</i>	<i>Da 1 a 2 anni</i>	<i>Da 2 a 5 anni</i>	<i>Da più di 5 anni</i>	<i>Sono nato/a in Italia</i>	<i>Totale</i>
Africa subsahariana	4,5% 1	4,5% 1	22,7% 5	22,7% 6	45,5% 10	0% 0	100% 22
America centrale e meridionale	0% 0	9,1% 1	0% 0	0% 0	90,9% 10	0% 0	100% 11
Asia centro-orientale e sud-orientale	6,3% 1	18,8% 3	25,0% 4	0% 0	50,0% 8	0% 0	100% 16
Europa balcanica e orientale	0% 0	1,4% 1	4,2% 3	5,6% 4	88,9% 64	0% 0	100% 72
Europa occidentale	0% 0	2,8% 1	5,6% 2	11,1% 4	80,6% 29	0% 0	100% 36
Medio Oriente	0% 0	10,5% 2	0% 0	36,5% 7	52,6% 10	0% 0	100% 19
Nord Africa	0% 0	0% 0	0% 0	33,3% 2	66,7% 4	2,8% 1	100% 6
Nord America	0% 0	0% 0	0% 0	0% 0	100% 1	0% 0	100% 1
Totale	1,1% 2	4,9% 9	7,6% 14	12,0% 22	73,9% 136	0,5% 1	100% 184

[Left to right: % geographic area of origin, < 6 months, 6-12 months, 1-2 years, 2-5 years, > 5 years, born in Italy, Total. Top to bottom: % geographic area of provenance, sub-Saharan Africa, South and Central America, Central and

¹²⁶ Ibid, 114.

Southeast Asia, Eastern Europe and the Balkans, Western Europe, Middle East, North Africa, North America, Total]¹²⁷

Although 73.9% of non-Italian students reported living more than 5 years within the country¹²⁸, one cannot apply for an EC long-term residence permit on the grounds of study or vocational training and scientific research¹²⁹. Furthermore, the average age of the students of 28.7 years old renders them ineligible to benefit from family reunification programmes as they are no longer minors (18 years old). Conversely, years acquired in Italy as a student *do* count as years of legal residence, when considering eligibility for EC long-term residence permit. However, one can no longer be studying when applying for the EC permit¹³⁰. In short, holding on to one's student status can be beneficial for multiple reasons: the first, benefitting from reduced rates in healthcare and other services¹³¹; the second, maintaining the right to work (albeit limited to 1040 hours per year) with an *open* (not employer-specific) work permit, bringing in relatives¹³², and accumulating years toward long-term residency and citizenship¹³³.

For study permit renewals, Italy requires the maintenance of the initial conditions regarding health coverage, lodging, paid tuition, and financial means. In terms of academic requirements, Italy is more generous than Canada: only one completed exam in the first year and two in the consecutive years are needed for renewal (as we will see in Chapter 4). Moreover, the study permit can be renewed up to three years outside of the normal duration of the programme¹³⁴. Coupled with the possibility of converting the study permit into a work permit (autonomous, subordinate, or pending employment), it makes strategic sense for a migrant (provided they have the financial means) to maintain legal residence independently from precarious employment grounds. It is important to remember

¹²⁷ Ibid, 110.

¹²⁸ Ibid, 109.

¹²⁹ Polizia di Stato, "EC Residence Permit for Long-Term Residents |," 2010, <https://www.poliziadistato.it/articolo/ec-residence-permit-for-long-term-residents>.

¹³⁰ European Migration Network, "Attracting and Retaining International Students in the EU in 2018," 2019, 16.

¹³¹ Azienda ULSS 2 Marca trevigiana, "Iscrizione Volontaria Al Servizio Sanitario Nazionale," 2018, 6.

¹³² European Migration Network (EMN), "Gli Studenti Internazionali in Italia e in UE," 16.

¹³³ European Migration Network, "Attracting and Retaining International Students in the EU in 2018," 2019.

¹³⁴ Ibid, 17.

that this possibility was brought about by EU Directive 2016/801, ratified as Law 163/2017, through Legislative Decree 71 May 11, 2018¹³⁵.

Vaccarelli (2015) also perceives the differed motives for studying—or more precisely *maintaining* student status—in Italy, “A reading of the phenomenon based on the type of residence permit or the juridical condition linked to citizenship, could bring to light that studying in Italy, for some, has migration as a direct, primary motive, and for others, a secondary motive, contextual, which is linked to a life in Italy which is often interpreted in the larger family migration project framework”¹³⁶.

3.2. Italian Interculturalism

For those who thought that maple syrup was Canada’s sweetest export to Italy, think again! Although not a topic widely discussed at Italian breakfast tables, interculturalism is more widely recognized in pedagogical theory and in school policy in Italy than in any other EU country¹³⁷. In the province of Québec, this concept grew out of social tensions linked to a federal model of multiculturalism which, by some, went against Canada’s binational, bicultural character¹³⁸. When at the federal level Canada is often compared to a mosaic whereby each culture has its place and forms the fabric of the national identity, the Francophone community often perceives this as a negation of Québec unique status¹³⁹. In line with *il belpaese*, the province also suffers from the *sindromo di assedio* albeit along predominately linguistic lines (fig. 11).

¹³⁵ Ibid, 6.

¹³⁶ Vaccarelli, “Studiare in Italia: Interculture e Inclusione All’Università,” 64.

¹³⁷ Santagati, “Interculturalism, Education and Society: Education Policies for Immigrant Students in Italy,” 6.

¹³⁸ The Canadian Encyclopedia, “Interculturalism,” 2021, <https://www.thecanadianencyclopedia.ca/en/article/interculturalisme>.

¹³⁹ Ibid.

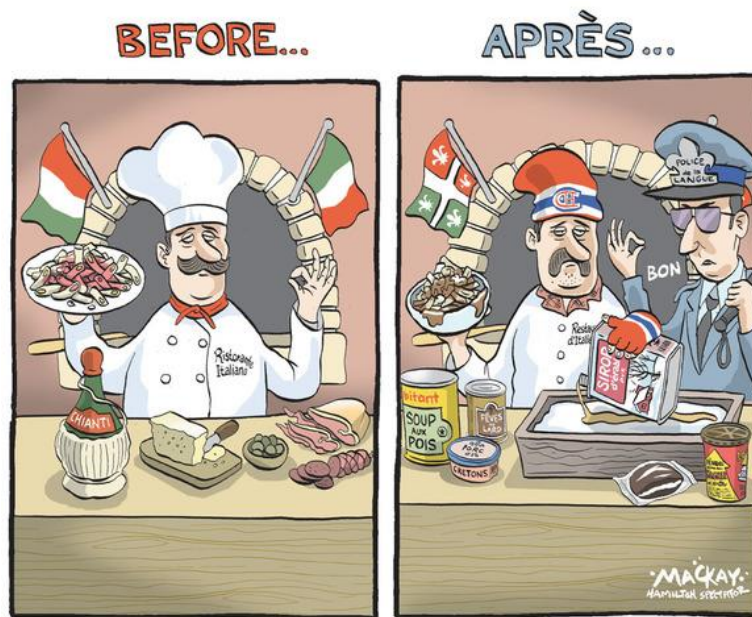


Figure 11, *Interculturalism*, Graeme MacKay, *Hamilton Spectator*

Perhaps strong nationalistic lines in Québec are part of the reason that Italy preferred the intercultural model. In turn, multiculturalism as a concept was diluted in Italian discourse:

Moreover, the umbrella term “multiculturalism” has been an ill-defined policy in the Italian context at both the national and municipal levels. When Italian journalists employed this term and its derivative adjectives, such as multicultural and multiculturalist, they did not typically mean the systematic, state-sponsored policies and political philosophies of multiculturalism in countries like Canada. Unlike French republicanism and British or Dutch multiculturalism, Italian journalists, policy-makers, politicians, and ordinary citizens did not have a state-sanctioned integration model to which they could choose to assent or contest.¹⁴⁰

Santagati (2016) cites Giménez (2012) to establish the definition by which she evaluates interculturalism in the Italian context: “The right to equality independently from culture, religion, language, ethnicity; the right to recognition and acceptance of difference; an emphasis on positive interaction between persons belonging to different cultures”¹⁴¹. She elaborates on her definition by including a passage from the UNESCO’s 2006 *Guidelines on Intercultural Education*, “interculturalism stresses the dynamic nature of cultures in order to

¹⁴⁰ Gaoheng Zhang, *Migration and the Media: Debating Chinese Migration to Italy, 1992-2012*, *Migration and the Media* (Toronto: University of Toronto Press, 2019), 103.

¹⁴¹ Santagati, “Interculturalism, Education and Society: Education Policies for Immigrant Students in Italy,” 7.

create what could be defined as a ‘third space’ within which natives and immigrants develop a new shared culture, through dialogue and mutual respect. In this sense, education represents the ideal place to encourage and practise of intercultural dialogue”¹⁴². The Council of Europe also chimed in and introduced the idea that dialogue should be pursued even with those that do not share democratic values¹⁴³. In a country where, in the 2019-2020 academic school year, 10.3% of the school population were students with non-Italian citizenships (65.4% of which were born in Italy)¹⁴⁴, assuring equal opportunity to such a significant segment of society comes with moral and economic interests (to be explored in Chapter 4).

Europe’s penchant for interculturalism (as opposed to multiculturalism)¹⁴⁵ can be seen in such initiatives as the *European Year of Intercultural Dialogue* in 2008 and with the adoption of the *Green Paper Migration and mobility: challenges and opportunities for EU education systems*¹⁴⁶. Notably, Italy’s adoption of the model was proclaimed much earlier in 1994 with Ministerial Document 73/1994, entitled *Intercultural Dialogue and Democratic Coexistence: The Planning Commitment of the Schools*¹⁴⁷ which was the predecessor to the 2007 MIUR report entitled *The Italian way for intercultural education and the integration of immigrant pupils* (MIUR 2007). In the 1994 document, interculturalism is defined as follows:

“Not merely as a response to the issues raised by the presence of pupils of immigrant origin but includes the complex issues deriving from the contact between different cultures [...] as one of the most important strategies to combat racism. [Interculturalism] includes the possibility of reciprocal discoveries, while respecting individual and collective identities, in a climate of dialogue and solidarity.” (C.M. 73/1994)¹⁴⁸

¹⁴² United Nations Educational Scientific and Cultural Organization (UNESCO), “Guidelines on Intercultural Education” (Paris, 2006).

¹⁴³ Santagati, “Interculturalism, Education and Society: Education Policies for Immigrant Students in Italy,” 7.

¹⁴⁴ Centro nazionale di documentazione e analisi per l’infanzia e l’adolescenza, “Report Del Ministero Dell’istruzione Sugli Alunni Con Cittadinanza Non Italiana,” 2021, <https://www.minori.gov.it/it/node/7793>.

¹⁴⁵ Santagati, “Interculturalism, Education and Society: Education Policies for Immigrant Students in Italy,” 9.

¹⁴⁶ Ibid, 8.

¹⁴⁷ Ibid, 16.

¹⁴⁸ Ibid.

Like in the case of EU directives on immigration, the Italian tradition of flashy legislation and poor implementation seems as engrained as the evening aperitivo. Santagati (2016) laments the outcome of the implementation of interculturalism in schools in Italy and comes to the following conclusions:

- a. Immigrant students, compared to natives, show persistent disadvantages in the educational system (no equality);
- b. Linguistic and cultural diversities struggle to find recognition in the school system (right to difference is at risk); and
- c. A constructive dialogue between culturally different subjects still remains more of an aim, rather than an actual result, to pursue via an "intercultural revision" of the curricula and the development of a positive school environment.¹⁴⁹

In fact, education integration in Italy scored 34% whilst Canada scored 65% and it was the biggest challenge perceived in the examined areas (labour market mobility, political participation, access to nationality, family reunion, health, permanent residence, anti-discrimination)¹⁵⁰. At street-level, this translates to a tendency to streamline immigrants to Vocational Educational and Training courses (VET)¹⁵¹ and perpetuates a model of *subordinate integration* (Santagati 20) which, coupled with Calavita's (2005) *institutionalized irregularity*¹⁵², subject the non-Italian student to a double subjugation: both academic and juridical.

Needless to say, the usual culprits were identified: A study in the province of Cuneo found unequal application of policy and practices across its schools which included, "specific modes of enrolment for migrant students and families, plurilingual enrolment forms and other communication materials, specific entry tests aimed at evaluating linguistic and other educational competences, personalized educational plans, guidance counselling"¹⁵³. Here too, discretionary power is utilized to integrate an ultimately incompatible component into the Italian social fabric¹⁵⁴.

¹⁴⁹ Ibid, 8.

¹⁵⁰ Migrant Integration Policy Index, "Canada | MIPEX 2015," 2015, <https://2015.mipex.eu/canada>; Migrant Integration Policy Index, "Italy | MIPEX 2015," 2015, <http://2015.mipex.eu/italy>.

¹⁵¹ Santagati, "Interculturalism, Education and Society: Education Policies for Immigrant Students in Italy," 12.

¹⁵² Calavita, *Immigrants at the Margins: Law, Race, and Exclusion in Southern Europe*, 43.

¹⁵³ Santagati, "Interculturalism, Education and Society: Education Policies for Immigrant Students in Italy," 13.

¹⁵⁴ Ibid, 19.

In closing, the adoption of the resolution of 2 April 2008 of the European Parliament on *Educating the Children of Migrants*¹⁵⁵ does perceive uncapped human capital in immigrant students when it calls to, “ensure migrant students’ talent is retained and not dissipated, as this would imply a loss in terms of social, cultural and economic development incurred by the whole of society”¹⁵⁶. In the same vein, the European Commission stated in 2008 that only “imaginative management of linguistic diversity can indeed boost European integration, promote citizenship and the feeling of belonging to the European Union. It could even give European integration fresh impetus and a new lease of life”¹⁵⁷. Regrettably, the data in Italy points to a diverging reality.

3.3. The Student Engagement Team

In line with the findings in Vaccarelli (2015) in L’Aquila, second-year students frequenting this master’s programme perceived an opportunity foster closer collaboration between students and university staff and strengthen the host community. When reflecting on international student retention, national, cultural, religious, and other forms of association must also be considered when trying to evaluate the extent at which a group is able to accept new members within social boundaries. In Canada, a particular interest in *la complétude institutionnelle*¹⁵⁸ [institutional completeness] and a community’s *capacité d’accueil* [accommodation capacity] has long been debated in the bilingual, bicameral, bijural, multicultural—or *intercultural*—country (see Breton 1964). Upon arriving in Padova in 2020, a group of thirteen students felt that improvements could be made to their programme’s ability to integrate international students, create professional networks, engage faculty and other students, learn from alumni, and promote core values of human rights. Hence, on June 3, 2021, ten students—

¹⁵⁵ Ibid, 8-9.

¹⁵⁶ Ibid, 9.

¹⁵⁷ Ibid, 15.

¹⁵⁸ Raymond Breton, “Institutional Completeness of Ethnic Communities and the Personal Relations of Immigrants,” *American Journal of Sociology* 70, no. 2 (1964): 193–205.

one of them being me—signed the *Atto costitutivo dell'associazione di promozione sociale* [Articles of Association] creating the *Student Engagement Team Padova* (Aps) as per Art 5. D Lgs. 117/2017. Important to note, is that five of the founding members were classified as international students as per the aforementioned OECD (2014) definition¹⁵⁹.

SET's mission and vision objectives echo the frustration presented in the Vaccarelli (2015) L'Aquila study pointing to shared struggles, exclusion, accountability issues, and uneven community power dynamics.

MISSION OBJECTIVE

To amplify student voices by documenting their concerns and collaborating with contributors to develop interventions that benefit all stakeholders.

VISION OBJECTIVE

To foster transparency, inclusion, and equity within the community regarding the exchange of information pertaining to human rights promotion, protection, and implementation.¹⁶⁰

Being that the field of study was of international application and the language of instruction was English, it was not surprising that, based on simple networking, one could perceive the homogeneity of the group. As we will see later, an informal survey revealed that the student body was disproportionately composed of students of non-Italian citizenship (10.3% non-Italian students nationwide¹⁶¹ vs. 43% in the programme)¹⁶². In turn, through the organization's core values, intercultural dialogue was promoted and a "third place" for students created (as seen in OECD 2006).

HUMAN RIGHTS

We are passionate about human rights, which is why we chose to join a master's degree program that enables us to enhance our knowledge on the subject. Part of studying human rights involves practising and sharing that knowledge with the greater community by raising awareness, igniting curiosity, and facilitating inclusive discussions.

¹⁵⁹ Organisation for Economic Co-operation and Development (OECD), *Education at a Glance 2014: OECD Indicators*.

¹⁶⁰ The Student Engagement Team, *2021/2022 Organizational Manual* (Padova, 2021), 3.

¹⁶¹ Centro nazionale di documentazione e analisi per l'infanzia e l'adolescenza, "Report Del Ministero Dell'istruzione Sugli Alunni Con Cittadinanza Non Italiana."

¹⁶² The Student Engagement Team, "Report on Survey Results," 2020, 5.

DIVERSITY

Globalization has made our societies more diverse and multicultural. The new challenges we face require us to build tolerance and remain open-minded about different perspectives. Our team consists of a multicultural group of youths who are determined to showcase the benefits of diversity.

COLLABORATION

Humans interact with thousands of people over the course of a lifetime. We view interactions as opportunities to listen, learn and collaborate to improve our society. These collaborations are limitless in scope and possibility, spanning cities, countries and continents, and engaging people from all walks of life.

SUSTAINABILITY

The longevity of our team is dependent on our ability to communicate our vision and inspire other students to gain confidence in their abilities to advance positive change.¹⁶³

In reality, SET also acted as an advocacy coalition (as was the case when faced with administrative blockages and gaps in information). It was also appreciated by staff as it structured group interventions and centralized questions and concerns from the students. Moreover, it adopted a bottom-up approach by basing its programming on needs identified through a survey conducted in 2020. The results of this survey were in direct harmony with the data presented by the aforementioned authors¹⁶⁴. When asked, “*Which kind of issues did you encounter in the study program so far, if any?*”, the following obstacles came to light: bureaucracy and access to information (49%), internships (45%) content of the program (28%) networking (26%), socializing (24%), accommodation (18%), lack of support (18%), language barriers (15%), did not encounter any issues (13%) and others (5%)¹⁶⁵. The 53 respondents (roughly a third of the student body) were also provided with an open-ended question where they were asked to specify the reason for their answers. The major critiques are as follows:

- No answer from student secretary so often there is the need to rely on other students for information;
- Lengthy and inefficient procedures, issues with legal documents (mainly residence permits);

¹⁶³ The Student Engagement Team, *2021/2022 Organizational Manual*, 4.

¹⁶⁴ Santagati, “Interculturalism, Education and Society: Education Policies for Immigrant Students in Italy”; Vaccarelli, “Studiare in Italia: Interculture e Inclusione All’Università.”

¹⁶⁵ The Student Engagement Team, “Report on Survey Results,” 6.

- Lack of support when it comes to language; poor course quality, mainly related to the poor level of English of many teachers;
- Language classes are taught in Italian; much of the relevant information only in Italian (*although recent changes have added alternatives*);
- Lack of assistance among students and job market/professionals;
- Career service is not doing enough, students do not know where to start in looking for an internship or whom to ask for help;¹⁶⁶

The data compiled by the students solidify the notion that student retention should be viewed as a nexus bringing together themes such as employment (due to the inevitable link with immigration status), availability and *quality* of the English language, administrative engagement, and bureaucratic hurdles. On a side note, firms are stepping up to the challenge and capitalizing on bureaucratic inefficiency (fig. 12)¹⁶⁷.

Il servizio che spiccia la burocrazia al posto tuo

Addio alle code, alle litigate allo sportello e a tutti i moduli da compilare. Basta caricare i tuoi documenti in app, comunicarci le tue disgrazie burocratiche e noi troveremo il modo di risolverle al posto tuo. A litigare con gli anziani in coda ci pensiamo noi! 🙄

Figure 12 : Büro, public domain

A further note on internships is that the master's programme requires a 225-hour stage and—in part due to the issues listed above—the organization acted as a lifesaver for students treading water through the unpredictable waves of SARS-CoV-2. In the case of international students, the internship should not be taken lightly: for most, it is the first work experience in the host country and is an integral part in fostering professional opportunities, social networks, and linguistic advantages.

As SET filled a void in the student experience, it is no surprise that the organization was met with great success. It produces blogs and forum articles, thesis workshops, conversation platforms, peer-to-peer support projects, social events and recommendations for course content diversification.

¹⁶⁶ Ibid, 7-15.

¹⁶⁷ "Home | Büro," accessed July 5, 2022, https://www.buopratico.io/?fbclid=PAaAZj6f4WSdTuxBYkqLA6XIEP3775_BCKvm7sSeeS3lMa8WEPBaxm8rOx9EI_aem_ATucywKgmWGqU0-nn3yuWPfPN4uDTRhxO7qNURI0p075TysENgAz9zYuBANFepf-amJwPhuo3UxI2WUI8KoJCMke8vUIZq8BuYyJU8niuOXGG37cyWJioMgyAT_an8ODbNE.

In my role as the Communications Liaison, I was responsible for responsible administrative tasks and milestone communications to the public such as press releases, and newsletters. My duties included: Compiling contact lists and updating subscription lists on a regular basis, compiling monthly newsletters and sending them to subscribers and all team and board members, updating administrative documents, creating application forms and conducting interviews for new recruits, onboarding new recruits, and creating a database of information useful for training future interns for this position. Furthermore, I supported the *Road to Graduation Series* (a thesis support initiative) project by conceptualising, organizing, promoting, and facilitating its workshops. I also handled the post- event satisfaction surveys compiled data to further align our sessions with student needs.

I am particularly proud of the following achievements: having grown our newsletter database 173%, exceeding active readership by 10% compared to similar organisations (as per MailChimp), having composed a press release which was used in an article by the Human Rights Centre when reporting on us, having an average turnout of 30 students and 4 professors during the *Road to Graduation Series*, and getting the feedback that 83.3% of students were satisfied with the workshop. As I no longer occupy that position, the organization has grown to 442 LinkedIn followers and 206 newsletter subscribers¹⁶⁸.

¹⁶⁸ “SET Padova: Overview | LinkedIn,” accessed June 28, 2022, <https://www.linkedin.com/company/student-engagement-team-padova/>.

CHAPTER IV. HUMAN CAPITAL

In the preceding chapters, we have focused our attention on practical, legal, and cultural barriers faced by international students. Through our analysis, a lacklustre system emerged taking the “bel” out of “belpaese” when considering immigration. But, as one of my dearest undergrad professors would shout during our first-year presentations, “who cares?!”. As blunt as this question may be, it is vital in understanding gaps between legislation and implementation. As moral and ethical arguments are often at the foundation of humanitarian law, reframing human rights arguments in positive economic terms may allow them to resonate with a larger public. I posit that human capital, is a *juste milieu* palatable to the economist and the social scientist inverting the question from, “*what is the migrant is lacking?*” to “*what can the migrant bring?*”

From a human rights perspective, institutionalized irregularity¹⁶⁹, the unforgiving link between employment status and legal residence, subordinate integration¹⁷⁰, ‘cimmigration’¹⁷¹, and formal and informal discretion¹⁷² found in Italy have serious connotations when juxtaposed with some of the articles of Universal Declaration of Human Rights (1948):

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

¹⁶⁹ Calavita, *Immigrants at the Margins: Law, Race, and Exclusion in Southern Europe*, 43.

¹⁷⁰ Santagati, “Interculturalism, Education and Society: Education Policies for Immigrant Students in Italy,” 20.

¹⁷¹ Fabini, “Managing Illegality at the Internal Border: Governing through ‘Differential Inclusion’ in Italy,” 55.

¹⁷² Fabini, “Managing Illegality at the Internal Border: Governing through ‘Differential Inclusion’ in Italy”; Triandafyllidou, “Immigration Policy Implementation in Italy: Organisational Culture, Identity Processes and Labour Market Control”; Tuckett, “Strategies of Navigation: Migrants’ Everyday Encounters with Italian Immigration Bureaucracy.”

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 15

Everyone has the right to a nationality.
No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 21

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
Everyone has the right of equal access to public service in his country.
The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 23

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
Everyone, without any discrimination, has the right to equal pay for equal work.
Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
Everyone has the right to form and to join trade unions for the protection of his interests.

Article 26

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
Parents have a prior right to choose the kind of education that shall be given to their children.¹⁷³

Albeit potential abuses are more prevalent in other immigrant populations compared to international students, use of this latter, more privileged, group could

¹⁷³ General Assembly of the United Nations, "Universal Declaration of Human Rights (UDHR)," Pub. L. No. General Assembly resolution 217 A (1948).

be an asset in dismantling the model shaped by the forces described in earlier sections. In the following chapter, we will look at the fundamental principles of human capital, the link between human capital and immigration, and dive into notions of human capital in Italian immigration law.

Most succinctly, human capital can be defined as, “the knowledge, skills, and health that people accumulate over their lives [...] is a central driver of sustainable growth and poverty reduction. More human capital is associated with higher earnings for people, higher income for countries, and stronger cohesion in societies”¹⁷⁴. The Human Capital Index (HCI) is a major reference in this field which was created by the World Bank Group in 2018. It rates 157 countries based on the following criteria:

Survival

- *Share of children surviving past the age of 5 in %*

School

- *Quantity of education (expected years of schooling by age 18)*
- *Quality of education (harmonized test scores)*

Health

- *Adult survival rates (share of 15-year-olds who survive until age 60 in %)*
- *Healthy growth among children (stunting rates of children under 5 in %)¹⁷⁵*

Taking these factors into account, it rates each state on a 0-1 scale, 1 being the most positive. As per their data, both Italy and Canada scored 0.8 in 2018¹⁷⁶. However, for the purpose of this study, we will enlarge our definition to include cultural and social capital. This choice is legitimized by the fact that often, social capital and “who you know” is an important asset in navigating Italian bureaucracy¹⁷⁷, and that re-evaluation of cultural capital has been shown as

¹⁷⁴ World Bank, *The Human Capital Index 2020 Update : Human Capital in the Time of COVID-19* (Washington, DC: World Bank, 2020), <https://openknowledge.worldbank.org/handle/10986/34432>.

¹⁷⁵ World Bank.

¹⁷⁶ World Bank, “Human Capital Index (HCI) (Scale 0-1) - Italy, Canada | Data,” 2018, <https://data.worldbank.org/indicator/HD.HCI.OVRL?locations=IT-CA>.

¹⁷⁷ Tuckett, “Strategies of Navigation: Migrants’ Everyday Encounters with Italian Immigration Bureaucracy,” 21.

beneficial in school settings¹⁷⁸ and has contributed to Italian globalization¹⁷⁹. In addition, stable immigration status should also be considered a form of capital. This idea is also shared by Tuckett (2016) who equates the pursuit of stable status with a logic of capitalist accumulation based on it conferring mobility and flexibility, “While the long-term permit is intended to confer secure legal status in Italy, for my informants it was used, with varying degrees of success, as a means of accessing more profitable labour markets elsewhere”¹⁸⁰.

In the Italian context, the irony rests in the fact that the State, being the only authority to concede it, prefers the status quo—largely characterized by precarious labour and economic participation—over the potential positive ramifications of equitable labour and education access. To put things into perspective, in 2020, 7.7% of families in Italy were found to be under the poverty line; when disaggregated by citizenship, 26.7% of them were foreigners pointing to a large disproportion¹⁸¹. The idea of adopting a human capital perspective vis-à-vis migration is not new, Kiker (1966) elaborates on its varied uses:

- (1) to demonstrate the power of a nation;
- (2) to determine the economic effects of education, health investment, and migration;
- (3) to propose tax schemes believed to be more equitable than existing ones;
- (4) to determine the total cost of war;
- (5) to awaken the public to the need for life and health conservation and the significance of the economic life of an individual to his family and country;
- (6) to aid courts and compensation boards in making fair decisions in cases dealing with compensation for personal injury and death.¹⁸²

Human Capital from a scientific procedure owes its creation to William Farr in 1853:

“Farr’s interest in the evaluation of human capital developed out of his interest in public finance. He advocated the substitution for the existing English income tax system of a property tax that would include property consisting of the capitalized value of earning capacity. His procedure for estimating the latter was to calculate the present value of an individual’s net future earnings (future earnings minus

¹⁷⁸ Santagati, “Interculturalism, Education and Society: Education Policies for Immigrant Students in Italy,” 16.

¹⁷⁹ Zhang, *Migration and the Media: Debating Chinese Migration to Italy, 1992-2012*, 6.

¹⁸⁰ Anna Tuckett, “Moving on: Italy as a Stepping Stone in Migrants’ Imaginaries,” *Focaal* 2016, no. 76 (2016): 20.

¹⁸¹ Ministero del Lavoro e delle Politiche Sociali - Direzione Generale dell’Immigrazione e delle Politiche di integrazione, “XI RAPPORTO ANNUALE - Gli Stranieri Nel Mercato Del Lavoro in Italia,” 2021, 6.

¹⁸² B. F. Kiker, “The Historical Roots of the Concept of Human Capital,” *Journal of Political Economy* 74, no. 5 (October 1966): 481, <https://doi.org/10.1086/259201>.

personal living expenses), allowance being made for deaths in accordance with a life table.”¹⁸³

4.1. Human Capital in Italian Immigration

When analysing the Italian context, the question of *access* should also take on a *quality* dimension, too:

The long-term challenge for integration in IT is not access to employment, but the quality of employment. Over-qualification levels and gaps are higher for long-settled non-EU immigrants in IT than in any other European country. Sixty percent of high-educated workers are working in jobs below the level of their qualifications. That's 3.6 times the level for IT-born high-educated workers (16% are overqualified)¹⁸⁴.

Although referring to the general non-Italian population, inferences on the potential uncapped human capital present in international students can be made in that, the Italian state has *legitimized* their academic capital through the issuance of an Italian degree¹⁸⁵. Consequently, this erases barriers around foreign degree recognition all the while facilitating access to the domestic labour market. As was the case with perpetuating irregular status, the State's role as both a *gatekeeper* and a *dispenser* of human capital (at least in the legal sense) should be kept in mind when evaluating migrant contributions. As some may argue that human capital is proprietary to the person concerned, its impact and ability to be used at the individual's advantage are regulated by the environment.

On a more philosophical level, the enlarged notion of human capital presented earlier comes with its limitations. As shown in the previous section, economic approaches tend to focus on potential output indicators¹⁸⁶. When contemplating *which type* of human capital the State values, hints can be found in the concept of *integration*. A quick flip through a dictionary teaches us that it means, “incorporation as equals into society or an organization of individuals of

¹⁸³ Ibid, 182.

¹⁸⁴ Migrant Integration Policy Index, “Italy | MIPEX 2015.”

¹⁸⁵ Ministry for Universities and Scientific and Technological Research, “Annex B / University System: 1999 Reform Law,” Official Journal No. 2 of 4 January 2000, 2000, http://www.miur.it/guida/annex_b.htm.

¹⁸⁶ Gary S. Becker, “Investment in Human Capital: A Theoretical Analysis,” *Journal of Political Economy* 70, no. 5, Part 2 (October 1962): 9–49, <https://doi.org/10.1086/258724>; World Bank, *The Human Capital Index 2020 Update : Human Capital in the Time of COVID-19*.

different groups”¹⁸⁷. Although seemingly utopian, integration is sometimes synonymous with erasure. In Italy it takes the form of promoting Italian and devaluing mother tongues at schools¹⁸⁸ and, in the Canadian academic context, processes of assimilation have scarred generations to come¹⁸⁹:

“For roughly seven generations nearly every Indigenous child in Canada was sent to a residential school. They were taken from their families, tribes and communities, and forced to live in those institutions of assimilation. The results while unintended have been devastating. We witness it first in the loss of Indigenous languages and traditional beliefs. We see it more tragically in the loss of parenting skills, and, ironically, in unacceptably poor education results. We see the despair that results in runaway rates of suicide, family violence, substance abuse, high rates of incarceration, street gang influence, child welfare apprehensions, homelessness, poverty, and family breakdowns. Yet while the government achieved such unintended devastation, it failed in its intended result. Indians never assimilated.”

– Honourable Justice Murray Sinclair (Mizanay Gheezhik; Ojibway; first Indigenous judge in Manitoba, superior court judge, adjunct professor, and chair of the Truth and Reconciliation Commission), speech to the United Nations, 2010

In turn, integration policy—and by extension—immigration policy is an outward expression of human capital recognized by the state and by its institutions. At times, one must look beyond a fresh coat of paint of EU directives to truly understand what a society values.

¹⁸⁷ “Integration Definition & Meaning - Merriam-Webster,” accessed June 28, 2022, <https://www.merriam-webster.com/dictionary/integration>.

¹⁸⁸ Santagati, “Interculturalism, Education and Society: Education Policies for Immigrant Students in Italy,” 16.

¹⁸⁹ “Residential Schools – Pulling Together: Foundations Guide,” accessed June 28, 2022, <https://opentextbc.ca/indigenizationfoundations/chapter/residential-schools/>.



Figure 13, “Sala dei Quaranta” forty illustrious international students, Gian Giacomo dal Forno

In the case of Italy, we have perceived an Italo-centric focus on:

- Ethnic capital (as seen in the 1992 citizenship law).
- Linguistic capital (as seen in lack of multilingual resources and access problems for international students).
- Social capital (specifically in family links as seen in the fiscal concept of the *famiglia anagrafica* and the tradition of leaving family reunification programmes intact despite restrictive immigration policies¹⁹⁰).
- Civic capital (as seen in the *accordo integrazione* analysed in Chapter 5).
- Employment capital (the requirement of a job to stay or enter the country)
- Capital capital! (Budget Law 2017 has allowed for High Net-Worth Individuals (HNWI) special privileges as seen below):

“Article 26-bis ICA regulates the so-called fast-track visa procedure: special entry visas (i.e. investors visas) and residence permits (permessi di soggiorno) will be available for two-year terms renewable, under certain circumstances for further three-year periods, to non-EU nationals – regardless of the yearly quantitative quotas – intending to carry out one of the following significant investments in Italy: (a) at least EUR 2 million in Italian Government bonds, to be held for at least two years; or (b) at least EUR 1 million in the acquisition of shareholdings of a company established and operating in Italy, to be held for at least two years; or (c) at least EUR 500,000 in an officially accredited ‘innovative’ start-up company; or

¹⁹⁰ Mascitelli and De Lazzari, “Interculturalism, Multiculturalism and Italianness: The Case of Italy,” 58.

(d) a charitable donation of at least EUR 1 million to sustain public interest projects in the areas of culture, education, the management of immigration, scientific research, restoration of property belonging to the cultural and landscape heritage.

This facilitation offers the possibility for non-EU nationals to reside in Italy, with the possibility of accruing years eligible for applying for Italian citizenship, without being required to carry out an employment activity.”¹⁹¹

As inspiring it must be for an immigrant to donate one million Euros to “manage immigration” or to offer the Colosseum’s basement a facelift, most foreigners would have trouble being valued based on that model. Additionally, further disinterest can be inferred by the limited data on international student retention and the choice of not easing labour market access for students¹⁹². In fact, an estimation of international student retention will be attempted later in this study in light of the missing data. Ironically, this Italo-centric view on capital misses the mark on the promoting its own agenda: the Italian state does not see the international students as potential ambassadors of Italian culture and partnerships¹⁹³. Hence, we cannot state that human capital components do not exist in Italy, but most of them are incompatible with attracting and retaining international student.

If it is true that Italy wants to align itself with the EU objective of contributing to a more competitive economy through international students¹⁹⁴, it needs to shift to an immigrant-centred model. As we saw earlier, restrictive policy, law, and national identity politics are carried down through a bureaucracy that is notorious for inefficiency, excessive documentation, uneven application, and discretionary powers. The problem is structural, in that a *low-quality* system is wanting to attract and retain *high-quality* individuals. A quick terminological note: when attributing the term *quality* to a person, it must be understood as *quality candidates for meeting by state objectives*. Potential applications have been

¹⁹¹ Pietro Mastellone and Giusto Giovannelli, “Recent Competitive Tax and Immigration Measures Are Turning Italy into an ‘El Dorado’ for Foreign Investors, Workers and HNWIs,” *Intertax* 45, no. 8 (2017): 579.

¹⁹² European Migration Network, “Attracting and Retaining International Students in the EU in 2018,” 2019, 14.

¹⁹³ European Migration Network, 10.

¹⁹⁴ European Migration Network, *Attracting and Retaining International Students in the EU in 2018*, 2019, 7–8.

proposed in an effort to counter the brain drain¹⁹⁵, promote internationalization¹⁹⁶, and correct the world's fastest demographic negative growth rate (-0.15% per year)¹⁹⁷. As we've seen earlier, low-skilled immigration is characteristic of Italy: "the percentages of tertiary-educated immigrants in 2001 were 40.3% for Australia, 58.8% for Canada, 34.9% for the UK and 42.7% for the United States 16.4% for France, 21.8% for Germany, 15.4% for Italy and 18.5% for Spain¹⁹⁸. In economic terms, this could provoke a "lock-in" of the Italian economy along a trajectory characterized by a large number of small low-productive enterprises, relatively few technologically advanced firms and a highly dualistic labour market"¹⁹⁹. In short, Italy's predominant specialization in traditional industries rests on cheap labour to produce labour-intensive goods making Italy a victim of its own history²⁰⁰. Conversely, the US and Denmark have shown positive correlation between high-skilled labour and firms' patenting activity²⁰¹.

However, a switch in mentality vis-à-vis human capital in immigrants comes with important by-product: it requires that the international student be seen as a potential *client*. Hence, the Italian State and its universities must render themselves competitive. In the Italian context, this has proven to be problematic:

Lack of attractiveness to highly skilled immigrants is also due to the lower returns to human capital for immigrants than for natives. Indeed, human capital acquired in foreign (especially developing) countries is poorly transferable and usually does not enable migrants to gain access to high-paying occupations [...] However, the average level of education of the native population in Italy is not very dissimilar from that of immigrants. Considering the population in the age group 25–64 years, the percentages of migrants (natives) with less than upper-secondary, upper-secondary and tertiary education in 2001 were 52.6% (57.2%), 32.0% (32.0%), and 15.4% (10.8%) respectively.²⁰²

¹⁹⁵ Mastellone and Giovannelli, "Recent Competitive Tax and Immigration Measures Are Turning Italy into an 'El Dorado' for Foreign Investors, Workers and HNWIs," 580.

¹⁹⁶ Santagati, "Interculturalism, Education and Society: Education Policies for Immigrant Students in Italy," 7; European Migration Network, "Attracting and Retaining International Students in the EU in 2018," 2019, 6.

¹⁹⁷ "Italy Population 2022 (Demographics, Maps, Graphs)," accessed June 29, 2022, <https://worldpopulationreview.com/countries/italy-population>; Francesca Decimo, "Nation and Reproduction: Immigrants and Their Children in Population Discourse in Italy," *Nations and Nationalism* 21, no. 1 (2015): 151.

¹⁹⁸ Bratti and Conti, "The Effect of Immigration on Innovation in Italy," 935.

¹⁹⁹ Bonatti, "Is Immigration Necessary for Italy? Is It Desirable?," 136.

²⁰⁰ Giorgio Brunello, Elisabetta Lodigiani, and Lorenzo Rocco, "Does Low-Skilled Immigration Increase Profits? Evidence from Italian Local Labour Markets," *Regional Science and Urban Economics* 85 (2020): 23.

²⁰¹ Bonatti, "Is Immigration Necessary for Italy? Is It Desirable?," 936.

²⁰² *Ibid*, 937.

Furthermore, a bidirectional view must be adopted: the student—as much as the state of study (and later of settlement)—are products subject to market forces. Critics may argue that the commodification of human beings should not be included in a master’s in Human Rights, but I beg to differ! On the surface, it may seem dehumanizing and reductionist, but my argument is as follows: from a rational return on investment (ROI) perspective, a capital outflow in the funding of education, processing, enforcement, and implementation of immigration policy “buys” the student and later “sells or trades them for” their links the home country, innovation, demographic stability, creativity, and the unquantifiable benefits that diverging human experiences bring to society. To sell is to see value in something and, perhaps, this ludic comparison simply aims to show that Italy has trouble viewing this latter component of the equation. From my readings, a veil of altruism built around the *needy immigrant*²⁰³ hides a system of *institutionalized irregularity*²⁰⁴ for Italy’s own economic benefit. In turn, as a rational actor, no reproach can be made for the State’s self-interest. Rationality—as understood in the Rational Choice Theory²⁰⁵ (see Adam Smith 1759) — posits the following:

“Rational choice theory states that individuals [or States] use rational calculations to make rational choices and achieve outcomes that are aligned with their own objectives. These results are also associated with maximizing self-interest. Using rational choice theory is expected to result in outcomes that provide people [or State actors] with the greatest benefit and satisfaction, given the limited option they have available.”²⁰⁶

Simply put, Italy’s misplaced opportunism should be shifted from low-skilled exploitation to a mutually beneficial model whereby there is an even exchange between the immigrant and the State. When thinking of retention, a structure allowing for personal and professional fulfilment is key. Although allergic to foreigners, Italy must understand that the international student is not the usual irritant.

²⁰³ Triandafyllidou, “Immigration Policy Implementation in Italy: Organisational Culture, Identity Processes and Labour Market Control,” 257.

²⁰⁴ Calavita, *Immigrants at the Margins: Law, Race, and Exclusion in Southern Europe*, 43.

²⁰⁵ Adam Smith, *The Theory of Moral Sentiments*, Cambridge Texts in the History of Philosophy (Cambridge: Cambridge University Press, 1759).

²⁰⁶ Akhilesh Ganti, “Rational Choice Theory Definition,” Investopedia, 2022, <https://www.investopedia.com/terms/r/rational-choice-theory.asp>.

4.2. Human Capital in Canadian Immigration

In Canada, like in Italy, Immigration is a central government competency. As we will see later, provinces and territories do have a role in encouraging immigration for their specific needs. However, a major difference between the two countries is the fragmented processing and multiple authorities required in Italy. In Canada the process is centralized. There, immigration is managed as a continuum through the department called Immigration, Refugee, Citizenship Canada (IRCC) which is of both domestic and foreign character. From promotion, selection, processing, residency, pre-arrival services, post-arrival services, citizenship, and finally passport, applicants are streamlined through the same ministry. It's mandate and roles are as follows:

“IRCC strengthens Canada’s economic, social, and cultural prosperity by helping ensure Canadian safety and security while managing one of the largest and most generous immigration programmes in the world. We select foreign nationals as permanent and temporary residents. We offer protection to refugees. IRCC develops Canada’s admissibility policy, which sets the conditions for entering and remaining in Canada. IRCC also conducts, in collaboration with its partners, the screening of potential permanent and temporary residents to protect the health, safety and security of Canadians. Fundamentally, the Department builds a stronger Canada by helping immigrants and refugees settle and fully integrate into Canadian society and the economy, and by encouraging and facilitating Canadian citizenship²⁰⁷. [...] IRCC is also responsible for the issuance and control of Canadian passports and other travel documents that facilitate the travel of Canadian citizens, permanent residents, and protected persons²⁰⁸.”

²⁰⁷ Immigration Refugees and Citizenship Canada (IRCC), “Acts and Regulations — Immigration, Refugees and Citizenship Canada - Canada.Ca,” 2018, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/acts-regulations.html>.

²⁰⁸ Immigration Refugees and Citizenship Canada (IRCC), “Mandate and Role — Immigration, Refugees and Citizenship Canada - Canada.Ca,” 2021, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/departmental-plan-2021-2022/mandate-role.html>.

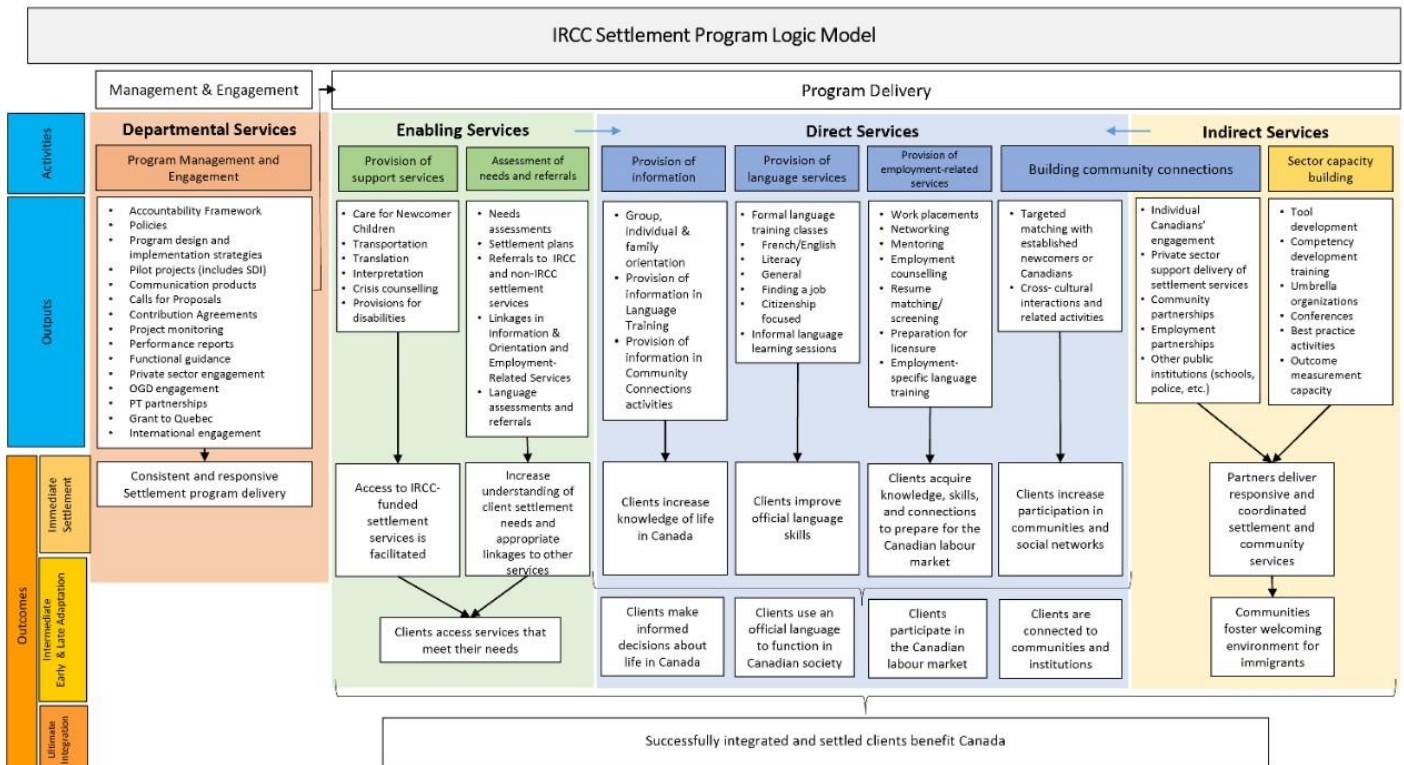


Figure 14, IRCC Settlement Program Logic Model, 2019²⁰⁹

As seen in Figure 14, the authority responsible for conceding immigration, and citizenship status is also responsible for the integration of the *client* into the greater social fabric by maximizing his or her potential. Transactionally, the client inputs human capital and the system outputs economic growth.

In fact, immigration to Canada can be summed up in three categories: Economic Classes, Family Classes, and Humanitarian Classes. Integrating and retaining international students would fall under the banner of an economic class and we shall thus limit ourselves to this type of immigration. Candidates for this class are, “selected on the basis of their *ability* to become economically established in Canada”²¹⁰. Before we go any further, we can already perceive a major difference in the logic guiding the Canadian programme vis-à-vis the

²⁰⁹ “Settlement Logic Model - Canada.Ca,” accessed June 29, 2022, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/partners-service-providers/funding/resources/settlement-logic-model.html>.

²¹⁰ “Permanent Resident Program: Economic Classes - Canada.Ca,” accessed June 29, 2022, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/permanent-residence/economic-classes.html>.

Italian one. In Italy, the onus of demonstrating economic establishment rests on the immigrant and is largely justified through the existence of a work contract at the moment of application²¹¹. Conversely, the human capital perspective adopted in Canada supposes the existence of the required capital to contribute positively to the Canadian economy.

Economic Classes in Canada

- Federal skilled workers (FSW)
- Canadian experience class (CEC)
- Federal skilled trades (FST)
- Start-up business class
- Investors
- Entrepreneurs and self-employed persons
- Self-employed persons class
- Quebec Economic Classes
- Provincial nominees
- Atlantic Immigration Pilot Programs (AIPP) Closed on March 5, 2022
- Atlantic Immigration Program (AIP)
- Caregiver classes
- Rural and Northern Immigration Pilot Program
- Agri-Food Pilot (AFP)
- Temporary Resident to Permanent Resident Pathway
- Economic Mobility Pathways Pilot²¹²

As seen above, economic classes are inevitably linked with national objectives and labour market realities. The ability to quickly launch pilot projects and convert them into permanent programmes as was the case with AIPP to AIP (see above) is also a forte of the model.

As we criticized the reactive model in Italian immigration, reactivity in the Canadian context—although sometimes disguised as humanitarian—still aims for a human capital gain. Evidence of this can be seen by passing the microphone to The Honourable Marco E. L. Mendicino, Minister of Citizenship and Immigration between 2019 and 2021:

“On June 30, 2020, China imposed a national security law for Hong Kong, which criminalizes “secession, subversion, terrorism and collusion with foreign forces,” providing very broad definitions for these crimes which undermines rights and freedoms and may lead to discriminatory or arbitrary interpretation and

²¹¹ Tuckett, “Strategies of Navigation: Migrants’ Everyday Encounters with Italian Immigration Bureaucracy,” 19.

²¹² Ibid.

enforcement. Canada shares longstanding ties with the people of Hong Kong and is concerned with the deteriorating human rights situation there. In response to these concerns, the Government of Canada has put in place a number of facilitative measures to help Hong Kong residents come to Canada.”²¹³

On the surface, this policy is presented as a response state abuses against freedom of expression, arbitrary detention, and personal security. However, this temporary *economic* public policy (which took effect on June 1, 2021, and will expire on August 31, 2026) created two pathways for permanent residence to Hong Kong residents: holders of a Canadian degree (Stream A) or people who have one year of Canadian Work Experience (Stream B). This is an interesting example of how humanitarian and economic objectives can be in tandem. In fact, the importance of Canadian *experience*, both professional and academic are maintained throughout economic immigration pathways (Appendix D).

In Italy, the mentality is the opposite and disregards pre-existing capital when granting permanent residence. Instead, requisites for long-term stay are dependent on the maintenance of temporary status through the renewal of work or academic permits for a period of five years²¹⁴.

As Vaccarelli (2016) notes, “migrants import products from their countries and export products back, they feed transnationalism and the web of telecommunications, they travel and return, they promote new ideas and different traditions, and it is evident that human mobility has become an essential part of globalization and, most of all, migrants constitute a potential economic and cultural strength for the future which would be inexcusable to waste”²¹⁵.

Canada is aware of this reality and it explains the logic behind the swift implementation of the Hong Kong regulation. In Canada²¹⁶, as in Italy²¹⁷, the Chinese are seen as a model minority. More specifically, Hong Kong’s historical link to the British Empire has made Canada prime destination for immigration

²¹³ “Temporary Public Policy Creating Two Pathways to Permanent Residence to Facilitate the Immigration of Certain Hong Kong Residents - Canada.Ca,” accessed July 1, 2022, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/public-policies/hong-kong-residents-permanent-residence.html>.

²¹⁴ Polizia di Stato, “EC Residence Permit for Long-Term Residents |.”

²¹⁵ Vaccarelli, “Studiare in Italia: Interculture e Inclusione All’Università,” 37.

²¹⁶ Shuguang Wang and Rebecca Hii, “Influence of Immigration Policies on Supply of Ethnic Business Entrepreneurs in Canada,” *RCIS Working Papers*, RCIS Working Papers, 2019, 11.

²¹⁷ Zhang, *Migration and the Media: Debating Chinese Migration to Italy, 1992-2012*, 88.

starting after the 1997 handover to China. In fact, the largest Canadian diaspora outside of the United States is found in the Hong Kong Special Administrative Region²¹⁸. It is estimated that these expatriates are a conduit in the \$3.3 billion Canadian dollars of trade between Canada and mainland China²¹⁹. Furthermore, in Canada, as seen in the US and Denmark²²⁰, people of, “Chinese ancestry, did display higher than average patent filing rates. Most of this advantage could be explained by the higher proportion of people in those groups with high levels of education and STEM occupations”²²¹.

Interestingly, the Canadian fixation with human capital is not only present in economic immigration policy, but in its humanitarian policy as well. Under Canadian law, refugees must be directly referred for resettlement by the United Nations High Commissioner for Refugees (UNHCR). One could argue that the costs and efforts associated with establishing genuine grounds for asylum are therefore offset to the organization resulting in Canadian savings. Once referred, refugees are entered into the Blended Visa Office-Referred programme where groups of five people or more are invited to select eligible claimants based on ethnic group, age, gender, family composition, and sexual orientation²²². Upon approval of the application, the government of Canada commits to six months of financial support whereas the sponsors are required to offer six additional months of financial support and twelve months of emotional and settlement support²²³. In order to understand the human capital effects, one must look at the basis by which candidates are chosen. Most dominantly, this sponsor-to-refugee matching process is used by ethnocultural associations to invigorate and enlarge their communities. Whether it be cultural, ideological, religious, or linguistic, certain human capital components are valued in the discretionary process to select

²¹⁸ Asia Pacific Fondation of Canada | Fondation Asie Pacifique du Canada, CANADA’S GLOBAL ASSET: Canadians abroad are a major asset for Canada’s international affairs. How can we deepen our connections with citizens overseas for the benefit of all Canadians? (2011).

²¹⁹ Asia Pacific Fondation of Canada | Fondation Asie Pacifique du Canada, “Hong Kong: Canada’s Largest City in Asia - Survey of Canadian Citizens in Hong Kong,” 2011.

²²⁰ Bratti and Conti, “The Effect of Immigration on Innovation in Italy,” 936.

²²¹ Yuri Ostrovsky and Garnett Picot, “Innovation in Immigrant-Owned Firms in Canada,” Analytical Studies Branch Research Paper Series (Statistics Canada, 2020), 10.

²²² “Blended Visa Office-Referred Program: About the Process - Canada.Ca,” accessed July 2, 2022, <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/help-outside-canada/private-sponsorship-program/blended-visa-office-program.html>.

²²³ Ibid.

incoming migrants. Furthermore, the financial engagement taken on groups of individuals adds another discretionary reality: incoming migrants are a liability; thus, a climate favouring people with a higher chance of economic integration is brought into existence.

Discretion, like in Italy, also exists in the Canadian bureaucracy, notably in foreign visa offices, “The way in which responsibilities are assigned in visa offices also shapes discretionary decision-making. Locally engaged program assistants are tasked with ensuring that files are complete, and depending on their level of authority, they also triage, or flag, certain files before an officer sees them. Assistants tend to be from the countries or regions in which their office is located, and part of their job is to bring local knowledge to bear on applications”²²⁴. The advantage of using locally sourced staff in making immigration decisions capitalizes on their cultural knowledge by making them the authority on demystifying varied norms and reducing cultural bias. This is notably the case in deciphering work experiences and social norms around marriage which vary greatly across cultures²²⁵. Hence, capital less visible along Western lines may be brought to light.

Outside of humanitarian considerations, the benefits of rapid integration, permanent status, and citizenship acquisition must also be noted. If you hadn’t already guessed it, the brainchild of the Hong Kong programme, The Honourable Mendicino was born of Italian parents in Canada and acquired Canadian citizenship by *jus soli* (birthright citizenship). When considering Italy’s *jus sanguinis*, its structural barriers, and the impossibility of extra-communitarians to participate in *concorsi*²²⁶ [contests to enter the public administration], it is not surprising that first generation Italians still lag behind their native counterparts in educational attainment²²⁷. Vaccarelli (2016) refers to the challenges faced by migrants in the quest for citizenship as “il dritto di aver dritti” [the right to have

²²⁴ Vic Satzewich, *Points of Entry: How Canada’s Immigration Officers Decide Who Gets In, Points of Entry* (Vancouver: UBC Press, 2015), 57.

²²⁵ Ibid.

²²⁶ “Il Requisito Della Cittadinanza Italiana , Concorsi per Stranieri,” accessed July 1, 2022, <https://www.concorsipubblici.com/formazione-le-guide-professionali-i-concorsi-pubblici/43-concorsi-2013/il-requisito-della-cittadinanza-italiana-nei-concorsi-pubblici.htm>.

²²⁷ Vaccarelli, “Studiare in Italia: Interculture e Inclusione All’Università,” 110.

rights]²²⁸ and continues by saying that educational attainment should be a true measure of democracy within a society²²⁹. He also brings to light an important point on equity, “Se anche ai cittadini italiani di origine immigrata sarà offerta la possibilità di diventare insegnanti, medici, avvocati, ingegneri, ecc. forse si potrà parlare a giusto titolo della nostra come di una società equa” [If non-native Italian citizens were also offered the possibility of becoming teachers, medical doctors, barristers, engineers. etc., perhaps then we could rightfully speak of our society as fair]²³⁰.

In fact, political integration in Italy of non-native Italians is still a contentious issue²³¹. When Congo-born Minister of Equal Opportunities, Mrs Cecile Kyenge, came into office, in the pages of *La Padania* (a paper linked to Lega Nord) she was, “accused of plotting against the state, of being willing to allow polygamy in Italy and introduce *jus soli* to grant citizenship to all foreigners born in Italy; she was compared to an orangutan, threatened and had bananas thrown at her”²³². However, it did not end there, “various political representatives (from Forza Italia as well) who jumped on the bandwagon of racism called for ‘somebody to come and rape her’ or ‘kill her please’; supporters of the Northern League were incited to show up at her meetings and insult her and *La Padania* started publishing the diary of her public appearances on a daily basis, to facilitate the objective of delegitimizing her and bringing about her abolition from the ministry”²³³.

When reflecting on Vaccarelli’s definition of fair societies, it is clear that a dedicated framework to both *value* and *control* potential candidates be constructed to allow one to reach their full potential. In 1967, Canada was the first country in the world to introduce a points-based (or merit-based) immigration system in the world²³⁴. Australia (1972) and New Zealand (1987) followed suit. Most recently, the UK updated its 2008 points system in light Brexit to remove

²²⁸ Ibid, 44.

²²⁹ Ibid, 16.

²³⁰ Ibid.

²³¹ Emanuele Massetti, “Mainstream Parties and the Politics of Immigration in Italy: A Structural Advantage for the Right or a Missed Opportunity for the Left?,” *Acta Politica* 50, no. 4 (2014): 501.

²³² Garau, *Politics of National Identity in Italy: Immigration and ‘Italianità’*, 191.

²³³ Ibid, 192.

²³⁴ The Law Library of Congress - Global Legal Research Directorate, “Points-Based Immigration Systems,” 2013.

differential treatment between EU and non-EU applicants (2021)²³⁵. From 2006, immigration in Canada has been restricting itself more and more to economic immigration in an effort to, “focus Canada’s immigration system on fuelling economic prosperity” and to place “a high priority on finding people who have the skills and experience required to meet Canada’s economic needs”²³⁶. The point system, known as the Comprehensive Ranking System (CRS) evaluates candidate based on age, education, and ties to Canada (Appendix D). It is used to evaluate candidacy for the Express Entry programme which is comprised of three types of classes: Federal Skilled Worker, Federal Skilled Trades, and Canadian Experience Class. In order to have their application processed, applicants must meet the minimum points which have eliminated backlogs and reduced the application processing standard to six months or less. It is important to note that successful applicants are granted *permanent* residence before even having set foot in the country. In turn, the migrant is free to reside, work, and study with the same rights as a Canadian citizen. Additionally, citizenship is accessible after three years of residence. Successful applicants of Express Entry are also eligible for pre-Arrival services and are invited at conventions like *Destination Canada*²³⁷. These initiatives organized by Canadian embassies across the world allow immigrants to be put in contact with local organizations and service providers before their move. As we will see below, federal and provincial/territorial authorities are privileged with multiple mechanisms to further international student retention.

Student permits in Canada (like work permits) are temporary statuses. In the case of studies, the permit is issued for the entire duration of the course with an additional nineties day to either change your status or leave Canada. Work permits in Canada are issued based on labour market data. Generally speaking,

²³⁵ “The UK’s Points-Based Immigration System: Policy Statement - GOV.UK,” accessed July 2, 2022, <https://www.gov.uk/government/publications/the-uks-points-based-immigration-system-policy-statement/the-uks-points-based-immigration-system-policy-statement>.

²³⁶ “Transforming the Immigration System - Canada.Ca,” accessed July 2, 2022, <https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/transforming-immigration-system.html>.

²³⁷ “Destination Canada Mobility Forum - Canada.Ca,” accessed July 3, 2022, <https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/hire-permanent-foreign/french-speaking-bilingual-workers-outside-quebec/destination-canada.html>.

employers are required to perform a Labour Market Impact Assessment (LMIA) to demonstrate that there is no permanent resident or Canadian to occupy the position. However, fifty-three exemptions to this requirement have been set in place by the government; eighteen of which could be used in a pathway to permanent settlement for international students.

LMIA Exemption Codes Favouring Students

- Special measures to support Hong Kong residents to come to Canada
- Canada-provincial/territorial
- Atlantic Immigration Program
- Rural and Northern Immigration Pilot
- Rural and Northern Immigration Pilot spouses
- Francophone mobility
- Bridging open work permits (BOWPs)
- Academic exchanges (professors, visiting lecturers)
- International Experience Canada Program
- Research
- Educational co-op – post-secondary
- Educational co-op – secondary level
- Spouses or common-law partners of full-time students
- Postgrad employment
- Postdoctoral Ph.D. fellows and award recipients
- Off-campus employment
- Medical residents and fellows
- Destitute students²³⁸

When contemplating the transition between temporary and permanent residency in Canada, the Canadian Experience class would be the most facilitated pathway. In order to be eligible, candidates must have accumulated the equivalent of one year of qualified work experience in Canada (technical, professional, or managerial). Access to this category is quite attainable, the work experience does not have to be continuous and can be accumulated over multiple years.

When considering temporary residencies, the most attractive option for international graduates in Canada is the Postgraduate Work Permit. The open permit (as opposed to an employer-specific work permit) allows the student three

²³⁸ “Labour Market Impact Assessment (LMIA) Exemption Codes - International Mobility Program - Canada.Ca,” accessed June 29, 2022, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/foreign-workers/exemption-codes.html#r205>.

years to accumulate the one year of experience referred to above²³⁹. As opposed to the Italian system which only requires two exams for renewal, the Canadian students are required to maintain full-time status (at least 9 credits) per session and are allowed to work 20 hours per week (as in Italy). Conversely, as we saw above, Italy only requires the completion of two exams per year for renewal²⁴⁰. As we saw in the Italian context, the mere existence of programs does not suffice in allowing a student to transition from a temporary to permanent residence. In addition to the model of settlement seen earlier in this chapter (fig. 13), students have access to legal representation in the matter of immigration. Universities which have been designated as eligible to accept international students must have a Regulated International Student Immigration Advisors (RISIAs) as part of their Student Services Office team. This paralegal profession allows students to opt to have a RISIA be their legal representative in matters of immigration and process all immigration matters in-house. In fact, other than fingerprinting and visa appointments, all immigration procedures are done remotely through the use of technological tools. Recently, on August 14, 2021, a Canadian Ministerial order formally created the College of Immigration and Citizenship Consultants (previously the Immigration Consultants of Canada Regulatory Council) which licenses and regulates the practice of Regulated Canadian Immigration Consultants (RCICs) as well as the Regulated International Student Immigration Advisors (RISIA).

A quick glance at Canada's International Education Strategy (2019-2024) also points to a more human-capital focused objectives:

- Encourage Canadian students to gain new skills through study and work abroad opportunities in key global markets, especially Asia;
- Diversify the countries from which international students come to Canada, as well as their fields, levels and location of study within Canada;
- Increase support for Canadian education sector institutions to help grow their export services and explore new opportunities abroad²⁴¹.

²³⁹ Youjin Choi, Feng Hou, and Ping Ching Winnie Chan, "Early Earnings Trajectories of International Students after Graduation from Postsecondary Programs," 2021, <https://www150.statcan.gc.ca/n1/pub/36-28-0001/2021002/article/00004-eng.htm>.

²⁴⁰ European Migration Network, "Attracting and Retaining International Students in the EU in 2018," 2019, 17.

²⁴¹ Global Affairs Canada, "Building on Success: International Education Strategy 2019-2024," 2019.

In order to do so, the 2019 Budget allocated \$147.9 million over five years, followed by \$8 million per year of ongoing funding²⁴². Furthermore, defined, outcome-focused, initiatives have been put in place (Table 4).

²⁴² Ibid.

Table 4: Key Initiatives Canada's International Student Strategy 2019

Initiative	Outcome	Lead
Outbound Student Mobility Pilot (\$95 million total over 5 years)	More Canadians study and work abroad, acquiring the skills, intercultural competencies and international networks essential to their careers and economic growth	Employment and Social Development Canada
Increased promotion of International Experience Canada (IEC) (approx. \$1 million supplemental over 5 years and \$200,000 ongoing)	Greater awareness among young Canadians about opportunities to work and travel abroad through IEC	Immigration, Refugees and Citizenship Canada
Targeted digital marketing strategy (approx. \$24.1 million supplemental over 5 years and \$5.4 million ongoing)	Attract students from a wider diversity of countries to a greater diversity of schools and programs of study across Canada	Global Affairs Canada
Enhanced support by the Trade Commissioner Service (approx. \$4.9 million supplemental over 5 years and \$1 million ongoing)	Greater support for education clients leads to increased sales and licensing of Canadian educational services and products abroad	Global Affairs Canada
Expand Student Direct Stream to additional countries (approx. \$1 million over 5 years and \$100,000 ongoing)	Attract more international students from target countries	Immigration, Refugees and Citizenship Canada
Modernize immigration forms and processes (approx. \$18 million over 5 years and \$1.2 million ongoing)	Improved client services for those who seek to visit or study, work or stay in Canada	Immigration, Refugees and Citizenship Canada

Additional scholarships for international students to study in Canada (\$5 million over 5 years)	Attract select students by targeting countries, programs and schools; strengthen bilateral relations	Global Affairs Canada
Consolidate existing scholarships under a cohesive, strengthened narrative	Attract additional international students; support Canada's education brand	Global Affairs Canada

Global Affairs Canada, 2019²⁴³

Interesting to note is the wording adopted in the strategy: *targets* include *diversity* in countries of origin, education is referred to as a *product*, migrants are viewed as *clients*, it wishes to promote *sales* abroad, and speaks of Canada's education *brand*. Needless to say, a capital or *capitalist* view is adopted and demonstrates an economic perspective from its inception.

In short, the data seems to be in harmony with the retention policy: Within five years of obtaining the post-graduation permit, 72%²⁴⁴ of international students have remained in Canada: 76% of people with non-university tertiary education, 62% with bachelor's degree, 79% of students with a master's degree, 70% at the doctoral level²⁴⁵. An important difference is that retention in the Canadian context is articulated around the obtention of permanent residence, whereas retention in Italy is defined as people who have obtained a 1–2-year work permit (renewable based on maintenance of employment) after graduation. This short-sighted perspective is well document in Italian immigration politics²⁴⁶. Furthermore, by looking at tax data five years following graduation, one in two students who stay remain in their province of study²⁴⁷. In fact, provinces and territories in Canada are giving the ability to support candidates already eligible

²⁴³ Ibid, 7-11.

²⁴⁴ Eden Crossman, Yuqian Lu, and Feng Hou, "International Students as a Source of Labour Supply: Engagement in the Labour Market after Graduation," 2022, <https://doi.org/10.25318/36280001202101200002-eng>.

²⁴⁵ Crossman, Lu, and Hou.

²⁴⁶ D Colombo Asher and G Dalla Zuanna, "Immigration Italian Style, 1977–2018" (Wiley, 2019), 14.

²⁴⁷ "International Students as a Source of Labour Supply: A Summary of Recent Trends," accessed July 3, 2022, <https://www150.statcan.gc.ca/n1/pub/36-28-0001/2022003/article/00001-eng.htm>.

for federal programmes through the Provincial Nominee Program by attributing six hundred bonus points to their federal candidacy. Periodically, central government authorities invite the top percentile of applicants in the Express Entry pool to formally request permanent residence. On the last draw on June 22, 2022, the person with the lowest points had 752 out of the possible 1,200²⁴⁸. Hence, obtaining provincial sponsorship is a shoo-in when it comes to permanent residence. The guiding principles of the provincial programmes are based on local labour market realities and policy goals. In British Columbia, data from the *British Columbia 2021-2031 Labour Market Outlook Forecast* is a key document in predicting labour shortages and proactively adjusting immigration policy²⁴⁹.

A double perspective (educational and economic) can be seen in British Columbia's programmes: The first requires that a person has graduated with a master's or PhD in Canada in the following disciplines within the last three years:

International Postgraduate

- Agriculture, agriculture operations and related sciences
- Biological and biomedical sciences
- Computer and information sciences and support services
- Engineering
- Engineering technology and engineering-related fields
- Health professions and related programs
- Mathematics and statistics
- Natural resources conservation
- Physical sciences²⁵⁰

The second is in line with British Columbia's place in Canada as a technology hub. Some highlights in this sector are:

- The tech industry employs 100,000 tech professionals, with approx. 75,000 working in Metro Vancouver
- More than 10,000 tech companies generate more than \$23 billion in revenue and \$15 billion in GDP, in BC
- Most of the world's largest tech companies, including Microsoft, Amazon, Apple, Facebook, Cisco Systems, Samsung, SAP, Intel, Salesforce,

²⁴⁸ "Express Entry Rounds of Invitations - Canada.Ca," accessed July 3, 2022, <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/submit-profile/rounds-invitations.html>.

²⁴⁹ WorkBC, "BRITISH COLUMBIA 2021-2031 FORECAST Labour Market Outlook," 2021.

²⁵⁰ "WelcomeBC / Immigrate to BC - WelcomeBC," accessed July 2, 2022, <https://www.welcomebc.ca/Immigrate-to-B-C/Skills-Immigration#IG>.

Eventbrite, as well as Absolute Software, ACL Service, TELUS, Hootsuite, Dwave, 1Qbit and Slack²⁵¹

Accordingly, supporting this sector in British Columbia through immigration is a priority evident in the creation of the BC Provincial Nominee Program Tech Occupations (Appendix E) whereby certain professions grant provincial sponsorship. A similar model was also applied in the health field.

²⁵¹ “Technology | Vancouver Economic Commission,” accessed July 3, 2022, <https://www.vancouvereconomic.com/focus/technology/>.

CHAPTER V. COMPARATIVE ANALYSIS

The previous chapters of this study have shown the less-than-favourable climate for the reception and retention of international students. Firstly, this chapter aims to estimate the actual number of international students that Italy manages to retain. Secondly, we will take a look at the *accordo integrazione* and analyse what point- or credit-based systems can tell us about what aspects of human capital a country values. Lastly, we will propose a model for international student retention.

5.1. International Student Retention in Italy

As seen earlier, Italy is lagging in the promotion, enrolment, and retention of international students. However, little data is available on how many students actually manage to stay in part due to a statistical disinterest in this profile. Secondly, due to restrictive immigration and citizenship policy, data on the matter is also tainted as it does not differentiate between international students and *studenti stranieri scolarizzati in Italia* [foreign students educated in Italy]. Although this latter group is not the focus of this study, the evaluation of their impact could be a fertile field of study based on the larger net investment from the State (due to a longer residence in Italy) notably in the field of health care and education. However, it could also be argued that the typical contributions which are attributed to international students (economic links to the home country, innovation, linguistic skills, etc.) would be less pronounced in a population that, in most cases, has been in Italy since childhood or even since birth²⁵². Furthermore, although access to citizenship and equal opportunity may be a contentious issue for this group²⁵³, it is difficult to speak about their retention. Often, this population is enrolled in an Italian university as part of a larger family

²⁵² Centro nazionale di documentazione e analisi per l'infanzia e l'adolescenza, "Report Del Ministero Dell'istruzione Sugli Alunni Con Cittadinanza Non Italiana."

²⁵³ Vaccarelli, "Studiare in Italia: Interculture e Inclusione All'Università."

migration project²⁵⁴ and has longstanding social and economic links with the country.

Hence, evaluating the retention of *international* students after graduation in Italy is an interesting, but harrowing feat. The last published attempt at doing so was provided in 2016 and stated that out of the 17,399 study permits issued, 8000 students (45.97%) remained (100% of which went into remunerated activities²⁵⁵). However, full employment of the candidates must be interpreted as a condition, not a circumstance: this data was compiled prior to the application of EU Directive 2016/801 (ratified as Law 163/2017, through Legislative Decree 71 May 11, 2018). Hence, permission to remain in the country still relied on the quotas which limited the concession of work permits to extra-communitarians²⁵⁶. As the quotas considered *all* subordinate and autonomous work contracts, we can infer that there is a considerable desire to stay: with 45.97% finding a way to do so despite strict employment requirements. Since the implementation of the 2016 Directive, students having graduated from an Italian HEI can apply for a *permesso di soggiorno per attesa occupazione* [job search permit] independent of their employment status (also known as an open work permit). A further limitation is that ISTAT does not disaggregate data into subcategories of *types* of work permits allowing us to see the number of postgraduate work permits. Furthermore, databases do not distinguish between the duality found in students with non-Italian citizenship (as seen above).

In turn, estimating the number of international students retained by Italy required a creative agglomeration of data. For starters, in an effort to remove the effects of SARS-CoV-2, we used the total number of university students of non-Italian citizenship enrolled at the end of 2019 (totalling 88,966)²⁵⁷. Secondly, we applied the 2016 “Stay Rate” although students applying were subject to a different legal framework. Lastly, we borrowed the proportion found in Vaccarelli

²⁵⁴ Vaccarelli, 64.

²⁵⁵ European Commission, *EMN INFORM: Retaining Third-Country National Students in the European Union*, 2016, 6.

²⁵⁶ “Lavoratori Stagionali e Non Stagionali 2016, Al via Le Procedure Flussi | Ministero Dell’Interno,” accessed June 28, 2022, <https://www.interno.gov.it/it/notizie/lavoratori-stagionali-e-non-stagionali-2016-procedure-flussi>.

²⁵⁷ Direzione Generale per la Promozione del Sistema Paese Ministero degli Affari Esteri e della Cooperazione Internazionale, “Studenti Stranieri Nel Sistema Di Istruzione Superiore in Italia,” 2020.

(2015) to estimate the prevalence of the two categories: 62.5% international vs. 37.5% foreign students²⁵⁸.

Table 5: Estimation of Retention Rate in Italy

Italy

Non-Italian University Students in 2019 ²⁵⁹	88,966
Stay Rate in 2016 (45.97%) ²⁶⁰	40,898
Of whom are International Students (62.5%) ²⁶¹	25,562
% International Student Graduate Retention	28.73%

In 2019, we reached the conclusion that 25,562 international student graduates stayed in Italy. In Canada, retention rate was easily accessible: based on the statistics presented by Statistics Canada, in the same year 169,503 stayed in Canada; half of which remained in the same province²⁶².

Table 6: Estimation of Number of International Students Retained

Canada

International University Students in 2019 ²⁶³	235,422
Stay Rate in 2008-2016 (72%) ²⁶⁴	169,503
% International Student Graduate Retention	72%

²⁵⁸ Vaccarelli, “Studiare in Italia: Interculture e Inclusione All’Università,” 88.

²⁵⁹ Direzione Generale per la Promozione del Sistema Paese Ministero degli Affari Esteri e della Cooperazione Internazionale, “Studenti Stranieri Nel Sistema Di Istruzione Superiore in Italia.”

²⁶⁰ European Commission, *EMN INFORM: Retaining Third-Country National Students in the European Union*.

²⁶¹ Vaccarelli, “Studiare in Italia: Interculture e Inclusione All’Università.”

²⁶² “International Students as a Source of Labour Supply: Engagement in the Labour Market after Graduation,” accessed July 3, 2022, <https://www150.statcan.gc.ca/n1/pub/36-28-0001/2021012/article/00002-eng.htm>.

²⁶³ Statistics Canada, “The Daily — Prior to COVID-19, International Students Accounted for the Growth in Postsecondary Enrolments and Graduates,” accessed July 3, 2022, <https://www150.statcan.gc.ca/n1/daily-quotidien/211124/dq211124d-eng.htm>.

²⁶⁴ Crossman, Lu, and Hou, “International Students as a Source of Labour Supply: Engagement in the Labour Market after Graduation.”

The magnitude of this difference is evident when adjusted to each country's relative population (38 million in Canada vs. 60.2 million in Italy²⁶⁵). When looking at the 2019 per capita rate of international students who stayed, Canada's capacity to retain this type of capital is four times greater than Italy's: 148 per 100,000 people (Italy) vs. 619 per 100,000 people (Canada). More recently, the government of Canada has welcome 450,000 international students in 2021²⁶⁶ making the rate jump to 1,184 per 100,000. In addition, the Italian numbers risk to be even lower: as Canada's data considers permanent residence as its definition of retention, people retained by the Italian model would still be subject to precarious migratory statuses following the expiry of their postgraduate work permit.

5.2. Points and Credits

Earlier in this work we mentioned the importance of the State as an actor in legitimizing human capital. Often, it is done so through additional actors in the fields of credential equivalencies and linguistic evaluations which, in Europe, are largely managed by EU frameworks (see Chapter 1). In Canada, these processes feed into a larger check and balance system: the Comprehensive Ranking System (CRS). In turn, this mechanism acts to facilitate the granting of permanent status as quickly as possible to people who are perceived as having the *ability* to integrate into the social fabric. In the Italian context, there seems to be a gap in recognizing, or unlocking, human capital in the immigrant population as stated by Basile (2021):

Without a clear mapping of competences of both Italian and foreign workers, it is difficult to say if this is due to the lack of skills of immigrants or to the lack of 'signals' of their skills, which then results in them being underused and 'crowded' into low-skilled positions. As for Italian citizens, our results show the importance of upskilling and investing in human capital not only to increase productivity, as it is obvious, but also to avoid the costs associated with the

²⁶⁵ "Table 1 Population Counts for the G8 Countries and Other Selected Countries, 2010 or 2011," accessed July 5, 2022, <https://www12.statcan.gc.ca/census-recensement/2011/as-sa/98-310-x/2011001/tbl/tbl1-eng.cfm>.

²⁶⁶ Global Affairs Canada, "Building on Success: International Education Strategy 2019-2024."

displacement/substitution effect due to the arrival of new waves of immigrants.²⁶⁷

This context poses a bleak reality: immigrants to Italy are already largely low-skilled²⁶⁸ and 60% of high-skilled immigrants are overqualified for their jobs²⁶⁹. As Basile (2021) sees a solution in the up-skilling of native Italians, I propose that the answer lies in articulation of human capital objectives in immigration policy. As noble as investment in the local population may be, it remains a considerable national expense. Conversely, systems like the Canadian CRS offset the costs of education, health, and liabilities to the countries of origin essentially ‘poaching’ the candidate when they are young, healthy, bilingual, and highly educated (see Appendix D). In addition, *proactive* points-based frameworks ensure that ‘signals’ (as referred to by Basile) of their skills be made apparent from the beginning of the rapport of with the State allowing for their use and further development.

Surprisingly, Italy possesses its own points-based system; unsurprisingly, it is essentially *punitive* and *reactive*. These instruments, also known as merit-based systems, are an outward reflection on a state’s values and conception of integration. In Italy’s case, a credit-based agreement known as the *Accordo integrazione* is two-year agreement signed between the migrant and the State. It owes its creation to the 1998 security package (Dlgs 286/1998) and was brought into force in 2012 by D.P.R. 14 September 2011, n.179²⁷⁰. In essence, this system requires that the migrant obtains and maintains at least thirty credits in order to preserve their legal status. It’s important to take a moment here and see the State’s role in producing illegality: when a migrant is deemed as already poorly integrated (or poor in human capital as per the nation’s framework), he or she is stripped of additional capital (regular immigration status).

²⁶⁷ Roberto Basile et al., “The Impact of Immigration on the Internal Mobility of Natives and Foreign-Born Residents: Evidence from Italy,” *Spatial Economic Analysis* 16, no. 1 (2021): 76.

²⁶⁸ Bratti and Conti, “The Effect of Immigration on Innovation in Italy,” 935.

²⁶⁹ Migrant Integration Policy Index, “Italy | MIPEX 2015.”

²⁷⁰ “Accordo Di Integrazione per Lo Straniero Che Richiede Il Permesso Di Soggiorno | Ministero Dell’Interno,” accessed July 2, 2022, <https://www.interno.gov.it/it/temi/immigrazione-e-asilo/modalita-dingresso/accordo-integrazione-straniero-richiede-permesso-soggiorno>.

Table 7: Obtainable Credits (Appendix B)

Obtainable Credits	Nr. of Max. Credits
Knowledge of the Italian Language	30
Knowledge of the Italian Civic Culture	12
High School or Training (per year)	30
Technical Training (per semester)	15
University (per year)	50
Holder of Degree with Legal Value in Italy	64
Teaching Activities	54
Linguistic and Social Integration Courses	30
Honours Awarded by the Republic	6
Honours Awarded by the Republic	2
Entrepreneurial Activities	4
Obtaining a Family Doctor	4
Participation in Social Life	4
Lodging	6
Training/Internships abroad (not the grounds for entry)	2
Pre-Arrival Training (Article 23)	4

As one can see, in this case the State does not only legitimize human capital, but also takes an active role in revoking it. Arguably, such precarity could lead the immigrant to dive into criminality (the mere fact of being irregular has been criminalized in the past²⁷¹). However, the predominant ‘cimmigration’ view of foreigners is also supported by the existence of a table of crimes and misdemeanours which brings about the loss of credits (Table 8).

Table 8: Loss of Credits (Appendix C)

Loss of Credits	Nr. of Max. Credits
Fine over 10 thousand Euros (misdemeanour)	2
Conviction, less than three months of incarceration (misdemeanour)	3
Conviction, more than three months of incarceration (misdemeanour)	5
Fine over 10 thousand Euros (crime)	6
Conviction, less than three months of incarceration with a fine (misdemeanour)	8
Conviction, less than three months of incarceration (crime)	10

²⁷¹ Garau, *Politics of National Identity in Italy: Immigration and ‘Italianità’*.

Conviction, less than one year of incarceration (crime)	15
Conviction, less than two years of incarceration (crime)	20
Conviction, less than three years of incarceration (crime)	25
Restraining order as per art. 206 c.p. (temporary)	6
Restraining order	10

Further insight can be inferred when aggregating the data in Table 7. In fact, a positive attitude towards education (69% of possible credits) could be beneficial in future initiatives to facilitate international student retention (fig. 15):

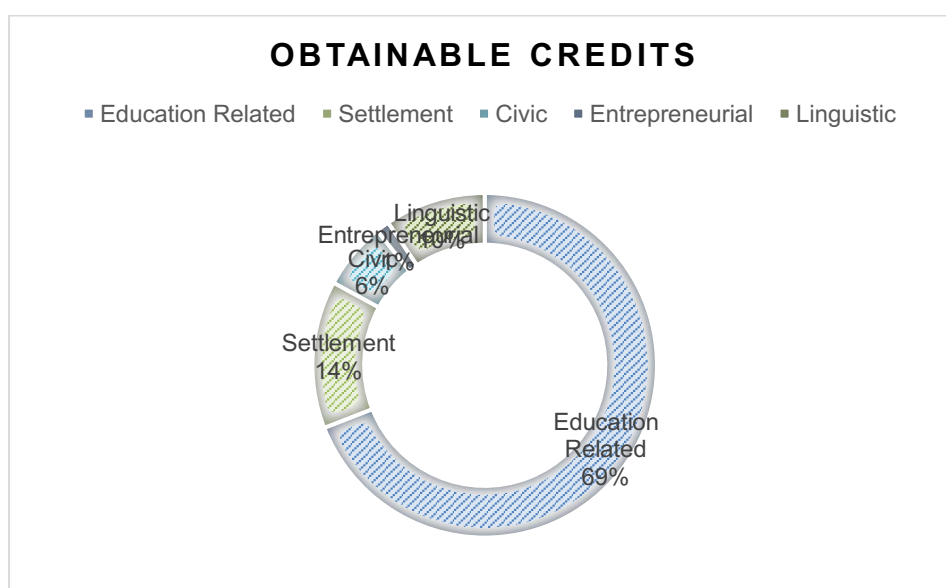


Figure 15: Breakdown of Priorities

Another reflection can be made on Italianità: 30% of credits are grouped in Italian language skills and another 20% in civic engagement. Together, they make up half of what is required to be 'integrated'. In itself, the concept of integration begs the question, "integrated into what? Or compared to whom?" thus, it forces the State to use certain references and models to evaluate where someone is on the integration spectrum. In doing so, human capital components are either seen as favourable, neutral, or unfavourable to integration. A closer look at the content of the civic knowledge requirements acts as a mirror into *how* Italy wants to represent itself and its inherent biases toward the other:

Civic Knowledge Requirements (Appendix A)

Section A (Article 2, paragraph 4, letter B of Presidential Decree 179/2011)

Fundamental Principles of the Constitution of the Republic and of the Organization and Functioning of Public Institutions in Italy

1a. Fundamental principles of the Constitution (articles 1-12):

- The form of government of Italy: The Republic (Article 1).
- Guarantee of the inviolable rights of man and duties of solidarity (Article 2).
- Equal social dignity and equality before the law (art. 3)
- Right to work (Article 4).
- Freedom of religion (art. 8).
- Legal status of the foreigner (Article 10).
- The Italian flag (art.12).

1b. Organization and functioning of public institutions in Italy:

- State bodies and powers.
- Regions, Provinces, Municipalities: local autonomy (art 5 and title V).

Section B (Article 2, paragraph 4, letter C of Presidential Decree 179/2011)

Civil Life in Italy with Particular Reference to the Sectors of Health, School, Social Services, Labour, and Tax Obligations

- Health: Right to health (Article 32).
- School: School (articles 33 and 34).
- Social services: Integrated system of interventions and social services (Framework Law 8 November 2000, n. 328)
- Work: Right to work and labour rights (articles 35-40).
- Tax obligations: Tax obligations (Article 53).

Section C (Article 3, paragraph 2 of Presidential Decree 179/2011)

- Rights and duties of foreigners in Italy.
- Faculties and obligations inherent to the stay.
- Reciprocal rights and duties of the spouses.
- Duties of parents towards their children according to the Italian legal system, also with reference to compulsory education.
- Main initiatives in support of the integration process of foreigners which he can access in the territory of the province and on the reference legislation on health and safety at work.

Ironically, from a Canadian perspective, the onus to educate the migrant on civic and national duties is on the State and not on the newcomer. As we saw in the *IRCC Settlement Program Logic Model (Figure 14)*, civic and cultural integration requires a client-centred, output-based model. Currently, the Italian response is a mandatory 10-hour course at one of the *Centri di Istruzione per gli Adulti (CPIA)* or *Centri Territoriali Permanenti (CTP)* which covers the themes listed above. Taking all this into account, a disproportionate burden is offset to the migrant with the State primarily

focusing on legitimizing (instead of promoting human) capital growth in individuals.

Upon a deeper reading of the *accord integrazione*, one can see a similarity with the Canadian system: the possibility that integration can begin before arrival and that migrants with specific skills can be admitted to address current economic needs. Evidence of this can be found in Article 23 of the *Testo Unico sull'immigrazione* (D.Lgs. del 25.07.1998 n. 286) which establishes overseas training programmes focused on Italian language training (A1), civic culture and job readiness for the Italian productive sector²⁷². Unfortunately, this solidifies the notion that immigration can only be a source of low-skilled labour for non-EU jobs. In the following section, a model with an opposite logic will be proposed to unveil the potential other facet of immigration.

5.3. A Model: The Continuum of Retention

In this final part of this study, we will attempt to get our hands dirty. As we have seen in earlier chapters, a disconnect between law and application has created a context whereby we estimate that only 25,562 international students obtain postgraduate work permits. As we have noted, Italian immigration law regarding international student graduates suffers from deep-rooted myopia. Hence, the prospect of reaching the five-year residence period for an EC long-term residence permit is precarious and most likely require the intervention of an employer or multiple years *fuori corso* [outside the normal study duration].

On the brighter side, we have seen through Italy's interest in interculturalism in schools and education within its credit system that schooling is positively correlated with education. Furthermore, we have noted positive economic effects of foreigners on innovation and economics²⁷³. Taking all this

²⁷² "Formazione All'estero," accessed July 5, 2022, http://sitiarcheologici.lavoro.gov.it/AreaSociale/Immigrazione/formazione_estero/Pages/formazioneester o.aspx.

²⁷³ Bratti and Conti, "The Effect of Immigration on Innovation in Italy"; Ostrovsky and Picot, "Innovation in Immigrant-Owned Firms in Canada."

into account, the challenge at hand for this section is to propose a model which could be complimentary to the current rigid architecture—*something scalable and applicable*. To be viable in the Italian context, the mechanism must both simplify access to permanent status for international students and value human capital. Furthermore, the mechanism must bring direct benefits to the State and contribute to economic and cultural objectives diluting the feelings of *assedio*. After our analysis of the Canadian model, two major tools could be added to the Italian system: the creation of a Regulated International Students Immigration Advisor profession which would be integrated in university welcome desk offices and the creation of a Regional Nominee Programme. Before diving into the particulars of the idea, it is best to familiarize ourselves with the timelines/possibility of an international student to obtain the five-year EC card, also known as permanent residence (albeit requiring certain physical presence requirements to maintain status). Before observing the immigration pathways, a few things must be remembered.

1. When applying for EC Cards after five years of legal residency, the candidate cannot be on student status²⁷⁴.
2. *Fuori Corso* status can only be stretched three years outside of the normal duration of study²⁷⁵.
3. This model has favoured the use of superfluous renewals of study permits, but the use of employer-sponsored work permits could also be applied. The rationale for this decision keeping students in a less precarious situation, by not subjecting them to the requirement of having a valid work contract at the moment of permit expiry²⁷⁶.
4. As per current Italian Law the postgraduate is an *open* (not-employer specific) one-year work permit and is non-renewable. EU directives allow for the permit to be issued up to a maximum of two years²⁷⁷.
5. Residency is calculated based on the date of the *Dichiarazione di residenza* at the local municipality, not from the date of the *issuance* of the permesso di soggiorno (Pds). In my case, five months elapsed between my arrival in Italy and my *receipt* of the Pds. which allowed me to do the declaration. Therefore, one extra year of temporary status is required to meet the five years of municipal residency.

²⁷⁴ Polizia di Stato, “EC Residence Permit for Long-Term Residents |.”

²⁷⁵ European Migration Network, “Attracting and Retaining International Students in the EU in 2018,” 2019, 9.

²⁷⁶ Tuckett, “Strategies of Navigation: Migrants’ Everyday Encounters with Italian Immigration Bureaucracy,” 19.

²⁷⁷ European Migration Network, “Attracting and Retaining International Students in the EU in 2018,” 2019, 9.

Legend: fig. 16 & 17

Laurea Triennale	Fuori Corso
Laurea Magistrale	Post-Graduate Work Permit

	Year 1	Year 2	Year 3	Year 4	Year 5		Year 6	Total Years
Current Model	L	L	L	FC	FC	Permanent Residency	PGWP	6
	L	L	L	LM	LM		PGWP	6
	L	L	L	FC	FC		PGWP	6
	LM	LM	FC	FC	FC		PGWP	6

Figure 16: Current PR Pathways for International Students

As one can notice, the only component converting human capital into immigration status is the possibility of obtaining the postgraduate work permit. Furthermore, economic implications arise for the student when forced to pay additional tuition and when he or she is limited to only working 20 hours a week. As demonstrated by Vaccarelli (2015), international students are by definition mobile, out-of-country, and may not have the same access to family support as their local counterparts²⁷⁸. A further note is that permanent residency is not automatic but requires minimum income thresholds and uninterrupted residence status²⁷⁹.

Now that we have understood the lengthy and precarious process faced by international students, we can begin to look at solutions. The first suggestion is the creation of a points-based *regional* immigration programme whereby support from the region would entitle applicants to a certificate of selection lowering the requirement for permanent residence from five years to three. Another important component would be to redefine “residence” when pertaining to international students. As individuals in this category have already left their

²⁷⁸ Vaccarelli, “Studiare in Italia: Interculture e Inclusione All’Università.”

²⁷⁹ Polizia di Stato, “EC Residence Permit for Long-Term Residents |.”

home countries and maintain a significant tie to the university during their stay, this should be interpreted as *genuine* attachment to Italy and the municipality of study without relying on the *dichiarazione di residenza*. Hence, residence should begin the issuance date of the study permit which reflects the entry date into Italy. Upon arrival, multiple documents are required to obtain all the required documents and find suitable accommodation. As we saw earlier, subsequent renewals require proof of health insurance, proof of enrolment, and financial security. However, the Italian administration such as the National Health Service work on calendar years²⁸⁰. In turn, students (like me) often find themselves in situations of having to extend administrative documents with proofs of application for the following permit to bridge the gap between permit expiry and the beginning of the next year. Hence, the suggestion here would be to issue study permits in line with the functioning of the bureaucracy. Lastly, Italy should take advantage of the EU directive allowing for 24-month post-graduate work permits to incentivize master’s level candidates to stay. Although a positive outcome of the regional immigration programme could grant the migrant permanent residency after three years, the model has been articulated over four years, allowing students at the *triennale* level more time to acquire the points necessary should they have not done so during their studies.

	Year 1	Year 2	Year 3	Permanent Residency	Year 4	Total Years
Proposed Model	L	L	L		PGWP	4
	LM	LM	PGWP	PGWP	4	

Figure 17: Proposed PR Pathways for International Students

The idea behind the regional sponsorship is that the central government would issue quotas based on economic objectives for each respective region. This decentralized approach on immigration would allow a closer connection with on-the-ground needs and realities. Possible points could be issued for economic,

²⁸⁰ Azienda ULSS 2 Marca trevigiana, “Iscrizione Volontaria Al Servizio Sanitario Nazionale.”

demographic, cultural, or linguistic reasons and could be sensitive to identitarian notions. From a labour perspective, the *Agenzia Nazionale per le Politiche Attive del Lavoro* (ANPAL)²⁸¹ could join forces with ISTAT in establishing in-demand occupations²⁸². Furthermore, the regional program would be tasked with working with local professional association and chambers of commerce in assisting in credential recognition and labour market access. Due to their level of education and age international students are prime candidates for these types of projects. Additionally, they have shown that they are adaptable, and they are risk takers. It is worth noting that they have gone through a vetting process in foreign diplomatic missions in order to obtain their study visas. Also, the fact that they have stayed speaks for their level of integration.

Like in British Columbia, specific degrees from certain universities could automatically make candidates eligible. For example, in the Veneto region, one could obtain additional points for taking a few courses in *dialetto*, working in tourism, being a young family, or taking a few courses in local cuisine or history. In fact, a project sponsored by the Università Ca'Foscari Venezia, Fondazione Università Ca'Foscari, Fondazione Venezia, and Cisco, aims to counter population loss in Venice's centre through immigration²⁸³. Venywhere's mission is to, "help contrast the progressive loss of population of the city of Venice. How? Bringing in the energies of young and active remote workers and reducing the dependence of the city from mass tourism. Venice can attract talent who integrate into the local community and create in the long term a new layer of "temporary citizens"²⁸⁴. However, it is apparent in their mission statement that citizens are viewed as temporary which leads me to believe that the potential application of a regional immigration programme could facilitate long-term establishment. Hopefully, the 50% provincial retention rates observed in Canada would translate to Italian regions²⁸⁵.

²⁸¹ "ISTAT - NOMENCLATURA E CLASSIFICAZIONE DELLE UNITÀ PROFESSIONALI," accessed June 29, 2022, <https://professioni.istat.it/cp2011/>.

²⁸² Polizia di Stato, "EC Residence Permit for Long-Term Residents |."

²⁸³ "Agenzia Nazionale Politiche Attive Lavoro - ANPAL," accessed July 6, 2022, <https://www.anpal.gov.it/>.

²⁸⁴ Ibid.

²⁸⁵ Crossman, Lu, and Hou, "International Students as a Source of Labour Supply: Engagement in the Labour Market after Graduation."

As we have seen in other chapters, existence in the books is not often enough to guarantee access in the Italian context. The creation and integration of Registered International Student Immigration Advisers (RISIA) into university welcome offices would be the first point of contact after a student arrives in Italy. The responsibilities of this person would include gathering all relevant documents and transmitting them electronically to the competent authorities for the issuance of the study permit. The RISIA would be the legal representative of the student and would be the point of contact (through a case management platform) should the authorities require additional information. Hence, renewals and status changes could be handled in-house with the student only having to go to the Questura for a yearly identification, finger printing and pick-up appointment. Additionally, RISIA would be the point of contact with the Regional Immigration programme authorities and would be responsible for promoting, assessing, and applying for the express regional pathway on behalf of the student to avoid backlogs of ineligible applicants. Upon establishing the receivability of the application by the regional programmes, students would be entitled to a *bridging permit* valid until the final decision is rendered. Upon registering with the RISIA both parties would commit to a five-year case management cycle ending either at the end of that period or at the obtention of the EC long-term residence permit. In turn, this would facilitate the retention of applicants who take advantage of the proposed model or the one currently in place. The imagined pathway of the new model has been illustrated by numbering the steps of the process.

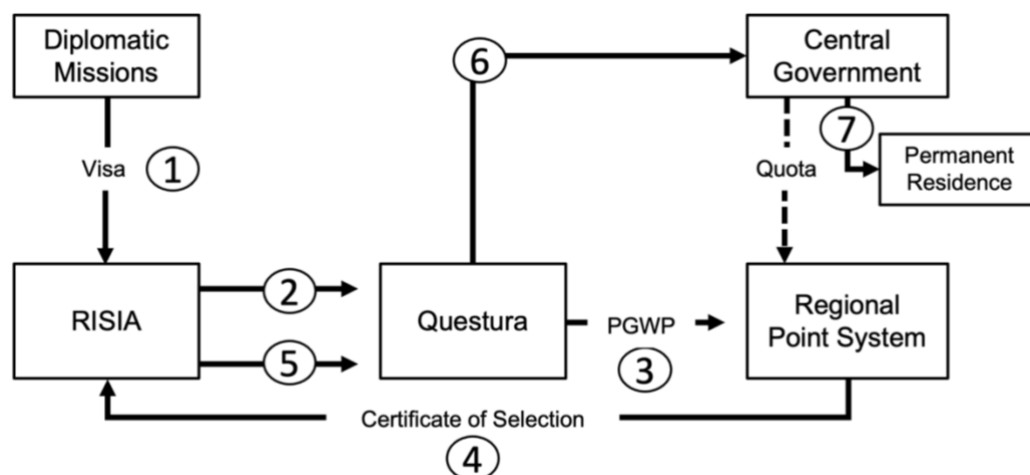


Figure 18: The Continuum of Retention

On a last note, the presentation and wording of this programme should be articulate based on the view that the user is a client, and the framework is a product. Key performance indicators on customer service and outcome should constantly be under the magnifying glass to allow for continued improvement and competition vis-à-vis other immigration destinations.

CONCLUSION / DISCUSSION

Almost fifty years have elapsed since Italy became a land of immigration; however, political mentalities have not evolved over the course of time. Consequently, a pattern of systemic disadvantage has been set in place continues to perpetuate inequalities. Seemingly unbeknownst to Italy, a human capital perspective on immigration could allow the nation to counter demographic and economic challenges shifting stagnant mentalities on national identity. As we have seen, international students are an interesting group as their educational human capital is *de facto* legitimized by the issuance of an Italian degree. However, this is only one of the State's roles in human capital: we have shown that it can also concede or revoke it (from a juridical perspective).

Furthermore, international students are subject to a dualistic identity and face the barriers found in both the educational and migration system. Together, they are the embodiment of an incoherence between policy and application. On the one hand, they are invited to reside in the country to learn at the expense of the State; but on the other, they are not provided with legal status to allow for full social and economic integration. It is not surprising that Italy is not concerned about this lack of return on investment—the nation has a clearly defined role for immigrants in the low-skilled, productive, and shadow economy.

At street-level reality is in direct opposition with macro-objectives. Hence, we conclude that access is a major issue, as multiple levels of State seriously dilute European and Italian state objectives as they trickle down to the end user. As we have seen in our analysis, legal and strategical frameworks fall short in retaining international students (as show by our estimates). Part of the problem is that access to permanent residence is not conceived through *pathways* but through a haphazard collection of legal circumstances which entitles someone to stay. In turn, this mentality is not orientated on maximizing benefit for all actors (state and immigrant) but maintaining the status quo which is currently met with economic and demographic issues.

For this study, we decided to look to Canada for inspiration in the matter:

as a settlement colony and as a top destination for international study²⁸⁶ its history is the polar opposite of the Italian experience. In turn, middle ground may have been found in the possibility of importing two mechanisms from Canada: one dealing with access, and the other one managing immigration along regional objectives. Reappropriating immigration to the local population could calm down radical political movements countering the sense that immigration leads to cultural effacement. In the end, immigration and human capital are a fascinating topic: credits and points systems are outward expressions of values, fears, and delusions around identity, economy, in-groups, and out-groups. They strive to rationalize the complexity of a human being to fit in the boxes administrations, yet judge who can fit into the national territory as a whole.



Figure 19: Immigrant Memorial Statue, The Italian Garden Vancouver

²⁸⁶ Global Affairs Canada, “Building on Success: International Education Strategy 2019-2024.”

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LINEE GUIDA

(ai sensi dell'art. 5, comma 4 dell'Accordo Quadro Ministero dell'Interno –
Ministero dell'Istruzione, dell'Università e della Ricerca 7 Agosto 2012)

Criteri per lo svolgimento del test di conoscenza della cultura civica e della vita civile in Italia (artt. 5 e 6, D.P.R. 179/2011)

a cura

Direzione Generale dell'Istruzione e Formazione Tecnica Superiore e per i rapporti con i sistemi formativi delle Regioni

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INTRODUZIONE

Le presenti *Linee guida* sono state definite ai sensi dell'art. 5 comma 4, dell'Accordo Quadro tra Ministero dell'Interno e Ministero dell'Istruzione, dell'Università e della Ricerca del 7 agosto 2012, per consentire alle Commissioni, di cui all'art. 5, comma 3 dell' Accordo Quadro 11 novembre 2010, di predisporre, secondo criteri unitari ed omogenei, il test di conoscenza della cultura civica e vita civile in Italia ai fini della verifica di cui all'art. 6 del DPR 179/11.

Le *Linee guida* contengono criteri per lo svolgimento del test, di cui all'art. 5, comma 1 del DPR 179/11, ivi comprese le relative modalità di valutazione; esse sono state elaborate dal *Gruppo di Lavoro* costituito da esperti individuati dal Ministero dell'Interno, dal MIUR, dall'Invalsi, dall'Indire e dagli UUSSRR, sulla base delle "Linee guida per la progettazione delle sessioni di formazione civica e di informazione".

L'art. 6 comma 1 del DPR 179/11 dispone che lo straniero – in assenza di idonea documentazione necessaria ad ottenere il riconoscimento dei crediti per la verifica dell'Accordo di Integrazione – ha facoltà di "far accertare il proprio livello di conoscenza della lingua italiana, della cultura civica e della vita civile in Italia attraverso un apposito test".

Attesa la particolarità dell'utenza, riconducibile anche ad un profilo basilico di competenza della lingua italiana, il test è strutturato in forma orale. La scelta di tale approccio è dettata dalla considerazione socio-linguistica che pone l'oralità come dimensione comunicativa preponderante nell'interazione sociale come esplicitato nel Sillabo di riferimento per i livelli di competenza in italiano L2: livello A2 a cura degli Enti Certificatori (di cui al D.M. 4 giugno 2010). La metodologia presuppone l'adozione – da parte delle Commissioni – di strategie specifiche per l'interazione orale, secondo protocolli di conduzione e procedure comportamentali come da letteratura di settore.

Le presenti *Linee guida* non si pongono come un percorso prescrittivo, ma intendono costituire un sostegno per la definizione di modelli organizzativi costruiti – d’intesa con gli UUSSRR competenti – sulle reali esigenze delle diverse tipologie dell’utente adulto straniero e costituiscono un punto di partenza che, attraverso attività di informazione/formazione, potrà essere arricchito e migliorato nel tempo con il coinvolgimento attivo di tutti gli operatori interessati.

Al termine del periodo di prima applicazione, e comunque non oltre l’avvio dell’a.s. 2015/2016, le presenti *Linee guida* sono integrate ed implementate in esito alle attività di monitoraggio condotte nell’ambito delle azioni a valere sul “FONDO EUROPEO PER L’INTEGRAZIONE DI CITTADINI DI PAESI TERZI” 2007-2013 sulla base delle indicazioni del *Gruppo di Lavoro*, all’uopo costituito, sentite, per quanto di rispettiva competenza, le Università per stranieri di Perugia e Siena e l’Associazione Certificazione Lingua Italiana di Qualità (CLIQ), fermo restando quanto previsto dal d.leg.vo 13/13.

1. IL CONTESTO DI RIFERIMENTO

Si richiamano di seguito le principali disposizioni che disciplinano il contesto normativo nel quale si inquadrano le presenti Linee guida:

- **Ordinanza ministeriale n. 455 del 29 luglio 1997** - Educazione in età adulta. Istruzione e formazione.
- **Legge 27 dicembre 2006, n. 296** "Disposizioni per la formazione del bilancio annuale e pluriennale dello Stato (legge finanziaria 2007)"; in particolare l’art. 1, comma 632.
- **Decreto ministeriale 25 ottobre 2007** recante criteri generali per il conferimento dell'autonomia di cui al DPR n. 275/99 ai "Centri provinciali per l'istruzione degli adulti"
- **Legge 6 agosto 2008, n. 133** "Conversione in legge, con modificazioni, del decreto-legge 25 giugno 2008, n. 112, recante disposizioni urgenti per lo sviluppo economico, la semplificazione, la competitività, la stabilizzazione della finanza pubblica e la perequazione tributaria", art. 64, comma 4 lettera f).
- **Legge 15 luglio 2009, n. 94** "Disposizioni in materia di sicurezza pubblica" pubblicata nella *Gazzetta Ufficiale* n. 170 del 24 luglio 2009 - Supplemento ordinario n. 128, art. 1, comma 25.
- **Decreto 4 giugno 2010 del Ministero dell’Interno** contenente modalità di svolgimento del test di conoscenza della lingua italiana, previsto dall’articolo 9 del decreto legislativo 25 luglio 1998, n. 286, introdotto dall’articolo 1, comma 22, lettera i) della legge n. 94/2009.
- **Accordo-Quadro** sottoscritto il giorno 11 novembre 2010 dal Ministero dell’interno (Dipartimento per le Libertà civili e l’immigrazione – Direzione Centrale per le Politiche dell’Immigrazione e dell’Asilo – Ufficio I - Pianificazione delle Politiche dell’Immigrazione e dell’Asilo) e dal Ministero dell’Istruzione, dell’Università e della Ricerca (Dipartimento per l’Istruzione) per dare applicazione, fra l’altro, a quanto previsto dal **Decreto 4 giugno 2010 del Ministero dell’Interno**.
- Nota n. 8571 del 16 dicembre 2010, con la quale il Ministero dell’interno (Dipartimento per le Libertà civili e l’immigrazione – Direzione Centrale per le Politiche dell’Immigrazione e dell’Asilo – Ufficio I -

Pianificazione delle Politiche dell'Immigrazione e dell'Asilo) ha trasmesso al Ministero dell'Istruzione, dell'Università e della Ricerca (Dipartimento per l'Istruzione – Direzione Generale per l'istruzione e formazione tecnica superiore) il *Sillabo di riferimento per i livelli di competenza in italiano L2: livello A2 a cura degli Enti Certificatori* (di cui al D.M. 4 giugno 2010), chiedendo di elaborare un *Vademecum* contenente indicazioni tecnico-operative per consentire alle Commissioni, di cui all'art. 5 dell'Accordo Quadro 11 novembre 2010, di operare secondo criteri unitari ed omogenei.

- **Vademecum contenente indicazioni tecnico-operative per la definizione dei contenuti delle prove che compongono il test, criteri di assegnazione del punteggio e durata del test** (di cui al DM 4 giugno 2010), diramato con nota n. 11255 del 28 dicembre 2010 del Ministero dell'Istruzione, dell'Università e della Ricerca (Dipartimento per l'Istruzione – Direzione Generale per il Personale scolastico).
- **Decreto del Presidente della Repubblica 14 settembre 2011, n. 179** «Regolamento concernente la disciplina dell'accordo di integrazione tra lo straniero e lo Stato, a norma dell'articolo 4-bis, comma 2, del testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero, di cui al decreto legislativo 25 luglio 1998, n. 286» ed in particolare: l'art. 5, comma 1; l'art. 6, comma 1; l'art. 10.
- **Linee di indirizzo per l'applicazione del decreto del Presidente della Repubblica n. 179/2011** diramate con nota n. 1542 del 2 marzo 2012 del Ministero dell'Interno e del Ministro della Cooperazione Internazionale e l'Integrazione.
- **Linee guida progettazione dei percorsi di alfabetizzazione e apprendimento della lingua italiana diramate con nota n. 666 del 13 marzo 2012 del Ministero dell'Istruzione, dell'Università e della Ricerca (Dipartimento per l'Istruzione – Direzione Generale per l'istruzione e formazione tecnica superiore)**
- **Accordo-Quadro** sottoscritto il 7 Agosto 2012 dal Ministero dell'interno (Dipartimento per le Libertà civili e l'immigrazione – Direzione Centrale per le Politiche dell'Immigrazione e dell'Asilo – Ufficio I - Pianificazione delle Politiche dell'Immigrazione e dell'Asilo) e dal Ministero dell'Istruzione, dell'Università e della Ricerca (Dipartimento per l'Istruzione) per dare applicazione, fra l'altro, a quanto previsto dal decreto del Presidente della Repubblica n. 179/2011, con particolare riferimento alle sessioni di formazione civica e di informazione, di cui all'articolo 3 ed in particolare l'art. 5.
- Nota n. 2645 del 31 ottobre 2012, con la quale il Ministero dell'Istruzione, dell'Università e della Ricerca (Dipartimento per l'Istruzione – Direzione Generale per l'istruzione e formazione tecnica superiore) ha fornito agli Uffici Scolastici Regionali ed alle Sovrintendenze ed Intendenze scolastiche prime istruzioni operative in merito all'Accordo Quadro 7 Agosto 2012, facendo riserva di emanare con successiva circolare le istruzioni operative relative al test di cui all'art. 5, comma 1 del DPR 179/2011.
- **Decreto del Presidente della Repubblica 29 ottobre 2012 n. 263** "Regolamento recante norme generali per la ridefinizione dell'assetto organizzativo didattico dei Centri d'istruzione per gli adulti, ivi compresi i corsi serali, a norma dell'articolo 64, comma 4, del decreto-legge 25 giugno 2008, n. 112, convertito,

con modificazioni, dalla legge 6 agosto 2008, n. 133” pubblicato nella *Gazzetta Ufficiale* n. 47 del 25 febbraio 2013”.

- **Linee guida per la progettazione della sessione di formazione civica e di informazione, di cui all’art. 3 del DPR 179/2011**, diramate con nota n. 988 del 4 luglio 2013 del MIUR (Dipartimento per l’Istruzione – Direzione Generale per l’istruzione e formazione tecnica superiore e per i rapporti con i sistemi formativi delle Regioni).
- Nota 1311 del 26 febbraio 2014 con la quale il Ministero dell’Interno (Dipartimento per le Libertà civili e l’immigrazione – Direzione Centrale per le Politiche dell’Immigrazione e dell’Asilo – Ufficio I - Pianificazione delle Politiche dell’Immigrazione e dell’Asilo) ha richiesto al MIUR (Dipartimento per l’Istruzione – Direzione Generale per l’istruzione e formazione tecnica superiore e per i rapporti con i sistemi formativi delle Regioni) i criteri per lo svolgimento dei test di cui all’art. 5, comma 1 del DPR 179/2011.
- **2. INDICAZIONI OPERATIVE PER LA COSTRUZIONE DEL TEST**

2.1 Contenuti del test

I contenuti del test fanno riferimento all’elenco delle conoscenze di seguito riportate, così come declinate nel paragrafo 2 delle “Linee guida per la progettazione della sessione di formazione civica e di informazione, di cui all’articolo 3 del DPR 179/2011”.

Elenco delle conoscenze

SEZIONE A (Art. 2, comma 4, lettera b DPR 179/2011)

PRINCIPI FONDAMENTALI DELLA COSTITUZIONE DELLA REPUBBLICA E DELL’ORGANIZZAZIONE E FUNZIONAMENTO DELLE ISTITUZIONI PUBBLICHE IN ITALIA

1/a Principi fondamentali della Costituzione (artt. 1-12):

- *La forma di governo dell’Italia: la Repubblica (art. 1).*
- *Garanzia dei diritti inviolabili dell’uomo e doveri di solidarietà (art.2).*
- *Pari dignità sociale e eguaglianza di fronte alla legge (art. 3).*
- *Diritto al lavoro (art. 4).*
- *Libertà di religione (art. 8).*
- *Condizione giuridica dello straniero (art. 10).*
- *La bandiera italiana (art. 12).*

1/b Organizzazione e funzionamento delle istituzioni pubbliche in Italia:

- *Organi e poteri dello Stato.*
- *Regioni, Province, Comuni: autonomie locali (art 5 e titolo V).*

SEZIONE B (Art. 2, comma 4, lettera c DPR 179/2011)

VITA CIVILE IN ITALIA CON PARTICOLARE RIFERIMENTO AI SETTORI DELLA SANITÀ, DELLA SCUOLA, DEI SERVIZI SOCIALI, DEL LAVORO E AGLI OBBLIGHI FISCALI

Sanità: *Diritto alla salute (art. 32).*

Scuola: *Scuola (artt. 33 e 34).*

Servizi sociali: *Sistema integrato di interventi e servizi sociali (Legge Quadro 8 novembre 2000, n. 328).*

Lavoro: *Diritto al lavoro e diritti del lavoro (artt. 35-40).*

Obblighi fiscali: *Obblighi fiscali (art. 53).*

SEZIONE C (Art. 3, comma 2 del D.P.R 179/2011)

INFORMAZIONI SU:

- *diritti e doveri degli stranieri in Italia.*
- *facoltà e obblighi inerenti al soggiorno.*
- *diritti e dei doveri reciproci dei coniugi.*
- *doveri dei genitori verso i figli secondo l'ordinamento giuridico italiano, anche con riferimento all'obbligo di istruzione.*
- *principali iniziative a sostegno del processo di integrazione degli stranieri a cui egli può accedere nel territorio della provincia e sulla normativa di riferimento in materia di salute e sicurezza sul lavoro.*

2.2 Struttura e durata del test

Il test si svolge in forma orale; è sostenuto da un solo esaminato alla volta, con cui interagisce uno solo dei componenti della Commissione. È richiesta la presenza di almeno un altro componente in funzione di osservatore. Tale Commissione è formata secondo i criteri di cui all'art. 5, comma 3 dell' Accordo Quadro 11 novembre 2010. Il test ha una durata da un minimo di 7 minuti a un massimo di 10 minuti, ivi compresa l'attribuzione del livello, ed è formulato sulla base delle indicazioni contenute nella successiva Tabella 1.

TABELLA 1

Profilo	L'esaminato dimostra di aver acquisito la conoscenza dei principi fondamentali della Costituzione della Repubblica e dell'organizzazione e del funzionamento delle istituzioni pubbliche in Italia nonché della vita civile in Italia, con particolare riferimento ai settori della sanità, della scuola, dei servizi sociali, del lavoro e agli obblighi fiscali. L'esaminato dimostra altresì di essere informato dei diritti e dei doveri degli stranieri in Italia, delle facoltà e degli obblighi inerenti al soggiorno, dei diritti e doveri reciproci dei coniugi e dei doveri dei genitori verso i figli secondo l'ordinamento giuridico italiano, anche con riferimento all'obbligo di istruzione nonché delle principali iniziative a sostegno del processo di integrazione degli stranieri a cui egli può accedere nel territorio della provincia di residenza e sulla normativa di riferimento in materia di salute e sicurezza sul lavoro.
Contenuti della prova	Elenco delle conoscenze indicate nel precedente paragrafo 2.1, così come declinate nel paragrafo 2 delle "Linee guida per la progettazione della sessione di formazione civica e di informazione, di cui all'articolo 3 del DPR 179/2011".
Struttura della prova	La prova è composta da: 1) una breve presentazione da parte dello straniero, guidata dall'esaminatore; 2) uno scambio comunicativo che prende avvio attraverso tre input, uno per ciascuna delle tre succitate sezioni A, B, C.
Caratteristica della breve presentazione	La breve presentazione guidata è condotta secondo una traccia articolata in domande aperte da porre al fine di conoscere meglio l'esaminato, con particolare riferimento al nome, alla provenienza, al suo viver quotidiano in Italia e al suo contesto familiare. Tale traccia (che può essere arricchita con altre richieste), consente alla Commissione di acquisire le informazioni funzionali allo svolgimento del successivo scambio comunicativo.

Caratteristiche dello scambio comunicativo	<p>Gli input devono riferirsi al vissuto o al quotidiano della persona straniera senza generalizzazioni o astrazioni di carattere culturale, concettuale o speculativo. In ogni caso gli input vanno formulati in coerenza con le competenze e le sottoabilità previste per il livello A2 parlato dalle <i>Linee guida contenenti criteri per lo svolgimento del test di conoscenza della lingua italiana</i> allegate alle presenti.</p> <p>I turni dell'esaminatore devono essere brevi e non devono superare le venti parole circa.</p>
Modalità di svolgimento	<p>Il test:</p> <ul style="list-style-type: none"> • <u>deve assumere la forma di colloquio e non di interrogazione;</u> • si avvale di input che possono favorire lo scambio, quali immagini o oggetti di uso quotidiano. <p>L'esaminatore che interagisce con il candidato <u>deve</u>:</p> <ul style="list-style-type: none"> • stabilire un rapporto sereno improntato alla cordialità; • mantenere un atteggiamento fortemente collaborativo; • parlare chiaramente e con una dizione non distante dallo standard; • parlare mantenendo un ritmo rallentato e avendo la possibilità di ripetere fino a un massimo di due volte; • chiamare per nome il candidato; • usare preferibilmente il Lei, a patto che il registro formale non costituisca un ostacolo linguistico ai fini dell'interazione, in quanto potenzialmente meno legato alla quotidianità dell'esaminato. <p>La Commissione seleziona gli input sulla base di quanto emerso nella breve presentazione guidata dell'esaminato, al fine di permettere lo svolgimento dell'interazione su ambiti e tematiche quanto più vicini all'esperienza della persona. A tal fine la Commissione predispone preliminarmente un repertorio di possibili input.</p> <p>Il componente o i componenti della Commissione che non interagiscono direttamente con l'esaminato, durante lo svolgimento del test redigono sintetica traccia della prova. Al termine del test la Commissione (all'interno del tempo complessivo di durata del test di cui al punto 2.2) attribuisce il livello di conoscenza della cultura civica e della vita civile in Italia e, laddove sia stato raggiunto almeno il "livello sufficiente", anche quello del livello A2 ("solo lingua parlata") della lingua italiana, qualora l'esaminato non sia in possesso di un livello superiore di conoscenza della stessa.</p>

3. CRITERI DI ATTRIBUZIONE DEL LIVELLO DI CONOSCENZA DELLA CULTURA CIVICA E DELLA VITA CIVILE IN ITALIA

La descrizione dei livelli è stata formulata tenendo conto delle indicazioni contenute nel *Sillabo di riferimento per i livelli di competenza in italiano L2: livello A2 a cura degli Enti Certificatori* (di cui al D.M. 4 giugno 2010) con particolare riferimento al capitolo 4, paragrafo 2.

Elevato	<p>La prova è svolta in modo completo: l'esaminato affronta tutti i temi previsti; interagisce mostrando di capire e richiedendo raramente all'esaminatore di ripetere; dà risposte appropriate anche se in forma breve e con qualche esitazione; usa un repertorio lessicale di base e strutture semplici, anche se commette errori lessicali, morfosintattici, di intonazione e pronuncia che comunque non compromettono la comprensione da parte della Commissione.</p>
Buono	<p>La prova è svolta in modo sostanzialmente completo: l'esaminato affronta buona parte dei temi previsti; interagisce mostrando quasi sempre di capire e</p>

	richiedendo a volte all'esaminatore di ripetere; dà risposte nel complesso appropriate anche se in forma breve e con qualche esitazione; usa un repertorio lessicale di base e strutture semplici anche se commette errori lessicali, morfosintattici, di intonazione e pronuncia che comunque non compromettono la comprensione da parte della Commissione.
Sufficiente	La prova è svolta in modo non del tutto completo: l'esaminato affronta solo alcuni dei temi previsti; interagisce con qualche difficoltà mostrando comunque di orientarsi sulle tematiche affrontate; richiede spesso all'esaminatore di ripetere; dà risposte non sempre appropriate; usa un repertorio lessicale di base e strutture semplici anche se commette errori lessicali, morfosintattici, di intonazione e pronuncia che comunque non compromettono la comprensione da parte della Commissione.

La prova non è superata se l'esaminato non raggiunge un livello almeno sufficiente di conoscenza della cultura civica e della vita civile in Italia.

Il raggiungimento almeno del "livello sufficiente" di conoscenza della cultura civica e della vita civile in Italia comporta anche l'attribuzione del livello A2 ("solo lingua parlata") della lingua italiana (con riferimento alle *Linee guida contenenti criteri per lo svolgimento del test di conoscenza della lingua italiana a livello A2 parlato* allegate alle presenti), qualora l'esaminato non sia in possesso di un livello superiore di conoscenza della stessa.

ALLEGATO B

(di cui all'articolo 2, comma 3)

Tabella dei crediti riconoscibili in relazione alla conoscenza della lingua italiana, della cultura civica e della vita civile in Italia

1. Conoscenza della lingua italiana

(secondo il quadro comune europeo di riferimento per le lingue emanato dal Consiglio d'Europa)

Crediti riconoscibili (*)

livello A1 (solo lingua parlata)	10
livello A1	14
livello A2 (solo lingua parlata)	20
livello A2	24
livello B1 (solo lingua parlata)	26
livello B1	28
livelli superiori a B1	30

(*) I crediti relativi alla presente voce non sono cumulabili tra loro

2. Conoscenza della cultura civica e della vita civile in Italia**Crediti riconoscibili (*)**

Livello sufficiente	6
Livello buono	9
Livello elevato	12

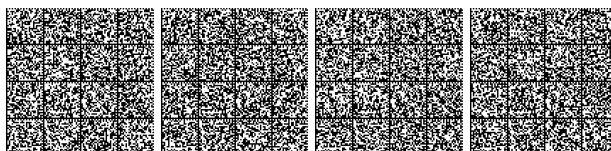
(*) I crediti relativi alla presente voce non sono cumulabili tra loro

3. Percorsi di istruzione per adulti, corsi di istruzione secondaria superiore o di istruzione e formazione professionale

(nell'ambito del sistema educativo di istruzione e formazione di cui alla legge n. 53/2003)

Crediti riconoscibili (*)()**

Frequenza con profitto di un corso di durata pari ad almeno 80 ore	4
Frequenza con profitto di un corso di durata pari ad almeno 120 ore	5



Frequenza con profitto di un corso di durata pari ad almeno 250 ore	10
Frequenza con profitto di un corso di durata pari ad almeno 500 ore	20
Frequenza con profitto di un anno scolastico	30

(*) I crediti relativi alla presente voce non sono cumulabili tra loro

(**) I crediti di cui alla presente voce sono dimezzati qualora, a conclusione del percorso o del corso, allo straniero siano riconosciuti, ai sensi della successiva voce n. 6, i crediti relativi al conseguimento del diploma di istruzione secondaria superiore o di qualifica professionale

4. Percorsi degli istituti tecnici superiori o di istruzione e formazione tecnica superiore

(nell'ambito del sistema di istruzione e formazione tecnica superiore di cui all'art. 69 della legge n. 144/1999)

Crediti riconoscibili (*)

Frequenza con profitto di un semestre	15 (per ciascun semestre)
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(*) I crediti di cui alla presente voce sono dimezzati qualora, a conclusione del percorso, allo straniero siano riconosciuti, ai sensi della successiva voce n. 6, i crediti relativi al conseguimento del diploma di tecnico superiore o del certificato di specializzazione tecnica superiore

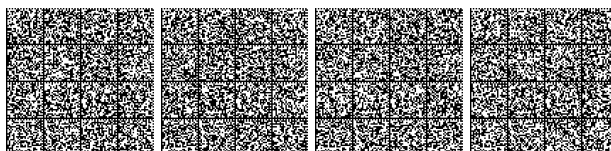
5. Corsi di studi universitari o di alta formazione in Italia

(presso università statali e non statali, istituti di istruzione universitaria ad ordinamento speciale o istituzioni del sistema dell'alta formazione di cui all'art. 2 della legge n. 508/1999, autorizzati al rilascio di titoli di studio aventi valore legale)

Crediti riconoscibili (*)

Frequenza di un anno accademico con superamento di due verifiche di profitto	30
Frequenza di un anno accademico con superamento di tre verifiche di profitto	32
Frequenza di un anno accademico con superamento di quattro verifiche di profitto	34
Frequenza di un anno accademico con superamento di cinque o più verifiche di profitto	36
Frequenza di un anno di dottorato di ricerca o di corso equiparato con valutazione positiva della attività di ricerca svolta nell'anno frequentato	50

(*) I crediti di cui alla presente voce sono dimezzati qualora, a conclusione del corso, allo straniero siano riconosciuti, ai sensi della successiva voce n. 6, i crediti relativi al conseguimento del corrispondente diploma di laurea, laurea magistrale, specializzazione o del titolo di dottore di ricerca o titoli equiparati



6. Conseguimento di titoli di studio aventi valore legale in Italia

(al termine dei corsi o percorsi di cui alle precedenti voci 3, 4 e 5)

Crediti riconoscibili

Diploma di qualifica professionale	35
Diploma di istruzione secondaria superiore	36
Diploma di tecnico superiore o certificato di specializzazione tecnica superiore	37
Diploma di laurea o titolo accademico equiparato,	46
Diploma di laurea magistrale o titolo accademico equiparato,	48
Diploma di specializzazione o titolo accademico equiparato	50
Titolo di dottore di ricerca o titolo accademico equiparato	64

7. Attività di docenza

Crediti riconoscibili

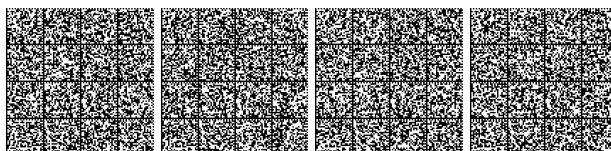
Conseguimento dell'abilitazione all'esercizio della professione di docente, ai sensi dell'art. 49 del D.P.R. n. 394/1999 (nell'ambito del sistema educativo di istruzione e formazione di cui alla legge n. 53/2003)	50
Svolgimento dell'attività di docenza nelle università, negli istituti di istruzione universitaria ad ordinamento speciale o nelle istituzioni del sistema dell'alta formazione (si fa riferimento alle università statali e non statali, agli istituti di istruzione universitaria ad ordinamento speciale, alle istituzioni del sistema dell'alta formazione di cui all'art. 2 della legge n. 508/1999, autorizzati al rilascio di titoli di studio aventi valore legale in Italia)	54

8. Corsi di integrazione linguistica e sociale

(frequentati in una delle istituzioni di cui all'art. 12, comma 2)

Crediti riconoscibili (*)

Frequenza con profitto di un corso di durata pari ad almeno 80 ore	4
Frequenza con profitto di un corso di durata pari ad almeno 120 ore	5
Frequenza con profitto di un corso di durata pari ad almeno 250 ore ovvero superamento del test di conoscenza della lingua tedesca ai sensi dell'art. 6, comma 1-bis	10
Frequenza con profitto di un corso di durata pari ad almeno 500 ore	20



Frequenza con profitto di un corso di durata pari ad almeno 800 ore	30
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(*) I crediti relativi alla presente voce non sono cumulabili tra loro né con quelli di cui alle precedenti voci 3, 4, 5, 6 e 7.

9. Onorificenze e benemerienze pubbliche

Crediti riconoscibili

Conferimento di onorificenze della Repubblica italiana	6
Conferimento di altre benemerienze pubbliche	2

10. Attività economico-impresditoriali

Crediti riconoscibili

Svolgimento di attività economico-impresditoriali,	4
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12. Scelta di un medico di base

Crediti riconoscibili

s celta di un medico di base iscritto nei registri Asl	4
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13. Partecipazione alla vita sociale

Crediti riconoscibili

Svolgimento di attività di volontariato presso associazioni iscritte nei pubblici registri o che svolgono attività di promozione sociale	4
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14. Abitazione

Crediti riconoscibili

Sottoscrizione, registrazione e ove prescritto trascrizione di un contratto di locazione pluriennale o di acquisto di un immobile ad uso abitativo ovvero certificazione dell'accensione di un mutuo per l'acquisto di un immobile ad uso abitativo	6
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15. Corsi di formazione anche nel Paese di origine**Crediti riconoscibili**

Partecipazione con profitto a tirocini formativi e di orientamento ovvero a programmi di formazione professionale diversi da quelli che costituiscono la motivazione dell'autorizzazione all'ingresso	2
Partecipazione con profitto a programmi di formazione all'estero previsti dall'art. 23 del testo unico	4



ALLEGATO C

(di cui all'articolo 4, comma 2)

Tabella dei crediti decurtabili ai sensi dell'articolo 4, comma 2

1. Reati	Crediti decurtabili
Condanna anche non definitiva al pagamento Di una ammenda non inferiore a 10 mila euro	2
Condanna anche non definitiva alla pena dell'arresto inferiore a tre mesi anche congiunta al pagamento di una ammenda	3
Condanna anche non definitiva alla pena dell'arresto superiore a tre mesi	5
Condanna anche non definitiva al pagamento di una multa non inferiore a 10 mila euro	6
Condanna anche non definitiva alla pena della reclusione inferiore a tre mesi anche congiunta al pagamento di una multa	8
Condanna anche non definitiva alla pena della reclusione non inferiore a tre mesi	10
Condanna anche non definitiva alla pena della reclusione non inferiore ad un anno	15
Condanna anche non definitiva alla pena della reclusione non inferiore a due anni	20
Condanna anche non definitiva alla pena della reclusione non inferiore a tre anni	25
2. Misure di sicurezza personali	Crediti decurtabili
Applicazione provvisoria di una misura di sicurezza ai sensi dell'articolo 206 c.p.	6
Applicazione anche in via non definitiva di una misura di sicurezza personale	10



3. Illeciti amministrativi e tributari**Crediti decurtabili**

Irrogazione di una sanzione pecuniaria definitiva di importo non inferiore a 10 mila euro	2
Irrogazione di una sanzione pecuniaria definitiva di importo non inferiore a 30 mila euro	4
Irrogazione di una sanzione pecuniaria definitiva di importo non inferiore a 60 mila euro	6
Irrogazione di una sanzione pecuniaria definitiva di importo non inferiore a 100 mila euro	8

NOTE

AVVERTENZA:

Il testo delle note qui pubblicato è stato redatto dall'amministrazione competente per materia, ai sensi dell'art.10, comma 3, del testo unico delle disposizioni sulla promulgazione delle leggi, sull'emanazione dei decreti del Presidente della Repubblica e sulle pubblicazioni ufficiali della Repubblica italiana, approvato con D.P.R. 28 dicembre 1985, n.1092, al solo fine di facilitare la lettura delle disposizioni di legge alle quali è operato il rinvio. Restano invariati il valore e l'efficacia degli atti legislativi qui trascritti.

Note alle premesse:

— L'art. 87 della Costituzione conferisce, tra l'altro, al Presidente della Repubblica il potere di promulgare le leggi ed emanare i decreti aventi valore di legge e i regolamenti.

— Si riporta il testo dell'art. 17, comma 1, della legge 23 agosto 1988, n. 400 (Disciplina dell'attività di Governo e ordinamento della Presidenza del Consiglio dei Ministri), pubblicata nella *Gazzetta Ufficiale* 12 settembre 1988, n. 214:

«Art. 17. (*Regolamenti*). — 1. Con decreto del Presidente della Repubblica, previa deliberazione del Consiglio dei Ministri, sentito il parere del Consiglio di Stato che deve pronunciarsi entro novanta giorni dalla richiesta, possono essere emanati regolamenti per disciplinare:

- a) l'esecuzione delle leggi e dei decreti legislativi, nonché dei regolamenti comunitari;
- b) l'attuazione e l'integrazione delle leggi e dei decreti legislativi recanti norme di principio, esclusi quelli relativi a materie riservate alla competenza regionale;
- c) le materie in cui manchi la disciplina da parte di leggi o di atti aventi forza di legge, sempre che non si tratti di materie e comunque riservate alla legge;
- d) l'organizzazione ed il funzionamento delle amministrazioni pubbliche secondo le disposizioni dettate dalla legge;
- e)».

— Si riporta il testo dell'art. 4-bis del decreto legislativo 25 luglio 1998, n. 286, (Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero), pubblicato nella *Gazzetta Ufficiale* 18 agosto 1998, n. 191, introdotto dall'art. 1, comma 25, della legge 15 luglio 2009, n. 94 (Disposizioni in materia di sicurezza pubblica.), pubblicata nella *Gazzetta Ufficiale* 24 luglio 2009, n. 170:

«Art. 4-bis. (*Accordo di integrazione*). — 1. Ai fini di cui al presente testo unico, si intende con integrazione quel processo finalizzato a promuovere la convivenza dei cittadini italiani e di quelli stranieri, nel rispetto dei valori sanciti dalla Costituzione italiana, con il reciproco impegno a partecipare alla vita economica, sociale e culturale della società.

2. Entro centottanta giorni dalla data di entrata in vigore del presente articolo, con regolamento, adottato ai sensi dell'art. 17, comma 1, della legge 23 agosto 1988, n. 400, su proposta del Presidente del Consiglio dei ministri e del Ministro dell'interno, di concerto con il Ministro dell'istruzione, dell'università e della ricerca e il Ministro del lavoro, della salute e delle politiche sociali, sono stabiliti i criteri e le modalità per la sottoscrizione, da parte dello straniero, contestualmente alla presentazione della domanda di rilascio del permesso di soggiorno ai sensi dell'art. 5, di un Accordo di integrazione, articolato per crediti, con l'impegno a sottoscrivere specifici obiettivi di integrazione, da conseguire nel periodo di validità del permesso di soggiorno. La stipula dell'Accordo di integrazione rappresenta condizione necessaria per il rilascio del permesso di soggiorno. La perdita integrale dei crediti determina la revoca del permesso di soggiorno e l'espulsione dello straniero dal territorio dello Stato, eseguita dal questore secondo le modalità di cui all'art. 13, comma 4, ad eccezione dello straniero titolare di permesso di soggiorno per asilo, per richiesta di asilo, per protezione sussidiaria, per motivi umanitari, per motivi familiari, di permesso di soggiorno CE per soggiornanti di lungo periodo, di carta di soggiorno per familiare straniero di cittadino dell'Unione europea, nonché dello straniero titolare di altro permesso di soggiorno che ha esercitato il diritto al ricongiungimento familiare.

3. All'attuazione del presente articolo si provvede con le risorse umane, strumentali e finanziarie disponibili a legislazione vigente, senza nuovi o maggiori oneri per la finanza pubblica».

— Il decreto del Presidente della Repubblica 31 agosto 1999, n. 394 (Regolamento recante norme di attuazione del testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero, a norma dell'art. 1, comma 6, del decreto legislativo 25 luglio 1998, n. 286), è pubblicato nella *Gazzetta Ufficiale* 3 novembre 1999, n. 258.

— Si riporta il testo dell'art. 8 del decreto legislativo 28 agosto 1997, n. 281 (Definizione ed ampliamento delle attribuzioni della Conferenza permanente per i rapporti tra lo Stato, le regioni e le province autonome di Trento e Bolzano ed unificazione, per le materie ed i compiti di interesse



ALLEGATO C

(di cui all'articolo 4, comma 2)

Tabella dei crediti decurtabili ai sensi dell'articolo 4, comma 2

1. Reati	Crediti decurtabili
Condanna anche non definitiva al pagamento Di una ammenda non inferiore a 10 mila euro	2
Condanna anche non definitiva alla pena dell'arresto inferiore a tre mesi anche congiunta al pagamento di una ammenda	3
Condanna anche non definitiva alla pena dell'arresto superiore a tre mesi	5
Condanna anche non definitiva al pagamento di una multa non inferiore a 10 mila euro	6
Condanna anche non definitiva alla pena della reclusione inferiore a tre mesi anche congiunta al pagamento di una multa	8
Condanna anche non definitiva alla pena della reclusione non inferiore a tre mesi	10
Condanna anche non definitiva alla pena della reclusione non inferiore ad un anno	15
Condanna anche non definitiva alla pena della reclusione non inferiore a due anni	20
Condanna anche non definitiva alla pena della reclusione non inferiore a tre anni	25
2. Misure di sicurezza personali	Crediti decurtabili
Applicazione provvisoria di una misura di sicurezza ai sensi dell'articolo 206 c.p.	6
Applicazione anche in via non definitiva di una misura di sicurezza personale	10



3. Illeciti amministrativi e tributari**Crediti decurtabili**

Irrogazione di una sanzione pecuniaria definitiva di importo non inferiore a 10 mila euro	2
Irrogazione di una sanzione pecuniaria definitiva di importo non inferiore a 30 mila euro	4
Irrogazione di una sanzione pecuniaria definitiva di importo non inferiore a 60 mila euro	6
Irrogazione di una sanzione pecuniaria definitiva di importo non inferiore a 100 mila euro	8

NOTE

AVVERTENZA:

Il testo delle note qui pubblicato è stato redatto dall'amministrazione competente per materia, ai sensi dell'art.10, comma 3, del testo unico delle disposizioni sulla promulgazione delle leggi, sull'emanazione dei decreti del Presidente della Repubblica e sulle pubblicazioni ufficiali della Repubblica italiana, approvato con D.P.R. 28 dicembre 1985, n.1092, al solo fine di facilitare la lettura delle disposizioni di legge alle quali è operato il rinvio. Restano invariati il valore e l'efficacia degli atti legislativi qui trascritti.

Note alle premesse:

— L'art. 87 della Costituzione conferisce, tra l'altro, al Presidente della Repubblica il potere di promulgare le leggi ed emanare i decreti aventi valore di legge e i regolamenti.

— Si riporta il testo dell'art. 17, comma 1, della legge 23 agosto 1988, n. 400 (Disciplina dell'attività di Governo e ordinamento della Presidenza del Consiglio dei Ministri), pubblicata nella *Gazzetta Ufficiale* 12 settembre 1988, n. 214:

«Art. 17. (*Regolamenti*). — 1. Con decreto del Presidente della Repubblica, previa deliberazione del Consiglio dei Ministri, sentito il parere del Consiglio di Stato che deve pronunciarsi entro novanta giorni dalla richiesta, possono essere emanati regolamenti per disciplinare:

- a) l'esecuzione delle leggi e dei decreti legislativi, nonché dei regolamenti comunitari;
- b) l'attuazione e l'integrazione delle leggi e dei decreti legislativi recanti norme di principio, esclusi quelli relativi a materie riservate alla competenza regionale;
- c) le materie in cui manchi la disciplina da parte di leggi o di atti aventi forza di legge, sempre che non si tratti di materie e comunque riservate alla legge;
- d) l'organizzazione ed il funzionamento delle amministrazioni pubbliche secondo le disposizioni dettate dalla legge;
- e)».

— Si riporta il testo dell'art. 4-bis del decreto legislativo 25 luglio 1998, n. 286, (Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero), pubblicato nella *Gazzetta Ufficiale* 18 agosto 1998, n. 191, introdotto dall'art. 1, comma 25, della legge 15 luglio 2009, n. 94 (Disposizioni in materia di sicurezza pubblica.), pubblicata nella *Gazzetta Ufficiale* 24 luglio 2009, n. 170:

«Art. 4-bis. (*Accordo di integrazione*). — 1. Ai fini di cui al presente testo unico, si intende con integrazione quel processo finalizzato a promuovere la convivenza dei cittadini italiani e di quelli stranieri, nel rispetto dei valori sanciti dalla Costituzione italiana, con il reciproco impegno a partecipare alla vita economica, sociale e culturale della società.

2. Entro centottanta giorni dalla data di entrata in vigore del presente articolo, con regolamento, adottato ai sensi dell'art. 17, comma 1, della legge 23 agosto 1988, n. 400, su proposta del Presidente del Consiglio dei ministri e del Ministro dell'interno, di concerto con il Ministro dell'istruzione, dell'università e della ricerca e il Ministro del lavoro, della salute e delle politiche sociali, sono stabiliti i criteri e le modalità per la sottoscrizione, da parte dello straniero, contestualmente alla presentazione della domanda di rilascio del permesso di soggiorno ai sensi dell'art. 5, di un Accordo di integrazione, articolato per crediti, con l'impegno a sottoscrivere specifici obiettivi di integrazione, da conseguire nel periodo di validità del permesso di soggiorno. La stipula dell'Accordo di integrazione rappresenta condizione necessaria per il rilascio del permesso di soggiorno. La perdita integrale dei crediti determina la revoca del permesso di soggiorno e l'espulsione dello straniero dal territorio dello Stato, eseguita dal questore secondo le modalità di cui all'art. 13, comma 4, ad eccezione dello straniero titolare di permesso di soggiorno per asilo, per richiesta di asilo, per protezione sussidiaria, per motivi umanitari, per motivi familiari, di permesso di soggiorno CE per soggiornanti di lungo periodo, di carta di soggiorno per familiare straniero di cittadino dell'Unione europea, nonché dello straniero titolare di altro permesso di soggiorno che ha esercitato il diritto al ricongiungimento familiare.

3. All'attuazione del presente articolo si provvede con le risorse umane, strumentali e finanziarie disponibili a legislazione vigente, senza nuovi o maggiori oneri per la finanza pubblica».

— Il decreto del Presidente della Repubblica 31 agosto 1999, n. 394 (Regolamento recante norme di attuazione del testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero, a norma dell'art. 1, comma 6, del decreto legislativo 25 luglio 1998, n. 286), è pubblicato nella *Gazzetta Ufficiale* 3 novembre 1999, n. 258.

— Si riporta il testo dell'art. 8 del decreto legislativo 28 agosto 1997, n. 281 (Definizione ed ampliamento delle attribuzioni della Conferenza permanente per i rapporti tra lo Stato, le regioni e le province autonome di Trento e Bolzano ed unificazione, per le materie ed i compiti di interesse



Comprehensive Ranking System (CRS) Criteria – Express Entry

Note If your spouse or partner is not coming with you to Canada, or they are a Canadian citizen or permanent resident, you will earn points as if you don't have a spouse or partner.

Summary of maximum points per factor for Express Entry candidates

A. Core / human capital factors

Factors	Points per factor - With a spouse or common-law partner	Points per factor - Without a spouse or common-law partner
Age	100	110
Level of education	140	150
Official languages proficiency	150	160
Canadian work experience	70	80

B. Spouse or common-law partner factors

Factors	Points per factor (Maximum 40 points)
Level of education	10
Official language proficiency	20
Canadian Work Experience	10

A. Core/human capital + B. Spouse or common-law partner factors = Maximum 500 points (with OR without a spouse or common-law partner)

C. Skill Transferability factors (Maximum 100 points)

Education	Points per factor (Maximum 50 points)
With good/strong official languages proficiency and a post-secondary degree	50
With Canadian work experience and a post-secondary degree	50
Foreign work experience	Points per factor (Maximum 50 points)
With good/strong official languages proficiency (Canadian Language Benchmark [CLB] level 7 or higher) and foreign work experience	50
With Canadian work experience and foreign work experience	50
Certificate of qualification (for people in trade occupations)	Points per factor (Maximum 50 points)
With good/strong official languages proficiency and a certificate of qualification	50

A. Core/human capital + B. Spouse or common-law partner + C. Transferability factors = Maximum 600 points

D. Additional points (Maximum 600 points)

Factor	Maximum points per factor
Brother or sister living in Canada (citizen or permanent resident)	15

Factor	Maximum points per factor
French language skills	50
Post-secondary education in Canada	30
Arranged employment	200
PN nomination	600

A. Core/human capital + B. Spouse or common-law partner factors + C. Transferability factors + D. Additional points = Grand total – Maximum 1,200 points

Points breakdown, section by section

CRS – A. Core / human capital factors

- With a spouse or common-law partner: Maximum 460 points total for all factors.
- Without a spouse or common-law partner: Maximum 500 points total for all factors.

Age	With a spouse or common-law partner (Maximum 100 points)	Without a spouse or common-law partner (Maximum 110 points)
17 years of age or less	0	0
18 years of age	90	99
19 years of age	95	105
20 to 29 years of age	100	110
30 years of age	95	105
31 years of age	90	99
32 years of age	85	94
33 years of age	80	88

Age	With a spouse or common-law partner (Maximum 100 points)	Without a spouse or common-law partner (Maximum 110 points)
34 years of age	75	83
35 years of age	70	77
36 years of age	65	72
37 years of age	60	66
38 years of age	55	61
39 years of age	50	55
40 years of age	45	50
41 years of age	35	39
42 years of age	25	28
43 years of age	15	17
44 years of age	5	6
45 years of age or more	0	0

Level of Education	With a spouse or common-law partner (Maximum 140 points)	Without a spouse or common-law partner (Maximum 150 points)
Less than secondary school (high school)	0	0
Secondary diploma (high school graduation)	28	30
One-year degree, diploma or certificate from a university, college, trade or technical school, or other institute	84	90
Two-year program at a university, college, trade or technical school, or other institute	91	98
Bachelor's degree OR a three or more year program at a university, college, trade or technical school, or other institute	112	120

Level of Education	With a spouse or common-law partner (Maximum 140 points)	Without a spouse or common-law partner (Maximum 150 points)
Two or more certificates, diplomas, or degrees. One must be for a program of three or more years	119	128
Master's degree, OR professional degree needed to practice in a licensed profession (For “professional degree,” the degree program must have been in: medicine, veterinary medicine, dentistry, optometry, law, chiropractic medicine, or pharmacy.)	126	135
Doctoral level university degree (Ph.D.)	140	150

Official languages proficiency - first official language

Maximum points for each ability (reading, writing, speaking and listening):

- 32 with a spouse or common-law partner
- 34 without a spouse or common-law partner

Canadian Language Benchmark (CLB) level per ability	With a spouse or common-law partner (Maximum 128 points)	Without a spouse or common-law partner (Maximum 136 points)
Less than CLB 4	0	0
CLB 4 or 5	6	6
CLB 6	8	9
CLB 7	16	17
CLB 8	22	23
CLB 9	29	31
CLB 10 or more	32	34

Official languages proficiency - second official language

Maximum points for each ability (reading, writing, speaking and listening):

- 6 with a spouse or common-law partner (up to a combined maximum of 22 points)
- 6 without a spouse or common-law partner (up to a combined maximum of 24 points)

Canadian Language Benchmark (CLB) level per ability	With a spouse or common-law partner (Maximum 22 points)	Without a spouse or common-law partner (Maximum 24 points)
CLB 4 or less	0	0
CLB 5 or 6	1	1
CLB 7 or 8	3	3
CLB 9 or more	6	6

Canadian work experience	With a spouse or common-law partner (Maximum 70 points)	Without a spouse or common-law partner (Maximum 80 points)
None or less than a year	0	0
1 year	35	40
2 years	46	53
3 years	56	64
4 years	63	72
5 years or more	70	80

Subtotal: A. Core / human capital factors

- With a spouse or common-law partner – Maximum 460 points
- Without a spouse or common-law partner – Maximum 500 points

CRS – B. Spouse or common-law partner factors (if applicable)

Spouse's or common-law partner's level of education	With spouse or common-law partner (Maximum 10 points)	Without spouse or common-law partner (Does not apply)
Less than secondary school (high school)	0	n/a
Secondary school (high school graduation)	2	n/a
One-year program at a university, college, trade or technical school, or other institute	6	n/a
Two-year program at a university, college, trade or technical in school, or other institute	7	n/a
Bachelor's degree OR a three or more year program at a university, college, trade or technical school, or other institute	8	n/a
Two or more certificates, diplomas, or degrees. One must be for a program of three or more years	9	n/a
Master's degree, or professional degree needed to practice in a licensed profession (For "professional degree", the degree program must have been in: medicine, veterinary medicine, dentistry, optometry, law, chiropractic medicine, or pharmacy.)	10	n/a
Doctoral level university degree (PhD)	10	n/a

Note: (n/a) means that this factor does not apply in this case.

Spouse's or common-law partner's official languages proficiency - first official language

Canadian Language Benchmark (CLB) level per ability (reading, writing, speaking and listening)	Maximum 20 points for section Maximum 5 points per ability	Without spouse or common-law partner (Does not apply)
CLB 4 or less	0	n/a

Canadian Language Benchmark (CLB) level per ability (reading, writing, speaking and listening)	Maximum 20 points for section Maximum 5 points per ability	Without spouse or common-law partner (Does not apply)
CLB 5 or 6	1	n/a
CLB 7 or 8	3	n/a
CLB 9 or more	5	n/a

Note: (n/a) means that this factor does not apply in this case.

Spouse's Canadian work experience	Maximum 10 points	Without spouse or common-law partner (Does not apply)
None or less than a year	0	n/a
1 year	5	n/a
2 years	7	n/a
3 years	8	n/a
4 years	9	n/a
5 years or more	10	n/a

Note: (n/a) means that this factor does not apply in this case.

Subtotal : A. Core / human capital + B. Spouse or common-law partner factors = Maximum 500 points

CRS – C. Skill transferability factors (Maximum 100 points for this section)

Education

With good official language proficiency (Canadian Language Benchmark Level [CLB] 7 or higher) and a post-secondary degree	Points for CLB 7 or more on all first official language abilities, with one or more under CLB 9 (Maximum 25 points)	Points for CLB 9 or more on all four first official language abilities (Maximum 50 points)
Secondary school (high school) credential or less	0	0
Post-secondary program credential of one year or longer	13	25
Two or more post-secondary program credentials AND at least one of these credentials was issued on completion of a post-secondary program of three years or longer	25	50
A university-level credential at the master's level or at the level of an entry-to-practice professional degree for an occupation listed in the National Occupational Classification matrix at Skill Level A for which licensing by a provincial regulatory body is required	25	50
A university-level credential at the doctoral level	25	50
With Canadian work experience and a post-secondary degree	Points for education + 1 year of Canadian work experience (Maximum 25 points)	Points for education + 2 years or more of Canadian work experience (Maximum 50 points)
Secondary school (high school) credential or less	0	0
Post-secondary program credential of one year or longer	13	25
Two or more post-secondary program credentials AND at least one of these credentials was issued on completion of a post-secondary program of three years or longer	25	50

With Canadian work experience and a post-secondary degree	Points for education + 1 year of Canadian work experience (Maximum 25 points)	Points for education + 2 years or more of Canadian work experience (Maximum 50 points)
A university-level credential at the master's level or at the level of an entry-to-practice professional degree for an occupation listed in the National Occupational Classification matrix at Skill Level A for which licensing by a provincial regulatory body is required	25	50
A university-level credential at the doctoral level	25	50

Foreign work experience – With good official language proficiency (Canadian Language Benchmark Level [CLB] 7 or higher)

Years of experience	Points for foreign work experience + CLB 7 or more on all first official language abilities, one or more under 9 (Maximum 25 points)	Points for foreign work experience + CLB 9 or more on all four first official language abilities (Maximum 50 points)
No foreign work experience	0	0
1 or 2 years of foreign work experience	13	25
3 years or more of foreign work experience	25	50

Foreign work experience – With Canadian work experience

Years of experience	Points for foreign work experience + 1 year of Canadian work experience (Maximum 25 points)	Points for foreign work experience + 2 years or more of Canadian work experience (Maximum 50 points)
No foreign work experience	0	0
1 or 2 years of foreign work experience	13	25
3 years or more of foreign work experience	25	50
Certificate of qualification (trade occupations) – With good official language proficiency (Canadian Language Benchmark Level [CLB] 5 or higher)	Points for certificate of qualification + CLB 5 or more on all first official language abilities, one or more under 7 (Maximum 25 points)	Points for certificate of qualification + CLB 7 or more on all four first official language abilities (Maximum 50 points)
With a certificate of qualification	25	50

Subtotal: A. Core / human capital + B. Spouse or common-law partner + C. Skill transferability factors - Maximum 600 points

CRS – D. Additional points (Maximum 600 points)

Additional points	Maximum 600 points
Brother or sister living in Canada who is a citizen or permanent resident of Canada	15
Scored NCLC 7 or higher on all four French language skills and scored CLB 4 or lower in English (or didn't take an English test)	25
Scored NCLC 7 or higher on all four French language skills and scored CLB 5 or higher on all four English skills	50
Post-secondary education in Canada - credential of one or two years	15

APPENDIX E

BC PNP Tech Occupations

0131 Telecommunication carriers managers
0213 Computer and information systems managers
0512 Managers - publishing, motion pictures, broadcasting and performing arts
2131 Civil engineers
2132 Mechanical engineers
2133 Electrical and electronics engineers
2134 Chemical engineers
2147 Computer engineers (except software engineers and designers)
2171 Information systems analysts and consultants
2172 Database analysts and data administrators
2173 Software engineers and designers
2174 Computer programmers and interactive media developers
2175 Web designers and developers
2221 Biological technologists and technicians
2241 Electrical and electronics engineering technologists and technicians
2242 Electronic service technicians (household and business equipment)
2243 Industrial instrument technicians and mechanics
2281 Computer network technicians
2282 User support technicians
2283 Information systems testing technicians
5121 Authors and writers
5122 Editors
5125 Translators, terminologists and interpreters
5224 Broadcast technicians
5225 Audio and video recording technicians
5226 Other technical and co-ordinating occupations in motion pictures, broadcasting and the performing arts
5227 Support occupations in motion pictures, broadcasting, photography and the performing arts
5241 Graphic designers and illustrators
6221 Technical sales specialists - wholesale trade

Care economy: Healthcare occupations

0311 Managers in healthcare
3011 Nursing co-ordinators and supervisors
3012 Registered nurses and registered psychiatric nurses
3111 Specialist physicians
3112 General practitioners and family physicians
3113 Dentists
3122 Chiropractors
3124 Allied primary health practitioners
3125 Other professional occupations in health diagnosing and treating
3131 Pharmacists
3132 Dietitians and nutritionists
3141 Audiologists and speech-language pathologists
3142 Physiotherapists
3143 Occupational therapists
3144 Other professional occupations in therapy and assessment
3211 Medical laboratory technologists
3212 Medical laboratory technicians and pathologists' assistants
3214 Respiratory therapists, clinical perfusionists and cardiopulmonary technologists
3215 Medical radiation technologists
3216 Medical sonographers
3217 Cardiology technologists and electrophysiological diagnostic technologists, n.e.c.
3219 Other medical technologists and technicians (except dental health)
3221 Denturists
3222 Dental hygienists and dental therapists
3223 Dental technologists, technicians and laboratory assistants
3232 Practitioners of natural healing
3233 Licensed practical nurses
3234 Paramedical occupations
3237 Other technical occupations in therapy and assessment
3411 Dental assistants
3413 Nurse aides, orderlies and patient service associates*
4151 Psychologists
4152 Social workers
4153 Family, marriage and other related counsellors
4212 Social and community service workers

*For the purposes of the BC PNP, only health care assistants / health care aides are eligible under NOC 3413.

Care economy: Childcare occupations

4214 Early childhood educators and assistants

Other priority occupations

3114 Veterinarians

3213 Animal health technologists and veterinary technicians