EXECUTIVE SUMMARY

The following report is part of the project ALIAS – “Autonomia, Lavoro, e Integrazione in Alto Adige-Südtirol” (Autonomy, Labor and Integration in South Tyrol), conducted by the European Academy of Bozen/Bolzano (EURAC) – Institute for Minority Rights, which looks at and compares how territories inhabited by “old minorities” (Catalonia and South Tyrol) deal with the phenomenon of migration and the recent arrival of migrant communities. This report presents the case of South Tyrol/Province of Bolzano and analyzes the following dimensions: South Tyrolean political discourses on migration; the role of South Tyrol inside the Italian institutional framework in the management of migration in terms of both migration control policy and integration policy; the South Tyrolean institutions created to deal with the migrant population in these two policy areas; the specific policies adopted by South Tyrol regarding the control of the migration flux; and the 2011 South Tyrol integration law.

The report shows how migration interacts in several ways with the presence in South Tyrol of traditional minorities and its system to protect their diversity. For the most part, South Tyrol’s
history of cultural diversity and its system to protect minorities has not favoured the development of a pluralistic environment that welcomes the arrival of migrant communities and their cultures. The presence of migrants is considered as a problem in regards to the relationship between South Tyrol and the Italian State and the cohabitation among the Italian and the German-speaking groups, as shown by contrasts between the South Tyrolean government and the Italian government. There is also the concern that migration will change the demographic balance between the traditional linguistic groups, and the topic of migration is used in discussions on the South Tyrol system to protect old minorities. This situation seems to have delayed the development of a comprehensive South Tyrolean approach to migration.

Regarding the competencies of South Tyrol in the matter of migration, the Province does not have a key role in the decision-making process on migration control, and further developments in this direction seem unlikely. Yet, South Tyrol differentiates slightly from other Regions regarding the administration of the control of the migration flux. Instead, the Province has an extended role in regards to integration policies. Offices and institutions of the Province of Bolzano have carried out several activities to support the integration process of the migrant population. In particular it is noteworthy the pioneering work of the Province of Bolzano regarding intercultural mediation. However, until the 2011 integration law, South Tyrol did not elaborate a comprehensive local approach to integration policy. Furthermore, concerns over migration resulted in the importance given in South Tyrol to knowledge of the local languages and cultures, proposals to select specific migrants considered more adaptable to South Tyrolean society, and the need to limit the impact of migration on South Tyrolean society, even by restricting migrants’ social rights.
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OLD AND NEW MINORITIES: MIGRATION POLITICS IN SOUTH TYROL

INTRODUCTION

Many Western democracies have enacted policies and elaborated systems to manage the presence of traditional linguistic, ethnic and/or national minorities. These measures and policies have guaranteed peaceful cohabitation between the majority and minority populations by protecting cultural and linguistic diversity. However, the arrival of recent foreign migrants challenges the equilibrium among local majorities and minorities, fostered by these institutional arrangements already in place.

New migrant communities increase the diversity of the society and represent additional cultural groups. This situation raises several questions: how do traditional minorities deal with migration and the arrival of new migrant communities? How are migrants incorporated into previous arrangements to manage diversity? How do they affect the local ethnic politics and the identity of the hosting majority and minority populations? And how is it possible to regulate the social inclusion of new migrant communities while at the same time maintaining the protection of the traditional minorities? Project ALIAS, conducted by the European Academy of Bozen/Bolzano (EURAC) – Institute for Minority Rights, together with the Centre Internacional Escarré per a les minories ètniques i les nacions (CIEMEN) of Barcelona will answer these questions by analyzing and comparing the cases of Catalonia, in Spain, and South Tyrol, in Italy.

Catalonia is an autonomous community (region) of Spain, whose inhabitants differentiate from the rest of the country for their specific Catalan language, culture and national identity, which are protected with various policies, including self-government. Before the current economic crisis, in the past twelve years Catalonia experienced remarkable economic development, which attracted more than one million foreign migrants to the region. South Tyrol is an Italian province with German and Ladin-speaking minorities and an elaborated political autonomy for protecting their diversity. Since the mid-nineties South Tyrol has become a destination for many migrants coming from less developed countries in search of a better life. The comparison between these two territories offers key insights for understanding how sub-
national units characterized by the presence of traditional minorities can deal with migration and the arrival of new migrant communities. This report presents the South Tyrol case study.

Ethnic politics have usually been studied from the point of view of traditional minorities or migrant communities. This project will bridge these two perspectives, analyzing how South Tyrol is dealing with migration. The project has a normative, legal/institutional, and a public policy dimension. From a normative point of view the project discusses the following: whether and how interests and needs of traditional minorities combine, complement, and/or are in contrast with those of the migrant population; and whether and how the contemporary presence of traditional minorities and migrant populations affects issues of social cohabitation, political integration, and protection of individual rights. In addition the project explores what the local governments’ approach to the management of migration reveals regarding the self-understanding of the traditional minorities and whether and how the arrival of migrants affects this self-understanding. Legally/institutionally the project investigates the role played by South Tyrol in the management of migration in its territory inside the Italian national framework, analyzing which competencies are executed or could be assumed/requested by the local government, and describing the local institutional arrangements and bureaucratic apparatuses created to carry them out. At the public policy level, the project describes the legislative and administrative measures and actions undertaken by South Tyrol to deal with migration. Migration matters are comprised of two policy spheres: “migration control policy” and “integration policy.” The former refers to “the rules and procedures governing the selection and admission of foreign citizens” while the latter refers to rules and procedures governing “the conditions provided to resident migrants” and the integration of the migrant population in the hosting country. This research considers the role and actions taken by South Tyrol in both these areas. The main goal of the project is to elaborate policy recommendations about good practices and the implementation of legislations dealing with migration in territories with autochthonous minorities.

The research draws from the decennial experience of EURAC and its Institute for Minority Rights in conducting and publishing studies on both the areas of migration and protection of minorities. In particular, ALIAS refers to the following studies: the MigrAlp project, which analyzed and compared migration in North and South Tyrol and developed indicators of successful integration at the local level; FSE MigraData, which studied the cultural, social and economic integration of migrants in South Tyrol; the EU-LISI project, which elaborated criteria to measure migrants’ social inclusion; and various publications by EURAC researchers such as “Fenomeni migratori e diversità in Alto Adige/Süd Tirol” by Roberta Medda-Windischer. Moreover, ALIAS is based on the multiyear activity of EURAC and its Institute for Minority Rights regarding ethnic cohabitation, cultural diversity and ethnic conflict resolution.

Regarding the content of this report, I will first give a brief historical overview of South Tyrol, its measures to protect linguistic groups, and provide some data regarding South Tyrol experience with migration. Afterward, the report is structured in three parts. Part I analyzes the political discourses on migration in South Tyrol. Part II will describe the following: the role of South Tyrol in the management of migration in terms of both migration control policy and integration policy; the South Tyrolean institutions created to deal with the migrant population in these two policy areas; and the specific policies adopted by South Tyrol to control the migration flux. Part III examines a recent South Tyrol integration law, which was enacted at the end of 2011, whose main goal is to clarify how migrants fit and are integrated in South Tyrol society.

Before beginning the analysis I should give some terminological clarifications. In the case of South Tyrol, rather than using the term “ethnic groups,” it is more appropriate to speak of “linguistic” groups and “Italian, German, or Ladin-speaking” population. Indeed the national legislation refers only to linguistic minorities, rather than ethnic minorities. Furthermore, with the expression “South Tyrol system” I refer to the various South Tyrolean measures to protect the local minorities and the relationship between the South Tyrolean traditional linguistic groups. When speaking of “migration” and “migrants” I refer exclusively to foreign migrants, unless otherwise specified. Indeed, as explained below, the Italian-speaking population in South Tyrol

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4 It should be clarified that this report does not consider actions in the area of migration taken at the municipal level, and thereby any evaluation refers only to discourses and policies implemented at the Provincial level.
is also the result of migration from the rest of the Italian peninsula during the 20th Century; this internal migration is not the topic of this report. Moreover, unless otherwise specified, I refer to migrants from countries not belonging to the European Union (EU). EU citizens are free to move, work and reside in the entire Union and many of the national and provincial laws and policies described in this research do not apply to them. In this regard it should be kept in mind that in 2004 and 2007 several East European countries entered into the EU. After a transitional period in which the Italian state, as other EU member states, put some restrictions, the citizens of these countries have enjoyed the principle of free movement inside the Union. In general, unless otherwise specified, citizens of these countries enter in the category of “migrant” as used in this research until the accession of their country in the EU.

Finally, I will use mainly the terms “migrant” and “migration” (without the suffix im-), because a foreign person who has resided in South Tyrol for some time is no longer technically an im-migrant, but rather s/he should be defined as a “migrant” or a “person with migrant background.” Since this research refers to both people who are migrating in South Tyrol and people who have already migrated, I decided to be consistent with one term in order to avoid confusion. Moreover as pointed out by H. Yu, state borders are an artificial invention, and using the suffix im- implies a state-centric view that looks at migration as the influx of bodies considered as foreign entities rather than human beings. For the same reason, I will mostly use the term “undocumented” rather than the term “illegal.” Indeed the term “illegal” can be criticized on the grounds that it carries connotations of criminality, denies migrants their humanity, and, when applied to asylum seekers, can jeopardize asylum claims.

South Tyrol: an Overview

South Tyrol belonged to the Habsburg Empire for centuries and almost all of its population was German-speaking until the 1920s. In addition the population of a few mountain valleys has maintained specific costumes and a distinct romance language (Ladin) throughout the centuries. After World War I, South Tyrol became part of Italy. A few years later Fascism took

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power in Italy and the new government started a program for the Italianization of the territory. German-speaking public officers were fired or transferred, and only Italian was permitted in offices, public places, and in public inscriptions. In schools, teaching in German was forbidden and punished. Moreover, Italian families from the rest of the peninsula received incentives to move to South Tyrol and the Italian-speaking population grew from 7,000 in 1910 to more than 100,000 in 1943, becoming one-third of the South Tyrol inhabitants. Finally Mussolini made an agreement with Hitler through which German-speaking South Tyroleans could choose between German citizenship, along with immediate expatriation, and Italian citizenship, with the acknowledgment that they would not be protected (the so called “opzioni” - options). About 70,000 South Tyroleans left Italy.

After World War II, an international agreement between the Italian and Austrian governments (De Gasperi-Gruber Agreement, also called the Paris Agreement) provided for the creation of an autonomous local government under the Italian State with special measures to protect the German-speaking population, implemented through a special Statuto d’Autonomia (Autonomy Statute). However, the Italian government neglected the implementation of the agreement and among the German-speaking population a separatist movement emerged that resorted to violent actions, such as bombs against symbols of the Italian State, sparking a brutal reaction by the Italian government. After the Austrian government brought the case to the United Nations, the Italian State negotiated with the Südtiroler Volkspartei (SVP), the largest political party of the German-speaking population in South Tyrol, a new agreement to guarantee the protection of linguistic differences. In 1969, the Italian government enacted a document of 137 measures (the so called Pacchetto - Package), which represented a new political basis for autonomy. Subsequently, in 1972, the so-called Secondo Statuto d’Autonomia (Second Autonomy Statute) was enacted, which settled the conflict, reducing remarkably separatist tendencies and ending violent attacks. Since then Italian and German-speaking groups have cohabitated more or less peacefully.

Through the Second Autonomy Statute, the German-speaking population in Italy enjoys one of the most advanced systems of minority protection. At the same time, this system, which follows consociational/power-sharing models to manage diversity, is based on a rigid separatism
between the German and the Italian-speaking groups living in South Tyrol. The key characteristics of this system are extensive political autonomy to a specific territory (the Province of Bolzano/Bozen - South Tyrol) in which German-speakers are actually the majority, and several measures to guarantee the protection of the linguistic and cultural diversity of the South Tyrolean traditional groups, including the recognition of collective rights. The main measures are: proportional representation of the linguistic groups in legislative, executive, and judiciary provincial government bodies; the use of the so-called “ethnic proportion,” namely the distribution of public employment and public resources among the linguistic groups in proportion to their numerical strength, which is calculated based on a declaration of linguistic affiliation with the Italian, German, or Ladin-speaking group released at the time of the census (“ethnic census”), mandatory bilingualism of public signs and public officers, certified through a special certificate called *patentino di bilinguismo* (certificate of bilingualism); right to vote in local elections only after of four years residency; and education in the mother tongue of the pupils, obtained through the creation of three separate school systems: Italian-language school, German-language school, and Ladin-language school. In addition the Province is provided with extensive financial allocations from the Italian State to carry out its powers, which allowed South Tyrol to develop a vast and excellent bureaucratic apparatus and provide better social services compared to the rest of the Italian peninsula.

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7 To be correct, the South Tyrol system to protect minorities is not characterized only by consociational elements, but combines various mechanisms, such as the recognition of group rights as well as individual rights, territorial autonomy and personal autonomy, institutional equality and the principle of proportionality. This is not the place for providing a complete description and analysis of South Tyrolean arrangements. See in this regard Jens Woelk, Francesco Palermo and Joseph Marko (eds.), *Tolerance through Law* (Leiden: Martinus Nijhoff Publisher, 2008), especially the contributions by Joseph Marko, Jens Woelk and Stefan Wolff. See also Joseph Marko, Sergio Ortino, and Francesco Palermo (eds.), *L’ordinamento speciale della Provincia autonoma di Bolzano* (Padova: CEDAM, 2001); and Andrea Carlà, “La tutela delle minoranze linguistiche in Alto Adige,” Bologna, Univ., Tesi di laurea, a.a. 1999-2000, Relatore: Giovanna Endrici. For a critical analysis of the consociational aspects of the South Tyrol system see also Andrea Carlà, “Living Apart in the Same Room. Analysis of the Management of Linguistic Diversity in Bolzano,” *Ethnopolitics*, 6, 2 (June 2007): 285-313.

8 The census is held every ten years. In the 1981, 1991, and 2001 censuses, the declaration of linguistic affiliation was used to determine both the numerical strength of linguistic groups, and the individuals’ membership. In this way the census has acquired an extreme value, and it has become an individual count with important juridical effects on many aspects of the social life of South Tyrol inhabitants. For this reason, the declaration of linguistic affiliation has been at the centre of virulent debates about various aspects, such as the secrecy of the statistical data and the truthfulness of declarations. To resolve these problems, in 2005, it has been decided that the next declaration (in the 2011 census) should be anonymous and should be used only to count the numerical weight of the linguistic groups. Instead the individuals’ membership will be determined with declaration ad hoc released in case of necessity - i.e. when someone applies for positions in public offices. For a critical analysis of the declaration of linguistic affiliation in the 1981, 1991 and 2001 censuses see Carlà, “Living Apart,” supra.

9 Since 2010 other international certifications proving language knowledge are also recognized.
These measures, while bringing peaceful cohabitation, have institutionally crystallized the linguistic divisions of the South Tyrol population for many aspects of social and political life. Each linguistic group has created its own structures and organizations (such as kindergartens, unions, parties, libraries, youth and sport associations, mass media and churches) and there is still limited contact between the groups. Despite the official bilingualism, many in South Tyrol are not actually bilingual; the Italian-speaking group, in particular, had problems learning the German language, although the situation has improved in the past decade among recent generations. The linguistic separation has favoured an understanding of linguistic identities as mutually exclusive (belonging to the Italian-speaking group means not being part of the German-speaking group and vice-versa). In addition the system struggles with considering the possibility that South Tyrol society and identities could evolve. Indeed the system does not valorise the presence of linguistically mixed persons (children of parents belonging to different South Tyrolean traditional linguistic groups). These people are not counted as such in the ethnic census; instead since the 1991 census they are offered the possibility to identify with the term “altro” (“other”), releasing a declaration of aggregation to one of the official groups, in order to allow the functioning of the ethnic proportion.

Several measures of the Second Autonomy Statute also protect the Ladin-speaking population. However, in regards to the Ladin-speaking group, the South Tyrol measures to protect minorities are not based on the logic of division among the linguistic groups. For example in Ladin communities there is only one school system, where students are taught in both Italian and German language and also learn Ladin.

**Demography and Migration in South Tyrol**

According to the 2011 census, South Tyrol overall counted 511,750 inhabitants, of which 69,4% affiliated with the German-speaking group, 26,6% affiliated with the Italian-speaking group, and 4,5% identified themselves as members of the Ladin-speaking minority.\(^{10}\) However, besides the official groups, since the 1990s a growing part of the population is composed of migrants.

South Tyrol has experienced migration relatively late in comparison to other parts of Italy. In 1990 there were only 5,099 migrants, and the majority came from Germany and Austria. Beginning in 1993-1994 the migrant population started to increase rapidly, initially with the arrival of people from the Balkans (mainly former Yugoslavia and Albania). With the new century, South Tyrol experienced migration from all over the world, with a specific flux from East European countries, especially Romania and Slovakia, in 2007. In 2011 there were 44,355 migrants from more than 100 countries, representing more than 8% of the total population, almost double in proportion to the local Ladin-speaking group. Of the migrant population, almost one third came from European Union countries, another third from other European countries, 16,5% from Asia, 12,7% from Africa and 4,5% from America. The main represented nationalities are Albanian (5,558), German (4,677), and Moroccan (3,570), followed by Pakistani, Macedonian, Polish and Romanian.  

According to 2012 statistics, more than half of the migrant population is female (53%), 64,6% is less than 40 years old, and 21,6% are minors. Moreover in 2011 migrants’ birth rate was almost double compare to the autochthonous population. Finally, most migrants, like the Italian-speaking population, live in urban areas, especially the main cities.

Thus migration in South Tyrol has been an increasing phenomenon, affecting the demographic composition of the Province. Consequently, migration has become an important topic of discussion in the South Tyrol political arena. In the following section I will analyze South Tyrol political discourses surrounding the issue of migration.

11 Ibid., at 108-109. Percentages calculated by the author.  
12 Ibid., at 108-109. Percentages calculated by the author.  
PART I: POLITICAL DISCOURSES ON MIGRATION IN SOUTH TYROL

In this part of the report I discuss how migration is understood in South Tyrol from the point of view of the hosting society. In particular, I analyze the political discourses surrounding migration of two types of actors. First, I look at the South Tyrolean political parties that are represented in the current Provincial Parliament. Second, I analyze the political discourses of the South Tyrolean government.

The political parties considered are: the Lega Nord, which in the last election received 2,1% of votes and obtained a single representative in the Provincial Parliament; Unitalia - Movimento Iniziativa Sociale, which also has a single representative, having received 1,9% of votes; Süd-tiroler Freiheit, which obtained 4,9% of votes and has two deputies; BürgerUnion für Südtirol, with 2,3% of votes and a single representative; the Freiheitlichen, which obtained 14,3% of votes and has six seats in the Provincial Parliament; the Popolo della Libertà (including the now Futuro e Liberta’ per l’Italia), which was chosen by 8,3% of voters and has three representatives; the Verdi - Grüne – Vërc, with 5,8% of votes and two members in the Provincial Parliament; the Partito Democratico, which has two seats representing 6% of the active electorates; and the Südtiroler Volkspartei, with nineteen representatives after obtaining 48,1% of votes.

The Südtiroler Volkspartei is the party that, since the end of World War II, has historically dominated the South Tyrol political landscape and controlled the local government together with minor parties representing the Italian-speaking population. Indeed, as mentioned before the power-sharing structure created by the Second Autonomy Statute mandates that each South Tyrolean groups are presented in the provincial executive bodies. Today the SVP governs together with the centre-left Partito Democratico.

In regards to the political parties, I specifically looked at their electoral programs (those that had sections on migration) and I analyzed the positions published on their websites on migration in name of the party and the discussions in the Provincial Parliament regarding the new Provincial integration law (see Part III). About the analysis of the South Tyrol government’s position on migration, I examined the coalition agreement’s program of the current 2008-2013 government, other government documents, and some of the speeches made by government
members. I paid special attention to L. Durnwalder’s speeches in the past six-seven years, who since 1989 has been the President of the Province.

The goal of this discourse analysis is to understand how South Tyrolean political forces consider migration as interacting with the needs of the historical minorities and the peculiar characteristics of South Tyrol. This interaction is bidirectional. On the one hand it involves considering how the protection of traditional groups influences the approach to migration. On the other hand it is necessary to consider how the presence of migrants affects the South Tyrol system to protect minorities. Below I will analyze the political discourses prevalent in South Tyrol along these two dimensions, starting with South Tyrol political parties.

1. Position on Migration of South Tyrolean Political Parties

The analysis of the political discourses on migration of South Tyrolean parties is distinguished among four main areas: attitudes towards the South Tyrol system to protect local minorities; the position vis-à-vis migration in South Tyrol in general; the understanding of the process of integration of the migrant population; and views of how migration interacts with the local ethnic-linguistic politics. In addition I emphasize what each party thinks the local government can or should do in the area of migration. The analysis of each party is presented separately; this choice might make this part of the report a bit long and schematic, but it allows for emphasizing the specific differences among the approaches to migration of the South Tyrolean political forces. I will start from the parties with the most conservative/restrictive positions on migration; then I present the most liberal approaches; last, I analyze the political speeches of the two government parties (the Partito Democratico and the Südtiroler Volkspartei).

The Lega Nord

One of the most restrictive approaches to migration is expressed by the Lega Nord, which runs on an anti-migrant (and anti-gypsy), in some ways racist platform, especially towards migrants coming from Muslim countries. Migration is presented as a problem or an emergency, and the party calls for more controls of the migration flux and the migrant population along with a crack-down on undocumented migration.14 The Lega wants to limit migration, considered only

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14 Programma per la città di Bolzano, in http://www.leganord.bz.it/.
as a workforce, by restricting the process of family reunification and supporting measures to encourage the business community to hire locals rather than searching for migrant workers. In this regard, the party recognizes that the State is responsible for matters of migration, and invites the Province of Bolzano to influence the choices of the Italian government, while asking the Italian government for more competencies in this area.

The Lega tends to criminalize the migrant population, for example by stressing data on the number of migrants in Italian jails. Moreover, it objects to those who consider migration as a resource. Instead, the party sees migrants as a burden that drains resources and calls for analyzing the cost of the migrant population for society, restricting migrant access to social services and the welfare system, especially regarding public housing, and giving priority to the local population. In the words of E. Artioli, Lega’s representative in the Provincial Parliament, “it is our duty to deal first with the autochthonous population.” Measures that help migrants to benefit from public assistance are critiqued as a form of “inverted racism” against the local population.

Regarding the cultural integration of the migrant population, the Lega is against multiculturalism and the idea of a multiethnic society. The party presents itself as the defender of the Christian and Western values of Europe, and of South Tyrol, which need to be valorised and protected from the foreign invasion, especially the Muslim one. Indeed, the Lega see Islam and Muslim migrants as undemocratic, violent, dangerous, potential terrorists and unable to

18 “Immigrazione. Crisi per noi, ma non per gli immigrati,” in http://www.leganord.bz.it/.
19 “Programma/Programm,” supra; “Programma per la città di Bolzano,” supra; and “Comunicato stampa. Oggetto: alloggi IPES, stranieri al pari degli Italiani,” supra. For example, the Lega proposes ten years of residency and continuous employment in order for migrants to access public housing, give to migrants only the resources that are left after providing for the needs of the locals, and putting the local population on top of the rankings to receive public assistance. As it will be shown later on, various parties in South Tyrol want to limit migrants’ access to social services. It should be pointed out that norms of the European Union and the national legislation do not grant fully equal social rights to the migrant population (see Part II).
The arrival of Muslim migrants and their proliferation is seen as a demographic danger that will be “the ruin of Europe.” Thus the Lega calls for measures to protect the local culture, force migrants to respect it, and prevent them from manifesting their cultural and religious differences. These measures include banning burqas, limiting the construction of mosques and Islamic centres and even restricting the selling of kebabs and other migrant foods.

The approach to migration of the Lega Nord strongly conflicts with the party’s view of South Tyrol society and the relationship among its traditional linguistic groups. Indeed, according to this view, the Lega defends the political autonomy of South Tyrol, in line with the position of the party at the national level, which calls for the right of self-determination of North Italy (the so-called Padania) or at least a federalization of the state. Moreover, vis-à-vis the South Tyrolean traditional groups, the Lega presents itself as an “interethnic” or “poly-ethnic” force, namely the party of “those South Tyrolean who believe in the autonomy of our land, an autonomy not based on a clear separation among the linguistic groups, but reinforced by their unity and collaboration.”

The Lega wants to overcome the linguistic divisions of South Tyrol by representing the “South Tyrolean citizen” rather than a specific linguistic group. The party’s aim is to emphasize the common elements among the German, Italian and Ladin-speaking groups and improve the collaboration among them. Moreover, the party speaks in name of mixed families, who do not recognize themselves in the separation among the three linguistic groups that characterizes the South Tyrol system.

Thus, the Lega approach recognizes the existence of multiple identities, speaking of a South Tyrolean identity, side by side with the traditional Italian, German and Ladin ones. Moreover it does not see cultural encounters among the traditional South Tyrolean groups as putting at risk their identities. As said by E. Artioli, party representative in the Provincial Parliament, in relation to the necessity of improving the reciprocal knowledge of their languages between Italian and German-speakers,

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27 Ibid.
“the idea that someone will lose his/her cultural identity and roots if s/he speaks more languages is wrong.”

However, the Lega does not call for a complete overcoming of cultural distinctions, emphasizing also the need to preserve the specific culture and traditions of each group. Moreover, while calling for bypassing the linguistic divisions, the party does not propose to dismantle the more controversial measures of the South Tyrol system, like ethnic proportion and separate schools. Instead it wants to introduce some adjustments, in order to accommodate the mixed families, improve the collaboration among the linguistic groups, and create a more multilingual society.

In Lega’s point of view, this polyethnic understanding of South Tyrol society does not include the migrant population. As described above, migrants, especially Muslim ones, and their diversity are not welcomed, and those that are in South Tyrol should hide their identity and accept the local culture. Contamination from migrant cultures should be hindered and migrants are excluded from the possibility of participating in the multiple identities of South Tyrol, invoked by the party for the inhabitants belonging to the traditional South Tyrolean groups. This double standard is clearly manifested in the Lega’s approach to the ethnic census. Indeed the party criticized the fact that the ethnic census does not considered mixed families, and the party has even challenged the 2011 census in court because, as said by Artioli, it is discriminatory, forcing people to renounce to one part of her identity and depriving them of the “right to ‘individually exist’.” The Lega wants the census to count the linguistically mixed persons. However, using a terminological distinction, the Lega’s approach excludes from the category of mixed person those who have migrant parents. As expressed by Artioli, a linguistically mixed person is a South Tyrolean born from parents belonging to two different linguistic groups officially recognized by the Second Autonomy Statute (German, Italian or Ladin), who are the only ones that embodies the local “cultural and linguistic identity.” According to Artioli, persons with parents coming from different foreign countries, such as “the child of a Spanish person and


29 For example the Lega sustains measures to favour the learning of the language of the other group and the possibility to count the mixed group. See “Elena Artioli parte con il camper del plurilinguismo,” supra; and “Artioli: ‘vanno censiti i mistilingui’,” Alto Adige, September 25, 2011, p. 15.

an English person,” are “bilingual.” Bilinguals have no right to be recognized in the South Tyrolean society and should give up their foreign heritage. Inter-ethnicity is only among traditional groups and does not regard recent migrant communities.

Unitalia

Unitalia - Movimento Iniziativa Sociale is a right-wing nationalist party linked to the Italian fascist past. It presents itself as the “only political group that aims at defending the rights of Italians from the discriminations of the Pacchetto” (the document enacted by the Italian government that formed the basis of the current South Tyrol system to protect minorities) and opposes some of the main South Tyrol measures to protect the German-speaking group, especially the ethnic proportion, the ethnic census, the criteria of four years residency in order to vote, and the need for the patentino di bilinguismo (the certificate proving bilingual proficiency). Its goal is to protect the unity of the Italian State and the Italian character of South Tyrol, as summarized in one of its posters “South Tyrol to Italy, Italy to Italians.”

Unitalia focuses also on migration issues. Indeed its goal to protect the Italian character of South Tyrol is also directed against the migrant population, considered as weakening the Italian identity of the territory. It is an anti-migrant (and also anti-gypsy) party that opposes in particular undocumented migration and calls for stronger controls of the migration flow. This opposition to migration is reflected in the terminology used by the party, which, instead of the term migrant, prefers to speak of “stranieri” (foreigners) or “extracomunitari” (non-EU), words that imply a dimension of exclusion of the migrant population from the host society. This terminological choice might also be related to the fact that Unitalia, in line with its goal to protect the Italian character of South Tyrol, endorses internal migration of Italians coming from other parts of the peninsula and supports measures to facilitate it. Thus it could be a way to distinguish “good” migration (of Italians) from the “bad” migration (of foreigners).

31 Elena Artioli, “Io dico la verità,” supra; and “E Artioli va in Tribunale per dichiararsi mistilingue,” supra. It is not clear how Artioli defines a person who has one parent belonging to one of the official South Tyrolean group and the other coming from a foreign country. Translation by the author.
33 Ibid.; the poster is available at http://www.unitalia-movimento.it.
34 “Linee Guida,” supra.
35 Ibid.
Regarding the “bad” migration, Unitalia accepts migrants only as long as they work, wants to expel those migrants who are in jails, requests an increase in the monitoring of the migrant population and opposes the extension of civil and political rights to migrants, such as the right to vote and the creation of institutional bodies that would speak in name of the migrant population. Moreover, Unitalia emphasizes the social costs of migration for the hosting society and wants to restrict migrants’ access to social services and the welfare system, instead giving priority to the local population. These restrictions hold especially regarding public housing, where the party even proposed to block the possibility for migrants to receive a public house until all local applicants got one. Measures in favour of the migrant population are branded as forms of “racism” and “discrimination against the local citizens.”

Lastly, Unitalia opposes cultural rights for migrants and any form of inter or multiculturalism, such as the use of intercultural education programs in schools. Cultural mixing is seen as weakening the traditional identity and in this regard the party is concerned about the

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fact that migrant children tend to go mainly to Italian-speaking schools. Migrant integration for Unitalia means pure assimilation, understood as a voluntary process that weighs only on the shoulders of the migrant population. Migrants need to adapt to the hosting society and do not have any right or voice in this process.

The experience of Italian emigrants is used to justify this approach. Using the words of D. Seppi, the Unitalia’s representative in the Provincial Parliament, “those who do not want to integrate in my house … can go back and integrate in his country … In my house I make the rules, and I decide rights and duties; our land belong to us, and who arrives here must remember the name on the doorbell.” Furthermore, “migrants should respect our life style, habits, religion and culture … we are not by them; they are here by us, … if they do not want (to fit) or they accept anyway to be part, or they go back where they come from. These are rules that our father and grandfathers, who emigrated in the past in search of work, know very well. It is the guest who adapts to the host; not vice versa.” This call to protect the local culture, tradition, and religion is directed in particular against the migrant population from Muslim countries, seen as unwilling to assimilate. Unitalia supports the need to protect the Christian values of the society and opposes the construction of mosques, Islamic centres, and minarets.

This approach towards migration is sometimes juxtaposed by Unitalia with its opposition to the South Tyrol system to protect the German-speaking group and its “discriminatory” measures against the Italian-speaking group. For example, Seppi points out that the local population “is required to have the patento di bilinguismo (the certificate of bilingualism) to work in public offices … while migrants open business activities without knowing either the Italian, or German or, even less, Ladin language.” Furthermore, Unitalia proposed in the Provincial Parliament, more provocatively, the creation of a fourth school for migrant students,

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44 “Comunicato stampa: Non basta il numero chiuso,” supra. Translation by the author.
besides the Italian, German and Ladin ones, claiming that segregating migrant children was not a racist discriminatory measure because in South Tyrol students are already separated. As stated in Unitalia’s proposal “it is paradoxical to think that the children of this land should attend different schools because it is necessary to avoid any form of inclusion, or it is better to say contamination in the societies, keeping the local linguistic groups separated even physically, and at the same time carry on the policy of forced inclusion of foreigners in their favourite linguistic group, offering them the inclusion that is denied to us. The Province should follow the same racist policy aimed at maintaining separate the local population using the same nefarious logic also for migrants.”48 Otherwise, as said by Seppi, “if the fourth school for migrants is not good, someone should explain me why the other three are good.”49 Thus, Unitalia uses its negative understanding of migration (the fact that migrants do not speak the local languages or the “problems” created by the increasing presence of migrant children in schools) to attack the South Tyrol measures to protect the German-speaking population.

Südtiroler Freiheit

On the opposite side of the linguistic spectrum, the political platform of the Südtiroler Freiheit is summed up in some of its posters, “Freiheit für Süd-tirol” (freedom for South Tyrol), “Südtirol is nicht Italien!” (South Tyrol is not Italian) and “Tirol isch lei oans” (There is only one Tyrol).50 It is a party that considers the belonging of South Tyrol to Italy as the result of an unjust invasion and judges the political autonomy insufficient to guarantee the protection of the original linguistic and cultural identity of South Tyrol. The party regards the Province to be still under threat of process and policies of Italianization. Thus, it aims at the self-determination of South Tyrol and its unification with the rest of Tyrol inside a European Union considered not as union of states, but of peoples and regions. Until this aim is reached, Südtiroler Freiheit fights for a strict application and expansion of the measures to protect the German (and Ladin) group

and the German character of South Tyrol. Examples include the removal of most Italian names, the demolition of historic monuments built during Fascism, which are symbols of the Italian presence, and the modification of school curricula to limit what the party calls the “‘Siamo-in-Italia’-Mentalität” (We-are-in-Italy-mentality) among children – namely the acceptance by South Tyrolean German-speaking children to live in the Italian State.\textsuperscript{51}

The party’s approach to migration is aligned with its goal of protecting the German character of South Tyrol and the right of self-determination. Actually, the Süd-tiroler Freiheit is the political force that most strongly links migration issues with matters regarding the protection of traditional minorities. Indeed, according to the party “in an area with minorities, like South Tyrol, migration is not only a social challenge, but especially an ethnic and cultural one and could become a survival issue for the German and Ladin groups.”\textsuperscript{52} As summarized by S. Knoll, one of the two party members in the Provincial Parliament, the approach to migration of the Süd-tiroler Freiheit aims at impeding a situation where “today’s migrants will become tomorrow’s Italians.”\textsuperscript{53} By highlighting that migrants will at one point be citizens and influence South Tyrol politics, the Süd-tiroler Freiheit expresses the fear that migrants integrate mainly with the Italian-speaking group, because they live largely in prevalently Italian areas, tend to attend Italian-speaking schools, and assume that they are in Italy and are not conscious of the German language and culture that characterize South Tyrol, which differentiates it from the rest of the Italian peninsula. In this way migration will shift the ratio among the South Tyrolean linguistic groups, undermining the basis of the political autonomy and the effectiveness of the measures to protect the South Tyrol groups such as the ethnic proportion.\textsuperscript{54} As said by Knoll, “many of the migrants do not think that they live in South Tyrol, but in Italy, so that their children attend the Italian schools; what would the consequences be when they grow up and could vote?”\textsuperscript{55} Today migration is associated with the arrival of Italian speakers in South Tyrol and could represent a


new and definitive process of Italianization of South Tyrol. In this regard, there are even mentions of the so called “March of the death” (the name given to the migration of Italians into South Tyrol after World War I). Moreover, for Südtiroler Freiheit, this process will further endanger their goal of self-determination, because in ten-to-fifteen years a mathematic majority for self-determination would become impossible due to the presence of the “new” Italians.

In this context it is interesting to point out that Südtiroler Freiheit uses migration for their political goals to “free” South Tyrol. On the one hand migration is used to attack the Italian State and accuse the Italian government of endangering the German character of South Tyrol. For example (as it will be further analyzed in the next part of this report), the Italian law dictates that a test of Italian language must be taken in order to obtain a long-term resident permit, and the proposal to offer an alternative German test in South Tyrol was rejected. This is seen as a plan to impede migrant integration in the German-speaking group, and to create a fake Italian South Tyrol. On the other hand the issues related to migration are even used to boost the request for self-determination. According to the party, the political autonomy could not prevent migrants from integrating mainly in the Italian-speaking group, and thus it is necessary to pursue an alternative, namely independence.

Until independence is obtained, the Südtiroler Freiheit emphasizes the need for measures to impede migrants from blending into the Italian-speaking population, and conversely encourage them to integrate into the German-speaking group. In this regard it is interesting to point out that the party looks at experience of Catalonia. E. Klotz, one of the party representatives, refers to a conference made by a Catalan nationalist in South Tyrol, stating that in Catalonia the migrant population is encouraged to learn the Catalan language and culture, and most of it ends up supporting Catalan nationalism. To obtain a similar dynamic in South Tyrol,

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57 Ibid.
Südtiroler Freiheit proposes four policies. First, the party calls for the transfer of power from the State to the Province in matters concerning migration, so that it could determine the migration flow, which is otherwise defined as a “bottomless pit, because we cannot decide alone how many people we want to integrate.” Second, the party wants to take actions to encourage migrant children to attend German-speaking schools. Third, the party representatives in the Provincial Parliament, S. Knoll and E. Klotz, have proposed mandatory German language tests in order to obtain resident permits (besides the test of Italian language requested by Italian law – see Part II). Last, the Südtiroler Freiheit wants the South Tyrol government to be able to hold influence over the origins of its migrant population. Specifically the party proposes the creation of a provincial office that, after establishing the local needs for migrant workers, recruits people primarily from North and East Tyrol, Austria, Germany, and the rest of the European Union (having in mind East European countries), to draw people who speak German and share the cultural background with South Tyrol. These type of migrants, contrary to non-EU ones, tend to blend into the German-speaking group, and are considered more willing to integrate, not raising any cultural and religious challenges. Giving jobs to this type of migrant is considered a way to discourage the arrival of non-EU migrants in the long run and ensuring the integrity of the German South Tyrolean identity.

Thus, the Südtiroler Freiheit are not a priori against migration. Indeed, the party recognizes that South Tyrol has historically been a land of migration and is aware that South Tyrol alone cannot stop the phenomenon of migration, and local businesses need foreign
Instead, it wants a migration that does not endanger the German identity of South Tyrol and the political goal to obtain independence. However, at the same time, the Süd-tiroler Freiheit do not want to promote further migration, maintaining that foreign low wage workers weaken the economy in general and the presence of migrants should not be encouraged.\(^6^6\)

Moreover, the Süd-tiroler Freiheit understands integration as complete assimilation and as a process that weighs exclusively on the shoulders of the migrant population. The integration of migrants should not change the South Tyrolean identity, thereby creating a new society. As said by Knoll, the hosting community should not adapt to the presence of foreign migrants.\(^6^7\) Instead migrants need to show the will to integrate, respecting local rules while learning and absorbing the local history, culture and language.\(^6^8\) Thus the party opposes measures to valorise migrants’ original identity. In addition, the party objects to the concept of “ius soli” and rules to facilitate the acquisition of citizenship for people who have not proved to be willing and capable of assimilation. Instead, Süd-tiroler Freiheit proposes actions to promote the knowledge of the local history, culture and language.\(^6^9\) In any case, even for this type of measure, the party is against directing public resources from the local population to migrants and supports giving priority to locals for public assistance.\(^7^0\)

\(^{6^6}\) Consiglio della Provincia Autonoma di Bolzano, “Lavori Consiglio: Legge sull’integrazione,” supra; “Meilenstein in der Einwanderungspolitik,” supra; and “Ordine del giorno n. 13 del 15.9.2011,” supra. Moreover, it might be that the Süd-tiroler Freiheit have a pitiful approach towards migrants and their hardships because in their collective imaginary is really strong the memory of the forced migration of German-speaking South Tyroleans under the regime of the “opzioni” (an agreement between Mussolini and Hitler that gave South Tyroleans the choice between moving to Germany or staying in Italy and renouncing to their German identity).


The party BürgerUnion für Südtirol shares most of its political platform with the Südtiroler Freiheit. Indeed the two parties are the result of a split inside what was called Union für Südtirol, of which the BürgerUnion is the continuation. Like the Südtiroler Freiheit, the BürgerUnion is an independentist, nationalistic, right-wing political force that sustains the right of self-determination for South Tyrol and the various measures and policies to protect the German (and Ladin)-speaking groups.

Like the Südtiroler Freiheit, BürgerUnion links migration issues with its political agenda of preserving the German (and Ladin) character of the area. This is demonstrated by the fact that in its program the party’s approach to migration is explained together with its goals of a free homeland and respectful cohabitation among the South Tyrolean linguistic groups, under the subtitle “Verantwortungsvolles Heimatbewusstsein - Freie Heimat - Vorrang der Einheimischen” (Responsible awareness of the homeland - Free homeland - Priority for locals). Migration should be handled in such a way as to respect the rules that regulate the social cohabitation among the linguistic groups in South Tyrol, namely the measures to protect the German (and Ladin) speaking group. In this context, the party points out that South Tyrol does not have the necessary competencies to deal with the phenomenon of migration and invites the local government to request from the central government in Rome new powers and enact specific measures to regulate migration and the integration of the migrant population. As a specific measure, A. Pöder, BürgerUnion member in the Provincial Parliament, proposed mandatory German language tests for obtaining resident permits, like his colleagues of the Südtiroler Freiheit. According to Pöder, passing only an Italian test is a violation of the measures to protect the South Tyrolean groups and discrimination of the German linguistic group.

However, in contrast to the Südtiroler Freiheit, the BürgerUnion does not focus on the consequences of migration for shifting the ratio among the South Tyrolean groups. Instead, the

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party, which is linked to the national liberal ideology of the Austrian politician Jorge Haider, emphasizes the social, cultural, and economic concerns stemming from the presence of the migrant population and their integration in general. In this regard the party has a negative view of migration, considered as a fact that creates problems and social conflicts. Emergency tones are used to express the position on migration such as “South Tyrol is already overwhelmed with the number of migrants. The jobs in South Tyrol are limited.” Concerning the process of integration, the party understands it as assimilation, considered a responsibility of the migrant population, and opposes multicultural approaches. According to the BürgerUnion, rather than speaking of rights, it is necessary to focus on the duty of the migrant population, which should respect the dominant culture and the local traditions. The BürgerUnion emphasizes in particular the importance of linguistic integration/assimilation and wants specific measures for language learning, proposing for migrant children a mandatory year in kindergarten before attending primary schools. However the party expresses the concern that migrants do not want to integrate. In this regard the party considers non-EU migrants more problematic and joins the Lega Nord in mistrusting especially Muslim migration, associated with fundamentalist ideas and terrorist activities. Consequently the party calls for the protection of the traditional South Tyrolean religious values and symbols through, for example, the maintenance of crucifixes in schoolrooms or a ban against the construction of minarets.

Moreover, for the BürgerUnion’s agenda, identity issues lose ground in favour of a more general concern for the social and economic cost of migration for the hosting country. The party plays on the fears and anxieties of the local population as being taken advantage of by migrants, which are described as abusing the social system and lowering wages. It focuses on the position that migrants should not be provided with public assistance and services at the expense of the

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78 See A. Pöder’s intervention in “Resoconto integrale della seduta del Consiglio Provinciale,” n. 109, supra.
79 “Einwanderergesetzentwurf,” supra.
81 “Einwanderergesetzentwurf,” supra.
local population. According to the party, guaranteeing migrant’s access to social services and benefits on an equal basis will attract further migration, and this access is defined as the “country's honey pot for migrants (that) no longer makes sense.” Instead, “only those who have contributed to society and the social system have the right to social benefits.” Thus the party has a view of migrants as second class citizens, whose social rights should be limited, proposing to give priority to the local population in access to the social system, requiring several-years residency requirement for social benefits and even a ban for public housing assistance, and restricting the rules regarding family reunification for migrants living in social housing

Freiheitlichen

The Freiheitlichen is another extreme right-wing nationalist party that focuses on protecting the interests of the German-speaking group and aims at obtaining the independence of South Tyrol from the Italian State, considered a foreign nation. As summarized in some of its slogans like “Freistaat Südtirol!” (Free state of South Tyrol) and “die alte Autonomie ein wenig ausbauen? Freistaat ist besser” (the old autonomy upgraded? A free state is better) the party is not satisfied with the political autonomy of South Tyrol and advocates for the South Tyroleans’ right of self-determination to have a free state or (better) be re-unified with the rest of Tyrol as the only way through which each linguistic group could truly express their identity.

This goal of self-determination is combined with an extremely xenophobic platform. Inspired, like the BürgerUnion, by the national liberal ideology of Jorge Haider and his Freiheitliche Partei Österreichs in Austria, the Freiheitlichen is one of the South Tyrolean parties that opposes migration most strenuously and for the longest time. The party exploits the fears and concerns that migration sparks among the local population, criticizing the South Tyrolean government for postponing dealing with this issue.

84 “Themen und Politik,” supra. Translation by the author.
Like the Süd-tiroler Freiheit, the Freiheitlichen aligns their anti-migrant position to the ethnic politics of South Tyrol and its system of protecting traditional groups. On the one hand the South Tyrol system is invoked to oppose migration. As explained by the party “South Tyrol is not a land of immigration and the characteristics of its history, its ethnic composition, the mechanism of protection of autonomy, like ethnic proportion and bilingualism, cannot handle a further burden.”\(^{87}\) Migration risks changing the ratio among the traditional South Tyrolean groups and forces to violate measures of protection of the linguistic groups, creating conflicts and producing deleterious effects for the political autonomy.\(^{88}\) In this regard, in order to protect the South Tyrolean groups, the Freiheitlichen is in favour of introducing mandatory German and Ladin tests to obtain resident permits, similar to the BürgerUnion and the Süd-tiroler Freiheit.\(^{89}\)

On the other hand migration is used to oppose modifications of the South Tyrol measures to protect the traditional minorities. For example the party defends the ethnic proportion and opposes recognizing the category of ethnically mixed persons, arguing that this move will open the door to similar requests by the larger migrant communities.\(^{90}\) Facing migration, P. Leitner (one of the party representatives in the Provincial parliament) even calls for a realignment of the three South Tyrolean groups in order to protect the political autonomy against the “foreign danger.”\(^{91}\)

However, as with the BürgerUnion, the Freiheitlichen’s anti-migrant agenda is based more on a general xenophobia than on concerns for the effects of migration on the South Tyrol system. The party strongly opposes the understanding of migration as enriching the hosting society, contributing to its prosperity by answering the needs of labour market and the problem

of a decreasing local population. Instead, the Freiheitlichen considers migration as a “demographic bomb” with extremely negative societal, economic and cultural consequences. Migration brings salary dumping, abuses of social services at the expense of South Tyrolean families, deterioration of the quality of life, problems in the schools, crimes, and the creation of parallel societies and ghettos. Moreover the Freiheitlichen emphasizes the cultural problems caused by migration, considered as changing the characteristic of the country and estranging South Tyroleans from their own land.

To respond to these claimed negative effects of migration, the Freiheitlichen calls for acquiring more powers from the Italian government to manage autonomously the arrival of migrants. Moreover it proposes various measures to control migration such as linking the migration flow to the needs of the labour market, allowing entrance to South Tyrol only to those migrants who will meaningfully contribute to the prosperity of the territory, limiting the process of family reunification to those people who can prove that they will have a home and a job, and restricting the arrival of sick people or persons who cannot work. The party also has proposed to expell undocumented migrants and migrants who commit crimes, focus on guest-workers for the agricultural sector and maximize the use of local workers, and give priority to the local population in the access to the social services and public housing. Other measures supported by the Freiheitlichen are: linking migrants’ access to social services to the will to integrate, requesting German and Italian language proficiency and ten-years residency for receiving public housing; introducing linguistic tests for migrant children before attending kindergartens and schools, limiting the proportion of migrant children in schools; recognizing voting rights after at least ten years; and finally monitoring the number of migrants and analyzing their economic and social costs.

93 “ISTAT-Prognose belegt,” supra.
95 “Ordine del giorno n. 3 dell’8.9.2011,” supra.
Regarding the process of integration, the Freiheitlichen considers the cultural diversity brought by migrant communities as a problem, and opposes any form of multicultural policies that will valorise this diversity. Instead the party understands integration as the duty for migrants to assimilate in the hosting society because “South Tyrol is our land and whoever comes should adapt to our rules.” As said by U. Mair, party member in the Provincial Parliament, “integration means in the first place that migrants have an obligation to the host country and the host society. If South Tyrol will become a foreigner’s new home, then one must expect that … migrants adapt here as much as possible.” Moreover, according to Leitner, “to integrate is a duty of the migrants, and not a social obligation of the hosting society,” and the policies of integration should focus on the future of the hosting society, rather than the needs of the migrant person; these policies should be based on the will of migrants to integrate and guarantee that rights and interests of the local population are protected. Thus the Freiheitlichen emphasizes the need to protect the South Tyrolean society from the cultural other, proposing measures to help the hosting community maintain their cultural characteristics, mandatory courses for migrants on local history, language, culture, tradition, and customs, and sanctions for those who refuse integration programs.

Moreover, according to Leitner a successful integration starts with the proper selection of migrants who are allowed into the country. Indeed the Freiheitlichen points out distinctions among the migrant population and its xenophobia is especially directed against non-European migration, in particular migrants from Muslim countries. These migrants are considered unable to integrate and a danger for the character of the South Tyrolean society and its values. Indeed, the party sees Islam as a dangerous religion, one that is linked to fundamentalism and terrorism.
in conflict with democratic principles and alien to South Tyrol and Europe. The Freiheitlichen’s claims to defend the western Christian society against the islamization of Europe brought by the process of migration, opposing any manifestation of Islam and its customs such as the construction of mosques and the use of the burqa.¹⁰³

*Popolo della Liberta’*

It is difficult to describe the political platform and positions of the Popolo della Liberta’ (PdL) in exact terms because the party has several souls and in the past years its branch in South Tyrol was characterized by internal fighting among its members, who even factionalized inside the Provincial Parliament.¹⁰⁴ Moreover, in February 2011 at the national level one part of the party separated and created a new political force, Futuro e Liberta’ per l’Italia (FLI); in South Tyrol, one of the representatives of the PdL in the Provincial Parliament, A. Urzi`, has joined the FLI (The position of the FLI on migration in South Tyrol will be discussed later on).

The PdL is the result of the union between Forza Italia and Alleanza Nazionale (AN). Forza Italia was a one-man party created around the figure of its founder S. Berlusconi, who aimed at uniting those who identify themselves with liberal and liberalist conservative principles. In South Tyrol the party was not much concerned with migration issues. AN was a post-fascist nationalist party that, after repudiating its fascist past, presented itself as a traditional conservative force. In South Tyrol AN appealed to the Italian linguistic group, described in party terms as a minority in its own state, and aimed at protecting the interests and rights of the Italian-speaking population against the South Tyrolean measures that protected the German-speaking group. AN showed early concerns for migration. On the one hand it had a law and order approach towards migration and expressed apprehension for the increasing number of migrants arriving in South Tyrol, criticizing permissive policies and emphasizing the need to limit migration, control the migrant population, crack-down on undocumented migration and reduce

¹⁰⁴ “Sondaggio choc, il Pdl corre ai ripari,” Alto Adige, September 3, 2011; and “BOLZANO. Vezzali, per la sua vicinanza alla Biancofiore lei in questo momento sembra ...,” Alto Adige, November 4, 2011.
Moreover it emphasized the need to induce migrants to share the culture and values of the South Tyrolean society. On the other hand, AN connected migration with the “minority” status of the Italian-speaking group inside the South Tyrol autonomy. It saw migrants as a new group and expressed anxiety for the fact that migrants took away resources from the Italian-speaking group, criticizing a (now abolished) practice of Provincial offices to consider migrants as Italian-speakers when they applied for public housing in relation to the *ethnic proportion* (the distribution of public resources among the linguistic groups based on their numerical size). In addition it highlighted the necessity to favour migration of Italian-speaking citizens from the rest of the Peninsula instead of foreign migration. At the same time AN did not exclude the positive effects of migration for the Italian-speaking group, pointing out for example the fact that migrant children “saves often Italian classes” allowing to reach the minimum number of students to have a class.

The PdL inherited more and less some of these AN positions, but deemphasized the conflictual aspects of the relationship between the Italian-speaking and German-speaking groups and was less involved with migration issues. Like AN, the PdL presents itself as the party that protects the interests of the Italian-speaking group and its right to be treated as equal inside the South Tyrolean political autonomy. The party criticized the separation among the linguistic groups that characterized the South Tyrol system, seen as penalizing especially the Italian-speaking group, which feels foreign in its own territory. This separation is defined as the “last

108 “Interrogazione su alunni stranieri nelle scuole altoatesine,” May 2, 2000, in http://www.consiglio-bz.org/it. This process regards especially Italian-speaking schools in the valleys, farway from urban centers where the Italian-speaking population mostly lives. Moreover, it should be pointed out that in order to better learn the German language, Italian-speaking families have sometimes preferred to send their children to the schools that use German as language of instruction.
109 Maurizio Vezzali, “Prova del 9,” July 22, 2009, in http://www.pdlaltoadiige.it/. In the past years the PdL claim of protecting the interests of the Italian linguistic group was weakened by concessions made by Sandro Bondi and Raffaele Fitto, PdL ministers in the last Italian government, to the German-speaking parties such as the removal of Fascist monument and the cancellation of Italian topographical names.
wall of Europe” that is meaningless inside the European Union and today’s European society, and it needs to be put down. However, the party is against the use of the ethnic card to monopolize the Italian vote against the German-speaking group. Instead the PdL argues that the German and Ladin-speaking populations are now protected thanks to the political autonomy and calls for overcoming the ethnic politics and ethnic cages that characterize South Tyrol. It wants a “normalization” of South Tyrol, where socio-economic-ideological cleavages could prevail over the ethnic cleavage and the linguistic groups could better integrate. The PdL proposes a new institutional arrangement without the most divisive measures (the 4 years residency requirement for voting, the ban for mixed schools besides monolingual schools, the ethnic census and the ethnic proportion) in order to create a territorial autonomy, rather than an ethnic one, with which Italian-speakers can also identify. The goal is a “multilingual South Tyrolean society,” where people maintain their identity and, at the same time, recognize themselves in the political autonomy, and where the linguistic groups are more integrated.

This understanding of South Tyrol society interacts with the PdL’s approach to migration. Indeed, the creation of a multilingual society is based on the fact that the South Tyrolean groups have in common Christian cultural roots. Christian elements are emphasized also in relation to migration, and in this way the PdL embraces exclusionary positions toward migrants coming from Muslim countries. Indeed, some PdL’s members refer to the “clash of civilizations theory” and emphasize the need to protect the Christian heritage of Europe, its culture and its symbols. Migrants are accepted as part of the future of South Tyrol, but they need to integrate, respecting laws and values of Italian society and its Christian roots. Thus their rights can be limited for this goal. Muslim migration is seen as problematic from this point of view. Mosques and Islamic centres are described as nests of terrorists and fundamentalists.

114 Ibid.
However, the PdL in South Tyrol does not have specific proposals regarding migration, because it thinks that the Provincial government does not have many responsibilities regarding both migration control policies and integration policies.\footnote{Maurizio Vezzali, “Legge immigrazione,” October 26, 2011, in http://www.pdlaltoadige.it/.
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In contrast Futuro e Libertà per l’Italia (FLI) sustains the need to be part of the management of migration and has a more inclusive approach. FLI considers migration as an inevitable process that will change South Tyrol society and that should be faced without fear.\footnote{Consiglio della Provincia Autonoma di Bolzano, “Lavori Consiglio: Legge integrazione, ordini del giorno,” supra; and Consiglio della Provincia Autonoma di Bolzano, “Lavori Consiglio: Legge integrazione, si a ordine del giorno su cittadinanza,” supra.} Connecting today’s migration to the fact that many people in South Tyrol come from outside the territory, A. Urzì, FLI representative in the Provincial Parliament, argues that migrants can belong to South Tyrol and their diversity is enrichment for the society. However it is necessary that migrants integrate, in the sense that they understand and incorporate the rules, culture and values of the hosting society. The local government needs to enact specific measures to favour the socio-economic-cultural integration of migrants.\footnote{Consiglio della Provincia Autonoma di Bolzano, “Lavori Consiglio: Legge sull’integrazione,” supra.} In particular FLI supports helping fully integrated migrants acquire Italian citizenship and introducing the principle of “ius soli” in the Italian laws.\footnote{Consiglio della Provincia Autonoma di Bolzano, “Lavori Consiglio: Legge immigrazione,” October 26, 2011, in http://www.pdlaltoadige.it/.
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Moreover, pointing out that migrants should integrate in the three cultural and linguistic realities of South Tyrol, Urzì uses migration to criticize the separation among the linguistic groups maintained by the South Tyrol system and envision a more multilingual society.\footnote{Consiglio della Provincia Autonoma di Bolzano, “Lavori Consiglio: Approvata la legge 89/11 sull’integrazione,” October 22, 2011, in http://www.consiglio-bz.org/it; and Consiglio della Provincia Autonoma di Bolzano, “Lavori Consiglio: Si all’articolo 1 della legge integrazione,” supra.}

\textit{Verdi - Grüne – Vërc}

Compared to Italian and German right-wing political forces, the party Verdi - Grüne – Vërc is at the other extreme of the political spectrum both regarding the South Tyrol system to protect autochthonous minorities, and the issue of migration and integration of the migrant population. Besides being the environmental party, the Verdi present themselves as the only

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really interethnic political force, as shown in the name of the party (the word “green” in Italian, German and Ladin) and their effort to have a functioning (at least) bilingual website. The party speaks on behalf of those who do not recognize themselves in the ethnic-linguistic divisions of South Tyrol, especially individuals from mixed families. They have a post-national, post-ethnic approach that sees identity as something flexible and in constant transformation, allowing for the possibility to have and manifest multiple belongings, considered as a form of enrichment for the individual and the society. Thus, they want to overcome the Italian and German polarization and the ethnic claims on the territory. Their goal is to dismantle those South Tyrolean measures and policies, such as the separated school system and the ethnic census, which maintain the separation among the linguistic groups, in order to create a real intercultural society.

This way of understanding the South Tyrol society and its linguistic groups affects the Verdi’s approach to the phenomenon of migration. The party does not treat migration as a separate topic. Instead, migration is linked more in general with issues of multilingualism and multiple identities along with the party’s desire to abolish the linguistic separation among the South Tyrolean traditional groups. In this regard, they think that the co-habitation of the South Tyrolean traditional minorities should aid in dealing with migration. However, at the same time, South Tyrolean ethnic-linguistic divisions have fomented fears and anxiety towards migrants. According to the Verdi, it is necessary to accept that South Tyrol has become an area of migration and that migrants are an integral part of the South Tyrolean society.

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122 See “Temi. Convivenza,” in http://www.verdi.bz.it/
123 See for example Brigitte Foppa, Co-portavoce Verdi Grüne Verc, “Replica ad Ellecosta: Non ci sono solo “italiani” e “sudtirolese” in questa terra!,” in http://www.verdi.bz.it/
126 Ibid., p. 5.
127 “Convegno ‘Integration ist machbar! - Esperienze di transition town, orti interculturali, scuola modello e comuni da imitare.’ Un breve resoconto,” in http://www.verdi.bz.it/
migrant population is considered by the Verdi as an economic, social and cultural enrichment for the South Tyrolean society, and one that should be welcomed.\(^{129}\)

The interaction between Verdi's view of South Tyrol and their approach to migration manifests in two ways. First, in contrast to the Lega, their understanding of South Tyrol as a place where people should be able to express multiple identities includes the migrant population. Their approach to the integration of the migrant population rejects the idea of assimilation and tends towards the model of interculturalism, in the sense that they want migrants to maintain their original identities while becoming full members of the South Tyrolean society. Migrants cannot be criminalized and stigmatized as persons with fewer rights; neither should they be considered only as a workforce.\(^{130}\) Instead migrants should be integrated as full citizens. Integration is understood by Verdi as a “mutual dialogical process” that involves both migrants and the local population.\(^{131}\) Migrants should understand and adapt to the South Tyrol society, but at the same time they should be allowed to manifest their religious and cultural values along with their costumes. The local population should also adapt to the diversity brought by migrants. Thus, they support measures to guarantee migrants’ religious rights, sustain the use of their original language, valorise their culture, facilitate their political participation and access to citizenship, and reduce obstacles to their right to use social services and the welfare system.\(^{132}\)

At the same time, the Verdi are not completely naïve regarding the issues raised by migration. They are aware that if the number of migrants passes a specific threshold, it is difficult to manage thus creating tensions. Therefore the dealing with the phenomenon of migration cannot be left to the civil society, but it needs to be governed from the top with specific measures and policies.\(^{133}\) The Verdi want the South Tyrol government to take a more active role in the management of migration in order to avoid future conflicts.

\(^{129}\) Verdi - Grüne - Vërc, “20 Principi per una politica verde sulla migrazione e l’integrazione,” in http://www.verdi.bz.it/.


\(^{131}\) Gruppo Consiliare, “Per una vera legge sull’integrazione,” June 14, 2011, in http://www.verdi.bz.it/. Translation by the author.


Second, they use migration to attack the linguistic separation that characterizes the South Tyrol system and imagine a future without it. They present the migrant population as the symbol that the South Tyrol society has evolved beyond the ethnic-linguistic divisions maintained by South Tyrol institutions, which consequently need to be reformed. For example the ethnic proportion is criticized not only because it does not consider people belonging to mixed families and forces them to give up part of their identity, but also because “it places even migrants … in groups with whom they have little to do.”\textsuperscript{134} Using the words of B. Foppa, party’s spokeswoman, migrants are “the main indicators that our society is very different from the rough schematization imposed by the ethnic proportion.”\textsuperscript{135} Moreover, not only do they use migration as an instrument to criticize the South Tyrol system, but they also see migrants as active player in their campaign to change the South Tyrol system. They invite migrants to participate in their effort, for example, by asking them to participate in their call for boycotting the 2011 ethnic census.\textsuperscript{136}

\textit{Partito Democratico}

The Partito Democratico (PD) is a leftist social-democratic political force that aspires to develop a less ethnically divided South Tyrolean society. The party considers the presence of different linguistic groups and cultures as enrichment for the entire society and its goal is to create a more open, pluralistic and inclusive South Tyrol, where anybody could feel at home. It believes in the possibility of having multiple identities and appeals to the entire South Tyrolean population to create a new South Tyrolean identity that overlaps with the traditional ones.\textsuperscript{137}

Thus the party wants to overcome some of the ethnic rigidities of the South Tyrol system. However, as member of the provincial coalition government (and inspiring to remain in the future) the PD does not propose drastic formal modification of the political autonomy and the abolition of the more controversial South Tyrolean measures to protect the linguistic groups - which would impede any coalition agreement with German-speaking parties. Instead it has a more pragmatic approach, targeting deeper transformations of social, political and interpersonal

\textsuperscript{134} “Io non ci sto’,” \textit{supra}; see also declarations by Riccardo dello Sbarba, representative of the Verdi in the Provincial Parliament in “E il gruppo etnico sara’ anonimo,” \textit{Alto Adige}, September 22, 2001, p. 3. Translation by the author.
\textsuperscript{136} \textit{Ibid}.
\textsuperscript{137} “Conferenza programmatica,” May 7, 2011, in http://www.partitodemocratico.bz/
relations. The PD calls for smaller improvements of the political autonomy in order to make it less rigid and increase bilingualism, along with better cohabitation and reciprocal knowledge among the linguistic groups. For example, rather than sustain the abolition of the ethnic proportion and the separate school system, it wants to make the ethnic proportion more flexible and favour the learning of the other groups’ language through new teaching methodologies. \(^{138}\)

Theoretically the migrant population is fully incorporated in this vision. Indeed, the PD directly appeals also to migrants, considered an important part of the South Tyrol society and a key resource for its economy. \(^{139}\) The new open South Tyrolea identity envisioned by the PD would be able to welcome and integrate the languages, customs and religions of the migrant population. The party wants to extend the cohabitation among the traditional linguistic groups to the migrant communities. \(^{140}\) In this regard, the PD considers as a model the linguistic policies of Catalonia, where both Castilians and migrants identify with the territory and the political autonomy (as done by the Süd-tiroler Freiheit, but without referring to the nationalistic aspect). \(^{141}\) Incidentally, migration, as part of the process of globalization, is seen as driving the need for the South Tyrol society to move beyond ethnic-linguistic divisions. \(^{142}\)

Thus migrants and their diversity are recognized in the South Tyrol society and, according to the PD, the experience of South Tyrol regarding cultural cohabitation among its traditional groups (along with the habit of being open towards diversity while maintaining one’s own identity) will facilitate the process of integration of the migrant population. Integration is understood by the PD as being based on the knowledge of rules and laws, and processes of socialization and interactions. As for the traditional groups, these processes would favour the reciprocal acquaintance among the local and the migrant population. \(^{143}\) In addition, the PD seeks to overcome the contraposition locals vs. migrants and the understanding of the migrant population only as workers, by emphasizing migrants’ needs and their political and social rights.

\(^{138}\) *Ibid.*; and “Programm für das neue Südtirol. Programma per il nuovo Alto Adige. Program per l nuf Sudtirol,” in http://www.partitodemocratico.bz/. In addition the PD focuses on recognizing international linguistic licenses besides “patentino” and abolishing the four years residency requirement to vote.

\(^{139}\) In this regard the PD even has a person who deals specifically with migration issues.


\(^{141}\) “L’assessore Tommasini,” *supra*.

\(^{142}\) “Conferenza programmatica,” *supra*.

\(^{143}\) “Programm für das neue Südtirol,” *supra*. 
in particular the right to vote in the local elections and to access to the social system on an equal footing with the local population.\textsuperscript{144}

However, at times the PD’s approach again becomes more pragmatic also vis-à-vis migration. Indeed, in the areas where migration is stronger and causes concerns among the local population, the party appeals to reduce the migration flow.\textsuperscript{145} This pragmatism is reinforced in the party’s participation in the Provincial government. In the coalition’s agreement program for the current Provincial government, after requesting more power for South Tyrol regarding migration, the PD agreed to limit migration based on the needs of the South Tyrolean labour market and the capacity for integration, accepting to give priority to EU migrants (see below the South Tyrol government approach to migration).\textsuperscript{146} Moreover, PD members in the Provincial government supported a migration law that does not reflect the party’s real discourses on migration. The law instead points out the duties of migrants vis-à-vis the hosting society, focuses on the learning of the local languages and culture, and limits migrants’ access to non-essential social services (see Part III on the new South Tyrol integration law).\textsuperscript{147} Thus the PD is ambiguous toward migration. On the one hand it expresses a progressive approach; on the other hand it compromises for more conservative positions.

\textit{Südtiroler Volkspartei}

Since the end of World War II the Südtiroler Volkspartei (SVP) has been the ethnic-catch-all party for the German-speaking group in South Tyrol. It is the party that historically protected the rights of the South Tyrolean German (and Ladin) speaking minority against the Italian State and fought for the political autonomy of South Tyrol. Today its goal is to maintain and expand the autonomy and preserve the language, culture, traditions and identities of the German (and Ladin) speaking population. Moreover, having renounced the right of self-

\textsuperscript{144} “Un’alleanza tra italiani ed immigrati per sviluppo e lavoro,” \textit{PDNewsletter,} 30 (November 18, 2010); and “Programm für das neue Südtirol,” supra.

\textsuperscript{145} “Salorno, una lista PD/IdV laboratorio di collaborazione,” in http://www.partitodemocratico.bz/


\textsuperscript{147} “Costruiamo una vera convivenza tra altoatesini e migranti,” \textit{PDNewsletter,} 1 (January 14, 2011).
determination for South Tyrol (although it is still stated in its political program\textsuperscript{148} and it is sometimes invoked), the SVP aspires to maintain the ties with the rest of Tyrol and create a European Union of regions where ethnic-linguistic minorities will have their place next to nation-states.\textsuperscript{149}

The SVP accepts the presence of the Italian-speaking population in South Tyrol and aims at improving the cooperation along with reciprocal respect among the linguistic groups. However, it opposes any attempt to weaken the political autonomy and change the system to protect linguistic groups. It especially opposes modifying the controversial measures that maintain the separation among the South Tyrolean population, like the ethnic proportion, the ethnic census and the separate school system. Indeed the party sustains the idea that each linguistic group needs to consolidate its own culture before interacting with each other and objects any form of cultural assimilation.\textsuperscript{150} Peaceful cohabitation among the linguistic groups is possible as long as they are separated; this is considered the only way to completely protect the German characteristics of South Tyrol in the Italian State. Consequently it also opposes attempts to change the South Tyrol system in order to consider the presence of mixed families. For example, the SVP objects to changing the \textit{ethnic proportion} (the distribution of public employment and resources among the German, Italian and Ladin linguistic groups in proportion to their numerical strength) and consequently the \textit{ethnic census} (which is used to count the numerical strength of the linguistic groups) where mixed people can only declare themselves as “other” and have to aggregate to one of the official linguistic groups.\textsuperscript{151}

It is interesting to point out that recently R. Theiner, chairman of the SVP, has made some overtures towards the Italian linguistic groups. Pointing out that today the Italian-speaking population is more willing to learn the German language and identify with the territory of South Tyrol, he expressed the hope that the Italian-speaking group will support the SVP in its request to expand the political autonomy.\textsuperscript{152} However, this overture does not imply an understanding of South Tyrol where ethnic-linguistic divisions are less salient. The development of a post-ethnic

\textsuperscript{148} As stated in the SVP’s program, “the SVP reaffirms the inalienability of self-determination of South Tyroleans.” See Südtiroler Volkspartei, “Das neue Programm der Südtiroler Volkspartei,” May 8, 1993, p. 2. Translation by the author.


\textsuperscript{150} Südtiroler Volkspartei, “Das neue Programm,” supra, p. 15.

\textsuperscript{151} Fabio Zamboni, “Theiner: ‘Senza proporz tensioni etniche’,” \textit{Alto Adige}, October 8, 2011, p. 16.

\textsuperscript{152} Richard Theiner, “Südtirol auf dem Weg zur Vollautonomie,” September 2011.
South Tyrolean society is out of question. As said by Theiner the SVP does not want to overcome its ethnic party nature and “it is responsibility of Italian parties to represent the Italians.”\textsuperscript{153} The vision that the SVP has of South Tyrol seems to be that of a frozen segmented society where clearly defined ethnic-linguistic groups are guaranteed their survival and interact peacefully. The party seems to oppose any official recognition of the transformation experienced by South Tyrol society in the past decades.

The SVP presents itself as a moderate Christian-oriented social democratic political force. However, as an ethnic-catch-all party, it has various currents inside and consequently sometimes its political positions fluctuate. Moreover, it is extremely concerned with the need to maintain the political unity of the German-speaking group, keeping its vote mobilized. The SVP is also concerned to losing ground to other more extreme parties. Consequently sometimes on some hot issues the Südtiroler Volkspartei assumes more radical positions in order to try to neutralize the rivalry from right-wing political forces. For example, in the past years, the SVP has spoken out regarding the elimination of many Italian topographical names introduced during the Fascist regime and the removal of some Fascist monuments.

The Südtiroler Volkspartei approach to migration follows this trend. Initially the SVP did not pay attention to the matter of migration. Indeed, in its political program, enacted in 1993, migration is not treated as a separate topic. Rather it is briefly mentioned under the headline of “Relationship with Italy and among the linguistic groups,” thus subordinated to the goal of protecting the German-speaking group. As stated in the program, the SVP opposes uncontrolled migration and “considers as a main task the protection of the rights of the autochthonous population and our land with its people from foreignization [Überfremdung] through artificially promoted and uncontrolled migration.” In addition, the program points out the need to create appropriate working and living conditions for the local population in order also “to counteract the migration of foreign workers.”\textsuperscript{154} As pointed out by R. Medda, this approach is the “legitimate fear of a minority that, during Fascist time, suffered ruthless forms of ‘Italianization’

\textsuperscript{153} “Autonomia Integrale, ma condivisa,” \textit{Alto Adige}, September 15, 2011, p. 3. Translation by the author.
\textsuperscript{154} Südtiroler Volkspartei, “Das neue Programm,” \textit{supra}, p. 11, 23. Translation by the author.
and expresses the understandable anxiety to become demographically a numerical minority and/or lose the own identity.”

In the past years the party started to pay more attention to migration matters and dealt with it as a distinct issue. In this process the demographic fear gave way to an approach to migration that is characterized on the one hand by an instrumental understanding of migration as an economic necessity and the rejection of xenophobic attitudes; on the other hand some members of the party use populist arguments against migration, especially from Muslim countries. In 2007 the most right-wing members of the party elaborated anti-migrant positions in a document on 10 principles of integration of the migrant population called “Immigration und Integration in South Tyrol.” The document looks at the cultural dimension of migration, focusing on non-EU migrants and the role of Islam. Migrants from Muslim countries are considered as the most difficult to integrate and their religious customs, like the headscarf, are seen as political-religious symbols against western societies. The principles listed also the following objectives: to limit migrants’ access to social benefits only to cases of emergency because public assistance could morally corrupt migrants and reduce their will to work; and to distinguish between migrants from EU countries and non-EU countries, demanding stricter measures for the latter. In the same year the promoters of the document objected the enactment of permissive policies, considered as attracting further migration. Instead they demanded more restrictive criteria based on the qualifications, language skills, and attitude of the migrant population, and emphasized the need for migrants to adapt and internalize to the rules of law and human right principles.

The following year, in 2008, the SVP enacted an electoral political program for the years 2008-2013, which, as showed in the analysis below, dealt further with the issue of migration. Moreover, in 2010 the party drafted a document summarizing its approach to migration and the integration of the migrant population entitled “Fordern und fördern!” (to promote and

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156 It is not clear whether the rest of the party agreed or objected the document and its anti-migrant tones.
In these two documents the anti-Islamic tones and extreme demands voiced by the most right-wing members of the party do not appear, leaving space for a utilitarian view of migration along with the recognition of migrants’ economic contribution to South Tyrol society. However the concern that migrants will come to South Tyrol mainly because of its generous social services and cultural issues are also raised. Below I will analyze more in detail these two documents.

Both documents have some liberal positive elements vis-à-vis migration. The 2008-2013 electoral program stigmatizes xenophobic behaviours and highlights human dignity along with the importance of migrant workers in providing care for the South Tyrolean elderly.\(^{160}\) In the 2010 document “Fordern und fördern!” it is stated that migrants are needed by South Tyrolean economy and society. This document refutes the argument that migrants are a social cost as incorrect.\(^{161}\) However, migration is seen as bringing “various challenges” to South Tyrol, thereby, among the objectives of the party, the document “Fordern und fördern!” mentions first the support for “cautious and controlled migration policy.”\(^{162}\) Migration is accepted for economic reasons and the needs of the labour market. Indeed, the electoral program of the SVP discusses the matter of migration under the topic of (economic) “Prosperity,” stating that only migrants that are “absolutely necessary” in the job market should come to South Tyrol.\(^{163}\) Moreover, “Fordern und fördern!” suggests limiting the quota of migrants allowed in South Tyrol, favouring instead the hiring of local workers when they are available.\(^{164}\)

Linked to this economic understanding of migration is the concern that the generous welfare system of South Tyrol will attract unwanted migration, namely migrants that are not productive and that take advantage of social benefits. To avoid this “risk,” the SVP proposes the following in its 2008-2013 electoral program: gradual access to social services subjected to the criteria of long-term residency and stable employment; separate ranking for the migrant population in the assignment of public housing; and restrictions to the process of family

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\(^{159}\) Südtiroler Volkspartei, “Mit Euch für Südtirol!,” \(supra\); and Südtiroler Volkspartei, “Fordern und fördern!,” September 2010. As showed later, SVP’s concept of “Fordern und fördern!” (to promote and demand) will be included in the new provincial migration law.\(^{160}\)

\(^{160}\) Südtiroler Volkspartei, “Mit Euch für Südtirol!,” \(supra\).

\(^{161}\) Südtiroler Volkspartei, “Fordern und fördern!,” \(supra\).

\(^{162}\) Ibid.\(^{162}\)

\(^{163}\) Südtiroler Volkspartei, “Mit Euch für Südtirol!,” \(supra\).

\(^{164}\) Südtiroler Volkspartei, “Fordern und fördern!,” \(supra\).
reunification, which should be reserved only for immediate relatives and for those who can prove to have a job and a proper accommodation.\footnote{Südtiroler Volkspartei, “Mit Euch für Südtirol!,” supra.} The document “Fordern und fördern!” mentions also gradual access to social service, pointing out that European Union and national laws do not provide fully equal treatment of migrants.\footnote{Südtiroler Volkspartei, “Fordern und fördern!,” supra.}

The SVP emphasis on the danger of unproductive public-assistance-abuser migrants might also be connected to the SVP fear of losing the legitimacy of its political power, which is also based on the fact that, thanks to the political autonomy demanded and defended by the SVP, the populations of the three traditional groups enjoyed excellent and generous social services. If migrants take most of these services and the political autonomy led by the SVP stops delivering goods, the political balance could shift.

The document “Fordern und fördern!,” also gives details about the SVP approach to the process of integration. Three elements should be emphasized. First, mirroring the concerns for the fact that migrants have integrated mainly into the Italian-speaking group the document points out the necessity to favour integration into the German and Ladin speaking groups. Second, although the document states that integration is a task for both the migrant communities and the local population and in order to have peaceful cohabitation the hosting society should be open toward the cultural characteristics of migrants, the document focuses on the need for migrants to adapt to the hosting society. As stated in the document “it is important that migrants learn our language, culture and values and treat with respect our customs and traditions, which are also rooted in our religion.”\footnote{Ibid. Translation by the author.} In particular, the knowledge of the local language is considered as “central prerequisite for the social and professional integration.”\footnote{Ibid. Translation by the author.} In this regard the document links migration with the party’s goal to protect the German-speaking group demanding German language tests in order to obtain resident permits (see Part II of the report). While migrants should learn the local language and culture, there are not further suggestions regarding the valorisation of migrants’ cultural diversity. Third, the document emphasizes that migrants should have the will to integrate and that it is necessary to avoid the creation of parallel societies. Moreover, other key elements of the process of integration emphasized by the document

\footnote{Südtiroler Volkspartei, “Mit Euch für Südtirol!,” supra.}
“Fordern und fördern!” are the role played by the education system, the involvement of the entire family of the migrant, and the fact that migrants should have a job.

The 2008–2013 electoral program adds concerns for the cultural diversity brought by migration, suggesting giving priority to people from European countries that are considered to be closer in culture, language and way of life.\footnote{Südtiroler Volkspartei, “Mit Euch für Südtirol!,” supra. It should be reminded that people from countries of the European Union are free to move and live in any part of the Union. In addition, the national legislation gives already priority to citizens of the European Union. See Part II.} An SVP pamphlet even suggests a mechanism in this regard, pointing out that, although the central State has the main responsibilities in the area of migration, the Provincial government can control the migration flux and favour the arrival of migrants from European countries through the approval of work permits (see part II).\footnote{Südtiroler Volkspartei, “Stolz auf Südtirol,” in http://www.svp.eu/smartedit/documents/download/stolz-auf-suedtirol.pdf} However, some members of the party do not agree with these cultural concerns. According to J. Noggler, SVP representative in the Provincial Parliament, people should not be afraid that migrants steal the culture. Similarly for M. Stocker, also a SVP representative, migration is a great chance to enlarge the own cultural horizon.\footnote{Consiglio della Provincia Autonoma di Bolzano, “Lavori in Consiglio – Approvato l’articolo 10,” October 21, 2011, in http://www.consiglio-bz.org/it; and Consiglio della Provincia Autonoma di Bolzano, “Lavori Consiglio: Legge sull’Integrazione delle cittadine e dei cittadini stranieri, discussione generale - 5,” September 15, 2011, in http://www.consiglio-bz.org/it.}

Concerning the role of the Province in controlling the migration flux, as said above, one of the goals of the SVP is to expand the political autonomy of South Tyrol. Recently the chairman of the SVP Theiner proposed the so-called “integral autonomy” – namely a further extension of powers in which the Province will become responsible for public order and security (among several other topics), and the central government in Rome will be left with control of foreign policy, currency and defence.\footnote{Theiner, “Südtirol auf dem Weg,” supra; and Maurizio Dallago, “La Svp vuole la polizia e dice addio alla Regione,” Alto Adige, August 30, 2011, p. 11.} Moreover, the Province will also have its own police force and the powers of the peripheral office of the Ministry of Interior in South Tyrol will pass to the President of the Province. In Italy the control of the migration flux is mainly a function of the Ministry of Interior, managed by its peripheral offices and the National Police. It is not clear whether Theiner’s proposal implies that the Provincial government will also become responsible for the control of migration in South Tyrol.
In conclusion, after not seeing the issue of migration for many years, the SVP has developed an approach to migration that is a bit incongruent. At times some members of the party assume positions against migration, maybe in order to answer anti-migrant fears within the population and not lose votes.\textsuperscript{173} However, in general, the party does not run on a xenophobic platform. The SVP seems to accept the presence of migrants and their culture. Yet, migrantst are accepted only as long as they contribute to the prosperity of the region and do not create problems for the political, social, and cultural equilibrium of South Tyrol. In particular, the party links migration issues with the needs to maintain the prosperity of the South Tyrol welfare system and to protect the German-speaking group and the South Tyrol system to safeguard minorities. As said above, the SVP understands South Tyrol as a segmented society with the three traditional groups clearly distinguished and protected, and it aims at maintaining it in this way. Regarding the role of the migrant population in South Tyrol, as for linguistically mixed families, they should not destabilize the South Tyrol groups, their relationship, and the society in general. In this regard, it is interesting that, similar to the Freiheitlichen, Theiner uses migration to oppose changing the ethnic proportion (and the ethnic census) in order to consider the presence of mixed families (which at the moment can only aggregate to the Italian, German and Ladin-speaking groups, after having defined themselves as “other.”). He states that “If we enter a fourth group, it will never end; we will have to add the Albanese group, the Indian, etc.”\textsuperscript{174} In this way, he considers linguistically mixed families and migrant communities on the same level, as equal subgroups that should not affect the South Tyrol system. Whether regarding mixed families or migrants, the goal of the party is to neutralize the potential impact of socio-demographic transformations on the South Tyrol ethnic-linguistic equilibrium. Thus migration is not opposed, but the party does not encourage manifestations of migrants’ cultural diversity. Instead the SVP emphasizes the need that migrants learn the local language and culture, and at times prefers the arrival of culturally similar migrants.

2. Position on migration of the South Tyrolean government

The South Tyrol Provincial government is composed by members of the Südtiroler Volkspartei (SVP) and the Partito Democratico (PD). It is mainly an expression of the SVP, who

\textsuperscript{173} Wisthaler, “The paradox,” \textit{supra}, p. 5.

\textsuperscript{174} Zamboni, “Theiner,” \textit{supra}. Translation by the author.
has six members in the government (75%) and controls the Presidency. The PD has two representatives in the government (25%). Thus, the Provincial government approach to migration reflects for many aspects the political discourses of the SVP. It is interesting to point out that the Provincial government approach to migration has shifted in the past decade. At the beginning of the century, governments’ members looked at migrants mainly as people who have needs and rights, who are wanted and needed by the local society, thus rejecting populist tones against migration.\textsuperscript{175} In the second part of the decade the government assumed a more critical stance towards migration. This shift might be due to the pressure from right wing parties as well as increasing concerns around migration expressed by the general population. Indeed, according to a 2007 survey, almost half of the inhabitants of South Tyrol (48.6%) placed migration among the three main problems of the country.\textsuperscript{176}

Today, the government still opposes xenophobic attitudes and populist tones against migration.\textsuperscript{177} However, it deals with migration mainly as an economic necessity whose political, social, and cultural impacts should be neutralized as much as possible. As stated by Luis Durnwalder, the President of the government (and SVP member), in official discourse made at the beginning of the current legislature: “without foreign workers the economy of South Tyrol cannot survive. To satisfy the demand of workers, we depend on the support of foreign workers, and we will be probably even in the future.” At the same time, Durnwalder emphasized the need to link quantitatively and qualitatively the migration flux to the specific demand of the South Tyrol job market.\textsuperscript{178}

However, regarding the control of migration, government members have at various times recognized that in this particular area the Province has neither power nor capacity.\textsuperscript{179} As pointed


out by Roberto Bizzo, *Assessore* (provincial Minister) for Labour issues, “we do not have the competencies of a state.”  His predecessor, B. Repetto, further clarified that the responsibilities regarding migration belong to the State but “we can intervene, and even in extensive ways, on integration and social inclusion.”  Yet, these statements are in part contradicted by the coalition agreement’s program for the current South Tyrol government. Indeed, on the one hand the program expresses the awareness of South Tyrol’s limited capacity to manage migration. As stated in the program, this task depends on the coordination of EU policies in collaboration with sending countries and international development aid in which the Province declares it to be a willing participant. On the other hand, the program emphasizes the need to do whatever is possible to control migration and declares that the South Tyrol government is ready to assume the necessary responsibility. Moreover, in his speeches Durnwalder has highlighted ways in which the Province control migration, mentioning the releasing of resident permits (in which the Province has a role - see Part II), and stating that the Province can manage migration qualitatively through professional training of migrants in order to adjust supply and demand of labour.

The coalition agreement’s program for the current government summarizes the Provincial government approach to migration. The approach is based on the notion that the number of migrants in South Tyrol should be commensurate to the needs of the local labour market, decent quality of life, and social integration. The program also states that “precedence should be given to work forces from ... EU countries,” as if this type of migrants were a better fit for South Tyrol. Regarding the process of integration, the program emphasizes the learning of the local languages.

The government approach to South Tyrol is further fleshed out in a special document, which consists of 16 guidelines issued in June 2008 regarding the government actions towards migration mainly in the areas of welfare, employment, and housing in order to favour migrants’

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182 “Accordo di coalizione,” *supra*.
186 In any case, EU workers have always “precedence” based on EU and national norms. See Part II.
integration. The document begins with some progressive statements regarding the need to respect human dignity, international law, and cultural characteristics of migrants, while avoiding processes of marginalization and ghettoization. However, these statements are not further expanded and most of the guidelines focus on migrants as a labour force, emphasizing the need to control the number of migrants while only allowing migration when it is strictly necessary. In this regard it is interesting that the guidelines use more the term “foreign workers” rather than “migrants.” In addition, the guidelines manifest apprehension for migration from non-EU countries, suggesting discriminating against it, in line with the government program. Among the guidelines are limiting the quota of migrants for South Tyrol, increasing the autonomy of South Tyrol from the central government in Rome in this regard, encouraging the employment of the “South Tyrolean unemployed population” (especially women, disabled and older people) in order to reduce the necessity of foreign workers, and hiring relatives of migrants already in South Tyrol through the process of family reunification. If further workers are demanded, precedence should be given to migrants from EU countries. In this regard, the guidelines suggest improving the intermediary procedures in the countries of origin of the migrant population and the prior learning of South Tyrolean languages. Any migration from non-EU countries should be the last option and should be highly monitored.

In this context, Durnwalder also refers to encouraging the hiring of the unemployed population in relation to migration, providing further explanations. Differently from the guidelines which use the term “South Tyrolean unemployed population,” Durnwalder clarifies that in the employed list there are also migrants, and thus there is not discrimination. Moreover, Durnwalder has stated that cultural proximity should be considered in the searching for foreign workers. According to the President, considering cultural proximity does not imply discrimination; rather it is a way to avoid potential problems, making sure that “the cultural conflicts will not prove so violent.” He adds, that “people coming from European cultural environment are able to move more easily and with fewer problems.”


189 Differently, at the beginning of the 21st century, members of the government objected those who wanted to limit migration pointing out that the local force was employed well in the economy and the problem was low birth rate which made impossible to satisfy the demand for labours. Provincia Autonoma di Bolzano, "Frick," supra.

Similar to the SVP political program, the government guidelines focus on preventing migration for social benefits by instituting the following: limiting the access to social services with the criteria of long-term residency, using separate waiting lists for locals and migrants in the allocation of public housing, and restricting family reunification to immediate relatives and to those who have sufficient income and accommodation. This concern is also clearly stated by Durnwalder who points out the need for South Tyrol to “avoid becoming a magnet for all those that benefit of social services but are not willing to give any contribution.” According to the President, some of the above measures, like the criteria of residency, respect norms of the European Union.

Finally, regarding the process of integration of the migrant population the guidelines deal with school integration, focusing on the inclusion of migrant children in the South Tyrol separate school system. There is the proposal to create linguistic centres (see Part II) in order to explain to migrant families the South Tyrol school system and help their children acquiring adequate knowledge of the language of instruction of the school, so that they could fell comfortable in class. Moreover, for the guidelines, the knowledge of the language of instruction “should be acquired ... if possible in the period between the enrolment and the beginning of the school”

Additional details for understanding the government approach to migrant integration can be found in Durnwalder’s speeches. According to the President, the creation of a multicultural society means respecting other cultures but without “losing our identity, our culture, our traditions.” Thus integration is linked to the preservation of the identity of the hosting society. Moreover, he argues that different languages and life styles should not hinder the process of integration, and stresses the importance of the learning of the local language for migrants’ social inclusion. At the same time in his speech, Durnwalder opposes to assimilate migrants to the South Tyrolean culture. Indeed, he states: “integration should not be equivalent to assimilation. Migrants will not turn South Tyrolean; they should not do it. Everybody will maintain and take...”

191 “Considerazioni e proposte della Giunta provinciale,” supra.
194 “Considerazioni e proposte della Giunta provinciale,” supra.

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care of their own identity, respecting others and the law.” This statement is not further elaborated in relation to how migrants can protect and promote their own identity or measures that could help them in this process.

To summarize, the government political discourses on migration link the arrival of migrants to the needs of the South Tyrol economy and society, limiting migrants’ access to social services and favouring the arrival of culturally similar migrants, in order to avoid social problems. Moreover, regarding the process of integration, migrants are given contradictory messages. The government emphasizes the learning of the local language and the preservation of the local culture, but migrants should not assimilate in the South Tyrol society. At the same time migrants can maintain and express their identity but the government does not seem interested in valorising migrants’ diversity (however, in practice the Province has sustained actions to valorise migrants’ culture – see Part II). In this way, migrants’ position in South Tyrol society is not exactly clear.

3. Migration and South Tyrolean Political Discourses – a Summary

In conclusion, migration in South Tyrol has become a contested topic that prompts several discussions. As shown in this exegesis, in South Tyrol there is a multitude of approaches towards migration. Migration interacts in several ways with the presence in South Tyrol of traditional minorities and its system to protect their diversity. This interaction between the issue of recent migration and South Tyrol ethnic/linguistic traditional characteristics has further complicated, rather than eased, the local political discourses on how to deal with the migrant population. However, it should be pointed out that in South Tyrol, attention to migration issues is neither consistent nor frequent. It mainly emerges during electoral seasons. Moreover, the topic of migration combines with the relationship between the traditional groups only sporadically and generally on specific issues. For example when the Italian government introduced an Italian test to have resident permits (see Part II) or data on migrant children’s attendance in the three South Tyrol schools were published.

For the most part, South Tyrol’s history of cultural diversity and its system to protect minorities does not favour the development of a pluralistic environment that welcomes the

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197 Ibid. Translation by the author.
198 Interview with provincial officers, Bolzano July 8, 2011.
arrival of migrant communities and their cultures. In South Tyrol xenophobic attitudes toward migrants, especially regarding migrants from Arab and Muslim countries, are common (Lega Nord, Unitalia, BürgerUnion, Freiheitlichen, PdL and some members of the SVP). Moreover there are implications to how the body of South Tyrolean political forces understands the process of integration of the migrant population and deal with their cultural diversity.

In this regard, scholars distinguish four practices of accommodation of minorities’ diversity that can be derived from two questions: whether cultural diversity is respected and whether a common identity is promoted. The combinations of the answers to these questions reveal four practices towards accommodation: segmentation, assimilation, multiculturalism and interculturalism.199

<table>
<thead>
<tr>
<th>Is a common identity promoted?</th>
<th>Is cultural diversity respected?</th>
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<tr>
<td>Yes</td>
<td>Interculturalism</td>
</tr>
<tr>
<td>No</td>
<td>Assimilation</td>
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<tr>
<td>No</td>
<td>Multiculturalism</td>
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<td></td>
<td>Segmentation</td>
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In the case of segmentation, the minority suffers from structural inequality and is maintained in a subordinate level compared to the rest of the population. A system of discrimination develops against the members of the minority, a group that cannot express its culture and is thus excluded from the rest of the society. With assimilation the members of different groups are forcibly incorporated into the culture of the majority population, in this way losing their specific culture and values. Multiculturalism valorises the specific characteristic of all the groups, which coexist in the society side by side but remain separated. Finally, with efforts for interculturalism, minority groups are allowed to develop their own diversity but within a common framework based on basic principles, creating in this way a new common identity.

199 I have borrowed this distinctions and the table from Ángel Castiñeira, “Migration in Multinational States. The Case of Catalonia,” in Migration and Self-government of Minority Nations, ed. Ricard Zapata-Barrero (Brussels, Belgium: P.I.E. PETER LANG s.a., 2009). However, I changed some of the terms; the original table speaks of “integration,” “assimilation,” separation,” and “marginalization.”
Many political forces in South Tyrol understand the process of the integration of the migrant population as assimilation. Migrants need to learn and adapt to the local history, culture and language, while their diversity is not valorised. Only in the cases of the Verdi and in theory the PD does the South Tyrol experience with diversity favour an intercultural approach to the integration of migrants in South Tyrol. These parties favour an approach in which migrants are allowed to maintain and express their original culture and values while becoming full members of the hosting society. The SVP also mentions the fact that the hosting society should be open to migrants’ cultural diversity, but the party mainly focuses on the learning of the local language and culture. Thus its approach is vague, having some multicultural aspects (which are not further developed) and some assimilationist aspects. Similarly, from Durnwalder speeches, the exact position of the South Tyrol government is not clear; it opposed segmentation, it does not want assimilation, but neither promotes manifestations of migrants’ cultural diversity and interculturalism. In addition in South Tyrol there is widespread opposition to recognizing migrants’ full social rights (Lega, Unitalia, Süd-tiroler Freiheit, BürgerUnion, Freiheitlichen, SVP and current South Tyrol government). In this case it is even possible to refer to the segmentation practice of accommodation, according to which migrants suffers inequality; but, in this regard, it should be reminded that the national legislation and also European Union regulations do not grant fully equal treatment to the migrant population (see Part II).

The four practices to accommodate diversity can be applied not only to migrants but also to traditional groups. In this regard, the South Tyrol system to protect its minorities follows mainly the model of multiculturalism.\footnote{\textsuperscript{200} As said in note 6 the South Tyrol system includes various mechanisms to protect minorities and few of them reflect intercultural practices, favoring the development of a common territorial identity. However, multicultural elements prevail.} It is interesting that for many South Tyrolean political forces, their positions towards the accommodation of minority diversity shifts depending on whether it is applied to traditional minorities or to new migrant communities. Many political parties defend the South Tyrol system of protection of minorities, thus moving from a multicultural stance towards the traditional groups to an assimilation (if not even segmentation) stance when dealing with the migrant population (see table below). Other parties shift from calls for interculturalism when referring to the traditional groups to assimilation practice vis-à-vis migrants. Only the Verdi and the PD maintain the same intercultural position, while Unitalia...
emphasizes the Italian identity of South Tyrol for both the traditional groups and the migrant population.

<table>
<thead>
<tr>
<th>Practice toward traditional groups</th>
<th>Practice toward migrant groups</th>
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<tr>
<td>Segmentation*</td>
<td>Assimilation</td>
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<tr>
<td></td>
<td>Unitalia</td>
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<td>Assimilation</td>
<td>Multiculturalism</td>
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<td>SVP**</td>
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<td>Multiculturalism</td>
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<td></td>
<td>Freiheitlichen, BürgerUnion,</td>
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<td></td>
<td>Südtiroler Freiheit**</td>
</tr>
<tr>
<td>Interculturalism</td>
<td>Lega Nord, PdL, FLI</td>
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<tr>
<td></td>
<td>Verdi, PD</td>
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* By calling for limiting migrants’ social rights, the philosophy toward migrant groups of Unitalia, SVP, Südtiroler Freiheit, Freiheitlichen, BürgerUnion, and Lega Nord, has some elements of the segmentation approach.
** The SVP approach is vague and contains both elements of multiculturalism (but these elements are not developed and emphasized) and elements of assimilation.
*** It is not clear whether the emphasis on the right of self-determination made by Freiheitlichen, BürgerUnion, and Südtiroler Freiheit reflect also a desire for a process of Germanification of the entire South Tyrolean population, reflecting in this way a philosophy toward traditional groups of assimilation.

The South Tyrolean political forces that shift to assimilation from multiculturalism (AN, SVP, Freiheitlichen, BürgerUnion, and Südtiroler Freiheit) or interculturalism (Lega Nord, PdL, and FLI) do not see any contradictions in their positions. Clearly, in South Tyrol there is a strong distinction between the cultural rights of, using the words of political theorist W. Kymlicka, national minorities and polyethnic communities. The South Tyrol experience with traditional minorities does not transfer to its approach to migration.

Four further elements of South Tyrolean political discourses on migration can be highlighted. First, South Tyrolean political discourses reflect the interactions between the presence of migrants on the one hand, and the conditions of the traditional groups and power relationships between these groups on the other hand. Right wing Italian national parties view migration as weakening the status of the Italian-speaking group: migrants threaten the Italian culture (Unitalia) and its resources (former AN). At the same time, migrants are considered as maintaining the demographic weight of the Italian-speaking population (former AN) by adding
numbers. Instead, German right-wing national parties and the SVP view migration as weakening the position of the German-speaking group and threatening the German character of South Tyrol. Three factors are emphasized: Migrant presence is a problem for the system used to protect the traditional minorities (Südtiroler Freiheit, BürgerUnion, and Freiheitlichen). Migration tips the demographic balance among the South Tyrolean groups in favour of the Italian-speaking population (Südtiroler Freiheit, the Freiheitlichen, and SVP). Consequently, migration alters the political dynamics between the South Tyrolean groups, and in this way endangers future requests for self-determination (Südtiroler Freiheit). These arguments sit alongside the more common discussions on whether migration is a necessity for the hosting society, especially for its economic development and labour needs. Various political forces see migrants as an unnecessary burden (Lega, BürgerUnion, and Freiheitlichen).

Second, migration is used instrumentally in relation to the South Tyrol system to protect minorities. On the one hand migration is used to attack both the measures to protect the German-speaking population (Unitalia) and the separation among the linguistic groups that characterizes the South Tyrol system (Verdi, FLI and PD). At the same time, the issue of migration is used to defend the South Tyrol system and its characteristics (Freiheitlichen and SVP). The Südtiroler Freiheit even invokes migration to criticize the Italian government and request further political autonomy, arguing that migration proves that the German character of South Tyrol is still in danger inside the Italian State. Thus migration provokes political conflicts regarding the relationship among the South Tyrol traditional groups along with its mechanisms to protect minorities and regulate ethnic-linguistic cohabitation.

At the same time, third, migration issues cross-cut the linguistic divide that has long characterized South Tyrolean politics. Usually Italian-speaking and German-speaking nationalist parties clash due to antagonistic understandings of South Tyrol society inside the Italian State, the relationship among its traditional groups, and its measures to protect minorities. However, these parties are side by side in their opposition to migration and their calls to limit migrants’ cultural and social rights. On the matter of migration their differences are put aside and a new

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201 In this regard, the provincial Ripartizione Lavoro (Bureau of Labour), which is greatly involved with migration issue, published a newsletter in which it is argued that in the long term migration is not the solution to the aging of the local working population and the consequent pressures on the welfare system. Indeed, the argument goes, migrant workers come with their families, which add pressure on the welfare system, and they will also age. Instead there is the suggestion of favouring the employment of women. Antonio Gulino, “Mondo del lavoro e trasformazione demografica,” Mercato del lavoro news (June, 2011).
political coalition is forging. This alliance suggests that the arrival of foreign migrants is shifting the process of identity formation and the relationships between the two main traditional linguistic groups. Migrants are the new “other,” alien to the territory. Next to this group, the Italian-speaking group is seen as being autochthonous and being able to finally affirm its claim to belonging to the South Tyrol territory. It seems as if a common territorial identification among the traditional South Tyrolean ethnic groups is emerging. However, within extreme right-wing forces, this new form of identification is not replacing the traditional identities prevalent in South Tyrol; rather it is developing alongside it. Thus a post-ethnic society is not yet emerging. Instead, there is a territorial identification that unites the traditional South Tyrolean ethnic-linguistic identities from which it inherits their exclusionary attitude – an exclusionary attitude that targets the migrant population.

Finally, concern for the impact of migration on the relationship among South Tyrolean traditional groups along with the social and cultural anxieties sparks the request for robust action at the policy level. Almost all political forces point out the need for South Tyrol to demand greater competency and capacity building measures from the Italian State in order to manage migration, including the control of the migration flux. However, the difficulties of this development inside the Italian institutional framework are also raised. Two main kinds of actions to be taken by the Province are proposed: to limit the number of migrants allowed to come to South Tyrol (Lega Nord and Unitalia), and to select a specific type of migrant, believed to fit better in the South Tyrol reality (Südtiroler Freiheit, Freiheitlichen, SVP and current South Tyrol government). In addition, there are several calls for South Tyrol to intervene more actively to regulate the inclusion of the migrant population. In particular, German-speaking parties invoke various measures to convince or even force the migrant population to recognize the uniqueness of South Tyrol and its German character, and to integrate in the German-speaking group (Südtiroler Freiheit, BürgerUnion, Freiheitlichen and SVP).

This section showed the positions of South Tyrolean political forces on migration and proposed actions they would like to take. In part II of this report I will analyze the competencies that South Tyrol has in the area of migration along with steps that South Tyrol is in fact taking in the management of the migrant population.
PART II: THE ROLE OF THE PROVINCE OF BOLZANO IN THE MANAGEMENT OF MIGRATION

In this part of the report I analyze the role played by the Province of Bolzano/Bozen - South Tyrol in the management of migration in its territory within the Italian national framework. This analysis is divided in two sections. The first section considers migration control policy (law and rules governing the admission and selection of foreign migrant). The second section analyzes integration policy – also called accommodation policy or migrant policy (law and procedures governing the conditions provided to foreign migrant residents and the inclusion and integration of the migrant population in the hosting country). In both sections I look at the distribution of competencies between the state and regions and other local entities, describe the national legislation and policies and the national institutional framework and bureaucratic apparatuses, and underscore the elements that distinguish South Tyrol from the rest of the peninsula in the management of migration. Specifically I describe the distinct institutional structure created in the Province of Bolzano to carry out both migration control policy and integration policy and provide an overview of the specific policies adopted by South Tyrol to regulate the migration flux. I also highlight further factors through which the Province of Bolzano could increase its role in the management of migration.

The Italian State is organized in Regions, Provinces, Municipalities and Metropolitan cities. The legislative power is divided between the State and the Regions, which have their own local government and parliament. Following the reform of its Title V in 2001, the Italian Constitution lists the areas in which the State has exclusive responsibility and those in which the State has concurrent power, namely the State establishes only fundamental principles. All sectors that are not listed in the Constitution are responsibility of the Regions.

In this framework the Province of Bolzano differs because it acts as an empowered Region. The Second Autonomy Statute gives the Province of Bolzano competencies in several additional areas of governance compared to other Regions. However, regarding migration South Tyrol is mainly like other Regions. The matter of migration is not included in the Second Autonomy Statute as one of the competencies of the Province. Thus, this topic is in part still outside of its reach. Instead, according to the Italian Constitution it is the central State that is responsible for many aspects regarding migration. Citizenship, migration, and the control of the
borders are explicitly listed in the Constitution as topics in which the State has exclusive authority. 202 As pointed out by C. Corsi, these areas are assigned to the State because they involve international relations, national defence, and public security. 203 Customarily, these are areas in which States exercise the highest level of their sovereignty.

Thus the central government in Rome determines the criteria and the process through which migrants can acquire Italian citizenship, which is based on marriage or ten years of continuous residency. The process is carried out by the office representing the State at the local level, namely the Prefetture – Uffici territoriali del Governo for Regions and the Commissariatio
del Governo in the Province of Bolzano (the Commissariato will be discussed later on). 204 Regional governments and the Province of Bolzano do not have any role on this matter.

More complicated is the situation regarding migration control law/policy and integration law/policy. Below I will describe these two areas and the role played by the Province of Bolzano.

1. Migration Control Law/Policy
   
   a. State, Regions and Autonomous Provinces Competencies

   Since 1990 Italy has been part of the Schengen Agreement through which countries have agreed to abolish the control of their shared borders. With the Amsterdam Treaty, signed in 1997 and entered into force in 1999, the Schengen Agreement was incorporated into the law of the European Union (EU), of which Italy is one of the founders. In this way one of the key rights of the citizens of EU countries is the free movement of persons. EU internal borders have been lifted and EU citizens can move and reside freely in any country of the European Union. Except for a few exceptions, member states cannot limit in any way this right. In this regard, in 2004 and 2007 the EU enlarged, including several former communist countries in East Europe.

202 Moreover the State has exclusive competency on foreign policy, relationship between the state and religions, defense and national security, currency and tax system, electoral rules and national referendums, organization of the national public administration, public order and security, civil status and registry office, trials and civic and penal law, determination of basic social public contributions, general norms regarding education, social security, determination of weights and measurements and protection of the environment. See Costituzione della Repubblica Italiana, art. 117.
Regarding citizens from these countries, old member states were given the choice to put transitional limits to their free circulation inside the Union because of the economic disparities between these countries and the rest of the EU. The Italian state applied this option for some countries, putting some restrictions for a few years. In January 2012 the last restrictions, which regards citizens from Bulgaria and Romania, were lifted.\textsuperscript{205} At the same time the EU has extended its authority over the area of migration, asylum, and border control to regulate the entry and residence inside the Union of non-EU persons. The EU has also started to develop common migration control policies.\textsuperscript{206}

Inside the EU framework, in Italy the central government in Rome determines the country’s laws and policies for the control of migration from non-EU countries. The central State is responsible for the following: the control and management of the migration flux; the requirements to enter and stay in the national territory; the process of expulsion of migrants; the criteria for acquiring refugee status; and the negotiation of international/bilateral agreements for the control of borders and migration including the re-admission of migrants into their country of origin. Regional governments cannot intervene in these issues. In these areas, the Province of Bolzano, despite its Autonomy Statute, has the same status as other regions.

Besides the distribution of competencies established in the Italian Constitution, two other elements limit Regions and the Province of Bolzano on migration control. The Constitution as reformed in 2001 impedes Regions (and autonomous Provinces) from limiting the free circulation of people and their right to work in any part of the national territory. Thus the Province of Bolzano cannot impede a documented migrant who enters in Italy in one Region from moving to South Tyrol.\textsuperscript{207} Moreover, as pointed out by P. Bonetti and others, international

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{207} According to some scholars, before the 2001 reform of the Italian Constitution there were some interpretations that say that the Constitution impeded Regions to limit the free circulation of people in regards only to Italian citizens; after the reform there are not doubts that it refers to the entire population, including migrants. Paolo Bonetti, Giuseppe Ludovico, Mirta Marando and Annamaria Casadonte, “Disciplina del lavoro,” in \textit{Diritto degli stranieri}, ed. Bruno Nascimbene and Paolo Bonetti (CEDAM, 2004): 701-751, p. 725.
\end{itemize}
\end{footnotesize}
agreements do not recognize internal geographic limits.\textsuperscript{208} Again the Province of Bolzano cannot put boundaries that will limit these agreements that Italy negotiates with other countries in the area of migration.

At the same time, specifically in the area of migration, the reformed Constitution refers to coordination between the State and the Regions, including the Province of Bolzano.\textsuperscript{209} According to I. Ruggiu, after the reform of the Constitution, the principle of collaboration has become the main element that characterizes territorial dynamics and the relationship between the State, Regions, and local entities.\textsuperscript{210} Thus, the Constitution does not exclude the possibility that Regions and the Province of Bolzano could have larger roles regarding migration control. In this area the Province of Bolzano could differentiate itself from other regions because its political autonomy is understood as being dynamic. Namely it includes the possibility to expand its control in areas not specifically stated in its Autonomy Statute, as it already happened in the past decades.\textsuperscript{211}

However, the Province of Bolzano still does not have a key role in the decision-making process on migration control, and a development in this direction seems improbable. Yet, South Tyrol differentiates slightly from other Regions regarding the administration of the control of the migration flux. Below I will describe how the Italian State manages and controls migration, emphasizing the role assigned to ordinary Regions and autonomous Provinces, along with how the Province of Bolzano distinguishes itself.

\textbf{b. The National Legislative Framework and the role for the Province of Bolzano}

The management of migration from non-EU countries is regulated by the so-called state law \textit{Turco-Napolitano}, enacted in 1998 and implemented with the \textit{Testo Unico delle disposizioni}
concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero (Final act of regulations concerning the matter of migration and the norms on the condition of the foreigner).\textsuperscript{212} The law regulates the entry and stay of migrants in the national territory and organizes the process of expulsion. Moreover it defines migrants’ rights and duties and governs their working situation, access to the health system, education, housing, participation in public life, and integration policy.\textsuperscript{213} The Testo Unico was later modified in 2002 by the so called law Bossi-Fini and various so-called Pacchetto Sicurezza (Security packages) in the following years.\textsuperscript{214} The Testo Unico does not deal with asylum seekers and refugees, whose status and entry process is regulated based on international conventions and EU norms.\textsuperscript{215}

According to the Testo Unico, the Presidente del Consiglio dei Ministri (the President of the Council of Ministers, the head of the Italian government) enacts every three years the Documento programmatico triennale relativo alla politica dell’immigrazione e degli stranieri nel territorio dello stato (Three-year planning document regarding migration and foreigners in the territory). This is the main instrument to establish the Italian migration control policies and integration policies. The document sets up the actions that the State will take regarding migration. It establishes the criteria to define the annual entry flux of migrants, along with the measures to favour family relations, social inclusion, and cultural integration. Thus this document directs and limits the activity of every public entity. The Documento Programmatico requires input from several organs, including the Conferenza Permanente Stato, Regioni e Province Autonome (Standing Conference of the State, Regions and Autonomous Provinces) and


\textsuperscript{214} These modifications on the one hand criminalized the undocumented migrant population, and on the other hand made really hard to immigrate to Italy, by linking the resident permit to the existence of a work contract, and hardening the procedures to renew the permit and the process of family reunification. Scholars point out that because of the difficulties to migrate to Italy with proper documents, the law has ended up favouring the undocumented migration that the law criminalizes. Bonetti, Ludovico, Marando and Casadonte, “Disciplina del lavoro,” \textit{supra}.

the Conferenza Stato, Città’ e Autonomie locali (State, Cities and Local Entities Conference).  

This provision represents a form of coordination between State, Regions and local entities as established by the constitutional reform.

Regarding migration control, the law has introduced a system of annual quotas for migrants allowed to enter the national territory. The quota is established by an annual decree by the Presidente del Consiglio, who can also determine additional quotas during the year. The quota regards migrants that come to work for a local employer (both seasonal or for long-term), and migrants that declare themselves as self-employed.

Concerning the determination of the quota, the government basically has full discretion regarding both the quantity of migrants and also their quality. Namely it can limit the quota to migrants with specific skills. Theoretically the government could choose migrants based on their nationality and establish the quota based on regions of migrants’ destination. Indeed beginning in 2002, the decree indicated not only the number of migrants but also their country of origin. In some years the government has limited the quota to migrants coming from specific countries (those with whom there are bilateral agreements – see below). In general the decree of the annual quota is followed by a circolare (regulation) of the Ministry of Labour that divides the quota among the Italian Regions and Provinces.

Five main elements are considered in the determination of the quota by the central government. First, indications by the Ministry of Labour on unemployment along with the condition of the labour market are considered for the quantity and quality of the quota. Second, the decree on the quota is elaborated based on data regarding the labour demand divided per Regions and Provinces, collected through a computerized data system maintained by the Ministry of Labour (the so-called Anagrafe informatizzata dei lavoratori extracomunitari -

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216 Others organs are the Consiglio nazionale dell’economia e del lavoro (National Economic and Labor Council), other ministries, and the main associations providing assistance to the migrant population.


Computerized database of foreign workers, which collects annually the demand and supply of foreign labour. Third, collaboration with sending countries affects the nationality of the quota. Countries with which Italy has bilateral agreement of re-admission of migrants have reserved quotas. Fourth, qualitatively, a part of the quota is reserved to foreigners who attend training programs in their original country. Last, regarding seasonal workers, priority is given to migrants who were present in Italy in the previous year for seasonal employment. According to the Testo Unico, other criteria can be found in the Documento programmatico.

In the establishment of quotas, some forms of coordination between the State and the Regions, including the autonomous Provinces, are provided for as requested in the Constitution. This collaboration, however, is weak and the State basically has total discretion. First, local offices are involved in the indications regarding the needs of the labour market. The Provincial and Regional Direzioni del Lavoro (Labour Bureaus), the peripheral offices of the Ministry of Labour, provide the Ministry with estimates of their quantitative and qualitative needs for migrant workers in the next year. These estimates also consider the input of worker unions and employer associations. Since 2000, the Regional Direzioni have elaborated specific plans.220

In this regard, in the province of Bolzano peripheral offices of the National Ministry of Labour do not exist. Instead inside the Provincial Bureau of Labour, Ripartizione Lavoro, there is a Commissione provinciale per l’impiego (Provincial Commission for Employment), composed of representatives of the Province, unions, and employer associations. Inside the Commission there is also a representative of the migrant population and a representative of associations working on social issues. However, curiously, the task of representing migrants was given to an organization dealing with migrants (the Caritas) rather than a migrant association. The Commission has the task of controlling and programming the local labour policies. Here, among its functions, the Commission establishes the quantitative and qualitative needs for migrant workers in South Tyrol. Specifically it indicates the number of migrants needed, divided across economic sectors.221

Second, to enact the decree on the annual quota, the Presidente del Consiglio needs to hear the opinions of the Comitato per il coordinamento ed il monitoraggio dell’applicazione del

TU (Committee for the coordination and monitoring of the application of TU), in which there is a representative of the Regions or autonomous Provinces, and of the Conferenza unificata stato-regioni-città (Joint Conference state-city-regions). However, these opinions do not bind the decision of the Presidente del Consiglio.

Finally, since 2002 the quotas need to be established considering data on the need for migrants of Regions and Provinces. In this regard, the Regions and the autonomous Provinces, have the option to transmit by November 30 of every year to the Presidenza del Consiglio (the Office of the President of the Council of Ministers) a report on the presence and condition of migrants in their territory, indicating also the provisions regarding the sustainable flux in the next three years based on the capacity for inclusion of the society and the economy.

However, these measures provide for a weak coordination. As already said, the opinions of the Comitato and the Conferenza unificata are not binding and do not have deadlines. The reports of the Regions and autonomous Provinces are also not binding. It is important to note that the decree on the annual quota is enacted before their November 30 deadline – namely the central state can establish the quota before considering the reports. Finally if the decree is not enacted, the Presidente del Consiglio can decide the quota independently. In sum, the State has the final word in defining the quota. Moreover, as pointed out by P. Bonetti, since the Constitution guarantees the free circulation of people in the country, the involvement of Regions in establishing quotas cannot imply territorial limitations on the right of migrants to work within the entire Italian territory. In any case, the author also adds, only a state law could allow a regional quota, but the state could not delegate to regions the establishment of their quota.222

To summarize how the quota is determined and the role played by Regions and autonomous Provinces, the central government in Rome establishes the quantity and quality of the quota. In this process Regions and autonomous Provinces monitor local needs and can submit requests on the number and skills of desired migrants. However, the State does not have to follow these requests. Moreover, the central government decides the nationality of the quota, based on bilateral agreements with some sending countries. In this area the Province of Bolzano is like other Regions and does not have a strong role in establishing the quota of migrants, which is the exclusive responsibility of the State. The Province of Bolzano can express its opinion but

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cannot decide independently the number of migrants allowed to enter in its territory, cannot limit their entrance, and especially cannot select among migrants. The Province relies on the central government in Rome in this area, and it is not independent.

Yet, three elements of the Italian migration law and its quota system deserve further scrutiny to see if the Province of Bolzano could play a bigger role in the control of the migration flux. These include:

1) the coordination between the State and the Province in the determination of the quota;
2) bilateral agreements on migration control and re-admission of migrants with sending and transit countries;
3) training programs in their countries of origin.

1) South Tyrol-Central Government coordination

The coordination between the central government in Rome and South Tyrol for the establishment of the quota has been fluctuating. In some years, especially in the past, there have been several problems because the quota of migrants established by the Italian government for South Tyrol did not match the desire of the Province. The Province relies on the State and the latter has often delayed its decision. In some cases it has excluded from the quota nationalities upon which South Tyrol relied, it has determined low quotas in specific sectors, or it has not established quotas for non seasonal workers – a fact that had severe consequences for South Tyrol, because its main economic sectors (tourism and agriculture) depend on the use of seasonal foreign workers. Provincial officers and members of the Provincial government had to exercise a lot of pressure with visits to the central government in Rome along with formal letters to convince the Italian government to establish the quota in time for the seasonal needs, include further nationalities in the quota, and increase the number of migrants attributed to South Tyrol in general or in specific sectors, like domestic work and nursing, as it happened in 2001, 2002, 2003 and 2009. Provincial pressure was at times successful with the central government in taking some actions to serve South Tyrolean needs.  

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In other years, especially recently, the Province more and less received by the central government the number of migrants desired. For example in 2006 South Tyrol requested and received 1,500 seasonal workers and 500 non-seasonal workers.\textsuperscript{224} Or, for 2011, the Province requested 850 seasonal workers and renounced its quota of non-seasonal migrants. The central government met the South Tyrol request for seasonal workers.\textsuperscript{225} Instead, regarding non-seasonal workers, the quota established by the central government did not match exactly the Province’s request. Indeed, despite that the Province had not asked for any migrants, South Tyrolean employers sent hundreds of application for migrants. At the end, the central government assigned to South Tyrol a symbolic quota of about a dozen non-seasonal migrants. Thus in this case the conflict on the quota was among the Province and the South Tyrolean employers, rather than the central State, which sided mainly with the Province.

Moreover, at times, South Tyrol has collaborated successfully with the central state in the establishment of the quota and the control of the migration flux. For example in 2001 the\textit{ Documento programmatico}, the document elaborated by the central government that establishes the Italian migration control policies and integration policies, included proposals made by South Tyrol to favour its agricultural sectors and its use of seasonal workers. This included not counting short seasonal workers in the quota and counting seasonal workers in the quota only one time when they first enter Italy.\textsuperscript{226} Regarding seasonal workers, beginning in 2007, the


Province asked the central government in Rome to give priority to migrants who were present in the preceding year, as established in the national legislation. As said by L. Gnecchi, former Assessore (provincial Minister) for Labour, the goal of the request was to consolidate the migrants’ relationship with the employer and the local society.227

Although the central government in Rome did not always exactly follow the indications of the Province, the mismatch between the provincial request and the quota assigned by the State has not been wide. It is true that the central government decides the quota and the procedures of coordination between the centre and the periphery are weak. However, South Tyrol appears to have the capacity to influence somewhat the flux of migrants - if the procedures are used properly and if the Province puts pressure on the central government. Indeed, a provincial document points out that, in order to influence the quota of non-seasonal workers, the Province should use the report (discussed above) on the presence and condition of migrants in its territory that the Province has the option to transmit to the central government for the establishment of the national quota, even if it is not binding.228

2) International cooperation

As mentioned, an important element of the Italian migration law consists of the bilateral agreements on migration control and re-admission of migrants with sending and transit countries, which are reserved a part of the quota. In this context it is necessary to point out that the reform of the Constitution gives the central State exclusive power on foreign policy, but at the same time recognizes some role for regions (and the Province of Bolzano). These roles include the responsibility to implement international agreements and the EU laws along with the possibility to negotiate agreements with other countries and foreign local entities in their areas of power. This possibility suggests that the Province of Bolzano could negotiate its own bilateral agreements within sectors that indirectly involve migration.

However, as pointed out by F. Palermo, even after the constitutional reform Regions remain just the arm of the government. The agreements negotiated by Regions can concern only the implementation of international agreements signed by the Italian government or technical-

227 Provincia Autonoma di Bolzano, Ufficio Stampa, “Pacchetto della Provincia sull'immigrazione,” supra.
administrative measures. Therefore the possibility that the Province of Bolzano could take autonomous action in the international arena in order to manage migration in South Tyrol is according to the current legislation for the time being excluded. Yet, even with this limited foreign policy power, international cooperation could offer the Province some tools to influence the migration flux towards South Tyrol.

For instance, since 2002, the Provincial Government has expanded projects of cooperation between South Tyrol and Podlaskie, a Polish region with a German minority. Training of Polish workers in the tourist sector and the increase of the number of seasonal Polish workers for the harvest season in South Tyrol are part of these projects. South Tyrol has similar international cooperation projects with the Czech Republic involving the use of seasonal workers from the region of Praha and collaboration of bureaucracies to facilitate the migration flux. Today Poland and the Czech Republic are part of the European Union, and thus the Italian migration control legislation does not apply to their citizens. However, what is important to emphasize is that through international cooperation the Province can allow foreign workers from specific areas to be familiar and in contact with the needs of the South Tyrol economy. In this way, they are privileged in the migration process compared to migrants from other countries. This opportunity was stated in 2007 by the president of the Province, L. Durnwalder, who suggested allowing only migration from European countries by intensifying collaboration with institutions of former communist countries that had recently entered the European Union. Thus although the Province does not have foreign power and cannot conclude international agreements to determine directly the quota, it can intervene at the international level to affect the arrival of certain migrants in South Tyrol.

In this context, regarding the new members of the European Union, whose citizens became free to enter in the Italian territory, the Piano pluriennale degli interventi di politica del lavoro

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2007-2013 (Multiyear plan of action for labour policy) elaborated by the provincial Ripartizione Lavoro (the Provincial Bureau of Labour) suggests to favour relations of international cooperation to carry out activities of information, selection, and training in sending countries in order to keep on influencing the migrant flux. These activities are presented also as a way to overcome the “linguistic obstacle.” It is not clear what this expression refers to: it could be the need for migrants to know the Italian language, or it could allude to the importance of the German language in South Tyrol and/or the bilingual condition of South Tyrol. The plan includes some specific steps such as suggestions to identifying those European regions that traditionally provide migrants to South Tyrol and with which there is the will to promote cooperation and establishing institutional contacts to create in these regions Borse Lavoro, namely a service to match the labour demand and supply.

Moreover, it is widely recognized that migration is a transnational issue that cannot be controlled by local or even national legislation but requires actions at the supranational level. These supranational actions could provide South Tyrol with further opportunities to influence the management of the migration flux in its territory. Three areas of intervention can be highlighted. First, as said at the beginning, the national legislation on migration control develops inside a framework established at the European Union (EU) level. The structure of the EU allows regional and local entities to participate in the decision-making process at the European level, although in a limited way. In particular, the Committee of the Regions, of which the President of the Province of Bolzano is a member, has brought to Brussels its opinions and arguments regarding EU policies towards documented and undocumented migration. Second, South Tyrol is part of supranational regional entities, like Arge Alp and (inside the EU) the European Region Tyrol-South Tyrol-Trentino. In these institutions South Tyrol collaborates with neighbouring regions of other countries to deal with transnational issues, including migration, although still in an embryonic way. Arge Alp hopes to be able in the future to co-manage both the migration flux and the inclusion of the migrant population. The European Region Tyrol-South Tyrol-Trentino deals generally with integration policy and intercultural dialogue (see

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234 Ibid., p. 98.
section on integration policy). Third, South Tyrol has developed trans-border collaborations with Austria in several sectors, one of which is migration. In the past, with the support of the Austrian government, the Province of Bolzano has pressured the Italian government to increase the control of the South Tyrolean-Austrian border. Thus, South Tyrol can try to play a bigger role in the management of the migration flux by adding to the national decision making process actions at the supranational level.

3) Training programs in countries of origin

Finally, the fact that part of the quota is reserved for would-be migrants who attend training programs in their countries of origin offers some role for South Tyrol in migration control policies. According to the Italian law, various programs in migrants’ origin countries can be organized in order to favour labour inclusion and allow Italian employers to select and prepare migrant workers based on their specific needs. Migrants attending these programs are designated a part of the quota of the total migrants allowed to enter in Italy. They are included in a list maintained by the National Ministry of Labour, from which Italian employers can request the so-called nulla osta (authorization), and have priority in receiving visas (see below). The basic elements of these programs, which need to be approved by the Ministry of Labour, include courses on Italian language, civic education, work security, and specific professional skills. Regions, local entities, worker and employer organizations, and associations dealing with migration can organize and run the courses. However, national financial resources are not designated for these programs. The organization of the courses depends on the economic resources of those (regions, local entities …) who want to organize them.

Yet, this measure could represent a loophole through which the Province of Bolzano, in collaboration with South Tyrolean employers, could bypass the rule that the central government in Rome decides the quota, influencing the quality and nationality of the migrants. Indeed it is

possible that the Province of Bolzano could finance and organize programs that include Italian and German language classes. It could also offer courses on the specific cultural characteristic of South Tyrol or the Province could organize these courses in countries that are considered culturally closer to South Tyrol. In this way the Province could point potential migrants who are prepared for the South Tyrolean reality and give them priority. Moreover, participating in training programs give points for the so called accordo d’integrazione (requirements for integration that migrants need to fulfil in order to remain in Italy - see below). Consequently, these “selected” migrants will be better positioned in fulfilling this commitment. Of course, the use of training programs by the Province of Bolzano would not be able to impede migrants who entered the Italian territory from other regions without attending South Tyrolean programs from moving to South Tyrol at a later time.

Until 2009 the Province of Bolzano did not organize training programs in countries of origin.\textsuperscript{239} It is not clear whether South Tyrolean programs were organized in the past years. However, the Province of Bolzano is aware of this loophole. Indeed, the Piano pluriennale degli interventi di politica del lavoro 2007-2013 (Multiyear plan of action for labour policy) elaborated by the provincial Ripartizione Lavoro (the Provincial Bureau of Labour) mentions the possibility given by the national legislation to carry out training programs to select migrants and match them to the needs of the South Tyrolean economy.\textsuperscript{240}

Thus, through procedures of coordination, international cooperation projects, and training programs, South Tyrol can play a role in the management of the migration flux. The provincial administration is aware of these opportunities. Indeed, it would be incorrect to state that South Tyrol does not have its own migration control policy. Already at the end of the nineties, provincial documents mentioned the possibility of reducing migration, which at the time was visible especially in the construction sector, by making it easier to hire local construction workers.\textsuperscript{241} After the entrance of East European countries in the European Union, which brought


a large increase of people from these countries in South Tyrol, the Province of Bolzano reduced drastically its request for seasonal and non-seasonal migrants.

Initially this decision to request fewer seasonal and non-seasonal migrants was explained with the need to adapt to the new situation, which allowed South Tyrol economy to use EU workers. In the following years it became a deliberate policy of South Tyrol to control migration. The 2007-2013 multiyear plan of action for labour policy, elaborated by the Provincial *Ripartizione Lavoro*, seems to suggest getting rid completely of non-EU migrants who come to South Tyrol under the quota system and need resident permits. Indeed the plan, after pointing out that many East European countries have entered the European Union, mentions the possibility of promoting the influx of workers from EU countries. Obviously their arrival would consequently reduce the need for non-EU migrants. In 2008 the South Tyrol government discussed the possibility of accepting fewer requests for foreign non-EU workers presented by the economic sector and prioritizing EU workers. Shortly after, the Provincial government enacted a document with 16 guidelines regarding the government actions towards migration. As presented in the previous part of this report, the document spelled out the desire of South Tyrol to reduce non-EU migration by encouraging the use of the unemployed population and giving priority to EU workers. Even without official power in the area, South Tyrol has latitude to develop and implement its own migration control policy.

Besides the use of procedures of coordination, international cooperation projects and training programs to influence in part the influx of migrants in South Tyrol, the Province of Bolzano has some functions regarding the implementation of the national legislation, specifically the process through which migrants enter and stay in the national territory. However, this does not mean that the Province effectively controls who enters in South Tyrol; rather it simply carries out the national policies. Yet, in the administration of this process the Province differs from the other Italian regions and this area might offer further opportunity for the South Tyrolean

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246 “Considerazioni e proposte della Giunta provinciale,” *supra*.
government to increase its role on migration. Below I will describe the entry-stay process and how the Province of Bolzano is unique compared to the rest of the peninsula.

c. The Peculiarity of the Province of Bolzano in the administration of the entry process

Italy, as part of the Schengen Agreement, requires non-EU migrants to have a visa when crossing its borders. Once in Italy migrants are required within eight days to obtain the resident permit (unless they will stay for less than three months for tourism, study or business reasons). The release of visas to work in Italy as seasonal, short-term or indefinitely employed is based on a system of direct call. An Italian employer declares his/herself available to hire the migrant worker and requests the so-called nulla-osta (authorization). The employer can indicate a specific person or choose from lists of would-be migrant from countries with which Italy has agreements on migration control and re-admissions. The lists are created and maintained in consulate offices, which transmit them to the Ministry of Labour. The lists contain data on the migrant’s country of origin, professional skills, knowledge of Italian language or other language, and work experience. The nulla-osta is released after verifying the following: the request respects the qualitative and quantitative aspects of the quota; the migrant worker will not represent a threat for public security; there are no Italian workers or citizens of the European Union available for the job; and the employer has no criminal records and his/her business is in order with the law. Afterward, migrants can obtain the visa and after entering the Italian territory with a proper visa they can request the resident permit. When hiring the migrant the employer has to specify the working conditions and commits to provide the migrant with proper accommodation and to pay for a return ticket.

The nulla-osta is also requested in order to have a visa for family reunification. In this case the migrant applicant in Italy needs to have a sufficient income and accommodation that meets hygiene, health, and other eligibility criteria established at the national level. The nulla osta is released after verifying that the family member does not raise public security concerns.

248 It is an open secret that the Italian migration system is broken, in the sense that most of the time migrants are already in Italy working in undocumented status before employers submit the request for nulla osta. Once obtained the nulla osta, migrants go back to their country to re-enter Italy with proper documents.
The conditions of the accommodation are verified by municipal offices; this procedure could hinder the process of family reunification.\(^\text{249}\)

Since 2009, the Italian law requires migrants to sign an *accordo d'integrazione* (integration agreement) in order to have a resident permit for more than one year. The agreement was initially implemented in March 2012. By signing the agreement, migrants commit to acquiring a decent level of knowledge of the Italian language, learning the fundamental principles of the constitution, and the characteristics of the civic life in Italy, especially regarding the health and school system, social services, work sector and fiscal duties, and registering their children in schools. The agreement is organized as a point system, in which migrants are evaluated after two years, and can score points by attending classes of Italian language and civic education, or as an alternative they can take an assessment test. In addition, migrants can acquire further points by attending schools and universities, receiving public honours, carrying on business activities, enrolling in the national health system, volunteering, renting or buying accommodations and having attended the training courses in their original country that were described in the previous section. Migrants who do not respect the agreement can be expelled from the country.\(^\text{250}\)

In 2003 a directive of the European Union (EU) regulated the status of migrants who are long-term residents, mandating member states to issue the so called “long-term resident's EC residence permit” (in Italian *Permesso di soggiorno CE per soggiornanti di lungo periodo*). According to the EU’s directive, migrants with the long-term resident's EC residence permit should now be treated like national citizens (although with some exceptions – see next section).\(^\text{251}\) The Italian State implemented the EU’s directive in 2007. Migrants can request the *Permesso di soggiorno CE* after being in the country for five years with a resident permit. The *Permesso di soggiorno CE* has indefinite duration and allows migrants to enter in Italy without visas, work as employed or self-employed, access any social and public services and the welfare system, and participate in the local public life (but inside the limits established by the national law, which excludes the right to vote). Moreover, In order to have this permit it is necessary to

\(^{249}\) See Pallaoro, “Quadro giuridico,” *supra*, p. 98.  
\(^{250}\) Decreto del Presidente della Repubblica 14 settembre 2011, n. 179.  
have a sufficient income, a proper accommodation, and not be a public security threat. Since 2009 it is also necessary to pass a test of knowledge of the Italian language.

Local entities can play a role regarding the entry of self-employed migrants. Indeed they need to have a statement from the local authority that says that there are no impediments to receiving the license that is requested by the national legislation for his/her profession (for example the license to open a restaurant, which is released by the municipality). It might be possible that the Province of Bolzano could influence the releasing of the license by the South Tyrolean municipalities, regulating in this way the entry of this type of migrant. The Provincial government is aware of this opportunity. In fact, a 2008 document from the government regarding its actions towards migration suggests establishing minimum criteria for the release of these licenses.252

Besides this measure, the national legislation is implemented at the local level by national offices. Regions and Provinces do not have a role in the control of the borders and the administration of the process to enter and stay in Italy. Instead, I should point out that local employers, more than local authorities, play a role in determining the migration flux. Indeed, as said before, the quota is established by considering the labour demand by Italian employers. Moreover, they can indicate the name of the specific migrant requested; although the employer’s request for nulla osta still has to respect the quota. Thus employers have an effect on the migration flux. Based on this situation, local authorities could attempt to have more control of the migration flux by influencing employers, especially in the case of large firms needing several workers. For example, the government could pressure them to hire local workers or to request migrants from specific countries.

Leaving aside these speculations, the Province of Bolzano is similar to other regions regarding border control, which is administered by the National Police in the entire national territory. Instead, the Province differs regarding the administration of the process to enter and stay in Italy.

In the rest of the country the function of managing migrants’ entrance and sojourn is divided between the National Police and the Sportello Unico per l’Immigrazione (Single Front-Desk for Migration), created in 2002 within the Prefettura – Ufficio Territoriale del Governo

252 “Considerazioni e proposte della Giunta provinciale,” supra.
(the peripheral offices of the Ministry of Interior that represents the central State at the local level and, among other things, is responsible for order and public security). The latter participates in the release of visas (together with the embassies and consulates) and is mainly responsible for the processes regarding the hiring of migrants (both seasonal and long-term) and family reunification. Specifically, the Sportello receives and examines the requests for nulla-osta for both working and family reunification grounds, releases the nulla-osta, and communicates its decision to the embassies and consulates who issue the visas. In releasing the nulla-osta, the Sportello Unico coordinates with the Police, which checks that the migrant is not a public security threat and that the employee has no criminal records, and the local Direzioni del Lavoro (the peripheral offices of the Ministry of Labour), which checks the qualitative and quantitative aspect of the quota. However, the Sportello Unico directs and is in charge of the process. Moreover, the Sportello Unico manages the conversion of study permits in work permits, verifies the adherence to the accordo d’integrazione, and administers the test of knowledge of the Italian language to have the CE resident permit.253

The Police deals with the remaining tasks: it receives the applications for resident permits, issues and renews the permits. In addition, the Police collects the requests for the recognition of political asylum and refugee status, and carries out the expulsion of migrants, which is decided by the Prefetto, the head of the Prefettura.254

Asylum seekers can also request recognition of refugee status at the border when they enter in the Italian territory. The demands are transmitted to one of the so called Commissioni Territoriali (Territorial Commissions), peripheral national bodies that are the only organ that can assign the refugee status. The Territorial Commission responsible for applications for refugee status presented in South Tyrol is located outside of the Province, in Gorizia, in the region Friuli Venezia Giulia. The Territorial Commissions are coordinated by the Commissione nazionale per il diritto di asilo (National Commission for the Right to Asylum). The applicants receive a temporary resident permit from the Police that does not allow employment until a decision is made.253

254 The decisions regarding political asylum and refugee status are made by specific National Commissions.
made. Once refugees status is obtained, it is possible to apply to the Police for a five year resident permit, which allows employment in Italy.255

Incidentally, associations and unions who have established specific agreements with the Ministry of Interior can help would-be migrants and Italian employees apply for resident permits. Thus, migrants and local employees can turn to these associations and unions, which offer representation for applicants in front of the public administration.256

In the Province of Bolzano the office representing the central State at the local level (the Prefettura in the rest of the country) has specific characteristics and a different name. Moreover the Sportello Unico does not exist. According to the Second Autonomy Statute the functions of the Prefettura in South Tyrol are divided between the chief of the Police and the President of the Province (art. 20). The office representing the central State in the Province is called the Commissariato del Governo (Government Commissariat) (art. 87).257 Compared to the Prefettura, the Commissariato has different leeway regarding public security, and consequently regarding migration, since in Italy the legislation on migration is mainly considered an issue of public security.258 Moreover, compared to other Italian regions and Provinces, the Province of Bolzano plays a bigger role in regards to labour issues and thus over migrant workers.259 Therefore, the process through which migrants enter and stay in South Tyrol is administered in a peculiar way.

Because of the differences between the Commissariato in South Tyrol and the Prefettura in the rest of the country, the National Police in South Tyrol not only carries out the expulsion of migrants but it has also the task to decide on expulsions.260 Regarding the Sportello Unico, the Commissariato del Governo planned to establish the Sportello, but the South Tyrol government

257 Commissariato del Governo per la provincia di Bolzano, “Funzioni,” September 23, 2009, in http://www.prefettura.it/bolzano/multidip/index.htm. For an analysis of the Commissariato del Governo in the Province of Bolzano and its peculiar characteristics see Woelk, “What it Means,” supra; see also Antonio Lampis, “Il Commissario del Governo per la Provincia di Bolzano,” in L’ ordinamento speciale della Provincia autonoma di Bolzano, ed. Joseph Marko, Sergio Ortino and Francesco Palermo (Padova: CEDAM, 2001). It should be clarified that before 2001 each Italian region had a Commissario del Governo (Government Commissioner), who coordinated the activities of the public administration at the regional level; in 2001 this institutional figure was suppressed and part of its functions were transferred to the Prefettura, which represents the central state at the local level.
258 Interview with public state officer, Bolzano, July 6, 2011.
259 Interview with public state officer, Bolzano, July 26, 2011.
260 Interview with public state officer, Bolzano, July 6, 2011.
has pointed out that its creation in South Tyrol needs to respect the division of competencies between the central government in Rome and the Province. As said by the president of the Province, L. Durnwalder, “the State is responsible for the (migration) flux, but as the Province we demand responsibility over labour issues.”\textsuperscript{261} The Province maintains that the Sportello should be inside the provincial administration (rather than state bureaucratic apparatus). Its creation should be related to the enactments of additional implementation rules of the Second Autonomy Statute; rules that are still missing.

At the moment, the functions of the Sportello are carried out by three actors: the Police, the Commissariato del Governo, and some provincial offices of various provincial departments following agreements with the Ministry of Interior.\textsuperscript{262} These three actors work together, but a Sportello Unico such as those existing in the rest of the country remains absent.\textsuperscript{263} This absence does not seem a problem because the system created in South Tyrol, with the collaboration among the Police, the Commissariato del Governo, and provincial offices is considered to work efficiently.\textsuperscript{264}

The administration of the process for resident permits for employment and converting the permits is divided between the National Police and the provincial Ripartizione Lavoro (Provincial Bureau of Labour). The National Police is responsible for checking that migrants do not represent a security threat, controlling the criminal record of the employer, and releasing the permits. Inside the Ripartizione, the Ufficio Servizio Lavoro (Office for Labour Service) not only controls the adherence of the quota, like the Direzioni del Lavoro in the other regions and provinces of the country, but also collects the applications, verifies the absence of available Italian workers or citizens of the European Union, checks the background of the company hiring

\textsuperscript{262} The non-profit association “Caritas” proposed a project to manage the entire migration procedures but the idea was abandoned because of the un-clarity regarding the creation of a Sportello Unico in the Province. Interview with a member of an association for migrants in South Tyrol, July 12, 2011.
\textsuperscript{263} Interview with public state officer, Bolzano, July 26, 2011.
\textsuperscript{264} Interview with a member of an association for migrants in South Tyrol, July 12, 2011. In June 2012, L. Durnwalder, the president of the Province has proposed to abolish the Commissariato del Governo in order to cut public spending as requested by the central government. The Province would assume the competencies of the Commissariato. It is not clear how the administration of the entry process would be exactly re-organized. “Tagli alla spesa? «Via Regione e Prefettura»,” Alto Adige, June 12, 2012.
migrants and releases the nulla osta. Applications are also collected by the centri di mediazione lavoro (centre for labour mediation), offices of the Ripartizione Lavoro that provide counselling and information regarding job opportunities. The Ripartizione Lavoro assumed this role in 1996 after further responsibility for labour issues were transferred from the State to the Province. This decision caused tensions with the Commissariato del Governo, which was also interested in assuming this task. The Provincial Ripartizione Lavoro was also assigned the task to manage the regularization of migrant domestic workers and caregivers that the Italian government carried out in 2009. In the rest of Italy this was responsibility of the Sportello Unico and the Istituto Nazionale Previdenza Sociale (National Institute for Social Security), the institute that manages the Italian welfare system. In the Province of Bolzano the Ripartizione Lavoro created a temporary provincial Sportello Unico which put together officers of the provincial department and those of the National Institute for Social Security for this specific purpose.

To carry out its tasks the Provincial Ripartizione Lavoro elaborated its own procedures, which were different from the rest of Italy, in order to deal with the linguistic diversity of South Tyrol. For example, it created and distributed its own bilingual application forms that are addressed directly to the provincial office rather than the Ministry of Interior in Rome. Additionally, the Ripartizione Lavor chose not to use the online system created in 2007 by the Italian Government to collect application, and continued accepting only mailed applications. This decision was due to the fact that the national system could not process bilingual applications and would have delayed the release of resident permits. The Province tried to gain control of

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266 Provincia Autonoma di Bolzano, “Permessi di lavoro per cittadini extracomunitari, domande dal 15 dicembre,” November 27, 2007
the management of the online system, but it was unsuccessful, and in 2010 South Tyrol started to use the monolingual Italian online application procedures managed by the Ministry of Interior. However, the Province aimed to utilize bilingual forms to communicate to employers the decisions regarding the resident permits.271 Finally, the Ripartizione Lavoro elaborated specific criteria for the releasing of resident permits for domestic workers. While in the rest of Italy the applications are considered in chronological order, in South Tyrol provincial officers established a ranking based also on the gravity of the needs of the applicants requesting domestic workers.272

The participation of provincial offices in the release of the resident permits gave South Tyrol some latitude in the management of the migration flux. For example, in 2007, the Province increased the controls on the accommodations that employers declared to provide to migrants in order to hire them.273 Additionally, the Province was able to find some loopholes to deal with the issue that, as said in the previous section, sometimes in the past the central government in Rome established a quota of migrants that was deemed insufficient for the needs of South Tyrol. Examples of solutions include: asking employees to return unused resident permits and allowing seasonal workers to move across different seasons.274 It is not clear whether the Province could have taken these measures if it had to rely on the National Prefettura and its Sportello Unico.

Incidentally, to compensate for the shortcomings of the quota established by the Italian government, in 2003 the provincial Ripartizione Lavoro participated in a Borse Lavoro, a service to match the labour demand and supply in the Eastern part of Germany, in order to search for seasonal workers that could avoid the bureaucratic problems that plagued non EU-workers.275 The following year, the Ripartizione started to organize a Borsa Lavoro in the territory of South Tyrol for German seasonal workers. According to the positive evaluation of the program, the German worker’s lack of Italian did not created any problems.276 In this sense, it is possible to

claim that South Tyrol was pushed to focus on attracting EU migrants due to the shortcomings of the Italian government in deciding the quota.

Moreover, the Province was in a better position to interact with Italian embassies and consulates, which are in charge of the release of visas. In the past, this process has sometimes experienced delays, especially regarding visas for seasonal employment. The Province has raised several complaints in this regard, because seasonal workers are important for the local economy. As said by L. Durnwalder, “in October we no longer need apple pickers.”277 When, in 2002, the Italian embassy in Poland did not accept the South Tyrolean applications for migrant seasonal visas, the provincial offices made it extremely easy for local employers to reapply by exempting them from re-presenting the entire documentation.278 Furthermore to resolve the problem of the delays, the Province declared its intention to send its officers to foreign countries to expedite the processing of applications. At the end, provincial officers were not sent abroad; however, it is not clear what exactly would have been their task.

As for the remaining tasks of the Sportello Unico in South Tyrol, the National Police dealt with the process of family reunification until 2008.279 In 2008 this process became responsibility of the Commissariato del Governo, which checks that the applicant has a proper income and accommodation. Same as in the rest of the country, the Police verifies that the migrant’s relative does not represent a security threat while municipal offices control the conditions of the accommodation. However, the Province of Bolzano can also play a role in this process as the Province has control over the sector of hygiene and health. Thus, in South Tyrol provincial laws establish some of the criteria for accommodations that need to be respected by the migrant who has request to be reunited with family members (the new Provincial integration

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279 Interview with public state officer, Bolzano, July 26, 2011.
law has spelled out this fact - see Part III). Today the criteria of the accommodation are those established in the provincial law 13/1998.

Following an agreement signed in February 2011, the administration of the test of knowledge of the Italian language to have the *Permesso di soggiorno CE* is shared between the Commissariato del Governo and the provincial Intendenza Scolastica Italiana (Italian school office). The Commissariato del Governo collects the requests to take the test and releases the results. The Intendenza Scolastica Italiana manages the exams and also organizes courses to pass the test. The structure of the exam is established by national guidelines, but provincial offices determine the specific content. Although it is a language test, South Tyrol could potentially design a test that refers to local characteristics; however since the test aims at evaluating linguistic skills only, this practice would be problematic.

In this context the South Tyrol government asked the Italian government to provide for an alternate test of knowledge of the German language for those migrants that are more fluent in German. In South Tyrol, there are many migrants from East Europe who speak German rather than Italian. Karl Zeller, a representative of the SVP in the National Parliament, argued that demanding only an Italian test was a violation of the Autonomy Statute, which establishes that the German language is made equal to the Italian language. Zeller invoked the need to avoid discriminations and pointed out that German is the most common spoken language in the territory with language being a key element of social and work integration.

However, after initially considering this option, in July 2011 the Italian government denied this request. As stated by the then Minister for Relationship with the Parliament, Elio Vito, the *Permesso di soggiorno CE* is valid in the entire national territory and the migration law

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280 This practice was restated in the new provincial migration law. However, the Italian government has appealed against this part of the law because it oversteps the national legislation on migration (see the section on the new migration law).


283 Interview with public state officer, Bolzano, July 26, 2011.

requests a test of Italian. Therefore, referring to the Statute and its protection of the German-speaking minority is inappropriate. Instead, according to Vito, the Province can take steps to help the migrant population learn the German language. German-speaking politicians criticized this decision of the Italian government. Zeller considered this decision to be a violation of the Statute and threatened to appeal to the Constitutional Court. Members of the right-wing Süd-Tiroler Freiheit pointed out the repercussion for ethnic relations in South Tyrol, claiming that all the migrants will become Italian. The President of the Province, L. Durnwalder, conceded that the competency in this area belongs to the central government in Rome and that a mandatory German test would have placed too strong a limit on the free movement of people in the national territory. However, he mentioned that migrants taking the Italian test could also do a non-mandatory exam of the German language, hinting that sustaining the German test could offer some kind of preferential treatment for various provincial social contributions in the future. Yet, at the moment, a non-mandatory German test to obtain the *Permesso di soggiorno CE* is not offered.

The *Commissariato del Governo* also verifies the compliance with the *accordo d’integrazione*, which, as said before, mandates that migrants achieve a decent level of knowledge of the Italian language and civic education. This knowledge is proved by attending Italian and civic education classes or passing a test. The *accordo d’integrazione* has been implemented since March 2012. In June 2012 the *Commissariato del Governo* launched the first class on civic education for migrants, which was requested by the *accordo d’integrazione*. As for the *Permesso di soggiorno CE*, when the *accordo d’integrazione* was designed, the South Tyrol government proposed the learning of the German language as an alternative to the Italian language. Again, the Italian government opposed this idea as resident permits are valid in the entire country. In March 2012, the South Tyrol government brokered an agreement with the central government that would include in the criteria of the *accordo d’integrazione* optional

\(^{285}\) See Camera dei Deputati, “Resoconti dell’Assemblea,” *supra*; “Per l’immigrato test in italiano o in tedesco,” *Alto Adige* (February 9, 2011); “Stranieri: no al test di tedesco per il permesso,” *supra*.

\(^{286}\) See “Immigrati: in Alto Adige esami di lingua facoltativi anche di Tedesco,” *Alto Adige*, December 6th, 2010; “Test di Tedesco per gli immigrati,” *Alto Adige*, December 7, 2010; and “Test linguistici per stranieri per ora solo in italiano,” *Alto Adige*, February 8, 2011. The idea of preferential treatment for those who pass the test is related to the concern (presented in the previous part of this report) that many migrants come to South Tyrol because it provides higher social contributions in comparison with other Italian regions.

German classes in addition (rather than as an alternative) to the mandatory Italian classes for migrants who live in South Tyrol. Those migrants who attend the newly created German classes are assigned additional points to fulfil the *accordo d’integrazione*. As explained by the president of the Province, L. Durnwalder, these additional points would allow migrants to obtain the resident permit more easily and in this way “migrants in South Tyrol will be incentivized to learn and use the German language.” Migrants who live in South Tyrol who successfully attend German language classes now receive additional points. Alternatively, migrants in South Tyrol can prove their knowledge of the German language by passing a test. In this context the provincial bureaus for school started to negotiate an agreement with the *Commissario del Governo* to organize Italian and German language classes.

Moreover, recently, the Province of Bolzano got more involved in the management of the arrival of refugees. As in the rest of Italy, the National Police and the *Commissione Territoriale* deals with asylum seekers and refugees and their resident permits. However, after some cases of tuberculosis involving migrants in South Tyrol in August/Fall 2011 and the subsequent complain by Paolo Pretto (a doctor in Bolzano’s hospital) that the national legislation does not require a medical examination for migrants entering in the Italian territory, the Province requested that refugees coming to South Tyrol pass an anti-tuberculosis test in order to obtain a resident permit. Those who do not pass the test must first go to the health system to be treated. According to Durnwalder, the President of the Province, the measure is not against the national law on migration. It is, however, not clear how to force refugees to take the test since the national law does not request it. The measure concerns only refugees because, as pointed out by Florian Zerzer, public officer responsible for the Provincial Health Department, the Province does not

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have the competency to intervene vis-à-vis all migrants.\textsuperscript{290} Nonetheless, it is an open question whether the test for refugees could in the future become a mandatory medical exam for all migrants coming to South Tyrol.

To summarize, the Province of Bolzano, similar to other Italian regions, cannot control the number of migrants that come to South Tyrol; nor can it establish criteria to select among migrants; rather it can only express its non-binding opinion. The distribution of responsibility in the Italian Constitution and the principle of free circulation of people in the Italian territory are, for the moment, limits to any ambition of the Province to have a larger role regarding migration control laws and policies. The rejection by the Italian government of a German test as an alternative to the Italian test, which is required by the national legislation for resident permits, reflects the difficulties for South Tyrol to manage the migration flux. However, even with these limitations, the national framework leaves some room for manoeuvring. Although it does not have the last word, South Tyrol can take various steps to indirectly try to influence the number and characteristics (nationality and skills) of migrants coming to South Tyrol. In particular, constant pressure on the central government in Rome and direct actions in the sending countries, such as organizing training courses, offer some opportunities. Moreover, compared to other Regions, the Province of Bolzano participates in the administration of the process through which migrants enter and stay in its territory. This administrative responsibility offers South Tyrol further latitude to influence the national quota to its specific desire and concerns.

As final note, it is worth mentioning that by participating in the administration of the entry process, the Provincial offices might incur in mistakes and their decisions being the object of appeals. In fact, in 2011 there was a successful appeal in the Tribunale Regionale di Giustizia Amministrativa Sezione autonoma di Bolzano (Regional Administrative Court of Justice Autonomous Section of Bolzano) against the Province of Bolzano and its Ripartizione Lavoro regarding the rejection of the request of the nulla osta for an Indian citizen in the Province of Bolzano. The nulla osta had been rejected because the migrant had not been in Italy in the

\textsuperscript{290} Valeria Frangipane, “Test Tbc obbligatorio per i profughi,” Alto Adige, September 7, 2011.
preceding years. The Court objected this decision, saying that the migrant fell within other categories of foreign seasonal workers included in the national quota.291

2. Integration Law/Policy
   a. State, regions and autonomous Provinces’ competencies

While the role of the Province of Bolzano regarding migration control law/policy is limited, the situation regarding integration law/policy is vastly different. As pointed out by A. Ruggeri and C. Salazar, migration is a crosscutting issue, since the life and conditions of migrants involve various areas, such as the health system, housing policies, and work conditions. In Italy these areas are the responsibility of both the State and Regions autonomous Provinces, but in most cases only of the latter. The distribution of responsibilities on migration between state and Regions/autonomous Provinces shifts depending on the specific area of migrants’ needs.292 Thus, although the State has exclusive authority over migration, Regions and autonomous Provinces play a major role regarding the laws and procedures governing the accommodation of foreign migrant residents, and the inclusion and integration of the migrant population in the Italian society.

According to the Constitution (as reformed in 2001), Regions and autonomous Provinces are responsible for several areas that are fundamental for integration law and policy. They manage or share responsibilities for social services, health services, social housing, education, and work training. The Province of Bolzano, in particular, has exclusive control over social housing, social aids, work training, kindergartens, and public aids for education. Moreover, it has concurrent power (meaning that the Province needs to respect fundamental principles established by the central government in Rome in these areas) on mandatory education and the health system. Thus, the Province of Bolzano has extensive regulatory control over the life of migrants within these areas.

In this context, G. Henry points out that the Italian decision-making process on integration law and policy has a bottom-up nature. Until the 1998 Testo Unico on migration,

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national laws had few regulations about how to manage the presence of migrants. For example, the 1986 law provided only that regions create a Consulta (advising body) on problems of foreign workers and, in order to favour integration, organize courses of Italian language and culture, favour the participation of migrants to training classes, and promote cultural programs. The following 1990 law (so called Martelli) only contained a small reference regarding national contributions for regions that created the first reception centres. Thus, Regions and other local entities filled up the legislative vacuum, contributing to the development of Italian integration law and policy, making new rules and starting innovative practices. Regions and local entities took various actions, such as providing reception centres, creating cultural mediation services to help the interaction between migrants and the administration, organizing Italian language classes and migrant work training, encouraging social inclusion and the valorisation of the migrant cultural heritage, and guaranteeing migrant rights to education and access to health and social services. In general, these actions were introduced through spontaneous practices that became administrative directives, then regional laws, and in some cases national laws.\textsuperscript{293}

The role of Regions and autonomous Provinces in managing the presence of migrants was restated in the 1998 Testo Unico on migration, the first national law that addressed this aspect of migration and provided for the necessary measures and administrative structures. The Testo Unico assigned to Regions and autonomous Provinces the task of programming and coordinating policies for the socio-economic-cultural inclusion of migrants, especially regarding health, education, housing, reception centres, participation to public life and measures against discrimination, racism and xenophobia. Thus the integration of the migrant population and its access to public services is today regulated by Regions and autonomous Provinces. In this way the system allows for regional differences and a variety of practices in order to adapt to local socio-economic realities.\textsuperscript{294}

The discretion of Regions and autonomous Provinces is not unlimited as the central State is not completely excluded from these areas.\textsuperscript{295} In particular, the State regulates the juridical status of migrants and therefore decides their political rights. Moreover, as mentioned in the

\textsuperscript{293} Giulia Henry, “Italy,” in Managing Integration, ed. Rita Süßmuth and Werner Weidenfeld (MPI): 161-166. See also Corsi, “Immigrazione,” supra.


\textsuperscript{295} Ibid., p. 176-177.
previous section, the Constitution provides forms of coordination among State, Regions, and autonomous Provinces on migration. As explained before, regarding migration law and policy, this coordination is weak and translates mainly in a limited role for Regions and autonomous Provinces. Instead, in the area of integration law and policy the coordination is emphasized, meaning that local entities need to follow basic criteria established at the national level.

In this regard, the 1998 Testo Unico regulates rights and duties of the migrant population and includes measures on the treatment of migrant workers, their social integration and access to education, housing, and social and health services. Among these measures, the law treats documented migrants as Italian citizens in accessing the health service and social security including economic contributions. Moreover it guarantees undocumented migrants basic and emergency health services, and warrants access to mandatory education to documented and undocumented migrants and access to universities for documented migrants (in 2000s the Testo Unico was modified and these changes will be discussed later on).

Concerning social integration, the law mandates that the State, Regions, and local entities, in collaboration with migrant associations and associations dealing with migrants, favour activities for migrants organized by schools and foreign cultural institutions, including courses of migrant languages and cultures, provide information about the process of inclusion of migrants and their rights and duties in main migrant languages, support the knowledge of cultural, economic, religious and linguistic expressions of migrants, organize courses to favour cohabitation in a multicultural society, encourage migrant participation in public life, and fight discrimination.296 Regarding education, the national legislation aims to avoid the creation of classes composed mainly by migrant pupils and promotes intercultural programs that valorise the original language and culture of the migrant population.297

In addition the central government in Rome provided specific guidelines for the process of integrating the migrant population. The Accordo d’Integrazione and its point system presented above include a national definition of integration as the “process aimed at promoting the cohabitation between Italian and foreign citizens … with the reciprocal commitment to

296 See Titolo V of Testo Unico, “Disposizioni in materia sanitaria, nonché distruzione, alloggio, partecipazione alla vita pubblica e integrazione sociale.”
297 See Testo Unico, art. 38; DPR 394/1999, supra, art. 45.3; and Ministero della Pubblica Istruzione, “La via italiana per la scuola interculturale e l’integrazione degli alunni stranieri,” October 2007.
participate to the economic, societal and cultural life of the society.” It provides specific criteria to judge the success of this process. Among these criteria, key elements are the learning of the Italian language, and the knowledge of fundamental principles of the Italian constitution and characteristics of the civic life in Italy. The Accordo came together with a national plan that identified the main lines of actions and tools to promote the process of integration, called Piano per l’integrazione nella sicurezza ‘Identità e incontro’ (Plan for integration in security ‘Identity and encounter’). The plan identifies five key areas and principles of the process of integration. First the plan emphasizes education, highlighting that schools are the main locus of the process of integration through teaching the Italian language and civic education, and establishing limits to the number of migrant pupils in classes. The second key area is employment. The plan highlights the need to regulate the migration flux based on the needs of the labour market. The other areas are accommodation, in which it is necessary to avoid the creation of mono-ethnic enclaves, access to health and basic social services, and the focus on migrant minors and second generations. As the title of the plan eludes, the centre-right-wing government that created the plan was concerned with the security aspects raised by the presence of migrant communities. Moreover, the plan criticizes multicultural approaches to integration and focuses on the need to protect the values of the Italian identity, which is rooted in the Greek-Roman and Judaic-Christian traditions.

With the exception of the Accordo d’Integrazione, the measures provided by the national law are not mandatory. However, they do represent the actions that are favoured and financed by central government in Rome. In addition, the Testo Unico establishes the essential level of civil and social rights that need to be guaranteed to migrants on the entire national territory. In particular it seems to require not only formal, but also substantial equality for the migrant population, by demanding Regions and autonomous Provinces to remove any obstacle that impedes the recognition of migrant rights, especially regarding housing, language and social

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298 Translation by the author.
299 Ministero del Lavoro e delle Politiche Sociali, “Piano per l’integrazione nella sicurezza ‘Identità e incontro’,” in http://www.lavoro.gov.it/Lavoro/PrimoPiano/Piano_integrazione_sicurezza_incontro.htm
integration. For Regions and autonomous Provinces the Testo Unico has more value than an ordinary law. For regions, its provisions count as “a fundamental principle;” for autonomous Provinces they are like “fundamental norms for the economic-social reform of the Republic.”

Consequently Regions and autonomous Provinces need to respect the provisions of the Testo Unico, adapting their policies for integration of the migrant population and migrants’ access to public services to the national legislation.

The fact that Regions and autonomous Provinces are responsible for integration law and policy, while working inside a national framework, created some confusion and institutional conflicts, especially after the national Parliament enacted measures that limited the rights of the migrant population. Starting with a reinterpretation of the Testo Unico in 2000 and its modification in 2002 with the so called law Bossi-Fini, the national law limits documented migrant access to social services and excludes undocumented migrants from these social services and from measures of social integration. For example, documented migrants can receive the family cheques only if they have three children (compared to the rest of the population, which is only required to have one child per family); they can receive the social and maternity cheques only if they have the resident permit; they can receive the minimal income only if they reside in Italy for three years; and they can access public housing only with a resident permit for at least two years. A 2009 law introduced the “crime of illegal entry and staying” depriving all undocumented migrants of any social-political rights.

At the same time, some regions have enacted more liberal laws that recognize migrant rights and access to services denied by the national legislation. The State appealed to the Italian Constitutional Court against these regional measures for violating its authority, claiming that recognizing the rights of undocumented migrants amounts to favouring undocumented migration. According to some scholars, the State cannot limit the power of regions in this area and the national law should be applied only until regional laws are enacted. In its decisions the Constitutional Court has tried to provide some further guidelines emphasizing the principle of collaboration between the institutions in order to respect the peculiarity of each situation.

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Court stated also that many aspects concerning the integration of the migrant population, such as social services and education, are the responsibility of Regions and autonomous Provinces.\textsuperscript{305}

However, rather than ruling in favor of either the State or the Regions, the Court seems to have decided in favor of the migrant population, reaffirming the need to protect the fundamental rights of both documented and undocumented migrants and refusing to recognize the crime of undocumented migration. Indeed, the Court also ruled against a regional measure that linked access to social security to a 36 months of residency criteria, pointing out that some services do not tolerate distinctions based on citizenship or residency.\textsuperscript{306}

Finally, citizens of the European Union (EU) are free to reside in any country of the Union. According to EU law, EU migrants receive the same treatment of the local citizens in the areas that member states have agreed to armonize at the EU level. Moreover, in the past decade the European Union has increasingly become involved with the inclusion and integration of non-EU migrants. Indeed the 1997 Amsterdam Treaty created the so-called area of Freedom, Security and Justice, through which the EU began to develop a common integration policy. However, EU policies are still in formation; therefore they will not be described here. It is sufficient to state three points. First, EU institutions did not recognize undocumented migration as a crime (although the EU focuses extensively on the fight against undocumented migration). Second, as already mentioned, a directive of the European Council considers migrants with the long-term resident's EC residence permit (the Italian \textit{Permesso di soggiorno CE}) equal in many aspects to national citizens. These migrants enjoy equal treatment with nationals, such as access to employment and self-employed activity, education and vocational training, social security, social assistance, tax benefits, and access to goods and services and procedures for obtaining housing. However, the directive also contains exceptions. For example, member states can require proof of appropriate language proficiency for accessing education from migrants, and to limit equal

\textsuperscript{305} For example, see Corte Costituzionale della Repubblica Italiana, rulings n. 300/2005; n. 50/2008 and n. 156/2006. For an analysis of the rulings see: Serena Baldin, “La competenza esclusiva statale sull’immigrazione vs. La legislazione regionale sull’integrazione sociale degli immigrati: un inquadramento della Corte costituzionale;” and Laura Ronchetti, “Ultimi atti del conflitto tra Stato e Regioni tra immigrazione e integrazione degli stranieri,” \textit{Rivista dell’Associazione Italiana dei Costituzionalisti}, 0 (2010).


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treatment in respect of social assistance and social protection to core benefits.\textsuperscript{307} Lastly, as EU officers have specified to the South Tyrol government regarding migrant integration, the EU pays scrupulous attention to opposing any form of discrimination.\textsuperscript{308}

\textit{b. The National Institutional Framework}

The \textit{Testo Unico} provides for specific institutions at the national and local level to manage the process for the integration of the migrant population as well as their access to public services and guaranteeing coordination between the State, regional and local entities. In addition, some of these institutions allow for the involvement of the private sector and the migrant population. The so called \textit{Commissione per le politiche di integrazione} (Commission for integration policies) has the task of creating an annual report on the status of integration and can suggest actions. It is located inside the \textit{Presidenza del Consiglio} (the office of the President of the Council of Ministers) and it is formed by representatives of the government and ten experts. Representatives of the \textit{Conferenza Permanente Stato, Regioni e Province Autonome} (Standing Conference of the State, Regions and Autonomous Provinces) and the \textit{Conferenza Stato, Città e Autonomie locali} (State, Cities and Local Entities Conference) can be invited to participate in the works of the \textit{Commissione}. The \textit{Comissione} is mainly a technical advising body. Since regions and local entities do not take part in it systematically, the Comissione does not provide real administrative coordination.\textsuperscript{309}

This role is in part provided by the \textit{Consiglio territoriale per l’immigrazione} (Territorial Council for migration) created in each Province inside the \textit{Prefettura – Ufficio Territoriale del Governo}. The \textit{Consiglio} is composed of representatives from the local administration of the State, the Region, local entities, local associations that provide assistance to migrants, and worker, employer and migrant organizations. The \textit{Prefetto}, the head of the \textit{Prefettura}, is the president of the \textit{Consiglio} and is responsible for its functions. The \textit{Consiglio}, which meets at least once a year, coordinates the various actors involved with migration. It is tasked with monitoring and analyzing local needs and suggesting actions for the integration of the migrant population. The \textit{Consiglio} is one of the channels though which local administrations (and local

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\textsuperscript{309} Bonetti, “I principi, i diritti e doveri,” supra, p. 156-157.
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associations and organizations) can communicate to the central government in Rome specific exigencies.\textsuperscript{310} As pointed out by Bonetti, the Consiglio is the only national organ composed of all the public and private actors dealing with migration. Rather than providing coordination between the centre and the periphery, it favours coordination at the local level, which helps guarantee that all the actors are in the best position to implement the law.\textsuperscript{311} In the Province of Bolzano the Consiglio is inside the Commissariato del Governo and representatives of the Province take the place of representatives of the region.\textsuperscript{312} The collaboration between State representatives and those of the Province inside the Consiglio in the area of migration is considered excellent.\textsuperscript{313}

The involvement of migrant organizations and the private sector is further provided through the Consulta per i problemi degli stranieri immigrati e delle loro famiglie (Advising body for the problems of migrant foreigners and their families), presided by the Presidente del Consiglio dei Ministri (the President of the Council of Ministers, the head of the Italian government). The Consulta, which is composed of representatives of migrant associations, associations providing assistance to migrants, worker and employer organizations, local entities, the Consiglio nazionale dell’economia e del lavoro (National Council for Economics and Labour), and various experts, collects data and examines problems of the migrant population. Additionally, Regions and autonomous Provinces have the ability to create their own local consulta.

The Testo Unico recognizes also the figure of the so called mediatore interculturale (intercultural mediator), inviting the State, Regions and local governments to conclude agreements with associations to provide for their employment. The intercultural mediator strengthens the relationship between the migrant population and the administration. In particular,

\textsuperscript{310} Interview with public state officer, Bolzano July 26, 2011.
\textsuperscript{311} Bonetti, “I princìpi, i diritti e doveri,” supra, p. 161.
\textsuperscript{312} Representatives of the Province in the Consiglio territoriale per l’immigrazione are the vice president of the provincial government, the Assessore (Provincial Minister) for Innovation and Cooperative Development, Finance and Budget, Labour, and Informatics, who at the moment has competency on migration issues, the Assessore for Health, and the director of the provincial Ripartizione Lavoro. Interview with public state officer, Bolzano July 26, 2011. Other members of the Consiglio territoriale in the Province of Bolzano are representatives of: the cities of Bolzano, Merano and Bressanone, the Camera di Commercio, the Associazione degli Industriali (Industrial Association), the Unione degli Albergatori e dei pubblici esercizi (Association of Hoteliers and public operators), the Associazione provinciale dell’artigianato (Provincial Association of Craft), Caritas, Istituto per l’edilizia sociale (Institute for Public Housing), Consulta comunale delle cittadine e dei cittadini immigrati extracomunitari ed apolidi residenti a Bolzano (Municipal advising body of non-EU migrants and stateless persons resident in Bolzano), other migrant associations, and worker unions. See Commissariato del Governo per la provincia di Bolzano, “Consiglio territoriale per l’immigrazione,” www.Prefettura.it/bolzano/contenuti/10928.htm.
\textsuperscript{313} Interview with public state officer, Bolzano July 26, 2011.
as established by the Testo Unico, it contributes to the communications between migrant families and the school system and the evaluation of migrant children educational knowledge to ensure migrant children are placed in the appropriate classes. National laws have clarified and expanded the role of intercultural mediator, which favours the social integration of the migrant population. It does so by promoting the reciprocal knowledge between migrants and the hosting society, removing cultural and linguistic barriers, valorising the migrants’ original culture, and explaining to migrants their rights and duties.\textsuperscript{314}

Furthermore, the Testo Unico provides for the creation of a national coordination body within the Consiglio nazionale dell’economia e del lavoro (National Council for Economics and Labour). This body collaborates with the Consulta and Consigli to analyze and promote actions for the integration of the migrant population and share information. Moreover the law demands that regions, in collaboration with Provinces, municipalities and associations, create reception centres. In order to fight discrimination and racism, they should also establish centres to monitor cases of discrimination, provide information, and assist migrant victims.

Finally, to finance the integration policies, there is a Fondo nazionale per le politiche migratorie (National Fund for Migration Policies). To access the fund, Regions and Provinces need to present how they plan to prevent discrimination, favour the exercise of fundamental rights of migrants, promote migrant integration, protect migrant cultural and religious identity, and allow for migrant re-inclusion in the country of origin. Within one year of receiving the financial resources of the fund, Regions and Provinces need to report on the status of their actions. If they do not provide this report, they have to return the funds.\textsuperscript{315} In addition, at the EU level, a Fondo Europeo per l'Integrazione dei Cittadini di Paesi Terzi (European Fund for the Integration of Citizens from Third Countries) was established in 2007. In Italy, access to the fund is administered locally by the Consiglio territoriale per l’immigrazione, which provides information on the fund and collects the project proposals that are approved by the central government in Rome.\textsuperscript{316}

\begin{footnotesize}
\begin{enumerate}
\item Conferenza delle regioni e delle provincie autonome, “Riconoscimento della figura professionale del Mediatore interculturale,” April 8, 2009.
\item Bonetti, “I principi, i diritti e doveri,” supra, p. 185-192
\end{enumerate}
\end{footnotesize}
c. Integration Law/Policy in South Tyrol

Despite the measures, the general framework and institutions established by the central government in Rome and the coordination demanded by the constitution, Regions and autonomous Provinces are the foremost actors in charge of integration law and policy. Therefore, the Province of Bolzano can regulate rights and duties of migrants living in South Tyrol. The Province can also regulate migrants’ access to services provided in the Province, and can establish how migrants should be integrated into South Tyrol society. In November of 2011, the Province enacted a Provincial integration law (which will be analyzed in Part III). In the same month, the Province of Bolzano signed a memorandum on intercultural policies inside the framework of the supranational regional entity Europeanregion Tyrol-South Tyrol-Trentino. Through this memorandum, elaborated with the collaboration of the European Academy of Bozen/Bolzano (EURAC) and its Institute for Minority Rights, the governments of Tyrol, South Tyrol and Trentino aimed at collaborating and exchanging information regarding their integration policies and intercultural practices.\(^{317}\)

Before these actions in 2011, the Province had not implemented its power in the area of integration law and policy. Before the enactment of the Provincial law in 2011, the Province of Bolzano was one of the few region/Provinces of Italy that did not have its own local law on migration. The delay in enacting a Provincial integration law discords with the desire of the local government to expand and exercise its political competencies. Moreover, it differs sharply with the developments in the neighbouring Province of Trento that enacted its first law on migration more than twenty years ago. To be sure, the Province of Trento has witnessed the presence of migrants for a longer period. Moreover, the Province of Bolzano has dealt mainly with seasonal workers, whose presence demands less from a legislative perspective.

To be correct there were various provincial measures and laws that dealt with the migrant population living in South Tyrol. The Province invested in various projects handling the migrant population, but before the enactment of the November 2011 law, a comprehensive South Tyrolean approach to integration policy was missing. It seemed as if migration was not considered an important matter in South Tyrol. The Province preferred not to consider it in a

comprehensive way. The Province never enacted a plan, and, although it financed several projects in the area of migration, its budget never had a specific chapter regarding actions in this area. Although some specific offices were created to deal with the migrant population, the Province lacked a stable institutional framework. The absence of comprehensive approach to migration hindered any real long term planning, and allowed the development of uncoordinated activities. As we will see below, the measures taken were at risk of not being financed or being suddenly interrupted.

The delay of South Tyrol in comprehensively tackling migration can be related to the multiethnic characteristic of South Tyrol in two ways. During the nineties, the fact that South Tyrol is a bi/trilingual society contributed to underestimating the migration process in the Province. The provincial Plan for actions on labour policies for the years 1997-1999, elaborated by the Ripartizione Lavoro (the provincial Bureau of Labour), contained the opinion that the necessity to know two languages in order to work in various economic sectors “could limit the size of the phenomenon of migration” in South Tyrol. According to the Plan, migrants would have preferred easier monolingual realities. In the past decade, in which this forecast proved to be wrong and migration has become a structural element of South Tyrol society, the multiethnic nature of South Tyrol has deferred the development of a comprehensive approach to the phenomenon of migration. Indeed, as shown in part I, this multiethnic nature has further complicated the political discourses regarding migration. In South Tyrol, migration is believed to affect the power relationships among the traditional groups and is connected to the future of the South Tyrol system to protect their diversity. As pointed by R. Medda, the fear is that dealing with the migrant population living in South Tyrol will require the reassessment of the system that regulates the relationship between the traditional groups. This fear has postponed tackling the matter of migration.

The fact that South Tyrol did not develop a specific approach to migration, nor establish a stable institutional framework dealing with it, is not in itself a bad thing. Members of migrant associations and associations providing services to migrants have pointed out that this vacuum has allowed for a bottom up dynamic with various experiments and activities that were not

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subjected to limits and controls by a centralized authority. Migrants and associations were free
to develop local strategies that were often successful. Moreover, the absence of specific offices
avoided segregating migrants from the rest of the population. It is also possible to speculate that
the competition among associations and NGOs for unclear financial resources pushed them to
improve their performance and activities. In several national studies on the social inclusion of
migrants in the Italian Provinces elaborated by the Consiglio Nazionale dell’Economia e del
Lavoro (National Council of Economy and Labour), the Province of Bolzano has one of the
highest levels of integration regarding various aspects such as housing, labour, family
reunification, and crime. A recent social research study found that migrants in South Tyrol
have positive relations with the territory, the local social and political life, the use of local
languages (Italian more than German), the local media and population, and particularly the
Italian-speaking group. However, at the same time the Province misses a general direction and
institutional points of references.

In the next section I will describe South Tyrolean institutional framework established to
handle with the migrant population before the enactment of the 2011 integration law. In a
following section I will analyze the new law and the institutional changes brought by it.

d. South Tyrol Institutional Framework before the 2011 integration law

South Tyrol does not have an Assessore (Provincial Minister) for migration issues; i.e.
there is not a political figure that deals comprehensively with the inclusion of migrants in South
Tyrol society. Rather, the topic is delegated to ministers concerned with other sectors. In 2003
the provincial government decided to give general competency over migration to the Minister
responsible for labour issues. However, additional ministers deal with other aspects of

320 Interview with a member of an association for migrants in South Tyrol, July 12, 2011.
321 For example see Consiglio Nazionale dell’Economia e del Lavoro, CNEL, “Indici di integrazione degli immigrati
322 Roberta Medda-Windischer, Heidi Flarer, Rainer Girardi, and Francesco Grandi, Condizione e prospettive di
integrazione degli stranieri in Alto Adige: relazioni sociali, lingua, religione e valori, (Bolzano: Eurac Research,
2011).
323 Provincia Autonoma di Bolzano, “Le competenze della nuova Giunta provinciale di Bolzano,” December 22,
2003. Previously migration was responsibility of the Assessore for social services. The transfer might suggest that
in South Tyrol there prevails an understanding of the migrant population mainly as a work force, rather than
involving social issues. However, the transfer was also due to “personal” reasons, mainly the fact that in 2003 the
Assessore for labour, Luisa Gnech, was quite active regarding migration matters, sponsoring the creation of a
specific office, the “Osservatorio provinciale sulle immigrazioni” (Provincial observatory on migration), inside one
migration, such as the ministers responsible for education, culture or health and social services. In 2008, the President of the South Tyrol government, L. Durnwalder, stated that he preferred all future responsibilities regarding migration could be under one Assessore, but this wish has not yet become reality.

The management of matters and concerns regarding the migrant population is not centralized in a specific Provincial department or institution. Instead, there is an office, the *Servizio Coordinamento Immigrazione* (Service for the coordination on migration) inside the *Ripartizione Lavoro* (Provincial Bureau of Labour), which is tasked with coordinating activities of the provincial administration concerning migrants (more below). Specific provincial offices targeting the migrant population were created, especially in the education sector. For few years a specific structure (*Osservatorio provinciale sulle immigrazioni* - Provincial Observatory on Migration) was created inside the *Ripartizione Lavoro* to deal specifically with migration issues; but as explained below the Osservatorio was shut down (more below). Generally, migrants interact with various provincial bureaus and offices depending on their needs like the rest of the South Tyrol population. Inside the provincial institutions there are some officers that might be more accustomed to interacting with migrant customers; however in general these officers have a legal background and are mainly concerned with the juridical status of the migrants, rather than being trained specifically to deal with the process of migrants’ integration.

Since migration is a transversal issue, most of the provincial bureaus and offices deal in some way or another with the migrant population. The *Ripartizione Sanità* (Bureau of Health) and the *Azienda sanitaria* (Health Office) handle migrant access to the health service. For social services, public economic assistance, and education and housing benefits, migrants apply, like the rest of the South Tyrol population, to the respective offices of the *Ripartizione Famiglia e Politiche Sociali* (Bureau of Family and Social Policies), the *Ripartizione Diritto allo Studio, Università e Ricerca Scientifica* (Bureau of Right to Study, University and Scientific Research) and the *Istituto per l’Edilizia Sociale* (Institute for Public Housing).

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324 Provincia Autonoma di Bolzano, ufficio Stampa, “Pacchetto della Provincia sull’immigrazione,” *supra.*
325 Interview with a member of an association for migrants in South Tyrol, July 12, 2011.
These institutions provide further specific services for the migrant population. The *Ripartizione Sanità* is responsible for the recognition of migrants’ licenses to work in the health sector. The *Istituto per l’Edilizia Sociale* administers hostels for migrant workers. The *Ripartizione Famiglia e Politiche Sociali*, along with the municipal *Azienda Servizi Sociali di Bolzano* (Bolzano Social Service Office) and non-profit associations, manages services for the first reception of migrants: giving information, helping to deal with the administration and the labour market, and organizing reception centres that provide temporary accommodation. Some of these services do not specifically target migrants, focussing on anybody in social distress. The *Ripartizione Famiglia e Politiche Sociali*, together with the *Azienda Servizi Sociali di Bolzano* and non-profit associations, focuses on foreign unaccompanied minors, asylum seekers, and refugees.

In this regard, the *Piano sociale provinciale 2000 – 2002* (Provincial social plan) provided for the creation of a *Servizio Consultoriale* (Consulting Service) to give migrants information on housing, the job market, legislation, and the health system. The plan also provided for a *Centro profughi* (Refugees Centre) to offer first reception, counselling, and accommodation to refugees and asylum seekers, and to help them integrate in South Tyrol and/or return to their original country. However, rather than creating provincial offices, these functions were delegated to the *Azienda Servizi Sociali di Bolzano* and non-profit associations, who manage the various offices. Additionally, regarding asylum seekers and refugees, in 2002 the Province of Bolzano has enacted a *Piano provinciale per i profughi* (Provincial plan for refugees), which includes various measures to help refugees, especially concerning housing.

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329 Provincia Autonoma di Bolzano, “Piano sociale provinciale 2000 – 2002,” p. 191-200; Provincia Autonoma di Bolzano, Ripartizione politiche sociali, “Relazione sociale 2005,” November 2005, 171-187; and Provincia Autonoma di Bolzano, Ripartizione famiglia e politiche sociali, “Relazione sociale 2010,” December 2010, p. 55-59. In particular the *Azienda Servizi Sociali di Bolzano* and non-profit associations manage the *Servizio di Prima Accoglienza* (First Reception Service), the *Centro d'accoglienza per profughi in transito*, (Reception centre for refugees in transition) and the *Centro per profughi* (Centre for refugees) In addition there is a *Centro Pronta Accoglienza Minori Stranieri Non Accompagnati* (Centre for the reception of foreign unaccompanied minors).
Since the mid-2000s the Province has given a subsidy to asylum seekers waiting to be given refugee status; under the Italian law these people cannot work.\textsuperscript{330}

The Ripartizione Famiglia e Politiche Sociali is also concerned with long-term accommodations for migrants, in collaboration with the Istituto per l’Edilizia Sociale, non-profit associations and other local offices.\textsuperscript{331} The Ripartizione Famiglia e Politiche Sociali deals with the social integration of the migrant population. It also acts to help with sensitization of the hosting society to remove prejudices and cultural barriers, such as organizing courses, disseminating publications, and planning conferences. The Ripartizione also collaborates with national projects that fight human trafficking.\textsuperscript{332} A 2005 report of the Ripartizione proposed the creation of strategies to govern migration, highlighting the following: migrants were increasingly putting roots in South Tyrol (rather than returning to their country), migrants tended to come from non-EU countries, and their cultural diversity could hinder the process of integration.\textsuperscript{333}

Still, a provincial plan on the integration of the migrant population was not developed. It seems that provincial institutions dealing with social issues, such as the Ripartizione Famiglia e Politiche Sociali, embraced a multicultural approach to integration, understanding it as a dialogical process that involves both the migrant population as well as the hosting society. For example the \textit{Piano sociale provinciale 2007-2009} (Provincial social plan) lists among its goals to make the local population aware that multicultural experiences enrich the society. The plan acknowledges that migrants’ integration is a challenge for the entire society, which needs to acquire intercultural competences.\textsuperscript{334}

The education system and its institutions play a considerable role in carrying out South Tyrol integration policies. The education system handles the integration of migrant pupils. In the interaction with the education system, migrants and their children experience the division along


ethnic/linguistic lines that characterize South Tyrol. As mentioned in the introduction, a main measure to protect the South Tyrol traditional groups is teaching elementary, middle, and high schools in the mother tongue (Italian or German) of the students. The Second Autonomy Statute makes compulsory the teaching of the other main languages spoken in South Tyrol beginning from the second year of elementary school. To implement these measures, three separate school systems were created: one for the Italian-speaking group, one for the German-speaking group and one for the Ladin-speaking group. In Italian-language schools pupils are taught in Italian and learn German as a second language; in German-language schools, pupils are taught in German and learn Italian as second language; and, in contrast, in Ladin-language schools, students are taught in both Italian and German and learn Ladin language as a separate subject. Migrant parents can choose which school to enrol their children.

Besides the separate schools, there are also three different administrative bodies which manage the school programs and the legal and economic status of teachers (the Intendenza scolastica Italiana – Italian school office, the Intendenza scolastica tedesca – German school office, and Cultura e intendenza scolastica ladina – Ladin Culture and school office), and lie inside three separated Provincial Departments of Education (one for each linguistic group). Inside each Provincial Department of Education, are specific units responsible for educational policies and the development of pedagogic approaches. These units are the Area pedagogica italiana (Italian educational unit) inside the Provincial Department of Italian Education and Training, the Bereich Innovation und Beratung (Innovation and counselling unit) inside the Provincial Department of German Education and Training, and Inovaziun y consulënza (Innovation and counselling unit) inside the Provincial Department of Ladin Education and Training.\footnote{Resolution of the Giunta provinciale 1482/2007; and annex A to the resolution “Iniziative per il sostegno dell’apprendimento linguistico di alunni e alunne con background migratorio.” As pointed out by Wisthaler, the...}

The education system has experienced some institutional developments to deal with the phenomenon of migration. In 2007, acknowledging that the number of migrant pupils was increasing, the South Tyrol government decided to create the so called centri linguistici (linguistic centres).\footnote{Before 2001 the task to develop educational policies and pedagogic approaches was assigned to independent education authorities (Istituto pedagogico) - one for each linguistic group. These independent authorities were dismantled in 2011 and their functions were transferred to the Departments of Education.} The linguistic centres have three objectives: to help schools dealing with...
the migrant population, help migrant students be successful in school, and support their integration. The final goal is to give migrant children the same educational opportunities of local children and in this way allow them to participate in the social life on an equal base.

The activities of the linguistic centres are not carried out through the creation of segregated classes for migrant children; rather the linguistic centres provide information and counselling to migrant students, parents, schools, teachers and other stakeholders. The specific tasks of the linguistic centres are:

- Counselling for migrant parents and their children concerning the decision on school enrolment;
- Evaluation of migrant pupil’s knowledge of the language of instruction used by schools;
- Planning and implementation of actions to promote language learning;
- Counselling for schools
- Coordination of human and pedagogic resources
- Collaboration with social associations and other stakeholders
- Planning of literacy courses

The linguistic centres focus on teaching migrant students the school’s language of instruction and, with a lesser focus on the second language. In addition, the founding documents of the linguistic centres also encourage teaching the original language of the migrant children, which is considered a key element of the learning process, and intercultural education projects, which are described as favouring the knowledge of the other, dialogue and processes of social integration and informal learning. However, classes on migrants’ language and culture are organized only if there is a substantial request.

To coordinate and sustain the activities of the linguistic centres there is a Centro di competenza (Competence centre). The Centro di competenza, which is composed of at least three

resolution was vague and the role of the linguistic centres was further clarified in a document elaborated in May 2008. See Istituto Pedagogico per il gruppo linguistico Tedesco, “Documento programmatico per l’attuazione della delibera provinciale.” Both documents are available at http://www.schule.suedtirol.it/pi/index.asp. See also Wisthaler, “The paradox,” supra.

338 Istituto Pedagogico per il gruppo linguistico Tedesco, “Documento programmatico,” supra.
339 Ibid., p. 13.
members, has a peculiar status inside the South Tyrol school system. Although it was located inside the *Bereich Innovation und Beratung* unit of the Provincial Department of German Education and Training, it does not deal only with the German-language school and the German-speaking group; instead it works for all three school systems and linguistic groups of South Tyrol. Thus, it is the first institution that “unifies the different education system in South Tyrol.”\(^\text{341}\) Dealing with the issue of migration has allowed for a partial overcoming of the institutional separation that characterized the South Tyrol school system. Migration is a shared issue that requires collaboration. In 2002 the three education departments recognized that schools of each South Tyrolean group were experiencing the presence of migrant students and, therefore, needed to develop common strategies.\(^\text{342}\)

Despite this intent and the coordination work of the *Centro di competenza*, each school system has handled integration independently with some variation. This reflects the separation among the schools and also the degree of autonomy granted to schools in the Italian education system in order to adapt to the specific situation of their students.\(^\text{343}\) Thus, each school can decide autonomously the actions it wants to take in regards to its migrant pupils. The German-speaking school system seems to have mainly relied on the activities of the linguistic centres. In regard to the migrant population, the website of the *Bereich Innovation und Beratung* of the Provincial Department of German Education and Training cites among the tasks of the unit the activities of the linguistic centres: namely, providing language courses, advising schools and parents in this regard, and putting schools in contact with intercultural mediators (see below). However there were also additional actions taken by the office, such as the creation of a workshop for teachers to learn how to work with multicultural classes.\(^\text{344}\)

In contrast, the Italian-speaking school system, which has experienced a greater presence of pupils of migrant families,\(^\text{345}\) seems to have put additional emphasis on the process of integration and inclusion of the migrant children and intercultural education. It has also created its own specific offices to deal with migrant pupils. Among the tasks of the *Area pedagogica*

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\(^\text{341}\) *Ibid*, p. 10.


italiana (the Italian educational unit inside the Provincial Department of Italian Education and Training) is the promotion of integration of the migrant students. For this purpose there is a specific sub-unit, called Area educazione interculturale e alla cittadinanza (Intercultural education and citizenship unit), which supports educational projects to support interculturalism, peace, and dialogue among cultures. The sub-unit presents the intercultural dimension as a key element for the inclusion of migrant children. In addition, the sub-unit has an Osservatorio sui minori stranieri (Observatory on foreign children), a working group that aims at facilitating the reception and inclusion of migrant children and offering schools and other stakeholders data and resources for intercultural education. Moreover, inside the Intendenza scolastica Italiana there is a Servizio integrazione e consulenza scolastica (Service for integration and school counselling) that helps families and schools integrate students with problems. While targeting students with disabilities or in disadvantaged situations, the service deals with the inclusion and integration of migrant children.

Incidentally, the Intendenza scolastica Italiana also manages the recognition of foreign educational qualifications and, as noted in the previous section, co-administers the test to obtain the Permesso di soggiorno CE and organizes Italian language courses to pass it. Regarding the Italian and German classes for the accordo d’integrazione that I discussed in the previous section, I presume that they would be organized respectively by the Intendenza scolastica Italiana and the Intendenza scolastica tedesca.

Before the establishment of the linguistic centres, South Tyrol was the first Italian Province to invest in developing the position of the mediatore interculturale (intercultural mediator), introduced by national legislation. In 2000 the Province organized the first course to form intercultural mediators. The following year, South Tyrol institutionalized this position at the local level. South Tyrol’s pioneering work was highly regarded in the rest of the country. The Province contributed to defining the professional profile of the intercultural mediator at the

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national level. Starting with the second edition in 2003, the course, which is free, was organized in a bilingual manner (i.e. it was taught partly in German and partly in Italian) with the collaboration of Italian and German offices dealing with professional training. This was an unusual practice in South Tyrol, where the use of traditional languages tends to be compartmentalized. This practice was justified with the need to “match up to the bilingual reality in South Tyrol.” Migration issues imply overcoming the linguistic separation that characterizes South Tyrol. Intercultural mediators have the goal to raise awareness to cultural differences, fight racism and promote tolerance, and represent a bridge between migrant families and the society. Not only does it help migrant inclusion, but it supports the public administration in effectively carrying out its functions. The intercultural mediators work in various fields, including the educational, health, juridical and social sectors. In regards to education, the intercultural mediators help migrant families to approach schools, translate documents, facilitate the communication between families and schools, collaborate in evaluating the children’s educational history, and give support for intercultural projects and education. Moreover, they provide linguistic support and offer courses in the migrant’s original language. These last two activities were reduced with the creation of the linguistic centres, which overlapped existing roles of intercultural mediators.

An additional public institution dealing with migrant children and young migrants is the Servizio giovani (Youth service), a provincial office which supports youth cultural activities and participation in the society and plans intercultural projects. The Youth service does not specifically target the migrant population and does not have particular programs in this regard. The Youth service is inside the Bureau of Culture, which, like the school system, is organized

352 “Mediatori/mediatrici interculturali nella scuola,” documented elaborated by the Education authority for the German-speaking group - Innovation and counseling unit inside the German Department of Education, available at http://www.schule.suedtirol.it/pi/themen/v_sprachenzentren.htm
along ethnic-linguistic lines. Thus there is a Youth service inside the Bureau of Italian Culture and a Youth Service inside the Bureau of German Culture. Again, when interacting with public institutions, young migrants experience the division among the traditional linguistic groups that characterizes South Tyrol.

Activities of social integration are also carried out by the provincial offices responsible for professional training. Again, even in this area, there are offices for the Italian-speaking group and offices for the German-speaking group. These offices take various actions to give migrants the tools to integrate. For example, German offices have helped migrant students to integrate in schools, offered German language classes for migrant adults, organized conferences, and run workshops to train public employers to interact with the migrant population. Italian offices have organized seminars and conferences on the topic of migration, ran cultural sensitizing, integration, and multiculturalism events where cultural movies are shown in order to sensitize the society towards matters of migration, integration, and multiculturalism, and were involved in the project of the then Osservatorio provinciale sulle immigrazioni (see below).\textsuperscript{355} In addition, Italian offices have provided courses on the Italian language and also on South Tyrolean society and work environment, where migrants are thought about the territory, culture and tradition of South Tyrol. These courses also give information on Provincial offices and institutions, working rights and working conditions in South Tyrol, and opportunities for education, vocational training, socialization, amusement and cultural activities.\textsuperscript{356}

Many migrants are illiterate, and therefore, were not taking the language classes. Therefore, the bureaus of Italian and German cultures and their offices for permanent education organized courses on alphabetization.\textsuperscript{357} In addition, they organized conferences on linguistic integration and collaborated with the linguistic centres to offer language classes. The Italian


Offices also took actions to introduce the migrant population to the local culture and promote intercultural dialogue.\textsuperscript{358}

Lastly, two institutions dealing with migration issues are the provincial offices of the \textit{Fondo Sociale Europeo} (European Social Fund), which financed various projects for the management of the migration flux and the social and labour integration of the migrant population;\textsuperscript{359} and especially the \textit{Ripartizione Lavoro} (Provincial Bureau of Labour). As said in the previous section, the \textit{Ripartizione Lavoro} is involved with the Italian migration control policy by taking part in the release of resident permits for employed migrants. The \textit{Ripartizione Lavoro} deals also in various other ways with migration issues, in particular through the work of one of its offices, the \textit{Servizio Coordinamento Immigrazione} (Service for the coordination on migration) - more below.

Located within the \textit{Ripartizione Lavoro}, the \textit{Ufficio tutela sociale del lavoro} (Office for the social protection of labour) releases the driving certifications for migrants working in the transportation sector.\textsuperscript{360} Since 2011, the \textit{Ripartizione Lavoro} has collaborated with the \textit{Ripartizione Famiglia e Politiche Sociali}, and the \textit{Commissario del Governo} to implement the program \textit{Rimpatrio Volontario Assistito} (Assisted Voluntary Repatriation). This program, which has been financed by Brussels and the Italian State, helps migrants voluntarily return to their home country.\textsuperscript{361}

Since 1996, the \textit{Ufficio Servizio Lavoro} (Office for Labour Service) of the \textit{Ripartizione Lavoro}, has been responsible for the coordination of migration and the various actions of the Provincial administration concerning integration policy.\textsuperscript{362} In this regard, the \textit{Piano pluriennale degli interventi di politica del lavoro 2000-2006} (Multi-year plan of action for labour policy 2000-2006), elaborated by the \textit{Ripartizione Lavoro}, provides to conduct an analysis of migration

\textsuperscript{358} Provincia Autonoma di Bolzano, “Corsi di tedesco per cittadini stranieri per favorire l’integrazione,” February 8, 2011; Provincia Autonoma di Bolzano, “Convegno sulla mediazione linguistica (mercoledì 4 ottobre),” September 27, 2006; and Provincia Autonoma di Bolzano, “Sei progetti attivati dalla rete sorta attorno a ‘Con nuove culture’,” October 19, 2011.


\textsuperscript{361} Provincia Autonoma di Bolzano, “La Provincia ha aderito alla rete NIRVA per il Rimpatrio volontario assistito,” November 9, 2011.

in South Tyrol to look at its “political and social consequences.” Recognizing that migration was no longer a transitory phenomenon, and had actually become a permanent part of society with a key economic role, the plan included an initiative to establish information, training, and consultancy services.

In 2003, the Osservatorio provinciale sulle immigrazioni (Provincial Observatory on Migration) was created inside the Ripartizione Lavoro, requested by L. Gnocchi, who was the Minister for Labour at the time, and B. Repetto, who was the director of the Office for Italian Professional Training and of the Fondo Sociale Europeo at the time, in order to monitor migration in South Tyrol and provide information, analysis, and suggestions to define and implement policies of integration and inclusion of the migrant population. In addition, the Osservatorio was in charge of dealing with discrimination issues. In 2005, inside the Osservatorio, the Centro di tutela contro le discriminazioni (Centre for the Protection against Discrimination) was added to monitor cases of discrimination and provide information and assistance to victims, which is requested by national law.

Although the Osservatorio was created as a temporary project funded by the Fondo Sociale Europeo, it was supposed to become a “point of reference” for migration policies in South Tyrol. Its creation was presented as “signalling the passage from the phase of emergency to a phase of programming and governance of the phenomenon of migration.” The Osservatorio was the only well-structured provincial office dealing with migration in South Tyrol. With the Centro di tutela, The Osservatorio carried out various activities successfully. For example, the Osservatorio conducted and published several studies, such as analyses of seasonal workers, foreign domestic workers, young migrants, and a social survey of the migrant population. The Centro launched a direct phone line in cases of discrimination and produced an agreement with a local non-governmental organization called Human Rights International, with whom it successfully brought a case of discrimination to the Italian court. The activities of the

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364 Ibid., p. 33-34.
366 For the collaboration between the Centro di tutela contro le discriminazioni and Human Rights International see: Provincia Autonoma di Bolzano, “Firma dell'accordo tra Centro di tutela contro le discriminazioni e Human Rights
Osservatorio were praised at the European level, with recommendations for further institutionalization inside the Province in order to give financial and programmatic stability and improve its contributions.\(^{367}\)

However, the *Osservatorio* was not transformed into a provincial office. In 2008 this local “point of reference,” together with the *Centro*, was closed down. As pointed out by a provincial officer, the *Osservatorio* was not closed as result of a deliberate judgement on its utility or inefficacy after five years of life and experimentations; rather the *Osservatorio* was left dying in silence. This event, which was highly criticized by associations providing assistance to migrants, reflected the refusal in South Tyrol to cope with migration and the lack of willingness to develop a comprehensive migration approach. According to R. Medda, the closing of the *Osservatorio* might be connected to a “lack of political will,” “indifference” toward the matter of migration, together with “the desire to not dissatisfy part of the voters, who could see the funding of this office as a misappropriation of funds that could be used for more useful activities.”\(^{368}\) The *Osservatorio* and the *Centro* might not have been helped by the fact that they acted as a thorn in the side of South Tyrolean politics by not being afraid of criticizing politicians for their populist and xenophobic tones against migration during electoral campaigns.\(^{369}\) Some of the research activities of the *Osservatorio* were carried on by the European Academy of Bozen/Bolzano; a fact that has allowed to not lose part of its knowhow. There have been calls for reviving the *Osservatorio*;\(^{370}\) calls that have been addressed by the 2011 Provincial integration law (see next section).

Before the *Osservatorio* was closed, the *Piano pluriennale degli interventi di politica del lavoro 2007-2013* (Multi-year Plan of action for labour policy 2007-2013) elaborated by the *Ripartizione Lavoro*, acknowledged that there was a proliferation of programs and actions...
regarding the migrant population taken by various private and public entities. The plan proposed the creation of a Centro d’informazione sull’immigrazione (Information centre on migration) as an information and consulting point of reference for the social and labour integration of the migrant population. The centre would have been linked to all of the stakeholders involved in this process and among its tasks would have been elaborating guidelines and to-do lists. An office with this name never saw the light; instead, in 2009, thanks to the will of the then provincial Minister for Labour, B. Repetto, the Servizio Coordinamento Immigrazione (Service for the coordination on migration) was created inside the Ripartizione Lavoro, filling in part the opening left by the closing of the Osservatorio. The Servizio is not a point of reference for the migrant population and does not interact with it. Instead, until the 2011 provincial integration law that has re-launched the Servizio (see next section), its official functions were to monitor, coordinate, and assist all actions of public and private entities dealing with migrants’ reception and social inclusion in South Tyrol in order to create a network of all the stakeholders and establish an organic framework for the integration of the migrant population. Thus, the members of the Servizio need to identify and contact the persons inside the various provincial offices and entities that interact the most with migrants and coordinate their approach. In addition, the Servizio is expected to collect data and provide information on best practices of integration policy by writing an annual report. Other tasks of the Servizio are to promote courses on migration and conduct awareness and information campaigns on migration issues. In carrying out its task the Servizio is committed to involving representatives of the migrant population, migrant associations, and intercultural mediators as much as possible.

In the past the Servizio had some difficulties in carrying out its tasks. The problem was that the Servizio was initially created by an administrative decision, rather than a provincial law or a decree of the provincial government. In this way, until the enactment of the provincial integration law in 2011, it has been left without a juridical referent framework and any real power or resources. However, at the end of 2011, even before the enactment of the new

Provincial integration law, the *Servizio* started to intertwine its functions together with members of associations, academic institutions (among which the European Academy of Bozen/Bolzano - EURAC), and other relevant actors. At the same time the office was coordinating a network of provincial departments involved in integration work, supporting the municipal councillors who are in charge of integration, organising training sessions for public servants, coordinating and collaborating on the implementing rules for the provincial integration law (see Part III), as well as preparing a yearly report on migration in South Tyrol for the year 2011.

To summarize, besides the EU framework, some national guidelines and the rulings of the Constitutional Court, South Tyrol, like the other Italian regions, has a lot of latitude to regulate the conditions of migrants and their inclusion in society. In this regard, offices and institutions of the Province of Bolzano have carried out several activities to support the integration process of the migrant population. In particular it is noteworthy the pioneering work of the Province of Bolzano regarding intercultural mediation. However, until the 2011 integration law, South Tyrol did not have a comprehensive local approach to integration policy. Except for the important, but temporary, experience of the *Osservatorio* and the activities of the *Servizio* with its initial difficulties, the Province was mainly characterized by a patchwork of various public actors, institutions, and offices that dealt with migration issues and interacted with the migrant population without being subjected to specific common general guidelines and supervision. The separation among ethnic-linguistic lines that characterized South Tyrol’s institutions in the sectors of culture, and especially education, has not helped in this regard. In fact, because of the different experience with the migrant population, Italian-language schools and German-language schools seem to pursue their own line of action, focusing on different aspects. The German-language school rely mainly on the *centri linguistici* and with the Italian-language school having created its own sub-units for intercultural education. At the same time, the fact that migration is a common issue for all the South Tyrolean traditional groups seems to encourage transcending in part the institutional linguistic divisions in the education sector.

This institutional patchwork in the area of migration that characterized the Province of Bolzano may have caused variations in the ways migrants were included in South Tyrol society. It is difficult to highlight the main elements of South Tyrol integration policies. One of the factors that sticks out is language issues, as happens in many other countries and areas that have
experienced migration. As showed above, several actions carried out in South Tyrol involve the linguistic sector, with multiple courses and opportunities offered to the migrant population by various provincial offices. Language is considered a key element for migrants’ social inclusion. As said by L. Gnecchi, former Provincial Minister for Labour and Professional training, “the knowledge of at least one of the three languages spoken in our Province represents a fundamental assumption for social integration; having sufficient language skills also increases employment opportunities.” In 2006, the provincial government created a program of action to favour the learning of Italian and German languages among the migrant population. In light of the importance given to linguistic integration, some of the language courses were offered for free, a fact that causes complaints that the local population is disadvantaged in comparison to migrants because they have to pay for language classes. Interestingly, sometimes the administration raised the point that preserving the migrants’ original languages is also important. As written in a statement of the office for Italian professional training, “losing a language … is like losing a culture and the identity of its population … mother tongue will be an always more pressuring problem for the new citizens, who after a couple of generation risk forgetting their original language.” However, the task of fostering migrants’ original languages has been carried out only by the work of intercultural mediators and some projects developed by Italian-language schools. South Tyrol policies of linguistic integration have focused much more on the learning of local languages.

In the next part I will show the modifications introduced by the new South Tyrol migration law enacted at the end of 2011 on the Province’s institutional framework and approach to integration policy.

376 Consiglio della Provincia Autonoma di Bolzano, “Lavori Consiglio: Legge sull’integrazione,” supra. It is necessary to keep in mind that for migrants the knowledge of the Italian language is linked to having a legal status; thereby it is necessary to put migrants in the conditions to comply with this obligation.
As noted, the Province of Bolzano/Bozen - South Tyrol is one of the few Regions/Provinces of Italy that, until few months ago, had not enacted a local law on migration. To be sure, various pieces of legislation regarding migration have been debated for several years. In particular, in 2004, Luisa Gnecci, who was the Vice-president of the Province and Assessore (Provincial Minister) for the Italian-speaking School, Labour, Innovation, Research, Cooperation, and Professional Training with competency over migration issues, created a working group that drafted various bills for a South Tyrol law on migration, including a 2006 bill on “Policies of inclusion of foreign citizens.” However, none of these bills were ever approved or presented in the Provincial Parliament to be debated.

At last, in March 2011, Roberto Bizzo, the new Assessore for Innovation and Cooperative Development, Finance and Budget, Labour, and Informatics, with competency over migration issues, presented another bill for a provincial law on migration. This time the bill was approved by the “Giunta provinciale” (the executive body of the South Tyrol government) and at the end of the summer of 2011 it came under discussion in the Consiglio provinciale (the Provincial Parliament). After a long and heated debate, postponements, 256 amendments, late night meetings, exchange of accusations among political representatives, and confrontations among politicians and representatives of migrant associations outside the Provincial Parliament, the law was finally enacted on 28th October 2011. After its enactment the Italian State considered some provisions of the law problematic and appealed to the Italian Costitutional Court. The Court declared these provisions unconstitutional.

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With this law the Province attempts to harmonize the various pieces of legislation dealing with the migrant population and provide for some new governance tools.\textsuperscript{381} However, as showed below, the law does not comprehensively tackle the matter of migration and its consequences for the South Tyrol society. Two main aspect of the law should be emphasized. On the one hand, the law mirrors a defensive attitude and seems to focus mainly on limiting the economic and social consequences of migration, restraining migrants’ access to social services (before the ruling of the Italian Constitutional Court) and emphasizing the learning of the local language and culture. On the other hand, the law recognizes that migration issues combine with the peculiar character of South Tyrol and the presence of traditional groups, by linking measures for migrants’ integration with linguistic politics. However, the law does not further handle how the presence of migrant communities challenges the South Tyrol system to protect traditional minorities and the rigid separatism among the groups that characterizes it. Below I will analyze in detail the Provincial law.

In line with the division of competencies between the central State and local entities, the law, called \textit{Integrazione delle Cittadine e dei Cittadini Stranieri} (Integration of Foreign Citizens), deals mainly with “integration policy” (procedures governing the conditions provided to foreign migrant residents and the integration of the migrant population in the hosting country) and does not regulate “migration control policy” (rules governing the admission and selection of foreign migrant). There are three exceptions. First, the law favours the permanency of migrants who have degrees and do internships or collaborate with research institutes (art. 13.3). As explained by Bizzo, one of the goals of this norm is to avoid the scenario in which migrants who graduate from universities (also from the local university), will be forced to leave.\textsuperscript{382} Through this measure the Province aims at encouraging high skilled migrants. However, the law is vague and does not clarify how this objective will be achieved. The law also supports the arrival of migrants for the purpose of scientific research, as requested by EU norms (art. 13.3); this last disposition was declared unconstitutional.\textsuperscript{383}

\textsuperscript{381} Provincia Autonoma di Bolzano, Dipartimento innovazione, informatica, lavoro, cooperative, finanze e bilancio, “PM – Immigrazione ed integrazione dei cittadini stranieri immigrati.”
\textsuperscript{383} Italian Constitutional Court, ruling 2/2013, January 14, 2013.
Second, the law specifies that the process of family reunification needs to respect the health-hygienic and housing requirements and income criteria established by the Province (art. 12,4), which are more restrictive in South Tyrol due to the general higher standards of living when compared to the rest of Italy. When discussing the law, L. Durnwalder, the President of the Provincial government, pointed out that these sectors were the only areas in which the Province could influence the process of family reunification, whose competencies remain in the central government in Rome. The norm is related to the will expressed by the South Tyrolean government to avoid abuse of the process of family reunification due to the fact that the Province offers generous services for elderly and not self-sufficient persons, which are considered a magnet for migrants. Linking the process of family reunification to the Province’s higher standards regarding health-hygienic and housing requirements has a restrictive effect on the arrival of migrants for family reunification reasons.

However, the Italian government has considered this provision an overstep of national law and appealed to the Italian Constitutional Court, which found this provisions uncostitutional. Interestingly, during the drafting of the provincial law provincial officers were aware of this problem; even Durnwalder recognized it, saying that “we cannot deny family reunification to those who do not respect our criteria.” Yet, the norm was still included in the approved law. Thus, it seems that, in this specific matter, the Province wanted to see how much it could legislate independently from the national framework. As said by Durnwalder, facing the division of competency between the European Union, the State and the Province, “it is clear what we want, we need to understand where we can arrive.”

387 A draft of the law that the author received by a provincial employer has a specific note on this article which sais to be careful because the article is partially against the national law on migration which establishes different income criteria. Instead, regarding the health-hygienic and housing requirements the note seems to imply that there are not problems because they are complied by the provincial decree DPGP 22/1997 on hygiene and health standards.
388 Provincia Autonoma di Bolzano, Servizio Stampa, “Dalla Giunta: in dirittura d’arrivo,” supra. Translation by the author. Rather than denying family reunification Durnwalder stated that those who do not respect the provincial criteria will be penalized in the ranking to receive public benefits, such as social housing. However, the law does not include such a provision.
Third, the law lists as one of its goals the linking of the migratory flux to the needs of the labour market and the socio-economic development of South Tyrol (art. 1.3); in line with the national legislation, which, as saw in Part II, links the number of migrants admitted in the Italian territory to data regarding the labour demand of the country and the optional reports by regions and autonomous Provinces on the capacity of inclusion of their society and economy. However, in the provincial law there are no further explanations or references regarding how to implement this goal. There are no measures to determine and regulate the quantity of the migrant population. Instead the attention is on the desired skills of the migrants already in the territory. The law includes measures to check these skills in order to adapt them to the needs of the South Tyrolean economy through training and courses for professional development (art. 13).

As referenced in Part I, many South Tyrolean parties demand an increase in the jurisdiction of the Province concerning control of migration. Although some of its members are more realistic about it and more aware of the provincial limits, even the South Tyrol government has expressed this will. This issue was raised during the various discussions for a provincial migration law. However, it seems that in the end there was not the desire in the local government to further push the central government in Rome on this issue; or there was the recognition that the central government would take steps to defend its powers, as showed by the appeal against article 12 of the Provincial integration law on the requirements for family reunification; or finally there was the awareness that it is a lost battle because local control of the migration flux is impracticable. Thus the local government has chosen to focus on monitoring the skills of the migrants already living in South Tyrol.

The law focuses on establishing the integration policy of the South Tyrol government, by promoting and regulating the integration of the migrant population. When he presented the act, Bizzo expressed how the presence of migrants in South Tyrol has become a “structural element” of society, requiring policies for their social and economic inclusion.390 Thus the law reflects the awareness that migrants are not a temporary phenomenon but are in South Tyrol to stay.

According to the law (art. 1.3) the objectives of the Provincial government in matter of migration are to:

• provide information regarding rights and duties of the migrant population;
• pursue the knowledge of the official South Tyrolean languages;
• pursue the reciprocal comprehension of cultural differences and knowledge of local history and culture in order to favour the process of integration;
• promote the participation of the migrant population in local social life;
• eliminate inequalities and discriminations in order to guarantee equal opportunities and fight racism;
• pursue the homogenous social inclusion of migrants, avoiding the creation of ghettos;
• allow migrant access to the welfare system and public social services;
• calibrate the migratory flux to the needs of the labour market.

To implement these objectives the law provides for a more stable institutional framework for the Province of Bolzano. However, the act does not set up and specify many new institutions. According to Bizzo, this aspect is the result of a flexible approach and the desire to avoid creating too much bureaucracy. See ibid., p. 3. Critics of the law point out that this decision remains a weakness of the law and reflects the desire of the government to avoid dealing with and investing resources in the phenomenon of migration.

According to the law, the Giunta provinciale (the executive body of the Provincial government) will approve a Programma pluriennale sull’immigrazione (Multi-year Program on Immigration) that will establish priorities and activities, implementing and managing the processes and the financial resources (art. 4). An unspecified Assessore (Provincial Minister) who is responsible for providing the political orientation in matters of migration will design the Program after hearing the opinion of the Consulta provinciale per l’immigrazione (see below). As referenced in Part II, the Assessore who has responsibility over labour issues (and has also drafted the law) has a general competency on migration. Thus the law probably refers to this Assessore (who at the moment deals also with Innovation and Cooperative Development, Finance and Budget, and Informatics, in addition to Labour). The vagueness of the law is perhaps due to the fact that the denominations of the Assessore and the distribution of

391 Ibid., p. 3.
competencies among them change with the different legislatures. However, the law does not exclude the possibility that the Multy-year Program could be the responsibility of an *Assessore* dealing with social rather than labour issues, or that in the future, there will be an *Assessore* for Migration.

Additionally the law identifies three main institutions to deal with migration: the existing *Servizio di Coordinamento Immigrazione* (Service for the Coordination on Migration), described in the previous section; a new *Centro di tutela contro le discriminazioni* (Centre against discrimination); and a new *Consulta provinciale per l’immigrazione* (Provincial council for migration). One deals with administrative and internal departmental coordination, another deals with the issue of fighting discrimination (in general for the entire population), and the last deals with collaboration with migrant communities and other actors.

The *Servizio di coordinamento immigrazione*, which the law leaves inside the Ripartizione Lavoro (Provincial Bureau of Labour), is created for coordinating the measures provided by the law (art. 3). The *Servizio* will give uniformity to the programs implemented in the various sectors – labour, culture and so on.\(^{393}\) As described by Bizzo, the *Servizio di coordinamento* should create a network of operators and private and public services to exchange information regarding integration.\(^{394}\) In this regard, the law dictates that the executive bodies of the South Tyrolean municipalities should identify who among their members deals with the integration of migrants. An initial draft of the law defined in fourteen points the tasks of the *Servizio di coordinamento*;\(^{395}\) however, in the final version of the law a description of the functions and activities of the *Servizio* was delegated to future rules of implementation (see below).

Also inside the Ripartizione Lavoro the *Centro di tutela contro le discriminazioni* (Centre for the protection against discrimination) was created to fight discrimination (art. 5). It has the following tasks: to monitor cases of discrimination, allow reporting them, provide assistance to the victims, and, when requested, provide proposals and opinions on laws, and administrative rules on the matter. The *Centro* is not specifically an institution for migration issues. It deals not only with types of discrimination that usually plague the migrant population, such as racial,


\(^{394}\) Consiglio della Provincia Autonoma di Bolzano, “Relazione accompagnatoria,” *supra*.

\(^{395}\) Consiglio della Provincia Autonoma di Bolzano, “Relazione di minoranza,” *supra*. 
ethnic, linguistic, national and religious ones, but with any forms of discrimination, including gender, sexual orientation and disabilities. As clarified by Bizzo the creation of the Centro was requested by EU law; moreover, as mentioned in Part II, it is required by the national legislation. The specific mode of operation of the Centro is not defined by the law, and was delegated to future rules of implementation.

Finally the law dictates the establishment of the Consulta provinciale per l’immigrazione (Provincial Council for migration), an instrument for allowing the consultation and participation of migrant communities and other stakeholders in the management of migration (art. 6). The creation of councils at the communal level is also encouraged. Appointed by the Giunta provinciale, the Consulta provinciale provides opinions on any topic involving migration and suggests proposals regarding the Multi-year Program and for adapting provincial laws to the needs and issues related to the phenomenon of migration. Members of the Consulta are an (again) unspecified Assessore responsible for migration, who is the President, four representatives of the Province, one representative of the Police and the Commissariato del Governo (the office representing the central State in the Province), one representative of the main unions, one representative of the business organizations, two representatives of the municipalities, one representative of the volunteering associations and eight persons representatives from the migrant population. The representatives of the migrant population are chosen after consulting the migrant communities. The Consulta meets twice a year or at the request of half of its members. The specific procedures for the nomination of the Consulta and the rules of its meeting are postponed to rules of implementation. As described by Bizzo, the Consulta is not a decision-making body. Instead it is created to guarantee the representation and participation in the public life of the migrant population and it is understood as an advisory body that offers an institutional communication channel between migrant communities and the administration.

In the Consulta the migrant population encounters the South Tyrol system of protection of traditional minorities. In describing the composition of the Consulta, for the first and only

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397 The provision regarding the representative of the Police and the Commissariato was considered unconstitutional by the Italian Constitutional Court; thereby in the Consulta there is not such a representative. Italian Constitutional Court, ruling 2/2013, supra.
time the law explicitly includes an interaction between this system and policies towards the new minorities composed by the migrant communities. Like other political institutions in South Tyrol, the Consulta is subjected to ethnic/linguistic criteria. Except for the persons representing the migrant population, the composition of the Consulta needs to reflect the consistency of the official South Tyrolean linguistic groups, as requested in all Provincial political institutions.

Beside these three main organs, the law recognizes other auxiliary institutions concerned with promoting integration. First, schools are considered a key element for the integration of first and second generation migrants (art. 14), through educating, as stated by Bizzo, the principles of reciprocal respect and cohabitation. Moreover, the law emphasizes the importance of the extracurricular activities of the Servizio giovani (Youth service, the provincial office inside the Italian and German Bureaus of Culture that sustains youth cultural activities and participation in the society) and the provincial centri linguistici (linguistic centres) that work inside the German, Italian, and Ladin schools to support the integration of migrant pupils (art. 7 and 14). According to the law, linguistic centres favour language learning and provide linguistic classes. Moreover, they elaborate intercultural education projects in collaboration with the Servizio Giovani and mediatori culturali (intercultural mediators – see below). The Bureaus of Culture are also mentioned in the law as being responsible for activities for the education of the adult migrant population and their linguistic and cultural integration (art. 7).

Last, the law refers to the non-profit sector and its role in the management of migration. It recognizes the importance of associations that deal with the migrant population for the process of linguistic and cultural integration, and encourages the use of the mediatori interculturali (intercultural mediators - described in the previous section), in order to improve the relationships between migrants and local authorities and institutions (art. 9). The law also mentions intercultural mediators regarding the development of intercultural projects in schools (art. 14). Bizzo highlighted in particular the role of intercultural mediators in the school and health sectors. As pointed out by Mamadou Gaye, a member of an association for intercultural mediation, in the past the Province had invested several resources in the formation of intercultural mediators. To valorise their role and promote their systematic employment by the

South Tyrolean administration, the law provides for the establishment of a list of recognized intercultural mediators. The maintenance of this list, together with guidelines for the use of intercultural mediators, is postponed until future rules of implementation of the law.

Regarding the rules of implementation of the law, various working groups were created to define these rules, which started to work in the Fall 2011. Specifically, there were four groups working respectively on: the Servizio di coordinamento immigrazione, the Centro di tutela contro le discriminazioni, the Consulta provinciale per l’immigrazione and the intercultural mediation. The working groups were composed by representatives of various provincial offices, unions, associations, and academic institutions, including the European Academy of Bozen/Bolzano (EURAC), which allows for a great participation of the civil society in the elaboration of the implementation rules.

The table below summarizes the institutional framework created by the law.

<table>
<thead>
<tr>
<th>Organ</th>
<th>Concern</th>
<th>Main functions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unspecified Assessore</td>
<td>Political orientation</td>
<td>Design Multi-year Program</td>
</tr>
<tr>
<td>Servizio di coordinamento immigrazione</td>
<td>Administrative and interdepartmental coordination</td>
<td>Collect information and other activities to be specified in implementing rules</td>
</tr>
<tr>
<td>Centro di tutela contro le discriminazioni</td>
<td>Fight against discrimination</td>
<td>Monitor and provide assistance</td>
</tr>
<tr>
<td>Consulta provinciale per l’immigrazione.</td>
<td>Collaboration with migrant communities and other involved actors</td>
<td>Encourage consultation and participation</td>
</tr>
<tr>
<td>Auxiliary bodies (Schools, Youth Service, linguistic centres, Bureaus of Culture, associations, and intercultural mediators)</td>
<td>Promotion of integration</td>
<td>Favour language learning, intercultural projects, and relationships between migrants and authority</td>
</tr>
</tbody>
</table>

Two main elements characterize this institutional framework. First, it reflects a top-down approach in which the government makes decisions in matters of migration without giving much
credence to the voices coming from the migrant communities or the society. Second, the law provides for the creation of a weak institutional framework, with many aspects, such as the functions of the Servizio di coordinamento, left to be decided by the implementation rules. These elements were criticized in a 2011 meeting with social organizations organized by the government to discuss the migration law and during debates in the legislative commission in the Provincial Parliament.

Regarding the first element, the migrant population is not given autonomy and has a limited role in the management of migration issues. Migrants are a minority in the Consulta (although they can be a majority if persons with migrant background are elected as representatives of associations or unions – as happened), being therefore unable to convene it, and the opinions of the Consulta can be ignored by the government without explanation. Moreover, the law does not specify how to enhance the role played by associations. This role was not even mentioned in the first drafts of the law, according to Bizzo, in order to avoid separation between the local population and migrants in the arenas of associationism, and processes of ghettoization. Finally, Bizzo considered the Multi-year Program the result of a shared process because it would require hearing the Consulta; some critics pointed out that a proposal to develop the Program after consulting various entities such as municipalities, school and health system representatives, and associations, was rejected.402

Regarding the weakness of the institutions established by the law, the institutions are subordinated to the administration, lacking independence. Some detractors of the law would like to see the Servizio transformed into an independent office rather than be dependent on the Ripartizione Lavoro. Bizzo defended this decision saying that it is due in large part to “employment being the key element of migration” since in Italy resident permits are linked to it and the Ripartizione Lavoro has the most resources and competencies.403 The establishment of the Centro di tutela contro le discriminazioni inside the Ripartizione Lavoro is also criticized because discrimination is not unique to labour issues, with many cases of discrimination

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involving the public administration. In order to separate the controller and the controlled there was the suggestion, to move the Centro into the Difesa civica (the provincial office that protects the public and deals with and mediates conflicts between citizens and the public administration); suggestion that was also rejected. 404 Moreover, the inclusion of the Servizio and the Centro inside the Ripartizione Lavoro reflects an understanding of migration as being mainly an economic issue rather than a social one. Accordingly, migrants are mainly a workforce necessary for the economic development of South Tyrol rather than human beings with social concerns.

The law also provides for the guiding principles of the process of integration and social inclusion of the migrant population in South Tyrol. The act briefly defines integration as a “process of exchange and reciprocal dialogue” and it states that the Province of Bolzano “favours the reciprocal recognition and valorisation of the cultural, religious and linguistic identities, aspiring to the principles of equality and freedom of religion” (art. 1). Moreover, one of the objectives of the Provincial government is to pursue the reciprocal comprehension of cultural differences (together with the knowledge of the local history and culture) in order to promote integration. While presenting the bill, Bizzo further elaborated on the concept of integration as being the gradual and reciprocal process through which both migrants and the hosting society affirm, recognize, and share the same fundamental values of democracy, human life, childhood, person’s freedom and dignity, and respecting the rights and duties of all citizens. 405 Bizzo referred to the history of South Tyrol and the fact that South Tyrol is a territory characterized by contact among various cultures, which he considers a positive element that should help with the integration of the migrant population. 406 This historical reference seems to suggest that the presence of traditional minorities can favour a pluralistic approach to migration: an approach in which integration is a dialogical process that does not rest only on the shoulders of the migrant population, and where migrants are not simply requested to adapt and disappear into the hosting society, but they are seen as an enrichment the hosting society.


The mentions of a “process of exchange and reciprocal dialogue” and “reciprocal recognition and valorisation” were not included in the first draft of the law. These expressions are the result of the debate in the legislative commission and criticisms by the Verdi-Grüne-Vërc Party. In the law, these concepts are developed through the intercultural education projects carried out in schools by the centri linguistici (linguistic centres), mediatori culturali (intercultural mediators) and Servizio Giovani (Youth Service). Another measure of the law requires the Province to promote the professional training of teachers in regards to intercultural education (art. 14.7). Apart from these measures and the general guarantee provided for in art.1, the law does not include further specific actions for sustaining the maintenance of migrants’ mother tongues, customs, or guaranteeing the practice of their religion. Neither are there measures to provide information in migrants’ language when interacting with the public administration. A reference to migrants’ mother tongue included in the original drafts of the law disappeared in the final version. Yet, the task to valorise migrants’ culture and language could be carried out by the civil society through the work of migrant associations. The law recognizes the role and importance of associations that deal with the migrant population for the process of linguistic and cultural integration.

In addition to providing for the valorisation of migrants’ identity, the law highlights the needs of the hosting society. As stated by Bizzo, the goal of the migration law is to “to favour the economic development of South Tyrol and the social cohesion between migrants and the local population.” He further specifies that the inclusion of migrants needs to protect the “history, culture and tradition of the local population.”\(^{407}\) To obtain this goal the process of integration defined in the law is based on four principles/elements:\(^{408}\)

- the principle of “to promote and demand” regarding rights and duties
- the knowledge of the local languages and culture

\(^{408}\) The principles of “to promote and demand,” the linguistic knowledge of the local language and culture, and the principle of gradualism were indicated by R. Bizzo as the main general principles of the law when he presented the first draft. He also adds monitoring the labour market to verify the demand for foreign workers. The law approved maintained the general framework of the draft and reflects these principles. See Consiglio della Provincia Autonoma di Bolzano, “Relazione accompagnatoria, supra; and “Costruiamo una vera convivenza,” supra.
• the principle of gradualism to regulate access to public and social services which are subordinated to the criterion of residency
• the need to avoid processes of ghettoization

The concept “to promote and demand” is not mentioned explicitly in the law, but it was used by Bizzo in his presentation of the draft of the law.409 As stated previously, it is the title of a document of the SVP summarizing the party’s approach to migration and integration. According to this principle, a key element of integration is the fact that migrants should know both their rights and duties vis-à-vis the hosting society. As pointed out by R. Dello Sbarba, (member of the commission that worked on the bill for the Verdi-Grüne-Vërc Party) promote and demand principle was not included in an initial draft of the bill. It was added later, between 2010 and 2011, from a law of the German Lander Bavaria. It drastically changed the bill.410 At the beginning of 2011, the bill was partially rewritten, in order, to “spell out, black on white, not only the part regarding the rights of migrant citizens, but also the part regarding the duties,” as said by L. Durnwalder.411

The “promote and demand” principle has received many criticisms. It has been argued that the principle implies that the process of integration is mainly a responsibility of the migrant population. The emphasis is placed on the “demand” part. In this view migrants must adapt to the hosting society. The hosting society does not have to take specific actions to accommodate the specific needs and cultural diversity of the migrant population. According to the criticisms, the principle means that if conflicts between migrants and the hosting society arise, they are the result of the incapacity of migrants to adapt rather than representing a common social problem.412

Living aside these criticisms, the other part of the principle is to “promote.” According to a provincial document that presented the law and the Province’s principles of integration, the society has the task to respect democratic values of equality and solidarity, erase discriminatory attitudes, provide a clear normative framework and offer equal opportunities. Specifically, the

emphasis is on investing in the education and training of young migrants in order to avoid feelings of exclusion and frustration among the second generation.\textsuperscript{413} In addition, L. Durnwalder has highlighted the need for the local population to be aware of the situation of migrants.\textsuperscript{414} The law provides for measures to fight discrimination, promote the linguistic and cultural integration of the migrant population, sustain its permanent education and formation, promote processes of information and sensitization and counselling activity for both migrants and the local institutions, encourage intercultural mediation, regulate intercultural education, provide for migrant adult training, and guarantee equal access to the health system. In addition the law regulates migrants’ access to public service, public housing, school and university (although introducing some restrictions for the migrant population – more below).

Regarding the duties of the migrant population, L. Durnwalder stated, when the initial draft of the bill law was being discussed, that migrants “have the duty to work, pay taxes and respect our peculiarities.”\textsuperscript{415} Bizzo further specified: “we believe that it is fair that for a real integration” migrants have “the commitment and the will to know the land that gives them hospitality, the language, the new customs and norms of life that characterized it (the land).”\textsuperscript{416} In line with Bizzo’s statement, the law emphasizes the knowledge of the languages and culture of South Tyrol. Indeed, language and culture are considered the main elements for the migrants’ social inclusion.\textsuperscript{417} As specified by Bizzo, one important goal of linguistic and cultural integration is that migrants know the fundamental values of South Tyrol, its history, culture, and political institutions in order to be able “to identify with the new context and favour the collective well-being in the new community.”\textsuperscript{418}

With this focus on the knowledge of local languages, history and culture, the provincial law goes beyond what is provided for the national legislative framework.\textsuperscript{419} According to the law, the Province promotes and organizes activities to favour the linguistic and cultural

\begin{thebibliography}{9}
\item Provincia Autonoma di Bolzano, Dipartimento innovazione, informatica, lavoro, cooperative, finanze e bilancio, “PM – Immigrazione ed integrazione,” \emph{supra}.
\item Provincia Autonoma di Bolzano, Servizio Stampa, “Dalla Giunta: in dirittura d’arrivo,” \emph{supra}.
\item \textit{Ibid.} Translation by the author.
\item “Costruiamo una vera convivenza,” \emph{supra}. Translation by the author.
\item Consiglio della Provincia Autonoma di Bolzano, “Relazione accompagnatoria,” \emph{supra}, p. 5.
\end{thebibliography}
integration of the migrant population (art. 7). Moreover, the provincial law lays out explicit measures for the learning of local languages, such as training programs for migrant adults that focus on acquiring professional skills, as well as, linguistic proficiency and extracurricular language classes for migrant students, which are mandatory for migrant pupils with limited knowledge of the language of instruction used by schools (art. 13.2 and 14.6). Although not mentioned explicitly the law could be interpreted as requiring courses on local culture, as suggested in provincial documents.  

Through its emphasis on learning the local languages and culture, the law recognizes that migration interacts with the peculiar characteristics of South Tyrol. The social inclusion of migrants in South Tyrol involves linguistic and cultural politics, requiring specific additional measures to protect the traditional groups and their diversity. As declared by Durnwalder, “foreigners should know that the Province of Bolzano is a territory with peculiar characteristics, and in order to integrate in the society it is good to know and respect them.”

The peculiar characteristics of South Tyrol require extra-measures in the area of language and culture for the integration of the migrant population.

This emphasis on learning the local language and culture has a problem. The law does not specify how to enforce this goal; nor are there incentives to encourage enforcement. Why should migrants attend language and cultural classes? What happens if they do not? The law mainly relies on the goodwill of the migrant population and the personal interests of the migrants to learn the local languages and culture. Some proposals were presented to address this issue. As said in Part II, Italian law and the so called accordo di integrazione require migrants to learn the Italian language in order to have resident permits for one year or longer and the Permesso di soggiorno CE. During the initial drafting of the provincial law the idea of having migrants learn the German language as an alternative was proposed. Studying German, while also knowing Italian would have been linked to the resident permit. Since the Italian government opposed this

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421 This link was developed by Ricard Zapata-Barrero in relation to migration politics in Catalonia. See Ricard Zapata-Barrero, “Building a Public Philosophy of Migration in Catalonia,” in Migration and Self-government of Minority Nations, ed. Ricard Zapata-Barrero (Brussels, Belgium: P.I.E. PETER LANG s.a., 2009), p. 138.


idea, mainly because resident permits are valid in the entire country, the approved provincial law did not include this proposal. Moreover, in the discussion of the bill, there was also a proposal to link Italian and/or the German language tests to access to some provincial social services and contributions. This idea was also discarded because, as recognized by Roberto Bizzo, it was discriminatory and could be appealed in court successfully.\textsuperscript{424} The final approved law did not include any enforcement measures.

A provincial document discussing drafts of the law (and Bizzo in a January 2011 interview) referred to the knowledge of “one of the two principal languages of the Province.”\textsuperscript{425} In the development of the law this expression disappeared and the approved law refers more neutrally to the knowledge of the official languages (using the plural form) of the Province. It is not stated clearly whether migrants are encouraged to learn one or all languages of South Tyrol. It should be repeated that the national legislation through the accordo d’integrazione (requirements for integration that migrants need to fulfil in order to remain in Italy) and the Italian language test to obtain the Permessosoggiorno CE already made learning the Italian language mandatory. Consequently, the neutral expression of the Provincial law refers to the learning of the German language (and/or also the Ladin language). This change in the terminology restates that, according to the South Tyrol system to protect minorities, the Province of Bolzano is a bilingual entity.

Respecting their duties and learning the local language and culture does not guarantee migrants will enjoy the same rights of the local population. Regarding the access to social and public services the law contains some measures that discriminate towards the non-EU migrant population. In this sense the Provincial law follows the trend that has characterized the national legislation since the enactment of the so-called Bossi-Fini law in 2002; and differs from more liberal laws enacted by some Italian regions, which have recognized migrants access to services denied by the national law and have been the object of rulings by the Italian Constitutional Court (as presented in Part II).\textsuperscript{426} The Provincial law distinguishes between basic essential services and economic services. The latter can be limited based on the criterion of various years of residency

\textsuperscript{425} Provincia Autonoma di Bolzano, Dipartimento innovazione, informatica, lavoro, cooperative, finanze e bilancio, “PM – Immigrazione ed integrazione,” supra. See also an interview made by Bizzo in: “Costruiamo una vera convivenza,” supra. Translation by the author.
\textsuperscript{426} EU regulations also do not guarantee migrants fully equal treatment.
because, according to Bizzo, they require high degree of integration and roots in South Tyrol;\textsuperscript{427} this criterion was declared unconstitutional by the Italian Constitutional Court.\textsuperscript{428}

Migrants (both documented and undocumented) are guaranteed access to schools, contributions for mandatory education and the health system (art. 11 and 14).\textsuperscript{429} Instead, before the ruling by the Constitutional Court, access to economic social services and public contributions to attend universities required five years of residency (art. 10.2 and 14.5).\textsuperscript{430} There was also a discussion regarding requiring three years of employment, but the approved bill did not include this added criteria.\textsuperscript{431} Public contributions for housing are specified as being non-essential and are subjected to the criteria established in the provincial laws (art. 12), which require five years of residency and three years of employment.\textsuperscript{432}

In essence, this is the principle of gradualism: migrants need to show their attachment to the territory before enjoying full social rights. This principle also reflects the intention to avoid abuse of the generous South Tyrolean social and public services, and the concern that many migrants come to South Tyrol because it provides higher social contributions in comparison with other Italian regions. As said by L. Durnwalder, “many migrants … arrive in South Tyrol because it is possible to receive higher social benefits in comparison to the rest of Italy: this is a message that should not be sent any longer.”\textsuperscript{433} The criterion of residency is the tool to stop the message.

The principle of gradualism was a problematic aspect of the law. The principle and Durnwalder’s statement imply an understanding of a migrant as taking advantage of public services and representing a high social-economic cost for the hosting society – a cost that will be reduced by the principle of gradualism. However, when presenting the law, Bizzo emphasized that migrants produce more wealth and pay more taxes compared to the services they receive and

\textsuperscript{427} Consiglio della Provincia Autonoma di Bolzano, “Relazione accompagnatoria,” supra.
\textsuperscript{428} Italian Constitutional Court, ruling 2/2013, supra.
\textsuperscript{429} Regarding the health system, the proposal specifies that the Province of Bolzano promote actions to contrast female mutilation.
\textsuperscript{430} Five years of residency are also required for contribution to attend schools outside the Province of Bolzano. For financial support to attend the University of Bolzano the requirement is reduced to one year of residency. The law includes the possibility for exemptions to the criterion of residency; these exemptions are not defined.
\textsuperscript{431} Antonella Mattioli, “Stranieri: in Alto Adige regole piu’ severe per le prestazioni sociali,” Alto Adige, January 10, 2011.
\textsuperscript{432} Moreover, regarding housing the law asks employers who hires migrants to present documentation regarding the housing situation of their migrant workers.
sustain the retirement system of Italian citizens. In this case, it is not clear why migrants should be temporarily deprived of social rights. Moreover, the law had a contradiction. On the one hand it refers to the need for reducing cases of social distress and marginalization (art. 10.1); on the other hand, before the ruling of the Constitutional Court, it excluded migrants from those economic social services that are significant in reducing such distress and marginalization.

The principle of gradualism and the criterion of residency to access social services seem discriminatory. Indeed, some doubts about this aspect of the law were raised in the Provincial Parliament. The Italian government has appealed to the Italian Constitutional Court against this part of the provincial law, especially the article 10.2 (on the five years of residency for accessing economic social services), because it is considered unconstitutional and could cause discrimination, exceeding the power of the Province. The Italian Constitutional Court, which has already rejected a similar local law enacted by another Italian region (see Part II), stated that the criterion of residency for several years is against the principle of reasonableness and equality and declared unconstitutional the provinsions that mentioned it.

The last principle of the process of integration defined in the law is the intention to avoid the creation of ghettos, especially in schools. As said by L. Durnwalder, “we do not want parallel societies between South Tyroleans and migrants.” Regarding schools, the law clarifies that migrant pupils should be separated as little as possible from the rest of the classes when taking language courses. The law also provides for the functional distribution of migrant pupils with linguistic problems, namely that migrant pupils should not be concentrated in specific schools and classes (art. 14.7), which, as mentioned in Part II, is mandated by the national legislation. Moreover, as said by Bizzo, the law aims to avoid the creation of migrant neighbourhoods; however the law enacted does not explicate specific tools to obtain this goal.

As a final provision, the law allocated €50,000 in 2011 for the activities it envisaged (art. 17). This amount has been criticized for being grossly insufficient and reflecting the will of the Province to deal only with the phenomenon of migration without any real investment of

435 Stranieri, legge bloccata,” supra.
436 Corte Costituzionale della Repubblica Italiana, ruling n. 40/2011
resources. However, since the law was approved at the end of 2011, this allocation was only for the final few months of the year. The future budget of the Province might provide greater financial resources.

Bizzo defined the law as “balanced and moderate,” with members of the government celebrating having delivered the legislation. However, outside of the government, the law is seen as a weak piece of legislation that postpones many issues. Indeed, the enactment of the law was troubled and the law is the result of a compromise between progressive and conservative political forces, which debated intensely during the drafting and approval of the law. As a result, the law was criticized along the entire political and societal spectrum. Progressive political forces, unions, associations, and migrant representatives criticized it for not favouring true integration and being dictated by fear of migrants, while right-wing parties considered it too weak and permissive towards migrants. The law has been defined as a “ridiculous law,” an “inconsistent law,” and an “empty box,” which is useless, except for that South Tyrol finally has a migration law.

Bizzo, after pointing out that migrants are a positive element for South Tyrol and are essential for its economy, stated that the law was based on the spirit of hospitality and aimed at managing migration in order to transform it into an opportunity for growth rather, than a problem. However, for progressive forces, like the Verdi-Grüne-Vërc Party, the law does not guarantee full integration; it is only a starting point.

The law seems to have a defensive nature. It aims to defend the South Tyrolean culture from external contaminations, while also protecting South Tyrolean wealth and its generous welfare system. The bill creates a weak institutional framework in which migrants do not have much voice. Moreover, it lays the foundation for a process of integration that weighs mainly on the shoulders of the migrant population, whom are demanded several duties. Migrants are not

encouraged to valorise their diversity. They need to learn and adapt to the South Tyrol society without being noticed and costing money. At the same time, the bill doesn’t offer migrants rights or opportunities to allow them to participate and contribute to the society. Instead, it treats migrants as a workforce with an inferior status, creating, before the ruling of the Italian Constitutional Court, obstacles for equal access to rights.\textsuperscript{443} The law does not seem to be grounded in the spirit of hospitality, as claimed by Bizzo, and it is not clear whether migrants are treated as a problem or an opportunity.

However, the law also has measures in favour of the migrant population, for example those aiming at fighting discrimination, and includes few provisions regarding intercultural education. Bizzo has defended the law, pointing out that its goal is to provide guiding principles rather than substantial measures. According to Bizzo, the law eliminates distinctions between migrants and locals because it does not differentiate between citizens and undocumented migrants in reference to access to basic essential services.

It is interesting to point out that the law diverges from previous law proposals discussed in the mid-2000s in South Tyrol. The philosophy that guided these proposals, which involved all the public and private stakeholders dealing with migration issues, focused on emphasizing people’s social and economic rights. As summarized by L. Gnecchi, the former provincial Minister who at the time sponsored the drafts, the main goals were “recognizing equal opportunities to migrant citizens like locals, fighting any form of racism and discrimination, and valorising the different language and cultures that are in the provincial territory.”\textsuperscript{444} Moreover, the contribution of migrants to the hosting society and the fact that their arrival was necessitated by the local economy were emphasized. However, this philosophy has not produced a bill that was approved, and it was abandoned for the most part in the South Tyrol migration law.

Despite the limitations of the law it is necessary to point out that during the process of developing the Provincial migration law and the debates in the Provincial Parliament, much more

\textsuperscript{443} Many of these criticisms were raised in regards to the first draft of the law. They also apply to the enacted law, since it maintained the general framework of the draft. For criticisms of the draft see: Consiglio della Provincia Autonoma di Bolzano, “Audizione sul dlp Integrazione,” supra; and especially Consiglio della Provincia Autonoma di Bolzano, “Relazione di minoranza,” supra.

conservative and restrictive positions were voiced. The Italian and German extreme right parties (Unitalia, Lega Nord, Freiheitlichen, Union für Südtirol, BürgerUnion für Südtirol, and to a lesser degree the Süd-tiroler Freiheit) clamoured to highlight with dramatic tones and expressions (such as “a fatal path”) the negative economic, social and cultural aspects of migration, often in reference to migrants from Muslim countries. Migrants were associated with crime and (in the case of Muslim migrants) terrorism and fundamentalism, and were described as abusing the social services, taking away resources from the local population, causing wage dumping, lowering the quality of life, and endangering the values and culture of the hosting society. Only the party Verdi - Grüne – Vërc and liberal members of the Südtiroler Volkspartei (the main government party), like Georg Pardeller, tried to defend the basic social and cultural rights of the migrant population.

Various draconian measures were proposed (but not approved) for both migration control policy and integration policy. Regarding the former, the request for more power from the central government in Rome was followed by proposals for measures to curb further migration, improve controls, monitor those who enter and exit, expel migrants who commit crimes, facilitate the access of data on the migrant population, impede the arrival of persons who cannot work, limit the process of family reunification to the criteria of having a job and a proper accommodation, and favour the hiring of local people instead of migrants.

Regarding integration policy, right wing parties have emphasized the need to focus more intently on the duties of the migrants rather than their rights, claiming that public resources should not be allocated for their social and cultural needs. Migrants should not be helped in accessing social services, and they need to assimilate the values and culture of the hosting society.

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society. Some migrant communities (especially Muslim) were described as more problematic because they do not appear willing to integrate/assimilate. In this regard, the creation of the Centre for the protection against discrimination was criticized because it was seen as serving only those migrants that do not want to integrate and not helping citizens. The Centre was considered an “insult” for the population. Among the proposals were the following: increasing the criterion of residency for access services to 7 or even 10 years, linking the access to some social benefits to linguistic knowledge and tests, restricting migrant access to public housing, giving priority to the local population in accessing social benefits and public housing, providing guarantees for the local population in the labour market, monitoring the social costs of migration especially for the health public system, postponing the acquisition of the right to vote for at least ten years, prohibiting the construction of mosques and the use of burqas, requiring linguistic tests for children before entering schools and kindergartens, and demanding mandatory classes on history, language, culture and traditions for their parents.

From this point of view, the law can be interpreted as the desire of the Südtiroler Volkspartei, the governing party, to appear tough on migration without legislating it in light of future elections in order to limit populist critiques of the issue and the loos of votes in favour of right parties. Otherwise, the law could be considered as as being the most effective, considering the anti-migrant climate that characterizes South Tyrol.


Aside from this type of evaluation a key aspect of the law is that it places importance on the learning of the local languages and culture by migrants. In this way, the law highlights how migration issues interact with the specific characteristics of South Tyrol and the need to protect its traditional communities. The arrival of new migrant communities and their inclusion in the society is a challenge for the needs of the South Tyrolean groups. Migration in a territory like South Tyrol implies linguistic and cultural politics. In order to integrate migrants, further measures in these two sectors are required. However, the law does not resolve the issue of ensuring that the knowledge of the local languages is obtained regarding the German language inside the national legislative framework. There are not enforcement measures or incentives for migrants to learn the German language, as there are in the national legislation for learning Italian language through the accordo d’integrazione (the requirements that migrants need to fulfil in order to remain in Italy, including acquiring a decent knowledge of the Italian language) and the Italian language test to obtain the Permessi di soggiorno CE.

The interaction between migration and the presence of traditional groups might also help in explaining why the law provides only few measures to valorise migrants’ mother tongue and culture, while emphasizing the learning of the local language and culture. The presence of migrants increases the linguistic and cultural diversity of the hosting society. However, as illustrated in Part I, in South Tyrol language and culture are political issues; especially language, which is a crucial topic involving the equilibrium between the South Tyrolean traditional groups. Increasing the linguistic and cultural diversity of South Tyrol might be seen as weakening the traditional identities and changing the equilibrium among them. The provincial law avoids adding migrants’ mother tongue on the linguistic conditions of South Tyrol; but at the same time nothing impedes the civil society to valorise migrants’ mother tongue, also through funds from the Province and/or municipalities.

The characteristics of the South Tyrol system to protect traditional minorities should also been considered. As pointed out by R. Medda, this system, which is based on a rigid separation of linguistic groups for most aspects of the political and social life, aims at defending the status quo and resisting any changes in the society that can shift the balance among the ethnic groups.\footnote{Medda-Windischer, “Gestione della diversità,” supra, p. 20.} As in the past the system has struggled to consider the presence of mixed families in
the South Tyrolean society (the result of intermarriage among the traditional ethnic groups), now it opposes recognizing a space for the new migrant minorities. The provincial integration law is functional to the desire of maintaining the status quo.

As showed in part I of this report, South Tyrolean political discourses tend to connect migration with the South Tyrol system to protect its traditional group. However the law, besides combining migration with linguistic politics and a brief mention that migrant students should not be concentrated in one specific school, does not refer further to the South Tyrol mechanisms to safeguard traditional minorities and how migrants should be included in them. This is despite the fact that the issue was raised in the Provincial Parliament during the discussions on the law. German right-wing parties highlighted that migrants tend to integrate with the Italians-speaking population, changing the ratio among the traditional linguistic groups, forcing to violate measures of the protection of the traditional groups. As said in Part I, in order to protect the German-speaking groups, the Süd-tiroler Freiheit emphasized the need for measures to impede migrants from blending in the Italian-speaking population. It also would like to select the origin of the migrant population, proposing the creation of a provincial office that recruits people prevalently from North and East Tyrol, Austria, Germany, and the rest of the European Union (having in mind East European countries), because they speak German or share with South Tyrol the same cultural background.\footnote{\textit{``Ordine del giorno n. 13 del 15.9.2011,''} \textit{supra}; and Consiglio della Provincia Autonoma di Bolzano, \textit{``Lavori Consiglio: Si a ordine del giorno su mercato del lavoro,''} \textit{supra}.} Instead, the Freiheitlichen proposed to introduce mandatory German and Ladin tests to obtain the resident permits.\footnote{\textit{``Ordine del giorno n. 5 dell’8.9.2011,''} \textit{supra}.} On the other side of the political/linguistic spectrum, Unitalia, the Italian-speaking extreme right-wing party, used the debate on the migration law to attack the South Tyrol measures to protect the German-speaking population. Unitalia proposed, as said in Part I, the creation of a fourth school for migrant students, which wasn’t considered a racist measure by the party in the already separated South Tyrol school system. The issue of migration in South Tyrol implies dealing with the inclusion of migrants in the system created to protect traditional minorities. However, the migration law has not dealt with this aspect. It is as if the presence of migrant communities is not considered as challenging the equilibrium between the traditional South Tyrolean groups and the measures used to manage ethnic-linguistic relationships. Or this decision reflects the fear that dealing with
this issue will result in rehashing many aspects of the South Tyrol system to protect minorities and its rigid separatism of the traditional linguistic groups.
FINAL CONSIDERATIONS

In a territory like South Tyrol, characterized by the presence of traditional linguistic groups, whose diversity is protected through a political autonomy and specific language and cultural policies, the phenomenon of migration carries an additional quandary. Without local political control on migration the demands and needs of the migrant population can clash with those of the hosting society since migrants tend to integrate into the dominant culture of the State, and thus weaken the local traditional groups vis-à-vis the rest of the country. In this way, migration highlights the limits of political autonomy and system to protect historic minorities.\(^{453}\)

From the above analysis of South Tyrolean political discourses, institutions, and policies implemented by the Province of Bolzano regarding migration issues, it is clear that in South Tyrol there is the awareness that migrants will be a permanent fixture within the Province and their presence will affect South Tyrolean society. Besides the usual “matters” that are attributed to migration, in South Tyrol the presence of migrants is considered as raising problems, rather than being an opportunity, vis-à-vis the relationship of South Tyrol with the Italian State and the cohabitation among its traditional groups. Zapata-Barrero points out three arguments that present migration as a threat to national minorities: an *argument of power*, according to which migrants causes conflicts between the national minority and the dominant State regarding political competencies; a *demographic argument*, in which migration alter the balance between the majority and minority groups; and a *political argument* according to which migration increase the conflicts between the majority and minority groups.\(^{454}\) In South Tyrol, all these three arguments are developed. There are discussions between the South Tyrol government and the Italian government over the management of migration; migrants are seen as responsible for changing the demographic equilibrium between Italian and German speakers; and migration is used in debates regarding the South Tyrol system to protect minorities and its future developments. Clearly, in South Tyrol migration politics is linked to the local ethnic/linguistic issues.


In order to protect national minorities, actions in the area of migration might be necessary. In this regard, debating migration in territories with national minorities requires dealing with identity issues, and thus it is related to claims for specific measures regarding political autonomy and linguistic politics. Along this line, a South Tyrolean approach to migration should include what Zapata-Barrero calls a language of competencies and a language of identity; namely it is necessary to decide what are the political responsibilities of South Tyrol in the area of migration and which integration model is most valid in order to include the migrant population, while maintaining an effective protection of the South Tyrolean traditional groups.

In South Tyrol, both these languages started to be developed. The language of competency involves both the areas of migration control law/policies, and integration law/policies. Regarding the former area, the Italian national framework limits what South Tyrol can do to control the volume of migration. Neither the peculiar status of South Tyrol inside the Italian regional system, nor the concept of dynamic autonomy, namely the progressive enlargements of the powers of the Province of Bolzano in the past decades, can overcome these limits. Although many South Tyrolean political forces would like the Province to acquire competency over the control of the migration flux, local politics in general recognizes the unfeasibility of this request. The recent migration law enacted in South Tyrol does not deal with the control of the migration flux. However, while there is not much that South Tyrol can do to control migration at the legislative level, it can take various actions at the administrative level to try to influence the national policies on the admission of migrants.

In this regard, the focus in South Tyrol is to affect not only the volume of migration towards South Tyrol, but also its composition, giving preference to migrants considered culturally closer to the South Tyrolean reality. These are people from German-speaking countries and East Europe. This practice might be seen as an effective way to reduce the complications that migration brings to South Tyrol; but at the same time it should be emphasized that there is the risk of appearing discriminatory. It is true that people coming from countries such as Slovenia, which shares South Tyrol past as being part of the Habsburg Empire, have cultural

455 Kymlicka, Politics in the Vernacular, supra.
457 However, citizens of countries that are part of the European Union are free to move and live in South Tyrol.
proximity with South Tyrol; and this cultural proximity might help in the process of inclusion.\textsuperscript{458} However, from a normative point of view, it does not justify differential treatment of migrants based on their nationality. Any migrant is able to integrate perfectly in the hosting society independently from their country of origin and cultural background. There are further problems with this practice. First, migrants sharing cultural proximity with South Tyrol have geographical proximity. This proximity does not necessarily facilitate the process of integration, if it translates in migrants travelling back and maintaining strong and stable links with their home country. Second, the fact that some migrants have cultural proximity with South Tyrol does not necessarily mean that they speak German (or Italian) as mother tongue; German (and Italian) is just as foreign for them as any other migrants. Third, when the concept of cultural proximity is linked to religious aspects or with the idea of a “Judeo-Christian civilization,” cultural proximity cannot be related to reasons behind a South Tyrolean migration policy distinct from the rest of the Italian state. Indeed, South Tyrol political autonomy (and the need for its own migration policy) was not recognized to protect religious beliefs, and thereus South Tyrol lacks the legitimacy to select migrants based on their religion. Moreover, both South Tyrol and the rest of the Italian State are part of the same “Judeo-Christian civilization;” thus appealing to this aspect does not explain why South Tyrol should have different practices compared to the rest of the Italian State.

Incidentally, when speaking of migration control policy, it cannot be forgotten that independently from any national policy or provincial measure, migration will keep on following its own channels.\textsuperscript{459} Word of mouth among migrants and chain migration are principal factors in determining the migration flux in Italy, as well in South Tyrol. Thus, whatever measures are taken by the Province, the final outcome will remain, in part, out of control.

Contrary to migration control policy, the Italian national framework gives South Tyrol vast competencies regarding the terms of the inclusion of the migrant population. Thus, the local government can design several incentives and measures to encourage migrants to understand the distinct characteristics of South Tyrol. In this context, South Tyrol’s approach to migrant integration has already included a \textit{language of identity}; it includes measures to protect the

\textsuperscript{458} In this necessary to remind that except for Croatia, all the countries that were part of the Habsburg Empire, are now parts of the European Union, and so their citizens are free to move and live in South Tyrol.
\textsuperscript{459} Interview with a member of an association for migrants in South Tyrol, July 12, 2011.
diversity of the traditional groups. Specifically, migration politics has been linked to linguistic politics, as confirmed in the recent migration law enacted in South Tyrol and its various measures to encourage migrants to learn the local languages. However, it is necessary to point out that language should not be used as the ultimate criteria for the integration of the migrant population. Indeed migrants might be able to speak South Tyrolean languages but still not feel integrated.\footnote{Zapata-Barrero, “Building a Public Philosophy,” \textit{supra}, p. 142.}

At the same time, it seems that migration is having an effect of ethnicization of South Tyrolean society, rather than increasing its pluralistic character. In order to protect the identity of the South Tyrolean traditional groups, many local political forces are not able or willing to embrace a multicultural philosophy of accommodation of migrants’ diversity; the same philosophy that many apply to South Tyrolean traditional groups and characterizes the South Tyrol system to protect minorities. This situation is complicated by the fact that a similar dynamic developed at the national level. In the past year, the Italian State has opposed the multicultural approach and enacted various measures to force migrants to learn the Italian culture, like passing mandatory Italian tests. In reaction, part of the German-speaking political forces focused on the need for migrants to understand and learn the German character of South Tyrol, neglecting the valorisation of migrant diversity.

Besides a \textit{language of competency} and a \textit{language of identity}, in South Tyrol another dimension has been added. Indeed South Tyrol approach to migration also uses a \textit{language of welfare}, connecting migration politics to social politics in a way that discriminates against the migrant population. Measures enacted in South Tyrol aim at limiting migrants’ social rights in order to protect the well-being of the hosting society. This development (and the above mentioned will to select migrants based on their country of origin) contradicts liberal and democratic principles, and it is hard to justify. In particular, discriminatory practices will have a hard time passing an examination by Italian courts and institutions of the European Union. These have already proved to support migrants social rights and are committed to protect individual rights. South Tyrol cannot ignore their will. Moreover, contravening liberal and democratic principles could take away the legitimacy of South Tyrol’s request to manage migration.\footnote{Zapata-Barrero, “Setting a Research Agenda,” \textit{supra}, p. 17; see also Kymlicka, \textit{Politics in the Vernacular, supra}.}

Indeed, the goal of a South Tyrol migration politics should not only be to preserve its distinct
characteristics, but also to offer migrants the best possible welcome and inclusion in its society. Thus a re-evaluation of this aspect of South Tyrol migration politics is necessary.