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European and National Migration Policy in the Shadow of Populism through the Lens of Administrative Measures: Germany and Italy Compared between 2015-2019

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Abstract. The paper explores a major conflict area, namely, national and the EU's immigration policy and investigates how the influx of migrants (mostly from the Middle East and North Africa - MENA region) into the EU has been used as a policy conflict ground. The article assesses the policy responses to (im)migration in Germany and Italy between 2015-2019 as the changes made redirected the policy for future migration crisis. The aim of the article is to underline that the migration crisis of the EU spiraled into Members States' migration and populism crisis and into the challenges of the implementation of common EU migration policies and national policies. This is achieved by the analyses of administrative measures adopted in the most argued areas like asylum procedure, return policy and integration The paper argues that these crisis management measures were mostly restrictive, and not only aimed to handle the crisis but exposed a phenomenon: they not only intended to thwart the continuous growth of migration and populism but were in parts even favored by populists in the sense that they had the intention to curb immigration, too.

Keywords: *EU policy, national policy, Italy, Germany, migration, populism*

Introduction

According to Aiginger, four root causes, globally and locally, are causes of populism: economic problems, cultural causes, the speed of change generated by globalisation and digitalisation, and last but not least the failure of policy to manage a transition to higher welfare (Aiginger 2020). Algan et al. put emphasis on the economic crisis that has uncovered shortcomings in the design of European economic and political institutions, and Europeans appear dissatisfied with local and EU politicians and institutions. This distrust fuels—and in turn is reinforced by—the rise of political extremism (Algan et al. 2017). Others, like Inglehart and Norris list cultural backlash as

reason for populism, where structural change led to the silent revolution of social-liberal values and this with immigration and diversity plus economic grievances results in cultural backlash, too (Norris and Inglehart 2018). Rodrik sees the distinctive trait of populism that it claims to represent and speak for 'the people', which is assumed to be unified by a common interest, the 'popular will', that in turn set against the 'enemies of the people' – minorities and foreigners (in the case of right-wing populists) or financial elites (in the case of left-wing populists) (Rodrik 2019). In crisis situations, the EU faces the unique challenge of having to coordinate both horizontally (between EU institutions) and vertically (with member states) to achieve a response that is politically and operationally feasible (Arjen, Busioc and Groenleer 2013). Moreover, as seen at Member States' level, the securitization of migration is not a linear process but a spiraling phenomenon, which involves different actors, and their policies, practices and narratives, in a spiraling progression that both self-fulfils and reinforces migration-security nexus' dynamics (Bello 2020).

As for migration in Italy and Germany, even their past migration history connects the two countries. Germany cannot be regarded as a classical immigration country (Chin 2007), because it is an example of a "labor recruiting country" (Gesley 2017) on the ground that 14 million southern European guest workers arrived between 1955 and 1973, creating a paradox situation that immigration happened without a "destination country" (Bade 2000). On the other side, given the context of economic recession, it is unrealistic to look at Italy as a possible immigration country, as Italy was an exceptional case; a new receiving country while still being perceived as a major sending one (Caponio 2008). From the theoretical point of view, Italy belongs to the so-called southern European model of immigration, together with Greece, Portugal and Spain (Arango and Finotelli 2009) but the migratory balance started to shift in the early 1970s (Bonifazi 1998) as it started to receive mass immigration in the 1990s (Freeman 1995). In its initial experience as an immigration country, Italy had only received small numbers of asylum seekers, while the bulk of immigration growth was linked to massive inflows of labor migrants and their families (Paparusso 2018).

Ad-hoc plans shaping long-term plans in Germany

Persons persecuted on political grounds have the right of asylum1 and as the migration crisis started to escalate, Germany decided to examine applications for

[1] Art. 16 (a) of the Basic Law for the Federal Republic of Germany in the revised version published in the Federal Law Gazette Part III, classification number 100-1, as last amended by Article 1 of the Act of 28 March 2019 (Federal Law Gazette I p. 404).

international protection lodged by third-country nationals on the ground of Art. 17. of Dublin III[2], even though such examination was not its responsibility. However, the pressure continuous flow resulted in the returning to the standard Dublin procedures in October 2015.

The new-year events of 2015-16[3] turned the return policy into hotly debated topic and resulted in the conclusion of agreements with countries of origin. The aim was to ease and speed up forced and voluntary return procedures with collective deportations, even though for example Afghanistan was not regarded a safe country for forced returns. They Act on the Faster Expulsion of Criminal Foreigners and Extended Reasons for Refusing Refugee Recognition to Criminal Asylum Seekers was introduced and contained the conditions for the provision which required to find a balance between the foreigner's interest in staying in Germany and the state's interest in expelling him or her in the individual case. Also, the act lists typical reasons to assume a particularly serious interest in expelling the foreigner or a particularly serious interest in remaining in Germany. It regarded serious interest when a foreigner was sentenced for certain offences and committed using violence, a threat of danger to life or limb or with guile. Particularly serious interest could be among others when the foreigner was sentenced to a prison term or a term of youth custody of at least one year for one of these crimes, and crimes within the meaning of the amended German Criminal Code[4]. Interestingly, the commission of serial offences against property was regarded as a particularly serious interest even if the perpetrator did not use violence, threats or guile.

The Act on the Introduction of FastTrack Asylum Procedures was part of the so-called Asyl Packet II[5] with stricter asylum measures aimed to shorten the length of asylum procedures through fast-track procedures. This procedure was planned to take place in special reception centres within a week, and with an appeal within two

[2] Art.17, Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, OJ L 180, 29.6.2013, p. 31–59.

[3] Hundreds of women experienced sexual assaults, and among the suspects there were foreign as well as German nationals and among the non-German suspects there were numerous refugees.

[4] For example, sexual assault by use of force or threats.

[5] BGB1 2016 Part 1 no.12 p.390
https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&start=%252F%252F*%255B%2540attr_id=%27bgbl116s0390.pdf%27%255D#__bgbl__%2F%2F*%5B%40attr_id%3D%27bgbl116s0390.pdf%27%5D__1634033682442

weeks. However, we shall point out that this was in line with Directive 2013/32/EU (The Asylum Procedures Directive)[6] which explicitly provided for such an accelerated examination procedure. Moreover, it also contained stricter provisions regarding benefits, namely, only those who stayed in such special centres received benfits,7 and also introduced restrictions to family reunification for certain beneficiaries of subsidiary protection.[8] That is to say, those with subsidiary protection status were restricted to bring their families to join them for a period of two years. Applicants subject to subsidiary protection are initially granted a residence permit for one year, which could be extended for another two years, as opposed to the three-year residence permits for asylees.

Nevertheless, the return policy was again at the centre of attention in 2016 because of the Christmas market attack in Berlin, carried out by a failed Tunisian asylum seeker who had not been deported though his application was rejected. The government responded to these with several means: re-establishing control over Germany's borders, reforming asylum policy, redoubling efforts to process a massive backlog of asylum applications, speeding up the integration of those granted protected status. Also, rejected asylum seekers were to be sent back to their countries of origin.

As seen, deportation remained all the time an explosive topic, and several court cases were dealing with this topic, even regarding deportation of family members. The Federal Administrative Court stated that in order to investigate bans on deportation, the Federal Office for Migration and Asylum (BAMF) has to examine whether a ban on deportation exists for each family member, even in the case of family associations. In this case, the risk assessment must be based on the assumption that the nuclear family living together in the Federal Republic of Germany will return to their country of origin as a family unit. This also applies if individual family members have already received protection status or if there is a national ban on deportation.[9]

[6] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0032&from=DE

[7] Die Bundesregierung, Asylpaket II in Kraft. https://www.bundesregierung.de/breg-de/aktuelles/kuerzere-verfahren-weniger-familiennachzug-370360#Start

[8] On family reunification in Germany see more Anne Bick: Right to family reunification in Germany in Réka, Friedery; Luigino, Manca; Ralf, Rosskopf (eds) Family Reunification: International, European and National Perspectives, BWV Berliner Wissenschafts-Verlag, 2017, 95-118.

[9] Federal Administrative Court, 04 July 2019 - 1 C 45.18. Urteil vom 04.07.2019 - BVerwG 1 C 45.18, ECLI:DE:BVerwG:2019:040719U1C45.18.0.

In 2019, there was an extensive reform of asylum and migration legislation with seven laws enacted, and with numerous changes introduced to the Asylum Act, the Residence Act, the Asylum Seekers Benefits, the Skilled Workers' Immigration Act and the Act on Temporary Suspension of Deportation for Training and Employment. There aims were following. The provisions for admission procedure could be found in the Asylum Procedure Act. Asylum seekers, who are permitted to enter the country or who are found in the country without a residence permit were to be transferred to the nearest reception centre of the relevant state and a nation-wide EASY distribution system were used for initial distribution, and they were assigned to reception centers of the individual German states according to a formula defined in the Asylum Procedure Act (Federal Ministry of the Interior, Building and Community, 2020). It is worth mentioning that so-called 'arrival, decision and return' (AnkER) centres were established in 2018. The main aim was to centralize at one location and to shorten the asylum procedure, with a concept that was already applied in the 'arrival centres' across Germany and in 'transit centres' set up in three locations in Bavaria. But the target was not met, because most Federal States have not participated in the AnkER scheme, and at the end of 2019 only three Federal States had agreed to establish AnkER centres, in most cases simply by renaming their existing facilities so that in many cases all that had changed was the label on such centers (Knight, 2019). And in early 2019, it still took an average of six months to process asylum applications, contrary to a commitment of maximum of three months. Other provisions of the act contained that the Federal Office for Migration and Refugees provides counselling and legal assistance to asylum seekers, but we shall point out that this could led to conflict of interests.

As for the main changes regarding the Residence Act, they related to the enforcement of the obligation to leave the federal territory. Overall, the introduction of the Orderly Return Law substantially facilitates the use of 'custody pending departure' under Section 62b with the aim to enforce deportations. The Orderly Return Law or 'Second Law for the Improved Execution of Deportations' reduced the barriers to imposing detention for deportees. This gave more power to authorities to apply sanctions against those who do not comply with the lengthy deportation procedures, for example people who are a flight risk could now be detained prior to their deportation or authorities could start proceedings against migrants and refugees who lie on their asylum applications. It created a new type of detention, a 'detention to obtain participation', and foreigners could be detained when they failed to comply to cooperate. This risk of absconding allowed to detain a person for the purpose of deportation. Moreover, they introduced to hold pre-removal detainees in regular

prisons until June 2022 (Informationsverbund Asyl und Migration 2020) instead of specialised institutions, although detainees would be held in premises separate from inmates.

One of the main amendments regarding the Asylum Seekers' Benefits Act was the extension of the waiting period to access social benefits with additional three months. Individuals in centres were considered as constituting a 'community of destiny', presuming that they conduct common activities that allow them to save costs. Persons who have already been granted international protection in another EU Member State, and whose obligation to leave the territory was enforceable, were excluded from all social benefits after a transition period of two weeks.

The Integration Act in 2016 has already emphasised the importance of integration, and presented important positive changes in the integration for asylum seekers and for persons whose deportation has been suspended. Furthermor, the Skilled Workers' Immigration Act of 2019 aimed to create a legislative framework for selective and increased immigration of skilled workers from third countries and to improve the integration of skilled non-European foreigners into the labour market. This concerned foreign citizens who have applied for asylum in Germany and individuals applying for a work visa in a third country (Bathke 2019). Skilled workers were considered university graduates and highly qualified workers from third countries outside of the EU who have a domestic, a recognized foreign, or an equivalent foreign university degree (skilled worker with academic background) or who have completed domestic or equivalent foreign qualified vocational training (skilled worker with training). The Act was in line with the demographic change, the shortage of skilled labour, for which the political dynamics were different, since the general public and most political parties tended to support moderately generous entry rules. Moreover, there could be feedback loops between the rules on labour migration and the debate on asylum (Thym 2019). Besides this, the Act on Temporary Suspension of Deportation for Training and Employment was passed to provide certain foreigners with legal certainty regarding their residence status and create the prospect of a long-term stay but only for those whose deportation has been temporarily suspended.

Italy on the path of drastic approaches

The right of asylum is regulated in Article 10.3 of the Italian Constitution. However, it should be pointed out that Italian legislation does not define the conditions to access the right of asylum. The relevant rules have been defined, for

the most part, through the transposition of Community law (Bonetti 2011).

Two lines of action also characterised migration policies in the period 2016–2018: the NGO Code of Conduct and the agreements made with migrants' countries of origin and transit. The NGO Code of Conduct outlined a set of rules NGOs had to abide by during rescue operations at sea. Italian authorities could take measures with respect to the vessels, should the NGOs fail to sign or comply with the Code of Conduct (Ministry Home Affairs 2017).

In the period 2018–2019, migration policies were at the core of the newly formed government in its first months of office. In particular, the Government adopted a stricter line in this area, with a set of measures concerning NGOs working in the Mediterranean and the closure of Italian ports to vessels with migrants on board. Lack of cooperation by other EU Member States led the Italian authorities to take more stringent measures in this period. In particular, NGOs carrying out rescue operations in the Mediterranean were forbidden to enter Italian ports, as they were accused of having ties with traffickers' networks. At a general level, closing ports was used as a way to put pressure on and force other EU Member States to receive a number of asylum seekers, following the failure of relocation measures. One of the primary challenges that Italy had to tackle concerning EU policy implementation was the transposition of the Reception Directive and of the Asylum Procedures Directive. Operationally, the government took steps aimed at improving the migrant reception system on domestic soil and reducing the time required to process asylum applications.

Three decrees concerning immigration have been adopted that amended the Consolidated Act on Immigration and the Condition of Foreign Nationals (TUI). Urgent provisions for the acceleration of international protection proceedings, as well as the fight against illegal immigration (Decree Law No. 13 2017), Urgent provisions on international protection and immigration–public security (Decree Law No. 113 2018) and Urgent provisions concerning public order and security (Law Decree No. 53 2019).

The decree Urgent provisions for the acceleration of international protection proceedings introduced new procedural elements, in particular, the possibility to video record the applicant's interview before the Territorial Commissions for the Recognition of Refugee Status (Article 6.1) and the elimination of the appeal for asylum applications (Article 6.13). Video recording does not ensure privacy and security, and it may now be used instead of having the applicant physically present at a hearing. Decree 13/2017 established that the presence of the applicant at the

hearing may be ordered by the judge exclusively if he or she deems it appropriate after reviewing the video recording of the interview before the Commission.

The text of the Decree provided for the abolition of the second instance of appeal for those who had their application rejected in the first instance. According to the drafters of the Decree, in fact, the setting up of special sections with judges having specific expertise would offer sufficient guarantees for determining the appropriateness of an asylum application. However, eliminating the appeal was a violation of the principle of equal confrontation between the parties and of fair proceedings enshrined in Article 111 of the Italian Constitution at a domestic level, and of the right to an effective remedy set out in the Charter of Fundamental Rights and in the Asylum Procedures Directive at a European level. Overall, attempting to eliminate the system backlog and accelerate procedures by giving up the guarantees of asylum seekers did not seem to be acceptable (Forastiero 2018).

In this connection, it must be recalled that the Court of Justice has had occasion to rule, in its judgment of 28 September 2018,[10] that "Directive 2013/32/EU does not oblige Member States to provide an appeal against the first-instance appeals, or that an appeal at that instance should have automatic suspensory effect. The case before the Court concerned a request for a preliminary ruling from the Milan Tribunal regarding the suspensive effect of appeals and the criteria for assessing a need for suspension" (Case F.R. v Ministero dell'interno 2018).

In connection with the decree Urgent provisions on international protection and immigration–public security, protection on humanitarian grounds was provided for in TUI (Article 5.6) when asylum status or subsidiary protection could not be recognised, but there were serious reasons, in particular of humanitarian character or arising from constitutional or international obligations of the Italian State, to provide some protection to an applicant. Instead of humanitarian protection, the Decree introduced a number of special permits, with a validity of up to one year, to be issued exclusively for given reasons: medical care, natural disasters, acts of civic merit, exploitative working situations, domestic violence, and social protection.[11]

Although humanitarian protection was not formally provided at a European level, it was advocated in the Qualification Directive. In fact, Recital 15 stated that

[10] The case concerned a Nigerian national who had applied for asylum in Italy, but was rejected on both instances. Upon appeal before the Supreme Court of Cassation, the applicant also requested interim measures to suspend the execution of the contested decision, due to the risk of being exposed to inhuman and degrading treatment in Nigeria.
[11] Article 1 paragraphs 1 and 2.

persons that are not in need of international protection may be granted, on a discretionary basis, the right to remain in the country for compassionate or humanitarian reasons. Furthermore, domestically, the abolition of humanitarian protection was in contrast with the case-law of the Court of Cassation, which considered this permit as one of the instruments used to apply the right of asylum provided for in Article 10(3) of the Italian Constitution (Italian Court of Cassation, Decision No. 29460, 2019). The Decree also contains a set of measures limiting personal freedom: from the detention of asylum seekers in hotspots to the extension of the detention of irregular migrants in pre-removal centres (CPRs) from 90 to 180 days.

Regarding the detention of asylum seekers in hotspots, this was in contrast with both the Italian Constitution and with the main international agreements in this area, such as the Geneva Convention Relating to the Status of Refugees and the European Convention on Human Rights. Moreover, this provision is in line neither with the Qualification Directive nor with the Asylum Procedures Directive, which establish that a person should in no way be detained for the simple fact of having submitted an application for international protection and that the Member States shall not hold a person in detention for the sole reason that he or she is an applicant. These were, in fact, persons who have asked to access a right and, as such, cannot be deprived of their personal freedom. The Decree did not define the cases in which detention can be ordered; they simply arise from their condition of not having an identity document, which is common to asylum seekers. Article 3 of the Decree had additional elements, concerning the length and the place of detention: an applicant may be detained for identification activity for 30 days in hotspots or in initial reception centres, and 180 days in CPRs if their identity is not confirmed – making a total of 210 days. As regards the facilities indicated in the Decree for the detention, the hotspots were first reception centres and, as such, did not provide special guarantees.

Another form of detention provided for in the Decree related to a foreign national awaiting removal, who may be detained in the place where the removal measure was taken if there is no availability in CPRs. No indication were given of what this place actually is, nor of what sort of place may be considered appropriate. Moreover, the Decree did not even provide indications of the guarantees to be given to detainees and does not comply with the Return Directive (2008/115/EC), which established that detention should take place in specialised, clearly defined, detention facilities.

The changes made on subsequent applications in the Decree raised a number of compatibility issues with the provisions of the Asylum Procedures Directive. In particular, the Decree established that an applicant is not entitled to remain on Italian soil awaiting the outcome of his or her procedure if they have made the application merely in order to delay or frustrate the enforcement of a removal decision, or if, after a decision rejecting the previous application, the subsequent application does not contain any new substantive elements.

It made changes to the reception system that was originally intended for asylum seekers and refugees (SPRAR), which is now available only to beneficiaries of international protection and unaccompanied minors (Cittalia 2018). Pursuant to the Decree, asylum seekers were hosted in regular reception centres, in which they await the decisions on their applications without partaking in any special activity or any courses. In this way, beneficiaries of international protection were the only ones who have access to social and labour market integration programmes. Moreover, asylum seekers were now hosted in emergency facilities. That was not the case in SPRAR facilities. The reform did not lead to an overhaul of emergency facilities, nor to forms of cooperation between the two levels of reception.

As for Decree Urgent provisions concerning public order and security, the most controversial provision is Article 1, laying down that the Ministry of the Interior might have limited or prohibitid vessels that violate Italian immigration laws from entering transit or coming to a halt in the territorial sea. This was linked to the concept of 'safe port' of landing, as affirmed in the International Convention on Maritime Search and Rescue (1979), establishing that people rescued at sea should be disembarked at the closest 'safe port', considering geographical proximity and humanitarian concerns. Now, for almost all vessels rescuing migrants in the Central Mediterranean, in the proximity of Libya, the first safe port is Italy. In fact, no other country is equipped to allow disembarkation without putting rescued people at risk (Moreno-Lax, 2011). Moreover, all rescued migrants were potential asylum seekers. In this sense, removing a vessel full of asylum seekers would have been equivalent to collective refoulement, which is forbidden by Article 78.1 of the Treaty on the Functioning of the European Union, Articles 18–19 of the EU Charter of Fundamental Rights, and Article 21 of the Qualification Directive (Favilli, 2018).

Final remarks

Common aspect in Germany and Italy that all measures introduced were intended to manage and contain the arrivals of migrants. Germany has steadily built up the new

direction of its migration policy with the focus strongly on the liberal approach regarding the necessary migration of labour power and on integration. The focus was more on restrictive measures, the reduction of arrivals, and on the integration of refugees. Germany has gradually developed from a country that accommodated guest workers to a country with regulated immigration. Although Germany was one of the most prominent advocates for harmonising several aspects of migration policy, with the introduction of the Skilled Immigration Act the direction of not leaving migration policy reform entirely to supranational harmonisation became quite clear.

As for Italy, there were three governments with three different Ministers of the Interior between 2015 and 2018. The main political and legislative measures adopted in the area of immigration were affected by the pressure the Italian asylum system was under as a result of a strong increase in migration flows due to the war in Syria and the situation following the Arab Spring. Despite some differences, all of the policies adopted were intended to manage and contain the arrivals of migrants on Italian shores.

At an internal (EU) level, that goal was pursued by setting up hotspots and activating the relocation system adopted by the EU Commission. At an external (non-EU) level, several cooperation agreements were concluded in order to control departures and manage the return of migrants. The internal approach encountered strong operational and organisational delays, which, combined with poor cooperation on the part of other EU Member States, made it possible to attain the expected objective only to a very limited extent. Agreements with third countries met with much opposition, as they are based on prevention and, especially, as they may violate human rights.

The relocation system was a first implementation of the principle of solidarity and fair sharing of responsibility between Member States, as set out in Article 80 of the Treaty on the Functioning of the European Union (TFEU). However, the principle of solidarity was undermined by a lack of cooperation from a considerable number of Member States, the Visegrad countries in particular. Probably, the real issue is that all Member States have to change their approaches to migration issues (Crescenzi, 2019). This lack of solidarity between states was then used in an anti-EU perspective; the European Union was blamed for most of the shortcomings recorded in managing the migration phenomenon.

However, all of the unsolved, internal EU problems between Member States led to the focus on the external direction, namely, that since 2015 the external dimension of the EU migration policy has focused on supporting third countries involved in migration routes, with the aim of reducing migration flows and repatriating irregular migrants. This can be seen as a glue between the different policies and approaches of EU Member States.

Bibliography

Aiginger, K. (2020). Populism: Root Causes, Power Grabbing and Counter Strategy, *In Intereconomics Review of European Economic Policy*, 55 (1), 38-42.

Algan, Y. et al. (2017). The European Trust Crisis and the Rise of Populism, *In Brookings Papers on Economic Activity*, 309-382.

Arango, J., Finotelli, C. (2009). *Past and Future Challenges of a Southern European Migration Regime: the Spanish Case*, IDEA Working Paper, 3.

Boin, A., Busioc, M., Groenleer, M. (2013). Building European Union capacity to manage transboundary crises: Network or lead-agency model?, *In Regulation & Governance*, 8(4), 9.

Bade, K. J. (2000). *Migration und Integration in Deutschland seit dem Zweiten Weltkrieg Probleme – Erfolge – Perspektiven*, Hahn Druckerei.

Bade, K. J. (2014). Willkommenskultur und Fremdenangst in der Einwanderungsgesellschaft.

Deutsch Türkische Nachrichten, (31.10.14, 09:04). http://kjbade.de/wp-content/uploads/2014/11/2014-10-31_willkommenskultur-und-fremdenangst_TDN.pdf

Basic Law for the Federal Republic of Germany in the revised version published in the Federal Law Gazette Part III, classification number 100-1, as last amended by Article 1 of the Act of 28 March 2019 (Federal Law Gazette I p. 404)

Bathke, B. (2019). *German policy package on migration: What will change for asylum seekers and migrants?* https://www.infomigrants.net/en/post/17379/german-policy-package-on-migration-what-will-change-for-asylum-seekers-and-migrants

Bello, V. (2020). The spiralling of the securitization of migration in the EU, *In Journal of Ethnic and Migration Studies,* 48 (6), 1327-1344. https://www.tandfonline.com/doi/full/10.1080/1369183X.2020.1851464

Bick, A. (2017). Right to family reunification in Germany. In R. Friedery, L. Manca, R. Rosskopf (eds.), *Family Reunification: International, European and National Perspectives,* BWV Berliner Wissenschafts-Verlag, 95-118.

Bundesamt für Migration und Flüchtlinge (BAMF) (2018). *Migration, Integration, Asyl. Politische Entwicklungen in Deutschland 2017*. Jährlicher Bericht der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). https://www.bamf.de/SharedDocs/Anlagen/DE/EMN/Politikberichte/emn-politikbericht-2017-germany.pdf?__blob=publicationFile&v=10

Bonetti, Paolo (2011). Il diritto di asilo nella costituzione italiana. In Favilli, Ch., *Procedure e garanzie del diritto di asilo*, Cedam, 35-72.

Caponio, T. (2008). (Im)Migration Research in Italy: A European Comparative Perspective, *In The Sociological Quarterly*, 49(3), 445-464.

Chin, R. (2007). *The Guest Worker Question in Postwar Germany*, Cambridge University Press, 281. p.

Corrado, B. (1998). V immigrazione straniera in Italia. Il Mulino, 293 p.

Crescenzi, A. (2019). Solidarity as a Guiding Principle of EU Asylum Policy. In Majtényi, B. Tamburelli (eds), *Human Rights of Asylum Seekers in Italy and Hungary. Influence of International and EU Law on Domestic Actions,* Giappichelli Editore – Eleven Int. Publ., 1-19.

Cittalia (2018). Annual Report Sprar/Siproimi on Italian Protection System for Beneficiaries of International Protection and for Unaccompanied Foreign Minors. https://www.siproimi.it

Consolidated Act on Immigration and the Condition of Foreign Nationals (TUI) (Legislative Decree No. 286, 1998).

Decree Law No. 13 of 17 February 2017. Urgent Provisions for a Swift Processing of International Protection Applications and to Contrast Illegal Immigration. Gazzetta Ufficiale No. 40 of 17 February 2017.

Decree Law No. 113 of 4 October 2018. Urgent provisions concerning international protection and immigration, public security, as well as measures for the functionality of the Ministry of the Interior and the organization and functioning of the National Agency for the administration and destination of assets seized and confiscated to organized crime. Gazzetta Ufficiale No. 231 of 4 October 2018.

Decree Law No. 53 of 14 June 2019. Urgent Provisions Concerning Security, Public Order and Fight Against Illegal Immigration. Gazzetta Ufficiale No. 138 of 14 June 2019.

Legislative Decree No 286 of 25 July 1998, Consolidated Act on Immigration and the Condition of Foreign Nationals (TUI). Gazzetta Ufficiale No. 191 of 18 August 1998.

Deutsches Institut für Menschenrechte, DIM (2016). Stellungnahme. Die EU-Türkei-Vereinbarung vom 18. März 2016: Umsetzung und Konsequenzen aus menschen- und flüchtlingsrechtlicher Perspektive. Empfehlungen an die Bundesregierung, Berlin.

Die Beauftragte der Bundesregierung für Migration (2011). Flüchtlinge, und Integration. Hintergrundinformationen Integration in Deutschland – Zahlen, Daten, Fakten, Zweiter Integrationsbericht. Die Beauftragte der Bundesregierung für Migration, Flüchtlinge, und Integration Berlin.

Dimitriadi, A. (2016). *The Janus face of Europe's migration policy Contradictory approaches are built into the system of Europe's migration and asylum policies.* https://www.ecfr.eu/article/commentary_the_janus_face_of_europes_migration_policy_5082

Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), 2013 O.J. (L 180) 60, art. 31 ¶ 8, EUR-LEX.)

European Commission. (2017). Action Plan on Measures to Support Italy, Reduce Pressure Along the Central Mediterranean Route and Increase Solidarity. Retrieved from https://ec.europa.eu

European Commission. (2017). Migration and Border Management, Commission Awards Additional €40 Million in Emergency Funding to Support Italy. Retrieved from https://ec.europa.eu

European Database of Asylum Law, EDAL (2018). The Case of the Administrative Arrangement between Greece and Germany: A tale of "paraDublin activity"? https://www.asylumlawdatabase.eu/en/journal/case-administrative-arrangement-between-greece-and-germany-tale-%E2%80%9Cparadublin-activity%E2%80%9D

EU No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-Country national or a stateless person.

Favilli, Ch. (2018). Overview and Summary of the Obligations of the EU Institutions and State Authorities with regard to the Charter in the Field of Asylum. Proposals for Possible Improvements in EU Legislation and Policies. In Crescenzi, A., Forastiero, R., Palmisano, G., Asylum and the EU Charter of Fundamental Rights, Editoriale scientifica, 79-95. https://www.editorialescientifica.com/shop/e-book/asylum-and-the-eu-charter-of-fundamental-rights-detail.html

Federal Office for Migration and Refugees (2017). Migration, Integration, Asylum Political Developments in Germany 2016 Annual Policy Report by the German National Contact Point for the European Migration Network (EMN). https://ec.europa.eu/home-affairs/sites/homeaffairs/files/11a_germany_apr_part2_en.pdf

Federal Ministry of the Interior, Building and Community (2020). Asylum and refugee policy

https://www.bmi.bund.de/EN/topics/migration/asylum-refugee-protection/asylum-refugee-policy-germany/asylum-refugee-policy-node.html

Friedery, R. (2016). *Migráció és integráció: a német modell* (Migration and integration: the German model), Acta Humana, 23-32.

F.R. v Ministero dell'interno (2018) Commissione Territoriale per il riconoscimento della Protezione Internazionale presso la Prefettura U.T.G. di Milano, CJEU, Case C-422/2018, Judgment of 27 September 2018.

Forastiero, R. (2018). The Right to an Effective Remedy and the Protection of Particularly Vulnerable Persons as Asylum Seekers in Light of the Charter of Fundamental Rights. In Crescenzi, A., Forastiero, R., Palmisano, G., *Asylum and the EU Charter of Fundamental Rights*, Editoriale scientifica, 99-119. https://www.editorialescientifica.com/shop/e-book/asylum-and-the-eu-charter-of-fundamental-rights-detail.html

Federal Administrative Court, 04 July 2019 - 1 C 45.18. Urteil vom 04.07.2019 - BVerwG 1 C 45.18, ECLI:DE:BVerwG:2019:040719U1C45.18.0.

Gesley, J. (2017). *Germany, the development of Migration and Citizenship law in post war Germany*, Global Legal Research Center, The Law Library of Congress (USA),

Glorius, B. (2018). *Migration to Germany: Structures, processes and discourses*, Regional Statistics, 8 (1), 3–28. http://www.ksh.hu/docs/hun/xftp/terstat/2018/rs080101.pdf

Heckmann, F. (2014). Ein neuer Ton im migrationspolitischen Diskurs. In: Bertelsmann Stiftung (Hrsg.): *Vielfältiges Deutschland. Bausteine für eine zukunftsfähige Gesellschaft*. Verlag Bertelsmann Stiftung, Gütersloh, 40.

Hruschka, C. (2019). *The border spell: Dublin arrangements or bilateral agreements? Reflections on the cooperation between Germany and Greece* / Spain in the context of control at the German-Austrian border. http://eumigrationlawblog.eu/the-border-spell-dublin-arrangements-or-bilateral-agreements-reflections-on-the-cooperation-between-germany-and-greece-spain-in-the-context-of-control-at-the-german-austrian-border/

Informationsverbund Asyl und Migration (2020). Overview of the main changes since the previous report. Germany.
https://www.asylumineurope.org/reports/country/germany/overview-main-changes-previous-report-update

Istat Report, 22 July 2020 (https://www.pr.camcom.it/2010-materiale-news-ed-eventi/materiali-2020/istat-report-livelli-di-istruzione-e-ritorni-occupazionali-2019)

Italian Court of Cassation. Decision No. 29460 of 24 September 2019

Italian Government (2017). Memorandum of understanding on cooperation in the fields of development, the fight against illegal immigration, human trafficking and fuel smuggling and on reinforcing the security of borders between the State of Libya and the Italian Republic. Retrieved from http://www.governo.it/sites/governo.it/files/Libia.pdf

Khlaifia v. Italy, ECHR, Application No. 16483/12, 15 December 2016 Law No. 91 of 5 February 1992, New Norms on Nationality. Gazzetta Ufficiale No. 38 of 15 February 1992

Knight, B. (2019). *Germany passes refugee migration 'stress test': expert report*, Deutsche Welle, https://www.dw.com/en/germany-passes-refugee-migration-stress-test-expert-report/a-48639433

Mancini, M. (2018). Italy's New Migration Control Policy: Stemming the Flow of Migrants from Libya Without Regard for their Human Rights, *In The Italian Yearbook of International Law*, 259-281.

Ministry of Home Affairs. (2015). Roadmap. Retrieved from http://www.asgi.it/wpcontent/uploads/2015/11/Roadmap-2015.pdf

Ministry of Home Affairs. (2016). Memorandum of Understanding between the Public Security Department of the Italian Interior Ministry and the National Police of the Sudanese Interior Ministry

for the Fight Against Criminality, Management of Frontiers and Migration Flows and about Repatriation. Retrieved from https://www.asgi.it/allontamento-espulsione/memorandum-sudan-italia-analisi-giuridica/

Ministry of Home Affairs. (2017). Code of Conduct for NGOs Undertaking Activities in Migrants' Rescue Operations at Sea. Retrieved from https://www.interno.gov.it/sites/default/files/codice_condotta_ong.pdf

Moreno-Lax, V. (2011). Seeking Asylum in the Mediterranean: Against a Fragmentary Reading of EU Member States' Obligations Accruing at Sea. *In International Journal of Refugee Law*, 174–220.

Norris. P., Inglehart, R. (2018). Cultural Backlash. Trump, Brexit and the Rise of Authoritarian-Populism, UNDESA (United Nation Department of Economic and Social Affairs), 2018 https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2018/09/Norris.pdf on Pippa Norris and Ronald Inglehart: Cultural Backlash. Trump, Brexit and the Rise of Authoritarian-Populism, NY, Cambridge University Press, 2019

Paparusso, A. (2018). Migrants or Refugees? The Evolving Governance of Migration Flows in Italy during the "Refugee Crisis", *In Revue européenne des migrations internationales*, 34(1), 151-171.

Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, OJ L 180, 29.6.2013, pp. 31–59

Rodrik, D. (2019). *Many forms of populism*, CEPR's policy portal, https://voxeu.org/article/many-forms-populism.

S. Stouffer (1940) Intervening opportunities: A theory relating mobility and distance, *In American Sociological Review*, 845-867.

Thym, D. (2018). *Beyond the 'Welcome Culture': Projects of the New German Government on Migration, Asylum and Integration*, https://eumigrationlawblog.eu/beyond-the-welcome-culture-projects-of-the-new-german-government-on-migration-asylum-and-integration/

Thym, D. (2019). *The German Migration Package: A New Deal on Labour Migration?* http://eumigrationlawblog.eu/the-german-migration-package-a-new-deal-on-labour-migration/

Triadafilopoulos, T. (2019), Germany's Post-2015 Immigration Dilemmas, *In Current History*, 118 (806), 108–113.