

# **Patterns of legalisation and immigrant labour market outcomes: The Italian case**

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Short abstract

This work explores the role of migration policies in shaping immigrant labour market outcomes, as one sphere of their integration, and focuses on Italy, a country that in last decades has implemented many extraordinary programs of legalisation, while facing growing migratory inflows. There still is a substantial lack of empirical evidence in favour of or against the effectiveness of regularisation programmes as well as the relevance of the undocumented status on subsequent integration trajectories.

In this paper, we aim at giving evidence about the patterns of legalisation experienced by international third-country national immigrants in Italy and the potential impact on occupational outcomes through the Istat survey *Social Condition and Integration of Foreign Citizens* (SCIF). This survey, conducted in 2011-12, allows identifying immigrants who received a residency permit through amnesties and to assess the time-frame of their illegal stay in Italy.

Our preliminary findings suggest that undocumented immigrants on entry are more likely to participate in the labour market but they are penalized in terms of professional qualification. The penalization tends to be stronger as the length of the initial undocumented spell increases. Among those who experienced an undocumented period, having obtained the first residence permit through a mass regularization (sanatoria) tends to be strengthened. Indeed, this pattern is linked to a higher risk of being employed but a lower propensity to reach a qualified profession with higher ISEI.

## 1. Introduction

This work explores the role of migration policies in shaping immigrant labour market outcomes, as one sphere of their integration, and focuses on Italy, a country that in last decades has implemented many extraordinary programs of legalisation, while facing growing migratory inflows. In general terms, immigration controls define criteria for the admittance of immigrant categories (e.g. EU nationals, third-country nationals, labour migrants, family dependents, international students, refugees, etc.). At the same time, by attaching a set of rules and economic entitlements to a variety of residency permits, as well as denying undocumented migrants these rights, migratory policies affect socio-economic life of immigrants and, more generally, their integration in the host society (Czaika and de Haas 2013, Cangiano 2014). Receiving countries have considered immigrant regularisation policies as a possible strategy to face the risk of a growing level of undocumented migration. Opponents of the legalisation typically content that such policies can be interpreted as evidence of governmental inability to prevent irregular migration and become a pull factor. Conversely, proponents of legalisation point out that legalised foreigners generally experience improvements in their overall socio-economic and employment prospects (Castles, de Haas and Miller 2014).

Generally, there still is a substantial lack of empirical evidence in favour of or against the effectiveness of regularisation programmes (Finotelli and Arango 2011) as well as the relevance of the illegal status on subsequent integration trajectories. Italy witnessed several legalisation programmes in the past decades, issuing a series of amnesties (Colombo 2012). However, social consequences of this model of incorporation are not well known. In this paper, we aim at giving evidence about the patterns of legalization experienced by international third-country national immigrants in Italy and the potential impact on occupational outcomes through the Istat survey *Social Condition and Integration of Foreign Citizens* (SCIF). This survey, conducted in 2011-12, allows identifying immigrants who received a residency permit through amnesties and to assess the time-frame of their illegal stay in Italy.

## 2. Literature review

Regularisations are politically contentious because they generate an intense debate (Visser 2017). On the one hand, regularisations are particularly effective policies for addressing the participation of irregular migrants in the informal economy because they facilitate the mobility out of informal employment (Duman 2014, Baldwin-Edwards & Kraler, 2009; Amuedo-Dorantes & Mazzolari, 2010). Regularisation initiatives may enhance government capabilities to monitor employment

activity and manage tax collection (Levinson, 2005; Orrenius & Zavodny, 2012). Thus, they can improve social security cash inflows and provide information on the scale of irregular and informal employment (Papadopoulou, 2005). The importance of regularisation as correction mechanism can be also emphasized if applied in combination with other policy measures (Pastore, 2004).

On the other hand, the long-term benefits given by a mass regularization can be limited to the first period and reduce over time because many beneficiaries can revert to irregular status due to unemployment at the expiration of the fixed-term permits of stay and administrative backlogs (Castles et al. 2014). Moreover, amnesties can provide an advantage for migrants who have broken the laws and thus represent an incentive for irregular immigration, which may induce growth in the informal economy (Papademetriou, 2004; Van Kessel, 2006). Regularization initiatives will likely be ineffective in promoting the mobility of irregular migrants out of the informal economy if they are not combined with additional interventions that can counter core structural pull factors or promote adequate avenues for migrant recruitment (Duman, 2014). Early regularizations in Southern Europe, therefore, generated additional irregularity because they did not tackle persistent pull factors such as robust informal economies and inadequate hiring norms, nor did they provide solutions for the demand for migrant labor (Reyneri 1999). It is generally agreed that regularisations trigger the expectation of a more or less imminent regularisation, attracting an increasing number of irregular migrants rather than limiting their numbers (OECD, 2000). Finally, it is also generally assumed that a considerable number of regularised immigrants continue to work in the informal economy despite having obtained a regular residence permit through a regularisation process (Zincone, 2004).

### **3. The Italian context**

In Italy, regularisations seem to have contributed to the stabilisation of foreign populations, at least up to 2002 when relatively few people who were unemployed or returned to irregular jobs failed to renew their residence permit and thus reverted to an irregular status (Carfagna, 2002). However, soon after 2002 the irregularity rate started to increase again (Ismu, 2007, 2008). The law 189/2002 known as Bossi-Fini, exacerbating the conditions of stay, has drawn a stronger risk of incapacity to renew the permit (Ferro and Fellini 2009). It was particularly the percentage of Romanian irregular residents, which increased between 2002 and 2007 (Sciortino, 2007). After 2007, the irregularity rate dropped again, as the effect of the enlargement of the European Union to Romania and Bulgaria on 01/01/2007 giving to their citizens to right of free circulation and partial access to the job market. Full access to

the labour market was granted starting from January 1<sup>st</sup>, 2009 (Camera dei Deputati, 2012). Furthermore, in 2006 the Berlusconi government approved a so-called ‘maxi-decree’ on annual entry quotas, allowing the *de-facto* regularisation of 470,000 irregular immigrants who were already living in Italy as overstayers.

The maxi-decree was followed by two new ‘decrees on flows’ in 2007 and 2008, and a regularisation process in 2009, though limited to domestic and care workers. However, these measures seem to have been less successful than former ones because of a remarkable decrease in the number of accepted applications and residence permits issued (Finotelli and Arango 2011). This trend, which can be ascribed to the changes in the migration dynamics experienced by Italy as well as to the poor performance of the Italian bureaucracy (Colombo, 2009), is a clear signal of the weakening of the efficiency of regularization measures that seems to have lost their former stabilization function (Finotelli and Arango 2011; Pastore 2009).

#### **4. Data and methods**

The study has two analytical objectives. Firstly, we describe the process of permit achievement followed by international third-country national immigrants in Italy, and we create indicators to identify their legal status on entry. Secondly, we observe the relationship between legal status on entry and labour market outcomes.

In order to explore these aspects, we use data from the survey *Social Condition and Integration of Foreign Citizens* (SCIF). The survey was held in Italy by Istat in 2011-2012 following a CAPI technique (Computer Assisted Personal Interviewing). The target population of the survey is determined by foreign citizens (including Italian-born and naturalised individuals), living within formally resident families having at least one component without Italian citizenship. The survey collected extensive information and included specific questionnaire items on family, migratory pathway, working history, and other aspects. In particular, it allows to retrospectively reconstruct the legal status of immigrants, providing information on their work and residency first permit.

The sub-sample used for this study includes currently non-naturalised foreign-born third-country nationals from European or developing countries who entered Italy between the age of 18 and 60 and between 1980 and 2012 (second-generation migrants are excluded from the analysis). Moreover, we dropped all the respondents who provided inconsistent answers about the first permit obtained in Italy.

Our variable of interest is the *Pattern of legalisation* focused on the length of undocumented period and considering four levels: *Always legal*, i.e. immigrants who have enjoyed a legal status since the entrance into Italy and reporting no illegal spells throughout their residence (via a direct question); *Undocumented (0-1 years)*; *Undocumented (2-5 years)*; *Undocumented (5+ years)*. A second version of this variable is based on the first permit achievement, distinguishing among *Always legal*; *Undocumented (sanato)* who benefited from an amnesty; and *Undocumented (non sanato)* who never benefited from a mass regularisation.

As dependent variables we consider four labour market outcomes: the access to a *First non-registered job (Yes/no)*, for those who transit to a first occupation; the *Current employment status* (employed, unemployed, inactive), for all the sample; the *Occupational qualification*, measured both as the probability of having a highly qualified occupation (a dichotomous variable that equals 1 for professions located in groups 1-4 of the Istat CP2011 classification) and as continuous variable through the ISEI index (Ganzeboom and Trieman 1992, 1996), for currently employed respondents.

We investigate the relationship between these outcomes and the two indicators of *Legal status on entry* (our independent variables of interest) through the use of discrete choice and linear regression modelling, accounting for the type of first permit (Employment, Family, Other) and the following control variables: *Sex*; *Age*; *Education* (no school and lower secondary, upper secondary, and tertiary); *Language proficiency* (defined using the extended information on four language competencies - reading, writing, speaking, and listening - ordered on a rating scale from 1 to 4 and then added to define a unique scale); *Area of origin* (Eastern-Europe, Latin America, MENA, Other Africa, Asia); *Years since migration*; *Region of residence* (North-West, North-East, Center, South and Islands). The analysis also exploits retrospective individual characteristics: *Age on entry*; *Language proficiency on entry*; *Region of residence on entry*; *Cohort of entrance*; *Industry at first job*.

Furthermore, we define other variables exploiting retrospective information on the acquisition of the residency permit: *First permit achievement*, that reflects the main channels through which first residency permits are obtained (amnesty, family reunification, other way<sup>1</sup>); *Illegal duration*, that counts years from arrival to the first permit achievement (0-1 year, 2-5 years, 5 or more years); *Type of first permit* (employment, family, other).

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<sup>1</sup> Including both those who used the “decreto flussi” and achieved other non-work or family related permits.

## 5. Preliminary findings

Table 1 shows the distribution of variables referred to the process of permit acquisition distinguished by gender, for all the sample and for currently employed respondents. Firstly, results highlight the three main channels of first permit achievement followed by our sample of third-country national immigrants. Amnesties (various “sanatorie” from the late 80s to 2009) represent the most important channel, especially amongst males and currently employed immigrants. Although particularly consistent amongst non-workers, family reunifications are also relevant for employed respondents, especially women. Finally, obtaining the permit via “decreto flussi” or other ways represents a residual channel. Looking at the type of first permit, it emerges that not only labour immigrants have access to employment. Rather, other categories that in Italy are generally entitled to work (especially family migrants) participate in the labour market, although to a lesser extent. Finally, we notice that illegal duration after the entrance into Italy larger than 1 year is frequent, covering about 60% of employed respondents.

This last aspect can be viewed also in Table 2, where we notice that longer illegal stays (two years or more) are largely concentrated amongst immigrants who enjoyed an amnesty. However, it is relevant that a considerable proportion of immigrants that did not obtain the first permit via “sanatoria” also experienced long illegal durations.

Tables 3-4-5 show results of multivariate analysis. Three main findings emerge:

1. Undocumented immigrants on entry (both “sanati” and “non-sanati”) are more likely to access irregular employment after the entrance into Italy (Table 3). This represents an expected outcome, since illegal immigrants cannot access registered jobs.
2. Immigrants who received an amnesty and particularly those who experienced a long illegal spell after arrival are less likely inactive and unemployed. Rather, they are more likely to participate in the labour market than immigrants that have always enjoyed a legal condition (Table 4).
3. Undocumented immigrants on entry experience less chances of accessing high-level positions in the occupational ladder. This tendency grows for immigrants who experienced long illegal stays after arrival. This result importantly holds even accounting for education and language proficiency that are positively correlated with the probability of accessing highly qualified professions (Table 5).

In conclusion, our preliminary findings suggest that undocumented immigrants on entry are more likely to participate in the labour market but they are penalized in terms of professional qualification. The penalization tends to be stronger as the length of the initial undocumented spell increases. Among those who experienced an undocumented period, having obtained the first residence permit through a mass regularization (sanatoria) tends to be strengthened. Indeed, this pattern is linked to a higher risk of being employed but a lower propensity to reach a qualified profession and a higher ISEI.

Tab. 1 Sample description.

	<i>All the sample</i>			<i>Employed</i>		
	Males	Females	Total	Males	Females	Total
<i>First permit achievement</i>						
Amnesty	49.1	26.8	35.7	53.0	41.3	47.5
Family reunification	12.2	44.9	31.9	8.4	26.9	17.0
Other way	17.0	14.6	15.6	15.9	17.7	16.8
Don't know	21.7	13.7	16.9	22.7	14.1	18.7
	100	100	100	100	100	100
<i>Type of first permit</i>						
Employment	65.6	34.5	46.9	71.0	56.4	64.2
Family	19.3	56.2	41.5	14.3	34.0	23.5
Other	8.8	5.7	6.9	8.2	6.1	7.2
Don't know	6.2	3.7	4.7	6.6	3.5	5.2
	100	100	100	100	100	100
<i>Illegal duration</i>						
0-1 years	44.6	54.6	50.6	41.9	44.5	43.1
2-5 years	28.0	25.0	26.2	29.6	32.2	30.8
5 or more years	15.9	12.3	13.8	17.2	16.1	16.7
Don't know	11.5	8.1	9.5	11.3	7.3	9.4
	100	100	100	100	100	100
<i>Pattern of legalisation (1)</i>						
Always regular	14.5	34.6	26.6	10.6	20.3	15.1
Undocumented (sanato)	49.3	27.3	36.1	53.2	42.0	48.0
Undocumented (non-sanato)	14.4	24.4	20.4	13.5	23.6	18.2
Don't know	21.7	13.7	16.9	22.7	14.1	18.7
	100	100	100	100	100	100
<i>Pattern of legalisation (2)</i>						
Always regular	14.5	34.6	26.6	10.6	20.3	15.1
Undocumented 0-1 year	30.1	20.0	24.0	31.3	24.1	28.0
Undocumented 2-5 year	28.0	25.0	26.2	29.6	32.2	30.8
Undocumented 5 or mor	15.9	12.3	13.8	17.2	16.1	16.7
Don't know	11.5	8.1	9.5	11.3	7.3	9.4
	100	100	100	100	100	100
N	2,525	3,800	6,325	2,031	1,770	3,801



Tab. 2 Pattern of legalisation by years of irregular stay

	<i>All the sample</i>					<i>Employed</i>				
	0-1 year	2-5 years	5 or more	don't know		0-1 year	2-5 years	5 or more	don't know	
Amnesty	39.6	36.3	19.3	4.7	100	38.6	37.0	20.3	4.2	100
Family reunification	69.2	18.5	7.1	5.2	100	59.0	26.4	10.5	4.1	100
Other way	46.4	26.4	18.3	9.0	100	44.6	29.4	18.9	7.1	100
Don't know	42.7	19.1	10.3	27.9	100	38.8	20.4	11.0	29.9	100
Total	3,200	1,657	870	598	6,325	1,637	1,171	634	359	3,801

Tab. 3. Logistic regression model on the probability of having a first non-registered job.

<i>Non-registered first job</i>		
	Model (1)	
<b><i>Pattern of legalisation (2)</i></b>		
always legal	ref.	
undocumented (sanato)	1.50*	(0.25)
undocumented (non-sanato)	1.82***	(0.30)
don't know	1.23	(0.24)
<b><i>Type of first permit</i></b>		
employment	ref.	
family	1.44**	(0.2)
CE long stay	0.92	(0.17)
other	1.13	(0.24)
don't know	2.39***	(0.56)
<b><i>Cohort of entrance</i></b>		
1989-1998	ref.	
pre-1989	1.18	(0.27)
1999-2008	0.82	(0.09)
2009-2012	0.74	(0.21)
<b><i>Origin</i></b>		
East-Europe	ref.	
Latin	1.12	(0.17)
Asia	0.79	(0.11)
MENA	0.8	(0.1)
Other Africa	0.78	(0.13)
<b><i>Sex</i></b>		
males	ref.	
females	0.89	(0.11)
<b><i>Age at interview</i></b>		
	0.99	(0.01)
<b><i>Education</i></b>		
no school and lower sec.	ref.	
upper secondary	1.09	(0.11)
tertiary	1.01	(0.15)
<b><i>Language proficiency</i></b>		
no Italian	ref.	
sufficient	0.82	(0.09)
<b><i>Region</i></b>		
North-west	ref.	
North-east	0.67**	(0.09)
Center	1.1	(0.15)
South and islands	1.77***	(0.21)
<b><i>Industry</i></b>		
Manufacturing	ref.	
Agriculture	2.22***	(0.43)
Construction	1.42	(0.28)
Wholesale & retail trade	2.17***	(0.41)
Accommodation services	1.93***	(0.37)
Business services	1.01	(0.23)
Personal services	1.29	(0.26)
Care & domestic services	2.11***	(0.37)
Observations	4652	
pseudo r2	0.06	

Tab. 4. Multinomial regression models on the current occupational status (reference outcome: employed).

<i>ref. outcome: employed</i>	<i>outcome(1): unemployed</i>				<i>outcome(2): inactive</i>			
	Model(2)		Model(3)		Model(2)		Model(3)	
<b>Pattern of legalisation (1)</b>								
Always legal	ref.							
Undocumented (sanato)	0.66*	(0.13)			0.59***	(0.09)		
Undocumented (non-sanato)	0.70	(0.13)			0.73*	(0.1)		
Don't know	0.68	(0.16)			0.88	(0.14)		
<b>Pattern of legalisation (2)</b>								
Always legal			ref.				ref.	
Undocumented 0-1 years			0.86	(0.17)			0.78	(0.11)
Undocumented 2-5 years			0.59**	(0.11)			0.67**	(0.09)
Undocumented 5 or more			0.61*	(0.13)			0.54***	(0.1)
Don't know			0.69	(0.20)			1.04	(0.19)
<b>Type of first permit</b>								
Employment	ref.		ref.		ref.		ref.	
Family	3.67***	(0.63)	3.96***	(0.66)	11.05***	(1.62)	12.06***	(1.71)
CE long stay	2.24***	(0.51)	2.50***	(0.61)	6.14***	(1.16)	6.85***	(1.31)
Other	1.89*	(0.49)	1.97**	(0.49)	6.99***	(1.59)	7.23***	(1.62)
Don't know	1.97*	(0.64)	2.03*	(0.62)	3.13***	(0.71)	3.58***	(0.73)
<b>Years since migration</b>	0.98	(0.01)	0.98	(0.01)	0.96***	(0.01)	0.96***	(0.01)
<b>Origin</b>								
Eastern-Europe	ref.		ref.		ref.		ref.	
Latin America	0.87	(0.17)	0.87	(0.17)	0.84	(0.13)	0.84	(0.13)
Asia	0.57**	(0.12)	0.57**	(0.12)	0.64**	(0.1)	0.64**	(0.1)
MENA	1.79***	(0.29)	1.77***	(0.28)	2.02***	(0.26)	1.98***	(0.26)
Other Africa	1.28	(0.25)	1.28	(0.25)	0.9	(0.18)	0.9	(0.17)
<b>Sex</b>								
Males	ref.		ref.		ref.		ref.	
Females	1.02	(0.13)	1.03	(0.13)	7.90***	(1.03)	7.97***	(1.03)
<b>Age</b>	0.98**	(0.01)	0.98*	(0.01)	1.01*	(0.01)	1.01*	(0.01)
<b>Education</b>								
No school/lower sec.	ref.		ref.		ref.		ref.	
Upper secondary	1.13	(0.16)	1.14	(0.16)	0.83	(0.09)	0.85	(0.09)
Tertiary	1.13	(0.22)	1.15	(0.22)	0.67**	(0.1)	0.69*	(0.11)
<b>Language proficiency</b>	0.82**	(0.06)	0.82**	(0.06)	0.62***	(0.03)	0.62***	(0.03)
<b>Region</b>								
North-West	ref.		ref.		ref.		ref.	
North-East	1.12	(0.16)	1.11	(0.16)	1.02	(0.13)	1.01	(0.13)
Center	0.93	(0.16)	0.92	(0.16)	0.81	(0.11)	0.79	(0.11)
South and islands	0.61***	(0.09)	0.60***	(0.09)	1.09	(0.12)	1.07	(0.12)
Observations	6325		6325		6325		6325	
pseudo r2	0.26		0.26		0.26		0.26	

Exponentiated coefficients; Robust standard errors in parentheses; Weighted data. \*  $p < 0.05$ , \*\*  $p < 0.01$ , \*\*\*  $p < 0.001$

Tab. 5. Logistic regression models (4 and 5) on the probability of having a highly qualified current occupation and linear regression models (6 and 7) on the ISEI index.

	<i>qualified profession</i>				<i>ISEI</i>			
	Model(4)		Model(5)		Model(6)		Model(7)	
<b>entry status (1)</b>								
always legal								
undocumented (sanato)	0.48**	(0.13)			-2.88***	(0.85)		
undocumented (non-sanato)	0.58*	(0.15)			-1.4	(0.97)		
don't know	0.86	(0.25)			-1.48	(0.96)		
<b>entry status (2)</b>								
always legal			ref.					
undocumented 0-1 years			0.62	(0.16)			-1.55	(0.90)
undocumented 2-5 years			0.56*	(0.15)			-1.92*	(0.91)
undocumented 5 or more			0.54*	(0.16)			-2.80**	(0.95)
don't know			0.85	(0.31)			-1.30	(1.05)
<b>type of first permit</b>								
employment	ref.		ref.					
family	1.52	(0.36)	1.68*	(0.38)	0.75	(0.62)	1.41*	(0.65)
CE long stay	1.13	(0.38)	1.18	(0.41)	0.19	(0.80)	0.89	(0.82)
other	2.93***	(0.79)	3.20***	(0.80)	5.40***	(1.34)	6.05***	(1.34)
don't know	0.72	(0.47)	0.95	(0.65)	0.26	(0.87)	1.01	(0.86)
<b>years since migration</b>	1.07***	(0.02)	1.07***	(0.02)	0.20***	(0.05)	0.19***	(0.05)
<b>origin</b>								
Eastern-Europe	ref.		ref.					
Latin America	1.31	(0.33)	1.32	(0.33)	-0.87	(0.80)	-0.85	(0.80)
Asia	1.25	(0.32)	1.25	(0.32)	-2.04**	(0.67)	-2.07**	(0.67)
MENA	1.14	(0.30)	1.14	(0.31)	-1.28*	(0.64)	-1.38*	(0.64)
Other Africa	1.48	(0.42)	1.48	(0.42)	-0.97	(0.82)	-0.95	(0.82)
<b>sex</b>								
males	ref.		ref.					
females	0.73	(0.13)	0.73	(0.13)	-5.84***	(0.47)	-5.79***	(0.47)
<b>age</b>	0.96***	(0.01)	0.96***	(0.01)	-0.11***	(0.02)	-0.11***	(0.02)
<b>education</b>								
no school/lower sec.	ref.		ref.					
upper secondary	1.55	(0.36)	1.57	(0.37)	0.7	(0.44)	0.74	(0.44)
tertiary	8.73***	(2.19)	8.62***	(2.16)	7.30***	(1.05)	7.34***	(1.05)
<b>language proficiency</b>	1.99***	(0.32)	1.99***	(0.32)	0.76**	(0.28)	0.74**	(0.27)
<b>region</b>								
North-west	ref.		ref.					
North-east	0.91	(0.20)	0.91	(0.20)	0.50	(0.55)	0.50	(0.55)
Center	0.90	(0.20)	0.88	(0.20)	-0.57	(0.65)	-0.54	(0.64)
South and islands	0.57**	(0.12)	0.57**	(0.12)	-3.05***	(0.5)	-3.07***	(0.5)
Observations	3801		3801		3801		3801	
pseudo r2	0.20		0.20		0,20		0,19	

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